

REPORT AND ACCOMPANYING DOCUMENTS

OF THE

COMMITTEE ON FOREIGN AFFAIRS

ON THE

RELATIONS OF THE UNITED STATES WITH MEXICO.

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RELATIONS OF THE UNITED STATES WITH MEXICO.

Mr. SCHLEICHER, from the Committee on Foreign Affairs, submitted the following

REPORT:

[To accompany H. Res. 167.]

On the 1st of November, 1877, the House of Representatives adopted the following resolution:

Resolved, That the President be requested to communicate to the House of Representatives, so far as in his judgment may be compatible with the public interest, all information in his possession referring to the condition of the Mexican border in Texas, and to any recent violation of the territory of the United States, by incursions from Mexico.

In answer to this resolution the President of the United States transmitted to the House of Representatives, with his message of November 12, 1877, reports from the Secretary of State and the Secretary of War, with their accompanying papers (Ex. Doc. 13, 45th Cong., 1st sess.), which were referred to the Committee on Foreign Affairs.

On the 10th of December, 1877, a further resolution was adopted by the House of Representatives, as follows:

Resolved, That so much of the annual message of the President of the United States to the two houses of Congress at the present session, together with the accompanying documents, as relates to * * * the recognition of President Diaz, of Mexico, and the difficulties on the Rio Grande border, * * * be referred to the Committee on Foreign Affairs; and that the Committee on Foreign Affairs take into consideration the best means of removing the existing and impending causes of difference between Mexico and the United States, and of confirming and enlarging the commercial relations between the two countries, and have leave to report the result of their deliberations, by resolution or otherwise, to the House at the earliest practicable day.

The official communications and accompanying documents thus referred to the Committee on Foreign Affairs, and the instructions of the House in the above resolution, have devolved upon the committee an inquiry into our entire relations with Mexico, and the great scope and importance of the subject have, as we conceived, necessitated commensurate investigation.

The times seem to demand a full and clear understanding of our relations with Mexico; for, on the one hand, the constant border troubles, and the evils consequent on them, imperatively call for measures to prevent their continuance; while, on the other hand, the productions of our manufacturing industries have increased to such an extent that our country has become fully alive to the necessity of foreign markets, and among them that of Mexico, as also of Brazil and the Central and South American Republics, are especially fields into which our commerce should extend, and our relations with those countries have, therefore, become, more than ever, matters of public interest.

There are many reasons which make it desirable that the relations between this country and Mexico should be friendly, mutually satisfactory, and advantageous. The geographical position of that country, bordering for upward of two thousand miles on our territory, has forever established a close neighborhood, which we cannot change if we would, and which, depending on the condition of that republic, can be either pleasant, amicable, and advantageous, or may be a source of continual loss, damage, and irritation to our citizens.

While we may look with philosophical equanimity upon the affairs and the fate of countries separated from us by the wide expanse of oceans, we are too much affected by the weal or woe of our nearest neighbor republic to look with unconcern upon her affairs. Not only our citizens on the border, but our whole people are directly interested in having a prosperous country for a neighbor, one in which law and order prevails and the people are peaceably engaged in the pursuits of commerce and industry, rather than a country torn by factions and suffering from chronic revolutions and civil wars, in which the better part of the people are overawed by the turbulent revolutionary element, and upon the borders of which the offscourings of a disordered society collect to threaten the lives and prey upon the substance of our people.

Nor can we help feeling a cordial sympathy for a nation struggling for the success of a republican form of government, and we should countenance and, as far as proper, aid every effort made by them for the attainment of peace and the steady rule of law.

But whatever our good wishes toward Mexico may be, and much as we are interested in her prosperity and peaceful growth, the duty of protection to our own citizens must be the first subject for our consideration.

We find that for years our citizens on the Mexican border have been exposed to the depredations of lawless bands invading our country and finding a safe asylum in Mexico after committing their crimes. Many lives have been lost, and our people have been impoverished by constant robbery. Justice has been habitually denied them on the Mexican side, and all just demands on the part of our government for redress have met with indifference or stolid apathy.

While the Mexican Government has professed its inability to stop the lawless depredations on our people, it has persistently refused to agree to any measure by which we could ourselves provide for efficient protection and for the punishment of the robbers.

During this time American citizens living in Mexico, and following the peaceful avocations of commerce or industry under the protection of treaties and of such laws as every civilized country is expected to uphold, were repeatedly injured in person and property. Some suffered death, others cruel imprisonment without cause; others were despoiled of their substance, while none of these wrongs, although pressed upon the attention of the Mexican Government, were punished or redressed. Treaty stipulations demanded by our government for the protection of our citizens were and still are stubbornly refused.

This is the condition of our relations with Mexico with which we have to deal, and to which we have to call the attention of Congress.

In entering on the consideration of these relations, the committee devoted their attention primarily to the troubles on the Mexican border, which was the subject first submitted to Congress, and which has opened the entire field of investigation. But we could not go far in this inquiry without perceiving the intimate connection of the raids from Mexican territory with the condition of the Free Zone on the Mexican side of

the Rio Grande, free alike from duties on importations, from which it derives its name, and from punishment for crime, as we find to be the remarkable fact. So, also, in examining into the condition of our commerce with Mexico, our attention was at once drawn to the consideration of the position of our merchants in that country, to their need of protection, and to the unavoidable duty which rests upon our government of affording them such protection. Thus we were led by the nature of the subject treated to the consecutive order in which it will be found to be presented; first, the border-troubles, with the collateral questions, the Free Zone, and the subject of extradition; then the protection of American citizens in Mexico, and our commercial relations with that country. The temporary question of recognition was then considered, and is followed by such conclusions as the committee have arrived at.

The appendix accompanying the report will be found to contain all official papers which we considered important for a full understanding of the subjects discussed.

MEXICAN BORDER TROUBLES.

The raids from Mexico on the Rio Grande border are a matter of history. The information we submit to the house with regard to them is full and complete, and rests upon the highest order of evidence. We present an overwhelming array of documents of the most conclusive character, which show the origin, the extent, and nature of these depredations in a manner which places the subject entirely above the requirement of further proof.

We have the constant and regular reports of the military commanders of our forces, the reports of federal and of local grand juries, of mass-meetings of most respectable citizens, the official statements of the governors of Texas, of the legislature, and of conventions of that State. We also have the official correspondence of our State Department, of our ministers, and of the highest authorities of Mexico. We have the messages of our Presidents, calling the attention of Congress to the condition of the border, and the reports of commissioners appointed under joint resolution of Congress to investigate these matters on the border where they occurred. We have, also, the results of the labors of a special committee appointed by the last Congress. This collection of official documents will be found in Appendix B of this report.

The testimony of the witnesses appearing before your committee we look upon as important, mainly as corroborative of the historical facts established, and as showing the late events and present condition of the border.

Much confusion has been caused in the public mind by a want of geographical knowledge and a forgetfulness of the fact that the Rio Grande forms the boundary-line between the United States and Mexico for more than a thousand miles, and is on the Mexican side bordered by different States with an entirely different population, who have little or no connection with each other.

Beginning at the mouth of the river and extending up the river for two hundred and fifty miles, to the Mexican town of New Laredo, we have on the Mexican side the State of Tamaulipas. Near the banks of the river in that State, are the old Mexican towns of Matamoros, with 18,000 inhabitants, Reynosa with about 1,500, Camargo with about 5,000, Mier with about 4,000, Guerrero with about 4,000, and New

Laredo with about 2,000. Between these towns there are numerous ranches on the river. Opposite the State of Tamaulipas, on the Texas side, is the country between the Rio Grande and the Nueces River, which before the independence of Texas was part of the State of Tamaulipas. It is now subdivided into the counties of Cameron, Hidalgo, Starr, Zapata, Encinal, Duval, Nueces, and portions of Live Oak, McMullen, La Salle, and Webb counties. This region is the theater of the cattle-raids from the State of Tamaulipas.

Ascending the river above Laredo, we have on the Mexican side the State of Coahuila, and on the Texas side the upper part of Webb, and the counties of Dimmit, Frio, Zavala, Maverick, Kinney, and Uvalde, which, together with the counties farther east and as far as the vicinity of San Antonio, one hundred and fifty miles from the Rio Grande, have for years been subject to the Indian raids from Coahuila.

Above this region there is a wild, broken, and mountainous country on both sides of the river. On the Mexican side it extends through the upper part of the State of Coahuila and the lower portion of the State of Chihuahua to the Mexican town of Presidio del Norte. This is marked on the Mexican maps as unknown country ("tierra desconocida") and is uninhabited except by roving bands of Apache, Mescalero, and Lipan Indians. Only one settlement is to be found in this tract, the isolated half-wild Indian and Mexican settlement of San Carlos on the bank of the river. Opposite, on the Texas side there is a vast extent of wild country with but few settlements, traversed by the road to El Paso, on which are the military posts of Camp Stockton and Fort Davis. This extensive wilderness extends to the villages of San Elizario, Isleta, and Franklin on the Upper Rio Grande opposite the Mexican city of El Paso del Norte.

CATTLE-RAIDS FROM TAMAULIPAS.

The cattle-stealing raids and outrages on the Rio Grande may be divided into two classes:

First, those occurring between its mouth and Laredo, committed by Mexicans, the residents of Tamaulipas and part of Nuevo Leon.

Second, depredations committed by Indians who cross the Rio Grande above Laredo, from localities near the settlements in the State of Coahuila where they are harbored.

In order that this distinction may be kept more clearly in view we shall, in this report, treat separately of the cattle-raids from Tamaulipas on the Lower Rio Grande and the Indian raids on the Upper Rio Grande.

DESCRIPTION OF THE COUNTRY.

The country lying between the Rio Grande and Nueces River was, previous to the independence of Texas, a part of the State of Tamaulipas. It was distinguished for its fine pasturage, and its large stock-ranches belonged to the inhabitants of the towns situated on the south side of the Rio Grande. There was only one town, Laredo, on the northern, now Texan, bank of the river.

This country, after the war of independence of Texas, was disputed ground claimed by Mexico, and not until the treaty of Guadalupe Hidalgo, in 1848, did Mexico recognize the Rio Grande as the boundary line. The people of Tamaulipas, therefore, have always claimed that they had a special grievance in the loss of this part of their State, the commons and pasture-lands of their towns.

This tract of land is mostly prairie, and has an average width of one hundred and fifty miles, extending about three hundred miles up the Rio Grande from its mouth. In 1835, just before the revolutionary war of Texas, there were, according to the assessments of the towns, three million head of stock, cattle, horses, and sheep on these plains. During the progress of that war, nearly all the inhabitants abandoned the country, either withdrawing to the south bank of the river by order of the Mexican generals, or keeping near the river-bank ready to cross, as they were distrusted and disarmed by Mexico and treated as enemies by Texas.

Then came a period when the wild Indians made their forays into this deserted country, and for years it was the hunting-ground of the "mustang hunters," wild adventurers, Americans, Mexicans, and Indians, attracted there by the herds of wild horses and cattle, the remnants of the former stock-ranches. This was the condition of the country when General Taylor's army marched through it near the coast in 1846.

After the war with Mexico, the United States established military posts on the frontier, and the State of Texas kept in the field several companies of "Rangers," for protection against the incursions of the Indians, and about the year 1856 Americans began settling in the country, purchasing lands from the old owners or acquiring the unlocated public domain under the laws of Texas. They were remarkably prosperous until the cattle-raids began.

HISTORY OF THE RAIDS.

The cattle-raids from Tamaulipas commenced with what is known as the "Cortina war," in 1859 and 1860. This was a most remarkable occurrence, one without parallel in our history: A single lawless ranchero with a band of friends capturing a town of nearly three thousand inhabitants, and not only defying but defeating the forces of the State of Texas, and then carrying on a war against the combined forces of the State of Texas and of the United States, maintaining himself for upwards of five months, from the 13th of July to the 27th of December, 1859, on American soil, with the Mexican flag flying over his camp, and then retreating across the Rio Grande ready to renew the fight. Such was the remarkable commencement of the border troubles on the Rio Grande, one well calculated to inspire the lawless element in Mexico with defiant pride, and to teach our own people the extent of the danger to which they were exposed, and their dependence for safety on the strong arm of their government. These feelings were confirmed and increased when the bold robber and outlaw, who was under numerous indictments in Texas for previous murders and robberies, and who had left the American territory in defiant warfare with the United States, was deliberately sent by the Mexican Government, clothed with the high office of general of the army and governor, back to the very scene of his outrages, and the United States Government quietly submitted to the insult.

An interesting account of this border war will be found in the official report of Major Heintzelman, United States Army. (Appendix, p. 75.) As to its results, he states that—

The whole country from Brownsville to Rio Grande City, one hundred and twenty miles, and back to the Arroyo Colorado, has been laid waste. There is not an American, or any property belonging to an American, that could be destroyed, in this large tract of country. Their horses and cattle were driven across into Mexico and there sold, a cow with a calf by her side for a dollar.

During the civil war in the United States, and until about the year 1867, there was a period of comparative peace on the border, with the exception only of the revolutionary fighting on the Mexican side. The Rio Grande border became the only open inlet into the Southern Confederacy, through which cotton was exported in immense quantities and vast stores of merchandise of every description imported. Matamoros became an important market for the commerce of the world, and the whole population had an exceedingly remunerative employment. Both of the contending political parties in Mexico favored and nursed this profitable trade, which yielded them large returns in money. Many of the Mexican merchants made large fortunes. A number of them had their business houses in Texas, and mutual profits and interests created a friendly feeling.

The temporary brisk trade which had then sprung up on the Rio Grande having ceased with the close of our civil war, and with it the legitimate chances of employment and gain for the population, the disbanded soldiers of the liberal army, who returned to their homes at the close of their campaign against Maximilian, resumed pillaging, and cattle-stealing from Texas became again their regular livelihood.

In 1870 Cortina returned to the border as governor and military commander. His power was supreme and despotic. The lawless men who in increasing numbers gathered around him, gained through him the advantages of organization and political power on their own soil, and unlimited license to plunder on the Texas side. They supported him with an enthusiastic devotion which gave him the power and position which in a country perpetually involved in civil wars naturally falls to the leader who can command the unhesitating services of a large body of warlike followers. He became individually far more powerful in that locality than any other authority, national or State.

General McCook, United States Army, wrote, August 2, 1871, that after the arrival of Cortina and his troops on the border, raiding increased tenfold, and further said: "There is in existence on the frontier a system of cattle-stealing which, if persisted in, will be disastrous to the stock-raising interest of Texas and may lead to a predatory war on either side of the river, eventually producing a conflict between the two nations." (Appendix, p. 85.)

There were many raiders besides Cortina, but he is undoubtedly the prominent figure of those times. Had our government not been absorbed in its own difficulties after the civil war, it is not probable that it would have suffered a criminal of such notoriety, and who had so signally manifested his hostility to our government and people, to have remained in power and official position on our border.

At last, in the year 1875, our government sent additional troops to the border, and some armed vessels to the mouth of the Rio Grande. President Lerdo then ordered Cortina to the city of Mexico, and, when he resigned his commission in the army and refused to obey the order, had him arrested in the midst of his troops by a bold stratagem and conveyed to the capital. (Appendix, p. 144.) Cortina, however, subsequently escaped, and immediately pronounced against the "tyrant" Lerdo, and in favor of General Porfirio Diaz, who was then the leader of a revolution against the government. (Appendix, p. 198.) When in the course of the revolution General Diaz proceeded to the Rio Grande, Cortina and his friends gave him essential material assistance, and the revolutionary forces there were composed in great part of the raiding and smuggling element of the border.

When, at a later period, General Servando Canales, an old enemy of

Cortina, obtained command of Tamaulipas, he had Cortina arrested by surprise, put him in prison, and would undoubtedly have shot him had not General Diaz, who had meanwhile obtained possession of the government, rescued him and had him conveyed, under guard, to the city of Mexico. He is there at present, harmless for the moment, and until some new commotion may again place him in the field.

The cattle-raids increased steadily in frequency and boldness from 1871, the date of the letter of General McCook that we have quoted, until 1875. Murder and robberies accompanied them, and our people on the frontier seemed to be given up to ruin. Finally, in 1875, the raids may be said to have culminated in what was known as the "Corpus Christi raid," to which we shall refer more particularly hereafter. Since that outrage, the attention of the President and of Congress has been given to the precarious condition of our people on the border, the number of our troops stationed there has been increased, and better measures of defense inaugurated.

As late as August, 1877, however, a raid by an armed party from Mexico was made into Rio Grande City, who broke open the jail and liberated two criminals, shooting the deputy sheriff and his wife and the State attorney.

EXTENT OF THE CATTLE-STEALING.

From the report of the commissioners appointed under joint resolution of Congress of May 7, 1872, we find that the assessment-roll of 1870 showed an ownership in the counties between the Rio Grande and Nueces Rivers, below Laredo, of 299,193 cattle and 73,593 horses, and that the stock-ranges gave subsistence to hundreds of thousands of cattle in excess of the assessed number. They further say that "the evidence of all the experts examined before the commission establishes the alarming fact that in this region the number of cattle to-day is between one-third and one-fourth of the number in 1866." (Appendix, p. 98.)

This report, it should be remembered, was made in 1872. In March, 1875, after the raids had continued several years longer and on a constantly-increasing scale, a joint select committee of the State legislature of Texas reported that on the Lower Rio Grande the depredations had been committed to such an extent that only 10 per cent. remained of the vast herds of cattle that had covered the plains adjacent to the Mexican border. (Appendix, p. 115.)

A report of General Steele, adjutant-general of Texas (Appendix, p. 139), forcibly corroborates these views.

Mr. Lowry, an American living in Vallecillo, Mexico, writes (House Ex. Doc. 13, Forty-fifth Cong., first session):

The passing of stolen herds of cattle from Texas is of so common occurrence as not to excite any notice.

Captain McNally reported to General Potter, December 14, 1875, that in seventeen days upward of two thousand head of cattle had been crossed into Mexico by the raiders (Appendix, p. 147); and this after the stock of the country had been reduced by more than eight years of constant stealing. In the same report he stated:

I am in possession of positive information concerning animals stolen from the people of Texas and carried into Mexico. I can name ranches in that country upon which can be found twenty thousand head of cattle and horses stolen from Texas, still bearing the brands of the Texan owners.

In his testimony before the special committee of the Forty-fourth Congress, Captain McNally stated (Appendix, p. 170):

The stealing of cattle is extraordinary, and almost past belief.

MURDER AND OTHER CRIMES.

Although cattle-stealing was the original object of the raids, the lawless bands engaged in them have been necessarily led to the perpetration of other and greater crimes. The lawless spirit engendered by their trade, and their own protection, caused them to murder travelers who happened to meet them on their raids and those whom they thought might inform against them. In fact their raids were soon turned into general robbery and murder.

We extract a few statements from a report made by Captain Purington, United States Army, to General Ord (House Rep. 343, first session Forty-fourth Cong., page 100):

At the taking of Clarksville, at the mouth of the Rio Grande, they killed United States Inspectors Hammond and Phelps, and wounded Inspector Ryan; subsequently they killed Inspectors Dupont and McLaughlin.

On the 5th of February, 1874, a man named John Albertson, traveling with his family near the county line, was tied up by Mexican marauders, robbed, and his wife subjected to horrible outrage.

On the 9th of May, 1874, Peneschal ranch was attacked, and John M. Fletcher, M. Masters, P. F. M. Coakley, and H. Hilger were murdered, and the ranch robbed of a large sum of money and goods.

On the 27th of February, 1875, a party of armed Mexicans murdered my friend, J. S. Fulton, and his clerk at El Sauz, Hidalgo County, robbing his store and the post-office, and recrossing the river into Mexico, from whence they came.

Of the boldest raid, the Corpus Christi raid in March, 1875, in which a large party of raiders advanced to within a few miles of Corpus Christi, murdered a number of people, made numerous prisoners, burned and plundered stores, &c., a full account will be found in the Appendix, pages 117 and 190. Ten of the robbers were arrested on their return to Mexico in Camargo and Mier, taken to Saltillo, and dismissed without trial or punishment.

We have cited only a few cases as examples; a complete list of the murders that have become known will be found in the Appendix, page 162.

The petitions of the citizens of the border made in 1875 to the governor and legislature of Texas, to the United States authorities and Congress, stated that they had ceased to complain of cattle-stealing, and only prayed for protection. The question with the people had become one of existence, not of pecuniary loss.

Deputy Collector Box, of Edinburg, a town on the Rio Grande, in a letter to General Ord, May 13, 1875, said:

In fact we, the Americans living in this country, live all the time in dread. It has become so common for the bandits to cross the river and murder Americans, that we think it is only a question of time as to our lives.

CHARACTER OF THE POPULATION ON THE TEXAS SIDE.

The great mass of the population between the Rio Grande and Nueces Rivers, in Texas, is composed of people of Mexican origin, the proportion being about 80 per cent. Only at Corpus Christi and in its vicinity does the American population predominate. Out of a total population of about thirty thousand, probably not more than four thousand are Americans, which appellation there includes all Europeans, and these since the prevalence of the raids are confined to the towns.

The resident Mexican citizens of Texas are patriotic and respected. Some of them have been members of the legislature of Texas, others have held military command under the State. Two brothers, Col. Santos Benavides and Capt. Refugio Benavides, of Laredo, have at

various times distinguished themselves by efficient service against the border robbers, and have repeatedly severely chastised them. Their troops were Mexican citizens of Texas, in the service of the State.

In reference to this population the committee of citizens of Brownsville said (see their report, Appendix, p. 195):

In justice to our preponderating population of Mexican origin, we cheerfully bear testimony that the great majority of them are honest, industrious, and laborious people, and they own a greater part of the soil in this section of the State, upon which they graze thousands upon thousands of head of stock, cattle, horses, mules, and sheep, and they suffer very greatly from the operations of the cattle-thieves.

Captain McNally says in regard to them (Appendix, p. 168):

I do not know of any Mexican who owns a ranch on this side of the river, and who lives in Texas, whom I do not consider to be a good citizen. I believe they are all good citizens. They all want to see the laws enforced, and they all want to have this raiding broken up; but very few of them dare take an active, open stand in the matter. They are very right, too, for it would be very dangerous for them to do so.

But besides the resident Mexican population there is another equally numerous class of Mexicans of a very different character. These are a floating population who visit the ranches for the purpose of obtaining temporary employment. They live by herding, driving cattle or horses, sheep-shearing, branding cattle, building fences, and like occupations. These men regard Mexico as their home, many living sometimes on one side of the river and sometimes on the other; others are fugitives from Mexico, or deserters; all of them are in full sympathy and accord with the raiders. They are the informers, spies, and allies of the robbers, and often join them in their raids. We find it repeatedly stated that even among Cortina's body-guard, the worst and most dangerous of the raiders, there were men who were well known to have resided and voted on the Texas side. It can be easily understood how the presence of this numerous class of vagrant population facilitates the operations of the raiders, and makes pursuit of them very difficult. They advise them of the places where they can readily find a herd of cattle, and give them all the information necessary to elude pursuit.

CHARACTER OF THE POPULATION ON THE MEXICAN SIDE.

On the Mexican side of the river there are, in the larger towns, many of the old population who deplore the condition of the society in which they live. But we are informed that by far the majority of the people, and the ruling class, are robbers, smugglers, and thieves. As the whole community share the profits of the raids, they have all, officers, merchants, and the mass of the people, become completely demoralized. The chances for easy gains and the immunity from punishment has collected in that paradise of robbers a population which General Ord aptly compares with the piratical communities that formerly made their abodes on the north coast of Africa. They cultivate comparatively small areas of land, and have no visible means of support. Large numbers of armed men are found about every ranch. Captain McNally says: "They live solely on the profits of their enormous stealing of cattle. They do not work, but are better dressed, better armed and mounted, than their class elsewhere in Mexico." Mr. Lowry, an American gentleman who had charge of a mine in Vallecillo, complained to the owners that laborers could not be had, as all former laborers had turned to cattle-stealing.

The lawless element being supreme keep local authorities of their own selection in power, and the evidence is overwhelming that these officials

countenance the cattle-stealing. We have portrayed the character of Cortina; most of the others are of the same stamp. The American consul at Monterey writes that the raids are entirely owing to the demoralized condition of the people of Tamaulipas and the class of men who hold office in that State. Most of the witnesses state that they do not know a case where the local authorities have made an honest effort to stop crime or return stolen property. They are, however, profuse in promises never followed by performance. General Ord states (House Rep. 343, Forty-fourth Cong., first session, pages 33 and 97):

I was informed by a gentleman, formerly of the United States Army and now a stock-raiser on the border, that the commandant at Mier is one of the most notorious cattle-raiders and bandits in the country. He was the leader of the band that murdered Lovell, in May last, and plundered the custom-house at Carizo.

Major Price, United States Army, in his evidence before your committee (Testimony, p. 120) states:

There are in the town of Camargo two or three families whom I have met, who seem to speak in an apparent undertone, and to say that they are in the hands of thieves; that their mayor and authorities are of that class, and have been elected by that class, and are therefore under its control; and that they probably might have done better if they had the power to do it. But they have no control whatever. They are entirely cowed by the others.

CONDITION OF OUR PEOPLE ON THE BORDER.

It is difficult to realize the condition of our people on the border during the prevalence of these raids. But those who take the trouble to examine the documents contained in Appendix B will be astounded that the American people and government could have suffered such outrages on their own territory to pass unheeded.

General Ord states (Appendix, p. 176):

The raiders were so frequently in possession of the country on our side that the roads were impassable except by large parties or under escort. The Mexican consul at San Antonio, when he wanted to go over to Camargo for his family, asked and obtained from me an order for an escort; and the Catholic bishop, when he visited his people, asked me for a military escort. The county judge, going from one town to another, requested a military escort. It was unsafe outside of the towns, and it was impossible to execute the laws at all. * * *

The country was entirely in possession of the cattle raiders, and my force was entirely inadequate to check them, or to drive them out of the country. * * * Where they discovered that information had been given of their movements, they murdered the man who sent it and the boy who took it.

Captain McNally, who commanded a company of State troops, a man of conspicuous bravery and daring, stated to the special committee of the Forty-fourth Congress (Appendix, p. 168):

It has been the history of those border counties, when any man, Mexican or American, has made himself prominent in hunting those raiders down, or in organizing parties to pursue them when they are carrying off cattle, he has been either forced to move from the ranch and come into town, or he has been killed. Quite a number of Americans have been killed within the last year out there, and also quite a number of Mexicans, probably twelve or fifteen, for that offense alone. The men on the other side of the river threaten to kill them, and the fact is known publicly. They say, "We will kill that man within a week," and the report is heralded abroad over the country, and if the man does not leave they usually carry their threat into execution. * * * I am willing to take a good many chances, but I certainly would not live on a stock ranch west of the Nueces River, at any point from the mouth of Devil's River to the mouth of the Rio Grande. I think that the risk is too great—so great that scarcely any compensation would pay for it. My position in command of a company of troops I do not consider half so hazardous as that of those men living on ranches.

We might multiply statements to the same effect, showing the condition two years ago of a portion of our country which, since its incor-

poration in the Union in 1845, has been entitled to the protection of this government. Had one hundredth part of such outrages been committed for ten months, instead of ten years, on the Canadian border, the robbers would have been exterminated by the indignant people of the United States.

POLICY OF OUR GOVERNMENT.

Temporizing is the most dangerous method of dealing with evils of the character we have thus described. A slight demonstration of power would have stopped them in their incipency, and they would never have assumed the proportions to which they have grown. In this our government has been at fault.

We knew, or might have known, that the Mexican Government was too weak to crush the evil, even if they desired to do so. Yet they would not confess their weakness, because it would have offended the jealous pride or vanity of their people, and the leaders might thereby have been politically ruined. This difficulty has been intimated by them, and our government should have acted upon the intimation, and used bold measures. Under the administration of President Buchanan not only were our troops ordered to cross the river in pursuit of robbers, and did so cross, but the commanding officer in Texas, by direction of the Secretary of War, notified the authorities of the State of Tamaulipas and of the town of Reynosa that they would be held responsible for any outrages committed by the thieves they harbored, and he ordered the officers under his command to carry this determination into execution. Had that policy been again adopted when the outrages recommenced, neither the Mexican government nor ours would have been troubled with the formidable raids which took place from 1870 to 1876, and hundreds of lives and millions of dollars of property would have been saved to our people.

But our government, and especially Congress, pursued a policy of astonishing, if not criminal, neglect.

The President of the United States, in his annual messages in 1870, 1871, and 1872, called the attention of Congress to the condition of affairs on the border and to the Free Zone.

In his annual message, December 7, 1875, first session Forty-fourth Congress, he called attention to the fact that the Free Zone still "remains in full operation," and speaking of the border raids he said:

Depredations by armed bands from Mexico on the people of Texas near the frontier continue. Though the main object of these incursions is robbery, they frequently result in the murder of unarmed and peaceably-disposed persons, and in some instances even the United States post-offices and mail communications have been attacked. Renewed remonstrances upon this subject have been addressed to the Mexican government, but without much apparent effect. The military force of this government disposable for service in that quarter is quite inadequate to effectually guard the line, even at those points where the incursions are usually made.

Notwithstanding these continued representations of the President, Congress gave no attention to the subject further than, in the second session Forty-second Congress, to authorize the appointment of a commission to inquire into the nature and extent of the depredations on the border. But though that commission made a very full and most startling report no attention whatever was given to it by Congress.

The House of Representatives, in the first session Forty-fourth Congress, appointed a special committee to inquire into the border troubles. Their report (H. Report 343, Forty-fourth Congress, first session) attracted sufficient attention to cause the number of our troops on the

border to be increased, though the measures proposed by the committee were not fully adopted.

Since that time there has been a state of comparative quiet. Some of the witnesses who have testified before us ascribe it to the fact that there are very few cattle left to steal. Still there is no doubt that there has been an improvement in the condition of affairs on the border, due to the presence of a large force of our troops and their increased efficiency.

Since the accession of General Diaz to power, in November, 1876, we have reason to believe that he has made exertions to bring about quiet on the border. He has been anxious for recognition by our government, and, no doubt, has therefore been annoyed by the irritation caused by the raids. But his efforts to suppress them have been greatly crippled by the inherent weakness of a government brought into power by successful revolution, and liable at any moment to be overthrown in the same manner. Ever aware of a strong party in opposition, waiting only for a favorable moment to rise in arms against it, a government of so little stability cannot afford to incur the hostility of a dangerous element like the turbulent people of Tamaulipas. It is stated on good authority that the intentions of General Diaz have been greatly hampered by promises and connections made while he was on the border organizing his revolution.

This was demonstrated by the latest outrage committed on that part of the border, and the events succeeding it. From the report of this affair made by the sheriff of Starr County (Appendix, p. 338), it appears that on the night of August 12, 1877, a party of armed Mexicans crossed the river and attacked the jail of Starr County, shot down the jailer and his wife, the guard, and the county attorney, and liberated two noted criminals confined in the jail.

At that time the commanding general of our troops in Texas had orders to follow raiders across the border on a fresh trail. Not having an adequate force, however, to make that attempt in the face of a numerous enemy, he concluded that the matter had better be left to diplomacy, and advised Governor Hubbard to make a requisition for the extradition of the criminals, under the extradition treaty. As we shall take up the subject of the extradition treaty more at length hereafter, we will only say here that but three criminals out of the twelve were delivered upon the requisition. General Diaz gave positive orders to arrest and deliver all the parties concerned, but it was never done. His orders were no doubt sincere; but the fact remains, and speaks volumes as to the power exercised there by the central government, that they were disobeyed, and are now forgotten. The action of the Mexican authorities in this instance is very clearly and forcibly stated in a communication from the governor of Texas to the Secretary of State, October 10, 1877, which will be found in the Appendix, p. 334.

We have remarked that there has been for more than a year a condition of comparative safety and quiet on the border. General Ord, however, stated in his testimony before the committee that, in his opinion, the causes of the raids are not removed on the Mexican side, that the condition of society is the same, and that only the presence of our troops and the knowledge of the fact that they have orders to cross in pursuit of raiders has kept matters quiet.

INDIAN RAIDS.

Above the town of Piedras Negras and some distance from the Rio Grande, outside of the Mexican border settlements, the Indian tribes of

the Lipans and Mescaleros have for years lived in the mountain country and engaged in predatory warfare on Texas, raiding on the scattered settlements, stealing horses, and running them to their haunts in the state of Coahuila, Mexico. In the year 1863 a large number of Kickapoo Indians left their reservation in the United States Indian Territory, and made their way through the frontier country of Texas to Mexico. They settled near Santa Rosa, where they were allowed to reside by Governor Vidaurri, of Nuevo Leon, for the protection they afforded the Mexican towns and ranches from the depredations of the wild Indians in the mountain wilderness.

Soon, however, the Kickapoos commenced hostile inroads into Texas, committed frequent murders, and stole numerous herds of horses. The country between San Antonio and the Rio Grande is peculiarly adapted for raising horses, and many of the residents had valuable ranches for that purpose. The continual raids of the Indians, however, in time broke up the business entirely, and made it difficult for the inhabitants to keep even work and saddle horses.

Mr. Schuchardt, United States commercial agent at Piedras Negras, wrote in 1871 (Appendix, p. 203) :

I am informed that in Saltillo, Parras, and Alamo de Parras there is an immense number of valuable American horses obtained through the raids into Texas by the Kickapoos, the Indians knowing very well that once across the Rio Grande into Mexican territory, they are out of reach of their pursuers, and so always escape punishment.

Frequent murders naturally accompanied these robberies. The Mexicans became the beneficiaries of all these raids. They fitted out the Indians for their forage, purchased the stolen horses for a trifle, and drove them into the interior of Mexico for sale.

In 1871 Congress, moved by the petitions and representations of Texas, appropriated \$25,000 for the purpose of bringing the Kickapoos back to their reservations in the United States, and agents were sent there by the Secretary of the Interior to persuade them to return. But while the Mexican National Government favored the removal, all their efforts were thwarted by the interference of the Mexican local authorities, who were loath to lose the profitable trade caused by their presence.

The raids continued and assumed more formidable proportions. General Sherman reported to the Secretary of War in November, 1871 (Appendix, p. 208) :

These sudden irruptions from Mexico have been of frequent occurrence.

Renewed representations being made to the Mexican Government with regard to its responsibility for the acts of Indians owing her allegiance, Mr. Mariscal, Mexican minister of foreign affairs, finally, in 1872, offered the assistance of the Mexican Government, if a new attempt should be made to remove the Kickapoo Indians, and promised to prevent any efforts by the local authorities against such removal.

The raids meanwhile continuing, Mr. Fish advised our minister, Mr. Nelson, that if no adequate efforts were made by the Mexican Government to prevent the raids, our troops would be obliged to cross the Rio Grande in pursuit. (Appendix, p. 214.)

Shortly after this, in 1873, Colonel Mackenzie, United States Army, followed the Indians into their camps in Mexico, administered a severe chastisement by killing a number of them, and recovered the stolen horses and mules which were found about their camps. The removal of the greater part of the Kickapoos back to their reservations in the United States was accomplished soon afterward, and that portion of the border had a period of rest and peace. But about the time that the

cattle-raids from Tamaulipas decreased and were checked by the presence of our troops on the border in 1876, these Indian raids broke out again, perpetrated by the remnants of the Kickapoos and by the Mescalero and Lipan Indians.

We quote a few statements regarding several of these raids.

Colonel Shafter, United States Army, in his report March 9, 1877 (Appendix, p. 235), said:

Since the 1st of October, 1876, there have been killed by parties of Indians, that have been followed from the scene of the murder to the Rio Grande, seventeen men, and the arms and horses taken from the murdered men have been openly offered for sale in the town of Saragossa, Mexico. Since the 30th of December, 1876, there have been taken from within ten miles of Fort Clarke two large droves of horses, about one hundred in all, and at least three hundred head of cattle in the two raids.

On the 24th of April, 1877, Colonel Shafter again reported (Appendix, p. 240):

Party of thirty-five Indians and Mexicans raided through Quihi, Hondo, and New Fountain last night, carrying off two hundred head of horses.

Those only who have lived on the frontier and seen them, can have an adequate idea of what an Indian raid is. The mere enumeration of the number of persons killed and the horses stolen conveys no idea of the detail of horrors and of the terror caused among the people. We quote from a letter written to your committee by S. D. Freeman, formerly surgeon United States Army, in regard to one of the raids spoken of by Colonel Shafter in the last official report that we have quoted:

I was with General Kane, October, November, and December of 1876. It was expressly for the purpose, as I understood, of examining into the facts of the Mescalero-Lipan raid that General Kane went over the ground which it followed, freshly after its occurrence. I do not believe that any persons saw or knew as much about it as our party did.

I understood that the highest number reported by the United States authorities as victims of that raid was thirteen; but I recollect distinctly that we counted up, including herders found killed in the mesquite thickets, eighteen—that is, eighteen whose bodies had been found—twenty-one including missing.

It was, as far as we observed, the most cruel killing conceivable. General Kane thought it was solely Indians' work. * * * One witness we examined had seen the burning of a house, where they burnt an old gentleman and lady alive, after shooting their son down on the front porch. Another, a boy, had run away when his family was first attacked, and the last he had seen of his mother they were pulling her stockings off; they flayed one of that family, it was said, half-way down to the middle. Numbers of the victims of the raid we found were respectable people. * * * One was a woman school-teacher; the other a colporteur or book-agent; they lassoed an old gentleman, and dragged him at the saddle-bow until his arm separated from the body.

There is so much contradiction on these subjects, let me suggest a point which your Congressional researches ought to bring out. In all the country where the raiding goes on, on either side of the Rio Grande, people of any mark do not dare to testify. For a man to tell the truth, and remain in that country, are two things that cannot go together.

PURSUIT OF RAIDERS.

From the very beginning of the raids both from Tamaulipas and from Coahuila, one of the worst features has been the safe asylum which the raiders have found on the Mexican side of the river. From the caution and secrecy which they preserved in coming into Texas, and the great rapidity of their movements after obtaining possession of the stolen stock, it has been found impossible to overtake and punish them without following them across the Rio Grande. Such was the case on the Lower Rio Grande with the cattle-raiders from Tamaulipas; and it has been fully as difficult, if not more so, to guard against the Indian raiders on the

Upper Rio Grande, who, as they mostly stole horses and but seldom cattle, were still more rapid in their movements.

In a letter of Governor Coke, vindicating orders which he had given to Captain Benavides, in command of State troops, to cross the river when in pursuit of raiders, he enunciated the incontrovertible doctrine that—

It is because each state or nation has undertaken to restrain its people from making war on the people of its neighbors that the law of nations forbids an armed force from one entering the territory of another. The right of immunity grows out of and depends upon the performance of this duty, which each power owes to the other. No state has surrendered the right of defense of its people in its own way against aggression from neighboring states or people, except upon the promise and performance of the great duty toward itself, which all nations owe each other, of so governing their people as that they shall not depredate or make war upon other nations, or any of their people or territory. I apprehend that international courtesy, comity, and amity have never been required by the law of nations to be carried to the romantic extent of surrendering the great natural right of self-defense against the constant infliction of serious, permanent, and wrongful injury upon the people of one nation by those of another, although the attack may be unauthorized by the government of the territory from which it comes.

In the Cortina war Major Heintzelman, United States Army, sent troops across the river, and becoming involved in a correspondence with the Mexican General Garcia, who protested against it, he cut short the hair splitting discussion by this final sentence:

There are other facts which I might adduce, but it is unnecessary to enlarge discussion, as I am here with my forces for the purpose of dispersing these outlaws and defending the frontier from further outrages.

Col. R. E. Lee, United States Army, in writing the same General Garcia, defined the position still more clearly (Appendix, p. 84):

I beg leave to inform you that I have been directed by the honorable Secretary of War of the Government of the United States to notify the Mexican authorities on the Rio Grande that they must break up and disperse the bands of banditti concerned in the outrages against the persons and property of American citizens. I shall therefore consider it my duty to hold them responsible for its faithful performance.

Secretary Fish repeatedly informed the Mexican Government that our troops would have to cross if that government could not stop the raids. He was answered by excuses which entirely admitted the inability of that government to prevent the continual perpetration of these crimes. Mr. Lafragua, the Mexican minister of foreign affairs, in an interview with our minister, Mr. Foster, gave three reasons why his government could not send troops to the border. First, that the troops would desert; second, the internal condition of the country rendered it impossible; and, third, the state of the national treasury would not permit the expense, as there were always more immediate and (to them) more pressing demands.

All the reports of our officers on the border have concurred in the impossibility of a thorough defense against the raids without the crossing of the river by our troops in pursuit of the raiders.

It was a consideration of all these circumstances that forced the special committee of the Forty-fourth Congress to the conclusion that the authority for our troops to follow the raiders into Mexico was an essential and necessary measure of defense, and they recommended that such authority be given. (Appendix, p. 160.)

Congress took no final action on their report, and the same causes that then impressed the necessity for the measure they recommended, have continued in operation.

Mr. Evarts, Secretary of State, writing to Minister Foster, said (Appendix, p. 235):

The opinion of Colonel Shafter that the only way to check these atrocities is to follow the delinquents into Mexico, and there attack them in their lairs is probably well founded. As the authorities of that country seem to be unable or unwilling to check the depredations, the President may soon have to take into serious consideration the expediency of acting pursuant to Colonel Shafter's opinion. Undoubtedly it would be preferable to enter Mexican territory for the purpose indicated with the consent or with the acquiescence of the government of that republic. If, however, these should be refused, and the outrages persisted in, this government may deem itself warranted in punishing the wrong-doers wherever they may be found.

At last, in response to renewed appeals, the President caused the order of June 1, 1877, to be issued by the Secretary of War to General Sherman. (Appendix, p. 241.)

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.

This order was hailed and approved with singular unanimity by the entire press of our country. It impressed itself favorably upon the sound sense of our people, and responded to the demands for the performance of the national duty of defending our citizens.

Your committee do not propose to discuss this order upon the principles of international law, nor from the numerous precedents in our own history, the correctness of which has never been questioned. Although both law and precedent fully justify it, it is sufficient for us to be convinced that it is essential to an efficient defense of the lives and property of our citizens. This defense is not only a right but a duty incumbent on our government and if, to make the performance of that duty efficient, such an order is necessary, as we are satisfied it is, we need no further argument to sustain it.

In the previous instances in past years, when it has been found necessary for our troops to cross the Rio Grande, and they have so crossed, in pursuit of raiders, while the Mexican Government may have protested against the act as a violation of the national territory, no attempt has been made on their part to arouse a feeling of international hostility because of our pursuit of common outlaws across their boundary. Indeed, such pursuit was in one instance formally authorized by President Juarez, and has been often and cordially concurred in by the authorities of the Mexican border States. But in the present instance the instructions to General Ord appear to have been availed of by the Federal authorities in Mexico to create a new national issue, and General Diaz's government has apparently found it a political necessity to make the strongest protests against the order, and thus, while satisfying the offended vanity of his people, divert their attention from other and very embarrassing domestic questions. The insulting language against our government made use of in these protests must be considered as a concession to that national pride which, always strong among the Spanish nationalities, has, in this case, by a secret consciousness of weakness and wrong, become peculiarly morbid and exacting.

The old and repeatedly refuted charges of the Mexicans that the raids and depredations have been mutual, which has been revived in all the articles which have lately appeared on this subject in their papers, we again find are totally unfounded.

Secretary Fish has most emphatically denied that the raids were mutual. In a letter to Minister Foster, May 20, 1875, he said (Appendix, p. 127):

It may be regarded as frivolous to seek to justify the hostile incursions into our territory on the ground of retaliation for similar incursions from this side. There have been none such, and proof of the contrary is challenged.

No case has ever been stated in response to that challenge. Nevertheless, the charge continues to be made with the utmost persistency and insolence. It is curious to see the efforts made by the Mexican papers, after the order of June 1, 1877, was issued, to find cases to sustain the charge of mutual raids. The *Epoca*, a Diaz organ, stated triumphantly:

As Mr. Iglesias says in his protest, it has been demonstrated by facts, with which the American Government is acquainted, that said invasions are reciprocal. Sometimes the robbers pass from Mexico to the United States; at others they come from Texas to Mexico. *As a proof of this truth*, we can cite a case which came to the notice of the department of foreign affairs. Some marauders having been apprehended by the Mexican authorities, it was found that they had arms and overcoats belonging to the United States. (Appendix, p. 244.)

It is to be observed that with remarkable discretion neither Mr. Iglesias nor the department of foreign affairs give the names of the marauders apprehended, as it might reveal the fact that they were Mexicans, and that the stolen arms and overcoats invaded Mexico upon the persons of sons of her own soil.

Challenges to Americans and boastful assertions of national pride filled their papers. The *Pajaro Verde*, in a remarkable article, propounded some problems to the Americans by way of reproachful defiance. (Appendix, p. 246.)

Is the Government of the American people unaware that Mexico is the country that gave birth to the man who said, "I may break, but never bend!" * * * Mexico has no navy; Mexico is divided; Mexico is poor and worn out; she is not prepared for war, can be alleged by the American Government; but we can reply, reverting to history, 'that what Mexico never was prepared for is peace!'

A number of other articles from leading papers of that time will be found in Appendix B, and will give an idea of Mexican public opinion as then expressed.

In a statement made by Mr. Vallarta, Mexican minister of foreign affairs (House Ex. Doc. 13, Forty-fifth Cong., first session, page 61), he enumerates the various instances of the pursuit of raiders across the boundary by our troops, which he characterizes as "invasions," and presents as offsets to the raids from Mexico into Texas. They are spoken of by him as "mutual" raids. The mutual relations, however, were only those of the robber and policeman. All the raids from Mexico into Texas, except one, were for purposes of robbery; all those from Texas into Mexico were in pursuit of robbers. The exception referred to was a case mentioned by Secretary Evarts in a letter to Minister Foster, June 21, 1877, (Appendix, p. 254,) when a body of Diaz troops pursued troops of the Lerdo party and attacked them on the soil of Texas after defeating them in Mexico.

This was a grave international offense, and the repeated attempts of Mr. Vallarta to compare this case with the pursuit of cattle-thieves by our troops is entirely unfounded. No country can honorably offer an

asylum for robbers and criminals. Every country, however, can rightfully offer an asylum to political refugees. The cases are altogether different, and even the extradition treaty of 1861 especially guards the exception in cases of political refugees.

We have already shown, and shall have occasion further to prove, the strong influence of the turbulent population of Tamaulipas and Coahuila on the policy of the Mexican Government. We make all allowance for the political dependence of that government on that people. We moreover appreciate that those people prefer to commit their robberies unpunished, and, therefore strongly object to the crossing of our troops. But we cannot see how our government can place itself in such a position that the very robbers who depredate on our people, and those who harbor the robbers, should, speaking through the mouth of their government, prescribe to us our mode and manner of defense against them.

Our action on these matters must not be governed by mistaken views of the magnanimity that should be exercised by a strong power toward a weak one. We must not confound the position of governments with the acts and position of individual citizens. Our complaints do not arise in this instance from acts of the government. We must remember that a weak government, like that of Mexico, makes strong factions, and its very weakness strengthens the turbulent and lawless elements. The power of a government as to its own people is mainly restrictive, and the weakness of the restrictive power of the Government of Mexico is the strength, physical and moral, of the lawless bands we have to deal with. On the other hand, our citizens, scattered with their flocks and herds, their only property, over a large extent of country, their lives and property supposed to be protected by their government, can derive but little consolation from the fact that the bands of robbers plundering them and threatening their lives and the lives of their families belong to a country whose collective power is weak as compared with that of their own government. Magnanimity in this case is cruel indifference. The possession of power cannot serve as an excuse for neglecting the duty of exercising it in the defense of our citizens.

The Mexican authorities have frequently promised the co-operation of their troops on the Rio Grande to break up the raids; but these promises appear to have been made simply to induce us to withhold pursuit across the river by our own troops, as we cannot find that they have fulfilled such promises.

After the raid on Rio Grande City in August, 1877, General Ord appealed to General Treviño, commanding the Mexican forces, to co-operate in the arrest of the raiders. General Treviño, in his reply, which was communicated to General Ord, said:

I have told you that the government of my country will use such means as she has at hand to give protection to the residents in Mexican territory, but it will not be possible to take care also and insure the same security to the pueblos of foreign territory. (H. Ex. Doc. 13, 45th Cong., 1st sess., p. 112.)

Major Schofield, United States Army, in a report, August 20, 1877, stated (Appendix, p. 271):

From the foregoing it will be seen that this, our third effort, recently made to secure a joint pursuit of Indians and Mexicans with stolen stock in their possession, and who were running this stock away into the mountains of Mexico, has failed. In my opinion any similar efforts that may be made in the future will likewise fail, as I do not believe the Mexican authorities will consent to our troops crossing over to join in such pursuit, or, if they do consent, will thwart the enterprise in some way, as they have done up to the present time.

On the 15th of December, 1877, a number of horses were stolen and driven into Mexico. Lieutenant Ward, United States Army, was sent in pursuit of the robbers. A Mexican subaltern officer, assuming that the orders of his government for co-operation were given in good faith, invited Lieutenant Ward to cross the river with his men and join him in following the trail of the marauders. This action of the Mexican officer was accepted as an indication of sincerity on the part of his government in its promises, and was reported by General Ord to the Secretary of War and favorably commented on by the entire press of our country. The sequel of this affair is not so generally known. Secretary Evarts on being informed of the occurrence instructed our minister, Mr. Foster, to express to the Mexican authorities the gratification of our government. But on the very day before Mr. Foster received these instructions, orders issued by the Mexican minister of war and addressed to the commanding officer on the line of the Rio Grande were officially published, in which the latter was directed to ascertain who the officer was who had permitted the passage of American troops, in order that a severe example might be made of the guilty offender. (Appendix, p. 458.) It is very evident that further reliance upon co-operation on the part of the Mexican authorities would be misplaced, as all experience has also shown that reliance upon them for the pursuit or punishment of raiders is futile and absurd.

THE SAN ELIZARIO MURDERS.

The recent disturbances at San Elizario, in El Paso County, Texas, ending with the murder of a number of Americans by a mob of several hundred Mexicans, a detailed account of which is found in the appendix (page 284,) have lately been the subject of investigation by a special commission, whose report has not yet been made. We will, therefore, not enter into this matter until such further information shall have been obtained.

But one feature of these events it is well to call attention to. For many years troops have been stationed upon that portion of the border, and the relations of the people on both sides have been invariably friendly and peaceable. No sooner, however, had the troops been removed from Fort Bliss and Fort Quitman last summer, when at once difficulties commenced which took the deplorable form that has been described, and ended in the murder of a number of our citizens and the pillage of their stores and houses. We are informed that a removal of the troops who have since been sent there would now result in the forced abandonment of that region by Americans. Thus it is clearly demonstrated that a permanent military force on the border is the only guarantee for peace. The local and immediate cause of the disturbances in the present instance may have been a dispute about salt-lakes; at other points it may be the robbery of horses or cattle; but whatever the cause may be, all experience along the whole border proves the necessity for the maintenance there of a strong military defense.

THE MEXICAN FREE ZONE.

In March, 1858, Ramon Guerra, governor *ad interim* of Tamaulipas, by virtue of an act of the legislature of that State, issued a decree authorizing the introduction of foreign goods into the city of Matamoros, and the other towns on the Rio Bravo (Rio Grande), Reynosa, Camargo,

Mier, Guerrero, and Monterey Laredo (New Laredo), and their jurisdictions, free from all duties except municipal taxes.

This was the origin of the *Zona Libre*, or free belt, so called because it established a belt along the Rio Grande the entire length of the State of Tamaulipas, into which goods could be imported free of duty. The object expressed in the decree was to prevent the decay of the towns of the northern frontier of Mexico. The towns on the opposite side of the river, in Texas, were then flourishing and rapidly increasing in trade and population, and it was feared that all the local trade would move from the Mexican over to the Texan towns.

It was a revolutionary act, a violation of the constitution of Mexico, hostile to the national government, whose revenues it annulled, and hostile to the other ports of entry in Mexico, against which it established a ruinous competition. But it gave the merchants of the towns on the Mexican side of the river such an advantage over the merchants on the American side that competition was impossible, and trade became at once predominant on the Mexican side. One of the articles of the decree permitted all merchants from the American side of the river to move over with their entire stocks of goods without the payment of any duty thereon. Although provision was made for the payment of duties on merchandise passing out from the "belt" into Mexico, and across the river into Texas, it is evident that an immense facility was opened for smuggling out of the "belt" over the long unguarded lines through the wilderness. In article 8 of the decree Governor Guerra declared that, to "prevent this privilege from being converted into a shameful smuggling traffic, it should be considered the duty of every citizen voluntarily to become a sentinel, constantly on the watch to prevent smuggling." This appeal to the civic virtues of the people seems to have been the only precautionary measure taken to prevent the "shameful smuggling traffic."

The transfer of the trade from the American to the Mexican side of the river was largely accomplished and would have been complete but for the fear of the chronic anarchy and revolution in Mexico. Smuggling became the rule of business. Both the Mexican and United States revenue was defrauded.

The question of the free belt presents within itself all the characteristics of our relations with Mexico.

We find that the local authorities in establishing the free belt acted in defiance of and totally regardless of the national government. At that time a struggle was going on in the country between the Liberal party and the Church party, known as the war of reform. Neither party could afford to break with the people of Tamaulipas. When Juarez and the Liberal party predominated in 1860, they did not at first sanction this measure, so openly hostile to the United States. But our civil war broke out and the Mexican Congress in 1861 formally ratified the decree of the Tamaulipas authorities. In 1870 an attempt was made in the Mexican Congress to revoke the law because the cities of Tampico and Vera Cruz protested against it and the national revenues were seriously affected by its operation; but the delegates from Tamaulipas threatened armed resistance, and Congress, instead of repealing the obnoxious system, voted in favor of extending the limits of the Free Zone. The project of law so voted, failed to go into effect only on account of the non-concurrence of the executive.

The delegate Ramon Guzman, referring to the American complaints, said (Appendix, p. 313), "They argue [meaning the Americans] that the maintenance of the Free Zone is a serious detriment to their views

for the future, and that fact speaks louder in its favor than anything my feeble voice can utter."

While the action of the Mexican authorities, local and federal, in this matter was, as we have said, characteristic of all their dealings with us, the wavering and aimless action of our own government has been equally characteristic.

In 1868 Mr. Blaine introduced a resolution in the House of Representatives calling attention to this unfriendly measure as interfering with the commercial rights of this country. Congress failed to take any action.

In 1870 the President called the attention of Congress to this hostile measure, continued in defiance of all protests.

In May, 1870, a committee of the Senate made a report on the subject (Appendix, p. 298), from which report we take the following statement :

Since the close of the war the Zona Libre has served as a base from which smuggling into the United States can be safely carried on. * * * Honest merchants, unable to compete with the smugglers, have been compelled to abandon the country or to engage in illicit trade themselves, and the whole community on both sides of the river has become so thoroughly demoralized that smuggling is generally considered a legitimate and honorable business. The desperate characters whom this condition of things has attracted or created plunder private citizens as well as defraud the government, and frequently make raids into Texas and drive large herds of cattle across the river into Mexico.

It is estimated by well-informed men that the loss by these raids is sometimes as high as two hundred thousand head a year.

From that time to this the President of the United States in his annual messages has repeatedly called the attention of Congress to this evil, but no serious action has ever been taken by us, and the Mexican Government, finding that the United States have never steadily insisted on *anything*, have adopted the policy of meeting all of our demands on any subject with a sullen inactivity. "They have found that whenever the attention of our people has for the moment been aroused by some grievous complaint it would soon be attracted by something else, and that stubborn non-compliance with our demands has always in the end proved successful.

EXTRADITION.

One of the worst causes of the crimes committed by Mexicans against the citizens of Texas is the easy escape of the criminals to an asylum where there is no punishment for those crimes. The committee have examined every witness before them specially on that point, and their statements are uniform that no crime committed by a Mexican in Texas has ever been known to be punished in Mexico. It may seem startling that after a long history of crimes of that character, extending over many years, such a sweeping statement should really be the truth, but there is no reason to doubt it. As it seemed a very remarkable and characteristic feature in our relations with our neighbors, the committee have taken special pains to examine the facts.

In the report of the special committee of the Forty-fourth Congress we find an account of one case which was cited there to show the character of our diplomatic relations in connection with the raids.

Among the boldest performances of the raiders was the Corpus Christi raid, a full account of which will be found in the appendix to this report (page 117). Mr. Foster, the American minister, made a representation of the outrage to the Mexican minister of foreign affairs. The colonel commanding the national forces at Matamoras, Col. José L.

Christo, reported officially to the minister of war, Mejia, that no Mexicans had been engaged in the raid, and that it had been a Texan revolutionary movement.

But it happened that General Escobedo, commanding at San Luis Potosi, reported to the minister of war that thirty armed Mexicans had crossed the Rio Grande, coming from Texas, where they had, among other acts, burned a store; that they had scattered after getting into Mexico, but that ten were arrested and sent to Saltillo to await punishment. Mr. Lafragua at once informed the American minister, Mr. Foster, of this act of good faith, and Mr. Foster answered as follows:

I have to thank your excellency for the information contained in your note, which I will communicate to my government, which will doubtless be gratified.

Your committee, feeling an interest in this case as the only one known of the arrest of raiders, wished to learn whether the arrest had been made in good faith with intent to try and punish, or whether the gratitude of Mr. Foster for the mere arrest was the last act of the proceedings. We therefore requested the Secretary of State to instruct Mr. Foster to ascertain, as he did not appear to have done so at the time, whether the arrest was followed by trial or punishment. Mr. Foster was so instructed, and his reply states (Appendix, p. 461) that he found, as your committee expected, that the criminals were released without punishment.

In this case we cannot imagine how the usual excuses of the Mexican Government could apply. There was no difficulty as to arresting the raiders, for they had been arrested; there was no trouble in identifying them, for they had been caught coming from the campaign, and with their plunder. The only explanation can be found in the meek and feeble attitude assumed by our government, seeming to invite the contemptuous treatment which it received.

On further inquiry we obtained from the State Department the general statement that no case had ever been known of a Mexican, resident of Mexico, being punished for a crime committed in Texas or elsewhere in territory of the United States. This, together with the unanimous statements of all our witnesses, reveals the remarkable fact that we have had for years on our border, so far as crimes committed in Texas are concerned, practically an asylum or sanctuary such as existed in certain localities in Europe during the middle ages. When this and the facilities of the Zona Libre for smuggling are taken together we cannot wonder at the attractions of that belt for the lawless from all quarters. Don Ramon Guzman, a member of the Mexican Congress, in a speech in favor of the Zona Libre, stated as its effect (Appendix, p. 313) that the population augmented so rapidly that from 18,000, to which it was reduced in 1858, it reached 50,000 in five years, and was 70,000 at the time he spoke (1870).

The condition of absence of all law for the punishment of crime has been greatly sustained by a mistaken interpretation of the present extradition treaty.

The extradition treaty now in force (Appendix, p. 321) provides only for the extradition of fugitives from justice when they flee from their own country into the other. If a resident of Texas, a criminal, escapes into Mexico the treaty provides for his extradition. It does not provide for the extradition or punishment of criminals from Mexico, residents of that country, for crimes committed in Texas (see article vi).

Notwithstanding this entire inapplicability of the treaty in cases like all the raids from Mexico, where robbery and murder are committed in

Texas by criminals from Mexico, the Mexican local courts take no cognizance of the crimes so committed, and declare that they are international matters and come under the provisions of the treaty. When the extradition officers are then appealed to under the treaty, and the extradition of the criminals is demanded, they point out that the treaty only applies to residents of Texas and not to citizens of Mexico. And although the floating robber population reside sometimes temporarily in Texas, they escape the provisions of the treaty by invariably claiming their Mexican citizenship and proving it to the satisfaction of the officer.

The border commission appointed by the Mexican Government, to whose report we have several times referred, say, in alluding to such cases (see page 221, Rep. of Border Com.):

It has frequently occurred that Mexicans by birth and nationality have participated in the elections in Texas, and have perpetrated an offense while there, and then sought refuge in Mexico. The fact of voting at elections does not deprive them of their Mexican citizenship according to our laws, nor does it confer upon them a United States citizenship according to the laws of that country; * * * generally, these parties commit offenses on both sides of the Bravo and remain unpunished.

With good judgment, they add :

Their punishment at the place where it could be proved they had committed their crimes would be very advantageous. * * *

Mr. Vallarta states in an official letter that there are laws in Mexico for the punishment of crimes committed in our territory. He is undoubtedly correct, but the fact remains that they have never been enforced, and the intelligent gentlemen of the Mexican committee either did not know of such laws, or knew that they were mere dead letters, as in proposing a remedy they speak only of an amended treaty and take the impossibility of punishment under present laws for granted. This condition of things is confirmed by a statement of the permanent committee of citizens of Brownsville :

The courts of Mexico are practically closed to our citizens. Their laws are good enough, but we assert, upon the unvaried fate of all attempts to reclaim stolen property in that country, that the laws are not only not executed, but that they are intentionally and habitually violated and disregarded. (Appendix, p. 194.)

It is evident that we have no remedy in the extradition treaty for these raids. That the Mexicans should persist in referring our people to the treaty is not surprising. But our own officers seem to have fallen into the same error, or have resorted to it, having no other power. We notice that Major Price in his statement of the raid on the Rio Grande City jail, to which we have before referred, states that he was informed by the commanding general that it was an "international case" and came under the extradition treaty. Governor Hubbard was called upon to act under the treaty. He demanded the criminals, as will be seen from the correspondence in Appendix D (p. 331), which was the only step in his power. While General Diaz gave positive orders for the arrest and delivery of all the criminals, which were not obeyed, he protested that under the treaty our authorities had no right to demand it, in which we cannot contradict him.

General Ord became convinced that the practical effect of the treaty was only that it served for an excuse to shield criminals from punishment, and stated so before your committee.

Before leaving this subject we will call attention to the same complaints made by Governor Safford, of Arizona, in a letter from Tucson, December 29, 1871, to Secretary Fish (Appendix, p. 324) :

I subsequently learned from Mexican newspapers that the supreme government had decided in effect that Mexican subjects having committed crimes on the soil of the

XXIV. RELATIONS OF THE UNITED STATES WITH MEXICO.

United States should not under the treaty be given up for punishment to the authorities of the United States, nor was it a proper cause for punishment within the Republic of Mexico. This decision did, as I predicted it would in my communication of February 14, act as an incentive to the numerous bands of outlaws who infest that country to increase their criminal predations on our soil.

It is proper to state that in Texas the laws are very complete in relation to crimes committed in Mexico, and we have proof that they are regularly and rigidly executed by the Texas courts. Judge Russell, for a number of years district judge on the Rio Grande, states to the committee (see Testimony, page 158):

We have a statute punishing the bringing of stolen property into our State, and several thieves have been sent to the State penitentiary. The only instance where more than one or two animals were brought over, that I remember of, was while I was judge, in 1872. An affidavit that property had been stolen in Mexico was made by one Leonidas Guerra, before a justice of the peace in Cameron County, upon which the justice issued a warrant for the seizure of the stock and arrest of the parties. This warrant was presented to me and I indorsed it so that it could be executed in any county in the State. The return on the warrant shows that it was executed by a civil officer in Bee County, and that thirty-seven head of stock were delivered to Guerra. All other instances are where one or two horses are stolen. The property is always returned and the thief sent to the penitentiary.

He further testified :

In every case the thief has been a Mexican citizen.

This condition of absence of all law or the persistent failure of its enforcement which we have described as existing in the border belt of Mexico, cannot and should not be permanently suffered. Our government cannot, under the present treaty, claim extradition of the criminals engaged in the raids, but it can insist that the criminals shall be punished, or that their country shall give up the claim of having a civilized government. Society protects itself against crime by punishing it. If it should remain solely on the defensive against criminals, merely striving to prevent their crime without punishing it, a strong police force would be required to keep guard against every thief. It is only by arrest and punishment that society can have a practical defense. On the Mexican border these necessary principles, which are the foundation of all criminal law, are not in existence, and our neighbors expect us to remain on the passive defense, and object to our own efforts for the punishment of the criminals. We cannot listen to any such claims, and yet the repeated demands of the Mexican Government for us to revoke the order for our troops to cross mean that and nothing else.

PROTECTION TO AMERICAN CITIZENS IN MEXICO.

When we enter upon the consideration of commerce as an element to bring about better relations with Mexico, we have of necessity to consider, as the first condition of commercial intercourse, the protection of our citizens who engage in commerce in that country. We have arrived at a turning point in the industrial and commercial development of our country. Heretofore we appeared, as was natural, in the trade of the world, only as exporters of raw products and importers of the products of foreign manufacturing industry. The leading features of our interior policy, our questions of tariff, and other economical issues, turned upon the struggle between our own manufactures and foreign manufactures for our own home market. That period has passed and we are entering upon a new contest.

It is stated by good authority that the value of the annual products of our manufacturing industry was, in 1850, \$44 per capita. In 1860 it was estimated at \$65 per capita, and, by the great development of machinery and its varied applications, that average is stated to have been, in 1870, not less than \$100 per capita. From the year 1870 to 1874 the increase of the number of cotton-spindles alone was 33 per cent., while the increase of our population was only 11 per cent.

We have therefore passed the time when our home market was sufficient for the consumption of the products of our industry. The result is, that in the absence of foreign markets our surplus products cannot be sold, and their production has had to be restricted, throwing labor out of employment and causing wide-spread distress in the cities and manufacturing districts.

A rearrangement of the relative occupations of our people will, no doubt, gradually and to some extent take place by many of the unemployed in our cities and manufacturing districts embarking in agricultural pursuits. But this cannot be done on a very large scale without ruin to many and enormous loss to the nation, while it would add to the overproduction of our agriculturists and seriously curtail the home market for their produce. To prevent this we must find foreign markets for the productions of our manufacturers.

The immense importance to us of foreign markets is therefore so clear that it is now universally admitted.

In examining into this subject, the first great fact with which we are confronted is that the foreign trade of the American continent is not only mainly in the hands of England, France, Germany, and other nations, but that our own share of that trade, entirely inadequate as it is, is carried on under very great disadvantages.

During the five years ended June 30, 1876, the average annual value of the imports into the United States from Mexico, Central and South America, was.....	\$150, 457, 461
And of our exports to those countries.....	50, 094, 508

Showing an average annual excess of imports over exports during that period in our commerce with those countries of.....	100, 362, 953
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This proportion instead of improving has become still more unfavorable, as is shown by the statistics of our commerce for the year ended June 30, 1877.

During that year the value of the imports into the United States from Mexico, Central and South America, and the Spanish West Indies, was	\$155, 339, 910
And of our exports to those countries.....	47, 039, 705

Showing an excess of imports over exports in our trade with those countries during the last fiscal year of.....	108, 300, 205
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In other words, we bought from those countries, during the five years above cited, an annual average of over \$100,000,000 more than we sold to them, and during the last fiscal year that amount has been increased to over \$108,000,000. We buy from them, and other nations sell to them. Over one hundred millions of gold per annum have to be sent by us to settle our balances with those countries. Bad as this shows for our competition with other manufacturing nations, in the markets of our own continent it will appear much worse when we reflect that what we do export is in most cases lumber, breadstuffs, petroleum, and such like articles, in which European nations can, as a matter of course, not compete, while the export of the products of our manufacturing industries is insignificant.

But with the great importance which the securing of foreign markets has assumed at this present time the question of the protection of our citizens is equally rising in importance. Every large mercantile nation has been confronted with that necessity. Commerce cannot move without merchants and agents any more than war can be made without armies, or the frontier be settled without pioneers. With the increase of our commerce, this duty will impress itself of necessity more and more on our government. The entire indifference to everything outside of our limits which has been the leading feature of late of our policy, was perhaps natural as long as our national interests were all within ourselves and on our own ground, but when our interests expand, as they must now do, and take a wider range our policy must adapt itself to the new demands and expand with them.

Not long since our citizens in Mexico were told that every American leaving the United States for the purpose of trading in a foreign country, went there with his eyes open, took all the risks, and could not look for protection to his own country. This theory must be entirely discarded or we must not expect that our commerce will ever rival that of England, which has never entertained this timid and short-sighted doctrine. We must rather look upon the enterprising men who go forth to gather the advantages of trade for their country as one of the most useful classes of citizens, as the pioneers of our commerce who undergo special risks, and are entitled to special consideration.

If, on the contrary, we act upon the theory that the merchant who leaves the United States severs his connection with us and must not look for protection from his government against any wrongs he may have to endure, we must make up our mind that none but men of desperate fortunes will embark in a business involving such extraordinary risks. We cannot expect an extended commerce when it can only be carried on by such men. We must either resign ourselves to do what little trade we may obtain through the medium of other nations who have a clearer perception of the value of a definite and decided policy, or we must adopt such a policy ourselves.

The trade with barbarous people has risks which cannot be avoided. But a civilized country, or one which claims in its intercourse with other civilized nations the privileges of a civilized country, like Mexico, must as a necessary consequence of that claim, give to the citizens of other nations the protection of its laws or become responsible if it does not. It cannot sustain the claim without complying with the duties implied by it.

The annoyances, sufferings, and spoliations to which American citizens in Mexico have for many years been exposed, have been the constant subject of complaints and remonstrances on the part of our government with the government of that republic.

Your committee, however, has neither had the time nor the opportunity to give a full review of this class of outrages. Some few of the late cases are found in the appendix. Mr. Foster, writing to Mr. Fish on September 2, 1874, (Appendix, p. 350), says:

In answer to Mr. Lafragna's intimation that it would be desirable to have a detailed statement of the thirteen cases referred to (in former communications), in order that his government might ascertain the extent of the negligence and indifference of the local authorities, I replied that it might be difficult to give such facts as would establish the indifference, but the bare statement that the lives of thirteen American citizens had been taken by violence without as yet a single case of punishment therefor, was sufficient basis for the intimation in my note.

The case of John Jay Smith, an American citizen of Brownsville, Tex., who suffered false imprisonment in the most wanton, unjustifiable, and

cruel manner, is found in our evidence. The most humiliating feature in this case was the fact that it occurred under the guns of Fort Brown and of an American gunboat, the commanders of the garrison and of the gunboat having abundant force on hand to enforce the release of the victim, but not making the slightest effort to obtain his liberation and allowing the honor of their country to be insulted in their presence.

The frequent wrongs of this character, never redressed, have been a source of complaint against the Government of Mexico for a very long period. President Buchanan states in a message to Congress in December, 1858 (Appendix, p. 12):

The claims of our citizens, some of them arising out of the violation of an express provision of the treaty of Guadalupe Hidalgo, and others from gross injuries to persons as well as property, have remained unredressed, and even unnoticed. Remonstrances against these grievances have been addressed, without effect, to that government. Meantime in various parts of the republic, instances have been numerous of the murder, imprisonment, and plunder of our citizens by different parties claiming and exercising a local jurisdiction; but the central government, although repeatedly urged thereto, have made no effort either to punish the authors of these outrages or to prevent their recurrence.

This language is as applicable to-day as it was then.

FORCED LOANS.

By far the most common manner of plundering foreign merchants in Mexico is by what is known as forced loans.

The system of forced loans has by long usage become a peculiar Mexican institution. In the City of Mexico, and at the principal ports, it is often applied in a milder form, and amounts to an anticipation of the revenue only, as the wealthy merchants receive for the money exacted from them custom-house certificates at large discounts. Thus results the anomalous condition that, while commerce, as a rule, thrives in peace and shrinks before war and lawlessness, some of the rich merchants who understand the management of the system, and make themselves useful to all parties, profit by continuous revolutions, and favor them; as they make the discounting of their customs duties at low rates a regular business, which gives them an advantage in trade over those who have less money and influence. The few gain while the many lose. But in the interior of the country the forced loans are much severer exactions. The entire Mexican population have grown up during civil wars, and a large class of people have come to make revolution their means of living. Every commotion gives them an opportunity for gain. In all these revolutionary movements there are no regular taxes to furnish the means, and the ordinary mode of sustaining the revolution and its necessary expenditure, is by forced loans, levied by the two contending parties. The amounts required are assessed among the men who are supposed to have money, and in proportion to their supposed means. The merchants are generally the men who have ready money, and, as trade is to a great extent in the hands of foreign merchants, the contributions fall principally on them. Moreover, they have no connections or friends, and are held legitimate prey. From being the means to support revolutions, forced loans have in many instances become the end and object of revolutions. They are levied in the name of the cause, and the payment is often enforced with the utmost rigor. Whether the revolution is successful or not, is often quite immaterial; the main object being achieved when the money is obtained.

In speaking of the state of the country, in reference to immigration,

Mr. José Maria Lafragua, the minister of foreign affairs, said in a report to the Mexican Congress:

How can anybody conclude to give up his own country to settle and reclaim a wilderness, with the knowledge that after having made his settlement, and when he least expects it, he may be raided on by one of our military chiefs, who so frequently in this manner proclaim themselves saviors of the republic? The utter want of permanence in our institutions; the continual change in the *personnel* of the government; the excesses of the army; the entire want of a state of law, which can effectually protect immigrants; these are the rocks on which all attempts at immigration have thus far been wrecked.

But by making all enterprises insecure, and all property unsafe, this condition of things stands in the way of all developments, as well as in the way of immigration.

In 1861, Mr. Corwin, the American minister, on being applied to by some merchants for his advice whether they should submit to forced loans or not, gave an elaborate opinion (Appendix, p. 371) why they should not. The main point of his argument was that the Mexican constitution is explicit in giving the exclusive right to levy taxes to the legislative power, and declares that this power cannot be delegated to any other branch of the government, and cannot therefore be exercised by the president, or by generals in his name. He therefore declares the exaction illegal, and only sustained by force. This applies alike to Mexican citizens and to Americans, or other foreigners, as they are under the constitution subject to the same legal burdens as Mexican citizens, and to no more.

Our government has never claimed a more favorable position as to legal taxes for American citizens than is occupied by Mexicans. The treaty of 1826 between Great Britain and Mexico stipulates, in article X, that no forced loans shall be levied upon British citizens in Mexico. (Appendix, p. 382.) Mr. Peshine Smith, examiner of claims of the State Department, in a memorandum, March 27, 1867, declared that under the "most favored nation" clause of the treaty of 1831 between the United States and Mexico, American citizens became equally exempt from forced loans with British subjects. He advises, however, that this exemption should be distinctly settled by express treaty stipulation with the United States, inasmuch as the Mexican Government might allege some excuse in levying these extraordinary taxes, unless there were distinct stipulations to the contrary.

But when Mr. Corwin's opinion is consulted, it becomes clear that even if the Mexican Government can exercise this right of levying extraordinary contributions, or forced loans, it can only mean that branch of the government which has the exclusive right of levying taxes, viz, the legislative power; and that the ordinary mode of exacting these contributions, by generals or other military officers, is, in any view of the case, illegal, and rests only on force, like robbery or spoliation. If this is carried on in reach of our forces, either on the sea-coast or on our border, we consider it the right and the duty of our government to protect our citizens from force by the use of force; and if done in the interior, to make reprisals, or use any means to enforce that protection, if other modes of redress fail.

It is, however, much more desirable that this question should be settled in unmistakable terms by treaty stipulations, instead of remaining a subject of dispute.

But the Mexican Government has refused to make such a treaty, as they have steadily refused every other just demand of the United States. Toward other nations they have not always been as unbending as they seem determined to be with us.

In 1838 the French, after protesting against the treatment of French citizens in Mexico, and, among other matters, against the imposition of forced loans, had a final conference in Jalapa, before they proceeded to hostilities. In that conference the Mexican plenipotentiaries, in their final proposition, had the following:

ARTICLE 6. The Mexican Government being agreed that forced loans shall not be imposed either upon natives or upon foreigners, the demand of the Government of France in this point, with respect to French citizens is, consequently, satisfied.

In 1861, when the Mexican Government was anxious to obtain recognition by the Government of Great Britain, Don Francisco Zarco, then minister of foreign affairs, offered to the British minister, Mr. Matthew, to enter at once into a treaty stipulation with Great Britain, whereby the provision in the treaty of 1826, exempting British subjects in Mexico from forced loans, should be extended to expressly include extraordinary contributions. (Appendix, p. 374.)

Thus it will be seen that what the Mexican authorities have steadily denied to our modest representations they have repeatedly offered to nations whom they seem to treat with more respect. It is interesting to see from the message of President Buchanan from which we have already quoted, that the situation appears to have undergone no change in the last twenty years. In his message of December 19, 1859, he gives an extract from a report of Mr. Forsyth, as follows:

"Nothing but a manifestation of the power of the Government of the United States" wrote our late minister in 1856, "and of its purpose to punish these wrongs, will avail. I assure you that the universal belief here is that there is nothing to be apprehended from the Government of the United States, and that local Mexican officials can commit these outrages upon American citizens with absolute impunity." (Appendix, p. 15.)

Since the accession of General Porfirio Diaz to power, the supreme court of his own government has decided against the legality of forced loans and has taken the same position as that maintained by Mr. Corwin in his opinion in 1861.

But General Diaz and his cabinet have expressly and decidedly refused to recognize this decision. We are therefore confronted, not with the institutions or laws of Mexico, but with force as exercised by a successful soldier, contrary to the constitution and laws of his own country.

COMMERCIAL RELATIONS.

The committee has given especial consideration to the subject of our commercial relations with Mexico. Very full tables, containing more complete and precise information under this head than has probably before been accessible, will be found in Appendix F.

These tables show, from official data and in detail, the present status and the character of the commerce now carried on between the two countries; the total commerce of Mexico with all countries, and with each foreign country respectively; the amount and character of the trade that England, our chief competitor, has with Mexico; and the relative importance of our trade with the neighboring republic as compared with that with the other Spanish-American states.

A study of these tables will throw a more exact and reliable light upon the subject of our trade-relations with Mexico than has been heretofore generally apparent.

There will also be found in Appendix F other official information upon this subject, which will in a measure explain some of the causes which have tended to retard the due development of our commercial relations

with Mexico in the past, and the removal of all of which causes, as well as others elsewhere referred to, is necessary before those relations can be enlarged to that magnitude which the relative productive capacities and the respective requirements for consumption of the two countries demand.

From an examination of the tables referred to (Appendix, p. 410), it will be seen that the average value of the exports from the United States to Mexico, during the five years ended June 30, 1876, was \$5,998,415 per annum, and of the imports into the United States from Mexico, \$12,463,598 per annum, making a total commerce between the two countries of \$18,462,013 per annum.

On comparing these figures with the population of Mexico, it appears that our average annual exports to that country have amounted to but 64 cents per capita, our imports to \$1.33 per capita, and our total commerce to but \$1.97 per capita of its population during the above period.

The remarkably slender proportions of this trade is the first important fact that attracts attention. Comparing our trade with Mexico with that between the United States and Cuba (Appendix, p. 431), we find that during the same period of five years our imports from that island amounted to an average of \$71,364,327 per annum, our exports to \$18,196,635 per annum, and the total commerce of the United States with Cuba to \$89,560,962 per annum. This is an annual average of \$50.97 of imports and \$13 of exports per capita of the population of that island.

Thus while our trade with Mexico, as we have seen, is but \$1.97 per capita of its population, our trade with Cuba is \$63.97 per capita of its population. Taking the entire trade of Mexico with all countries, including that with the United States, we find that the total foreign commerce of that country amounts to but \$6.66 per capita of its population.

It is therefore not merely the proportionate share that we have of the trade of Mexico that is unsatisfactory, and that offers a field for our active and intelligent competition, but we find that the total commerce of that country is astonishingly small, and ought to be susceptible of an enormous increase.

At the beginning of this century New Spain, or Mexico, was by far the most important of the Spanish-American possessions. Cuba, on the contrary, was one of the most unimportant in a commercial point of view, and was valued principally for its commanding military position. It was from the revenues of Mexico that the funds for the erection of fortifications at Havana were in large part supplied. The present population of Cuba does not exceed 1,400,000, and yet our trade with that island is now nearly five times greater than our trade with Mexico, which has over nine millions of inhabitants. The immense trade of Cuba is undoubtedly due in a measure to the fact that the plantation system of that island concentrates the productive power upon great staples like sugar and tobacco, while breadstuffs, meat, clothing, and other necessary articles are principally imported. But even with this allowance the relatively insignificant proportions of Mexican commerce are astonishing, and show the presence of great disturbing causes. What, then, are the causes which have kept down the trade of Mexico to its present inferior proportions?

It has been repeatedly stated by Mexicans of high standing and accurate information, that Mexico is capable of furnishing a large portion of the sugar and coffee which form the great staples of Cuba and Brazil in their trade with the United States; that the soil and climate of Mexico are peculiarly adapted to the production of the very best quali-

ties of these important articles of consumption; and that that country could successfully rival Cuba in the production of sugar, and Brazil in the production of coffee. Yet when we look at the actual production for commerce, over and above the home consumption, we find the exportation of those articles far from important.

In the year 1873 the total exports of Mexico amounted to the value of \$33,168,609, of which \$25,373,673 was in coined and uncoined metals; of the balance, only \$532,913 was in coffee, and but \$10,860 in sugar. Since then there has been some increase in the export of these two articles. But taking the average of the four years from July 1, 1873, to July 1, 1876, we find that the export of coffee and of sugar from the port of Vera Cruz, which is the principal Mexican sea-port and is the point where the export of these products to foreign countries is chiefly made, has amounted to but \$736,762 per annum of coffee, and to only \$63,980 per annum of sugar.

The value of the total imports into the United States of coffee, during the fiscal year ended June 30, 1877, was \$53,634,991, and of sugar \$81,187,504. It is therefore apparent that any supply of these articles which Mexico can as yet furnish to us is very insignificant.

That a continued dependence on mining alone to sustain the commerce of Mexico with the rest of the world was not the way to elevate the nation from its depressed commercial condition has long been well understood by the leading public men of that country, and the development of agriculture, and particularly the production of sugar and coffee, has often been urged by them. Representatives of Mexico have recently called attention in a general way, in the public prints and in addresses before commercial bodies in this country, to the fact that that country could supply large quantities of sugar and coffee, and that if the production of these articles should be developed, then Mexican commerce would become of great importance. As we have already said, there is no doubt that so far as climate and soil are concerned agriculture in Mexico could be developed in that direction. But the fact meets us on the threshold of the discussion that these articles are not as yet produced to a much greater extent than is required for home consumption, and the inquiry therefore naturally arises why they are not. It cannot be alleged that the United States can stimulate their production by offering a market for them, for our market has been as open to Mexico as it has been to Brazil or to Cuba. Of late years we have levied no duty on coffee, nor have we imposed a higher duty on Mexican sugar than on Cuban sugar. Why is it, then, that neither Mexican coffee nor sugar have been brought to this country to any extent, when our market has invited them both?

Attention has also been called, through the same channels, to the large trade in agricultural implements which might be stimulated with Mexico, and to the fact that such improved implements would vastly increase the agricultural product of that country. There is, no doubt, a great field for improvement in that particular, and both the sale of these articles and their evident utility would certainly tend to increase commerce.

The Mexican tariff admits agricultural implements and machinery free of duty, but yet their importation has been very small. What, then, are the causes that have prevented this trade from assuming greater proportions long ago?

Mr. Foster, our minister to Mexico, in an interview with your committee stated as follows:

The Mexicans are not progressive, and use rather primitive implements. There is a prejudice against improved implements. They do not understand their use, and the

laboring classes destroy them whenever they get an opportunity, as they think they deprive them of work. The quantity introduced into the country is very small. Another obstacle is the lack of facility to repair the machines when they get out of order. The plow that is used is almost identical with that used in Scripture times. Almost all the grain is thrashed by horses or with branches of trees. A large portion of it is cleaned by the treading of horses and the winnowing of the wind. This system of agriculture is in vogue even to the gates of the capital.

These obstacles will undoubtedly be removed in time, but it must be by the advancement of the people in intelligence and industry, and cannot be by any direct action which is within our power. The causes which prevent agriculture from developing in Mexico are not to be remedied by tariffs or commercial treaties, and they are not unknown to Mexican statesmen.

The bureau of agriculture, in a report to the Mexican Congress in December, 1846, speaking of the low condition of agriculture, said :

It is sad to state there is never any security for property with us, and this for several reasons. One is the continual changes in our public affairs and the continual violations of public peace. Another is the absence of punishment for criminals by law. The stealing of horses and cattle particularly is carried on without intermission, which keeps the agriculturist continually in fear and uncertainty. Other causes are the impressment of laborers for military service, the impressment of animals for military transportation, the impressment of fields and crops for pasturage and feed of horses and mules belonging to the army, and, finally, the forced loans, which, although called extraordinary, are of as ordinary occurrence as all other taxes.

Twenty-two years later, Mr. Joaquin Barranda, in a speech in the Mexican Congress, April 22, 1868, said (Appendix, p. 33):

Since the independence our unfortunate country has traced a tortuous and bloody road.

What is the cause of the present state of our agriculture, our commerce, and our industry? Revolution. What is the reason our country is so unfortunate when it should be so happy? Revolution. What is the pretext of which our enemies at home have availed to beg foreign intervention? Revolution. What is the apparent motive upon which foreign nations have pretended to intervene in our political questions and to subjugate us? Revolution. Always revolution.

Mr. Mariscal, formerly minister of foreign affairs, in a speech in the Mexican Congress in 1871 (Appendix, p. 42), said :

No one denies that our country has been judged with much severity, owing to its chronic anarchy since the independence, producing the phenomenon of humiliating poverty in the midst of elementary riches.

In examining the statistics of commerce with Mexico from year to year attention is at once attracted to the fact that whenever there has been a period of peace and quiet, even during the short supremacy of the Maximilian régime, commerce immediately expanded, and on the re-appearance of the blighting breath of anarchy and revolution it again immediately diminished in an important degree.

Before passing to the problem of securing our proper share of the commerce of Mexico, such as it is, we have deemed it proper to thus call attention to the fact that the whole commerce of that country, and its productive capacity, is crippled by the cancer of revolution and anarchy. This is, besides, the one great cause of all our troubles and all the disturbances of our relations with the neighboring republic.

There is no good reason why we should not be the leading power in the markets of Mexico, as also in those of Central and South America. We should at least be able to pay for our imports from those countries with the products of our industry, instead of paying annually large balances in gold, particularly as our goods, in quality and price, can compete with all others.

The figures already quoted of the average annual commerce of the

United States with Mexico for the five years ended June 30, 1876, show that our imports from Mexico exceeded our exports to that country during that period to the amount of \$6,465,183 per annum. But during the fiscal year ended June 30, 1877, the proportion has been still more unfavorable, our imports from Mexico having amounted to \$15,444,583, and our exports to but \$5,898,733, showing an excess of imports over exports for the last fiscal year of \$9,545,850. It should also be stated that of our exports only \$4,509,041 was of domestic products; that is to say, of all the products of our industry and skill, we sold to Mexico during the last fiscal year only to the extent of 48 cents per capita of the population of that country.

In considering whether a commercial treaty could give us increased facilities for trade with Mexico, it would appear that no results of any importance can be looked for by that means. Of all our imports from Mexico, during the fiscal year ended June 30, 1876, we find that 90 per cent. came in free of duty, and during the fiscal year ended June 30, 1877, the proportion was 91 per cent. The list of articles, free of duty under our present tariff, embraces a large proportion of the special products of Mexico and the Spanish American countries generally, with the exception of sugar and tobacco. The average proportion of all our imports from Mexico, Central and South America, during the fiscal year ended June 30, 1876, which came in free of duty, was 94 per cent.

There is, therefore, but little more left for us to offer as an equivalent for increased facilities, such as an abatement of duties on the importation of our products into Mexico or any of those countries. As we have before stated, our agricultural implements and machinery are now admitted free of duty, under the existing tariff of Mexico.

Nor must we ignore the fact that the idea of a treaty of commerce with the United States is exceedingly unpopular in the neighboring republic, as indicated by the following extract from one of the leading papers of the city of Mexico:

The consequences of a treaty of commerce, as the American statesmen understand it, would be the peaceable conquest brought about by the industrials, the merchants, by millions of immigrants, which would, in a few years, result in the disappearance of our own character as an independent people.

Therefore we hold the advice given by our French colleague (*Trait d'Union*) to the Mexican Government wise and highly sensible. Let us open our doors wide to exchanges with European commerce and industry, and thereby create and foster interests which will be a barrier to Anglo-Saxon pretensions, and thus we may secure our independence for the future.

This expresses a very strong and general feeling.

The only proposition that has been made by a Mexican statesman, which is more than a mere dealing in generalities, is contained in Mr. Romero's article on the exportation of Mexican sugar (*Appendix*, p. 403). It will be seen that he bases his argument on the proposition that the United States should admit Mexican sugar either free of duty or with an abatement of two cents per pound, and that then sugar would be produced to a larger extent in Mexico, and yield to the producers two cents a pound greater profit. He suggests that, as an equivalent, Mexico would reduce their tariff on articles which we export to them. As this is the only tangible proposition ever made, we may as well consider here whether it contains any substantial promise.

The committee is well aware that a proposition to abate the duty on sugar would meet with two serious objections in Congress, first, that the revenue is needed, and, second, that we have a considerable sugar-producing interest in our own country, which is capable of expansion and therefore needs protection. But granting that such reduction is feasible,

the production of sugar is still an industry as yet hardly existing in Mexico, as far as its exportation is concerned, and has many other drawbacks to its development besides any impediment to be found in the tariff of the United States. When we look for an equivalent for such reduction, we find that the only one which would be adequate would be an abatement of the Mexican import duties on our cotton goods. It is our opinion that no such abatement could be obtained. There are two weighty objections which would be made in Mexico that appear insurmountable. One is the existence of a considerable interest in that country engaged in the manufacture of cotton goods, which interest has always been fostered and protected by Mexico, and which would make strenuous efforts to resist a reduction of the tariff on American importations. The other objection would be that Mexico could not discriminate in our favor against England, France, and Germany, and that a general reduction of the duties on all imported cotton goods would be of little advantage to us, while it would seriously cripple the revenue of Mexico, and be disastrous to her own manufacturing interests.

We must therefore dismiss this idea, also, as one not promising substantial results.

From the official statements of the foreign commerce of Mexico it appears that upward of two-third of all importations into that country consist of dry goods, and chiefly of cotton fabrics.

It is in this latter article that our trade with Mexico is probably capable of the most expansion.

The valuable report of Minister Nelson (Appendix, p. 398), and the statements of our consuls, unite in insisting that the efforts to obtain that trade must be chiefly made by our manufacturers adapting their goods to the tastes and habits of the Mexican people, and by combining with our capitalists to give importing merchants in Mexico similar facilities and credits to those they obtain in England. These views are forcibly supported in a very interesting and intelligently written letter from a merchant resident in the interior of Mexico, which will be found on page 407 of the Appendix.

While we invite careful attention to the practical suggestions proceeding from these intelligent sources, we do not consider it our province to elaborate this branch of the subject, but rather turn our attention more particularly to the question of what action our government can take to promote the interests of our people in this direction.

We therefore pass to the practical measures for increasing our facilities of communication with Mexico, which are suggested in the various reports in Appendix F, and which recommend themselves to the favorable consideration of the committee.

First. It is our opinion that regular steamship communication between our ports and the ports of Mexico should be encouraged by our government, and especially with the port of Vera Cruz, as there is railroad communication from that port to the city of Mexico.

The liberal policy of the Mexican Government, which for a number of years past has paid to American steamship lines a considerable subsidy for carrying its mails between the gulf ports, and from Vera Cruz to New Orleans and to New York, as also between the Mexican Pacific ports, and from those ports to San Francisco and Panama, deserves all praise, and we should follow, as we ought to have led, with a liberal policy on our part in contracting for mail-service by steamship lines from our ports to those of Mexico.

This is the improvement in our trade facilities that is immediately wanted to promote intercommunication and cheapen freights, and is that

which is best adapted to our existing trade, and such channels of commerce as are at present available.

Second. Of far more promise and importance to our commercial intercourse, but requiring more time for its practical application, would be the extension of one or more of our lines of railroad into Mexico.

That there are no serious physical difficulties in the way of such extension has been well known since the time of Humboldt's visit to Mexico, at the beginning of this century. In his political essay on New Spain, that eminent observer, who paid particular attention to the topography of the country, with reference to its facilities for commerce, gives an accurate and most interesting geographical description of the portion of Mexico that would be so traversed. The following statement in its principal features is taken mainly from his observations:

The eastern coast of Mexico has, properly speaking, no port; for Vera Cruz is merely a bad anchorage between the shallows of *la Caleta*, *la Gallega*, and *la Lavandera*. From this port, such as it is, a narrow belt of lowland extends to the mountains, and then there is an ascent, which is almost impracticable for a railway to the principal, most desirable, and most populous part of Mexico, the high table-land on which the city of Mexico as well as all the most important cities are situated. There is not in the whole country, after leaving the gulf coast, a single navigable river.

From the city of Mexico the high table-lands extend with a gradual descent toward the north to Texas, and as far as New Mexico. Humboldt expressly calls attention to this admirable topography for a wagon-road, and points out how, from the line of Louisiana, an almost uninterrupted plain leads with a very gradual ascent to the plateau upon which the city of Mexico is situated.

South of the Rio Grande there is not a noticeable river to be crossed.

The distinguished geographer speaks of wagon-roads simply because railroads were not then known. But from his remarks, confirmed as they have been by all subsequent observers, the conclusion is irresistible that if any country is both destined to be developed by railroads and dependent on railroads for its development, it is the high table-land region of Mexico from the city of Mexico to the Rio Grande, and that nature itself indicates the line for such railroads. One or more railroads extended from Texas into Mexico on this natural route would connect the important cities of Monterey, San Luis Potosi, Durango, Zacatecas, Aguas Calientes, Guadalajara, Leon, Guanajuato, Queretaro, the city of Mexico, and many others with our country.

The railroad now in operation from Vera Cruz to the city of Mexico is wonderful for the skill displayed in its construction in overcoming very great natural obstacles. But its charges for freight are necessarily high, its construction having been enormously expensive, and its heavy grades and sharp curves make the running expenses large in proportion to the freights which can be moved. On the other hand, lines of railroad on the table-land would be able to give very cheap freights, and would offer a direct and far more feasible connection with our own seats of commerce than that by way of the dangerous and sickly harbors of the gulf coast.

The great civilizing agency of railways is one that is familiar to our people; but while we realize the importance of this subject, and while the great advantage such means of communication would give American commerce over all other in Mexico is apparent, yet we must admit that development in this respect is for the present prevented by that

primary cause of all Mexico's misfortunes—revolution, anarchy, and lawlessness.

Still the very important advantages which would follow such railway connections, and the great help they would offer in settling the troubles of that country, makes this a subject which should not be lost sight of in considering our relations with Mexico. It is quite obvious that the development of our commerce would be very much more promoted by direct communication with the interior of Mexico than by the most successful competition we can otherwise look for. If it was possible to make treaties insuring the protection of capital invested in such enterprises, by providing that in case of the inability or failure of the Mexican Government to afford such protection our government could do so, American and European capital might be invested there with profit and safety.

In closing this branch of our investigation, the extension of our commerce with Mexico, it may be well to call attention to the question whether we are not assisting the competition of foreign trade with our own by extending the facilities of the transit of foreign goods through our ports under bond to Mexico. The export of our own products into Mexico, and notably cotton fabrics, has been greatly stimulated by the trade of San Antonio and the Texas frontier towns with Mexico. Mexican traders find American goods there, and have an opportunity to compare them with others and appreciate their value, while in the interior of Mexico they are hardly known. They find them better and cheaper than English goods of the same class. It is, therefore, a matter deserving serious consideration whether our trade would not be increased by abolishing the facilities for carrying foreign goods under bond across our territory into that country. It is to be noticed that this proposition was brought to the attention of Congress as a measure to counteract the evils arising from the Free Zone, in a report made to the Senate in 1870. (Appendix, p. 298.)

The conclusion to which the committee come as to the effect of commerce and its development in improving our relations with Mexico, is that although it offers no immediate remedy, yet that it will, and principally in connection with railways extended from the one country into the other, be the most powerful agency in improving the condition of Mexico, in stimulating legitimate and honest industry, and putting down anarchy and lawlessness. Capital is timid and shrinks from disorder. Its introduction into Mexico through the channels of commerce and internal improvements would strengthen every conservative element in that country.

RECOGNITION.

The cordial sympathy extended by the United States to the people of Mexico in their struggle for independence, and the alacrity with which that independence was recognized by the United States, is well known.

The choice afterward by the Mexican people of a republican form of government, by the adoption of the constitution of 1824, which was modeled after our own, was hailed with satisfaction by the people of the United States, and the most sanguine hopes were entertained for the success of the young republic.

But it was soon observed that the chief danger threatening the maintenance of order under republican institutions in Mexico consisted not so much in any monarchical tendencies on the part of that people as in the personal ambition of their military chieftains and partisan leaders.

which speedily led to a succession of revolutions, carried on solely for the promotion of private interests, and which resulted in the establishment of a condition of anarchy.

It has been said by a prominent Mexican historian, Don Lucas Alamán, that the history of the revolutions which followed the overthrow of the constitution of 1824 might be called the history of the life of Santa Anna, an ambitious and able soldier, who, in his person, was the embodiment of the leading idea of military revolutions for personal aggrandizement.

The rise of the liberal party in 1854, which succeeded in overthrowing Santa Anna, instituted a war of principle in the place of the previous struggles for personal elevation or ambition.

The constitution of 1857 then became the new departure of the Mexican people; and when, in the war with the church or reactionary party—the war of reform, as it was called—the constitutional party, represented by Juárez, was finally successful, it was thought that the period of military revolutions had passed.

President Buchanan saw in the success and permanence of the constitutional order in Mexico the only hope for the establishment of a responsible government in that country, or for the maintenance of any satisfactory relations with it. In his message of December 19, 1859, he said (Appendix, p. 439):

It was impossible to maintain friendly intercourse with a government like that at the capital, under whose usurped authority wrongs were constantly committed, but never redressed. Had this been an established government, with its power extending, by the consent of the people, over the whole of Mexico, a resort to hostilities against it would have been quite justifiable, and, indeed, necessary. But the country was a prey to civil war, and it was hoped that the success of the constitutional president might lead to a condition of things less injurious to the United States. This success became so probable, that, in January last, I employed a reliable agent to visit Mexico and report to me the actual condition and prospects of the contending parties. In consequence of his report, and from information which reached me from other sources, favorable to the prospects of the constitutional cause, I felt justified in appointing a new minister to Mexico, who might embrace the earliest suitable opportunity of restoring our diplomatic relations with that republic.

The Government of the United States, taking a deep interest in the perpetuity and the success of republican institutions, subsequently sustained the constitutional government of Mexico, by its recognition, through the entire period of the French invasion and of the attempted empire of Maximilian, believing it to be the only form of government promising safety to the Mexican Republic and to American interests.

This recognition was continued without interruption for seventeen years, from April, 1859, down to November, 1876, when the constitutional order was overthrown by the successful military revolution of General Díaz.

It may be said that General Díaz also represents the liberal constitutional party, and that since his accession to power he has called an election, and, apparently in accordance with the forms of the constitution, has been elected President. There is no doubt that he was a distinguished leader in that party during the war against the French intervention; but it is equally true that he has revived the old practice of the period of military revolutions in subverting the powers instituted under the constitution, by an appeal to arms for the purpose of obtaining power for himself. It has been correctly said by the Mexican publicist Manuel Payno:

The truth is, that peace in Mexico will never be established until the law shall be invariably respected and those who lose an election do not appeal to arms.

It has been the policy of the Government of the United States to recognize *de facto* governments.

In all cases where a republican government has been established in the place of monarchical institutions, or is struggling against those institutions, our sympathies have led us to the recognition of such a government with an alacrity which displayed our political preferences, and has been repeatedly commented upon.

The same 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 to again revive the former system of military revolts which brought ambitious men to the surface, and not only endangered the existence of republican government in Mexico, but placed in doubt the possibility of maintaining any satisfactory relations with that country.

We therefore cannot but approve of the policy of the administration in being tardy in extending the recognition of the Government of the United States to the successful leaders of a revolution in Mexico, which seemed to mark the downfall of republican constitutional order in that country, and the revival of the period of military revolts.

It may be said, however, and with perfect truth and correctness, that it is not our preference or sympathy, but the will of the Mexican people, which has to decide what government they desire to maintain. But our interests are in our own keeping, and from the moment that we see the Mexican Republic drift from what we consider to be the course of safety, it devolves upon us to take care of the interests of our citizens.

It was but natural and prudent for our government, therefore, when it became apparent that the authority assumed by General Diaz might be acquiesced in by the Mexican people, to take steps to ascertain whether the government established under the new order of things possessed the power and had the disposition to comply with the international obligations of Mexico toward the United States, and would accede to the reasonable requests which the safety of our citizens demanded.

One of the conditions entitling a *de facto* government to recognition is that it demonstrates its power in its own country. General Diaz may have had, and no doubt did have, power in the greater portion of Mexico, but where it was most material for us that power should be exercised, that is, on our own border, it was certainly demonstrated that he did not have it.

This is shown by the result of his well-intentioned and peremptory order for the arrest of the raiders on the Rio Grande City jail in August, 1877, which he was powerless to enforce.

The position of the United States with regard to the recognition of the government of General Diaz was formally stated by Mr. Seward in an instruction to Mr. Foster, our minister to Mexico, May 16, 1877, as follows :

The Government of the United States, in its dealings with the Mexican Republic, has aimed to pursue not merely a just but a generous and friendly course. While earnest to guard and protect the rights of its own citizens and the safety of its own territory, it does not seek to intervene in political contests or changes of administration. * * * 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. (Appendix, p. 447.)

On the 2d of August, 1877, Mr. Evarts, in instructing Mr. Foster to enter into conference with the government of General Diaz with reference to recognition, and especially with regard to a settlement of the questions pending between the two countries, further stated the position of the United States, as follows:

While the President is desirous of terminating, as early as may be, the present period of suspended diplomatic relations with Mexico, he nevertheless deems it essential that those relations when restored shall be placed upon a just and amicable basis. It is only upon such a basis that they could be permanent, and their interruption, if it should again occur, would probably menace the stability of the one government and the peace of both. By acceding to terms which will 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, the government of General Diaz will give proof of its strength and stability, and will therefore be legitimately entitled to be regarded as the government of the Mexican Republic. (Appendix, p. 451.)

In reporting to Mr. Evarts his conferences with Mr. Vallarta, the Mexican minister of foreign affairs, under the above instruction, Mr. Foster states, as the points with regard to which assurances of a proper settlement were expected, the following: The Rio Grande frontier troubles; the Zona Libre; the proper disposition of the Indians in Coahuila and Chihuahua; the rectification of the boundary of the Rio Grande, or the recognition of rights rendered uncertain consequent on the changes of the channel of said river; the abolition of the law which prevents American citizens from holding real estate in Mexico on the frontier; the exemption of American residents in Mexico from forced loans; the recognition and adjustment of claims of Americans arising from the Diaz revolution in 1871-'72; the complaints for the seizure of the American vessels *Dreadnaught* and *Montana* at Mazatlan, and the imprisonment of Consul Sutter and other outrages at Acapulco.

The chief points, it will be noticed, are those discussed by your committee in this report—the border troubles, the Free Zone, and exemption from forced loans.

We have been unable to discover that any of the questions thus presented and awaiting settlement have contained provisions to which any reasonable objections could be made. Yet it will be seen from Mr. Foster's several dispatches of September 4 and November 8, 1877 (Appendix, pp. 451 to 456), that the government of General Diaz has not only refused to give any assurances as to any of the points presented, but that so far from any progress having been made during the discussion of the questions, it appears that Mr. Vallarta has even disavowed the apologies made and the salute to our flag at Acapulco for the outrage of the imprisonment of the American consul at that port, as being but an extra-official act of the local authorities. (Appendix, p. 452.)

The still later correspondence relating to the action of the government of General Diaz with regard to the punishment of a Mexican officer for co-operation with our troops on the border (Appendix, p. 458), and showing that up to the present time no punishment for offenses committed on that border has been inflicted in Mexico (Appendix, pp. 457 and 461), we have already referred to.

It will thus be perceived that while the delay at first in steps toward recognition on the part of our government was dictated by those considerations of prudence which justly apply in all similar cases, the subsequent delay in that recognition has arisen from the refusal of the government of General Diaz to enter upon any settlement whatever of the questions pending between the two countries, which involve the rights and protection of American citizens.

It is a popular error that the question of the recognition of the government of General Diaz has stood in the way of the extension of our commercial relations. We have shown that it has not an essential connection with commerce. It may be sufficient, however, to call attention to the fact that neither England nor France, our principal competitors in that trade, have had diplomatic relations with Mexico since 1867 and have not to this day.

CONCLUSION.

A complete knowledge and correct appreciation of the facts regarding our relations with Mexico is the first indispensable requisite for forming proper conclusions and arriving at correct results in dealing with that question. The collection and proper presentation of the facts has therefore been the main object of the labor of your committee, and must be its chief merit.

A practical and sensible policy must be based upon the real condition of things, and not upon a fancied condition, pictured from ignorance, misrepresentation, or the fictions of diplomatic courtesy.

The chief difficulty in our dealings with Mexico has always been found in the weakness of her government, resulting from its uncertain tenure and the constant danger of revolution. Under such circumstances we can well understand that with the best intentions a government could not enforce its laws and its obligations towards us, against local authorities and turbulent factions which might at any time endanger its own existence.

In 1876, Captain McNally, in his evidence before the special committee of Congress, stated :

The Government of Mexico is unable to break this thing up. If President Lerdo were to send an officer down there, honest enough to act vigorously against these fellows and with a sufficient force to stop these raids, the State of Tamaulipas would be in revolution in less than three months.

Mr. Foster stated in an interview with your committee, as follows :

That frontier has been regarded as one of the most dangerous localities in the whole republic in which to originate revolutions. Hence, whatever government may be in power it is very careful not to give the States in that region cause or pretext for revolt. This fact explains why Juarez retained Cortina in power in Tamaulipas during his presidency, and why Mr. Lerdo did the same until near the close of his term.

If the government of Juarez and Lerdo, with its legitimate position under the constitution, and the prestige of its long hold on power, could not exert its authority in these localities, we cannot expect General Diaz in his more precarious position to be any stronger.

Notwithstanding this weakness and the inability of the Mexican Government to do what we had a right to ask of them, they have always claimed the same deference to their position which the most firmly established power would expect.

This great disproportion between the claims of the Mexican Governments and the performance of their duties as governments toward a neighboring power has been the great difficulty in our intercourse. The fictions of diplomacy have disregarded the wide difference in the condition of our government and theirs, and entire equality and reciprocity have been always claimed and conceded.

This fiction should be abandoned. Our intentions are not inimical toward Mexico, and entire sincerity and frankness would be the best

basis for the future relations of both nations, and would be most apt to lead to good and permanent results.

Mr. Vallarta, the Mexican minister of foreign affairs, touched the true key of our relations with Mexico when he stated to Mr. Foster (Appendix, p. 455), "that the enforcement of its constitutional guarantees ought not to be expected of Mexico with the same strictness as of the United States; and that it was not just to require Mexico to base its treaties with foreign nations upon the principle of reciprocity, and that the United States should not expect Mexico to guarantee the same rights to its citizens which the United States are able to give to Mexicans, because the circumstances of the two countries are so entirely different."

Our government has, in effect, in its relations with Mexico, often considered what is thus suggested, and has made allowance for the exceptional condition of the Mexican Government. But that government should also duly consider the same fact. We have not held that government to as strict a responsibility as we, no doubt, would have held England, if we had had Canadian border troubles similar to those that have existed on the Mexican border. But when we take the necessary measures for our own defense, such as the pursuit of robbers beyond our borders, the government of General Diaz should remember its own suggestion and not interpose the injured rights of a sovereignty which we have no intention of violating.

Reciprocity cannot be a necessary feature in treaties where the conditions of the two nations are so different, and it relieves us of the fear of offending the national pride of our neighbors when that suggestion, so true and so important, is advanced by them and not by us.

Passing to the several wrongs which our people have suffered in the order in which we have presented them, the conclusions to which we are led are irresistible. First, we cannot consent that the rights of American citizens so far as they are affected by our relations with Mexico, and least of all the protection which this government owes to its own people, shall be dependent alone upon treaty stipulations, except such stipulations as will admit and facilitate such protection as our government itself can give.

The short time of comparative peace now enjoyed on the border is due to the presence of our troops and to the order to cross in pursuit if necessary. The number of troops should not be reduced, and this order, which alone has given efficiency to our defense, should remain in force until such treaty stipulation shall have been made as will lead to the same result.

A mode should be settled upon under which the actual losses of our citizens shall be ascertained and by which Mexico shall indemnify them for the losses for which that government is responsible.

The Free Zone, which we have shown to be one of the greatest sources of the evils on our border, should be abolished.

An arrangement should also be made, by an amendment of the present extradition treaty or otherwise, by means of which the punishment of criminals can be secured whether the criminals be residents of one side of the border or the other. But no reciprocal rules can be admitted which would require the surrender of American citizens for trial by Mexican courts.

Such treaty stipulations should further be insisted upon as will exempt American citizens in Mexico from forced loans and all illegal exactions, and at the same time secure adequate compensation for the exactions they have hitherto suffered.

When these provisions for the protection of the rights of our citizens

shall have been secured, we may hope to enter into a period of amicable relations which, being based upon mutual justice and fair dealing, will hold out a prospect of permanency.

We are a strong power dealing with a weaker one. This imposes on us the duty to be careful never to make any demands that are not right and just. When we do make such demands, dictated by right and justice, it becomes equally our duty to insist upon them with firmness.

The committee beg leave to submit to the House the following joint resolution, and recommend its passage :

JOINT RESOLUTION.

Be it resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That experience has fully demonstrated the necessity, under existing conditions, for the presence of an adequate military force on the Mexican border in Texas, as the only guarantee of the lives and property of our citizens against the cattle-thieves, robbers, and murderers who cross from the Mexican side of the Rio Grande; and that the President is therefore requested to keep on that border, from the mouth of the Rio Grande to El Paso, a military force of not less than five thousand men, of which at least three thousand shall be cavalry.

2. That the orders of the President, issued by the Secretary of War June 1, 1877, authorizing the crossing of the border by our troops, in certain cases, are necessary for an efficient defense of the lives and property of our citizens, and should not be withdrawn or modified until treaty stipulations shall have been agreed to by Mexico that will secure an equally efficient protection.

3. That the following should be secured by treaty stipulations :

First. Indemnity for injuries to the persons; and losses or injuries to the property of citizens of the United States for which the Government of Mexico shall be found liable.

Second. The abolition of the Free Zone.

Third. Such provisions as will hereafter secure on the border, the speedy trial and punishment of criminals, residents or citizens of Mexico, as well as others, in the courts within whose jurisdiction the crimes have been committed

Fourth. The exemption of American citizens residing in Mexico, from forced loans and all other illegal exactions.

APPENDIX A.

HISTORICAL REVIEW.

1

THE HISTORY OF THE

REPUBLIC OF THE UNITED STATES

OF AMERICA

FROM THE FIRST SETTLEMENTS

TO THE PRESENT TIME

BY

JOHN F. JOHNSON

NEW YORK

1850

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HISTORICAL REVIEW.

LIST OF PAPERS, WITH THEIR SUBJECTS.

1. Henry Clay, Secretary of State, to Mr. Poinsett, United States minister to Mexico, general instructions, March 25, 1825. Policy of the United States toward Mexico at the opening of relations with that country, p. 6.
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60. Mr. Foster to Mr. Evarts, May 23, 1877. General Diaz, after conspiring in the United States for the overthrow of the constitutional order in Mexico, now complains that the partisans of Mr. Lerdo are tolerated there. The acts of Cortina and Trias, Diaz's partisans, cited in reply, p. 63.

61. Mr. Foster to Mr. Evarts, July 30, 1877. General peace in the country, with the exception of the Rio Grande frontier. Elections completed. Participated in by only a small minority of the legal voters. The ministerial candidates chosen in almost all cases, p. 64.

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Extract from the general instructions of Mr. Clay, Secretary of State, to Mr. Poinsett, appointed envoy extraordinary and minister plenipotentiary of the United States to Mexico.

(American State Papers, Foreign Relations, vol. 5, page 908.)

"DEPARTMENT OF STATE,
"Washington, March 25, 1825.

"The mission on which the President wishes you, with all practicable dispatch, to depart would at any time be highly important, but possesses at this moment a peculiar interest. Everywhere on this continent but on the side of the United Mexican States the United States are touched by the colonial territories of some sovereign authority fixed in Europe. You are the first minister actually leaving the United States to reside near a sovereign power established and exerted on this continent, whose territories are contiguous with our own. You will probably be the first minister received by that power from any foreign state, except from those which have recently sprung out of Spanish-America. The United Mexican States, whether we regard their present fortune or recall to our recollection their ancient history and fortunes, are entitled to high consideration. In point of population, position, and resources, they must be allowed to rank among the first powers of America. In contemplating the progress in them toward civilization which the aborigines had made at the epoch of the Spanish invasion and the incidents connected with the Spanish conquest which ensued, an irresistible interest is excited, which is not surpassed, if it be equaled, by that which is awakened in perusing the early history of any other part of America. But what gives, with the President, to your mission peculiar importance at this time is, that it has for its principal object to lay, for the first time, the foundations of an intercourse of amity, commerce, navigation, and neighborhood, which may exert a powerful influence for a long period upon the prosperity of both states.

"In more particularly inviting your attention to the objects which should engage it on your mission, I will, in the first place, refer you to the general instructions which were given by my predecessor, on the 27th of May, 1823, to Mr. Anderson, the minister of the United States at Colombia, of which a copy is annexed and which are to be considered as incorporated in these. So far as they are applicable alike to the condition of Colombia and of Mexico, and shall not be varied in this or subsequent letters, you will view them as forming a guide for your conduct. In that letter of the 27th of May, the principles which have regulated the course of this government in respect to the contest between Spanish-America and Spain, from its origin, are clearly stated, explained, and indicated, and the bases of those upon which it is desirable to place the future intercourse between the United States and the several governments which have been established in Spanish-America are laid down; so that, although that letter was intended to furnish instructions for the American minister deputed to one of those governments only, it should be contemplated as unfolding a system of relations which it is expedient to establish with all of them.

"From that letter, as well as from notorious public facts, it clearly appears that the people and the government of the United States have alike, throughout all the stages of the struggle between Spain and the former colonies, cherished the warmest feelings and the strongest sympathies toward the latter; that the establishment of their independence and freedom has been anxiously desired; that the recognition of that independence was made as early as it was possible, consistently with those just considerations of policy and duty which this government felt itself bound to entertain toward both parties; and that, in point of fact, with the exception of the act of the Portuguese-Brazilian Government to which it was prompted by self-interest, and which preceded that of the United States only a few months, this government has been the first to assume the responsibility and encounter the hazard of recognizing the governments which have been formed out of Spanish-America. If there ever were any ground for imputing tardiness to the United States in making that recognition as it respects other parts of what was formerly Spanish-America, there is not the slightest pretext for such a suggestion in relation to Mexico; for within a little more than a year after its independence was proclaimed the United States hastened to acknowledge it. They have never claimed and do not now claim any peculiar favor or concession to their commerce or navigation as the consideration of the liberal policy which they have observed toward those governments. But the President does confidently expect that the priority of movement on our part, which has disconcerted plans which the European allies were contemplating against the independent governments, and which has, no doubt, tended to accelerate similar acts of recognition by the European powers, and especially that of Great Britain, will form a powerful motive with our southern neighbors, and particularly with Mexico, for denying to the commerce and navigation of those European States any favors or privileges which shall not be equally extended to us.

"You will bring to the notice of the Mexican Government the message of the late President of the United States to their Congress on the 2d of December, 1823, assert-

ing certain important principles of intercontinental law in the relations of Europe and America. The first principle asserted in that message is, that the American continents are not henceforth to be considered as subjects for future colonization by any European powers. In the maintenance of that principle all the independent governments of America have an interest, but that of the United States has probably the least. Whatever foundation may have existed three centuries ago, or even at a later period, when all this continent was under European subjection, for the establishment of a rule, founded on priority of discovery and occupation, for apportioning among the powers of Europe parts of this continent, none can be now admitted as applicable to its present condition. There is no disposition to disturb the colonial possessions, as they may now exist, of any of the European powers, but it is against the establishment of new European colonies upon this continent that the principle is directed. The countries in which any such new establishments might be attempted are now open to the enterprise and commerce of all Americans; and the justice or propriety cannot be recognized of arbitrarily limiting and circumscribing that enterprise and commerce by the act of voluntarily planting a new colony, without the consent of America, under the auspices of foreign powers belonging to another and a distant continent. Europe would be indignant at any American attempt to plant a colony on any part of her shores, and her justice must perceive in the rule contended for only perfect reciprocity.

"The other principle asserted in the message is that, while we do not desire to interfere in Europe with the political system of the allied powers, we should regard as dangerous to our peace and safety any attempt on their part to extend their system to any portion of this hemisphere. The political systems of the two continents are essentially different. Each has an exclusive right to judge for itself what is best suited to its own condition and most likely to promote its happiness, but neither has a right to enforce upon the other the establishment of its own peculiar system. This principle was declared in the face of the world at a moment when there was reason to apprehend that the allied powers were entertaining designs inimical to the freedom, if not the independence, of the new governments. There is ground for believing that the declaration of it had considerable effect in preventing the maturity, if not in producing the abandonment, of all such designs. Both principles were laid down after much and anxious deliberation on the part of the late administration. The President, who then formed a part of it, continues entirely to coincide in both; and you will urge upon the Government of Mexico the utility and expediency of asserting the same principles on all proper occasions.

"By an act passed at the late session of Congress, of which a copy accompanies this letter, the President is authorized to appoint commissioners to mark out a road from the western frontier of the State of Missouri to the boundary-line of the United States in the direction to Santa Fé, of New Mexico, and he is empowered to cause the marking of the road to be continued from the boundary-line of the United States to the frontier of New Mexico, under such regulations as may be agreed upon for that purpose between him and the Mexican Government.

"You will accompany the communication of that act to the Mexican Government by assurances that it has originated in a friendly spirit, to open a commerce and intercourse between the two countries in that direction, which it is believed would be mutually beneficial, and you will receive any propositions which may be offered for regulating that intercourse. It does not occur to the President at present to suggest any. In regard to the continuation of the road to Santa Fé, as the United States have taken upon themselves the expense of making the road within their limits, it is presumed that Mexico would readily assume that of continuing it to Santa Fé."

Mr. Van Buren, Secretary of State, to Mr. Butler, chargé d'affaires of the United States in Mexico.

(H. Ex. Doc. 351, 25th Cong., 2d sess., p. 40.)

DEPARTMENT OF STATE,
Washington, October 16, 1829.

From a full and deliberate review of the course which Mexico has allowed herself to pursue toward us, the President is well satisfied that but little of real advantage to the country can be expected from your labors until an entire change be effected in the disposition of that republic toward the United States. He hopes that by a plain and candid exposition of the exceptionable character of their past conduct, the different departments of the government may be led to wiser and better views as to the dispositions and objects of this. It is, therefore, his wish that you should, in the first instance bring to their serious consideration the various acts and omissions by which the United

States have been aggrieved, and against which they have just cause for remonstrance and complaint. While it is his desire that, in the performance of that duty, you should avoid anything like menace or defiance, he nevertheless wishes to have nothing withheld which is necessary to a faithful presentation of the whole matter. He is deeply and painfully impressed with the unfriendly and undeserved conduct of Mexico toward us, her neighbor and sister republic; and his only hopes for an improvement of our present relations with her are founded on her being made duly and deeply sensible of the injustice which, under the influence of bad counsel, she has been induced to do her earliest and best friend.

The views and wishes of the President, both personal and official, are directed to the success and permanent prosperity of the Republic of Mexico. He asks at her hands nothing but justice, and would not accept from her any advantage for the United States which would not be reciprocal; entirely satisfied, as he is, that in the prosperity and glory of the Republic of Mexico the true interests of his own country would be better promoted than by her depression and disgrace. He sees with regret the attempt of Spain to re-establish her dominion over her, and sincerely wishes Mexico a safe deliverance from the attacks which are made and threatened upon her liberties. This is not, therefore, the moment which he would have selected for remonstrance against the policy of Mexico toward this country, if the imperious obligations of duty would allow of its postponement; but notorious facts, the nature of which is too well understood to require explanation, leave him no choice in the matter. Longer silence on his part might work injustice to the United States and prove injurious to Mexico.

A brief recapitulation of the leading circumstances in our intercourse with that nation is sufficient to show that her conduct has not been of that open and friendly character which it was our hope to find, as it had been our endeavor to inspire in the people of that country, by the liberal and magnanimous bearing of the government and people of the United States toward them.

From the earliest dawn of the Mexican revolution, the friendly disposition of this whole nation began to manifest itself in a manner which could not have escaped the notice of the Mexican people; which drew from the mother-country frequent animadversions upon our partiality toward her revolted colonies, and was in no small degree productive of a coolness in our intercourse with her, highly prejudicial to the interests of our citizens. Yet the United States, drawn by a community of views and feelings toward a young nation, engaged as they once had been in a struggle of life and death for independence and freedom, continued to sympathize with Mexico; and nothing but their immutable principles of non-interference in the domestic concerns of other nations, and of inviolable neutrality toward belligerents, prevented them from extending a helping hand to the young republics of America. So long as these principles required it, the United States remained inactive, though not unconcerned, spectators of the contest; while many of their citizens, voluntary exiles in the cause of American liberty, fought by the side of their Mexican friends to expel from the continent the last remnants of colonial oppression. But from the moment that, consistently with their rule of conduct and the established principles of public law, they could consider Mexico and Spain as two distinct nations, which fate had forever separated, the United States pronounced the freedom of America; and their Congress, with a unanimity of which the history of legislation affords no example, invited Mexico and her sister republics to take their rank among the independent nations of the earth. The influence which this important event had upon the conduct of the European powers is too well known to require elucidation. The example of the United States was followed almost immediately; and Mexico, a little more than one year after she had proclaimed her independence, was represented at Washington by a minister invested with all the prerogatives of the ambassador of a free state, and diplomatic and commercial relations were soon after established between her and the most influential powers of the Old World. The time has been when Mexico was not disposed to deny in how great a degree those proud and auspicious results were justly attributable to the prudent yet bold and friendly policy of this government toward the new states of America. The people of this country had a right to expect in return for their magnanimous and disinterested conduct the manifestation, at least, of such a sentiment on the part of the people of Mexico, which neighboring states should cherish, as it is their interest to cultivate and improve them.

Every step which has since that period been taken by the United States in their advance to meet Mexico upon terms of mutual good-will has been marked by a character of benevolence and disinterestedness whose object could not be mistaken. A minister of the highest rank, and invested with the most unlimited powers, was dispatched to the metropolis of the Mexican Confederacy, provided with instructions whose every word breathes a spirit of philanthropy and disinterested concern for the welfare of Mexico which ought to have disarmed every feeling of jealousy and enmity, if, indeed, after what had passed, it could have been imagined that any such were entertained by the government or people of that country.

The United States, enlightened by their own experience, and actuated by a sincere

solicitude for the destinies of a new state, whose interests were in so great a degree identified with their own, were anxious that Mexico should follow their footsteps in the career of industry and commerce which has brought them to their present high state. Their minister was accordingly instructed forthwith to open a negotiation for the conclusion of treaties and conventions intended to cement the bonds of peace and friendship which were to unite the two republics, and to establish the basis of their future relations upon the most liberal principles of public law, and their commercial intercourse upon those of the most perfect equality and reciprocity. The ports of the United States were to be opened to the free access of the vessels and productions of Mexico; and concessions, prompted by a desire to foster and encourage her young marine, were to be liberally made. Every means were tendered which would secure to Mexico, as far as her geographical position would permit, an equal share in the advantages to be derived by an intelligent and industrious people from an extensive maritime commerce. Not content with holding out to her a helping hand upon the ocean, the United States had instructed their minister to enter into an arrangement with the Mexican Government to open a mutually advantageous inland commerce between the conterminous States of the two confederacies—a measure whose results, had not the benign views of this country been blighted by the pernicious influence of narrow and ungenerous suspicions, would, besides bringing to light the immense sources of wealth now hidden in the boundless wilderness of the North American continent, and enriching the citizens who inhabit the border settlements of the two nations, have been to repress the cruelties and depredations upon the frontier settlers of the savage aborigines, whose powerful hordes cannot now be reached by the comparatively weak arm of Mexico, who ravage the establishments forming in her new territories, prevent the increase of her population, and check the spirit of enterprise, which, if protected and fostered, would soon convert those immense deserts into smiling and populous agricultural settlements. It is most obvious that this measure, had it been promptly and efficiently prosecuted, would have been of greater advantage to the citizens of Mexico, shut out as they are from almost all communication with the seaboard, than to those of the United States who need no such expedients to find a market for the produce of their agriculture or industry. While this government was thus endeavoring at home to promote the true interests of the two countries, and to show by acts of the most unequivocal character, its desire to lay the foundation of a close and lasting union between them, the same friendly spirit was displaying itself abroad in their diplomatic intercourse with the most powerful and influential among the European nations. Early in 1825, the minister of the United States at the court of the Emperor of Russia, then standing at the head of a European alliance which seemed to hold the scale that weighed the destinies of empires and states in the Old World, and exercised a powerful influence over those of America, was instructed to use every effort to induce that monarch to take into his serious consideration the then relative condition of Spain and her ancient colonies, and to prevail upon the former to terminate a contest as unavailing for her as it had proved wasteful of blood and treasure to both parties. Similar instructions were, at the same time, given to the diplomatic representatives of the United States at Paris and London; and thus a simultaneous effort was made, at the courts of the three greatest potentates of the world, to bring the united weight of their influence to bear upon the councils of the King of Spain, and to infuse into them a spirit more favorable to the cause of exhausted America. This friendly interference on the part of the United States was received in a spirit corresponding with that by which the measure had been dictated; and this government has every reason to believe that the three sovereigns to whom it was addressed were well inclined to the great object in view, and in which this government was the first to act.

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Far from our being discouraged by the failing of this expedient, and still animated by a desire for the restoration of peace in America, it has, down to the present period, been made a standing instruction to the ministers of the United States at the court of His Catholic Majesty to avail themselves of every fit occasion to induce his government to give permanent tranquillity to Spanish America by the recognition of its independence, and thereby to confer a signal blessing on the civilized world, and on no part of it more than Spain herself.

The same just and liberal views have throughout been manifested by the United States in their abortive attempts to negotiate with Mexico, and in the alacrity and promptitude with which they have acted upon the different treaties which have from time to time been negotiated with the executive branch of that government—treaties which have never come to their maturity in consequence of the political perverseness and inattention of the Mexican Government. Had these frank and friendly views and proceedings been met by a corresponding disposition on the part of the people and Government of Mexico, the success of their revolutionary struggle would have been productive of the happiest results, and the relations between the two countries would have been free from that coldness, distrust, and reserve which have been witnessed,

and from that irritation which must necessarily grow out of existing circumstances, unless obviated by a speedy and radical change.

But far otherwise has been the case. The Government of Mexico received the first and open advances of the United States toward the establishment of a commercial intercourse mutually advantageous to both countries, with a degree of indifference and suspicion as extraordinary as it was to be regretted. It had been expected that Mexico, whose political institutions had been modeled upon those of the United States, would gladly embrace the first opportunity of also co-operating with them in the establishment of the principles which form the basis of our commercial code, to the superior excellence of which the principal commercial nations of the world had given their unequivocal assent. It therefore furnished matter of surprise and regret to find the first attempts of our adventurous citizens burdened by the imposition of exorbitant duties upon their importations into the Mexican ports. This surprise was changed into mortification when our proposals to enter into negotiation for the conclusion of a treaty of commerce were met at the threshold by manifestations of indifference indicative of anything but a reciprocation of the spirit in which they were made; and when our offers of the liberal principles of perfect reciprocity and mutual abolition of all discriminating duties were answered by propositions of countervailing restrictions and of exclusive privileges to other American states whose sole title to them was a community of language. To these propositions it was impossible for the United States to agree; they were at war with the principles which, from the first year of their existence as a nation, it had been their unceasing endeavor to make the fundamental rule of their international relations. Such conduct on the part of Mexico, from whatever cause originating, whether dictated by a mistaken policy, an unfriendly spirit toward the people of this Union, or an undue influence exercised over the councils of the Mexican Confederation by foreign nations unfriendly to the commercial prosperity of the United States, was calculated deeply to wound the sensibility of our citizens, who felt that their liberal deportment toward their neighbors gave them a claim, if not to their gratitude, at least to an equal participation in the advantages to be derived from a mutual commerce. The delays which attended this negotiation were also a subject of regret and mortification. From the first conferences to the 10th of July, 1826, a period of twelve months was suffered to elapse before the Mexican plenipotentiaries could be brought to agree to the conclusion of any arrangement; and when, on that day, a treaty of commerce was signed, it was found stinted in its provisions by rules of a narrow policy, and so fraught with illiberal conditions as to cause the rejection by the Senate of the United States of several of its articles. Still that body, unwilling longer to submit to a delay in the conclusion of the negotiation which had already been highly prejudicial to the commerce of both countries, on the 25th of February, less than two weeks after the treaty had been laid before them, gave their advice and consent to its ratification, under certain modifications, which, as appeared from subsequent events, they had reason to believe would have been agreed to by the Mexican Government. But this promptness, and the rectitude of their intentions, were rendered unavailing by a spirit of procrastination, which, with the best inclination to view it in a favorable light, cannot be ascribed to any motives consistent with a friendly disposition toward the United States. On reference to dates, it will be found that near two months were suffered by the executive to elapse before the treaty was submitted to the Mexican chamber of deputies, convened in extraordinary session on the 15th September, 1826, partly for the very purpose of deliberating upon the ratification of treaties with foreign powers. We then find that, after lying before that body until April following, the committee of foreign affairs made an elaborate report upon it, objecting to some of its most liberal and just stipulations, and recommending its ratification, clogged with conditions apparently inserted for no other purpose than that of retarding, or, rather, entirely defeating the final conclusion of the negotiation; since, by the terms of the treaty, the exchange of the ratification was to take place within the space of ten months from its date, of which only four weeks remained at the date of the report above referred to for its final passage through both houses of the Mexican Congress, and for its transmission to Washington, where the exchange was to be effected.

At the expiration of this term the treaty still lay before the chamber of deputies, where it had remained for nearly six months; and these tedious and unaccountable delays having caused a complete abortion of this first attempt at negotiation with the Mexican Republic, it became necessary to consider the whole subject as at an end, and to begin anew upon the principles laid down in the modification of the Senate of the United States, which at about that time were received at Mexico. These extraordinary proceedings would have constituted just grounds of complaint against the Mexican Government; but after the friendly advances which had been made by the United States, and the unaccommodating spirit in which they were received, it became the dignity of our minister, and of the country he represented, silently to await the indication of a return, on the part of Mexico, to sounder views of courtesy and expediency, and for the advances which were then to be expected from her government.

Unfavorable as were the impressions created by this unfriendly course, the Government of the United States was disposed to make some allowance for the embarrassed situation in which that of Mexico had at times been placed in consequence of the unsettled state of affairs in that country, had subsequent events been of a nature calculated to efface these impressions; but, on reviewing these events, it is painful still to find them marked with the same temporizing spirit, accompanied with unmeaning attempts at finding excuses for delays, which, from whatever cause they proceeded, were highly injurious to the interests of both countries, and, to our view, can find no ground of justification. It is true that some desire was manifested on the part of the executive of Mexico that the negotiation should be renewed; but it was only after a period which, under various pretenses, was extended to eight months, that, on the 8th of January, 1828, the plenipotentiaries could be brought together to confer anew upon that important subject; when their further progress was arrested by a determination of the Mexican negotiators not to advance a step before the conclusion of a treaty to define the boundaries between the two countries. The minister of the United States, unwilling to throw in the way of the negotiations any difficulty which could be avoided, acceded to the proposition of the Mexican plenipotentiaries; and the question of limits having been disposed of by the conclusion of a treaty signed for that purpose on the 12th of January, the negotiations were continued, and resulted in their finally agreeing, on the 14th of February following, to a treaty of commerce and navigation, the exchange of whose ratifications was to have been effected at Washington within the term of six months from its date.

This treaty was immediately transmitted to Washington, where it was received on the 16th of April following, and forthwith submitted by the President to the consideration of the Senate, who, on the 1st of May, advised and consented to its ratification, thereby authorizing the Chief Magistrate to proclaim it as the supreme law of the land as soon as it would have pleased the Government of Mexico to complete this national compact by the final exchange of the acts of ratification. The promptness with which the legislative and executive branches of the Government of the United States acted on this occasion is painfully contrasted with the unaccountable tardiness of Mexico, which for the second time suffered the term to elapse within which their ratification should have arrived at Washington, for the purpose of being exchanged for that of the United States. It is yet, for aught we know, before the Mexican Congress; but the expiration of the term stipulated for its exchange has taken it out of the power of the Executive of this government to effect it without again submitting the treaty to the Senate; and the United States are absolved from all engagements contracted in their name by their plenipotentiary. This solemn compact has again been canceled; and if, by the law of nations, blame is incurred by a state which refuses to sanction the obligation which its authorized agent has contracted in its name, that blame rests upon Mexico, by whose act this obligation has twice been disregarded. With regard to the treaty of limits, which was intended to have defined and settled the boundary-line between the two republics, and which also became the subject of negotiation at Mexico, the same contrast is exhibited by the promptitude and alacrity with which the Government of the United States performed its part in the process of completing that instrument and the tardiness which characterized the proceedings of the Mexican Government, and in consequence of which this treaty was also suffered to fall to the ground. Immediately upon the signature of that instrument it was transmitted to Washington, and received at the Department of State on the 16th of April following. It was forthwith submitted to the Senate, who, by their resolution of the 23rd of the same month, advised and consented to its ratification. Mr. Obregon was on the 30th informed of the fact, and of the readiness of the Secretary of State to proceed to its exchange; but, in a note dated the 1st of May, he stated in reply that he was without instructions on the subject. The 12th of May, the day on which the term expired within which the ratifications should have been exchanged, was suffered to pass; and it was not until the 2d of August following that Mr. Obregon declared himself ready to proceed to that exchange. It was then too late; the Senate had adjourned; and the President, not feeling at liberty to give his sanction to that instrument without again submitting it to the Senate, was obliged to suspend all further proceedings until the ensuing session of Congress, when it was anticipated that the ratification by the Mexican Congress of the treaty of commerce and navigation, then lying before it, would allow of both being placed together before the Senate of the United States for their consideration.

It does not appear what were the motives which induced the then Executive to suffer the last session of Congress to pass without asking, for a second time, the approval by the Senate of the treaty of limits; but it is presumed that abundant cause for the omission was found in the failure of the Mexican Government to transmit to Washington the ratified copy of the commercial convention in time to be exchanged within the stipulated period; and this new instance of neglect is deemed a sufficient reason for this government to hold itself absolved from all obligations founded upon past proceedings; for considering as null and void all that may have been said or done in the

negotiations referred to; and for adopting such course in future as may be deemed most compatible with the views and interests of the United States.

Such is believed to be a true statement of the course pursued by the Government of Mexico toward the United States, from the first establishment of diplomatic relations between the two countries to the present period. It would give the President sincere pleasure if he could call to mind a single act of the Mexican Government which would serve to relieve the unfriendly aspect of its whole conduct. He deeply regrets that it is not in his power to do so; and yet does this statement furnish but an imperfect sketch of the grounds of complaint on the part of the United States. * * *

Extract from the annual message of President Buchanan, December 6, 1858.

(Thirty-fifth Congress, second session.)

Our position in relation to the independent states south of us on this continent, and especially those within the limits of North America, is of a peculiar character. The northern boundary of Mexico is coincident with our own southern boundary from ocean to ocean, and we must necessarily feel a deep interest in all that concerns the well-being and the fate of so near a neighbor. We have always cherished the kindest wishes for the success of that republic, and have indulged the hope that it might at last, after all its trials, enjoy peace and prosperity under a free and stable government. We have never hitherto interfered, directly or indirectly, with its internal affairs, and it is a duty which we owe to ourselves to protect the integrity of its territory against the hostile interference of any other power. Our geographical position, our direct interest in all that concerns Mexico, and our well-settled policy in regard to the North American Continent, render this an indispensable duty.

Mexico has been in a state of constant revolution almost ever since it achieved its independence. One military leader after another has usurped the government in rapid succession; and the various constitutions, from time to time adopted, have been set at naught almost as soon as proclaimed. The successive governments have afforded no adequate protection, either to Mexican citizens or foreign residents, against lawless violence. Heretofore, a seizure of the capital by a military chieftain has been generally followed by at least the nominal submission of the country to his rule for a brief period; but not so at the present crisis of Mexican affairs. A civil war has been raging for some time throughout the republic, between the central government at the city of Mexico, which has endeavored to subvert the constitution last framed, by military power, and those who maintain the authority of that constitution. The antagonist parties each hold possession of different States of the republic, and the fortunes of the war are constantly changing. Meanwhile, the most reprehensible means have been employed by both parties to extort money from foreigners as well as natives, to carry on this ruinous contest. The truth is that this fine country, blessed with a productive soil and a benign climate, has been reduced by civil dissension to a condition of almost hopeless anarchy and imbecility. It would be vain for this government to attempt to enforce payment in money of the claims of American citizens, now amounting to more than ten million dollars, against Mexico, because she is destitute of all pecuniary means to satisfy these demands.

Our late minister was furnished with ample powers and instructions for the adjustment of all pending questions with the central Government of Mexico, and he performed his duty with zeal and ability. The claims of our citizens, some of them arising out of the violation of an express provision of the treaty of Guadalupe Hidalgo, and others from gross injuries to persons as well as property, have remained unredressed, and even unnoticed. Remonstrances against these grievances have been addressed, without effect, to that government. Meantime, in various parts of the republic, instances have been numerous of the murder, imprisonment, and plunder of our citizens by different parties claiming and exercising a local jurisdiction; but the central government, although repeatedly urged thereto, have made no effort either to punish the authors of these outrages or to prevent their recurrence. No American citizen can now visit Mexico on lawful business without imminent danger to his person and property. There is no adequate protection to either; and in this respect our treaty with that republic is almost a dead letter.

This state of affairs was brought to a crisis in May last by the promulgation of a decree levying a contribution *pro rata* upon all the capital in the republic, between certain specified amounts, whether held by Mexicans or foreigners. Mr. Forsyth, regarding this decree in the light of a "forced loan," formally protested against its application to his countrymen, and advised them not to pay the contribution, but to suffer it to be forcibly exacted. Acting upon this advice an American citizen refused to pay the contribution, and his property was seized by armed men to satisfy the

amount. Not content with this, the government proceeded still further, and issued a decree banishing him from the country. Our minister immediately notified them that if this decree should be carried into execution he would feel it to be his duty to adopt "the most decided measures that belong to the powers and obligations of the representative office." Notwithstanding this warning, the banishment was enforced, and Mr. Forsyth promptly announced to the government the suspension of the political relations of his legation with them until the pleasure of his own government should be ascertained.

This government did not regard the contribution imposed by the decree of the 15th May last to be in strictness a "forced loan," and as such prohibited by the tenth article of the treaty of 1826 between Great Britain and Mexico, to the benefits of which American citizens are entitled by treaty; yet the imposition of the contribution upon foreigners was considered an unjust and oppressive measure. Besides, internal factions in other parts of the republic were at the same time levying similar exactions upon the property of our citizens and interrupting their commerce. There had been an entire failure on the part of our minister to secure redress for the wrongs which our citizens had endured, notwithstanding his persevering efforts. And from the temper manifested by the Mexican Government he had repeatedly assured us that no favorable change could be expected until the United States should "give striking evidence of their will and power to protect their citizens," and that "severe chastising is the only earthly remedy for our grievances." From this statement of facts, it would have been worse than idle to direct Mr. Forsyth to retrace his steps and resume diplomatic relations with that government; and it was therefore deemed proper to sanction his withdrawal of the legation from the city of Mexico.

Abundant cause now undoubtedly exists for a resort to hostilities against the government still holding possession of the capital. Should they succeed in subduing the constitutional forces, all reasonable hope will then have expired of a peaceful settlement of our difficulties.

On the other hand, should the constitutional party prevail and their authority be established over the republic, there is reason to hope that they will be animated by a less unfriendly spirit, and may grant that redress to American citizens which justice requires, so far as they may possess the means. But for this expectation I should at once have recommended to Congress to grant the necessary power to the President to take possession of a sufficient portion of the remote and unsettled territory of Mexico, to be held in pledge until our injuries shall be redressed and our just demands be satisfied. We have already exhausted every milder means of obtaining justice. In such a case this remedy of reprisals is recognized by the law of nations, not only as just in itself but as a means of preventing actual war.

But there is another view of our relations with Mexico, arising from the unhappy condition of affairs along our southwestern frontier, which demands immediate action. In that remote region, where there are but few white inhabitants, large bands of hostile and predatory Indians roam promiscuously over the Mexican States of Chihuahua and Sonora, and our adjoining Territories. The local governments of these States are perfectly helpless, and are kept in a state of constant alarm by the Indians. They have not the power, if they possessed the will, even to restrain lawless Mexicans from passing the border and committing depredations on our remote settlers. A state of anarchy and violence prevails throughout that distant frontier. The laws are a dead letter, and life and property wholly insecure. For this reason the settlement of Arizona is arrested, while it is of great importance that a chain of inhabitants should extend all along its southern border, sufficient for their own protection and that of the United States mail passing to and from California. Well-founded apprehensions are now entertained that the Indians, and wandering Mexicans equally lawless, may break up the important stage and postal communication recently established between our Atlantic and Pacific possessions. This passes very near to the Mexican boundary throughout the whole length of Arizona. I can imagine no possible remedy for these evils, and no mode of restoring law and order on that remote and unsettled frontier, but for the Government of the United States to assume a temporary protectorate over the northern portions of Chihuahua and Sonora, and to establish military posts within the same, and this I earnestly recommend to Congress. This protection may be withdrawn as soon as local government shall be established in these Mexican States, capable of performing their duties to the United States, restraining the lawless, and preserving peace along the border.

I do not doubt that this measure will be viewed in a friendly spirit by the governments and the people of Chihuahua and Sonora, as it will prove equally effectual for the protection of their citizens on that remote and lawless frontier as for citizens of the United States.

Extract from the annual message of President Buchanan, December 19, 1859.

(Thirty-sixth Congress, first session.)

I regret to inform you that there has been no improvement in the affairs of Mexico since my last annual message, and I am again obliged to ask the earnest attention of Congress to the unhappy condition of that republic.

The Constituent Congress of Mexico, which adjourned on the 17th of February, 1857, adopted a constitution and provided for a popular election. This took place in the following July (1857), and General Comonfort was chosen President almost without opposition. At the same election a new Congress was chosen, whose first session commenced on the 16th of September, 1857. By the constitution of 1857 the presidential term was to begin on the 1st of December, 1857, and continue for four years. On that day General Comonfort appeared before the assembled Congress in the city of Mexico, took the oath to support the new constitution, and was duly inaugurated as President. Within a month afterward he had been driven from the capital and a military rebellion had assigned the supreme power of the republic to General Zuloaga. The constitution provided that in the absence of the President his office should devolve upon the chief justice of the supreme court; and General Comonfort having left the country, this functionary, Benito Juarez, proceeded to form at Guanajuato a constitutional government. Before this was officially known, however, at the capital the government of Zuloaga had been recognized by the entire diplomatic corps, including the minister of the United States, as the *de facto* Government of Mexico. The constitutional President, nevertheless, maintained his position with firmness, and was soon established with his cabinet at Vera Cruz. Meanwhile the government of Zuloaga was earnestly resisted in many parts of the republic, and even in the capital; a portion of the army having pronounced against it, its functions were declared terminated, and an assembly of citizens was invited for the choice of a new President. This assembly elected General Miramon; but that officer repudiated the plan under which he was chosen, and Zuloaga was thus restored to his previous position. He assumed it, however, only to withdraw from it; and Miramon, having become, by his appointment, "president substitute," continues, with that title, at the head of the insurgent party.

In my last annual message I communicated to Congress the circumstances under which the late minister of the United States suspended his official relations with the central government and withdrew from the country. It was impossible to maintain friendly intercourse with a government like that at the capital, under whose usurped authority wrongs were constantly committed but never redressed. Had this been an established government, with its power extending, by the consent of the people, over the whole of Mexico, a resort to hostilities against it would have been quite justifiable, and indeed necessary. But the country was a prey to civil war, and it was hoped that the success of the constitutional President might lead to a condition of things less injurious to the United States. This success became so probable that, in January last, I employed a reliable agent to visit Mexico and report to me the actual condition and prospects of the contending parties. In consequence of his report, and from information which reached me from other sources, favorable to the prospects of the constitutional cause, I felt justified in appointing a new minister to Mexico, who might embrace the earliest suitable opportunity of restoring our diplomatic relations with that republic. For this purpose a distinguished citizen of Maryland was selected, who proceeded on his mission on the 8th of March last, with discretionary authority to recognize the government of President Juarez, if, on his arrival in Mexico, he should find it entitled to such recognition, according to the established practice of the United States.

On the 7th of April following, Mr. McLane presented his credentials to President Juarez, having no hesitation in pronouncing the government of Juarez to be the only existing government of the republic. He was cordially received by the authorities at Vera Cruz, and they have ever since manifested the most friendly disposition toward the United States. Unhappily, however, the constitutional government has not been able to establish its power over the whole republic. It is supported by a large majority of the people and the States, but there are important parts of the country where it can enforce no obedience. General Miramon maintains himself at the capital, and in some of the distant provinces there are military governors who pay little respect to the decrees of either government. In the mean time the excesses which always attend upon civil war, especially in Mexico, are constantly recurring. Outrages of the worst description are committed both upon persons and property. There is scarcely any form of injury which has not been suffered by our citizens in Mexico during the last few years. We have been nominally at peace with that republic, but "so far as the interests of our commerce, or of our citizens who have visited the country as merchants, ship-masters, or in other capacities, are concerned, we might as well have been at war." Life has been insecure, property unprotected, and trade impossible, except at a risk of loss which prudent men cannot be expected to incur. Important contracts, involving large expenditures, entered into by the central

government, have been set at defiance by the local governments. Peaceful American residents, occupying their rightful possessions, have been suddenly expelled the country, in defiance of treaties, and by the mere force of arbitrary power. Even the course of justice has not been safe from control, and a recent decree of Miramon permits the intervention of government in all suits where either party is a foreigner. Vessels of the United States have been seized without law, and a consular officer, who protested against such seizure, has been fined and imprisoned for disrespect to the authorities. Military contributions have been levied, in violation of every principle of right, and the American who resisted the lawless demand has had his property forcibly taken away, and has been himself banished. From a conflict of authority in different parts of the country, tariff duties which have been paid in one place have been exacted over again in another place. Large numbers of our citizens have been arrested and imprisoned without any form of examination or any opportunity for a hearing, and even when released have only obtained their liberty after much suffering and injury, and without any hope of redress. The wholesale massacre of Crabbe and his associates, without trial, in Sonora, as well as the seizure and murder of four sick Americans, who had taken shelter in the house of an American, upon the soil of the United States, was communicated to Congress at its last session. Murders of a still more atrocious character have been committed in the very heart of Mexico, under the authority of Miramon's government, during the present year. Some of these were only worthy of a barbarous age, and if they had not been clearly proven, would have seemed impossible in a country which claims to be civilized. Of this description was the brutal massacre in April last, by order of General Marquez, of three American physicians, who were seized in the hospital of Tacubaya while attending upon the sick and dying of both parties, and without trial, as without crime, were hurried away to speedy execution. Little less shocking was the recent fate of Ormond Chase, who was shot in Tepic on the 7th of August, by order of the same Mexican general, not only without a trial, but without any conjecture by his friends of the cause of his arrest. He is represented as a young man of good character and intelligence, who had made numerous friends in Tepic by the courage and humanity which he had displayed on several trying occasions, and his death was as unexpected as it was shocking to the whole community. Other outrages might be enumerated, but these are sufficient to illustrate the wretched state of the country and the unprotected condition of the persons and property of our citizens in Mexico.

In all these cases our ministers have been constant and faithful in their demands for redress, but both they and this government, which they have successively represented, have been wholly powerless to make their demands effective. Their testimony in this respect, and in reference to the only remedy which, in their judgment, would meet the exigency, has been both uniform and emphatic. "Nothing but a manifestation of the power of the Government of the United States," wrote our late minister in 1856, "and of its purpose to punish these wrongs, will avail. I assure you that the universal belief here is that there is nothing to be apprehended from the Government of the United States, and that local Mexican officials can commit these outrages upon American citizens with absolute impunity." "I hope the President," wrote our present minister in August last, "will feel authorized to ask from Congress the power to enter Mexico with the military forces of the United States, at the call of the constitutional authorities, in order to protect the citizens and the treaty rights of the United States. Unless such a power is conferred upon him, neither the one nor the other will be respected in the existing state of anarchy and disorder, and the outrages already perpetrated will never be chastised; and, as I assured you in my No. 23, all these evils must increase until every vestige of order and government disappears from the country." I have been reluctantly led to the same opinion; and in justice to my countrymen who have suffered wrongs from Mexico, and who may still suffer them, I feel bound to announce this conclusion to Congress.

The case presented, however, is not merely a case of individual claims, although our just claims against Mexico have reached a very large amount. Nor is it merely a case of protection to the lives and property of the few Americans who may still remain in Mexico, although the life and property of every American citizen ought to be sacredly protected in every quarter of the world. But it is a question which relates to the future, as well as to the present and the past, and which involves, indirectly at least, the whole subject of our duty to Mexico as a neighboring state. The exercise of the power of the United States in that country to redress the wrongs and protect the rights of our own citizens is none the less to be desired, because efficient and necessary aid may thus be rendered at the same time to restore peace and order to Mexico itself. In the accomplishment of this result the people of the United States must necessarily feel a deep and earnest interest. Mexico ought to be a rich and prosperous and powerful republic. She possesses an extensive territory, a fertile soil, and an incalculable store of mineral wealth; she occupies an important position between the gulf and the ocean for transit routes and for commerce. Is it possible that such a country as this can be given up to anarchy and ruin without an effort from any quarter for its rescue and its

safety? Will the commercial nations of the world, which have so many interests connected with it, remain wholly indifferent to such a result? Can the United States, especially, which ought to share most largely in its commercial intercourse, allow their immediate neighbor thus to destroy itself and injure them? Yet, without support from some quarter, it is impossible to perceive how Mexico can resume her position among nations and enter upon a career which promises any good results. The aid which she requires, and which the interests of all commercial countries require that she should have, it belongs to this government to render, not only by virtue of our neighborhood to Mexico, along whose territory we have a continuous frontier of nearly a thousand miles, but by virtue also of our established policy, which is inconsistent with the intervention of any European power in the domestic concerns of that republic.

The wrongs which we have suffered from Mexico are before the world, and must deeply impress every American citizen. A government which is either unable or unwilling to redress such wrongs is derelict to its highest duties. The difficulty consists in selecting and enforcing the remedy. We may in vain apply to the constitutional government at Vera Cruz, although it is well disposed to do us justice, for adequate redress. While its authority is acknowledged in all the important ports and throughout the sea-coasts of the republic, its power does not extend to the city of Mexico and the States in its vicinity, where nearly all the recent outrages have been committed on American citizens. We must penetrate into the interior before we can reach the offenders, and this can only be done by passing through the territory in the occupation of the constitutional government. The most acceptable and least difficult mode of accomplishing the object will be to act in concert with that government. Their consent and their aid might, I believe, be obtained; but if not, our obligation to protect our own citizens in their just rights secured by treaty would not be the less imperative. For these reasons I recommend to Congress to pass a law authorizing the President, under such conditions as they may deem expedient, to employ a sufficient military force to enter Mexico for the purpose of obtaining indemnity for the past and security for the future. I purposely refrain from any suggestion as to whether this force shall consist of regular troops or volunteers, or both. This question may be most appropriately left to the decision of Congress. I would merely observe that should volunteers be selected, such a force could be easily raised in this country among those who sympathize with the sufferings of our unfortunate fellow-citizens in Mexico and with the unhappy condition of that republic. Such an accession to the forces of the constitutional government would enable it soon to reach the city of Mexico, and extend its power over the whole republic. In that event, there is no reason to doubt that the just claims of our citizens would be satisfied and adequate redress obtained for the injuries inflicted upon them. The constitutional government have ever evinced a strong desire to do justice, and this might be secured in advance by a preliminary treaty.

It may be said that these measures will, at least indirectly, be inconsistent with our wise and settled policy not to interfere in the domestic concerns of foreign nations. But does not the present case fairly constitute an exception? An adjoining republic is in a state of anarchy and confusion from which she has proved wholly unable to extricate herself. She is entirely destitute of the power to maintain peace upon her borders or to prevent incursions of banditti into our territory. In her fate and in her fortune—in her power to establish and maintain a settled government—we have a far deeper interest, socially, commercially, and politically, than any other nation. She is now a wreck upon the ocean, drifting about as she is impelled by different factions. As a good neighbor, shall we not extend to her a helping hand to save her? If we do not, it would not be surprising should some other nation undertake the task, and thus force us to interfere at last, under circumstances of increased difficulty, for the maintenance of our established policy.

I repeat the recommendation contained in my last annual message, that authority may be given to the President to establish one or more temporary military posts across the Mexican line in Sonora and Chihuahua, where these may be necessary to protect the lives and property of American and Mexican citizens against the incursions and depredations of the Indians as well as of lawless rovers on that remote region.

Message of President Buchanan, March 29, 1860.

(S. Ex. Doc. 29, 36th Cong., 1st sess., p. 1.)

To the Senate of the United States:

In compliance with the resolution of the Senate of the 21st of March, 1860, requesting the President of the United States "to inform the Senate, if, in his opinion, it be not incompatible with the public interest, if any instructions have been given to any of the officers of the Navy of the United States by which, in any event, the naval force

of the United States, or any part thereof, were to take part in the civil war now existing in Mexico; and if the recent capture of two war-steamers of Mexico by the naval force of the United States was done in pursuance of orders issued by this government; and, also, by what authority those steamers have been taken in possession by the naval force of the United States, and the men on board made prisoners," I transmit the inclosed report, with accompanying papers, from the Secretary of the Navy.

JAMES BUCHANAN.

WASHINGTON, *March 29, 1860.*

NAVY DEPARTMENT, *March 29, 1860.*

SIR: In reply to the resolution of the Senate of March 21, 1860, referred by you to this department, I have the honor to report that no "instructions have been given to any of the officers of the Navy of the United States by which, in any event, the naval force of the United States, or any part thereof, were to take part in the civil war now existing in Mexico." Orders have been given to our naval forces on the coasts of Mexico to protect the persons and property of the citizens of the United States. The accompanying instructions of July 27, 1858, and March 13, 1860, to Capt. Joseph R. Jarvis, commanding the United States sloop of war Savannah, were given when they respectively bear date. The latter had not reached him at the time of the capture of the two war-steamers referred to in the aforesaid resolution. The annexed official reports of Captain Jarvis of the Savannah, and of Commander Thomas Turner of the Saratoga, give full information of the circumstances of the capture of those steamers and of the causes which led to it. Upon the facts stated in these reports, the department approves of the conduct of both those gallant officers and of the officers and men under their command.

I am, sir, with great respect, your obedient servant,

ISAAC TOUCEY.

THE PRESIDENT OF THE UNITED STATES.

NAVY DEPARTMENT, *July 27, 1859.*

SIR: The United States sloop of war Savannah, to the command of which the department has assigned you, having been prepared for service in the home squadron, you will, as soon after the receipt of this as practicable, proceed with her, with all dispatch, to the port of San Juan del Norte, Nicaragua. You will remain there until otherwise instructed by the department or Flag-Officer McIntosh, to whom you will report, by letter, at Boston, as a part of the squadron under his command.

You will at all times afford protection to the citizens of the United States and their property, and, should occasion arise, protect any vessel of the United States from search or detention on the high seas by the armed ships of any other power.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Capt. JOSEPH R. JARVIS,

Commanding United States Sloop Savannah, New York.

NAVY DEPARTMENT, *March 13, 1860.*

SIR: With the view to afford the protection due to our citizens at Vera Cruz, the President has directed the Hon. Mr. McLane, should a hostile force approach that place and he should consider the American citizens there in danger from its operations, to request the commanding officer of the United States vessels of war upon that coast to land such forces as may be needed and can be spared from indispensable duties, and so employ them for the protection of our citizens whose persons or property he may believe to be in danger. Should Mr. McLane, therefore, make of you, as the senior commanding officer present, the request which his instructions authorize him to do, you will promptly comply with it.

Statements having been made which lead to the belief that arrangements are making by what is known as the Miramon government of Mexico to establish a blockade at Vera Cruz and other ports on the Gulf of Mexico, the President has decided that no such blockade will be recognized by the United States. You are, therefore, directed to employ the naval force under your command to afford American vessels free ingress and egress at all Mexican ports and fully to protect them.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Capt. JOSEPH R. JARVIS,

Commanding United States Sloop Savannah, Vera Cruz, Mexico.

The same sent to Capt. D. G. Farragut, commanding the Brooklyn; to Commander Thomas Turner, commanding Saratoga; to Commander Thornton A. Jenkins, commanding Preble; and to Commander S. F. Hazard, commanding the Pocahontas.

Extract from the annual message of President Buchanan, December 3, 1860.

(Thirty-sixth Congress, second session.)

Our relations with Mexico remain in a most unsatisfactory condition. In my last two annual messages I discussed extensively the subject of these relations, and do not now propose to repeat at length the facts and arguments then presented. They proved conclusively that our citizens residing in Mexico, and our merchants trading thereto, had suffered a series of wrongs and outrages such as we never have patiently borne from any other nation. For these our successive ministers, invoking the faith of treaties, had, in the name of their country, persistently demanded redress and indemnification, but without the slightest effect. Indeed, so confident had the Mexican authorities become of our patient endurance, that they universally believed they might commit these outrages upon American citizens with absolute impunity. Thus wrote our minister in 1856, and expressed the opinion that "nothing but a manifestation of the power of the government and of its purpose to punish these wrongs will avail."

Afterward, in 1857, came the adoption of a new constitution for Mexico, the election of a President and Congress under its provisions, and the inauguration of the President. Within one short month, however, this President was expelled from the capital by a rebellion in the army; and the supreme power of the republic was assigned to General Zuloaga. This usurper was, in his turn, soon compelled to retire and give place to General Miramon.

Under the constitution which had thus been adopted, Senor Jaurez, as chief justice of the supreme court, became the lawful President of the republic, and it was for the maintenance of the constitution, and his authority derived from it, that the civil war commenced and still continues to be prosecuted. Throughout the year 1858 the constitutional party grew stronger and stronger. In the previous history of Mexico, a successful military revolution at the capital had almost universally been the signal for submission throughout the republic. Not so on the present occasion. A majority of the citizens persistently sustained the constitutional government. When this was recognized in April, 1859, by the Government of the United States, its authority extended over a large majority of the Mexican States and people, including Vera Cruz and all the other important sea-ports of the republic. From that period our commerce with Mexico began to revive, and the constitutional government has afforded it all the protection in its power.

Meanwhile the government of Miramon still held sway at the capital and over the surrounding country, and continued its outrages against the few American citizens who still had the courage to remain within its power. To cap the climax, after the battle of Tacubaya, in April, 1859, General Marquez ordered three citizens of the United States, two of them physicians, to be seized in the hospital at that place, taken out and shot, without crime and without trial. This was done, notwithstanding our unfortunate countrymen were at the moment engaged in the holy cause of affording relief to the soldiers of both parties who had been wounded in the battle, without making any distinction between them.

The time had arrived, in my opinion, when this government was bound to exert its power to avenge and redress the wrongs of our citizens and to afford them protection in Mexico. The interposing obstacle was that the portion of the country under the sway of Miramon could not be reached without passing over territory under the jurisdiction of the constitutional government. Under these circumstances, I deemed it my duty to recommend to Congress, in my last annual message, the employment of a sufficient military force to penetrate into the interior, where the government of Miramon was to be found, with, or if need be without, the consent of the Jaurez government, though it was not doubted that this consent could be obtained. Never have I had a clearer conviction on any subject than of the justice, as well as wisdom, of such a policy. No other alternative was left, except the entire abandonment of our fellow-citizens who had gone to Mexico under the faith of treaties to the systematic injustice, cruelty, and oppression of Miramon's government. Besides, it is almost certain that the simple authority to employ this force would of itself have accomplished all our objects without striking a single blow. The constitutional government would then, ere this, have been established at the city of Mexico, and would have been ready and willing, to the extent of its ability, to do us justice.

Mr. Seward to Mr. Corwin.

(H. Ex. Doc. 100, 37th Cong., 2d sess., p. 22.)

DEPARTMENT OF STATE,
Washington, September 2, 1861.

SIR: Your dispatch of the 29th July last, numbered 3, has just now been received. The account of Mexican complications which it gives is painfully interesting. The

President greatly desires that the political status of Mexico, as an independent nation, shall be permanently maintained. The events you communicate alarm him upon this point, and he conceives that the people of the United States would scarcely justify him were he to make no effort for preventing so great a calamity on this continent as would be the extinction of that republic. He has, therefore, determined to authorize and empower you, and you are hereby authorized and empowered, to negotiate a treaty with the Republic of Mexico for the assumption by the Government of the United States of the payment of the interest, at three per cent., upon the funded debt of that country due to Mexican bondholders, the principal of which is understood to be about sixty-two millions of dollars, for the term of five years from the date of the decree recently issued by the Government of Mexico suspending such payment, provided that that government will pledge to the United States its faith for the reimbursement of the money so to be paid, with six per cent. interest thereon, to be secured by a specific lien upon all the public lands and mineral rights in the several Mexican States of Lower California, Chihuahua, Sonora, and Sinaloa, the property so pledged to become absolute in the United States at the expiration of the term of six years from the time when the treaty shall go into effect, if such reimbursement shall not have been made before that time. This course is rendered necessary by circumstances as new as they are eventful, while the Mexican crisis seems to admit of no delay. The President, therefore, accepts the responsibility, and will submit his action in the premises to the consideration of the Senate of the United States, so soon as that body shall be convened, for the constitutional sanction without which the treaty when made would be of no effect.

It must be understood, however, that these instructions are conditional upon the attainment of consent on the part of the British and French Governments to forbear from resort to action against Mexico on account of her failure or refusal to pay the interest in question until after the treaty shall have been submitted to the Senate, and, if ratified, then so long thereafter as the interest shall be punctually paid by the Government of the United States. I shall immediately instruct our ministers in London and Paris to apply to the British and French Governments for their consent to the terms thus indicated. You will see at once the importance of urging the Mexican Government to give its best efforts to the support of these applications.

I am to be understood, moreover, as giving you not specific but general instructions, to be modified as to sums, terms, securities, and other points as you may find necessary, subject to approval when made known to me.

Other matters arising in your dispatch will be treated of in distinct papers.

I am, &c.,

WILLIAM H. SEWARD.

Mr. Romero to Mr. Seward.

(H. Ex. Doc. 100, 37th Cong., 2d sess., p. 133.)

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, November 28, 1861.

MR. SECRETARY: As it seems, according to all appearances by which we may reasonably judge, the real object of the European allies, who signed in London the treaty of the 31st of October, is to subvert the form of government which actually exists in Mexico, and to overthrow the constitution which the people of that republic freely chose for itself, I deem it not inappropriate to transmit to you, for the information of the Government of the United States, a copy in English of the political constitution of Mexico. You will observe, sir, that this code is founded upon the same bases upon which the Constitution of the United States rests, the work of the thoughts and study of the wise and patriotic sons of this country who made it independent, and who knew how to lay the foundations of its greatness and development.

The people of Mexico, who have witnessed with surprise the astonishing prosperity at which this country has arrived in the short period of its existence as an independent nation, have desired to arrive at the same result by pursuing, in order to reach it, the same course, and by availing themselves of the same means. They have believed that this would be to them the more probable, because Mexico abounds in the same elements which nature with her prodigal hand has scattered over this land, and because its people, having once enjoyed the blessings of democratic institutions, have determined to maintain them, and to defend their liberties.

Scarcely had the constitution of 1857 been promulgated, when the privileged classes of Mexico—the clergy and the army, accustomed to govern the country by despotism—rebelled against the instrument which reorganized and sanctioned the rights of the people and their equality before the law. Then there arose a gigantic and unequal contest, in which on one side fought the organized and disciplined forces sustained

with the money of the clergy, and on the other the popular masses, without discipline, and without the resources to meet the expenses of the war, which was carried on throughout the whole extent of the Mexican territory.

The repeated reverses which the people met with at the outset served to discipline them, the guns of their enemies to arm them, and at the end of a bloody and ceaseless contest of three years' duration the popular and constitutional cause obtained, without foreign aid of any nature, the victory to which it was entitled by the justice of the principles which it defended and the constancy and inflexible determination of its defenders.

The supremacy of the law having been established throughout the entire Mexican territory, the implacable enemies of the liberties of the people sought to overthrow the constitution, availing themselves of various expedients; but the people of Mexico, with an extraordinary unanimity, and manifesting a good sense which would do honor to the most enlightened people in the world, refused peremptorily to resort to the measures proposed to them under the plea of saving the country, but for the real purpose of subverting the public liberties, and nearly all the legislatures of the States issued decrees renewing their allegiance to the constitution, solemnly protesting not to acknowledge any other authority created outside of said constitution, and threatening to reassume their sovereignty in the event of such revolutionary authority being established.

Perceiving the inefficiency of the measures proposed, others were resorted to. It was sought to present the question as merely a personal one, and it was attempted to make the person who at present fills the executive chair of the nation resign the presidency. Happily the good sense of the country and its devotion to the law were so powerful that this other expedient was confounded also by the determination of the States to sustain the government which had emanated from the popular choice. The legislatures ratified their previous protest against any change whatever. They declared again that they would support the government established by the vote of the nation, and the governors of several of the States did the same.

Among the series of newspapers of the past month which I have just received from Mexico, I find some of the decrees and protests to which I have referred, and which I have the honor to transmit to you to the number of six, in the order set forth in the index, which I inclose herewith.

The efforts made in the interior of Mexico to overthrow the present constitutional government having proved ineffectual, it now appears that the determined and implacable enemies of democratic and liberal institutions have resorted to the last imaginable extreme left them, by seeking outside of the country the means which they could not find anywhere else to effect their desired aim. How far these fears have any foundation is left to events to make known to us within a brief period.

I avail myself of this opportunity to renew to you, sir, the assurances of my very distinguished consideration.

M. ROMERO.

HON. WILLIAM H. SEWARD,
 &c., &c., &c.

The Emperor Napoleon to General Forey.

(S. Ex. Doc. 11, 38th Cong., 1st sess., p. 190.)

FONTAINEBLEAU, July 3, 1862.

MY DEAR GENERAL: At the moment when you are about to start for Mexico, charged with political and military powers, I think it useful to make you acquainted with my ideas. * * *

The government will submit to the Mexican people the question of the political régime which is to be definitely established. An assembly will be afterward elected according to the Mexican laws.

You will aid the new government to introduce into the administration, and particularly into the finances, that regularity of which France offers the best model. For that purpose capable men will be sent to second its new organization.

The object to be attained is not to impose on the Mexicans a form of government which would be obnoxious, but to assist them in their efforts to establish, according to their own wishes, a government which may have a chance of stability, and can secure to France the settlement of the injuries of which she has to complain.

It follows, as a matter of course, that if the Mexicans prefer a monarchy, it is for the interest of France to support them in that path.

There will not be wanting people who will ask you why we expend men and money to found a regular government in Mexico.

In the present state of the civilization of the world the prosperity of America is not a matter of indifference to Europe, for it is that country which feeds our manufactures and gives an impulse to our commerce. We have an interest in the Republic of the United States, being powerful and prosperous, but not that she should take possession of the whole of the Gulf of Mexico, thence command the Antilles, as well as South America, and be the only dispenser of the products of the New World.

We now see, by sad experience, how precarious is the lot of a branch of manufacture which is compelled to procure its raw material in a single market, all the vicissitudes of which it has to bear.

If, on the contrary, Mexico maintains her independence and the integrity of her territory; if a stable government be there constituted with the assistance of France, we shall have restored to the Latin race on the other side of the Atlantic all its strength and its prestige; we shall have guaranteed security to our West India colonies and to those of Spain; we shall have established our friendly influence in the center of America; and that influence, by creating immense markets for our commerce, will procure us the raw materials indispensable for our manufactures.

Mexico thus regenerated will always be well disposed toward us, not only out of gratitude, but also because her interests will be in accord with ours, and because she will find support in her friendly relations with European powers.

At present, therefore, our military honor engaged, the necessities of our policy, the interest of our industry and commerce, all conspire to make it our duty to march on Mexico, to boldly plant our flag there, and to establish either a monarchy, if not incompatible with the national feeling, or at least a government which may promise some stability.

NAPOLEON.

Mr. Seward to the Marquis de Montholon.

(H. Ex. Doc. 73, 39th Cong., 1st sess., p. 549.)

DEPARTMENT OF STATE,
Washington, February 12, 1865.

* * * * *

I am aware how delicate the discussion is to which Mr. Drouyn de Lhuys thus invites me. France is entitled by every consideration of respect and friendship to interpret for herself the objects of the expedition and of the whole of her proceedings in Mexico. Her explanation of those motives and objects is, therefore, accepted on our part with the consideration and confidence which we expect for explanations of our own when assigned to France or any other friendly power. Nevertheless, it is my duty to insist that, whatever were the intentions, purposes, and objects of France, the proceedings which were adopted by a class of Mexicans for subverting the republican government there, and for availing themselves of French intervention to establish on its ruins an imperial monarchy, are regarded by the United States as having been taken without the authority and prosecuted against the will and opinions of the Mexican people. For these reasons, it seems to this government that, in supporting institutions thus established in derogation of the inalienable rights of the people of Mexico, the original purposes and objects of the French expedition, though they have not been, as a military demand of satisfaction, abandoned nor lost out of view by the Emperor of the French, were, nevertheless, left to fall into a condition in which they seem to have become subordinate to a political revolution, which certainly would not have occurred if France had not forcibly intervened, and which, judging from the genius and character of the Mexican people, would not now be maintained by them, if that armed intervention should cease. The United States have not seen any satisfactory evidence that the people of Mexico have spoken, and have called into being or accepted the so-called empire, which it is insisted has been set up in their capital. The United States, as I have remarked on other occasions, are of opinion that such an acceptance could not have been freely procured or lawfully taken at any time in the presence of the French army of invasion. The withdrawal of the French forces is deemed necessary to allow such a proceeding to be taken by Mexico. Of course the Emperor of France is entitled to determine the aspect in which the Mexican situation ought to be regarded by him. Nevertheless, the view which I have thus presented is the one which this nation has accepted. It therefore recognizes, and must continue to recognize, in Mexico only the ancient republic, and it can in no case consent to involve itself, either directly or indirectly, in relation with or recognition of the institution of the Prince Maximilian in Mexico.

This position is held, I believe, without one dissenting voice, by our countrymen. I

do not presume to say that this opinion of the American people is accepted or will be adopted generally by other foreign powers or by the public opinion of mankind. The Emperor is quite competent to form a judgment upon this important point for himself. I cannot, however, properly exclude the observation that, while this question affects by its bearings incidentally every republican state in the American hemisphere, every one of those states has adopted the judgment which, on the behalf of the United States, is herein expressed. Under these circumstances it has happened, either rightfully or wrongfully, that the presence of European armies in Mexico, maintaining a European prince with imperial attributes, without her consent and against her will, is deemed a source of apprehension and danger, not alone to the United States, but also to all the independent and sovereign republican states founded on the American continent and its adjacent islands. France is acquainted with the relations of the United States toward the other American states to which I have referred, and is aware of the sense that the American people entertain in regard to the obligations and duties due from them to those other states. We are thus brought back to the single question which formed the subject of my communication of the 6th of December last, namely, the desirableness of an adjustment of a question the continuance of which must be necessarily prejudicial to the harmony and friendship which have hitherto always existed between the United States and France.

This government does not undertake to say how the claims of indemnity and satisfaction, for which the war which France is waging in Mexico was originally instituted, shall now be adjusted, in discontinuing what, in its progress, has become a war of political intervention dangerous to the United States and to republican institutions in the American hemisphere. Recognizing France and the Republic of Mexico as belligerents engaged in war, we leave all questions concerning those claims and indemnities to them. The United States rest content with submitting to France the exigencies of an embarrassing situation in Mexico, and expressing the hope that France may find some manner which shall at once be consistent with her interest and honor, and with the principles and interest of the United States, to relieve that situation without injurious delay.

Mr. Drouyn de Lhuys repeats on this occasion what he has heretofore written, namely, that it depends much upon the Federal government to facilitate their desire of the withdrawal of the French forces from Mexico. He argues that the position which the United States have assumed has nothing incompatible with the existence of monarchical institutions in Mexico. He draws to his support on this point the fact that the President of the United States, as well as the Secretary of State, in official papers, disclaim all thought of propagandism on the American continent in favor of republican institutions. Mr. Drouyn de Lhuys draws in, also, the fact that the United States hold friendly relations with the Emperor of Brazil, as they held similar relations with Iturbide, the Mexican Emperor, in 1822. From these positions Mr. Drouyn de Lhuys makes the deduction that neither any fundamental maxim nor any precedent in the diplomatic history of this country creates any necessary antagonism between the United States and the form of government over which the Prince Maximilian presides in the ancient capital of Mexico.

I do not think it would be profitable, and therefore I am not desirous, to engage in the discussion which Mr. Drouyn de Lhuys has thus raised. It will be sufficient for my purpose, on the present occasion, to assert and to give reassurance of our desire to facilitate the withdrawal of the French troops from Mexico, and, for that purpose, to do whatsoever shall be compatible with the positions we have heretofore taken upon that subject, and with our just regards to the sovereign rights of the Republic of Mexico. Further or otherwise than this, France could not expect us to go. Having thus reassured France, it seems necessary to state anew the position of this government as it was set forth in my letter of the 6th of December, as follows: Republican and domestic institutions on this continent are deemed most congenial with, and most beneficial to, the United States. Where the people of any country, like Brazil now, or Mexico in 1822, have voluntarily established and acquiesced in monarchical institutions of their own choice, free from all foreign control or intervention, the United States do not refuse to maintain relations with such governments, or seek through propagandism, by force or intrigue, to overthrow those institutions. On the contrary, where a nation has established institutions, republican and domestic, similar to our own, the United States assert in their behalf that no foreign nation can rightfully intervene by force to subvert republican institutions and establish those of an antagonistical character.

Mr. Drouyn de Lhuys seems to think that I have made a double reproach against the Prince Maximilian's alleged government, of the difficulty it encounters and of the assistance it borrows from foreign powers. In that respect Mr. Drouyn de Lhuys contends that the obstacles and the resistance which Maximilian has been obliged to wrestle with have in themselves nothing especial against the form of the institutions which he is supposed by Mr. Drouyn de Lhuys to have established. Mr. Drouyn de Lhuys maintains that Maximilian's government is undergoing the lot quite common to

new powers, while, above all, it has the misfortune to have to bear the consequences of discords which have been produced under a previous government.

Mr. Drouyn de Lhuys represents this misfortune and this lot to be in effect the misfortune and lot of governments which have not found armed competitors, and which have enjoyed in peace an uncontrolled authority. Mr. Drouyn de Lhuys alleges that revolts and intestine wars are the normal condition of Mexico, and he further insists that the opposition made by some military chiefs to the establishment of an empire under Maximilian is only the natural sequence of the same want of discipline and the same prevalence of anarchy of which his predecessors in power in Mexico have been victims. It is not the purpose, nor would it be consistent with the character, of the United States to deny that Mexico has been for a long time the theater of faction and intestine war. The United States confess this fact with regret, all the more sincere because the experience of Mexico has been not only painful for her own people, but has been also of unfortunate evil influence on other nations. On the other hand, it is neither a right of the United States, nor consistent with their friendly disposition toward Mexico, to reproach the people of that country with her past calamities, much less to invoke or approve of the infliction of punishment upon them by strangers for their political errors. The Mexican population have, and their situation has, some peculiarities which are doubtless well understood by France. Early in the present century they were forced, by convictions which mankind cannot but respect, to cast off a foreign monarchical rule which they deemed incompatible with their welfare and aggrandizement. They were forced, at the same time, by convictions which the world must respect, to attempt the establishment of republican institutions, without the full experience and practical education and habits which would render those institutions all at once firm and satisfactory. Mexico was a theater of conflict between European commercial, ecclesiastical, and political institutions and dogmas, and novel American institutions and ideas. She had African slavery, colonial restrictions, and ecclesiastical monopolies. In the chief one of these particulars she had a misfortune which was shared by the United States, while the latter were happily exempted from the other misfortunes. We cannot forget that Mexico, sooner and more readily than the United States, abolished slavery. We cannot deny that all the anarchy in Mexico, of which Mr. Drouyn de Lhuys complains, was necessarily, and even wisely, endured in the attempts to lay sure foundations of broad republican liberty.

I do not know whether France can rightfully be expected to concur in this view, which alleviates, in our minds, the errors, misfortunes, and calamities of Mexico. However this may be, we fall back upon the principle that no foreign state can rightly intervene in such trials as those of Mexico, and on the ground of a desire to correct those errors, deprive the people there of their natural right of domestic and republican freedom. All the injuries and wrongs which Mexico can have committed against any other state have found a severe punishment in consequences which legitimately followed their commission. Nations are not authorized to correct each other's errors, except so far as is necessary to prevent or redress injuries affecting themselves. If one state has a right to intervene in any other state to establish discipline, constituting itself a judge of the occasion, then every state has the same right to intervene in the affairs of every other nation, being itself, alone, the arbiter, both in regard to the time and the occasion. The principle of intervention, thus practically carried out, would seem to render all sovereignty and independence, and even all international peace and amity, uncertain and fallacious.

With these explanations I proceed to say that in the opinion of the President, France need not for a moment delay her promised withdrawal of military forces from Mexico, and her putting the principle of non-intervention into full and complete practice in regard to Mexico, through any apprehension that the United States will prove unfaithful to the principles and policy in that respect which, on their behalf, it has been my duty to maintain in this now very lengthened correspondence. The practice of this government from its beginning is a guaranty to all nations of the respect of the American people for the free sovereignty of the people in every other state. We received the instruction from Washington. We applied it sternly in our early intercourse even with France. The same principle and practice have been uniformly inculcated by all our statesmen, interpreted by all our jurists, maintained by all our Congresses, and acquiesced in without practical dissent on all occasions by the American people. It is in reality the chief element of foreign intercourse in our history. Looking simply toward the point to which our attention has been steadily confined, the relief of the Mexican embarrassments without disturbing our relations with France, we shall be gratified when the Emperor shall give to us, either through the channel of your esteemed correspondence or otherwise, definite information of the time when French military operations may be expected to cease in Mexico.

Mr. Bigelow to Mr. Seward.

(H. Ex. Doc. 73, 39th Cong., 2d sess., p. 562.)

LEGATION OF THE UNITED STATES,
Paris, April 6, 1866.

The *Moniteur* of yesterday morning announced that as a sequence to communications exchanged between "M. Dano, minister of France, his excellency Marshal Bazaine, and the Mexican Government, the Emperor has decided that the French troops shall evacuate Mexico in three detachments; the first to leave in November, 1866, the second in March, 1867, and the third in November, 1867."

At M. Drouyn de Lhuys's reception yesterday afternoon, I remarked that I supposed the paragraph in the *Moniteur* might be regarded as an official statement of the result of Baron Salliard's mission. He said it might, and then added that it was substantially what he had prefigured to me in our conversation last fall. He went on to say that the seasons for the debarking of the troops were selected from climatic and sanitary considerations.

Mr. Seward to the Marquis de Montholon.

(H. Ex. Doc. 76, 39th Cong., 2d sess., p. 558.)

DEPARTMENT OF STATE,
Washington, August 16, 1866.

I have the honor to call your attention to two orders or decrees which purport to have been made on the 26th of July last, by Prince Maximilian, who claims to be emperor in Mexico, in which he declares that he has committed the direction of the department of war in that country to General Osmont, chief of the staff of the French expeditionary corps; and that he has committed the direction of the department of the treasury to Mr. Friant, intendant-in-chief of the same corps.

The President thinks it proper that the Emperor of France should be informed that the assumption of administrative functions at this time by the aforementioned officers of the French expeditionary corps under the authority of the Prince Maximilian is not unlikely to be injurious to good relations between the United States and France, because it is liable to be regarded by the Congress and people of the United States as indicating a course of proceeding on the part of France incongruous with the engagement which has been made for the withdrawal of the French expeditionary corps from that country.

Proclamation by the President of the United States.

(H. Ex. Doc. 76, 39th Cong., 2d sess., p. 560.)

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.—A PROCLAMATION.

Whereas a war is existing in the republic of Mexico, aggravated by foreign military intervention; and whereas the United States, in accordance with their settled habits and policy, are a neutral power in regard to the war which thus affects the Republic of Mexico; and whereas it has become known that one of the belligerents in the said war, namely, the Prince Maximilian, who asserts himself to be emperor in Mexico, has issued a decree in regard to the port of Matamoros and other Mexican ports which are in the occupation and possession of another of the said belligerents, namely, the United States of Mexico, which decree is in the following words:

"The port of Matamoros and all those of the northern frontier which have withdrawn from their obedience to the government are closed to foreign and coasting traffic during such time as the empire of the law shall not be therein reinstated.

"ARTICLE 2. Merchandise proceeding from the said ports, on arriving at any other where the excise of the empire is collected, shall pay the duties on importation, introduction, and consumption; and on satisfactory proof of contravention shall be irremissibly confiscated. Our minister of the treasury is charged with the punctual execution of this decree.

"Given at Mexico, the 9th of July, 1866."

And whereas the decree thus recited, by declaring a belligerent blockade unsupported by competent military or naval force, is in violation of the neutral rights of the United States, as defined by the law of nations, as well as of the treaties existing between the United States of America, and the aforesaid United States of Mexico:

Now, therefore, I, Andrew Johnson, President of the United States, do hereby proclaim and declare that the aforesaid decree is held and will be held by the United States to be absolutely null and void, as against the government and citizens of the United States, and that any attempt which shall be made to enforce the same against the government or the citizens of the United States, will be disallowed.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, the seventeenth day of August, in the year of our Lord one thousand eight hundred and sixty-six, and of the independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President,

WILLIAM H. SEWARD,

Secretary of State.

Mr. Seward to Mr. Bigelow.

(H. Ex. Doc. 76, 39th Cong., 2d sess., p. 561.)

DEPARTMENT OF STATE,
Washington, October 8, 1866.

* * * * *

But the point you mention was not distinctly presented to me, namely, what this government would think of the withdrawal of the whole French army in the coming year, instead of its being withdrawn in three semi-annual detachments, commencing next November? What I have said is this, that the arrangement proposed by the emperor for a withdrawal of the troops in three detachments, beginning in November next, was in itself quite likely to be forgotten here, in the political excitement which attends all Mexican questions, before the execution of the agreement should begin.

That frequent incidents of various kinds, presented by the press in France and in Mexico as indicating a disposition on the part of the emperor to depart from that engagement, have unavoidably produced a wide popular mistrust of even the emperor's sincerity in making the engagement, and of his good faith in fulfilling it. That by circumstances of this character this department was kept continually under an apparent necessity of protesting against proceedings which were thus weakening public confidence in its very just and well-defined expectations. That the government, on the contrary, relies with implicit confidence upon the fulfillment of the emperor's engagement, at least to the letter; and it has even expected that, overlooking the letter, it would be fulfilled with an earnestness of spirit which would hasten instead of retard the evacuation of the French forces in Mexico.

At present, however, we are waiting for the beginning of the evacuation. When that beginning shall have come, the government will cheerfully hear suggestions from any quarter calculated to reassure the restoration of tranquillity, peace, and constitutional domestic government in Mexico; but, until we shall be able to refer to such a beginning, any proceedings toward negotiation would only tend to confound public opinion in the United States, and to render the situation of Mexico more complicated.

Of course it is unnecessary to inform you that the speculations which are indulged in by a portion of the public press, concerning relations supposed to be established between this department and General Santa Anna, are without foundation.

Mr. Seward to Mr. Bigelow.

(H. Ex. Doc. 76, 39th Cong., 2d sess., p. 565.)

DEPARTMENT OF STATE,
Washington, November 23, 1866.

SIR: Your dispatch of the 8th of November, No. 384, in regard to Mexico, is received.

Your proceedings in your interview with M. Moustier, and also your proceedings in your interview with the emperor, are entirely approved. Say to M. Moustier that this government is surprised and affected with deep concern by the announcement, now made for the first time, that the promised recall of one detachment of the French troops in Mexico in November current has been postponed by the emperor. The embarrassment thus produced is immeasurably increased by the circumstance that this

proceeding of the emperor has been taken without conference with, and even without notice to, the United States. The government has not in any way afforded re-enforcements to the Mexicans, as the emperor seems to assume, and it has known nothing at all of his countermanding instructions to Marshal Bazaine, of which the emperor speaks. We consult only official communications to ascertain the purposes and resolutions of France, as we make our own purposes and resolutions known only in the same manner when she is concerned.

I am not prepared to say, and it is now unnecessary to discuss, whether the President could or could not have agreed to the emperor's proposed delay, if he had been seasonably consulted, and if the proposition had been then put, as the proceeding is now, upon the ground of military considerations alone, and if it had been marked with the customary manifestation of regard to the interests and feelings of the United States. But the emperor's decision to modify the existing arrangement without any understanding with the United States, so as to leave the whole French army in Mexico for the present instead of withdrawing one detachment in November current, as promised, is now found in every way inconvenient and exceptionable. We cannot acquiesce.

First. Because the term "next spring," as appointed for the entire evacuation, is indefinite and vague.

Second. Because we have no authority for stating to Congress and to the American people that we have now a better guarantee for the withdrawal of the whole expeditionary force in the spring than we have heretofore had for the withdrawal of a part in November.

Third. In full reliance upon at least a literal performance of the Emperor's existing agreement, we have taken measures, while facilitating the anticipated French evacuation, to co-operate with the republican government of Mexico for promoting the pacification of that country and for the early and complete restoration of the proper constitutional authority of that government. As a part of those measures Mr. Campbell, our newly-appointed minister, attended by Lieutenant-General Sherman, has been sent to Mexico in order to confer with President Juarez on subjects which are deeply interesting to the United States and of vital importance to Mexico.

Our policy and measures thus adopted in full reliance upon the anticipated beginning of the evacuation of Mexico were promptly made known to the French legation here, and doubtless you have already executed your instructions by making them known to the Emperor's Government in Paris.

The Emperor will perceive that we cannot now recall Mr. Campbell, nor can we modify the instructions under which he is expected to treat, and under which he may be even now treating with the republican government in Mexico.

That Government will, of course, most earnestly desire and confidently expect an early and entire discontinuation of foreign hostile occupation. You will, therefore, state to the Emperor's Government that the President sincerely hopes and expects that the evacuation of Mexico will be carried into effect with such conformity to the existing agreement as the inopportune complication which calls for this dispatch shall allow. Mr. Campbell will be advised of that complication. Instructions will be issued to the United States military forces of observation to await in every case special directions from the President. This will be done with a confident expectation that the telegraph or mail may seasonably bring us a satisfactory resolution from the Emperor in reply to this note. You will assure the French Government that the United States, while they seek the relief of Mexico, desire nothing more earnestly than to preserve peace and friendship with France. Nor does the President allow himself to doubt that what has been determined in France, most inauspiciously as we think, has been decided upon inadvertently, without full reflection upon the embarrassment it must produce here, and without any design to retain the French expeditionary forces in Mexico beyond the full period of eighteen months, originally stipulated for the complete evacuation.

I am, &c.,

WILLIAM H. SEWARD.

Mr. Seward to Mr. Campbell.

(H. Ex. Doc. 76, 39th Cong., 2d sess., p. 569.)

DEPARTMENT OF STATE,
Washington, October 20, 1866.

SIR: You are aware that a friendly and explicit arrangement exists between this government and the Emperor of France, to the effect that he will withdraw his expeditionary military forces from Mexico in three parts; the first of which shall leave Mexico in November next, the second in March next, and the third in November, 1867; and that upon the evacuation being thus completed, the French Government will immediately come upon the ground of non-intervention in regard to Mexico which is held by the United States.

Doubts have been entertained and expressed in some quarters upon the question whether the French Government will faithfully execute this agreement. No such doubts have been entertained by the President, who has had repeated, and even recent, assurances that the complete evacuation of Mexico by the French will be consummated at the periods mentioned, or earlier if compatible with climatical, military, and other conditions.

There are grounds for supposing that two incidental questions have already engaged the attention of the French Government, namely:

1. Whether it should not advise the departure of the Prince Maximilian for Austria to be made before the withdrawal of the French expedition.

2. Whether it would not be consistent with the climatical, military, and other conditions, before mentioned, to withdraw the whole expeditionary force at once, instead of retiring it in three parts and at different periods.

No formal communication, however, upon this subject has been made by the Emperor of the French to the Government of the United States. When the subject has been incidentally mentioned, this department, by direction of the President, has replied that the United States await the execution of the agreement for the evacuation by the French Government, at least according to its letter, while they would be gratified if that agreement could be executed with greater promptness and dispatch than are stipulated.

Under these circumstances the President expects that within the next month (November) a portion at least of the French expeditionary force will retire from Mexico, and he thinks it not improbable that the whole expeditionary force may be withdrawn at or about the same time.

Such an event cannot fail to produce a crisis of great political interest in the Republic of Mexico. It is important that you should be either within the territories of that republic, or in some place near at hand, so as to assume the exercise of your functions as minister plenipotentiary of the United States to the Republic of Mexico.

What may be the proceedings of the Prince Maximilian in the event of a partial or complete evacuation of Mexico, of course cannot now be certainly foreseen. What may be the proceedings of Mr. Juarez, the President of the Republic of Mexico, in the same event, cannot now be definitely anticipated.

We are aware of the existence of several political parties in Mexico, other than those at the head of which are President Juarez and Prince Maximilian, who entertain conflicting views concerning the most expedient and proper mode of restoring peace, order, and civil government in that republic. We do not know what may be the proceedings of those parties in the event of the French evacuation.

Finally, it is impossible for us to foresee what may be the proceedings of the Mexican people in case of the happening of the events before alluded to. For these reasons it is impossible to give you specific directions for the conduct of your proceedings in discharge of the high trust which the Government of the United States has confided to you. Much must be left to your own discretion, which is to be exercised according to the view you may take of political movements as they shall disclose themselves in the future.

There are, however, some principles which, as we think, may be safely laid down in regard to the policy which the Government of the United States will expect you to pursue. The first of these is, that, as a representative of the United States, you are accredited to the republican government of Mexico, of which Mr. Juarez is president. Your communication as such representative will be made to him, wheresoever he may be, and in no event will you officially recognize either the Prince Maximilian, who claims to be emperor, or any other person, chief, or combination, as exercising the executive authority in Mexico, without having first reported to this department, and received instructions from the President of the United States.

Secondly. Assuming that the French military and naval commanders shall be engaged in good faith in executing the agreement before mentioned for the evacuation of Mexico, the spirit of the engagement on our part in relation to that event will forbid the United States and their representative from obstructing or embarrassing the departure of the French.

Thirdly. What the Government of the United States desire in regard to the future of Mexico is not the conquest of Mexico, or any part of it, or the aggrandizement of the United States by purchase of land or dominion, but, on the other hand, they desire to see the people of Mexico relieved from all foreign military intervention, to the end that they may resume the conduct of their own affairs under the existing republican government, or such other form of government as, being left in the enjoyment of perfect liberty, they shall determine to adopt in the exercise of their own free will, by their own act, without dictation from any foreign country, and, of course, without dictation from the United States.

It results, as a consequence, from these principles, that you will enter into no stipulation with the French commanders, or with the Prince Maximilian, or with any other party, which shall have a tendency to counteract or oppose the administration

of President Juarez, or to hinder or delay the restoration of the authority of the republic. On the other hand, it may possibly happen that the President of the Republic of Mexico may desire the good offices of the United States, or even some effective proceedings on our part, to favor and advance the pacification of a country so long distracted by foreign, combined with civil, war, and thus gain time for the re-establishment of national authority upon principles consistent with a republican and domestic system of government. It is possible, moreover, that some disposition might be made of the land and naval forces of the United States, without interfering within the jurisdiction of Mexico, or violating the laws of neutrality, which would be useful in favoring the restoration of law, order, and republican government in that country.

You are authorized to confer upon this subject with the republican government of Mexico, and its agents, and also to confer informally, if you find it necessary, with any other parties or agents, should such an exceptional conference become absolutely necessary, but not otherwise. You will, by these means, obtain information which will be important to this government, and such information you will convey to this department, with your suggestions and advice as to any proceedings on our part which can be adopted in conformity with the principles I have before laid down. You will be content with thus referring any important propositions on the subject of reorganization and restoration of the republican government in Mexico as may arise to this department for the information of the President.

The General of the United States possesses already discretionary authority as to the location of the forces of the United States in the vicinity of Mexico.

His military experience will enable him to advise you concerning such questions as may arise during the transition stage of Mexico from a state of military siege by a foreign enemy to a condition of practical self-government. At the same time it will be in his power, being near the scene of action, to issue any orders which may be expedient or necessary for maintaining the obligations resting upon the United States in regard to proceedings upon the borders of Mexico. For these reasons, he has been requested and instructed by the President to proceed with you to your destination, and to act with you as an adviser, recognized by this department, in regard to the matters which have been herein discussed. After conferring with him you are at liberty to proceed to the city of Chihuahua, or to such other place in Mexico as may be the residence of President Juarez; or, in your discretion, you will proceed to any other place in Mexico, not held or occupied at the time of your arrival by enemies of the Republic of Mexico; or you will stop at any place in the United States, or elsewhere, near the frontier or coast of Mexico, and await there a time to enter any portion of Mexico which shall hereafter be in the occupation of the republican government of Mexico.

I am, &c.,

WILLIAM H. SEWARD.

Mr. Plumb to Mr. Seward.

(Foreign Relations 1867, part 2, p. 460.)

LEGATION OF THE UNITED STATES,
City of Mexico, October 9, 1867.

SIR: I have the honor to report my arrival at this capital on the 6th instant. On the 7th instant I addressed a communication to the minister for foreign affairs, Mr. Sebastian Lerdo de Tejada, advising him of my arrival, and requesting the honor of an interview for the purpose of presenting my letter of credence. * * * In the somewhat lengthy and general conversation that then ensued, the expressions of Mr. Lerdo de Tejada were so strong and so repeated of the deep sensibility and satisfaction with which the Government of Mexico regards the course of the Government and people of the United States toward Mexico during the late long and severe struggle through which this country has passed, that I feel I should fail in my duty did I not make at least this allusion to expressions on his part, which seemed to be peculiarly marked and emphatic, and in which there seemed to be especially recognized the judiciousness and the value to Mexico of the policy that has been maintained by the Government of the United States. * * *

I am, &c.,

E. L. PLUMB.

Mr. Plumb to Mr. Seward.

(Foreign Relations 1868, part 2, p. 378.)

LEGATION OF THE UNITED STATES,
City of Mexico, December 9, 1867.

SIR: The time fixed for the assembling of the national congress of Mexico, in the decree calling the late election, was the 20th of November.

On that day one hundred and four members, out of the full number of two hundred and seven, were present, and what are here termed the preparatory meetings, then commenced.

These meetings continued until the 4th instant, one hundred and ten members being then present, when the examination of the credentials of the members, which is here a preliminary act, and the organization of congress was declared effected, and Sunday, the 8th instant, was fixed for the formal opening, in the presence of the president of the republic, of the regular sessions.

The ceremony of this formal opening, therefore, yesterday took place, and I have now the honor to transmit herewith a copy of the *Diario Oficial*, containing the speech of President Juarez, and the reply of the president of congress, Mr. Ezequiel Montes, delivered on that occasion.

The importance of these discourses, under all of the circumstances, and the character of certain positions taken in both, lead me to refrain from any comment thereon.

I am, &c.,

E. L. PLUMB.

Extract from the address of President Juarez to the Mexican Congress, December 8, 1867.

* * * * *

The United States of America continued their friendship for us during the whole period of our long and bitter struggle. The constant sympathy of the people of the United States, and the moral support given by their government to our cause, justly deserve the sympathy and regard of the people and government of Mexico.

* * * * *

Reply of Speaker Montez to the foregoing address.

CITIZEN PRESIDENT: The nation this day resumes the constitutional exercise of one of the most precious attributes of its sovereignty—the power of legislating through its representatives. This blessing is due to the heroic constancy of her brave sons in the glorious contest, of five years' duration, against the foreign invaders, and to the justice of that greatest of modern nations and best friend of Mexico, the United States of America. Yes, in the United States they are continuing a work worthy of the great father of American independence, the founder of republicanism on the continent of Columbus—the venerable and immortal Washington. The Republic of Mexico will always reckon among its best friends the statesmen that directed the American policy during the period of our crisis. The principle of non-intervention, faithfully observed by the oldest of the republics of this continent, the only ally of Mexico, has proved the salvation of our country.

* * * * *

Mr. Plumb to Mr. Seward.

(Foreign Relations 1868, part 2, p. 396.)

LEGATION OF THE UNITED STATES,
City of Mexico, January 11, 1868.

SIR: I have the honor to transmit herewith copy and translation of a manifesto, addressed under date of the 8th instant, by the congress of Mexico to the Mexican people.

It will be observed that this manifesto reiterates, on the part of congress, the position taken by the Executive of the republic, in his address to that body at the formal opening of the session on the 8th of December, that all treaties are at an end between Mexico and those powers who recognized the so-called government of Maximilian.

I am reliably informed that in the discussion and adoption of the manifesto, which took place in secret session, and proceeded by paragraphs, an amendment was proposed more especially recognizing the aid Mexico has received, during her recent struggle, from the United States.

This amendment was strongly supported, I am told, by Mr. Montes, formerly minister for foreign affairs under President Comonfort, Mr. Mata, formerly minister to the United States, and Mr. Cañedo, a talented deputy from the state of Jalisco, but it failed to be carried.

I am, &c.,

E. L. PLUMB.

Manifesto of the Mexican Congress.

[Translation.]

THE CONGRESS TO THE NATION:

* * * * *

The situation of the republic upon the completion of its triumph over its foreign and interior enemies is highly satisfactory, and reanimates the hopes of all those who desire the prosperity, the well-being, and the aggrandizement of our country. Upon the wisdom, the good sense, the patriotism and the civic virtues of the Mexicans it depends that these alluring expectations shall not be frustrated. They are the masters of their own destiny; and upon the practical application of the liberty they have defended with so much courage, and the strict observance of the fundamental law so much desired, depends peace and public order, which are the first necessities of the country, as also the subsistence and the perfecting of the institutions, the credit, and the respectability of the republic before the world. The first duty of Mexicans consists to-day in respect and submission to the laws and the authorities that emanate from them, and in making full use of all the liberty authorized by the constitution, without compromising the public peace or inciting to new revolutions.

For public evils, for abuses by the authorities, for the misconduct of the government, there are legal remedies established by the constitution itself, and no others should be adopted, for there is no greater peril than in the interruption of the legal order.

* * * * *

The congress, in celebrating the national triumph, in congratulating itself upon the restoration of institutions which combine order with liberty, and in exhorting their constituents to peace and to respect to the law, cannot omit to express, in the name of the nation, a sentiment of profound gratitude toward the enlightened republics of America, for the moral support that they have lent to it during the struggle, in not recognizing the work of the usurpation and in not despairing that in Mexico the holy cause of right and of democracy would triumph. It is the desire of congress that in the interest of civilization and of humanity a close alliance of the American republics may be realized.

* * * * *

Mr. Plumb to Mr. Seward.

(Foreign Relations 1868, part 2, p. 394.)

LEGATION OF THE UNITED STATES,
City of Mexico, December 26, 1867.

SIR: On the 19th instant the special committee of the Mexican congress, appointed to examine the votes of the electoral colleges for President of the republic and president of the supreme court, made their report, which was adopted.

Of the 10,350 votes cast by 180 electoral colleges for President, it is stated that 7,422 were given for Benito Juarez, 2,709 for Porfirio Diaz, 57 for Gonzalez Ortega, and the remainder (192) scattering.

A decree, was, therefore, passed by congress declaring Benito Juarez constitutional President of the United Mexican States for the period terminating on the 30th of November, 1871, by reason of his having received an absolute majority of all the votes cast.

Of the 10,421 votes cast for president of the supreme court (the vice-president of the republic), it is stated that 3,874 were cast for Sebastian Lerdo de Tejada, 2,541 for Porfirio Diaz, and the remainder (3,970) divided among a large number of other candidates. No candidate having an absolute majority of all the votes cast, the election fell to congress, and rested between the two candidates receiving the highest number of votes. The election then proceeded by states, twenty-three states voting by their delegations. Of these seventeen voted for Sebastian Lerdo de Tejada, and six for Porfirio Diaz.

A decree was thereupon passed by congress declaring Sebastian Lerdo de Tejada constitutional president of the supreme court of justice, by reason of his having obtained an absolute majority of the votes cast by the deputations of the states.

On the following day congress fixed the 25th instant as the day on which the president of the republic should take possession of his office under the new term of which he had been now declared to be elected.

Having received a formal invitation from the minister for foreign affairs, I was present at the ceremony of the inauguration, which took place yesterday in the hall of the national congress.

I have now the honor of inclosing herewith a copy of the *Diario Oficial*, containing the address of President Juarez, and the reply of the presiding officer of congress, delivered on that occasion.

It will be observed that in neither of the above addresses is any allusion made to foreign affairs. The tone of the addresses is moderate and practical, and inspires hope for the preservation of constitutional order in the future.

Mexico has now conquered the establishment of a republican form of government. The constitution of 1857, subject to such changes as may be made, in the manner it prescribes, it is settled is to be the supreme law of the land. The separation of state and church has been effected. The vast property of the latter has been nationalized and passed into private ownership.

All the power of France and the pledges and obligations of Maximilian have proved insufficient to reverse this action.

The three years' rebellion of 1858 to 1861 having been put down, defeated faction appealed to its last resort, foreign intervention. That has succumbed to an eternal verdict, so far as Europe is concerned.

Permanent peace, therefore, appears now to be within Mexico's reach, if she will be just to her national obligations abroad, and the government at home will resolutely and promptly repress any local attempts that may be made to disturb the public order.

I have, &c.,

E. L. PLUMB.

Mr. Plumb to Mr. Seward.

(Foreign Relations, 1868, part 2, p. 430.)

LEGATION OF THE UNITED STATES,
City of Mexico, February 24, 1868.

SIR: I have purposely, thus far since my arrival here, refrained from making any allusion, in my communications to the department, to the many reports which from time to time are circulated in this country, and are sent abroad, of reactionary movements, or of public disorders of more or less importance, in various parts of the republic.

In most cases these reports are speedily proved to be fabrications, and such movements as may occur have no political importance, because they can attain no practical end.

The struggle this republic has just passed through has been too vital, and the principles involved in the triumph achieved by the cause of republican constitutional government too important and necessarily deep-seated, for there to be even a possibility, for some considerable time at least, of any serious political change originating within itself.

It would seem to have been demonstrated that no government is now possible here except the constitutional form of government, and it would, therefore, clearly appeal to be for the interest not only of this country, but of all who may have relations with it, that that government should be maintained. Any reactionary or other anti-constitutional movement now, whether originating abroad or within the republic, must be simply an attack upon public order, and a direct injury to the creditors of this country and all who seek to have commerce with it.

Upon the success of this people in maintaining order and security and achieving progress under the form of government they have definitively adopted, depends not merely their national existence, but all immediate prospect of the payment of their obligations and the possibility of any development of their commerce.

For the solution of this question of their capacity in this regard, which is being determined, it would also appear clearly desirable that a full, fair, and free time of trial should be afforded without opposition, but rather with encouragement from all quarters. It would appear to be in the common interest that any attempted movement against the constitutional order should receive severe reprobation abroad, and that the constitutional authorities should be stimulated and, so far as may be legitimately practicable, aided to vigorously repress all such movements.

The recent reactionary movement in Yucatan, which commenced on the 11th of December last, upon the landing there of a certain number of the imperialist refugees who have been congregated at Havana, appears to have had its only inspiration and support from that source.

Availing by surprise of the port of Sisal and the city of Merida, where the constitutional governor, Pedraza, had but an insignificant military force, they succeeded in driving him from the latter place, and in momentarily organizing there a simulated form of government.

The distance required to march troops to Vera Cruz, and the necessity of transporting them across the Gulf, consumed some time before this government could bring its

force to bear against the movement. But it has acted in this instance with most commendable vigor, and the forces it sent were no sooner landed at Campeche than they were marched at once upon Merida, and at the first onset crushed the insurrection entirely, killing in the actions that occurred the principal leaders of the hopeless movement.

Rumored movements that were to be attempted at Tampico, and at other points, all having a common origin with the refugees congregated at Havana, were part of the schemes which, by the prompt suppression of the affair in Yucatan, and the arrest of the conspirators here, have now come entirely to an end.

There remain pending two movements of some magnitude, which are exclusively of domestic origin, and arise from local questions regarding the governorship, respectively, of the States of Sinaloa and of Guerrero.

The government, which is acting with energy, and appears to be actuated by the fixed determination to use all the military force and all the resources of the national authority to put an end to these attempts to resort to local revolution as a means of redress for local grievances, as also to all other attempts against the constitutional order, has already commenced the movement of troops to the State of Sinaloa, and is preparing to send a force to the State of Guerrero.

There is little doubt both these movements, as well as any others, should they occur, will be speedily put down, but these efforts cost time and money that should be only required for the work of reorganization and material development.

The people of this country long for peace and security. No new political flag can now be raised with any possible chance of success. Only a few refractory leaders who may have ranked with the liberals during the recent struggle, and the reactionary plotters abroad, remain as disturbers of the public order.

Within this limit are the practical difficulties of administration, which are quite sufficient for the attention of this government, and in which it needs the encouragement of all who believe that in the independent prosperity of this country lies the highest good of others as well as of itself.

I have, &c.,

E. L. PLUMB.

Mr. Plumb to Mr. Seward.

(Foreign Relations, 1868, part 2, p. 452.)

LEGATION OF THE UNITED STATES,
City of Mexico, April 20, 1868.

SIR: In the rebellions that have taken place in the State of Yucatan, the State of Guerrero, and the State of Sinaloa, local questions had been urged as the only motives for revolt, and the leaders in each movement have protested that they still respected the existing federal government.

Now, however, the flag of another revolution has been raised in this State, and the leader puts forward the name of Jesus Gonzales Ortega, formerly chief justice of the supreme court, whom he claims is now the legitimate President of the republic.

The nominal leader of this movement, General Negrete, is a man who has belonged to all parties, and was for a time, during the intervention, minister of war of President Juarez. He has as yet apparently only a few hundred men, while his chief, Gonzales Ortega, is held a prisoner by the government at Monterey.

With proper energy the movement should instantly be suppressed; but what danger there is lies in the fact that in the present state of discontent all of the disaffected are ready to rally under any plausible flag of revolt, and it is believed there are those even now occupying seats in Congress who would be willing to support Ortega for the purpose of opposing President Juarez and his present cabinet.

I transmit to the department herewith translation of communications published in the *Diario Oficial*, addressed to the minister of war, giving an account of two reported actions with Negrete's forces, and of the proposed plan of this movement.

I have, &c.,

E. L. PLUMB.

Mr. Plumb to Mr. Seward.

(Foreign Relations, 1868, part 2, p. 456.)

LEGATION OF THE UNITED STATES,
City of Mexico, April 24, 1868.

SIR: As an authoritative statement of the present situation of this country I transmit herewith translation of remarks made by a government member in the Mexican

Congress, on the 22d instant, in the discussion of a project of law to suspend certain constitutional guarantees, and to give certain powers to the executive, in order to enable it to act more effectively in the punishment of conspiracies and other offenses against the public tranquillity; of a report with reference to the situation in the State of Guerrero, made by the minister of government to Congress on the same day; and of a decree passed by the legislature of the State of Tabasco, conferring extraordinary powers upon the governor of that State, to the end of enabling him to maintain the public order.

I have, &c.,

E. L. PLUMB.

SITUATION OF THE COUNTRY.

[From the Siglo XIX, city of Mexico, April 23, 1868.—Translation.]

CONGRESSIONAL REPORT—SESSION OF THE 22D OF APRIL, 1868.

The report of the committee of government upon the suspension of certain constitutional guarantees being under discussion, Mr. Joaquin Baranda, a member of the committee, said

No one will deny, sir, that peace and internal tranquillity are the first necessities of society, for without peace no government is possible, without tranquillity there can be no constitution.

And are we in full peace? Has Mexican society completely recovered its normal condition? Is the republic living tranquilly under the shade of its laurels, enjoying the advantages of its late victory? Let us see.

There is Yucatan, where certain bad Mexicans, coming from Cuba, disowned the legitimately constituted authorities, inducing the garrison of the capital to rebel, and overturning completely public order in all the State; and order has not yet been re-established, if we may judge by the last measure taken by the provisional executive suspending the elections.

There is Sinaloa, where Mexican blood is being profusely shed in a fratricidal war.

There is Puebla, where there have been various attempts at insurrection, occasioned by the election for governor.

There is Tabasco, where in less than three months two revolutions have been discovered and happily suppressed, without counting the invasion of the petty leader Juan José Juárez, who, commissioned by the mysterious conspirators of this capital, entered the State after having surprised the island of Carmen and seized the money in the custom-house and some material of war.

There is Tamaulipas, where the hydra of revolution threatens to raise its deformed head.

There is Quiroga, seeking to overturn public order in Nueva Leon.

There is Negrete, who invades the State of Mexico with the flag of rebellion in his hand. There are the highways full of kidnappers, thieves, and assassins.

There is the capital itself of the nation, in whose bosom has been discovered, not long since, a wicked plan which had for its object to assassinate the President and other public functionaries, and in whose principal streets are perpetrated frequent and abominable crimes.

There is, finally, Jesus Gonzales Ortega, who has not yet lost the illusion of being the President of the republic, impeaching him who now worthily fills that charge, and publishing his impeachment in various papers, an impeachment which is a voice that says to the discontented, rise in insurrection, you have still an apparent motive for doing so.

Sir, is this peace, is this tranquillity? Evidently, no. What shall be done to obtain that precious good?

Will it be observing strictly the constitution and respecting all the guarantees which it authorizes? No. No one has been punished in Yucatan; Juan José Juárez has not been, nor the conspirators in this capital.

A law is necessary, not so severe in its penalties as swift in its proceedings, that will cause its action quickly to be felt by the culpable.

Society does not punish for the pleasure of punishing; it punishes to restrain, and this justifiable end cannot be attained by delaying the application of the penalty.

These are the powerful reasons, in my judgment, which have obliged the committee to declare in force, for conspirators only, the law of the 25th of January, 1862, suspending as a previous and indispensable measure one of the constitutional guarantees, that of not being tried by special laws or tribunals.

With respect to other offenses, we ask that they shall be tried in conformity with the laws of June, 1861, and December, 1856, as has been provided in resolutions that Congress has taken on other occasions of a similar nature.

We have defended amnesty and pardon for past offenses; but without doing violence to our conscience we cannot counsel impunity for crimes that are committed to-day, and that encourage further crimes in the future.

We have believed, and still believe, that the French intervention and the farce of the empire were to be the final admonition to our political enemies, and that overcome, and overcome absolutely on every field, they would now merit rather the clemency of a pardon than the rigor of punishment.

Since the independence, our unfortunate country has traced a tortuous and bloody road.

What is the cause of the present state of our agriculture, our commerce, and our industry? Revolution. What is the reason our country is so unfortunate when it should be so happy? Revolution. What is the pretext of which our enemies at home have availed to beg foreign intervention? Revolution. What is the apparent motive upon which foreign nations have pretended to intervene in our political questions and to subjugate us? Revolution. Always revolution.

And now, when we have so happily terminated our second war of independence, can we not free ourselves from this terrible situation, that causes us to appear before the world as a country incapable of governing itself?

Sir, can we not have peace? Peace, the aspiration of all peoples and of all men!

In one of the papers of this city an article is published to-day which refers to the report we are discussing, and says: "Those only can think with liberty who have a special privilege. Awake, Democrats; this law recalls Santa Anna."

This is a gross imposture, for in article 6 of our project of law, it is clearly stated, "offenses of the press are not included in this law." All Mexicans, therefore, can freely think and write what they think, and print it and circulate it everywhere, without fear of being included in the law of the 25th of January.

So far as jurisdiction, we have referred to constitutional jurisdiction; and it excites surprise that a blind constitutionalist, so to speak, believes that what is conceded by the constitution of 1857 can recall the abominable dictatorship of Santa Anna.

We did not expect to be accused of lack of constitutionalism in counseling repressive measures against conspirators, kidnappers, thieves, and assassins.

We love the constitution; it is the glass in which we see ourselves, for it is the will of the people, written by the hand of their representatives; but we do not profess that pharisaical constitutionalism which some parade. We do not wish the constitution to be an arm of party; we do not wish it to be a mantle with which criminals are to be covered. We desire that it shall be preserved pure and without spot, as the sacred charter of the rights of the people.

We beg that the chamber, without fear of being wanting to its principles, or of violating its convictions, will be pleased to vote the project of law that we have discussed, because, voting the law, they will vote the punishment of the disturbers of public order; and with this peace, which is what the republic most requires to assure its triumphs, will develop its elements of greatness, and it will be completely free and happy.

Mr. Plumb to Mr. Seward.

(Foreign Relations, 1868, part 2, p. 465.)

LEGATION OF THE UNITED STATES,
City of Mexico, May 23, 1868.

SIR: It will be with unfeigned regret, I well know, that the government and people of the United States will learn that the era of pronunciamientos is apparently again returning to this country.

As I have said before, no political movement to erect any other in the place of the constitutional government is now possible. That government is to be maintained, or none can be.

So, all movements to take up arms now are simply attacks upon public order and upon property. Yet such movements have commenced, and there are armed forces in resistance to the government in various parts of the republic.

The latest of these movements are pronunciamientos that have taken place, first, in the mountain range that separates this valley from that of Cuernavaca, under the leadership of Aureliano Rivera; and secondly, in the mountainous district in the State of Queretaro, known as the Sierra Gorda, which was for many years the impregnable retreat of the Indian general, Mejia, who was shot with Maximilian.

This movement is under the nominal leadership of a Colonel Velasquez, who it is stated was formerly an adjutant of General Mejia.

The mountain range of Ajusco, within sight of this city, where Aureliano Rivera has pronounced, was his former refuge when serving, as he did effectively as a partisan

leader, in the liberal cause against Miramon, and afterwards against the French; and the latter alone have been able to dislodge him from it.

Neither of these movements embraces more than a few hundred men, and this number is perhaps likely rather to be diminished than increased; but, like the roving bands of kidnappers now infesting the country, they may be sufficient to remain as festering sores.

While such movements can neither overthrow the government nor build up another, they are capable of much mischief, and their greatest danger is in the aid they render to a general process of disorganization.

But the feature of the pronunciamiento of Aureliano Rivera that bears chief importance is the presence, attached to his manifesto, of a number of names, some of them of persons of prominence and influence, who are known to be disaffected to the government of President Juarez, but who as yet have taken no active or open part, and regarding whom it is uncertain whether they are really committed or not.

Three of the persons whose names were so attached have published denials that they had authorized such use of their names; but up to the present time that is the total number of denials that has appeared.

It is also asserted, but denied by him from his prison at Monterey, that this movement, as well as that previously made by Negrete, has the sanction and is in the interest of General Gonzalez Ortega.

Whether the names attached to the proclamation of Rivera have been used with authority or not, there is a probability that if the States become generally disaffected—and there is great opposition to several of the governors, who it is claimed are too much under federal influence—some of the generals mentioned may take an active and influential part against the government.

All of these facts leave an anxious feeling in the public mind.

It is undeniable that there is a great deal of discontent throughout the country, and that the state of insecurity and of commercial and industrial prostration has reached a degree that detracts very greatly from the influence and prestige of the general government, and that if continued may produce serious results.

All the disaffected, also, act against a common opponent. If some relief had been given to the material interests of the country, the present situation might have been different.

Inclosed herewith I transmit to the department full translations of the proclamation, &c., herein referred to, among which I beg to call attention to certain expressions in that issued in the State of Queretaro.

I have, &c.,

E. L. PLUMB.

PLAN PROCLAIMED BY THE INSURGENTS OF THE STATE OF QUERETARO.

[From the Siglo XIX, city of Mexico, May 22, 1868.—Translation.]

At the town of Jalpan, in the Sierra Gorda, this 8th day of the month of May, 1868, the chiefs and officers who are undersigned, being met for the purpose of concerting a plan which shall put an end to a system commenced with scaffolds erected for heroes, after having taken into consideration the iniquitous cruelty with which Don Benito Juarez and the leaders of his party have forced themselves into power; the organization of the authority they exercise, founded in laws such as that of the 25th of January, which has resuscitated, in the midst of the nineteenth century, the age of barbarity and of the most infamous feudalism; that in the name of that same law has sacrificed noble victims, who, in place of a scaffold, merited an altar raised to their civic virtues and to their heroism; that among those victims vilely immolated is found his excellency General Thomas Mejia, who has gloriously associated his name with this Sierra; considering that a government such as the present, which, on being conquered and in defeat, sought, as in the year 1859, a refuge and aid in the folds of the North American flag, offers no guarantees for the future, but, on the contrary, threatens the sacrifice, in a scandalous manner, of our territory and our nationality for the benefit of our common enemies, the Anglo-Saxons; that before a day so unfortunate for our country shall arrive, it is necessary to intrust its interests to the worthy hands that will save it, as on another unfortunate occasion: after having taken all this into consideration, we have agreed, in the most solemn manner, upon the following plan:

ARTICLE 1. The sanguinary government of Don Benito Juarez is disowned, as well as all the authorities, general or local, emanating from the late elections held under the convocatoria of the 14th of August last.

ART. 2. The system which shall rule in the nation shall be the republican, and its chief shall be the well-deserving of his country, his excellency the general of division Don Antonio Lopez de Santa Anna.

ART. 3. Col. José Velasquez is hereby recognized as the chief of the forces of the Sierra Gorda.

ART. 4. Copies of the present act shall be remitted where it shall correspond.
 Viva his excellency Don Antonio Lopez de Santa Anna! Viva the people and the army!

Mr. Plumb to Mr. Seward.

(Foreign Relations, 1868, part 2, p. 472.)

LEGATION OF THE UNITED STATES,
City of Mexico, May 25, 1868.

SIR: In dispatch No. 119, of the 24th ultimo, I referred to the discussion in the Mexican congress of a project of law to suspend certain guarantees of the constitution, and to give to the executive certain powers to enable it more effectually to suppress conspiracies and punish offenses against the public tranquillity; and I transmitted to the department translation of a speech made by one of the government members upon that subject.

This discussion was originated by the presentation to congress, on the 21st of January last, of an initiative of the government, recommending the adoption now, on account of the situation of the country, of articles 4 to 11 and 27 to 31, inclusive, of the law of the 25th of January, 1862, which is the law under which Maximilian was executed, and which has been characterized by Mr. Montes, in a very able speech in the Mexican congress on the 8th of February last, on amnesty, as a law which to all offenses imposes the penalty of death.

The introduction of such an initiative, at a time when the reactionary party, finally defeated in 1860, having sunk yet lower by appealing to that last resort of defeated faction, foreign intervention, has now no longer any existence in the country, and when that foreign intervention has entirely passed away, and by the triumph so lately achieved the whole republic was placed unreservedly in the hands of the constitutional government, has startled public sentiment and occasioned a prolonged and heated discussion, not only in Congress but also in the public press, for it is felt that such a measure now can be necessary only as against the liberals themselves, by one portion of that party against another, and that it is the strongest evidence that permanent tranquillity is yet of doubtful realization.

While the debate has continued, the situation, which in January led the government to ask for these additional powers, has become worse; but the opposition to the measure has been so strong that, after the initiative of the executive had been several times modified, and the death penalty stricken out, an entirely new law was finally framed, much more moderate, yet still unpopular, which passed Congress on the 6th instant, and of which I transmit translation herewith.

In dispatch No. 119 I also mentioned the granting of extraordinary powers by the legislature of the State of Tabasco to the governor of that State.

Since that time similar powers have been conferred upon their governors by the legislatures of the States of Puebla and Queretaro, and now the faculties contained in the present law have been conferred upon the general government by the Congress of the Union, all because it is urged that tranquillity cannot be maintained under the normal action of the State and federal authorities.

This is in addition to special measures touching the rebellions which have occurred, and have been suppressed, in the States of Yucatan and Sinaloa, and that which cannot correctly be said yet to have terminated in the State of Guerrero.

It is scarcely ten months since the constitutional government re-entered this capital, and without an element of resistance left against it, and with greater sources of prestige and strength than ever before, had the destinies of the republic entirely in its hands, and there was apparently no reason why permanent peace, order, and security should not be attained.

I have, &c.,

E. L. PLUMB.

Mr. Plumb to Mr. Seward.

(Foreign Relations, 1868, part 2, p. 577.)

LEGATION OF THE UNITED STATES,
City of Mexico, September 10, 1868.

SIR: The efforts of this government to put an end to the insurrections that have occurred in various parts of the republic since the outbreak in Yucatan in December last, appear to have been signally successful.

Near the close of last month the forces under General Alatorre effected the complete suppression of the rebellion in the sierra of the State of Puebla, with which General Negrete and the remnant of his followers had united.

A short time before, the forces under the orders of General Escobedo put an end to the revolt in the sierra of the State of Queretaro.

Aureliano Rivera, who pronounced in the sierra of Ajusco, in this State, has not been heard of since the first few weeks of his movement when forces were sent against him, and appears to have altogether disappeared.

Recent risings in the State of Vera Cruz have also quickly been suppressed.

The differences in the State of Guerrero appear finally to have been adjusted, and a general election has now been called in that State.

The insurrection in the State of Sinaloa, under Martinez, was quickly put down by the federal forces under General Corona; and thus, so far, in every instance, success has attended the arms and the measures of the government, until it may now be stated that at no period since the accession of President Juarez to the chief magistracy, in February, 1858, has the whole country been under such entire acquiescence in the rule of the constitutional government, and the measures of reform put in practice by the constitutional party, as it is to-day.

The military forces and the civil employés of the federal government are now regularly and promptly paid.

This may be one of the important causes of the improved state of affairs; but I think it must also be acknowledged that the people generally throughout the republic are showing a greater unwillingness to look quietly upon, or to permit a resort to unauthorized armed movements as a means of redress for local or federal grievances, and are more clearly seeing that there are sufficient and surer remedies by peaceful means through the press, the tribune, and the ballot.

It is too early yet safely to assert that the round of pronunciamientos may not again be recommenced, or that legislative differences may not occur to mar the present favorable prospects; but it must be admitted that there are hopeful signs that a greater degree of tranquillity will be maintained hereafter.

The condition of general insecurity for life and property throughout the country continues to be most undesirable, but the government manifests a determination to now turn its attention to that necessity, as its most important work.

President Juarez has expressed to me his personal assurances under this head, and unquestionably feels the most earnest desire to accomplish what is so vitally demanded in this regard.

His confidence in the future of his country appears not only to be unabated but strengthened; and he sees perhaps more clearly than many how important an element time is in the difficult task of giving to Mexico, under all the disadvantages the past has left as its legacy, a durable peace, order, and progress.

There appears to be also on the part of the government, and of their public men generally, an increasing appreciation of the necessity of giving an impulse to the material interests of the country.

Should the coming session of their Congress meet the public expectation and the promises of its leading members, and the government use the initiative it can in this regard, a great improvement in the state of affairs here cannot but take place.

In this point of view the proximate session is looked upon as of critical importance. Employment, to keep the people from the necessity of crime and revolt, is a vital requirement of their present situation.

A useful document, which is at the same time an encouraging sign, has recently appeared in the shape of a manifesto from General Gonzalez Ortega, issued shortly after his recent unconditional release from confinement.

In this paper he relinquishes any claim he may have been supposed to have to the executive office or to the presidency of the supreme court, and admits the necessity as well as propriety of accepting the existing order.

His constitutional term as vice-president expired on the 31st of May last, and that office is now filled by Mr. Lerdo de Tejada, but the manifesto of General Ortega is useful as showing the convictions and expressing the advice of one who was the only claimant of the position President Juarez occupies.

I beg to inclose a translation of this document herewith.

I have, &c.,

E. L. PLUMB.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1872, p. 339.)

LEGATION OF THE UNITED STATES,
Mexico, October 9, 1871.

SIR: At the date of my last general dispatch, on the 30th ultimo, the only well-authenticated revolutionary movement known to me was that of Generals Marquez and Farra, in Sinaloa, which I predicted would be readily suppressed, *unless seconded elsewhere*. The principal force of these generals was, in fact, routed on the 21st ultimo, near Culiacan, but before the news reached this city other more formidable outbreaks

had nearly caused that movement to be forgotten. During the last days of September, General Geronimo Treviño, governor of Nuevo Leon, who was one of the most distinguished chieftains of the war against the empire, and who has hitherto been regarded as a firm supporter of the existing government, pronounced against President Juarez, in his capital, Monterey, previously cutting off telegraphic communication with Mexico, so as to gain as many days as possible in preparations for the conflict. News of the fact, however, reached this city almost immediately, by way of Saltillo, against which city Treviño marched very shortly.

We are still in ignorance of the antecedents and details of this insurrection, although there can be little doubt that the insurgents have proclaimed Porfirio Diaz as President, and it is highly probable that the step was taken in pursuance of an understanding with General Diaz, and with his partizans in other States, where the revolt has been or will be seconded. Before the pronunciamiento of Treviño, General Pedro Martinez, one of the leaders of the abortive insurrection of last year, had been gathering partisans on the frontier of San Luis and Nuevo Leon, and had also pronounced for Diaz at Galeana, in the latter State. He has since invaded Coahuila, probably in combination with Treviño, and both forces were, at latest advices, threatening from different directions the capital of that State. * * * * *

On Sunday, the 1st instant, at about 3 p. m., a formidable insurrection broke out in this city, which, were it not for the unexampled energy with which it was overcome the same night, would speedily have produced incalculable evils. The secret history of the movement is still unknown, but it is universally believed that its real head was the well-known revolutionist, General Miguel Negrete. The movement commenced by the defection of a part of a battalion of *gens d'armes*, which, after assassinating its colonel, took possession of the citadel, a vast fortress containing the principal government deposits of ammunition and war-material. It was occupied at the time by a handful of artillerymen, who, having declined to take part in the revolt, were shut up in the magazine during the ensuing battle.

At 4 p. m. the government had taken its first measures, appointing General Sostenes Rocha to command the attack, and placing its forces so as to surround the citadel. About the same time the insurgents had taken the Belen prison, near the citadel, and had added eight hundred convicts to their forces.

The attack was made at 11 o'clock the same night, after an incessant fire of two or three hours; the artillery of the citadel causing fearful ravages, while the federal forces feared to use that arm, lest they should blow up the powder-magazine, and thereby inevitably destroy much of the city. The battle was bloody, to a degree almost unexampled in the annals of Mexican revolutions, but the citadel was taken at the point of the bayonet at the stroke of midnight, and the pealing bells immediately made known to the terrified city its escape from the threatened ravages of the desperadoes. Current rumors affirm that large numbers of the prisoners were summarily executed after the victory, but the official report of General Rocha, of which I inclose a copy and translation, referring to it for further particulars, only admits the execution of four officers, which he represents to have been imperatively necessary. Moreover, most of the officers at first reported to have been shot are now known to be alive.

The principal chiefs of the insurrection, who are supposed to have been Generals Negrete, Toledo, Cosio Pontones, and Chavarria, with Col. Edmund Mayer, escaped before the final assault, and took refuge in the mountains surrounding this valley. Some of them, however, are believed to be now secreted in this city, awaiting a favorable moment for another outbreak.

General Aureliano Rivera, at the moment of the insurrection at the citadel, appeared at the suburb called Tacuba with a few followers, and induced the force stationed there to join the revolt. The governor of the federal district, Colonel Castro, went in his pursuit and was killed in the encounter. * * * * *

On the day preceding this revolt three of the newspaper organs of the Diaz party disappeared, and the only remaining one, the *Ferro-Carril*, published a long editorial upon the situation of the country, which was justly regarded as an appeal to the laboring classes against the rich. The symptoms of a socialist revolt are rife in Mexico, and the contest now beginning will undoubtedly be affected to some degree by this element of discord. During the past week it has become known that a noted Indian chieftain, named Juan Francisco, has pronounced in the sierra or mountainous districts to the north of Puebla. It is also known that Mr. Justo Benitez, the confidential adviser of General Diaz, has disappeared from this city, and has arrived at Oaxaca, where that general resides. It is considered certain, by leading members of the government, that Diaz will shortly pronounce, if, indeed, he has not done so already, a supposition which the sudden interruption of telegraphic communication with Oaxaca three days since goes far to confirm; as also the departure from this city of General Alatorre, commanding the second division, with headquarters at Orizaba. Fears are entertained that the rebellion of Diaz will be seconded in Vera Cruz, which State gave him a large majority in the late Presidential election. * * * * *

I am, &c.,

THOMAS H. NELSON.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1872, p. 345.)

LEGATION OF THE UNITED STATES,

Mexico, October 30, 1871.

SIR: The choice of President by Congress between Messrs. Juarez and Diaz took place on the 12th instant. The supporters of the latter and of Mr. Lerdo having generally declined to vote, the result stood—Juarez, 108; Diaz, 3; blank, 5.

On the following and successive days President Juarez has received the telegraphic congratulations of the governors of most of the States, including those of several States which voted strongly against him.

The revolution initiated by Governor Treviño, of Nuevo Leon, has been but feebly seconded outside that State. General Borrego, in Durango, Garcia de la Cadena, on the border of San Luis, and several districts of Coahuila, have hitherto furnished the only contingents to the movements. The *pronunciamiento* of Gomez Portugal, in Aguas Calientes, and the now extinguished insurrection in Sinaloa, were simply directed against the local governments of those States.

I inclose a copy and translation of a decree of General Treviño, dated the 1st instant, disowning the government of Juarez, and declaring himself temporary dictator of Nuevo Leon; also a copy and translation of a proclamation of the same date repealing the customs code, and allowing the entry of foreign goods on the payment of nominal duties. Treviño has made two unsuccessful assaults upon Saltillo, the capital of Coahuila. Re-enforcements have been sent to that city, and the governor professes his ability to hold out.

No definite insurrection is yet known to have occurred in Oaxaca, but it is confidently looked for at an early day. Latest advices from that State represented that the two Generals Diaz were hastily fortifying and provisioning the city of Oaxaca.

The only party of rebels in this vicinity, headed by Sofero Lozano, was completely dispersed last week.

I am, &c.,

THOMAS H. NELSON.

DECREE OF GENERAL TREVIÑO.

[Translation.]

Geronimo Treviño, constitutional governor of the State of Nuevo Leon, and general-in-chief of the army of the north, to the inhabitants thereof.

Know ye, that the continuance of Don Benito Juarez in power being incompatible with the national liberty; and considering

That this State would suffer immense damage if it should continue longer to yield obedience to his despotic and capricious administration;

That in this State the congress has closed its sessions, and the executive needs to act with the greatest activity and energy in order to meet the exigencies of the new situation created in it; and, finally,

That in order to prevent anarchy and to assure the success of the movement commenced in Nuevo Leon, and which is being effected throughout the republic, it is necessary to recognize a sole leader to direct and head it, and who by his character and antecedents may be recognized by all without opposition, I have thought proper to decree as follows:

ARTICLE I. The actual administration of the citizen Benito Juarez is hereby disowned.

ARTICLE II. The State reassumes its sovereignty until the triumph and entire re-establishment of order.

ARTICLE III. The executive power of the State reassumes the exercise of the other supreme powers, so far as he may judge necessary for his freedom of action.

ARTICLE IV. The citizen General Porfirio Diaz is recognized as general-in-chief of the republican army for the maintenance of the constitution and the laws.

Therefore, I order the above decree to be printed, published, circulated, and duly obeyed.

Monterey, October 1, 1871.

GERONIMO TREVIÑO.

ALONSO ALBA, *Chief Clerk.*

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1872, p. 351.)

LEGATION OF THE UNITED STATES,
Mexico, November 9, 1871.

SIR: Since the date of my last general dispatch of the 30th ultimo, the political situation of Mexico has assumed a more serious aspect. The movement of General Treviño against Saltillo has not yet been successful, and he is said to have suffered a defeat on the 1st instant at Ramos Arizpe. Nevertheless, information is received almost daily of new insurrections in different parts of the country, among which may be mentioned those of General Guerra and Colonels Ugarte and Barrios, in the State of Zacatecas; of Juan Francisco Lucas, in the north of Puebla; of Colonel Llanos, in the vicinity of Cuernavaca; and, more recently, the defection of General Galvan with the cavalry of the second division, who has marched to Oaxaca. General Porfirio Diaz has not yet placed himself openly at the head of the revolution, to which post he is summoned by all the minor chieftains now in the field; but, as the State government of Oaxaca has refused to recognize the election of President Juarez, has fortified that capital, and has caused its official organ to express approval of the movement of Treviño, it is no longer doubtful that Oaxaca is virtually in rebellion, and probably only awaits the conclusion of Mr. Juarez's present term of office on the last day of the present month to announce its formal declaration of war.

Meanwhile the federal government is making energetic preparations for an anticipated campaign against Oaxaca, but seems to be reluctant to take the initiative. The forces of the second division, under General Alatorre, have been concentrated at Tecamachalco, in observation of the principal military route leading to Oaxaca. Unfortunately several battalions of this division are chiefly composed of natives of that State, and as their officers owe their rank and military training to General Porfirio Diaz, there is reason to fear that the defection of General Galvan will be followed by that of other portions of the second division. Indeed, it is stated that a portion of the command of General Kaempfer has already gone over to the rebellion.

I am, &c.,

THOMAS H. NELSON.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1872, p. 355.)

LEGATION OF THE UNITED STATES,
Mexico, November 28, 1871.

SIR: I herewith transmit a translation of a proclamation by General Porfirio Diaz, dated at Huajuapam, November 19; also of a proclamation signed by the insurgent General Negrete, dated at Altamaja, November 20; and two proclamations of the federal General Alatorre, dated from his headquarters at Acatlan, November 23.

I am, &c.,

THOMAS H. NELSON.

PROCLAMATION OF GENERAL DIAZ.

[Translation.]

General Porfirio Diaz to the republican troops.

COMPANIONS IN ARMS: When, filled with the noble pride of patriotism, we divided together the adversities and glories of the colossal task to turn out from our soil the audacious French and Austrian armies, in order to guarantee definitely the independence and liberty of our adored soil, we never suspected that we should soon have to see our brothers face to face as enemies. But a disloyal government, despotic and paricidal, and to which the country did not owe the triumph of its holy cause, has cunningly deposited in your noble hearts the germs of division, in order to make the great and generous liberal party the laughing-stock of the nations that observe us, in order to perpetuate in power those who disregard the law and the universal voice of the nation. Shall this venomous plant germinate in your pure hearts, palpitating with glory, and even now agitated by the vivifying sun of the 5th of May? Answer your sincere friend, your brother. Why are you going to fight against my men? Why say we are traitors? Do we by chance invoke monarchy? Do we call to a foreign prince to govern the country of Montezuma? Do we beg for the humiliating protectorate of the United States, like Juarez and his clique of degraded Cubans and cowardly parasites? O, never! Like you, we carried, five years since, the tricolor standard in

one hand and our constitution of 1857 in the other. With the first we wished to affirm our nationality, removing it from the bastard influences of every foreign country. Do you hear it? We wished to be free Mexicans, not pupils. With the second we wished to consolidate our means of being liberal, free, and progressive indeed, and not by means of vain promises, which are being converted into positive military dictatorship. What are you going to sustain? For what are you going to shed your blood and that of your brothers? Why perpetuate the power of Juarez, who has dreamed of being a prince; who invites us to cowardice by his stupid despotism, or by the Yankee whip, with which he will scourge our people, as was done in 1847, thanks to the division which then as now was the normal state of our unhappy soil. And do you accept this offering—you, the invincible sons of Hidalgo and Iturbide? Do we accept it—we, the brothers of Zaragoza and Salazar? O, do not believe it! It is a lie! Mexico will never give use to such a stupid scandal without outraging its good liberal sons. Comrades, there are but two roads; either that of the infamy sustained by Juarez, or that of glory, binding us, as before, to save our country. In such a dilemma, we prefer yielding with glory, than to live covered with ignominy. Choose, my friends; here is my hand, as ever, and conquering or conquered you shall never despise your brother.

PORFIRIO DIAZ.

HUAJUAPAM, November 19, 1871.

PROCLAMATION OF GENERAL ALATORRE.

[Translation.]

The general of division, Ignacio R. Alatorre, to his subordinates:

COMPANIONS: General Porfirio Diaz has thrown down the glove, trampling under foot the titles with which you have honored him, despising the distinctions which the nation awarded him for the loyal and patriotic conduct that was supposed of him. He has raised the standard of rebellion to drive us anew into parricidal struggles. What cause, what principles does he invoke? What great interest leads him to this criminal act? The nation and yourselves know very well! *General Diaz rebels because he has not been elected President of the republic*, and pretends to seize by violence that which the popular vote of his fellow-citizens had denied to him. This, companions, is the sad reality, notwithstanding that insidious proclamations and false acts invent distinct causes; men of heart will not see anything in them but stupid pretenses. Behold, then, the Mexican Cincinnati parodying the celebrated Santa Anna!

Comrades, the troops and the nation, anxious for the indispensable peace, in order to arrive at the progress that the supreme government aims at, are dueling in a terrible contest. Let us accept it, then, for it is our duty, and because far above us weighs the sacred obligation to sustain at the cost of our blood the rights of the people, the law, and the national government.

Let us march tranquilly to the battle-field; we shall not be responsible for the desolation of our soil; we shall not have to reproach ourselves with the tears that will flow, with the blood shed, nor with the national ruin; these horrors will fall back upon those who promote the tumult and mutiny, and who have caused so many evils to the republic.

My friends, you will soon go and fight. I have nothing to recommend to you, because I know that discipline, valor, and honor are gifts which shine in you. I know that you fulfill your duties, performing your noble mission as warriors without hate or rancor. The fatherland already considers you as its best sons, and you know how to answer to it with dignity.

Forward, comrades! Remember that the nation is leaning on you, and that its tranquillity and progress yet once again depends upon your valor and intrepidity.

Forward! In whatsoever situation you may find yourselves, there will be always at your side your friend and companion,

I. R. ALATORRE.

HEADQUARTERS, Acatlan, November 23, 1871.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1872, p. 359.)

UNITED STATES LEGATION,
Mexico, November 29, 1871.

SIR: For the past three weeks the Mexican Congress has been almost exclusively occupied in the discussion of the law conferring extraordinary faculties upon the Presi-

dent, and the suspension of certain constitutional guarantees. Notwithstanding the absolute necessity for the adoption of this measure, in view of the critical condition of the country, it has been vigorously opposed, not only by the revolutionary party, but also by the friends of Mr. Lerdo. I inclose a copy and translation of the proposed law. The first three articles have been adopted by majorities ranging between thirty and forty votes, and it is probable that the fourth and last article will be approved during the present week. I also inclose a synopsis of a speech delivered in Congress by Mr. Mariscal, minister of foreign affairs, on the 17th instant, which has been severely criticised by opposition speakers and papers, because of his allusions to the probable action of the United States, and the incursions of filibusters in the Northern States, unless the rebellion should be speedily suppressed.

* * * * *

I am, &c.,

THOMAS H. NELSON.

SYNOPSIS OF THE SPEECH OF MR. MARISCAL, MINISTER OF FOREIGN AFFAIRS, DELIVERED IN THE MEXICAN CONGRESS NOVEMBER 17, 1871.

[Translation.]

GENTLEMEN: A young orator of the opposition party made a speech which would be alarming, were it not so notoriously unfounded. He said that Minister Romero was delivering the treasury department to other persons, in order to go at once to the United States, with the view of negotiating the American protectorate over our republic. I was not present at the time, but Mr. Romero was, and he did not think it necessary to deny such an accusation. His very presence here gave the lie to this, for he could not be in this hall and at the same time giving up the business of his department. Nevertheless, to please several friends of the administration, I come here to manifest to Congress that the President of the republic has not thought, nor will he ever think, of soliciting the protectorate of the United States, nor that of any other nation. How could he, who maintained so nobly the Mexican flag in Chihuahua and Paso del Norte, have done this? He who knew how to resist the influence of a friendly and neighboring government, when, through a laudable feeling, it interfered between the usurper and national justice.

I should offend, gentlemen, the illustrious antecedents of Mr. Juarez were I to impugn a speech which, through condescension alone, I have come here to contradict, and which I leave to your good judgment. It is true that there is great danger for the honor of the country, perhaps even for its independence and the integrity of its territory, but this danger does not originate with the administration, but in the revolution and anarchy.

No one denies that our country has been judged with much severity, owing to its chronic anarchy since the independence, producing the phenomenon of humiliating poverty in the midst of elementary riches.

Since the war of reform, which immediately occasioned the foreign usurpation, our spirit of resistance knew how to apply itself to noble and great deeds. The world looks at us with curiosity, desiring to prove by our example if the love of independence and the constancy to defend it are sufficient to allow of a nation governing itself; if democratic institutions are peculiar to the Anglo-Saxon race, or if they will also serve for other people, as, for example, the Latin race.

Thus if we were to succeed in establishing liberty and democratic institutions, our triumph would be immense and enviable, because we should have confounded those who calumniate us, and prove the possibility of every people governing itself.

But if we fall anew into anarchy we should be declared incapable of self-government. Our very glories would be turned against us, for it would be said that our resistance against a foreign government and monarchy was inspired by our feelings of disorder against all government; it would be said that what we call our heroic patriotism is no more than the vice of resorting to arms, our love of insurrection, and the sad advantage of being able to repeat such things eternally.

If such things continue, we shall have shown to the universe that we are incapable of being governed, either by ourselves or by the liberal constitution of 1857; and that we are a people without hope or future, and without any capacity for material progress; they will say we are a very valiant people, but of the valor which also belongs to other semi-barbaric peoples. They will pretend to treat us like they treat the people of Asia and Africa, where every stranger of a Christian land considers himself alone subjected to his own consul. And have you thought what this signifies? This dishonor of poor Mexico would not be alone in the insufferable humiliation of each Mexican in the presence of any foreigner; not alone the absolute loss of honor, the most precious virtue of a nation as it is of an individual; but would also be our material ruin, the loss of all our hopes to save us and make us progress in the future.

For then, gentlemen, it would be impossible to hope for immigration, without which little could be done. It would be also impossible to hope for foreign industry and capital; little could be done in any new country which has not had time to form its own industry and capital; far less so in Mexico where the capitals which before existed have been destroyed by so much adversity.

What confidence would then remain to induce the risking of a single dollar in a Mexican undertaking, when even now, for example, the telegraph of the northern frontier has been broken into a thousand pieces and robbed of all its apparatus as the savages of the western prairies of the neighboring nations would not rob? And this destruction has been made by the "pronunciados" to the property of an American company which, after the most lively excitement on our part, unite their wires to ours, in order to put us in communication with all the known world—another improvement indefinitely postponed, another motive of complaint against Mexico, of disconfidence of all undertakings with us; and this because the "pronunciados" have consummated their destruction in the name of liberty and free suffrage, and other blasphemies common to the revolutionists.

Let Congress pardon me if I have stopped to lament an act that appears of secondary importance; nevertheless, it is one that will injure our republic. My wish was to bring forward a recent example of the discredit into which we may fall, and why we shall injure special foreign interests through these "pronunciamientos" which have commenced, and this discredit will not only bring about the loss of all hopes of material development, but will also occasion a nearly inevitable danger of losing the independence, at least, of one portion of the Mexican territory.

It pleases me in acknowledging, because I do not doubt it, that the present Government of the United States does not think to acquire unjustly, or by force, or by means of diplomacy, any portion of our territory; but it may change the officers of that government, and may ferment in that people the desire to acquire new dominions, and all its governments have the end to make some concession to so characteristic a desire. This assuredly led the great statesman Seward to the acquisition of the frozen deserts of Alaska, and this may have led the illustrious President Grant to promote, with great pains, the annexation of Santo Domingo. Let us now consider, gentlemen, in what manner a portion of our territory might be useful to the United States. They will certainly not take it away from us by force while we keep a decent peace, and while, under the shadow of a government fairly respected, they may be able to realize great roads of communication and other undertakings that, at the same time enriching our country, strengthening its independence, and consolidating its internal peace, will be useful for the whole of humanity. But if, by fresh and prolonged seditions, we make such undertakings impossible; if we frighten away the enterprising spirit of our neighbors; if we oppose an obstacle to the general good, shutting the door to our own welfare, what better pretext, gentlemen, could we give to the American filibuster, who, in order to prove his ambitious views to be honest, would take on his side the interests of commerce, industry, and universal progress? What better occasion could we give him to develop it, with the applause of other nations, we being surprised in a debilitated state, exhausted by our internal quarrels, developing it with such force that it would not be possible to contain him? I can assure Congress that if, unfortunately, the anarchical revolution which has broken out on our soil should be prolonged, there will be projects, perhaps filibustering expeditions, which will make still more critical and affecting the situation of the republic. For such a motive, I sincerely believe that the revolutionists who know this, those who reflect attentively on this and nevertheless insist in their seditious plans, will be as blind as traitors, and will be traitors in the full extension of the word.

Menaced by such terrible evils, what shall be the preventive with which to drive them off? What shall be the means of avoiding the prolongation of anarchy? It cannot be other than to strengthen the executive, not only with the faculties you have voted, but with the sincere union of all patriots, all good Mexicans. The executive believes its present elements sufficient to suffocate the sedition already commenced and menacing to be fermented; its confidence leans on the good sense of the nation, tired of so many struggles, productive only of new misfortunes.

But your union is more important, so that the action of the executive may be prompt and effectual. In the name, then, of the patriotism which I cannot deny to you, I conjure the members of the minority against Mr. Juarez to put at one side all resentments, whether just or unjust, as also all party spirit, excusable in other circumstances, but may be criminal in the face of the present ones. I beg, then, to save the honor of our country, and to conjure away the danger of suffering a diminution of independence or national territory. Gentlemen, you have come to this rigorous and inevitable alternative, either to establish legal order, or to prolong anarchy with all its crimes and horrors. The election does not appear doubtful, and I flatter myself with the hope that you will elect the patriotic course that your consciences have doubtlessly indicated to you.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1872, p. 364.)

UNITED STATES LEGATION,
Mexico, November 29, 1871.

SIR: The revolution which has so long threatened to disturb the peace of the country has, since the date of my last general dispatch, been declared, to a greater or less extent, in several of the States of the republic. The "pronunciamiento" of General Porfirio Diaz was immediately followed by similar manifestoes from a number of other insurgent chieftains, all based upon substantially the same grounds, and each recognizing General Diaz as their leader.

The theater of the most important military operations for the present will undoubtedly be the frontier between the States of Puebla and Oaxaca. After fortifying the city of Oaxaca, General Diaz moved, with about four thousand men, toward the north-west, in the direction of Huajuapam, probably with the design of marching on Puebla; but a superior government force, under the command of General Alatorre, having been concentrated near the point indicated, he retired some distance, and when last heard from was marching toward Tehuacan, in the southeast part of the State of Puebla. In that vicinity he will probably encounter a large government force, under the command of General Rocha. The federal troops are within convenient proximity for purposes of co-operation. A battle is imminent, and is expected to occur within twenty-four hours. The united government forces investing the State of Oaxaca cannot be less than ten thousand men, who are generally well armed and disciplined. If there shall be no serious defections among those troops, the result of the expected battle cannot be doubtful.

A battle took place on the 14th instant at Ometepec, on the western frontier of the State of Guerrero. A small insurgent force, under the command of General Jimenez, was completely routed by the federal general Felipe Rodriguez.

Very little intelligence has been received in this capital from the seat of war in Nuevo Leon. There has been no mail or telegraphic communication with the extreme Northern States for several weeks. It is yet doubtful whether the insurgents under General Treviño have succeeded in capturing Saltillo.

The insurgent general Donato Guerra, after defeating the troops of the government in the State of Durango, took, and yet retains possession of the capital of that State.

Affairs present a threatening aspect on the Pacific coast. A communication from our consul at Mazatlan, dated the 10th instant, informs me that the government troops at Guaymas had pronounced, murdered their officers, and taken possession of between eighty and one hundred thousand dollars in the custom-house; and I have just learned that a similar event has occurred at Mazatlan.

The whole country appears to be in a great state of alarm and confusion; business is paralyzed, and murder, robbing, and kidnapping are the order of the day. Robberies of stage-coaches have been so frequent of late that several important lines have been withdrawn. Even the large cities furnish very little security to person and property.

I can perceive no remedy for this terrible condition of affairs but in the complete success of the federal arms.

I am, &c.,

THOMAS H. NELSON.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1872, p. 369.)

LEGATION OF THE UNITED STATES,
Mexico, December 9, 1871.

SIR: On the 3d instant the insurgent general Porfirio Diaz commenced a retrograde movement toward the defenses of the city of Oaxaca, and is now being closely pursued by the forces under the federal generals Alatorre and Rocha. A telegram from General Rocha, dated the 6th instant, at Teotitlan, announces a skirmish with the troops of General Diaz near Teconavaca, in which the government forces were victorious, killing seven men, including the commanding officer, Colonel Marquez, and taking a number of prisoners.

General Diaz is said to be greatly disappointed because of the want of enthusiasm with which his revolutionary movement has been seconded, having received very little support even in the State of Oaxaca. It is probable that his force will evacuate the city of Oaxaca before the arrival of the combined forces of Alatorre and Rocha, and break up into predatory bands for purposes of robbery and plunder, and that General

Diaz and his leading officers will escape from the country. If General Diaz should give or receive battle, he will, no doubt, be overwhelmed by the government troops.

From the north very little intelligence has been received for several weeks. The rebel General Treviño is supposed to be still at Monterey, organizing his army with a view to operations against Saltillo, but the government now has a formidable force in that city, which will probably successfully resist any attack of the insurgents. From the west coast I have received communications from our consuls at Guaymas, Mazatlan, Manzanillo, and La Paz. Under the date of November 6, our consul at Guaymas informed me of the revolt of the federal garrison at that port, numbering about two hundred and forty men, on the night of the 29th of October, killing their commanding officer and three others, and making prisoners the remaining officers. The command was assumed by one Jesus Leyva, of the national guard, who immediately proclaimed Porfirio Diaz as the legitimate President of the republic. They held possession of the town for four days, levied a forced loan upon the merchants of \$15,000, and compelled Mr. Bartwing, the Prussian consul, who had just received a cargo of goods, to pay \$30,000 in cash on account of duties. On the 2d of November Leyva embarked with his troops, numbering about three hundred men, and started in the direction of Ajia-bampo, the coasting port of the town of Alamos. I have since learned that he entered Alamos on the 9th ultimo without opposition. The governor of the State, with a federal force of about six hundred men, is reported to be at a short distance from Alamos, and has, no doubt, by this time, captured or dispersed the rebels.

I have received a communication from our consul at Mazatlan, dated the 20th ultimo, advising me that on the morning of the 16th of that month the federal soldiers of that place, led by their colonel, Palacios, left their barracks, marched through the city, and took possession of the custom-house and the government-house, and issued a "pronunciamiento" proclaiming Porfirio Diaz President, and Mateo Mogaña provisional governor.

In anticipation of this movement, the money in the custom-house, and, indeed, most of the money in the city, it is said, was placed on board the United States steamer Mohican. Efforts were being made at the date of the said communication to enforce a loan upon the inhabitants of the town. I have since learned that they exacted \$30,000 from the merchants.

Intelligence has been received at Mazatlan that the federal troops at La Paz, Lower California, have pronounced, and that Colonel Drake De Kay and party were driven away on the 8th instant by the soldiers from La Paz.

The government has issued decrees declaring the ports of Salina Cruz and Puerto Angel, in Oaxaca, and those of Guaymas and Mazatlan, closed.

On the whole, the military situation is decidedly favorable to the government, and I shall be greatly deceived if the rebellion should not be suppressed in every part of the republic within the next two months.

I am, &c.,

THOMAS H. NELSON.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1872, p. 375.)

LEGATION OF THE UNITED STATES,
Mexico, December 29, 1871.

SIR: * * * * * The prospect of an early termination of the rebellion is brightening every day. The government is earnest and confident, while the opposition is becoming rapidly demoralized. It is now manifest that, with the exception of a few restless and ambitious spirits, the people are tired of revolution and desire peace. If the expectations of the government be realized in the prompt suppression of the revolution, it is probable that another armed insurrection will not occur during the present term of President Juarez's administration, or perhaps for many years.

Taking advantage of the absence of the usual guards on the highways and in the towns and villages, the robbers and kidnapers are committing the greatest excesses and depredations. Robberies and murders are of daily occurrence, and it has become unsafe to approach the gates of this city or visit the fashionable drives without a sufficient guard.

The Mexico and Puebla Railroad has recently suffered three attacks from these banditti. The passengers were robbed of their arms, and in some instances of their money and jewelry. The station-house at Ometusco was attacked, pillaged, and burned, and several persons killed.

The revolution suppressed, the government will no doubt occupy itself in the destruction or dispersion of these outlaws.

I have, &c.,

THOMAS H. NELSON.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1872, p. 391.)

LEGATION OF THE UNITED STATES,
Mexico, February 14, 1872.

SIR: * * * The present whereabouts of General Porfirio Diaz seems to be unknown to all parties, it being a month since he disappeared from the neighborhood of Orizaba. Widely different rumors are in circulation, but it is most probable that he has arrived in the State of San Luis. His total failure in Oaxaca has, however, lost him all prestige as chief of the revolution. Treviño and Guerra no longer speak of him in their manifestoes, and it is said that his revolutionary plan of the Noria has been cast aside for another, the terms of which have not yet transpired. * * *

I am, &c.,

THOMAS H. NELSON.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1872, p. 404.)

LEGATION OF THE UNITED STATES,
Mexico, March 18, 1872.

SIR: On the second instant General Rocha met the insurgent forces at La Bufa, two miles from the city of Zacatecas, and, after a hard-fought battle, succeeded in completely dispersing them, with the loss of their artillery and of more than two thousand killed, wounded, and prisoners.

According to the bulletin of General Rocha, the insurgents numbered nine thousand, while his own forces were only five thousand, his reserve being a day's march in the rear. The revolutionists were commanded by all their principal chiefs, including Treviño, Pedro Martinez, Guerra, and Garcia de la Cadena, who fled in different directions, with but a few hundreds of cavalry. The two former took the direction of the Texan frontier, Guerra that of Durango, and Garcia de la Cadena sought refuge in the mountains of Zacatecas. This blow may be considered as decisive of the fate of the revolution.

* * * * *
The numerous hordes of insurgents, largely composed of professional bandits, who find shelter in the mountains of Puebla and have several times attacked the railroad, have determined the government to declare martial law in the State of Puebla, under the administration of General Alatorre. The division under his command has been conveniently distributed throughout the State, and will doubtless soon reduce it to order. The States of Durango, Coahuila, and Nuevo Leon have also been placed under martial law as a preliminary to their expected reconquest.

The uncertainty which has existed for two months as to the whereabouts of Porfirio Diaz is at last terminated by the announcement that he has arrived at New York. * * *

I am, &c.,

THOMAS H. NELSON.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1872, p. 412.)

LEGATION OF THE UNITED STATES,
Mexico, March 30, 1872.

SIR: The battle of La Bufa has been followed by the federal occupation of Durango and Mazatlan, and the pursuit of the rebels toward Saltillo and Monterey, which are their last strongholds.

The insurgents in various States of the center have been almost entirely disbanded, but in the mountains to the north of Puebla they have become more numerous, under the command of Negrete and many other generals, including several members of Congress. This has rendered it necessary for General Alatorre to undertake personally the pacification of that district.

I am, &c.,

THOMAS H. NELSON.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1872, p. 447.)

LEGATION OF THE UNITED STATES,
Mexico, July 31, 1872.

SIR: The only subject upon which public interest has been centered since the death of President Juarez has been the political consequences likely to ensue from the sudden accession of Mr. Lerdo to power. The first acts of his administration have been awaited with a feverish impatience, in order to cast the horoscope of the future. Fortunately the new chief magistrate has responded to the demands of the situation in a manner which justifies the brightest anticipations. His first administrative act after requesting the cabinet of Mr. Juarez to continue in office, was to address the permanent deputation of Congress, soliciting that a period for a new Presidential election be immediately designated. This was done; the primary elections having been fixed for October 13 and the secondary for October 27.

During the customary nine days of mourning, Mr. Lerdo refrained from taking any steps to indicate his future course, and meanwhile the press and the public were busily employed in projecting cabinets and platforms.

On the 27th instant, Mr. Lerdo published the proclamation and the decree of amnesty, which have been sent with other dispatches, and which have produced the most favorable effect. Only one paper, the organ of the revolutionary party, has failed to applaud the spirit manifested by Mr. Lerdo. The speedy pacification of the republic is now regarded as certain, and Mr. Lerdo, having obtained power, not as the chief of a party, but by a constitutional provision, is justly regarded as the only person capable of effecting a reconciliation of all parties.

I am, &c.,

THOMAS H. NELSON.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1872, p. 453.)

LEGATION OF THE UNITED STATES,
Mexico, August 15, 1872.

SIR: The pacification of the republic, as a consequence of President Lerdo's decree of amnesty, may now be considered as a fact. Up to this date information has been received of the submission of Generals Negrete, Labastida, Lomeli, Pedro Martinez, Narvaez, Aureliano Rivera, Mier y Teran, Betanzos, Cosio Pontones, Galvan, Velez, and Chavarria, of whom the three first named issued proclamations to their followers in terms very satisfactory to the administration of Mr. Lerdo.

The revolutionary organ in this city denounced the amnesty, as not containing a restitution of the insurgent chiefs to their military rank and civil offices, but was soon forced by the unanimity of the rest of the press to change its tone.

No doubt is entertained of the submission of Porfirio Diaz, Treviño, Quiroga, Guerra, and others from whom no definite information has yet been received on account of the distance.

Only two of the insurgent chieftains, Migoni and Garcia de la Cadena, are known to have rejected the amnesty; of these, the former was soon after killed in the State of Vera Cruz, and the latter was taken prisoner with his entire force in the State of San Luis Potosi.

The policy of President Lerdo has been to maintain the most absolute *statu quo*. No removals from office have been made, and no political measures taken, except the amnesty, the cessation of martial law, and the summons for the Presidential election. The consequence has been that the circles of opposition have been left without any rational basis on which to combat the election of Mr. Lerdo. Although nearly a month has transpired since the death of Mr. Juarez, and less than two months remain before the election, no formal opposition candidate has been put forward, and apparently none will be. Numerous newspapers have been established to support the election of Mr. Lerdo, who will probably be chosen almost unanimously.

At the death of Mr. Juarez the Mexican treasury was nearly empty, in consequence of the expenses of the civil war, and the employes had not been paid for many months. Mr. Lerdo having appealed to the capitalists of the city for a loan of \$400,000, the amount was almost immediately subscribed.

Commerce, agriculture, and mining have taken an impulse from the hopes of peace, and an era of prosperity is confidently expected.

I am, &c.,

THOMAS H. NELSON.

Mr. Bliss to Mr. Fish.

(Foreign Relations, 1873, p. 635.)

LEGATION OF THE UNITED STATES,
Mexico, October 31, 1872.

SIR: The secondary election of President of the republic, which took place on the 27th instant, resulted in the almost unanimous choice of Mr. Lerdo. General Diaz received but a single electoral vote in this city, and but a few dozen in the entire republic. His submission to the government, accepting the terms of the amnesty of the 27th of July last, was officially announced on the day of the election, and he will soon present himself in this city.

* * * * *

I have, &c.,

PORTER C. BLISS.

Mr. Bliss to Mr. Fish.

(Foreign Relations, 1873, p. 635.)

LEGATION OF THE UNITED STATES,
Mexico, December 3, 1872.

SIR: The great events of the past month have been the declaration of the election of Mr. Lerdo to the Presidency and his inauguration on the 1st instant, which form the subject of a separate dispatch. The unanimity with which Mr. Lerdo has been chosen is without a precedent in Mexican annals, and the nation now entertains the brightest hopes of the preservation of peace and the consequent immense development of the resources of the country.

General Porfirio Diaz arrived in this capital on the 17th ultimo from Chihuahua. He is living in the closest retirement, and is indisposed to take any further part in politics.

* * * * *

I am, &c.,

PORTER C. BLISS.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1875, p. 874.)

LEGATION OF THE UNITED STATES,
Mexico, February 26, 1875.

SIR: * * * * *

The long, and, for Mexico, profound peace which the country has enjoyed, has not fully realized the natural expectation of a revival of business, a rapid development of industries, and an era of prosperity. For the past two years the leading industry of the country, silver-mining, has been much depressed, many of the mines being at present only nominally worked, among which is that of the largest company in the republic, the "Real del Monte," which has had the effect to leave many laborers without employment. There is a general complaint in mercantile circles of a lethargy and dullness in trade. There has been a repeated delay in the promised construction of railroads to the interior, to the Pacific, and to the American frontier, which has been the greatest industrial demand of the country. Immigration has not set in, as was hoped, with the restoration of peace and a stable government. As a consequence, there exists with many a feeling of disappointment, and with others a spirit of restlessness, which, to some observers of the situation, forebodes pronunciamientos and revolution; and of this state of the country the conservative, or church party has been very ready to take advantage. The departure of the Sisters of Charity, and the "protests of the ladies," added to Pope Pius's denunciation of the Mexican laws of reform, have revived much of the old religious fanaticism and hatred of the present government, which was believed to be dying out. This spirit has developed itself in the number and strength of the banditti in different parts of the republic and in attacks upon Protestant churches and adherents. Inappropriate as it may seem, the rallying-cry and professed object of the robber bands and guerrillas is that of the defense of the church. These bands, whose numbers are swelled by the numerous unemployed

laborers, have become so formidable in the States of Michoacan and Jalisco as to give currency to the report of an organized revolution. But, in view of the recent vigorous measures ordered by the authorities, it is anticipated that these bands will soon be suppressed or scattered. Frequent notices of outrages upon Protestant congregations or individuals appear in the daily papers, or are reported to the superintendents of missions in this city.

The common remark is that the country was more prosperous in the times of revolution than in these days of peace. The army then gave employment to the idle laborers, their subsistence occasioned a large expenditure of money, and their movement created life and animation. The people, accustomed to war and changes of government, became restless under the present comparatively long peace. But the administration of Mr. Lerdo is impressed with the necessity to the nation of a continuance of peace, satisfied that under its influence, in time, the republic will experience such a revival of business, mining, and agricultural, and manufacturing interest as will give the country an era of prosperity never before enjoyed, and it will be successful in repressing outbreaks so long as the army remains faithful. The last official report places its strength at 23,000, and it is better armed, equipped, and disciplined than in any former period in the history of the country. As I close my dispatch there are rumors of a threatened pronunciamiento, and of the discovery of a plot, the chief instigator of which was General Rocha, division general and commander of the federal troops in this capital, which had for its object the deposition of President Lerdo. While there has been some basis for the rumors, the conspiracy does not appear to have had any definite organization or well-settled plan, and the executive authority was not greatly endangered by it. It is doubtless sufficiently grave, however, to require the removal of General Rocha from his command.

Within the liberal party there are no differences of principles sufficiently marked upon which to organize an armed opposition to the present administration. It could only be of a personal character, without justification or palliation. Revolution at present can be organized only upon a reactionary basis, and that does not appear probable.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1875, p. 913.)

LEGATION OF THE UNITED STATES,
Mexico, May 4, 1875.

SIR: The guerrilla bands of the State of Michoacan, which have been reported in my previous dispatches on the situation of the country, are still able to maintain their existence and organization, notwithstanding the repeated reports, sent by the officers of the army engaged in their suppression, of their defeat and dispersion. In addition to these, guerrilla or robber bands, more or less formidable, are in the States of Morelos, Queretaro, Guanajuato, Jalisco, and Sinaloa, and the disturbance of peace and order is at present greater than at any time during the past two years. The stage-coach from this city to Queretaro, carrying the public mails, was captured and robbed by a band of two hundred men on the 20th ultimo, and three of the passengers were taken out and shot in cold blood, one of whom was a member of the present Congress. The occurrence has caused a profound sensation in this capital, and the government is using vigorous measures to capture and punish the outlaws, but up to this date without success.

The Federal Congress is still in session, without any exciting topics or discussions, being chiefly engaged in considering the financial budget for the coming year.

It has re-enacted the summary law on the punishment of highway robbery and kidnapping for another year.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1875, p. 921.)

LEGATION OF THE UNITED STATES,
Mexico, May 25, 1875.

SIR: In my recent dispatches upon the political situation, I have referred to the existence of guerrilla bands in different States of the republic, the disturbed condition of

the country, and the general feeling of uncertainty and insecurity prevailing. I have, however, had faith in the ability of the government, through the ordinary operations of the national army and the State guards, which latter were quite numerous and regularly organized, to put down all serious attempts at revolution, and within a reasonable time to exterminate the bandits. But a much more grave aspect was placed upon the situation by application, on the 18th instant, of the Executive to Congress to revive the laws in force during the general revolution of 1871-'72, conferring upon the President "extraordinary faculties" in finance and war, and suspending some of the constitutional personal guarantees. This is a species of legislation quite common in the Mexican system of government, but is never resorted to except in the face of an alarming revolution, or at least under the pretext of great danger to the nation. Its objectionable features, in a republican point of view, are that it suspends the legislative power, and makes the Executive a dictator to the extent of the powers granted.

As the administration of Mr. Lerdo had thus far been marked with a greater degree of peace and order, and a greater regard for the constitution, the laws, and the normal methods of government than any previous administration in the history of the country, it was hoped that the republic had emancipated itself from the revolutionary and disorganizing spirit, and that a return to the exercise of "extraordinary faculties" by the Executive would be unnecessary.

The application of the Executive to Congress seems to show that my representations of the political situation of the country have not been too serious. I inclose herewith an official copy and translation of the "initiative" of the minister of the interior, proposing the revival of the laws referred to, and giving the reasons of the Executive for making the application.

It has already been favorably reported by the committee to which it was referred, and no doubt is entertained of its passage by Congress before its adjournment on the 31st instant.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1876, p. 391.)

LEGATION OF THE UNITED STATES,
Mexico, February 2, 1876.

SIR: The country continues in much the same condition as reported in the last dispatches upon current events. Disorders and local revolutionary movements are prevalent in different portions of the republic, but they have not been able to make head against the federal troops, being driven from the field, and scattered wherever they congregate in any considerable numbers, in many cases to gather again in the mountains to repeat their petty depredations upon defenseless towns and travelers. The disorders in the State of Michoacan, noticed in the previous dispatches, still continue, but do not appear to have gathered strength, although the government has thus far not been able to suppress them. General Escobedo, division commander, was sent to that locality more than two months ago to direct the movements of the federal forces, but the guerrilla warfare is still carried on with about the same results as heretofore, the rugged nature of the country making it very difficult to put an end to it.

The discontented and revolutionary elements in the country have apparently been operating without any system or concert of action, but recently there appears to have been something of concentration upon General Porfirio Diaz, the leader of the unsuccessful revolt against President Juarez in 1871-'72. He was a member of the last Congress, and has recently been residing in this capital; and it is alleged that the administration made overtures to him a few months ago to accept a foreign appointment, which he rejected.

In December last he left the country and went to New Orleans and thence to Brownsville, Tex., and is now reported as on the American side of the Rio Grande, in communication with revolutionary leaders in Mexico, concocting a rising against the present government.

It may be of interest to notice that before the close of the last session of Congress in December, the minister of finance stated that he expected to provide in the next budget of appropriations for a compliance with the terms of the treaty with the United States in relation to claims, anticipating a balance against Mexico, which would require an annual appropriation of \$300,000.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1876, p. 394.)

LEGATION OF THE UNITED STATES,
Mexico, March 28, 1876.

SIR: I transmit herewith an article and translation thereof from the *Daily Federalista*, one of the leading newspapers of this city, upon the present commercial and political condition of Mexico.

This gloomy and unfavorable view of affairs is quite commonly entertained, especially in commercial circles, throughout the country.

I am, &c.,

JOHN W. FOSTER.

[From the *Daily Federalista*, Mexico, March 24, 1876.—Translation.]

THE CRISIS IN SILVER.

Something more terrible than the revolution should occupy the attention of Mexicans at present. The enormous fall which the price of silver has had lately in European markets is a lively topic which is given to all Mexican capitalists, to commerce in general, and, it may even be said, to all the nation. The vital strength of the country finds itself seriously embarrassed; all know that the mines are what sustain in Mexico the commercial movement with foreign ports, inasmuch as the agricultural and industrial exportations are insufficient to bring to our markets the necessary goods. Therefore it is easy now to foresee the time when the greater part of the mines may have to suspend all work because of their not producing sufficient to pay for operating them, except in exceptional *bonanzas*.

On the introduction of the American trade-dollar, which competes with our eagles, the monetary contracts made in Europe have co-operated with the discovery of prodigiously rich mines in the American far West to the depreciation of silver. As the first result of this crisis the Mexican dollar loses its value, bullion is depreciated, exchange on Europe tends to a formidable advance, transactions become difficult, the price of gold rises rapidly, exportations diminish, importations cost more, many houses will close, and foreign goods will become unusually scarce.

If Mexico wishes to resist this prospect of ruin which threatens her, it is necessary that national industries profit without delay by this state of things, and that the interested parties introduce in these industries, at any cost and without delay, the perfection which may give to their products the qualities which they lack; that agriculture be stimulated; that Congress endeavor to secure the immigration so many times promised and frustrated or opposed; that invested capital search among mining-works for objects less subject than silver to those depreciations which are, perhaps, determinate, such as gold, platinum, quicksilver, iron, lead, copper, and coal.

But what a sad future awaits us. When a sudden catastrophe threatens to dry the principal fountain of our public riches, certain party men, who constitute themselves of their own accord political regenerators, put the country into a disastrous conflagration, add the evils of fratricidal war to those which rapidly come upon us on account of our disunion, and, without caring for other than ephemeral and personal questions, shed human blood in torrents, and drain the forces which are so much needed in order to counteract the enormous pressure of the financial crisis.

For us, the future of Mexico cannot be more gloomy. If civil contests, eternal obstacles to progress and prosperity, do not soon have an end, it will be impossible to attend in time to curing the evils which threaten us; none of the remedies to which it is yet feasible to resort can be employed, and to our present misery and poverty new causes of political and social degeneration will be added. Mexico, now almost in the last place of civilized nations, being inferior to all those of Europe and to a large part of those of America (as the United States, Brazil, Chili, the Argentine Republic, Peru, and Uruguay), to the English colonies and other regions of Asia, Oceanica, and Africa, will tend more and more toward barbarism, and if she already has so little importance in the assembly of nations, she will cease completely to have any.

And we have deserved it. It has been our lot to possess the most rich and fertile soil of the earth, and we are unworthy of that privilege. Let us continue as at present, and the day will come in which we will have to cede our rights to the country to men more skillful, worthy, and cultivated. Sad truth, but the truth.

For God's sake, let us avert these dangers.

Extract from the address of President Lerdo to the National Congress of Mexico, April 1, 1876.

(Foreign Relations, 1876, p. 395.)

In internal affairs there is to be lamented the fact that the public peace in certain localities has been disturbed. This occurred just when it was possible to assure the public that the bands existing in Michoacan for a year past were destroyed to such an extent that the events in other places have not been sufficient up to the present time to revive them.

With some exceptions, the same persons who have already taken part in various other disturbances of the public order figure among the revolutionists. Neither laws of amnesty for past acts, nor the full enjoyment of social rights and guarantees, nor even the kindness with which they have frequently been treated, have been sufficient to restrain them from seeking to place themselves above the laws.

The government has not only a strict duty to perform in combating the rebellion under all circumstances, but it has also a firm conviction that the time has passed in which those who appealed to the force of arms could prevail, a conviction in favor of respecting the laws being now general, as also the good disposition of the laboring and respectable citizens, who know how to appreciate the benefits of peace obtained through the enjoyment of a just liberty. With the efficient aid of the representatives of the people and the co-operation of the State authorities, it will be possible in a short time to repress the recent disturbances, as has been lately done in certain places, by the discipline, the valor, and loyalty of the national army, which has given so many proofs of its republican virtues.

The executive has demonstrated his desire to use as little as possible the power which Congress thought proper to concede to him. In regard to supplying men for the army, far from its increase, he resolved upon its diminution, and had commenced to carry it into effect when the insurrection of the Sierra of Oaxaca occurred, which was developed from incidental causes. In respect to public expenses, notwithstanding their considerable increase in order to combat the revolutionists of Michoacan during one year, by means of strict economy the idea of new contributions was not entertained until circumstances made the imposition of a tax inevitable, which it was sought to make just in its basis and in the manner of collecting it.

In spite of the obstacles occasioned by circumstances, improvements of public interest already commenced have been carried on as far as said obstacles would permit. Care has likewise been taken to give attention as far as possible to the different branches of the public service.

The constant conduct of the government has been well known, protecting the exercise of every liberty and respecting all opinions. It can be affirmed that the emission of ideas, especially by the press, has never had greater freedom. With the firm purpose of complying with the laws, and of causing them to be obeyed, the government will omit no means whatever which may have for their object the protection of the liberty of the people in the legitimate exercise of all their rights.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1876, p. 396.)

LEGATION OF THE UNITED STATES,
Mexico, April 22, 1876.

SIR: The revolution has steadily increased since the date of my last dispatch on current events and is to-day stronger than at any time since its commencement.

General Porfirio Diaz, the chief leader of the revolution, crossed over from Texas into Mexico the latter part of March, and issued a new or modified "plan," in which it is proposed that after the deposition of President Lerdo by the success of the revolution, the chief-justice of the supreme court and *ex officio* vice-president shall act as president *ad interim* until a new election is held, provided the chief-justice shall, within a specified time, signify his assent to this plan. Mr. Iglesias, the chief-justice, immediately after the publication of the plan in the newspapers of this city, wrote a letter to the official journal rejecting this and all other revolutionary projects, declaring his determination to observe strictly the constitution.

On the 2d instant General Diaz captured Matamoros, on the Rio Grande, almost without a struggle, the greater portion of the garrison accepting his cause. This is the most important success yet gained by the revolutionists, as it gives them the key to the frontier, and also enables them to obtain arms and military supplies from abroad.

The presence of General Diaz in the country and this success have greatly encouraged the pronunciamientos elsewhere.

The railroad between this city and Vera Cruz has been destroyed at different points by the revolutionists, and traffic has been practically suspended for more than one month past. Mail communication between these cities is uncertain and difficult, as also with a great portion of the country. The diligences are detained and robbed in all directions, and travel throughout the country is greatly interrupted and dangerous.

The work on the Central Railroad to the interior has been suspended on account of the political troubles; the commerce and all industries are greatly embarrassed.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1876, p. 402.)

LEGATION OF THE UNITED STATES,
Mexico, May 26, 1876.

SIR: General Cortina, who has been a prisoner on parole in this city for some months past, has recently escaped and joined the revolutionists. In the present disturbed state of the country, it is to be feared that he may return to the Rio Grande frontier and again become a source of annoyance to the Texas border.

I inclose a copy and translation of his pronunciamiento, dated at a village within five miles of this city.

I am, &c.,

JOHN W. FOSTER.

[Inclosure.—Translation.]

CORTINA'S PRONUNCIAMIENTO.

GEN. JOHN N. CORTINA TO THE NATION.

FELLOW-CITIZENS: Ten months ago the despotic government of D. Sebastian Lerdo de Tejada tore me from my home, where I lived quietly at the side of my family, availing itself, for this purpose, of mean and miserable calumnies, which, desiring to give a varnish of legality to an act really unauthorized by law, the government itself put in circulation. Six months I was in prison in the capital of the republic, pending the investigations which were being instituted, and from which the government could not do less than desist, convinced of the fruitless result of its perverse machinations.

The trial being abandoned, I was taken out of prison, the minister of war ordering me to remain in the capital, where I spent three months more, subject to an excessive surveillance from the police, and with the restriction that I should not go even a league from the city.

This unjustifiable excess of arbitrary acts exercised against me had no other origin than the caprice of the government, which, knowing my integrity, understood that it could at no time rely upon me to make me its accomplice in the efforts for the re-election to which it aspires with entire disregard of the unanimous will of the people, who reject it.

Now that I have succeeded in freeing myself from the clutches of the tyrant and in regaining my liberty, I earnestly protest before the nation against the outrages committed upon my person by the arbitrary government of Sebastian Lerdo de Tejada, and I assure you also that I will be, as ever, the defender of the guarantees which the constitution of '57 concedes to the people, and which the plan of Tuxtepec, proclaimed by the well-merited citizen, Gen. Porfirio Diaz, seeks to make effective, which plan I accept and second in all its parts, and will defend at all cost.

I invite, in the name of the public liberties, all Mexicans who love their institutions, and who in other times have fought with me in defense of liberty, to rally around the flag which is unfurled by the well-merited General Porfirio Diaz, because it is the symbol of the constitution of '57, under whose shade alone can be given to the people of Mexico a truly republican government.

Viva la constitucion de '57! Viva el Ciudadano General Porfirio Diaz, su defensor.

Free suffrage and the constitution.

AZCAPOTZALCO, May 18, 1876.

JUAN N. CORTINA.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1876, p. 403.)

LEGATION OF THE UNITED STATES,
Mexico, May 27, 1876.

SIR: Within the past week the military operations have all resulted favorably for the government.

On the 19th instant an important engagement occurred between the insurgents and federal troops at Tepeapulco, in the State of Hidalgo, in which the former were defeated and one of their most active generals, Rodriguez Bocardo, was killed.

Under date of the 19th instant, General Escobedo telegraphed the minister of war that Matamoros had been abandoned by the forces of General Porfirio Diaz, and on the 20th instant General Fuero reported an engagement with Diaz and other insurgent chiefs, with a complete defeat of the latter. These engagements on the northern frontier satisfy the government that the threatened danger in that quarter has entirely disappeared.

On the 23d instant Chervavaca, the capital of the State of Morelos, was attacked by a considerable force of revolutionists, and it was repulsed and driven to the mountains. The State of Vera Cruz, which was a short time ago, in greater part, in possession of the insurgents, is now mainly occupied by the government troops, including the capital, Jalapa. Railroad communication between this city and Vera Cruz has been restored.

These events have greatly encouraged the government and strengthened its adherents, who claim for it an early triumph over the revolution.

I am, &c..

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1876, p. 407.)

LEGATION OF THE UNITED STATES,
Mexico, July 15, 1876.

SIR: * * * * It is currently reported that the leader of the revolution, General Porfirio Diaz, who had been defeated on the Rio Grande by the forces of General Escobedo, having recrossed into the United States and taken passage in disguise on the steamer of the Alexander line at New Orleans, landed at Vera Cruz on the 27th ultimo, and joined the revolutionists in that State in safety; but up to the present date he has made no military movement indicating the truth of the report, or of his presence among his adherents.

Within the past few days the government forces have achieved a number of successes. A considerable band of revolutionists under General Donato Guerra has been defeated in the State of Jalisco; and the defeat and capture of Treviño, the chief of the pronunciados in Nuevo Leon, is reported. On yesterday an engagement occurred near Cordova, resulting in the defeat and capture of General Fidencio Hernandez, the leader of the revolutionists of the State of Oaxaca.

I am, &c.,

JOHN W. FOSTER.

Extract from the address of President Lerdo to the National Congress of Mexico, September 16, 1876.

(Foreign Relations, 1876, p. 413.)

It is pleasing to be able to manifest to Congress that our modest representation in the Exposition of Philadelphia has been duly appreciated, surpassing what might have been expected owing to the difficulties of our situation. If Mexico has not sent to the Exposition all that we might have desired, nor that which under ordinary circumstances could have been sent, at least there have been presented in it a few of the evidences of our social advancement, of our industry, and of our valuable natural products, thus stimulating the greater development of our export commerce, of our agriculture, and of our national industry.

The inability to state on this important occasion, as in former epochs, that peace is assured throughout the whole extent of the republic is to be regretted. Nevertheless, some consolation for so great a calamity is found in being able to inform Congress that all guarantees have been respected, that the most absolute liberty has existed in every sense without limit, and that the repressive laws, notwithstanding the dangers of the situation, have not been practically applied, except in very rare cases and with full justice.

The disastrous consequences of civil war, so sad for society, the forces of which are completely enervated, and so injurious to the public administration, whose elements and resources, at all times insufficient, are diminished in a great measure by the disturbance of order at the same time that its necessities are multiplied, are to be deplored.

The financial question has at all times been one of those which have most seriously occupied the attention of the administration. Although it was far from being resolved in former years, by a series of administrative measures and with the aid of Congress, a positive advance leading to the important object of regulating the expenses of the administration, equalizing the receipts and disbursements, had been secured.

These hopes have been postponed by the rebellion, as has been the accomplishment of many internal improvements. Nevertheless, the efforts of the executive to preserve some works of public utility, and to continue as far as possible others, are well known. The telegraph-lines that extend over the territory of the republic, and which are as useful for the administrative service as necessary to commerce and all social relations, have been under constant repair in some places, and completely replaced in others.

During the times of trial for the Mexican nation is when the qualities of her sons are elevated. Acknowledgment is due to the valor, discipline, and civic virtues of the army, that with abnegation and patriotism, struggling with discomforts of the season, and at times without the necessary elements, has loyally complied with its duty, holding high the banner of our republican institutions, and making a true religion of the respect which all of us owe to the law. It has been seconded in this noble task by the corps of the rural police, with a constancy, activity, and valor indeed laudable.

The present rebellion is the same that has been combated and conquered in former years. The foreign intervention having been defeated and the republic restored, our institutions remained assured, with all the principles established with them. Since then the cause of the disturbers has been simply that of satisfying personal ambitions; at times without mask, and at others disguised in the garments of the constitution, they have been for eight years trying to destroy it, breaking every social tie, trampling upon all legitimate interests, and perpetrating offenses that can never be justified in the eyes of the civilized world, not even by the necessities of the time.

Fortunately the nation, that loves the institutions she has created, and that relies on them to assure her future, will know how to preserve them without a stain. The present rebellion has been successfully combated—it being impossible to doubt its termination—by the general good disposition of the people, who condemn it. The executive being guided by these sentiments, and relying on the co-operation of all good Mexicans, will continue to make every effort to insure a solid and permanent peace.

It is very satisfactory that you again unite, citizen deputies and senators, for the purpose of resolving upon, with your patriotic zeal and enlightened legislation, whatever may be necessary for the welfare and prosperity of the republic.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1877, p. 376.)

LEGATION OF THE UNITED STATES,
Mexico, November 11, 1876.

SIR: During the past two weeks the political condition of the country has assumed a more serious aspect than at any time since the revolution now in progress began, in January last. Mr. Richardson in legation dispatch No. 453, of October 28, gave information of the extension by Congress of the "extraordinary faculties" which have been exercised by the President, embracing a suspension of individual guarantees, and of the freedom of the press; and also of the declaration by the Chamber of Deputies of the re-election of the President and its promulgation by solemn and public proclamation; and he also alluded to the reported action of the president of the supreme court, the Hon. José M. Iglesias, in opposition to the decree of the Chamber of Deputies.

* * * * *

On the 30th of October the legislature and governor of the State of Guanajuato passed and published a decree rejecting and disowning President Lerdo, and recognizing Mr. Iglesias as the constitutional and provisional President of the republic, and on the day following Mr. Iglesias was received in the city of Guanajuato by the State authorities, the event being attended by popular demonstrations of approval.

* * * * *

The effect of these acts has been very marked, both on the general public and on the military situation of the country. The movement of General Porfirio Diaz, in its inception and progress, has not met with the hearty approval of any very large or respectable body of the public men of the country, as it was generally regarded by them as unwarranted at the time of its inauguration, and as a political enterprise of professional revolutionists. It must, however, be conceded that Mr. Iglesias and the greater portion of the public men who support him, have been distinguished for their attachment to constitutional government and order and respect for law, and are sincerely the friends of republican institutions. However much Mr. Iglesias's present course is condemned and lamented, he is generally credited with honest and patriotic convictions, freedom from the suspicion of ambitious designs and any intention to use his attempted provisional assumption of the Presidency to continue in that position.

Such being the case, his course has had the effect to greatly strengthen the revolutionary spirit in all parts of the country. There has been no official announcement of an arrangement or understanding between the party of Mr. Iglesias and that of General Diaz, but it is rumored that the latter has given his adhesion to Mr. Iglesias. However this may be, the task of the government of Mr. Lerdo in suppressing the revolution has increased twofold. General Diaz was, at last advised, still in the State of Puebla with a considerable force, confronting the main army of the government. The State of Guanajuato, one of the most powerful in the republic, has an armed and organized State guard variously estimated at from three to five thousand, which has been placed at the orders of Mr. Iglesias's minister of war. To meet and subdue this force, and scatter the gathering government of Iglesias, the detachments of the federal army in the central or interior States have been ordered to concentrate and march upon Guanajuato.

Meanwhile, a large force of revolutionists has occupied Apizaco, at the junction of the Puebla branch with the main line of railroad from this city to Vera Cruz, thus cutting off the capital from Vera Cruz, stopping all railroad communication whatever, and isolating the main federal army. The strategic importance of this position is doubtless felt by the government, and it is reported that a movement is now on foot to repossess this point and the line of railroad. The concentration of forces for this purpose has made it necessary to both weaken the garrison in this city and draw in all detachments in the vicinity of this valley, which has exposed all the neighboring towns to the incursions of bands of revolutionists, and they have even approached very near to the city gates.

These occurrences and the evident danger in which the government of Mr. Lerdo is placed, have caused wide-spread alarm in the capital, and a general fear that an uprising of the lower classes of malcontents may occur, endangering public order and security to property.

But in the midst of the prevailing distrust and alarm, President Lerdo and the federal authorities appear calm and determined to continue in the exercise of what they insist is the constitutional and legal administration of the government; and they claim confidence in its ability to finally triumph over the united enemy. They insist that the elections have in all respects been in conformity to law, and with the full freedom of the electors; that Mr. Lerdo has been by the popular voice chosen to the Presidency for another term; that to yield in the least degree to the revolutionary spirit is to abandon all hope of constitutional government for Mexico; and that the peace and future prosperity of the country can be secured solely by the maintenance of the present administration.

As I close this dispatch, rumors are in circulation as to military events of importance, but they are not sufficiently confirmed to be noticed.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1877, p. 380.)

LEGATION OF THE UNITED STATES,
Mexico, November 17, 1876.

SIR: Under date of the 11th instant, in my No. 457, I gave an account of events preceding and attending the action of the Hon. José M. Iglesias, president of the su-

preme court and *ex officio* Vice-President of the republic, in pronouncing against the legality of the government of President Lerdo, and his movement to establish a provisional and opposition government at Guanajuato.

These events created quite a panic in this city, and for a time it was generally believed that the government of Mr. Lerdo would have to succumb, at an early day, before the new movement. The situation appeared so threatening that there is reason to believe that certain members of the cabinet of the administration seriously contemplated the contingency of the abandonment of the capital.

But the condition of affairs has very much improved for the government during the past few days, and a greater degree of confidence prevails as to its ability to maintain itself. The movement of Mr. Iglesias has not been seconded by any of the States except Guanajuato and Queretaro, and thus far comparatively few of the officers or soldiers of the federal army have proven unfaithful. The revolutionists who had occupied the important railroad point of Apizaco, at the approach of a government force abandoned the place without any resistance and withdrew to the mountains. Queretaro, which had been occupied by the Iglesias forces, has also been abandoned under similar circumstances. An important engagement is daily anticipated between the government and Iglesias's forces, the result of which may materially change the present aspect of affairs. But, under any circumstances, an early termination of the present unfortunate struggle can hardly be anticipated. Even should Mr. Lerdo be driven from the seat of government by the unfavorable result of military movements, which is hardly to be expected, neither he nor his friends will be likely to abandon the struggle, as it is insisted by them that he only represents the legitimate government of the country, and that he cannot consistently and with honor retire from his post, or omit any possible effort to continue the constitutional order of the government.

No public or authorized announcement has been made as to an arrangement between Diaz and Iglesias, the leaders of the two separate revolutionary movements, although it is claimed that such is the case, which is quite probable. Such an arrangement will most likely contain a provision for the recognition of Iglesias as the provisional president and Diaz as the military leader of the revolution, the result of which would lead, in the event of the triumph of the movement, to Diaz's ultimate succession to the Presidency, and the complete control of the government by his adherents.

Communication with Vera Cruz by railroad continues suspended, and the mails are slow and unsafe. I therefore send this, as the former dispatch, by private messenger.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1877, p. 381.)

LEGATION OF THE UNITED STATES.

Mexico, November 28, 1876.

SIR: The news of the defeat of the federal forces under General Alatorre on the 16th, by General Diaz, the revolutionary leader, as communicated in my dispatch No. 460, was fully confirmed in this city on the 18th instant. In the secret session of Congress held in the afternoon of that day, the secretary of war acknowledged the reverse, but at the same time stated that the government had sufficient resources at its command to resist and still defeat the revolutionary movement; that only a portion of the "army of the east" (General Alatorre's command) had been engaged in the late battle; that five thousand troops were being concentrated in Puebla, and an equal number in this city; that considerable forces were in the State of Vera Cruz at Orizaba, the city of Vera Cruz, and elsewhere; that a formidable army was being concentrated in the interior to frustrate the Iglesias movement in Guanajuato; and that there was no cause to despair of the final triumph of the constitutional government.

No official or reliable reports have as yet been published of the battle on the 16th, at Tecuac, between Generals Alatorre and Diaz. The federal forces numbered less than three thousand, and those of the revolutionists are said to have exceeded double that number. The killed have been variously reported at from two hundred and fifty to more than two thousand, but the former number is probably not far from the facts. General Diaz reports the capture of over fifteen hundred prisoners, and it is evident that Alatorre's army was pretty nearly destroyed, except a detachment of cavalry with which the commander escaped to Puebla.

On the 18th instant, as one of the effects of the battle of Tecuac, the garrison of Puebla "pronounced" in favor of the revolution, and the governor of the State and a number of federal officers took refuge in the city of Mexico. Preparations had been

commenced on the 19th instant for a defense of this city by fortifying the gates and the adoption of other measures; but upon the receipt of the news, at a late hour of the day, of the defection and loss of Puebla, all these preparations were abandoned, and on the morning of the 20th it became evident that no defense would be made. Early in the day it was reported that at a council of the President and his friends, held the preceding night in the national palace, it had been determined that further resistance in this city to the approaching victorious army would be useless. The rumor was generally circulated that Mr. Lerdo intended to send in to Congress his resignation of the office of President, and that that body would then, in accordance with the constitutional provision in case of a vacancy, recognize Mr. Iglesias, the president of the supreme court, as provisional president of the republic. But on the assembling of the Chamber of Deputies at four o'clock on the 20th instant, General Escobedo, the minister of war, presented himself in the name and on behalf of the President, and stated that the council of ministers had decided that it was the duty of the President to maintain to the utmost the standard of legitimate and constitutional government, and that following the example of Juarez, if forced to leave the capital, he would, if necessary, sustain it in the remotest corner of the republic.

During the day great excitement and wild rumors prevailed throughout the city, and it became apparent that the President and his friends were making preparations to abandon the capital. The day and night passed without any disturbance of the peace, and on the morning of the 21st instant it was announced that Mr. Lerdo, accompanied by the ministers of foreign affairs, of war, of government, and finance, had left the city about two o'clock in the morning. He was also accompanied by several senators and deputies of Congress, the governor of the federal district, and a number of personal and political friends, and was escorted by a force of about one thousand cavalry, taking the road leading to Toluca, the capital of the State of Mexico, sixteen leagues to the west of this city. The garrison of the capital, numbering probably over one thousand men, remained in the city under the commander. Immediately upon the departure of Mr. Lerdo, the government of the city was assumed by a person named in advance as provisional governor by General Diaz. The municipal police, and guards, and the federal garrison at once acknowledged his authority, and civil affairs went on as usual, without any apparent break or disturbance in government.

A commission was sent early on the morning of the 21st to notify General Diaz of the abandonment of the city by Mr. Lerdo and his government, and ask him to come at once and occupy the capital. But the general had not anticipated so sudden an abandonment by Mr. Lerdo's government, and had gone to Puebla to reorganize his army, preparatory to marching in force upon the city. As soon, however, as he received intelligence of events, he left his command and came to this city with an escort only, but did not make his entry till late in the afternoon of the 23d, when he was received by an immense concourse of people with apparently hearty demonstrations of enthusiasm.

During the two days and a half in which the city was without any responsible government, a general feeling of insecurity and apprehension of disorder pervaded commercial and social circles, but, greatly to the credit of the inhabitants, peace and order remained undisturbed, and the various police duties and municipal administration of affairs were implicitly respected and enforced as thoroughly as under the most rigid and responsible government.

Since the occupation of the capital by General Diaz, the adjoining States of Mexico, Morelos, Hidalgo, Vera Cruz, and Puebla (before noticed), have submitted to him. He thus has possession of all the States surrounding this capital, the entire line of railroad, and the important port of Vera Cruz.

Meanwhile the forces of the Iglesias Government have been quite active, having reoccupied Querétaro, and are in uninterrupted possession of the State of Guanajuato, and also (as reported) of Aguas Calientes. News has been received that a considerable portion of the Lerdo forces which marched from Guadalajara to attack Iglesias have pronounced in his favor, and have been incorporated into his army, which now numbers about eight thousand men. It is also very probable that when the news of the abandonment of the capital by Mr. Lerdo's government shall be known, that the States of San Luis Potosí, Zacatecas, Durango, and others of the north, will acknowledge Iglesias as provisional president.

In previous dispatches I have referred to a reported agreement having been made between Mr. Iglesias and General Diaz; but it has transpired that no agreement has been effected. Commissioners had passed between the two leaders some time before Diaz's victory over Alatorre, to discuss the terms of adjustment; and just before that event, General Diaz had sent to Mr. Iglesias a proposition constituting the basis of an agreement. This proposition has been made public since the abandonment of the city by Mr. Lerdo, and I transmit herewith a copy and translation thereof. Among other things, it proposes the repudiation of all the federal powers, and the formation of a cabinet of ministers equally representing Mr. Iglesias and General Diaz, the former to be recognized as provisional president and the latter to act as minister of war and

general of the army, and in that capacity to appoint military governors of a number of designated States.

This proposition, it is reported, has been rejected by Mr. Iglesias, who, it is understood, bases his objection, not upon personal grounds, or those relating to a division of the offices, but upon broader principles of government. And this arises out of the difference in the programmes of the two leaders. In Mr. Iglesias's manifesto and programme, both of which were transmitted with my No. 457, he proposes to follow as closely as possible the constitutional precepts, departing from them only in the appeal which he makes from Congress to the people on the question of the validity of the re-election of Mr. Lerdo as President. On the other hand, General Diaz's programme is that of revolution pure and simple, claiming that it is the only method by which the government of Mr. Lerdo can be destroyed. In the plan of Tuxtepec, issued in January last, without his signature, and amended at Palo Blanco, in March, under his own name, General Diaz proposes to repudiate the federal powers, which would embrace not only the President, but also Congress and the supreme court, and it even provides for abolishing the senate. As these plans have not as yet been transmitted by me, I now inclose them with translations. It will be seen that the original plan of Tuxtepec proposes, in article 8, that President Lerdo and his officials shall personally and pecuniarily be made responsible for the expenses and injuries of the war. The amended plan of Palo Blanco omits this eighth article; and it provides that the president of the supreme court, if he accepts the plan, shall be provisional president. Immediately after the publication of this plan, in April last, Mr. Iglesias rejected this proposition and all revolutionary projects so far as related to him, declaring that he would strictly observe the constitution. (See my dispatch No. 403.) Mr. Iglesias claims that Mr. Lerdo himself violated the constitution in procuring his own re-election in the manner charged, and forfeited his title to legitimacy, and by that forfeiture he (Mr. Iglesias) became provisional president under the constitution. He therefore dissents from General Diaz's plan of Tuxtepec, in that he insists that constitutionally there can be elections only for the vacant presidency. He proposes to constitute the Congress by supplying the places of the deputies, who have supported the validity of Mr. Lerdo's re-election, with the substitutes or *suplentes*, who by the Mexican constitution are elected at the same time with the principals, to fill any vacancies which may occur.

This difference between the two independent leaders of the movements against the Lerdo government was made known immediately after the latter had left the city, and it has been the chief topic of discussion and interest since that event. Commissioners and communications have passed between General Diaz and Mr. Iglesias, but no agreement has been arrived at. Meanwhile, the friends of General Diaz, who have been the most active supporters of his cause in the field, have been very persistent in urging his adhesion to and enforcement of the plan of Tuxtepec. As indicating the popular sentiment of his followers, I inclose extracts from an editorial in *El Combate*, a revolutionary organ of this city. This feeling has been so strong that it has prevailed over the opinion of the more moderate wing of General Diaz's adherents, who have labored very earnestly for the past few days to induce him to come to an agreement with Mr. Iglesias, and thereby unite the nation and give peace to the country.

The controversy was finally settled yesterday by the public proclamation of the plan of Tuxtepec, and the amended plan of Palo Blanco, which took place in the grand plaza in front of the governor's palace, accompanied by a military parade, salvos of artillery, ringing of church-bells, and the rejoicing of the partisans of the new government. Under his own signature General Diaz orders the publication "as the law of the republic for the reconstruction of constitutional order." A copy of the proclamation of the governor is inclosed. I also transmit editorials from the *Monitor Republicano* and the *Federalista* of this morning, as indicating the manner in which the important act of yesterday has been received.

It is generally regarded as in effect a declaration of war against the Iglesias movement; and, as confirmatory of this view, by order of General Diaz, all communication by telegraph, mail, and by public and private travel was suspended yesterday with Querétaro, where Mr. Iglesias and the advance of his army are reported to be. The forces now in this city are said to number between twelve and fifteen thousand men.

This result of the abandonment of the capital by the Lerdo government has been contrary to the general expectation, as it was supposed that upon the fall of Mr. Lerdo the two independent movements would unite by the recognition of Mr. Iglesias as provisional president and General Diaz as minister of war and commander of the army. Such was manifestly the desire of the commercial and property interests of the country, and of the more moderate adherents of General Diaz, who embraced his most prudent advisers and those most experienced in the administration of government; but his companions in arms, his revolutionary friends, many of whom followed him through his unsuccessful insurrection of 1871-'72, and who have fought his battles in the present revolution, demanded that he should not vary from the plan of Tuxtepec, and he has yielded to them. While this course has created wild enthusiasm and great satisfaction among his partisans, it has not been favorably received by the more sub-

stantial interests of the country, as it indicates a continuance of the civil war, a prostration of all commercial and industrial enterprises, and a reign of anarchy and lawlessness.

In view of the uncertainty of communication with Vera Cruz during the past ten days, I forward the duplicates of Nos. 459 and 460 by this mail.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1877. p. 385.)

LEGATION OF THE UNITED STATES,
Mexico, November 29, 1876.

SIR: The newspapers of this morning contain the proclamation of General Porfirio Diaz announcing himself as provisional president of the republic, under the plan of Tuxtepec. This step is a natural result of the proclamation made on the 27th instant declaring that plan as the law of the republic, but it renders more difficult any adjustment with Mr. Iglesias.

A full cabinet of ministers of state is announced in the morning papers, but as yet no official publication has been made. Everything indicates that General Diaz will go forward with the reorganization of the government, without any regard to the Iglesias movement. His army is reported to be advancing from this city in the direction of Querétaro, and the expectation is general that hostilities may be inaugurated between the two parties at an early day.

I am, &c.,

JOHN W. FOSTER.

[Inclosure.—Translation.]

Proclamation of General Porfirio Diaz as President of Mexico, Nov. 28, 1876.

PROTASIO P. TAGLE, governor *ad interim* of the district, to its inhabitants:

Know ye that the general-in-chief has transmitted to me the following decree:

"PORFIRIO DIAZ, general-in-chief of the national and constitutional army of the United Mexican States, makes known to the inhabitants of the republic:

"That none of the functionaries invited by article 6 of the plan of Tuxtepec, as reformed at Palo Blanco, having manifested their adhesion to the same, I have thought proper to decree the following:

"The general-in-chief of the constitutional army assumes the executive power of the union, in conformity with article 6 of the plan of Palo Blanco, for the period indicated by said plan, for the exercise of that power by the provisional president.

"National palace, Mexico, November. 28, 1876.

"PORFIRIO DIAZ.

"LUIS C. CURIEL, *Secretary.*"

And I transmit it to you for its fulfillment.

Liberty in the constitution!

Mexico, November 28, 1876.

LUIS C. CURIEL,
Secretary.

To the GOVERNOR OF THE DISTRICT.

I therefore order that it be printed, published, and circulated.

Mexico, November 28, 1876.

PROTASIO P. TAGLE.

JOSÉ MARIA BARROS, *Secretary.*

Mr. Foster to Mr. Fish.

(Foreign Relations, 1877, p. 390.)

LEGATION OF THE UNITED STATES,
Mexico, December 30, 1876.

SIR: At the date of my last dispatch on current events, the army of General Diaz was marching against the Iglesias forces in the direction of Querétaro. The campaign

thus far has been a continued and uniform success for General Diaz. The first success was the defection of the advance guard of the Iglesias forces, which, upon the approach of Diaz's army, passed over in a body to it without firing a shot. This was followed by the evacuation of Querétaro and its occupation by Diaz. About the same time General Garcia de la Cadena, a revolutionary chief, who had control of the State of Zacatecas, and had a short time previously recognized Mr. Iglesias as provisional president, again "pronounced" in favor of Diaz, and transferred that State to his support. This was soon after followed by the revolt of the garrison of San Luis Potosi, which had also recognized Mr. Iglesias after the fall of Mr. Lerdo, and the States of Nuevo Leon, Coahuila, and Tamaulipas are reported to have followed the example of the adjoining States. General Diaz is advancing from Querétaro, having occupied Celaya, and is now said to be in the vicinity of Guanajuato. En route he has reported the accession to his army of a number of detachments of the Iglesias troops; so that by all these accessions he has been very much strengthened, and Iglesias weakened.

Rumors have been in daily circulation of an adjustment between the rival claimants of the presidency. It appears that a conference was held between Diaz and Iglesias ten days ago, but without any success. It is stated that Mr. Iglesias offered to make certain concessions as to the election of new federal powers, but General Diaz insisted upon the complete acceptance of the plan of Tuxtepec, which Mr. Iglesias declined to do, as he was unwilling to recognize in so unreserved a manner the revolutionary principle and practice.

The Diaz party now claim that peace will soon be restored, and that, too, without any bloodshed, as the popular sentiment is so plainly in their favor, and as the Iglesias army is so greatly reduced as to make resistance useless.

I have already referred to the fact that when General Diaz left this city to take command in person of the army he transferred the exercise of the executive power to his military second in command, General Juan N. Mendez, who has remained in this capital discharging the functions of provisional president. He belongs to the Indian race, is a plain "hacendado" (farmer), without much experience in public affairs, but a person highly respected by and of great influence among the Indians of the Puebla Mountains, where the revolution had early and strong support. During his brief administration a number of important orders and decrees have been issued. In my No. 472, of the 8th instant, I transmitted a decree of General Diaz nullifying certain classes of contracts made by the Lerdo Government. This decree has been made to extend to the acts of the Iglesias Government also, as will be seen by the circular, of which I inclose a translation herewith.

But the most important decree issued by General Mendez, as provisional president, is the one convoking elections, which embrace the three federal powers of the republic and of the States. This decree contains some notable provisions. It excludes from all candidature all persons who in civil or military grades have done anything to recognize the re-election of Mr. Lerdo, who have participated in what are termed the electoral frauds, or have voted in favor of the "extraordinary faculties." These prohibitions will exclude from office more than three-fourths of the members of the last two congresses and of the supreme court, and a vast number of civil and military officials in all parts of the republic, among the most experienced and able of its public men. The persons elected are required to take an oath to support the constitution and the plan of Tuxtepec, by which latter provision all successful candidates must recognize the principle and practice of revolution as established by General Diaz. These provisions are very severely criticised by the opposition press, which claims that the odious electoral system of the Lerdo Government, which the Diaz revolution was inaugurated to destroy, was much less illiberal and exclusive than the electoral decree just issued.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1877, p. 395.)

LEGATION OF THE UNITED STATES,
Mexico, February 19, 1877.

SIR: I have received, under date of the 15th, a note, of which I inclose a copy and translation, from the minister of foreign affairs of General Diaz's government, in which he brings to my notice that General Diaz, having successfully terminated his campaign, has reassumed the exercise of the provisional presidency of the republic; that the public peace is now restored in all parts of the Mexican territory; and that within a short time the constitutional order will be re-established, the functionaries elected by the people entering upon their respective duties.

In my last dispatch I informed you of the abandonment of the Mexican territory, both by Mr. Lerdo and Mr. Iglesias, so that there is now no rival claimant to General Diaz in the republic, and virtually the whole country has submitted to his authority. The only opposition known to exist is by Governor Alvarez, with a small part of the State of Guerrero, and our consul at Acapulco informs me that Alvarez is ready to surrender his authority to General Diaz, and is only resisting the opposing governor.

I have, &c.,

JOHN W. FOSTER.

[Translation.

Mr. Vallarta to Mr. Foster.

DEPARTMENT OF FOREIGN AFFAIRS,

Mexico, February 15, 1877.

SIR: The Citizen Porfirio Diaz, general-in-chief of the national army, has to-day again assumed the supreme executive power of the union, the exercise of which he was pleased to delegate to the second in command, Citizen-General Juan N. Mendez, when in December last he took under his immediate direction the campaign which has already terminated happily, and without the effusion of any blood, against the forces which combated the order of affairs created by the plan of Tuxtepec.

On making known to your excellency the stated fact, it is pleasant for me to bring to your knowledge that the public peace is now restored in all parts of the Mexican territory, and that within a short time the constitutional order will be re-established, the functionaries, whose election is at present being made by the people, entering upon the discharge of their respective duties.

I have the honor of assuring your excellency of my most distinguished consideration.

I. L. VALLARTA.

Mr. Foster to Mr. Ecarta.

(Foreign Relations, 1877, p. 400.)

LEGATION OF THE UNITED STATES,

Mexico, March 30, 1877.

SIR: At the date of my last dispatch on current events, Governor Alvarez was still resisting the authority of Diaz in the State of Guerrero. Since then the sea-port of Acapulco has been occupied by the Diaz forces, and it is reported that Alvarez has submitted, or at least has ceased his opposition, so that there is now no armed resistance to Diaz in any part of the country. A reasonable degree of peace and order prevails throughout the republic, and the authority of General Diaz is everywhere recognized.

The time fixed for the opening of Congress by the electoral convocation of December 23 last was on the 12th instant, but at that date there was only a small minority of members present, and owing to the want of a quorum the regular sessions have not yet been inaugurated. It is announced, however, that the requisite number of members of the House of Deputies is now present, and that within a few days, as soon as the credentials are examined, that body will be formally opened by General Diaz.

The electoral convocation made no reference to the Chamber of Senators, and neither provided for the election of new members, as in the case of the Chamber of Deputies, nor for its meeting at the time fixed for the other legislative branch of the government. At the time the convocation was issued it was supposed to be the intention of the new government to abolish ommissively the Senate, notwithstanding its existence is sanctioned by express constitutional enactment. It is now reported that General Diaz desires to rectify this omission in the electoral convocation and to conform to the constitution by assembling the Senate.

Connected with this subject is the question of the powers and character of the Chamber of Deputies. According to the constitutional order, the present session should be devoted to the consideration of the financial budget, should terminate its functions on the 31st of May as the Eighth Congress, and an election for the Ninth Congress be held in June or July next.

The question is therefore suggested as to whether this is to be considered the last session of the Eighth, or, by virtue of the revolutionary convocation, the Ninth Congress.

The doubt is also raised as to whether, under the constitution, one branch of the legislative power can exercise its functions without the concurrent session of the other. The cabinet of General Diaz is understood to maintain that the Chamber of Deputies can, without the session of the Senate, legally discharge all such duties as are by the constitution exclusively delegated to it, as the revision of the returns of the electoral colleges, and the declaration of the result of the election for President and the federal supreme court, as also the consideration of the appropriation bills.

These subjects will give special interest to the proceedings of the deputies. It is supposed that one of their earliest acts will be the formal declaration of the election of General Diaz as constitutional President, as he has received almost unanimously the votes of the electors. He will then terminate his provisional or revolutionary term, and, taking the oath anew, enter upon what will be styled his constitutional term as President.

Mr. Lerdo, under date of February 24, from New York City, and Mr. Iglesias, under date of the 15th instant, from New Orleans, have issued their respective manifestoes to the Mexican people, each claiming to be the constitutional custodian of the executive power, and announcing their determination to persist in their claims. I do not inclose copies of these papers for the reason that, having been issued in the United States, it is presumed that you are informed of their contents.

These publications indicate a renewal of strife in this republic and a continuance of the revolutionary era.

A number of prominent public men, adherents of Mr. Lerdo, have been, during the past week, summarily arrested in this city and sent to Vera Cruz, suspected of conspiracy against the existing government.

I am, &c.

JOHN W. FOSTER.

Mr. Foster to Mr. Evans.

(Foreign Relations, 1877, p. 405.)

LEGATION OF THE UNITED STATES,
Mexico, May 28, 1877.

SIR: In a call which I made at the foreign office on the 24th instant, in giving to Mr. Vallarta the information contained in General Ord's report of Colonel Shafter's crossing at Piedras on the 3d ultimo, transmitted with No. 385, of the 2d instant, Mr. Vallarta referred to the apparent impunity extended to the Lerdist chief, Valdez, by the American authorities in Texas, whose hostile crossing of the Rio Grande is referred to in my dispatch No. 537 of to-day. I answered Mr. Vallarta that I knew nothing of the facts alluded to except as I had seen them in the dispatches sent by the Mexican authorities to the government here as published in the official journal; but I presumed the American military and civil officers were pursuing the same course toward the partisans of Mr. Lerdo as they observed last year toward General Diaz, in which case there ought to be no cause of complaint on the part of the existing government here. It was to be borne in mind that General Diaz was permitted to remain undisturbed in Brownsville for a considerable period while the revolution of which he was the recognized head was progressing in Mexico; that there was good reason to suppose that at that time he was conspiring with his partisans across the frontier and making contracts with American citizens for arms and other munitions of war; that he crossed into Mexican territory, and engaged in an armed expedition against the recognized authorities, and was afterward driven across the border into American territory, and thence returned to Mexico unmolested by the officials of the United States. It did not appear that greater immunity had been afforded thus far to the partisans of Mr. Lerdo.

Mr. Vallarta replied that Valdez was not engaged in legitimate warfare, but purely in a system of plunder, kidnaping, and outlawry.

I answered that I supposed the American authorities were not responsible for such acts committed on Mexican soil by Mexican citizens; but our officials had complained that among General Diaz's partisans in the recent revolution there were chiefs guilty of outrages upon American citizens similar to those which he (Mr. Vallarta) charged against Valdez; and I cited some of the acts of Cortina in Tamaulipas, and Trias in Chihuahua.

It may not be amiss, however, for me to suggest in this connection that our authorities on the frontier be enjoined to observe strict impartiality in the Mexican conflict, and see that the neutrality laws are not violated.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Evarts.

(Foreign Relations, 1877, p. 425.)

LEGATION OF THE UNITED STATES,
Mexico, July 30, 1877.

SIR: At the date of my last dispatch on current events, the only portion of the republic which was not fully recognizing the authority of General Diaz was a part of the State of Guerrero, where the former governor, General Alvarez, has risen against the military governor sent out by General Diaz, and driven him from the State. Soon after, however, an arrangement was entered into between Alvarez and Diaz, whereby the authority of the latter was recognized and a new military governor appointed until elections could be held and the State restored to the constitutional order. Since that adjustment, general peace has prevailed in the country, with the exception of the occurrences on the Rio Grande frontier, to which reference is made in other dispatches.

The elections for senators to complete the Congress of the Union have been held during the present month, without any disturbance of the peace, and with very little attention being given to the event. Popular elections in this country seldom, if ever, are participated in by more than a small minority of the legal voters; and upon this occasion there was less participation than usual.

The anti-revolutionists considered their candidates excluded by the condition of the convocatory decree, which requires all senators elected to take an oath to support the revolutionary plan of Tuxtepec. On the other hand, the extreme revolutionists styled the "pure Tuxtepecanoses," who have bitterly opposed the re-establishment of the senate as contrary to the plan of Tuxtepec, have also in a great measure abstained from taking part in the elections. The consequence has been that the elections receive very little attention, and so far as the results have been announced, it is believed that ministerial candidates have been chosen in almost all cases. * * * * *

I am, &c.,

JOHN W. FOSTER.

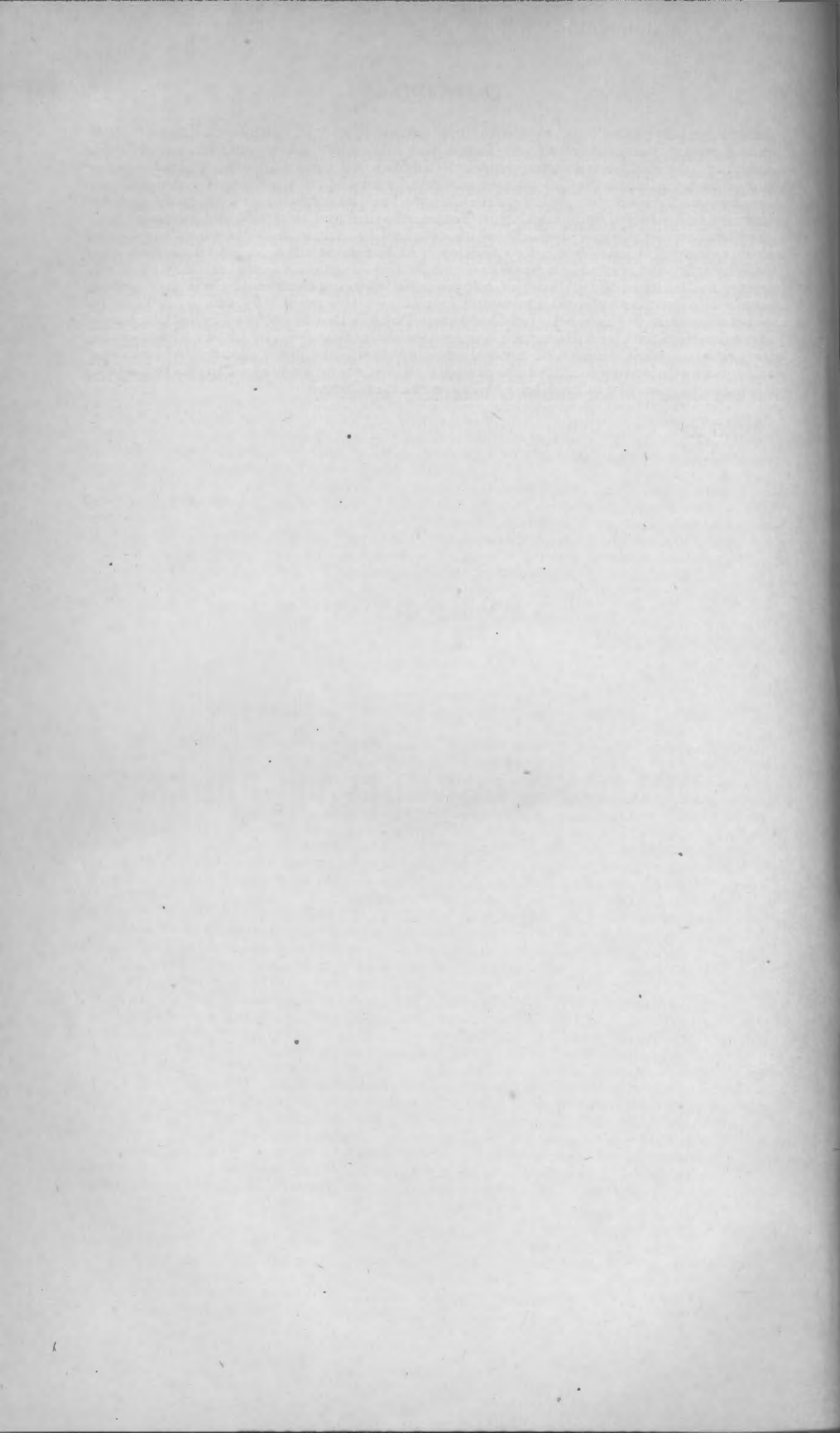
Extract from the annual message of President Hayes, December 3, 1877.

The revolution which recently occurred in Mexico was followed by the accession of the successful party to power and the installation of its chief, General Porfirio Diaz, in the Presidential office. It has been the custom of the United States, when such changes of government have heretofore occurred in Mexico, to recognize and enter into official relations with the *de facto* government as soon as it should appear to have the approval of the Mexican people and should manifest a disposition to adhere to the obligations of treaties and international friendship. In the present case such official recognition has been deferred by the occurrences on the Rio Grande border, the records of which have been already communicated to each House of Congress in answer to their respective resolutions of inquiry. Assurances have been received that the authorities at the seat of the Mexican Government have both the disposition and the power to prevent and punish such unlawful invasions and depredations. It is earnestly to be hoped that events may prove these assurances to be well founded. The best interests of both countries require the maintenance of peace upon the border and the development of commerce between the two republics.

It is gratifying to add that this temporary interruption of official relations has not prevented due attention by the representatives of the United States in Mexico to the protection of American citizens, so far as practicable; nor has it interfered with the prompt payment of the amounts due from Mexico to the United States under the treaty of July 4, 1868, and the awards of the joint commission. While I do not anticipate an interruption of friendly relations with Mexico, yet I cannot but look 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. Firmly determined that nothing shall be wanting on my part to promote a good understanding between the two nations, I yet must ask the attention of Congress to the actual occurrences on the border, that the lives and property of our citizens may be adequately protected and peace preserved. * * * * *

Disturbances along the Rio Grande, in Texas, to which I have already referred, have rendered necessary the constant employment of a military force in that vicinity. A full report of all recent military operations in that quarter has been transmitted to the House of Representatives in answer to a resolution of that body, and it will, therefore, not be necessary to enter into details. I regret to say that these lawless incursions into our territory by armed bands from the Mexican side of the line, for the pur-

pose of robbery, have been of frequent occurrence, and in spite of the most vigilant efforts of the commander of our forces the marauders have generally succeeded in escaping into Mexico with their plunder. In May last I gave orders for the exercise of the utmost vigilance on the part of our troops for the suppression of these raids and the punishment of the guilty parties, as well as the recapture of property stolen by them. General Ord, commanding in Texas, was directed to invite the co-operation of the Mexican authorities in efforts to this end, and to assure them that I was anxious to avoid giving the least offense to Mexico. At the same time, he was directed to give notice of my determination to put an end to the invasion of our territory by lawless bands, intent upon the plunder of our peaceful citizens, even if the effectual punishment of the outlaws should make the crossing of the border by our troops in their pursuit necessary. It is believed that this policy has had the effect to check somewhat these depredations, and that with a considerable increase of our force upon that frontier, and the establishment of several additional military posts along the Rio Grande, to as more effectually to guard that extensive border, peace may be preserved and the lives and property of our citizens in Texas fully protected.



APPENDIX B.

MEXICAN BORDER TROUBLES.

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MEXICAN BORDER TROUBLES.

LIST OF PAPERS, WITH THEIR SUBJECTS.

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3. Col. R. E. Lee, by direction of the Secretary of War, informs the Mexican authorities on the Rio Grande that they must break up and disperse the bands of banditti concerned in the outrages against the persons and property of American citizens, and that they will be held responsible for the faithful performance of this plain duty on their part, April 2, 7, and 12, 1860	83
4. Mr. Fish to Mr. Nelson, March 29, 1871. Recurrence of the difficulties on the Rio Grande border, and reappearance of Cortina on the scene	84
5. Mr. Davis to Mr. Nelson, September 6, 1871, inclosing official correspondence relating to further depredations in Texas by armed parties from the Mexican side of the border, and showing the complicity of Cortina. Mr. Nelson instructed to urgently demand the recall of Cortina from that port, and the adoption of efficient measures to prevent these marauding incursions	85
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MEXICAN BORDER TROUBLES.

THE CORTINA RAID IN 1859-'60.

Official report of Major Heintzelman.

(H. Ex. Doc. 81, 36th Cong., 1st Sess., p. 2.)

REPORT.

HEADQUARTERS BROWNSVILLE EXPEDITION,

Fort Brown, Texas, March 1, 1860.

SIR: In compliance with the instructions contained in your letter of January 7, 1860, I have the honor to make the following report:

In compliance with Special Order No. 103, headquarters Department of Texas, San Antonio, November 12, 1859, I repaired to San Antonio and reported to the commanding general for instructions.

I was directed to proceed toward Brownsville and disperse any hostile parties I might meet, &c. From accounts received soon after, the reports were believed to be greatly exaggerated, and the expedition was broken up. But I was directed to proceed to Brownsville and make full inquiries there and on the frontier above.

I reached Brownsville on the night of the 5th of December.

Juan Nepomuceno Cortinas (or Cortina), the leader of the banditti who have for the last five months been in arms on the Lower Rio Grande, murdering, robbing, and burning, is a *rancho*, at one time claiming to be an American and at another a Mexican citizen. At the time General Taylor arrived on the banks of the Rio Grande he was a soldier in General Arista's army. He has been for years noted as a lawless, desperate man.

Ten years ago he was indicted for murder, and the sheriff attempted to arrest him, which made him for a long period keep out of the way until the witnesses were gone. In 1854 he again began to be seen about; but no effort was made to arrest him until in the spring of 1859, when he was indicted for horse-stealing, and he has since been a fugitive from justice. When he came to town he was always well armed, or had some of his friends around him, making it dangerous to interfere with him. His principal business has been dealing in stock; purchasing or stealing, as was the most convenient. He had great influence with his class of the Mexican population, and thus, as he controlled so many votes, was courted at elections by politicians.

He has a ranch called San José, a few miles from town, and whenever there was any danger of arrest he would retire to this place and keep himself surrounded by a band of outlaws, as desperate as himself. Leading this lawless life, he and those around him made numerous enemies. On the 13th of July last he was in Brownsville with some of his *rancho* friends, when a man who was formerly a servant of his was arrested by the city marshal for abusing a coffee-house keeper. Cortina attempted to rescue the man; he fired twice on the marshal, the second shot wounding him in the shoulder, and rescued the prisoner. He mounted his horse, took the prisoner up behind him, and with his friends around him rode off, defying the authorities to arrest him. He escaped to Matamoros, and there was treated with consideration and lauded as the defender of Mexican rights.

For this an effort was made by the sheriff to arrest him. A party was got up, but they did not succeed in getting what they considered a sufficient force, and the posse never started. Several of the men who were active on this occasion were known to Cortinas, and they were marked.

It has been reported that he held a captain's commission in the Mexican army. He at one time was a lieutenant under General Garcia, but was detected selling the horses given to him for a remount, and was dismissed. Since these troubles commenced he has offered his services with fifty men to General Garcia, but they were declined.

He probably held some commission in the custom-house or maritime guards. Under this pretext he recruited men and purchased arms. Don Miguel Treviño, his first cousin, on

the 28th of September, said in Brownsville to some of his friends that he "was a desperate, contrary fellow. When every one thought that he had started for the interior he turned up suddenly in Brownsville." He, no doubt, when he came over here, intended to kill all his enemies that he could catch, and then go into the interior.

Before daylight, on the morning of the 28th of September, Cortinas entered the city of Brownsville with a body of mounted men, variously estimated at from forty to eighty, leaving two small parties of foot outside—one near the cemetery, the other near the suburb of Framireño. The citizens were awakened by firing and cries of "Viva cheno Cortinas!" "Mueran los Gringos!" "Viva Mexico!" The city was already in his possession, with sentinels at the corners of the principal streets and armed men riding about. He avowed his determination to kill the Americans, but assured Mexicans and foreigners that they should not be molested. Thus was a city of from two thousand to three thousand inhabitants occupied by a band of armed bandits, a thing till now unheard of in these United States.

He made his headquarters in the deserted garrison of Fort Brown, and sent mounted men through the streets hunting up their enemies. He broke open the jail, liberated the prisoners, knocked off their irons, and had them join him. He killed the jailer, Johnson, a constable named George Morris, young Neale in his bed, and two Mexicans; was after Glaseche, the wounded city marshal, and others. One of his men was killed by the jailer in the attack on the jail.

Cortinas himself rode up to a store on the levee and called for spirits of turpentine. A few minutes after this, General Caravajal made his appearance on the levee, and said that he would try and put a stop to all this, and seeing Don Miguel Treviño on the opposite bank of the river, called to him to cross over to this side instantly. This he did, on horseback, accompanied by Don Agassito Longosia. General Caravajal then sent for Cortinas, and, after a talk with him, he with his men, mounted and on foot, numbering about sixty, marched along the levee out toward his mother's rancho, about nine miles above the town.

His party did not make any attempt to plunder or rob, but were active in looking for the persons who had assembled to accompany the sheriff to arrest him, or for those who could be witnesses against him for former offenses. Two of those killed had personal enemies amongst Cortinas's men.

His sole object appeared to be revenge, but his men were getting liquor, and the consequences were only prevented by the exertions of the gentleman above named and the Mexican consul, Don Manuel Treviño, in inducing him to leave the town. There were but thirty or forty native Americans in the place, and they mostly unarmed, and being taken completely by surprise, no effort was made to oppose him. There are said not to be over eighty American citizens, native or naturalized, in the two counties of Cameron and Hidalgo. Many of the foreigners in Brownsville refused to give any aid in its defense.

Two days after (30th of September) Cortinas issued his first proclamation, in which he bid defiance to law, and assumed to protect those whom he alleged had been injured on account of their Mexican origin, and accusing the lawyers of despoiling them of their lands.

After leaving Brownsville he encamped at his mother's rancho, and was there joined by stragglers from town and Mexicans from the neighboring ranches. Several of the citizens of Matamoros and Brownsville now visited his camp and had interviews with him. He appeared only to wish to have time to cross his property, stock, &c., into Mexico. He took his time, without being molested, and then crossed with his men. He and his men staid about Matamoros publicly, unmolested by the authorities.

About the 12th of October, several days after he left this side, the sheriff, with a posse, started up the river to visit his rancho and to reconnoiter the country. They caught Thomas Cabrera, said to have been Cortinas's second in command, on the 28th of September, and brought him in a prisoner. When Cortinas, who was in Matamoros, heard this, he told some of the most influential men there that if the citizens of Brownsville did not immediately release Cabrera, that he would "lay the town in ashes," &c. A prominent merchant in Matamoros came over at 11 o'clock p. m., at the request of those Mexican gentlemen, to persuade the people of Brownsville to comply with his demand, whilst an express awaited on the other side their answer to carry it to Cortinas. His demand was refused, but he was informed that the man was in the hands of the sheriff, to be dealt with by the laws of the country.

The night after the arrival of Captain Tobin's company Cabrera was found hung.

Cortinas, with forty men, crossed the river the same night. He received their answer, and took up his old quarters at his mother's rancho. Here he collected men and arms, and prepared to carry out his threats, occasionally sending threatening communications to the authorities. His men would make their appearance on the outskirts of the town in open daylight; but the citizens had now organized and armed, and kept a guard day and night.

Some Mexican troops who had been called over about the 30th of September, and who had returned home when Cortinas recrossed to the Mexican side, were now invited over again. About seventy-five men came over with a piece of artillery to join an expedition which the citizens were preparing for the purpose of attacking Cortinas. They were of the National Guards of Matamoros, under the command of Colonel Loranco and Don Miguel Treviño, who accompanied the expedition as a volunteer.

There were about twenty Americans under Captain Thompson, and forty Mexicans, from the town and ranches below, under a Mexican called Portillo, all mounted. They took along a four-pounder howitzer.

The expedition started on the 22d of October, met the enemy nine miles from town on the 24th, routed him from his first position, and followed him up as he retreated into the chaparral, from which, without being seen, he kept up a constant fire. Here the Mexican gun stuck in the mud, and on the second discharge it was dismounted, and was then abandoned. The advance fell back. The other gun, with its ammunition, was also abandoned, but, it is said, not until it was thrown into the river. However, both the guns were in Cortinas's camp that night. The flight now became general, all being anxious to be the first to reach Brownsville. The Mexican troops had four men wounded, and brought up the rear. One Mexican with Portillo was also badly wounded. Two men of Cortinas's—all that he lost—were killed by the Mexican troops.

The Mexican troops had but from eight to twelve rounds of ammunition, and they did not retreat until it gave out. They are accused, but I think most unjustly, of having fired blank cartridges, and that the cap-squares were loosened to dismount the gun.

Cortinas now had two pieces of artillery, and was much emboldened by his success. Large re-enforcements joined him, some voluntarily, others he compelled from the neighboring ranches. He commenced levying contributions of arms, horses, beef-cattle, corn, everything that he wanted for his men, sometimes giving receipts for what he took.

He intercepted all the mails to and from this place, except the Point Isabel, by capturing the mail-riders, cut open the mail-bags, and had the letters read to him; he cannot read or write. Once he sent in the letters opened, with a note apologizing to the postmaster, "as it was a matter of necessity for him to know what steps were taken against him." By this means he knew more of what was going on outside of Brownsville than its citizens.

He knew when the rangers with Captain Tobin were expected, and made arrangements to intercept them. Glaseche, however, went and guided them in about midnight, without their meeting any one. The same night Cortinas was known to be hovering about town, and Tobin's men were received with a shower of grape fired at them before they were recognized. This was the 10th of November.

About eight days after, thirty men were sent under Lieutenant Littleton toward the Arroyo Colorado to meet Captain Donaldson's company. He missed Donaldson, but on the Palo Alto prairie fell into an ambuscade prepared by Cortinas, and lost three men killed and one wounded and a prisoner. The next day when a party went out to bring the dead they found this man murdered and all the dead mutilated. They went to Santa Rita, seven miles from here, to attack Cortinas, but knowing that he had artillery, and thinking that he was too strong, they only made a demonstration and returned to the city. All this only served to give Cortinas and his followers confidence. He now believed that he could stand his ground against the whole State of Texas.

In the mean time more volunteers arrived. On the 22d of November the rangers under Captain Tobin, numbering about two hundred and fifty men, including in this Captain Kennedy's company of citizens from Brownsville, the Indianola company, and a 24-pounder howitzer, in charge of Lieutenant Langdon, United States Artillery, who volunteered, again started out to exterminate Cortinas. On the 24th Captain Tobin had his whole force collected at Santa Rita, seven miles above town. Here he left the 24-pounder and about sixty men, and advanced with the main body of his force to make a reconnaissance. The advance, when near the intrenchment, two miles above Santa Rita, was fired upon by both cannon and small-arms. The fire was returned. Captain Tobin now gave the order to fall back and wait for the artillery, but the whole force fell back to Santa Rita. Here there was another council and a misunderstanding, and the next morning sixty men started back to town. The next day (25th) Captain Tobin again advanced, but when near the barricades there was another consultation, and it was decided to be imprudent to risk an attack, and the whole force marched back to Brownsville.

It was a wise decision. In their disorganized condition an attack would have brought certain defeat. About a month before this the streets of Brownsville were barricaded.

Cortinas was now a great man; he had defeated the "Gringos," and his position was impregnable; he had the Mexican flag flying in his camp, and numbers were flocking to his standard. When he visited Matamoros he was received as the champion of his race—as the man who would right the wrongs the Mexicans had received; that he would drive back the hated Americans to the Nueces, and some even spoke of the Sabine as the future boundary. The lower order of Mexicans hate Americans, and the educated classes are not always exempt from this feeling. This is well shown from the difficulty we had in obtaining information. When his force and all his movements were well known in Matamoros, with daily intercourse with his camp, we were answered with vague and exaggerated accounts. Men who have lived here for years, and are united to Mexican women, could learn nothing reliable.

A party of forty men, under Santo Cadena, joined him from Agua Leguas, in Nueva Leon, remained until they were loaded with plunder, and then returned to their homes. Another party of sixty convicts escaped from prison at Victoria, in Tamaulipas, armed themselves, and, after a fight with the authorities, marched through the country to the Rio

Grande, and joined him. Affairs remained in this state until we arrived here on the night of the 5th of December.

I entered the town that night with Captain Stoneman's Company E, Second Cavalry, forty-six men, and L and M Companies, First Artillery, sixty-six men, and five men of the First Infantry—in all, five officers and one hundred and seventeen men. In Fort Brown were Captain Rickett's company, First Artillery, of forty-eight men.

On our march from the Nueces to the Arroyo Colorado we only met two Americans and a Mexican cart. All travel had ceased for some time. At the arroyo we first learned to a certainty that Captain Tobin was in Brownsville, but that he had not dislodged Cortinas, and got the most exaggerated accounts of the latter's forces.

The morning after our arrival I endeavored to get information as to the number, position, and objects of Cortinas. Every one appeared to be as ignorant of these matters as I was. Accounts ranged as high as fifteen hundred men. I finally satisfied myself that he could not have over three hundred and fifty men, and that he occupied a fortified position across the river road, about nine miles above town, and that his works were armed with two pieces of artillery. As to his objects, no one knew.

Captain Tobin informed me that he had about one hundred and fifty rangers, and placed himself under my command. I wished him to send out parties to reconnoiter their position. Several went, but none of them ever got near enough to give me any information. At 1 o'clock a. m., the 14th of December, we marched out of Brownsville with one hundred and sixty-five officers and men of the Regular Army, and one hundred and twenty rangers. Half an hour before day I halted a mile and a half from the point where I was told his intrenchment was.

I was desirous of having a reconnaissance made before proceeding farther. The rangers were so thoroughly stampeded by their previous expedition that it was only after much difficulty and delay that I could get any one to go, and then only by Judge Davis, who had been out with them before, volunteering to go with them. We advanced and found that the intrenchment had been abandoned apparently for a week. It consisted of a heavy breastwork of ebony logs and earth mixed with brush across the road, with two embrasures and a ditch in front. About one hundred yards beyond another had been commenced to face the other way. The first was badly located, and could easily have been turned.

After a short delay in clearing a road around these obstructions the march was resumed. About three miles farther, where the road is straight and passing through a very dense chaparral with ebony trees, our attention was attracted by the waving of a flag six or seven hundred yards in advance, with a few men about it. In a moment more a burst of smoke and a round shot down the road informed me that the enemy was before us. Until this event the general impression was that Cortinas would not dare fire upon the United States troops.

I immediately ordered the guns unlimbered and the fire returned. The rangers seeing with how much coolness the regular troops stood the fire of the enemy, regained confidence, and were finally induced to advance to the attack. With the aid of L and M Companies, First Artillery, they took the enemies' camp, at Vicente Guenais', a few hundred yards beyond, capturing some provisions and arms. The pursuit was continued about two miles farther. Some horsemen made their escape across the river into Mexico. Where the enemy was posted the chaparral was so dense that but a small portion of the force was engaged. This was one of Cortinas's principal camps, and had been long occupied, but he was not in it. The infantry were commanded by Pancho Balli, and the artillery by Antonio Juarez or Jantes, and in all about sixty men. The resistance they made was quite trifling. We had two men of the artillery slightly wounded, and a ranger mortally. The enemy lost eight.

Here, whilst we halted to refresh the men and animals, Major Ford came up with fifty-five men. He heard the firing in the morning, and rode forty miles, via Brownsville, to join us.

A rain set in, and continuing, the next morning we returned to town. I had learned that Cortinas was behind us, back in the country, and would probably come in on the river. We reached town without meeting any of the enemy.

I was, on my return to town, informed that Cortinas was on his way to attack Point Isabel and burn the custom-house, full of valuable goods, and that he had also large parties toward the Arroyo Colorado. I sent out three strong parties, but in a few days they returned without meeting any one. I was now satisfied that he had concentrated his whole force, and was retiring up the river to lay waste the country.

I started on the 21st of December with all the force I could collect, amounting to one hundred and fifty regulars and one hundred and ninety-eight rangers. I had information that was deemed reliable that Cortinas had fortified himself at the Baston, thirty-five miles from town, in Mr. Neale's brick house, loop-holed and surrounded by corrals. We came in sight of the Baston at twelve o'clock m. on the 23d, found the fences, corrals, and jacales burned, the house sacked, and the enemy gone.

The next place I was told that we should certainly meet him was in a bend of the river a mile beyond—Edinburg. We reached Edinburg on Sunday, the 25th of December. Although we met several Mexicans from Reynosa, Mexico, not one could tell us anything about him, except that he had left after plundering the custom-house, post-office, &c., which we could

see ourselves. His next position was a cane-brake, a few miles beyond Edinburg; but when we arrived he had left.

The next day I learned that Cortinas was occupying Ringgold barracks and Rio Grande City, with his troops encamped on the plaza. Major Ford, who was in advance here, sent Colonel Lockridge with the information. I determined to surprise him by a night march. As our march was most of the way in full view from the Mexican side of the river, we went into camp at the usual time and in the usual manner. At midnight we resumed our march in silence, and an hour before daylight were three miles from Rio Grande City. Here our spies met us with the assurance that he was still encamped in Rio Grande City.

I now made the arrangement for Ford's and Henon's companies, eighty-five men, to make a detour, and get on the road to Roma, above the city, and Captain Tobin, with Tomlinson's and Hampton's companies, one hundred and thirteen men, to move in advance of our right flank, while the regulars, giving the rangers half an hour's start, would advance with the artillery along the road and attack him in front.

We advanced in this order, but when we reached the barracks some ranger rode up and reported that Major Ford could not get beyond on the road, and had commenced the attack in front. On entering the town, I learned that most of his men had encamped about half a mile beyond. Here he had been attacked by Ford, who was supported by Captain Tobin, with his, Tomlinson's, and Hampton's companies. The enemy made a vigorous resistance, but as soon as he saw the regular troops, with the "white-topped wagons," rise the ridge back of the town, he gave way. He here abandoned his provisions, half-cooked breakfast, and a baggage cart, but carried off his artillery.

I ordered up more troops, but the men, fatigued by a march of forty miles since the morning before, could not overtake the advance, and were sent after those who had escaped into the chaparral. At this time a dense fog set in, enabling many of the enemy to escape into the thick chaparral which lined the whole road. I rode forward, and found the ranger companies all broken up, and strewn along the road, with most of the officers in advance. I soon overtook Major Ford, and gave directions to press the pursuit, as our victory would not be complete if they succeeded in carrying off their guns. After a pursuit of more than nine miles, we captured both his guns, loaded. There was no more attempt made at resistance, and here the last dispersed.

Within a few minutes after the capture of the second gun, the men on foot and guns and all our wagons were up. They had made a march of nearly fifty miles in twenty-five hours, thirty of them without stopping for water. There was not a straggler from the regular troops.

The defeat was complete. We captured his guns, ammunition and baggage carts, provisions, everything he could throw away to lighten his flight, and entirely dispersed his force.

We had sixteen rangers wounded, mostly very slight cases. Cortinas had between five and six hundred men, and his loss was about sixty killed and drowned in the river. Most of them who escaped got across the river into Mexico, and without arms. He fled to Guerrero, where he made his appearance next day. He afterwards was seen at Mier, Camargo, Reynosa, and so continued down the river, collecting his stragglers. Many small parties were seen on the Mexican side of the river, but generally unarmed. I sent Captain Stoneman's company the same evening to Roma for its protection. Captain Dawson, with L and M Companies, First Artillery, left on the 29th December to garrison Fort Brown. I went to Roma, and remained until the 15th of January, 1860, then returned to this place to collect, in compliance with instructions, the names of the killed and amount of damage done by Cortinas.

A difficulty about the organization and command of the rangers created much embarrassment and delay. An election was held, and Tobin was elected major. I endeavored to have the rangers distributed along the river in small parties to prevent the reorganization of the enemy's forces, but my orders were never fully carried out.

Two commissioners of the State of Texas, Messrs. Navarro and Taylor, now arrived in Brownsville, to inquire into the causes of this disturbance, and authorized to reorganize the rangers. They mustered all out of service, and then mustered in Ford's and Littleton's companies.

I was called upon by the commissioners to say what force of rangers would be sufficient for the protection of the frontier. With but one company of cavalry I was of the opinion that the two then in service would be sufficient. They were placed under my command.

I placed Captain Stoneman's cavalry and Ford's and Littleton's companies of rangers on the river between here and Rio Grande City, with orders to keep out small parties. Cortinas's men were very active at this time crossing over and driving stock into Mexico.

Cortinas, soon after his defeat at Rio Grande City, established a camp at La Bolza, thirty-five miles above here, with the avowed object of attacking the steamboat Ranchero, on her return from the towns above. This being her first trip since last September it was well known that she would have a valuable freight. Her whole cargo was valued by the officer of the boat at \$200,000.

During his stay at La Bolza, Cortinas recruited men, procured arms, ammunition, and supplies. He crossed at Las Rusias to the American side of the river, intercepted the United States mail-carrier, cut open the mail bags, and rifled them of their contents. He threatened

the carrier with death for serving the Americans, and only spared him because the contractor is a Mexican. He was taken to La Bolsa and there kept until he made his escape in the confusion of the fight of the 4th of February. At La Bolsa a frequent subject of conversation was the intercepting and robbing of the steamboat. During the time, Cortinas was in constant communication with the inhabitants of Matamoros and other towns on the river.

On the 31st of January I called, with one of the Texas commissioners and the American consul, on General Garcia, the Mexican commander of the line of the Brazos. He showed us the instructions he had to co-operate with the United States forces in arresting Cortinas and dispersing his bands. He told us that he had sent out, but could not learn where Cortinas was to be found. We had known for near a month past that he was at La Bolsa.

On the 4th of February, near La Bolsa, Cortinas's men fired from the Mexican side of the river on a party of Captain Ford's men, mortally wounding one, and also, a few minutes after, on the steamboat. To repel this attack, and to protect the lives and property on board the boat, it was advisable to cross into Mexico. Captain Ford, with Major Tobin and Captain Tomlinson, crossed with forty-nine men, attacked Cortinas in his camp, and after a sharp skirmish drove him out of it. Cortinas is said to have had about two hundred men, and that his loss was twenty-nine killed and forty wounded. We had but two men slightly wounded. Captain Stoneman, who was a few miles below, hastened up with his company, and before daylight the next morning we had over two hundred men on the ground.

At 10½ o'clock p. m. an express reached me with a report of what had occurred. The town was wild with excitement. People declared that war had commenced. A party got together with the object of crossing at this ferry and seizing the ferry-boats, which are kept at night on the Mexican side, in charge of a guard. As there has been for some time past considerable alarm of an invasion of filibusters and rangers, a strong Mexican guard has been kept at the ferry.

Some gentlemen who met them came and told me as I was returning to the garrison. I found the party armed on the bank of the river. I had but little difficulty in convincing them of the folly of such an act; that it would only complicate affairs; that the boats were now in our power, but that we were not prepared nor authorized to occupy Matamoros.

The next morning I addressed a note to General Garcia, informing him of what had occurred, and calling upon him now to co-operate with me in arresting Cortinas. I knew that he had received an express an hour or two earlier than we, and that from eighty to a hundred men had left the same night, but it was believed more to aid Cortinas than to arrest him. The object of my note was more to learn the feelings of the Mexican authorities than from any expectation of any action on their part toward arresting Cortinas. He had too many friends in Matamoros, and I doubt whether they had the power, if they had the inclination, to arrest him.

A few hours brought me a reply, in which General Garcia informed me that he had sent out a portion of the rural police, and would send more as soon as they could be organized, and asking me to withdraw our troops. Don Miguel G. Cabezas, the second alcalde, and Don Manuel Treviño, the Mexican consul, brought the letter, and were authorized to give me explanations.

I learned from these gentlemen that about forty men of the police force had gone, and that more would leave in the afternoon and evening. More went, as promised. In the conversation with them I impressed upon them the absolute necessity for the most prompt and energetic measures on their part to arrest this man, for if he was permitted to go on the most grave consequences would follow. As we had accomplished our object, and as I did not wish to continue this cause of irritation, I sent orders for the troops to recross, which they did the next day, after an interview with the commander of the police force.

When Captain Ford came in sight of the police force there was a large number of armed men around. Some sixty of these withdrew to our side. These men the police force would not vouch for. They were evidently Cortinas's men.

The prudence of Captain Ford and the good order he had observed, together with his prompt withdrawal, have quieted down the excitement. After the flight of La Bolsa, some one along, but not of his command and contrary to Captain Ford's orders, set fire to the jacales and feces, and they were consumed. On the 7th of February Juacuin Arguilles, who succeeded General Garcia in the command, addressed me a note making reclamations for the burning of these jacales, as some compensation for the violation of their territory. In my reply I justified the act, as they had failed in their international obligations in permitting Cortinas, after having been driven from our soil, to occupy their territory, recruit, arm, and equip his men, and occupy those jacales for weeks, for the avowed object of attacking this steamboat engaged in lawful traffic, &c. To this I have received no reply.

A few days after his defeat at La Bolsa we again heard of Cortinas, with from forty to sixty men, encamped near a rancho called "La Mesa," about six miles further from the river and nearly opposite his old place.

Captain Ford took post on our side of the river, nearly opposite, and was getting minute information as to the localities, with the intention of surrounding his camp. A few days ago he broke up this camp and went up the river, it is supposed by some to Camargo, and by others for the interior. Linares and Caderita are mentioned. He has evidently left this

frontier. His brother says that he intends to join the Indians. His mother and a brother are desirous to return to this side of the river and to reoccupy their ranches. This has strengthened me in the belief that he has left permanently.

In reviewing the events of the past five or six months, I arrive at the following facts:

Cortinas has been an outlaw and fugitive from justice for the last ten years. Some politicians found that he could influence a large vote amongst his countrymen, and during an election he was courted. Thus there was never any great effort made to bring him to justice. His mother owns ten leagues of land in a body near town, much of it covered with a dense chaparral. A few miles back from his house, near the river, he built a rancho called San José, which is arranged for a secure retreat, where it would be difficult to surprise any one. This was an asylum for horse and cattle thieves, robbers, and murderers, for those whose enemies would not permit them to live on the Mexican side of the river, or who dared not show themselves in the thickly settled parts of this State.

In Brownsville there were several persons who had made themselves obnoxious to him and his associates. His first object in coming here was, no doubt, revenge, to get rid of these. Then he would have gone off into the interior with some of his friends, in a government employment, until his deeds were forgotten. But the arrest of Cabrera, as he was ready to leave, kept him back. He recrossed the river to rescue Cabrera, and punish those who held him in custody. The idle and the dissolute flocked around him, lured by the prospect of plunder. He soon gained notoriety, and the affair grew beyond his control. The hatred of Americans on the frontier, amongst all classes of Mexicans, brought him men and means. Our side of the river furnished some horses and beef, with but few arms. Most of his arms, ammunition, and supplies to maintain his forces for so many months, came from Mexico, and principally from Matamoros. Most of his men were "pelados" from the towns and ranches along the Rio Grande. On the Mexican side he always found a market for his plunder. At Rio Grande City, in an ammunition box which we captured, were orders in which he is styled "General en Gefé," and he went about with a body-guard.

The whole country from Brownsville to Rio Grande City, one hundred and twenty miles, and back to the Arroyo Colorado, has been laid waste. There is not an American, or any property belonging to an American, that could be destroyed in this large tract of country. Their horses and cattle were driven across into Mexico, and there sold—a cow, with a calf by her side, for a dollar.

At Rio Grande City, in answer to the complaints of his men that he had not fulfilled his promises, he told them that they should the next day have "manos libres" from ten to twelve. Our unexpected arrival saved the city from being sacked and burned, and the few Americans left from murder.

Rio Grande City is almost depopulated, and there is but one Mexican family in Edinburg. On the road this side I met but two ranches occupied, and those by Mexicans. The jacales and fences are generally burned. The actual loss in property can give but a faint idea of the amount of the damage. The cattle that were not carried off are scattered in the chaparral, and will soon be wild and lost to their owners. Business, as far up as Laredo, two hundred and forty miles, has been interrupted or suspended for five months. It is now too late to think of preparing for a crop, and a whole season will be lost.

The amount of the claims for damages presented is three hundred and thirty-six thousand eight hundred and twenty-six dollars and twenty-one cents; many of them are exaggerations, but then there are few Mexicans who have put in any.

There have been fifteen Americans and eighty friendly Mexicans killed. Cortinas has lost one hundred and fifty-one men killed; of the wounded I have no account.

The severe punishment that this people have received it is to be hoped will long deter any one from another such undertaking. A small garrison in Fort Brown would have prevented a thought of such a thing. No people care less for the civil, and are more afraid of the military power.

His idea and that of his dupes was that this was in the nature of a Mexican pronunciamiento; that he would, when he became formidable, be bought off by the authorities; that his men would return unmolested to their homes, and soon all be forgotten.

The citizens of Brownsville are not entirely guiltless. Had they performed their civil duties, and brought this man to justice in the first part of his career, or had they even have had a military organization, the morning of the 28th of September Cortinas would have been shot down or arrested.

It will be a long time before the ill-feeling engendered by this outbreak can be allayed. It is dangerous for Americans to settle near their boundary. The river is narrow, and now low, and easy to cross. A robbery or murder is committed, and in a few minutes the criminal is secure from pursuit. Both banks must be under the same jurisdiction. It will at once add to the value of the lands and promote settlement. The industrious, enterprising, active race on one side cannot exist in such close proximity with the idle and vicious on the other without frequent collisions.

The class of the Mexican population (pelados) who joined Cortinas, are an idle, thriftless, thieving, vicious people, living principally on jerked beef and corn, a frijole as a luxury. The climate is such that they require but little in the way of clothing, or to shelter themselves from the weather, and the soil produces spontaneously much that they live upon.

When they have enough to eat they only work on compulsion, which the system of peonage furnishes on the Mexican side of the river.

For the protection of the frontier, I think that it will be necessary to station at least one company of infantry at Fort Duncan, one at Fort McIntosh, one at Fort Ringgold barracks, and two at Fort Brown. Until there is a more stable government on the other side, I would keep two companies of cavalry in the field, between Ringgold barracks and Brownsville.

My thanks are due to the officers and men of the regular army, and to those of the rangers for their cheerful and efficient aid during the last four months. I also am much indebted for valuable information to Judge Harris, Mr. Yturia, Mr. Cummins, and Mr. Galvan.

The accompanying lists give the names of the killed and the accounts of damages with the claims. I also add a few letters which, with my previous reports, will give you a full history of what has occurred. The two field returns give the names of the officers engaged on the 14th and 27th of December, 1859.

Respectfully submitted.

S. P. HEINTZELMAN,

Major 1st Regiment Infantry, Commanding Brownsville Expedition.

Captain JOHN WITHERS,

Assistant Adjutant General, U. S. A., San Antonio, Texas.

United States troops cross into Mexico in pursuit of Cortina.

(H. Ex. Doc. 81., 36th Cong., 1st sess., p. 80)

CAMP ON RIO GRANDE, MEXICO,

March 18, 1860.

DEAR SIR: We have the honor to make the following hasty report: We crossed the river with all the disposable force at our command last night, and half an hour before daybreak we were at the Mera; but instead of finding Cortinas with 40 men, as reported by the commanding officer of Matamoros, we found a body of troops claiming to be national guards. Upon arriving within about half a mile of the rancho we heard the cry of a sentinel, which the guide, whom we procured in Mexico, assured us was from Cortinas's camp; we intended to have hidden our horses in the chaparral and surrounded the place on foot and attacked it at daylight, but in endeavoring to do so we surprised a picket-guard, which ran into camp and gave the alarm.

We had therefore no time to lose, but immediately charged into the place on three sides, the back being a dense chaparral; shots were exchanged before we found that our opponents claimed to be national guards, and we regret to say that one Mexican soldier and one woman were wounded, the latter mortally, while she was trying to close a door from which an officer was firing at the cavalry as they were passing the house. None of our command was wounded, but the operation has cost us four horses. While taking breakfast within a few hundred yards of the rancho, a command numbering 150 or more of foot and mounted men arrived, and the commander thereof asked for a conference.

We informed him that we were after Cortinas, and that we had been informed officially that he was at the Mera with forty men or more, and he informed us that he was on the same duty; yet he, as well as all his officers, disclaimed all knowledge of his whereabouts. From conversation with him and others, we learned that he had been watching us during the past day and night, and this, together with the conduct of the troops, led us to believe that he intended to attack us, but found our united force too strong for him to venture an attack upon us.

During the interview he requested that we should remain where we were until he could send to Matamoros and get a reply, which we declined doing, and informed him that in the pursuit of our object we should act according to the circumstances which might arise from time to time. We shall remain on the Mexican side of the Rio Grande until the passage down of the steamer or until our presence here is no longer required, unless we receive orders to the contrary.

We are, very respectfully, your obedient servants,

GEORGE STONEMAN,

Captain 2d Cavalry, Com'd'g Regular Force.

JOHN S. FORD,

Capt. Com'd'g R. G. Squadron Texas Rangers.

C. W. THOMAS,

Lieut. and Adj. Brownsville Expedition, Fort Brown, Texas.

HEADQUARTERS BROWNSVILLE EXPEDITION,
Fort Brown, Texas, March 19, 1860.

CAPTAIN: Your joint letter with Captain Ford of the 18th has been received. I much regret to hear that you failed to secure Cortinas. Should you have certain information of Cortinas being in the vicinity, you will attack him; but if not, you will recross to the American side of the river, and make such disposition as you may deem necessary to protect the steamboat on her way down. Should she be attacked, and it become necessary for her protection, you will cross again to the Mexican side. Lieutenant Gillem, with Company M, First Artillery, and one gun, will join you immediately. After the boat is in safety, you will direct him to return to his post.

I am, sir, very respectfully, your obedient servant,

S. P. HEINTZELMAN,

Major First Infantry, Commanding Brownsville Expedition.

Captain G. STONEMAN,

Second Cavalry, Commanding Troops, Camp on Rio Grande, Mexico.

Major Heintzelman to the Adjutant-General.

HEADQUARTERS BROWNSVILLE EXPEDITION,
Fort Brown, Texas, March 25, 1860.

SIR: I have the honor to report that I received orders to join Colonel Lee with Captain Lee's company, Eighth Infantry, at Ringgold Barracks, where this company will be stationed, and that we leave to-morrow.

I have also to report that Captain Stoneman crossed into Mexico on the 17th with the two cavalry and two ranger companies, and endeavored to surprise Cortinas at the rancho of the Mera, where he was reported by General Garcia to be. He escaped.

Several ranchos which were examined showed indications of his having been there. The troops went as far as Cayetano rancho, forty-two miles from the river, and then returned (on the 21st) to our side of the Rio Grande. The operation was conducted with much energy.

Cortinas has left for Burgos, three days' march from the river, and it is not believed that he will again venture to concentrate a force in the vicinity of the Rio Grande.

I have the honor to be, sir, very respectfully, your obedient servant,

S. P. HEINTZELMAN,

Major First Infantry, Commanding Brownsville Expedition.

Colonel S. COOPER,

Adjutant-General, U. S. A., Washington.

Col. Robert E. Lee, by direction of the Secretary of War, informs the Mexican authorities on the Rio Grande that they must break up and disperse the bands of banditti concerned in the outrages against the persons and property of American citizens, and that they will be held responsible for the faithful performance of this plain duty on their part.

(Ex. Doc. 81, 36th Cong., 1st sess., pp. 84 and 102.)

HEADQUARTERS RINGGOLD BARRACKS,
April 2, 1860.

SIR: In consequence of the recent outrages of Cortinas and his followers upon the persons and property of American citizens, I have been instructed by the Secretary of War of the United States to notify the authorities of Mexico on the Rio Grande frontier that they must break up and disperse the bands of banditti which have been concerned in these depredations and have sought protection within Mexican territory; and, further, that they will be held responsible for the faithful performance of this plain duty on their part.

I have, therefore, the honor to request that your excellency will cause to be dispersed any bands within the States under your jurisdiction having for their object depredations upon American soil.

I am, with high respect, your obedient servant,

R. E. LEE,

Brevet Colonel, Commanding Department of Texas.

His Excellency ANDRES TREVIÑO,

Governor of State of Tamaulipas, &c., Victoria, Mexico.

HEADQUARTERS CAMP AT EDINBURG, TEX.,

April 7, 1860.

GENTLEMEN: In pursuance of instructions received from the honorable Secretary of War of the Government of the United States, I hereby notify you that you must break up and disperse the bands of banditti within your jurisdiction engaged in committing depredations upon the persons and property of American citizens, and that I shall hold you responsible for the faithful performance of this plain duty on your part.

I have been informed that there are now within your jurisdiction armed followers of Cortinas, who were engaged in the recent outrages committed by him on this side of the Rio Grande, prepared to make similar aggressions.

This state of things cannot longer exist and must be put an end to.

I am, with high respect, your obedient servant,

R. E. LEE,

Brevet Colonel, Commanding Department of Texas.

To the CIVIL AND MILITARY AUTHORITIES of the City of Reynosa, Mexico.

HEADQUARTERS FORT BROWN, TEXAS.

April 12, 1860.

GENERAL: I had the honor to receive your letter of the 6th instant on my way to this place, and have postponed replying to it till my arrival. I regret that you consider the visit of Captain Ford, of the Texas Rangers, to the town of Reynosa a cause of complaint, as that officer, in his official account of the occurrence, supposed he was acting in accordance with your sanction and the general understanding between yourself and Major Heintzelman, commanding the United States troops on the Rio Grande, that the outlaw Cortinas and his band should be pursued and arrested wherever found.

I was gratified to learn from the authorities of the city of Reynosa, and am pleased to have it repeated in your letter of the 6th instant, that the authorities and public force of Mexico, under the orders of the superior authorities, will pursue and punish Cortinas and his followers; as the vindication of the violated laws of the United States will conduce to the restoration of quiet on our frontier and of amicable feelings between the two countries.

For the attainment of this object I shall employ, if necessary, all the force in this department; and, further, I beg leave to inform you that I have been directed by the honorable Secretary of War of the Government of the United States to notify the Mexican authorities on the Rio Grande that they must break up and disperse the bands of banditti concerned in the outrages against the persons and property of American citizens. I shall, therefore, consider it my duty to hold them responsible for its faithful performance.

As this agrees with the orders of the superior authorities of your own government, and I am sure must be in accordance with your own sentiments, I feel confident of your cordial co-operation in the only means of preserving peace between the two countries.

I have been informed that there are now in Matamoros persons that were engaged with Cortinas in his depredations upon American soil ready if opportunity favors, to renew these aggressions. If this is the case, I shall expect, as an evidence of the friendly relations between the Governments of the United States and Mexico, that they be apprehended and punished, agreeably to the orders of your superior authorities.

I am, with great respect, your obedient servant,

R. E. LEE,

Brevet Colonel, Com'd'g Department of Texas.

General G. GARCIA,

Commandant-in-Chief of the Line of the Bravo, Matamoros, Mexico.

RECURRENCE OF THE DIFFICULTIES ON THE RIO GRANDE BORDER, AND REAPPEARANCE OF CORTINA ON THE SCENE.

Mr Fish to Mr. Nelson.

(Foreign Relations, 1871, p. 631.)

DEPARTMENT OF STATE,

Washington, March 29, 1871.

SIR: I transmit a copy of a letter, and of the accompanying papers, addressed to this department by Albert Champion, from Brownsville, Tex., complaining of a robbery of nine horses belonging to him, by armed persons from the Mexican side of the Rio Grande. Mr. Champion intimates that some of the stolen horses have been seen on the estate of the Mexi-

can General Cortina, now in command at Matamoras, and some of the testimony tends to show that the robbers were soldiers under him. The frequency of acts of this kind and the virtual impunity of the offenders demand some more efficient check than any which the treaties between the United States and Mexico seem to afford. You will consequently make an earnest representation upon the subject to the government of that republic. You will state that, as it is obviously for the interest of both countries that the government of each should do whatever may be in its power toward restraining and discouraging such lawless proceedings, it is hoped that the Mexican Government may take efficient steps for that purpose. If, however, that government should unfortunately be powerless in the matter, or should be backward in exercising such authority as it may have, it may be difficult to prevent retaliation by raids of armed parties from Texas into Mexico, which could not fail to peril the peaceful relations on the border.

I am, &c.,

HAMILTON FISH.

Mr. Davis to Nelson.

(Foreign Relations, 1871, p. 657.)

DEPARTMENT OF STATE,
Washington, September 6, 1871.

SIR: A communication has been addressed to this department by the Secretary of War, dated the 1st instant, transmitting correspondence between General McCook, commanding officer of the subdistrict of the Rio Grande, and Mr. T. F. Wilson, the consul at Matamoras, relative to depredations committed upon cattle in Texas by armed parties coming from the Mexican side of the border. It appears from this correspondence, copies of which are herewith inclosed, that our military authorities are unable to protect the property of our citizens without the co-operation of the Mexican officers. General Cortina, the commander of the Mexican troops on the frontier, not only makes no endeavors to prevent the robberies, but is even believed to be in league with the marauders.

In view of these facts you are hereby instructed to lay the correspondence transmitted to you before the Mexican Government, to urgently demand the recall of General Cortina from his present post, and to ask for the adoption of such efficient measures as will prevent the recurrence of these marauding incursions.

I am, &c.,

J. C. B. DAVIS.

[Inclosure.]

Mr. Belknap to Mr. Fish.

WAR DEPARTMENT,
Washington City, September 1, 1871.

SIR: I have the honor to inclose herewith for your information copy of a correspondence between the consul of the United States, at Matamoras, Mexico, and officers of the Army, stationed on the Texas frontier, relative to the complicity of the Mexican officials with the depredations on that frontier.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Hon. SECRETARY OF STATE.

HEADQUARTERS, FORT BROWN, TEXAS,
August 2, 1871.

SIR: I feel it my duty to communicate to you some information as to the condition of affairs on the line of the Rio Grande, where I have been stationed for the last four years, two years of that time commanding officer of the subdistrict of the Rio Grande. There is in existence on the frontier a system of cattle-stealing, which, if persisted in, will be disastrous to the stock-raising interest of Texas, and may lead to a predatory war on either side or the river, eventually producing a conflict between the two nations. Armed parties cross from Mexico to Texas to steal cattle; from the sparsity of troops on this line, and the nature of the country bordering on the river, it is almost impossible to capture these bands unless caught in the act of crossing. During the last month there have been several conflicts, and

last week there was firing from both banks of the river at Rancho Nuevo (Texas side), six leagues above this place, resulting in the death of one man and wounding another, on the Mexican shore. This conflict took place between a band of marauders from Mexico and some citizens from Texas. It will not require many such affairs to open the conflict, and it is my opinion that unless co-operation by the Mexican authorities be extended us in breaking up these bands of marauders, there will be serious trouble in less than three months hence. Since the arrival of General Juan N. Cortina and his troops upon the frontier the marauding has increased tenfold.

General Cortina is charged in the public prints with being connected with the marauders, receiving and enjoying proceeds of said thefts. The object of this letter is to ask you to present to the authorities of Mexico these facts, in order that these evils and their causes may be done away with. General Miguel Palacios, Mexican army, commanding the regular troops at Matamoros, called upon me yesterday, asking me to co-operate with him, offering to do all in his power to put a stop to these outrages; but as long as General Cortina and his command are present, he is powerless to do good. Cortina's history and outlawry on the American bank of the river, in 1859, is, no doubt, familiar to you.

I respectfully inclose a transcript of the records of the district court of Cameron County, setting forth the indictment against Cortina in said county. There are other indictments of a like serious nature in the counties above.

I am, very respectfully, your obedient servant,

A. McD. McCOOK,

Lieut. Col. Tenth Infantry, Bvt. Maj. Gen. U. S. A., Commanding.

THOMAS F. WILSON,

Consul of the United States, Matamoros, Mexico.

CONSULATE OF THE UNITED STATES OF AMERICA,

Matamoros, August 3, 1871.

SIR: I have to acknowledge your communication dated yesterday, with its inclosures, in regard to cattle-stealing on the Texas frontier, by bands of Mexican marauders, and to inform you that I at once transmitted a copy of it to General Miguel Palacios, commander of the line of the Rio Grande, and will also forward a copy of it to the United States minister at the city of Mexico.

In a conversation which I had with General Palacios on the subject, he admitted the apparent complicity of General Cortina with the robbers, and informed me that he would represent the matter to the Mexican Government, with a view to having General Cortina and his command recalled from the frontier. General Palacios at the same time manifested a lively disposition to check these robberies and restore order and quiet to the Rio Grande Valley. I fully concur with you in the necessity of a prompt suppression of these robberies, and am satisfied it cannot be done while General Cortina holds the position he does in the Mexican army on this border. I assure you that it will always be my duty, as well as a pleasure, to second you in every way in my power to secure and maintain the observance of the laws on both sides of the Rio Grande.

I am, your obedient servant,

THOS. F. WILSON, *Consul.*

General A. Mc. D. McCOOK,

Commanding the Subdistrict of the Rio Grande, Brownsville, Tex.

HEADQUARTERS FORT BROWN, TEXAS,

August 2, 1871.

MY DEAR GENERAL: * * * There are other events occurring upon the frontier which you should be made acquainted with. The system of cattle-stealing here is most outrageous and scandalous, and since the arrival of the bandit Juan N. Cortina, general Mexican army, and his troops on the river, the marauding has increased tenfold. Several conflicts have taken place between the marauders and the citizens of Texas, last month, and last week at the Rancho Nuevo (Texas side), six leagues above here, there was firing from both banks of the river, resulting in the killing of one man and wounding another, on the Mexican shore. A few more such affairs and the conflict opens, and if the frontier continues in this condition three months, a predatory war will ensue, possibly involving the two nations.

I am determined to do all I can to stop it, and General Palacios, commanding the regular troops in Matamoros, has appeared to co-operate with me, and it is necessary to have that murderer and thief, Cortina, removed, or we cannot prevent trouble. He is charged in the public prints with being a party to the outrages, receiving and enjoying the proceeds of said thefts. As long as Cortina is here Palacios can do nothing. I think the absence of a cavalry force on this side has something to do with increasing the number of outrages. I

know there is none to come, therefore ask for none, but will keep you advised from day to day about the matter, if anything of importance occurs, I send you a copy of a communication sent by me, yesterday, to Thomas F. Wilson, consul for the United States at Matamoros, a copy of which was furnished to General Palacios, who telegraphed the entire communication to the authorities in Mexico. * * *

Very truly, yours,

A. MC. D. MCCOOK.

General J. J. REYNOLDS.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1871, p. 661.)

LEGATION OF THE UNITED STATES,
Mexico, September 29, 1871.

SIR: On the 21st instant I addressed a note to Mr. Mariscal, inclosing copies of a letter from General McCook, commanding the United States forces at Fort Brown, Texas, addressed to the American consul at Matamoros, and of a letter of the said consul to General Palacios, Mexican commander of the line of the Rio Grande, both relating to the alarming increase of a system of cattle-stealing by Mexican citizens on the Texan frontier, which, in the opinion of the writers, will result, if not speedily checked, in a predatory warfare, eventually producing a conflict between the two nations.

General McCook further states that General Juan N. Cortina, the local military commander at Matamoros, is publicly charged with protecting the marauders and receiving a portion of the spoils; for which reason, after summarizing the opinions above expressed, and alluding to a record of numerous criminal indictments against the said Cortina, obtained by General McCook from various courts in Texas, and sent me by Consul Wilson, I intimated that the presence of Cortina on the frontier at this time is peculiarly unfortunate for the peace of the two countries. In this connection I called Mr. Mariscal's attention to my note of the 6th of May last, upon the similar case of the robbery of horses from Mr. Albert Champion, repeating the language I then employed, under instructions from the State Department, as to the probable consequences of such depredations, and concluded by reminding the Mexican Government that I still awaited the results of the investigation promised in the said case of Mr. Champion.

At the same time I addressed Mr. Mariscal an unofficial note, inclosing and calling his attention to several Texas papers containing articles upon this subject; to which Mr. Mariscal replied in a confidential note, assuring me that measures would be adopted tending to remedy that situation.

On the 22d instant Mr. Mariscal addressed me a note, postponing to another occasion his reply upon the subject of cattle-stealing, but inclosing four documents of the investigation into the case of Mr. Champion, namely: A request made by Mr. Mariscal to the war department for the return of the said horses to Mr. Champion; the reply of General Mejia, transcribing a statement of General Cortina to the effect that he had returned a portion of the horses by virtue of a power of attorney from said Champion; a note of Mr. Mariscal to the war department, requesting a copy of such power of attorney; and another note from General Mejia, inclosing the copy requested.

To these documents I add a translation of an article, that recently appeared in a paper of this city, defending General Cortina from the charges of the Texan press.

In an interview which I have had with Mr. Mariscal for the purpose of urging speedy and decisive action upon this subject, he remarked that the President, upon reading my note and its inclosures, was profoundly impressed with the gravity of the situation.

There is no doubt in my mind of an anxiety on the part of the government to put a check to these lawless proceedings, but, unfortunately, the chief difficulty arises from its want of power to enforce its mandates in States remote from the capital.

I would earnestly suggest to the Government of the United States the pressing necessity of arriving at some understanding with the Government of Mexico, such as will remove, or at least mitigate, the present alarming condition of affairs upon the frontier.

Your obedient servant,

THOMAS H. NELSON.

Mr. Nelson to Mr. Mariscal.

LEGATION OF THE UNITED STATES,
Mexico, September 21, 1871.

SIR: I inclose a copy of a communication from General A. McD. McCook, commanding the United States forces at Fort Brown, dated August 2, 1871, addressed to the United States consul at Matamoros, and also a copy of a communication addressed by the said consul to

General Miguel Palacios, the Mexican commander on the line of the Rio Grande, dated August 3, both of which relate to the system of cattle-stealing that prevails on the northern frontier, which, if not speedily checked, may, in the opinion of General McCook and of the said consul, lead to predatory warfare on either side of the line, eventually producing a conflict between the two nations.

The excitement upon this subject is intense and increasing, and the offenders appear to be left in perfect impunity by the Mexican authorities. Indeed, it is alleged that they receive the protection of the Mexican General Cortina, whose antecedents, as proven by documents in my possession, render his presence on the frontier at this time peculiarly unfortunate for the peace of the two countries.

In this connection I beg leave to call your excellency's attention to my note of the 6th of May last addressed to Mr. Aspiroz, and take this occasion to repeat most earnestly the language I was then instructed by my government to employ, namely, "that the frequency of acts of this kind, and the virtual impunity of the offenders, would seem to demand some more efficient check than any which the treaties between the two countries afford. It is obviously for the interest of both countries that the government of each should do whatever may be in its power toward restraining and discouraging such lawless proceedings, and it is hoped that the Mexican Government may take efficient steps for that purpose. If, however, no such steps should be taken, it may become difficult to prevent retaliation by raids of armed parties from Texas into Mexico, which could not fail to peril the peaceful relations on the border."

I would further remind your excellency that I am still awaiting with great interest the communication of the results of the investigation in the said case of Albert Champion, which was promised by Mr. Aspiroz in his note of the 9th of May last.

I improve this occasion again to renew to your excellency the assurance of my very high consideration.

THOMAS H. NELSON.

His Excellency IGNACIO MARISCAL,
Minister of Foreign Affairs, Mexico.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1872, p. 338.)

LEGATION OF THE UNITED STATES,
Mexico, October 8, 1871.

SIR: Referring to my dispatch, No. 450, concerning cattle-stealing on the northern frontier, I have the honor to inclose a translation of a note from Mr. Mariscal, dated the 2d instant, in which he informs me that the Mexican Government is animated by a most earnest desire to prevent further complaints upon this subject, and to that end has appointed a new military commander of the line of the Rio Grande, namely, General Florentino Carrillo, to whom proper instructions have been given through the war department for the object mentioned, in addition to other still more efficacious measures that will be taken as soon as the present transitory political disturbances on that frontier shall permit. I also inclose a translation of another note from Mr. Mariscal, dated the 6th instant, in which he incloses, as a confirmation of his previous assurances, a note from the war department of the 3d instant, announcing that the orders above referred to have already been sent to General Carrillo.

I am, &c.,

THOMAS H. NELSON.

Mr. Fish to Mr. Nelson.

(Foreign Relations, 1872, p. 350.)

DEPARTMENT OF STATE,
Washington, November 1, 1871.

SIR: Your dispatch, No. 454, of the 9th ultimo, informing this department of the appointment of a new military commander of the line of Rio Grande, and inclosing translations of notes from the Mexican Government relating thereto, has been read with satisfaction.

It is hoped that the instructions issued to General Carrillo will prove sufficient to arrest the marauding incursions into our territory, as the evil was becoming excessive.

I am, &c.,

HAMILTON FISH.

Mr. Fish to Mr. Nelson.

(Foreign Relations, 1872, p. 344.)

DEPARTMENT OF STATE,
Washington, October 28, 1871.

SIR: I transmit a copy of a letter of the 30th ultimo, addressed to this department by Frank E. Macmanus, esquire, district attorney of the fifteenth judicial district of Texas, and of the report of the grand jury of Cameron County, in that State, to which it refers. These papers relate to the depredations of armed Mexicans on the herds and other property of citizens of Texas near the border. The department has upon several occasions instructed you to make representation upon the subject to the Mexican Government. The communication referred to will be an occasion for another remonstrance in regard to it.

You will be enabled to explain that a presentment of that character may be regarded as an exponent of public sentiment in the region where a grand jury exercises jurisdiction. As such this government cannot disregard it.

If the Mexican Government would adopt efficient measures toward checking the trespasses and robberies adverted to, such a course would be sure to strengthen the good will between the two countries.

I am, &c.,

HAMILTON FISH.

Mr. Macmanus to Mr. Fish.

BROWNSVILLE, TEXAS,
Cameron County, September 30, 1871.

SIR: The undersigned has the honor to invite your attention to the accompanying certified copy of the report of the grand jury of this county at the last term of the district court at this place. This report, for the reasons therein stated, reveals only a few instances of the depredations on American property committed by armed bands residing and organized in the territory of Mexico. The State and local authorities are powerless to prevent or punish those parties, who are well armed, equipped, and organized, or even to furnish protection to the inhabitants of the sparsely settled country between the Rio Grande and the Nueces River, who run the risk of their lives in giving information or invoking the protection of the laws of their country against the robbers.

In the hope that the facts revealed in this report may be deemed sufficient to justify an investigation and lead to the adoption of such measures as are necessary for the protection of stock-raising, which is the chief interest of Western Texas, the undersigned, as a public officer, has felt it his duty to specially direct the attention of the United States Government, through you, to the condition of affairs on this frontier.

I am, &c.,

FRANK E. MACMANUS.

Report of the grand jury of Cameron County, Texas.

GRAND JURY ROOM,
Brownsville, Texas, August 28, 1871.

To the Hon. Wm. H. Russell, judge of the district court in and for the county of Cameron, State of Texas:

The grand jury beg leave to report that two-thirds of the time they have been in session has been devoted to inquiring into the wholesale stealing of cattle which has been, and is, constantly carried on to an alarming extent on this frontier. We have had before us fifty or sixty of the leading rancheros, living on the river, many of whom live in the vicinity of the various places where stolen cattle are driven across the Rio Grande into the republic of Mexico, and the facts elicited are such as to convince us that unless the United States Government interposes its strong arm, the stock-interests will be so injured as to cause the depopulation and abandonment of all the stock-ranches between the Rio Grande and the Nueces.

Undoubted evidence has also been adduced to the effect that all of those depredations have their origin on the Mexican side of the Rio Grande; that it is there the thieves organize and arm, and it is from there that our State is invaded by bands of Mexican citizens sufficiently large and sufficiently well armed and mounted to defy capture and to contempt attack.

It would appear that the parties engaged in this illicit traffic are protected by the author-

ities of Mexico, from the well-known fact that no attempts are made to arrest the thieves, and that stolen cattle find a ready sale in open market there.

The jury found great difficulty in obtaining evidence, for the reason that there is no protection afforded the inhabitants by the military, and no State force adequate for the emergency, the witnesses knowing that the giving of information that would lead to indictments is equivalent to signing their own death-warrants; but sufficient information has reached us to warrant us in the statement that the whole section of country as far up the river as Hidalgo County, and as far back as Santa Gertrudes, in Nueces County, is completely under the control of armed thieves whose homes are in Mexico, who carry on their depredations and cross stolen cattle in immense numbers into Mexico in broad daylight, overawing the people into silence regarding their depredations by threatening death to all informers, and protecting the crossing when necessary by force of arms, as in one instance of late occurrence. This took place on the morning of the 29th of July last, after sun-up, at the Calabozo ranch in this county, some twelve or fifteen miles from Brownsville, where a party of well-disposed rancheros disputed the crossing of about one hundred and fifty head of stolen cattle, and were fired on from the Mexican bank by the party in charge, some twenty in number, who had previously succeeded in making their escape to the Mexican bank, with a part of their booty. The fire was returned by the rancheros, and it is believed that three of the thieves were wounded.

It is the opinion of the jury that the above engagement, which lasted fully half an hour, is a flagrant violation of the neutrality laws, and a violent outrage against the peace, dignity, and sovereignty of the State and of the United States, and merits the prompt attention of the United States Government. It is broadly asserted that these armed miscreants have allies in these transactions residing in this city. The constant movement of transient persons belonging to the other side of the Rio Grande into and out of this city, renders it probable enough that this is true, but there has been no evidence of the fact presented to our attention in such a manner as to lead to their detection.

The want of an agent or agents on this frontier, duly authorized to represent the interest of stock-raisers at a distance in the recovery of stolen hides and animals, and the active prosecution of the thieves, is felt to be a serious drawback to all movements for their protection. The remedy for this is in the hands of the stock-raisers themselves.

Its frontier position renders this county a sort of outpost for the protection of the more interior counties of the State. The amount of local crime, or the number of criminals permanently resident here, is comparatively insignificant. Our jail is filled with foreign criminals, from whom our people are entitled to be protected by the State or Federal authorities. Instead of this our people are compelled to pay, in addition to the ordinary State taxes, an annual sum equally large for the support and prosecution of offenders for whose existence or crimes this county is in no way responsible. Its relation to the offenses of these criminals arises solely from our geographical position.

If we are to stand on duty as sentinels for the interior portions of the State, we should not be required to pay the State for *not* performing that duty for us.

The county jail is entirely inadequate for the purpose of keeping these criminals securely; but, for the reasons already stated, added to the destruction of the former jail in the storm of 1867, the financial condition of the county will not admit of an outlay for the improvement of the present temporary building, or the construction of a new one. An appropriation of the State tax for two years would enable the county to erect a jail adequate to the demands of its frontier position. This, and the regular assumption by the State of the annual expenditure of the county for the maintenance and prosecution of foreign criminals, would be an act of simple justice on the part of the legislature, and place the county on an equal footing with others more favorably situated in geographical position.

The sheriff is unable to maintain the prisoners confided to his charge at the rates now allowed by law, when he is compelled to receive at par county scrip that can only be sold at thirty-five to forty cents on the dollar. He must either starve the prisoners or feed them at his personal expense. This demands a remedy at the hands of the county court. The prisoners are better provided for than either the accommodation furnished by the county or the compensation allowed the sheriff, under the circumstances, demand or justify.

J. L. PUTEGNAT,
Foreman.

THE STATE OF TEXAS,
County of Cameron, ss:

I, Robert B. Foster, clerk of the district court in and for the county of Cameron, fifteenth judicial district, State of Texas, do hereby certify that the foregoing is a true copy of the report of the grand jury for Cameron County, impaneled at the August term, 1871. Read in open court August 28, 1871, and ordered filed.

In testimony whereof witness my hand and seal of said court this 21st day of September, A. D. 1871.

[L. s.]

R. B. FOSTER,
Clerk District Court, Cameron County, Texas.

Mr. Fish to Mr. Nelson.

(Foreign Relations, 1872, p. 414.)

DEPARTMENT OF STATE,

Washington, April 13, 1872.

SIR: The Attorney-General has addressed a letter to this department under date of the 5th instant, covering a report of the grand jury of the United States district court of Texas, relative to the depredations perpetrated upon citizens of that State by persons coming from the Mexican side of the Rio Grande. Copies of these papers are inclosed herewith. You are requested to lay them before the minister for foreign affairs, to remonstrate earnestly against the outrages therein alleged, and to demand redress for them.

I am, &c.,

HAMILTON FISH.

[Inclosure 1.]

Mr. Williams to Mr. Fish.

DEPARTMENT OF JUSTICE,

Washington, April 5, 1872.

SIR: I have the honor to transmit, for your consideration, the report of the grand jury of the United States district court for the eastern district of Texas, relative to the invasions of that State, and depredations committed upon the people by persons from the Mexican side of the Rio Grande.

Very respectfully,

GEO. H. WILLIAMS.

[Inclosure 2.]

Report of the grand jury, impaneled at the March term, A. D. 1872, of the United States district court, held in Brownsville, within the eastern district of Texas, and submitted to the court on their discharge.

BROWNSVILLE, TEXAS, *March 25, 1872.*

FEDERAL GRAND JURY REPORT.

The United States of America, eastern district of Texas.

To the Hon. Amos Morrill, judge of the district court of the United States for the eastern district of Texas:

The grand jurors of the United States, in their final presentment to your honorable court, at the close of their session, respectfully present:

That since they were impaneled on the 7th instant, they have found fifty-seven true bills of indictment, being mostly for violations of the revenue laws.

That they have collected a considerable mass of testimony, to which they will again respectfully call the attention of the honorable court. That the exigencies of the public service demand the erection in the city of Brownsville of a building large enough to serve for a custom-house, a Federal court room, and a post-office. It is respectfully suggested that the construction of such a building would be a measure of economy on the part of the United States, and would save the paying out of large sums for rent of houses not in every respect calculated to meet the wants and afford the proper conveniences to the officers and employes occupying them while in the service of the government. An appropriation for the purpose is respectfully suggested.

In approaching the matter of the depredatory war which has been waged against the defenseless citizens of the United States, and residents of the valleys of the Rio Grande, the Nueces, the Rio Frio, and their tributaries, there is hesitancy, because the short limits of the presentment will not give an adequate idea of the extent of the hostile operations, the number of valuable lives lost, and the aggravated character and the enormity of the excesses which organized bands of men, fitted out in Mexico, have perpetrated upon the people of Western Texas.

The honorable court is respectfully referred to the accompanying evidence, but at the same time we would request that the same be not filed and made a part of the records of the court, and be not published, but deposited with the district attorney. The motives inducing this request will appear by a perusal of the evidence.

A reign of terror is proven to exist between the Rio Grande and the Nueces. Mercenary bands of marauders, Mexican officers and soldiers, and Mexican outlaws and bandits, have been, for about seven years, holding a saturnalia of crime, violence, and rapine upon the soil of Texas. They have denounced the penalty of death against any who may become informers. They have already sacrificed life upon mere suspicion, as in the case of young Cleveland, of San Antonio, and others. Should our request be unheeded the lives of the witnesses would be taken with certainty and without remorse.

The evidence submitted justifies the declaration that a depredatory war has existed on this frontier since 1865; that it has been waged by men organized in Mexico, by Mexican soldiers acting under the orders of a Mexican general, and commanded directly by officers of the Mexican army; that the authorities of Mexico, civil and military, have countenanced, aided, and supported these hostile operations; that the robbery of our citizens has been legalized so far as the acts of Mexican officials could legalize murder, robbery, and other criminal outrages; that the markets of Mexico have been used openly, publicly, and shamelessly to effect the sale of property robbed from the people of Texas; that Mexican officials, merchants of that and other nationalities, and all classes of Mexicans, have bought and sold cattle, hides, horses, and other property, stolen from the people of Texas, and they have done so knowing they had been dishonestly obtained; the custom-house and municipal authorities of Mexico have profited by the piratical acts of Mexican soldiers and highwaymen, and a tax has been levied upon cattle which they knew had been taken by armed bands from the rightful owners; that the people on the Mexican side of the Rio Grande consider and treat the Americans as enemies; they claim the country between the Nueces and the Rio Grande, and express a determination to drive the Americans from it.

Among the grievances of which this people justly complain, there is none more galling than the sending of General Juan Nepomuceno Cortina to this frontier. It may be truly said that he has written the history of his career on this side of the Rio Grande in letters of blood and fire. The criminal who stands charged upon the oaths of twelve men, good and true, of murder, theft, and treason, who levied war upon the United States, murdered its citizens and soldiers, and robbed its mails, who laid waste one hundred and twenty miles of frontier, and who now occupies the double position of ranking officer of the Mexican army upon the line of the Bravo, and ranking cow and horse thief on both frontiers, has been retained on duty against the protest of General McCook, which was communicated to President Juarez. His retention is a deliberate, willful, and studied insult to the Government of the United States, its officers and people.

General Cortina has given his officers and soldiers orders to kill and rob the people of Texas. He has received a large share of the plunder. He has stocked four ranches mostly with cows and horses stolen from Texas.

It is believed from the evidence and from other reliable authority that since the close of the civil war in this country there has been an average of five thousand cattle stolen from Texas monthly, and driven into Mexico, and this estimate is confined to the Lower Rio Grande. The total number is estimated at four hundred and twenty thousand, and the actual value at six million three hundred thousand dollars. This does not include losses accruing from the depredations of the Kickapoo Indians, naturalized citizens of Mexico. The loss of life, the sense of insecurity, the decreased value of property, the paralyzation of business, and the moral effects resulting from this war cannot be estimated. Some of these defy the sordid valuation of dollars and cents.

The grand jurors would respectfully call attention to the assaults which have been made upon officers of the United States Government while in the discharge of their duties, to the threats against them, to their forcible detention, and to the obstructions preventing them from performing their duty; and all these acts are shown to have been done by raiders with the approval and protection of Mexican authorities. It is known to the world that United States officers have been killed on the Rio Grande by armed Mexicans, and that employment in a public capacity, requiring the officer to visit out-of-the-way places, is a position of peril. Inspector Dupont killed in Brownsville, and the murder of Inspectors Hammond and Phelps, and the wounding of others at Clarksville, are facts officially recorded; and the fate of Inspector McLaughlin may be attributed to the same hands.

The evidence of all witnesses, irrespective of nationality, is conclusive as to the insecurity of life and property on this frontier. There is no protection to the citizen in the enjoyment of his rights and privileges. His life, his liberty, and whatever a freeman holds dear are at the mercy of armed invaders. They invade his home, insult his family, and violate the proprieties, the decencies, and even the sanctities of private life with impunity. Our fellow-citizens of Mexican origin and of other nationalities have suffered alike with the native American, because the same flag covers them, and they have incurred the hostility of a people who hate everything American, and deem it legitimate to assault and plunder all over which the American banner floats.

This deplorable state of affairs, this loss of life and property, and the misfortunes which have, in a manner, crushed this frontier, have resulted from the want of an adequate force of cavalry to cover and protect the inhabitants of the Rio Grande Valley.

A mounted force, properly handled, which could follow marauders into the fastnesses of the chaparrals, pursue with Parthian vigor and perseverance over the broad prairies, could

give protection and roll back upon Mexico the wave of invasion. That nation is laboring under the incurable disease of chronic revolution. Its masses have become demoralized by half a century of war and internal convulsions and dissensions. The absence of United States troops on the line of the lower Rio Grande in 1859 resulted in the Cortina war. The absence of a cavalry force capable to protect this frontier has invited the attacks of our hostile and aggressive neighbors, and the pillage of a territory covering not less than sixty thousand square miles are the fruits of the omission.

The inhabitants of this territory have suffered all the horrors of warfare, and have known none of the securities of its usages, and have appealed in vain for protection. They have published authentic statements of the wrongs and the outrages committed upon them by merciless invaders, and no sympathetic response has been returned. They are reduced to the last extremity. The alternative is presented, in the event governmental protection shall not be extended, to abandon their homes to their enemies, or to defend them. They feel that the great law of humanity allows them to resort to measures of self-defense, to repel force by force, and to meet their invaders and despoilers as freemen should, with ball and blade. And your grand jurors, though generally not residents of the section in question, acting under the solemn obligations of their oaths, do present that, in their opinion, should these plundered, harassed, and wronged people be impelled to strike for vengeance upon the breasts of those who have filled the land with violence and bloodshed, assassination, and a long catalogue of inhuman excesses, they can appear before the bar of public opinion and plead such a justification as no people in modern times have been able to produce during a period of miscalled peace.

Your grand jurors have seen with pleasure the joint resolution introduced into Congress by the Hon. John Hancock. They would respectfully suggest that a commission for the purposes contemplated would be very proper, but it would bring no relief to the suffering frontier. An effective and efficient force of cavalry to chastise and expel the armed bands, and to drive from our soil the Mexican troops now using it for making descents upon Mexican territory, as from the Lopeña ranch in Zapata County, and for plundering our people, is imperiously demanded, and at once.

Our Representatives and Senators in Congress are requested to use their influence in procuring the sending of this force to the Rio Grande.

In conclusion, your grand jury would call attention to the good understanding which has existed between themselves and the able gentlemen presiding over the honourable court, the district attorney, and all the officers of the court.

JOHN S. FORD,
Foreman, Cameron County, Texas.
C. DART,
Galveston, Texas.
J. J. HAWKINS,
Columbus, Colorado County, Texas.
J. M. CONRAD,
Galveston, Texas.
R. B. HAWKINS,
Colorado County, Texas.
M. M. JORDAN,
Galveston, Texas.
JAS. W. FIELDS,
Colorado County, Texas.
L. F. HARRIS,
Galveston, Texas.
JAMES NORTON,
Galveston, Texas.
SAMUEL PARR,
Galveston, Texas.
T. W. PIERSON,
Victoria, Texas.

OLYMPUS FERGUSON,
Colorado County, Texas.
GEORGE WILSON,
Nueces County, Texas.
W. F. BROWN,
Brazoria County, Texas.
W. H. POWELL,
Matagorda County, Texas.
THOMAS MCGOVERN,
Galveston, Texas.
H. H. WILLIAMS,
Victoria County, Texas.
D. C. ROBERTS,
Brazoria County, Texas.
DANIEL BUCKLEY,
Galveston, Texas.
R. K. SMITH,
Galveston, Texas.
JAMES F. MAGUIRE,
Galveston, Texas.

Mr. Hunter to Mr. Nelson.

(Foreign Relations, 1872, p. 449.)

DEPARTMENT OF STATE,
Washington, August 6, 1872.

SIR: I transmit a copy of a communication of the 28th of May last, from Major T. M. Anderson to the acting assistant adjutant-general for the Department of Texas, representing that General José Ceballos, commanding the Mexican forces on the line of the Bravo, had

returned a drove of cattle driven from this side, and arrested their purchasers on the Mexican side. You will comply with the suggestion of the major by making a suitable acknowledgement to the Mexican Government for the sense of the duty of a good neighbor and of justice to the citizens of a friendly state, shown by the proceedings of General Ceballos adverted to.

I am, &c.,

W. HUNTER,
Acting Secretary.

[Inclosure.]

HEADQUARTERS RINGGOLD BARRACKS,
Texas, May 28, 1872.

SIR: General José Ceballos, commanding the line of the Bravo, has returned a drove of cattle driven from this side, and arrested the purchaser of the stock on the Mexican side.

General Cortina has been relieved from duty on this line, and ordered to the city of Mexico, and those now in command on the Mexican side seem very anxious to cultivate friendly relations and stop all depredations on our soil.

I respectfully suggest that some official acknowledgment of General Ceballos's acts would have a very good effect.

I remain, sir, very respectfully, your obedient servant,

T. M. ANDERSON,
Major, Tenth Infantry, Commanding.

ACTING ASSISTANT ADJUTANT-GENERAL,
Department of Texas.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1872, p. 456.)

LEGATION OF THE UNITED STATES,
Mexico, August 24, 1872.

SIR: Pursuant to the instructions contained in your No. 274, of the 6th instant, I have to-day addressed a note to Mr. Lafragua, of which I inclose a copy, returning thanks in the name of the Government of the United States to the Government of Mexico for its friendly action, as exhibited in recalling General Cortina from the frontier, and in the return of stolen cattle by General Ceballos to their owners in Texas.

I am, &c.,

THOMAS H. NELSON.

Mr. Nelson to Mr. Lafragua.

LEGATION OF THE UNITED STATES,
Mexico, August 24, 1872.

SIR: It is my agreeable duty to inform your excellency that my government has received information from Major T. M. Anderson, one of its military officers on the Rio Grande frontier, to the effect that General José Ceballos, commander of the Mexican army of operations in that section, has returned to the owners a drove of cattle which had been stolen from Texas, and had arrested their purchasers; and, also, that General Juan N. Cortina, whose conduct has given rise to so many remonstrances from American citizens and officials, has been relieved from duty and ordered to the city of Mexico. Major Anderson added that the Mexican officers then in command (May 28) seemed anxious to cultivate friendly relations with the United States, and to put a stop to all depredations on American soil.

For these gratifying evidences of good feeling on the part of the Mexican Government and its military officials I am instructed by my government to return its sincere thanks to the government of the republic of Mexico.

I have the honor to renew to your excellency the assurance of my very high and distinguished consideration.

THOMAS H. NELSON.

Extract from the annual message of President Grant, December 2, 1872.

Since your last session the President of the Mexican Republic, distinguished by his high character, and by his services to his country, has died. His temporary successor has now been elected with great unanimity by the people, a proof of confidence on their part in his patriotism and wisdom, which it is believed will be confirmed by the results of his administration. It is particularly desirable that nothing should be left undone by the government of either republic to strengthen their relations as neighbors and friends.

It is much to be regretted that many lawless acts continue to disturb the quiet of the settlements on the border between our territory and that of Mexico, and that complaints of wrongs to American citizens in various parts of the country are made. The revolutionary condition in which the neighboring republic has so long been involved has in some degree contributed to this disturbance. It is to be hoped that with a more settled rule of order through the republic, which may be expected from the present government, the acts of which just complaint is made will cease.

The proceedings of the commission under the convention with Mexico of the 4th of July, 1868, on the subject of claims, have unfortunately been checked by an obstacle, for the removal of which measures have been taken by the two governments which it is believed will prove successful.

The commissioners appointed, pursuant to the joint resolution of Congress of the 7th of May last, to inquire into depredations on the Texan frontier, have diligently made investigations in that quarter. Their report upon the subject will be communicated to you. Their researches were necessarily incomplete, partly on account of the limited appropriation made by Congress. Mexico, on the part of that government, has appointed a similar commission to investigate these outrages. It is not announced officially, but the press of that country states that the fullest investigation is desired, and that the co-operation of all parties concerned is invited to secure that end. I therefore recommend that a special appropriation be made at the earliest day practicable, to enable the commissioners on the part of the United States to return to their labors without delay.

Extracts from the report of the United States commissioners for inquiring into the depredations committed on the Texas frontiers, appointed under joint resolution of Congress, approved May 7, 1872.

(H. Ex. Doc. 39, 42d Congress, 3d session.)

WASHINGTON, D. C., December 10, 1872.

SIR: The United States commissioners to Texas, appointed under joint resolution of the Senate and House of Representatives of the United States in Congress assembled, approved by the President on May 7, 1872, have the honor to submit the following report.

The duties enjoined upon them are defined in that resolution, and will be found in the following copy herein set out:

JOINT RESOLUTION appointing commissioners to inquire into depredations on the frontiers of the State of Texas.

Whereas there are complaints of many depredations having been committed for several years past upon the frontiers of the State of Texas, by bands of Indians and Mexicans, who crossed the Rio Grande River into the State of Texas, murdering the inhabitants or carrying them into captivity, and destroying or carrying away the property of the citizens of said State; as also that bands of Indians have committed, and continue to commit, like depredations on the property, lives, and liberty of the citizens along the northern and northwestern frontiers of said State: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized and empowered to appoint three persons to act as commissioners to inquire into the extent and character of said depredations, by whom committed, their residence or country inhabited by them, the persons murdered or carried into captivity, the character and value of the property destroyed or carried away, from what portions of said State, and to whom the same belonged.

SEC. 2. That it shall be the duty of said commissioners, or a majority of them, as soon as practicable, to proceed to the frontiers of said State and take the testimony, under oath, of such witnesses as may appear before them, after having given notice for ten days previous, by publication in the nearest newspapers, of the time and place of their meeting, of all such depredations, when, where, by and upon whom committed, and shall make up and transmit to the President full reports of their said investigations.

SEC. 3. That said commissioners shall be entitled to and receive as compensation for their

services the sum of ten dollars per day each, and their traveling-expenses to each, for and during the time they shall be engaged in said service; and the sum of six thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated to pay the expenses of said investigation and said commissioners.

Approved May 7, 1872.

Under the authority above given the commissioners assembled at New Orleans, Louisiana, on July 5 and 6, 1872, and, after effecting an organization, proceeded to that part of the State of Texas in which the alleged disorders called for the earliest attention.

The public sessions of the commission, duly advertised, were commenced on July 30, and continued until October 3, 1872, at which time the amount of testimony, number of claims, and gravity of the present situation of affairs on the frontier demanded a return to Washington for the submitting of a report (if only preliminary in character) to the Department. The fact that the appropriation at the disposal of the commission was exhausted would have obliged the step above mentioned, apart from any other considerations.

The Rio Grande frontier was traversed by the commissioners from Point Isabel to Rio Grande City, personal examination of the localities of the reported outrages thus being made. The continual presence at Brownsville of parties aggrieved, and the amount of official business thus seeking the commissioners, prevented them from reaching any other part of the territory named in the joint resolution than the river frontier above mentioned.

The depredations referred to may be generally divided, according to class and locality, into—

First. The cattle-stealing along the Rio Grande.

Second. The Indian depredations on the line of the Rio Grande.

Third. The Indian depredations on the northern and northwestern frontiers of the State of Texas.

The cattle-stealing outrages on the Rio Grande may be divided into two classes:

First, those occurring between its mouth and Laredo, and,

Second, depredations committed on that line between Laredo and El Paso.

The Indian depredations on the Rio Grande are alleged to be the acts of the Kickapoos, Lipans, Seminoles, Carrizo, and other Indians operating against the persons and property of Texan frontier settlers, from their secure haunts in Mexico, the States of Chihuahua and Coahuila, which have given these scattered tribes a refuge, if not comfort and protection.

The work performed by the commissioners has been a careful and thorough examination of the cattle-stealing disorders and other depredations on the Lower Rio Grande and on the tract lying between that part of the boundary-line and the Nueces River.

By reference to the evidence and documents in the possession of the commissioners, it will be seen that the facts set forth herein are established beyond a doubt, and they represent with confidence a state of lawlessness on that portion of the frontier which has come under their immediate observation calling for the serious and immediate consideration of this government.

The Indian depredations on the Rio Grande, with the important subject of the menaced frontier, have been reached only collaterally, but the commissioners feel warranted in presenting their views on this point.

The extent and gravity of the reported disorders on the Upper Rio Grande, and the continued outrages of Indians on the northern and northwestern frontiers, call for the most careful examination in future, these remote regions being difficult of access, travel only possible in stages, and, from the nature of the case, much time must be expended before a definite and full report can be made. The most urgent letters have been received from this part of the State, but the commissioners were unable to do more than assure the writers that the earliest attention would be paid to their needs.

In the thinly-populated portions of Texas referred to the sufferings of the settlers are grievous. Removed from every opportunity of idle or vicious life, and scattered over a country subject to continual Indian incursion, they are a class of citizens whose exposure to outrage is very great. The lack of communication prevents a speedy presentation of their claims, and the commissioners respectfully submit that every opportunity should be given to these scattered people, by the personal visits of the proper parties, to place on record their losses.

From the information in the possession of the commissioners, there is little room left for doubt that in the future much valuable testimony may be obtained from these sufferers who cannot leave unguarded homes to travel long distances to any point of assembly; and that two or more years will be the shortest time in which a thorough examination of all the branches of the work to be performed by this commission can be made.

The labor assigned by the resolution creating the commission is one of great magnitude, as will be seen on examination of the vast territory to be traversed in the prosecution of their investigation, which comprehends the counties bordering the Rio Grande in tiers of three deep, and those on the northern and northwestern frontiers of the State of Texas, sub-

ject to Indian incursion, embracing in all an area of over one hundred and twenty-five thousand square miles.

Referring to the region personally traversed, and to those depredations, which have been thoroughly examined, the commissioners report in obedience to instructions the following facts touching the condition of affairs on the Lower Rio Grande frontier:

THE COUNTRY LYING BETWEEN THE NUECES RIVER AND THE RIO GRANDE, AND ITS LOCAL INTERESTS.

The tract of land lying between the Nueces and the Rio Grande rivers, comprises (on the Lower Rio Grande) the counties of Cameron, Hidalgo, Starr, Webb, La Salle, Encinal, Duval, Zapata, Live Oak, McMullen, and Nueces, a tract of land three hundred miles long, and from one to two hundred miles in width.

The assessment-roll of 1870 showed in these counties an ownership of nearly five million acres of land. This region is one vast prairie, and is given up to the raising of beef-cattle for the general markets of the country, and also the breeding of horses.

Between the Nueces and Rio Grande Rivers, the Arroyo Colorado, a salt-water inlet, divides the grassy prairie between it and the Nueces from the sandy desert stretching on its other side along the Rio Grande. This sandy tract bears only the mesquit shrub—the vegetation due to the winding Rio Grande forming a thin fringe along its low banks. This dry waste was formerly considered to be an efficient safeguard to the interior of Texas, and would so prove in any case save that of organized and expert bands of marauders who, by strength and audacity, would dare to penetrate one hundred or more miles into an adjoining territory.

In the tract thus described, although thinly settled (large ranches, many miles apart, dotting it here and there only), the assessment-roll of 1870 showed an ownership in the counties named of 299,193 cattle, and 73,593 horses, although there was no return made of the stock in Live Oak and McMullen Counties. The very peculiar custom of the owners as to the herding of their stock (which roams on the unfenced ranges), as well as their interest in giving in their property for assessment, forbids them making an overstatement of their cattle, while horses, more carefully guarded, are given in at a fairer enumeration.

Unfenced, save in a few isolated instances, the stock-ranges of this region give subsistence to hundreds of thousands of cattle in excess of the assessed number; and under the influence of the "northers" these cattle, in grazing, move toward the south and west; large numbers thus move down into this region from the valley of the Upper Rio Grande and from ranches beyond the Nueces. Once crossing the Nueces River they mingle with the local herds, largely increasing their numbers, remaining thus strayed until the agent of the owner enters them in his annual report, and, according to his instructions sells them or returns them to their distant owners. The neighboring counties of Goliad, Refugio, San Patricio, Karnes, Atascosa, and Uvalde, contribute thousands to the once countless herds in occupancy of this region, or to be reached through it. The Texas cattle range over great reaches of prairie, often in dry seasons going a day's march for water, returning to their accustomed pastures.

Once yearly they are driven up by the rancheros, examined, branded, separated, the estrayed stock moved on toward their owners or disposed of, and an account, as near as may be, taken. The distances traversed in search of the cattle of one herd are surprising, from 50 to 150 miles being not unusual. Ownership is determined by the brands applied and the peculiar ear-mark, a record of brands and ear-marks being required by law to be kept in the county clerk's office. These brands are also published in the various newspapers of the region as a standing advertisement. When a herd is sold, the sale of the brand is recorded. In gathering the stock, the increase following the old cattle is assumed by natural law to be theirs, and is so branded. The custom is to separate for sale four-year old steers, the females being always retained in the herds for breeding. The stock-raisers' association of Western Texas, a body composed of the parties controlling the great cattle-raising interests of this region, regulates the methods of handling the herds, decides on rules for common protection, and, in attempting to maintain an efficient private police, has shown a commendable zeal in protecting the interests represented by its members. In giving personal and official notice to the various State and Mexican authorities, in suggesting and attempting to make effective a fair system of hide-inspection, and in other respects, the associated stock-raisers of Western Texas have exhausted every means at their disposal calculated to make the business protect itself.

The character of the occupation in which they are engaged, the present value of cattle in Texas, the scarcity of lumber, together with the peculiar features of land-tenure, prevent, as a rule, the fencing of their ranges, many of them being owned in common by various rancheros holding complicated titles. Ranches of from 10,000 to 200,000 acres are here employed solely for stock-raising. This region, by reason of irregularity of the seasons, is ill adapted to agricultural pursuits, and is devoted entirely to grazing. Freight rates are high, the country has no railroad communication, and the Texan ox, a source of moderate profit to the breeder, passes through many hands, and pays toll to different local companies, before

reaching the northern consumer. Sometimes wintering in Kansas, at other times taken north and fattened, this great cattle interest is taxed for transportation to an extent which well nigh precludes the possibility of the realization of any profit.

The stock-raisers in the region referred to are a liberal and industrious class of citizens, placed in a trying position, and the hard labor of years is represented in their flocks and herds. The land they own has no value unless peaceable possession is assured them. The good feeling existing among them as a class is put in evidence by their general willingness to exchange powers of attorney, to protect, as far as possible, their mutual interests in the recovery of strayed or stolen stock. The advantages to be derived from co-operation on the part of owners will be seen in the fact that cattle bearing the brands of King & Kenedy, Hale & Parker, T. Hines Clark, and other owners of large herds, have been traced for hundreds of miles along the Rio Grande, and on the Mexican side from Monterey to Bagdad, either by the movements of the strayed or stolen cattle or handling of hides stripped from them.

Reference to the report of the third annual fair of Texas, held at San Antonio, shows that a herd of seventy-five thousand cattle will ordinarily range over an area of country one hundred miles long and fifty miles wide. With expert thieves depredating on this property, it is easy to see that the damage must amount to millions of dollars. Herds numbering 50,000 and 75,000 are not unusual in Western Texas. The stock-raiser, living on his isolated ranch, shows his prosperity in continually augmenting his herds of breeding-cattle by purchase, and acquiring lands for their subsistence. The yearly income is derived from the sale of the steers fit for market.

The employment of from 25 to 300 men in the management of these herds is not unusual, and a thorough examination of the system as it exists (and it cannot be changed but by the growth of population, improvement of cattle, establishment of railroad-lines, and fencing the vast prairies) convinces the commissioners that the stock-raisers of Western Texas are legitimately engaged in a business of the greatest local importance, indirectly affecting the whole interests of the country, and making subservient to the uses of man a vast area of territory which would otherwise be an unproductive waste.

With large capital, immense herds of cattle, and men and material in proportion, it is the conviction of the commissioners that this interest is one of sufficient magnitude to have extended over it the protecting arm of this government, otherwise, although now of national importance, it must soon perish at the hands of bands of freebooters, who find a safe refuge on the convenient shores of our sister republic of Mexico, and the residents of this frontier left stripped of the fruits of years of thrift and industry. Where possible, stock-raisers inclose land as rapidly as their means will allow, and in one case, forty miles of fence, between two arms of Corpus Christi Bay, have been recently built, inclosing the vast herds of Mifflin Kenedy. The prosperity of this region rests on the basis of quiet occupation of the stock ranges and efficient protection. Where local irregularities do not at all affect this business it can only be some fatal external influence which will bring ruin on men thus legitimately engaged. The general features of horse-raising do not differ from the plan pursued with regard to cattle, save that more care is necessarily taken with the herds. Needed in large numbers for continual use, the herds of horses are generally kept around the headquarters of the owners, and are thus more effectually protected. As large numbers of horses are used and worn out in the herding of cattle, this species of property (although a valuable adjunct to the cattle interest) is seldom a source of income.

The commissioners, having endeavored to sketch out the vast extent of the interests involved, proceed, with direct reference to the facts, to an examination of the past and present condition of the stock-raising interests of the Rio Grande frontier.

At the close of the war of the rebellion these plains were covered with vast herds of cattle, largely increased by the years of the war, as the northern market was closed and cattle for the Confederacy were obtained from Northern and Eastern Texas. The evidence of all the experts examined before the commission establishes the alarming fact that in this region the number of cattle to-day is between one-third and one-fourth of the number in 1866.

The rate of increase of cattle in Texas is 33½ per cent. per annum, as shown by the concurrent testimony of nearly one hundred witnesses examined before the commission, embracing experts of every kind, citizens disinterested and parties in interest. This opinion is fully confirmed by W. G. Kingsbury's "Essay on Cattle-Raising," report 3d annual fair of Texas (page 41); also by Major Sweet's pamphlet (page 6); also by Texan Almanac (page 206).

The annual sales of beef-cattle but seldom, if ever, exceed one-half the yearly increase, as the evidence goes to show that the cows are always kept for breeding purposes; that no local disease, drought, or unusual sales have occurred calculated to reduce these herds below their average numbers; and the records of these counties show but little, if any, complaint of local cattle-stealing.

The commissioners feel fully warranted in expressing the opinion that for years past, especially since 1866, and even before, armed bands of Mexicans have continually employed the safe refuge of an adjoining territory and the favorable river frontier to cross from Mexico into Texas, in strong parties, collect and drive away into Mexico unnumbered herds of cattle from this region. These thieves have, with astonishing boldness, penetrated at times

one hundred miles and even farther into Texas, and by day and night have carried on this wholesale plundering, employing force and intimidation in all cases where resistance or remonstrance was met with. Confederates living along the banks of the river have been used in this nefarious trade, while honest residents have been forced to keep silence or fly.

The Mexican bank of the Rio Grande (Bravo) is occupied by numbers of ranches, furnishing a convenient rendezvous for these marauders, from whence they carry on openly their operations, often leading to conflicts. Pursuit to the river-bank in many cases has been mocked at; the ineffectual efforts of customs officers and inspectors have been jeered at, and this region made to suffer from the continual scourge of these thieves. The butchers of the frontier Mexican towns, the stock-dealers, and, in many cases, the heads of the various ranches on the Mexican side, have participated in the profits, encouraged the work, and protected the offenders. The Mexican local authorities, as a rule, civil and military, have been cognizant of these outrages, and have (with one or two honorable exceptions) protected the offenders, defeated with technical objections attempts at recovery of the stolen property, assisted in maintaining bands of thieves, or directly and openly have dealt in the plunder or appropriated it to their personal uses. In all cases coming before these corrupt officials, thoroughly acquainted by personal and official notification and public notoriety of this serious and continual breach of international rights, they have either protected the criminal and shared with him the property stolen, or else have confessed an inability to check the outrages and punish the offenders.

The local authorities of Matamoros, Mier, Bagdad, Camargo, and other frontier Mexican towns have been repeatedly notified of these complications; the United States and Mexican military authorities have corresponded thereon; the supreme government of Mexico has been duly apprised of the state of the border by earnest correspondence of United States civil and military officers, transmitted through the American minister, to which attention is specially called; and, in the opinion of the commissioners, with the exception of the tardy recall of General Juan N. Cortina (in March, 1872), no step tending toward an amicable and honest vindication of the Mexican people has been taken; while, to evince her good faith and earnest desire for the enforcement of the laws, the State of Texas has lately organized and maintained a system of cattle and hide inspections, in which undertaking she is ably seconded by the Stock-Raisers' Association of Western Texas. Private parties have appointed local agents to protect their interests; the local press has appealed ineffectually to the reason of the Mexicans, and called in vain for the execution of the laws.

That the action of the local Mexican authorities has been characterized by duplicity, connivance at fraud, or a complete subservency to a corrupt military rule, there seems to be but little room left for doubt; while the records of the military authorities of Mexico, occupying the frontier (especially the *régime* of General Juan Nepomuceno Cortina, from 1870 to 1872), is one which calls for immediate action on the part of the Mexican Government in disavowing the acts, disgracing the offenders, and effecting with the victims of these high-handed outrages such an adjustment of their claims as impartial justice requires.

Under the trying circumstances of being confronted on the opposite bank of the Rio Grande by a foreign army, which has given protection for a series of years to the invaders of American territory, the United States has, through its officers, kept peace, preserved neutrality, and acted with candor and justice, mindful of its long-established friendly feeling for a sister republic. The left bank of the Rio Grande has always been sought as a base for insurrectionary operations against the ephemeral governments of Mexico, and the United States has in all cases acted with commendable promptness in maintaining strict neutrality.

While the United States has improved every opportunity to execute in good faith her treaty obligations, and settle on an equitable and just basis all existing differences with the republic of Mexico, and the State of Texas has taxed her treasury to execute laws unnecessary save to repel the invasion of her territory by Mexican outlaws, who have made life and property unsafe on her soil—the theater of their cold-blooded and brutal murders—the evidence adduced before the commission warrants the conclusion that the indifference on the part of the Mexican Government touching her international obligations and the condition of affairs on her northern frontier has been studied.

The harassing question of the Zona Libre it does not fall within the province of the commissioners to examine; but they feel called on to notice the extension of this zone in opposition to the most friendly remonstrances of the United States, as another evidence of the spirit which has characterized the policy of the Mexican Government in its dealings with the United States for a series of years.

In giving a résumé of the evidence taken before the commission touching the disorders on the frontier, we trace their cause primarily to the effete and corrupt, and, in many instances, powerless local civil authorities of Northern Mexico, the almost universal demoralization of the inhabitants of the Mexican frontier, the supremacy of a corrupt and overbearing military influence, giving form and aid to the lawless expeditions that have been set on foot in Mexico for years past to invade and plunder the exposed frontier of Western Texas, the unfriendly legislation on the part of the law-making power of the Republic of Mexico, which has made the Zona Libre, on the right bank of the Rio Grande, a depot on our immediate line for the reception of goods, duty free, to be smuggled over our borders, with the annual loss to us of millions of revenue, or the alternative of studding this portion of our

western boundary with an expensive army of customs-inspectors. The establishment of this "free zone," *per se*, militated against the commercial interests of the United States; and when followed up by the appointment of Brigadier-General Juan N. Cortina to the command of the line of the Bravo, in 1870, where he remained in command until March, 1872, the terror of the residents of the Texan frontier, and the aider and participant in a series of lawless acts, the action of the Mexican authorities in this regard can only be interpreted as a direct blow at the commerce of our western frontier; and the maintenance of a military force there, under the leadership of a commander whose career for murder, arson, and robbery finds no parallel in the annals of crime, and whose retention in the command of the northern frontier of Mexico puts in evidence the inability of the Mexican Government to cope with this outlaw and his followers, or else his assignment to this position by his government for the performance of a work which had for its object the annihilation of the commercial and industrial interests of our southwestern frontier.

* * * * *

The amount of property taken and destroyed, the long continuance with impunity of these outrages upon our soil by Mexicans crossing our borders, in the presence of the Army of the United States and the authority of a sovereign State of this Union, are matters of sufficient public concern, in our judgment, to require at our hands, even at the risk of being considered tedious, a statement in detail of the manner in which these cattle-thieves have carried on their illicit traffic for so many years, in defiance of the civil and military authorities charged with the duty of giving protection to the lives and property of the residents on our frontier.

The character and extent of the territory on which these depredations have been committed for so many years past offer facilities for the commission of crime to an extent not to be found in any other part of this country. Expeditions for the purpose of cattle-stealing in Texas have generally been organized on the right bank of the Rio Grande, in the State of Tamaulipas, although not unfrequently, as a change of base, in the State of Coahuila. The men engaged in this work are Mexicans, well mounted, carrying fire-arms of the most approved pattern, and not unfrequently belong to the regular army of Mexico.

Thoroughly acclimated and accustomed to the hardships and exposure incident to a frontier life, these bands, mounted, armed, and provisioned for the expedition, have but the shallow waters of the Rio Grande and a journey of from one to three days before them, often without water for man or beast, ere they reach the grazing regions of the Nueces, and the numerous herds of cattle to be found in that valley. Systematic in all their movements, and thoroughly conversant with the routes of travel and the water-holes leading to the grass regions, these bands, when ready, lose no time in dividing themselves into squads, averaging five or more, according to the circumstances surrounding them, and, crossing at different points the Rio Grande, a stream whose sinuosities describe every point of the compass, they enter the dense mesquite fringing its banks, and emerge from it into the highways, or continue on their journey under its cover, as may best suit their purpose, until they reach the place of rendezvous, designated by scouts previously sent out.

Having made their selection of cattle from the herds, not unfrequently to the number of sixteen hundred, according to their necessities and the circumstances of the case, no time is lost in pushing them without rest under the cover of night (or in open day, if strong enough to resist attack) to the river, a point having been previously designated for this purpose, at which they are met by confederates coming from the Mexican bank, with every facility, including decoy cattle, boats, &c., for the rapid transit of their booty to Mexican soil, where it is used by the Mexican army, disposed of to the butchers of Matamoros, Mier, and Camargo, sold in open market for the benefit of the thieves, or, after being rebranded, used to stock the ranches on the Mexican frontier. The crossing of these bands of Mexicans in small squads into Texas attracts no attention there, for it is within the bounds of the probabilities of the case to estimate the Mexicans as composing at least 80 per cent. of the entire population of the frontier of Western Texas.

The expedients resorted to by these thieves to avoid detection, and more especially the dissemination of such information as would enable stock-raisers to organize and pursue them, varies according to the exigencies of their situation. Localities where cattle are being selected from herds have every approach, used for miles around, guarded with members of these bands, who in various ingenious ways succeed in warning off passers-by, not unusually taking life to accomplish their purpose. Where the distance is so great as to make it necessary to occupy more than one day or night, as the case may be, in driving the stolen cattle to the river, they are corraled at some unfrequented point on the way, and pickets thrown out for miles around as additional safeguards against surprise. Instances have occurred where private residences situated on the route traveled by these bands have been placed under guard, to prevent information of the movements of the thieves from being known until the stolen cattle had been driven a sufficient distance to make successful pursuit impossible.

With the posts occupied by the United States forces on this extensive frontier, in some instances hundreds of miles apart, and generally garrisoned by infantry, with not more than one sheriff to every fifty miles of the territory exposed to these incursions, the facility with

which these bands have carried on their operations for so many years, in defiance of all authority, should no longer be wondered at.

For a more full understanding of the system of cattle-stealing, which has well-nigh broken up the business of stock-raising on the immediate frontier of Western Texas, we direct particular attention to the following extracts from the evidence taken before the commission.

EXTRACTS FROM THE EVIDENCE TAKEN BEFORE THE COMMISSIONERS IN REGARD TO CATTLE-STEALING.

1859.

Ignacio Garcia loses one hundred cattle, three yoke oxen, and thirty to forty mares, stolen by armed Mexicans under Juan N. Cortina.—(See deposition No. 17.)

Carlos Esparza loses six hundred cattle and eighty horses, stolen by armed Mexicans under Juan N. Cortina.—(See deposition No. 18.)

Thaddeus M. Rhodes loses forty horses, stolen by armed Mexicans under Juan N. Cortina.—(See deposition No. 21.)

1864.

William Burke (now lieutenant of State police) saw, in the spring of 1864, two to three hundred Texan cattle being driven off to Mexico by forty to fifty armed Mexicans. The cattle were sold at Camargo, Mexico.—(See deposition No. 4.)

William Burke saw eighty Texan cattle crossed by armed Mexican thieves into Mexico, near Los Nogales, Mexico.—(See deposition No. 4.)

Ramon Rodriguez saw herds of Texan cattle driven over into Mexico by organized bands of cattle-thieves, in 1864.—(See deposition No. 58.)

1865.

William Burke saw two hundred Texan cattle crossed into Mexico by seven armed cattle-thieves, three miles below Brownsville.—(See deposition No. 4.)

William D. Thomas saw stolen herds of Texan cattle in Mexico, near Matamoros, in 1865.—(See deposition No. 16.)

Ramon Rodriguez saw armed bands of Mexican thieves drive over to Mexico herds of Texan cattle.—(See deposition No. 58.)

1866.

Frank Byler saw forty stolen Texan cattle at Esterito Rancho, in Mexico, in the possession of six armed Mexicans.—(See deposition No. 50.)

Frank Byler saw at Monterey, Mexico, stolen cattle belonging to T. Hines Clark, of Texas.—(See deposition No. 50.)

Alexander M. Sanders testifies that, in 1866 and later, droves of stolen Texas cattle, from thirty to two hundred in number, were crossed and sold at Camargo and Mier, Mexico. Some were sold by civil authorities. Witness recovered two stolen cattle in 1866, at Roma, from Pablo Olivarez, who was taking them to Mexico.—(See deposition No. 28.)

Vincente Salazar saw armed Mexican thieves gather and drive away a herd of cattle from Louis Renaud's ranch, in Texas.—(See deposition No. 79.)

1867.

Elder B. Barton recaptured, fifty miles from Brownsville, twenty-eight head from a herd of three hundred and fifty stolen Texan cattle, which were being driven away by Mexican thieves.—(See deposition No. 42.)

James F. Scott saw cattle stolen from T. H. Clark, in Mexico.—(See deposition No. 67.)

1868.

W. D. Thomas saw Louis Lopez, a Mexican cattle-thief, with one hundred head of stolen Texan cattle, within a mile of Matamoros, Mexico, in May. The cattle were sold to Arriola, or Carriola, a butcher of Matamoros, for \$2 a head. Carriola says: "I bought them; I do not care a d—n."—(See deposition No. 16.)

W. D. Thomas saw one Ensualdo, with four or five hundred stolen Texan cattle, driving them along a road, near Matamoros, in Mexico, and is threatened by him.—(See deposition No. 16.)

W. D. Thomas testifies that Carriola, a butcher of Matamoros, in September, advanced \$20 to one Palacios to bring him twenty stolen beeves from Texas.—(See deposition No. 16.)

Inspector Thomas J. Handy saw a large herd of Texan cattle successfully crossed, at Aguas Negras, into Mexico, by armed Mexican cattle-thieves, after a skirmish.—(See deposition No. 32.)

Justo Lopez saw eighty head of stolen Texas cattle, near Rancho Los Naranjas, being driven over to Mexico by armed cattle-thieves. He dared not interfere.—(See deposition No. 33.)

1869.

Victor Morel, with assistance, recaptured several herds of cattle from Mexican cattle-thieves near Río Grande City.—(See deposition No. 157.)

Cecilio Vela, near El Jabalin, in Texas, thirty miles below Río Grande City, recaptured thirty-three head of stolen Texan cattle from Mexican thieves.—(See deposition No. 160.)

Henry Klahn, appointed to represent the citizens of Western Texas, as a resident hide-inspector at Matamoros, was assisted by Judge Augustin Menchaca, was resisted by one Longoria, a hide-dealer, Judge Menchaca being succeeded by General Don Pedro Hinojosa. The inspector was notified by the latter that he could not support him with assistance, and the inspector resigned, returning to Texas.—(See deposition No. 170.)

1870.

Francisco Martinez found Mexican cattle-thieves in possession of the dwellings on the "Sanio rancho," in Texas. The family of Señor Becerra, the resident, were under guard. Martinez, escaping to neighboring ranches, with the assistance of friends, attacked the thieves and recaptured some stolen cattle. Forty-two were recaptured; over one hundred had been crossed into Mexico, and were not recovered.—(See deposition No. 5.)

Juan Sanchez confirms the preceding evidence; was present, and assisted in the fight.—(See deposition No. 7.)

W. D. Thomas, at Rancho Laguna Tio Cano, saw herds of cattle driven off nearly every week in 1870, and did not dare to interfere with the armed thieves.—(See deposition No. 16.)

Carlos Esparza testifies that he, with Ignacio Garcia, recaptured one hundred cattle from armed Mexican cattle-thieves.—(See deposition No. 18.)

Justo Lopez saw J. M. Martinez (now deceased) successfully cross two to three hundred stolen cattle into Mexico, near Las Cuevas.—(See deposition No. 33.)

Angel Aguirre saw seven stolen cattle, belonging to Alexander Wierbiski, of Texas, near Mesquitito, in Mexico.—(See deposition No. 34.)

Apollinario Hernandez (then a Mexican soldier) saw five hundred stolen Texan cattle crossed into Mexico, by cattle-thieves, at La Bolsa ranch, in June. Nicholas Solis (then alcalde of the Soliseño precinct, State of Tamaulipas) and D. Peña bought the cattle of the thieves for \$2.50 a head, and sold them to Dyonisio Cardenas (now alcalde of Matamoros) for \$5 each.—(See deposition No. 37.)

Thomas Beynon recaptured a herd of stolen cattle from armed thieves from Mexico, near Laguna Blanca, in Texas.—(See deposition No. 83.)

Cecilio Vela, near San José, in Starr County, Texas (forty-five miles from Río Grande City), recaptured from Mexican cattle-thieves fifty stolen cattle.—(See deposition No. 160.)

Cecilio Vela, two or three months after the preceding occurrence, near San José, recaptured sixty-seven head of stolen cattle from six armed thieves, who abandoned the cattle and fled.—(See deposition No. 160.)

Cecilio Vela recaptured twenty-eight stolen cattle near La Grulla, in Texas, the Mexican thieves escaping.—(See deposition No. 160.)

Cecilio Vela recaptured from armed Mexican thieves thirteen head and his son eighteen head of stolen cattle, near Las Comitas, the thieves escaping.—(See deposition No. 160.)

1871.

Thomas F. Wilson, United States consul at Matamoros, while traveling in Texas, between Laredo and Eagle Pass, saw people driving cattle toward Mexico; supposed them to be thieves.—(See deposition No. 2.)

William Burke (lieutenant of State police) saw five hundred Texan cattle crossed into Mexico, at Las Cuevas, by thieves. There were thirty to sixty armed men with the herd. Burke shot at the thieves.—(See deposition No. 4.)

William Burke (lieutenant of State police) testifies that armed Mexican cattle-thieves drove over two hundred stolen Texan cattle into Mexico, at Los Grillos rancho in Starr County. Burke and Henderson (State police) went to Camargo, Mexico, and claimed the cattle as stolen. Alcalde Elijio Garcia, of that place, refused on technical grounds to deliver them.—(See deposition No. 4.)

Inspectors Albert Dean and *T. J. Handy*, United States customs service, in March, went to Las Cuevas ranch; found armed Mexican thieves crossing cattle over the river, and were fired on. They saw thirty to fifty cattle on the Mexican bank, just crossed, and ten to twenty in the water crossing. Five or six remained on the Texan side.—(See deposition No. 6.)

Carlos Esparza and *Ignacio Garcia* captured, near Calaboso ranch, fifteen or twenty cattle from armed Mexican thieves, after a fight. They captured also a number of horses and saddles. One hundred cattle had been crossed.—(See deposition No. 18.)

Thaddeus M. Rhodes, justice of the peace, sent a posse, and recaptured forty stolen cattle from armed Mexican cattle-thieves, A. de Leon, their leader, escaping.—(See deposition No. 27.)

Benito Garcia saw one *Jurado*, a Mexican cattle-thief, cross a large drove of stolen cattle into Mexico, near San Pedro ranch.—(See deposition No. 23.)

Alexander Wierbiski saw armed Mexican thieves with forty-eight stolen cattle; pursued them, and recaptured the cattle.—(See deposition No. 25.)

Anacito Padron, a soldier in the Mexican army, was sent by General J. N. Cortina to protect the crossing of stolen cattle at Tahuachal rancho, on the Mexican side, in June, 1871. Two hundred cattle were there crossed. They were stolen from Texas, and were personally appropriated by General Cortina.—(See deposition No. 26.)

Ricardo Flores, in June, 1871, attacked the Lugo or Lubo brothers and their party of Mexican cattle-thieves, near Reparo ranch, in Texas; killed Lubo, and recaptured two hundred stolen cattle, which were delivered to Judge J. Galvin, of Brownsville, Texas, for sale on owners' account.—(See deposition No. 27.)

Alexander M. Sanders testifies that, in 1871, a herd of stolen cattle, being crossed into Mexico by cattle-thieves, stampeded, and eighty of the cattle returned to the Texan side.—(See deposition No. 28.)

Inspector Thomas J. Handy, United States customs service, confirms the testimony of Inspector Albert Dean as to the crossing of the herd of stolen cattle at Las Cuevas in 1871.—(See deposition No. 32.)

Apollinario Hernandez (a soldier of the Mexican army) saw one hundred stolen cattle penned at Santa Rita, in Mexico, twelve miles from Matamoros, on September 13, 1871. Captain Sabas Garcia, Mexican army, and Secundo Garza (a soldier of Cortina's) were in possession of them. Cortina was there personally dividing the stock.—(See deposition No. 37.)

Apollinario Hernandez (a soldier of the Mexican army) testifies that the Holguines brothers, notorious Mexican cattle-thieves, crossed four or five hundred stolen cattle into Mexico at Los Fresnos or Rucia rancho. Chief Justice Trinidad G. Doria, of Matamoros, imprisoned the Holguines, who were captured; Cortina liberated them.—(See deposition No. 37.)

Apollinario Hernandez (a former soldier of the Mexican army) saw a herd of stolen Texan cattle at the Chilipin rancho in Mexico.—(See deposition No. 37.)

Ramon Garcia saw a herd of three hundred stolen Texan cattle near the Arroyo Colorado, in Texas, being driven away toward Mexico by Captain Sabas Garcia (Mexican army) and one Gregorio Villareal.—(See deposition No. 48.)

Gurmesiendo Castaneda saw, in July, 1871, frequent droves of stolen Texan cattle crossed into Mexico at Rucias rancho, in Cameron County, Texas; he saw two or three herds crossed in the day-time (one of one hundred and another of two hundred head), the thieves generally crossing them at night.—(See deposition No. 54.)

Francisco Munguia saw three hundred stolen cattle, in the possession of eight armed thieves, pass Cotillo ranch going to Mexico on July 2, 1871.—(See deposition No. 57.)

Ramon Rodriguez, in the fall of 1871, saw Captain Sabas Garcia, of the Mexican army, driving away a herd of two hundred and fifty stolen Texan cattle.—(See deposition No. 58.)

Ramon Rodriguez, in September, 1871, aided in capturing Juan Paz (a Mexican cattle-thief) with thirty-five head of stolen Texan cattle, near Santa Rosa ranch, in Texas.—(See deposition No. 58.)

Carlos Castaneda saw at Rucias ranch (thirty miles from Brownsville) in July two droves crossed of one hundred and two hundred head of stolen cattle by armed thieves, who took them to Mexican soil.—(See deposition No. 59.)

Louis Renaud (captain of a company raised by stock-raisers' association of Western Texas) exchanges shots at Calaboso rancho with armed thieves, under command of Lubo or Lugo, who were driving cattle into Mexico from Texas.—(See deposition No. 88.)

Jacinto Hernandez follows a herd of stolen cattle to the river. They were taken from near Reytamitas by the Lubos or Lugos and their followers.—(See deposition No. 169.)

Inspector Thomas C. Sheldon, United States customs service, on duty March 4, 1871, near Banco ranch, in Texas, saw eighty armed men crossing a herd of about five hundred cattle, and was warned by a friend not to approach, as the thieves were looking for him. Many of the thieves thus engaged were soldiers under General J. N. Cortina's command.—(See deposition No. 8.)

1872.

Captain Sabas Garcia, Mexican army, brags that he crossed four hundred stolen cattle from Texas into Mexico on another occasion, on July 5, 1872.—(See deposition No. 8.)

Inspector Sheldon, on April 1, 1872, sleeping at Rucias ranch, on the Texan side of the river, in a corral, was awakened near daylight by the noise of shots, and saw fifty armed Mexican thieves pass, driving about four hundred stolen cattle, which they crossed successfully. The inspector, being alone, could not prevent the raid.—(See deposition No. 8.)

Antonio Gutierrez, on February 10, 1872, stopped Mexicans driving away some stolen cattle, recapturing eight belonging to Alexander Wierbiski and two of Vera brothers.—(See deposition No. 10.)

W. D. Thomas, on February 25, 1872, went to Stillman's ranch, and found people excited, from three to four hundred cattle, driven by thieves from Mexico, having passed. He endeavored to raise men to pursue them. Failing in this, was shot at by the thieves as he proceeded on his journey, but followed at a distance the stolen herd, which passed by Irwin's ranch, going toward Mexico.—(See deposition No. 16.)

Thaddeus M. Rhodes, justice of the peace, sent men to recapture a herd of stolen Texan cattle, which were being driven away by a band under Rafael. Five hundred cattle were recaptured, the thieves escaping.—(See deposition No. 21.)

Thaddeus M. Rhodes, justice of the peace, sent another posse to pursue Mexicans thieves under the same leader, Rafael. One hundred cattle were crossed by them at La Bolsa; some broken down cattle were recaptured.—(See deposition No. 21.)

Alexander M. Sanders saw many stolen Texan horses in Camargo, Mexico. Cortina's orderlies and soldiers were mounted on them.—(See deposition No. 23.)

Antonio Tigerina testifies that, in February, 1872, armed Mexican cattle-thieves gathered a herd of Texan cattle near his ranch, ten or twelve miles from Brownsville. Having alarmed his neighbors, he proceeded to Matamoros and found some of the thieves selling a portion of the stolen herd to Dyonisio Cardenas, a butcher (now alcalde of Matamoros). Obtaining assistance from the police, he searched for the remainder of the cattle, having friends with him. Finding them at Carriola's (another dealer's), and being fired on by the thieves, Tigerina and friends charged the thieves and recovered the cattle.—(See deposition No. 31.)

Antonio Tigerina was at the fight with Mexican cattle-thieves at the Calaboso rancho.—(See deposition No. 31.)

Inspectors Handy and Sheldon, United States customs service, saw seventy to eighty armed Mexicans, in March, 1872, on the Mexican bank of the river, opposite Floridas rancho. These men had five to six hundred stolen cattle in their possession. Men were in military uniforms, armed with sabers, revolvers, and repeating weapons. Covering parties were drawn up in military order. As the cattle had been crossed, the inspectors, without help, dared not interfere.—(See deposition No. 32.)

Gregorio Villareal testifies that a large lot of stolen Texan cattle for General J. N. Cortina were brought in 1872 to him at Camargo, Mexico, by J. and J. M. Sosa.—(See deposition No. 47.)

Ramon Garcia testified that stolen Texan cattle were delivered to General Cortina at Esterio rancho, on the Mexican side, in 1872.—(See deposition No. 48.)

Jacinto Hernandez, on January 15, 1872, near Arroyo Colorado, in Texas, met five armed Mexicans, and following them thirty, driving four hundred stolen Texan cattle toward Mexico.—(See deposition No. 53.)

Francisco Rodriguez met, on March 20, 1872, between Cotillo and Santa Rosa ranches, six Mexican soldiers, who detained him, although he was on the Texan side. The same day a large herd of stolen cattle was driven over to Mexico.—(See deposition No. 56.)

Francisco Munguia saw, in the spring of 1872, five hundred stolen Texan cattle crossed by seven armed Mexicans into Mexico, between Cotillo and Santa Rosa ranches.—(See deposition No. 57.)

Francisco Munguia saw one hundred stolen Texan cattle crossed into Mexico by six armed Mexicans at a point six miles southeast of Santa Rosa ranch.—(See deposition No. 57.)

Francisco Munguia saw three hundred stolen Texan cattle crossed into Mexico, between Cotillo and Santa Rosa ranches, by a band of Mexican cattle-thieves under Captain Trinidad Gonzales, Mexican army.—(See deposition No. 57.)

Peter Champion, at Floridas rancho, on March 4, 1872, found the roads picketed by Mexican cattle-thieves, skirmishers thrown out, and was captured and detained until the stolen cattle were crossed. Señor Montalba and others were also captured. Large numbers of Mexican soldiers were engaged in this affair.—(See deposition No. 71.)

John Fitch saw, in April, 1872, armed Mexican cattle-thieves gather a herd of stolen Texan cattle in the Nueces stock-range, near Candelario ranch, eighty miles from the river.—(See deposition No. 82.)

Pedro Wallace de Dougherty saw, in May, 1872, at La Canela ranch, in Mexico (belonging to General John N. Cortina), large numbers of cattle evidently stolen from Texas.—(See deposition No. 111.)

Victor Morel recaptured from armed Mexican cattle-thieves a herd of thirty to fifty cattle, between two and three miles from Rio Grande City, in Texas. The thieves belonged to Cortina's command, and were sent by him.—(See deposition No. 157.)

Pedro Vela recaptured fifty head of stolen Texan cattle, at Los Mazueyes rancho, from Mexican cattle-thieves, in May, 1872. The cattle were then taken to Edinburgh, and sold for the benefit of the owners.—(See deposition No. 159.)

Pedro Vela recaptured, from Mexican cattle-thieves, twenty-seven head of cattle, at a point near Soldado rancho, in Texas.—(See deposition No. 159.)

EVIDENCE BEARING NO DATE.

William Burke, lieutenant of State police, has seen stolen herds of cattle crossed into Mexico, often, at Prietas ranch, three miles below Brownsville. On one occasion he gave the names of the thieves to the Mexican authorities, who did not punish the offenders. He went to General J. N. Cortina personally. The general promised to punish the thieves, but did not, save in the case of one man, against whom he had a personal grudge.—(See deposition No. 4.)

William Burke, lieutenant of State police, testifies that the Mexican cattle-thieves, when raiding into Texas, are well armed and prepared to fight.—(See deposition No. 4.)

William Burke, lieutenant of State police, followed into Mexico a herd of stolen Texan cattle, which were driven across and sold at the town of Mier. He dared not, for his life, interfere.—(See deposition No. 4.)

Francisco Martinez testifies that one J. M. Martinez, a Mexican cattle-thief, stocked, by plunder from Texas, a ranch near Matamoros with over one thousand stolen cattle. After the killing of the said Martinez, some of the cattle were recovered.—(See deposition No. 5.)

Albert Dean, inspector United States customs, testifies that cattle are stolen and crossed continually from Texas to Mexico, these cattle being sold for from \$2 to \$7, in Mexico; has seen stolen cattle crossed six or seven times at Los Cuevas ranch.—(See deposition No. 6.)

Juan Sanchez testifies that cattle are sold for from \$2 to \$5 each on the Mexican bank of the Rio Grande.—(See deposition No. 7.)

Justo Lopez has seen stolen cattle crossed into Mexico from Texas, by thieves, weekly, since 1865.—(See deposition No. 12.)

Marcos Sanchez has seen droves of Texan cattle crossed into Mexico, by thieves, frequently; these herds from four to five hundred in number.—(See deposition No. 13.)

Seeriano Hinojosa has seen stolen cattle crossed by thieves into Mexico; frequently two hundred in a herd.—(See deposition No. 14.)

W. D. Thomas saw a captain in the Mexican army driving along a road on the Mexican side of the river a herd of four hundred stolen cattle. The captain said: "The 'gringos' are raising cows for me." Cattle are worth \$4 a head on the Mexican side.—(See deposition No. 16.)

Ignacio Garcia, for several years past, has heard, at Calabozo ranch, near the river, of cattle being crossed at night over to Mexico. The armed thieves, coming from Mexico, raid sometimes a hundred miles into Texas. Cattle are worth \$3 a head on the Mexican side of the river.—(See deposition No. 17.)

Thaddeus M. Rhodes, justice of the peace, testifies that Rafael Hinojosa and J. M. Aldape were notorious cattle-thieves, raiding from Mexico.—(See deposition No. 21.)

Alexander Wierbiski testifies that eight hundred cattle, stolen from Texas, were sold by the Mexican cattle-thieves at Ceralso or Aguas Negras for \$1.50 a head. He has gone twenty times to the city of Matamoros, Mexico, to seek for his own cattle, it being publicly known that on these occasions stolen herds from Texas had been brought in; found the rumors verified. No legitimate beef trade can be carried on in Northern Mexico. In Monterey (by reason of the supply of stolen Texas cattle) beef is cheaper than at Matamoros. The long Mexican local wars have almost exhausted their own herds, but the current price of beef is much less than in Texas.—(See deposition No. 25.)

Abbato Longoria testifies that cattle are worth two to five dollars a head on the Mexican side.—(See deposition No. 30.)

Antonio Tigerina testifies that the stealing of Texan cattle by Mexicans existed in 1865, continued in 1866, augmented till 1868, and since then continues very grievous. In 1870, '71, '72, he has seen many stolen herds from Texas on the Mexican side. On one occasion he followed fifteen or sixteen armed Mexican cattle-thieves, who were driving off four hundred cattle to Las Cuevas ranch, where they crossed them into Mexico.—(See deposition No. 31.)

Angel Aguirre saw at Mesquitito ranch, in Mexico, some cattle out of a herd of two or three hundred which had been stolen and successfully crossed.—(See deposition No. 34.)

Henry Simeon testifies that cattle are worth six to seven dollars each on the Mexican side.—(See deposition No. 36.)

Apollinario Hernandez saw the Holguines brothers (notorious Mexican cattle-thieves) cross 100 stolen cattle at Mogotes ranch, the stock being sold to Don Dyonisio Cardenas (now alcalde at Matamoros), for \$2.50 a head. Witness gives the following names of notorious cattle-thieves: Antonio Blangel, Captain Sabas Garcia (Mexican army), Segundo Garza, Juan Garcia, Holguines Brothers (Andres and Esmeringildo), one Jurado (now dead), one Librado, Lugo or Lubo Brothers (now dead), Perales Brothers (Sylvester and Pedro), and Francisco Villareal. All the above-named thieves operated across the river-line between the Bolsa ranch and Brownsville, say sixty miles.—(See deposition No. 38.)

Elder B. Barton saw fifteen or twenty armed Mexican cattle-thieves driving off two hundred cattle at Olivas, over one hundred miles within Texan line.—(See deposition No. 42.)

Gregorio Villareal saw (he being a soldier in the Mexican army) cattle being crossed by thieves from Texas into Mexico. He has helped to drive herds of these cattle to Palito Blanco (a ranch of General J. N. Cortina); also, has seen these stolen herds sold to butchers

on the Mexican side. Gen. J. N. Cortina, in marching his forces to Camargo and back in 1871 and 1872, fed them on beef stolen from Texas. The following ranches on the Mexican bank of the Rio Grande are notorious haunts for thieves and cattle-stealers: San Rafael, Las Cuevas, Potrero de San Rafael, Tapehuaje rancho, Rancho Villareales, San Francisco rancho, Peñitas rancho, El Esterito, Anzalveras rancho, Los Jaboncillos, Reynosa Vieja, El Barancas, El Ebano, El Chapital, Los Pelados, La Bolsa, El Palmita, Solisena (a notorious den; Nicholas Solis, alcalde of the Soliseño precinct, at this place levied a black-mail on all stolen cattle of 25 cents a head for the use of the corrals and yards, in which he was protected by Gen. J. N. Cortina), La Palingana, Capote, Potrero, and other ranches.—(See deposition No. 47.)

Francisco Munguia was chased by armed cattle-thieves while on Texan soil, on July 10, 1871. Cattle are worth \$1.50 a head and upward in the frontier borders of Mexico.—(See deposition No. 57.)

Ramon Rodriguez, with his companion, Desiderio Castaneda, were pursued by armed cattle-thieves, numbering fifteen, who had crossed from Mexico and were on Texan soil. Cattle are worth from \$1.50 upward in Mexico.—(See deposition No. 58.)

Nicholas Champion testifies that many droves of stolen Texan cattle have been crossed by Mexican thieves over the river at Floridas rancho, armed Mexicans coming to the bank to cover the crossing of the herds, and protect the thieves.—(See deposition No. 70.)

Juan Levrier saw, between 1865 and 1871, stolen Texan cattle crossed by armed bands of Mexicans at El Arenal Tranquil, on the river.—(See deposition No. 78.)

John Fitch has seen armed Mexican cattle-thieves on various occasions steal cattle from the Texan ranges.—(See deposition No. 82.)

Henderson Williams's sons are forced to abandon herding cattle on the ranges in Texas, belonging to them, on account of the irruptions of cattle-thieves from Mexico.—(See deposition No. 139.)

Vincente Cavazos was threatened personally by Mexican cattle-thieves coming from the river-banks.—(See deposition No. 155.)

Eugenio Zamora has often met armed Mexican cattle-thieves, with bands of stolen Texan cattle in their possession, near Rio Grande City, in Texas, and was forced to fly for his life.—(See deposition No. 158.)

Cecelio Vela met near Rio Grande City armed Mexican cattle-thieves, and was forced to fly for his life.—(See deposition No. 160.)

Justo Lopez, notified by a friend of the danger, having lost cattle by thefts of the armed Mexican banditti, dares not reclaim them on the Mexican side.—(See deposition No. 164.)

Blas Vasquez repeatedly saw armed cattle-thieves near Capitañeno rancho, in Texas.—(See deposition No. 204.)

Nicholas Channo saw herds of stolen Texas cattle repeatedly brought into Bagdad, Mexico, and sold there by thieves while he was a resident.—(See deposition No. 213.)

NOTE.—The same cattle, which, as testified above, are valued and sold at from \$1.50 to \$7 on the Mexican side, are worth from \$12 to \$15 per head on the Texan river-border, and there is no discordance on this point. The long-continued wars on the northern frontier of Mexico have broken up the original herds of breeding-cattle, and whereas cattle are sold for an average of \$5, the testimony of all witnesses examined on this point is confirmed by the natural conclusion that the beef sold at these ruinous prices must be stolen from Texas and is sold for less than cost, as even on the grassy Texan prairies the estimated cost to the owner of a four-year-old steer is seven dollars. (See Major Sweet's pamphlet, page 7.) The business of cattle-dealing and butchering is evidently in Northern Mexico based on a supply of stolen Texan cattle.

OPINIONS (FROM THE EVIDENCE) AS TO CATTLE-STEALING.

Justo Lopez gives his estimate (from observation and judgment) of the number of stolen cattle crossed between the city of Brownsville and Point Isabel, in the last seven years, fixing the number at 60,000.—(See deposition No. 12.)

Marcos Sanchez confirms, in opinion, the above.—(See deposition No. 13.)

Severino Hinojosa gives the same estimate.—(See deposition No. 14.)

Jacinto Hernandez is of the same opinion.—(See deposition No. 15.)

Thaddeus M. Rhodes, J. P., estimates that in 1868, 1869, and 1870, 3,000 head per month of stolen cattle were crossed into Mexico, by thieves coming from there, in the fifteen miles of river-line above and below Edinburg.—(See deposition No. 21.)

Nicholas Champion estimates that 20,000 head of stolen cattle have been crossed into Mexico yearly, in 1871 and 1872, at or near Floridas ranch on the Rio Grande.—(See deposition No. 70.)

FACTS OBSERVED BY THE UNITED STATES COMMISSIONERS.

On September 6, 1872, the steamer *San Juan*, ascending the Rio Grande (the United States commissioners to Texas being on board), passed Las Cuevas, a notorious rendezvous of cattle-thieves, between 7 and 8.30 a. m. At a bend of the river, half a mile above Las

Cuevas, a herd of cattle was seen on the Texan bank in the possession of persons evidently cattle-thieves. The spot was not a legal crossing-place (no customs officer being present as required by law). A number of cattle were in a corral by the bank, being crossed over to the Mexican side. A considerable force of Mexicans was discovered, some naked (prepared to direct the cattle in swimming) and others in possession of a boat on the river. Mounted men were also in the corral, and examination with a glass showed the fact that some had retired under cover of the thick undergrowth. From the appearance of the banks, a large number of cattle had been crossed, and from thirty to fifty were yet on the Texan side. There being no troops on board the steamer, it was impossible to attempt recapture. This crossing was effected within fifteen miles of a station of a company of mounted United States infantry, and under cover of Las Cuevas settlement on the Mexican side.

An official memorandum of the fact was made by the recorder of the commission, being signed by the president and himself.

Nestor Maxan, E. Dougherty, and Mifflin Kenedy (all of Brownsville, Cameron County, Texas), were witnesses of the entire occurrence.

* * * * *

IMPORTATION OF HIDES FROM MEXICO.

In their efforts to get all the data possible having any bearing on the objects of their mission, the commission were not unmindful of the importance of obtaining the statistics of the movements of hides between the United States and Mexico. No article enters into the commerce of our southwestern frontier of more value and commanding importance than dry and wet hides. The handsome profits derived from the capital employed in the illicit traffic which has been carried on in this species of property by frontier merchants and speculators, has emboldened them in their operations to an extent which has been the means of furnishing evidence corroborative of that taken before the commission, and of such an important character as to entitle it, in our judgment, to very great consideration at our hands.

When hides, imported into this country through the custom-houses on the frontier of Texas, are entered, they are at once inspected, as to the brands they bear, by inspectors appointed under the cattle and hide inspection laws of Texas. An examination of the results of these inspections, as put in evidence by the record kept by the cattle and hide inspector of the district of Cameron County, Texas, shows that of the number of hides entered at the custom-house at Brownsville from Mexico, fully 25 per cent. bore the brands of Texas stock-raisers, and that at least 25 per cent. bore brands that had evidently been altered or otherwise defaced.

The evidence of all the witnesses examined before the commission on this point, establishes the fact that Texas cattle are never sold in any numbers, if at all, to go to Mexico; and that cattle are worth on an average \$10 a head more in Texas than they are sold for in the markets on the northern frontier of Mexico. In the customs district of Brazos Santiago, comprising the Lower Rio Grande, the records show an entry of 272,256 hides, imported from Mexico from 1866 to 1872; while the records of the district of Corpus Christi, the outlet of the ports of Rio Grande City, Roma, Carrizo, and Laredo, show an entry of 158,688 beef-hides imported from Mexico through the above ports.

This documentary evidence bears with great weight on the extent and character of the depredations that have been committed on the people living on the frontier of Western Texas, and when taken in connection with the fact that the importation of hides from Mexico into the United States through these frontier ports is but seldom done, save when the carrying tonnage between Mexican ports and the commercial centers of the United States and Europe is insufficient to meet the demands of shippers, it bears impartial witness of the extent and proportions of the traffic which is carried on in the hides of animals stolen from American owners.

Where the entry of hides imported from Mexico at one American port, as in the case of Brownsville, shows that, of the whole number entered, at least 25 per cent. bore American brands, and that at least as large a per cent. bore brands that had been altered and otherwise defaced, and this in the face of the customs-officers of the United States and the cattle and hide inspectors of Texas, it would not be unreasonable to estimate at a much larger per cent. the hides bearing American brands which have been exported from Mexico directly to Europe, New Orleans, New York, and other markets.

The commission was unable to examine the records of the cattle and hide inspection district of Nueces County, and consequently are unable to report the per cent. of the whole number of beef-hides imported from Mexico, through the custom-house at Corpus Christi, which bore American brands. The cattle and hide inspection law of Texas has been in operation but little over a year, and owing to defects in it which prevented the recovery of stolen cattle and the seizing of stolen hides, powers of attorney being required, and the distance being so great between the ranches, scattered here and there over a frontier several hundred miles in length, this law, as a means for suppressing crime and detecting the thieves that infest the Rio Grande frontier, has, in a measure, been barren of results. It has not

unfrequently occurred that men charged with the duty of enforcing this law have given false inspection-certificates, and assisted, in every way in their power, men notoriously known to be engaged in buying and selling stolen hides. In one instance, coming under the observation of the commission, certificates were issued by an inspector, dated at Brownsville, certifying that inspections, actually made by him in Matamoros, Mexico, were made in the cattle and hide inspection district of Cameron County, Texas.

In this case the testimony shows that the inspector has not only been known to issue his certificates in Mexico, in order that the hides might not be exposed for inspection on being entered at the American custom-house, but has actually, in cases where wet hides were to be inspected, rolled two and three together and passed them as one, without inspection. The presumption of fraud on the part of this American officer, in this case, was so great as to cause his indictment in the courts of Texas, where merchants and dealers in this property buy hides, one by one, from thieves who kill cattle for the skins only, and influence the inspecting officer, by bribing him, to pass the stolen property through his district. The only remedy suggesting itself is more rigid laws and the appointment of honest men to enforce them. An examination, herein referred to, of one lot of stolen hides, seized under a search-warrant, shows that the brands of fifty different American stock-raisers, scattered over several hundred miles of territory, are represented.

The following extracts from the testimony taken before the commission will more fully exhibit the extent of the depredations of this class. Particular attention is called to documents 25, 26, and 38, on file with the commission:

EXTRACTS FROM THE EVIDENCE.

Dominick Lively has detected hides bearing his brand in process of importation and shipment.—(See deposition No. 9.)

Herman S. Rock, deputy cattle and hide inspector, district of Cameron County, has detected stolen hides belonging to *Dominick Lively* in course of shipment.—(See deposition No. 11.)

George W. Lowe, when cattle and hide inspector, observed the shipment of 370 dry hides direct to Liverpool, England, on ship *Mary Douglass*, in December, 1871. Many of these hides bore American brands, and witness believed them to be stolen.—(See deposition No. 32.)

Alexander Wierbicki has detected his stolen hides being imported for shipment.—(See deposition No. 25.)

Apollinario Hernandez found General Juan N. Cortina, in August, 1871, at Santa Fé, near Matamoros, Mexico, engaged in fraudulently rebranding stolen cattle, with a brand manufactured to deface the old marks, and which was not his legally recorded personal brand.—[See deposition No. 38.]

Louis Renaud, as deputy inspector of hides and cattle, testified that 20 per cent. of the hides imported from Mexico are stolen, others purposely defaced. The cattle and hide inspection laws are defective and need amendment.—(See deposition No. 88.)

Charles J. Murphy, cattle and hide inspector, under the laws of Texas, from September, 1871, to July, 1872, has seen stolen hides (the property of Captain Richard King, of Rancho Santa Gertrudes, Nueces County, Texas) being imported from Matamoros. He had no power to open the hides, which were rolled up. The deputies of witness seized a lot of stolen hides (in process of importation) on February 20, 1872. Robert Kingsbury, justice of the peace, at Brownsville, through his deputy, H. S. Rock, inspected hides at Matamoros, Mexico, under the laws of the State of Texas, and gave certificates of inspection (from his office), under which they were shipped.

On November 26, 1871, at Matamoros, Mexico, H. S. Rock (deputy of Robert Kingsbury) again inspected hides at Matamoros, Mexico, and they were shipped under certificate from Brownsville.

Milmo & Co., and H. E. Woodhouse & Co., of Matamoros, Mexico, were the shippers. The witness endeavored to seize the above lot of hides, and was prevented. He was not allowed to examine them; was prevented by the certificate given as above described. An indictment was presented in a court of Texas for this offense.—(See deposition No. 117.)

Herman S. Rock, deputy inspector of hides and cattle for the district of Cameron County, Texas, admitted in his testimony the inspections referred to above.—(See deposition No. 124.)

NOTE.—The detailed evidence of H. S. Rock shows that the hides imported from Mexico, which passed under his official scrutiny, and as noted in his records, bear brands representing nearly every stock-raiser in Western Texas.

From August 15, 1871, to the date of his testimony (August 29, 1872), Deputy Inspector Rock has seized forty-two stolen hides and recorded as stolen (he having no power to seize them) four hundred and forty-eight hides, which were imported from time to time, mostly shipped by Milmo & Co. and H. E. Woodhouse & Co., of Matamoros, Mexico. These hides bear the brands of fifty different stock-raisers of Western Texas; the largest number belonged to Richard King, of Rancho Santa Gertrudes, Nueces County.

Valentine J. Clark, acting for the stock-raisers' association of Western Texas, seized, on

August 23, 1872, as stolen property, under a search-warrant, an invoice of hides shipped by J. G. Kelsey, of Rio Grande City, to Brazos Santiago, in possession then of the Rio Grande Transportation Company. There were 1,045 hides in the invoice; 204 of these were distinctly recognized and seized as stolen, and about 50 were recognized as stolen which the agent was not empowered to seize. The particulars are fully detailed in the evidence of witness.—(See deposition No. 127.)

CONDUCT OF THE MEXICAN AUTHORITIES.

That the local authorities of Northern Mexico (civil and military) have been aware for years past that lawless expeditions were being constantly set on foot in their midst to invade American territory for plunder and the commission of crime, the evidence taken before the commission fully establishes.

The military authorities, it will be seen, have not only tolerated this system of plunder, so long carried on by Mexican citizens on the property and interests of citizens of Texas, but have encouraged the thieves by using the Mexican army to assist in getting the stolen property on Mexican soil and sharing in the proceeds. This condition of affairs has existed for years. During the administration of President Buchanan these frontier complications and outrages assumed so serious a character as to induce the Secretary of War, in 1860, to issue orders to Colonel R. E. Lee, then commanding the Department of Texas, to notify the Mexican authorities that they would be held responsible for the enforcement of the laws against these thieves and bandits. Colonel Lee not only notified the Mexican officials on the line of the Bravo as instructed, but also issued orders to his subordinates to see that the Mexican authorities performed their duty, and to that end, if necessary, to cross into Mexico.

Whatever might have been the temporary effect on the Mexican authorities at that time of the firm stand taken by the United States in giving protection to its citizens against these Mexican outlaws, the continuance of General Juan N. Cortina, the protector of the lawless bands, in the command of the line of the Bravo from 1870 to 1872 goes to show, on the part of the Mexican authorities, a wanton disregard of the authority of this government and of the rights of its citizens. A history of General Cortina's career while in command of the army occupying the northern frontier of Mexico, and prior to that time, would be in a great part but a history of the wrong and outrages which have been committed with impunity for years past on the residents of our southwestern frontier.

The civil administration of officers on the northern frontier of the republic of Mexico, with an exception or two, has been conducted almost wholly in the interest of the demoralized and lawless population living on that frontier, to which may be added the odium of its complete subservency to a military régime having probably no parallel in the history of the age for its utter disregard of human life and high-handed exercise of power. In cases brought before these officials by citizens of the United States for the recovery of stolen property, they have invariably defeated the ends of justice, either by a technical construction of the law, or by confessing their unwillingness or inability to grant relief.

CONCLUSION.

In submitting a report of their investigations into the alleged outrages committed on the persons and property of the citizens of Texas by armed bands of Mexicans and Indians, which is necessarily *ex parte* in its character, the commissioners are thoroughly impressed with its shortcomings in fully grasping the serious complications which have disturbed the peace and quiet of our southwestern border for so many years past. Extending back for twenty years and over a superficies exceeding one-half of the entire area of territory in the State of Texas, these frontier troubles are traceable directly to an unwise system of legislation regulating the commerce of the right bank of the Rio Bravo, which has made that frontier a rendezvous for the lawless, and a base of operations for an illicit traffic with the interior of Mexico and the United States, detrimental alike to the commercial prosperity of the two governments, and to the unorganized condition of society on the two banks of the Rio Grande, its natural sequence.

The great difficulty experienced in dealing with the disorders incident to this frontier is fully explained in the mistaken policy heretofore pursued in attempting to deal rather with the effect than the cause. To the absence of wholesome laws and honest agents to execute them may be traced the cause of these frontier feuds, while their effect is seen in a demoralized and unorganized condition of society, and the insecurity of life and property. That the civil authorities on the right bank of the Rio Bravo have been powerless to enforce their police regulations and to suppress the lawless bands that have operated from that frontier on the lives and property of the citizens of Texas is notoriously true, and, in the judgment of the commission, this condition of affairs on our southwestern border has assumed such a serious character as to merit consideration on the part of the United States as to the propriety of adopting such measures as will protect its territory from the incursions of hostile expeditions coming from a neighboring power unable to enforce law and suppress violence within its own borders.

On the 17th of March, 1858, a decree was issued by the supreme government of Mexico establishing a "free zone," its first article providing that "all foreign merchandise intended for consumption in the city of Matamoros and the other towns upon the bank of the Rio Bravo, Reynosa, Camargo, Mier, Guerrero, and Monterey Laredo, and the reciprocal commerce of these towns, shall be free from all imposts, except the municipal and those collected to defray the expenses of the state." From the text of the first article of this decree it will be seen that a free zone six miles in width, and extending along the entire northern frontier of the State of Tamaulipas, is established, into which goods can be imported from foreign countries free of duty. The right of the Government of Mexico to regulate its commerce to meet the necessities of its treasury cannot be questioned, unless this right is exercised in direct conflict with its treaty stipulations with, and the peace and good order of, a neighboring power. To what extent the decree of 1858, issued by the supreme government of Mexico, comes in conflict with the treaties now existing between the United States and that power, and its observance tends to disturb the peace and good order on the right and left banks of the Rio Grande, is a question calling for the most serious consideration on the part of the Government of the United States. The Constitution and laws in force in this country and Mexico, at the time of the ratification of the existing treaties between the two governments, formed the basis of the rule of intercourse between the two countries. The constitution of the Republic of Mexico, at the time this decree was issued, as well as at the present time, prohibited the granting of "privileges" to one State of the union not enjoyed by all the States alike. That the "free zone" grants privileges to the inhabitants of the northern frontier of Mexico not enjoyed by the people of any other part of that republic, cannot be controverted. That this "privilege" is granted so as to establish a depot for smuggling on our immediate borders, and is given to no other section of that country, is equally true. In violation of the spirit, if not the letter, of the existing treaties between the United States and Mexico, and in its operations inducing smugglers, adventurers, and thieves to flock to the right bank of the Rio Bravo, from whence they depredate on our exposed frontier, under the protection of the Mexican civil and military authorities, this decree, in its effect on the commerce and peace of the frontier, merits, in the judgment of the commission, the earnest and serious consideration of this government. To such an extent did this decree encourage smuggling and lawlessness, that eminent Mexican authority, at one time, estimated the floating population in the city of Matamoros at over forty thousand; and so bold were these outlaws in their operations, that within two years after the decree establishing this "free zone" was issued, they, to the number of three or four hundred, under the leadership of General Juan N. Cortina, crossed from Mexico into Texas, attacked the city of Brownsville, murdered several citizens, engaged the United States troops between that city and Ringgold Barracks, plundered the country through which they passed, and retired into Mexico.

For the better protection of our frontier against these bands of outlaws, until measures can be adopted by the United States to prevent their recurrence in the future, the commission recommend the employment of a sufficient force of cavalry to enforce law and protect life and property on the Rio Grande. And should the best interests of the country make it inexpedient to weaken the posts now garrisoned by this class of troops, it is recommended that a regiment of volunteers be raised, on the western frontier of Texas, for its protection, to be officered by officers of the Regular Army of the United States, detailed for the purpose, and to be used under the direction of the commanding general of the Department of Texas. The strict discipline of the Regular Army would, in our judgment, restrain the very natural tendency of volunteers to avenge indiscriminately individual wrongs. The commission, in making up their report, have taken *crum grano salis* many of the representations and much of the testimony given by persons residing on this frontier, mindful of the long-established friendship existing between the United States and the sister republic of Mexico; and that since the standard of Castile, after an ascendancy of three hundred years, disappeared forever from the continent, the Republic of Mexico has been rent with civil commotion, conspiracies, and insurrections. The commissioners have endeavored to point out with impartiality, in connection with the conduct of that government, the prime causes of these frontier complications, which, in their opinion, are ingrafted in the long-established frontier policy, and have been enforced by the army of that republic.

Respectfully submitted.

THOMAS P. ROBB,
F. J. MEAD,
RICHARD H. SAVAGE.
United States Commissioners to Texas.

Hon. HAMILTON FISH,
Secretary of State.

Mr. Fish to Mr. Nelson.

(Foreign Relations, 1873, p. 645.)

DEPARTMENT OF STATE,
Washington, January 22, 1873.

SIR: I transmit for your information a copy of a communication, of the 17th instant, addressed to this department by the Secretary of War, relative to a recent raid into Texas by cattle-thieves from Mexico. You will take occasion to mention the subject to the minister for foreign affairs, and to point out the expediency, on the part of the Mexican authorities, of endeavoring to check such depredations. If this should not soon be done, the exasperation of the immediate sufferers will inevitably extend to the rest of their countrymen, and retaliation will be demanded in a tone which it may be difficult to resist.

I am, &c.,

HAMILTON FISH.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1873, p. 661.)

LEGATION OF THE UNITED STATES,
Mexico, March 15, 1873.

SIR: Under date of the 3d instant, I directed a note to the minister of foreign affairs, inclosing copies of several communications transmitted by the Secretary of War of the United States to the Department of State, concerning recent depredations committed by persons residing in Mexico upon the property of citizens of the State of Texas. I pointed out the serious consequences that would inevitably follow if the Mexican authorities did not at once check these outrages, and invoked prompt and energetic action in the premises.

I have, &c.,

THOMAS H. NELSON.

Mr. Nelson to Mr. Lafragua.

UNITED STATES LEGATION,
Mexico, March 3, 1873.

SIR: I have the honor to inclose herewith copies of several communications transmitted by the Secretary of War of the United States to the Department of State, concerning recent depredations committed by persons residing in Mexico upon the property of citizens of the State of Texas. The state of feeling on the Texas border caused by these depredations is conclusively shown, as well as the absolute necessity on the part of the Mexican authorities to endeavor to check such outrages. If this should not soon be done, exasperation of the immediate sufferers will inevitably extend to the rest of their countrymen, and may lead to serious complications.

I beg to commend this subject to the special consideration of your excellency, and to invoke prompt and energetic action in the premises.

I remain, &c.,

THOMAS H. NELSON.

His Excellency JOSÉ MARIA LAFRAGUA,
Minister of Foreign Affairs, Mexico.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1873, p. 666.)

LEGATION OF THE UNITED STATES,
Mexico, April 25, 1873.

SIR: I inclose herewith a translation of a note from Mr. Lafragua, dated the 12th instant, with which he transmits a communication from the Mexican war department, of the 9th instant, stating that orders have been issued by that department for watching and pursuing cattle-thieves on the Texan frontier.

I have, &c.,

THOMAS H. NELSON.

[Translation.]

*Mr. Lafragua to Mr. Nelson.*DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, April 12, 1873.

SIR: I have the honor to inclose a copy of a communication addressed me by the war department in reply to one which I had sent to that department concerning the complaints of cattle-stealing in Texas made in a note from your excellency.

I renew to your excellency the assurance of my attentive consideration.

J. M. LAFRAGUA.

[Translation.]

*Mr. Mejia to Mr. Lafragua.*MINISTER OF WAR AND MARINE,
Mexico, April 9, 1873.

CITIZEN MINISTER OF FOREIGN AFFAIRS, present:

In reply to your communication, dated the 5th instant, in which you were pleased to inclose a copy of the note and documents which Mr. Nelson, minister of the United States, addressed to your department concerning a complaint of cattle-stealing committed in Texas by malefactors alleged to be Mexicans, I have the honor to state that this ministry has already issued orders, in so far as appertains to it, for watching and pursuing the thieves in question.

Independence and liberty.

MEJIA.

Extracts from the second report of the United States commissioners for inquiring into the depredations committed on the Texas frontier, appointed under joint resolution of Congress approved May 7, 1872.

(H. Ex. Doc. 257, Forty-third Congress, first session, p. 1.)

WASHINGTON, D. C., June 30, 1873.

SIR: The United States commissioners to Texas, appointed under joint resolution of the Senate and House of Representatives of the United States in Congress assembled, approved by the President on May 7, 1872, have the honor to submit the following report:

The preliminary report of the commissioners was submitted to you on December 10, 1872.

The appropriation for the support of the commission having been exhausted on October 10, 1872, it was necessary to await in Washington the provision of funds by Congress for a further prosecution of the duties assigned by the act of May 7, 1872, creating the commission. On January 11, 1873, the commissioners received your orders for departure, the appropriation bill having been signed, and the vacancy caused by the resignation of Commissioner Fabius I. Mead, of Mississippi, being filled by the appointment of Thomas O. Osborn, of Illinois, as commissioner.

On January 25, 1873, the commissioners assembled at New Orleans, La., being joined there by Secretary John H. Howe, who presented his credentials and reported for duty.

After a tedious delay, due to storms and the irregular communication with the Rio Grande, the commissioners having arrived at Brownsville, Tex., resumed their sessions at that point on February 6.

Mr. Anacleto Ximenez having received the appointment of translator, reported for duty.

The sessions held at Brownsville closed on February 25, and on February 26 the commissioners left that place, arriving, on April 19, at San Antonio, having, in the winter season, and notwithstanding the delays due to the epizootic, thoroughly examined the Rio Grande Valley, from the mouth of the river to Fort Clark. The route of travel was as follows: Brownsville to Ringgold Barracks; thence to Corpus Christi, on Corpus Christi Bay, from which place the commissioners moved to Laredo. Eagle Pass was the next halting-place; Fort Clark the next; and, via Uvalde, San Antonio was reached.

By the movements referred to the scenes of the alleged outrages on the Rio Grande were personally visited from the river-banks to the interior limit of the depredations, and from the shores of the Gulf to the highest point on the river where any considerable amount of property is exposed to the marauding Indian or Mexican.

Exhaustive sessions were held by the commissioners at Brownsville, Ringgold Barracks, Corpus Christi, Santa Gertrudes, San Diego, Laredo, El Sauz, Eagle Pass, Brackettsville, Fort Clark, Uvalde, and finally at San Antonio, where a closing session, embracing part of April and all the month of May, completed the open investigations of the commissioners.

During the travel and personal visits of the commissioners every effort was made to inform the border people of the objects of the investigation, and by personal explanation and correspondence it was sought to give the sufferers a full opportunity to record their alleged grievances.

San Antonio was selected for the closing sessions, as it is admirably adapted by position for such a purpose. Situated in the center of Western Texas it is the emporium of the trade of the Middle and Upper Rio Grande, and the distances to all the important river-towns do not vary much. Many witnesses were enabled to reach the commission by this arrangement who could not have otherwise done so.

Expense and safety of travel are important considerations to a scattered population on a frontier, and the commissioners feel that they have made every effort to secure a full and fair representation of the alleged outrages by giving every one interested an opportunity to present evidence. It is believed that the evidence and records in the possession of the commissioners do not leave unknown any of the causes which have brought about the present condition of peril to life and property in Western Texas.

The most thorough proofs have been obtained as to the cattle-stealing raids, with a full record of the deeds of such predatory bands of Mexican Indians as the Kickapoos, Lipans, Mescaleros, and others, together with valuable general testimony as to the operations of nomadic Indians upon the northern and northwestern frontiers of Texas.

The labors of the commissioners in their sessions of 1873 consisted in the taking of 736 depositions, which, with the depositions taken in 1872, are numbered continuously, and show a total of 1,090 depositions. These have been brought forward in support of 321 petitions filed in 1873, which, with the petitions filed in 1872, are 423 in number.

These outrages were fully described in the preliminary report of the commissioners, and no new features have been developed in the sessions of 1873, save that the number of petitions filed and the voluminous evidence presented indicate a startling condition of affairs.

The commissioners feel it a positive duty to call for the publication of the evidence taken to support these petitions, which merits the most searching examination. Many acts of positive outrage are minutely described by responsible witnesses, and their general statements are confirmed by the results of personal examination of the localities exposed to such raids.

The commissioners represent that in many cases proof cannot be obtained, eye-witnesses are not always available; a confusion of interests, and the method of allowing the cattle to run at large on the prairies, still further complicates the examination of a particular case.

An increase in the number of raids occurred after the departure of the commissioners from the Rio Grande, and in bitterness and determination the cattle-thieves are to-day far more active than last year. Conflicts are continually occurring with these marauders, and it only remains for the commissioners to call the serious attention of the government to these wanton attacks.

The people of Western Texas, numerically weak, and suffering from these outrages, cannot always present every feature of legal proof, as travel is unsafe when such marauders are on the roads. It is a difficult matter to report them promptly to the military authorities. These cannot always act so as to overtake expert and agile thieves, who carefully arrange their plans to avoid pursuit, and it is but seldom the settlers can personally pursue and recapture their property. The Mexican bank of the Rio Grande is the line of positive safety, and the thieves are usually ready and willing to make a halt there and regard their venture as a success.

When the scattered rancheros of the regions referred to shall have lost all self-control under this scourge, it is feared any action they may take will be vindictive and indiscreet.

The commissioners, in closing their report, desire to state that the general situation of the border, as described in their preliminary report of December 10, 1872, remains unchanged.

With the exception of the beneficial measures adopted by the United States Government in re-enforcing its troops on the line of the Rio Grande, the energetic orders of the department commander, and the smart blow inflicted upon the Kickapoos by the gal-

lant General McKenzie, the interests of Western Texas are in the same jeopardy as before.

The views and conclusions of the preliminary report are only strengthened by time and the further experience of the commissioners.

The serious state of affairs heretofore reported can only be concluded by the removal of the marauding Kickapooes to their proper reservation, the performance of plain duty by the Mexican river authorities, and an equitable adjustment of these claims.

Such an adjustment will demand the most careful and serious attention to prevent hasty judgment, or the exaggeration of interested parties.

The raids of Mexican marauders cannot be entirely stopped by the United States forces (however watchful), and it is presumed that the operations of the Texan regiment of volunteers, recently authorized by the legislature of Texas, will not bring about the desired result, which can only be brought about by a resolute determination on the part of the national government of the republic of Mexico to put down, in a most summary manner, these irregular bands of banditti, who for many years past have impoverished Western Texas, and wantonly shed the blood of her citizens.

The statements of the commissioners on all subjects connected with the investigation are drawn directly from the recorded evidence, and from the personal examinations which, under a sense of duty, they have carefully made from time to time.

Feeling deeply the present responsibility of the case and the need of a careful and immediate consideration of the subject in all its bearings, the commissioners hope that the border troubles will be speedily settled as justice demands, and they faithfully transmit the records of the individual claims, supported by all the evidence brought forward by the memorialists, a class of citizens whose personal sufferings have been grievous and who have described under oath their losses and the disorders which have so long delayed the further settlement of Western Texas, a region in other respects inviting an immediate and valuable immigration.

It is for the Government of the United States to open this region to improvement by giving to those who live under the shadow of its flag on the distant Rio Grande that effectual protection which they deserve, whatever be the cause militating against local peace and the safety of life and property, a protection due to the citizens and residents, whose members have been depleted by the arrow of the Indian and the knife and pistol of the Mexican assassin.

Respectfully submitted.

THOMAS P. ROBB,
RICHARD H. SAVAGE,
THOMAS O. OSBORN,

United States Commissioners to Texas.

HON. HAMILTON FISH,
Secretary of State.

Report of the joint select committee of the Texas State legislature, March, 1875.

(H. Report 343, 44th Cong., 1st Sess., p. 167.)

Hon. R. B. Hubbard, President of the Senate, and Guy M. Bryan, Speaker of the House of Representatives:

Your joint select committee, appointed to consider that portion of the governor's message relative to the "Mexican border troubles," have been engaged for some time in the performance of the duty assigned them.

Col. Santos Benavides and Capt. Refugio Benavides, of Webb County, and Col. John S. Ford, of Cameron County, Texas, all of them gentlemen of extensive information and large experience upon the line of the Rio Grande River, were summoned and appeared and testified before the committee. There was also laid before your committee, by his excellency the governor, the sworn statement of thirty-one citizens and residents of the Rio Grande border, living in the counties of Cameron, Hidalgo, and Nueces. Presentments of reports from the grand juries of the counties of Kinney and Frio were also before the committee.

The extensive personal knowledge and acquaintance of the Hon. Louis Cardis, of the house of representatives, and one of the members of the committee, with the condition of affairs on the El Paso section of the Rio Grande, was also availed of by your committee in the performance of their duty.

The limited fund placed at the disposal of your committee, and the short time allotted to consider the subject-matter involved in this inquiry, prevented the calling of more witnesses from other portions of the national border, and precluded a more thorough

investigation as to the origin and details of the difficulties, dangers, and losses with which our Rio Grande frontier has been visited for several years past.

All of the testimony above referred to, which is herewith submitted, having been carefully considered by your committee, we are instructed to report their findings and conclusions in the premises, to wit:

First. That there exists such a state of disquiet and general feeling of insecurity, both to persons and property, along the whole line of the Rio Grande, as to discourage, if not to forbid, any growth, prosperity, or material development in that portion of our State, and such a wholesale and open robbery by armed marauders from the republic of Mexico of the people of Texas, resident on and adjacent to that border, as to have almost impoverished them, which depredations on the Lower Rio Grande, as high up as the county of Starr, are committed exclusively by armed bandits from our neighboring republic, above said county, by marauding Mexicans and Indians.

Second. That these raiders and freebooters from Mexico, heavily armed and well mounted, make their incursions in large parties almost daily, and ride defiantly over the back country, for the distance of one hundred or more miles from the river, burn isolated dwellings, rob country stores, murder citizens, gather herds of cattle, and return with their plunder to Mexico, and when they reach the west bank of the Lower Rio Grande find refuge and protection, are in perfect safety, and enjoy, at their pleasure, their ill-gotten gains; and to such an extent do these marauders plunder and murder that the resident upon his isolated and distant ranch, who may discover them while gathering their herds of stolen cattle or passing them to Mexico, is intimidated and hesitates to give information as to their movements through fear of the terrible and never-failing vengeance of the bandit and his confederates in crime.

Third. That murders, to the number of one hundred and five, have been proven, by the limited evidence before your committee, to have been committed by these bandits and Indians, within the past three or four years, in the section of country below Eagle Pass, Mexico, and the murderers invariably find a refuge in Mexico, from whence the authorities fail and refuse, with but few exceptions, to return them when demand is made for their extradition. Among the notable instances of crime, where the criminal has been protected and a refuge given in Mexico, your committee mention that of the murder of Mr. Alexander, a quiet and gentlemanly merchant of the city of Brownsville, in 1872. He was traveling in his carriage, in Hidalgo County, upon the highroad, and in full view of a large settlement was halted and shot by a Mexican desperado. The murder was most wanton and unprovoked. The assassin was not even incited to the bloody deed by any animosity to the unhappy victim of his cruelty, nor does it appear that a desire to rob influenced the act, but that the fiend was actuated solely by a general hate of Americans and desire to take the life of any whom he might encounter. The assassin sought protection in Mexico, and it was afforded him for some time afterwards; and as long as he chose to remain there he could be seen almost daily in the streets of the city of Matamoros.

A Mr. Swift, an unoffending citizen of Refugio County, who, with his wife, was most foully murdered in his house. The murderer sought refuge in Guerrero, Mexico, where he was followed by citizens of Texas and identified; demand was made for his extradition, but the Mexican authorities declined to deliver him over to the authorities of his State to answer for his crime. One W. H. Green, as fugitive from justice, because of crimes committed in connection with the lunatic asylum, reached Matamoros in his flight from the grasp of the law. On demand for his extradition he was arrested and held only two or three days. His delivery to the State authorities was refused, and he was permitted to depart toward the interior of Mexico; and one Alberto Garza, a noted and dangerous bandit-chief, the principal actor in many murders, and in the robbery and pillage of the store of Mr. Schubert, at the village of Concepcion, in Duval County, in 1873, and the store of Mr. Blaine, at Los Olmos, in Nueces County, in 1874, as well as in many other crimes of robbery and murder, is protected, and a refuge afforded him in Mexico, from whence he is constantly raiding upon the lives and property of our citizens.

Fourth. That on the Lower Rio Grande, from Starr County to the Gulf of Mexico, these depredations upon the cattle interests have been so great, and have been carried on to such an alarming extent, that of the vast herds which but a few years back covered the great plains adjacent to the Mexican border, and which were such a source of profit to the thrifty and hardy herdsmen, and great wealth to the State, scarce 10 per cent. to-day remains to compensate the stock-raiser for his years and life of labor and toil; and of this amount, unless relief be speedily given, there will soon be not enough left to remind the stock-raiser of his once princely wealth, and of the almost countless herds which but a short time since bore his brand.

Fifth. That, although our Rio Grande border on the lower river has been almost entirely stripped of its wealth, and our citizens impoverished by armed marauders and bandits from Mexico, and the cattle of our people taken by them into the towns and cities and on the ranches of that country, our citizens can get no redress from the local authorities on the lower river in that republic. They often promise restoration, but

more frequently refuse; and when aid and assistance is promised to the Texas owner seeking his stolen stock, he is generally foiled and annoyed with circumlocution until the cattle are made away with, or he abandons his purpose in disgust, and leaves his property with the thief or his employé. In one instance, where stolen cattle were recently restored, the owner was required to pay a duty or tax, upon the plea that the cattle were introduced into Mexico without authority of law. There is much evidence showing that cattle of Texan owners have been found on the several ranches of General Cortina, in Mexico, near Matamoros, and implicating other officials with these robberies, from which it seems that, if they do not actually participate in these raids, they must certainly connive at the acts and share the profits of the plunder.

Sixth. That on the Upper Rio Grande, above the county of Starr, while the same character of depredations exist as before described, they are not carried on to such an extent, nor does there seem to be any system or organization among the marauders as there appears to be below. Along this line and adjacent country it appears that only about one-half of the cattle have been driven off by bandit Mexicans and Indians. While the same insecurity to life and property exist, the loss has not been so heavy, principally, your committee infer, because the local authorities of New Laredo, Mexico, and in the State of Nuevo Leon, Mexico, do not aid the thief in secreting, or protect his plunder. From the testimony of Colonel and Captain Benavides, both of whom many members of your committee know to be gentlemen of high character, it appears that the Mexican officials in the last named places afford our citizens every facility for recovering their stolen property, and are anxious to cultivate and maintain friendly relations with our people. That the authorities of New Laredo, Mexico, upon Captain Benevides informing them last summer of the organization of his company, and asking their co-operation, invited the captain that, should he be in close pursuit, to follow the robbers over the river. The testimony of these gentlemen is very strong and positive as to the good disposition and just intentions of those officials, and your committee are pleased to report the fact.

Seventh. That during the few months of the past year, when Captain Benevides commanded a company of twenty-five men in Webb County, and Telesforo Montez in El Paso County a similar company, those two counties and adjoining ones were kept quiet and the peace preserved; but since the disbanding of those small companies the bold and desperate bandit has again begun the work of plunder.

Eighth. That notwithstanding it is the duty and obligation of the United States to protect the State of Texas and her citizens against forays and plunder by armed aliens, that duty has been sadly neglected and that obligation disregarded, to the great wrong and injury of the people of Texas. The great door-way between Mexico and Texas has been left almost unguarded; the national forces upon the border, except in few instances, have been and are utterly inefficient for the service required to protect the Rio Grande line against such a foe as infests and depredates on that country, the number being too small under the system of management and movement of troops in the Regular Army to accomplish much good or to effect the necessary protection, no matter how good may be the intention or however willing the officers may be to fully discharge their duty in the premises. And although it is the duty of the Mexican Government to restrain the lawless and bandit portion of her population from depredating upon a friendly State, that duty is entirely disregarded, and your committee recommend that complaint thereof be made to the General Government by his excellency the governor. Your committee are decidedly of the opinion that on the whole line of the Rio Grande from the Gulf of Mexico to El Paso at the foot of the mountains, with the exception of in the towns and cities and under the guns of the United States garrisons and forts, there is no security or protection to the life or the property of the citizen or resident of Texas. The American citizen cannot dwell upon American soil or travel upon American highways or pursue his daily avocations under the laws, and almost in sight of the flag of his country as it waves above the Federal garrisons, without great risk and danger of forfeiting his life to the vengeance or of being reduced to utter poverty by the cupidity and robbery of armed marauders and bandits from the republic of Mexico, who make such profitable raids and dangerous forays upon American soil with impunity.

Your committee would earnestly recommend that suitable provisions be made by the legislature for the protection as far as possible of the lives and property of our citizens on the Mexican borders, trusting that ere long the Federal Government may do its full duty in the premises, and not only reimburse the State of Texas for the necessary expenditures in the performance of that duty, which rightfully devolves on the General Government, but will take such prompt and necessary action as may be required to indemnify our people for their past losses and give ample security for the future.

Adopted.

THE CORPUS CHRISTI RAID.

Mr. Cadwalader to Mr. Foster.

(Foreign Relations, 1875, p. 890.)

DEPARTMENT OF STATE,
Washington, March 29, 1875.

SIR: I transmit a copy of a letter of the 27th instant, and of the accompanying telegram, addressed to this department by the First-Assistant Postmaster-General, from which it appears that the post-office at Nueces, in Texas, has recently been robbed and burned, and a mail-carrier to San Antonio robbed and taken prisoner. The perpetrators of these crimes are not mentioned, but, according to newspaper reports, they were Mexicans from the other side of the Rio Grande. You will lose no time in bringing the subject to the notice of the minister for foreign affairs of that republic. Although it is not believed that the acts referred to were committed or instigated by officers in the service of the Mexican Government, they are obviously such as must create great resentment in the quarter where they occurred, and will probably lead to retaliation, which will result in augmenting the disquiet and sense of insecurity on the border.

It is presumed that the Mexican Government will omit nothing which may be in its power toward preventing such raids upon the territory of the United States.

I am, &c.,

JOHN L. CADWALADER,
Acting Secretary.

Mr. Cadwalader to Mr. Foster.

(Foreign Relations, 1875, p. 891.)

DEPARTMENT OF STATE,
Washington, March 31, 1875.

SIR: Referring to the instruction to you, No. 206, of the 29th instant, which was accompanied by a copy of a telegram to the Post-Office Department relative to the burning of the post-office at Nueces, in Texas, by marauders from Mexico, I now transmit a copy of a telegram from the governor of that State to the President, craving protection against similar acts. This will, of course, be given to the extent of the power of the government. It is expected, however, that the Mexican Government will restrain such trespassers, so far as it may be able so to do, by the direct application of force, or deter a repetition of their outrages by the prosecution of the leaders of the raids according to law.

I am, &c.,

JOHN L. CADWALADER,
Acting Secretary.

[Telegram.]

AUSTIN, TEX., March 30, 1875.

SIR: The depredations of organized bands of robbers from the republic of Mexico have of late increased in frequency and atrocity to an extent which threatens the depopulation of the Lower Rio Grande country. The alarm in the country between the Nueces and Rio Grande consequent upon these raids, in which our people are ruthlessly murdered and their property forcibly taken by the foreign desperadoes, is wide-spread, and unless relieved by some assurances of protection, must result in a general break-up of the settlements. On the 26th of this month a large party of these robbers penetrated the interior as far as within eighteen miles of Corpus Christi, robbing stores and ranches, and murdering and capturing citizens, and capturing and destroying United States mails. I appeal to your excellency for protection for the people of that country against these invasions of outlaws from Mexico, since they have been of almost weekly occurrence for several months past, and are increasing in force and boldness.

The citizens of that country have been compelled for the most part to move to the towns for protection, and no security exists outside of these corporations for life or

property, and the people in the towns, even, hold themselves in constant readiness for defense.

I trust that your excellency will deem it proper to give security to the people on the Rio Grande border, in view of the assurance I now give you that an extreme necessity exists for it.

Very respectfully,

His Excellency U. S. GRANT,
President United States.

RICHARD COKE,
Governor of Texas.

Mr. Crosby to Mr. Fish.

(Foreign Relations, 1875; p. 902.)

WAR DEPARTMENT,
Washington, April 19, 1875.

SIR: I have the honor to transmit for your information copy of reports of commanding-officer Ringgold Barracks, Texas, and Brigadier-General C. C. Augur, relative to raids by Mexicans into Texas.

Very respectfully, your obedient servant,

H. T. CROSBY, *Chief Clerk,*
For the Secretary of War, in his absence.

To the honorable the SECRETARY OF STATE.

Colonel Hatch to the Assistant Adjutant-General Department of Texas.

HEADQUARTERS RINGGOLD BARRACKS, TEXAS,
March 10, 1875.

SIR: I have the honor to call attention to the inclosed reports:

That of Mr. Avery, United States commercial agent at Camargo, Mexico, states, what I already know, that there is a body of men, numbering from seventy-five to one hundred, now on this side of the river at a point named Los Diez. On examining the point named, these men are found dispersed among the ranches of the Solesis, Grullia, and Los Diez, their horses picketed or ranging near them. They are represented as citizens of Texas, and should the military make any arrests, they will be so considered until we can catch them in a body armed. We are utterly powerless to make arrests. I inclose a tracing of the vicinity. The region is well known to me; it is a labyrinth of lakes and thickets, the ford at Los Diez being one of the most shallow and best on the river.

The party mentioned at the bend of the Tortuga is on debatable ground, between a large lagoon on the Texas side and the main channel of the Rio Grande. It is presumed that the precedent of the territory at the Bolca bend, decided by the United States court as Mexican territory, confers the same title to this land to Mexico. The territory was not alienated by the change of river channel subsequent to the treaty of Guadalupe Hidalgo.

Garcia, the chief mentioned, is or was a resident of Rio Grande City, an old adherent of Cortina. Although I have heard many rumors of a raid in force, I am under the impression that Cortina contemplates some movement, probably revolutionary, in Tamaulipas. Many of the river ranches on the American side are in sympathy with him, and will assist him with men, horses, and what is quite as necessary, supply his commissariat with stolen cattle. Small parties at various points cross on foot; whether they have crossed to avoid impressment or for the purpose of stealing, I am unable to learn.

Mr. Fulton, reported murdered, was a justice of the peace and hide-inspector, and as he has endeavored to enforce the law delegated to him doubtless accounts for his death.

During the month of February, I visited all outposts of the garrison, and I have no reason to change my views as to the manner of assuring security to life and property in the territory adjacent to the Rio Grande. To do so will require an armed force; whether furnished by the State or Army, this armed force should have authority to enforce such regulations as may be deemed necessary outside of the towns, to preserve good order and protect the country from marauding bands. Certain points on the river should be designated as crossings, and men and stock should be allowed passage only in daylight; and any attempt to pass otherwise should be held as a violation of rules, and evince of evil intent.

I would respectfully invite attention to the fact mentioned in Mr. Avery's letter, evidence that the State of Tamaulipas consider the residents of the Solesis and Grullas ranches citizens of Mexico. Trivial as the circumstance may seem at present, grave events might grow out of the case. The absurd ignorance of the authorities of the State of Tamaulipas extending its laws beyond any first-class power in existence; stretching its municipal authority beyond a foreign boundary; summoning by its local magistrates its citizens, who have acquired the right of domicile in foreign country, to appear before its tribunals, not for crimes committed by the citizens in violation of its own laws, but to obtain evidence to frame an indictment against the armed authority of a neighboring power, shows that they believe that they still have jurisdiction on this side. The people of the ranches mentioned are Mexicans, and few have declared their intention of becoming American citizens. In this precinct there are nearly a thousand families, with eleven registered voters, five of whom are entitled to vote.

I think the necessary arrangements are already made to drive out these marauders, and probably within a week they will all be out of the country. If this band in and about the Solesis, Diez, and Grullas ranches are not over the river by to-morrow, they will be driven out.

Very respectfully, your obedient servant,

EDWARD HATCH,

Colonel Ninth Cavalry, Commanding.

ASSISTANT ADJUTANT-GENERAL,
Department of Texas, San Antonio, Tex.

Mr. Avery to General Hatch.

COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,
Camargo, Mexico, March 6, 1875.

SIR: I respectfully submit to you the following information that I have obtained regarding an expedition that is now on foot in this vicinity. My information is derived from persons whom I consider reliable, residents of the ranches below this place, and who are in position to be well posted in the matter, and in imparting the following facts they could have no motive to deceive me.

From what I am told, it appears that, some three weeks ago, Cortina sent confidential letters to his retainers and friends, on whom he can rely, requesting them to be prepared, with arms and horses, for some expedition, of what nature they would be further informed. I am now told that, acting under these instructions from Cortina, many of the rancheros of Las Cuevas and vicinity have already organized, or are preparing to organize, on the Texas side of the river in considerable force. I am told that the appointed place of rendezvous is in a *potrero* in a bend of the river near Diaz ranch, between the Solesis ranch and the river.

What may be the ulterior motive for this gathering, I am not able to state. It may be for the purpose of joining in some revolutionary movement in the State of Tamaulipas as partisans of Cortina, or it may be for the purpose of making a formidable raid on some point in Texas; but the fact that they have their place of meeting on the left bank of the Rio Grande, I consider of sufficient importance to call your attention to the matter.

A resident of La Grulla ranch called on me to-day to translate for him a communication from your headquarters, asking a copy of the declaration he had made respecting an outrage committed at his ranch by a party of soldiers. He told me that he and others had been notified to appear at the juzgado to-morrow to give their information respecting the affray between the citizens and soldiers at Solesis ranch in January last. This information is called for by the State government. I will endeavor to obtain a copy of the declarations for you.

I am, sir, very respectfully, your obedient servant,

LUCIUS AVERY,

United States Commercial Agent.

General EDWARD HATCH,
Commanding Ringgold Barracks.

General Augur to Lieutenant-General Sheridan.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., March 30, 1875.

Lieutenant-General SHERIDAN,
Commanding Military Division of the Missouri, Chicago, Ill.:

The following telegram has been received from Colonel Potter, at Brownsville, Tex.:

"MARCH 29, 1875.

"Brig. Gen. C. C. AUGUR,
"Commanding Department of the Gulf, New Orleans, La.:

"There are many reports of a raid on the ranches in the vicinity of Corpus Christi, and of a threatened attack on Corpus Christi. Some ranches have doubtless been robbed and burned, some people killed, and some taken prisoners. The prisoners are reported to have escaped. These marauders have been driven from the vicinity of Corpus by the citizens, and at last accounts were retreating, with the citizens in pursuit. I have sent all my mounted force to intercept the robbers. General Hatch has sent troops for same purpose.

"Many depredations have been committed along the river above this point of late, and several persons have been killed. I believe these robbers are Mexicans, and that the most of them are from the other side of the river.

"There are probably several parties out for stealing cattle and robbing ranches. No reliable information as to numbers. Will inform you if I learn anything more definite.

"J. H. POTTER,

"Colonel Twenty-fourth Infantry, Commanding."

The above telegram came in response to one from me desiring to know if the telegrams in the paper referring to this invasion were true. There appears to be sufficient truth in them to show this to be the most serious raid made by Mexicans into our territory for many years.

You know as well as I that the Mexican Federal Government has no control of affairs in the Rio Grande frontiers, and is powerless, if so disposed, to restrain these raiders, some of whom are doubtless most of the time residents on our side of the river, and in case of arrest, could easily prove themselves to be good and quiet American citizens, and could cause the officers arresting them to be in turn arrested by the civil authorities for false imprisonment, as is frequently done.

It is not necessary, however, to say anything about the condition of the frontiers to you, who have been so long familiar with it.

Colonel Potter has one company of cavalry; Colonel Hatch has five; and were it not that the residents on this side are mostly Mexicans, and in sympathy with the raiders, and keep them informed of the whereabouts of the troops, they might accomplish something.

They may do so as it is, though it will be under great difficulties.

C. C. AUGUR,
Brigadier-General, Commanding.

Mr. Ulrich to Mr. Hunter.

(H. Report No. 343, 44th Cong., 1st sess., p. 147).

UNITED STATES CONSULATE,
Monterey, Mexico, April 27, 1875.

SIR: Supposing that everything connected with the late raids into Texas by Mexicans from this side of the Rio Grande will be of interest, I have the honor to inform the department that a few days ago there passed through Monterey, under guard of a detachment of troops of the general government, ten prisoners, said to be a portion of the Corpus Christi raiders—all of them Mexicans—captured on this side of the Rio Grande, and supposed to be *en route* for the city of Mexico. I think it well here to give a hint to the department, that on the arrival of these prisoners at the capital an effort may, perhaps, be made to prove them to be Texas-Mexicans, which can easily be done, it being almost impossible to distinguish the Mexican people of our side of the river from those here. Whatever may be proved in this case, it will be difficult to convince any one here that the prisoners referred to are not residents of this republic. Besides, one thing is beyond a doubt, that if any of the raiders be Texac-Mexicans, their

raids are organized on this side of the river, and we generally here have intimations when one is about to take place.

About six months ago we had notice, through floating rumors, that a large body of Mexicans, said to be several hundred, were gathering at Guerrero, or thereabouts, to make an attack on the American settlement, a place called Dogtown, or at some point in Texas on the Rio Grande between Laredo and Eagle Pass. A few weeks after hearing these reports, which we did not credit at the time, a raid was made into Texas, not, however, by so large a body of men as reported, and considerable damage done.

About four weeks before the last raid on Corpus Christi, and soon after General Hatch's operations at Las Grullas, persons coming from the Lower Rio Grande reported that, at many of the ranches on their route, on this side of the river, rumors were current that armed Mexicans were congregating at a point on this side of the Rio Grande for an attack on Edinburg, or some other place, to retaliate on the Texans for the conduct of General Hatch and his troops at Las Grullas. This was not followed by an attack on Edinburg, but by the last raid on Corpus Christi. There is no doubt from the conduct of these raiders but that, although plunder was the main object, retaliation for Hatch's course entered into their plans. The taking of prisoners men and women, the marching them along their route, can be explained on no other ground than that they wish to treat Americans as Mexicans from Las Grullas were treated by our military authorities. If this be true, the raiders certainly acted under orders or suggestions from parties occupying a higher position than themselves. The instigators, taking advantage of the known disposition of this class of their countrymen to plunder, used this propensity to have them add insult and cruelty to their acts. There is more than one man in Tamaulipas who would be willing to pursue a course like this, to show their hatred and contempt for the "Gringos." There exists no disposition on the part of the Mexicans anywhere on this frontier to censure the acts of these raiders. All whom I know, or have heard speak on the subject, being at all times ready to excuse them and to justify their acts, as being produced by the equally bad conduct of the Texans; a position wholly untenable and unfounded in fact, as there are no organized bodies of Americans, or Texas-Mexicans, depredating on this side the Rio Grande, and we rarely hear of any stealing on this side by people from Texas. In fact, the Mexican side of the river is too poor to offer any inducements to thieves. There is no doubt these raids are entirely owing to the demoralized condition of the mass of the people of the State of Tamaulipas and the class of men who hold office in that State. From Laredo to El Paso we hear nothing of raids by Mexicans on Texas, and there are really no persons in the State of Coahuila, on our line, who are disposed to such conduct. About Eagle Pass there is harmony, arising principally from a community of interests between the populations on both sides of the river, and that is the only point where there is any considerable number of persons living on the line between Laredo and El Paso. The proof of this harmony lies in the fact that over one-half (at least 1,500) of the population of Eagle Pass are Mexicans, who have gone from this side of the river to enjoy greater peace and security in Texas. The State of Tamaulipas alone, from Laredo down, furnishes the material for these raids, and the killing of less than two hundred well-known scoundrels in that State will, I really believe, put an entire stop to them. The Mexican Government can hardly apply this remedy. No regular government troops can be stationed on the line; they will desert *en masse* and cross into Texas. The officers know this, and always keep the regulars away from the frontier. Volunteers, or irregulars, recruited in this and the adjoining States, could be kept on the line. This, however, as affairs are here, is also impracticable. Five hundred volunteers taken from the rancheros of the frontier, armed and mounted, would be a dangerous body to the general government, as in case of political disturbances always possible in Mexico, they would form a nucleus for an "army" to assist any revolutionary chief to carry out his schemes. So neither regulars nor volunteers being a practicable means of keeping the peace on the frontier, the general government would seem to be powerless to act in the matter. American troops, on our side, so far, have proved inefficient. Under these circumstances the only practicable course would appear to be (and if it can be done with the consent of Mexico all the better), to draw a line from Matamoros to Laredo, in Mexico, covering a strip of territory about, say, twenty-five miles in width, put our troops on that, and defend Texas from the Mexican side. That will do it, and in default of Mexican regulars, at posts short distances apart, on this side; nothing else will. General Hatch's recommendation, that the Rio Grande Valley should be placed in the hands of the military, would have been of more value had he proposed, at the same time, applying his remedy to this side of the river.

No half-way measures will answer in treating with Mexicans. There is no trait in the national character more striking, in all of them, high or low, than their utter disregard of consequences from any act. In every position of life, as servants, mechanics, lawyers, or governors, or merchants, they are never controlled, in any of their doings, by fear of future responsibility. There must always be shown them that there is a watchful eye on their movements and a hand ready to strike. Fear alone will restrain

them, and that must be fear of direct and immediate chastisement for misconduct. They are gamblers by nature, and are always ready to risk their all on a chance. They respect persons of no nationality but the Spaniards, and these only, as they understand from long experience their mode of treatment, which, from the conquest till now, has always been brutal, while they despise the American, who, from education and training, is disposed to treat every one on terms of equality, kindness, consideration, and a disposition on the part of any one to treat them as equals only elicits their contempt; and although these are their personal traits, they carry them into every relation of life. Nothing but the "hard hand" will keep them straight, either as individuals or as a nation.

The statements in this communication may, perhaps, give no information which is not already in the hands of the department. I make them merely to assist, if possible, in remedying the sad state of affairs on our side of the Rio Grande, and in the hope I may aid in bringing about such a state of affairs as will not only protect our citizens in Texas, but Americans in every part of Mexico; which result is certainly demanded by the peculiar character of this people and their feeling toward us, which is not of the most amicable character, however their dislike may be covered up by surface politeness, which is one of their most striking characteristics.

I have the honor to be, your obedient servant,

J. ULRICH,
United States Consul.

Hon. WILLIAM HUNTER,
Second Assistant Secretary of State, Washington, D. C.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1875, p. 909.)

LEGATION OF THE UNITED STATES.

Mexico, May 4, 1875.

SIR: In accordance with the instructions received in your dispatches Nos. 206, March 29, and 207, March 31, I communicated to the Mexican minister of foreign affairs copies of the inclosures to those dispatches relating to the burning of the post-office at Nueces, Tex., and the outrages committed in that State by Mexicans, as set forth in the telegram of Governor Coke to President Grant, and stated to the minister that the Government of the United States expected that the Mexican Government would omit nothing which might be in its power toward preventing such raids upon the territory of Texas, and that it would do everything possible to secure the punishment, according to law, of the perpetrators of the outrages referred to. I also expressed the hope that I might, at an early day, be able to inform my government of such action having been taken by the Mexican Government as would satisfy its just expectations, restore peace and order to the exposed citizens of Texas, and quiet the complaints now being made in the United States.

Under date of the 17th instant, Minister Lafragua addressed me a note in reply, a copy and translation of which I inclose, in which he states that after receipt of notice of the unfortunate events to which my note refers, a special recommendation was sent to the government of the States of Nuevo Leon, Coahuila, and Tamaulipas, urging the adoption of the most efficacious measures for guarding the frontier, arresting the marauders, and preventing a repetition of similar deeds; that the same instructions were sent through the department of war to the military authorities of the frontier, increasing at once the force on that line, and inclosing a telegram from General Escobedo, reporting the arrest of eight persons supposed to be connected with the recent raid. Mr. Lafragua closes his note by assuring me that his government was using all the means within its reach to secure the pacification and tranquillity of the Rio Bravo frontier, and to prevent, so far as it may be possible, the repetition of similar outrages.

Not having any later communication from the Mexican Government, and being desirous of transmitting you by the mail of the steamer, closing to-night, any further information which the Mexican Government might possess, I called upon Mr. Lafragua at the foreign office on yesterday. In answer to my inquiries, he stated that a number of persons, suspected of being connected with raids into Texas, had been arrested, and that the authorities were exerting themselves to ferret out and secure the punishment of the guilty parties; and he hopes at an early day to inform me of the success of these efforts, but that at present he was not able to furnish me further intelligence.

I called his attention to the newspaper reports of additional raids and outrages in

Texas committed by marauders from Mexico, which were in part confirmed by the official information in the mail, just received by me, and which I would transmit to him, and that I could not too strongly impress upon him the importance to the peace of that border of the Mexican Government, adopting the most stringent measures for the punishment and repression of these continued outrages.

In this connection I alluded to one of the sources of irritation growing out of the refuge in Mexico of Indian tribes from the United States, and to the bad conduct of Mexican officials in connection with the recent efforts of United States commissioners to secure their return to their reservations, which will be made the subject of a separate dispatch. I also stated to him that one of the most fruitful causes of these border troubles grew out of the encouragement and favor shown the marauders by Mexican local authorities; that the history of the frontier disturbances and crimes established the fact that when the officials on the Mexican side of the Rio Grande were men of good character, maintained friendly relations with, and furnished information to, the American authorities on the Texas side of the river, and honestly sought to punish the offenders in Mexico, murder, robbery, and raiding into Texas were very infrequent and the border troubles insignificant. But, on the contrary, when the local authorities were men of bad character, and unfriendly to the United States, marauding bands were numerous, they always escaped into Mexico with their booty in safety, and were never punished by the courts. I did not claim that the federal government could always guarantee the honesty and good faith of the local authorities, but it should make an earnest effort to inspire these officials, especially those under its direct orders, with the cordial and friendly spirit toward the United States, and desire for the peace of the frontier, which the Mexican Government itself constantly expressed. I referred to the bad reputation which General Cortina sustained in the United States, to the general impression as to his hostility toward the people of Texas, and to the fact that his name was almost always connected, in some way, with the newspaper reports of the raids on the Lower Rio Grande, either as instigating, protecting, or profiting by them; and that his removal by his government to some other part of the republic would have a very salutary effect upon that frontier, and be accepted as an act of conciliation and peace toward the United States. Mr. Lafragua remarked that General Cortina was not now in the military service of the government, but was acting in a local civil position, as alcalde or mayor of the town of Matamoros, to which I replied that while such was the case, he still held his commission as general in the army, was receiving pay from the federal treasury as such, and was subject to orders of the government, and, as I understand, could be transferred by it at any time to any other part of the republic. I then referred to a conversation which I had held in his absence with Mr. Arias, chief clerk of the foreign office, on the 30th of November last, in reference to Cortina's interference in securing the escape of the fugitive defaulter Hamilton (a report of which interview I made to the department in my dispatch, No. 214, of December 1, 1874), and that Mr. Arias informed me that the war department had already ordered an investigation into his conduct. Mr. Lafragua stated that such investigation had been engaged in by General Escobedo, but that it had been found necessary to transfer the case to the civil authorities, who were prosecuting it, to which I replied, that five months had elapsed since I had made complaint of General Cortina's course, and, meanwhile, during the delay in deciding upon his conduct, the raids continued, and increased in vigor, and that public rumor implicated him in one form or another in them. Mr. Lafragua acknowledged that it was desirable to effect his removal from the frontier, but the government was embarrassed in adopting measures to that end, especially on account of the personal troubles between General Cortina and Governor Canales. In that event, I remarked that it might become necessary for his government to decide whether the objection to his removal, growing out of his personal relations toward Governor Canales, would outweigh the embarrassments likely to arise with the government in case of his retention and continued complicity with the raiding and outlawry in Texas.

In closing our interview on this topic, Mr. Lafragua said that he would call the attention of the President to all of my representations, and that I might be assured that the government would omit no possible effort to restore and preserve peace on the Rio Grande frontier. In closing, I have to acknowledge the receipt of your dispatch, No. 214, of the 14th ultimo, and to report that I have transmitted a copy of its inclosure, giving details of the burning of the post-office at Nueces, Tex., to the Mexican foreign office for its information.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Lafragua.

LEGATION OF THE UNITED STATES,
Mexico, April 14, 1875.

SIR: I have been instructed by my government to promptly bring to your excellency's attention the depredations and outrages which have recently been committed in the State of Texas, near the Rio Grande, by raiding bands from Mexican territory, and to ask that your excellency's government will adopt such energetic and decisive measures as may be necessary on its part to punish the offenders and restore and preserve peace and order on that frontier.

The Department of State has been officially informed by the Postmaster-General that the post-office at Nueces, in Texas, was, on the 26th ultimo, robbed and burned, and a mail-carrier to San Antonio robbed and taken prisoner. I inclose copies of the correspondence on the subject.

Although it is not believed that the acts referred to were committed or instigated by officers in the service of the Mexican Government, they are obviously such as must create great resentment in the quarter where they occurred, and will probably lead to a retaliation, which will result in augmenting the disquiet and sense of insecurity on the border.

I also transmit to your excellency a copy of a telegram from the governor of the State of Texas to the President of the United States, in which he represents in strong language the state of alarm and insecurity in the country between the Nueces and Rio Grande, in consequence of the depredations of organized bands of robbers from the republic of Mexico; and in which he calls upon the President for protection to the people of that region against the invasions, which are increasing in force and boldness.

This protection will, of course, be given to the extent of the power of the Government of the United States; but I am instructed to state to your excellency that it is expected that the Mexican Government will omit nothing which may be in its power toward preventing such raids upon the territory of the United States, and that it will do everything possible to secure the punishment, according to law, of the perpetrators of these outrages.

It will be very gratifying to me, at an early day, to be able to inform my government of such action taken by your excellency's government as will satisfy its just expectations, restore peace and security to the exposed citizens of Texas, and quiet the complaints now being made in the United States.

Your excellency will please to receive upon this occasion the reiterated assurances of my high consideration and esteem.

JOHN W. FOSTER.

His Excellency J. M. LAFRAGUA,
Minister of Foreign Affairs, Mexico.

Mr. Lafragua to Mr. Foster.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, April 17, 1875.

SIR: In your note of the 14th of this month, your excellency is pleased to call my attention to the recent outrages committed on the bank of the Rio Grande by bands organized and proceeding from Mexican territory, inclosing therewith documents relating to the robbery and burning of the post-office in Nueces, Tex., and the telegram addressed by the governor of the State of Texas to President Grant, asking him to extend protection to people of that region, and expressing the hope that on the part of the Government of Mexico the most energetic and efficient measures may be taken for co-operating with that of the United States in restoring tranquillity to that frontier, where the people are greatly alarmed, and the excitement which there exists being liable to lead to retaliations which will augment the disquiet and insecurity that reign upon that frontier.

In reply, I have the honor to state to your excellency that, after the government received notice of the unfortunate events to which your excellency refers, it addressed a special recommendation to the government of the States of Nuevo Leon, Coahuila, and Tamaulipas, urging that they should order whatever measures they might judge proper for guarding in the most efficacious manner the frontier, and for discovering and arresting the authors of those outrages, if they should seek to take refuge in Mexican territory, striving with all diligence to avoid a repetition of similar deeds.

The department of war, to which was also addressed a similar "excitative," to the end that on its part it should adopt the necessary measures, has issued its orders to the same effect, increasing at once the armed force on that line; and, as a result of

these various measures, said department has received the communication, a copy of which I have the honor to inclose herewith to your excellency, it being proper to add that the individuals who in it are said to have been apprehended, are held as prisoners at the disposition of the federal government, it having been ordered that they be tried conformably to law, and that the punishment be applied to them which they deserve.

In the future the same strict vigilance will continue to be exercised by every class of authorities, to the end that tranquillity may be restored on that frontier, and a repetition of these scandalous deeds be prevented.

I can assure your excellency that my government is using all the means within its reach to secure the pacification and tranquillity of the Rio Bravo frontier, and to prevent, so far as may be possible, the repetition of similar outrages.

Besides, fresh reports have been requested of the corresponding authorities, which I shall be careful to communicate to your excellency as soon as they are received; and meanwhile it is pleasant to renew the assurances of the sincere regard and very distinguished consideration with which I have the honor of being your excellency's attentive servant,

J. M. LAFRAGUA.

His Excellency JOHN W. FOSTER,

Envoy Extraordinary and Minister Plenipotentiary of the United States of America

General Mejia to General Escobedo.

DEPARTMENT OF WAR AND MARINE,
Mexico, April 6, 1875.

CITIZEN MINISTER OF FOREIGN AFFAIRS: Citizen General Mariano Escobedo, in a telegram of to-day from Monterey, reports to me the following:

"The authority of Mier reports to me, on the night of the 2d, thirty Mexicans crossed the Rio Grande, carrying some clothing which they had stolen in Villa Nueva, Texas, where they burned a store; and these men on crossing the river dispersed, taking the road to the river San Juan. The police arrested two of them, and they declared that they were taken by the force which are servants of that village. The authority of Camargo reports to me eight individuals have been arrested in that municipality, mounted and armed, appearing of bad character, of the band to which reference is made, which passed between this place and Mier. This I communicate to you for your information."

I have the honor to inclose this to you for your information, and the effects thereto pertaining.

Independence and liberty.

MEJIA.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1875, p. 916.)

LEGATION OF THE UNITED STATES,
Mexico, May 14, 1875.

SIR: In my dispatch, No. 279, of the 4th instant, I transmitted a copy of my note to the Mexican minister of foreign affairs relative to the late raid into Texas, with his reply thereto, and also a report of an interview which I had with the minister upon this subject. On the 3d instant I sent the minister a copy of the inclosure of your dispatch, No. 214, of the 14th ultimo, giving further information concerning the burning of the post-office at Nueces, Tex., and other outrages.

Under the date of the 7th instant, the minister, Mr. Lafragua, transmitted to me copies of communications received by him from the department of war and from the governor of the State of Tamaulipas, in reference to the measures ordered to guard the Rio Grande frontier and the progress had in the trial of the persons arrested upon suspicion of having taken part in the raid into Texas.

It will be noticed that the measures cited in said communications were taken very promptly by this government, ten days or two weeks before the date of my first note to Mr. Lafragua, under instructions of the department, making formal complaint of these outrages.

In a note of the 11th instant, in thanking Mr. Lafragua for the information furnished,

I stated that I would forward it to my government, which would doubtless be gratified to learn of the measures adopted, especially if they should prove efficacious in preventing the passage of the Rio Grande of further bands of outlaws to commit depredations in Texas.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Lafragua.

LEGATION OF THE UNITED STATES,
Mexico, May 3, 1875.

SIR: I inclose herewith to your excellency a copy of a communication, sent through the Secretary of War to the Department of State of my government, giving fuller information in relation to the burning of the post-office at Nueces, Tex., and other outrages, which were the subject of the note which I addressed to your excellency on the 14th ultimo, and to which I had occasion to refer in our interview of to-day.

Your excellency will please accept the assurances of my high consideration and esteem.

JOHN W. FOSTER.

His Excellency J. M. LAFRAGUA,
Minister of Foreign Affairs, Mexico.

Mr. Lafragua to Mr. Foster.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, May 7, 1875.

SIR: In acknowledging the receipt to your excellency of your note of the 3d instant, and its inclosure relative to the outrages which have recently been committed in Texas, I state to your excellency that, in conformity with what I communicated to you in my note of the 17th ultimo, there have been ordered, both by this department and that of war, all the measures which have been thought most proper for the arrest, trial, and punishment of the criminals which may have sought refuge in Mexican territory. As your excellency will see by the copies which I have the honor to inclose, and which are of a communication from the governor of the State of Tamaulipas, and of two others from the department of war, the guard of the line of the Bravo has been increased, and the arrested men, who had crossed the Rio Grande below Roma, after the preliminary investigations having been made, have been sent under secure guard to Saltillo, where they are at the disposition of the government for assigning them to the proper authority, according as the circumstances of the case may require.

I reiterate to your excellency the protests of my distinguished consideration and esteem.

J. M. LAFRAGUA.

To His Excellency JOHN W. FOSTER,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

Mr. Mejia to Mr. Lafragua.

DEPARTMENT OF WAR AND MARINE,
Mexico, April 12, 1875.

CITIZEN MINISTER OF FOREIGN AFFAIRS: Colonel José L. Christo, in a communication dated the 29th of March last past, states to me the following:

"As I had the honor to say to you in my telegram dated yesterday, I to-day send you a certified copy of the letter of the citizen Mexican consul in Brownsville, sent to me on the date stated therein, as also the newspaper which I received inclosed therein. By both of these you will be pleased to be informed of the recent events which have occurred in Texas, and the authors of which are said to be Mexicans from our territory, which, in my judgment, cannot be the case; granting that it is correctly stated that some Mexican robbers pass from this side to Texas, as also those from that side to this, they only engage in the robbery of cattle and horses, and never attack a town, as has occurred in the present case; for this reason my opinion is that the wrongs are committed by individuals resident in Texas itself, who, in consequence of local State questions, have risen up as a kind of insurrectionists against the government of Texas. Notwithstanding this, the same day on which I received the said letter, I sent a force of cavalry to pass along the bank of the Rio as far as Reynosa, and I will keep it con-

stantly in this service in order to be on the watch and to be prepared, both for anything which may occur and to furnish an opportune remedy, of which I will make report to your department, asking you, citizen minister, to give me orders for the manner in which I should proceed in this matter, as I greatly fear that, with the ideas only peculiar to Texas, efforts may be made to complicate the events, making us appear responsible for acts with which we have had no connection."

I quote this to you for your information and its proper effects, inclosing to you copies of the documents which are cited.

Independence and liberty.

MEJIA.

Governor Echarte to Mr. Lafragua.

GOVERNMENT OF THE STATE OF TAMAULIPAS,
Victoria City, April 22, 1875.

CITIZEN MINISTER OF FOREIGN AFFAIRS, MEXICO: With due promptness the government of this State has addressed the authorities of the line of the Bravo, making known to them the contents of the telegrams which your superior authority was pleased to send me in your worthy communications of the 3d instant, relative to the local disorders or crimes committed in the interior of Texas, which outrages are supposed to have been perpetrated, in part, by some malefactors resident in Mexico, who avowedly went to those regions to commit acts of vandalism; with the object that these authorities may report to this superior authority the information which they may obtain, but especially with the object of preventing the crossing to American territory of any Mexicans to commit crimes, and also of arresting those who may have committed crimes there, and who may come seeking a shelter in our communities.

You will please, citizen minister, to make known to the citizen President that there have already been taken the proper measures by this government, in order that there may not be the least occasion of complaint against the authorities of the frontier, stating to you that, on receiving the reports which have been called for, I will communicate them to your department for your superior information and in compliance with the request in your worthy note cited.

Independence and liberty.

FRANCISCO ECHARTEA.

A. PERALES, *Secretary.*

Mr. Fish to Mr. Foster.

(Foreign Relations, 1875, p. 924.)

DEPARTMENT OF STATE,
Washington, May 20, 1875.

SIR: Your dispatch No. 279, of the 4th instant, relative to Mexican raids in Texas, has been received. The assurances of a disposition on the part of that government to check them, which have been given to you by Mr. Lafragua, are satisfactory, so far as they go. Those maraudings, however, have of late been so frequent, bold, and destructive that they have occasioned much excitement in the public on this side the river, which will probably lead to an expectation that acts on the part of that government will show the sincerity of its professions. We are informed that a few of the raiders have been arrested on the Mexican side, and that probably they are on the way to the capital for trial. It is hoped that, if the proof should warrant their conviction, they will receive a full measure of punishment according to law, so that their fate may serve as an example for deterring imitators.

I am aware of no purpose here of acquiring an extension of territory on that frontier. If, however, as has been suggested to us, that government is embarrassed by the risk of desertions in sending a regular force to that quarter, it might not be indisposed to allow United States troops to cross and temporarily occupy the territory whence the raiders are in the habit of coming. The tract for such occupation might be embraced in a line drawn from Matamoros to Laredo. You will consequently sound the minister for foreign affairs on this point, and report the result.

It may be regarded as frivolous to seek to justify the hostile incursions into our territory on the ground of retaliation for similar excursions from this side. There have been none such, and proof of the contrary is challenged. Indeed, the charge is improbable on its face, from the fact that Mexico, near the border, holds out no temptation to plunderers from this side, while the reverse is the case in respect to baits in Texas for Mexicans.

I am, &c,

HAMILTON FISH.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1875, p. 943.)

LEGATION OF THE UNITED STATES,
Mexico, June 26, 1875.

SIR: Referring to your dispatch No. 228, of the 20th ultimo, relating to the Mexican raids in Texas, I have the honor to report that I, this morning, called at the Mexican foreign office and had an interview with Mr. Lafragua, in conformity with instructions contained in your dispatch. As the conversation had a wider range than the specific topic presented by me, I deem it important to give you a somewhat extended report of the interview, in order to enable you the better to understand the political condition of this country and the embarrassments which surround the present administration. I referred to the receipt by you of my dispatches, in which I had communicated the assurances given by Mr. Lafragua of the disposition of the Mexican Government to do all within its power to repress the Rio Grande border troubles, and to the satisfaction with which they had been received; but I stated that these assurances alone were not sufficient, in view of the fact that the maraudings from Mexican territory continued to be frequent, bold, and destructive, and caused much public excitement in Texas; that it was expected that more energetic measures would be used by the Mexican authorities. Mr. Lafragua said his government had done all that was possible up to the present; that it had issued stringent instructions to the authorities on that frontier, and had arrested several of the supposed raiders, as he had previously informed me, and that their trial was progressing. He had seen the report of the preliminary examination, the first stages of the trial, and that while the suspicions of guilt were strong, he feared it might be difficult to obtain proof sufficient to convict them upon trial.

It may be proper for me to state in this connection that these prisoners have not been brought to this capital for trial as your dispatch infers, but they were taken by the troops to Saltillo, the capital of the State of Coahuila, and, by order of General Escobedo, division commander, were placed on trial by a military commission; and he was about to administer to them summary punishment, when, by orders from the supreme government at this capital, he was instructed to suspend the military proceedings, as unwarranted by law, and to turn them over to the judicial authorities for civil trial.

Mr. Lafragua said the troubles on the border were an evil common to both sides; that raids occurred from Texas into Mexico as well, and referred to the reported assault of Texans recently on Cortina's hacienda, in the State of Tamaulipas. I asked him what information he had on the subject, when he replied, nothing but the newspaper reports; no official information had been received.

I then gave him the declaration contained in your dispatch, that no incursions had been made into Mexican territory from Texas, and that proof was challenged to the contrary. I asked him to furnish me with any information he might have to substantiate the statement which he had just made to me, as the department at Washington was in possession of none such, and it was desirable that both governments should be informed as to the real situation. Mr. Lafragua promised to examine the data in his department and ask information of the governors of Tamaulipas and Coahuila, and advise me of the result. I remarked that I supposed your declaration referred to recent times and events, and may not have been intended to reach back for years; what both governments were concerned about was to punish the recent depredators and to repress the depredations for the future.

Mr. Lafragua said that your interview with Mr. Mariscal had been fully reported to him, and that the border troubles had been much discussed and considered by the President and cabinet; that it was apparently impossible to suppress the evil absolutely; that all that could be expected was to restrain and diminish it as much as possible; that the long line of confterminous territory made it impracticable to station an army along the whole extent of the frontier; and he asked me if I had any measures to suggest to remedy the disorder. I replied that I deemed it quite feasible to adopt measures to so repress and diminish the raids as to make them lose importance and cease to be a cause of complaint. In the first place the locality of the troubles was not along the whole line of the extensive border of the two countries, but was mainly confined to the comparatively small portion of it between Matamoros and Laredo, on the Rio Grande; and that it was practicable to so garrison that region as almost entirely to put an end to the raids.

I then mentioned that it had been suggested to you that the Mexican Government is embarrassed by the risk of desertions in sending troops to that quarter. Mr. Lafragua answered that this was one reason, but there were others. The situation of the country would not permit it, as the revolutionary state of affairs in Michoacan, the troubles on the Guatemala border, and the pending elections required troops at many and very distant points; and, besides, in the condition of the treasury the government could not afford to maintain a large army on the Rio Grande frontier. I replied that, if I understood him correctly, there were three reasons why his government was

unable to maintain peace and restrain raids from Mexico into Texas: First, troops could not be sent to that quarter without fear of desertions; second, the internal troubles of the country rendered it impossible; and, third, in the state of the national treasury a sufficiently large force could not be maintained on the Rio Grande. I then stated that I was authorized to assure him that my government had no information of any design for acquiring an extension of territory on that frontier, but the governor and citizens of Texas were clamorous in their demands upon the Federal government for protection; and that the public press in the United States, in reporting these frequent incursions and depredations, was creating a strong public sentiment in favor of an aggressive and vigorous policy on the part of the government. The acknowledgment of the inability of his government to restrain the lawlessness of its own citizens, as just made by him, would afford the strongest possible argument to whatever advocates of the acquisition of territory there might be in the United States.

Mr. Lafragua said the adoption of any such policy would be a greater evil than the present troubles. I replied that, however much both governments might regret it, in the light of such facts, with the continuance of the raids, the spirit of territorial acquisition could not fail to increase.

I then told him that, as he had asked me to propose a remedy for these evils, I would venture to do so.

I was not blind to the present political situation of Mexico, and felt that what he had stated as to the embarrassments which rendered it difficult for his government to put an end to the troubles on the border was, unfortunately, in a measure true. But it was in the power of the Government of the United States to provide a remedy, with the approval or consent of that of Mexico. I referred to the embarrassments under which the American Army on that frontier labored; that it either had no notice of the organization of raiding bands on the Mexican side of the river, or, if it had such notice, was powerless to disperse them; and that the bands were generally able to cross the river, avoid the posts, commit their depredations, and recross in safety before they could be overtaken by the troops, as the frontier line was a barrier which afforded them complete protection. It is this barrier which renders the American Army in a great measure powerless to prevent or punish this outlawry.

The remedy which I would propose is permission for the regular troops of the United States to follow the raiders across the border when in close pursuit, or, what would be still more efficacious, permission to temporarily occupy certain points on the Mexican side where the raiders are accustomed to cross the river. I was of the opinion that then the troubles would soon cease. But Mr. Lafragua said the executive has no authority to grant such permission without the consent of Congress, and it would not be prudent to ask for this consent; the sentiment of the country would not approve it; and he referred to the indignation occasioned by the passage into Mexican territory of General Mackenzie. I replied that General Mackenzie crossed without authority from either government; but, if permission was given, the necessity for it would be known to the public, and there would be no violation of national sovereignty, and good citizens ought to be satisfied.

I am, &c.,

JOHN W. FOSTER.

Governor Coke to General Ord, commanding Department of Texas.

(H. Report 343, 44th Congress, first session, p. 73.)

EXECUTIVE OFFICE, STATE OF TEXAS,
Austin, April 24, 1875.

GENERAL: Your dispatch of the 20th came during my absence from the capital. I have to say in reply that I will, to the extent that I have the power, co-operate most heartily with you in an effort to give protection and peace to the people of the Rio Grande border.

Your suggestion, that I direct civil officers authorized to make arrests to accompany your mounted troops on duty in that country, I have no authority or power to accede to. Justices of the peace and sheriffs or their deputies would be necessary for the issuance and execution of warrants of arrest. These are local officers, who have authority only within the territorial limits of their respective counties, and whose duties are defined by law. They are not subject to the orders of the governor or under his control. I will request these and all other officers of the State government to use all their legal authority in aid of the efforts of your troops to bring to punishment the marauders who have been, and are now, invading Texas from Mexico. This is all that I can do in that direction. The tenor of the dispatch of the General of the Army to you, embodied in

yours to me, indicates that the State authorities are expected to deal with these troubles in the first instance, to be aided when necessary by the troops under your command. I cannot but believe that this view results from want of information of the actual condition of affairs on the Rio Grande. The country between the Rio Grande and Nueces has been invaded and plundered, and many of the citizens killed, by organized bands of marauders from Mexico. Of this there is no doubt or question. I am in daily receipt of information of the most atrocious outrages committed in that country by these bandits. There is no domestic disturbance there. The courts are being held and the law administered as usual, except when interfered with by the invaders from Mexico.

The civil officers need no aid, and none is asked for in executing the laws of the State among the people of the State, but that country has in many parts been actually depopulated. The people have left their ranches and gone to the towns for protection. Many have been killed and a large amount of property has been burned and otherwise destroyed, and much has been taken and carried into Mexico. No security exists there for life or property, and the people are imploring assistance and protection. All this is the work of marauders from Mexico, not a casual, exceptional, or rare condition, but the climax of the series of outrages that have been for years past perpetrated on that country by the same people, which have grown bolder each year, until they have become intolerable, and must be checked or the country abandoned to these foreign robbers. The General Government of Mexico acknowledges its impotence to restrain these invasions, while it is believed to be susceptible of proof that the authorities of some of the States of the republic instigate and approve them.

It does seem to me that these circumstances clearly distinguish the question here from that presented in an isolated and casual case of an unauthorized foray of foreign marauders, whom the State should deal with for an infraction of the laws, and mark it as one proper to be dealt with by the National Government with energy and vigor. To throw upon Texas the burden of defending a national boundary against such constant, persistent, and open attacks, while she is contributing her quota to the support of the Army and Government of the United States, would surely be unjust, while, to my mind, a clear deprivation of her Constitutional right to be defended at the expense of the common government. She is already maintaining at heavy expense two companies of mounted men on the Lower Rio Grande, but the great extent of the line to be guarded and the character of attack to be met demands much more extensive and comprehensive means and measures, besides resources beyond the ability of the State to command. The expense of assisting in the defense of the Indian frontier which the State has been compelled to incur is very onerous, and if to this is to be added that of protecting the Mexican frontier, the burden will be greater than the State can bear.

If the condition of affairs on the Rio Grande were properly understood at Washington, I do not believe that any difference of opinion would exist between the authorities there and the government of Texas as to where the burden of protecting the people of the Rio Grande border should rest. I hope it will yet be properly understood and acted on there. In the mean time I tender to you, general, all that is within the power of the State government to do, in co-operation with the efforts of the United States forces under your command, in procuring peace and a feeling of security for the people of the Rio Grande country.

I would be pleased to be informed by you from time to time of such facts on this general subject in connection with the movements of your troops as you may be at liberty to communicate and as might be important for me to know.

Very respectfully, your obedient servant,

RICHD. COKE,
Governor of Texas.

General E. O. C. ORD,
San Antonio, Tex.

Governor Coke to President Grant.

(H. Report 343, Forty-fourth Congress, 1st sess., p. 76.)

EXECUTIVE OFFICE, STATE OF TEXAS,
Austin, May 29, 1875.

MR. PRESIDENT: It again becomes my duty to call your attention to the extraordinary condition of affairs in that portion of the territory of this State bordering the Rio Grande River, and extending back for the most part to the river Nueces. The invasion of that country by predatory bands from the republic of Mexico, to which your attention was called by my communication of March 30, continues unabated, and is of a

character to be no longer borne. Citizens are being murdered, thousands of cattle being driven across the Rio Grande, the roads are infested with bands of robbers, ranches and plantations are abandoned, the owners seeking safety in flight to the towns, and on account of the terror in the country, and the absence of any security for life or property, revenue-officers of the State are unable to assess or collect taxes.

The country must be defended, or our people and jurisdiction be left to the mercy of foreign robbers. The forays which have devastated and are daily desolating that country, have been for a year past and are now growing bolder in execution and more extensive in their proportions, and give abundant evidence that they are the manifestation of an organized and settled purpose to overrun that country. General Cortina, a notorious Mexican bandit, who, on a former occasion, invaded that country with a large force, is believed to be one of the principal instigators of the present war on that border. I have two companies of State troops on duty in that country, but they, as well as the forces of the United States, are powerless as long as the Rio Grande River is an inviolable line, beyond which the invaders cannot be pursued. There is, in my judgment, no efficient mode of defending the Texas border other than through retaliatory measures on the territory and people west of the Rio Grande. The information I give you as to the deplorable condition of that country, and the imminence of a sanguinary border-war, is corroborated fully by General Ord, in his correspondence with me. Necessity for prompt action exists, and must be taken by the State authorities unless the arm of the General Government is interposed in our defense. I respectfully but earnestly ask that relief be given, and the State authorities relieved of the responsibility of dealing with this subject, which pertains properly to the national administration.

I invite the attention of your Excellency to the inclosed extract from a letter written by myself on this subject to General Ord, commanding in this department, which gives my views more in detail.

Very respectfully, your obedient servant,

RICH'D COKE,
Governor.

His Excellency U. S. GRANT,
Washington, D. C.

EXECUTIVE OFFICE, STATE OF TEXAS,
Austin, May 24, 1875.

GENERAL:

* Referring to yours of the 15th, I have to say that on the 30th day of March last, I communicated to the President the condition of the country between the Rio Grande and Nueces Rivers, in as strong terms as I could command, and urged the necessity for immediate relief. I gave him full information of the continued invasions from Mexico, which then, as now, destroyed all security for life or property in that country. I will immediately communicate again to him the same facts. I differ, however, somewhat with you as to the proper remedy for this state of affairs. I do not believe that a remedy for the evils this country labors under is to be found in a suspension of the writ of *habeas corpus*, or of the civil laws, if authority existed in any executive officer to order such suspension.

The prime cause of the disturbed condition of the Rio Grande border is the continuous invasion by lawless men from Mexico of that country. The Mexican population on this side of the Rio Grande are usually a tractable, docile people, perfectly submissive to lawful authority, whether civil or military; that has always been their history. There are a great many most excellent citizens among them—indeed a great majority of them are of that character. If lawless men from Mexico who invade that country were kept out, the civil authorities would have no difficulty in dealing with law-breakers among the citizens of Texas of Mexican origin.

These invasions have been occurring so regularly, have been so bold, and have been marked with such impunity that the Texas Mexicans, who are simple people—many of them very ignorant—peculiarly exposed as they are to the depredations of these robbers, have been led to doubt the ability of our government to give them protection, and through ignorance and fear for the safety of themselves and property rather than sympathy for the marauders, have, in some instances, given them aid and comfort. If assured of protection against the vengeance of these bandits, they are well disposed and loyal to our government, and will perform their part in expelling them from the country.

I do not believe that there is any necessity for putting these people under martial law or for suspending the writ of *habeas corpus*, but think that they should be relieved of the domination of invaders from Mexico by holding the people and territory on the west side of the Rio Grande responsible. If this were done, and the power of the govern-

ment manifested in behalf of the people on this side of the river, the work would be accomplished, and in my judgment, *nothing less* will do it.

Impunity has emboldened the invaders, and has subjugated a large portion of the Mexican population on this side to passive acquiescence in their raids. If terror were stricken into the invaders, and their insignificance demonstrated by prompt action on the part of our government, the Mexican citizens on this side would be relieved of their fears, and feeling assured of the ability as well as the will of the government to protect them, would need no other stimulus to a discharge of their duties as citizens.

No force that the United States Government will probably keep on the Rio Grande can prevent the invasions which disturb that country. Peace cannot be secured by confining the operation of troops to this side of the river. As long as the west bank of the river is an inviolable sanctuary for the marauders, they will depredate on us as heretofore.

There is no stipulation in the treaty of Guadalupe Hidalgo which entitles us to demand the delivery of Mexican citizens who come upon our territory [and commit offenses. They may murder and rob at pleasure, and be perfectly safe if they can cross the Rio Grande before pursuers can catch them. The river is fordable almost anywhere above Brownsville, and the country is peculiarly favorable for predatory operations.

Whenever Texas is successfully defended against the invaders, it must be done through retaliatory measures upon the people and territory west of the Rio Grande. In my judgment, as long as the Mexican Government is unable or unwilling to control her lawless population, there is no other mode of defense.

I have sent General Steele, an officer of intelligence and discretion, to the Rio Grande to investigate and report upon the condition of that country and the causes of the disturbances there, and the best means of quieting them and producing a feeling of security among the people. I instructed him to pass through San Antonio and confer with you on the subject.

I would be much pleased to see you here *en route* north. I desire sincerely to act in full harmony with you in whatever is done for the restoration of peace on the Rio Grande, and believe that a personal interview having that object in view will result advantageously. A meeting of the board of directors of the State Agricultural and Mechanical College, of which the governor is president, was some time ago ordered at Bryan on the 1st of June. I will leave Austin on the last day of this month to attend that meeting, to be absent until the 6th or 7th proximo. I speak of this because you express the intention to pass through Austin about the 1st of June, and a desire to see me, and with the hope that your business or convenience will permit an accommodation of your movements to the necessity which constrains my absence at the time indicated, as I desire very much to confer with you.

Very respectfully,

RICH'D COKE, Governor.

General E. O. C. ORD,

Brigadier-General, U. S. A., Commanding Department of Texas, San Antonio, Tex.

General Ord to the Assistant Adjutant-General.

(H. Report 343, 44th Cong., 1st sess., p. 78.)

CHICAGO, ILL., June 3, 1875.

COLONEL: Before leaving San Antonio, Tex., I received a letter, dated May 24, from the governor, Richard Coke, in which he argued that, as a matter of policy, propriety, and ability, it devolved on the general government to at once take steps to check the invasion of the country on the Lower Rio Grande, by Mexican marauders, in armed bands, who were plundering the country, murdering inhabitants—Americans—and driving peaceable citizens into the towns; and the governor states, in his letter, that there is no law, State or Federal, authorizing him to call out a force to repel the invasion, and he does not see how he can do it.

About the time his letter was dated, his adjutant-general passed through San Antonio, *en route* to the frontier, consulted me, and then went on to examine into the extent and character of the invasion, and since my arrival here I have received the following dispatch:

SAN ANTONIO, TEX., May 29, 1875.

Brig. Gen. E. O. ORD,

Care Assistant Adjutant-General, Military Division of the Missouri, Chicago, Ill.

The following telegram was received to-day from Gov. R. Coke, State of Texas:

"Your dispatch received. I have written the President to-day, if the Federal Gov-

ernment does not act promptly in defense of Rio Grande border, the State authorities must and will, with such force as is adequate to its protection, certainly not less than one thousand men, and most probably more."

J. H. TAYLOR,
Assistant Adjutant-General.

I learned from post commander at Ringgold Barracks, on the 28th, that the State troops had replaced a company of the Ninth Cavalry, which I had called in from Edinburg, and that they would probably, under orders they had received from the governor, cross the river in pursuit of marauders. As the force of State or United States troops now there is entirely too small, to warrant its crossing, and that of the Mexican bandits, I am informed by the military commanders there and by Colonel Davis, inspector-general, are able to muster probably two thousand well-armed men on their side of the river, and about a thousand on the side that we used to claim, all ready to assemble on short notice, such crossing would probably be disastrous. I therefore recommend that a regiment of white cavalry be at once placed at my disposal for service on the lower river, and, if practicable, a light-draught iron-clad be sent to the Brazos, by the Navy Department, provided with a sufficient number of steam-launches to patrol the Rio Grande. The latter measure would, I am informed by intelligent gentlemen living on the river, be better than a regiment of cavalry to stop the marauding; it could show continually where parties had recently crossed into American territory, or might be crossing, and as the telegraph is being laid on the banks, cavalry stationed along the river (an exceedingly crooked one) could get notice and proceed to the point and take the trail. As it is now, these bands can, and do, assemble at points on the east bank of the river, decided to be Mexican territory, and, under cover of the dense chaparral covering the country, can be well in the interior before cavalry could get on their trail, though the latter may have patrols out nightly and be within a few miles of the crossing.

I will add that the civil and military authorities all agree in their statements that the country on the east bank of the river, outside of the towns, is virtually in the hands of these marauders; that no civil process can be served on them or the inhabitants (their confederates) where the civil officer is not accompanied by a strong force; that the few Americans left on the lower river are in daily dread of being plundered and murdered; that they write to me, in the language of Deputy-Collector Box, of Edinburg, "In fact we, the Americans living in this county, live all the time in dread. It has become so common for the bandits to cross the river and murder Americans, that we think it is only a question of time as to our lives."

I am, colonel, very respectfully, your obedient servant,

E. O. C. ORD,
Brigadier-General, Commanding.

Col. R. C. DRUM,
*Assistant Adjutant-General, U. S. A.,
Headquarters Military Division of the Missouri, Chicago, Ill.*

Special report of Inspector-General Davis, United States Army.

(H. Report 343, 44th Cong., 1st sess., p. 143.)

SAN ANTONIO, TEX., May 14, 1875.

SIR: I have the honor to submit the following special report of affairs in this State along the Rio Grande, briefly alluded to in my letter from Fort Brown, for the information of the War Department.

The importance of the subject seems to demand some action to correct the existing evils, and for the protection of the United States troops while in the proper discharge of their duties.

From good and reliable information it is established as a fact that organized bands of armed Mexicans cross over the river from Mexico into Texas, where they are joined and aided by their leagued confederates, Mexicans, to steal cattle, horses, and mules, rob stores and houses, and massacre unoffending and innocent persons, in the country between the Rio Grande and the Nueces River. This marauding upon the section of country named has been carried on for years, more or less, but for the past year it has been practiced to such an extent that life and property are insecure, and the better classes of people having property, and especially Americans, are fleeing to the towns for the protection of their lives; among these are persons who have lived in the country and with Mexicans for many years.

Messrs. Fulton, Morrell, Lovell, Hill, and Walker are the victims among Americans,

or some of them, who have this year fallen by the hands of these Mexican assassins. Others have been fired at, and warned that a price has been paid for their heads, or that they are "marked," and their time will soon come. The deputy collector at Edinburg, and sheriff there, I was told, had received such warning from across the river. Lovell was a deputy collector and postmaster, I believe, at Carrizo. Mexicans are also killed. Any one who aids in arresting and bringing to justice these brigands, or gives information regarding their cattle-thieving or murders, place their own lives in jeopardy from the vengeance of these bloody highwaymen. Soldiers, while in the lawful discharge of their duties, have been shot down, murdered and mutilated, by these marauding Mexicans, and now three lie in a felon's prison under the indictment of murder, of which they are innocent, and were so declared at the time of the affair by a coroner's inquest, which was quite thorough in the investigation and lasted three days. Officers are indicted and tried for various offenses, for simply attempting to protect life and property against the lawless acts of these Mexicans. The civil authorities, such as Mexican justices of the peace and juries, are more or less colleagues of the marauders, and aid them, or are afraid to punish them. If current report can be believed, they are in collusion with and are in fear of them.

About January 26, a patrol of one non-commissioned officer and four men were sent out from Ringgold Barracks to patrol and watch the river, and prevent the Mexicans running cattle across into Mexico. At night, while this patrol were bivouacked at or near a ranch, El Grullo or Solice, some sixteen miles below the post, it was fired into from the ranch. The non-commissioned officer went to the head man of the village and asked the cause of this attack; getting no satisfaction, and seeing many armed men there, he returned to his men, saddled up and moved off; but a short distance from the ranch this patrol was ambuscaded, fired upon, killing two soldiers; a brisk skirmish ensued resulting in two or three of the attacking party being shot, as reported; the sergeant barely escaped with his life, having been pursued within one and a half miles of the post; two others also escaped through the chaparral back into the interior and reached the post next morning.

In the attack, or firing at the ranch, one Mexican was killed. The coroner's inquest before alluded to, the evidence of some of the principal and most reliable of the Mexicans there, cleared the soldiers of said patrol of the charge of having shot this man; and to confirm this, the ball was extracted, which proved to be a smaller and different-shaped ball from those used by the troops. Nine Mexicans were, by the coroner's inquest, indicted for the murder of the soldiers. A justice bailed them on a small bail. At the term of court held in Rio Grande City, last month, three of these indicted Mexicans were there held for trial under an indictment of the grand jury. The soldiers of the patrol who survived the attack were summoned as witnesses, and were in attendance upon the court as such, when they were indicted for the murder of the Mexican killed at the ranch, and from whose body was extracted the spherical ball mentioned, and thrown into prison. They were brought before Judge Ware on a writ of *habeas corpus*, who offered to release them on \$500 bail, the smallest bail allowable, I am told, in such a case. The statutes of Texas, I am informed, require bail from property-owners in real estate, which excludes officers from bailing out these men. Citizens would willingly do it but for fear of the vengeance of the Mexicans guilty of the lawless acts stated, and the loss of their property and even their own lives.

These soldiers paid \$100 to a lawyer for his services when their case was brought before the judge on the writ of *habeas corpus*.

Is this not a case which demands the action of the government to protect the lives of good soldiers, faithfully discharging their duties, against the bloody hands of these Mexican assassins and their abettors, and this, too, without any expense to the soldier? Furthermore, are these men to lie in a foul prison till the next term of court, next July, or will the strong arm of justice and protection release them?

The arms, horse-equipments, money, &c., taken from the soldiers killed, were on the other side of the river, and the Mexicans publicly talked or boasted of the murder and plunder. This is common practice I am told.

It is said and believed that all of these marauders are under the control of Cortina; that he has principally armed them. They are well armed with improved breech-loading rifles and pistols. It is said by those well posted that he can, on short notice, assemble at his command fifteen hundred or more well-armed men on his side of the river, and one thousand on our side. He is the head and front of this offending, apparently; he has his partisan subleaders. These Mexicans openly boast that they can, and yet will, clean out the Americans south of the Nueces River. They are fast doing it; they claim this country as theirs. The State of Texas has troops, "rangers," operating along and south of the Nueces. There is reason to fear that they may, in their rage and indignation, injure innocent persons.

There is a slip of land on the Texas side of the Rio Grande claimed as Mexican territory, and I was told in Brownsville it had so been decided by the district court. This constitutes a place to rendezvous for raids, facilitates smuggling, &c. The question simply is whether the old or the existing channel of the Rio Grande, under our treaty

with Mexico, is the boundary between the two countries. The Mexicans exercise civil authority on this side, as reported.

The above is a general outline. Details can be had at the military posts and from citizens.

The subject in question is an important and mixed one. That action, to correct existing evils and prevent more serious trouble, is urgently demanded, is apparent.

Very respectfully, your obedient servant,

N. H. DAVIS,
Inspector-General.

Inspector-General R. B. MARCY,
War Department, Washington, D. C.

War Department telegrams relating to increase of troops at Fort Brown and use of naval vessels on the Rio Grande.

(H. Report 343, 44th Cong., 1st sess., pp. 79, 81.)

[Telegram.]

HEADQUARTERS ARMY OF THE UNITED STATES,
St. Louis, Mo., June 14, 1875.

The ADJUTANT-GENERAL UNITED STATES ARMY,
Washington, D. C. :

Telegram of 12th instant through proper channels from headquarters Department of Texas states that Captain McNally, commanding company of Texas troops, had an engagement June 12th near Palo Alto, about fourteen miles from Fort Brown, with Mexican cattle-thieves, killing twelve of them and losing one killed and two wounded. Bodies of killed carried into the post and recognized as belonging to Matamoras.

Report says party crossed to rescue that attacked by Captain McNally, and a company sent from Brown to cut it off. Colonel Potter has been called on to report if he needs more troops. Should he need them, orders have been given to furnish. General Ord says infantry may be needed from New Orleans if Cortina crosses. General Sheridan advises the government to send a vessel of war to mouth of Rio Grande, and also a good swift tug to patrol the Rio Grande. Thinks there is a steam-tug at Savannah, or launch at New Orleans which might answer for the latter.

In absence of General Sherman,

WM. D. WHIPPLE,
Assistant Adjutant-General.

[Telegram, dated Washington, D. C., June 15, 1875. Received at West Point, N. Y.]

General W. W. BELKNAP,
Secretary of War :

Colonel Potter, at Fort Brown, telegraphs through Colonel Taylor, at San Antonio, dated yesterday, that Cortina is arming followers and threatens to revenge those killed by McNally's company. Colonel Potter wants more troops in obedience to my instructions. Colonel Taylor has ordered to Brown three more companies cavalry and one of infantry, increasing his garrison to six companies of infantry and five of cavalry, enough, unless, as may be expected, the Texas troops drive the Mexican rancheros from our side of the river to Cortina, who will be tempted to use them in a border war. As soon as I can learn about the steam-launches, shall start for Texas.

E. O. C. ORD,
Brigadier-General.

[Telegram.]

CHICAGO, June 16, 1875.

General W. T. SHERMAN, *Saint Louis, Mo :*

The seemingly well-authenticated fear that Cortina may organize a force to retaliate on account of the just punishment administered a few days ago to the Mexican band of marauders has caused General Ord to increase the garrison at Fort Brown by three companies of cavalry and one of infantry. This, it is thought, will be enough to meet all the wants of the service in and about Matamoras; but the naval vessels and steam-tug should be sent as heretofore requested.

P. H. SHERIDAN,
Lieutenant-General.

[Telegram.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 16, 1875.

Lient. Gen. P. H. SHERIDAN, *Chicago, Ill.:*

The Secretary of War directs me to inform you that the following letter has been addressed—but still held under advisement—to the Secretary of the Navy:

"The President will be pleased to have you station one or two naval vessels at or near the mouth of the Rio Grande River, Texas, and to instruct their commanding officers to co-operate with and assist the United States and State troops by patrolling the river to the head of navigation, to prevent marauding bands crossing from or recrossing to Mexico. Steam-launches would probably perform the best service on the river."

E. D. TOWNSEND,
Adjutant-General.

[Telegram.]

HEADQUARTERS, MILITARY DIVISION OF THE MISSOURI,
Chicago, Ill., June 16, 1875.

General E. D. TOWNSEND,
Washington, D C.:

There is a well-founded fear that Cortina may retaliate for the just punishment administered a few days ago on a band of Mexican robbers; and, although the garrison at Fort Brown has been increased by three companies of cavalry and one of infantry, still I would recommend that the President make his conditional order about naval vessels and a tug to the Rio Grande a positive one.

P. H. SHERIDAN,
Lieutenant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 17, 1875.

Lient. Gen. P. H. SHERIDAN,
Chicago, Ill.:

Telegram received. It is now learned that the President's instructions for stationing naval vessels on Rio Grande have already been issued, being sent by him direct to Navy Department.

Secretary of War has also requested the President to direct the sending of a tug to the Rio Grande from Savannah or New Orleans. General Ord, now here, has telegraphed this information to his headquarters with necessary instructions.

E. D. TOWNSEND,
Adjutant-General.

The sheriff of Hidalgo County, Texas, to General Ord.

(H. Report 343, 44th Cong., 1st sess., p. 107.)

EDINBURG, TEX., June 7, 1875.

DEAR SIR: Inclosed please find statement to the questions as per your letter.

If affidavits and certified copies of inquests held over dead bodies of Americans who have been murdered in this county by Mexican bandits be required, I will take pleasure to forward to you the same on demand.

Edinburg is not a town, only a small village. In this place we are only six American residents. Our population are Mexicans, and only about thirty Americans in this county. Since the United States troops have left this place our lives have been in danger, and it has become a question of time with us in regard to our lives.

On my part, as sheriff, I will say that I cannot execute the laws of the State, for I am entirely helpless in the performance of my duties.

Criminals are fleeing from justice and cannot be brought to justice for their actions. Our extradition treaty has been violated on every occasion, which can be proved if required.

I beg of you, if there is any possible means of securing some protection in our behalf; or even if we could have the presence of the United States troops, it would be

sufficient for the salvation of our lives and property here, and the laws could be enforced with some protection to the officers.

Our border is entirely open; we have no troops nearer us than Ringgold Barracks, which is fifty miles from here; Fort Brown is seventy-five miles from here so; we have one hundred and twenty-five miles of this border unprotected.

I am, your most obedient,

ALEXANDER J. LEO,
Sheriff of Hidalgo County, Texas.

E. O. C. ORD,
Brigadier-General, United States Army, Commanding, San Antonio, Texas.

The deputy collector at Roma, Texas, to General Ord.

(H. Report 343, 44th Cong., 1st sess., p. 105.)

CUSTOM-HOUSE, ROMA, TEX.,
Collector's Office, June 9, 1875.

DEAR SIR: Your communication of May 25, asking many questions relating to past and present frontier affairs, was received; and, in reply thereto, most respectfully will submit the following statement:

I came to Texas in 1846, with the army of occupation, in Company H, Second Regiment United States Dragoons; and was discharged at Saltillo, Mexico, 1847; have been a permanent resident of Starr County from 1849 to 1866, when I engaged in mining operations at Dolores mines, Vallecillo, (about sixty miles from Rio Grande River, in Mexico), until the year 1872, but during those six years made frequent visits to Texas; during the year of 1873 I resided in Nueces County, and since April, 1874, have been again permanently here in Roma, Starr County, employed as deputy collector of customs at this port.

The first invasion by Mexicans into Starr County was in the latter part of the year 1859, known as the celebrated Cortina raid, who crossed the Rio Grande in Cameron and Hidalgo Counties; were mostly from Matamoros and the ranches on the border, as high up as Camargo.

Since 1866 armed bands of Mexicans from the State of Tamaulipas, have crossed into Texas through the counties of Zapata, Starr, Hidalgo, and Cameron, very frequently during each year, and for the purpose of stealing cattle. At the beginning they came in small parties, say, from five to ten men, but of late years in parties from twenty to one hundred men, crossing the river anywhere from within twenty miles of its mouth all the way up, either in ferry-boats or at the fords, which latter are many and numerous, for about nine months of the year. You never see but one or two together when in the act of crossing, and generally well mounted, armed, and provisioned for the road. On a certain day and at a certain place designated, either in the back part of the counties mentioned or the other counties joining (such as Duval and Nueces), they all meet, make their *rodeos* (gatherings) in the nearest range where are, or at least used to be, found plenty of cattle belonging to the Americans, start back again for Mexico the same day, through any of these frontier counties agreed upon, according to the news received by each man from their Mexican friends living at or near any ranch where they crossed the river into Texas and the point which appears to be the safest and least guarded by civil or military forces. Should the military forces accidentally arrive at the place they intend crossing the stolen herd, the raiders will be immediately informed by express from their Mexican allies, and another route will be taken and pursued until they are all successfully across the river and in Mexico. Many such herds of cattle have passed through this county above Roma, but the most of them have crossed below Rio Grande City and Ringgold, and will continue to the end of time unless a new boundary is established between the two countries or the Mexican Government takes measures in preventing it by not allowing any of their citizens to cross into Texas without carrying a proper document or passport from the American consul residing in Matamoros, Camargo, Mier, Guerrero, or New Laredo, proving their character and legitimate business in Texas.

During the last few years, and particularly these last months, the raiders have become more bold and daring; in place of confining themselves to the stealing of cattle, they have commenced robbing American stores and ranches and murdering many citizens in the adjoining counties. Starr County has not suffered much from these outrages, for the reason that outside of the towns of Rio Grande City and Roma (the first having about fifty and the latter about five Americans) are no Americans to be found. All the stock-raisers in this county, excepting two living at Rio Grande City, are Mexicans, who keep their stock well in hand and herded, and will frequently lose

a few head of cattle which run into the stolen herds passing through from points farther interior; but I do not think the losses of Starr County sum up to over one thousand head for each year.

The Mexican stock-raisers in the county have not been interfered with by the raiders, unless the raiders have found out that some one of them have given information to our civil or military authorities; then they will send them word by some friend that they had better leave Texas, for the next trip they will rob their cattle and kill them if found at their ranches; and I have known several instances of this kind, where the Mexican stock-raisers have left the country with their stock and gone to some town in Mexico to reside for future safety.

The continuation and increase of these raids I cannot account for, except complete success and profit resulting therefrom up to this date. I knew but one citizen in this county, since the Cortina raid of 1859, who has been killed by the raiders, namely, Alexander Morrell; but in the adjoining counties above and below, as well as in the counties back of us, many of my own acquaintances have been killed by them.

Hide-peeling has not been carried to any great extent in the upper part of this county, but a year or two ago I heard that it was carried on pretty extensively in the lower end of the county and in the vicinity of a ranch called Las Cuevas, and by Mexicans from old Reynosa; many herds of cattle have been traced into the towns of Camargo, Mier, and Guerrero, in Mexico, previous to the year 1873. I have been an eye-witness of several stolen herds coming into Mier, and when I was present, and as soon as the authorities in the place had any information that they were stolen from Texas, they took possession of them and offered the agents of any of their owners to take their brands away and dispose of them. The parties bringing them always escaped under some trifling excuse of going after the bill of sale, but never returned. For the last few years very few have been disposed of in these towns, for the authorities have prevented the sale of any cattle without the proper papers accompanying the herd and in charge of responsible, known parties; but a good market is yet to be found in the interior of Mexico, and even right on the border, in the city of Matamoros. Mexicans never come here to buy cattle, but they come and buy thousands of sheep every year.

Respecting the civil authorities of Starr County, I must admit of having a not very exalted opinion of them, though I think they try to execute the laws of the State as well as they know how; and in this, as well as in all frontier counties, there is not to be found the best of material to choose from, for among the good Americans but a few are willing to serve, having other employment to attend to more remunerative. Some good Mexican citizen is often chosen as a justice, sheriff, or constable in the county, and assessors and collectors in this county have frequently been Mexicans, who do not know anything of our laws, and don't appear to care. On account of the Mexican voters in this county, which are about ten to one American, all the juries, both grand and petit jurors, are made up in about the same proportion of ignorant Mexicans, who do not know the value or responsibility of an oath, and who are, in my opinion, only a farce and expense to the county. The raiders are too strong for the civil authorities to deal with, and the Mexican citizens will seldom or ever give any information that would lead to their capture. I cannot assert that the Mexican authorities authorize or protect the raiders; but, from information received from various friends of my own, residing in this county, I am of the opinion that Juan N. Cortina knows all about it, and his agents help the raiders to dispose of the stolen cattle as soon as they are safely landed in Mexico, within fifty miles of the city of Matamoros.

This same Cortina is a man of large political influence among the low, vicious, and ignorant classes of Mexicans living on the border of Tamaulipas, and the few good Mexicans are afraid of him and dare not say anything; he has complete control of the border, from Bagdad to New Laredo, and has only to hint one word of anything he wants done to any of those by whom he is always surrounded, and it will be executed forthwith.

Having herewith answered to the best of my knowledge and belief all you ask me in yours of May 25, I will close this by respectfully calling your attention to the following:

For the last year and a half Capt. C. D. Byers's company of the Ninth United States Cavalry have been stationed at Roma and given complete protection to the place, and at one time about two months ago he saved this town, its merchants as well as the United States custom-house in my charge, from being robbed by about forty armed Mexicans returning from a raid into the county of Nueces. Here are but five Americans but many Mexicans, among whom but very few can be depended upon in case of an attack for reasons previously explained in this letter. By an order from yourself his company has left and are now at Ringgold, and this place is without any protection from the raiders, which as soon as known by them that there are no more troops they will organize and come here to rob the merchants as well as the custom-house, where they think always is found cash on hand, and perhaps murder the few Americans here. I would therefore most respectfully ask of you to send some few

troops here to remain permanently, for it does not cost the government any more to keep them here than at Ringgold, if it is not contrary to orders from the Secretary of War, for their presence here will effectually prevent in future the accomplishment of such disgraceful occurrences.

I am, sir, very respectfully, your obedient servant,

JOHN VALE,
Deputy Collector.

Brig. Gen. E. O. C. ORD,
Commanding, Headquarters Department of Texas.

Report of the adjutant-general of the State of Texas for the year 1875.—William Steele, adjutant-general.

AFFAIRS ON THE RIO GRANDE.

(H. Report 343, 44th Cong., 1st sess., p. 121.)

ADJUTANT-GENERAL'S OFFICE,
Austin, July 1, 1875.

SIR: I have the honor to submit the following report of a tour of observation in the southwestern portion of the State, made in obedience to your instructions.

Proceeding to San Antonio, I was joined by Hon. J. E. Dwyer, in response to the request of your excellency, and it is due to him to say that, through his intimate knowledge of the language, together with the standing which his father had when living, and having business relations with Mexico, opened sources of information that would have been otherwise inaccessible.

The first subject of investigation was the robbery and burning of stores and robbery of individuals in Nueces County. Passing over the scene of that outrage, we conversed with Mr. Noakes (whose store had been burned) and his wife; Mr. Franks (whose store was robbed) and Mr. Borden, who was robbed on the road, and who gathered a party and pursued until the trace was lost by the division of the party into small bands, going in the direction of the Rio Grande. From these and other witnesses, the fact is apparent that the raiding-party was composed entirely of Mexicans, who were not recognized by any of the many residents of Nueces County who came in contact with them, as being residents of that part of the State. One of the raiders having been wounded, and abandoned by his comrades when closely pursued, was carried into Corpus Christi and hung by citizens of that place. The statement of this man, as made to the sheriff, is stated by him in substance: That he was a citizen of Victoria, Mexico, where he had married; that he had worked in Brownsville, and on a ranch not far from King's; that his family was now living near Matamoros; that the party was organized in Mexico, at the Bolsa, from which point they traveled in small parties, and at night, to a rendezvous about twenty miles from where they commenced their operations. There they were joined by another party with fresh horses. From this point they moved into some timber, where they remained several days. They expected an accession to their force, which not receiving, they commenced operations. He further stated that when he was enlisted it was stated that robbery was the object, and that no one was to be hurt, which might have been carried out if Noakes had not resisted and shot one of their number; in retaliation for which, a Mr. Smith, who was at Noakes's, was badly shot and the store burned.

Many citizens were stopped on the highway and robbed, but not injured, except by the fatigue of a forced march with their captors. Our further investigation on the Rio Grande shows that a small party of the raiders were arrested at Camargo, Mexico, and sent into the interior of Mexico, a force of cavalry having been sent to take them to Monterey, Cortina, in the mean time, having ordered them sent to Matamoros.

The preparations for this raid were known to many in Mexico, a letter announcing it having been sent to General Escobedo, which, it is stated, did not reach him until the raid took place. Information was also sent by Mr. Avery, at Camargo, to General Ed. Hatch, at Ringgold Barracks, that something of the kind was on foot. There is no question but that the expedition was intended to have been of larger proportions, and that Corpus Christi was their objective point; but dissensions among themselves reduced the numbers so much that they dared not attack so large a place.

Soon after the raid of Mexicans in Nueces County, some raids occurred of a different character. Bands of Americans went to a place called La Para, where a store was burned and several persons killed. This was incited partly for revenge on Mexicans, and partly to suppress the killing of cattle for their hides.

There is a considerable element in the country bordering on the Nueces, and west,

that think the killing of a Mexican no crime, and the effect has been to stop, to a considerable extent, the trade between Laredo and Corpus Christi.

The killing of cattle for their hides has had much to do with the unfortunate condition of Nueces and adjoining counties, and some of the merchants of Corpus Christi are much to blame for their encouragement of this illegal traffic. I consider it abundantly proved that small stores and peddlers have been started in trade by these merchants in localities where there could be no legitimate business, and returns have been made in stolen hides, which have been shipped in various directions as would best avoid detection.

Your excellency will doubtless recollect that a company of minute-men was formed under the law of the first session of the fourteenth legislature for Nueces County, and of which Warren Wallace was captain. This company was fortunately kept in service but three months; for, in passing through the country, I have arrived at the conclusion that the organization of this company only had the effect to give a semblance of authority to an armed mob. Captain Wallace appears to have exercised no control over the blood-thirsty instincts of many of his company. The experience with this company only strengthens the conviction I have long held, of the impropriety of organizing a local force wherever there is a question of local interest involved. Proceeding from the Nueces to the Rio Grande, the population changes from an English-speaking one to one where the great majority do not understand that language, so that outside of the cities, any one not knowing something of the Spanish language would have difficulty in making his wants known, even for the necessities of life. This population has little knowledge of the customs of the American people, and none of the laws which are supposed to govern them; the result of which is, that county officers, in some of the counties bordering on the Rio Grande, have little qualifications, except that of being able to read the laws and talk Mexican. And where a very large preponderance of Mexican votes have elected one of themselves to the office of justice of the peace, or other office, he is at the mercy (as one of them told me) of some one who could interpret for him, and he said he did not feel altogether responsible for documents in English which he had signed; and those counties, while having a population ostensibly of Texas citizens, are under control of influences from the other side of the Rio Grande. Their citizenship sits lightly upon them. They look more toward the city of Mexico than to the city of Washington. The language of the country, for one hundred miles from the Rio Grande, being Spanish, and a large number of the inhabitants owing allegiance to Mexico, gives great facilities to the parties of cattle-thieves in their operations.

The thieves and cut-throats, who have collected on the border, think the killing a Texan something to be proud of, and they will kill any one, even of their own nationality, should he happen to encounter them with stolen cattle, unless they have confidence in his discretion. Many have been killed for no other reason than that they knew too much. The result is, that many good citizens of Texas, of Mexican origin, feeling that they are unprotected, and at the mercy of the thieves that they may offend, will not willingly give information. But with all these advantages, cattle-stealing could be, in a great measure, stopped if there was not a safe asylum for cattle-thieves and their plunder as soon as the line of the Rio Grande was passed.

I have heard of no instance in which parties from Texas have met with real aid from the Mexican authorities. On the contrary, it appears as if every possible obstacle was interposed by officials to the recovery of stolen animals or other property. Even in the case where some of the raiders into Nueces County were arrested in Camargo, an opportunity to view the property found upon them was refused to Mr. Avery, acting in behalf of the United States consul at Matamoros. Probably the officials at Camargo were afraid of General J. N. Cortina, whose autocratic power extends to, and includes, that town. His complicity with the thieves, and participation in the profits of cattle-stealing, is confirmed by the fact that a Spanish steamer was, during my stay in Brownsville, loading with cattle contracted by Cortina himself, and these cattle were examined and found to consist mostly of cattle stolen from Texas.

Cortina is the recognized head and protector of all the cattle-thieves and murderers, from Camargo to the mouth of the Rio Grande. He takes them from the hands of any officer who is bold enough to arrest them; they, in turn, support him against all powers that may be brought against him. It is impossible to conceive, without having heard from many and undeniable sources on both sides of the line of Mexico and Texas, of the extent of the power of this great robber chief. It is a well-known fact that not only Cortina himself, but even his mistress, gives orders to judges as to their decisions in cases, either civil or criminal, and such orders are obeyed. His armed adherents are said to number over two thousand. He has around him most of the time seventy or eighty of his trusted men. The police of Matamoros, of which city he is mayor, is composed entirely of ruffians, ready at any moment to commit murder, or any other crime, at his bidding.

There is no prospect of a cessation of the raids into Texas until this man is removed

entirely from our frontier, and a better disposition is manifested in arresting thieves, and restoring stolen property, by the Mexican civil officers near the line.

It has been claimed that horses and mules have been stolen in Mexico and brought to Texas for sale, but I have not learned of one instance where the name of the thief did not indicate a Mexican origin; and whenever the thieves have been pursued, every facility has been given to recover the stolen property.

But there is a feature in these claims of stolen property from Mexico that deserves attention. Along the line of the river the United States Revenue Department has mounted inspectors, who have frequently detected droves of horses or mules trying to enter the United States without the payment of duties. Invariably, in such cases, the claim is set up of "stolen animals." So uniformly is this action taken, that the conviction is forced upon me, that a previous agreement exists, by which the claim of "stolen property" is to be set up in case of failure to evade the custom-house officers. In traveling through the country between the Nueces and Rio Grande, I heard no talk of robberies from Mexico, other than in the cases mentioned above; while at every place I heard of stolen cattle driven toward Mexico, and such concurrent testimony as to lead to the conclusion that cattle-stealing is going on almost daily, and has been since the close of the Confederate war, to the extent that there is not now 10 per cent. of the cattle that were to be found within one hundred miles of the Rio Grande in 1864.

The result of my observations leads to the following conclusions:

1st. That parties have been and are still being organized on Mexican soil for the purpose of plundering ranches, stores, and individuals, and other parties, for the purpose of collecting herds of cattle in Texas and driving them into Mexico for sale. That these acts are committed with the knowledge and connivance of Mexican officials.

2d. That parties of Americans living near the Nueces have banded together with the object of stopping the killing of cattle for the hides, but have themselves committed the greater crimes of murder and arson.

3d. That many merchants in Corpus Christi and elsewhere have aided and abetted the hide-stealing, by buying the stolen hides knowingly.

4th. That the country near the Rio Grande is being rapidly depopulated of good citizens on account of the insecurity of life and property.

5th. That the negro United States soldiery give no sense of security to citizens outside of towns, but on the contrary are regarded with fear.

6th. That there is an intelligent and industrious population on the Texas border of the Rio Grande, who only need security from foreign incursions to make them valuable, law-abiding citizens, whose flocks and herds will add very largely to the wealth of the State.

The question then arises as to the course to be adopted to remove the irritating causes which, if allowed to continue, will sooner or later involve the two countries in war.

The first necessity is that the despotic power of Cortina be removed. Second, that there must be such an agreement between officers of the peace on both sides as will prevent the collection of criminals on the line, where they can escape from one nationality to another, as may be necessary to their safety.

Failing in such peaceable measures, it is necessary that there should be a large force, under one head, on the Rio Grande, with orders to pursue and capture felons into Mexico, if necessary. Immunity from pursuit no longer existing, stealing would be reduced to the petty proportions that is found everywhere.

Herewith I inclose affidavits and statements of various parties in support of the opinions above expressed, as follows:

B.—Affidavit of Anastasio Cavasot.

C.—Affidavit of Lawrence S. Hynes.

F.—Affidavit of A. E. Erwin.

G.—Affidavit of F. M. Rhodes.

H.—Affidavit of J. T. Callaghan.

I.—Affidavit of G. A. Hall.

J.—Affidavit of N. Champion.

K.—Affidavit of D. McLean.

L.—Affidavit of C. Stillman.

M.—Copy of letter to Judge Ed. Dougherty, from Thos. F. Wilson, United States consul, Matamoros, April 10, 1875, inclosing letter of Lucius Avery, United States consular agent, dated Camargo, April 6, 1875.

N.—Copy of letter to Judge Ed. Dougherty, from Thos. F. Wilson, United States consul, Matamoros, April 14, 1875.

O.—Report of John Vale, deputy collector, dated Roma, April 6, 1875, to collector of customs at Brownsville.

P.—Letter to J. L. Haynes, from Joseph Dunn, sending copy of letters from Matt. Dunn, Carrizo, April 17, 1875.

Q.—Letter to collector of customs, Brownsville, from S. G. Stewart, Rio Grande City, April 23, 1875.

R.—Copy of inquest on body of George Hill, county of Cameron, April 18, 1875.

S.—Copy of report of grand jury, Hidalgo County, April 28, 1875.

T.—Substance of circular of Francisco Fuentes Fareas, president of common council, Matamoros, May 26, 1874.

U.—Letter of C. Stillman to Henry Klabb, dated La Jarita, June 13, 1875.

V.—Certificate of J. L. Haynes, Brownsville, June 21, 1875.

W.—Letter of J. G. Brown, sheriff Cameron County, to General J. N. Potter, U. S. A., commanding Fort Brown, Texas, Brownsville, June, 1, 1875, and indorsement thereon of H. C. Merriam, major Twenty-fourth Infantry, temporarily commanding post, dated headquarters Fort Brown, June 2, 1875.

X.—Correspondence of Frontera to Corpus Christi Weekly Gazette of June 5, 1875.

Very respectfully, your obedient servant,

WM. STEELE,
Adjutant-General.

His Excellency RICHARD COKE,
Governor of Texas.

Report of Senator Dwyer.

SAN ANTONIO, August 14, 1875.

SIR: In compliance with the request made by your excellency in your letter of May 18, 1875, I joined General William Steele, the adjutant-general of the State, in a tour of observation to investigate the cause and extent of the recent disturbances in the country between the Rio Grande and Nueces Rivers.

I have the honor to say that I concur in the report made by Adjutant-General Steele. I respectfully submit the following remarks, especially to state more fully the complaints of our Mexican citizens living in Texas.

Undoubtedly robberies and murders by Mexicans from Mexico have almost continually been perpetrated in Texas, but in retaliation Americans have committed terrible outrages on citizens of Mexican origin.

In passing through Bee County, we heard of a Mexican, a quiet citizen (so reported to be by the presiding justice of the county, an American), who had been brutally murdered a few days before our arrival, by several Americans, because (as was stated to General Steele) the Mexican would not go and play the fiddle for them. This substantiates fully General Steele's report, viz: "That there is a considerable element in the country bordering on the Nueces and west that think the killing of a Mexican *no crime*."

There is no justifiable defense for the outrageous lawless acts committed on Mexicans living in Nueces and Cameron Counties, in consequence of the recent raid of the Mexican robbers near Corpus Christi. Instead of exterminating the banditti who invaded Texas, the vengeance fell on the poor and unfortunate living in the country. But I am happy to state that the numerous indictments found by the late Nueces County grand jury indicate that these outrages have aroused the good men of the country with the determination to put down vandalism and sustain the majesty of the law.

There is a disposition on the part of some Americans, which crops out every once in a while, not to respect the property of Mexicans living southwest of the Nueces River. As a case in point, I would respectfully cite that of Señor Don Sabino Cavazos, a neighbor of Mr. Richard King, on the Santa Gertrudes, Nueces County.

Señor Cavazos is known to be a good, law-abiding Mexican citizen, a stock-raiser, having horses and cattle. Señor Cavazos has had a ranch in Texas for over a quarter of a century. Well, one of our enterprising Americans, living, I believe, in Live Oak County, openly claims Cavazos's brand as his own property, without any sale or transfer from Cavazos.

I myself read Sabino Cavazos's letter to Captain McNelly, appealing for protection.

Many of the citizens of Mexican origin complain bitterly that the safeguards and protection of the laws of the State are not usually thrown around their property as around that of a select few. They complain that the extensive beef-packeries too freely receive and butcher cattle bearing Mexican brands. They say that, while reports of cattle or hides, with A's, B's, and C's, American brands and ear-marks, giving full description thereof, are generally properly made, when it comes to their property, their cattle or hides, they are usually reported simply as so many cattle or hides with Mexican brands, without any description thereof; hence their inability to trace their property, even when sold without their authority.

Such are the complaints made by our Mexican citizens, and I have thought it my duty to report them to your excellency.

As to the relations with the adjoining republic, *smuggling*, in consequence of the immediate proximity of the "Zona Libre" (or Free Zone), and cattle-stealing, by Mexicans from Mexico, have worked together to the destruction of Texas interest.

Many well-to-do Mexican rancheros, owning property on both sides of the Rio Grande, are engaged in smuggling, using the bold and intrepid for the business; and when depredations or murders are committed in Texas by these "employés," the smuggling rancheros do not dare expose them, in consequence of their own illicit traffic, and the honest ranchero, for self-preservation, dares not expose them, as his life and property both are at the mercy of the marauders.

The system of "*rural police*" on the frontier of Mexico is so perfect that the Mexican authorities are generally aware of nearly all the thefts of animals committed on the Texas side of the river, especially when the booty is carried over to the Mexican side of the Rio Bravo. But the Mexican officials on the Lower Rio Grande have acted in exceeding bad faith, even when our American citizens, or Mexicans claiming American citizenship, made fair and just reclamations, and that their identified stolen property was in sight.

As a ludicrous example of the bad faith and "*finesse*" of some of the Mexican officials on the Lower Rio Grande, I will relate one of their *escapades*, resulting out of what is known as the Corpus Christi raid, as reported by Mr. Avery, United States commercial agent at Camargo, Mexico.

As soon as Mr. Avery heard of the arrest of several of the raiders by the principal judge at Camargo, he went to see if he would be permitted to inspect the stolen property, belonging to Americans, found in the possession of the raiders. This permission was refused. But subsequently an order came from Matamoras, allowing the inspection by the United States commercial agent of the stolen property in charge of the Mexican authorities.

A long inventory was handed Mr. Avery by the judge, in court, and at the very bottom of the inventory was reported "*a gold watch and chain.*"

As Mr. Avery had been notified by one of the victims of the Corpus Christi raid to be on the lookout for a gold watch and chain, in hopes to identify the property, he asked to see it.

MEXICAN JUDGE. Very well, sir; you shall see it. Mr. Clerk, show the gentleman the gold watch and chain.

CLERK. The gold watch and chain; si señor, hum! hum! (Clerk retires from courtroom, then returns.) Your honor, I don't know where the gold watch and chain are—hum! I believe—the—prisoner has got them yet.

JUDGE. Bring the prisoner in court—(prisoner, one of the raiders, brought in.)—Have you got the gold watch and chain?

PRISONER. No, sir; when coming through "Reynosa Viejo," my comrades and myself, as prisoners, having no funds to buy provisions with, I sold the gold watch and chain for \$15.

JUDGE (to the prisoner). That was *very wrong*, sir. (Then turning to Mr. Avery.) I regret this very much, sir; but is there *anything else* on the inventory you would like to see.

"No," replied Mr. Avery, and in disgust he went home.

It was claimed by respectable Mexican citizens at Matamoras, and by the indefatigable Mexican consul at Brownsville, that this condition of affairs existed owing to "Cortina's reign;" and in justice to several Mexican gentlemen, I would say that they did all in their power to cause the removal of Cortina from the frontier.

Now that the United States Government seems to have awakened from its "*Rip Van Winkle sleep*," after the *wanton murder* of Texas citizens, *high-handed thefts of Texas property*, and *open invasion of Texas soil* by a well organized and armed body of Mexicans from Mexico, it is sincerely and most fervently hoped that a better era will dawn upon our unfortunate bleeding frontier.

I have the honor to be, very respectfully, your obedient servant,

JOS. E. DWYER.

His Excellency RICHARD COKE, Governor of Texas.

•Mr. Foster to Mr. Fish.

(Foreign Relations, 1875, p. 946.)

LEGATION OF THE UNITED STATES,
Mexico, July 7, 1875.

SIR: On yesterday, in a visit which I made to the foreign office, I directed Mr. Lafragua's attention to the telegraphic reports, received by the last steamer from the United States, of the continuance of trouble on the Rio Grande border in Texas, and

of the re-enforcement of the United States Army and naval forces in that locality. I also called his attention to the fact that my government had assigned the command of the Department of Texas to one of the most prudent and prominent generals of the Army, and that I deemed it very important that his government should send to that frontier an officer of position and capacity, in the full confidence of his administration, and supported by a strong force of the federal army. If such a representation of the army and government was on the Mexican side of the Rio Grande, and in communication and co-operation with our troops, I was satisfied the border outlawry would soon cease. Mr. Lafragua conceded that my suggestion was entirely correct, but replied, as he has done on other occasions, that it was difficult for the government, in the disturbed condition of the country, to spare for that service either a prominent officer or a strong force of the army, but that it would meet the difficulty as far as it was possible. He said that he had confidence, however, that the arrest and removal of Cortina would have a great influence in diminishing the troubles; that the leader being taken away, the outlaws would soon disperse and cease their depredations, and that peace would again be restored in that locality. I expressed to him my gratification at the arrest of Cortina, and stated that I had no doubt of its beneficial influence, especially if his removal was to be permanent; but that this act alone would not be sufficient to restrain the raids and plundering; that the border region could only be kept in order by the presence of a federal force under a prudent commander. Experience proved that the local authorities were, to a great extent, in sympathy with or overawed by the robbers, and their punishment could only be expected at the hands of federal officials under the direct orders of the supreme government. I remarked that should the depredations continue, and it should be apparent that no serious attempt was made by the Mexican authorities to restrain or punish the raiders, while I had no official information on the subject, a repetition of General Mackenzie's course might be anticipated. Protection to the citizens of Texas must be afforded; if not given by the Mexican Government, it would come from the United States. Mr. Lafragua made no direct response to this latter intimation, but stated that his government would at least see that there was a change of Mexican officials on the Rio Grande and the troops in that quarter re-enforced as soon as possible.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1875, p. 946.)

LEGATION OF THE UNITED STATES,
Mexico, July 12, 1875.

SIR: The official journal of the government, the *Diario Oficial* of this afternoon, announces that General Juan N. Cortina was on the 1st day of May last, ordered by the president to come to this capital and give a report of certain affairs on the northern frontier. The order was communicated by telegraph, and the general answered, asking for an extension of time when he should present himself, which was granted. This time having elapsed, the order was again sent to him, when he replied, tendering his resignation from the Mexican army. The president refused to accept the resignation, but again repeated the order, reserving the question of his resignation to be determined after compliance with the order. Having failed to obey, on the 18th ultimo his arrest was ordered, and on yesterday it was carried into execution at the Union ranch, near Matamoros, in the State Tamaulipas. The Mexican schooner Juarez sailed from Vera Cruz for Matamoros on yesterday to bring him to this city, where he will be placed upon trial for disobedience of orders.

This is the most decisive step yet taken by the Mexican Government for the restoration of order on the Rio Grande border, and if it results in the permanent removal from that locality of Cortina and his punishment, I have no doubt it will have a salutary effect.

I am, &c.,

JOHN W. FOSTER.

General Ord to Chief Signal Officer United States Army.

(H. Report 343, 44th Cong., 1st sess., p. 138.)

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, Tex., August 13, 1875.

SIR: A recent visit to the Rio Grande has developed that the telegraph between Fort Brown and Ringgold Barracks has been cut and pulled down three times by the

Mexican inhabitants; that north and west of Ringgold it is pulled down, as fast as it is erected, by Mexicans. As these people live along the line, and control the courts, there is no use in watching for them or attempting to arrest them. The judge of the district informed me that they cannot be convicted of any offense by the courts, for, when brought up they can escape by suborned evidence, which is invariably at their disposal.

I shall not attempt to keep up the line along the Rio Grande, for these reasons, unless on account of the continued invasion of the country by Mexican raiders and murderers it is declared under martial law.

Very respectfully, your obedient servant,

E. O. C. ORD,
Brigadier-General, Commanding.

CHIEF SIGNAL-OFFICER,
United States Army, Washington, D. C.

General Ord to Adjutant-General U. S. Army.

(H. Report 343, 44th Congress, 1st sess., p. 96.)

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, Tex., August 23, 1875.

SIR: Inclosed please find letters from the Hon. J. E. Dwyer, State senator; Mr. P. Marcelli, sheriff of Starr County, Texas, and others, Nos. 2588, 2589, 2592, 2646, 2683, 2711, 2745, 2834, 3450. I beg to call especial attention to statement of Hon. J. E. Dwyer.

Having examined the country and visited many of the ranches and places named, I find, from best sources of information, that the within statements are generally reliable; and that while there are quite a number of useful and peaceable Mexicans settled on the east side of the Rio Grande, like all Mexicans not *gente de razon*, they submit docilely to any power or force that chooses to override them, so that, the country being now overridden by the Mexican raiders, civil authority overawed or elected by peons in their interest, the military powerless for the reason that, while really it is a time of war and public danger, no proclamation to that effect has been made by the President, and the aforesaid civil authority (Mexican) is paramount, and every judge and sheriff of the State, knowing the facts, assured me it was impossible to convict any raider, murderer, or offender who may be connected with or under the protection of the raider bands.

The circumstances are almost identical with the piracies on our commerce once committed by the Algerians, who fled in safety with their prizes to their own ports. There the offenses were committed on the open seas; here they are committed, with the same ease and atrocities, on the open plains. In both cases the pirates found a ready sale for their captures, in the ports where their expeditions were fitted out, namely, Algiers and Tripoli, for the Moors, and Matamoros, Reynosa, Camargo, Mier, and Guero, for the Mexicans, and in both cases the pirates were rewarded by promotion. The leader of the band that murdered Lovell in May last, and plundered the custom-house at Carizo, is now captain of the guard at Mier.

I have to ask that these papers and this letter be referred to the Secretary of State.

Very respectfully, your obedient servant,

E. O. C. ORD,
Brigadier-General, U. S. Army, Commanding.

ADJUTANT-GENERAL U. S. ARMY,
Washington, D. C.

Telegrams relating to the raid at Las Cuevas, and crossing into Mexico of United States and State troops.

(H. Report 343, 44th Cong., 1st sess., p. 88.)

[Telegram.]

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, Tex., November 20, 1875.

ADJUTANT-GENERAL
United States Army, Washington, D. C.:

The following telegrams explain affairs on the Rio Grande:

HEADQUARTERS DISTRICT OF THE RIO GRANDE,
Fort Brown, November 18, 1875.

ADJUTANT-GENERAL
Department Texas, San Antonio, Tex.:

Randlett struck yesterday back of Las Cuevas train of two hundred and fifty stolen cattle; followed to Rio Grande; saw herd crossing and thieves on Mexican side haul-

ing them out the river; demand made by him on Mexican authorities to surrender cattle and thieves; if not complied with this a. m. has crossed into Mexico to recover them. Clendenin gone down to assist with all available forces from Ringgold. Alexander has just started with two companies for Las Cuevas. I made demand on Christopher for rendition of cattle and thieves; line to Ringgold cut this morning.

POTTER, Commanding.

HEADQUARTERS DISTRICT OF THE RIO GRANDE,
Fort Brown, November 19, 1875.

ADJUTANT-GENERAL

Department Texas, San Antonio:

Cattle demanded by Clendenin have not been delivered. McNally's company joined Clendenin last night and crossed the river at 1 a. m. Had a fight after daylight. Reports four Mexicans killed; four hundred Mexicans in line, part regular troops. Clendenin seized the ferry-boats at Camargo. Citizens of Camargo reported arming. I expect Alexander to arrive at Las Cuevas this p. m. Mails which left here yesterday morning for Corpus reported robbed ninety miles from here.

POTTER, Commanding.

HEADQUARTERS DISTRICT RIO GRANDE,
Fort Brown, November 19, 1875.

ADJUTANT-GENERAL

Department Texas, San Antonio, Tex.:

Alexander arrived at Las Cuevas. Reports that forty men of Eighth Cavalry crossed this morning before his arrival, by Randlett's order, Clendenin having left for Ringgold to support McNally, who was driven, by Mexicans, to the river. This was done in violation of orders given by me yesterday. I have directed Alexander to return troops to north bank. He has answered, "It will be done immediately. Have carried out your other instructions in regard to notifying Mexican authorities, and returning property." Alexander reports large numbers of troops are concentrating in front of him.

POTTER, Commanding.
E. O. C. ORD,
Brigadier-General.

Colonel Potter to Assistant Adjutant-General.

(H. Report 343, 44th Cong., 1st sess., p. 90.)

HEADQUARTERS DISTRICT OF THE RIO GRANDE,
Fort Brown, Texas, January 7, 1876.

SIR: I have the honor to transmit herewith inclosed reports of Majors Alexander and Clendenin, Eighth Cavalry, and Captain Randlett, Eighth Cavalry, of the operations opposite Las Cuevas, Mexico, on the 17th, 18th, 19th, and 20th of November, 1875.

I am, sir, very respectfully, your obedient servant,

J. H. POTTER,
Colonel Twenty-fourth Infantry, Commanding.

ASSISTANT ADJUTANT-GENERAL,
Department of Texas, San Antonio, Texas.

[Inclosures.]

FORT BROWN, TEXAS, November 29, 1875.

SIR: I have the honor to report that in obedience to orders I left this post on the 18th instant, with Companies C and I, Eighth Cavalry, and proceeded to Edinburg, reaching that point (seventy miles distant) at 4 o'clock, and on the 19th. There I halted until 11 o'clock a. m., feeding and resting the horses and men, having informed Captain Randlett that I was in supporting distance of him. At 11 o'clock I moved out toward Captain Randlett's camp. When about three miles from Edinburg I received a dispatch, by courier, from Captain Randlett, saying that the Texas troops,

under Captain McNally, had crossed to the Mexican side of the Rio Grande, and were fighting. I pushed on rapidly, although the weather was intensely hot, and reached his camp about 4.30 p. m., having marched one hundred miles from Fort Brown in twenty-eight hours. I found Captain McNally, with his company of Texans, and Captain Randlett, with about forty men of the Eighth Cavalry, on the Mexican bank of the river. They had just concluded a truce with the authorities of Camargo, agreeing to a suspension of hostilities until 9 o'clock a. m. of the 20th.

The United States forces were at once withdrawn to this bank; but Captain McNally, who was not under my orders, declined to withdraw until the Mexican authorities delivered up the stolen cattle and thieves. The morning of the 20th the alcalde of Camargo came to this bank to see me, and we had a long conversation, which was not of sufficient importance to need mention, save that he said they had a number of the stolen cattle, which they would deliver the next day at Ringgold Barracks. After receiving your dispatch of the 20th, I advised Captain McNally to withdraw to this side, which he did. I then proceeded to Ringgold alone, reaching there at 1 a. m. the 21st. That afternoon the Mexicans delivered about seventy-six head of cattle at Ringgold. Immediately after their delivery I returned to my camp opposite Las Cuevas, arriving about 2 a. m. on the 22d. Under orders from your headquarters I returned to Edinburg, and thence, by easy marches, to this post, where I arrived on the 27th instant. From the best information I could get, seven of the thieves and their confederates were killed, and a number wounded. One of these men was killed by the Mexican authorities while taking him to the jail at Camargo, and another was hung by Mexican rancheros living on this side. The return of the cattle shows the effect of this demonstration.

Very respectfully, your obedient servant,

A. J. ALEXANDER,
Major Eighth Cavalry.

Lieutenant HELENUS DODD,
Acting Assistant Adjutant-General, District of the Rio Grande.

Captain McNally to General Potter.

(H. Report 343, 44th Cong., 1st sess., p. 146.)

TIO CANO, December 14, 1875.

SIR: In pursuance of your request I have the honor to state that I have trustworthy information that on or about the first of November of this year an agreement was made to deliver eighteen thousand beeves to a certain party in Monterey on or before January 10, 1876. I am satisfied that the recent raids were made into Texas for the purpose of filling said contract. You may remember that I notified you of this raid to be made from Las Cuevas about fifteen days before it happened.

I have used every means in my power to procure reliable data concerning raids; and I submit the following as worthy of credence:

About the 8th of November, 1875, a herd of about one hundred and twenty-five stolen cattle were crossed into Mexico, about nine miles above Edinburg. Two citizens of Texas, claiming cattle in said herd, followed the thieves to the Mexican side, and considered themselves fortunate to be able to return unharmed.

On November 9, Custom-house Inspector Albert Dean saw a herd of one hundred and eighty cattle while being crossed into Mexico nine miles below Edinburg.

On November 11, one hundred and twenty-five cattle were crossed into Mexico near Roma.

On November 14, about one hundred and fifty cattle were crossed into Mexico one mile below Ringgold Barracks.

On November 17, two hundred and fifty cattle were crossed into Mexico near the ranch of Las Cuevas.

About the 19th of November a herd was crossed into Mexico nine miles above Brownsville. They were followed by two of the owners, who were compelled to recross into Texas to avoid being killed.

About November 20 two herds were crossed into Mexico below Brownsville, said to contain five hundred cattle.

On November 24 a herd of three hundred cattle was crossed into Mexico at Las Grullas, nine miles below Ringgold Barracks. The trail was seen by Colonel Jennings, of the revenue service, and by Mounted Inspector Dean, less than an hour after the animals had been passed over.

I am informed by Judge Edward Dougherty that two other herds were recently crossed into Mexico above Ringgold Barracks. These animals were intended for the Monterey market.

I am in possession of positive information concerning animals stolen from the people of Texas and carried into Mexico. I can name ranches in that country upon which can be found twenty thousand head of cattle and horses stolen from Texas, still bearing the brands of the Texan owners.

Very respectfully,

General J. H. POTTER.

L. H. McNALLY,
Captain, Commanding State Troops.

A true copy:

J. W. CLOUS,
Captain Twenty-fourth Infantry.

Resolution and memorial of the constitutional convention of the State of Texas, asking the attention of Congress to the condition of Texas frontiers, and praying compensation for losses sustained by the people of Texas, by reason of the incursion of Indians and Mexicans, and reimbursement for sums of money expended by that State in defending the frontier, &c.

(H. Report 343, 44th Cong., 1st sess., p. 171.)

COMMITTEE-ROOM,
Austin, November 24, 1875.

To the Hon. E. B. Pickett, president of the constitutional convention of the State of Texas :

Your select committee, to which was referred a resolution concerning depredations upon the people of Texas frontier by bands of marauders, organized beyond the limits thereof to invade the territory of the United States and murder and plunder its citizens, have had the same under consideration, and beg leave to report:

That they find that since the time of the annexation of Texas to the United States, and especially since the termination of the war between Mexico and our government, resulting in the acquisition by us of an immense and valuable territory theretofore belonging to the Republic of Mexico, the people of the latter government, especially those of the northern and frontier States of Mexico, have entertained feelings of bitter hostility toward the Americans. They have also coupled with that sentiment a vehement desire to avenge their defeats and retrieve their losses. This feeling has been evinced in various ways.

They have robbed, murdered, and maltreated citizens of the United States who were residing or traveling in Mexico, in violation of positive treaty stipulations, the laws of nations, and the laws of humanity; they have passed legislative enactments hostile to the interests of Americans living adjacent to Mexican States, injurious to American commerce, and entailing great damage to and upon the revenues of the United States; they have set on foot expeditions upon Mexican soil, or allowed the same to be done, for the purpose of invading the territory of the United States, and of waging a depredatory war upon her citizens and their property; and they have made themselves the allies of Indians whose mode of warfare respects neither age nor sex. These acts of savage aggression have been perpetrated upon our peaceful citizens for more than twenty years.

In 1859 they became open and unconcealed. During that year Juan Nepomuceno Cortina organized an expedition, mostly in the Mexican State of Tamaulipas, made a descent upon the territory of Texas, and captured the city of Brownsville. He murdered unsuspecting citizens in cold blood, robbed houses, and committed other acts of violence. This outlaw prosecuted an inhuman war upon the flag and the people of the United States for eight months. He did so with the knowledge, tacit consent, and secret co-operation of the Mexican authorities. He drew supplies of men and means from Mexico, and used her territory for the purpose of re-organizing his forces, depositing his stolen property, and as an asylum for himself and followers.

No attempt was then made by the government of Mexico to restrain her citizens. When once upon her soil they were free from arrest and molestation, and received the protection of her laws, and her authorities looked to him as the champion of their sentiments of hatred and revenge. He was their favorite because his hands were stained with American blood. He rose in the estimation of the authorities. They rewarded crime by promoting him, and he is now a brigadier-general in the Mexican army. During the presidency of Mr. Juarez he was sent to the Rio Grande as the commander of the line of the Bravo, and the representative of the supreme government of Mexico. He resumed his position as the leader and protector of the desperadoes, thieves, and criminals who were depredating upon the people of Texas. He

was retained on the Rio Grande against the protest of General McCook, of the United States Army, and of an indignant people he had outraged. His presence upon our border in any official capacity was an insult to the government and the people of the United States. He was the first to give coherence and form to the Mexican feeling of hostility to Americans, and his admiring countrymen have faithfully followed his examples.

Notwithstanding General Cortina has been recently arrested for disobedience of orders to his government, and for nothing more, yet the border war he inaugurated has been persistently and energetically carried on by his followers. We are informed, and believe it true, that he will soon be upon the Rio Grande to rejoin his plundering partisans, and to finish a historical record which has been written in letters of blood.

The *Zona Libre*, or free belt, was first established by a decree of the governor of the State of Tamaulipas. It provided that goods, wares, and merchandise could be introduced and sold, free of duty, in a belt six miles in width and about three hundred in length. It commenced at the mouth of the Rio Grande and extended to the upper boundary-line of the State of Tamaulipas. This decree received the sanction of the supreme government of Mexico, notwithstanding it is in direct violation of the constitution thereof. Its object is expressed on its face. It was a blow aimed at the commerce and merchants of the United States. It encouraged smuggling, and did much to concentrate upon the Rio Grande a horde of lawless Mexican adventurers. It has shifted business from the American to the Mexican side, and has well-nigh ruined American traders in the valley of the Rio Grande. The custom-house records show that the goods introduced by the way of Brazos Santiago and the mouth of the Rio Grande, previous to the late civil war between the States, amounted to more than \$10,000,000 per year, and that the amount now scarcely exceeds \$3,000,000 annually. The Government of the United States requested that of Mexico to abolish a system which discriminated against her commerce and her interests, and produced so many results prejudicial to her revenues and the welfare of her people. The answer to this just demand was an extension of the free belt to about double its former length.

The border warfare which has been waged upon the territory of the United States and the people of Texas and their property, has been characterized by savage atrocities. Men have been murdered in cold blood, in almost every conceivable way; they have been shot, stabbed, burned alive, and strangled, and their bodies have been indecently mutilated; women have been captured, their persons violated; captive children have been held and sold as slaves. In the latter enormities the Mexicans and Indians have co-operated. In proof whereof the evidence taken before the United States Frontier Commission, in 1873, in the cases of H. M. Smith and others, is respectfully referred to. To be brief: On our exposed frontier, especially on the Rio Grande, a reign of terror has existed which prevented citizens from attending to their vocations; the prices of real and personal property have depreciated; population has not increased; hundreds of lives have been sacrificed, and millions of dollars' worth of property have been taken into Mexico, and into the haunts of their savage allies. It is a question of supremacy. The homes, the property, and the lives of frontiersmen hang upon the issue. On the Rio Grande the decision will consign the country to Mexican bandits, or secure it to the American settlers. It is abandonment on the one side, and reconquest on the other. It is a contest between civilization and savagery.

The outrages on the part of Mexico have been committed boldly and defiantly. Citizens and soldiers have participated; officers of the Mexican army have crossed the Rio Grande at the head of their commands, and have committed outrages upon the persons and the property of our people. Mexican officials, civil and military, have been participants in the profits arising from this border war. They have given their sanction to acts of violence and rapine; they have protected the perpetrators, and, as far as they could, they have legalized robbery and murder. To the dishonor of the supreme government of Mexico, the proceeds of the sale of cattle stolen from the people of Texas have found their way into the public treasury. The custom-house authorities of Reynosa and Camargo have seized stolen cattle, knowing they had been feloniously acquired. They have refused to deliver them to the authorized agents of the American owners, and have condemned and sold them, on the ground that they had been introduced into the country contrary to law. A municipal tax has been assessed and paid upon property publicly known to have been robbed from Texas. This has been done in Matamoros and other places.

It has been the practice of the Mexican authorities to throw insuperable obstacles in the way of recovering property stolen from Americans and carried into Mexico. Our citizens have been threatened and imprisoned for daring to ask for the restitution of property. To be concise: We have suffered the evils and the calamities of war from a people with whom we are professedly at peace.

The supreme government of Mexico has been notified of the hostile and piratical aggressions of her authorities and citizens upon the territory, people, and property of a neighboring and peaceful power, and no adequate steps have been taken to prevent the fitting out of expeditions upon her soil. Her territory has been used as a place of

deposit for stolen property; the same has been sold publicly in her markets, and the marauders have found refuge upon her territory; once across the Rio Grande, and the outlaw is safe from molestation; he is covered by the flag of Mexico, and is the peculiar object of protection by her authorities. For these and many other hostile acts, Mexico stands condemned by the law of nations as the indorser of the aggressions of her citizens. She has utterly failed to comply with her treaty obligations. She has been an inactive spectator of the murders and robberies committed by her citizens and soldiers upon citizens of the United States and their property.

Her failure to comply with her duties under the obligations of international law and to extend to a neighboring and friendly power the offices of comity and good neighborhood attach to her a fearful responsibility. By so doing she has encouraged her citizens in their wanton acts of robbery; and up to the present time, as we are informed by dispatches from the distracted frontier of the Rio Grande, those depredations are still continuing upon our peaceful people and their property in the immediate vicinity and in sight of the armed forces of the United States.

Again, our extensive northwestern frontier has for forty years been exposed to constantly recurring inroads of the nomadic tribes that dwell in the regions beyond that line—resulting in the murder of men, women, and children, and the stealing and destruction of property of immense value, often leaving whole settlements of hardy frontiersmen (the pioneers of civilization) utterly divested by wholesale plunder of all the accumulations of an industrious life, acquired in rescuing, from the savage, fertile plains, and devoting them to industrious civilization.

Therefore, in consideration of the premises, which are abundantly established by the testimony of the civil and military officers, and various citizens of the United States—

We, the delegates of the people of Texas, in constitutional convention assembled, do most respectfully but earnestly invoke the interposition of the Government of the United States, through its legitimate and constituted authorities, to take such prompt and efficient action as shall secure to her citizens security of person and property and just compensation for the injuries they have so wrongfully suffered at the hands of the people and officers of the Government of the Republic of Mexico, claiming to be at peace with our government, so that in the future there shall not be the constantly impending danger of a war between the two countries, and our people be left to enjoy their rights of person and property in peace and security, and that they be compensated for the losses and injuries they have sustained, and the State of Texas be re-imburshed for the sums of money she has expended in defense of her exposed and suffering frontier along the entire Indian and Mexican border.

In making these requests, which we prefer to the honorable the Congress of the United States, we feel that we are but asking that which, as citizens of that great government, we are justly entitled to; nor can we entertain a doubt that the relief will be granted when the facts shall be made known to the properly-constituted authorities.

We therefore request that his excellency the governor of the State of Texas transmit a copy of this report and memorial to His Excellency the President of the United States, and that a copy thereof be transmitted by the president of the convention to our Senators and Representatives in Congress, that the subject may be properly presented to the consideration of the Congress of the United States.

GEORGE FLOURNOY,

Chairman.

J. R. FLEMING.
L. S. ROSS.
JOHN S. FORD.
D. A. NUNN.
B. D. MARTIN.
E. L. DOHONEY.
J. W. BARNETT.
JOHN S. MILLS.
C. S. WEST.
HENRY C. KING.

REPORT OF THE SPECIAL COMMITTEE ON THE MEXICAN BORDER TROUBLES, APPOINTED UNDER RESOLUTION OF THE HOUSE OF REPRESENTATIVES, PASSED JANUARY 6, 1876.

(H. Report 343, 44th Cong., 1st sess.—February 29, 1876.)

The special committee who were appointed under a resolution of the House of Representatives, passed January 6, 1876, "That the portion of the President's message which refers to the inroads, robberies, and murders along the Mexican border in Texas be referred to a special committee of five members, with instructions to inquire into

the causes and the nature and extent of these depredations, and the measures that might prevent their continuance, with power to send for persons and papers, and to report at as early a day as possible," beg leave to submit the following report:

Your committee, in order to obtain the most comprehensive and reliable facts connected with the subject of their investigation, collected from the War Department, from the State Department, and from the proceedings of the State government of Texas all the important information bearing upon the subject; and also had before them witnesses from whose personal observations a true representation of the condition of the country on the Lower Rio Grande frontier could be gathered.

In the year 1872, three commissioners were appointed by the President, under authority of a joint resolution of both houses of Congress, approved May 7, 1872, which read as follows:

"Whereas there are complaints of many depredations having been committed for several years past upon the frontiers of the State of Texas by bands of Indians and Mexicans, who crossed the Rio Grande River into the State of Texas, murdering the inhabitants or carrying them into captivity, and destroying or carrying away the property of the citizens of said State; as also that bands of Indians have committed, and continue to commit, like depredations on the property, lives, and liberty of the citizens along the northern and northwestern frontiers of said State: Therefore,

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized and empowered to appoint three persons to act as commissioners to inquire into the extent and character of said depredations, by whom committed, their residence, or country inhabited by them, the persons murdered or carried into captivity, the character and value of the property destroyed or carried away, from what portions of said State, and to whom the same belonged.

"SEC. 2. That it shall be the duty of said commissioners, or a majority of them, as soon as practicable, to proceed to the frontiers of said State and take the testimony, under oath, of such witnesses as may appear before them, after having given notice for ten days previous, by publication in the nearest newspapers, of the time and place of their meeting, of all such depredations, when, where, by and upon whom committed, and shall make up and transmit to the President full reports of their said investigations.

"SEC. 3. That said commissioners shall be entitled to and receive as compensation for their services the sum of ten dollars per day each, and their traveling-expenses to each, for and during the time they shall be engaged in said service; and the sum of six thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated to pay the expenses of said investigation and said commissioners."

No action has ever been taken in regard to the report of that commission; but, saying nothing of the claims investigated, which do not come properly under the notice of your committee, the statements of facts, the accounts of the murders and robberies, must be considered as correct, and are corroborated by all that came immediately before your committee. We deemed it, therefore, unnecessary to again go over the same ground, but confined our examinations to the condition of that region since the date of the report here mentioned, only referring back occasionally so as to keep the thread of a connected history unbroken. But even for that time the documents from the War and State Departments were found so bulky, and the array of robberies and murders so long, that your committee confined themselves chiefly to the occurrences of the last year and the present condition of that country.

For the same reasons your committee excluded all matter referring to the incursions and raids of Indians, residents of Mexico, near the Upper Rio Grande, into Texas for murder and pillage, and confined themselves to the district in which the raiding is done by the Mexicans residing on the south bank of the Rio Grande, from its mouth up some distance above Laredo, altogether about 300 to 400 miles.

SCENE OF THE RAIDS.

The country lying between the Rio Grande (by the Mexicans called Rio Bravo del Norte) and the Nueces River, in the State of Texas, belonged, previous to the Texan war of independence, like all Texas, to Mexico; but while all the rest of Texas was united with the State of Coahuila under one State government, the government of "Coahuila and Texas," this country was a portion of the Mexican State of Tamaulipas.

When Texas achieved her independence in 1836 the republic claimed the Rio Grande as the boundary-line, and thereby included in her territory this portion of Tamaulipas lying between the Rio Grande and Nueces Rivers. Mexico resisted that claim; and during the nine years of existence of Texas as a sovereign and separate republic, and after Texas had become one of the United States of America, by the act of an-

nexation, in 1845, that country was disputed ground. Although the independence of Texas was recognized by Mexico, it was not until after the Mexican war of 1846, and in the treaty of Guadalupe Hidalgo, in 1848, that Mexico recognized the Rio Grande as her boundary. The first battles of the war, the battles of Palo Alto and Resaca de la Palma, were fought on that disputed ground, the theater of the present raids.

This country is mostly prairie, about three hundred miles from the coast to its upper line and an average width of one hundred and fifty miles, covered with the most nutritious grasses, and is looked upon as among the best pasture-land of all the fine pastures of Western Texas. Before the revolutionary war of Texas, it contained vast herds of cattle, horses, and sheep, the owners living partly on the lands and partly in the Mexican towns west of the river. In 1835, just before the war, according to the assessment-rolls of the towns on the Rio Grande, there were over three millions of head of stock on these plains. (See Ex. Doc. No. 52, 36th Congress.) The war followed. During its progress, and after its close, nearly all the inhabitants left, either withdrawing to the south of the river by order of the Mexican generals or keeping close upon the river-bank, to be ready to cross. The stock was abandoned and destroyed. None of the people remained to reside there, as they were disarmed by Mexico and treated as enemies by Texas. (See Ex. Doc. No. 52, 36th Congress.) The Indians commenced their devastating forays upon the defenseless country. On the early American maps that portion of Texas was marked as a "desert," inhabited only by "large droves of wild horses and cattle." It is far from being a desert, but the wild horses and cattle were there, the remnants of former wealth. For years this country was the hunting-ground of "mustang-hunters," Americans, Mexicans, and Indians alike.

After the Mexican war the Government of the United States established military posts along the frontier, and the State of Texas kept several companies of "rangers" in the field, thus affording protection from Indian incursions. The legislature of the State, in the year 1852, also passed liberal laws confirming the titles of the old Mexican owners to their lands. The assertion made by a committee of investigation sent by the Government of Mexico, that the Mexicans were deprived of their lands by legislation, is directly contrary to the facts and without foundation. The legislation of the State has been of the most liberal character, and the decisions of the courts uniformly in favor of the old titles.

In consequence of this liberal legislation the Mexican residents returned about the year 1853, and re-established their stock-ranches, and in 1856, and since, Americans settled throughout the country, purchasing land from the old owners, or acquiring the unlocated public domain under the laws of Texas. They were remarkably prosperous until the raids assumed a formidable character. From reports given to the committee it may be seen that, although agriculture is still in its infancy there, and the country still held and used alone by the herdsmen, the wealth was rapidly increasing.

In the report of the commission sent there in 1872, to investigate the raids, it is stated that, in the year 1870, the assessment-rolls in the counties of Cameron, Hidalgo, Starr, Webb, La Salle, Encinal, Duval, Zapata, and Nueces (the returns of two other counties, Live Oak and McMullen, not having been included), showed 299,193 cattle, and 73,593 horses; and now, even after the enormous losses by the raids, the following estimates give an idea of the exportations of that district:

The firm of Coleman, Mathis & Fulton, of Rockford, having contracted to ship cattle by Morgan's steamboat line, supply, per annum, 50,000 steers, at the rate of \$18 per head, or.....	\$900,000
The packing and rendering establishments at Fulton consume 50,000 head of steers, worth \$15 per head.....	750,000
The number of cattle driven north to the Kansas market is estimated at 75,000, at \$12 per head.....	900,000
The export of wool from Corpus Christi was last year 6,000,000 pounds, at an average price of 22 cents.....	1,320,000
The number of mutton-sheep is not estimated.	
All the figures given mean gold values.	

HISTORY OF THE RAIDS.

The history of the present raids can be said to have commenced with the Cortina war in 1859 and 1860. We will quote enough of the official account of Major Heintzelman, U. S. A., dated March 1, 1860, and contained in the Executive Documents of the first session of the Thirty-sixth Congress, Doc. No. 81, submitted to the House of Representatives by the Secretary of War under a resolution of the House to give an outline of that war:

Juan Nepomuceno Cortina, the leader of the banditti who have for the last five months been in arms on the Lower Rio Grande, murdering, robbing, and burning, is a ranchero, at one time claiming to be an American and at another a Mexican citizen.

At the time General Taylor arrived on the banks of the Rio Grande he was a soldier in General Arista's army. He has for years been noted as a lawless, desperate man.

Ten years ago he was indicted for murder, and the sheriff attempted to arrest him, which made him for a long period keep out of the way, until the witnesses were gone. In 1854 he again began to be seen about; but no effort was made to arrest him until in the spring of 1859, when he was indicted for horse-stealing, and he has since been a fugitive from justice. When he came to town he was always well armed or had some of his friends around him, making it dangerous to interfere with him.

On the 13th of July last he was in Brownsville with some of his ranchero friends, when a man who was formerly a servant of his was arrested by the city marshal for abusing a coffee-house keeper. Cortina attempted to rescue the man. He fired twice on the marshal, the second shot wounding him in the shoulder. He mounted his horse, took the prisoner up behind him, and, with his friends around him, rode off, defying the authorities to arrest him. He escaped to Matamoros, and there was treated with consideration, and lauded as the defender of Mexican rights.

Before daylight on the morning of the 28th of September, Cortina entered the city of Brownsville with a body of mounted men, variously estimated at from forty to eighty, leaving two small parties of foot outside, one near the cemetery, the other near the suburbs of Framireño. The citizens were awakened by firing and cries of "Viva Cheno Cortina!" "Mueran los Gringos!"—"Death to Americans!" "Viva Mexico!" The city was already in his possession, with sentinels at the corners of the principal streets, and armed men riding about. He avowed his determination to kill the Americans, but assured Mexicans and foreigners that they should not be molested. Thus was a city of two thousand to three thousand inhabitants occupied by a band of armed banditti—a thing till now unheard of in these United States.

He made his headquarters in the deserted garrison of Fort Brown, and sent mounted men through the streets hunting up their enemies. He broke open the jail, liberated the prisoners, knocked off their irons, and had them join him. He killed the jailer, Johnson, a constable named George Morris, young Neale, in his bed; and two Mexicans were after Glavecke, the wounded city marshal, and others.

We will not go further into the details of the war thus inaugurated. Cortina went to the Mexican side, and "he and his men staid about Matamoros publicly, unmolested by the authorities."

Cortina established himself subsequently on the American side of the river, above Brownsville, where he collected men and arms. He repulsed an attack made on his position by a number of Americans, assisted by national guards from Matamoros, with some artillery, on the 24th of October. The governor of Texas sent out forces against Cortina. Several fights took place in the chaparral, in which Cortina maintained his position. Major Heintzelman says:

"Cortina was now a great man. He had defeated the 'Gringos,' and his position was impregnable. He had the Mexican flag flying in his camp, and numbers were flocking to his standard. When he visited Matamoros he was received as the champion of his race—as the man who would right the wrongs of the Mexicans and drive back the hated Americans to the Nueces."

Major Heintzelman arrived, in command of United States troops, on the night of the 5th of December, at Brownsville. He took command, and, with a mixed force of United States troops, Texas rangers, and volunteers, dislodged Cortina, and finally defeated him, at Rio Grande City, on the 27th of December. Cortina crossed over into Mexico and established himself there. Once more he crossed over to the American side on a raid. We close this account by another quotation from Major Heintzelman's report:

"Most of his arms, ammunition, and supplies to maintain his forces for so many months came from Mexico, and principally from Matamoros. Most of the men were 'pelados' from the towns and ranches along the Rio Grande. On the Mexican side he always found a market for his plunder. He was styled in orders 'General en Gefé,' and he went about with a body-guard."

"The whole country from Brownsville to Rio Grande City, one hundred and twenty miles, and back to the Arroyo Colorado, has been laid waste. There is not an American, or any property belonging to an American, that could be destroyed in this large tract of country. Their horses and cattle were driven across into Mexico and there sold, a cow, with a calf by her side, for a dollar."

In a letter to the Mexican general commanding on the Rio Grande, who had taken exception to the troops of Major Heintzelman following Cortina across the river into Mexican territory, Major Heintzelman maintained the right to do so, and said:

"After his (Cortina's) defeat, as above stated, he fled for safety to the Mexican side of the river, and there found it. He was received with sympathy. He was then allowed to remain and recruit his forces, arm and equip them, and watch for a favorable opportunity to make another attack. This attack he made by firing across the river, mortally wounding a man of our troops, and by firing upon the steamboat."

We have quoted fully from this official report, because, although written sixteen years ago, in describing the opening scenes of this border warfare it gives all the characteristic features of what has been enacted on that field for the last ten years.

During the civil war of the United States, and until about the year 1866, there was a period of comparative peace on that border. The reasons were various. In the first place, the Rio Grande became the only open inlet into the Southern Confederacy, and an immense trade was established there. The towns were full of strangers. Cotton was exported in immense quantities, and vast stores of merchandise imported. Matamoros became an important mart for the commerce of the world, and the whole population had an exceedingly remunerative employment. The roads were covered with wagon-trains and travelers. Many of the Mexican merchants made large fortunes. A number of them had their business in Texas, and mutual profits and usefulness established a friendly feeling. Meanwhile the French invasion, and the establishment of Maximilian's empire, drove the liberal government north toward the border, and for some time the fugitive government of Juarez was at El Paso, on the American line, one foot, so to speak, on American soil and the other on Mexican. Then followed the rallying of the liberal forces. Escobedo, the chief commander of Juarez's forces, made up his army on the border, and started from there on his campaign which closed with the final tragedy of Queretaro. His army and the other liberal corps operating against the forces of the empire absorbed and carried away all the loose population of that border.

But after the close of the war, and with the return of the soldiery, commenced the pillaging on the Texas border. Cortina, the old robber chief, had obtained the rank of brigadier-general in the Mexican army, and had risen to power and distinction. From that time forth he was the central figure of the robbing population which established itself on the Mexican side of the Rio Bravo. His power was despotic. The lawless men who, through him, enjoyed the advantages of organization and political power on their own soil, and unlimited license to plunder on the Texas side, supported him with enthusiastic devotion, and in turn gave him the power and position which, in such a country, naturally falls to the leader who can command the unhesitating services of a large body of warlike followers. He became individually far more powerful than any other power, national or state. It was known that he had made and unmade governors at his pleasure.

When we now look upon the fearful history of rapine, murder, and wholesale robbery which from that day to this present date has desolated and is still desolating our border, the robber communities that have sprung up and are constantly increasing, a whole population living on what they plunder from their neighbors, and a set of local authorities conniving at and participating in the spoils of these notorious crimes, grown to be a regular means of livelihood, we cannot wonder at this result, when we reflect on the condition of a government which had to confer rank and position on a successful robber in order to avoid his hostility.

And when we consider that it is our own people who have been the constant victims of these crimes for the last ten years, and are now still more exposed to them than ever, we feel that every sentiment of manhood and of regard for the honor of our country, and its most sacred obligations to defend the life and property of its citizens, cry out against the criminal neglect which allowed this evil to assume its present formidable proportions. That a man like Cortina, who had left the territory of the United States, in open war with the United States troops and the troops of the State of Texas, and against whom numerous indictments for murder and other crimes are now pending in the State courts, should have been placed in high command immediately on our border, was a strange act for a government professing to be friendly; and it was as strange for our government to suffer it for so long a time. Cortina has been arrested by the Mexican Government, and, until lately, held in the city of Mexico. His return to the old theater of his crimes and insults against our people, some time since triumphantly announced in Matamoros, would be an act of open defiance.

We have stated that the report of the commission sent by our government to that border, in 1872, has never been acted upon by Congress. We consider it due to their labors, and valuable as filling up that portion of the history of the border, to append to this report an abstract of the outrages proved before them. A similar list, more revolting in its details, with reference to the incursions of Indians, residents of Mexico, into Texas, we omit as not belonging to the immediate subject of our investigation—the cattle raids on the Lower Rio Grande.

But since the report of those commissioners was made to the President, the crimes on our soil near the border have been even more frequent, and have assumed more formidable proportions. From the evidence before us, we append a statement of the principal crimes committed during this time.

It will be seen that the constant and immense robbery of cattle, which is the basis of this entire system of outrages, has, in these later statements, hardly been mentioned, as the murders and other crimes which have grown out of it overshadow it. The question with the people has become one of existence, not of pecuniary loss.

Since the close of this enumeration, in December, 1875, a band of Mexicans was pursued, and they crossed over into Mexico with 250 head of cattle, the soldiers standing on one bank of the river and seeing the cattle come out on the other side, where the population of the robber village turned out to receive them. Captain McNally, commanding a small party of about 35 Texas State troops, arriving soon after, followed on the trail across the river, but found that the cattle had been driven behind the village, and that several hundred men had collected to oppose him. He had a fight with them in which he killed several, and, supported by United States troops on the Texas side, succeeded in recrossing the river. About sixty of the poorest cattle were returned—the first restitution, poor as it was, which has been made for years. Captain Randall's report of the crossing will be found in the appendix, and is mentioned as the fight at Las Cuevas.

ROBBER POPULATION.

It is shown from the evidence before us that there is on the Mexican or south side of the Rio Grande a population far more numerous than that on our side, and who support themselves mainly by robbing our people. It is shown that they possess only a scanty supply of cows; that they have a few sheep and goats; that their agriculture is not enough to support but a small portion of their number, notwithstanding which they live better, dress better, are mounted and armed better than the same class elsewhere in Mexico. From their entire impunity and the great attractions of the spoils, their numbers are continually increasing. From the oldest times and among all people, punishment of crime has always been considered necessary to prevent its increase; but here we have the strange spectacle of a community openly subsisting on crime, while there is no punishment for them. Their own nominal government is not strong enough to inflict it, while the government of their victims—our own government—from a highly refined sense of international politeness, has refrained from inflicting it.

All vagrant and dangerous elements are congregating to that paradise of robbers; a new generation is springing up, knowing no means of livelihood but robbing, aptly compared by our commanding general on that border to the pirate communities which formerly resided on the northern coast of Africa. When the robbers return with a drove of cattle, it is stated by the witnesses, old men and young boys all turn out to help the cattle out of the miry ground of the river-bank.

This state of things is wholly due to the inactivity of our government. A few years ago some energetic chastisement, convincing the plunderers that there was some danger connected with their trade, would certainly have checked it, but the impression that our troops dare not cross the river has made them feel at ease. When, after a hot pursuit, the robbers and their spoil reach and cross the river, and our brave troops stand helpless and overwhelmed with shame on the American side of a small river, and bear the taunts and insulting gestures of the escaped robbers and their friends, our nation and its government becomes in their eyes, as they do not study the subtle arts of diplomacy, an object of scorn and contempt.

As long as the cause lasts, the result, the increase of the number and power of the robber clans, will continue. What a few years ago might have been suppressed with a small force, will now demand a much larger one, and much more energetic measures, and unless they are taken now, delay will, day by day, increase the evil and the difficulties in the way of its suppression.

MEXICAN AUTHORITIES.

All statements agree that the authority of the national government of Mexico on the border is only nominal. If they would, they could send no troops there, as they would desert and join the thieves. They have no forces to spare, and they cannot interfere with the livelihood of the robbers without risking the danger of driving them into the ranks of some revolutionary leader. The real power is altogether local. The governors of the States and the people of the States, with their own local authorities, are the only powers with whom our people have to deal. We find that our relations with the Mexicans are far from being the same along the whole border. On the Upper Rio Grande the authorities and people of the State of Chihuahua are on terms of perfect friendship with our people. General Ord, commanding in Texas, has stated in his report that Mexican troops have come over repeatedly in pursuit of Indians on the American side of the Rio Grande. He has had rations issued to them and complimented them in orders.

From Laredo to El Paso there is entire harmony and amicable intercourse between the people on the two sides of the river, only for a time disturbed by the raids of the Kickapoo and Lipan Indians, who lived in Mexico, and whose robberies were checked by a severe chastisement administered to them on the Mexican side of the river by General Mackenzie. The Indians are now removed, and there has been comparative peace.

There is no doubt, says the American consul at Monterey, whose letter will be found

in the appendix, that the raids are entirely owing to the demoralized condition of the mass of the people of Tamaulipas, and the class of men who hold office in that State. This is substantiated by all the evidence. The officials when called upon for redress are profuse in promises never followed by performance. They find the robbery a source of profit, and if they find that they can continue this profitable state of things and the inactivity of our government by lying and diplomatic correspondence, they will, as a matter of course, do it, and the federal government has no agency but theirs, and acts to suit them.

To characterize these proceedings, it is of interest to follow a particular case. Among the latest and boldest performances of the raiders was the Corpus Christi raid, a full account of which will be found in the evidence accompanying this report. Mr. Foster, the American minister, made a representation of the outrage to the Mexican minister of foreign affairs. The colonel commanding the national forces at Matamoros, Col. José L. Christo, reported officially to the minister of war, Mejia, "that in his judgment it cannot be the case" (that Mexicans could have been engaged in the raid). "Granting that some Mexican robbers pass from this side to Texas, as also those from that side to this, they only engage in the robbing of cattle and horses, and never attack a town. For the reason, my opinion is, that the wrongs are committed by individuals resident in Texas itself, who, in consequence of local State questions, have risen up as a kind of insurrectionists against the government of Texas." (!) This report was communicated by Mr. Mejia to Mr. Lafragua, the minister of foreign affairs. This Christo is the same colonel who, as stated in Captain McNally's evidence, when called upon by some personal friends from the Texas side to return stolen cattle of theirs, which were then herded near Matamoros, put them off for three days by fair promises, and in the mean time, by special orders, had all the cattle bearing their brand slaughtered for the Matamoros market; and after being informed that his orders had been obeyed, he went out to the remaining cattle with the duped friends, and showed them that there were no cattle of their brand there.

His official statement as above, indorsed by the minister of war, would have been the last of this affair had not an officer of less discretion and more honesty arrested eight of the raiders at Camargo, and another officer two at Mier.

General Escobedo, commanding at San Luis Potosi, reported to the minister of war that thirty armed Mexicans had crossed the Rio Grande coming from Texas, where they had, among other acts, burned a store. That they had scattered after getting into Mexico, but that ten were arrested and sent to Saltillo, to await punishment. Mr. Lafragua at once informed the American minister, Mr. Foster, of this act of good faith, and Mr. Foster answered as follows: "I have to thank your excellency for the information contained in your note, which I will communicate to my government, which will doubtless be gratified," &c. It seems that he was grateful for small favors, for the raiders were turned loose without any punishment whatever, and their little trip from Camargo to Saltillo was the only satisfaction given to our people for the brutal outrages they had committed. The clear proof of this is the absence of any further mention of the criminals, while any act of punishment would certainly have been communicated to our ambassador with great flourish, and would have elicited from him additional expressions of gratitude. In the light of this experience a sentence in the letter of Minister Lafragua to Mr. Foster appears highly significant: "In the future the same strict vigilance will continue to be exercised by every class of authorities." Of course, including Colonel Christo.

MEXICAN CHARGES.

It will be noticed that Colonel Christo indicates that the robberies are committed by robbers of both sides, and that the losses and sufferings are mutual. This is the continual charge of the Mexicans, repeated again and again with unblushing effrontery. This committee have, after diligent search, been unable to find a single case of a plundering raid from Texas to Mexico. Hon. Hamilton Fish, in his letter of May 20, 1875, to Mr. Foster, states, with full knowledge of all the facts, as follows:

"It may be regarded as frivolous to seek to justify the hostile incursions into our territory on the ground of retaliation for similar incursions from this side. There have been none such, and proof of the contrary is challenged. Indeed, the charge is improbable on the face, from the fact that Mexico, near the border, holds out no temptation to plunderers from this side, while the reverse is the case in respect to baits in Texas for Mexicans."

The proof has been challenged in vain. With the continued charges made and reiterated by the Mexicans not a single special case has ever been stated. Failing utterly in getting the material for such statements, it has become common with the Mexicans to assume a tender care for the welfare of Mexican citizens in Texas.

"Toward the close of the years 1873 and 1874," writes Mr. Mariscal to Mr. Fish, in a letter dated January, 1875, "an unusual number of crimes and outrages of all kinds were committed against Mexicans in the State of Texas by inhabitants of that State, the perpetrators thereof, in a great majority of cases, remaining unpunished,

either from powerlessness on the part of the authorities of the State, or from some other cause still more to be lamented." This other cause, which he does not express, but only laments, is stated more explicitly by his witnesses, who declare that the State authorities were accomplices in the crimes. "I confined myself to counseling moderation and prudence in the midst of the excitement prevailing among the Mexican population of these regions."

Your committee is assured by the representatives of the Mexican population in Texas in this Congress that they are not in need of the sympathy thus wasted upon them. Indeed, all the witnesses declare that all those Mexican citizens of Texas who possess anything are patriotic and respected, proud of their American citizenship, and complying with every duty of citizens. Some of them have been honored members of the legislature, others have repeatedly held military commands. Far from sympathizing with the robbers and raiders, they have often been foremost in the defense of our border, and in the punishment of invaders. The brothers Benavides, in Laredo, have for many years held commands in Texas. Col. Santos Benavides earned a high reputation for conspicuous vigilance and bravery in the protection of the border; and his brother, Capt. Refugio Benavides, commanded with distinction a company of State troops in the same service, as will be referred to in another portion of this report. Their troops were all Mexican citizens of Texas, and they have more than once impressed on the invaders the lesson that the vicinity of Laredo was a bad region for the pursuit of their trade. They ask no sympathy from such quarters.

But it seems from the correspondence of the State Department that, in answer to the repeated challenges by Mr. Fish, to give some substance to the repeated charges of crimes committed by Texans in Mexico, by naming even one, the Mexican minister at last produces two. Strange to say, from his statement they were both committed on Texan soil, and therefore did not meet the challenge; but it is fair to presume they came nearer meeting it than any other he could discover. One is substantiated by the oath of some "Mexican witnesses" that it was rumored that one Robles and one Leyva, both Mexicans who had been sojourning in Texas, were made away with. No more need be said of this charge than to quote Mr. Fish's reply: "Your note is accompanied by the affidavits of certain persons; no one of whom, however, claims to have seen the homicides. They all speak of them as matter of public notoriety. Even the names of the supposed culprits are not mentioned. It seems clear that testimony of this character can hardly be made the basis of any specific proceeding. It is noticed, too, that Leyva is said to have been carried to the bank of the Rio Grande by order of a judge in Texas. This statement, likewise, is so incredible on its face as to serve as its own refutation."

The other case was as follows: Toribio Lozano, a Mexican, living in Aguafria, in the State of Nueva Leon, had, since the year 1861, been grazing his sheep and goats in Texas, and continued doing so until the winter of 1873. His servants, or "peons" (peonage is forced servitude for debt, and is the common system of labor in Mexico), were with his sheep and goats. Now this fact that Mexicans, residents of Mexican States in the interior, did not hesitate to send their flocks to graze on the Texas pastures, and should, as in this case, do it for twelve years without loss, is a stronger contradiction of the charges made by the Mexican minister of the reign of violence and insecurity in that State, and against the allegation of the great fear which Mexicans are asserted to entertain from lawlessness in Texas, than any facts which could be adduced. We are informed that it is very common for citizens of Mexico to graze their stock in this manner without fear of loss—an assurance which could only have grown up by the experience of perfect safety and fair treatment from the people of Texas. Mr. Mariscal, in his correspondence, speaks of the estates of Mr. Lozano in Texas, but Mr. Lozano, in his own statement, is silent as to estates, and it is stated, by well-informed residents of that country, that Mr. Lozano only assessed for taxation his sheep and goats, but no land. Now, it is stated that the principal subsistence of the shepherds was the cattle of the country, which during the years of the war passed unnoticed, as it did for some time after. But in 1873 a noted outlaw from Mexico, Alberto Garza, followed the business of "peeling" on a large scale in Texas; that is, he killed cattle for their hides and took the hides to market. He is said to have had his camp close to the camp of Lozano's shepherds, and they were suspected of assisting him. No direct evidence exists of these facts, nor as to the perpetration of the crime which followed. Seven of the shepherds were found hanged. Great indignation prevailed in the surrounding country, and the grand juries of Nueces County and Live Oak County made every effort to discover the murderers, but without success. In those sparsely-settled parts of Texas we learn that it has again and again occurred that horse or cattle thieves were punished in such summary manner by owners of stock, without distinction of nationality. It seems to be difficult for the authorities to prevent or punish such acts, much as they may deplore them, as proof is very difficult of access.

Mr. Lozano charges this crime directly to the authorities of Texas, and his witnesses, in the evidence which he adduces, charge, in a formula to which they all swear, the

collusion of the authorities of Texas with the criminals. On this, Mr. Mariscal bases a claim which is curious in its details. As the Mexican commission have criticised severely some of the claims established by the American commission which investigated the raids in 1872, which claims it is not now in our province to condemn or defend, it may be interesting to look into this claim. The Mexican shepherds belong to the lowest class of "pelados" in their country; they own nothing in the wide world and they earn from six to eight dollars per month, which they receive in the necessities of life furnished by their owner or employer at such prices as he may see proper. Their state of civilization is hardly removed from that of the Indian. They are half-clad, their feet protected by raw-hide sandals fastened with raw-hide thongs. Yet, in the evidence accompanying Mr. Mariscal's letter, a number of the same class swear that each one of the killed shepherds caused a pecuniary loss to his widow and other family of more than fifty thousand dollars. Comment is unnecessary. The voluminous correspondence kept up on this subject by Mr. Mariscal is sufficiently answered by Mr. Fish in one sentence:

"Mexicans in Texas and Americans in Mexico, who engage in business near the border, must not at present, or perhaps for some time to come, expect either government to insure them against all the risks inseparable from such enterprises."

He might even have left out "Americans in Mexico," for, from what your committee can learn, no American would ever be reckless enough to send his stock and herders to the Mexican side for grazing.

While no charge of a raid from Texas, by robbers or lawless persons into Mexico, has ever been substantiated or even specifically stated, all the evidence shows that there is no inducement for such raids, there being nothing to take. Moreover, the danger connected with any such attempt is alone sufficient to deter any party from such a venture. A robbing population, from the very nature of their occupation, are always on the alert, ready with their horses and arms. They have a perfect and efficient system of guards and patrols, which makes it impossible for any party to enter their country without at once being noticed, and confronted in a short time by a considerable force.

CONDITION OF OUR PEOPLE.

Meanwhile our people on the border are impoverished day by day, and their lives are held by a slender tenure. It is stated in the evidence before us that all the American stock-raisers, who could do so, have abandoned their ranches, and sought safety for their families in the towns. Business in the towns has almost ceased. No merchant dares to credit a country merchant or a stock-raiser, whose whole possessions are liable every day to be swept away, burned, or otherwise destroyed. Such is the insecurity of life that Captain McNally, who appeared before your committee, a man of known daring, and a bold leader in those border fights, declares upon oath that no compensation, however great, could induce him to incur the danger which every inhabitant of the country between the Rio Grande and the Nueces incurs every day, and that he considers his life, as a man whose business is war, safer than that of any inhabitant of that district. Deliberately and with full conviction, as this opinion is stated by one who is familiar with that country and all the facts, as a perusal of his evidence will show, it is fearful in its weight, and should come home to the heart and mind of every American.

But it is not alone the danger incident to the life in a country overrun by robbers, which is the constant menace to our people, but there is, according to all the statements, a perfect terrorism established by the robbers. Every one who is suspected, by word or deed, to have taken part against them is doomed to death: Captain McNally says: "Many of them have not nerve enough to take an active, decided stand against it, either by giving information or by personal assistance. Still, a number of them have done it since I have been out there, and some eight or ten, probably twelve, have been killed on that account. It has been the history of those border counties that when any man, Mexican or American, has made himself prominent in hunting those raiders down, or in organizing parties to pursue them when they are carrying off cattle, he has been either forced to move from the ranch and come into town, or he has been killed. Quite a number of Americans have been killed within the last year out there, and also quite a number of Mexicans, probably twelve or fifteen, for that offense alone. The men on the other side of the river threaten to kill them, and the fact is known publicly. They say, 'We will kill that man within a week,' and the report is heralded over the country, and if the man does not leave they usually carry their threat into execution. The same statement occurs in all the evidence. While the resident Mexican population, who have any property, are in sympathy with our people, there is a large floating population who have come over from the other side, who have no permanent abode anywhere, and who are the spies and informers of the raiders.

General Ord states that some of his informants implored him not to give their names to the public, as they would assuredly have to flee from the country or be murdered; and your committee, compelled to publish this evidence in order to satisfy Congress and the American people of the extraordinary condition of that country, cannot refrain from

saying in all earnestness that if this Congress should fail to give ample protection to that unfortunate country, this very report with the evidence annexed may deliver some of the men, our own citizens, testifying to your committee and to you, to death by the hands of the murderers.

The appeals from the State of Texas have been earnest and oft repeated. Governor Coke has again and again addressed urgent calls for relief to the Federal authorities. The legislature of Texas and the constitutional convention memorialized Congress. They claim that they are entitled, as certainly they are, to protection by the power of the nation. The representations of Mr. Fish to the Mexican Government have been earnest and persistent. But it is perfectly evident to your committee, and must be evident to anybody who reads the history of this tragedy for the last ten years, that the Mexican Government is utterly powerless to prevent these evils or to check them, and that the only reliance is to be placed in the energetic and positive action of our own government. Indeed the only explanation compatible with the theory that the national Government of Mexico is on friendly terms at this moment with this nation, as it professes to be, is that it is too weak; otherwise, the fact of these continued hostile armed incursions would be stronger than all professions of amity and peace.

MANNER OF DEFENSE.

In coming to the manner in which protection can be given, we must state it as the unanimous opinion of all military men familiar with that border that protection can only be complete if the commanding officer of our troops can, whenever he finds robbers in the act of carrying off their booty, follow them up, even across the river, punish or kill them, and retake the property of our citizens. They are unanimous in stating that a merely defensive policy would give imperfect protection, even if a large force were maintained then at great expense. The river is skirted by a belt of from fifteen to twenty-five miles of an impenetrable thicket, crossed by narrow paths, known to the inhabitants and the robbers. The robbers can pass in a short distance from the troops without being observed, and cannot be intercepted or followed except on these paths. General Sheridan and General Ord, as well as Captain McNally, gave it as their opinion that a force of ten thousand men, without power to follow the robbers and punish them, would afford inadequate protection, while a force of twenty-five hundred, or even two thousand movable cavalry, exclusive of garrisons, if permitted to follow up the raiders when caught in committing their robberies, would soon break up the raiding.

Your committee are strongly in favor of avoiding all cause of dispute with the Mexican National Government, and would go as far as honor and duty to our citizens would permit in remaining entirely on the defensive, and have therefore given this subject considerable attention. We find, in examining again the official reports of the Cortina raid in 1860, that Major Heintzelman, in command of the United States forces, found it necessary to send a command of Texas rangers over to the other side of the river, as Cortina's force threatened an attack on a steamer which was coming down the river. His instructions to the commanding captain were as follows:

"It is of the utmost importance that you preserve the most rigid discipline among your troops, and that no injury that can be avoided is done to the inhabitants or their property. Confine your operations strictly to the protection of the boat."

In a letter to the Mexican general, Garcia, commanding on the line, he says:

"I am pleased to learn, both from your note and from the gentleman who brought it, of the measures you have taken to arrest Cortina and his followers. The notorious fact that he recruited his forces, and armed and equipped them on the Mexican side of the river, from the means furnished by your people, for the purpose of crossing to this side to rob and murder, has naturally and justly exasperated our people.

"To preserve and continue the friendly relations which so happily exist between the two governments renders it necessary that the most prompt and energetic measures be used to apprehend this man, and to put a stop to these outrages.

"To show you my desire to preserve the friendly feeling, I sent an order for the immediate withdrawal of the troops to this side of the river."

In a second letter, answering a complaint made by the general, he again said:

"You are right in saying that the burning of the 'jacales' (huts) was not authorized by Captain Ford, nor done by his forces. Had the act been done by his order, it is justifiable by the law of nations. (See Vattel, book iii, chap. vii, sec. 133.)

"This rancho, 'La Bolsa,' was notoriously occupied for near a month, ever since his defeat at Rio Grande City, by Cortina and his band, and for the avowed object of intercepting a steamer. Only the day before, several hundred head of stolen cattle were taken from a party of his men close by this place, and seven of his men killed. The fact of the authorities of Mexico having failed to prevent these outrages, justified the crossing of our troops, and they alone must be answerable for the consequences.

* * * * *

"From that time to this he (Cortina) has depended on Mexican aid for men and arms,

and for supplies. The whole frontier he has laid waste as far as Rio Grande City, one hundred and twenty miles, and there is not an American living, or any property belonging to an American, that could be destroyed, and but few, very few, Mexicans. Nearly all the Americans he caught he murdered.

"Cortina is himself a Mexican, and his men are Mexicans citizens; and as he has organized and armed them openly, and without opposition or interruption from the authorities, we are entitled to make reclamation for our devastated frontier and our murdered citizens.

"There are other facts which I might adduce, but it is unnecessary to enlarge discussion, as I am here with my forces for the purpose of dispersing these outlaws and defending the frontier from further outrages."

Your committee quote the last sentence with pleasure and pride. It breathes the spirit in which deceptive and insincere diplomacy should be met. There is only one act more contemptible than the use of such diplomacy, and that is to submit to being duped by it. These letters of the gallant Heintzelman were conclusive on the subject, and established peace.

We add another official letter, from R. E. Lee, brevet colonel, commanding Department of Texas, to the civil and military authorities of the city of Reynosa, Mexico, April 7, 1860. (See H. Ex. Doc. 81, Thirty-sixth Congress, first session):

"GENTLEMEN: In pursuance of instructions received from the honorable Secretary of War of the Government of the United States, I hereby notify you that you must break up and disperse the bands of banditti within your jurisdiction engaged in committing depredations upon the persons and property of American citizens, and that I shall hold you responsible for the faithful performance of this plain duty on your part. I have been informed that there are now within your jurisdiction armed followers of Cortina who were engaged in the recent outrages committed by him on this side of the Rio Grande, prepared to make similar aggressions.

"This state of things cannot longer exist, and must be put an end to.

"I am,

"R. E. LEE,
"Brevet Colonel Commanding."

Also in orders to Captain Brackett, he said:

"I have been informed that threats have been uttered by citizens of Reynosa against residents of Edinburg and Tobasco. I desire you to inform the authorities of Reynosa of the menaces, and give them to understand that they will be held responsible for outrages committed by their citizens on American soil. You will give protection to all citizens within the line of your operations.

"R. E. LEE,
"Brevet Colonel Commanding."

This had the desired effect.

General Sam Houston, then governor of Texas, April 14, 1860, wrote to the Secretary of War in a long communication on this point, speaking of invasion of Indians from Mexico in Texas:

"They were pursued on their flight across the Rio Grande. This surely furnishes a just cause of pursuit of them into Mexico, and there punishing them; and should the Mexican authorities declare their inability to repress such outrages upon our people, it would be our duty, as well as our right under the law of nations, to hold the country until we had an assurance that similar outrages would not be inflicted."

On January 16, 1873, Mr. Hamilton Fish wrote to Mr. Nelson, then American envoy in Mexico:

"The federal government of that republic appears to be so apathetic on this subject, or so powerless to prevent such raids, that sooner or later this government will have no other alternative than to endeavor to secure quiet on the frontier by seeking the marauders and punishing them in their haunts, wherever they may be. Of course we should prefer that this should be done with the consent, if not with the co-operation, of Mexico. It is certain, however, that if the grievances shall be persisted in, the remedy adverted to will not remain untried."

Governor Coke, of Texas, in the year 1874, mustered into the State service a company of mounted men at Laredo, all, or nearly all, Mexican citizens of Texas, commanded by Capt. Refugio Benavides. Their service was the protection of the frontier against raiding-parties. In the orders to the company the governor directed them as follows:

"Should the company be in close pursuit of thieves or marauders with their plunder, it will follow as far as possible, whether on this side of the Rio Grande or the other, having a due regard for its own safety and the prospect of recovering the stolen property."

Attorney-General Williams having called Governor Coke's attention to the doubtful propriety of this order, Governor Coke answers in a lengthy letter, from which we will quote the following:

"If these Mexican raids which this force is called out to repel were of recent date, of irregular occurrence, and of such character as to elude the efforts of an ordinarily vigilant and energetic government to suppress, and such efforts were being made in good faith by the authorities of Mexico, I grant, in that case, that to allow an armed force to pursue even robbers, for the purpose of recovering their booty, across the Rio Grande would be a violation of the rights of Mexico and of well-settled principles of international law. The right of the Government of Mexico to immunity for its territory from the incursions of armed forces from Texas would then be based on a proper discharge of the duties of that government to Texas, in repressing the lawlessness of its own people, and preventing and punishing their crimes committed against the people of a neighboring State. It is because each state or nation has undertaken to restrain its people from making war on the people of its neighbors that the law of nations forbids an armed force from one entering the territory of another. The right of immunity grows out of, and depends upon, the performance of this duty, which each power owes to the other. No state has surrendered the right of defense of its people in its own way against aggressions from neighboring states or people, except upon the promise and performance of the great duty toward itself, which all nations owe each other, of so governing their people as that they shall not depredate or make war upon other nations, or any of their people or territory. I apprehend that international courtesy, comity, and amity have never been required by the law of nations, carried to the romantic extent of surrendering the great natural right of self-defense against the constant infliction of serious, permanent, and wrongful injury upon the people of one nation by those of another, although the attacks may be unauthorized by the government of the territory from which it comes."

Attorney-General Williams acquiesced in these conclusions, and the orders remained in force.

We have been thus lengthy upon the right of crossing the river, if necessary for a defense of our border, because, on the one hand, we wish to state most emphatically that we do not desire any collision with the national government of Mexico, nor the acquisition of any of its territory; while on the other hand we are reluctantly forced to the conclusion that the only efficient defense will involve the following up and punishment of the robbers. In the case of several precedents, like the crossing of General Mackenzie, Captain McNally, and Captain Randlett, the Mexican Government have remonstrated, but shown their judgment and appreciation of the motives of this government by not regarding such invasions, temporary, as they were, and under the strong aggravations leading to them, as a serious offense. Indeed, it would be an untenable position if they offered us the alternative of quietly submitting to outrages which they cannot prevent or incurring their displeasure. It is safe to say that no sensible nation could afford to go to extremities on such grounds. At the same time, we do not expect that the Mexican Government would give such a right by treaty or formally in any manner, as the exacting pride of their people might cause them great political troubles.

The protection of our border is a supreme duty, and we must take such means as will be efficient in giving that protection. Should Congress fail in this, there may be well-grounded apprehensions that the people of Texas will rise in arms in their last despair, and themselves cross the border and wage a war of retaliation. They want no war and no more territory. We are assured that they would consider a war as destructive to their interests, and that they want peace and immigration to fill up their own vast territory before they desire to see new fields opened to draw immigrants elsewhere. Their country offers them all the prosperity they desire, if they can only have peace and security for themselves, their families, and their property. But they are men and they are Americans, and there are limits to patient suffering. A war of retaliation, after what they have suffered, would not be confined to the punishment of the robbers alone, and would precipitate such complications upon this nation that we could not ignore them. A failure to act promptly may, and probably will, therefore, bring about the very thing we wish to avoid. As yet what has to be done can be done in regular order, justly, discreetly, and in proper bounds, and this government will be able to know and direct how far to go and where to stop.

We beg leave to submit the following joint resolutions, and recommend their passage:

Resolved, That for the purpose of giving efficient protection to the country between the Rio Grande and Nueces River, in the State of Texas, from the cattle-thieves, robbers, and murderers from the Mexican side of the river, the President of the United States be, and hereby is, authorized and required to station and keep on the Rio Grande River, from the mouth of that river to the northern boundary of the State of Tamaulipas, above Laredo, two regiments of cavalry, for field-service, in addition to such infantry force as may be necessary for garrison duty, and to assign recruits to said regiments so as to fill each troop to number one hundred privates, and they shall be kept up to that strength as long as they shall be required in that service.

SEC. 2. That in view of the inability of the national government of Mexico to prevent the inroads of lawless parties from Mexican soil into Texas, the President is

hereby authorized, whenever in his judgment it shall be necessary for the protection of the rights of American citizens on the Texas frontier above described, to order the troops when in close pursuit of the robbers with their booty, to cross the Rio Grande, and use such means as they may find necessary for recovering the stolen property, and checking the raids, guarding, however, in all cases, against any unnecessary injury to peaceable inhabitants of Mexico.

G. SCHLEICHER.
A. S. WILLIAMS.
N. P. BANKS.
S. A. HURLBUT.

Hon. L. Q. C. LAMAR absent on account of sickness.

STATEMENT APPENDED TO PRECEDING REPORT.

[From the report of the commissioners appointed in 1872.]

Extracts from the evidence as to murders and violence by Mexicans.

E. B. Barton testifies that Thompson and a companion were murdered by Mexicans near Las Olmas in 1859.—(See deposition No. 42.)

Francis M. Campbell testifies that W. P. Neall was murdered by Mexicans in 1859; also a young Mexican murdered at Brownsville, 1859; also a Mexican shot, 1859.—(See deposition No. 84.)

Victor Morel testifies that Capt. N. P. Spear, William Robinson, and John Box were murdered in 1859 by Mexicans, at or near Rio Grande City.—(See deposition No. 157.)

Indictments show the following persons to have been murdered at or near Brownsville in 1859 by Mexicans:

1. Robert Shears, wounded July 13, 1859.
2. V. Garcia, murdered September 28, 1859.
3. R. S. Johnson, murdered September 28, 1859.
4. George Morris, murdered September 28, 1859.
5. J. Montes, murdered November 25, 1859.—(See Doc. 27, current file.)

W. D. Thomas testifies that James Dunn and Richard Rowland were murdered, and the sheriff of Hidalgo County wounded, at Granjero ranch, by Mexicans, in 1861. Leoncio Ensualdo was one of the murderers.—(See deposition No. 16.)

William Burke, lieutenant of State police, testifies that a number of United States soldiers were murdered by Mexicans in 1864 and 1865. A courier of the Fourth Wisconsin Volunteers was killed at San Martin ranch in 1864 or 1865; his body shamefully mutilated. Eben Cobb was murdered seven miles from Brownsville in 1865 or 1866.—(See deposition No. 4.)

William Burke testifies that Dr. Morse, United States Army, was murdered by Mexicans about five miles from Brownsville, and a German named Burmester, about twelve miles from the same city.—(See deposition No. 4.)

Louis Renaud testifies that J. C. Rosa and Cecilio Gomez were murdered at Sabinito Rancho, in Texas, in 1866, by armed Mexicans under Leandro Ramirez.—(See deposition No. 88.)

James F. Scott testifies that A. J. Cook was murdered on the highway, in the Nueces Valley, in 1867, by Mexicans.—(See deposition No. 52.)

William Burke, lieutenant of State police, testifies that Inspector Dupont was murdered in sight of Brownsville by Mexicans, in 1869 or 1870.—(See deposition No. 4.)

William Kelly, justice of the peace, testifies that Inspectors Hammond and Phelps were murdered, and Inspector Ryan wounded, at Clarksville on December 18, 1869, by armed Mexicans, who crossed from Bagdad for the purpose.—(See deposition No. 149.)

Mary C. Clark confirms the above. The Mexicans robbed her residence and murdered Inspector Hammond in her presence.—(See deposition No. 147.)

William Burke, lieutenant of State police, testifies that Dr. Cleveland was murdered by Mexicans seventy miles from Brownsville in 1870.—(See deposition No. 4.)

William Burke, lieutenant of State police, testifies that in 1871, John Clark and Pat Fox were murdered by Mexicans, eight and seventy-five miles respectively from Brownsville, as well as Inspector McLaughlin, killed in Live Oak County.—(See deposition No. 4.)

William Burke, lieutenant of State police, testifies that Inspector Miller was wounded by Mexicans at White's ranch in 1871.—(See deposition No. 4.)

Richard King testifies to the murder of Carl Specht, his traveling companion, on July 31, 1872, near Corpus Christi, Texas. It was dark when the attack on the ambulance was made. Witness believes the murderers to have been Mexicans.—(See deposition No. 89.)

Henry Simeon and Crespin Peña testify to the murder of their companion Joseph Alexander, of Brownsville, on August 11, 1872, near Relampago ranch, by one Francisco Perez (alias "Chicon"), a sublieutenant of Cortina's forces. The murderer was mounted, and stopped the ambulance, firing without the slightest provocation at Mr. Alexander, killing him instantly, and immediately escaping to Mexico.—(See depositions Nos. 36 and 37.)

Enumerations of robberies, murders, and assaults by raiders since the report of the commissioners of 1872.

I. During the months of March and April, 1873, Alberto Garza, a notorious outlaw from Guerrero, Mexico, with a party of cattle-thieves, crossed to this side of the Rio Grande and located himself near Piedras Pintas in Duval County, in the neighborhood of which there are dense thickets affording means of concealment, where he engaged regularly and systematically in killing and skinning cattle. On the 19th of April he offered two hundred hides for sale at Piedras Pintas that had just been taken from the cattle on the range. And it was not until the owners of the cattle collected in force that he retreated to Mexico.

II. On the 8th day of June, 1873, the United States custom-house, or deputy collector's office, at Carrizo, in Zapata County, was robbed by a party of Mexicans.

III. On the 6th of July, 1873, Dr. J. C. Crocker was murdered and robbed, by an organized band of Mexicans, about fifteen miles west of Captain King's ranch in Nueces County.

IV. On the 7th of November, 1873, the store of R. Schubert, a merchant at Concepcion, in Duval County, was entered by a party of twenty or thirty armed Mexicans, who overpowered Schubert and his clerks and gutted his store, taking between \$2,500 and \$3,000 in money, besides arms, goods, &c., with which they recrossed into Mexico at the ranch of Las Cuevas in the lower edge of Starr County.

V. On November 30, 1873, Henry Grey, a son of E. N. Grey, of Concepcion, Duval County, was killed by a party of Indians and Mexicans. The same party killed in all their raid twenty-four men and wounded fifteen, Mexican herdsmen, in Duval and Webb Counties, and stole between seventy-five and one hundred head of horses and scattered the sheep stock of the country so that the owners suffered great loss. G. W. Sank, recently killed in the Corpus Christi raid by another party of Mexicans, was wounded by this party. Don Hypolito Mendiola was killed at his ranch near Laredo. This party was pursued by Capt. Refugio Benavides, of Webb County, and one of them, an old Mexican, was wounded and captured. The rest fled and found refuge in Mexico, from whence they came upon this raid.

VI. On May 5, 1874, a young man by the name of Watson, traveling with two companions, was tied up with his companions and robbed by a party of armed Mexicans about twenty-five miles from Corpus Christi, Nueces County.

VII. John Albertson, traveling from Brownsville, Tex., to Corpus Christi, was on the 3d of February, 1874, tied up with the members of his family and robbed, in the upper part of Cameron County, by a party of armed Mexicans, and his wife was subjected to the most horrible outrage by members of this band of robbers.

VIII. On May 5, 1874, a Frenchman named Martinet was tied and robbed of about \$1,800 by a party of armed Mexicans, between the Olmito and Lampasitos ranches, about seventy-five miles southwest of Corpus Christi.

IX. On May 9, 1874, a party of twenty-five to thirty armed Mexicans appeared at the ranch of Peñascal, near the line of Nueces and Cameron Counties, and not very far distant from the scene of the preceding case, No. 8, where they attacked the people, brutally murdering John F. Morton, Michael Morton, P. F. M. Coakley, and Herman Tilgner, and robbed their store of its contents. One of these raiders was afterward caught, tried, and hung at Corpus Christi. From his confession, several parties became known, and it was established that they were all Mexicans from Mexico.

X. On the 7th of June, 1874, a party of five armed Mexicans attacked the house of Mr. Thadeus Swift, of Refugio County, and brutally murdered Mr. Swift and his wife, both of them being cut to pieces and horribly mutilated with knives, the object being robbery. For the terrible details of this tragedy we refer to the annexed affidavit of Mr. F. M. Swift. Three of the assassins were hunted down and hung by the outraged neighbors. Two of them escaped to Mexico. One of these is Juan Juarez or Juan Flores, as he calls himself. This man had claimed to be an American citizen and had registered himself as a voter. He was arrested in Guerrero, Mexico, and a demand was made for his extradition under our treaty with Mexico. He confessed his guilt with cold assurance, but claimed to be a Mexican citizen and not subject to rendition. His case was transferred to the Mexican federal court at Matamoros, where, upon his examination, he again confessed his guilt. We refer to the copy of his confession, herewith attached, taken from the record of his case. He has been finally delivered to our authorities, not in accordance with the treaty, but upon the payment of a large reward (or bribe) paid in money by the relatives and friends of the murdered Swift family.

XI. On August 2, 1874, an attempt was made by a party of marauders to murder Mr. Roach, living about thirty-five miles from San Diego, in Duval County, and to rob his store, but being prepared for the danger, he made a successful defense.

XII. On November 3, 1864, the store of Mr. Geo. E. Blaine, at the Los Olmos ranch, near the line of Nueces and Hidalgo Counties, was robbed by a large party of armed Mexicans, the loss being \$500 to \$600 in money and about two thousand five hundred dollars in goods. No lives were lost on this occasion, Blaine making no resistance to the robbery. The thieves had declared their intention to kill Blaine, and he was only spared by the timely arrival of a party of twelve Americans who happened to be encamped in the vicinity, and who rushed to the rescue in time to save Blaine's life, they having been advised by a courier of what was transpiring.

THE CORPUS CHRISTI RAID.

XIII. The success that had attended the robberies of stores in the scattered out-settlements emboldened the robbers to make a more daring attempt and a more general pillage, and on the 26th of March, 1875, began what is generally called "the Corpus Christi raid," from the fact that it was supposed that an attempt would be made by the raiders to sack Corpus Christi. We present the following brief account of the raid, taken from the Valley Times:

"From all the information we can glean from those who were present and eye-witnesses of the recent Mexican raid, we give the following:

"From Mr. Doddridge we learn that rumors of the gathering of a party were conveyed to him about a week ago, but nothing was thought of it more than that of any other idle assemblage.

"Their first overt act appears to have been the demand made upon Campbell, near Tule Lake, for horses, as narrated yesterday.

"Procuring a few animals, which were ridden by the captors without saddles or bridles, the crowd went to Page's, nine miles from Corpus. Here they made a clean sweep of everything valuable. Two ladies in the house betook themselves to the chaparral, while Mr. Page was carried off.

"The next place visited was Frank's store, at the Juan Sais ranch. There were eighteen or twenty of them here. Three or four presenting pistols at Frank's head, demanded all his valuables. Of course no resistance was made, Frank yielding them everything. Overhauling his stock, they took everything they wanted, exchanged their old clothes for new, and even stripped Frank to his underclothing.

"They stopped at this store for some time, supplying themselves with horses, saddles, &c., from the travelers passing either way. As soon as a vehicle or horseman would arrive, he was immediately surrounded, a score of pistols and guns leveled, and the demand for surrender made. In this manner was Mrs. Sidbury, Mrs. Savage, Miss Laura Allen, Messrs. H. A. Gilpin, Jos. Saunders, S. G. Borden, George Reynolds, Joe Howell, with Mr. W. W. Wright's team and wagon, the driver of Gilpin's team, W. A. Ball, Mr. Reynolds's little daughter, Frank Page and son, and a number of Mexican women and children captured, and all their valuables appropriated, some of the ladies having part of their clothing taken from them. The miscreants attempted to disrobe Mr. Reynolds, but one of their number interfered and prevented it by the threat of a pistol.

"It was at Frank's the first killing was done. One of the robbers asked a Mexican to join the party in their raid. He refused, when a pistol was placed to his head, the trigger pulled, and his soul sent to eternity. It was a terribly cold-blooded deed.

"After leaving Frank's, the Mexicans, driving their prisoners before them like sheep, started for the Motts. Their first effort there was against the store of Mr. Thomas Noakes, which they found closed.

"Opening the door, the first man who presented himself was shot twice by Mr. N. Immediately afterward a man named Smith, in the store at the time, rushed out the front door, was met by the party, and shot down, mortally wounded. Aggravated, it is supposed, by the unexpected resistance, the store was fired. Noakes took refuge under the counter, and afterward got out of the building and into a place of safety. The destruction of his property was so complete that the calves in the pen were roasted. His loss is at least \$10,000.

"At the Motts the women prisoners were liberated and allowed to go to their homes. After staying here an hour, the party started off toward Peñitas. In the neighborhood of Mr. Hunter's house they were brought to a stop by Pat Whelan and his party of ten, who charged the devils at once. Received by a volley—in which poor Swanks lost his life, he being shot through the stomach—it was returned with vigor. Thirty-five to ten were heavy odds to fight, and after exhausting his ammunition fruitlessly, Whelan was obliged to give up the contest and return to the Motts for ammunition and re-enforcements. Receiving these, pursuit was resumed almost immediately.

"The Mexicans had with them two wagons, piled with plunder, which were on ahead under an escort. One of them belonged to Reynolds.

"The following, to a great extent identifying the party, was received here by a lady yesterday, from Piedras Pintas, and is reliable:

"'Alberto Garza passed through Piedras Pintas March 25th.' He shot one of Silverio Salinas' vaqueros three times because he would not give him his horse. He was thought to have twenty-five men with him, and on his way to San Diego.'

"Friday night Mr. Lee Riggs, R. W. Archer, and two others, coming from Lagartaville, were shot at near a creek. Camping six miles this side of the place, and about fifteen miles above Nuecestown, about 3 o'clock in the morning, a party of between twenty and thirty armed Mexicans passed them. But for being concealed in a little hollow, suggested by the attempt spoken of, they would have undoubtedly lost their lives."

The raiders, having sacked the country in the neighborhood of Corpus Christi, turned their course toward the Rio Grande. On the night of April 2 they surrounded the town of Roma, in Starr County, on the Rio Grande, and were prepared to sack that town and rob the custom-house, a deputy collector of customs being located there, but were prevented from doing so by the presence of a company of United States troops stationed at the place. They then withdrew from before the place and crossed the river into Mexico in the immediate vicinity. These facts were shown by the deputy collector of customs herewith attached.

This raid having attracted universal attention on this frontier, the Mexican authorities of Mier and Camargo, in which jurisdictions the raiders crossed into Mexico, took action in the case and arrested eight of the raiders. These prisoners were started for Matamoros, and the judge of the district court of this district was notified of the fact by the United States consul at Matamoros, and advised to be prepared by the time of the arrival of the prisoners at Matamoros. Judge Dougherty immediately telegraphed to Corpus Christi to procure witnesses to identify the criminals, and was answered that plenty of witnesses would be ready to attend at Matamoros. But, while the prisoners were *en route* to Matamoros, an order was received from General Escobedo from San Luis, Mexico, that the prisoners should be sent to Monterey, about two hundred miles into the interior, and not to Matamoros. For the particulars of these facts, we refer to the letters of the United States consul to Judge Dougherty, herewith attached.

It is claimed that this order of Escobedo was issued in good faith, in order to keep the prisoners from being subject, on their arrival at Matamoros, to the influence of Cortina, and to keep them beyond his protection. But it appears to us that this is a flimsy pretext to send them where there would be no possibility of their being confronted with the necessary testimony to convict. The allegation, however, although it may prove the punic faith of the Mexican authorities, also proves the character of Cortina with his own government.

During this raid Miss Lizzie Joy arrived at Corpus Christi from Laredo, and made affidavit that she had left Laredo on the 20th, and on the 26th saw the dead bodies of two Americans near the road-side, hacked to pieces with knives, and their horses hitched near and in a famishing condition. Miss Joy was traveling with a train of carts, and the cartmen buried the dead bodies. The next day two other bodies were discovered hanging near the road-side; these latter bodies were Mexicans. As there was no other party out except the Mexican raiders upon Corpus Christi, these four additional deaths to those already recounted are attributable to them. We annex the published account and the affidavit of Miss Joy in this case.

XIV. On the 16th day of March, 1874, Vidal la Haille, a Frenchman, traveling from Corpus Christi to this place, was killed and robbed by Ricardo Flores and a party of armed Mexicans, in this county, near Olmos, the line between this and Nueces County. Flores is a registered voter of this county. He was arrested, and, upon investigation before a magistrate, was committed to jail to answer for the murder before the district court, but broke jail and fled to Mexico. He is now in Matamoros, Mexico, where he has been since his escape. A requisition has been made under the treaty with Mexico for his rendition, but without success, Flores being under the all-powerful protection of General Cortina.

XV. On the 27th day of February, 1875, a party of armed Mexicans, seven in number, crossed the Rio Grande from near Reynosa, Mexico, and went to El Sauz, in Hidalgo County, where there is a post-office, and they entered the store of Mr. J. L. Fulton, the postmaster, when they made an assault upon him and his clerk, Mauricio Villanueva, a young Spaniard, in which both these parties were killed. The object was to plunder the store of Fulton, but the neighbors having become alarmed by the shots, assembled and sent to Edinburg, about seven miles distant, for assistance, which, the robbers perceiving, they fled across the Rio Grande without accomplishing their purpose of robbery. Mr. Fulton was an officer of the Thirty-sixth Regiment of United States Colored Troops, and had settled here after the close of the war. He was an industrious, law-abiding, peaceable, and useful citizen.

XVI. On the 23d day of March, 1875, Alexander Morel, a citizen of Hidalgo County, was killed by a party of Mexican cattle-thieves from Reynosa Vieja, in Mexico, who

had crossed the river to ply their vocation. The details of his death are given in the annexed letter of his brother, Victor Morel. *The body of the deceased was not found until the thieves sent word to his brother Victor where he would find it buried.*

XVII. On the 16th day of April, 1875, George Hill, a resident of Tio Cano ranch, in Cameron County, was killed by a party of Mexican cattle-thieves, who had crossed the Rio Grande to pursue their nefarious traffic. Hill was out hunting stock, and came upon the party unexpectedly, and was evidently killed to prevent discovery. The evening after his death the thieves crossed their plunder to Mexico, near Santa Maria, which fact came to the knowledge of and was reported by the customs-inspectors stationed at Santa Maria. Mr. Hill was a hard-laboring farmer and stock-raiser, who had settled here after the close of the war, in which he served as a member of the Fourth Wisconsin Cavalry, and he has left a large and helpless family of small children thus robbed and deprived of the protection of their father.

XVIII. On the 19th of April, 1875, a party of twelve armed Mexicans crossed the Rio Grande from Guerrero, Mexico, and appeared at Carrizo, Zapata County, where there is a post-office, and where a deputy collector of customs and two mounted inspectors are stationed. The raiders entered the store of Dr. D. D. Lovell and murdered him in cold blood. They then robbed his store of several thousand dollars in money and goods. They then proceeded to the office of the deputy collector of customs, robbed the place of all the property in the office except the money, which was in a large iron safe which they could not break open, but broke off the knobs, leaving it useless. The deputy collector was absent and the inspectors fled, being two only against the twelve robbers. Dr. Lovell was the postmaster at Carrizo, and the post-office as well as the store was gutted of its contents. Dr. Lovell was an intelligent and enterprising citizen, who had built up a considerable trade at Carrizo, where he had settled at the close of our late war, in which he had served honorably as a volunteer in the Fourth Wisconsin Cavalry, which regiment within two days lost two of its members, Dr. Lovell and George Hill. These deaths occurring at distant points from each other, but at nearly the same period of time, prove the thorough organization and understanding between the Mexican thieves scattered all along the Mexican border of the Rio Grande. The sheriff of Zapata County, writing to Judge Ware, states the loss of Dr. Lovell at \$4,000, and that he lost \$1,000 taxes collected that was on deposit with Dr. Lovell.

XIX. On the 1st day of December, 1874, a large party of Mexican cattle-thieves encamped near the ranch of Carlos Danache, Cameron County, about fourteen miles from Brownsville, and they sent word to Mr. Danache, who had been active in the pursuit of these *Caballeras*, that they were encamped near his place and would be pleased to see him. Mr. Danache gathered a party of friends and went to their camp next morning, but found it abandoned. And at their camp he found a Mexican huug, and the dead body so badly mutilated that it could not be identified, but supposed to be some honest man who had made himself obnoxious, like Danache, to the thieves. We refer to the affidavit of Mr. Danache in this case, herewith annexed.

XX. On the 18th day of January, 1875, Albert Dean and Joseph Dunn, mounted inspectors of customs, stationed at Rio Grande City, Starr County, were attacked by a party of five Mexicans armed with Winchester carbines, who had just crossed from Mexico, and whose outfit was undergoing examination by the inspectors, and their outfit, consisting of raw-hide ropes and other paraphernalia of the cattle-thief, indicated the object of their visit. This was about two leagues below Rio Grande City.

In the same neighborhood, G. W. Lowe, another mounted inspector of customs, accompanied by Joseph Dunn, was ambushed and fired upon from the chaparral on the 22d day of April, 1875, the ball cutting through his clothing across the breast, which indicated the intention of the assassin. For particulars in these cases we submit copies of the official reports in relation thereto.

XXI. On the 26th day of January, 1875, a fight occurred between a party of United States soldiers and a party of Mexicans at the rancho Solises, in Starr County, about eighteen miles below Rio Grande City, in which two soldiers and one Mexican were killed and two other Mexicans were wounded.

The fight of Captain McNally near the old battle-field of Palo Alto in June, 1875, and the fight at Las Cuevas in December, 1875, will be found mentioned in the appendix.

Since the appointment of your committee, in January, 1876, a Mexican citizen of Texas, Dionysio Garza, who kept a store in the county of Zapata, was murdered by Mexican raiders, together with his family, and his store robbed.

This is an account, so far as we could get it, of murders and outrages which were known. A full account cannot be made, as men often disappear without their fate being known or their bodies found.

The enormous number of cattle continually being stolen we have not attempted to ascertain, except in a general way, as may be gathered from the evidence.

EXTRACT FROM THE TESTIMONY TAKEN BY THE SPECIAL COMMITTEE ON THE MEXICAN BORDER TROUBLES, APPOINTED UNDER RESOLUTION OF THE HOUSE OF REPRESENTATIVES, PASSED JANUARY 6, 1876.

(H. Report 343, 44th Cong., 1st sess., pp. 8, 28, and 43.)

WASHINGTON, D. C., *January 24, 1876.*

S. H. McNALLY sworn and examined.

By the CHAIRMAN :

Question. You have just come from the Rio Grande?—Answer. Yes; I left there on the 23d December.

Q. How long have you been there and what has been your occupation?—A. I was sent out there last April in command of a company of Texas militia, by order of the governor, to see what could be done in breaking up this raiding of Mexicans on the ranches on the borders of the Rio Grande.

Q. State to the committee what your means and facilities of information were about these raids.—A. After being on the river for some weeks, I found that I could employ, for money, Mexican cattle-thieves as spies; I made inquiry about the character of the men who composed the various bands on the opposite bank, and I found they were organized into bands of fifteen or twenty or thirty, according to the size of the ranch at which they live. I made inquiries into the personal character and reputation of the individuals of the band, and I selected those whom I knew to be tricky, and secured interviews with them. I made a proposition to them to sell their companions, tendering them handsome rewards, and promised to pay them more than they could make by raiding. For instance, if twenty of them crossed the river after a herd of cattle and got two hundred head, the share of each of them would come to so many dollars. I proposed paying them \$10 apiece for every one of their companions whom they would locate so that I could get in sight of them while on our side and in possession of stolen cattle. Then, if they escaped me, very well; I would still pay the amount, \$10, for each one; that is if they would notify me that they were going to cross the river on a certain day, and if they would place me at a certain point where I could see these men in the act of driving cattle, I would give them \$10 apiece for each one that I saw in that manner, whether I succeeded in capturing the parties or not; and, if it was a strong party and well armed, I was to give \$15 apiece, besides giving them a regular salary of \$60 a month. All those whom I approached readily entered into my plans, and without any exception I found them to be reliable and trustworthy. I did not propose to interfere with their own individual stealing at all. I gave them liberty, when I was not there in their neighborhood, to cross over with their friends and get cattle and return again, provided they sent me information afterward what had become of the cattle and where they had been sold, &c., if they could not send me word in time to intercept and stop the herd; otherwise the \$60 per month would not have paid them, and they would have refused to serve me. I had about thirty-five men. My limit was fifty when I first went out there; and afterward the governor increased it to seventy-five, for about a month and a half; but he then reduced the number to fifty, so that my average number of men for duty has been from thirty-five to forty. We never remained at any one point more than four or five or six days, moving from Brownsville up as far as Ringgold Barracks, or Rio Grande City, as it is now called. We were sometimes on the river, but generally some twenty or thirty miles from the river, making our camps and keeping scouts twenty-five or thirty or forty miles below us and the same distance above us. We heard, I suppose, of most of the herds of cattle that were passed over within one hundred miles of our camp through the scouting parties, and through the information of those spies whom I had on the other side of the river. We succeeded every month in turning loose from two to four herds of cattle that were being driven off—that is forcing the raiders to turn the cattle loose. If we learned that parties were coming to the river with herds of cattle, some sixty miles off, and we marched to intercept them, as soon as we got within ten or fifteen miles of them, they were almost sure to hear of our coming, and would desert the herd. When we came up we would find the cattle in the bush, but we could not find the men who had been driving them; they would ride past my command, but we had no means of knowing them. The country is filled with numbers of armed Mexicans; and it is a most common sight to see four or five or six men, well armed and mounted, whose business no one knows. If you ask them who they are, they will say, "We belong to a ranch fifteen or twenty miles distant," or, "We are trading stock," or, "We have been visiting Brownsville or Matamoros," or, "We belong on the other side of the river," or, "We are going to our employer's ranch in the interior," or they may claim to belong to some neighboring ranch. We know nothing of them, and if we take them to the ranch to which they say they belong, the servants of the ranch generally, without hesitation, verify their statement; in many

instances, from friendship; most frequently from fear. The Mexican owners of ranches on this side of the river, those who are citizens of Texas, are, almost to a man, as much opposed to this system of raiding as the American citizens of Texas are. Many of them have not nerve enough to take an active, decided stand against it either by giving information or by personal assistance. Still, a number of them have done it since I have been out there; and some eight or ten of them, or probably twelve, have been killed on that account. It has been the history of those border counties that when any man, Mexican or American, has made himself prominent in hunting those raiders down, or in organizing parties to pursue them when they are carrying off cattle, he has been either forced to move from the ranch and come into town, or he has been killed. Quite a number of Americans have been killed within the last year out there, and also quite a number of Mexicans; probably twelve or fifteen for that offense alone. The men on the other side of the river threaten to kill them, and the fact is known publicly. They say, "We will kill that man within a week," and the report is heralded abroad over the country, and if the man does not leave they usually carry their threat into execution. We have a few Mexican rancheros who take an active part against these raiders; and who send me information and aid me with their services personally in hunting down the raiders and in keeping out a guard in their own neighborhood, sending out regularly the vaqueros to certain points to watch the trains of cattle. But the large proportion of the Mexican settlers on this side of the river is a floating population, who vote on this side as well as on the other. Many of them have been born and claim citizenship in Mexico. A large proportion of the Mexican population on this side of the river have their homes on the other side. They live over here, and are employed on this side; but they claim no citizenship here, and they are in active, direct sympathy with the raiders. They are their kinsfolk, their cousins, uncles, and brothers—for it seems to me as if all the Mexicans on both sides of the river are relatives.

By Mr. HURLBUT:

Q. That, or *compadres*?—A. Yes; relatives or *compadres*, which is a little nearer than a relative with the Mexicans. I find that I can trust none but the Mexican owners of ranches. I do not know of any Mexican who owns a ranch on this side of the river and who lives in Texas whom I do not consider to be a good citizen. I believe they are all good citizens. They all want to see the laws enforced, and they all want to have this raiding broken up; but very few of them dare take an active, open stand in the matter. They are very right, too, for it would be very dangerous for them to do so. I am willing to take a good many chances, but I certainly would not live on a stock-ranch west of the Nueces River, at any point from the mouth of the Devil's River to the mouth of the Rio Grande. I think that the risk is too great—so great that scarcely any compensation would pay for it. My position in command of a company of troops I do not consider half so hazardous as that of those men living on ranches. It is true there are very few Americans living on ranches within one hundred miles of the line. We have some excellent Mexican citizens on this side of the Rio Grande. Many of them are occupying ranches on which their grandfathers were born, and they seem to take a great interest in our government. They seem to be proud of their citizenship.

By the CHAIRMAN:

Q. To your knowledge, is there any raiding from this side on the other side?—A. I made inquiries about that when I went down, and during the time I have been there, for the last ten or eleven months, I have not even heard of a single charge made by any Mexican, either on this side or the other side of the river, of any Texan crossing the river for such a purpose. On the contrary, I have had officials on the other side of the river tell me that they take good care that no Americans cross the river for such a purpose. They say, "We do not complain about your people raiding upon us. Why do you not do as we do? If any of your fellows come across, they will never go back again. We do not make any complaints about this thing, and you should do as we do." I have no idea that any number of Americans, unless, possibly, four or five or six hundred strong, could cross the river and succeed in getting back. If they did, they would have to move very rapidly.

By Mr. LAMAR:

Q. Do you mean to say that, on the Mexican side of the river, they could bring together a force which would overpower five hundred armed men?—A. Yes; at any time within twenty-four hours. If five hundred of the best troops we can get were to cross the river, go four miles into the interior, and remain twenty-four hours in one place, I have not the remotest idea that they would ever return. I speak as a soldier. I served four years in the Confederate army. I have met some of these Mexicans out there, and they are men who stand killing splendidly. They have an organization on the other side called the "rural police." The chief man is the owner of a ranch, or the superintendent, as the case may be. He is not an alcalde. I believe they call them

encargados. He is a civil officer, and has some of the functions of a civil officer. He sends an alarm to one ranch, and it is spread from ranch to ranch in every direction. Men carry the news very rapidly—at least fifteen miles an hour. The men are all mounted, and very well armed. These frontiersmen are armed with Winchester rifles and carbines, and quite a number of them with Spencer rifles. I do not know where they got them, but I believe they bought them (the Spencer rifles) at Fort Brown, at some government sale. They gather rapidly, and are very patriotic.

By Mr. WILLIAMS :

Q. Are there any number of Mexican federal troops on the border?—A. Yes; but I do not know the number they have there now. They had a regiment of infantry, the Twenty-fourth, at Matamoros, and some of the Ninth and some of the Fourth Cavalry. Shortly after I went down there, the report went out that I was going to cross the river, and seven or eight companies of cavalry were sent down to guard the river, and were stationed at the point where it was said that I was to cross. I think there were eight or nine companies of the Fourth, Seventh, and Ninth Cavalry. At Matamoros, they keep from seven hundred to twelve hundred men of the regular Mexican army constantly. This Mexican cavalry is very indifferently armed and mounted. The men are armed with all sorts of guns. I believe they all wear a uniform cap, but they wear hardly anything else; they are shamefully naked.

Q. They are not as effective as the irregular troops?—A. O, no; the irregular troops could whip them three to one any time. They admit there that these raiders can whip the regular troops without any difficulty; and very well they may, for these raiders are a fine body of fighting men, and the regular troops are a miserable set of starved wretches, who have to be kept locked up all the time in barracks; that is, fastened up and guarded, and only a few trusted non-commissioned officers have permission to go outside. When they go down there the men desert in such numbers that the companies are decimated in a few weeks. When they desert they generally come on this side of the river and work on the ranches for a few weeks, and then join those thieving parties.

By the CHAIRMAN :

Q. You commenced a description of the Mexican military organization on the other side; will you please go on with it?—A. This rural guard that I was speaking of is a police-force, organized for the purpose of preserving peace on the other side of the river and guard against Americans crossing. It is a mounted police-force, and is used by the *alcaldes* to arrest criminals and to preserve the peace generally, but more especially to guard against invasions or incursions from this country. They are continually patrolling the bank of the river up and down, and are very watchful and efficient. The citizens generally who are capable of bearing arms, from fifteen to sixty years of age, are organized into what they call the national guard, a military organization. Their officers live in their own neighborhoods, but they have a point of assembly when the signal is given, either by smoke, bells, or by courier. They have their arms and horses at their own homes. They are a mounted force entirely, and from the fact that their organization includes the entire population, they mass a large number of soldiers at any point with great rapidity.

By Mr. HURLBUT :

Q. State whether you have ever known either the rural police of Mexico or any other Mexican organization to have apprehended or detected and punished any of these raiders.—A. No, sir; on the contrary, we have applied to the authorities on the other side again and again, and told them that at a certain point cattle would be passed over the river and sent to a certain ranch; and on every occasion when the appeal was made, the State or federal authorities, with the exception of Cortina, would promise to recapture the cattle and arrest the thieves; but on no single occasion have they ever done so. American citizens from this side dare not pass over to claim their cattle. Very often our Mexican citizens, having a large number of relatives on the other side, do go over and make an effort to recover their cattle. The Mexican authorities promise to recapture them, and to turn them over; but they have never done so; and even these Mexicans themselves have had to go away, though they had large connections and powerful friends on the other side, and they have been very glad to escape to this side with their lives. The Mexicans on the other side will not allow them to discuss this matter. The raiding is done principally by this rural police. The raiders are almost exclusively from them.

By Mr. WILLIAMS :

Q. The country is more populous on the other side of the river than on this side?—A. Yes; much more populous.

By the CHAIRMAN :

Q. What is the principal business of the people living on the other side?—A. It

would only require a visit to the other side to know that. I have ridden over almost all that country at night from 150 to 200 miles above Matamoros. There is scarcely any land under cultivation. The people live solely on the profits of these enormous stealings of cattle. The stealing of cattle is extraordinary, and almost past belief. We did not know anything down there about this committee being appointed by Congress; but I was requested by the citizens to come here, expecting only to see the President. Some three years ago I was sent by the governor to represent to General Grant the condition of the Upper Rio Grande, from Laredo up; and I simply made a statement of the condition of affairs, the situation of the troops, and what they were doing. I did not anticipate having any statement to make to this committee that would need data. I can get the exact number of cattle which I have known to be passed over the river since I have been there. I kept a memorandum—a log; in fact, a company-book—in which I entered the names of the parties who gave the information of the passage of cattle; the number of cattle; where they were taken over, and where they were brought to. During the month of November, General Potter asked me to make a statement of the number of herds that were passed over the river, and I did so, showing that 1,800 or 2,000 head of cattle were stolen that month, *i. e.*, November, 1875.

Committee adjourned till Wednesday at 10 o'clock.

WASHINGTON, D. C., January 29, 1876.

S. H. McNALLY recalled.

By the CHAIRMAN:

Q. You spoke the other day of the character of the population on the other side of the Rio Grande. State your experience of the character of the population on our side of the river.—A. Probably nine-tenths of the people living out of the towns are of Mexican origin. The owners of the land and of the ranches are citizens of the State of Texas, and all of their ordinary rancheros or employés are natives. But there is a floating population that visits these ranches for the purpose of temporary employment, sheep-shearing, branding cattle, building fences, &c., fully equaling, I think, the permanent residents of the country, those who claim citizenship and exercise the rights of citizenship in the State; these are the men who give information to the raiders, and who notify their friends and relatives that at a certain ranch they will be able to gather up two or three hundred fine beeves, and who, when their friends come, are on the *qui vive* to give information of any danger that approaches. They are Mexicans, decidedly, in all their habits and feelings, having a violent antipathy to the *gringos*, or Americans.

Q. Did you ever have any communication with the Mexican officials on the other side?—A. Yes, on several occasions, in regard to getting back stock. There was one occasion particularly when the commandant of Matamoros, Colonel Cristo, was called upon by two citizens of Texas, an American and a Mexican, to recover some stock that had been driven over and carried to Matamoros. The cattle had crossed the river about twenty-five miles above Matamoros on Saturday night, and had been carried to the butcher-pens in the suburbs. On Sunday morning these two gentlemen notified Colonel Cristo that in this herd there were quite a number of cattle bearing their brands, and they desired him to aid them in recovering them. He said that he would certainly do so; that he would take a file of soldiers that evening and bring in the cattle. On that assurance they went off, and on Monday morning crossed over again and called on Colonel Cristo. He told them he had been engaged on Sunday so that it was impossible for him to attend to that business, but that he would go that day and have the thieves punished and the cattle returned. They notified him that on Sunday morning there had been a number of the cattle, with their brands, butchered and sold, and that the same thing had occurred on Monday morning, on which occasions thirty or forty of the cattle bearing their brands exclusively had been butchered. He put them off with the same sort of excuse till Thursday. On Thursday evening they went over again, and he told them he would certainly go with them to the butcheries, and would go then. They took a hack and went to the butcher-pens, and examined the herd thoroughly. There was not a brand of theirs among the cattle. From twenty to thirty of that particular brand had been butchered in Matamoros, and they had used up the brand. Colonel Cristo had been informed of that fact before he went out, and he said to them, "Now, gentlemen, I am perfectly willing to turn over the cattle to you if there are any of them here, but you see there are none of your cattle here." They then said to him, "This brand belongs to my neighbors, and this one, too; and this one, too." His reply was, "These men claim that they are their own property, and I have no authority to take them away from them. If any of your cattle were here, I would take them away and have the men punished." That is the experience that they have had whenever they have called the attention of the Mexican authorities to the matter. That has been my experience and the experience of the

people there for the last ten years. Colonel Cristo was the commanding general of the federal forces on the frontier.

By Mr. HURLBUT:

Q. Have you ever known an instance in which the Mexican authorities on the other side, civil or military, have endeavored to restore stolen property?—A. No, sir; not one. I heard of one such case on the frontier, but one case only. General Cortina himself did deliver some stock, as a personal favor, to a particular friend of his, one of his compadres on this side, who was an American; but there is no other instance of the kind on record.

Q. And, so far as you know, in no instance have the demands of the people of Texas for the restoration of their cattle been complied with, except in this one case, in which General Cortina, as a personal favor, delivered up some cattle to a special friend of his?—A. That is the only instance, and that was not done officially, but was his own individual act.

By the CHAIRMAN:

Q. Have these raiders been personally identified, any of them, killed or alive?—A. All these men are known by public reputation; we know all of them, or nearly all of them, who are engaged in raiding. They are identified on this side by the citizens of Texas, and they are known on the other side. They live there publicly, and do not conceal their business. The passage of a drove of cattle through the Mexican ranches on the other side is a matter of as much notoriety as the passage of an army through Washington City would be; everybody in the neighborhood knows it, and they do not attempt any concealment. There is an instance of General Cortina's connection with this raiding last June. Cortina made a contract to deliver so many head of cattle to some Cuban firm—five or six hundred head. The Spanish vessel came to the mouth of the river to receive them. I sent my first sergeant on board of the lighter that was to carry the cattle from the shore to the steamer, for the purpose of taking down the brands. He went in the character of a spy. His name is G. A. Hall. Cortina was present himself, with a force of probably 150 or 200 men, delivering these cattle. These men are considered his body-guard in Matamoros, and are known (as publicly as the officers of our departments are known here) by the people of both sides of the river. I was informed by some parties on the other side that some ten or twelve of these men (giving their names) were about to cross the river after more cattle, as the boat was able to carry more than Cortina had on hand. I was told that he intended to send into the interior of Texas to get 250 more cattle to put upon the boat. I got my men out. I found that these Mexicans had crossed over, and I learned the course that they were to return on. I stationed my company on the line, put out scouts, and the very day that General Cortina had agreed to deliver the cattle, I intercepted these men, some 18 miles from the river, coming in with a drove of 250 head of cattle. We had a fight, and they were all killed. Their bodies were brought into Brownsville by the military authorities of Fort Brown, who sent wagons out and had their bodies brought in. They were all identified as men who composed the immediate body-guard of Cortina, and who had been down at the mouth of the river helping him to load these cattle.

Q. How many of them were there?—A. Sixteen went out in the drove; one got back; he was wounded, and we left him on the field, supposing he was dead, but he recovered.

Q. The other fifteen were killed?—A. Yes, sir; all these men, whose bodies were identified, were known as composing the immediate guard or police force of General Cortina, a portion of the police force at Matamoros.

Q. What was Cortina's official position at that time?—A. Mayor of Matamoros, or, as they term it, *presidente del ayuntamiento*. He also holds the rank of brigadier-general in the Mexican army.

By Mr. HURLBUT:

Q. State whether there is sufficient power under the laws of Texas to stop, and investigate the character of, suspected persons in that belt of country.—A. No, sir; there is not.

Q. Can you, bearing a commission as you did from the governor of Texas, lawfully stop and detain any person on the high road whom you suspect to be in this business?—A. I cannot.

Q. State whether, in your judgment, it would not be necessary, for the thorough protection of that frontier, to give the extraordinary powers that belong to military officers in a district under martial law.—A. I think that we could find a better remedy than the declaration of martial law in that district. Martial law would certainly work a great many hardships to innocent persons, as it always does. Our civil-code practice has very many objections and difficulties. These people who raid on Texas are not claimed by Mexicans as citizens of that country. They say that they are outlaws and murderers, and that, as far as they are able, they stop their crossing, and they want us to assist them in doing so. They desire that we shall render them all the

assistance in our power to break that system up. I believe that if orders were issued to our military authorities to pursue these bands to the other bank of the river, and punish them so severely that the pay they got for crossing a herd of cattle would not compensate them for the risk they run in making the raid, it would be the most effectual and rapid way of breaking this thing up, without subjecting any innocent parties to harm. In carrying out that policy there is no probability that one innocent man would suffer. The Government of Mexico is unable to break this thing up. If President Lerdo were to send an officer down there, honest enough to act vigorously against these fellows, and with a sufficient force to stop these raids, the State of Tamaulipas would be in revolution in less than three months. It is far distant from the capital. The entire federal army of Mexico has its hands full in restraining the interior States from revolting, and it would be impossible for the President to coerce this State. He has not force enough. This information I received from federal officers in Mexico, who told me that they had not troops enough to send there, and that they knew that, as quickly as a squad of men were sent there for that purpose, the State of Tamaulipas would revolt. Mexican officers have said to me, "I wish to God you would kill all these fellows." That, I think, would be the quickest and most effectual remedy for the breaking up of the cattle-thieves; for, so long as these robbers find on the opposite bank of the river a place of refuge and a city where they can dispose of their plunder without danger, so long will they continue to raid upon Texas. It would cost the United States Government more money to guard that border than the whole State of Tamaulipas is worth; I mean, to guard it so effectually as to prevent these men from coming over.

Q. Then, your plan would be to authorize the officers of our Army to follow these raiders into the territory of Mexico, and to punish them there—is that it?—A. Yes, sir; that is the only true solution of the difficulty.

Q. That, however, cannot be done without the consent of the federal Government of Mexico?—A. I do not believe that the federal Government of Mexico would object to it, but I do not know that it would consent to it.

Q. By your own theory, they would have a revolution in Tamaulipas if they did.—A. No; we would control them. I consider that if the Government of Mexico were to send in a force sufficient to stop this raiding, they would have a revolution.

Q. And you think that if the Mexican Government were to allow United States forces to penetrate that territory, the people of Tamaulipas would not revolt?—A. I do not think the Government of Mexico would pay any attention to it. I do not think the government would ever know it, officially, at the city of Mexico.

Q. I understood you to state in a former part of your examination that no five hundred of the best troops could remain on the Mexican bank of the river twenty-four hours if they crossed over.—A. My statement was that they could not return if they went any distance from the river and remained twenty-four hours—that they could not maintain themselves on that side of the river.

Q. In that case, it seems to me that there would be some difficulty in following the raiders into Mexico.—A. It would require a force of from three to five hundred men to capture every bunch of cattle carried over the river, and to get back with safety, passing the river rapidly, and returning at once, making no stay whatever on the other side. If they attempted to make any stay over there they would be surrounded.

Q. I suppose that you are aware that sending a body of troops, under the flag of the United States, into a country with which we are at peace is a declaration of war.—A. I do not know of any writer on international law who does not agree to the principle that where a nation is unable or unwilling to restrain its turbulent people from depredating on a neighboring territory, the nation so depredated upon has the right to pursue these robbers into their fastnesses across the line, and there to punish them for their offenses.

Q. The line of march would lead straight to Matamoros, would it not?—A. No, sir; the cattle are usually crossed above and below Matamoros. They bring them, of course, to the towns to dispose of them, nine herds out of ten, but they never cross the river in front of these large cities.

Q. You are aware, of course, that the Mexican war was brought on by the Mexican troops crossing the Nueces?—A. Yes, sir.

Q. Which was claimed by the Mexicans to be their boundary, while we claimed the Rio Grande.—A. Mexican officers have been crossing over with soldiers, and penetrating into the interior of Texas, again and again.

Q. Under orders from Mexico?—A. I do not know anything about their orders; but they have certainly crossed, and that fact is proved by the records of the Congressional committee that was down there. There is ample proof of that fact. It is not an isolated case, but has occurred on various occasions, when officers, with their organized companies, have crossed the river and made those raids and drove cattle back.

Q. I understood you to say that these were the rural police.—A. That is true; but I say that there are also instances of the federal troops themselves crossing the river. The people of the frontier do not want war, they want peace. I have followed fifty

herds of cattle to the bank of the Rio Grande, and I would see the stock on the opposite bank. The Mexicans would dare me to cross the river and take them. They would say: "Here are the cattle, come across and take them if you dare."

The CHAIRMAN. Do you not think that extraordinary powers ought to be given to the military commanders there to exercise a strict police along the river, and to examine everybody?

The WITNESS. Who can give that authority?

Mr. HURLBUT. The President can.

By the CHAIRMAN:

Q. I believe you have no permanent residence in that region of country?—A. No; I reside in Washington County, about five hundred and twenty miles from the river.

Q. What is your general occupation there?—A. I am a planter; I own no property on that frontier.

Q. Have you a family?—A. Yes.

Testimony of General Ord.

WASHINGTON, D. C., February 12, 1876.

General E. O. C. ORD, commanding the Military Department of Texas, sworn and examined.

By the CHAIRMAN:

Question. Please give the committee a general statement of the condition of affairs on the Rio Grande.—Answer. I will submit to the committee my last report, of the 10th the September, 1875, which is a correct statement of the facts, so far as I could learn from the most reliable witnesses, and which were afterward verified by myself on an examination of the country. I make that report part of my testimony.

[The report is appended to this testimony, marked "A."]

Q. State what has been the condition of affairs since the date of that report.—A. Since the date of that report I have received frequent communications from the post commanders and from the district commander on the border. For a short time after the arrest of Cortina, who controlled these bands on the Lower Rio Grande, the raids were not so frequent. But recently the commanding officer of the district of the Rio Grande sends me, from Fort Brown, copies of telegrams and reports, which I also hand in as evidence, which show that the raids and murders have increased rapidly.

WITNESS (continuing). Since my report, which I have just handed in, one of the raiding parties was overtaken by the troops; the commanding officer, having received information of the raid, managed to overtake them as they were crossing the river, and to catch them in the act of crossing. The raiders were also followed by the Texas State troops under the command of Captain McNally, and although a large number of rancheros, when our troops crossed, turned out to protect them (the raiders), yet, with the aid of the government troops, they secured a portion of the stolen cattle—probably a few that were too much crippled or bruised to be driven beyond reach. The extent of those raids, and the facilities for committing them, appear to be not really understood outside of that country. On account of the large number of ranches along the banks of the Nueces, and between the Nueces and the Rio Grande, and from the fact that that country affords special advantages to stock-raisers, and that the northerly winds frequently drive large numbers of cattle one or two hundred miles south of where the owners live, the increase of cattle and their number there on the plains north of the river have been very great. On the opposite side of the river the supply of beef has been very limited, from all that I can learn. The number of Mexicans who have been driven by revolution and by their own lawless acts from Central and Southern Mexico up to the borders of the Rio Grande, probably to escape the result of their offenses, has filled that country with lawless and desperate men. Even the rulers make little or no effort to prevent their committing offenses against the United States, as it would probably destroy their popularity if they did, and would make them odious to the majority of the people. For the same reason—the facility for crossing the river and for escape to the United States—the Mexican troops, who are generally enlisted just as sailors used to be in England, by a sort of press-gang system, take advantage of the opportunity afforded them when brought north to the Rio Grande border, and desert to the United States. That prevents the central government from maintaining a force on the Lower Rio Grande to control the desperate and lawless people. I have represented these facts in my report to the General Government, and have suggested the propriety of amending existing treaties, so that deserters from either side can be remitted as other criminal offenders now are under the present extradition treaties. After examining the country, which I found to be a dense thicket along the river, with here and there narrow paths or cat-

tle-roads cut through (which thicket extends sometimes 20 or 25 miles from the river toward the open plain), and from the fact that the grazing country to the north is about the same distance from the river from its mouth for 500 miles up the river, I came to the conclusion that it was impossible to guard the river-banks by a system of small posts or videttes, for the reason that the cattle-thieves can receive notice from the rural population (who are nearly all Mexicans) of the location of the troops. I satisfied myself that the only way to protect the property of the people on that frontier and to prevent these raids, was to cross the river, whenever the troops struck a trail with the prospect of overtaking the cattle-thieves. They cannot see them come through this thicket or chaparral, and they cannot know that they are coming on any particular road, except only by accident. They can only get upon the trail in the rear and follow them, and as these cattle-thieves go mounted and at a full run, the prospect of overtaking them before they get to the river is more than doubtful; it is next to impossible. The local authorities on the Mexican side being under the influence of this lawless population, which I have described, and being sometimes their leaders, are averse to restoring any property, and I believe they have never yet shown any disposition to do so, no matter how strong the proof of the guilt of the party or the evidence that the property is within their reach. These officials have frequently engaged in these cattle-raids and have boasted of the success of their enterprise. Under these circumstances, and in view of the powerlessness or inability of the Mexican government to enforce its own laws, or even to protect its own property, we cannot expect them to protect ours, and I consider it not only justifiable, but the duty of the United States authorities to enforce the security of our own border and to protect the people from invasion. I could give instances, stated to me by officials on the river, of numerous raids, and of the passage of cattle in large numbers that have occurred since I have been in command of the department, but I believe that the committee has received sufficient evidence on that point from gentlemen who live on the ground. I may state, however, that so great has been the fear of the raiders, by both Americans and Mexicans, and so certainly would men be murdered if they gave information, that captains of American steamers, plying on the river, and gentlemen who have been living outside of the towns, requested me not to mention their names in any statement I might make to the government based on their evidence, for they would in all probability be murdered by these raiders if it were known that they had given information. When the commanding officer at Ringgold Barracks, on one rare occasion, received information of an intended raid, the man who sent him the information and the Mexican boy whom he sent with it were both murdered in less than a month. I will also add that it is a matter of great importance on that frontier that troops of the best sort should be stationed there. An unfortunate condition of affairs arose between the colored troops and the native population, under which native Mexicans living on the American side were indisposed to co-operate with the officers of colored regiments. They were averse to having that sort of troops among them. For that reason I gave orders, shortly after taking command, that no patrols or small parties should be sent out from posts, except under command of a white officer, and as there are very few officers available, this, in a great measure, prevented such patrols being sent. So that white troops should in all cases be selected for service on that frontier, and at least two regiments of the best cavalry should be stationed on the Lower Rio Grande. I have been requested by the district commander there to hurry down some cavalry which I promised him recently on account of the frequency of raids, and from the fact that a revolution was progressing on the opposite side, which would probably place the worst class of people in power, and in position to do harm, and the raiding parties, in order to supply the revolutionists with beef, would come across, probably, two or three hundred in a party.

The northerners in that locality are very cold, and neither horses nor cattle will face them, and they are driven by these winds to seek shelter in the thickets and oak groves which are found farther south. They sometimes wander two or three hundred miles under the influence of these northerners. They are so cold that sometimes hundreds and thousands of cattle perish by cold; they freeze, not so much from the low temperature as from the force of the wind, which carries off the vital heat. The cattle are all free. One man's cattle will be frequently found in two or three of the surrounding counties, in this way, under successive northerners. They keep on going south continually, from one thicket to another, or from one covert to another, to the southern country. The country along there affords better facilities both for protection and grazing than the country farther north. The mesquite trees grow much larger, and the prickly pear, on which the cattle graze during droughts, grows in greater abundance, and the natural grasses are as strong, I think, in the valley of the Rio Grande, and the valley is about as fertile as any place that I have ever seen in Texas. Hence there is always a larger supply of cattle there than belong to that portion of the country, and the raiders, when they cut out a band of cattle, have been sometimes overtaken with from ten to twenty brands in one herd.

Q. State whether these raids are mutual from either side of the river, or whether it

is possible on account of the Mexican surveillance on the frontier for American raiders to go over there. Has such a thing not come to your knowledge?—A. I inquired carefully when I was down there to ascertain if any raids had been committed by Americans on Mexicans, and I could not hear of a single instance. When, on the Upper Rio Grande, I suggested the possibility of outlaws on our side stealing horses and carrying them to Mexico, the people laughed at me, because, they said, the Mexicans were so much more expert in stealing, and because that class of people was so much more abundant on the other side, an American who should cross with stolen property would not hold it an hour after he had crossed. Besides, on the Mexican side of the Lower Rio Grande, so far as I could see, there is nothing to steal. The people on the Mexican side are nearly all supplied with beef, or pretty largely supplied, from our side; and I was told by a gentleman who was for a long time consul at Monterey, Mr. Ulrich, that the price of beef there varies with the arrival and departure of raiding bands going after cattle into Texas. Besides this, they have a system of rural police among the population living in the villages close to the border of the river, who would communicate the arrival of a party of Americans so quickly that in less than six hours after Captains McNally and Randlett crossed the river with their little force, between two and three hundred of this rural police and *rancheros* were in front of him, and as many as 500 would have been there in less than twenty-four hours if he had remained. So that there is neither temptation to go there for plunder nor prospect of getting it out if they should get any.

Q. Do you consider the Mexican system of surveillance of the river as much more effective than ours?—A. Yes; they keep a sharper lookout in proportion, just as a band of robbers would keep a better lookout to cover their retreat than the shepherds would keep in watching their flocks. It is, hence, next to impossible for anybody to go there and return without being either discovered or without a large force being gathered to resist them. That is one reason why I am anxious to have a larger military force there than we have now. The only way of recovering cattle and of preventing future raids is to cross the river, and I want a sufficient force to cross and to maintain itself on the other side for a short time if necessary.

Q. I understand you to say that the Mexican side of the river is densely settled.—A. On the southern side of the river the population is quite large, probably two or three times as great as on our side; and then they have, on the opposite side, a large population of roving Mexicans, who can be citizens on either side, and who are thus exempt from arrest on the other. These vagabonds on the northern side of the river are frequently in collusion with the robber-bands from Mexico, and for that reason the Mexican Government states that those raids are not committed by Mexicans, but are committed by Americans, because some of these same fellows may have probably been naturalized, or had obtained some right under the Texas laws (which are very liberal) to remain there, and to have the benefit of citizenship, but they are nevertheless Mexicans.

Q. You do not apply that to the entire Mexican population on our side?—A. Not at all; only to the roving class, who have no permanent home. The best class of Mexicans are just as anxious as the American stock-raisers are to put a stop to these raids, and quite a company of them co-operated very actively in the recovery of the cattle by Captain McNally and Captain Randlett, when they crossed the river recently.

Q. Have you ever been on the opposite side of the river?—A. I have been.

Q. On what do the people on the other side live? What is their main occupation? Do they cultivate land?—A. There is a little cultivation, but it was one of the mysteries which I could not fathom, how so many people happen to live with so little work. There did not appear to be any sufficient amount of land cultivated to maintain them. There was a very small amount of cattle—only a few goats and some sheep.

Q. On what, in your opinion, do they live?—A. When I asked one gentleman, a citizen of Matamoros, if there was no way of affording this people occupation, and giving them some work to do, he said, "Yes; bring back Cortina, and they will soon have plenty of work." I suppose he meant that Cortina would give them employment on our side.

Q. Was not that all the work Cortina had to give?—A. I think he encouraged the trade with the interior, as far as he could do so when the owners of the *conductas*, and of the supplies coming in and going out, would pay him liberally; but I think from what I could learn that his supplies of cattle came from the north side of the river.

Q. Did you ever take any notice as to what became of all the cattle stolen?—A. In one or two instances certificates were furnished to me by special agents employed as spies that bands of cattle were driven to the beach near Matamoros and shipped to Havana, and that large numbers of hides (the brands of which were found to be American brands) were shipped on this same steamer; that the employes of Cortina guarded the shipment of the cattle, and some of them were afterward killed in possession of the herd of stolen cattle on our side, driving it to the river-bank. All this was sworn to by the parties who witnessed the shipment, and a copy of these affidavits is filed among the papers that I sent in in connection with the account of the matter.

Q. Did you hear of any market for cattle in the interior?—A. I have stated that Mr. Ulrich told me that the price of beef at Monterey varied with the arrival of these raiding parties from the north.

Q. I believe you stated that the people on the other side seem to be in common accord in protecting these raids—both the local authorities and the resident population.—A. I was informed by a gentleman formerly of the United States Army, and now a stock-raiser on the border, that the commandant at Mier is one of the most notorious cattle-raiders and bandits in the country. And he was at that time reported to be still in office as commandant of the custom-house guard at Mier.

Q. Do you recollect the fact that a mail-rider at one time was stopped and held back for some time, by one of these raiding parties, so that he should not carry information till they were safely over?—A. They capture everybody whom they encounter. While the raiding was going on which I spoke of (shortly after I took command) the raiders were so frequently in possession of the country on our side that the roads were impassable except by large parties or under escort. The Mexican consul at San Antonio, when he wanted to go over to Camargo for his family, asked and obtained from me an order for an escort; and the Catholic bishop when he visited his people asked me for a military escort. The county judge going from one town to another requested a military escort. It was unsafe outside of the towns, and it was impossible to execute the laws at all. That was at the time previous to Cortina's arrest, and it will become so again on his return. The country was entirely in possession of the cattle-raiders, and my force was entirely inadequate to check them, or to drive them out of the country. They have always taken precautions to cover their movements, and to keep the information of their raids from spreading. As I mentioned before, where they discovered that information had been given of their movements they murdered the man who sent it and the boy who took it.

Q. From your observations there what power does the national Mexican Government exercise in these matters?—A. The national government appears to have no control over the country. It cannot keep troops there, because they desert, and the country is filled with malcontents and deserters, and the local authorities are under their influence. The rule in Mexico along the frontier has been, and is still, to intrust the provincial authorities with entire control and management of the frontier defense against marauders or Indians, so that I had an understanding with the governor of Sonora, when I had command of the department which includes Arizona, that we could cross the border in pursuit of marauding Indians from either side, and on one occasion a company of Mexican troops co-operated with our troops for two or three weeks on our side of the boundary. I approved of issuing rations to them and complimented them in orders. I have now an understanding with the governor of Chihuahua to the same effect, that either his troops or ours shall pursue hostile Indians, or co-operate in their pursuit on either side, and as all these raiders on the river are pretty much Indians, or of Indian descent, if the local governor of Tamaulipas was influenced by the same motives there would be no difficulty about our troops co-operating and soon putting an end to these raids.

Q. I understand you to say, then, that that power which we have actually to deal with on the frontier is not the national government of Mexico, but the local government?—A. The local government.

Q. And the national government is never applied to by the local government?—A. It is never applied to so far as I am aware of for permission to use its own means, in regard to its wishes, or even consulted. But the moment that we cross the border, the local authorities then refer to the treaties with the national government, which they do not pretend to abide by, or have the slightest regard for, themselves.

Q. In this whole matter, in the manner of protecting the frontier there, do you think that any dependence can be placed on anything like treaties or mutual agreements of any kind whatever, or is it necessary to depend entirely upon our own force?—A. I think it would be just about as proper if pirates were committing depredations on our commerce in the Pacific Ocean, and if these pirates had been fitted out in Spain, and we should attempt to capture them, for them to appeal to the treaty with Spain, and to say that we had no right to touch them.

Q. You think that we can rely only on what we do ourselves?—A. That is the only reliance we have. They have no regard for anything but force, and as there is no force in the Mexican Government there to restrain them, if we do not put our own force in use they will, before long, take possession of the country; they now threaten to take possession of it.

Q. Have you heard of any revolutionary movement there lately?—A. The commanding officer of the district at Brownsville reports to me that there was a prominent revolutionist at Brownsville (Porfirio Diaz), and I learned from the commanding officer at Eagle Pass that the revolution was in progress in Coahuila.

Q. State what, in your opinion, the effect of the presence of a revolutionary army on the frontier would be.—A. It would prevent what little control the government is now exercising over the people on the southern side. Revolutionary bands, of course,

plunder everybody on their own side, and they would have no regard for people on our side. The river is no obstacle. They can cross wherever they please, and help themselves to whatever they want.

Q. Would they not naturally draw all their supplies from this side?—A. The only place they can get their supply of beef there is from the north side of the river, and they would inevitably cross the river and plunder. I ought to mention in my evidence that the sort of people whom I have described as in power, and as making up the majority of the population in Tamaulipas, are not found so numerous as you go up the river farther north to Chihuahua. I have been informed by gentlemen who traveled and lived there that the population is industrious, thrifty, and enterprising; that the country is cultivated and handsome; that common schools abound, and that, in every respect, there is a great improvement and manifest progress made. As you go up the river this improved condition of things increases. In Coahuila also they have good common schools, and the attendance of children is good, and the people are making great progress in the arts, and are cultivating the soil with a good deal of care. In proportion as this higher civilization is found, the depredations upon the American property diminish, until, in the Northern States, we are co-operating mutually to capture or destroy the wild Indians who depredate on both sides, and I think that every effort should be made to protect industrious Mexicans, and to foster friendly relations with them. The relations of the people on both sides at the north are very friendly, but not at the south. In the vicinity of Brownsville a Mexican may be polite, and may treat our officials with some courtesy when they cross, but that does not express their real sentiments or the feelings of their local rulers.

Q. What class of troops would be the most efficient there?—A. I have mentioned already very good reasons for relieving the colored troops on that frontier, and replacing them by white troops as soon as possible, and I have so represented it to the military authorities. Since the white troops went down there, there was very earnest co-operation between the resident Mexicans and the white troops. For the first time since the Fourth Cavalry were there, the resident Mexicans showed zeal and activity in co-operating with our troops. Only recently Captain Randlett, in his report, compliments the Mexicans who aided him very materially. Whereas, when the colored troops went out, the Mexicans avoided them, and, in some instances, attacked them. There was a feeling of hostility between them and the Mexicans.

By Mr. BANKS :

Q. But the relations between the Mexican people and the white troops were improving?—A. They were good at once. When the Fourth Cavalry was there they could get information and could succeed in overtaking the thieves, and did so by obtaining correct information.

Q. What is the number of the colored troops now in your department?—A. I have two regiments of infantry and one and a half regiments of cavalry, colored troops.

Q. Does the improvement in agricultural or planting interests, and the improved disposition of the colored people to labor, affect the military organization at all?—A. I was going to add that the companies have become so small on account of the almost impossibility of getting good recruits, and on account of the discharge of the old men. The commanding officer of the Department of the Gulf informs me that the colored men are not enlisting in his department; that they are settling down and working.

Q. The better their disposition to work, the less disposition they have to enlist?—A. Yes; they can get much better pay and be much better contented in civil life, and it is much better for them to remain at work, because they are more happy and contented having their families with them. Those who are discharged out there do not remain, but return as soon as possible.

By Mr. WILLIAMS :

Q. What posts have you below Laredo?—A. Only two posts below Laredo; one at Ringgold Barracks, which is opposite Camargo, on the other side, and one at Brownsville. I ought to have added in my testimony that one of the difficulties which complicate the matter seriously in connection with these raiding parties, is that the Rio Grande River is not looked upon as the real boundary-line, the river having changed since the treaty made it the border; and there are a good many of what are called *bolsas*, or pockets, in the bends of the river, which have been cut off from one or the other side, leaving, as it were, little pieces of Mexico all along on our side of the river; and the Mexican laws are enforced in these places, and the Mexican population refuse to submit to any authority from our side. In a great many places the river has taken an entirely new channel. These raiding parties can rendezvous, therefore, on this side of the river in Mexico, and we cannot disturb them without being on Mexican territory.

Q. There is no difficulty in establishing military posts anywhere along the river—that is, the ground is high enough?—A. When we get below Edinburgh the river-bottom is liable to overflow, and it is very difficult to travel after an overflow, on account of the mud, so that the people traveling up and down the river have to take to

the hills, some distance from the bank. I never went up on the hilly route, but it is much longer than the bottom-road.

By the CHAIRMAN:

Q. How far are the hills from the river?—A. When you get up to Edinburgh the hills come close to the bank. Below Edinburgh, on our side, the bottom becomes wider and wider, so that down near the mouth of the river the bottom-lands are twenty or fifty miles wide and the river runs off in a false river. The whole of that lower valley is irrigable and could be made a perfect garden if the river were dammed pretty well up, and property and life safe.

Q. You would have only one State to get the consent of to cross—the State of Tamaulipas?—A. I do not think that the people of that State, so long as they get supplies so readily from our side without paying for them, would consent to any interference with their beef-market.

Q. They would not consent to your crossing troops there?—A. No, sir; but so far as I am concerned, I would not ask their consent to recover our own property and to protect the country from marauders.

By Mr. BANKS:

Q. Would it not be apt to lead us into difficulties?—A. No, sir; I do not think there is the slightest danger of its leading us into difficulties. I think we can make such an arrangement with the governor of Coahuila, the State north of where the raids are committed. I directed the post-commander at Eagle Pass to write to the commandant on the opposite side to ascertain if he has any objection to our troops crossing in pursuit of wild Indian marauders, and the reply was that he would refer my letter to the governor, he himself having no authority. He did not say that he would refer it to the national government, but to the governor of the State.

By the CHAIRMAN:

Q. I understand you to state that there is pleasant intercourse on the Upper Rio Grande and the reverse on the Lower Rio Grande?—A. Yes. In the lower country men seem to cultivate and foment all the hostility that they can against "los Yankees," with a view to maintaining themselves in the good will of the people. Cortina's proclamation to the rancheros there is filled with vituperation and abuse of "los Yankees," and accusations against his enemies of co-operating with them to destroy him.

By Mr. WILLIAMS:

Q. Do you know anything of the comparative price of beef at the ranches on our side in Texas and on the Mexican side?—A. I was told when I was at Brownsville and Matamoros that as a usual thing beef on the other side was much lower than on our side, especially after raids; but at the time I was there Cortina had been just arrested and the supply of beef had been cut off, so that beef had gone up there, and was very high, and hides were very scarce.

By the CHAIRMAN:

Q. I believe they raise very few cattle on the other side?—A. I did not see any in my travels in that neighborhood, except here and there a cow or two, but particularly goats and a few sheep.

By Mr. WILLIAMS:

Q. Is there no beef purchased on our side to be taken over there?—A. I made an inquiry as to that, and I heard of only one case where any purchase was made on this side, and that was a small flock of sheep that had been purchased, but no cattle.

Q. How do you account for that?—A. The river is so easily forded that they help themselves to cattle.

By the CHAIRMAN:

Q. You think that those who want cattle buy them cheaper from the raiders than they can from the owners?—A. Yes, sir; to have a proper understanding of this whole subject, I think that one should travel in that part of Mexico. It is not looked upon by the "gente" (genteel) of Mexico as unbecoming a gentleman to take to the road and rob, in many parts of the country. I have heard of a man who had been turned out of office apologize for those becoming robbers by saying, "What else is a gentleman to do?" The existing authorities, "juaristas," had thrown him out of office, and he seemed to think that he had no resource but to take to the road and kill and rob. From what I could learn, robbers are found in almost every town and village in certain districts, and so long as they confine their depredations to a district at a distance, the people of the neighborhood do not interfere with them.

Q. The only thing that degrades a gentleman is to work?—A. I believe that that in some parts of Mexico is the prevailing idea. It is so in some of the southern parts, but in the northern parts of Mexico the population is really an enterprising, industrious, useful one; much better than the population in the *tierras calientes*.

By Mr. BANKS:

Q. Is there no other possible way of protecting this line without assuming the responsibility of crossing the river?—A. There is no other possible way of doing it. I have described the character of the country. It is almost impossible to interfere with these raiding parties by getting in front of them, as they have the advantage of about four or five hundred miles of river to cross, and they can get information of the position of our troops a few hours before they "drive" the cattle across. The only way is to get in their rear, follow them rapidly and probably strike them at the river, which, as I have stated, is very difficult.

By Mr. WILLIAMS:

Q. Do they not often come one hundred and fifty miles after these cattle?—A. I am told they rob from the ranches along the Nueces, and that is from one hundred and twenty miles to one hundred and sixty miles from the Rio Grande. I am told that they drive the cattle fifty to sixty miles a day at the full run. Then they hide them for a short time, perhaps, to rest, but as a rule they go clear to the river in a single drive without holding in at all. At intervals along the river are fences, broad at the upper end and running to a point where the crossing is good. These fences were put there on purpose to facilitate the driving of the cattle across.

Q. How would it be if they were removed?—A. We cannot remove them. If they were removed, it would probably interfere with the crossing in that particular point, but they are temporary fences, and are put up in a short time. If the man who puts them up does not own the land, probably it is owned by a cousin or *compadre*, and if we undertook to remove them they would have us up before the courts for interfering with their property.

By Mr. WILLIAMS:

Q. You do not think that the establishment of small posts with patrols between them could stop these raids?—A. If we could put a small post at every two or three miles, and could subside about 10,000 troops along the river-bottom, we possibly might succeed in stopping a large number of them.

Q. Is it 500 miles by the river to Laredo?—A. I believe it is more than 500 miles. I believe it is 400 miles from the mouth of the river up to Ringgold Barracks. But for every three miles of the river there is about one mile of straight line. Some of these bends in the lower river are several miles deep.

By the CHAIRMAN:

Q. You would not require to have stations all around the bends?—A. No; but the trouble is that the country is a dense chaparral, composed of materials that it is very difficult to get through except in paths. The mesquit-tree grows there to fifty or sixty feet in height, and two or three in diameter, and there is a dense undergrowth just as you find it in a tropical country.

By Mr. WILLIAMS:

Q. What is your estimate of the force required from the mouth of the river up to the point where these crossings are, say as far as Laredo?—A. My estimate is based entirely on the probability that we should be authorized to cross the troops whenever it is absolutely necessary to recovering the stolen property, and when troops get on the trail with a prospect of overtaking them. I think that two regiments of cavalry on the lower river would give me an available force to concentrate at the point where the crossing is made, and to protect any party that might have to cross.

Q. Where is this other half regiment of colored cavalry now?—A. It is on its way to New Mexico. One of my regiments is exchanging with a regiment from New Mexico; the colored cavalry coming north and the white cavalry going south.

By the CHAIRMAN:

Q. How many troops have you there now?—A. In the department I have about 3,000 troops. I have twenty-four companies of cavalry and thirty-seven companies of infantry. The companies of colored troops, especially the infantry, are very small. Of the whole sixty-one companies I have only about 1,700 men actually present for outside duty; that does not include men on extra duty, such as opening roads through the wilderness, and building telegraph-lines and posts, &c.

Q. The statement of troops under your command means all the troops in your department?—A. Yes; about three thousand men are all the troops in my department, including those on the Indian frontier. The troops on the Lower Rio Grande now constitute six companies of cavalry and seven companies of infantry, but some of the companies do not average more than ten or twelve men for duty.

Q. And you have no troops in your department available that you can send to the Rio Grande?—A. If I should take the troops from the northern part of the department and send them to the southern part it would interfere with my operations against the Indians.

Q. So that all the force available from your department is now on the Rio Grande?—
A. All the force available without interfering with the proper protection of the north, northwest, and western parts of the State. The Indians that trouble us in the northern part of Coahuila are the Apaches, Kickapoos, and several other bands.

Q. What is the actual force on the Lower Rio Grande where these raids take place?—
A. I do not think we have more than four hundred men for duty; six companies of cavalry and seven companies of colored infantry.

Q. How many of these four hundred men are cavalry?—A. Over three hundred, I think, are cavalry. The six companies of cavalry are much larger for duty than the seven companies of infantry. The white cavalry has recently gone there to relieve the colored troops.

Q. I suppose that only cavalry is available for active purposes?—A. The cavalry is much more rapidly concentrated at any point on the river than infantry would be. This sort of service requires cavalry, for these men are all mounted, and to send infantry after them would be like sending the tortoise to catch the deer.

By Mr. WILLIAMS:

Q. Some infantry might be used there?—A. Yes; to occupy posts, &c. It would be scarcely proper to make permanent posts along the river-bank because the river changes so rapidly, and the crossings change so that one freshet will destroy a tolerably good crossing by making the banks perpendicular and the river deep. The posts at Laredo and Brownsville are permanent posts because they are in the vicinity of towns, and there are good roads leading to them. I think there are two or three points along the river at which temporary barracks should be constructed, for sometimes the weather is rainy and cold, and unless the troops have shelter in hot weather and protection in rainy weather they are very apt to have a good deal of sickness.

Q. Would it not be feasible to have temporary posts at such distances as to keep patrols between them?—A. That would be my object in having these temporary posts at three or four points along the river, and then, if a raiding party were found to be on our side and we could get on the trail and find out where it crossed, and if the prospect of recovering the cattle was good, we could have troops collected immediately at that point from the neighboring stations and have them cross as rapidly as possible and in sufficient force to maintain themselves and to cover the recrossing.

The judges of the courts there have informed me that on account of the facility with which these people can obtain evidence through alibi, &c., and on account of the fears entertained by the native population in case they give any evidence against these raiders, it is next to impossible to convict any criminals brought before them for cattle-stealing, and to have been actually engaged in it. Those who can give evidence are afraid to give it, and those who are in collusion with them are ready to testify to their innocence, so that, really, civil law is inoperative against them.

Correct.

E. O. C. ORD,

Brigadier and Brevet Major General, United States Army.

A.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, Tex., September 10, 1875.

To the ASSISTANT ADJUTANT-GENERAL,
Military Division of the Missouri, Chicago, Ill.:

SIR: I have the honor to report that since I took command of this department, in April last, the troops stationed therein have been kept busy scouting, building telegraph-lines and keeping posts in repair, and attending to other legitimate duties; weekly target-practice has been held at every post, and has resulted in fair progress where post and company commanders have taken proper interest in that all-important branch of a soldier's education.

The changes of station of the troops which have occurred are shown in abstract "A," which accompanies this report, and the number and character of scouts in abstract "B."

A campaign against predatory Indians is now being vigorously prosecuted by a column composed of six companies of the Tenth Cavalry, two companies of the Twenty-fourth Infantry, and one company of the Twenty-fifth Infantry, the whole under command of Lieutenant-Colonel Shafter, Twenty-fourth Infantry. The Indians against whom Colonel Shafter is operating probably came from Mexico, and, after depredating on the settlements of Northwestern Texas, have retreated to the edge of, and into, the "staked plains." So far his parties have been successful only in destroying one Indian camp and material, and capturing a portion of the stolen animals in their possession. He will remain in the field as long as there is a chance of finding Indians.

The most important border difficulties, however, from which the western portion of this department suffers, occur on the Lower Rio Grande, where some of the most prominent officers and wealthy merchants of that part of Mexico have for some time been regularly engaged in the business of fitting out parties to plunder the stock-ranches on this side of the river, where, as was to be expected from the Americans, there was a disposition not to submit to be plundered. Citizens who appeared or gave information against the raiders were murdered. Shortly after I took command of the department, I received reports of the murder, in open daylight, of several prominent citizens (one of them a United States collector, another a United States postmaster) and the robbing of their premises; also of an attack upon and the killing of two of a patrol of soldiers; all done by some of the armed bands of Mexicans who, it was reported, were continually running large herds of American stock across into Mexico. To such a degree were the few American inhabitants of the counties bordering on Mexico intimidated by the frequent murders and threats against Americans generally, by these raiders and their friends and allies among the large population of vagrant Mexicans on our side of the river, that they, with the exception of one family, left the country and fled to the towns. Throughout the valley of the Rio Grande, from the mouth for a distance of two hundred miles up the river, and for a hundred and forty miles back from it, crops and herds have been abandoned; people dared not travel except in armed parties; civil law outside of the towns was suspended, and sheriffs and judges reported to me that it was unsafe to attempt to execute processes of law outside of the towns, unless the officers of the law were accompanied by soldiers to protect them. Under these circumstances, the governor of the State applied through me, and directly, for a sufficient United States military force to protect the frontier, stating his inability to do so with the means at his disposal. I was directed to inform him that it is "the duty of the troops on the Rio Grande frontier to protect all the officers of the general government, and, as far as possible, aid the State authorities in protecting the people against organized bands of marauders from any quarter," which I did; at the same time I called attention to the grave character of the invasion, and the importance of prompt and decisive measures by the Government of the United States.

The State had but one small, though active, company of cavalry on that frontier, and the United States but five, quite small, companies of the Ninth Cavalry scattered along the river a distance of about two hundred miles. The valley of the river for this distance is almost a jungle—twenty or thirty miles wide—with winding paths and roads cut through at intervals. The soil is a rich alluvium, and, even with the rude cultivation practiced by the Mexicans, produces a large yield of corn, cotton, and sugarcane. A large number of small ranches and Mexican huts or "jacals" are scattered along, generally near the river. The population of these is entirely Mexican; their occupation appears to a traveler along the road to be principally screening themselves from the sun in hot weather and riding from ranch to ranch. At nearly all the ranches visited by me I remarked a surplus of armed men, and that horses were kept saddled. The Americans say that it is impossible to discover who are hostile and engaged in raiding, for the population is changing all the time, and Mexicans from the west bank claim a residence on either, to suit their convenience, and claim immunity as American citizens from any interference by the military without due process of law. This claim they can establish by the easy process of swearing to whatever is necessary, so that a dozen or more can assemble at a ranch in the United States, from Mexico or elsewhere, and defy interference.

In short, this valley is the only part of Texas where the Mexicans have continued in possession since the treaty of Guadalupe, and whenever Mexican troops, recruited, perhaps, from the prisons, or composed largely of criminals, have been sent to the Rio Grande border, they have deserted almost *en masse*, taking refuge on the east bank of the river, where they join the rogues who infest that country, and live upon either bank, as it may suit their convenience.

The honest Mexicans who own ranches on our side, and have some few cattle and horses left, are more in dread of the arrival of Mexican troops on the border than any one else. The river is no obstacle to the raiders, for, since the treaty made its channel the line between the two countries, frequent changes have occurred, and points of land have been cut off, and now several pieces of Mexico are found on this side of the river. These are used as places of rendezvous for the larger raiding-parties, who can cross at their leisure and quietly assemble in that part of Mexico, and, after a reconnaissance, suddenly appear at some unprotected ranch, perhaps a hundred miles from the river, kill any who resist, cut out as many cattle as they need, and run them to the river, where tame oxen from the Mexican side are kept tied and without water; these, being loosed, go for the river and home, leading the herd of stolen cattle rapidly across, where no United States authority has so far dared to follow, and where the people turn out to welcome the successful despoilers of "los Americanos."

Early in last June, after I had, as above stated, drawn the attention of the government to the grave character of these frequent violations of our soil, and the President had directed a small naval force, with light-draught launches, to proceed to the mouth

of the Rio Grande, Adjutant-General Steele, of this State, was sent to the Rio Grande to investigate the alleged invasion of that border. At his and my request, the Hon. Mr. Dwyer, of this place, accompanied him as interpreter, &c. On his return, to sundry queries of mine, Mr. Dwyer answered as follows:

"SAN ANTONIO, July 5, 1875.

"General E. O. C'ORD, *U. S. Army,*
Commanding Department of Texas :

"GENERAL: In compliance with your request, I have the honor to reply to your inquiries, in reference to affairs on the Rio Grande frontier, seriatim :

"1st. 'Have you any reason for believing that General Cortina is still in the Mexican service?'

"This question is settled, as General Cortina has been sent under arrest to the city of Mexico 'for disobedience of orders.' I was informed in Matamoros, Mexico, that Cortina was a brigadier-general in the Mexican army, but, as he was not in active service, was receiving half-pay.

"2d. 'Has he, as far as you could learn, been selling cattle, beef, &c., to parties supplying the Spanish Government?'

"During my visit at Brownsville, Tex., I met Señor Yaguno (or Llayuno), a Spaniard, a trader whom I had known for fifteen years. Señor Yaguno told me he had come to Texas to buy cattle to take to Havana, Cuba. Señor Yaguno said to me, viz: 'I went some fifty miles into Texas, with intention of purchasing beeves from some of the big cattle-men of Texas, but I found out I could do better in Matamoros, Mexico, and I returned there and bought the cattle I desired from 'Cheno.' I asked who 'Cheno' was. He replied: '*Cheno Cortina*, Juan Nepomuceno Cortina.'

"Señor Yaguno told me he had contracted with Cortina for three thousand five hundred head of cattle, to consist of two thousand beeves and one thousand five hundred mixed cattle; that he was to pay eleven dollars per head, delivered at Bagdad, Mexico.

"Señor Yaguno told me the steamer was then at the 'Boca del Rio,' waiting for the first cargo of cattle. The name of the steamer, I believe, was 'Irene y Nine.'

"3d. 'Did you learn how he furnished the cattle, and whose they were?'

"More than two-thirds, if not all, the cattle furnished were '*Texas cattle*.' Cortina made the first delivery of cattle at Bagdad, Mexico. Sergeant Hall, of Capt. L. H. McNally's company, State troops, an intelligent and trustworthy man, was sent, disguised, to inspect the cattle at Bagdad and on the lighters that were loading the steamer. He reported that most of the cattle shipped had American brands—branded with Capt. R. King's, of Santa Gertrude's, Nueces County; Captain Kennedy's, Judge Parker's, and other brands of citizens of Texas.

"4th. 'Were any of his employes killed while driving cattle across, recently, to Mexico; if so, how many, &c., and who?'

"I believe all the men killed by McNally's company of rangers, on the 12th day of June, A. D. 1875, were employes of General Cortina.

"An inspector of customs of the port of Brownsville was aboard the lighter while taking cattle on the Mexican bank of Rio Bravo, and he made an affidavit (which I believe is in the hands of Adjutant-General William Steele, at Austin, Tex.) to the effect that *he saw* General Cortina superintend, in person, the delivery of cattle at Bagdad, Mexico, and that he recognized one Pancho Lopez, one Guadalupe Espinosa, and José Maria Olguin, *alias* Abuja, who were with Cortina at the time.

"The dead bodies of Pancho Lopez, Guadalupe Espinosa, and others were recognized among those killed by Captain McNally's company, and it was well known that Olguin, *alias* Abuja, arrived at Matamoros severely wounded, he being the only one of the cattle-thieves who escaped.

"These raiders were taking about two hundred and fifty head of fine beeves to make up the boat-load for Havana.

"5th. 'How many of the lower or more desperate Mexicans could Cortina muster to aid him in a raid; and did you learn if a large party crossed recently, intending to attack towns or villages? If so, why did the attack fail, &c.?'

"From all I could ascertain, Cortina could easily raise at least two thousand well-armed men.

"The raiders that depredated on the Nueces River came from the Republic of Mexico. This is not even denied by Mexican citizens in Matamoros and Camargo, Mexico.

"It was a positive invasion of Texas. The raid was to have been more extensive, as a great many more raiders than those who eventually came to the Nueces River crossed the Rio Grande River and met at a rendezvous in the interior of Texas; but, luckily, in consequence of a disagreement among themselves as to who should assume command of the expedition, the party broke up, and most of the raiders returned to Mexico; but one of the chiefs got a party to follow him, and made the successful raid, having, within five miles of Corpus Christi, stolen money, watches, clothing, goods, arms, and horses, and totally destroyed by fire the store of Mr. Noakes.

"Mr. Noakes wounded one of the raiders named Godina, who was hung at Corpus Christi. The raiders wounded a citizen named Smith at Noakes's store.

"I was informed by a Mexican gentleman, a lawyer and a man of standing in Matamoros, Mexico, that he knew that Cortina had organized and encouraged the raid into Texas. Eight of the raiders, on their return from Texas with their booty, were arrested in Camargo and Mier, Mexico. Every one of them was mounted on horses bearing American brands, as reported by Mr. Avery, the United States commercial agent at Camargo, Mexico.

"The raiders, from all accounts, came principally from Las Cuevas, Reynosa, La Bolsa, and Matamoros, Mexico.

"In conclusion, I would say that I gathered the above information during a tour of inspection and observation, in conjunction with General William Steele, the adjutant-general of Texas, under official instructions of his excellency Governor Coke.

"I have the honor to be, general, very respectfully, your obedient servant,
"JOSEPH E. DWYER."

Mr. Dwyer is one of the most reliable men in this city, and was urged by me to go with General Steele because he was friendly disposed toward Mexican citizens generally, and had expressed the belief that the reports of raiding were much exaggerated, and thought the Americans as much to blame as the Mexicans.

I have learned from a gentleman of reliability that the present commander of the custom-house guards, at Mier, Mexico, is a notorious bandit, and led the party that murdered Mr. Lovell in May last and plundered the United States custom-house at Carizo. I have received letters from, or conversed with, nearly every United States and State official from Brownsville to Rio Grande City, and, without exception, they corroborate the statements which I have given. The Catholic bishop of that district, who has visited, I suppose, every ranch from the Brazos to Mier, and who doubtless has the interest of the native Mexicans at heart, and at one time thought the Americans to blame, assured me that, in his opinion, there would be no peace in that country for our citizens until the Sierra Madre should be made the boundary-line.

I believe the United States is able to preserve the integrity of, and enforce a proper regard for, its own soil without extending its limits.

The arrest of Cortina by the Mexican Government, due to the order of the President sending a naval force to the Lower Rio Grande, could easily have been followed up by an attack upon, and breaking up of, the nests of robbers at Las Cuevas, Guerrero, and other points well known to the Mexican authorities.

It seems to me that the circumstances of the plunder of the stock-ranches on the Rio Grande are almost identical with the piracies committed on our commerce at one time by the Algerines, who fled in safety to their own ports with their prizes. There the offenses were committed on the open sea; here they are committed with the same ease on the open plain. In both cases the pirates found a ready sale for their captures in the ports where their expeditions were fitted out, namely, Algiers and Tripoli, &c., for the Moors; Matamoros, Reynosa, Camargo, Mier, and Guerrero for the Mexicans. And in both cases the pirates were rewarded by promotion and honors. Patrolling the country along the Rio Grande with a view of intercepting raiders before they can reach the river with stolen herds in their possession, is as if we had tried to stop depredations upon our commerce by the Barbys by scattering our cruisers along the north coast of Africa, with the view of intercepting some Algerine pirate before he could get within three leagues of land with his American prize. The success of Captain McNally, of the State troops, in striking the party of Cortina's men in possession of a stolen herd recently, was due to his accidentally capturing two straggling robbers, who, by the use of the only effectual means known in such cases, but not legitimate enough for regulars to apply, were compelled to betray the position and strength of their band.

I have good reason for believing that the order from the Mexican Government for the arrest of Cortina was due to the order for the movement of a naval force to the Mexican border. As Cortina was not the only leader of raiding-bands, and the others are still at their old business, some more effectual means must be adopted than simply sending troops and sailors to look on while our people are being despoiled and murdered, for it is very evident that the sailors and soldiers, however willing, can do nothing if confined to this side of the river, and an order to make reprisals, with the means to carry out the order, has sometimes resulted in indemnity as well as security.

Copies of quite a number of affidavits and statements, corroborative of what I here report, and received from United States and State officials, have been forwarded by me, through the proper channels, to the State Department. Originals of a part of these, numbered from one to eleven, are forwarded herewith.

I am, very respectfully, your obedient servant,

E. O. C. ORD,
Brigadier-General, United States Army.

Testimony of J. L. Haynes, United States Collector of Customs, at Brownsville, Texas.

(H. Report 343, 44th Cong., 1st sess., p. 43.)

WASHINGTON, D. C., February 14, 1876.

J. L. HAYNES sworn and examined :

Question. State your residence and official position, and means of knowing about affairs on the Rio Grande.—Answer. I live at Brownsville, Tex.; am collector of the district of Brazos de Santiago, which includes the counties of Cameron, Hidalgo, and Star, of which district Brownsville is the chief port; have lived on the Rio Grande, off and on, for nearly thirty years. I speak the Spanish language tolerably, and am pretty well acquainted with the people of that frontier on both sides of the river.

Q. What is the zona libre of Mexico?—A. It is a free zone extending along the Rio Grande from its mouth to El Paso, I think, and includes the territory between the Rio Grande and a line drawn parallel to the river and six leagues, or about fifteen or sixteen miles, from it. It is called the free zone, because all merchandise imported into Mexico within this zone is free of all duties, except a slight municipal tax levied by the cities or villages within the zone into which they may be imported.

Q. What has been the effect of establishing this free zone?—A. Before its establishment, the trade of nearly all Northern Mexico was carried on in the towns on this side of the Rio Grande, but since then this trade has left our towns and passed over to the Mexican cities and towns on the other side of the river.

Q. Has not the establishment of this free zone had a considerable effect in bringing about the present condition of affairs on the Rio Grande?—A. I think it has. The establishment of the free zone has always been regarded by the people of our frontier as a hostile measure on the part of Mexico, and it has naturally excited hostility on their part, for it has not only taken our trade away, but has established a deposit for free goods all along the Rio Grande, which are illicitly introduced in considerable quantities into this country, to the detriment of our own merchants. A good deal of smuggling is done to this side in small quantities at a time, but which aggregate a large amount annually, necessitating a large force of customs-officers to prevent its extension.

Q. Has not the zona libre induced the settlement of smugglers and other lawless characters on the Mexican side of the river?—A. My experience is that there is no honest commerce in Mexico, smuggling being the rule in that country, and the payment of duties the exception, and the smugglers have always been there since I have known the country; but the facilities to smuggle into the interior of Mexico from the free zone have been increased, for the goods now have only to pass an imaginary line, whereas formerly they had the impediment of the Rio Grande to cross, and this fact may have increased that class of population on the Mexican frontier. They have certainly not decreased. Along the margin of the river, on both sides, there are numberless ranches, the bulk of the population living on the river-banks, while farther out from the river the settlements or ranches are sparsely scattered, so that there was formerly much greater risk in smuggling into Mexico across the river, in face of the population, than now out of the towns over an imaginary line with only distantly scattered ranches, and I should judge that the illicit trade and traders have increased.

Q. Have you read the report of the Mexican commissioners, the Señor Velasco and others, on the subject of the Rio Grande troubles; and, if so, what is your opinion of its correctness?—A. I have read the report, both in Spanish and the English translation. The report is very ingenious and plausible, but it is full of fallacies and misrepresentations, and a careful review of it has proved that it is simply a very able piece of special pleading to break the force of the just complaints of our people against the long-continued system of cattle-stealing and raiding that has been carried on against them from Mexico.

Q. Will you please point out some of these misrepresentations? (A translation of the report into English was handed the witness).—A. It would be impossible for me to enter into all the details necessary to be considered to a complete refutation of the report, in the time allowed by the committee, and I shall therefore confine myself to certain prominent facts and points presented in the report, which I propose to do in the order of their importance:

1st. In regard to General Juan N. Cortina. The commissioners say, on page 127 of the report, that "these considerations (mentioned by them) induced the commission to make a lengthened investigation with regard to General Cortina, and the influence exercised by him upon both sides of the Bravo since 1859." And from page 137 to 163 of the report the commission enter upon a labored defense of this notorious personage, including his raid upon the city of Brownsville in 1859, and his subsequent career of murder and robbery until he became a general in the Mexican army. On page 129, the following paragraphs appear:

"The commission has already referred to the condition of the Mexicans in Texas subsequent to the treaty of Gaudalupe. Their lands were especially coveted. Their title-

deeds presented the same confusion as did all the grants of land made by the Spanish Government, and this became the fruitful source of litigation by which many families were ruined. The legislation, instead of being guided by a spirit of equity, on the contrary tended toward the same end. Attempts were made to deprive the Mexicans of their lands; the slightest occurrence was made use of for this purpose, and the supposition is not a remote one that the cause of such procedure may have been a well-settled political principle, leading as far as possible to exclude from an ownership in the soil the Mexicans, whom they regarded as enemies and an inferior race.

"At the commencement and during the disorganization which was prolonged after the treaty of Guadalupe, robberies and spoliations of lands were perpetrated by parties of armed Americans. It is not extraordinary to find some of them whose only titles consist in having taken possession of and settled upon lands belonging to Mexicans. After these spoliations there came the spoliations in legal forms and all the resources of a complicated legislation."

The commission here charge a deliberate attempt on the part of the people and the legislature of Texas to rob the Mexicans in Texas of their lands. If true, it would be a very grave charge; but it is absolutely false as to the legislation of the State. That portion of the State between the Nueces and the Rio Grande Rivers was, previous to 1836, a part of the State of Tamaulipas, from which State the titles to the lands in this territory were issued. On the 19th of December, 1836, Texas declared the Rio Grande to be its boundary, but it was not until the treaty of Guadalupe Hidalgo, in 1848, that this claim was finally made good. The titles issued by Tamaulipas were not known to our records nor to be found among our archives, and legislation on the subject became necessary. On the 8th of February, 1850, an act was passed by the legislature of Texas authorizing the appointment of a board of land-commissioners to investigate these titles. (Paschal's Digest of Laws of Texas, art. 4440.) The board reported a part of their work, and on September 4, 1850, an act was passed to confirm the titles in Webb County, including about fifty leagues, or two hundred and twenty-odd thousand acres of land. (Paschal's Digest, art. 4459.)

Upon a further and fuller report of the board, the legislature, by act approved February 10, 1852, confirmed directly, by name, to the Mexican grantees in Nueces, Cameron, Hidalgo, Starr, Zapata, Webb, and Kinney Counties, about two thousand leagues, or over eight millions of acres of land. (Paschal's Digest, art. 4461.) By act approved February 11, 1858, the titles in El Paso County were confirmed. (Paschal's Digest, art. 4466.) By act of February 11, 1860, parties whose titles were not confirmed were authorized to bring suit in the district courts for confirmation, and under this act over two hundred leagues, or nearly a million of acres, were confirmed by decrees of the courts. (Paschal's Digest, art. 4481.) On the 15th of August, 1870, the foregoing act was substantially re-enacted, with a limitation as to time, and the district court of Travis County, under this act, has confirmed the titles to nearly a million of acres more of these titles. (Paschal's Digest, art. 7068.) Over ten millions of acres of land have thus been confirmed to grantees of titles issued by Tamaulipas. The grantees of these lands and their heirs now own and occupy these lands, excepting a few, who have sold their lands, and one reason of the prosperity of the Mexican towns on the Rio Grande, in comparison with our towns, is this fact, the Mexicans receiving large incomes from their lands and stock-ranches in Texas, which they spend in improving their own towns. The recent constitutional convention of Texas expressly recognized all these confirmations, and gave the owners five years' additional time within which to have their lands surveyed and plotted on our maps, a resurvey being the only condition imposed by the various acts of confirmation. The supreme court of Texas has acted with equal justice to these parties, the titles issued by the former governments having been fully sustained; and I cite, among many others, the following decisions: *Hancock vs. McKinney*, 7th Texas; *Titus vs. Kimbro*, 8th Texas; *Jenkins vs. Chambers*, 9th Texas; *Treviño vs. Hernandez*, 13th Texas, and *Cavasos vs. Treviño*, 35th Texas. The land involved in the case of *Treviño vs. Hernandez* is situated in Cameron County, and the question arose as to certain acts of the Mexican authorities between December 19, 1836, and the American occupation of the Rio Grande in 1846; and the court held that these authorities were *de facto* in power, and that their acts and decisions should be respected. There can be, therefore, no just complaint against the laws and their execution in Texas, in this regard, on the part of the Mexicans; and the allegation of the Mexican commission against our State and people on this subject is proven by our laws and decisions to be not only deliberately, but maliciously false. There may be a few individual cases in which Mexican land-owners have been defrauded of their lands by Americans, but they must be necessarily rare, for the Mexicans have occupied their lands with stock, and very few of them desire to sell, and their original titles being confirmed by Texas, there is no litigation about them unless it be between different heirs of a deceased grantee. After the confirmation of these grants, the legislature passed an act by which any person who might have located a Texas land-certificate upon any of these older titles, should have the privilege of lifting his location and planting it elsewhere upon vacant domain; and under this act the locators have lifted their conflicting locations,

and thus prevented litigation. So that, in fact, the land-titles of the Mexicans between the Nueces and the Rio Grande are in a better condition than those in other portions of the State, thus putting to shame the baseless allegations of the Mexican commission on this, the most serious charge brought by them against the people of Texas. I know all about this question, for I have been for many years the agent of a majority of the land-owners of Starr, Zapata, Webb, and Hidalgo Counties in perfecting their titles and procuring their patents under the various laws of Texas confirming the same.

2d. The next most serious allegation of the Mexican commission is the charge that Mexico, and not Texas, is the sufferer from the robberies on the Rio Grande frontier, and that Americans coming from Texas are the originators and instigators of the robbery, and that the people of Texas have become utterly corrupt and demoralized, socially and politically. The following paragraphs from the report are cited:

"1st. A general rule may be established, although admitting of several exceptions, that the originators and instigators of robbery in Mexico are Americans coming from Texas; that the agents and employes are Mexicans, naturalized in the United States as residents of Texas, and under the jurisdiction of that State, and others residing in Mexico, or having no fixed place of abode.

"2d. A no less general rule may be formed that Texas is the place that has received, and has always received, the benefit of the robberies committed in Mexico. There, without the slightest scruple, the dealers in horses receive the stolen goods, purchasing the animals at reduced rates. (Page 33.)

"Demoralization is not peculiar to the Rio Bravo Valley, and neither is it a question of race or nationality. Between this river and the Nueces the majority of the inhabitants are of Mexican origin, from whence it necessarily follows that the generality of robbers there must belong to that race, but as these practice cattle-stealing under one form, the American proprietors of the Nueces practice it under another. Extreme demoralization prevails in this region, but by no means greater than in all the rest of Texas. Some extracts from the newspapers convince of this. (Page 72.)

"This document shows the grossest immorality in a considerable portion of the inhabitants of Texas. By the newspaper extracts we have inserted above, it may be observed that those crimes have been committed in such counties where there are no Mexican residents, and where forty or fifty criminals combine to control whole cities, placing themselves above the authorities. Notwithstanding our revolution, the Mexican frontier has never arrived at such a condition, nor are the crimes committed between the Rio Bravo and the Nueces attended with such circumstances as those committed in the remaining portion of Texas. When the moral condition of our frontier is far superior to that of Texas, it does not seem proper that the cause of the existing criminality of the counties situated alongside of the Bravo should be looked for on the Mexican border. There are great centers of corruption and unprecedented immorality in Texas, and it is more reasonable to suppose that its pernicious influence spreads to the region of the Bravo and the Nueces, for the general motives from which that corruption had sprung would be necessarily felt there, and even reach our border. To look upon the Mexican border, which is less vicious, for the cause of the depravity prevailing in Texas, is tantamount to reverse entirely the rules of nature." (Page 76.)

Just after the conclusion of the Mexican war in 1848, a very considerable trade sprang up on the Rio Grande by horse-traders coming there to buy the cheap horses of Mexico for sale to stock-raisers in Texas for herding their stock. These parties generally bought in open market, and I have no doubt but that they bought much stolen stock, for it was notorious that stock was stolen in Mexico and brought to this side of the river for sale by the thieves, who were universally Mexicans, for the Americans did not cross over the river to steal, but a few of them may, and were, doubtless, in collusion with the thieves. But the traffic, taken as a whole, was legitimate and honest trade, as the purchasers from the interior could not speak Spanish, and of course could not know whether the Mexicans who sold to them were honest or dishonest. At that time the country between the Nueces and the Rio Grande was unsettled; but, upon the confirmation of their land-titles, the Mexicans soon began to reoccupy their lands between the two rivers with stock, and the horse-trade with Mexico came to a close, as purchasers from the interior of Texas soon found a nearer market on the Nueces. The most important testimony presented upon this subject by the Mexican commission is the evidence of Don Trinidad Garza y Melo (page 17), who was the supreme judge of the State of Nuevo Leon in the years 1868-'69, who gives the data of three hundred and eighty-six criminal cases tried before him during the years succeeding the close of the Mexican war, of which one-third were for horse-stealing, the frequency of which he attributed to the disorders growing out of a common pasturage, the extent of the country, and the proximity of the Bravo, to the bank of which the stolen animals could be so easily and quickly transported, with the certainty of sale and positive certainty of not being pursued or molested. The Mexican commission omitted to state one important fact in this connection, which was, that of the three hundred and eighty-

six cases tried before Judge Garza y Melo, not a single American appeared, the criminals being all Mexicans; nor has a single American, to my knowledge, ever been arrested or tried in Mexico for horse or cattle stealing.

The Mexican commission carry the idea of the corruption and demoralization of the people of Texas through their whole report, and it is again and again repeated and insisted upon. In fact, the conclusion at which the commission arrives is that the people of Texas are really divided into two classes, radical thieves and rebel cut-throats. I wish to call the attention of the committee to the evidence presented by the commission to sustain this view of the social condition of Texas. They quote the debates in the house of representatives (page 106), in which the Democrats of that body denounce the State police as "ruffians" and "robbers," and, on the other hand, from the messages of the Republican governor, Davis, to the legislature in regard to crime (page 74), and from this testimony, and various extracts taken from partisan press, each party charging the other with criminal acts or intents, the commission arrives at the conclusion that society in Texas is utterly demoralized and corrupt, and that this corruption "has spread its pernicious influence to the regions of the Bravo and the Nueces," and that it has even reached "our (the Mexican) border." I submit to the committee whether such evidence is sufficient to justify the conclusions of the Mexican commission. If so, the whole country is in a sad state, for by accepting what the opposing political parties allege against each other as true, our whole country would be condemned.

In this connection, I call the attention of the committee to the classification of the witnesses that appeared before the commission, page 8, who were divided by the commission itself into five classes, but really reducible to two; first, respectable persons and those vouched for as respectable; and, secondly, condemned criminals and accomplices of thieves. The commission classifies them as follows:

"1st. Persons of known respectability, whose depositions required no security.

"2d. Persons of veracity; but who, being unknown to the commission, were required to give security.

"3d. Persons unknown, whose declarations could not be certified to, not having securities.

"4th. Persons of bad faith, condemned by the tribunals or accused by public opinion as accomplices of the cattle-thieves.

"5th. Persons who were totally undeserving of credit." (Page 8.)

With said witnesses, I submit that it was not difficult to prove anything that the commission desired; and, in this respect, the testimony is not inferior to the reliable utterances of political partisans and newspapers against each other. By the testimony of such witnesses, various parties are named as implicated in the robbery of stock from Mexico or as originators and instigators of such robbery, whose names are scattered through the report, and it will be seen by reference thereto that they are nearly all Mexicans, only a few Americans being implicated; but the names of these are iterated and reiterated through the whole report as if this repetition would increase the number. Some of these, like Capt. Richard King, of Nueces County, are men of wealth and high character, and I consider it unnecessary to notice the allegations against them, for they need no defense from such testimony as that confessedly presented by the commission.

3d. I have thus noticed the two gravest charges of the commission, and will only call the attention of the committee to one or two other minor points of the report, as it would be impossible to show all its fallacies without writing a review as voluminous as the report itself.

The commission assert, page 47, that "Cattle-stealing in Texas has taken divers forms, which will be readily understood by consulting the laws of that State, as said laws constitute one of the necessary elements, in order to thoroughly understand the nature of the question relating thereto;" and, after reciting the various provisions of our criminal code to punish theft of cattle, the commission concludes as follows: "So, when the Confederate war broke out, cattle-stealing was committed in Texas in all its forms." By such a process of reasoning it might be shown of Texas, and of all other civilized States that have laws to punish murder, arson, burglary, and other crimes, that these crimes were committed in all their forms and constituted the ordinary occupation of the people. "The laws of Texas," says the report, "afford very interesting data in regard to cattle-depredations committed there in late years. From 1850 to the present we notice an ever-increasing demoralization, which assumed colossal proportions since the Confederate war." This is the kind of evidence the committee present to prove the demoralization. Because laws to suppress crimes are enacted, the crimes are assumed to be of colossal proportions.

The commission brings a long array of complaints against the Confederates for acts committed against Mexico during the war (pages 198-202), in which, however, it is admitted that a political chief of Tamaulipas entered into a kind of treaty with the Confederate authorities, the principal stipulation of which was to prevent any invasion of the Confederacy from Mexico, and *vice versa*. It is a part of the history of the war that

the most friendly relations existed between the Mexicans and the Confederates, and that the former grew rich from the traffic in cotton that was exported from Texas through Mexico to the markets of the world; and even to this day the Mexicans speak regretfully of the "cotton-times," which was to them a perfect bonanza. In the light of these public and historical facts, the report deserves but little attention on this score.

The commission asserts that "about 1862 Octaviano Zapata, who was one of the refugees from the Clareño ranch, entered the service of the United States. He organized in Mexico a party of from sixty to eighty men, paid by agents of the United States Government at the rate of \$200 for the enlistment of each man. Said force was maintained in Mexico, avoiding the persecutions of the Confederates, and whenever a favorable chance presented itself, they would cross over to the American side of the river, and carry on hostilities to the Confederates." (Page 67). And, further, that "Regino Ramon, in the capacity of first lieutenant in the United States Army, organized a force of Mexicans, and went to war. * * * He was to receive a third part of all the prizes captured from the Confederate forces, or from all those who, although they did not actually belong to said forces, had manifestly taken part in the rebellion." (Page 68.) Again, the commission asserts that, upon the occupation of Brownsville in 1863, and afterward near the close of the war, "on both occasions the military commander appointed commissioners to examine the pastures, to collect all the cattle belonging to Confederates, and to transport the same to the bank of the river, subject to the orders of said forces. This proceeding was adopted under the principle that the Confederates had forfeited all their property." (Page 71.) The records of the War Department will prove that all these assertions are as false and malicious as the allegation of unfriendly legislation against Mexicans by the State of Texas. Upon nearly every page of the report similar misrepresentations might be pointed out, but it would take too much of the time of the committee to attempt to refute the thousand forms in which they are presented and repeated.

But I would call the attention of the committee to a short episode of Mexican history reported by the Mexican commission in their defense of Cortina, on pages 149, 150. It is shown that, on the 5th of October, 1863, Cortina, then a lieutenant-colonel in the Mexican army, overthrew and imprisoned Governor Ruiz, and made José Maria Cobos, who crossed over from Brownsville that night, governor of Tamaulipas. On the 6th, Cobos proclaimed himself also commander of the forces. That night he and his second in command were arrested by Cortina, and before breakfast on the 7th they were shot to death. Ruiz was reinstalled as governor on the 9th; but a few hours after Cortina again revolted, Ruiz fortunately escaping, and Jesus de la Serna was made governor. Ruiz collected a force and returned to Matamoros; and on the 1st of January, 1864, was again installed as governor, and on the 12th was again driven out by Cortina, who then proclaimed himself governor; and the general government (says the report) "accepted the condition of things which had been consummated at Matamoros, and shortly after conferred the rank of general on Cortina." (Page 151.) And yet the commission gravely claims that "when the moral condition of our frontier is far superior to that of Texas, it does not seem proper that the causes of the existing criminality of the counties situated along the Bravo should be looked for on the Mexican border."

Q. Can you give the committee any account of recent outrages on the Rio Grande frontier of Texas by Mexican raiding parties?—A. The best answer I can give the committee on this subject will be to lay before you a portion of the report of a permanent committee of the citizens of Brownsville, made during the last summer, upon this subject. I will preface the report by stating that it was drawn up by me upon information laid before the committee, which was exacting as to the correctness of the statements submitted to them, and no statement was admitted unless vouched for by the most indisputable evidence. Of course, the members of the permanent committee were not personally cognizant of many of the facts brought before them, but they were all sustained by either sworn testimony or by official reports of unquestionable veracity; and I submit it as the fullest and best answer to the question propounded that I can make. The report was sent to the honorable Secretary of the Department of State, with the accompanying documents and an accompanying letter, signed by all the committee, which was composed of the most reliable and prominent citizens of Brownsville:

Report of the permanent committee, appointed at a meeting of the citizens of Brownsville' Tex., April 17, 1875.

PRELIMINARY REMARKS.

The permanent committee, to which was referred the matter of the recent misrepresentations made by Señor Mariscal, the minister of the republic of Mexico at Washington, in regard to the Rio Grande frontier, whose correspondence on the subject we attribute to incorrect information of our true condition on his part, beg leave to report,

that in order that our government may be correctly informed on the subject, it will be necessary to present a brief review of the history of this frontier from the adoption of the treaty of Guadalupe Hidalgo, and the final settlement of the Rio Grande as the conterminous boundary between the United States and Mexico, and to give an account of all known causes of complaint that have arisen between the people inhabiting the opposite banks of the Rio Grande, which duty we shall endeavor to perform fairly, correctly, and without prejudice.

In this investigation your committee has confined itself to the territory embraced in the counties of Cameron, Duval, Encinal, Hidalgo, Starr, Webb, and Zapata, these limits being nearly 40,000 square miles in extent, with a population, according to the census of 1870, of 27,123 inhabitants, equal in area, but not in population, to the great State of Ohio. It would involve too much delay and expense to extend our inquiries beyond this section; and a more extended investigation is rendered partially unnecessary from the fact that the principal causes of complaint existing have originated within the boundaries specified and the Mexican territory adjacent, on the right bank of the Rio Grande.

NEW OUTRAGES.

Since the report of the commissioners to Texas was made to the Secretary of State and laid before Congress, new and startling outrages have been perpetrated, which we now proceed to notice. These new outrages sustain all the facts set forth in the foregoing portion of our report, and present new evidence of the thorough organization of the banditti operating from Mexico against this section of our country, and of the determination of the secret society, organized by Cortina in 1859, "to exterminate their tyrants." It will be seen that this fixed resolve is being carried out with relentless ferocity. We only present for consideration that class of outrages that show combination and organization on the part of the perpetrators, originating and proceeding from Mexican territory, leaving out of view entirely those outrages or crimes to which every society is subject, many of which might be traced to the same source with those that we shall notice.

I. During the months of March and April, 1873, Alberto Garza, a notorious outlaw from Guerrero, Mexico, with a party of cattle-thieves, crossed to this side of the Rio Grande, and located himself near Piedras Pintas, in Duval County, in the neighborhood of which there are dense thickets, affording means of concealment, where he engaged regularly and systematically in killing and skinning cattle. On the 19th of April he offered two hundred hides for sale at Piedras Pintas that had just been taken from the cattle on the range. And it was not until the owners of the cattle collected in force that he retreated to Mexico.

II. On the 8th day of June, 1873, the United States custom-house, or deputy collector's office, at Carrizo, in Zapata County, was robbed by a party of Mexicans.

III. On the 6th of July, 1873, Dr. J. C. Crocker was murdered and robbed by an organized band of Mexicans about fifteen miles west of Captain King's ranch, in Nueces County.

IV. On the 7th of November, 1873, the store of R. Schubert, a merchant at Conception, in Duval County, was entered by a party of twenty or thirty armed Mexicans, who overpowered Schubert and his clerks and gutted his store, taking between \$2,500 and \$3,000 in money, besides arms, goods, &c., with which they recrossed into Mexico, at the ranch of Las Cuevas, in the lower edge of Starr County.

V. On November 30, 1873, Henry Grey, a son of E. N. Grey, of Conception, Duval County, was killed by a party of Indians and Mexicans. The same party killed, in all their raid, twenty-four men, and wounded fifteen, Mexican herdsmen in Duval and Webb Counties, and stole between seventy-five and one hundred head of horses, and scattered the sheep-stock of the country so that the owners suffered great loss. G. W. Sank, recently killed in the Corpus Christi raid by another party of Mexicans, was wounded by this party. Don Hypolito Mendiola was killed at his ranch near Laredo. This party was pursued by Captain Rufugio Benavides, of Webb County, and one of them, an old Mexican, was wounded and captured. The rest fled and found refuge in Mexico, from whence they came upon this raid.

VI. On May 5, 1874, a young man by the name of Watson, traveling with two companions, was tied up with his companions and robbed by a party of armed Mexicans about twenty-five miles from Corpus Christi, Nueces County.

VII. John Albertson, traveling from Brownsville, Texas, to Corpus Christi, was, on the 3d of February, 1874, tied up with the members of his family and robbed, in the upper part of Cameron County, by a party of armed Mexicans, and his wife was subjected to the most horrible outrage by members of this band of robbers.

VIII. On May 5, 1874, a Frenchman named Martinet was tied and robbed of about \$1,800 by a party of armed Mexicans between the Olmito and Lampasitos ranches, about seventy-five miles southwest of Corpus Christi.

IX. On May 9, 1874, a party of twenty-five to thirty armed Mexicans appeared at the ranch of Peñascal, near the line of Nueces and Cameron Counties, and not very far distant from the scene of the preceding case (No. VIII), where they attacked the people, brutally murdering John F. Morton, Michael Morton, P. F. M. Coakley, and Herman Tilgner, and robbed their store of its contents. One of those raiders was afterward caught, tried, and hung at Corpus Christi. From his confession, several parties became known, and it was established that they were all Mexicans from Mexico.

X. On the 7th of June, 1874, a party of five armed Mexicans attacked the house of Mr. Thaddeus Swift, of Refugio County, and brutally murdered Mr. Swift and his wife, both of them being cut to pieces and horribly mutilated with knives, the object being robbery. For the terrible details of this tragedy we refer to the annexed affidavit of Mr. F. M. Swift. Three of the assassins were hunted down and hung by the outraged neighbors. Two of them escaped to Mexico. One of these is Juan Juarez, or Juan Flores, as he called himself. This man had claimed to be an American citizen, and had registered himself as a voter. He was arrested in Guerrero, Mexico, and a demand made for his extradition under our treaty with Mexico. He confessed his guilt with cold assurance, but claimed to be a Mexican citizen and not subject to rendition. His case was transferred to the Mexican federal court at Matamoros, where, upon his examination, he again confessed his guilt. We refer to the copy of his confession, herewith attached, taken from the record of his case. He has been finally delivered to our authorities, not in accordance with the treaty, but upon the payment of a large reward (or bribe), paid in money by the relatives and friends of the murdered Swift family.

XI. On August 2, 1874, an attempt was made by a party of marauders to murder Mr. Roach, living about thirty-five miles from San Diego, in Duval County, and to rob his store; but, being prepared for the danger, he made a successful defense.

XII. On November 3, 1874, the store of Mr. George E. Blaine at the Los Olmos ranch, near the line of Nueces and Hidalgo Counties, was robbed by a large party of armed Mexicans, the loss being \$500 to \$600 in money, and about \$2,500 in goods. No lives were lost on this occasion, Blaine making no resistance to the robbery. The thieves had declared their intention to kill Blaine, and he was only spared by the timely arrival of a party of twelve Americans who happened to be encamped in the vicinity, and who rushed to the rescue in time to save Blaine's life, they having been advised by a courier of what was transpiring.

THE CORPUS CHRISTI RAID.

XIII. The success that had attended the robberies of stores in the scattered out-settlements emboldened the robbers to make a more daring attempt and a more general pillage, and on the 26th of March, 1875, began what is generally called "the Corpus Christi raid," from the fact that it was supposed that an attempt would be made by the raiders to sack Corpus Christi. We present the following brief account of the raid, taken from the Valley Times:

"From all the information we can glean from those who were present and eye-witnesses of the recent Mexican raid, we give the following:

"From Mr. Doddridge we learned that rumors of the gathering of a party were conveyed to him about a week ago, but nothing was thought of it more than that of any other idle assemblage.

"Their first overt act appears to have been the demand made upon Campbell, near Tule Lake, for horses, as narrated yesterday.

"Procuring a few animals, which were ridden by the captors without saddles or bridles, the crowd went to Page's, 9 miles from Corpus. Here they made a clean sweep of everything valuable. Two ladies in the house betook themselves to the chaparral, while Mr. Page was carried off.

"The next place visited was Frank's store, at the Juan Sais ranch. There were eighteen or twenty of them here. Three or four, presenting pistols at Frank's head, demanded all his valuables. Of course, no resistance was made, Frank yielding them everything. Overhauling his stock, they took everything they wanted, exchanged their old clothes for new, and even stripped Frank to his underclothing.

"They stopped at this store for some time, supplying themselves with horses, saddles, &c., from the travelers passing either way. As soon as a vehicle or horseman would arrive, he was immediately surrounded, a score of pistols and guns leveled, and the demand for surrender made. In this manner was Mrs. Sidbury, Mrs. Savage, Miss Laura Allen, Messrs. H. A. Gilpin, Jos. Saunders, S. G. Borden, George Reynolds, Joe Howell, with Mr. W. W. Wright's team and wagon, the driver of Gilpin's team, W. A. Ball, Mr. Reynolds's little daughter, Frank Page and son, and a number of Mexican women and children captured, and all their valuables appropriated, some of the ladies having part of their clothing taken from them. The miscreants attempted to disrobe Mr. Reynolds, but one of their number interfered and prevented it by the threat of a pistol.

"It was at Frank's the first killing was done. One of the robbers asked a Mexican to join the party in their raid. He refused, when a pistol was placed to his head, the trigger pulled, and his soul sent to eternity. It was a terrible, cold-blooded deed.

"After leaving Frank's, the Mexicans, driving their prisoners before them like sheep, started for the Motts. Their first effort there was against the store of Mr. Thomas Noakes, which they found closed.

"Opening the door, the first man who presented himself was shot twice by Mr. N. Immediately afterward a man named Smith, in the store at the time, rushed out the front door, was met by the party and shot down, mortally wounded. Aggravated, it is supposed, by the unexpected resistance, the store was fired. Noakes took refuge under the counter, and afterward got out of the building and into a place of safety. The destruction of his property was so complete that the calves in the pen were roasted. His loss is at least \$10,000.

"At the Motts the women prisoners were liberated and allowed to go to their homes. After staying here an hour, the party started off toward Peñitas. In the neighborhood of Mr. Hunter's house they were brought to a stop by Pat Whelan and his party of ten, who charged the devils at once. Received by a volley, in which poor Swanks lost his life, he being shot through the stomach, it was returned with vigor. Thirty-five to ten were heavy odds to fight, and after exhausting his ammunition fruitlessly, Whelan was obliged to give up the contest and return to the Motts for ammunition and reinforcements. Receiving those, pursuit was resumed almost immediately.

"The Mexicans had with them two wagons piled with plunder, which were on ahead under an escort. One of them belonged to Reynolds.

"The following, to a great extent identifying the party, was received here by a lady yesterday, from Piedras Pintas, and is reliable:

"Alberto Garza passed through Piedras Pintas March 25. He shot one of Silverio Salinas's vaqueros three times, because he would not give him his horse. He was thought to have twenty-five men with him, and on his way to San Diego."

"Friday night Mr. Lee Riggs, R. W. Archer, and two others, coming from Lagartaville, were shot at near a creek. Camping 6 miles this side of the place, and about 15 miles above Nuecestown, about three o'clock in the morning, a party of between twenty and thirty armed Mexicans passed them. But for being concealed in a little hollow, suggested by the attempt spoken of, they would have undoubtedly lost their lives."

The raiders having sacked the country in the neighborhood of Corpus Christi, turned their course toward the Rio Grande. On the night of April 2 they surrounded the town of Roma, in Starr County, on the Rio Grande, and were prepared to sack that town and rob the custom-house, a deputy collector of customs being located there, but were prevented from doing so by the presence of a company of United States troops stationed at the place. They then withdrew from the place and crossed the river into Mexico in the immediate vicinity. These facts are shown by the deputy collector of customs, herewith attached.

The raid having attracted universal attention on this frontier, the Mexican authorities of Mier and Camargo, in which jurisdictions the raiders crossed into Mexico, took action in the case and arrested eight of the raiders. These prisoners were started for Matamoros, and the judge of the district court of this district was notified of the fact by the United States consul at Matamoros and advised to be prepared by the time of the arrival of the prisoners at Matamoros. Judge Dougherty immediately telegraphed to Corpus Christi to procure witnesses to identify the criminals, and was answered that plenty of witnesses would be ready to attend at Matamoros. But while the prisoners were en route to Matamoros an order was received from General Escobedo, from San Luis, Mexico, that the prisoners should be sent to Monterey, about two hundred miles into the interior, and not to Matamoros. For the particulars of these facts we refer to the letters of the United States consul to Judge Dougherty, herewith attached.

It is claimed that this order of Escobedo was issued in good faith, in order to keep the prisoners from being subject on their arrival at Matamoros to the influence of Cortina, and to keep them beyond his protection. But it appears to us that this is a flimsy pretext to send them where there would be no possibility of there being confronted with the necessary testimony to convict. The allegation, however, although it may prove the punic faith of the Mexican authorities, also proves the character of Cortina with his own government.

During this raid Miss Lizzie Joy arrived at Corpus Christi from Laredo, and made affidavit that she had left Laredo on the 20th, and on the 26th saw the dead bodies of two Americans near the roadside hacked to pieces with knives, and their horses hitched near and in a famishing condition. Miss Joy was traveling with a train of carts, and the cartmen buried the dead bodies. The next day two other bodies were discovered hanging near the roadside; these latter bodies were Mexicans. As there was no other party out except the Mexican raiders upon Corpus Christi, these four additional deaths to those already recounted are attributable to them. We annex the published account and the affidavit of Miss Joy in this case.

XIV. On the 16th day of March, 1874, Vidal la Haille, a Frenchman, traveling from

Corpus Christi to this place, was killed and robbed by Ricardo Flores and a party of armed Mexicans in this county near Olmos, the line between this and Nueces County. Flores is a registered voter of this county. He was arrested, and, upon investigation before a magistrate, was committed to jail to answer for the murder before the district court, but broke jail and fled to Mexico. He is now in Matamoros, Mexico, where he has been since his escape. A requisition has been made under the treaty with Mexico for his rendition, but without success, Flores being under the all-powerful protection of General Cortina.

XV. On the 27th day of February, 1875, a party of armed Mexicans, seven in number, crossed the Rio Grande from near Reynosa, Mexico, and went to El Sauz, in Hidalgo County, where there is a post-office, and they entered the store of Mr. J. L. Fulton, the postmaster, when they made an assault upon him and his clerk, Mauricio Villanueva, a young Spaniard, in which both these parties were killed. The object was to plunder the store of Fulton; but the neighbors having become alarmed by the shots, assembled and sent to Edinburgh, about seven miles distant, for assistance, which the robbers perceiving, they fled across the Rio Grande without accomplishing their purpose of robbery. Mr. Fulton was an officer of the Thirty-sixth Regiment of United States Colored Troops, and had settled here after the close of the war. He was an industrious, law-abiding, peaceable, and useful citizen.

XVI. On the 23d day of March, 1875, Alexander Morel, a citizen of Hidalgo County was killed by a party of Mexican cattle-thieves, from Reynosa Vieja, in Mexico, who had crossed the river to ply their vocation. The details of his death are given in the annexed letter of his brother, Victor Morel. *The body of the deceased was not found until the thieves sent word to his brother, Victor, where he would find it buried.*

XVII. On the 16th day of April, 1875, George Hill, a resident of Tio Cano ranch, in Cameron County, was killed by a party of Mexican cattle-thieves who had crossed the Rio Grande to pursue their nefarious traffic. Hill was out hunting stock, and came upon the party unexpectedly, and was evidently killed to prevent discovery. The evening after his death the thieves crossed their plunder to Mexico, near Santa Maria, which fact came to the knowledge of and was reported by the customs inspectors stationed at Santa Maria. Mr. Hill was a hard-laboring farmer and stock-raiser, who had settled here after the close of the war, in which he served as a member of the Fourth Wisconsin Cavalry, and he has left a large and helpless family of small children, thus robbed and deprived of the protection of their father.

XVIII. On the 19th of April, 1875, a party of twelve armed Mexicans crossed the Rio Grande, from Guerrero, Mexico, and appeared at Carrizo, Zapata County, where there is a post-office, and where a deputy collector of customs and two mounted inspectors are stationed. The raiders entered the store of Dr. D. D. Lovell and murdered him in cold blood. They then robbed his store of several thousand dollars in money and goods. They then proceeded to the office of the deputy collector of customs, robbed the place of all the property in the office, except the money, which was in a large iron safe which they could not break open, but broke off the knobs, leaving it useless. The deputy collector was absent, and the inspectors fled, being two only against the twelve robbers. Dr. Lovell was the postmaster at Carrizo, and the post-office, as well as the store was gutted of its contents. Dr. Lovell was an intelligent and enterprising citizen, who had built up a considerable trade at Carrizo, where he had settled at the close of our late war, in which he had served honorably as a volunteer in the Fourth Wisconsin Cavalry, which regiment, within two days, lost two of its members, Dr. Lovell and George Hill. These deaths, occurring at distant points from each other, but at nearly the same period of time, prove the thorough organization and understanding between the Mexican thieves scattered all along the Mexican border of the Rio Grande. The sheriff of Zapata County, writing to Judge Ware, states the loss of Dr. Lovell at \$4,000, and that he lost \$1,000 taxes collected, that was on deposit with Dr. Lovell.

XIX. On the 1st day of December, 1874, a large party of Mexican cattle-thieves encamped near the ranch of Carlos Danache, of Cameron County, about fourteen miles from Brownsville, and they sent word to Mr. Danache, who had been active in the pursuit of these *caballeros*, that they were encamped near his place and would be pleased to see him. Mr. Danache gathered a party of friends and went to their camp next morning, but found it abandoned. And at their camp he found a Mexican hung and the dead body so badly mutilated that it could not be identified, but supposed to be some honest man who had made himself obnoxious, like Danache, to the thieves. We refer to the affidavit of Mr. Danache in this case, herewith annexed.

XX. On the 18th day of January, 1875, Albert Dean and Joseph Dunn, mounted inspectors of customs stationed at Rio Grande City, Starr County, were attacked by a party of five Mexicans, armed with Winchester carbines, who had just crossed from Mexico, and whose outfit was undergoing examination by the inspectors, and their outfit, consisting of raw-hide ropes and other paraphernalia of the cattle-thief, indicated the object of their visit. This was about two leagues below Rio Grande City.

In the same neighborhood, G. W. Lowe, another mounted inspector of customs, accompanied by Joseph Dunn, was ambushed and fired upon from the chaparral on the

22d day of April, 1875, the ball cutting through his clothing across the breast, which indicated the intention of the assassin. For particulars in these cases we submit copies of the official reports in relation thereto.

XXI. On the 26th day of January, 1875, a fight occurred between a party of United States soldiers and a party of Mexicans at the rancho Solises in Starr County, about eighteen miles below Rio Grande City, in which two soldiers and one Mexican were killed and two other Mexicans were wounded. Many versions of this affair have been published, and it has been the subject of judicial investigation before the grand jury of Starr County. Your committee confesses its inability, in the conflicting evidence, to arrive at a correct conclusion. We therefore present several of these published accounts, together with the official report of General Hatch, and annex them to our report. The newspaper articles in regard to this affair prove that there is no unjust prejudice against Mexicans on this frontier, nor any undue partiality in favor of the United States troops, which latter might be expected from the fact that these troops do give much protection to our frontier.

From the foregoing account of outrages, extending through the last two years, it will be perceived that the raids of the Mexican bandits upon this frontier have not been confined to cattle-stealing alone, but have taken a wider range and resulted in the robbery of the mercantile establishments, post-offices, and custom-houses scattered over the country and beyond the protecting guns of the garrisoned towns, and in the systematic murder of isolated Americans engaged in this region in business either as merchants, farmers, or stock-raisers; and that the fiat for "exterminating their tyrants," issued in 1859, is being carried out to its bloody consummation. As before stated, we have not recounted many murders traceable to the same hands, but have confined our relation to those acts proving organization and a common purpose.

WRONGS PERPETRATED AGAINST MEXICANS.

It is often alleged that Mexicans resident in Texas suffer great wrongs at the hands of our courts, and that they receive no protection in their persons and property in our courts. Your committee do not pretend to assert that such wrongs have not been committed against Mexicans by Americans in their individual capacity, but we do most earnestly deny that there has existed or that there could exist in this section of the State of Texas any combination or organization of citizens for such a purpose; but, on the contrary, we maintain a well-known truth when we say that the courts, Federal and State, are always open and ready to redress such private and individual wrongs. The population between the Rio Grande and the Nueces, according to the census of 1870, is twenty-seven thousand, of which at least nine-tenths are of Mexican origin, and the voting population holds nearly the same ratio. The right of suffrage and the selfishness of politicians has prevented and will continue to prevent any such injustice as organized hostility to a community that controls the polls and elects our officers. A lean minority can never so oppress a preponderating majority, and the absurdity of the allegation is proven by the bare presentation of the statistics.

INVASIONS OF MEXICO.

And it is equally impossible for Americans of this section of the State to organize themselves into predatory bands for the purpose of invading or raiding upon our neighboring republic. The existence of such organizations would be immediately communicated to those menaced by such bands through their relatives and friends among our residents and citizens of Mexican origin. And, besides, in Mexico they have a most admirable system of rural police, the want of which in this State is one of the causes of the success of the invading bandits in their raids upon our stock-ranches. In Mexico the people are gregarious and live in villages or ranchos, and it is a very rare thing to find an isolated dwelling or household. In each of these ranches an officer is appointed, called an *encargado*, or superintendent, who has the authority of a justice of the peace, and whose duty it is to give information to the officers of the municipality, parish, or county (to use our own similar subdivisions) to furnish horses to couriers, to make arrests, to call out the rural police, and to exercise a general supervision over their ranches. No predatory band, however small or however numerous, could penetrate Mexico from this side the Rio Grande without all its movements and designs being known and promptly reported, as the banks of the Rio Grande are lined with ranches from its mouth up to Laredo on both sides. The speedy arrest, trial, and punishment of any predatory band would be as certain and as prompt as the decrees of fate. Upon the subject of the organization of the rural police of Mexico we present the most incontestable and indisputable proof in a sworn statement of its organization and powers, and the impossibility of evading its vigilance, made by the present first *alcalde* of Matamoros, Señor Castillo Montero, copy of which is hereto attached, the original being on file in the archives of the mixed commission at Washington in the case of King, Kennedy & Co. before the commission. There is another and complete refutation

of any charge that Americans are guilty of raiding upon Mexican soil, existing in the fact that not a single American has ever been captured in any such expedition, which, as we have shown by the description of the rural police of Mexico, would have been an inevitable consequence of any such criminal attempt.

RENDITION OF STOLEN PROPERTY.

We have already shown the justice of the legislation of Texas toward Mexicans, residents and non-residents, in securing to them the titles to their lands, and this spirit is still further shown by the laws of the State enacting that the possession of property stolen in a foreign country is a continuation of the felony and providing for the punishment of the felons. (Paschal's Annotated Digest, articles 2438, 2439, and 2453.) This act is enforced in our courts. It would make this report too voluminous to cite the records; and we present case No. 308 in the justice's precinct No. 2, Cameron County, as a sample of many others. In this case Leonidas Guerra, of Matamoros, Mexico, made an affidavit before the justice as to the loss of certain animals, upon which a search-warrant was issued, which warrant was indorsed by Hon. W. H. Russell, district judge, in order to secure its execution in any county where the property might be found, and the following is the return on the process: "Came to hand May 22, 1872, and executed same day by delivering to Leonidas Guerra 37 head of stolen property. Roswell H. Gillette, special bailiff, Bee County"; to which county Mr. Guerra had pursued his property, and where it was restored to him. The records of the United States custom-house of this port (Brownsville) prove that the Federal officials are equally prompt to do justice by the delivery of stolen property when the proper claims and proofs are presented by Mexican claimants. (See annexed certificate of the collector of customs of the port.) These official documents prove another very important fact bearing upon this discussion. They show that in nearly every instance, the stolen property was found in the hands of Mexicans, there being but one case in which it was traced to the hands of an American, and in this case the party showed beyond question that he had purchased the stolen horse from a Mexican. The evidence is cumulative, and we might say conclusive, that Americans are not engaged in this nefarious traffic, but that Mexicans alone have been proven to be guilty. This class of thieves steal from both sides of the river with rigid impartiality.

The courts of Mexico are practically closed in this respect to our citizens, although Mexico has the same laws in regard to the continuation of a felony that exist on our own statute-books. Their laws are good, but we assert, upon the unvaried fate of all attempts to reclaim stolen property in that country, that the laws are not only not executed, but that they are intentionally and habitually violated and disregarded. This question, however, was fully investigated by the United States commissioners to Texas, and reported upon by them (see report, pp. 6 and 7), and we do not, therefore, consider it necessary to enter upon the details of the many cases that might be cited, as such a course would only be cumulative upon a subject sufficiently investigated officially by our commissioners to Texas, upon whose report and the accompanying evidence we rely for the correctness of our statement of the facts.

POPULATION BETWEEN THE NUECES AND RIO GRANDE.

As heretofore stated, the great mass of the population between the Nueces and the Rio Grande is composed of people of Mexican origin, the proportion of this class to all others being quite nine to one, or nine-tenths of the whole number of inhabitants. According to the Census of 1870, pages 321, 322, sixteen thousand four hundred and seventy-eight of the twenty-seven thousand enumerated are foreign-born, all of them except say the odd hundreds being of Mexican birth; eighteen thousand three hundred and ninety-eight are children of parents both of whom are of foreign birth; over nineteen thousand are children of a foreign father, and over nine thousand of a foreign mother. The white or American inhabitants certainly do not exceed three thousand in number in all this region.

This fact is one of the causes of our troubles. The Spanish is the usual language of this frontier; few or no schools exist outside of our towns, and but a limited number even in the towns, and our few American people learn the language usually spoken, while the mass of our population speak their mother tongue, very few of them learning to speak or use English. The result is that this people generally have retained their ancient manners, customs, and traditions, and continue their intercourse with the people from whom they sprang, with whom their relations are more intimate than with the people of this State to whom they have become territorially and politically attached. The natural prejudices of race and class that exist among all peoples of different nationalities add to the complications of such a condition of affairs, and prevent to a certain extent the proper and prompt execution of the laws, which, from the great extent of our counties and the sparseness of our population outside of the line of river-ranches, could not be enforced with vigor even under more favorable circumstances. It is a general and notorious complaint on the part of our officers of justice that our population of Mexican origin are not prompt to give information against raiders and cattle-thieves, and that they are reluctant to testify in the courts

against them, and that when questioned on the subject, they too often reply with their expressive shrug of the shoulders and the inevitable *quien sabe* with which they avoid direct testimony.

In justice to our preponderating population of Mexican origin we cheerfully bear testimony that the great majority of them are honest, industrious, and laborious people, and they own a greater part of the soil in this section of the State, upon which they graze thousands upon thousands of head of stock—cattle, horses, mules, and sheep—and they suffer very greatly from the operations of the cattle-thieves. To a stranger to our frontier, their failure to prosecute the cattle-thieves and to testify willingly against them would appear very extraordinary, but not so to any one acquainted with the actual condition of affairs. These people were educated amid the chronic revolutions of their mother-country, where they learned the lesson of submission to the law of force, and, for the reasons already given, they have never become sufficiently familiarized with our different system of government to throw off their dread of armed force; hence the armed bandits who depredate upon them as well as their American-born neighbors are regarded with such terror that our Mexican-born rancheros are actually afraid to perform their duties as good citizens by exposing and punishing them; nor is this fear confined to this class of our population, but extends very generally among our stock-raisers, American as well as Mexican born, all being more, or less subject to the reign of terror brought about by the force of arms and the fear of assassination.

There is another fact which adds greatly to the difficulties of dealing with the cattle-thieves. Many of them have located on this side of the Rio Grande, squatting upon any public domain they may find vacant, and even upon private lands, where they build a temporary shelter of sticks and mud (*jacaes*), hardly sufficient to protect them from the rain and the sunshine, and are by their locality the better able to give aid and information to their confederates in crime on the other side of the Rio Grande. There is a considerable number of these squatters hid away among the live-oaks, called the *Encinal*, about midway between the Nueces and Rio Grande, this encinal region being a sandy ridge where water is easily obtainable, and where the squatters are protected by the *encinos*, or live-oaks, from which it obtains its name. After the recent Corpus Christi raid, some Americans of Nueces County banded together to avenge the wrongs of their neighbors, and it was against these squatters that they directed their vengeance, the land-owning Mexicans and known rancheros having been left undisturbed at their ranches.

There is also another and a serious evil with which we are afflicted. By the provisions of our State constitution every male person who shall have declared his intention to become a citizen of the United States and who shall have resided in the State one year is entitled to register as a voter. Many of the squatters, heretofore described, make this declaration of intention in order to make entry of land as a settler and to register as voters, whereby they manage to secure a certain degree of impunity by placing themselves under the protection of politicians, who are called upon to defend them in the courts, by which service the aid of these characters is secured in our elections. This evil is a very grave one, for the Mexicans who make these declarations of intention to become citizens are very generally of that class who spell their middle names with an X, and very few of them have, as yet, gone beyond taking this primary oath, and the invariable rule with them, when they commit a crime, is to fly to Mexico and claim exemption from the provisions of the treaty of extradition on the ground that they are not citizens of the United States but are Mexicans. Advantage has been taken of these notorious facts by the authorities of Mexico to charge that the cattle-thieves are American citizens; whereas the truth is that they are not citizens of this country and never likely to become such, but nomads, living on one or the other bank of the Rio Grande, having no fixed residence, but changing their locality as may become necessary to ply successfully their vocations, and Mexicans in all things and always.

The abuses to which this interpolated provision of our constitution (for it is not in the article fixing the right of suffrage) is subject is well illustrated in the case of a Mexican of intelligence and of a higher class than the cross-mark patriots under review. Mr. Castillo Montero, the present first alcalde of the heroic, loyal, and unconquered city of Matamoros, under the ayuntamiento of which General Cortina is president, got up a little revolution some years ago at Tuspan, near Tampico, in which he shot one of his neighbors, who was the alcalde of Tuspan, the scene of the revolution, but the revolutionary attempt came to grief and Montero fled to this city for safety. The people of Tampico and Tuspan stupidly regarded the revolutionary execution of the alcalde as murder, and Montero was regularly indicted for that crime, under which a demand for his rendition under our extradition treaty was being prepared, which Montero avoided by declaring his intention to become a citizen of the United States in the United States district court for the eastern district of Texas. Afterward, through the influence and under the protection of Cortina, he returned to Matamoros, and is now the first alcalde of that city, notwithstanding the indictment pending against him. A lawyer of that city (Mr. Valdes) recently published the facts of this case to

prove that Montero was not eligible to the office he held, having abjured his allegiance to Mexico and sworn allegiance to the United States, when Montero acknowledged that the oath of intention was simply taken to avoid arrest, and not with any intention of renouncing his allegiance to Mexico or of becoming a citizen of the United States, thus confessing his fraudulent intent. Mr. Valdes was sued by Montero for libel, tried before an associate *alcalde*, fined \$2,000, and convicted and sentenced to two years' imprisonment for his publication. This case is cited to show the abuses to which our liberal naturalization laws are subject on this frontier by Mexicans who may wish to profit by a *quasi* citizenship of this country; and at the same time it is an illustration of the beauties of Mexican justice as administered under the *régime* of General Cortina.

RETALIATIONS.

As we have stated above, the recent raid of Mexican banditti near Corpus Christi brought about a retaliatory raid on the part of a few unthinking Americans living near the Nueces River. These men came down to the Encinal country among the squatter Mexicans, and found them, it is said, with stolen hides buried in their yards or concealed about their premises, when they burned down the *jacales* and killed some three men, according to the best information we can gather. There is no defense for such lawless acts. The guilty parties should have been arrested, not murdered, and turned over to the proper authorities for trial and legal punishment. But this American raid was soon squelched by Captain McNally, of the State troops, who opportunely arrived and published an order disbanding all unauthorized organizations, which order was promptly obeyed, as it was well known that it would be duly enforced. We fear that such illegal and retaliatory organizations will add to our troubles, and it is to prevent them, as well as to prevent raids of armed bandits from Mexico, that we earnestly call the attention of the government to the condition of this frontier. Unless the government gives the people protection, they will be compelled to protect themselves or to abandon the country. To show the extent of the danger and the alarm of our people we refer to the annexed proposition, headed "To the rescue," in which certain citizens of Neuces County propose to keep under their individual pay a company of volunteers to protect themselves from the cattle-thieves. The amounts they subscribe for the monthly pay of such a company is sufficient evidence of the losses to which they have been subjected and of the danger with which they are menaced by the bandits, while it at the same time illustrates the general condition of this frontier.

COMPLICITY OF MEXICAN OFFICIALS WITH THE CATTLE-THIEVES.

1. In the year 1866 or 1867, Messrs. Hale & Parker, stock-raisers in Hidalgo County, lost about ninety head of beef-cattle that were traced to Mexico and found in the possession of Andres Muguerza, collector of customs at Reynosa. Angel de la Vega, agent of the owners, claimed the cattle and proved that they had been stolen from Texas and crossed into Mexico against the will of the owners, but Muguerza refused to deliver them on the ground that they had been introduced into Mexico without a permit. A part of the beeves were sold by the collector and the rest were turned over, as rations, to the troops stationed at that place. The action of this Mexican collector and his construction of the law contrast not very favorably with the course of the American collectors toward Mexican claimants in similar cases. For evidence of the action of collector Muguerza, we cite the affidavit of the agent, Vega, on file in the case of Hale & Parker *vs.* Mexico, No. 548, before the Mixed Commission at Washington.

2. In the year 1866, John McAllen, another agent of Messrs. Hale & Parker, went to Matamoros to reclaim another lot of stolen cattle, and, instead of accomplishing his purpose, was arrested and imprisoned by the *alcalde* of that city, and insulted in the grossest manner. For the particulars of this case we refer to a copy of the affidavit of Mr. McAllen, who is one of our most worthy citizens, the copy being heretofore annexed, the original being on file in the above-cited case before the Mixed Commission.

3. In the month of July, 1874, Anastacio Cavazos, a resident citizen and stock-raiser of Cameron County, lost the greater portion of his stock, amounting to about one thousand head, which were stolen by armed bands of Mexicans, and openly sold in the market of Matamoros. In one instance he recovered fifteen dollars for twelve beeves that had been thus stolen from him and there sold, the amount being about the average price of a single beef. While engaged in recovering this pitiful sum, the thieves crossed over again and drove off nearly his whole herd. For full particulars of his case we refer to his affidavit herewith filed.

4. About the 1st of June, 1875, a Spanish steamer appeared off the mouth of the Rio Grande for a cargo of cattle for the Cuban market, to be delivered under a contract with General Cortina, who shortly after the landing of the steamer appeared at Bagdad with a body-guard of some seventy-five armed men. Only about half of the five hundred head necessary to complete the cargo were ready for delivery. Mr. Hall, first sergeant of Captain McNally's company of State troops, which company had reached this vicinity but a few days before, was sent aboard the lighter, an American vessel

that was to take beeves out to the steamer, and he was charged to ascertain the brands of the cattle shipped by Cortina, and he found sixteen different American brands in the lot that he recognized, noted down, and reported. An inspector of customs of this port was also aboard the lighter on the 2d of June, while she was taking on cattle on the Mexican bank of the Rio Grande, and he recognized the following persons among the guard of Cortina, to wit:

Pancho Lopez, Guadalupe Espinosa, Rafael Salinas, Telesferq Dias, and José Maria Olguin, alias *El Aguja*. On Saturday, the 12th day of June, Captain McNally had a fight with a band of cattle-thieves near the old battle-field of Palo Alto, about twelve miles from Brownsville, and about the same distance from the mouth of the Rio Grande, in which he killed eleven of the thieves, wounded three others, and recaptured from them two hundred and fifty-three head of stolen beeves, of various American brands, that the thieves were driving in the direction of the mouth of the Rio Grande; and, from the fact that Pancho Lopez, Guadalupe Espinosa, and Rafael Salinas were killed, and José Maria Olguin, *El Aguja*, was wounded in this action, and that they had been recognized with Cortina during the delivery of his contract, which was short the amount of the stolen herd, the evidence is irresistible that the thieves were sent over by Cortina to steal the necessary number of cattle to complete his contract. One of the thieves killed by McNally was one Jack Ellis, who had been sentenced to the penitentiary in Nueces County, but had escaped jail with another of the band, Camilo Lerma, a notorious murderer, both of whom have been residing since their escape at Matamoros under the ægis of General Cortina. We annex certificate as to the identity of the thieves by the inspector of customs on June 2, and also newspaper accounts of the fight of Captain McNally with the thieves, to which we refer for particulars. On the 12th day of June the body of Wm. F. McMahan, a peaceable school-master, who had left Brownsville to go to the Jarra ranch, about sixty miles north of this, to teach school, was found horribly mutilated, the head, arms, and legs being severed from the body and scattered over the prairie. It is not doubted that the band of thieves destroyed by McNally committed this horrible outrage, as the clothes of McMahan were recognized upon one of the dead thieves brought to Brownsville for identification and interment.

RÉSUMÉ OF THE EVIDENCE.

From the incontestable facts presented in the foregoing report, there can remain no doubt that the crimes of cattle-stealing, robbery, murder, and arson are committed to a fearful extent throughout the region of country included in our investigations, as well as in many other counties not included; there can exist no doubt that the thieves are almost exclusively Mexicans, having their organization and headquarters in Mexico; there is not a particle of doubt that vast numbers of stolen cattle are driven from Texas to Mexico for sale and consumption; and, from the extent of this traffic, and the open, public, and notorious disposition of stolen cattle in Mexico, there can be no doubt that the Mexican authorities are cognizant of the facts, and that many of them are in complicity with the cattle-thieves.

CONCLUSION.

We have in the foregoing report referred as briefly as possible to the condition of our frontier, and have cited the principle causes of our troubles. There are many points that might have been mentioned, many others dwelt upon with greater detail, but these have been omitted in order that our report might not become so voluminous as to weary. In conclusion, we would call the attention of the government to the reports of the military officers on this frontier, which, we are satisfied, will bear out the conclusions at which we have arrived.

And, finally, we may add, that it is to the interest of our government and people, especially of the people of this frontier, to preserve amicable relations with the government and people of the neighboring Republic of Mexico. We have a large trade passing through this frontier with that country, and our commerce, as well as our local industry in stock-raising, has been seriously injured by the continued disorders with which we have been afflicted. It is to the interest of the manufacturers, the merchants, and the ship-owners of the North, as well as that of the herdsmen and merchants of our own locality, that this question should be speedily settled, and we believe that it can only be settled by the strong arm of our own government, which we invoke to act with promptness and vigor.

J. L. HAYNES.	EDWARD DOWNEY.
JOHN S. FORD.	J. GALVON.
WILLIAM NEALE.	J. L. PUTEGNAT.
G. M. RAPHAEL.	R. B. KINGSBURY.
F. J. PARKER.	H. S. ROCK.
WM. KELLY.	J. G. BROWNE.
A. GLAVECKE.	F. YTURRIA.
M. TREVINO GARZA.	GEORGE WILLMAN.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1876, p. 402.)

LEGATION OF THE UNITED STATES,
Mexico, May 26, 1876.

SIR: General Cortina, who has been a prisoner on parole in this city for some months past, has recently escaped and joined the revolutionists. In the present disturbed state of the country it is to be feared that he may return to the Rio Grande frontier and again become a source of annoyance to the Texas border.

I inclose a copy and translation of his pronunciamiento, dated at a village within five miles of this city.

I am, &c.,

JOHN W. FOSTER.

[Translation.]

CORTINA'S PRONUNCIAMIENTO.

General John N. Cortina to the nation:

FELLOW-CITIZENS: Ten months ago the despotic government of D. Sebastian Lerdo de Tejada tore me from my home, where I lived quietly at the side of my family, availing itself, for this purpose, of mean and miserable calumnies, which, desiring to give a varnish of legality to an act really unauthorized by law, the government itself put in circulation. Six months I was in prison in the capital of the republic, pending the investigations which were being instituted, and from which the government could not do less than desist, convinced of the fruitless result of its perverse machinations.

The trial being abandoned, I was taken out of prison, the minister of war ordering me to remain in the capital, where I spent three months more, subject to an excessive surveillance from the police, and with the restriction that I should not go even a league from the city.

This unjustifiable excess of arbitrary acts exercised against me had no other origin than the caprice of the government, which, knowing my integrity, understood that it could at no time rely upon me to make me its accomplice in the efforts for the re-election to which it aspires with entire disregard of the unanimous will of the people, who reject it.

Now that I have succeeded in freeing myself from the clutches of the tyrant and in regaining my liberty, I earnestly protest before the nation against the outrages committed upon my person by the arbitrary government of Sebastian Lerdo de Tejada, and I assure you also that I will be, as ever, the defender of the guarantees which the constitution of '57 concedes to the people, and which the plan of Tuxtepec, proclaimed by the well-merited citizen, General Porfirio Diaz, seeks to make effective, which plan I accept and second in all its parts, and will defend at all cost.

I invite, in the name of the public liberties, all Mexicans who love their institutions, and who in other times have fought with me in defense of liberty, to rally around the flag which is unfurled by the well-merited General Porfirio Diaz, because it is the symbol of the constitution of '57, under whose shade alone can be given to the people of Mexico a truly republican government.

Viva la constitucion de '57! Viva el Ciudadano General Porfirio Diaz, su defensor.

Free suffrage and the constitution.

JUAN N. CORTINA.

AZCAPOTZALCO, *May 18, 1876.*

CORRESPONDENCE RELATING TO INDIAN DEPREDACTIONS ON THE MEXICAN BORDER.

Mr. Fish to Mr. Nelson.

(Foreign Relations, 1871, p. 607.)

DEPARTMENT OF STATE,
Washington, December 12, 1870.

SIR: A letter of the 7th instant has been received at this department from the Secretary of War, in which it is stated that the depredations committed by bands of hostile Texan Indians, chiefly located in the Guadalupe Mountains, upon the settlements of the Rio Grande from El Paso to Del Norte, compel the authorization of mili-

tary operations against them, which can only be successfully carried on in the winter season and with the co-operation of the Mexican authorities. I inclose herewith a transcript of the letter of the Secretary of War, above referred to, and have to request that you will endeavor to obtain the consent of the national government in the direction indicated. An authorization for the government of the State of Chihuahua to communicate and to co-operate directly with the commander of the subdistrict of the presidio, whose headquarters are at Fort Davis, Texas, permitting, if need be, the troops of the United States to follow the Indians into Mexican territory, and using the Mexican troops to intercept the Indians in their flight, would seem to be especially desirable.

I am, &c.,

HAMILTON FISH.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1871, p. 610.)

LEGATION OF THE UNITED STATES,
Mexico, January 10, 1871.

SIR: On the 4th instant I addressed a note to the secretary for foreign affairs, in which I inclosed a copy of your dispatch dated December 12, 1870, relating to the depredations committed by bands of hostile Indians, chiefly located in the Guadalupe Mountains, upon the settlements of the Rio Grande from Paso Del Norte downward. I also inclosed a copy of a communication from the Secretary of War to the Department of State, dated December 7, 1870, on the same subject. In compliance with my instructions, I asked the Mexican Government to consent to adopt the suggestions of the Secretary of War in respect to the said Indians, and to authorize the government of the State of Chihuahua to communicate and co-operate with the commander of the subdistrict of the presidio at Fort Davis, and, if necessary, to permit the troops of the United States to follow the Indians into Mexican territory and, with the aid of the Mexican troops, to intercept the Indians in their flight. In view of the emergency, requiring immediate action in the premises, I invoked the favorable answer of the Mexican Government, with as little delay as possible.

On the 7th instant, Mr. Lerdo replied that, desiring to co-operate so far as depends upon the executive in the plan proposed in my note and the inclosures, the President has decided to authorize the government of the State of Chihuahua to communicate with the commander of the subdistrict of the presidio at Fort Davis, and to co-operate with him toward the success of the proposed plan, causing the forces which the governor of Chihuahua may employ for the purpose to intercept the flight of and to pursue the said hostile Indians who may flee to Mexican territory. With this object, Mr. Lerdo says he has communicated this authorization to the governor of Chihuahua, and also to the war department, recommending to the latter that, in order to take advantage of the present winter season, the said governor should be charged to lend efficient co-operation to the proposed plan with all the forces at his disposal. In regard to the permission for the troops of the United States to follow the said Indians into Mexican territory, the secretary adds that the executive has not the power to grant it, as the constitution of Mexico reserves that right to Congress, which is not now in session, but will again meet on the 1st of April next, and that if I will then make it known that such permission is still desirable, the subject will, in that case, be submitted to that body.

In this connection I beg leave to call the attention of the Department of State to the proposition of the Mexican Government contained in the note of the secretary for foreign affairs, dated April 16, 1870, which was inclosed in my dispatch No. 216, concerning the removal of certain fragmentary bands of Indians from Mexico to their proper reservations within the territory of the United States. In that note Mr. Lerdo said that "the Government of Mexico can co-operate with pleasure in furthering the object of the Government of the United States of America, an object both just and humane, the preventing of the depredations which the scattered bands of Indians are in the habit of committing on the frontier. This co-operation can consist in this, that if the Government of the United States should think proper to give notice of the time and place of the arrival on the frontier of the agents who may be sent to visit and unite the scattered bands of Indians, the Government of Mexico would, at the proper time, place a force at the point designated to give to such agents the aid desired."

It is to be hoped that the Congress of the United States, during its present session, in the interests of humanity and for the peace and prosperity of the frontier, will make the necessary appropriation for the removal of the said Indians from the soil of Mexico to their reservations within our own territory.

Your obedient servant,

THOS. H. NELSON.

Mr. Nelson to Mr. Lerdo.

LEGATION OF THE UNITED STATES,
Mexico, January 4, 1871.

SIR: I have the honor to inclose a copy of a dispatch from the Secretary of State of the United States, dated December 12, and also a copy of a communication from the Secretary of War of the United States, dated December 7, both of which relate to the depredations committed by bands of hostile Texan Indians, chiefly located in the Guadalupe Mountains, upon the settlements of the Rio Grande, from El Paso to Del Norte.

The Secretary of War states that his department is compelled to authorize military operations against these Indians, which can only be successfully carried on in the winter season; that they can be driven from their haunts, but that they will flee to Mexican territory, and that therefore it becomes necessary to seek the co-operation of the authorities of the Republic of Mexico. The Secretary of War further says that if the National Government of Mexico will authorize the government of the State of Chihuahua to communicate and co-operate directly with the commander of the subdistrict of the presidio, whose headquarters are at Fort Davis, in the State of Texas, permitting, if need be, the troops of the United States to follow the Indians into Mexican territory, and using the Mexican troops to intercept the Indians in their flight, it is expected that a winter campaign will so cripple the power and subdue the spirit of the marauders, as to afford sensible relief from apprehension of danger and actual loss of life and property to the exposed citizens of both countries.

The said Secretary is advised that the authorities of the State of Chihuahua are favorably disposed toward the plan indicated, and that if the necessary order and authority can be obtained without delay, for their direct co-operation, it will enable the operations to be pursued this present winter.

In compliance with the instructions of the Department of State of the United States, I respectfully request that your excellency's government will consent to adopt the suggestions of the Secretary of War in respect to the said Indians, and to authorize the government of the State of Chihuahua to communicate and co-operate with the commander of the subdistrict of the presidio, at Fort Davis, and, if necessary, to permit the troops of the United States to follow the Indians into Mexican territory, and with the aid of the Mexican troops to intercept the Indians in their flight.

In view of the emergency which requires immediate action in the premises, I beg leave to invoke the favorable answer of your excellency's government with as little delay as possible.

I have the honor, &c.,

THOMAS H. NELSON.

Mr. Lerdo to Mr. Nelson.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, January 7, 1871.

SIR: I have the honor to reply to your excellency's note of the 4th instant, with which you sent me annexed copies of a dispatch from the honorable Secretary of State and of a note from the honorable Secretary of War of the United States of America, dated respectively the 12th and the 7th of December last, both relating to the depredations committed by bands of hostile Texan Indians, chiefly located in the Guadalupe Mountains, upon the settlements of the Rio Grande from Paso del Norte downward.

In these two notes the necessity is set forth of undertaking military operations against those hostile Indians, which can only be successfully carried on in the winter season; the probability that, on being pursued, those hostile Indians would take refuge in Mexican territory; the necessity of seeking the co-operation of the authorities of the State of Chihuahua; the convenience of their being authorized by the national government of Mexico to communicate and co-operate with the commander of the subdistrict of the presidio, whose headquarters are at Fort Davis, in the State of Texas, permitting, if need be, the troops of the United States of America to follow these hostile Indians into Mexican territory, and using the Mexican troops to intercept them in their flight, and the information had that the authorities of the State of Chihuahua are favorably disposed toward the plan indicated.

Desiring to co-operate, so far as depends upon the executive of Mexico, in the plan proposed in your excellency's note and its inclosures, the president has decided to authorize the government of the State of Chihuahua to communicate with the commander of the subdistrict of the presidio, whose headquarters are at Fort Davis, Texas, and to co-operate with him toward the success of the proposed plan, causing the forces which the said governor of the State of Chihuahua may employ for the purpose to intercept the flight of and to pursue the said hostile Indians who may flee to Mexican territory.

With this object I communicate this authorization to the governor of the State of Chihuahua, and also to the War Department, recommending to the latter that, in order to take advantage of the present winter season, it immediately charge the said governor to lend efficient co-operation to the proposed plan with all the forces at his disposal.

As to the permission for the troops of the United States of America to follow the hostile Indians who may flee into Mexican territory, the executive has not the faculty to grant this permission, as the constitution of Mexico reserves it to Congress, which is not now in session, but will again meet on the first of April next. Therefore, if your excellency shall then make known that such permission is still desirable, it will in that case be submitted to Congress.

I have the honor, &c.,

S. LERDO DE TEJADA.

Mr. Fish to Mr. Nelson.

(Foreign Relations, 1871, p. 618.)

No. 136.]

DEPARTMENT OF STATE,
Washington, February 7, 1871.

SIR: I transmit a copy of the reply of the Secretary of War to the letter of this department, which was accompanied by a copy of your dispatch, No. 336, of the 10th ultimo, relative to Indian affairs. It will be noticed that the Secretary of War deems it advisable that the required consent of the Mexican Congress to the entrance of United States troops into that republic, near the frontier, for the purpose referred to, should be obtained. You will, consequently, adopt such measures for that purpose as may seem to you proper and likely to be successful. In a matter, however, which must, if not judiciously managed, wound the sensibilities of a people so averse to anything like an invasion of their soil by foreigners, it will be necessary to move with great delicacy and caution, not merely with a view to compass the object desired, but to avoid giving offense by even proposing it. Confidence, however, is reposed in your discretion.

I am, &c.,

HAMILTON FISH.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1871, p. 634.)

LEGATION OF THE UNITED STATES,
Mexico, April 29, 1871.

SIR: Pursuant to the letter and the spirit of the instructions contained in your dispatch No. 136, and consequently bearing in mind the delicacy of the request in the present critical aspect of Mexican politics, I addressed, on the 12th instant, an unofficial note to Mr. Aspiroz, asking the opinion of the Mexican Government as to the feasibility of its submitting to the national Congress at this time the question of authorizing the passage of our troops into Mexican territory in pursuit of hostile Indians.

Upon the 20th instant Mr. Aspiroz replied that the executive had taken the subject into consideration, and had arrived at the conclusion that the present time would not be a favorable occasion for submitting such a proposition with any reasonable chance of success. A copy and translation of this note is herewith annexed.

On the same date, Mr. Aspiroz addressed me another note, containing the tragical particulars of the murder, on the 4th ultimo, of Mr. Charles Keel and party by savage Indians in the State of Chihuahua, and inclosing a report upon the same subject from the governor of that State to the minister of war. Mr. Aspiroz deploras, and apparently with good reason, that a combined movement of American and Mexican troops had not taken place in time to prevent this invasion.

On the 25th instant I replied to Mr. Aspiroz, acknowledging receipt of his dispatches, and promising to transmit them with their inclosures to my government.

Your obedient servant,

THOMAS H. NELSON.

Mr. Nelson to Mr. Aspiroz.

[Unofficial.]

LEGATION OF THE UNITED STATES,
Mexico, April 12, 1871.

MY DEAR SIR: Referring to my note of January 4, and to the reply of the Mexican department of foreign affairs, dated January 7, 1871, in which your department informs me that "if, on the reassembling of Congress on the 1st of April, it should still be deemed desirable by the Government of the United States that permission should be granted by the Mexican Congress for the troops of the United States to cross the Mexican frontier in pursuit of hostile Indians, the President will submit the matter to Congress," I have to state that my government would still desire such permission if it can be obtained without exciting sensibilities which it has no disposition to wound. I would therefore respectfully ask the opinion of the Mexican Government as to the feasibility of referring the matter to the Mexican Congress during the present session, with the hope of a speedy and favorable decision by that body.

Very truly and faithfully, yours,

THOMAS H. NELSON.

Mr. Aspiroz to Mr. Nelson.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, April 20, 1871.

SIR: In reply to your excellency's note dated the 12th instant, in allusion to that of this department of the 7th of January last, concerning the permission solicited by the Government of the United States of America for the passage of its troops into Mexican territory in pursuit of the savage Indians, I have the honor to state to your excellency that this government has lately taken into consideration the question whether it would be expedient to submit this subject to Congress, in accordance with the desire of the Government of the United States, as manifested by your excellency in your said note, and has arrived at the conclusion that the present would not be the most fitting occasion to solicit such permission from Congress with any well-founded hope of obtaining a prompt and favorable decision.

The Mexican Government duly appreciates the delicacy with which that of the United States has again broached this subject, giving the assurance, through the worthy medium of your excellency, that it would wish to obtain the said permission, if it could be done without exciting susceptibilities which it has no desire to wound; and it (the Mexican Government) expected no less, knowing as it does the sincere friendship that happily binds together the two governments.

The Mexican Government has the satisfaction of having done what it could within the sphere of its facilities for the reciprocal defense and security of the United States of Mexico and the United States of America, upon that part of the divisory line that is most exposed to the aggressions of the savage Indians, by acceding to the desire of the Government of the United States of America, transmitted by your excellency in your note of the 4th of January last, for the combination of military operations between the forces of the State of Chihuahua and those of the subdistrict of the presidio, in the State of Texas; although, for some unknown reason, the commander of Fort Davis had not yet been able to come to an understanding with the governor of Chihuahua up to the 18th of March last, as your excellency will please to observe in my note on that subject and its inclosures, which I have the honor to send you separately.

This government judges that when once an agreement shall have been effected for the combination of the operations of both forces, the pursuit of the Indians can be successfully undertaken, and the neighboring settlements of the two countries will be freed from the hostilities of the savages.

I am, very respectfully, your excellency's obedient servant,

MANUEL ASPIROZ.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1871, p. 643.)

LEGATION OF THE UNITED STATES,
Mexico, June 2, 1871.

SIR: I herewith transmit a copy of a communication from William Schuchardt, esq., our commercial agent at Piedras Negras, addressed to B. J. Gautier, esq., our vice-consul at Matamoros, in response to certain inquiries which I directed to the latter, concerning Indian depredations on the northern frontier.

Yours, &c.,

THOMAS H. NELSON.

Mr. Schuchardt to Mr. Gautier.

UNITED STATES COMMERCIAL AGENCY,
Piedras Negras, Mexico, May 6, 1871.

SIR: I have the honor to acknowledge the receipt of your letter, dated March 23 1871, asking for information in regard to depredations on this frontier, committed by Indians from Mexico, and in reply I have to state as follows:

A great many of these depredations on the Texas frontier, there is no doubt, are committed by Kickapoo, Lipan, and Mescalero Indians, living off a short distance from the Rio Grande, and, so to speak, under the protection of the Mexican authorities, they sanctioning the sale of stolen animals by these Indians, and allowing the citizens to trade with and supply the murdering and marauding savages with ammunition and other things they need for making new raids into the settlements of a friendly country. Some time in December last a band of Mescaleros crossed the Rio Grande, at some place above here, into Texas; stole down the country for about thirty-five miles, where they at once commenced their depredations, killing a Mr. Adams, together with two vaqueros; stole all the horses in the vicinity; from there went up the country, attacked a Mexican cart-train on the main road from Eagle Pass to San Antonio, took everything belonging to the train, and captured a little boy who had hidden himself near the said train. Thence they went to Mr. Spear's rancho, situated on the San Antonio road, crossing the Turkey Creek, where they took, in bright daylight, out of Mr. Spear's pen all the horses they could find. The Indians wearing hats and other apparel of civilized people, the inhabitants of the rancho for some time took them for cattle-drivers, and when they became aware of their mistake had hardly time enough to escape into the bushes which surround the rancho.

The Kickapoo Indians, who, since the year 1863 or 1864, live near Santa Rosa, Mexico, about one hundred miles from here, also make their raids into Texas, leaving the ranchos of Western Texas for the distance of one hundred and twenty miles from the Rio Grande bare of good horses. Several times the owners have gone to Santa Rosa to claim their property, knowing it to be there and already sold to citizens of that place, and in some instances they succeeded in obtaining their property, but in others, where the horses or mules were found in the possession of influential men of the village, the delivery of them was refused.

The Mexican accomplices of these Kickapoos seeing that stolen horses were followed up to Santa Rosa by the owners, they thought that place no longer safe, and accordingly take the animals traded from the Indians further into the interior towns, where they have a ready market for any quantity of stolen property and any number of stolen stock.

I am informed that in Saltillo, Parras, and Alamo de Parras there is an immense number of valuable American horses obtained through the raids into Texas by the Kickapoos, the Indians knowing very well that, once across the Rio Grande into Mexican territory, they are out of the reach of their pursuers, and so always escape punishment.

In many instances the Indians stepped out of the river on the Mexican side when their pursuers arrived at the bank of the river on the Texas side, being mocked at by the Indians, safe in a territory where they could not be followed. Among the men here, all sympathizing with these Indians and their acts against the people of Texas, there is one who credited to a Lipan some \$20 worth of ammunition and other things, to be paid to him by the Indian with the spoils of the raid the Indian was then to make with others into Texas, and, sure enough, after some time, the man was paid by the Indian with a Spencer carbine belonging to the United States. The Indian related in a mocking way to a crowd of Mexicans, listening with great interest, how he had followed for some time a party of United States soldiers going up the country, and how he at last succeeded in cutting off one soldier, who had strayed a short distance

from the command, and how this man begged him to spare his life, offering up arms, horse, and all that he had, but how he, however, killed him and took everything from him; the Mexicans listening to the Lipan's story all through as if it had been a very funny trick.

Here can be seen the unfriendly feelings of the Mexicans toward their American neighbors, manifesting joy at the misfortunes caused by raids of a cruel savage enemy from Mexico. In conclusion, I inclose a slip cut out of the San Antonio Herald; the contents only confirm my statements.

Besides the raids of the Indians at peace in Mexico, are those of the Mexicans, who are doing a wholesale cattle-stealing in Texas, and after once reaching the Mexican side with their plunder, offer openly and undisturbed, at very low prices, the stolen cattle, and there is no authority who interferes in this traffic, except when the owners of the stolen property follow the thieves over to Mexico; then the authorities are obliged to interfere, and after half the stolen cattle is absorbed in costs of herding the same, &c., the cattle are given back to their owners; but there is always shown an indisposition on the part of the authorities to do justice to an honest foreigner against a thieving Mexican. I never heard yet that cattle-thieves were punished, even when detected, beyond a few days in prison, and they get out to commit the same crime again, but with more precaution.

It seems that the authorities consider the non-realization of profit and the loss of the stolen cattle sufficient punishment for these villains, as the crime was merely committed against a *gringo*, as they call the Americans, in the excess of their patriotic feelings.

A Mexican criminal is here considered as entitled to more consideration than an honest Texan, who is nearly driven to desperation through the continual suffering from Mexican outlaws, and they are excusable in some measure when they take justice into their own hands.

There is now a man in prison at this place for stealing cattle, who, only a few months ago, was surprised in the same crime fourteen leagues below this place, in the Presidio de Rio Grande, crossing stolen cattle over the river. He succeeded in escaping to this place and there never was any demand made for him. He had lived in Texas for the last five or six years and came here last year as a fugitive from justice, having killed a man near San Antonio, Texas; besides this murder, he was implicated either as principal or accessory in four or five others. Such men are running at large in all the frontier towns of Mexico, a small river being their safeguard against the laws they so often violate, and which they will continue to do, encouraged by having escaped all punishment heretofore.

Yours, &c.,

WILLIAM SCHUCHARDT,
United States Commercial Agent.

Mr. Fish to Mr. Nelson.

(Foreign Relations, 1871, p. 644.)

DEPARTMENT OF STATE,
Washington, June 26, 1871.

SIR: Your dispatch No. 409, of the 2d instant, relative to depredations of Indians from Mexico across the frontier of Texas, has been received. The frequency of those raids, the serious losses which they occasion, and the impunity of their perpetrators, merit grave consideration on the part of this government. It is presumed that any remonstrances which may be addressed to the Mexican Government upon the subject would have little or no effect. You may, however, say unofficially that it may become our duty at least to weigh the expediency of pursuing the hostile Indians into Mexico, without the consent of that government, if it shall not adopt measures toward checking the robberies referred to.

I am, &c.,

HAMILTON FISH.

Mr. Davis to Mr. Nelson.

(Foreign Relations, 1871, p. 647.)

No. 178.]

DEPARTMENT OF STATE,
Washington, August 7, 1871.

SIR: I transmit a copy of a letter of the 1st instant, and of the accompanying papers, addressed to this department by the Secretary of the Interior. They relate to an abortive attempt recently made by officers of that department toward removing

those of the Kickapoo tribe of Indians who dwell in Mexico to the abode of their brethren in this country. It seems that the attempt was defeated by the opposition of Mexican authorities. Mr. Delano requests that the consent of the Mexican Government may be obtained to our entrance into the territory of that republic whenever it may be necessary to do so for the purpose indicated. A similar request was some time since made to the War Department, and you were instructed to make application to the Mexican Government accordingly. This department understands that that application was not favorably received, and was not acceded to. If you should be of the opinion that another effort to that end might have a better result, based upon the documents now transmitted, you will make it, and report upon the subject.

I am, &c.,

J. C. B. DAVIS.

[Inclosure.]

Mr. Delano to Mr. Fish.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., August 1, 1871.

SIR: Before and during the war, portions of the Kickapoo tribe of Indians of the United States removed into Mexican territory. Understanding it to be desirable for them to be returned and remitted with the tribe to which they belong in the United States, Congress during its last session made an appropriation of \$25,000 to defray the expenses of their return.

To accomplish this object, Mr. Miles was some time since appointed agent by the Indian Office, and directed to visit the Kickapoos in Mexico, and bring them back to that portion of the tribe remaining in the United States. On his arrival in Mexico he found himself embarrassed by the Mexican authorities and Mexican people, who seemed opposed to the return of the Kickapoos to the United States. A copy of Agent Miles's letter, addressed to Superintendent Hoag, dated June 7, 1871, is herewith inclosed, together with a copy of a letter of Commissioner Parker, transmitting the same to this office. This correspondence furnishes full information in regard to this question.

Since the writing of his letter, Agent Miles has returned to Mr. Hoag's superintendency, finding himself unable to accomplish the object of his mission. It is not deemed advisable at present for this department to abandon the effort to bring the Mexican Kickapoos back to the United States, but it is impossible to accomplish this object without the co-operation of the Mexican authorities.

I have the honor, therefore, to respectfully request that you cause the Mexican Government to be fully informed upon the subject embraced in this note, and that you will obtain, if possible, the authority of that government for the United States to enter Mexican territory, whenever it may be necessary to do so, and do such things as may be required in removing the Indians referred to to the United States, so that if it shall be finally decided to be the policy of the government to return them, there may be no obstacles interposed by the Mexican Government or Mexican people in accomplishing that object.

I have the honor to be, your obedient servant,

C. DELANO,
Secretary.

HON. HAMILTON FISH,
Secretary of State.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1871, p. 655.)

LEGATION OF THE UNITED STATES,
Mexico, August 30, 1871.

SIR: This morning I received your dispatch No. 178, concerning the recent abortive attempt of officers connected with the Bureau of Indian Affairs toward removing fragmentary bands of Kickapoo Indians, now in Mexico, to their appropriate reservation within our own territory. I immediately sought an interview with the minister of foreign affairs, and communicated to him substantially the contents of the said dispatch and the inclosures thereof. He had not been informed of the improper interference of the local authorities at Santa Rosa in thwarting the views of our Indian agent, Mr. Miles, and expressed much surprise at their conduct. He promised to prevent, if possible, in the future, any such intervention on the part of government or state officials. Mr.

Mariscal having but recently entered upon the discharge of the duties of minister of foreign affairs, did not appear to be familiar with the correspondence between this legation and the Mexican Government on this important subject, but said that he would make it a special study, with a view to another conference with me at an early day. He assured me that the Mexican Government would present no obstacle in the way of the fulfillment of the humane and peaceful policy of our government toward these Indians, who are temporarily residing in Mexico. Mr. Mariscal said that he would confer with the President in regard to the most feasible method of aiding our government in the matter of removing the said Indians, and expressed the opinion that, the Presidential election being over, there would now be no great difficulty in procuring the sanction of Congress to an act authorizing the passage of our troops across the frontier for the purposes indicated in your dispatches.

During the interview, I again called Mr. Mariscal's attention to the constantly-increasing depredations of Indians from Mexico across the frontier of Texas, and the atrocities and outrages committed by them with perfect impunity; and said to him, in the language of your dispatch No. 172, that it *might* become the duty of our government at least to weigh the expediency of pursuing these hostile Indians into Mexico without the consent of that government, if it should not adopt measures toward checking the depredations referred to. Mr. Mariscal replied that the Mexican Government had not the power, without the authority of Congress, to permit the entrance of foreign troops upon Mexican soil; but that if it should become an imperious necessity for our troops to pursue savage and hostile Indians from our territory into Mexico, he assured me, as he said, unofficially, that the Mexican Government, in his opinion, would not seriously complain.

I beg leave again to call attention to the proposition of the Mexican Government, inclosed in my dispatch No. 216, and also to my dispatch No. 336, of January 10, 1871.

I have the honor to inclose a copy of a communication from our consul at Monterey, dated August 8, 1871, in regard to the council at Santa Rosa, and also a copy of a communication from our commercial agent at Piedras Negras, on the same subject. The latter inclosed a very interesting report from Mr. Miles, our agent, the substance of which has doubtless been communicated to the Indian Department.

Your obedient servant,

THOMAS H. NELSON.

Mr. Fish to Mr. Nelson.

(Foreign Relations, 1872, p. 348.)

DEPARTMENT OF STATE,
Washington, October 31, 1871.

SIR: I transmit a copy of a dispatch of the 26th ultimo, addressed to this department by Charles Winslow, esq., commercial agent of the United States at Guerrero, Mexico. It relates to a recent attack by Indians from Mexico upon plantations in Texas, near the border.

It may be difficult for the Mexican Government, under existing circumstances, to prevent such incursions, but it is expected that every practicable effort will be made for that purpose.

You may exercise your discretion as to the time and the manner of bringing the subject to the notice of that government.

I am, &c.,

HAMILTON FISH.

[Inclosure.]

Mr. Winslow to Mr. Hunter.

COMMERCIAL AGENCY, UNITED STATES,
Guerrero, Mexico, September 26, 1871.

SIR: I have to report that, on the 18th instant, a party of about seventy-five Indians, supposed to be Comanches, made a sudden descent upon the ranches contiguous to Laredo, in Webb County, Texas, near to the high road leading from that place to San Antonio. A party of Indians first attacked the ranch of Rafall Arispe, fifteen leagues from Laredo, on the road to San Antonio, called the Pintas. Here they carried off, as captives, two children of Cecilio Benevedie, and one of Siriac Gonzales, both of Guerrero. They also stole fifty tame horses, and burned some uthouses, and killed

a great many cattle. The inhabitants betook themselves to the houses, and were not attacked. They next proceeded to the Alamito, the ranch of Benito Garcia, a citizen of Laredo, and destroyed a flock of sheep belonging to Refugio Benevidis, of Laredo, and murdered two shepherds. From thence they proceeded to the Bessero, the ranch of Cassimero Benevidis, and stole twenty-five horses. The people, terrified, fled to a house, and shut themselves in; but, unfortunately, one boy was overtaken, and killed by two pistol-shots.

The fourth ranch attacked was that of Antonio Sanches, about three leagues farther on. Here they carried off all the tame horses on the ranch, amounting to one hundred.

The only person in the ranch at the time was a woman, but she alone, with a rifle, fought the Indians, and succeeded in severely wounding one of them, who was carried off by his companions, and was afterward found dead. Here the Indians divided into two parties. The larger party crossed the Nueces River, and are at present attacking the ranches on the Rio Frio and the Atascosa Creeks, in Bexar County, and committing depredations, of which we know nothing certain at present.

The other party retraced their steps with their stolen booty, making a circuit near the Nueces River; from thence started for the Rio Grande River, and attacked the ranch of José Maria Rodrigues, carrying off a large number of horses. Near the latter ranch General Quiroga, of Laredo, was attacked by them while measuring a tract of land with eight men, but succeeded in warding off the attack, as his party were well armed with rifles. In the Cerietos Blancos, five leagues farther on, they stole five horses, and captured a mule saddled and with arms from a ranchero, whom they murdered.

At a short distance above Laredo the same party attacked the Sous ranch of Nicholas Sanchez, killing one of the shepherds and wounding another mortally with two arrow-shots that penetrated his body. The woman and children shut themselves up in their houses and were not attacked. The Indians then recrossed the Rio Grande into Mexico with their stolen horses.

An eye-witness describes them as a part wearing blue woolen pants and purple jackets, and the rest as dressed in the usual Indian costume. They are known to have been well armed with rifles, as they left behind in the Pintas, the first ranch they attacked, a considerable quantity of ammunition. Their chief object seems to have been to obtain horses with which to mount a larger force to make new raids. Large flocks of sheep pasture over that district of the country into which the Indians have recently entered, and the farmers who are at present engaged in shearing are in fear of a general uprising of the Indians, and ask for aid, as there is no adequate force to protect them at present.

I would suggest that a large force of cavalry be stationed along the Rio Grande, as there is no security to property below from the cattle-thieves who cross over from Mexico and carry off thousands of cattle every month, and farther up the river from hostile Indians who cross over also from Mexico and destroy every year lives and property.

Due representation should be made to the Mexican Government to put a stop to the evils that now exist.

I have stated the facts as far as they have come to my knowledge, and submit them to your consideration.

I am, &c.,

CHARLES WINSLOW,
Commercial Agent of the United States.

Mr. Hunter to Mr. Nelson.

(Foreign Relations, 1872, p. 350.)

DEPARTMENT OF STATE,
Washington, November 7, 1871.

SIR: With reference to the instruction to you, No. 195, of the 31st ultimo, I transmit a copy of a letter of the 4th instant, addressed to this department by the Secretary of War, to whom a transcript of the dispatch from the commercial agent at Guerrero, relative to depredations of Indians from Mexico, was also communicated.

The memorandum of the General of the Army, which accompanies Mr. Belknap's letter, is believed to correctly state the rule of public law—that a nation is answerable for hostile attacks upon its neighbors by persons owing it allegiance.

The treaty stipulations between the United States and Mexico, by which the parties

engaged to restrain savages from attacking each other's possessions, were repealed by the second article of the Gadsden treaty. Still, the obligation to that end under the law of nations remains in full force, as it is presumed Mexico will acknowledge.

It is hoped that she may devise some method toward fulfilling that obligation.

I am, &c.,

W. HUNTER,
Acting Secretary.

[Inclosure.]

Mr. Belknap to Mr. Fish.

WAR DEPARTMENT,
Washington City, November 4, 1871.

SIR: I have the honor to acknowledge the receipt of your letter of the 31st ultimo, inclosing copy of a dispatch from the commercial agent of the United States at Guerrero, Mexico, in relation to an attack of Indians from that part of Mexico on the adjacent settlements in Texas.

In connection therewith I have the honor to invite your attention to the accompanying copy of remarks of the General of the Army, to whom your letter was referred for his views.

Very respectfully, &c.,

WM. W. BELKNAP,
Secretary of War.

General Sherman to Mr. Belknap.

HEADQUARTERS OF THE ARMY,
Washington, D. C., November 2, 1871.

Respectfully returned to the Secretary of War. We have in Texas two regiments of cavalry, which are all that can be possibly spared there. The Ninth is scattered along the Rio Grande, and north as far as McKavitt.

These sudden irruptions from Mexico have been of frequent occurrence, and the Rio Grande being fordable, gives the Indians a certain and safe retreat, as we cannot properly cross the border in pursuit. Mexico ought to be liable for acts of war done by Indians owing her allegiance, and our people charge that these Indians are not only harbored, but that the horses and captives are openly sold in the Mexican towns beyond the Rio Grande.

This case appears to me clearly one for the State Department, as we are unable to apply a remedy.

W. T. SHERMAN,
General.

Mr. Fish to Mr. Nelson.

(Foreign Relations, 1872, p. 394.)

No. 227.]

DEPARTMENT OF STATE,
Washington, February 27, 1872.

SIR: I transmit a copy of a letter of the 23d instant, and of the papers which accompanied it, addressed to this department by the Secretary of the Interior, relative to depredations, by Kickapoo Indians from Mexico, upon Texas. It is represented that in making these depredations, those savages were encouraged, if not instigated, by Mexicans. You will again make a representation upon this subject to the Mexican minister for foreign affairs. It must be obvious to that government that the ravages referred to cannot fail to occasion great irritation among those citizens of Texas who suffer from them, and that in the interest of the good understanding which we are desirous of maintaining with the Mexican republic, the government of that republic is expected to exert its authority toward checking the raids of the robbers adverted to.

I am, &c.,

HAMILTON FISH.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1872, p. 409.)

LEGATION OF THE UNITED STATES,
Mexico, March 25, 1872.

SIR: Pursuant to the instructions contained in your Nos. 178 and 227, I addressed, on the 18th instant, a note to Mr. Mariscal, of which I inclose a copy, setting forth the evils and perils which result from the incursions of the Kickapoo Indians into Texas, and from the impunity which those marauders have hitherto enjoyed. At the same time I represented the absolute necessity of vigorous measures for the final suppression of these outrages, and that the most efficacious means for that end would be a decided co-operation in carrying into effect the project of the Government of the United States for the removal of those Indians to their reservations. To this end, I again solicited permission for troops of the United States to cross the Mexican frontier.

I have not yet received the answer of Mr. Mariscal.

I am, &c.,

THOMAS H. NELSON.

[Inclosure.]*Mr. Nelson to Mr. Mariscal.*LEGATION OF THE UNITED STATES,
Mexico, March 18, 1872.

SIR: During the last three years I have had frequent occasion to address the Mexican Government, officially and unofficially, upon the subject of the constantly-occurring incursions of the Kickapoo and other Indians of the frontier into the State of Texas, where they have committed numerous murders and robberies. Some of my notes have been directed to the object of obtaining protection to the citizens of the Texas frontier by the exertion of the authority of the Mexican Government to restrain and severely punish such outrages. Others have solicited the co-operation of the Mexican Government in an attempt to remove to their reservations within the United States such Indians as have migrated from American to Mexican territory, and have suggested or requested permission for troops of the United States to cross the frontier in pursuit of hostile Indians, or in aid of the agents employed to collect the scattered bands.

I would respectfully call your excellency's attention to my notes of July 24, August 11, and October 29, 1869; of February 4, April 7 and 15, 1870; and of January 4 and April 12, 1871, remarking at the same time that on several other occasions I have received from my government documents and instructions which should properly have been the occasion of other similar notes, but that in consequence of the disturbed or abnormal condition of the country, and desirous to avoid difficulties for the Mexican government, I have limited myself to verbal representations on the subject.

To my request for permission for American troops to cross the frontier, the Mexican government replied, on the 16th of April, 1870, and again on the 7th of January, 1871, that it did not possess the faculty of granting such permission, but on the latter occasion offered to submit the request to Congress if desired.

In answer to an inquiry on my part, the acting minister of foreign affairs informed me on April 20, 1871, that the Mexican Government "had arrived at the conclusion that the present would not be the most fitting occasion to solicit such permission from Congress with any well-founded hopes of obtaining a prompt and favorable decision."

In the said note of the 16th of April, 1870, the Government of Mexico offered its co-operation in the "just and humane object of the Government of the United States" in the removal of these Indians.

The American Congress made an appropriation of \$25,000 for that purpose, and last summer agents were sent to the Kickapoo Indians to induce them to remove to their reservation, and to furnish them the means of so doing.

Instead, however, of meeting with any co-operation from the Mexican authorities, the said agents reported that their attempt had been defeated by the opposition of the Mexican authorities, who employed not merely persuasion, but bribes, for that purpose.

It is with regret that, in view of these antecedents, I am forced to remind your excellency that none of my representations, formal or informal, have led to any satisfactory result.

The depredations complained of have continued and still continue. In a dispatch dated the 27th ultimo, which was accompanied by new documents upon recent Indian outrages, the Secretary of State of my government uses the following language:

"It must be obvious to the Mexican government that the ravages referred to cannot

fail to occasion great irritation among those citizens of Texas who suffer from them, and that in the interest of the good understanding which we are desirous of maintaining with the Mexican Republic, the government of that republic is expected to exert its authority toward checking the raids of the robbers referred to." In proof of the gravity of the evil, and of the feeling naturally aroused in Texas, I beg to inclose a copy of a resolution which passed the Texas legislature on May 24, 1870, and was presented to the American Congress on the 10th of June of that year. It is evident that the sentiments therein expressed cannot but have acquired increased vehemence at the present time.

Though discouraged by the failure of the attempt of last year, my government is of the opinion that the only efficient remedy for these depredations will be the removal of these Indians to their reservations within the United States. To effect such removal, it is now more than ever apparent that our agents must count not only upon the active assistance of the Mexican Government, but, if possible, upon the said permission for our troops to cross the frontier, which I am instructed again to solicit. It is hoped that, as the President of Mexico is now invested with "extraordinary faculties," he will find no difficulty in acceding to this request.

I would respectfully suggest that, upon the reoccupation of the States of Coahuila and Nuevo Leon by the government forces, advantage be taken of the temporary government of those States by martial law to take those speedy and efficient measures for the final cessation of Indian outrages which my government has instructed me to urge, and which would seem to consist in lending an active support to the views of my government for the removal of those Indians. Should the Mexican Government accede to the prompt realization of this enlightened and humane policy, I will lose no time in communicating so satisfactory a statement to the Government of the United States, in order that speedy measures may be taken to co-operate with the Mexican authorities on the frontier. My government will take the highest satisfaction in seeing thus permanently removed a constant source of disturbance in those intimate, friendly, and cordial relations which should ever subsist between two nations whose interests and sympathies are so nearly akin.

I take pleasure in renewing to your excellency, upon this occasion, the assurance of the very high consideration and respect with which I have the honor to remain, your excellency's obedient servant,

THOMAS H. NELSON.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1872, p. 420.)

LEGATION OF THE UNITED STATES,
Mexico, April 26, 1872.

SIR: Herewith I inclose a copy and translation of Mr. Mariscal's reply of the 23d instant to my note of the 18th ultimo upon the depredations of the Kickapoo Indians.

While Mr. Mariscal does not accede to my solicitude for the passage of American troops into Mexican territory in pursuit of marauding Indians, he nevertheless makes propositions, which may, I hope, facilitate the final settlement of the important subject in hand. He assures me that the government will lend efficient co-operation to the realization of the plan for the removal of the Kickapoos to their reservations in the United States. For this purpose it will direct its local authorities to participate in the conferences with those Indians, and will not allow the authorities, who are accused of having frustrated the attempt of last year, to have any share in the proposed conferences.

In case the Kickapoos freely consent to emigrate, the Mexican Government will furnish troops to escort them to a designated place on the frontier; and, lest the agents employed in the unsuccessful attempt of last year may have unfortunately excited prejudices and suspicions in the minds of these Indians, the Mexican Government suggests the propriety of other persons being selected for the proposed new attempt.

It appears to me that the proposal of the Mexican Government deserves serious attention, and that, if approved, the necessary steps should be taken with as little delay as possible.

I am, &c.,

THOMAS H. NELSON.

[Inclosure.—Translation.]

*Mr. Mariscal to Mr. Nelson.*DEPARTMENT OF STATE,
Mexico, April 23, 1872.

SIR: I have had the honor to receive your excellency's note of the 18th ultimo, respecting the conduct observed by certain tribes of Indians located upon Mexican territory near the frontier of Texas, and I have also received a copy of the inclosed resolution upon Indian depredations, adopted by the legislature of the State of Texas. Your excellency reminds me of the several notes upon this subject which you have addressed to my predecessors in this department, and makes special mention of those in which you have solicited permission from the government of this republic for the passage of American troops across the frontier, in order to carry out the project of removing these tribes of Indians to their reservations in the United States, and after relating the ill-success of the American agents sent to induce the Kickapoos to emigrate, your excellency suggests that upon the reoccupation of the States of Nuevo Leon and Coahuila, by the forces of the federal government, advantage be taken of the temporary government of those States by martial law to take efficacious and speedy measures for the cessation of Indian outrages; measures which, in your excellency's opinion, would seem to consist in lending aid to the removal of the Kickapoos, to be effected by the employment of American troops in Mexican territory.

The examination of all the antecedents of this question has delayed my reply until the present time, and I now have the honor to communicate to your excellency the views of my government. The decree which authorizes the executive to exercise temporarily certain faculties which he does not ordinarily possess in the department of war, has a manifest limitation in the object which Congress proposed to obtain by its passage. The re-establishment of peace and of constitutional order in the rebel States was the motive of that grant, and the President of the republic, to whose consideration I have submitted your excellency's suggestions, after a careful study of the said decree, is of the opinion that it would not be proper to employ the extraordinary faculties with which Congress invested him for the solution of the difficulty in question. But the matter may, nevertheless, be arranged by virtue of the presence of federal forces in Nuevo Leon, and without the necessity of the passage of American troops into Mexican territory. The sum total of the facts which your excellency communicates, in compliance with instructions from your government, and the desires which have been manifested to the Government of Mexico, concerning the said Indians, together with the friendliness characteristic of existing relations between the two countries, are sufficient reasons to lead the President of this republic to earnestly desire the speediest solution of this question, and the one most advantageous to all parties concerned. I have therefore the honor to renew to your excellency the assurance which this department has before given, that the Government of Mexico will take pleasure in co-operating with that of the United States in the humane object of preventing the depredations which certain tribes of Indians are wont to commit on the Texan frontier, by affording them the means of emigrating from Nuevo Leon and Coahuila to their reservations in the United States. For the realization of this project, it would perhaps be convenient for the Government of the United States to appoint new agents, and to advise the government of Nuevo Leon of the time when, and of the place on the frontier where the said agents will present themselves for their visit to the Indian tribes. The Government of Mexico will, in such case, provide that the authorities who represent it in that region take part in the conferences, and if the Indians should freely determine to leave Mexico to settle on their reservations in the United States, the Mexican military forces will escort such Indians to the point on the frontier where the American troops may receive them.

Your excellency will observe that the Mexican Government advises that the agents to treat with the Indians be other persons than those who made the former attempt. This suggestion is made in the interest of the success of the negotiation, in order, by such change, to avoid reviving the suspicions and prejudices against those persons, which may exist in the minds of the Indians. The Mexican Government, desirous that there may subsist no impediment to the projected arrangement, will provide, as far as possible, that none of the authorities accused (it would seem without satisfactory proofs) of being opposed to the removal of these Indians, have any part in the execution of the plan suggested.

In closing my reply to your excellency's note, I take pleasure in stating that the Mexican Government very highly appreciates the prudence and tact which has thus far characterized your excellency in this negotiation, and cherishes the confident hope that it will be concluded in the same spirit of friendship and good understanding.

I am, &c.,

IGNACIO MARISCAL.

Mr. Hale to Mr. Nelson.

(Foreign Relations, 1872, p. 434.)

DEPARTMENT OF STATE,
Washington, July 8, 1872.

SIR: I transmit a copy of a letter of the 2d instant, addressed to this department by the Secretary of the Interior, and of the one to him from the Commissioner of Indian Affairs, to which it refers. These have been occasioned by your dispatch 557, of the 26th of April last, relative to the removal of Kickapoo Indians from Mexico to their reservation in the United States.

I am, &c.,

CHARLES HALE,
Acting Secretary.

Mr. Delano to Mr. Fish.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 2, 1872. (Received July 3, 1872.)

SIR: I have the honor to transmit herewith, for your information, a copy of a communication from the Commissioner of Indian Affairs, dated the 15th ultimo, in relation to the removal of certain Kickapoo Indians from Mexico to the United States, which was the subject of your letter of the 16th May, inclosing to this department dispatch No. 557, from the United States minister to Mexico, and in which you requested an expression of opinion in regard to the measures proposed for effecting the removal referred to.

Concerning this subject I will state that the views expressed by the Commissioner are fully sustained by the department; that it is desired that these Indians return to the United States, and another effort will be made to effect this object, at an early day, of which action you will be duly advised.

The dispatch, as requested, is herewith returned.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

Mr. Walker to Mr. Delano.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, Washington, D. C., June 15, 1872.

SIR: I have the honor to acknowledge the receipt, by reference from the department, of a communication from the honorable Secretary of State, of date the 16th ultimo, inclosing a dispatch of 26th April last from Mr. Thomas H. Nelson, minister of the United States to Mexico, covering a copy and translation of a note from the minister of foreign affairs of that republic in relation to the removal of certain Kickapoo Indians to the United States.

In compliance with your instruction for an expression of the views of this office thereon, I have the honor to state that I deem it desirable that the Indians in question should return to the United States.

Another attempt will, with the sanction of the department, be made to effect such return at an early date, of which the honorable Secretary of State will be duly advised. With reference to the suggestions of the honorable minister of foreign affairs of Mexico, that at the next effort to effect the removal of these Indians another agent than the one formerly employed be sent by the government, I will add that the United States Indian agent for the Kickapoos in Kansas, who was sent on the previous mission referred to in the dispatch which forms the subject of this report, is deemed to be an eminently proper person to represent the United States in the matter. The papers are respectfully returned herewith.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

Mr. Schuchardt to Mr. Hunter.

(Foreign Relations, 1873, p. 701.)

UNITED STATES COMMERCIAL AGENCY,
Piedras Negras, Mexico, July 15, 1872.

SIR: The following report relative to the condition of affairs in this district is respectfully submitted to the department.

* * * The Kickapoo Indians, who emigrated to this district in 1864 from Kansas, are living on an old plantation called El Nacimiento, thirty miles from Santa Rosa, and are under the direct supervision and protection of the authorities of that place. They make their living partly by cultivating the soil, and making mats, baskets, &c., and dressing deer-skins, and partly by engaging in the traffic of horse-stealing from Texas, very profitable for them and their Mexican protectors. Several years ago the Mexican Congress voted \$10,000 to subsidize these Indians in buying agricultural implements and cattle, but these funds were retained by the State government until a year ago, when it became known that a delegation, composed of United States Indian agents and Kickapoos from Kansas, was on its way to Santa Rosa to induce the Kickapoos to return to their reservation in Kansas. Then the government of this State (Coahuila) sent a commissioner to Santa Rosa with \$3,000 to divide among the Indians, but at the time the delegation arrived in Santa Rosa said commissioner had only given them a little corn and a few beeves, worth about three hundred dollars. The Indians having knowledge of the whole amount sent for them, became dissatisfied, listened to the propositions of the Kansas delegation, and most of them agreed to leave Mexico. When the Mexican agent saw this, he commenced to bribe several of the influential chiefs, and by that he obtained his object, which was to frustrate that of the mission of the American delegation. So soon as the Americans had left Santa Rosa, the Mexican agent being convinced of the failure of that mission, not one more dollar was given to the Indians by him.

The benefit the Mexicans derive from the staying of these Indians in Mexico, besides the supply of cheap horses, is the protection they afford against the invasion of their district by other savage tribes. The Mexican Government, which cannot any longer misapprehend the good faith of the United States Government in its exertions made to stop the hostile incursions of these Indians into its own territory by inducing them to leave Mexico, expending thousands of dollars for that purpose, and the Mexican Government having done its best to counteract these sincere exertions of the United States Government by its underhand dealing, it should be held directly responsible for all the depredations committed by the Kickapoos on our Texas frontier.

The Lipans and Mescaleros are also Indians of Mexico, and continually invade Texas, committing depredations there. They do not live in a certain locality of Mexico, but whenever they have made a successful raid into Texas they return to this district and ask for peace, which always is conceded to them by the Mexican authorities. Then the Mexicans buy their Texas plunder, supplying them in exchange with powder and lead, lance-blades and arrow-points, &c.; in fact, they fit them out for a new campaign against the citizens of their sister republic, for which they always profess a great friendship in public. Two years ago even the collector of the Piedras Negras custom-house sent his commandante of inspectors, Pedro A. Valdes, to the camp of the Lipan Indians to trade off for stolen horses some cart-covers he had confiscated from the carts of some poor freighters, the covers being apparently new and bought in Texas. Among the horses so obtained appeared one of Mr. Adams's, who was murdered, with two other men, a short time before, near the Careza, about sixty miles below Eagle Pass, Tex.

In the same spirit these Indian depredations in Texas were considered by the Mexican Government; the cattle-stealing by Mexicans was (that is to say) protected by it, it seems, as the government thought to benefit by its own people; it did not concern it if so many innocent Texan families were sacrificed by its winking at these crimes.

Although the cattle-stealing from Texas has ceased since the government bands evacuated this frontier and became refugees on the Texas side, it had reached before the outbreak of the present revolution such extension that it has nearly ruined many of our frontier stock-raisers in Texas. To show that the cattle-stealing could be carried on so extensively as it was, only by being, so to speak, officially protected, I mention one of many cases reported to me, as an illustration. Señor Don José Maria Ramirez contracted with Juan Manuel Ramos to deliver him (Ramirez) a drove of beeves, promising Ramos for all he could bring \$8 per head. Ramos crossed over to Texas, stole the beeves, and, on offering to turn them over to Ramirez, the latter refused to pay him the price as per contract, offering him only \$5 per head, which Ramos declined to accept, declaring that he would take the beeves to the market in the interior himself. Ramirez said this was all very well, but he should get the documents from the Piedras Negras custom-house necessary for his trip to the interior, if he could obtain them, and without which he would see the beeves confiscated by the Mexican inspectors, and he (Ramos) would lose all. Ramos, seeing the truth of this well enough, and knowing

his inability to procure the documents, agreed to sell the beeves to Ramirez for \$8 per head, payable on the return of Ramirez from Saltillo with the money for the beeves sold. When Ramirez returned from the trip, and Ramos asked him for the money for the beeves, he was told by Ramirez that he did not owe him anything, and if he was not satisfied he could sue him, which Ramos knew he could not do without accusing himself as a cattle-thief. In the association which carried on this contemptible traffic, Ramos belonged to the class of agents who did the stealing, while Ramirez was one of the respectables of the ring, who procured from his associates in the custom-house the necessary documents for the transit of the stolen cattle to the interior, and in case thieves were captured, he went to have them released from prison by his influence. Ramirez is a man of low education, but, partly by his activity and partly by transactions similar to those mentioned, realized some capital, and by giving occupation to some people, and having others obliged to him through his knowledge of their crimes, he created for himself a great influence over them, which he exercised in elections to his own and the advantage of those who, in recompense, protected him against the laws he violated at all times, and which he knew he could defy with impunity; and so he became one of the prominent men of his district, who could dictate to the local authorities what he thought proper they should do. In the election just before the outbreak of the present revolution, Ramirez was elected a member of the legislature of the State of Coahuila, it is said, by the instructions to the local authorities of this district by Governor Cepeda.

There are many good and honest men living in this district who, mortified and ashamed to witness such things carried on nearly public, were opposed to such management of public justice, and who attempted, for the sake of the honor of their country, to put a stop to these outrages; but they very soon found out that by this they were fighting the State government, and all they earned for their good-will was persecution by the higher authorities of the State through those of their residence, and being called unnatural sons of their country (*hijos inatural de su patria*), who, to the benefit of foreigners, would disclose the misdeeds of their own countrymen. * * * However good the disposition of the federal Government of Mexico relative to the affairs on this frontier might have been, it seems it had not the power to enforce its decrees in these remote States. This clearly appears, for instance, in the irregularities of the custom-house laws, which are the same all over Mexico, as executed on this line, where the duties are collected in three different ways. On the Lower Rio Grande up to Laredo the so-called *zona libre* exists, because it is the will of the people of Tamaulipas that it should exist, being to their benefit, and they at all times have threatened rebellion should this privilege be taken away from them. In the custom-house of this State (Coahuila) the duties according to the tariff are collected, while in the custom-house in the State of Chihuahua only the third part of these duties are collected, and, by this, a great deal of traffic being attracted to that State, the governor of it, therefore, sustains the custom-house officials of the federal government to discharge their duties in this way.

Although the merchants of this district complained at different times in Mexico against the privileges Tamaulipas and Chihuahua enjoyed to the detriment of their own trade, it never could be remedied by the federal government. * * *

I am, sir, &c.,

WM. SCHUCHARDT,
United States Commercial Agent.

Mr. Fish to Mr. Nelson.

(Foreign Relations, 1873, p. 643.)

DEPARTMENT OF STATE,
Washington, January 16, 1873.

SIR: I transmit for your information a copy of a dispatch of the 26th of December last, addressed to this department by Mr. Schuchardt, the commercial agent at Piedras Negras, relative to the predatory incursions of Indians from Mexico into this country.

The federal government of that republic appears to be so apathetic on this subject, or so powerless to prevent such raids, that sooner or later this government will have no other alternative than to endeavor to secure quiet on the frontier by seeking the marauders and punishing them in their haunts, wherever these may be. Of course we should prefer that this should be done with the consent, if not with the co-operation, of Mexico. It is certain, however, that if the grievance shall be persisted in the remedy adverted to will not remain untried. It is not, however, expected that, for the present at least, you will make a formal representation to that government to this effect.

I am, &c.,

HAMILTON FISH.

[Inclosure.]

*Mr. Schuchardt to Mr. Fish.*COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,
Piedras Negras, December 26, 1872.

SIR: I have the honor to acknowledge the receipt, on the 25th of December, of your dispatch No. 35, dated November 2, 1872, relative to the emigration of hostile Indians from the United States to Mexico, and the views of the honorable Secretary of the Interior on this subject. Said dispatch was directed via Santa Fé, N. Mex., which accounts for its delay on the road.

A short time after I wrote my No. 87, dated September 1, 1872, this State (Coahuila) returned to her constitutional condition, and the office of gefe politico is abolished. The gefe politico of this district, who at the time treated with those Indians, has since retired to private life, and there the question about their admittance into this country rests. The actual government of this State, it seems, has not taken any notice of the matter, as I am not aware of any measures taken by it to prevent the Indians from coming, or to compel them to leave the country, or to move farther to the interior of it.

The apprehension expressed by the honorable Secretary of the Interior that these Indians desire to go into the States adjacent to the United States for the purpose of establishing a city of refuge, to which they can flee after committing depredations and outrages upon citizens of the United States, has already proven well founded. A month ago a party of these very same Lipans and Comanches (as such they were recognized) made a foray on Texas, swept the country east and north of Laredo clean of horses, took some cattle, and also captured several boys of whom one escaped. After this they recrossed to Mexican territory and encamped on a place called "Los Arboles," whence they came to the Mexican town of El Romolino to dispose of their plunder.

It is the custom of the country that, by direction of the government, the horses of the Indians are from time to time branded with the brand of the corporation, and thus declared good and transferable property, and then they can be bought by anybody.

The Indians, after a raid, once on this side of the Rio Grande, feel secure, knowing very well that they cannot be pursued by our troops across the line. The Mexican Government, which is not disposed, or is too weak itself to prevent the raiding of the Indians into the United States territory, at least should not object to the crossing of our troops when pursuing them into their places of refuge in Mexico. The Indians once knowing that the Rio Grande is not any longer an impediment to our troops to keep on the pursuit, even across the river, they very soon would agree to go to a reservation; and as they know well that they cannot expect much from the Mexican Government, they probably would surrender to the United States. As it is now, it seems natural that the Mexican Government is responsible for what depredations the Indians, harbored in this country, commit in Texas.

I am, &c.,

WM. SCHUCHARDT,
*United States Commercial Agent.**Mr. Nelson to Mr. Fish.*

(Foreign Relations, 1873, p. 665.)

LEGATION OF THE UNITED STATES,
Mexico, April 24, 1873.

SIR: In reply to your No. 330, of the 20th ultimo, concerning a new attempt which is to be made for the removal of the Kickapoo Indians to their reservation in the United States, I have the honor to inclose a copy of a note which I addressed to Mr. Lafragua, under date of the 22d instant, requesting the co-operation of the Mexican Government in this humane object, and of the reply of Mr. Lafragua of the same date, informing me that the necessary order had already been sent to the governors of Coahuila and Nuevo Leon.

I have, &c.,

THOMAS H. NELSON.

[Inclosure.]

*Mr. Nelson to Mr. Lafragua.*LEGATION OF THE UNITED STATES,
Mexico, April 22, 1873.

SIR: Referring to my numerous previous communications on the same subject, I have the honor to inform your excellency that the Government of the United States has re-

solved to make another attempt to remove the Kickapoo Indians from Coahuila to their reservation within the United States. To that end it has appointed a special agent who has been instructed to set out upon his mission during the month of May proximo.

The Government of the United States, in view of the grave difficulties which attend the further continuance of this tribe of marauders upon the Mexican frontier, whence they constantly and with impunity wage a predatory warfare upon the cattle-farms of Texas, hopes and believes that your excellency's government will take such measures as will not merely prevent the recurrence of that interference of the local authorities of Coahuila, which frustrated a former effort of the same character, but will throw the moral and material weight of your excellency's government in aid of the humane object in view.

I have, &c.,

THOMAS H. NELSON.

[Translation.]

Mr. Lafragua to Mr. Nelson.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, April 22, 1873.

SIR: I have the honor to reply to your excellency's note of to-day, concerning the new agent appointed by the United States to make an effort for the return of the Kickapoo tribe to its reservation within the United States.

This department had been previously informed of the appointment of a new commission, and had already taken the most efficacious measures to insure that the governors of the frontier States should render it all the aid it might need, as your excellency will see by the copy which I have the honor to inclose.

Having thus replied to your excellency's note, I renew the sentiments of my very distinguished consideration.

J. M. LAFRAGUA.

[Translation.]

Orders to the governors of the States of Coahuila and Nuevo Leon.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, April 12, 1873.

To the citizen governors of the States of Coahuila and Nuevo Leon:

Certain civil agents, commissioned by the Government of the United States of America to superintend the contemplated return of the Kickapoo Indians to their reservation in the United States, being about to arrive on the frontiers of Coahuila and Nuevo Leon, the citizen President has been pleased to direct that you be immediately and very urgently requested to render these commissioners all the aid they may need for the pacific arrangement of this matter. You will also please immediately inform this department of all the incidents which may occur in this connection.

Independence and liberty!

LAFRAGUA.

Mr. Schuchardt to Mr. Hunter.

(Foreign Relations, 1873, p. 709.)

UNITED STATES COMMERCIAL AGENCY,
Piedras Negras, Mexico, May 17, 1873.

SIR: In my No. 103, dated May 8, 1873, I communicated to the department that, besides the boy who was redeemed from the Indians, another one was with them, but that he could not be gotten because his present master was absent from the camp on a raid into Texas.

A few days ago I sent an agent again to the Lipan and Mescalero camp with instructions to penetrate, if possible, through all the different camps in order to ascertain if there are any more white captives among the Indians, and, if possible, to ransom them. Yesterday my agent returned from there, and brings me the following informa-

tion: That from the Remolino, up along the river San Rodrigo, on which Remolino is situated, are, at short distances, various Indian camps of Lipans, Mescaleros, and Kickapoos; the latter have been supplied with water for irrigating land they have planted in corn; that all the Lipans and Mescaleros, except the old men and women, had started on a raid into Texas; that in one of the Mescalero camps, which is seven leagues distance from the Remolino, there is a white woman and child who were captured by one of the chiefs, Azate, in Texas, some time last winter, after he had killed her husband. This was related by Azate himself, who had made a present of the pistol of his victim to a Mexican friend; that he (my agent) did not succeed in redeeming any captives because all the male Indians were absent on a raid in Texas. The facts in regard to these Indians in their relation to Mexico are: They are Indians hostile to the United States, depredating continually in Texas, capturing children and murdering their parents, and stealing the stock of the Texans; and whenever they have accumulated sufficient plunder, and see it convenient to come to the Mexican towns, peace is granted to them without exacting from them any conditions whatever, such as to give up to the authorities their captives, or horses and mules stolen; and they are supplied, with the knowledge of the authorities, by Mexicans, with ammunition of war and arms, who receive in payment the horses and mules stolen from Texas; and from their temporary camps, close to the Mexican towns, parties start daily, with the knowledge of the Mexican authorities, on forays into Texas, and no measures are taken, neither by the federal Government of Mexico nor by the State government of (Mexico) Coahuila, to prevent these outrages committed by these savages on the citizens of the United States.

I am, &c.,

WM. SCHUCHARDT,
United States Commercial Agent.

Extract relating to depredations by Indians from Mexico, from the second report, June 30, 1873, of the United States commissioners for inquiring into the depredations committed on the Texas frontier, appointed under joint resolution of Congress approved May 7, 1872.

(H. Ex. Doc. 257, 43d Cong., 1st sess., p. 12.)

[Extract.]

DEPREDATIONS BY INDIANS.

The commissioners, in their preliminary report, made only a general reference to the subject of Indian raids, as the regions suffering from such incursions were not visited by them in 1872. In their sessions of 1873, however, much valuable information has been gained upon this subject.

The records of such outrages are embraced in forty-three petitions under Class D, amounting to an aggregate alleged loss of \$721,492. The depositions supporting these petitions contain complete descriptions of the outrages, while the fact that but little can be effected in obtaining a record of the killed, wounded, and kidnapped, proves the actual condition of the country to be one of continual exposure, a harassing predatory war being carried on by these offenders.

It is obvious that Indian raids on the frontier of Texas increased in number and boldness during the war of the rebellion, which called away large numbers of the fighting force of the frontier population, always in Texas an efficient aid to the military in controlling the red man.

On the immediate line of the Rio Grande, Indian raids are a source of harassing annoyance from the vicinity of San Diego, Duval County, to El Paso del Norte, the perpetrators being alleged to be Kickapoos, Lipans, Mescaleros, Apaches, Pottawatomies, Seminoles, and other tribes, or remnants of tribes, residing on the Mexican side of the Rio Grande, and using the territory of the adjacent republic as a base for a murderous warfare against the inhabitants of Western Texas.

Of all these tribes these Kickapoos and Lipans are specially distinguished for a bitter animosity to the inhabitants of Texas, and for unceasing activity in their bold raids. These incursions have two main objects, the stealing of horses and the kidnapping of children. Murder is an invariable accompaniment, for these Indians have shown a disposition to fight bitterly with the settlers, and a gloomy record of their deeds is found in the many depositions taken upon this subject.

On the northern and northwestern frontier of the State the Kiowas and Comanches, bold and warlike Indians, conjointly with the Apaches, harass the outer circle of settlements, and, in fact, at times penetrate into the heart of Texas. Murder, kidnapping, and

the stealing of horses form the objects of the warfare, and an interminable history of border war would be the result of an extended investigation. Texas, with its early history one record of bloody struggles with the native tribes, or complications resulting from the embarrassing presence of Indians emigrating from reservations or crossing the State, with scattered herds of cattle and horses continually tempting the Indians of the adjoining territorial reservations, exhibits to-day every phase of the Indian question in some form of suffering, past or present. The State offers, in its vast desert plains and its unexplored hill regions of the northwest, abundant facilities for the concealment of the Indian marauders who meet and (as will be shown in the evidence) barter captives taken in the heart of Texas, between bands raiding from the northwest (Comanches), and from the line of the Rio Grande (Kickapoos). The extended frontier, open, and only dotted here and there with military posts, gives the Indian a decided advantage, and the raiding band may retire in almost any direction and find some means of egress. The Indian Territory, the desert regions, or the friendly and convenient refuge of the Mexican side of the Rio Grande, receives the marauders, who carefully avoid conflict unless strong enough to turn and check their pursuers. The frontier defense of Texas by its military, volunteers, and State police, is a subject upon which many disagreements have occurred and still exist. Such blows as the defeat inflicted last year upon the Comanches by the resolute General McKenzie are not often dealt, and the commissioners observe here that a great deal of the border fighting is thrown upon the hands of a class of men who are endeavoring to plant settlements in the exposed regions, and whose houses have, from time to time, been pillaged by the common foe, their families murdered or carried into captivity. Several of these men, while appearing before the commission to record their losses by Indian raids, were called away by the news of fresh attacks upon their residences and property.

INDIAN DEPREDACTIONS ON THE RIO GRANDE.

The commissioners personally traversed much of the territory exposed to the raids of the Kickapoos, Lipans, and other Mexican Indians. Beginning in the vicinity of San Diego, and stretching in a semicircle as far as San Antonio, the settlements, such as San Diego, Laredo, Fort Ewell, Eagle Pass, Fort Clark, Uvalde, and their vicinities are continuously harassed by the bold and desperate raids of these invaders. Settled at Santa Rosa, in the State of Coahuila, under the protection of the Mexican authorities, carrying on a trade with a circle of degraded merchants who are their accomplices (these receiving at a nominal sum horses and cattle stolen from Texas for their goods and munitions), the Kickapoos and Lipans are answerable for murders and thefts without number. They cross the Rio Grande at almost any point between San Diego and Fort Clark, whirl around through the settlements, kill shepherds, travelers, and others, attack ranches and drive away to Mexico herds of horses, leaving a trail of broken-down animals, dead bodies, and pillaged ranches behind them.

The commissioners have no doubt that there are spies and emissaries aiding the nefarious traders who inform, through them, the Indians of any suitable opportunity for a descent.

With regret the commissioners report that at the town of Laredo the feeling was so strong, in connection with the debasing circle of Mexican local influence, illicit trade, and hostility to Americans, that, although the drum had been beaten on one occasion to rally the inhabitants of that town generally to repel an attack of the Kickapoos, and the bodies of men murdered by them often been brought into the town, but few resident witnesses could be found who could state what tribes of Indians depredated upon them. As the town of New Laredo, Mexico (opposite), is often visited by Kickapoos, who trade there, this uncertainty has but one explanation—a strong sympathy with the corrupt local influences on the Mexican side.

In the extracts from the evidence following, the commissioners present some of the features of this Indian warfare, and such is the association of the Mexican and Indian raiders that the depositions taken will be found teeming with details of the bloody work carried on by these outlaws.

The horrible affair at Howard's Well, in which a number of employes, teamsters, were burned by desperate marauders on April 20, 1872, is the basis of the complaint of Mrs. ——— Gonzales, Petition No. 322, which, with the accompanying evidence and papers, will show that over twenty Mexicans were engaged in the affair with the Indians.

The grave responsibility of the Mexican Government cannot be overlooked when the continued protection given to marauders by its frontier authorities, the illicit trade with the Indians carried on by its degraded merchants, who are justly suspected of furthering outrages on Texas, and the fact of a friendly shelter being given to the retreating raiders laden with the spoils of a friendly territory, are considered.

Mexican traders largely supply arms, liquor, and ammunition to the Comanches and other Indians in Northern and Northwestern Texas, crossing into Texas these goods in an illegal manner.

INDIAN DEPREDACTIONS ON THE NORTHERN AND NORTHWESTERN FRONTIER.

The Indians committing these depredations being under the control of agents or given over to the watchful military, the commissioners feel that they can present no new phases of the problem in this regard, and refer to the many petitions, the voluminous evidence, and to the astonishing fact that Indians steal horses from the very outskirts of San Antonio, as indicative of the present condition of the country—a state of affairs which prevents any considerable immigration in many remote but fertile parts of Texas. The warlike Indians of the frontier referred to often cut a path through populous districts and escape with a rich booty.

The appendix contains a partial list of the killed, wounded, and kidnapped. The letter of Commercial Agent William Schuchardt, set forth in the evidence, details the fact that an Indian in Mexico holding a captive, by being absent on a raid into Texas, all negotiations for the release of the prisoner must wait till the return of his captor. Comment is needless.

The commission observe that the frequency of raids by cattle-thieves and Indians makes it an impossibility to collect a full list of killed and wounded. An astonishing number of lives are lost, and the public mind does not retain long the details of any one raid, as some fresh disorder occurs to efface the impression. It has been generally found impossible to obtain records of coroners or public statistics relating to the loss of life.

EXTRACTS FROM THE GENERAL EVIDENCE TAKEN DURING SESSIONS OF 1873, AS TO INDIAN RAIDS.

Deposition No. 501. James O. Luby testifies that he is a merchant, and has lived eleven years on the Rio Grande frontier. On August 10, 1870, witness saw eight Kickapoo Indians, mounted and armed, driving a herd of stolen horses toward Mexico, in Texas, about four miles from Fort Ewell. These Indians were drunk, having robbed a Texas ranch and obtained some liquor. They were not in war-paint, but all had shields with them. On September 26, 1870, witness saw a party of about twenty Indians driving a herd of stolen horses toward the Rio Grande; this on the main road from Fort Ewell to Laredo. On December 3, 1870, a party of forty-two Kickapoo Indians surrounded Nogalitas ranch, in Ensinal County, Texas. The Indians besieged the ranch for two hours. From there they went to the Charco Largo ranch of Colonel Benavides. Witness heard firing going on there; next day witness pursued these Indians, and found on the road between Charco Largo and Quirogas ranch dead horses and animals lying in the road; they had been killed with arrows. At Quirogas ranch witness saw a Mexican woman the Indians had killed; a man had been killed near the ranch and buried; saddle, moccasins, and arrows, all of Kickapoo style, were picked up. Witness lost his saddle-horse on this raid, and knows that horse to be now in Mexico. Witness has made unsuccessful efforts to get the said horse. Two horses belonging to customs-inspectors were also stolen. All the raids referred to are the work of Indians coming from Mexico. Last year (1872) the Kickapoos made three raids near San Diego. Scouts were sent after them. The Indians usually come in the dark of the moon, stay three or four days, and go out with their plunder. Witness, as justice of the peace, has sometimes sent assistance to the Piedras Pintas ranch, to keep it from being burned by Mexican outlaws, under the command of one Alberto Garcia. Witness is obliged to travel always armed. Horses are often stolen in the vicinity of San Diego, and run off into Mexico. A herd of thirty stolen horses was captured a few days since (March 20, 1873), on their way to the Rio Grande. One of the horses belonged to Richard King, and his brand thereon was altered and defaced. All these marauding parties come from Mexico.

Deposition No. 502. Edward N. Gray testifies that he resides at San Diego, Duval County, Texas, and has lived on the frontier since his childhood. Witness knows of Kickapoo Indians raiding in from Mexico, killing and robbing Texans and plundering. Witness has seen bodies of the killed as well as wounded persons; has examined trophies captured from them. For four years witness has observed the results of their robberies. The murdered persons have usually been shepherds (as this is a grazing country). One boy was murdered near the Becena ranch last year, near the house. The Indians usually kill with arrows or lances. The party who killed the boy were recognized as Kickapoos. Armed bands have been raised in Mexico to raid on Texas, plunder, and kill, and have driven off horses and cattle to Mexico; many of the persons were known to me. Witness has followed the trails to Rio Grande, and has met these marauders driving the stock on the roads; has recaptured stock from some of them. Has recognized stolen cattle from Texas offered for sale in Mexico, and has met the thieves there. Stolen cattle, worth from sixteen to twenty dollars a head in Texas, are offered there for five dollars. Witness has seen in Mexico, cattle of Belden, John Robb, Richard King, W. W. Wright, T. H. Clark, Hale & Barton, his own, and other brands. Has reclaimed numbers of his own, or as agent, and has failed to recover the

cattle or the proceeds of their sale. In one case, the alcalde of Camargo held on to some money (the proceeds of the sale of stolen cattle) until the fiscal, or some other ranking officer, extorted it from him. The frontier authorities of Mexico have acknowledged, in some cases, to witness they could not stop the stealing and marauding. The stolen cattle were often taken for government use by officers of the Mexican army. Lieutenant-Colonel Juan Flores mounted some of his troops on horses and mules stolen from witness. Alcalde Trinidad Flores claimed the stock of a friend from Colonel Juan Flores, and was informed that the government needed them, and it was necessary it should have them.

Deposition No. 516. Adolph Leon Labbe testifies that he resides at San Diego, Duval County, and has lived ten years on the frontier; that he owned a sheep-ranch at El Sanz, near Eagle Pass, in 1863. Shortly after the stocking of said ranch, the Kickapoo Indians commenced to raid in from Mexico, stealing cattle, horses, and killing people. Witness was warned not to keep his family at the ranch. In 1866 the Kickapoos came, in the absence of witness, to the ranch and murdered Major H. P. Darling (his partner), Thomas Cosser, John Smith, and Allen (a colored boy), with a Mexican boy Pablo.

The Indians, divided into three parties, escaped from the troops who pursued them and returned to Mexico. Five thousand sheep had been scattered by this raid, and many were lost and perished. The ranch was broken up by this raid. Losses of witness were about three thousand dollars. Witness has lost many times horses by these raids of bands of Indians and Mexicans; has applied for his property, has sent papers to Presidio de Rio Grande, Nava, San Fernando, Morelos, San Juan de Agradas, La Marroma, but has never recovered any of his stolen property. The thieves on the Mexican side protected each other. Property was passed from hand to hand to keep it out of the way. A Mexican customs officer, named Colonel Valdes, stole a horse from witness at Eagle Pass and took it to Mexico. Witness charged him with the theft, and was unable to recover his horse. The Indians depredated often around Eagle Pass, usually coming in from Santa Rosa, Mexico. Witness caught a party of Mexicans, from Presidio de Rio Grande, killing his sheep in 1868, and pursued them unsuccessfully.

Deposition No. 521. David M. Level testifies that he has lived on the frontier since 1846; resides at Laredo. In 1872 he was on the Rio Grande above Laredo, with Messrs. Callahan and Benavides. The Kickapoo Indians made a raid into Texas from Mexico, crossing the Rio Grande twenty-five or thirty miles above Laredo, and attacked a camp of shepherds, who were employed by Señor Christobal, killing one man and wounding another. This band of Indians followed down the Rio Grande and stole a large number of horses, recrossing into Mexico. In November, 1872, a party of ten Indians raided in from Mexico, killing two men eighteen miles from Laredo, and captured two shepherds (one of them afterwards escaped). These Indians were pursued by the citizens from Laredo, and retired in a northwest direction. The Kickapoos for several years have been raiding in from Mexico, stealing horses, attacking and robbing ranches, murdering settlers. Witness has heard of people bargaining for their property and recovering it from these Indians in Mexico. The Kickapoos often come down to New Laredo (opposite Laredo) to trade. The Kickapoos have a camp in Mexico, opposite Eagle Pass. The Kickapoos have been seen to come down to the outskirts of New Laredo, camp and trade, and then raid over into Texas. It is generally understood these Indians are under the protection of the Mexican authorities. Witness knows of no acts to provoke these raids. Witness has never heard of the Mexican authorities interfering to prevent these raids, but instances have occurred where Mexicans have sent word to their friends in Texas that the Indians were coming in on raids, and to look out.

Deposition No. 525. Joseph A. Durand testifies that he has resided twenty-three years on the Rio Grande frontier and is familiar with its history. The most harassing depredations on the frontier are about Laredo and Eagle Pass, and have occurred since the Kickapoos crossed into Mexico to settle. The Kickapoos, Seminoles, Lipans, and Mescalero Indians all seemed to work together. The Comanches also come down upon these settlements, by the Mexican side of the Rio Grande. The Kickapoos are the worst of the lot. Witness has seen men yet warm from their murders. Was at their camp at Santa Rosa, Mexico, in 1860, and saw hundreds of them. They cross the Rio Grande at any point and rob and plunder; sometimes several parties come over and join in going out. Witness has known these Indians to raid into Texas as far as San Antonio. The younger Kickapoos speak Spanish and the tribe is mixing with the Mexicans, living at peace with them. Witness judges the Kickapoos to be increasing. They are active and intelligent warriors and often are aided by Mexican accomplices.

In 1862 the Kickapoos made different raids into Atascosa County, Texas; on one raid they killed two negroes at French's ranch, stole one hundred horses, shot a negro boy and left him for dead, kidnapping a boy; they then ran over the county, killing a man named Anderson at Pleasanton, drove up a great band of horses and went out over the Rio Grande; they took off about three hundred horses; witness saw dead and wounded horses on their trail. They came in two months later, killed a man named Thomas

(whom witness helped to bury) and one Lorenzo (a Mexican), also two men on San Mignel Creek, and went out with a band of stolen horses to Mexico. A month later they came in again and stole stock from witness, killed a herder named Mariano Iturte, stole forty or fifty horses from Colonel Nabairro, and went back. Witness has kept no record of dates and time since these raids. The Kickapoos have raided in since then at intervals of one to six months. Witness has seen sixty in one band. On one occasion thirty Indians were attacked by eight settlers, and they killed a son of witness and wounded every man of the attacking party. The Kickapoos have made way with a number of captives, women and children, and are supposed to have murdered some of these. The last raid was about two months since (in February, 1873), when they captured two boys, stole some horses and killed two men near Nicholas Sanchez's ranch. Life and property are insecure. It is worse than playing monte. The laxity of the Mexican Government is the great cause of these raids; it allows them to go on unchecked. Witness has seen hundreds of stolen Texan cattle in the Kickapoo camp, at Santa Rosa. Useless efforts have been made to reclaim horses stolen and sold by the Kickapoos. The Mexican bank of the river is a sure refuge and barrier, and the Kickapoos contrive their raids accordingly, and gaining the farther bank, will fire on the pursuers. Cattle have been run over to Mexico by cattle-thieves to such an extent that beeves were sold at Monterey, Mexico, for one and two dollars.

Deposition No. 526. Hamilton C. Peterson has lived eight years on the frontier, and testifies that on September 18, 1871, he was at McCombs's ranch, known as the "Salado," in Encinal County, and while there forty Kickapoo Indians came in from Mexico and attacked a small ranch about three-fourths of a mile distant. Witness could hear the shooting. The Indians captured five horses and came up to McCombs's ranch; made some demonstrations, but as the ranch had been prepared for defense they went on. In the afternoon of the same day two couriers came in with the news that these Indians had shot one of McCombs's shepherds full of arrows, killing him, and had surrounded a ranch eight miles below. In this raid the Indians stole about fifty horses in a circuit of twelve miles and kidnapped three children.

Deposition No. 527. Thomas J. Lee testifies that he lives at Laredo, and has been six years on the frontier; was a soldier in the Fourth United States Cavalry, stationed at Laredo and Fort Clark; has scouted along the Upper Rio Grande, and followed many Indian trails. About two years ago witness followed a trail of Indians within twenty miles of Laredo; found where they had killed horses and had crossed over to Mexico; on this trail the pursuers picked up abandoned and worn-out horses. Witness has often pursued cattle-thieves and Indians; the trails show these marauders to have come from Mexico. The Indians were usually reported to be Kickapoo Indians. In 1868, witness, with a detachment, followed the trail of some Indians who had crossed the Rio Grande, and, after four days' march, struck the Indians and were driven back, losing a guide killed. These Indians had crossed fifty miles above Eagle Pass, and the fight occurred on the Pecos, one hundred and fifty to two hundred miles within Texas. The settlers around Fort Clark suffer terribly from these depredations. Witness believes there is a class of people who co-operate with the marauders and inform them what to do. In 1872 a Mexican laborer, working for witness, stopped a cart of witness and stole a mule, riding it away, saying that he belonged to the band of "Caballo Blanco," a noted marauder, and was going to join him.

Deposition No. 529. Augustin Salinas testifies that he lives at Laredo, Tex., and is mayor of the city of Laredo; has lived all his life on this frontier. On December 24, 1871, witness was at Santa Isabel, thirteen miles from here, engaged in branding cattle. At 9 o'clock p. m. a band of Indians, thirty in number, dashed into the field and gathered up twenty or more horses belonging to witness and his neighbors. Next morning witness pursued the Indians, and found the body of José Maria Rendon murdered by these Indians. Witness declares life and property to be unsafe on the Rio Grande frontier. The cause of this state of affairs is the raids of Indians coming from Mexico. Witness has seen the bodies of a number of persons murdered by Indians brought to Laredo. The Indians come in three or four times a year, killing shepherds and plundering. Witness has never known American citizens to go to Mexico to steal; the citizens of this frontier are respectable and peaceable, and attack no other community.

Deposition No. 530. Margarito Sanchez testifies that he lives at Laredo and has lived all his life on the Rio Grande frontier. In 1852 witness lost two shepherds, killed by Comanches, about twenty miles from Laredo. In 1860 the Indians murdered one of witness's shepherds at Rancherías. In 1863 the Indians killed one of witness's shepherds at Los Olmos. In 1860 the Indians stole a lot of horses from witness. In 1870 the Indians stole fourteen horses from witness. On this occasion the rancheros at Agua Verde, in Coahuila, Mexico, recognized the stolen property, and returned most of the horses; they took them from the Indians who had made the raid from Mexico. In 1871 witness lost horses, stolen by Indians, from his ranch Santa Isabel—eighteen stolen at this time, and killed J. M. Rendon. Witness knows of various depredations on his

friends by Indians. In 1869 or 1870, Don Juan Orteiz lost five shepherds murdered by Indians. Christobal Lerma was murdered, in 1872, by Indians, near witness's ranch.

Deposition No. 531. Bartolo Garcia testifies that he lives at Laredo, Tex., and has spent his life on the frontier. In 1859 a large party of Indians raided on the settlements near here and stole (among other property) sixteen horses from witness. These Indians came from the north. Witness pursued them and had a fight with a small band of the raiders. One of witness's horses was seen on the Mexican side at Presidio de Rio Grande afterward. In 1859 witness lost sixteen or seventeen horses by an Indian raid. In November, 1872, witness lost a number of horses by an Indian raid at Loma Prita, also Christobal Leoma and Antonio Salinas. In 1870, General Quiroga lost his overseer, murdered by Indians, and had one hundred mules and horses stolen from his ranch "Charco de los Indios." In December, 1870, the Indians attacked a train on the San Antonio road, killed a woman named Guadalupe Resendo, and kidnapped Martina Diaz (who is now in San Antonio). After this, the Indians raided toward San Antonio and killed a boy named Jesus Aldama, and at Rancherias, returning, they killed a boy named Pedro Cruz. Troops were sent in pursuit of these raiders.

Deposition No. 532. Cecilio Uillareal testifies that he resides at El Paso, near Laredo, and his lived all his life on the frontier. In 1866 a band of Indians raided in as far as Zapata County, taking out over three hundred horses, and in crossing witness's ranch stole about eight horses from him and killed two men. These Indians were pursued and a fight occurred. Witness does not remember the tribe of Indians who made this raid.

Deposition No. 533. Carlos Salinas testifies that he has lived twenty years on the frontier. In 1862 the father-in-law of witness, going to a place called Highway, beyond the Nueces River, was murdered by Indians near Los Olmos, as well as his servant, Manuel Garcia, one mule being stolen. The Indians were unsuccessfully pursued.

Deposition No. 534. Juan Ortiz testifies that he lives at Laredo, Tex.; has been all his life on the frontier. In 1855 witness lost a number of cattle and horses by a Comanche raid. At this time his herder, F. Flores, was killed, four miles from Laredo. In 1859 a band of Indians robbed the Santa Barbara ranch of its horses. In 1867, on September 12th, a band of Indians attacked Los Yejones, twenty-nine miles from Laredo, and killed Amador Beza, Anastasio Garza, I. M. Ramurez, Lux Luma, M. Ramurez, and Ciofas Ochoa, all these men being sheep-herders. These Indians scattered the sheep-herd of witness, causing great loss, viz, thirty-six hundred sheep, which perished on the prairies. The Indians stole a number of horses from Santa Barbara ranch a few days before the last raid.

Deposition No. 535. Carlos Gil testifies that he resides at Laredo, and has been a frontiersman all his life; knows the vicinity well. In December, 1860, a band of Indians attacked Los Ojeulos, forty-three miles from Laredo, robbing that ranch of a number of horses. In July, 1861, witness's father-in-law lost six animals (horses and mules) by an Indian raid in Live Oak County; the trail showed the plunder to have been taken to Mexico. In 1865 the Indians attacked El Paso ranch in Webb County, stealing seventeen horses, and witness states that all efforts to recover the property so stolen have been in vain.

Deposition No. 541. Francisco Secundino Nieto testifies that he resides at Eagle Pass, Tex.; that on September 20, 1870, while *en route* to San Antonio with a train of corn, and having eight employes, the party was attacked by Comanche Indians at Alto de la Minita. The men ran away and abandoned witness and his son. The Indians robbed the train and kidnapped a boy, son of the witness. The Indians had five horses stolen from Minita ranch, which they attacked. The boy who was made captive was returned to witness on November 29, 1872, having been liberated by General McKenzie, U. S. A. Witness states that life and property are not safe on the Rio Grande frontier. Indians and Mexicans depredate continually on the settlers.

NOTE.—The boy referred to in the evidence above given is fourteen years of age, and stated before the commission that he was maltreated during his captivity; that the Comanches have many Mexican and American boys in captivity; also a number of Mexican women.

Deposition No. 543. Manuel Ban testifies that he is a citizen of the United States, now in command of a company of "minute-men" on the Rio Grande frontier. He lived at Santa Rosa in Mexico from 1842 to 1854; resides now in Maverick County, Texas. When Santiago Vidaurri was governor of Nueva Leon and Coahuila, a small band of Kickapoos lived at Morelos in Coahuila. Vicente Gurza, political chief of Coahuila, in obedience to the wishes of Vidaurri, sent an invitation to the Kickapoo tribe to come to Mexico. Land was offered to them, sixty miles above Piedras Negras, oxen, garden-seeds, tools, &c. The Kickapoos came over about five months after Vidaurri's proposals. Before their arrival Vidaurri had gone out of office and Gregorio Golindo, governor of Coahuila, received the Indians. Witness saw the commissioners hand their report to the governor. They reported the arrival of seven hundred and eighty Indians. These Indians were placed under the protection of the Juarez gov-

ernment. Witness considers them Mexican citizens. They served in the Mexican army and drew pay. Fifteen were in Captain A. Guerra's company. Shortly after the Kickapoos settled they began to cross the Rio Grande and depredate on Texas. Witness has followed their trails to the river. Stolen horses and cattle from Texas were found in the Kickapoo camp at Santa Rosa. Lipan Indians assisted in these raids. The Mexican authorities were notified of these raids by Texans. Four years ago the Kickapoos raided into Texas and stole over forty-one horses around Eagle Pass, Fort Clark, &c. Two of witness's employes saw the Indians cross the Rio Grande, from Mexico, twenty-one miles above Eagle Pass. These men followed the Indians and recaptured the horses near Santa Rosa when the Indians were asleep. The horses were so worn out they needed rest, and the men drove them into Santa Rosa. Captain Guerra, Mexican army, arrested the men on suspicion of stealing the horses. When the Kickapoos got into Santa Rosa they claimed the horses, but finally Guerra released the employes and imprisoned some Kickapoos for a few days. The Kickapoos claimed the horses as having got them beyond the "big water," the Rio Grande, and they were represented before the Mexican authorities by one Jesus Golan, who insisted that the Kickapoos were at war with the United States, and had a perfect right to steal from Texans. Witness forwarded papers and succeeded in recovering some horses (seventeen in all) belonging to Marion Puffit, Mr. Wiley, and John Baker (all Texans). The horses were abused, and most of them died soon afterward. Witness believes none of these would have been recovered but for the friendly offices of his brother-in-law, Captain Guerra. Since 1865, armed Mexicans have been crossing the Rio Grande and preying on the Texans. This fact has been notoriously known for a long while. For some time these bands crossed the Rio Grande above Fort Duncan. After a time they were pursued by citizens, and the crossing above Duncan has been abandoned. Below Eagle Pass there are some Mexican settlements this side of Laredo. They are not strong enough to stop the marauders, but witness does not think they would if they could. Witness has trailed stolen herds within sight of these houses and settlements, and in no case have any of these settlers reported the depredations. There are large roads to the river used by these marauding parties, and they are used almost daily. On January 19, 1873, witness, with nineteen minute-men, went down the Rio Grande below Eagle Pass, found the cattle-trails referred to; camped and posted men to watch the roads; on January 25 the men were placed under cover near the crossing; a mounted man was reported to me on this side of the river; five other men, mounted, soon joined him. Witness moved to cut this party off from the crossing; they started at a run and got to the crossing in advance; getting to the crossing, there were found about fifteen or twenty Mexicans in the river going over; as they were nearer the Mexican bank than the American, and had no property in their possession, witness did not fire on them. The Mexican party disappeared in the timber and crept around, hid their horses, and opened a brisk fire on us; witness replied with his party, and fired about two hundred shots, when the attacking party finally broke and fled. Witness lost no men, but learned that three of the Mexicans were killed, and six were wounded, of whom four afterward died. Sostenes de Luna was the captain of this gang; he was wounded. The Mexican party had just crossed, and were going into the cattle range.

On February 18, 1873, witness was eighteen miles above Eagle Pass, and saw two mounted men crossing the river. With two of his command witness moved to cut the men off from the river, and they ran when seen. On the bank of the river witness saw these men stripped and swimming back to Mexico; ordered them to halt. They did not, and they were fired on, wounding one of them. Some Mexicans in a field, at request of witness, stopped the fugitives. Witness went to Monclova, Viejo, Mexico, and cited the men before the alcalde. The alcalde declared the men were honest, and liberated them. Witness sent an official communication to the alcalde, sending it by one of his men, and informed him the men were thieves and caught with stolen property. No reply was received.

In 1866 a band of Indians passed near the ranch of witness (eighteen miles above Eagle Pass) with a large number of stolen horses they had picked up in Texas. Witness pursued with twenty-two men; overtook them; found them to be Lipan Indians from Mexico. After a brisk fight, in which witness had fourteen men and the Lipans twenty-one, the Indians were repulsed, and witness captured one hundred and eighty head of stolen cattle from them. Witness was wounded in the breast and nearly died. The Indian who wounded him was called "Voluntario." Witness wounded an Indian known as "Enrique," and one called "Juan Guerrero." Four days after the fight Juan Guerrero was in Monclova Viejo, in Mexico, with the wounded. All the Indians lived in Mexico. They know witness, and cursed him by name in the fight. General Reynolds was trying then to induce the Kickapoos to return, and the Mexican authorities were working to prevent them.

Witness saw a private letter of his brother-in-law (Captain Guerra) to his mother, stating that he (Guerra) was going with a subsidy of several thousand dollars to the Kickapoos, sent by the government.

Deposition No. 545. John Kibbets testifies that he is a Seminole Indian and a sergeant of scouts in the United States service. Witness went from Florida to the Seminole reservation in the Indian Territory; was there nine years; after being there some time some trouble arose about the proposed sale of children to Cherokee Indians and to white traders. The Seminoles left to avoid the sale of these children, and crossed Texas, going to Mexico, at Piedras Negras, and going to San Fernando, Colonia, and finally settling at Nacimiento, twenty-five miles northwest of Santa Rosa, Mexico. Corn and vegetables were raised for a living. After the death of Wildecat, which took place in 1853, the Seminoles became dissatisfied, and left for the Seminole reservation. The Mexicans did not comply with their promises, and the Seminoles became disgusted. The colored people, under Billy Bowlegs and witness, remained in Mexico, and had finally to leave because the Mexicans stole horses and robbed them. Witness was in Mexico when the Kickapoos arrived; they had many horses; the Mexicans stole nearly all of them. The Kickapoos commenced stealing horses from Texas. They sold their stolen animals to the Mexicans. Witness has seen them sell a good American horse for two or three bottles of liquor. Witness has seen a few Kickapoos return from Texas with a great many horses. The Mexicans knew the horses had been stolen from Texas; some of the horses were shod. Witness never heard of any attempt on the part of the Mexicans to stop this thieving. The Kickapoos are still raiding on Texas. Witness has followed their trails. The Kickapoos have stolen thirty head of horses from witness and his people. Witness has one hundred Seminoles under him, and there are about two hundred men left in Mexico.

Deposition No. 554. Thomas A. Napkins testifies that he resides at Eagle Pass. In June, 1869, witness was medical officer of a scout from Fort Clark under the command of Capt. John M. Bacon, Ninth Cavalry, and was in a fight with the Lipan Indians on the Pecos River. A Seminole named Juan Caballo was chief of that band of Indians, and was afterward seen at Piedras Negras, Mexico, and Eagle Pass, Texas. The Indians fought with had with them mules stolen from a government freight-train and belonging to Adams & Wickes. Animals stolen from Fort Clark, three years previous, were also recaptured. In September, 1871, two herds of horses, one in charge of I. M. Whipf and one under Manuel Ban, were stolen by Kickapoo Indians from Mexico. Witness lost three horses by the raid, and the Indians killed several persons from the neighborhood of Eagle Pass.

Deposition No. 559. Albert Turpe testifies that he has lived ten years on the Rio Grande, and has traveled extensively on the frontier, especially on the Mexican side. Witness has been at Santa Rosa, Mexico, and knows the manner of doing business there. Jesus Galan, Abran de la Gurza, and Ismal Galan are carrying on a trade with the Kickapoo and Pottawatomie Indians there, at the Mexican mission called the Nacimiento (twenty-five miles northwest of Santa Rosa). The said Jesus Galan gives credit to the Kickapoo Indians, giving them what goods they want, to be paid for with stock stolen from Texas at the rate of three dollars a head for horses and mules. Richard Turpe (brother of witness) lived some time at Santa Rosa, and has informed witness that John Taylor (a Kickapoo) with a squad of his men made periodical raids on Texas, and boasted of the number of Texan men, women, and children he had killed. Witness saw the said John Taylor to have the scalp of a woman in his possession (the scalp being only two or three weeks taken). A Mexican named Francisco * * * living five miles below Santa Rosa, used to raid into Texas with the Taylor gang, and came to grief, being killed in some way or other. An Indian was killed in Texas, near Castroville, in Medina County, and recognized to be a Kickapoo from Santa Rosa, Mexico. Witness, at the instance of Hon. George H. Noonan and Col. J. C. De Gress, United States Army, has several times in the last seven years tried to induce the Kickapoos and Pottawatomes to return to their American reservations, but has been prevented from doing so by the efforts of those citizens and civil authorities of Mexico who are doing such a good business with the Kickapoos. These parties represented to the Indians that witness was a spy, that he would lead in troops to destroy them, and that the Texans would kill them if they tried to march through Texas. It was made dangerous for witness, and he received friendly warning to leave. The Kickapoo chief declared that the world was made for all to live in; that the white man has no right to encroach on the hunting-grounds of the red man, and has no right to cut the land up into little squares. Witness believes the Pottawatomes to be more friendly than the Kickapoos, and to have abstained greatly from raiding in Texas. In 1868 or 1869, a herd of horses was stolen six miles above Castroville, in Medina County, Texas, and witness visited, in disguise, the neighborhood of the Kickapoo camps, but could find none of the animals missed, although the brands of nearly all the stock-raisers west of San Antonio could be recognized in the stolen herds then there. In 1870 the Kickapoos had a fight with the Mescaleros and Lipans in Mexico, and caused these tribes to retreat to Monclova Viejo, eighteen miles above Piedras Negras. Some captives with the retreating party were seen by witness. They were mostly Mexicans, put in the lower edge of the camp. Witness saw a white girl, nine or ten years old, brown hair and blue-eyed, and addressed her in English and

German. She seemed to understand, but showed fear of her captors. Witness tried to rescue her and get over the river, but was fired at, and under a shower of arrows ran to the Rio Grande and swam over. Witness offered \$200 in specie for her if any Mexican would restore her to the Texan side; but the Indians spirited her away soon after. In these camps witness saw two horses from Castroville, Medina County, Texas, belonging to the Lossberg family. The civil authorities of Santa Rosa refused to give up stolen property on the ground it was spoils of war, taken by the Kickapoos from hostile Lipans and Mescaleros. A Mexican boy was secured from the Mescaleros and Lipans early in 1873, and delivered to the post commander at Fort Duncan. On April 9, 1873, witness was notified that a white boy, stolen from Cibolo Creek, in Texas, would be delivered on payment of \$250. The description was that of the son of H. M. Smith, of Boerne, on Cibolo Creek, Tex. Witness gave security, and notified Governor Davis, of Texas, and Mr. Smith.

NOTE.—The boy has been delivered to his parents. (See *Petition*, 242.)

A year and a half ago the Indians raided on the herds of horses belonging to the town of Eagle Pass, and stole eighty head of saddle-horses. The herders got to cover and escaped. Men have been killed by these Indians to such an extent that names and dates are quickly forgotten—it is almost a daily occurrence. Witness is at present clerk of the district court of Maverick County, Texas.

Deposition No. 641. Peter Tomlinson testifies that he lives at Pleasanton, Atascosa County, and has been fifty-two years on the frontier. In 1855 witness, with a party of about ten men, pursued a band of Indians in McMullen County. On the 31st of August a dead man was found who had been frightfully mutilated; he was an American, named Napkins; the Indians had killed him. Next day witness came up with five Lipan Indians and killed them all, capturing twenty-eight horses and saddles. These Indians lived in Mexico, and were reported to have raided frequently into Texas. The horses recaptured belonged to people near Goliad, Tex., and were returned to the owners. On September 2, 1855, several Mexican neighbors of witness killed two out of three Lipan Indians, who were on a plundering trip in the vicinity. In February, 1861, witness was on the Frio River, and had left his camp in charge of three young men; the Indians, fifteen strong, attacked the camp and captured all our baggage and eighteen horses. In 1861, the Indians, on a raid, killed Sanders L. Eastwood and John Spears, stealing eighty head of horses from Mr. Berry, of Texas, and a great number from other people. These Indians were Lipans and Comanches, from Mexico. In 1863, the Kickapoos, from Mexico, raided into the Frio Valley and killed Dean Oden, D. Williamson, and John A. English, stealing a vast herd of horses from the neighboring ranches. Some of these horses were seen in Mexico, near Santa Rosa, by a son of Mr. J. Tomlinson, and arms recognized, belonging to people who had been killed. In 1872, while traveling, witness met a young man, named Frank, who had just escaped from a band of Kickapoos, then on a raid, they having killed his companion, Camp, stealing five horses. One of the horses was abandoned on the return to the Rio Grande, and found, completely broken down. Witness has continually heard of these Indian raids, and the Mexican cattle-raids, and cannot remember dates and times.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1875, p. 842.)

LEGATION OF THE UNITED STATES,
Mexico, November 30, 1874.

SIR: On the 24th instant I received a telegram from Mr. J. Ulrich, consul at Monterey, advising me of the arrival at that place of Mr. H. M. Atkinson, the commissioner appointed by the Department of the Interior to secure the removal of the Kickapoo Indians still remaining in Mexico to their reservations, and asking me to procure the appointment of commissioners on the part of the Mexican Government, and to request the co-operation of the governor of the State of Coahuila.

Although I was not advised of the coming of Mr. Atkinson, and had no instructions on the subject, I on the next day called on Mr. Lafragua, minister of foreign affairs, and asked the co-operation of his government in accomplishing the object of Mr. Atkinson's mission, leaving with him a note, of which I inclose a copy.

Mr. Lafragua stated that the present mission of Mr. Atkinson had not, heretofore, been brought to his attention, but he promised that the subject should be laid before the President immediately.

This morning, in a call which I made at the foreign office, I was informed by the chief clerk, in the absence of Mr. Lafragua, that the same instructions would be telegraphed to-day to the governor of Coahuila as those under which he acted last year

that Señor Montero, who formerly acted as Mexican commissioner, would leave this city within a few days with full instructions upon the subject, and would probably be again appointed by the governor of Coahuila; and that the war department had given instructions to the military commandant on the Rio Grande frontier. A copy of instructions of the war department was subsequently sent me in a note from Mr. Lafragua, which I inclose, and from which it will be seen that action is limited to such of the Kickapoos as have not entered the State of Durango and are still on the frontier.

I am not advised whether this limitation will materially interfere with the object of Mr. Atkinson's mission.

I have advised the consul at Monterey by telegraph and mail of the action of the Mexican Government.

I am, &c.,

JOHN W. FOSTER.

Mr. Fish to Mr. Foster.

(Foreign Relations, 1875, p. 864.)

DEPARTMENT OF STATE,
Washington, February 8, 1875.

SIR: I inclose herewith a copy of a letter of the 5th instant from the Secretary of War, accompanied by one of a report of the commanding officer of Fort Duncan, Texas, by which it appears that the officer in command of the Mexican forces in Northern Coahuila has been instructed to fight Indians hostile to this country, and to co-operate with United States troops when requested to do so.

You are instructed to express to the Mexican Government the gratification of this department that such orders have been issued.

I am, &c.,

HAMILTON FISH.

Captain French to Assistant Adjutant-General, Department of Texas.

HEADQUARTERS, FORT DUNCAN, TEXAS,
January 18, 1875.

SIR: I have the honor to report that, in compliance with instructions contained in a letter dated Headquarters, Department of Texas, January 9, 1875, I went to Saragossa, Mexico, and called upon Colonel Aguila, Ninth Cavalry, Mexican army, commanding the forces in Northern Coahuila. I handed Colonel Aguila the communication inclosed with the letter referred to above, and he, after reading it, informed me that his instructions were to fight all Indians hostile to the United States, wherever he met them, and to co-operate with our troops when requested to do so. Colonel Aguila has promised me to move his troops in conjunction with ours at any time upon information furnished from this post or Fort Clark. Colonel Aguila had not learned of the presence of these Indians before I informed him; otherwise he would have attacked them. He will leave with all of his command, some four hundred men, for Santa Rosa immediately, and will drive these Indians out of his country.

I have notified the commanding officer of Fort Clark of this.

Very respectfully, your obedient servant,

JOHN W. FRENCH,
Captain Twenty-fifth Infantry, Commanding.

ASSISTANT ADJUTANT-GENERAL,
Department of Texas, San Antonio, Texas.

Mr. Fish to Mr. Foster.

(Foreign Relations, 1875, p. 894.)

DEPARTMENT OF STATE,
Washington, April 12, 1875.

SIR: I transmit a copy of a letter of the 8th instant and of the accompanying papers addressed to this department by the Secretary of the Interior. It will be observed that these relate to the embarrassments which Henry M. Atkinson has experienced in re-

moving Lipan Indians from Mexico to their reservation in this country. From that gentleman's statement it appears that the local authorities, at least, are averse to the measure, and are not indisposed actively to thwart it. This department is reluctant to believe that the authorities at Mexico are insincere in their professions of good will in this matter; but it is hoped that they may have control enough over the frontiersmen to cause their orders to be respected. It is difficult to see what substantial advantage Mexico can expect from keeping those Indians. So long as they stay there they are tempted to plunder and commit other acts of violence, not only upon Mexicans, but on our side, by the latter keeping up that irritation which it would obviously be wise to allay by all honorable means. On the contrary, if the savages are delivered to us to be disposed of pursuant to our policy, they are kept from harming others, and have a chance of materially benefiting their condition. You will make such representations on this subject to the Mexican Government as may tend to facilitate the success of the measures which we desire.

I am, &c.,

HAMILTON FISH.

Mr. Fish to Mr. Foster.

(Foreign Relations, 1875, p. 897.)

DEPARTMENT OF STATE,
Washington, April 13, 1875.

SIR: I transmit a copy of a letter of the 7th instant, and its inclosure, addressed to this department by the Secretary of War, upon the subject of depredations in Texas by Indians from Mexico. The facts stated in the communication tend to confirm the impressions of the department, which have already been conveyed to you, as to the impolicy on the part of the Mexican Government to keep within their territory Indians properly belonging to the United States.

I am, &c.,

HAMILTON FISH.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1875, p. 919.)

LEGATION OF THE UNITED STATES,
Mexico, May 15, 1875.

SIR: In accordance with the instructions contained in your dispatches numbered 212, of the 12th ultimo, and 213, of the 13th ultimo, I, on the 8th instant, transmitted to Mr. Lafragua, minister of foreign affairs, copies of the inclosures accompanying said dispatches, and conveyed to him substantially the views expressed by you in regard to the troubles attendant upon the attempts made by the commissioners of the United States to secure the removal of the Kickapoos and other Indians to their reservation in the United States, and in regard to the desirability for both governments of such removal. I further alluded to the frequent presentation of this question by this legation to the Mexican government, and in view of the recent partial failure of the commissioners to accomplish the removal of these Indians from Mexican territory, I expressed to Mr. Lafragua the decided conviction that his government should give the subject a new consideration, with a view to the adoption of such effective measures as will entirely remove the opposition of the local authorities and residents, and make the work of the commissioners easy and their efforts completely successful. I also directed his attention to the fact that the presence of these Indians in Mexico is one of the remaining evil results of the late civil wars in the two countries; in support of which I cited the report of the Mexican border commission (see English translation, pages 411 and 412), and expressed the belief that this fact would furnish to him an additional reason why Mexico should manifest its good fellowship toward the United States in this matter. I also called attention to the statement of this same Mexican border commission, that these Indians did not come into Mexico with the consent of the Mexican Federal Government, but only with that of the local authorities; that such proceedings are recognized by the commission to be contrary to public policy, and this class of immigrants to be undesirable for the Mexican frontier (see English translation, pages 417 and 421), for which reasons I was persuaded Mr. Lafragua's gov-

ernment would find no impropriety in requiring the local authorities and citizens to abstain from every species of opposition, and in adopting such measures as would effectually secure the return of all those Indians to their reservations in the United States.

To this note, up to date, I have received no reply.

In my dispatch No. 279, of the 4th instant, I referred to an interview which I had with Mr. Lafragua on the subject of the Texas border troubles, at which the Indian troubles were alluded to, and Mr. Lafragua promised to bring the whole matter to the special attention of the President of the republic, with a full statement of my representations upon the question. In a recent subsequent interview with Mr. Lafragua on other matters, he incidentally informed me that the report of the Sonora and Chihuahua investigation commission was momentarily expected by him, and that he would have the pleasure of sending me a copy as soon as it was received and could be prepared. Our government may expect to be confronted with a long list of murders, injuries, and damages occasioned by the Indians of Arizona (the Apaches), especially in the State of Sonora, where the raids continue to be reported by the newspapers.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1875, p. 939.)

LEGATION OF THE UNITED STATES,
Mexico, June 25, 1875.

SIR: With my dispatch No. 288, of the 15th ultimo, I transmitted a copy of the note which, in accordance with your instructions, I had addressed to the minister of foreign affairs, in reference to the difficulties and opposition which the commissioner, Mr. H. M. Atkinson, had encountered in Mexico in seeking the return of the Kickapoos and other Indians to their reservations in the United States.

I now have the honor to inclose to you a translation of Mr. Lafragua's reply, dated on the 19th instant. In this reply he enters upon a review of the Kickapoo Indian question, justifies the conduct of the Mexican Government, and reiterates its disposition to do all it properly can to facilitate the return of the Indians to the United States, but states that he has no power to require their extradition. He attributes the origin of whatever local opposition there may be to the harsh judgment of Texan newspapers and citizens against the Mexican people and authorities of the frontier, and to their projects of invasion and acquisition of territory. He informs me, in conclusion, that new instructions have been issued to the governors of States where the Indians are located to remove any obstacle which may present itself whenever their removal is again attempted.

In acknowledging the receipt of Mr. Lafragua's note, I deemed it important to briefly notice his reference to the want of power of his government to require the return of the Indians, and to the state of public sentiment in Texas. * * *

I am, &c.,

JOHN W. FOSTER.

[Inclosure.—Translation.]

Mr. Lafragua to Mr. Foster.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, June 19, 1875.

MR. MINISTER: I had the honor of receiving, with its inclosures, your excellency's note of the 8th of May last, in which you are pleased to inform me that you have received instructions from the State Department to call the attention of the Mexican Government to the subject concerning the Kickapoos and Lipan Indians, to their depredations and return to their reservations, and to urge that a definite decision be adopted with a view of settling, in an effective manner, this affair so long delayed.

Your excellency further states that the State Department is reluctant to believe that the authorities of this capital are insincere in their declarations of good-will, but that it is to be hoped they will have sufficient influence over the local authorities and residents of the frontier to cause their orders to be respected, and remove the obstacles which the United States commissioners find in their way.

For this reason your excellency enters upon various considerations on the incon-

venience that the above-mentioned Indians should remain on Mexican territory, and complaints of the bad success met with recently by the United States commissioners sent to remove the Kickapoos, on account of the opposition shown by the local authorities, respecting which your excellency indicates that the government should again take this subject into consideration, in order that definite measures be taken to entirely remove that opposition and facilitate the commissioners' work, that their efforts may be successful.

Your excellency has thought proper to allude to the origin of the presence of the Kickapoos in Mexico, and, supported by Mr. Galinda's report, your excellency sees an additional reason why Mexico should show her good disposition toward the United States; and entering on further considerations concerning the difficulties which have been presented for the complete transfer of the Indians, your excellency concludes by repeating the desire that the authorities and citizens of the corresponding localities may be required to abstain from all opposition, and that such measures may be adopted as will secure, in an effective manner, the return of the Indians to their reservations.

Your excellency's note and inclosed documents have been considered in connection with the previous antecedents already received by my department on this subject, and, in conformity with the desire of the State Department of the United States, I have given full account to the President of the republic, who, after having again examined said affair, has directed that I should answer your excellency, as I now have the honor to do.

A solution has been sought, in fact, for a long time to the question relative to the Indians of the frontier, on account of the depredations attributed to them, and with the view of causing them to return to their reservations in the United States; but, unfortunately, when this last point began to be discussed, the most proper means were not proposed. It was desired that the Kickapoos should be driven away by force, and this was not within the powers of the government. Permission was solicited afterward that the United States armed troops should be allowed to enter Mexican territory, to follow up the Indians, and take them to their former reservations; but neither in this case could the government give its assent, both because it was the function of Congress to give permission to foreign troops to enter the national territory, as also because the indiscretion and ill-will of persons in Texas who have suggested the invasion of the frontier, and circulated projects for the annexation of those States to the republic of the North, have engendered among the Mexicans of those frontier localities certain irritation and suspicions fear, which might have produced, perhaps, not only results contrary to the wishes of both governments, but an actual conflict between the two nations.

In fact, if your excellency and also the State Department of the United States attentively notice the Texas newspapers, their bitter language, the exaggeration of the facts that have taken place, or the complete inexactness, as well as the hard judgment against the inhabitants of the Mexican frontier, without distinction of classes or persons, your excellency and government will undoubtedly be led to know the origin of certain dispositions and opposition which the Mexican Government does not approve, but which are easily explained; and in order to oppose and remove these, the government seeks to act with extreme prudence, avoiding, as far as possible, that those alarming and offensive incidents should be increased, and that they should be responded to with bitterness; for the government understands that retaliation in the press is not the best means of re-establishing confidence and good harmony between the inhabitants and authorities of that frontier.

The extradition of all these Indians was also at another time proposed, but neither the laws of Mexico nor the respective treaty favored that idea.

Finally, the United States entertained the idea of appointing commissioners that should come and in a peaceful manner treat with these Indians, and make arrangements with them for their transportation to the reservations to which they had been assigned. The Mexican Government, which has no interest in these Indians remaining in Mexico, not only approved with pleasure that proposition, but, assenting willingly to the suggestions made by the United States minister and the Mexican minister at Washington, instructed the local authorities at Tamaulipas, Nuevo Leon, and Coahuila to facilitate the removal; ordered that the necessary forces should be furnished to escort the commissioners; approved the appointment of a Mexican agent who diligently and with good-will should effectively aid said commission in its work, and the minister of the treasury ordered the necessary measures for the free introduction of provisions and effects necessary for the maintenance and removal of the tribes that were to be transferred to Texas.

As a result of those dispositions, Mr. Atkinson informed the governor of Coahuila, on the 30th of August, 1873, that the greater part of the Kickapoos and all of the Potawatomes had left for the United States. He thanked him for his aid, and especially for the assistance of Captain Montero, whom Mr. Atkinson wished to meet as Mexican commissioner in case he returned for the rest of the Kickapoos. Your excellency also,

in a note dated the 1st of December of the same year, informed me of the recommendation in favor of Captain Montero, expressing the favorable estimation made of his good services.

The short narrative of these facts, known to your excellency shows in an unmistakable manner the good and constant disposition of the Mexican Government concerning this affair, and that the State Department at Washington very rightfully does justice to the Mexican authorities in being reluctant to believe that their declarations are not sincere.

In spite of this, your excellency, in conformity with the information and data received lately from the Government of the United States, insists that effective dispositions should be dictated to secure the return of the Indians to their reservations in the United States, requiring that the authorities and citizens of the frontier should abstain from all opposition in this respect.

The information received by this department from the government of Coahuila of the success of Commissioner Atkinson in his new expedition is found on the copies which (inclosed) I send your excellency, adding on my part that the authorities of said State, as well as those of Tamaulipas, far from showing any opposition to the general government, have stated that the departure of these Indians should be encouraged on account of the harm they do within Mexican territory, and because their depredations in Texas are not only detrimental to the neighboring republic, but because they increase the uneasiness of the inhabitants of both frontiers, cause them to distrust each other, engender animadversion, and serve as a pretext for attributing to Mexicans all the disorders, robberies, and crimes committed in those places, thence originating interminable complaints and hateful recriminations.

Nevertheless, as it is very possible that some inferior agents or some other individuals, moved by private interest, try to hinder the transportation of the Indians, instructions are now given to the respective governors to remove any obstacle that may present itself whenever the removal of the Indians to their reservations is attempted.

It is not true that General Fuero has protested against the removal of the Kickapoos. The fact is that some of the individuals of that tribe, resentful, perhaps, for the unjustifiable assault which they suffered from Colonel Mackenzie, and not appearing before Commissioner Atkinson, remained in a place called Nacimiento, where it was not convenient that they should remain; for they could continue doing harm, not only on Mexican territory, but in Texas, and thus give origin to new animosities and reclamations. Hence General Fuero asked that they should be brought into the interior, assigning them some reservation distant from the frontier. Accordingly, it was ordered by the minister of war that a proper place should be assigned in the State of Durango, in order that the Kickapoos might occupy it, ordering General Fuero, at the same time, to prosecute and punish vigorously the rebellious and guilty Indians.

It is very probable, I repeat, that in those sparsely-populated regions there may be some individuals who, on account of prejudices, whose origin has already been explained, or on account of private speculation, may present some difficulties to the transfer of the Indians; but this transitory evil can only be remedied by the United States commissioners observing the greatest possible prudence, reporting immediately the difficulties met with to the superior authorities of those places, in order that the obstacles may be removed, and competent persons be appointed, known as capable of honestly aiding the said commissioners.

With what I have already said I think I have satisfactorily answered your excellency's note, assuring you that the government will always be well disposed to accept every means proposed for the removal of the savage tribes, whenever those means are in accordance with its duties and powers.

I avail myself, with pleasure, of this new opportunity to repeat to your excellency the assurance of my highest and most distinguished consideration.

J. M. LAFRAGUA.

To His Excellency JOHN W. FOSTER,

Envoy Extraordinary and Minister Plenipotentiary of the United States of America

[Inclosure.]

Mr. Foster to Mr. Lafragua.

LEGATION OF THE UNITED STATES,
Mexico, June 24, 1875.

SIR: I have the honor to acknowledge the receipt of your excellency's note of the 19th instant, in which you make reply to my note of the 8th of May last, wherein, under instructions from the Secretary of State of the United States, I communicated to your excellency the difficulties and opposition which the commissioner charged with the return of the Kickapoo and other Indians to their reservations had encountered in Mexico

I will, without delay, transmit a copy of your excellency's note to the Department of State at Washington, for the information of my government, and I embrace this opportunity to express my gratification that your government has issued new instructions to the governors of the States where these Indians are located, to remove any obstacle that may present itself whenever their removal is again attempted.

While I have no desire to enter in detail upon a discussion of your excellency's note, I deem it proper to make a brief reference to one or two of the points presented by you.

The Government of the United States has for many years made itself responsible for the support, education, and care of these Indians, whose guardian it is, and they had been placed on special reservations, and were under the supervision of the official agents and army of the government. During our late civil war the Indians took advantage of the temporary suspension of the authority of the United States to abandon their reservations, and they came into this republic without the consent and contrary to the policy of the Government of Mexico, at a time when its power was also partially suspended by the war of European intervention. In view of this state of facts, I am constrained to express the opinion that your excellency's government has erred in deciding that it could not require these Indians to return to their reservations. Under the circumstances they could only be considered as refugees from the authority of the Government of the United States, and, in the spirit of international comity, should have been again returned to the territory of the United States.

Your excellency seems to find the cause, if not a palliation, for the opposition manifested to the mission of the commissioner in the bitter language and harsh judgment of the newspapers of Texas against the inhabitants of the Mexican frontier. It is not strange that the public opinion of Texas is unfavorable to the justice and honesty of the Mexican authorities and people of the Rio Grande frontier, when it is remembered that the citizens of that State have been the prey for years of raiding bands of outlaws from Mexico; that they have witnessed the murder of their kindred, the burning of their homes, and the plunder of their property by organized bands of Mexicans, publicly reported to be instigated and equipped, many of them, by a general of the Mexican army; that these bands find a safe refuge and protection in Mexico, where their plunder is disposed of; and that no punishment is inflicted upon them by the authorities. It may not be unnatural that suggestions are prevalent in Texas of counter invasions and reprisals; and in view of the inability or indifference of the Federal Government of Mexico, that there are found individuals, and even newspapers, which advocate the placing of that region under the authority of the United States.

Your excellency will please to receive the renewed assurances of my most distinguished consideration.

JOHN W. FOSTER.

General Ord to the Assistant Adjutant-General.

(H. Report 343, 44th Cong., 1st sess., p. 139.)

[Telegram.]

HEADQUARTERS DEPARTMENT TEXAS,
San Antonio, Tex., November 16, 1875.

To Assistant Adjutant-General Military Division of the Missouri, Chicago, Ill. :

The following just received :

"FORT CLARK, November 16, 1875.

"Stock-stealing from above San Felipe November 13, 1875; trail followed by Captain Bennett with Ninth Cavalry, stationed there. It crossed to the Mexican side eighteen miles above San Felipe. Indians were seen on the Mexican side. Citizens think there is a camp of Indians on the Mexican side near this place; they were seen. Captain Bennett wishes to know if he shall follow the trail across; says that fifteen or twenty citizens wish to go with him. He thinks he can reach the camp and return in about five days.

"J. A. HAMPSON,
"Tenth Infantry, Commanding Post."

This is the second case same sort occurring at same locality in a few weeks. We all know that the central Government of Mexico is powerless to control Indians on its frontier, and that unless the local government does it we must protect ourselves by attacking the Indians wherever we find them. I recommend the local governor of Coahuila be advised immediately that, unless he stays these outrages, we will, and that steps be taken to do so. I have the troops.

E. O. C. ORD,
Brigadier-General, U. S. A., Commanding.

Mr. Fish to Mr. Foster.

(Foreign Relations, 1876, p. 387.)

DEPARTMENT OF STATE,
Washington, November 16, 1875.

SIR: I transmit a communication of yesterday addressed to this department by the Secretary of the Interior, recommending that certain remnants of the Kickapoo and Lipan tribes of Indians, who cannot be induced to return to the United States, be removed to the interior of Mexico, which would make their incursions into Texas more difficult. Mr. Chandler accordingly suggests that the Mexican Government issue such orders to their local authorities as may be necessary to enable Mr. Edgar, the special commissioner on the part of this government, to make the removal referred to.

You will consequently bring the subject to the attention of the Mexican minister for foreign affairs, and will express a hope that the instructions desired may be given accordingly.

I am, &c., &c.,

HAMILTON FISH.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1876, p. 389.)

LEGATION OF THE UNITED STATES,
Mexico, February 1, 1876.

SIR: In the legation dispatch No. 364, of December 24 last, the answer of the Mexican Government is given to the request of the Secretary of the Interior that said government would issue orders to the local authorities to enable Mr. Edgar, the special commissioner, to remove the remnants of the Kickapoo and Lipan Indians to the interior of Mexico, which answer was to the effect that information which had been asked of the governor of the State of Coahuila was necessary before the action of the government could be determined.

On the 21st ultimo, Col. Thomas G. Williams, special commissioner for the removal of the Mescalero Apache Indians, located in the State of Chihuahua, arrived in this city and communicated to me the result of his mission, as far as he had been able to make any progress, a copy of whose communication to me I inclose. From this it will be seen that the government of Chihuahua and the Mexican Indian commissioner had effected a satisfactory arrangement with these Indians in the shape of a treaty which provides for removing them to reservations in the interior of the country, so distant from the frontier as to effectually put an end to further incursions into Texas. The Federal Government of Mexico had not, however, approved of such treaty, and Colonel Williams and the Mexican commissioner deemed it necessary to come to this capital in order to represent the situation to the Mexican Government and this legation, in order that an early and desirable conclusion might be reached.

On the 26th and 28th ultimo I had conferences with Mr. Arias, acting minister of foreign affairs, and urged the importance of the Mexican Government making a final and satisfactory settlement of the Rio Grande frontier Indian question. I stated that all the Indians that could be persuaded to return to their reservations in the United States had already left Mexico; and that if his government declined, for want of authority or for other reason, to compel them to return, the obligation would rest upon it to adopt such measures as would prevent them from committing depredations in the United States; and that I agreed with our commissioners in the opinion that this could only be accomplished by the removal of the Indians to some distant localities in the interior of Mexico.

I further informed him that Colonel Williams, commissioner for the Indians in Chihuahua, was now in this city, and that Mr. Edgar, commissioner for those in Coahuila, was in Saltillo, both awaiting action on the part of the Mexican Government, and that the present afforded the most opportune occasion to finally dispose of this long-standing and vexatious question.

I also stated that the commissioners were in Mexico merely to facilitate and second the action of his government, and that the United States were only interested in protecting their citizens by securing the removal of these Indians from the frontier, the method and locality of their removal being a subject to be determined by the Mexican Government. Mr. Arias assured me that his government was entirely in accord with the views expressed by me; that it was ardently desirous of promptly and effectually settling the Indian question; and that it was resolved to remove them to some instant point in the interior, and keep them under the surveillance of the war depart-

ment. He said that there was no difference materially affecting the question between the executive and the governor of Chihuahua; that it was only desired to ascertain the best method of securing the removal of and maintaining control over the Indians, and that the minister of war would be very glad to have the benefit of the information and experience of Colonel Williams in coming to a conclusion upon the subject.

On yesterday, by special invitation and appointment, Colonel Williams had a conference with the minister of war and the Mexican Indian commissioner of Chihuahua, with special reference to the Mescalero Apaches; and Colonel Williams is confident that some early and successful measures will be taken, which will accomplish the object of his mission.

I will continue to give the subject my attention, and hope at an early day to be able to report the entire removal of the Indians from the Rio Grande frontier.

I am, &c.,

JOHN W. FOSTER.

[Inclosure.]

Mr. Williams to Mr. Foster.

CITY OF MEXICO, January 25, 1876.

SIR: I have the honor to submit the following statements:

Having been charged by the honorable Secretary of the Interior of the United States with the duty of endeavoring to remove to a United States reservation from the borders of Mexico and Texas certain bands of Mescalero Apaches, who, for many years, have been committing depredations upon citizens of the United States in Texas, and generally taking immediate refuge upon Mexican soil in the southeastern part of Chihuahua, I last year proceeded to that State. The governor, Señor Don Antonio Ochoa, evinced a cordial spirit of co-operation in the work, and a sincere desire to see a speedy and permanent end put to the depredations of those Indians.

With that view, he requested Col. Joaquin Terrazas, an officer of the Mexican army, stationed in that State as lieutenant-inspector of military colonies, to act with me. And the governor also selected and designated Señor Don Juan Zubrian, a prominent citizen of Chihuahua, to act as a special commissioner of the State with me. At various times, first in company with Colonel Terrazas, and subsequently with Señor Don Juan Zubrian, I met the Mescalero Apache Indians at San Carlos, a village about 80 miles southeast from Presidia del Norte, and also at the last-named place.

It was finally evident from several causes and reasons that the Mescaleros were not willing to accept the offers made to them by me of removal to a United States reservation. The most influential reason was because of the strong opposition of certain leading citizens of Presidio del Norte (now called Ojinaga), and of San Carlos, to the removal of the Indians; their trade was sometimes very profitable. The chief, Arzate, told me himself of some of the stories told him by those citizens.

The Indians expressed at last a strong desire to be permitted to remain permanently and peacefully located on Mexican soil, provided something could be done by the Mexican government to keep them from starving if they should agree to stop stealing. With this object, some of the principal chiefs went to Chihuahua, the city, to see the governor, last May.

About the 15th or 20th of that month, a formal treaty was made and signed by Col. Joaquin Terrazas and Señor Don Juan Zubrian, on the part of the governor, and by the Indian chiefs Arzate and Imaís. A copy of this agreement or treaty was furnished to me by Governor Ochoa, with the information that it would have to be approved by the Federal authorities at Mexico. By this treaty, a copy of which was duly sent by me to the honorable Commissioner of Indian Affairs, several important points were secured, even more satisfactory and beneficial to us than if the Indians had consented to remove to our reservations; and these points are, that the Mexican Government agree to designate the limits of a reservation in Chihuahua for these Indians, to furnish them with certain subsistence—stores and clothing—at stated terms, to exercise a constant supervision and control over them, to establish a military force on the reservation, to require military service of them; and also, in case of any further depredations upon Texas, the guilty parties were to be arrested and delivered to the United States authorities for punishment, &c.

A copy of the said treaty I hand you herewith, together with a copy of Governor Ochoa's letter, and a copy of the reply of the President of Mexico.

By instructions from the honorable Secretary of the Interior, I returned to Chihuahua last month to ascertain if the arrangements contemplated by the treaty had been effected. Upon arrival there Governor Ochoa informed me that the President of Mexico had not approved the treaty, but had indicated a design to commence a new policy toward these Indians.

The governor said to me verbally, and officially in writing, that he felt sure the authorities at Mexico did not yet clearly understand the case and did not appreciate the importance of immediately ratifying the treaty made last May, and he therefore suggested and urgently requested me to come to this city for the purpose of putting the subject before you for such action as you might deem best and proper.

He also at the same time sent Señor Don Juan Zubrian to Mexico to communicate directly to the authorities all the reasons for a prompt approval of the treaty. Señor Zubrian is now in this city on that business.

Whatever may be the ultimate action of the Mexican Government, the governor and people of Chihuahua, Don Juan Zubrian, and myself all concur in believing that if this treaty be not adopted and the Indians thereby gradually accustomed to a judicious control and constraint, instruction, &c., a costly war of extermination must be forthwith commenced, involving, of course, a great loss of life and property and expenditure of money far greater than would be required to take control of the Indians on a reservation for many years; they must be controlled and fed, or forthwith be killed.

If it should meet with your approval I would very respectfully beg that an early opportunity be taken to bring this matter to the notice of the Mexican Government, and of requesting that the said treaty be carried out at once, inasmuch as it would seem to be the first and best step toward a permanent settlement of Mexican Indian troubles on the frontier of Texas.

I am, &c.,

THOMAS G. WILLIAMS.

Hon. J. W. FOSTER,

United States Minister Plenipotentiary to the Republic of Mexico.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1876, page 393.)

LEGATION OF THE UNITED STATES,
Mexico, March 8, 1876.

SIR: I have received a note from the acting minister of foreign affairs, dated the 29th ultimo, of which I inclose a copy, in which he informs me that his government has decided upon the removal of the Indians now in the state of Chihuahua, from the Rio Grande border to Mapimi, a point distant from the frontier, where they may be better guarded.

Regarding this action as highly conducive to the peace of that frontier, in acknowledging the receipt of Mr. Arias's note, I took occasion to tender to his government thanks for its resolution.

I am, sir, &c.,

JOHN W. FOSTER.

[Inclosure—Translation.]

Mr. Arias to Mr. Foster.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, February 29, 1876.

SIR: Referring to the note of Mr. Richardson, secretary of your legation, dated the 27th of last December, I have the pleasure of inclosing to your excellency the copy of a communication which I have just received from the department of war and marine, in which you will see that the removal of the Kickapoo Indians from the state of Chihuahua to Mapimi, a point distant from the line of the Bravo, and at which they can be better guarded, without preventing their removal at an opportune time to more distant places, has been decided upon.

I gladly improve this opportunity of reiterating to your excellency the sentiments of high appreciation and very distinguished consideration with which I am your excellency's obedient servant.

JUAN DE D. ARIAS.

[Inclosure—Translation.]

DEPARTMENT OF STATE, WAR, AND MARINE—SECTION OF STATE—TABLE OF MILITARY COLONIES.

In answer to your communication of the 12th of the present month, in which you inclose one addressed to you by the governor of the State of Chihuahua, who states that Mr. Edgar, commissioner for Indian affairs of the United States of America, wishes to arrange the removal of the Kickapoo tribe to some point in the interior of the republic, distant from the boundary-line of the Rio Bravo, I make known to you, with the concurrence of the President, that it has been decided that the Indians under consideration be removed to Mapimi, at which point they will be distant from the line of the Bravo, without detriment to further removal, in order to prevent their committal of depredations on the other side of the said river.

Independence and liberty! Mexico, February 16, 1876.

MEJIA.

Mr. Evarts to Mr. Foster.

(H. Ex. Doc. 13, 45th Cong., 1st sess., p. 4.)

No. 379.]

DEPARTMENT OF STATE,
Washington, March 31, 1877.

SIR: I transmit for your information a copy of a letter of the 28th instant, and of its accompaniments, addressed to this department by the Secretary of War. It sets forth many recent instances of marauding parties of Indians and others from Mexico into Texas, and of robberies and murders committed by them.

The opinion of Colonel Shafter that the only way to check these atrocities is to follow the delinquents into Mexico and there attack them in their lairs is probably well founded. As the authorities of that country seem to be unable or unwilling to check the depredations, the President may soon have to take into serious consideration the expediency of acting pursuant to Colonel Shafter's opinion. Undoubtedly, it would be preferable to enter Mexican territory for the purpose indicated with the consent or with the acquiescence of the government of that republic. If, however, these should be refused, and the outrages persisted in, this government may deem itself warranted in punishing the wrong-doers wherever they may be found.

It may not be amiss for you, informally, to intimate these views to persons of importance at the capital.

I am, &c.,

WM. M. EVARTS.

[Inclosure to No. 2.]

Mr. McCrary to Mr. Evarts.

WAR DEPARTMENT,
Washington City, March 28, 1877.

SIR: I have the honor to transmit for your information, copy of a communication of the 9th instant, from Lieutenant-Colonel Shafter, commanding the district of the Nueces, relative to the murder and robbery of American citizens in Texas by raiding parties of Mexicans and Indians from beyond the Mexican border.

Very respectfully, &c.,

GEO. W. MCCRARY,
Secretary of War.

HEADQUARTERS DISTRICT OF NUECES,
Fort Clark, Texas, March 9, 1877.

SIR: I have the honor to report, for the information of the general commanding the department, the following facts in reference to depredations recently committed by marauding parties of Indians and Mexicans from the neighboring Republic of Mexico.

Since the 1st of October, 1876, there have been killed by parties of Indians, that have been followed from the scene of the murder to the Rio Grande, seventeen men, and the arms and horses taken from the murdered men have been openly offered for sale in the town of Saragossa, Mexico.

Since the 30th day of December, 1876, there have been taken from within ten miles of Fort Clark two large droves of horses, about 100 in all, and at least 300 head of cattle in the two raids. The first party was followed about 150 miles into Mexico, to their camp, where nearly a hundred of the cattle had been slaughtered, and the beef was found drying.

Unfortunately the approach of the troops was discovered, and the Indians fled, and have since been hovering in the vicinity of the towns, to which they would retreat if attacked.

In the two last raids the Indians were kept close to the river, and have recrossed within a few hours.

To head these raiders is almost impossible, as they cross at night and are back again before the second night has passed. Not the slightest attempt is made by the Mexican authorities to control these Indians; they, on the contrary, finding a refuge in the towns when pursued, and a market for their stolen plunder at all times.

Efforts are being made to find out the locality of their camp, and whenever the chance occurs a dash will be made for it. It is, however, only a chance that they are hit, as they are at all times on the alert, and especially so since their camp was struck in July last, by the detachment under Lieutenant Bullis.

To prevent, as far as possible, gathering cattle near the river and driving them to Mexico, and also to have companies where they can be put quickly on the trail of Indians who may come out some distance from the river to gather their herd, I have determined to put a company of cavalry in camp on the Rio Grande, half way between San Felipe and Fort Duncan, and another about ten or fifteen miles below the mouth of Pecos. No expense will attend this move, as the companies will go out for a month at a time, and be supplied from Fort Clark.

To effectually put a stop to the Indian raids from Mexico it will be necessary to do all scouting for Indians on the Mexican side of the Rio Grande.

There are now none living in Texas, and hunting for little stealing parties of four or five Indians on this side is useless. Full authority to operate in Mexico as we choose is the only way in which life and property can be made secure on this frontier.

It is an incontrovertible fact that all the raids are made from Mexico to this side, and none from this to Mexico, and the people who are being robbed and murdered are American citizens.

I am, &c.,

W. R. SHAFTER,

Lieutenant-Colonel Twenty-fourth Infantry, Commanding.

ASSISTANT ADJUTANT-GENERAL,
Department of Texas, San Antonio, Tex.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, Tex., March 13, 1877.

A true copy. Respectfully forwarded to the assistant adjutant-general Military Division of the Missouri, for the information of the Lieutenant-General commanding.

E. O. C. ORD,
Brigadier-General, Commanding.

[Second indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, March 19, 1877.

Respectfully forwarded to the Adjutant-General of the Army.

The Rio Grande is a very long and crooked frontier, and it is impossible to prevent Indians coming over from Mexico and committing depredations of the character reported within. I recommend the Mexican Government be compelled to prevent these hostile incursions.

P. H. SHERIDAN,
Lieutenant-General, Commanding.

Mr. Foster to Mr. Evarts.

(Foreign Relations 1877, p. 401.)

LEGATION OF THE UNITED STATES,
Mexico, April 24, 1877.

SIR: On the 21st instant I received your dispatch, No. 379, of the 31st ultimo, with which you transmit a copy of a communication and its accompaniments from the Secretary of War, embracing a report from Colonel Shafter concerning recent incursions of Indians from Mexico into Texas.

In accordance with the indication contained in your dispatch, I called upon Mr. Vallarta, at the foreign office, on yesterday, gave him the facts contained in Colonel Shafter's report, and represented to him the manner in which Colonel Shafter's recommendation for authority to cross the border in pursuit of the raiders had been received by our government. Whereupon a lengthy conversation followed on the general subject of the Texas-border troubles.

I recalled to Mr. Vallarta's attention the fact that, in one of the first interviews which I had with him after the establishment of General Diaz's government in this capital, I represented to him in very strong terms the urgent necessity there was to give early attention to the peace and order of that frontier, and in my first audience with General Diaz I made the same representations to him, assuring him that it was essential to the maintenance of cordial relations between the two countries. I stated that the recent occurrences on that frontier had fully confirmed me in the suggestion which I first made to him, that a military officer of high rank, character, and prudence should be sent to the Rio Grande with a sufficient force of regular federal troops to repress the marauding bands, and compel the local authorities to co-operate in enforcing order and punishing the murderers and robbers.

I expressed regret that my suggestion had apparently had so little effect, as the only person sent to that frontier was General Blanco, who went to Matamoros simply on a political mission, unaccompanied by any federal force, and that his mission, if I had not been incorrectly informed, had proven the truth of the position frequently assumed by me, that the State and local authorities in that region pay very little regard to the orders or wishes of the federal government, as Governor Canales, of Tamaulipas, refused to recognize General Blanco's authority or to be governed by his orders, and that he found it necessary to return to this capital, and I feared it was the same with the other authorities on the Mexican side of the Rio Grande; so that Mr. Vallarta's government ought not to consider it strange that the military officials of Texas should deem it necessary to have authority to pursue the marauders into Mexican territory and punish them for their murders and robberies. This was no new declaration for me to make, as he would see by an examination of my correspondence and interviews with his predecessors in the foreign office.

I referred to the fact that notwithstanding my repeated remonstrances with the past administration for a series of raids into Texas from Mexico, resulting in murders, arson, plundering of government post-offices and custom-houses, robberies, and other outlawry, up to the present time not a single punishment had resulted on the part of the Mexican authorities. The only action taken by the federal authorities during my residence which indicated any vigor or decision was the arrest of General Cortina by order of Mr. Lerdo, and that simply resulted in bringing him to the capital to release him on parole. And it appeared that the government of General Diaz had in his recent arrest even treated him with greater consideration, as it had rescued him from the death-penalty which Canales had caused to be pronounced against him in Matamoros, and, according to the public press, had brought him to this city to be acquitted of all blame.

Mr. Vallarta replied that General Diaz was fully impressed with the importance of preserving the peace of the Rio Grande border, as he had so freely expressed to me, and was desirous of doing all in his power to that end; but that up to the present he had 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. He said that his government agreed with me that it was desirable to send to that frontier an able and prudent general, with a sufficient federal force, to co-operate with the American military authorities; but in order to make this co-operation fully effective it was highly desirable, first, to have the official relations between the two governments restored.

I answered, 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's government. Mr. Vallarta acquiesced in this, but said that it appeared important that an understanding be arrived at whereby the American and Mexican military authorities might be able to co-operate in their movements against the Indians and other raiders and outlaws, and that such an agreement should be made by or have the approval of both governments, and that the non-existence of official relations stood in the way of such an understanding. He referred to the reported crossing of Colonel Shafter at Piedras Negras early in this month as a violation of Mexican territory, which did not appear to have the justification alleged in his (Colonel Shafter's) recommendation to our government, as the crossing of the river was not in pursuit of either Indians or other raiders, but to demand the surrender of persons arrested in Mexico by its authorities. To which I responded, that I was not authorized to discuss that occurrence, as I had as yet received no information or instructions concerning it; but, from my acquaintance with the treatment which the Rio Grande troubles had received from the Mexican federal and local authorities in the past four years, I was not surprised to be informed that events had occurred which, in the judgment of our military officers, had made a crossing of the border necessary.

Referring to the visit of General Blanco to Matamoros, Mr. Vallarta said that his mission was purely of a political character, growing out of the difficulties existing between Revueltas, Cortina, and Canales; but he did not deny my allegation of the insubordination of Canales, now in command at Matamoros. He stated that this visit had resulted in the removal from that region of General Cortina, who was regarded as one of the chief causes of the border troubles, and that his government considered that as an important step in the direction of pacification, and that whatever might be the treatment he would receive here he would not be permitted to return to the Rio Grande.

Mr. Vallarta was quite earnest in impressing upon me the desirability in this connection of restoring the official relations between the two countries, upon which event, he said, depended the adjustment also of other questions, to which he alluded in passing, but which need not be referred to in this dispatch.

In this connection, it may be proper to refer to the fact that early last year I obtained an assurance from the Mexican Government that it would remove the small bands of Indians in Mexico, near the Texas frontier, to distant points in the interior of the country, and place them under such surveillance as to prevent their raids into Texas.

But the administration of Mr. Lerdo was so occupied with the revolution that it never carried out this resolution. I hope with the establishment of official relations to have this measure, so important for our frontier protection, carried into execution.

I am, &c.,

JOHN W. FOSTER.

General Ord to the Assistant Adjutant-General.

(H. Ex. Doc. 13, 45th Cong., 1st sess., p. 137.)

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, Tex., April 3, 1877.

SIR:

In connection with this matter, I beg to call the attention of the Secretary of State to the evident and recent change in the demeanor of the local and revolutionary authorities along the Mexican borders adjacent to this department. As long as President Juarez or Lerdo was in authority at the center of Mexico, and when the border State authorities pretended to defer to those central governments, there was some respect and good-will shown to the American agents and military commanders along the Rio Grande; but since the last revolution in Mexico the worst elements seem to have come to the surface, and instead of respect or cordiality between the local and revolutionary authorities and that of our government, there is often open and undisguised hostility.

The condition of affairs on the frontier is such as to call for serious consideration whether it is not now necessary for this government, for the protection of its citizens along the border, to do something besides act as spectators of the contest between guerilla leaders for mastery in contiguous States of Mexico. Our citizens are being now plundered more than has been customary by the bands of Indians from the opposite side, some of whom exhibit passes from the local authorities, and there seems to have been an offensive alliance entered into between them and the local governor of Coahuila.

Recently, when I learned that the alcalde at Piedras Negras had arrested a couple of guides who had been employed as trailers to follow raiding bands across into Mexico under authority from the general commanding the army, and who, I learned, would probably be executed, I telegraphed for their status. (See reply marked A.) I then directed formal application for their release, and Colonel Schofield informed me that the alcalde refused, stating that his orders were to imprison all who had guided us in Mexico (see telegram marked B). Upon the principle that if two of our Crow Indian guides was in the hands of the Sioux, we would deserve and receive no respect from the Crow allies or any other if we did not make every effort to release our guides, I telegraphed the commander of the district to use his available troops promptly to secure their release, but as the present governor is reputed energetic and prompt in shedding the blood of prisoners, I fear the efforts to release them will be futile. General Devin reports that Canales, who has control at Tamaulipas, has shown no courtesy or friendly disposition toward the Americans. His reputation as a cruel, bad man is even worse than that of Cortina.

In Chihuahua I learn that there is a contest for control waging between Trias, aided by the wild Indians and other desperate adventurers, and the parties claiming to act under the Diaz faction. The probabilities are that Trias will win.

I should add, in explanation of the matter of the guides, that a few months since, when Colonel Shafter employed the Mexican guides, the authorities then in power were disposed to encourage his pursuit of the raiding Indians, and consented to his crossing into Mexico. The services of the guides were secured, I believe, through the agency of the American consul, Mr. Schuchardt, who furnished the information lately that they would probably be summarily executed. (See General Schofield's dispatch, C.) Since writing the above, the dispatch received marked D, and one sent marked E.

Very respectfully, your obedient servant,

E. O. C. ORD,

Brigadier-General, U. S. A., Commanding.

ASSISTANT ADJUTANT-GENERAL,

Military Division of the Missouri, Chicago, Ill.

[Telegram.]

HEADQUARTERS DEPARTMENT OF TEXAS,

San Antonio, Tex., April 3, 1877.

To Colonel TAYLOR, Fort Duncan :

Send promptly, through alcalde of Piedras Negras, to the governor of Coahuila, this :
 "The department commander of Texas has learned with surprise that the governor of Coahuila has ordered the arrest of two men who acted as guides to a party of United States troops in pursuit of wild Indians, who were taking refuge in the mountains of Mexico with stock stolen from the United States. That injuries to these guides for services done the United States Government on an expedition which was undertaken with the consent of the *de facto* commander of the Mexican forces of the district, cannot but be regarded as a declaration on the part of the present governor to co-operate with the wild Indians, refugees from the United States, in their depredations upon this territory, and will be so reported to the President."

Sign by order. State that this letter is telegraphed.

ORD.

Mr. Evarts to Mr. Foster.

(H. Ex. Doc. 13, 45th Cong., 1st sess., p. 12.)

No. 392.]

DEPARTMENT OF STATE,

Washington, May 28, 1877.

SIR: I transmit a copy of a letter of the 16th instant, and of its accompaniments, addressed to this department by the Secretary of War. It relates to another raid into Texas by Mexicans and Indians from Mexico, the result of which was a theft of two hundred head of cattle.

It is apprehended that the Mexican Government is not well aware that, although for a heavy pecuniary consideration it has released the United States from the obligations in respect to predatory incursions of Indians from this country into Mexico, the obligations of that government in respect to similar marauders from that country into the United States are entire, as provided for both by public law and by treaty. The duty of that government, therefore, at least to aid in restraining its savages from depredations upon us, seems to be clear. If this duty shall continue to be neglected, we may be compelled in self-defense to disregard the boundary in seeking for and punishing those bandits.

You will make known these sentiments in the proper quarter, but it is not expected that at present you will address an official remonstrance to that government on the subject.

I am, &c.,

WM. M. EVARTS.

[Inclosure.]

Mr. McCrary to Mr. Evarts.

WAR DEPARTMENT,
 Washington City, May 16, 1877.

SIR: I have the honor to transmit for your information a copy of a report of Lieut. Col. W. R. Shafter of a raid by Mexicans and Indians in Texas, carrying off two hundred head of cattle, and beg to invite your attention to the remarks of Lieut. Gen. Sheridan indorsed thereon.

Very respectfully, &c.,

GEO. W. MCCRARY,
 Secretary of War.

[Telegram.]

SIGNAL SERVICE, U. S. A. *United States Telegraph.*

Dated Fort Clark, Texas, 1877. Received April 24, 1877.

TAYLOR, A. A. G.,

D. Texas, San Antonio, Tex. :

The following dispatch received yesterday from Castroville :

"Party of thirty-five Indians and Mexicans raided through Quibi, Hondo, and New Fountain last night, carrying off two hundred head of horses; trail moving southwest, crosses line eight miles below here."

Immediately upon receipt of this dispatch, Lieutenant Stevenson, with forty men, has been ordered to the Nueces, about sixty miles southeast of Duncan. Company B, Tenth Cavalry, is at Duncan, ready to start in any direction required. Orders were also sent to Lieutenant Van Vliet, in Frio Cañon, to go to Dhanis, take the trail and follow it. Rangers in Nueces Cañon and people at Frio City also notified three companies cavalry near here, one company at San Felipe, and Bullis, between mouth of Devil's River and Pecos, ready to start as soon as I can get definite information as to point they are bearing for.

SHAFTER, *Commanding.*

[Telegram.]

FORT CLARK, TEX., April 28, 1877.

To TAYLOR, A. A. G.,

Department Texas, San Antonio :

Following telegram received :

"Lieutenant Dolan, Texas Rangers, says, 'I followed the Indian trail near Penden-cia; rained hard and put out trail; think they crossed below Presidio; they have about thirty-five horses to my knowledge; may have had more. Indians had a fight with citizens at Lumaville, in which one Indian and one white man was killed.'" Schofield says: Courier in from Stevenson says several bands Indians in vicinity of Corisa. Followed one trail of twelve, but lost it in heavy rain-storm. Indians in small parties are hidden in thick brush watching chance to steal stock. Think he can catch some of them there. Telegrams were received on 26th. To-day Van Vliet reports from Frio City: The recent raids in this section have been committed by a party of six Indians, who, commencing at Quibi, worked southwest along the Pecos. They were pursued from the Lona by a party of herders southwest and one of their number killed 50 miles from here, and 30 head of stock recaptured. This occurred on 23d instant. The Indians were scattered and could not be overtaken, since which time trail has been entirely washed out. Stevenson with 40 men of Company K, Eighth Cavalry, and Dhani's Company, is now on the Nueces trying to hunt up Indians hiding there. Boyd, with Company B, Eighth Cavalry, is scouting along the river, 35 miles below Duncan, toward mouth of San Pedro. Don't think they will get off with much stock.

SHAFTER, *Commanding.*

[First indorsement.]

HEADQUARTERS DEPARTMENT OF TEXAS,

San Antonio, Tex., April 30, 1877.

A true copy. Respectfully forwarded to the assistant adjutant-general, Military Division of the Missouri, for the information of the Lieutenant-General commanding.

J. H. TAYLOR,

Assistant Adjutant-General, in the absence of the Brigadier-General, Commanding.

[Second indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,

Chicago, May 5, 1877.

Respectfully forwarded to the Adjutant-General of the Army.

As I have heretofore had occasion to observe, the Rio Grande is a very long and difficult frontier to protect, and notwithstanding the activity of our troops it is found almost impossible, with the means at hand, to prevent these marauding incursions from Mexico, and I recommend that the proper authorities take some steps to require the Mexican Government to aid in the protection of that frontier.

P. H. SHERIDAN,

Lieutenant-General, Commanding.

Mr. Evarts to Mr. Foster.

(H. Ex. Doc. 13, Forty-fifth Cong., first sess., p. 14.)

DEPARTMENT OF STATE,
Washington, June 4, 1877.

SIR: Referring to the previous correspondence upon the subject, I transmit herewith a copy of a letter, under date of the 1st instant, from the Secretary of War, and of its accompaniment, in relation to the suppression of raids by marauding parties from Mexico across the border into Texas.

I am, &c.,

WM. M. EVARTS.

[Inclosure to No. 7.]

Mr. McCrary to Mr. Evarts.

WAR DEPARTMENT,
Washington, June 1, 1877.

I have the honor to transmit, herewith, for your information, a copy of instructions issued to General W. T. Sherman, commanding the Army of the United States, in relation to the suppression of raids, by marauding parties from Mexico, across the border into Texas.

Very respectfully, &c.,

GEO. W. MCCRARY,
Secretary of War.

Secretary of War to General Sherman.

WAR DEPARTMENT,
Washington, June 1, 1877.

GENERAL: The report of W. M. Shafter, lieutenant-colonel Twenty-fourth Infantry, commanding the district of Nueces, Texas, concerning recent raids by Mexicans and Indians from Mexico into Texas for marauding purposes, with your indorsement of the 29th ultimo, has been submitted to the President, and has, together with numerous other reports and documents relating to the same subject, been duly considered.

The President 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 co-operation of the Mexican authorities; and you will instruct General Ord, commanding in Texas, to invite such co-operation on the part of the local Mexican authorities, and to inform them 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.

I have, &c.,

GEO. W. MCCRARY,
Secretary of War.

Mr. Foster to Mr. Evarts.

(H. Ex. Doc. 13, 45th Cong., 1st sess., p. 18.)

[Telegram.]

MEXICO, June 21, 1877.

HON. WILLIAM M. EVARTS,
Secretary of State, Washington:

Mexican minister of war issued order on 18th, occasioned by Secretary McCrary's instructions to General Ord, but was not made known to me till after departure of steamer's mail. It orders General Treviño and northern division of army to frontier at once, to prevent raids into Texas and repel with force any invasion of Mexican territory by American troops. It characterizes instructions to Ord as violation of treaties, of rules of international law, and even of practice of civilized nations, and as an insult sought to be inflicted on Mexico.

JOHN W. FOSTER.

(Via Brownsville, June 28.)

Mr. Foster to Mr. Evarts.

(H. Ex. Doc. 13, 45th Cong., 1st Sess., p. 18.)

No. 552.]

LEGATION OF THE UNITED STATES,
Mexico, June 21, 1877.

SIR: I inclose herewith a copy and translation of the instructions of the Mexican minister of war, dated on the 18th instant, addressed to General Treviño, commanding the division of the north of the Mexican army. These instructions are occasioned by the receipt of a copy of Secretary McCrary's order to the General of the Army, containing the instructions to General Ord in reference to preventing the raids from Mexico into Texas.

In view of the extraordinary character of the inclosed order, I have protested to the minister of foreign affairs against its unwarranted assertions in regard to the action and intention of our government, and have stated that I regard its spirit as unfriendly and calculated unduly to excite and prejudice the Mexican people against the United States.

I am, &c.,

JOHN W. FOSTER.

[Inclosure.—Translation.]

Order of Mexican minister of war.

DEPARTMENT OF WAR.

The United States War Department has issued an order on the 1st instant (a translated copy of which I herewith inclose) authorizing the troops of that country to invade our national territory with the object of pursuing the evil-doers to which it refers, to capture the same, punish them, and recover the property stolen from United States citizens. Although the plenipotentiary of Mexico at Washington, who protested against that order on account of the offense it implies towards our country, assures the foreign department by telegraph that he has received friendly explanations from the American Government, the President thinks that the honor of the country will not be satisfied except with a modification of the said order in such terms that it shall not be in contradiction, as it is now, with the treaties in force between Mexico and the United States, with the rules of international law, and even with the practice of civilized nations.

The President has already disposed what is convenient in order that the serious questions to which that order has given rise be treated in a suitable form and manner with the Cabinet of Washington; but as its urgency on the frontier of the neighboring republic may occasion conflicts between the two nations even before those questions can be discussed, the same supreme magistrate has deemed it his duty to communicate to you, as commander of the line of the north, certain instructions which may prevent as far as possible the said conflicts, or at least, in an extraordinary case, preserve the honor and dignity of the republic.

Therefore the President determines that, as soon as you receive the present communication, you shall order the division under your command to be situated at such points as you may deem convenient, with the object of protecting the Mexican frontier and preventing that the robbers of either side of the Rio Grande shall remain unpunished for the mere fact of crossing the river. To this effect you will, with the utmost zeal and activity, pursue the evil-doers that may commit any robberies on Mex-

ican territory who seek to escape to the United States, as well as those who, committing any robberies in the neighboring country, shall come to Mexico fleeing from justice, and seeking impunity in our territory. These pursuits which you may order shall only be made within the limits of the republic, and once that the criminals shall have been captured, you will place the same at the disposition of the competent courts.

Mexico has celebrated with the United States an extradition treaty, which was published on the 20th of May, 1862. This treaty is in full force, and you will subject your conduct to the same whenever any criminals captured by your forces be claimed by the military or civil authorities of the neighboring republic, and those that may have committed any of the offenses stipulated in the said treaty.

Whenever, in order to effect the pursuit referred to, it be necessary to act in accord with the military or civil authorities of the United States, you will invite the same, so that they may co-operate with you toward success of the respective operations.

And when you, on the other hand, receive a like invitation from the said authorities, you will zealously endeavor to accede to it, doing everything in your power in order to capture the criminals. This agreement between the commanders and authorities of both countries shall in no case authorize the passing of foreign troops into our territory, an authorization which cannot be granted even by the President of the republic, because fraction 16, article 72, of the federal constitution reserves it exclusively to the Congress of the Union. In obedience to that law, you will by no means consent that the troops of the United States enter our territory, and out of respect to the sovereignty of that republic you will likewise prevent Mexican forces from trespassing on foreign soil.

At the shortest possible time you will communicate to General Ord, or to the superior commander of the United States forces on the frontier, these instructions, acquainting him at the same time with the dispositions you may dictate in order to render them effective. You will also endeavor to accord with the said commander with regard to the operations to be undertaken in combination with him for the capture of evil-doers and their most effective punishment, giving him to understand that the desires of the President on this point have no other restrictions than those imposed upon him by international law, the treaties now in force between the two countries, and the dignity of the republic. And as a consequence of those restrictions, you will inform the said commander that as the Government of Mexico cannot allow a foreign force to enter the national territory without the consent of the Congress of the Union, and much less that the said force shall come to exercise acts of jurisdiction, as those expressed in the order of the United States War Department, you will repel force by force, should the invasion take place.

In dictating this extreme measure, the President has had in view those considerations which no Mexican can forego when the defense of the national honor is in question. The supreme magistrate of the republic believes that he faithfully interprets the feelings of the Mexicans, if he accepts the situation in which he is placed rather than the humiliation of an offense which would reduce Mexico to the condition of a barbarous country and beyond the communion of international law. The President does not wish, however, that the attitude assumed by the soldiers of the republic in front of troops trespassing upon our territory, infringing international law, be reputed as an act of hostility toward the United States, but that it be considered as the exercise of the legitimate right of self-defense that appeals to arms only in the extreme case when amicable means are unavailable to make it respected.

This is not the proper time nor is it of the incumbence of this department to discuss the order of the United States War Department, showing the errors contained in Colonel Shafter's report, which has given rise to the same, nor inquiring into whether the Mexican Government has neglected its duty in preventing on its part the depredations of the marauders on a frontier, a reason or motive appealed to by the American Government in order to take upon itself the fulfillment of that duty, ordering even the invasion of our territory. In order to treat this matter conveniently, the necessary instructions have been given to our minister at Washington.

I request you to appoint a commissioner *ad hoc* near the American commander, who shall express to him what I have here stated. Send to the said commander by that commissioner a certified copy of this communication, so that he may become thoroughly acquainted with the measures dictated by the government of the republic.

I deem it necessary to recommend to you the faithful and exact fulfillment of the instructions I hereby communicate to you by order of the President; our national honor is therein interested, and this suffices to expect of your patriotism to act with the prudence demanded by this serious question, in order to avoid any cause of conflict between the two countries; acting, however, with due energy, and repelling with force the insult that it is being sought to inflict on Mexico by the invasion of her territory.

CITY OF MEXICO, June 18, 1877.

PEDRO OGAZON.

To the General of Division, GERÓNIMO TREVIÑO,
In command of his forces, Piedras Negras.

Mr. Foster to Mr. Exvarts.

(H. Ex. Doc. 13, 45th Cong., 1st sess., p. 20.)

No. 554.]

LEGATION OF THE UNITED STATES,
Mexico, June 22, 1877.

SIR: The feeling which has been manifested by the Mexican public upon the publication of the instructions to General Ord in regard to the Rio Grande frontier has been most intense. That which has contributed most to fan this feeling into a flame has been the order of the Mexican minister of war to the commander of the northern division of the army, which order I inclosed in my No. 552.

As indicating the temper of the public mind I inclose herewith articles from the leading newspapers published in this capital upon the subject.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1.—From *La Epoca*—Diaz administration.]

THE DIFFICULTIES WITH THE UNITED STATES OF THE NORTH.

At this moment it is difficult, if not impossible, to judge with calmness what is passing between Mexico and the United States of the North. Nevertheless it is our duty to examine every question with impartiality, and we will now comply with our obligations as far as it is possible.

The origin, or the pretext at least, of these difficulties are the depredations which it is said are committed on the American side by bands of robbers organized on this side of the Bravo (Rio Grande).

The pretext, which is presented as a motive for the hostilities which the American Government has really declared against Mexico, contains the explicit defense against the charges made against her.

As Mr. Iglesias says in his protest, it has been demonstrated by facts, with which the American Government is acquainted, that said invasions are reciprocal. Sometimes the robbers pass from Mexico to the United States; at others they come from Texas to Mexico. As a proof of this truth, we can cite a case which came to the notice of the department of foreign affairs. Some marauders having been apprehended by the Mexican authorities, it was found that they had arms and overcoats belonging to the United States.

We should suppose that the government has always been animated by a lively consciousness of its international duties, and for this reason, if it did not prevent the depredations of its citizens on Mexican territory, it was not because it did not wish to do so, but because it could not, notwithstanding its immense elements of strength and power. And this is the truth; that immense zone is a desert, and a numerous army would not be sufficient to absolutely prevent evil-doers in either country from committing depredations on pacific people on both sides of the Rio Bravo. The fact, then, that the American Government, feeling its impotence to protect its own household, demands of us, placed as we are by misfortune in conditions inferior in power to it, to do what it cannot do, is an unpardonable act, a scandalous abuse of brute force. These considerations become the more serious when we remember that this same government, far from facilitating our action on the frontier, has permitted conspiracy and the organization of bands of marauders. That these individuals have been conspiring against the established government, and that Winkar has entered Mexican territory at the head of a band organized in the United States, is public and notorious in Texas and in the whole world.

If the government of that country considers that it has sufficient power to prevent such aggressions, why did it not prevent that which we have just mentioned? If it recognizes the fact that it is impotent to comply with its international duties, why does it demand of Mexico what is beyond the power of either government?

The injustice with which President Hayes has proceeded marks an epoch of decay in the United States. A noble spirit of justice has always characterized the American people, and the fact that now, at the very time that Winkar's invasion is commented on by the newspapers of both countries, something is demanded of Mexico which the United States has not been able to do in this same case of Winkar, causes it to be feared that the conscience of the great country of Washington and Lincoln, which with so much eloquence was interpreted by Hamilton, Madison, Daniel Webster, and a hundred others, is becoming relaxed and lost, to the misfortune and shame of the great republic and American civilization.

We should, however, hope that the American people will not forget, on this occasion, the principles to which they owe their greatness, and will bear in mind that their

first duty to themselves and to all others is to be just. The foregoing considerations surely prove that, on this occasion, the American Government has on its side neither reason nor right, and that its conduct is unworthy of the great people which it so illy represents. Our manner of proceeding should be different; if that government is distinguished by a forgetfulness of principles by which its actions should be shaped, ours should be the mark of dignity, of justice, and of the nobility of our race.

We have two classes of obligations in this question, some to the dignity of our country, others to the American people. We should comply with both with seriousness, with pleasure, as is the duty of citizens of a republic. At this moment we cannot do less than energetically condemn, for the honor of our country, the depredations committed by parties organized in our territory.

The duties of neighborhood oblige us to pursue to the death those evil-doers, and to contribute with the American authorities to protect the people of the United States, in person and property, who may be threatened by robbers from this side of the Bravo (Rio Grande). We can never employ sufficient energy in the fulfillment of the duty in order to demonstrate to those who have assisted the machinations of Winkar and his accomplices that we are conscious of our international obligations.

Neither can we forget that the dignity of our country demands that we should protest against the unlawful order of President Hayes, preparing to employ all our power to resist by force the aggression of force. The government elevating to the height of civilization has placed itself in the position necessary to comply with both duties. It orders General Treviño to pursue the evil-doers, and at the same time he is commanded, in case of an invasion, to employ the arms of the republic against the invaders. In another part of this paper our readers may inform themselves of the communications to which we refer. They reveal the serene dignity with which our government is conducting itself, and which we do not doubt will draw to it, not the support of a party, but all Mexicans who hold in esteem their own names and the honor of their country. A tortuous, arbitrary, low, and ruinous policy is maintained toward us by the animosity and strength of the great and enlightened American people. If, as we do not expect, that nation should forget its principles and not condemn what has been done by its President, we will let them see that we bear them in mind, and, while we oppose force to force, we comply nobly and tranquilly with our international obligations. The orders of the minister of war amply fill these conditions, and we cannot do less than render a tribute to the President of the republic and to the ministry, of our sincere praise on account of the dignified attitude the government has assumed in the question which we have discussed in this article.

[Inclosure 2.—From the Federalista—Lerdist.]

The order communicated to General Ord, and which we published yesterday, involves a serious offense to the national dignity and to the sovereignty and independence of Mexico. This is unquestionable. It is, besides, a step violent and unmediated in form, on the part of the government that authorizes that offense against a friendly nation. According to the Constitution of the United States, the sanction of Congress is required in order to declare war; and the most elementary principles of international law are enough to convince one that an order which authorizes the armed invasion of a foreign territory is equivalent to a declaration of war, no matter what the pretext invoked.

The aspect which affairs have assumed cannot be considered in any other manner, since the text of the instructions sent to General Ord by the War Department of his country have been made known.

As was natural these events have deeply moved national feeling and awakened the love of country, which had become somewhat weakened by our civil dissensions; its manifestations have not been delayed on the part of the press, and they would have been more flattering to sincere patriotism, had not some newspapers mixed in these manifestations the name of President Sebastian Lerdo de Tejada, to which personage machinations contrary to the independence of Mexico are attributed. In his name and in that of all of his partisans we protest against such unmerited charges. We do not need the language of patriotism to vindicate the immaculate patriotism of President Lerdo de Tejada, nor that of the worthy Mexicans who accompany him in a foreign country, because his name alone is a guarantee of his sacrifices and of his loyalty to our beloved country.

We think, and have well-founded hopes, that this conflict will terminate in a manner worthy of and honorable to two civilized nations; but if fate should reserve new trials for the national patriotism, our resolution will not be delayed. We would not be Diaz men; we would be Mexicans; and it would be sufficient to see a Mexican raise the national banner in front of the foreigner for us to rally around him in union with all those who form the Lerdist party. In the presence of danger to the country we would recognize no insignia but that of Mexico.

[Inclosure 3.—From the Pajaro Verde—Conservative or Catholic.]

THE NATIONAL PARTY.

The Mexican press, without distinction of party sympathies, presents to-day a spectacle at once grand, imposing, worthy in every way of praise, consideration, and respect. The question now refers to the integrity of the Mexican territory, respect to its flag, which the Government of the American Union, possessed of a pride unworthy of a free people, who profess the greatest respect for the treaties of amity and good fellowship between the two sister nations, so cowardly pretends to degrade.

A unanimous sentiment of indignation and lofty pride is to-day reflected by the whole of Mexican society on learning the text of the orders communicated by President Hayes to General Ord, military commander of the line of the Rio Grande.

Can a friendly republic which calls that of Mexico sister, at any time within the limits of international law, give in an official document permission for the violation of treaties, for the trampling upon of international rights?

None but the American Government, the government of that country of insatiable tradesmen whose motto is "time is money," could claim the *right of force* in order to legitimize the *force of right*. Said government believing itself the arbitrator of the destinies of the world, because the particular qualities of the soil have caused it to flourish in a region where it has never had a barrier, abusing its apparently exhaustless resources like the autocrat of the Russias, launches its insult at an independent and free nation because it considers it too weak to oppose its annexation intentions.

Is the government of the American people unaware that Mexico is the country that gave birth to the man who said "I may break, but never bend"? Are the people of the American Union ignorant of the fact that, in casting the gauntlet to the Republic of Mexico, they cast it to Latin America, and that at the proper time this republic will have on her side all the nations of the Old Continent of her tongue and race?

Mr. Hayes, the President by bribery, does not know that General Diaz had, at his orders, in the month of last November, sixty thousand men with which to overthrow President Lerdo de Tejada. How many could he collect to fight the foreigner as soon as the American invasion is a fact? At that time it was a civil war; all were Mexicans; public opinion was divided; but to-day things are different; the national honor, the integrity of the territory, the pride of race are affected, and each Mexican will be a soldier who will march to defend his home, his wife, his children. There is no sacrifice that will not be made, and the whole nation will go forth to the combat firm, compact, united as one man. Mexico has no navy; Mexico is divided; Mexico is poor and worn out; she is not prepared for war, can be alleged by the American Government, but we can reply, reverting to history, "That what Mexico never was prepared for is peace."

It is true that Mexico has no navy, but friendly nations of her blood, race, and language have. Mexico is poor; her treasury is exhausted, it is true, but it is also true that the Mexican is frugal, enduring, and, in order to fight, only needs what he has in great abundance—heart and fearlessness. Mexico cannot present great masses of men. This we confess; but, on the other hand, she can present innumerable guerrillas that will weaken and fatigue the invading army, however numerous it may be, causing it infinite losses. Lastly, Mexico has at her head General Porfirio Diaz, and he, animated by the purest sentiment of patriotism, can dispose at his will of the whole nation, in order to wash away the stain that may be made by the American people. This we have seen in his order to the general of the division of the Bravo (Rio Grande), "Repel by force the insult it is sought to inflict on Mexico by invading her territory." In these brief words the worthy general-president has condensed the aspirations of the Mexican people, comprehending, as he does, the elevated mission confided to him.

It only remains for us to revert to the title of this article: Mexico, divided, torn, attenuated by civil strife, offers herself to-day to General Diaz united, compact, strong, patriotic, determined to sustain her rights, opposing the unworthy intentions of the Government of the American Union. General Diaz has it in his power to raise, create, unify the national party, essentially Mexican, employing the powerful elements of which it is composed to give a severe lesson to the nation which in its satanic pride desires to make itself lord and master of the whole of America. Let General Diaz accept the patriotic sentiment of the Mexican people, who are noble in their pride and worthy in their misfortune. Let him endeavor to strengthen relations with all the nations of his race and tongue whose sympathies have been demonstrated for him on more than one occasion, with the assurance that his grateful country will erect altars to him in the hearts of its sons.

The present situation is one of national honor, and worthily have the Mexican people responded. In the presence of the common enemy all are brothers; the same sentiment impels all—the defense of the flag, the integrity of the country. The purest sentiments animate to-day Mexican society, which is impatient to see what turn will be taken by the difficult and delicate question provoked by the American Government; but this does not prevent General Diaz from having left to him all the liberty of action required in such a serious case, all feeling sure that the national honor confided to his burning patriotism will emerge unscathed from the present conflict.

[Inclosure 4.—From the *Monitor Republicano*—Independent, Opposition.]

THE AMERICAN INVASION.

Public attention has been very much excited by the news of the projected American invasion brought by the last packets.

After our civil wars, after 'our social decay, after all our political misfortunes, we have before us, we have over our heads, the formidable threat of a nation that not without reason has been called the American colossus.

The press of the United States is at this moment discussing the propriety or impropriety of the policy President Hayes is pursuing with respect to a country weak, but jealous of its independence. The Mexican press will unanimously repel the unjust aggression which, with a political view, is falling over our country.

Every evil, every misfortune, appears to have been let loose against us; this is the moment to resort to that holy passion called patriotism, to avoid the catastrophe. Poor Mexico! It was not sufficient for you to see your fields laid waste and your sons decimated by civil strife; it was necessary that a nation that called itself a friend should select the most painful crisis in order to discharge on you the weight of its strength.

We are very fearful that the negotiations that are to be commenced with the American generals and the government of that country will not have a happy result. It is the general opinion that President Hayes needs to withdraw the public attention from the irregularities of his election, and to provoke a war that will permit him to maintain an army sufficiently respectable to meet every emergency.

The newspapers that support our cause inform us that even the superstition of the people has been worked on by making them believe that a locust having its wings in the form of a "w" proclaims or foretells war. The giant has, then, allowed the idea to flit across his brain of annihilating us under his powerful hand; and if he has not already done it, it perhaps is because the nineteenth century is destroying the doctrines of the right of conquest, and because they who attempt to destroy the nationality of a people are condemned at the bar of civilization.

We have wasted our political and social vitality; we have been destroying and annihilating ourselves, while our powerful neighbor has gone on prospering under the development of its just and liberal institutions, and the hour of peril has come, finding us more than ever exhausted of blood, and with only the vigor inspired in every Mexican by the love of his country, his nationality.

This is not the time for rancor and political odium; we should rally under our flag, and give each other a brotherly embrace. General Diaz has already answered the first menace of the neighboring nation, and in truth the note of our minister of war is dignified, energetic, and forms a strong contrast with the order in which General McCrary orders the invasion of our territory *if circumstances make it necessary*. "You will repel force by force in case the invasion takes place," is the order given to General Tréviño, as it is, indeed, the duty of the Mexicans; in complying with it, it may be that they will not be triumphant, but they will have the satisfaction of sustaining the dignity of the country.

General Diaz, in his notable communication to the chief of the division of the frontier, exhausts all the means of conciliation. He seeks an agreement as far as he can without sacrificing honor. He endeavors to remove the pretext in whose name this war is presented, and lastly, accepts the extreme situation, repelling by force of arms, if it should become necessary, the unjustifiable aggression which, not the whole American people, but a party predominant there, wishes to impose upon us. General Diaz has then complied with his duty. We who have not hesitated to attack his conduct when he has deviated from the law, take great pleasure in confessing that his first step in this very delicate question is worthy, and it is at the same time prudent.

The world which has again to turn its attention to a drama which is preparing between a powerful and a feeble nation—the world will see that the Mexican nation accepts the challenge without insolence, without arrogance, resigned to what may come, with a consciousness of its right and with faith in its good cause. If the North abusing its strength; if forgetting the treaties in force; if unmindful of the rules to which civilized nations are subjected by international law, should invade our territory, then Mexico will have to comply with the duty of dignity by opposing force to force, not permitting the violation of its rights before having fought—seeking more than victory, the satisfaction of its own decorum.

The peril is here, but in order to avert it warlike preparations are not sufficient; what is needed above all things is union among Mexicans. The last American invasion surprised us in the midst of civil discord. We should now avoid that scandal, which will not only debilitate us, but make our beautiful, our holy cause less sympathetic to the world.

Exactly at this moment, discord among the Mexicans is more than ever a fact. The Diaz party is completely divided; the Lerdist party does not abandon its intentions; the conservatives raise the banner of political hate; but we more than hope, we are

certain the voice of patriotism will draw us together, forgetting everything in the presence of the wounded national dignity.

The government of General Diaz has now upon it the most terrible responsibility. It should more than ever be circumspect in internal affairs and external questions; it should more than ever endeavor to secure the union of the Mexicans, and this union, let us not forget, can only be secured by respect to the law.

[Inclosure 5.—From the Two Republics—American.]

THE ORDER OF GENERAL ORD.

Understanding the friendly feelings of the American Government toward Mexico, we have viewed the order recently given to the American commander on the Rio Grande frontier in a very different light from the construction given to it by the press of this capital. Our colleagues evidently do not understand the spirit, object, or meaning in which it was given. Upon critical examination they will see that it is not positive or definite, but is provisional, guarded with many precautions and conditions. General Ord is instructed, first, to confer with the Mexican authorities as to the best manner to proceed in suppressing the raids upon American citizens and their property; secondly, to invite said authorities to co-operate in the effort to put an end to these depredations; and, lastly, if the Mexican authorities fail to counsel and co-operate with him, and when the raiders are in the act of carrying off the property of American citizens, and being pursued by United States troops cross over into Mexico, the latter are ordered to pursue the robbers; not to commit a military invasion, to menace or disturb peaceful Mexican citizens, but to apprehend public robbers and recover stolen property. The latter alternative may never be resorted to, and this is highly probable if the Mexican authorities will, as we feel assured they will, counsel and co-operate with the American commander.

The course of the American Government has been prompted by the highest duty which it owes to its citizens after many years of forbearance, and has been directed in a spirit of delicacy and good-will toward Mexico.

[Inclosure 6.—From the Siglo XIX—Independent.]

DUTIES TO THE COUNTRY.

If the orders given to General Ord by the government at Washington with respect to Mexico are highly serious, they have at least served to demonstrate that the sacred fire of patriotism remains intact in the valiant hearts of the sons of the country.

It is not an immediate war that threatens us. We have not yet entered the period of a real conflict; it is not right for us to cast off the hope that the difficulties that have arisen between the two republics may reach a peaceable, proper, and even cordial solution. The way of pacific and dignified negotiations is still open, and nevertheless manifestations in favor of our nationality and our independence are reproduced on all sides, and reveal noble and loyal sentiments.

Civil war has consumed us; society is continually in a bad condition; we live in constant revolution; brother has forgotten brother; friend has forgotten friend; the father the son; the son the father; the family is divided; the law is shipwrecked; justice hides her face. But in the midst of this painful confusion a voice is heard that says, "The country is in danger," and immediately is perceived a general movement that seeks one common center of salvation, and that marks the line toward which all lines are uniformed.

Blessed virtue, that of patriotism, which commences by suppressing fratricidal struggles, and ends by erecting altars to the glory which results from the sacrifice of the individual for the good of a whole people! The man is nothing, the corporation is nothing, the party is nothing, compared with the country. The country is everything. In the presence of its interests, which consist in the preservation of its existence, in the splendor of its honor, in the maintenance of its sovereignty, all, all other interests, are small. The love of country, that is, perfect abnegation, the exercise of a virtue which by its nature is attractive to others, the instinct of individual and public liberty—the purpose of defending it exists, and exists full of vigor among the Mexican people.

It is scarcely announced that their nationality may be attacked, and they renew their determination to sustain all and each one of the rights acquired at the cost of their heroic blood.

The people then comprehend their duties, because it is a duty, and a very sacred one, to rally without hesitation or condition of any kind to the call of the country, whenever danger is apprehended as near or remote. The people know well their obligations; this is spoken by their words and their acts.

Under such circumstances the questions of interior policy are thrown aside, but not so with the duties of the government that directs the destinies of the country. These duties never cease to be correlative. The citizen should abandon every question that he may have initiated with the ruler, and the ruler should observe a conduct foreign to anything like party spirit. To save the country is the common object, and this could not be done if those who command and those who obey should not have the same convictions and the same desires.

By the salvation of the country, we understand not only that which is obtained by the use of arms, but also the good results of international negotiations. In these negotiations there are generally secret points, and others that do not demand any secrecy whatever, at least in those nations where liberty of the press exists as an established fact.

To complete our idea, we must add that the present government of the republic has had presented to it a new and brilliant opportunity to unite all political parties under one banner—the national banner.

Let it unfold it with faith, and it will have the glory of having secured the rights of Mexico abroad and extinguished interior odium, opening the road to the solid progress and the prosperity of Mexico.

* * * * *

This business has to advance by degrees, no matter what aspect it may take. The Mexican Government has resolved that an envoy shall go to Washington, of whose character we are ignorant, but it is probable that his will be an extraordinary mission. In conformity with a general principle of the rights of men that government should receive him, and perhaps thence will be brought about friendly explanations, and the affair be satisfactorily arranged. We will suppose that the envoy should not be received, that the order to General Ord should not be modified, and the case foreseen in article 21 of the treaty of February 2, 1848, between Mexico and the United States should unfortunately arise as there stated. Even then it is possible to appeal to arbitration if the treaty is to be respected. The question came up once before, in the same manner as at present. At that time it was suppressed, although not arranged. To-day something similar may take place, although the fact that our government is not recognized by that of the United States increases the difficulties.

Be this as it may, the press should aid the government by its action without going beyond the phases that the negotiations successively present; supporting its determinations when it considers them wise, and indicating with the moderation and delicacy which the circumstances demand the errors which, in its opinion, are committed by the public powers. Patriotism and good counsel, far from destroying each other, fraternize perfectly.

Finally, the government, in dealing with this serious question, has at its disposal powerful and favorable elements. Its responsibility is enormous, because if it despises or loses them, it may lose with them the liberty, independence, and sovereignty of the Mexican republic. The nation hopes; may a happy issue crown that hope.

[Inclosure 7, from the Monitor Constitutional.—Diaz administration.]

MEXICO AND THE UNITED STATES.

We think it is proper not to allow what is transpiring between the government of the neighboring republic and our country to pass unnoticed, as also the ideas that have been expressed by some distinguished persons abroad and a Lerdo legality paper of this capital.

We do not think it necessary to take into serious consideration the determination of the North American Government with regard to the invasion of our frontiers, because the gravity of the measure makes it understood that the American Government would have to meditate a great deal before carrying it out, the Government of Mexico not having given any notice that would justify to the world and to history the aggression of a strong and powerful nation against a feeble but civilized people.

Physical and moral strength are relative, the same among nations as among men; and here arises our confidence, in view of the force of our right as an independent and sovereign nation.

The government of the White House has dictated a measure that deeply affects our sovereignty and international rights; this is beyond the need of investigation, but we repeat, we do not think, we cannot think, that that measure will be carried out, without previous and long consideration on the part of the government at Washington, and we believe, with reason, that the orders to General Ord will be withdrawn.

* * * * *

The supreme government of the nation has proceeded under the actual circumstances with the temperance and moderation which were to be expected, and there is reason to hope for a happy issue; but if on account of any emergency the desired termination of the negotiations should not be reached, the tried patriotism of the depository of the supreme power of the republic will be the best guarantee that the honor of Mexico will be saved.

In the meanwhile it is the duty of the Mexican press, while discussing this serious question, to act with the prudence which it knows how, and the temperance which the case requires.

Mr. Foster to Mr. Evarts.

[H. Ex. Doc. 13, 45th Cong. 1st sess., p. 28.]

No. 560.]

LEGATION OF THE UNITED STATES,
Mexico, June 23, 1877.

SIR: In my No. 552 I transmitted a copy of the order of the Mexican minister of war, in which the Government of the United States is arraigned for violating its treaties with Mexico, the rules of international law, and even the practice of civilized nations, and for seeking to insult Mexico. This order being at once published in this city, has excited a deep feeling of hostility toward the United States, and especially toward the President and his Cabinet, as will be seen by the articles from the Mexican newspapers inclosed in my No. 554.

The universal impression created with the Mexican public has been, that the order to General Ord in reference to the Rio Grande frontier was utterly without cause or provocation; that it was inspired by the President of the United States and his Cabinet, partly for political considerations, in order to maintain party ascendancy at home, and partly inspired by filibusters and speculators, combined with the machinations of Ex-President Lerdo; and that the object of the order to General Ord was to drive Mexico into a war, whereby the United States, taking advantage of the weakness and internal dissensions of this nation, could annex to its territory the northern Mexican States, and possibly establish a protectorate over the whole country. As already stated, I have protested to the minister of foreign affairs against the letter and spirit of the order of the minister of war, and deplored the unjust and unfounded prejudice and hostility which had been created in Mexico against the Government of the United States.

In view of my protest, I was astounded to read on the 22d instant in the *Diario Oficial*, the official journal published by the government under the direction of the ministry, the editorial statement that "private advices received from New York and Washington inform us that a citizen of the United States and the Ex-President of Mexico had commenced active labors in the neighboring republic to prevent a renewal of diplomatic relations between that government and our own; that they (the two persons referred to) * * * have succeeded in interesting in their undertaking a group of adventurers and speculators; and that these combined labors have resulted in the American War Department * * * making a hostile manifestation toward the Mexican Republic, in the order communicated to the Commander-in-Chief of the Army." Then follow references to Ex-President Lerdo's conduct, to which the *Diario* says it will devote further attention and correct any errors of its correspondents. I inclose a complete translation of the *Diario* article, which was at once reproduced in all the newspapers of the capital.

On the following day I called at the foreign office and expressed to Mr. Vallarta my surprise and deep regret to see in the official journal a statement that the Government of the United States had been induced by the persons named, through sinister motives, and by a group of adventurers and speculators, to issue the order to General Ord. I said that I had in a previous interview verbally protested against the unwarranted charges of the minister of war; and now, in view of the gross insult offered to the President of the United States and his Cabinet, by the official journal of the government, and in view of the misinterpretation of the order to General Ord, and of the misrepresentation of the position of the United States on the frontier question by both the Mexican Government and press, I felt it my duty to make a concise and exact statement of the true position of my government, and to ask that it be published without unnecessary delay in the official journal, whose columns had just been used to insult and misrepresent that government. I accordingly handed to Mr. Vallarta a memorandum for publication, of which I insert a copy below.

Mr. Vallarta replied that he had not read the article in the *Diario Oficial* to which I referred, but he was not aware that any such information as that stated had been received by the government. He said that he would examine the article and my mem-

orandum, and if the government found no serious inconvenience in the publication of the latter my request would be complied with.

My memorandum left with the minister is as follows:

Memorandum of points noticed by the minister of the United States in a conference at the Mexican foreign office.

I. *The instruction given to General Ord is not the announcement of a new measure on the part of the Government of the United States.*

Mr. Nelson, on the 4th of January, 1871, applied to the executive for permission for the United States troops to cross the frontier, and April 12, 1871, he renewed the application, suggesting that the Mexican Congress be solicited to grant said permission, both of which applications were declined.

The Secretary of State of the United States, Mr. Fish, on the 30th of April, 1875, submitted to Mr. Mariscal, for the consideration of his government, a reciprocal proposition, to allow the troops of either government to cross the frontier of one or the other nation in close pursuit of raiders and outlaws, and capture them, stating to Mr. Mariscal at the same time that the public mind, not only in Texas, but throughout the United States, was such that the outrages committed from Mexican territory in Texas could no longer be tolerated. This was not accepted by the Mexican Government.

On the 26th of June, 1875, the undersigned renewed the request made by Mr. Nelson, and the minister of foreign affairs (Mr. Lafragua) replied that the executive had no authority to grant it, and that it would not be prudent to ask the consent of Congress. On the 6th of July, 1875, the raids from Mexico continuing, the undersigned informed the minister of foreign affairs that unless the depredations ceased such a measure as that announced in the instruction to General Ord might be anticipated; adding, in the same connection, referring to the raids from Mexico, that protection to the citizens of Texas must be afforded; if not given by the Mexican Government, it would come from the United States. (United States Diplomatic Correspondence of 1875.)

On the 23d of April of the present year, in an interview had with Minister Vallarta, in reporting to him the murder of seventeen American citizens in Texas in the previous few months by Indians from Mexico, the undersigned informed him that the recommendation of Colonel Shafter, that the only way to put a stop to the raids was to follow up the delinquents into Mexico and attack them in their lairs, would have to be taken into serious consideration by the Government of the United States, if the Mexican authorities are unable or unwilling to check the depredations.

II. *The depredations of the past four years have not been common to both sides of the frontier.*

Under date of the 20th of May, 1875, the Secretary of State, Mr. Fish, stated that it was frivolous to seek to justify the hostile incursions into American territory on the ground of retaliation for similar excursions from the American side. He adds: "There have been none such, and proof of the contrary is challenged." On the 26th of June, 1875, the undersigned, by instruction from his government, gave to the Mexican minister of foreign affairs the above declaration contained in Mr. Fish's dispatch, and challenged him to furnish proof to the contrary. The minister promised to examine the data in his department and ask information of the governors of Tamaulipas and Coahuila, and to furnish the legation with the result of his investigation. Not a single fact or instance has as yet been furnished.

The investigations of the Mexican border commission relate to events which occurred previous to 1873.

III. *Mexico has taken no adequate or vigorous measure to prevent the depredations or punish the outlaws.*

The undersigned has repeatedly called the attention of the Mexican Government to the long list of depredations and outrages which have been inflicted upon the people of Texas by raiding bands from Mexico, as the records of the Mexican foreign office show, and he has urged that an adequate federal force, under an able and prudent general of high rank, be sent to the frontier, to co-operate with the American troops in the suppression of the raids. These matters he frequently pressed upon the past administration; and immediately upon the accession of Mr. Vallarta to the department of foreign affairs, in December last, his attention was called to the condition of affairs on the frontier, urging early measures for its peace and order, assuring him that it was essential to the maintenance of cordial relations between the two countries, and renewing the suggestion that a federal force, under an experienced officer of high rank, be at once dispatched to the Rio Grande. Although this subject has been frequently brought to the attention of the minister in the past six months, up to the date of the receipt of the recent order of the Secretary of War of the United States, absolutely nothing has been done to repress the raids or to co-operate with the American troops, so far as this legation has received information.

Notwithstanding the long lists of these outrages, which the undersigned has brought to the attention of the Mexican Government in the past four years, which include murders, arsons, plundering of government post-offices and custom-houses, robberies, and other outlawry, not a single punishment has resulted on the part of the Mexican authorities.

IV. Mexico has frequently acknowledged its inability to discharge its duty in regard to the preservation of peace on the Rio Grande frontier, giving as a reason its internal dissensions.

For eighteen months preceding the fall of the past administration, in reply to the remonstrances of the undersigned, the minister of foreign affairs pleaded, as an apology for the inefficiency and neglect of his government in repressing raids into the United States, that the whole force of the army was required elsewhere to resist the revolution of General Diaz. (See United States Diplomatic Correspondence, 1875.)

The reason given at various times to the undersigned by the present government, for its postponement of attention to the subject and the disposition of a federal force and prominent officer to preserve the peace on the Rio Grande and co-operate with the American troops in preventing raids, has been the disturbed state of the affairs of this republic consequent on the revolution and the necessity of first establishing its internal government.

If one of the rival claimants to the Presidency succeeds in establishing a foot-hold on Mexican territory and in organizing a counter-revolution, will not necessity again compel the government to devote all its energy and power to the suppression of the new revolution, and abandon the Mexican side of the Rio Grande to the raiders and outlaws?

V. The instructions to General Ord are misinterpreted by the Mexican government.

They are not an unconditional order to cross the frontier into Mexican territory. General Ord is first instructed to do what the undersigned has been engaged in doing without effect for three years past, to call upon the Mexican authorities to co-operate for the suppression of the raids of armed and organized bodies of thieves and robbers. He is to give the authorities notice that the depredations upon the citizens of Texas can no longer be endured, and that if the government of Mexico shall continue to neglect its duty in suppressing this lawlessness, that duty will devolve upon the Government of the United States. It is only after invitation to co-operate, and after Mexico has declined and continues to neglect its duty, that General Ord is granted discretion to follow the outlaws across the border when in hot pursuit.

VI. In view of the foregoing facts, the declaration of the Mexican minister of war is unwarranted, wherein it is officially asserted that the instructions to General Ord are in contradiction with treaties between Mexico and the United States, with the rules of international law and even with the practice of civilized nations.

Such charges in an official document of the government are sufficiently serious to excite apprehensions for the maintenance of cordial relations; but the undersigned has been profoundly surprised, and has deeply regretted, that it should have been thought necessary or proper to assert, in an important public order issued by direction of the Chief Executive, that in giving the instructions to General Ord the government of the United States was seeking to insult Mexico. It might have been supposed that in the haste with which the order of the minister of war may have been written, there was no premeditated intent to so grossly question the motives which influenced the government of the United States; but the intent of the Executive would seem to be deliberate, when, three days after the publication of the order, the Mexican government has inserted in its official journal the statement that the order of the President of the United States, through the Secretary of War, was brought about by the efforts of a private citizen of the United States and Mr. Lerdo, through sinister motives and by a group of adventurers and speculators.

JOHN W. FOSTER.

(Copy left at the Mexican foreign office June 23, 1877.)

In leaving the memorandum with the minister, I said to him that in view of the order of the minister of war, of the publication in the *Diario Oficial* of the 21st instant, and of the manner in which the subject had been discussed in the Mexican press, I would feel compelled to leave a copy of the memorandum with my colleagues of the diplomatic corps, to enable them to furnish their respective governments with a correct statement of the position occupied by the Government of the United States; which I have done.

On the 26th instant Mr. Vallarta called on me at the legation, handed me a copy of the *Diario Oficial* of the 25th, containing the explanation of the offensive article of

the 21st, a translation of which explanation I inclose; and he informed me that my request for the publication in the *Diario Oficial* of my memorandum had been considered in a cabinet meeting; that the explanation in the *Diario Oficial* of the 25th had been ordered, which, it was supposed, would be satisfactory to me; that the cabinet deprecated a discussion of the question in the press, but if I still insisted upon the publication of my memorandum it would be made, but the minister said it would have to be accompanied by a reply from him.

I answered Mr. Vallarta that the explanation of the *Diario Oficial* of the 25th was only partially satisfactory, as it was disingenuous in seeking to base its first article upon the statements of American newspapers as well as the private information of the government, when in fact the first article only alluded to the latter; that the question of doubt as suggested in the first article was not so much as to the alleged evil influence which had controlled the Government of the United States, but rather as to Mr. Lerdo's complicity therein; that the first article had accomplished the desired effect in being at once reproduced in all the Mexican newspapers with bitter comments against my government, while the explanation would appear in very few of them (as has really been the case); that I could not well discriminate between the editor of the *Diario* and the government, as it was the official journal, used by the ministers as the medium of expressing their views editorially, and the editor was an officer of the government, acting under the direction of the Executive; that the controversy could not be intensified by the publication of my memorandum, as the press could not possibly assail the United States more bitterly than it had already done; that a correct statement of the position of my government would be beneficial to both countries, and that I did not intend to make rejoinder to any reply he might see proper to make to the memorandum.

Mr. Vallarta, on leaving, said that my memorandum would appear the next day in the *Diario Oficial*, with his reply.

The day following Mr. Vallarta's visit, Mr. Romero, minister of the treasury (former minister to Washington), called upon me (yesterday), and said that the President was very much embarrassed by my request, and that he disliked to have any official discussion in the press; that the cabinet had again considered the subject, and had instructed him to suggest to me that, in order to avoid an official character, the substance of my memorandum be published in the *Diario Oficial* as the position to be held by the Government of the United States, omitting to state the source whence it came, and without any reply being made in the *Diario*.

I answered Mr. Romero that I was very willing to yield to the indication of the President; and Mr. Romero stated that he would re-edit the memorandum, and would endeavor to have it appear in the *Diario* of that afternoon.

The publication, however, was not made; and Mr. Romero called again to-day to explain the failure, saying that the cabinet, in reconsidering the subject, were disinclined to make the publication in the form indicated by him yesterday. He said the President had requested him to call on me and express his desire that I would withdraw my request, as the publication in the *Diario* might seriously embarrass his government.

I at once replied that, coming in the friendly manner that it did, I could do nothing less than yield to the President's desire, which I cheerfully did; although I was convinced its publication would be beneficial to both countries in dispelling prejudices and creating a better state of feeling.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Evarts.

[H. Ex. Doc. 13, 45th Cong., 1st sess., p. 14.]

UNITED STATES LEGATION,
Mexico, May 28, 1877.

SIR:

Mr. Vallarta informs me that the President will dispatch to that frontier a prominent and prudent general, with a sufficient federal force to compel obedience and co-operation on the part of the local authorities, and that the General in command will place himself in communication and act in accord with general Ord in repressing out-lawry on that frontier. Mr. Vallarta said his government recognized the importance of the frontier question, and was determined to do all within its power to bring about a satisfactory solution of it.

Very truly,

JOHN W. FOSTER.

Mr. Evarts to Mr. Foster.

[H. Ex. Doc. 13, 45th Cong., 1st sess., p. 15.]

No. 395.]

DEPARTMENT OF STATE,
Washington, June 21, 1877.

SIR: I transmit a copy of letters to this department from the Secretary of War, of the 13th, 15th, and 16th instant, with their accompaniments. They relate to a conflict between troops in the service of Diaz and other forces, supposed to be in the interests of Lerdo, on the Rio Grande frontier. It seems that the Diaz troops, after defeating and routing their adversaries on Mexican soil, pursued them into Texas, where they again attacked and dispersed them. This was a violation of the territory of the United States which you will lose no time in remonstrating against.

While it is deemed hardly probable that this unjustifiable invasion of American soil was made in obedience to any specific orders from the Mexican capital, it is, nevertheless, a grave violation of international law, which cannot, for a moment, be overlooked. You are instructed to call the attention of the officers of the *de facto* government, with whom you are holding unofficial intercourse, to this case, and to say that the Government of the United States will confidently expect a prompt disavowal of the act, with reparation for its consequences, and the punishment of its perpetrators.

I am, sir, &c.,

WM. M. EVARTS.

Mr. Evarts to Mr. Foster.

(H. Ex. Doc. 13, 45th Cong., 1st sess., p. 28.)

No. 397.]

DEPARTMENT OF STATE,
Washington, June 22, 1877.

SIR: Referring to your separate dispatch of the 28th ultimo, advising me that the President of Mexico would dispatch to the Rio Grande a prudent general with a view to co-operate with General Ord in repressing outlawry, I now transmit for your information a copy of a letter of the 19th instant, from the Secretary of War, and of the instructions issued by the General of the United States Army upon the subject, which accompanied it.

I am, &c.,

WM. M. EVARTS.

[Inclosure No. 12.]

Mr. McCrary to Mr. Evarts.

WAR DEPARTMENT,
Washington City, June 19, 1877.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, transmitting a copy of a letter from the minister of the United States at Mexico, stating that the President of the Mexican Government will dispatch to the Rio Grande border a prudent general with a view to co-operate with General Ord in repressing outlawry, and beg to inclose for your information a copy of instructions issued by the General of the Army on the subject.

Very respectfully, your obedient servant,

GEO. W. MCCRARY,
Secretary of War.

Hon. SECRETARY OF STATE.

[Telegram.]

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., June 9, 1877.

General P. H. SHERIDAN,
Commanding Military Division of the Missouri, Chicago, Ill.:

The Secretary of War has received, through the State Department, a letter from Mr. Foster, our minister at the city of Mexico, dated May 28, 1877, in which he says the President of the Mexican Republic is at last awakened to the importance of repressing

outlawry on the Texas frontier; that he will send a prudent general to that frontier, with an adequate force and instructions to co-operate cordially to that end with General Ord. The whole correspondence will come to you by mail; but meantime the Secretary of War wants you to instruct General Ord to meet this offer of reciprocity cordially, to meet or correspond with the Mexican general thus sent to the frontier, and not to be hasty in pursuit across the border, except in an aggravated case.

W. T. SHERMAN,
General.

Mr. Foster to Mr. Evarts.

(H. Ex. Doc. 13, 45th Cong., 1st sess., p. 34.)

LEGATION OF THE UNITED STATES,
Mexico, July 7, 1877.

SIR: Referring to your dispatch, No. 397, of the 22d ultimo, in which you inclose to me a copy of a letter from the Secretary of War with the instructions issued by the General of the United States Army to General Ord to co-operate with the Mexican general on the Rio Grande frontier, I have to report that I to-day left a copy of said inclosure with the Mexican minister of foreign affairs.

I am, &c.,

JOHN W. FOSTER.

NOTE.—The answer which the minister has made is contained in the memorandum transmitted with my No. 572, of this date.

Mr. Foster to Mr. Evarts.

(H. Ex. Doc. 13, 45th Cong., 1st sess., p. 35.)

No. 572.]

LEGATION OF THE UNITED STATES,
Mexico, July 9, 1877.

SIR: In conformity with the instructions contained in your dispatch No. 395, of the 21st ultimo, I called on the Mexican foreign office, and informed Mr. Vallarta, the minister of foreign affairs of General Diaz's government, of the violation of the territory of the United States, as related in the inclosures of the Secretary of War, and made a formal demand on him for a disavowal of the act, with reparation for its consequences and the punishment is perpetrators.

Mr. Vallarta answered that so far as he was informed his government had received no intelligence of the event, but that he would bring the matter immediately to the attention of the President, and would advise me at as early a time as possible of the President's decision of the subject.

In view of the minister's statement that he had received no information as to the affair, I furnished him with a copy of your dispatch and its inclosures from the Secretary of War, containing the reports of our military officers as to the occurrence.

This forenoon Mr. Vallarta sent me a personal note, asking me, if convenient, to call at the foreign office at 12½ o'clock to-day, in order that he might communicate to me the decision of the government. At that hour I presented myself at the foreign office, and Mr. Vallarta handed me a written memorandum, which he asked that I might consider as the verbal answer made to my demand on the 7th instant, and which he had reduced to writing; stating at the same time that his government completely disavowed the violation of American territory; that it had directed a prompt investigation, in order that full reparation might be made and proper punishment inflicted upon the perpetrators, of which investigation he would advise me as soon as it was received by his government.

In receiving the memorandum, I replied that I would at once transmit a copy thereof to my government for its information. The copy is herewith inclosed.

In examining the memorandum, I find that it also refers to the instructions telegraphed to General Ord, of which you inclosed me a copy in your No. 397, which I communicated to Mr. Vallarta on the 7th instant. It will be seen that while he expresses the gratification of General Diaz at what is termed a modification of the order of June 1, he thinks that that restriction is not sufficient to preserve unharmed the autonomy of Mexico, and that he hopes the order may be finally so modified as to no longer wound the dignity of Mexico. As the latter subject was not verbally referred to by Mr. Val-

larta in our interview, I have not thought it necessary to make any written or other reply thereto, especially as in previous interviews I had fully discussed the order of June 1, and had no disposition to anticipate your views upon the further modification suggested in Mr. Vallarta's memorandum.

I have respectfully to request specific information and instructions in reference to the reparation which it is expected Mexico will make for the consequences of this violation of territory.

I am, sir, &c.,

JOHN W. FOSTER.

[Inclosure.—Translation.]

Memorandum of the conference held at this ministry between the secretary of relations and his excellency the minister of the United States.

The minister of relations stated to Mr. Foster that he had made known to the President of the republic the complaints which, in the name of his government, Mr. Foster had thought proper to make to him orally in the conference held in the evening of day before yesterday at this ministry, and read to him literally the copy of the dispatch which the Department of State addressed to Mr. Foster under date of the 21st of June last; in which dispatch, referring to the inclosures it contained, it is said that a party of Mexican troops crossed the boundary of the two republics, and within territory of the United States put to rout another Mexican force which it was pursuing, thereby violating the territory and infringing the law of nations; wherefore Mr. Foster is instructed to make a formal representation to the Government of Mexico, the Government of the United States confidently expecting that that act will be promptly disapproved, by reparation for its consequences and by the punishment of the persons engaged in it.

The President has ordered the secretary who is speaking to say to Mr. Foster that he has not yet received official information from Mexican authorities in regard to the particulars of the event which is the subject of this note, but that he has already directed, through the office of the secretary of war, that the proper parties be urgently requested to make at once due judicial investigation, in order that the parties who prove to be guilty may be punished. If unhappily any superior or inferior officer of Mexico has ordered an invasion of the territory of the United States, or it should appear that in any other way such invasion has been made in violation of the law of nations, the President assures him, through the undersigned, that he will order the reparation to be made for this act which is in justice due.

■ The Department of State does justice to the Government of Mexico in not believing that that invasion had been effected by orders emanating from this capital. So far has the Mexican Government been from ordering it, that, on the contrary, it has positively instructed General Treviño, in an official letter of the 18th of June last, which intrusted to him the military command of the line of the Bravo, that, "in obedience to article 72, section 16, of the federal constitution, he should not consent to the troops of the United States entering into our territory, and that, in respect to the sovereignty of that republic, he should prevent the Mexicans from treading on foreign territory." The government, which knows that international law prohibits the entrance of foreign troops into foreign territory without the consent of its sovereign, and which has been proclaiming and defending the principle, cannot disregard it when in its turn the Department of State invokes it.

Until the minister of relations can inform Mr. Foster of the new measures which the President may adopt in virtue of the official advices which he is awaiting and of the result of those which he has already adopted, the same minister has instructions to state to him that the Mexican Government accepts, acknowledges, and will cause to be fulfilled on its part the principles which the Hon. Mr. Evarts invokes in the dispatch referred to, and that it will adjust its conduct to them, by looking on the passage of forces into foreign territory as an unjustifiable invasion, that is condemned by international law. This conformity of opinions between the two governments will prevent any cause of complaint between them arising out of the disagreeable occurrence which is under discussion.

The minister of relations continued to say that he had also acquainted the President of the republic with the contents of the copy of the dispatch of the War Department of the United States of the 19th of June last, which Mr. Foster was pleased to deliver to him at the same conference of day before yesterday; which dispatch relates to the new instructions that the General-in-Chief of the Army of that republic communicates to General Sheridan on account of the reports which Mr. Foster sent to the Department of State on the 28th of May previous, in regard to the measures which the Government of Mexico might take by sending a general of the army to the frontier, in order that, acting in conjunction with the American officer, he might co-operate in the re-establishment of security in the frontier districts.

The minister said that the President had seen with satisfaction that the Government of the United States had modified the original order sent to General Ord on the 1st of June last, by withdrawing from him the discretionary authority to invade the territory of Mexico in pursuit of the malefactors, seeing that in his new instructions he is ordered "to not hastily cross the frontier-line, but only under a grave emergency." The President considers this restriction of that order as an acknowledgment of the rights of the republic, and, judging under this aspect, he duly estimates it. But he believes at the same time that that modification, however important it may be, does not suffice to leave unharmed the autonomy of Mexico. The invasion by foreign troops of the territory of a friendly nation, made without the consent, and even against the will, of its government, is always a violation of international law and an offense to the sovereign of the invaded territory. In the instructions newly communicated to General Ord, notwithstanding their limitations, is continued in force the order to invade Mexico "in a grave emergency," and the government of the republic thinks that that exception is not authorized by the law of nations.

The same minister continued to say that the President confides so far in the equity of the Government of the United States as to hope that the orders to invade the republic will be withdrawn completely. The principles which the Department of State maintains on the subject of the invasion of foreign territories, and in which the Mexican Government entirely concurs, the measure already adopted for the satisfactory settlement of the difficulties on the frontier, and the spirit of conciliation which prevades the late instructions of the General-in-Chief of the Army of the United States in regard to this matter, are alike reasons for the government of the republic to hope that the order referred to will be finally so modified as not to wound the dignity of Mexico.

Mexico, July 9, 1877.

J. L. VALLARTA.

Mr. Foster to Mr. Evarts.

(H. Ex. Doc. 13, 45th Cong., 1st sess., p. 37.)

LEGATION OF THE UNITED STATES,
Mexico, July 24, 1877.

SIR: In my No. 560, of the 28th ultimo, I gave an account of the excitement occasioned in this city by the publication of the instructions of June 1, to General Ord; of the misrepresentations of the spirit and intentions of the Government of the United States; of a memorandum which I had left at the foreign office, with the request that it be published; and of the circumstances under which I was induced to withdraw my request for its publication.

On the 20th instant, in a call which the minister of foreign affairs made at the legation, he handed me a memorandum which constituted a reply to my memorandum of the 23d ultimo, and which he asked might be considered as the substance of his replies to me in our conference last month on the subjects referred to therein. I inclose a translation of the minister's memorandum.

As the main purpose of my memorandum had been to correct, by prompt publication, the unjust arraignment of the President of the United States and his cabinet, made in the official organ of the Mexican Government, which purpose was not accomplished, and in view of the fact that the subjects discussed therein were likely soon to become a matter of treaty negotiation, I regarded further discussion as undesirable and inopportune. I have, accordingly, addressed Mr. Vallarta an unofficial note in that sense, of which I inclose herewith a copy.

I am, &c.,

JOHN W. FOSTER.

[Inclosure.—Translation.]

Memorandum of the replies given by the minister of foreign affairs to the points made by his excellency the minister plenipotentiary of the United States in the conferences had between them in this department.

I. It is true that the Government of the United States has proposed on several occasions that the troops of both republics should reciprocally pass the frontiers in pursuit of savage Indians or marauders; but it is also true that that of Mexico has replied on all occasions that it is not within its power to grant such permission to foreign troops, and when it has been sought to obtain it of the Congress of the Union it has been seen that such a measure would not be approved. This was stated by the chief clerk of the

department to the secretary of the American legation in the conference which they held the 14th of April, 1871, and this was also stated by the minister of foreign affairs to Mr. Nelson in his note of the 20th of the same month.

In the conference held in Washington, between the minister plenipotentiary of Mexico and the Hon. Secretary of State, on the 30th of April, 1875, the convenience of that measure was again insisted upon on the part of the Government of the United States. The Mexican minister doubted the propriety of the measure, fearing the abuses that would be committed, notwithstanding the good faith of the two governments, and also manifesting that he was ignorant as to whether Congress would consent to the entrance of foreign troops into the national territory. In the discussion which took place on this point no agreement whatever was arrived at, and the Hon. Secretary of State terminated the conference by saying that his object had been to call the attention of the government of the republic to the importance of the frontier affairs, to the end that the most adequate remedies might be applied to the evils suffered, and concluded by expressing his desire that the Mexican Government should propose those which it might consider efficacious.

If, as stated by Mr. Foster, referring to his dispatch of the 7th of July, 1875 (Diplomatic Correspondence of the United States, paragraph 2, page 949), he informed Mr. Lafragua that "unless those depredations ceased such a measure as that announced in the instructions to General Ord might be anticipated," to which intimation, as Mr. Foster informed his government in that dispatch, the minister of foreign affairs did not give a direct answer, this cannot signify, and does not signify, that the Mexican Government has tolerated at any time or does tolerate the violation of the national territory by the entrance into it against its will, or without its consent, of foreign troops. This is not the first time that the government has ordered that force to be repelled by force in the extreme case of an invasion. When an American officer in November, 1875, threatened to enter Mexican territory in pursuit of some criminals, and subsequently carried out his threat, General Fuero, in accordance with instructions from his government, forthwith wrote on the 20th of that month to General Potter, commander of Brownsville, stating to him that that invasion was contrary to the treaties between Mexico and the United States, and was condemned by the law of nations, and notified him that if he did not order the American troops to retire from the national territory, besides protesting against that aggression, he would be under the necessity of repelling force by force. General Potter replied that although he had repeated his orders on the 19th, instructing the American officers particularly not to make an aggressive movement against Mexico, those orders had not been obeyed; but immediately on learning what had happened, he had again repeated them, and the American troops retired. He concluded by saying to General Fuero: "Hence you see, general, that the invasion of Mexican territory and the violation of the laws to which you allude, were committed contrary to the orders that the officers of the troops of the United States had received."

The undersigned has manifested to Mr. Foster in different conferences had since the month of January of the present year, that the government has been and is disposed, because such is its duty, to give protection to the Mexican frontier, pursuing Indians and marauders, and avoiding motives of complaint by or conflicts with the neighboring republic; but that the tranquillity of these frontier regions cannot be the result of an isolated measure, but the effect of a combination of measures that strike at the root of the elements of evil that exist there; that the passage of troops, although reciprocal and agreed to by both governments (and if this should not be the case, such passage would constitute an outrage which would aggravate the situation), could not of itself be the remedy for such old evils, but on the contrary, taking into consideration the condition of the frontier, as has been thought by former administrations, might even cause greater and more serious complications; that the present government, at a proper and convenient time, would propose the measures which, in its judgment, would serve to re-establish security and order in that region, hearing those the Government of the United States might suggest, and devoting to this important question all the attention which it demands.

II. If the United States complain with reason of the depredations which have been committed on the frontier, Mexico has the same or greater right to make the same complaints, because the evils which cause them are common to both countries. This is a truth which the Hon. Secretary of State has explicitly acknowledged. In the conference which he had with the plenipotentiary of Mexico, on the 30th of April, 1875, he manifested to this official "that the troubles of the frontier are exaggerated in Texas, either in the interest of those who wish to present claims or those who desire that more forces may be stationed on the banks of the river for the purpose of making contracts for the supplies for the troops," &c., &c., and adding, "it is undeniable that such disorders exist, which may be committed by robbers who may not be citizens of either country." All this was stated by this department to the American legation in a note of the 30th of December, 1875, attempting to prove thereby that the charges made against Mexico are unjustifiable, when it is sought to show that the robbers who

are the authors of all the depredations are on this side of the Bravo, and on the other side are only their victims.

In replying to that note on the 9th of February, 1876, Mr. Foster manifested that, not having a complete report of Mr. Fish's conversation with Mr. Mariscal, he was unable to estimate its application to the question, and referring to his different notes of the year 1875, in order to sustain his charges against Mexico, concluded, nevertheless, by acknowledging the possibility that all the robbers are not Mexicans, but insisted that they proceed from Mexican territory, where they find refuge after committing their crimes.

The northern frontier investigating commission not only proved that many of the charges made against the Mexicans by the inhabitants of Texas were wholly unfounded, but detailed the robberies, acts of violence, and crimes which had been committed on the Mexican side by Americans, who also enjoyed the most complete impunity; but inasmuch as Mr. Foster only wishes to speak of acts subsequent to the report of that commission, the undersigned, in order not to occupy himself with the enumeration of isolated events, will confine himself to calling attention to one single fact which, on account of its importance and transcendancy, not only justifies the complaints of Mexico, but which is, at the same time, one of the principal causes of the depredations and robberies charged to the republic.

Some of the authorities of Coahuila stated to the government in May, 1876, that the crime of cattle-stealing had assumed alarming proportions in those regions, because in American territory there existed organized companies for the cheap purchase of stolen cattle, and that they stimulated the robbery of animals on a large scale; that this added to the difficulty of the apprehension of the thieves, who, by simply crossing the Bravo, placed themselves beyond the reach of their pursuers, and kept the inhabitants of that section in great alarm. If information of this report, and some others which go to show that the depredations have at least been common to both frontiers, has not been given to the legation of the United States, it is due to the fact that the Government of Mexico has thought proper to communicate directly with its minister in Washington, for the purpose of procuring the accord of the Government of the United States for the remedy of these common evils.

The Government of Mexico can give the most conclusive reply to this class of charges, invoking the most authentic, the most respectable, and impartial testimony that can exist on this subject, that of Sir Edward Thornton, arbitrator in the Mixed Claims Commission, appointed by the two governments. These same charges were carried by an American citizen before this tribunal, indemnification being asked of Mexico, and the arbitrator expressed himself in regard to the claim, No. 647, of William C. Dickens, in these terms:

"With respect to the case No. 647, of William C. Dickens against Mexico, it is shown, beyond doubt, in the judgment of the arbitrator, that during the last few years robberies of cattle have been committed in the territory of Texas which joins Mexico, and that those cattle have been carried to the other side of the Rio Grande, but the proof that the thieves have always been Mexican citizens and soldiers, that the bands have been organized on Mexican soil, with the knowledge of the authorities of the republic, and that the victims of those robberies have been denied reparation by those authorities when they have demanded certain lots of cattle, after having proven their property, appears to him to be wholly inadequate. * * * * The claimant truly says that these bands of thieves can be collected quickly, and make their incursions when the United States troops are at a distance from the point of attack. But if this makes it difficult for the authorities of the United States to prevent such incursions, it is the case with more reason with regard to the Mexican authorities, as, if to collect a band to cross the river is the work of an hour, to collect a considerable drove of cattle and drive them to the Mexican territory requires a much longer time, and gives greater opportunities to the authorities of the United States to attack the robbers and recover the cattle." * * * *

"Hence it does not appear as a general rule that there has been a greater want of vigilance on the part of the Mexican authorities than on the part of the authorities of the State and those of the United States.

"The arbitrator does not find in this case sufficient evidence to make the Government of Mexico responsible for the losses suffered by the claimant, and he consequently decides that this claim be dismissed."

What the arbitrator says in his decision is the truth that Mexico has been sustaining in this question, a truth that, being examined, no longer admits of doubt.

III. The Government of Mexico has dictated the measures which have been within its power to suppress the depredations on the frontier, and remedy the evils suffered from them on both sides. In the long and troublesome Indian question, the conduct of the government was such that it received the eulogies of the Hon. Mr. Fish and of the legation of the United States. (Mr. Foster's note to Mr. Lafragua of the 1st of December, 1873.) And in relation to robberies committed by outlaws, not a single case has been complained of to the government, in which it has not dictated its measures

for the apprehension and chastisement of the criminals. Different notes that could be cited in testimony of this truth, and many orders issued by the departments of foreign affairs, war, government, and justice, establish the fact that the government has never been indifferent to the sufferings and painful condition of the inhabitants of the frontier.

If, notwithstanding all this, the evil still exists, it does not prove the want of a disposition on the part of the government to remedy it. That evil is the result of many causes which have co-operated to develop it; it is sustained by unlawful interests which nourish it, and the circumstances of locality favor it. The strength, the vigor of that evil is such that it has not only resisted the action of the Mexican Government, which combats it, but also that of the American Government, which is equally desirous to destroy it. And as the accusations made against the latter because it has not extirpated it at one stroke and in a single day are not just, as nobody can say with reason that the American Government is wanting in will or is powerless, because its vigorous action does not penetrate extensive desert regions, so Mexico cannot be held guilty because its efforts to establish security on the frontier have not met with the success desired. Although the sending of a general of rank to that region, who, with the necessary federal force, might pursue the robbers in combination with the American officers, is a proper measure, it is not the only one, nor the most important, that should be taken to give security to the frontier. With respect to it, however, the government has been and is in such conformity that it has already invested General Treviño with the military command of the Bravo (Rio Grande).

It is not strange that the legation of the United States has been ignorant, in the majority of cases, of the orders which, through the respective departments, have been issued by the government for the pursuit, apprehension, and chastisement of the criminals, and the recommendations made to the tribunals for the prompt administration of justice, because, as orders wholly pertaining to the interior administration of the republic, in most instances they have not been made known to the legation. Therefore the charge made by Mr. Foster against the government that, according to his information, absolutely nothing has been done to repress the invasions, has been proven to be destitute of foundation.

IV. The undersigned has manifested to Mr. Foster on several occasions that, in order to establish order and security on the frontier, the stationing of troops there by the two governments is not sufficient; more permanent measures are needed, vigorous measures that will prevent the incentive to robbery and the profit of cattle-stealing from defying the vigilance of the most effective police that can be established there. And hence, if the present government has not proposed before this those measures which in its judgment would give the desired results, it has been, as Mr. Foster has been informed by the undersigned, on account of the anomalous relations that have existed up to the present between the two governments. Notwithstanding this, that of Mexico is so desirous of giving its protection to the inhabitants of the frontier, and to avoid any motive of complaint on the part of the neighboring republic, that, on appointing its new minister plenipotentiary to Washington, it has given him the fullest power and most ample instructions to discuss and arrange with the Government of the United States these affairs in a manner satisfactory to both republics.

When the undersigned told Mr. Foster that the government could not devote its attention to those affairs until after it should be able to re-establish peace, which had been disturbed by the last revolution, General Revueltas was in the very act of throwing off all obedience to the authorities, and while a portion of the frontier still withheld its allegiance from the government established in this capital. To say this is to prove the insurmountable obstacles which prevented the government from giving its attention to those affairs in the first four months of its existence. Afterward, and as soon as it was possible, the government dictated several orders for the maintenance of security on the frontier, orders so efficacious, that, as is notorious among the inhabitants of those regions, and as is recognized by the not impartial press of Texas, the depredations have diminished to such an extent that the inhabitants of the frontier enjoy a relative security, such as had not been enjoyed for many years previously.

Mr. Foster fears that if one of the rivals to the Presidency should succeed in organizing a counter revolution, the government would abandon the Mexican side of the Rio Grande to thieves and marauders. Fortunately that fear is unfounded; the Mexican people sustain the present government, and will not accept new revolutions at any price. Besides, the possibility of that contingency cannot be invoked as a reason to suppose that the troubles of the frontier will not receive a remedy, above all when no nation can be assured against that contingency.

The breaking out of a civil war in Mexico would be a calamity very much to be regretted, as would be the case if a revolution should again agitate the United States. In such an unfortunate emergency, it would not be strange if Mexico should not be able to attend to the Rio Grande frontier, inasmuch as during the Confederate war the United States were obliged to do the same, the consequences of which were very serious for Mexico. The invasion of savage Indians which was then suffered by the Re-

public, on account of the Indian reserves having been abandoned (without referring to other evils which were the result of that war), was a great and real calamity to Mexico.

V. The Government of Mexico has understood the significance and appreciated the consequences of the instructions given to General Ord. The circumstance of the authority given that officer to enter Mexican territory being conditional does not lessen its offensiveness to Mexico, inasmuch as the fulfillment of that condition is left to the execution of that officer. Not even under those conditions can the government of the republic consent to the invasion of the national territory and permit a foreign officer, to whom neither the law of the country nor that of nations gives any authority whatever to come and exercise acts of jurisdiction according to his discretion. In order to understand that that order, although conditional, is an *offense* to Mexico, it is only necessary to examine its literal expression; the Government of the United States itself has understood thus: "While the President," it says, "is anxious to avoid giving *offense* to Mexico, he is nevertheless convinced that the invasion * * * should be no longer endured." The words leave no doubt on this point.

Mexico has another reason for complaint on account of that order. Lieutenant-Colonel Shafter, to whom it refers, is the same officer who, on the third of last April, invaded Mexican territory, taking possession of Piedras Negras, and not in pursuit of outlaws, but to take by force from the Mexican authorities two Mexican criminals, guilty of crimes committed in Mexican territory. By orders from this department, communicated on the 16th of April to the minister of Mexico in Washington, on the 28th of the same month the latter protested against that invasion, asking the Government of the United States to punish the culprits and to give proper guarantees for the future. And although the honorable Secretary of State replied on the 1st of May that he had asked for information on the subject before taking steps, as appears from documents in this department, on the 1st of the following June the order in question was issued by the War Department. To revert to these circumstances is sufficient to understand why, in consequence of them, the Government of Mexico has considered such an order as still more offensive to the republic.

VI. The order issued by the minister of war of the national government on the 18th of this month is based on the law of nations, and was the fulfillment of an inexorable duty on the part of the government. To prove that the instructions given to General Ord violate the treaties between Mexico and the United States is as easy as it is to point out the articles infringed. They are: Article 34, fraction 3, of the treaty of the 1st of December, 1832; article 21 of the treaty of the 30th of May, 1848, and article 7 of the treaty of the 31st of May, 1854. The Government of the United States, without observing the proceedings marked by those articles, and deciding of itself that Mexico has failed to comply with its international duties, issued the order of the 1st of June, authorizing acts of aggression against Mexico. This is prohibited by the articles cited.

It is a maxim accepted by publicists that a state cannot send its troops into a foreign territory without the consent of the sovereign of that territory. The independence and sovereignty of nations would be at the mercy of the most powerful or the most audacious, if this maxim should even be questioned. And supported on bases even more solid, it is recognized that these troops or their officers cannot, even having permission to enter a territory, exercise any act of jurisdiction in foreign territory; that they cannot punish criminals nor recover stolen property without the intervention of the national authorities. These maxims, which are held as undeniable precepts of international law, are in open conflict with the order of the 1st of June.

These brief but decisive considerations are the basis on which is founded the judgment which the Mexican government has passed upon the order, reputing it offensive to Mexico, contrary to the treaties, to international law, and the practices of civilized nations. In thus acting, the government of Mexico has confined itself to defending itself against an unjust aggression, with the support of the evidence in its behalf. And its order of the 18th of June was not the result of violence or haste. It was fully discussed in cabinet meeting, with the calmness and meditation demanded by the gravity of the question. The issuing of that order on the part of the executive was the fulfillment of its duty, which cannot and should not be sacrificed upon any occasion.

Mr. Foster thinks the local item published in the *Diario Oficial* of the 21st instant is of the same origin and character as the order of the 18th. This is not the case. The government has repeatedly declared in that paper that the "*Diario Oficial* is its organ in its official section, and that outside of this section its publications have no more value than is given by their private origin." This alone would be sufficient to show that the comments made in that paragraph regarding the news on American politics have no official character whatever; but besides this, the explicit declarations of the author of the paragraph in question, manifesting that, not even in the conditional manner in which he wrote, did he make himself responsible for the comments which are even made by the American press, and which declarations are repeated in the *Diario* of the 22d and 25th of this month, should furnish complete conviction that the

said paragraph not only did not have an official origin or character, but that it did not even insure the statement which it made. The undersigned expressly assures Mr. Foster, therefore, that that paragraph is not official, nor has it any connection with the order of the 18th instant issued by the War Department.

The minister of foreign affairs can assure Mr. Foster that the Mexican Government participates, in an equal degree of sincerity, in the desires of his excellency that cordial relations may soon be established between the two countries, 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 those relations. If the frontier difficulties have been until now the cause of constant unpleasant questions between the two nations, and at times have been the motive for conflict between them, the Government of Mexico, after a conscientious study of these affairs, has sent its plenipotentiary to Washington with the necessary instructions to propose the measures which in its judgment will give a satisfactory solution to those difficulties. The present Government of Mexico, zealous in the fulfillment of its international duties, of which it has already given undeniable testimony, will omit nothing in order that the honor of the republic, which is bound to the fulfillment of those duties, remain unstained in its relations with foreign powers.

I. L. VALLARTA.

MEXICO, June 30, 1877.

[Inclosure—Unofficial.]

Mr. Foster to Mr. Vallarta.

LEGATION OF THE UNITED STATES,
Mexico, July 23, 1877.

SIR: I have examined with care the memorandum which your excellency handed me on the 20th instant. While it reviews at considerable length the brief memorandum which I left at the foreign office on the 23d of the month past, I do not regard a single one of the six points noticed therein as successfully assailed. Were it desirable to enter upon an extended discussion of these points, I might be inclined to refer to some of the fallacious inferences which your excellency has drawn from the inconsequent statements presented by you. But your excellency will remember that when I left my memorandum at the foreign office, I stated that I had prepared it on account of the publication made in the *Diario Oficial* of the order of the minister of war to General Treviño, and especially of its editorial statement of June 21 that the President of the United States had issued the instructions to General Ord through sinister and disreputable influences; that the arraignment of my government in the manner stated was creating an unjust prejudice and excitement in Mexico, which might result in lasting injury to both countries; that I deemed it due to my government that a brief and precise statement of its position be at once made public in the columns of the official organ in which it had been imprudently assailed; and that I left the memorandum with a request for its early publication, notifying you at the same time that I regarded it as my duty to furnish a copy thereof to my diplomatic colleagues for the information of their respective governments.

Your excellency will remember that after subsequent interviews in regard to its publication, I was induced at the personal instance of the president of the republic, expressed through one of his cabinet ministers, to withdraw my request for the publication of my memorandum.

As the special object for which the memorandum was prepared has not been accomplished, and in view of the fact stated in your excellency's memorandum, that the Mexican Government is desirous of entering upon treaty negotiations for the adjustment of the questions therein referred to, I do not, therefore, regard it as either desirable or opportune to continue the discussion. I have, however, to request that the present note may be included in any publication which the Mexican Government may think proper to make of the memoranda.

It is pleasant for me to have this opportunity to repeat to your excellency the assurances of my very distinguished consideration.

JOHN W. FOSTER.

To his excellency I. L. VALLARTA,
Minister of Foreign Affairs, Mexico.

Mr. Foster to Mr. Evarts.

(Foreign Relations, 1877, page 419.)

LEGATION OF THE UNITED STATES,
Mexico, July 13, 1877.

SIR: The report of the conference had between General Ord, commanding the American forces in Texas, and General Treviño, the Mexican commander on the Rio Grande frontier, reached this city through the newspapers of the United States by last mail, and the results of said conference have been the subject of considerable discussion in the Mexican press.

The report of the conference as received here is that contained in the telegram of General Ord to Lieutenant-General Sherman, dated Fort Clark, Texas, June 19, in which, referring to General Treviño, he says:

"There is a good understanding between us on the basis of my instructions regarding prompt action to suppress marauding and the co-operation of our troops on both sides of the river in necessary pursuit."

Some of the opposition press have interpreted this report of General Ord to mean that Treviño, in the conference, has agreed to the passage of American troops across the boundary into Mexican territory in pursuit of raiders, and have accordingly harshly attacked the administration of General Diaz for permitting the national territory to be violated and for humiliating the Mexican nation by yielding to the demands of the United States. The *Diario Oficial*, the government official organ, has replied that General Treviño has made no such agreement for the passage of American troops into Mexico, and that the government has not receded from the position assumed in the order of the minister of war, of 18th ultimo, requiring the commander on the northern frontier to resist by force any passage of the frontier by American troops, and demanding the recall or modification of the instructions to General Ord on that point. I inclose a translation of the *Diario Oficial's* reply. Since these articles have appeared General Treviño's official report of the conference with General Ord has been published, a translation of which I herewith transmit.

It will be seen that he expressly states that he declined General Ord's proposition for the reciprocal passage of the frontier by the troops of either nation in pursuit of outlaws.

General Treviño makes an important statement in his report in regard to the Lipan Indians, whose continued residence in Mexico near the frontier has been the principal cause of the recent raids, murders, and robberies in Texas.

Attention is also called to the character of the force which he proposes to employ to co-operate with the American troops, and to suppress the raids and outlawry on the frontier. He intimates that the regular federal troops cannot be stationed on that border because they "disperse for different causes," which I understand to mean that they dissolve by desertion, as was stated to me by the former administration, as an excuse for not sending troops to that region. General Treviño states that he has taken steps to organize a volunteer force from the vicinity of the border, to which he proposes to intrust the protection of the Rio Grande, and urges upon the government the importance of providing for their support and prompt payment.

In my opinion there are two objections to intrusting the preservation of the peace and order of the border to such a volunteer force. First, being an independent corps, enlisted at a much higher rate of pay than the regular troops, removed a great distance from the federal treasury, and beyond the reach of custom-houses likely to possess federal receipts, there is great danger that their subsistence and pay will be neglected. Second, being composed of residents of the Rio Grande, there is a possibility that they may be subject to the objection which I have repeatedly made to the local authorities, their sympathy or complicity with the robbers, and, being an independent corps, they will not be subject to the same discipline and restraint as the regular troops, and will be as likely to provoke hostility as to repress raids.

I regard it as imperative on the part of Mexico to adopt much more effective measures than those proposed by General Treviño, in order to discharge its international obligations on the Rio Grande.

I am, &c.,

JOHN W. FOSTER.

[Inclosure.]

General Treviño's report of his interview with General Ord.

CONSTITUTIONAL ARMY,
HEADQUARTERS OF THE LINE OF THE NORTH,
Monterey, June 30, 1877.

To the Citizen Minister of War:

On my way to this city I received the instructions which the federal government communicated to me by telegraph through General Canales, and, in view of their importance, I sent a courier to General Ord, telling him that I would communicate to him the instructions I had received from my government by means of a commissioner, as ordered by your department. That commissioner *ad hoc*, Mr. Bibiano L. Villareal, is preparing for his journey, and he will surely be on the road to-day or to-morrow.

During my stay in Piedras Negras, I was visited by General Ord, military chief of the American line, for the purpose of conferring upon the manner of preventing the depredations made for robbery which are experienced on both sides of the Bravo (Rio Grande.)

General Ord saw me at my quarters; I returned his visit, going to his quarters; I visited his camps in the vicinity, and we had a conference. He claimed that the forces of either nation, in following the trail of robbers, might continue the pursuit into the adjoining territory, reporting their operations to the authorities of the respective territory, for their information and aid; and, in order the better to support his position, he cited to me the case in which he had permitted a Mexican force from Sonora to continue into American territory the pursuit of a party of Indians, besides aiding our forces with his troops and furnishing the supplies they needed.

In reply I manifested to said general that the authorization which we were discussing could not be granted by either him or me in virtue of our own power, not even with the acquiescence of our governments, if it should not have the approbation of the respective chambers or Congress, and much less could I do anything in such a difficult question, as I had no express authority to deal with it in any manner; that the pursuit of banditti being an urgent duty of the authorities, and even of private citizens, and to stop the complaints which, with or without foundation, are frequently made by the press of both countries in regard to the conduct of the authorities of the two nations, I would take every measure for the purpose of punishing the crimes that might be perpetrated on the American line by inhabitants or residents of our territory, stationing troops of the line at convenient points, and establishing vigilant forces to patrol our desert places.

I also assured him that those stations or forces being apprised in good time of incursions made by Mexicans to the left bank of the Bravo (Rio Grande), they would have the best results in the apprehension of the delinquents, as they would operate in a country well known to them and against known persons, thus guaranteeing the security of honest travelers or residents, who might easily be confounded with banditti by strangers having no acquaintance with them.

With this, and the promise to communicate to General Ord the instructions which I might receive on the subject from my government, and with the promise which he made on his part to prevent the organization of bands proposing the invasion of our territory, even under the pretext of a political object, we terminated our conference. I should add that in the conferences General Ord always manifested that his government did not propose any act hostile to our country.

On my return from Piedras Negras, I left some regular forces stationed on the Sabinas River, and being persuaded that the Lipan Indians are a constant threat to our security, and by the depredations on the left of the Bravo (Rio Grande) might even complicate our relations with the neighboring nation, I gave orders to Colonel Nuncio to apprehend them and hold them prisoners at the disposition of the government. These Indians are the remnants of the tribe who, on account of their treachery, were almost destroyed by the deceased General Zuazúa. They continue to be as treacherous as ever, and are always lazy, except when they are engaged in robbery, which constitutes their patrimony.

My opinion is that, once apprehended, they should be taken to the interior, divided there among workshops or charitable institutions, where they could be educated or taught to work, according to their sex and age.

I also ordered the organization of a mounted force of auxiliary troops, at the government expense and well paid, to perform the service of the line of the Bravo (Rio Grande). That force, being volunteers, well paid, and composed of men acquainted with the country in which they are to serve, will be the one that will principally comply with the promise I made the American officer, and with it alone that service can be performed, because there the troops of the line disperse for different causes, which I have already stated to the supreme government.

In order to give the security we owe to our citizens, who are frequently the victims

of robberies, the spoils of which are carried to the other side of the Bravo (Rio Grande); in order to maintain the good relations which should unite us with the inhabitants of the neighboring nation, and in order to give respectability to our territory which is exposed to unjustifiable invasions, I hope that your department will approve the measures which I have mentioned, attending promptly to the payment of said forces.

I have been more extended than I intended in order to acquaint the government with what occurred at my interview with General Ord.

On the return of the commissioner, whom in compliance with orders from your department, communicated on the 18th instant, I send to that general, I will report to you the result.

Liberty in the constitution.

G. TREVIÑO.

The Secretary of War to the Secretary of State.
(H. Ex. Doc. 13, 45th Cong., 1st sess., page 175.)

WAR DEPARTMENT,
Washington City, July 17, 1877.

SIR: I have the honor to transmit for your information copy of a telegram of the 14th instant to General Ord, confirming and explaining previous instructions, and directing him to ascertain and report as to the efficiency of General Treviño's force to suppress raids and return stolen property, and to telegraph Treviño's letter and instructions previously referred to. Also copy of a telegram of same date from General Ord in regard to his plans.

Very respectfully, your obedient servant,

GEO. W. MCCRARY,
Secretary of War.

HON. SECRETARY OF STATE.

[Telegram.]

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 14, 1877.

General ORD, Commanding Department of Texas, San Antonio:

Your telegram of yesterday received. The Secretary of War directs that you ascertain and report what force General Treviño has under his command, where they are stationed, and whether, in your judgment, he has the ability at such points and the disposition to aid effectively in suppressing raids, and to capture and return stolen property which may be carried across the border. You will also telegraph, for the information of the Secretary, General Treviño's letter and his instructions, to which you refer.

The Secretary further communicates to you that your orders heretofore given are in all things confirmed. They do not contemplate your passing the border in pursuit when there is a Mexican force ready to execute the duty of suppressing and punishing these predatory incursions into our territory.

When a Mexican force is present to intercept retreating raiders you will leave the performance of that duty on the Mexican side of the line to such force.

In each case report promptly the occurrence and the result of the Mexican dealing with the marauders.

THOMAS M. VINCENT,
Assistant Adjutant-General.

[Telegram.]

SAN ANTONIO, TEX., July 13, 1877.

General TOWNSEND,
Adjutant-General, Washington, D. C.:

To-day Mr. Villareal presents a letter from General Treviño, with a copy of the latter's instructions from Mexico, which are to the effect that he must use force to repel crossing into Mexico as a violation of treaties, &c. He requests that I suspend crossing my troops until treaty can be made to provide against raiding. Have answered him that my instructions require me to cross after raiders as long as they are permitted to cross from other side, and their plunder is not returned, but will forward his request; and I now ask, are my instructions still in force? Am massing troops enough to cross if necessary, notwithstanding any force likely to be brought against them.

ORD,
Brigadier-General.

[Telegram received in cipher from San Antonio, Tex., July 14, 1877.]

TO ADJUTANT-GENERAL, *United States Army*:

I don't wish my telegram of yesterday to be understood as asking new instructions. Those I have will achieve the desired result, for, rather endure the expense and unpopularity consequent upon keeping nearly everybody in the field to meet the respectable force I am collecting to follow raiders' attack, Treviño will soon feel disposed to follow and settle with them himself, and thus make it unnecessary for me to do so. The grazing near Fort Clark is so good this season that it is economy to assemble my cavalry there. The troops move with government transportation.

ORD,
Brigadier-General.

The Secretary of War to the Secretary of State.

(H. Ex. Doc. 13, 45th Cong., 1st sess., p. 176.)

WAR DEPARTMENT,
Washington City, July 18, 1877.

SIR: I have the honor to transmit, for your information, a copy of a telegram of the 16th instant from General Ord, reporting the estimated number of General Treviño's force on the Rio Grande border, and expressing the opinion that General Treviño will be unable to suppress the raiding unless assisted by the frontier people who deal in plunder.

Very respectfully, your obedient servant,

GEO. W. MCCRARY,
Secretary of War.

HON. SECRETARY OF STATE.

[Telegram.]

SAN ANTONIO, TEX., *July 16, 1877.*

GENERAL VINCENT,

Assistant Adjutant-General, Washington, D. C.:

In reply to telegram of yesterday, I report the impracticability of learning the number or stations of General Treviño's forces, which have no field stations, and extend over four States, mainly deserts. They are estimated from four hundred to three thousand. Think him unable to suppress raiding unless assisted by people of frontier towns, who deal in stolen horses, and might render that aid if under great apprehensions. I think he is disposed to yield to their wishes and promise as usual. Translation of his letter will be telegraphed. The orders he sends are the same as presented by Mr. Mata to the cabinet June 2, and published in the daily papers; shall I telegraph them? They contain some fourteen hundred words. Mr. Villareal says that Treviño has or will have four hundred men to operate against raiding Indians. From what I hear, his cavalry are partly mounted on horses stolen from this side by Indians.

ORD,
Brigadier-General, Department Texas.

General Ord to the Adjutant-General.

(H. Ex. Doc. 13, 45th Cong. 1st sess., p. 177.)

[Telegram.]

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, Texas, July 18, 1877.

ADJUTANT-GENERAL, *Washington, D. C.:*

The following just received from Shafter:

"Following just received: 'Ellis and Van Vliet go down to Frio and Sabinal.'

"CAMP WOOD, *July 18.*

"Colonel SCHAFTER:

"Indians reported here on 15th, all on foot; have not stole horses yet. Believe they will go to Frio and Sabinal Canyons. Can you send detachments down main road as far as Uvalde or Dhanis? Will let you know anything further.

"PAT DOLAN,

"Lieutenant, Commanding Company F."

No doubt these Indians will get off with a herd of horses, about full moon, for Mexico; have heard of Treviño's troops only at Piedras Negras and Laredo. Should my troops strike the raiders' return trail, are they authorized to cross on it at other points than those named?

ORD,
Brigadier-General.

[Telegram.]

HEADQUARTERS DEPARTMENT OF TEXAS,

*San Antonio, Texas, July 19, 1877.*ADJUTANT-GENERAL, *Washington, D. C.:*

To explain telegram of yesterday, there are scattered along the Rio Grande, Coahuila, ranches, and at long intervals, villages as high up as the mouth of San Felipe, near where I have a cavalry company; above that the country is almost a desert; even Mr. Villareal stated to me that it would have to be explored before their troops could operate in it. The Lipan Indians trade among the villages west and southwest of Eagle Pass, but hide their stolen plunder in, and when pressed go to, the mountain and desert district laid down on sheet No 2, Gillespie's map, of 1876, of the western Territories, as "*Terreno Desconocido*," and on the last French map in General Humphrey's office as "*Pays inexploré*." Here it was that Bullis followed them lately. Now, if I cross on trails below San Felipe, my troops may find some detached party of irregulars or troops from the towns come to oppose them, but there is hardly a probability of opposition if trails are followed across above San Felipe.

Every effort has been taken on my part to learn stations of Mexican troops, and I have sent Treviño copies of my last instructions, asking to be (in accordance with his instructions from his government) furnished with disposition of his troops to apprehend and punish raiders, that I may better carry out my instructions in the premises.

ORD,

Brigadier-General.

[Telegram.]

HEADQUARTERS DEPARTMENT OF TEXAS,

*San Antonio, Tex., July 19, 1877.*ADJUTANT-GENERAL, *Washington, D. C.:*

I yesterday telegraphed Major Schofield to notify Treviño, or the commandante of Mexican forces around Piedras Negras, General Naranjo, that Indians were again in Texas from Mexico, and would probably cross back below Fort Duncan when they went out with the plunder, asking his efforts to arrest them. His reply shows what I may expect from their efforts. It is as follows:

"PIEDRAS NEGRAS, 1877. (Received at San Antonio, July 19, 11.40 a. m.)

"To General E. O. C. ORD:

"By the communication which you have been pleased to transmit to the commanding officer at Fort Duncan, I am informed that a party of Indians have crossed into Texas, and who will very likely take the direction of this side of the Rio Grande or its vicinity. On my part, I have taken steps conformable to the forces that I have scattered on this line, in order that they pursue if they come and cross over; and if they are not persecuted with tenacity at the moment, it is on account of the alarm and constant threatening in which the inhabitants are thrown by Weicar and Escobedo, caused by the organizing of forces, which they have been doing for many days, in the villages of this line; but as soon as all this ceases I shall commence the campaign against them, according to superior orders that I have.

"NARANJO."

ORD, *Brigadier-General.*

General Ord to Adjutant-General.

(H. Ex. Doc. 13, 45th Cong., 1st sess., p. 187.)

[Telegram.]

HEADQUARTERS DEPARTMENT OF TEXAS,

*San Antonio, Tex., July 21, 1877.*ADJUTANT-GENERAL, *Washington, D. C.:*

The following is in reply to request through Mr. Villareal to be informed of disposition of Mexican forces to intercept raiders:

"Señor V. L. Villareal arrived to-day. He has informed me of the kindness with which he has been treated by you. In view of the information he has given me, and

of the instructions that I have from General Treviño, I now issue orders to my troops on the river Salado, my second line, to march to cover those I now have engaged in watching Escobedo and Winker (two of Lerdo's officials). As soon as these troops reach me, I shall so dispose that those I have on this line, and more that I shall bring together of scout-soldiers, shall look out for the Indian part of the campaign. On effecting this, I shall communicate my movements to the head American officer of the line here and to you as principal," &c.

"Constitutional army, Line of the North, Piedras Negras, July 19, 1877.

"General second in chief,

F. NARANJO."

The following, more explicit, just received :

"The stations of Treviño's cavalry, as given me by Schuchardt, who says from reliable information, viz: One hundred at Camargo; one hundred and sixty at Laredo; one hundred and fifty at Valleta, three miles from Piedras Negras; one hundred at Juarez, and two hundred and ninety in small parties in the villages of the district of Monclova.

"SHAFTER."

ORD,

Brigadier-General.

The Secretary of War to the Secretary of State, and other communications relating to the arrest of General Escobedo.

(H. Ex. Doc. 45th Cong., 1st sess., pp. 189, 201, and 115.)

WAR DEPARTMENT,

Washington City, July 24, 1877.

SIR: I have the honor to transmit for your information a copy of a telegram from General Ord reporting arrest of the Mexican General Escobedo and others charged with contemplated violation of neutrality laws and their release on bonds.

Very respectfully, your obedient servant,

GEO. W. MCCRARY,
Secretary of War.

The honorable the SECRETARY OF STATE.

Similar letter addressed to the Attorney-General.

[Telegram.]

SAN ANTONIO, July 22, 1877. (Received 9.25 p. m.)

TO ADJUTANT-GENERAL, Washington, D. C.:

The following just received from Colonel Price, dated Ringgold Barracks, July 21:

"Upon application of United States commissioner, in the absence of the marshal, I this morning arrested General M. Escobedo, Colonel Mancheco, Colonel Lever, Colonel Damla, Colonel Goulas, with ten or twelve other officers, who were reported as about to cross the river and violate the neutrality law of the United States. They were brought before the United States commissioner at 1 p. m. They waived examination and were released under bond to keep the peace. This was done by Price in accordance with my orders. I think the commissioner should be instructed to exact a bond, but would enforce the laws."

ORD,

Brigadier-General.

WAR DEPARTMENT,

Washington, August 13, 1877.

SIR: I have the honor to transmit for your information copy of papers in relation to the arrest of General Escobedo and other Mexicans, who, it is assumed, were about to cross from Texas into Mexico and violate the neutrality laws of the United States.

Very respectfully, your obedient servant,

GEO. W. MCCRARY,
Secretary of War.

The honorable the SECRETARY OF STATE.

[Telegram.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, Ill., August 8, 1877.

General E. D. TOWNSEND, Washington, D. C.:

The following dispatch from General Ord is respectfully forwarded:

"Schofield, commanding Fort Duncan, telegraphs that he struck a small camp of Mexican revolutionists shortly after sunrise, morning of 5th instant, and took what there was in it, namely, forty-four men and forty-three horses; found very few arms. They were regularly organized companies under Valdez. Only two officers captured; others absent at Laredo and San Antonio. Deputy United States marshal was with me. I hold prisoners at post for him. Lieutenant Bullis surrounded a notorious thieving-ranch a few miles in Mexico on morning of 4th, where Shafter had notification that stock recently stolen was secreted. Got five American horses; two of them taken from Brucketsville a short time ago. No one hurt, nor a shot fired. He returned to this side yesterday at noon."

R. C. DRUM,
Assistant Adjutant-General.RINGGOLD BARRACKS, TEXAS,
July 21, 1877.

LIEUTENANT: I have the honor to submit the following facts in relation to the arrest of General M. Escobedo and other officers, which took place to-day, telegrams concerning which I have just forwarded:

On Saturday, the 15th instant, a horse-race was the ostensible cause for the gathering of between three and four hundred mounted and armed Mexicans at a point midway between the post and the town of Rio Grande City, just outside the line of the reservation. General Escobedo and his officers were with them; they were all armed with rifles and pistols, and quite a number wore sabers; and as far as we could learn they were strangers in this vicinity. I had previously telegraphed, on the 6th instant, giving my impressions and asking instructions, which I received in telegraphic orders of date of 10th instant.

Between 8 and 9 o'clock, on the night of the 10th instant, after the dispatch had passed down to Brownsville, General Escobedo left here, going toward Brownsville. I learned that he had passed around the town of Edinburg about 11 a. m. the following day, and went to Davila's ranch; is five miles below town. He returned here at 11.30 a. m. on the 13th instant. I had learned much of their operations during this interval, and at times imagined that Escobedo rather looked for or consented to some intervention by the United States authorities, in hope that it would give him strength and sympathy in his own country.

On the 20th, I learned from sources that I deemed reliable that the steamer Ackley would arrive the next day; that there were arms and munitions on board of her; that she was to go up to Camargo, and would land the arms at the mouth of the San Juan River, on the Mexican side, six miles above this post. I also learned that there were between fifty and one hundred horses concentrated at the Remolinos ranch, on this side of the river, opposite the San Juan. I believed that the movement would take place shortly after the arrival of the steamer, and had proof to substantiate it. Under these circumstances I deemed it my duty to act and take such measures as I could to preserve the neutrality laws. The organized force in camp above town I could take, in compliance with my orders. But nearly all the testimony I had was derived mostly from Mexicans, and all was directed toward Escobedo as the principal mover. Knowing such to be the case, complaint was lodged with the United States commissioner by accompanying affidavit, and in the absence of the United States marshal, I was requested to serve the writ. The accompanying papers show the legal portion of the transaction.

Captain Farnsworth, whose morning mounted drill had been conducted for the previous ten days north of the post, through and beyond the town, moved out at the usual hour for drill. He was joined by the United States commissioner the other side of town. The latter was familiar with and designated the parties named in the writ: Colonel Mancheco, Colonel Davilla, Colonel Cristo, Colonel Valaviecinia, and Colonel Gaules. Fourteen officers were required to repair to the court-house. Order for Captain Farnsworth inclosed. Captain Fechet, with a sergeant and three men, was directed to go to the house of Mr. Kelsey, where Escobedo, Colonels Monroy and Lever, of his immediate staff, were stopping. He followed Captain Farnsworth in fifteen minutes, and the arrests were made simultaneously. The latter gave their parole to be present at the court-house when required.

The steamer Ackley arrived between 9 and 10 o'clock a. m. On that boat were eight cases of Remington breech-loading arms and ammunition. They were not on the man-

ifest, shipped by, nor consigned to any one; no definite marks on the boxes, and no one wished to claim them.

I did not deem it necessary to issue an order in regard to the arms or horses, unless called upon by the United States commissioner or the marshal to do so.

The arms were, later in the day, taken to the store of Mr. Burnback. At 1 a. m. the witnesses had been summoned and the parties appeared in the commissioner's court. They had all been paroled on their honor to appear, and the troops returned to camp at 8 o'clock a. m. After hearing the complaint lodged against them read, they, through their attorney, Mr. Kelsey, waived an examination, and gave bonds to keep the peace and appear before the United States court in September, when they were released. Everything was conducted in a legal, dignified, and soldierly manner.

I trust the action here taken may meet with the approval of superior authorities. I feel a moral consciousness of having carefully considered it, and that it was right.

If the cause they represent has the support of any large portion of the Mexican nation, and there is any means and strength in the movement, the placing of these parties under a few thousand dollars' bonds for openly violating neutrality within a mile of a United States military post cannot certainly injure their cause, and may save great hardships, unnecessary loss of life, and the shedding of blood.

Respectfully, your obedient servant,

WM. REDWOOD PRICE,
Major Eighth Cavalry, Commanding.

First Lieut. R. A. WILLIAMS,
Acting Assistant Adjutant-General, District Rio Grande.

DEPARTMENT OF STATE,
Washington, August 16, 1877.

SIR: I have the honor to acknowledge the receipt of your communication of the 13th instant in relation to the arrest of General Escobedo and other Mexicans, who, it was assumed, were about to cross from Texas into Mexico and violate the neutrality laws of the United States; and to express the gratification of the department at the judicious and effective manner in which General Ord has executed his instructions in maintaining the peace between the two countries.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

Hon. GEORGE W. MCCRARY,
Secretary of War.

EL PASO, TEX., August 17, 1877.

SIR: I have the honor to report everything quiet here since my communication of the 8th instant. The attack anticipated by the Mexican authorities on the 10th instant did not take place. The official notice of the arrest of Lerdo leaders on the Lower Rio Grande has had a salutary effect on Lerdo's followers in this vicinity. It is my firm belief that all danger is over from any formidable organization for the invasion of Mexico from this side of the river.

Very respectfully, your obedient servant,

L. H. RUCKER,
First Lieutenant, Regimental Quartermaster
Ninth Cavalry, and Military Commander.

ACTING ASSISTANT ADJUTANT-GENERAL,
District of New Mexico, Santa Fé, N. Mex.

EL PASO, TEX., August 23, 1877.

SIR: I have the honor to report everything quiet here since my communication of the 17th instant. It is generally believed that the few followers of Machono who were known to have remained in this vicinity have left the country for good.

Very respectfully, your obedient servant,

L. H. RUCKER,
First Lieutenant, Regimental Quartermaster, Ninth Cavalry.

ACTING ASSISTANT ADJUTANT-GENERAL,
District of New Mexico, Santa Fé, N. Mex.

[Indorsement.]

HEADQUARTERS DISTRICT OF NEW MEXICO,
Santa Fé, N. Mex., September 5, 1877.

Respectfully forwarded to the assistant adjutant-general, Department of the Missouri. Matters seem quiet enough at El Paso. The appearance of the troops, impressing the certainty of capture of parties in attempted raid in the Lerdo interest, has so alarmed them that they have left the country, or given up all hope of Lerdo's success.

It will be well to keep an officer at El Paso, however, for some months to come.

EDWARD HATCH,
Colonel Ninth Cavalry, Commanding.

Major Schofield to the Assistant Adjutant-General.

(H. Ex. Doc. 13, 45th Cong., 1st Sess., p. 242.)

HEADQUARTERS POST OF FORT DUNCAN, TEXAS,
August 20, 1877.

SIR: I have the honor to make the following report of a scout made from this post by First Lieut. L. H. Orleman, Tenth Cavalry, with twenty men of B Company, Tenth Cavalry, from which he has just returned.

Having received information that Kickapoo Indians had stolen a number of horses on the night of the 13th instant, from the ranch of one Juan Reyes, on the Rio Grande, about sixty miles below this post, I immediately communicated it to General Falcon, of the Mexican army, then at Piedras Negras.

He at once ordered a force, under Major Zertuchi, to be gotten ready for field service, and said he would start it by 8 o'clock the next morning for the point where the stolen horses had been driven across the river into Mexico, and asked if I would send an officer and detachment from this post down the river on the American side to co-operate with his force, so far as getting the right trail, the assistance of the owner of the lost stock, and all information obtainable were concerned. Pursuant to this the detachment before mentioned left the post at 8.30 a. m. on the 16th. At about 11.30 a communication from General Falcon (copy previously furnished) was handed me, in which he states that Major Zertuchi's detachment would start at 10 o'clock instead of 8, as agreed upon the evening before, and asking that the officer sent by me might be instructed to assist Major Zertuchi should the latter need assistance, and in a verbal message stating that his force would not be large enough to attack the Indians alone.

Major Zertuchi really started at about 10.30 a. m. I at once dispatched a courier to overtake Lieutenant Orleman with instructions as to additional rations should he pursue into Mexico, informing him of the late departure of Falcon's troops, and directing him to spare no effort to form a junction with them, or in the pursuit, should they find and take the trail.

Lieutenant Orleman reports in substance as follows:

Major Zertuchi arrived opposite Reyes's ranch at 9 a. m. of the 18th; crossed over and talked with him; said I had twenty men and was ready to proceed with him on the trail. He replied that he did not see the necessity for any assistance, but that should such necessity arise he would call on me. He said also that he would examine the trail, converse with persons who had seen some of the Indians, and then come over to this side and consult further with me, which he did at 2 o'clock p. m.

He had then decided to start at daylight the next morning, taking with him Juan Reyes, owner of stolen horses, and proceed to Guadalupe to lay the case before General Falcon, who was then at his ranch near that place, saying that the general had troops enough and would send them to capture the Indian camps and force them to give up the thieves and the stolen horses. Major Zertuchi expressed the belief that General Falcon would act at once and with all the force necessary.

Mr. Burbank, inspector of customs, informed Lieutenant Orleman that he saw at New Laredo, during the last week of July, eight Indians who had passes signed by General Treviño, and that he understood there were several more there.

Mr. Reyes says that Indians had been encamped for a number of days at a point about one and a half miles below his ranch on the Mexican side, and that they were there up to the day on which his horses were stolen.

Lieutenant Orleman states that at his second interview with Major Zertuchi he repeated his offer to join and assist him in pursuing the Indians, and that the offer was again declined on the ground that General Falcon had four hundred men at Zaragoza, and that was sufficient force, in his opinion, for all purposes.

The owner of the horses, Juan Reyes, who was to go with Major Zertuchi, was cau-

tioned to observe closely the action of the Mexican authorities, and if he found that they were not exerting themselves to recover his stock and to secure the thieves, to report the fact immediately on his return to the commanding officer at Fort Duncan.

From the foregoing it will be seen that this our third effort, recently made to secure a joint pursuit of Indians and Mexicans with stolen stock in their possession, and who were running this stock away into the mountains of Mexico, has failed.

In my opinion, any similar efforts that may be made in the future will likewise fail, as I do not believe the Mexican authorities will consent to our troops crossing over to join in such pursuit, or, if they do consent, will thwart the enterprise in some way, as they have done up to the present time.

I am, sir, very respectfully, your obedient servant,

G. W. SCHOFIELD,
Major Tenth Cavalry, Commanding Post.

ACTING ASSISTANT ADJUTANT-GENERAL,
District of the Nueces, Fort Clark, Texas.

The Secretary of War to the Secretary of State.

(H. Ex. Doc. 13, 45th Cong., 1st Sess., p. 231.)

WAR DEPARTMENT,
Washington City, September 11, 1877.

SIR: I have the honor to transmit for your information a copy of a report of Maj. G. W. Schofield, Tenth Cavalry, giving result of his application to the Mexican authorities for the extradition of the Lipan Indians.

Very respectfully, your obedient servant,

H. T. CROSBY,
*Chief Clerk,
For the Secretary of War in his absence.*

HEADQUARTERS POST OF FORT DUNCAN, TEXAS,
August 26, 1877.

SIR: As directed by the general commanding in a communication dated San Antonio, Tex., August 18, 1877, I have the honor to make the following statement of my own action and that of the Mexican officers, up to the present date, in connection with the papers sent me to be presented to General Falcon calling for the extradition of certain Lipan Indians.

Immediately on receipt of the papers I sent an officer with them to Col. F. Nuncio, senior military officer at Piedras Negras, with a note from myself. Colonel Nuncio promptly replied that it was not in his power to dispose of the matter, and at once (as requested by me) dispatched the papers to General Falcon.

The substance of General Falcon's reply is supposed to be contained in the inclosed communication from Colonel Nuncio of this date. I say *supposed*, because General Falcon's letter has not been shown to me.

I feel that I am not presuming in asserting the belief that nothing will be done by the military authorities of Mexico in earnest to secure the persons of the Indians called for.

Of course General Falcon could get accurate information as to the whereabouts of these Indians in less than forty-eight hours if he chose to do so. Mr. Schuchardt told me yesterday that the Lipans were in camp not far from Zaragoza; that he was so informed by a Mexican who had just come from that place, and that the same Mexican had before given valuable information which had subsequently been found to be correct.

It is well known that Lipans have been in and about the town of Zaragoza several times since Treviño came to this frontier.

I respectfully request that the statements made in Colonel Nuncio's communication be sent to Judge Paschal from department headquarters, if it is deemed necessary that he should be so informed.

Very respectfully, your obedient servant,

G. W. SCHOFIELD,
Major Tenth Cavalry, Commanding Post.

ASSISTANT ADJUTANT-GENERAL DEPARTMENT OF TEXAS,
San Antonio, Tex.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, Tex., August 30, 1877.

Respectfully forwarded to the assistant adjutant-general Military Division of the Missouri.

E. O. C. ORD,
Brigadier-General, Commanding.

[Second indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, September 5, 1877.

Respectfully forwarded to the Adjutant-General of the Army.

P. H. SHERIDAN,
Lieutenant-General, Commanding.

[Third indorsement.]

Respectfully submitted to the Secretary of War, with copy for the Department of State.

E. D. TOWNSEND,
*Adjutant-General.*ADJUTANT-GENERAL'S OFFICE,
September 10, 1877.

The Secretary of War to the Secretary of State.
(H. Ex. Doc. 13, 45th Cong., 1st sess., p. 237.)WAR DEPARTMENT,
Washington City, October 2, 1877.

SIR: I have the honor to transmit for your information copies of instructions issued from headquarters district of Nueces, to Captains Kennedy and Lebo and Lieutenant Jones, Tenth Cavalry, directing these officers to proceed on a scout, and, although they are directed to cross into Mexico, they understand that should any Mexican troops be found on the Mexican side, the instructions for "co-operation" will apply to them, and the pursuit will be left to them.

Very respectfully, your obedient servant,

GEO. W. MCCRARY,
Secretary of War.

Hon. SECRETARY OF STATE.

HEADQUARTERS DISTRICT OF THE NEUCES,
Fort Clark, Texas, September 12, 1877.

SIR: The district commander directs that you will proceed on the 13th instant with your company on scout down the Rio Grande as far as Palafox, following generally the river below Fort Duncan.

It is not at all necessary that you make long marches, or that you go every day. It is preferable that you camp for two or three days at a time, whenever you happen to strike green grass. After you get to Pequathe, thirty-five miles below Fort Duncan, you will observe if any parties of armed Mexicans are on this side of the river, and if you find camps, make them give a satisfactory account of themselves, or arrest them.

Another object of your scout, is to have your company near where Indians have twice recently crossed stolen horses into Mexico, and as they were entirely quiet last moon, it is probable they may be over during the coming one. Should you get after them, do not hesitate to cross in pursuit, and follow as fast and as far as you can, without getting into any of the large towns of the interior, sending word of your crossing at the same time to these headquarters. You will get from Major Schofield a guide who knows the country on both sides of the river.

You will also select a site for a company of cavalry to have a temporary camp, either on or within a few miles of the river, and from forty-five to sixty-five miles below Duncan.

Start from Duncan with thirty days' rations, and use the whole time in making the scout; and if you desire you can remain out ten or fifteen days longer.

I am, sir, very respectfully, your obedient servant,

HELENUS DODT,
*Acting Assistant Adjutant-General.*Capt. W. B. KENNEDY, *Tenth Cavalry,*
Camp Tenth Cavalry, on Pinto, Texas.

HEADQUARTERS DISTRICT OF THE NEUCES,
Fort Clark, Texas, September 12, 1877.

SIR: The district commander directs that you will proceed to-day with the detachments of the Eighth Cavalry, under Lieutenant Van Vliet, Tenth Cavalry, under Lieutenant Landon, the Tenth Infantry, Sergeant and Dr. Baggett, to the falls of the Pecos, forty miles above Horsehead crossing of the Pecos.

At that point you will send your train, with the infantry escort, to Fort Concho, and start on a scout to the lower part of the Staked Plains, going first to south end of White Sand Hills, then to the upper end, and from there either by Colonel Shafter's trail via Shafter's Lake to Monument Spring, or by the Three Wells, as you prefer. From Monument Spring the district commander wishes you to go to Ward's Wells and Sabinas; from there send half your party to the Five Wells, or, if you think best, you can send them by Colonel Shafter's last trail from Ward's Wells, and go yourself to Sabinas, and have the party join you there from Five Wells. Then go to Quates, and if you have time you can go out with part of your men on Nolan's trail toward Quemado, leaving it at the nearest point and going there for water.

If you have not the time to spare to do this, start on your return, coming into head of Concho from Quates in two parties, one returning to Sabinas; thence to Five Wells and Mustang Springs to head of Concho; the other party by Tobino Creek, Sulphur Spring, and by Big Spring to same place.

There join your detachments and return to this post via Concho and McKavett.

These instructions are given you in case you do not find Indians or fresh trails; in that case you will be expected to use your own judgment what to do.

In the event of meeting Indians with passes from Fort Sill, unless they are accompanied by soldiers, you will capture them and hold them until you start on your return; you can then bring them in or turn them loose, as appears to you best.

You are rationed so that you will have thirty days' rations to start with from the falls of the Pecos. Do not have your mules packed with anything but saddles and panniers until you reach that point, so as to have them fresh for the scout.

I am, sir, very respectfully, your obedient servant,

HELENUS DODT,
Acting Assistant Adjutant-General.

Lieut. T. W. JONES,
Tenth Cavalry, Fort Clark, Texas.

HEADQUARTERS DISTRICT OF THE NEUCES,
Fort Clark, Texas, September 13, 1897.

SIR: The district commander directs that you will proceed with your company and detachment Tenth Infantry, under Lieutenant Davis, to Colonel Shafter's supply camp of last year on the Pecos.

There leave the infantry to guard your supplies, and with your company start on scout up the Rio Grande toward San Carlos, Mexico, and south of Fort Davis.

Lieutenant Bullis, who was recently scouting the same country, saw several trails of small parties passing through. You are liable to find little parties, and possibly temporary camps of Indians, anywhere in the Big Bend of the Rio Grande. Follow trails across the river if the trails cross. The guide, Hossu, knows the country on both sides of the river.

Lieutenant Bullis will be at the Sierra Corina on the look-out for any party of Indians that you may drive in that direction.

Indians are reported on the plains, and one or two scouts are after them; if they are found they are likely to take the same course as those did in 1875, that were followed by Geddes from Laguna Sabinas to the Rio Grande. Should you strike any trail coming from the direction of the plains, follow it as fast as you can, as by the time you strike it the Indians' stock will be tired, and they will not go very far across the river before laying up to rest.

With the four mules you are to get at San Felipe you will be able to take thirty days' rations from the Pecos.

Send the wagons back at once with a small guard. They will be caused to meet you at the Pecos on your return with forage.

I am, sir, very respectfully, your obedient servant,

HELENUS DODT,
Acting Assistant Adjutant-General.

Captain LEOB,
Tenth Cavalry, Camp Tenth Cavalry, on Pinto, Texas.

HEADQUARTERS DISTRICT OF THE NUECES,
Fort Clark, Texas, September 14, 1877.

SIR: For the information of the department commander, I have the honor to state that although the instructions given to Captains Kennedy and Lebo, Tenth Cavalry, and Lieutenant Jones, Tenth Cavalry, direct these officers to cross into Mexico when a trail is found by them which leads across the river, they understand that should any Mexican troops be found on the Mexican side, the instructions for "co-operation" will apply to them, and the pursuit will be left to them. There are, however, no Mexican troops where these officers are to operate.

Very respectfully, your obedient servant,

W. R. SHAFER,
Lieutenant-Colonel Twenty-Fourth Infantry, Commanding.

ASSISTANT ADJUTANT-GENERAL,
Department of Texas, San Antonio, Tex.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, Tex., September 18, 1877.

Respectfully forwarded to the assistant adjutant-general Military Division of the Missouri, for information of proper authorities.

E. O. C. ORD,
Brigadier-General, U. S. A., Commanding.

[Second indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, September 24, 1877.

Respectfully forwarded to the Adjutant-General of the Army.

P. H. SHERIDAN,
Lieutenant-General, Commanding.

[Third indorsement.]

ADJUTANT-GENERAL'S OFFICE,
Washington, September 29, 1877.

Respectfully submitted to the Secretary of War, with copy for the Department of State.

E. D. TOWNSEND,
Adjutant-General.

Mr. Foster to Mr. Evarts.

(H. Ex. Doc. 13, 45th Cong., 1st sess., p. 42.)

LEGATION OF THE UNITED STATES,
Mexico, October 6, 1877.

SIR: I have noticed the telegraphic report sent by the commanding officer at Brownsville to General Ord, that the Mexican Government had sent from Vera Cruz 1,500 federal troops to Matamoras, under command of General M. Gonzales, to relieve the state troops and irregular levies in garrisoning the Rio Grande frontier. Before this date you will doubtless have ascertained the falsity of the report; but it is to be regretted that it did not prove true.

It is just such a measure as this which I have urged upon the government of General Diaz from the beginning, and which it has constantly been promising should be done, but continues to delay putting into execution. And so long as the interior politics of the country continue threatening, and internal peace is not completely assured, I suppose the present administration will follow the practice of the past administration—reserve its best troops and most experienced and reliable officers to maintain the supremacy of the government against threatened insurrections, and leave the garrison duty of the Rio Grande frontier to such troops as can be gathered in that region, and under the command of local officers. The objections to such a course are, that the troops are both inefficient and strongly in sympathy with the prejudices and hostility of the frontier population against the citizens of Texas. The officers partake in a great degree of the same spirit, and the prevention of raids and the arrest and punishment of raiders are scarcely ever attempted in good faith.

In a letter dated on the 28th of May last, I informed you of the promise which Mr. Vallarta had made to me, that a federal force under a prominent and prudent general should be sent to that frontier. In that interview Mr. Vallarta informed me that the officer selected by the President for that service was General Manuel Gonzales, and that he was on his way to this capital to receive his instructions prior to his departure to the Rio Grande. Soon after his arrival in this city trouble was threatened in the revolutionary region of Tepic, and General Gonzales was sent to that part of the republic, on the Pacific coast, where he still remains.

It is rumored in this city that General Canales, displeased with the action of the government in ordering the delivery of the Rio Grande jail assailants, has resigned his command; and that General Treviño has also asked to be relieved, and has left the command of the Rio Grande frontier in the hands of a subordinate officer. In this way the present administration is repeating the practice of the past administrations. Whatever treaty stipulations may be made will fail in a great measure of their purpose until the Mexican Government treats the Rio Grande frontier with more importance in a military point of view and changes its past policy in this respect.

I am, sir, &c.,

JOHN W. FOSTER.

Correspondence relating to the disturbances at San Elizario, El Paso County, Texas.

[H. Ex. Doc. 13, 45th Cong., 1st sess., pp. 119 to 130.]

FORT DAVIS, TEXAS,
October 4, 1877.

ADJUTANT-GENERAL DEPARTMENT OF TEXAS:

Requested by Judge Blacker to send the following: The Mexican population of El Paso County have risen *en masse*, seized all the civil authorities, Judges Howard and McBride, and hold all of them prisoners under guard and in jail. Rioters number about four hundred under arms. Have scouts and pickets out and sentinels posted; seem to be well organized. All the Americans in the county, numbering about thirty, in peril of their lives. No American is allowed to communicate with the prisoners. The rioters are expecting aid from volunteers from Mexican side of Rio Grande. The trouble, from Zimpelmen having located the salt lakes and through Howard prohibited getting salt without permission. Later: The sheriff has escaped. Colonel Hatch is expected in El Paso. The call is for at least two companies, with artillery. I have at this post, all told, one hundred and twenty-three fighting men. I think Louis Cardiz is behind all.

G. L. ANDREWS,
Colonel Commanding.

[Indorsement.]

ADJUTANT-GENERAL'S OFFICE,
Washington, October 8, 1877.

Respectfully submitted to the Secretary of War, with copy for the Department of State.

E. D. TOWNSEND,
Adjutant-General.

[Telegram.]

CHICAGO, ILL., October 5, 1877.
(Received War Department 5 p. m.)

General E. D. TOWNSEND,
Washington:

Lieutenant Rucker, from El Paso, N. Mex., telegraphs that a mob of three hundred have placed several citizens at San Elizario under arrest, and asks for troops to be sent to El Paso and San Elizario. The only available troops we have to send are thirty cavalymen, out as a guard to surveyors. These have been ordered to Lieutenant Rucker, who had previously been ordered to San Elizario to ascertain about troubles there.

P. H. SHERIDAN,
Lieutenant-General.

[Telegram.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, Ill., October 21, 1877.General E. D. TOWNSEND,
Washington, D. C. :

The following dispatch, just received from General Pope, is respectfully forwarded :

"Colonel Hatch, commanding in New Mexico, telegraphs as follows :

"The arrest of Charles Howard was perpetrated by armed Mexicans residing on this side, assisted by Mexicans from Mexico. Mr. Howard was imprisoned at San Elizario, Tex., and was sentenced to be shot by mob, but was finally released by mob. The affair took place in the American town of San Elizario, Tex., and grew out of trouble about location of salt lakes in El Paso County, Texas, in which Mexicans from both sides were interested. As heretofore reported, Lieutenant Rucker is instructed to abstain from interference in local disturbances, but to prevent any interference by Mexicans from the other side of the river, and to see that United States officials are not interfered with in discharge of their appropriate duties."

"JOHN POPE,

"Brevet Major-General, Commanding."

P. H. SHERIDAN,
Lieutenant-General.

EL PASO, TEX., October 4, 1877.

SIR: I have the honor to report that, in order to satisfy myself concerning the various rumors that were constantly being received here relative to the riot at San Elizario, I visited Ysleta and started for San Elizario yesterday, in company with a citizen. On our arrival in Ysleta we were advised by the citizens not to proceed any farther, as the rioters were greatly excited and had threatened to kill the Americans; that our arrival there would cause the death of Judge Howard, whom they still held prisoner. Being anxious to learn the exact state of affairs, that my reports might be authentic, we proceeded under the protection of their priest. On our arriving in the outskirts of San Elizario, we met a party of twenty armed Mexicans escorting Judge Howard to a place of safety. Howard, and the priest who was with him, advised me not to go any farther, as our lives would be in danger. Acting on this advice we returned to Ysleta, and thence to this place, bringing Judge Howard with us. The mob here compelled the county judge and justices of the peace to resign, and only spared Judge Howard's life on condition of his signing papers to the effect that he would not prosecute any of the rioters, giving them the free use of salt lakes, and that he would leave the county forever within twenty-four hours. I am convinced, from what I could hear at Ysleta and what I saw of the mob, that every American in the county would have been killed had not their terms in Howard's case been complied with. I did not see over forty armed Mexicans, but am informed that they numbered about three hundred and fifty. They appear to be well organized, and had been preparing for this event for some time; yet their meetings were so secretly conducted that the civil authorities did not know anything about their movements.

I am also informed that the rioters were joined by nearly one hundred Mexicans from Mexico. The sheriff and deputy United States marshal are both here; they will not return until a sufficient force is raised to insure the dispersement of the mob.

I am satisfied from personal observation that the presence of troops is necessary here, to protect life and property, and believe that in case this mob is not put down by force, the Mexicans will either kill or drive every American out of the country.

Very respectfully, your obedient servant,

L. H. RUCKER.

First Lieutenant, R. Q. M. Ninth Cavalry.

ACTING ASSISTANT ADJUTANT-GENERAL,
District of New Mexico, Santa Fé, N. Mex.

EL PASO, TEX., October 11, 1877.

SIR: I have the honor to report, in compliance with your telegraphic instructions of the 5th instant, I arrived at San Elizario on the evening of the 8th instant, and, after a careful investigation, find the cause of the late riot to be the result of a mis-

understanding on the part of the ignorant Mexicans regarding the location last July of the salt lakes in this county, by a firm in Austin, Tex. These lakes have for generations been considered public property, and when their crops failed it has been customary for the people to go to the lakes, get a load of salt, take it to Chihuahua, and trade it off for provisions. Since its location, they have been notified by the company's agent here, C. H. Howard, not to take any salt without his permission. Being very ignorant, they cannot understand why they are deprived of this means of subsistence.

In my opinion the immediate cause of the riot was the prosecution by Mr. Howard of two Mexicans, on the 29th of last month, who were arrested and required to give bonds for merely signifying their intention of going to the lakes and getting salt. This being considered by the Mexicans as a persecution, they resisted the local civil authorities, which resulted in a general riot. I will here state, from reliable information, that several persons of intelligence living in this county have advised the Mexicans that the lakes were public property; that they had a right to take all the salt they required, and that they (the parties who instilled their belief into the Mexican minds) would stand by them and see that the authorities did not interfere; in fact, assume all responsibility in case of trouble. When the trouble assumed a serious aspect, these parties failed to fulfill their promises, and the Mexicans finding they were doing wrong, did not know how to get out of the scrape. The fact of the matter is, the Mexicans had been lied to to such an extent they did not know who or what to believe, and the most ignorant of them thought the best way of settling the matter was to drive the Americans out of the country.

The mob consisted of about four hundred armed men, composed of Mexicans living in this country and about fifty from the other side of the river. The rioters had not fully dispersed on my arrival at San Elizario; some were for fighting the troops; the more timid were averse to any resistance, and they all fled to the woods on our approach.

On the 9th instant I succeeded, after two conferences with some of the leaders, in quieting their fears of arrest, and advised them to break up their organization, which they at once agreed to. On the 10th instant I was invited to a "junta" of the leading spirits of the mob. They informed me that they had acted on the advice given them the day before; that the people would let the law take its course; that they had reinstated the deposed county officials, and that all trouble had ceased.

I believe the Mexicans will keep their word, but anticipate trouble when the civil authorities attempt to arrest any of the rioters, without the presence of troops in the vicinity.

During the seven days that the mob was in existence, no blood was shed, or any acts of violence committed, except threatening the lives of Americans. A "prestimo" was considered; they even went so far as to make out a list of assessments, but none were levied. The comparatively peaceful termination of the riot is mainly due to the untiring efforts of the Rev. Bongardo, Catholic priest at San Elizario. The presence of troops had a salutary effect in quieting the fears of the citizens. The priest informed me his influence over the mob was exhausted.

Very respectfully, your obedient servant,

L. H. RUCKER,

First Lieutenant, R. Q. M. Ninth Cavalry.

ACTING ASSISTANT ADJUTANT-GENERAL,
District New Mexico, Santa Fé, N. Mex.

[First indorsement.]

HEADQUARTERS DISTRICT OF NEW MEXICO,
Santa Fé, N. Mex., October 17, 1877.

Respectfully forwarded to the assistant-adjutant-general Department of the Missouri.

In absence of Colonel Hatch—

JOHN S. LOUD,

First Lieutenant and Adjutant Ninth Cavalry, A. A. A. G.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., October 24, 1877.

Respectfully forwarded to the assistant adjutant-general headquarters Military Division of the Missouri.

The "Mexicans" mentioned by Lieutenant Rucker (except those he speaks of as "about fifty from the other side of the river") are citizens of the State of Texas. The salt lakes or springs referred to are also within that State. I would desire to know

whether the government wishes the United States troops to intervene in any manner in these local difficulties in the State of Texas; and, if so, to ask that orders to that effect be sent me. At present, Lieutenant Rucker is under orders from me to interfere in no manner except to prevent invasion of Mexicans from Mexico, and to protect the United States officials from violence in the execution of their proper duties.

JNO. POPE,
Brevet Major-General United States Army, Commanding.

[Third indorsement.]

HEADQUARTERS MILITARY DIVISION MISSOURI,
Chicago, October 29, 1877.

Respectfully forwarded to the Adjutant-General of the Army, inviting attention to the remarks of Brigadier-General Pope hereon.

P. H. SHERIDAN,
Lieutenant-General, Commanding.

CUSTOM-HOUSE, EL PASO, TEX.,
Collector's Office, October 15, 1877.

SIR: I inclose you herewith the expression of the people of El Paso County for your kindness in doing what was in your power to extricate us from a very critical position.

So far as I was personally concerned I had nothing to fear, but a report had been put in circulation that there was \$40,000 in the custom-house, and the mob said they were going to have it. Although this report was false so far as the \$40,000 was concerned, it is thought that if troops had not arrived here at the time they did the mob would have taken the custom-house and probably two or three mercantile establishments.

Captain Rucker, whom you charged to investigate the affairs at San Elizario, deserves great credit for his caution and prudence. There were no civil officers in the county; some had fled to Mexico, some imprisoned, and others had come to El Paso for protection. There was not a civil officer in the county that dared to attempt to execute the functions of his office. The entire American population of El Paso County commend Captain Rucker's gentlemanly, quiet, and prudent course in this matter. He could not have done less. The Mexican respect and have confidence in him, and believe what he tells them. He has shunned all connection with civil affairs, and been overcareful not to be drawn into a semblance of sympathy. He has been staying with me ever since he has been here, and I know his opinions, which coincide with my own, upon questions of this nature, and I feel the fullest confidence in his prudence and ability.

I am, very respectfully,

S. C. SLADE,
Collector.

General EDWARD HATCH, U. S. A.,
Santa Fé, N. Mex.

[Telegram.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, Ill., October 27, 1877.

General E. D. TOWNSEND, Washington, D. C.:

The following telegram from General Pope, of yesterday, is respectfully forwarded: "Commanding officer district of New Mexico reports on 21st Lieutenant Rucker telegraphs from El Paso: Everything quiet here. Citizens San Elizario and Yleta still fear another outbreak by the mob. I do not believe there is any immediate danger. On the 23d and 24th he reports everything quiet here."

P. H. SHERIDAN,
Lieutenant-General.

Further correspondence relating to the disturbances at San Elizario.

CUSTOM-HOUSE, EL PASO, TEX.,
Collector's Office, October 22, 1877.

SIR: I deem it my duty to make you acquainted with the facts relative to the recent troubles on this frontier, as near as I have been able to learn them. Although the trouble was mainly of a local character, it cannot be denied that many Mexicans from our neighborhood were engaged in it, and that the mob had assurance of further assistance if needed. Many of the newspaper reports are entirely without foundation; others

sensational, and some well calculated to deceive. About one hundred miles from here are some very valuable salt lakes, which for many years have supplied the adjacent settlements and also the Northern States of Mexico with salt. Until recently this salt has been free to whoever wished to take it, and its transport to Chihuahua and other points for sale has afforded employment to many persons. In 1868 a clause was inserted in the constitution of Texas permitting the location of salt lakes by private parties. From that time to the present the salt-lake question has been used by designing politicians in this country with Mexicans to obtain their votes, the politicians promising to obtain for them the absolute right and title from the State if they would elect them to office. I am informed that this has been done several times, and each time the Mexicans have been deceived. When the State of Texas granted to the Texas Pacific Railroad Company the right of way through the State these salt lakes fell to them; consequently the State could not grant letters patent for them, neither could they be located with State certificates. The Texas Pacific Railroad, not having been completed further than Fort Worth, could not obtain from the State certificates sufficient to supply the demand, and in consequence thereof they were very scarce and commanded a very high price. These difficulties, it is believed, stood somewhat in the way of the politicians' complying easily and without troubling themselves more or less with their obligations to the Mexicans of this country. A company in Austin finally succeeded in locating them, and employed a local agent to look after them. Severe and harsh measures were at once inaugurated to keep the Mexicans from going there. A statement of some of them to the effect that if the whole town went they would go also was considered sufficient for arrest and imprisonment. At this time there was no higher authority in the county than the county judge, who was a Mexican, but, as is strongly asserted, acted entirely in the interests of and for the salt agent, to whom he stands, it is said, considerably indebted for his election. This county judge gave the order for the arrest of two or three parties upon the complaint of the salt agent that they had said they were going after salt if the whole town went. This high-handed and unjust proceeding so exasperated the Mexicans against the salt agent and the county judge that they proceeded in a body in search of the agent, who in the mean time learned of their intention and made all haste to put himself under the protection of the sheriff. The Mexicans in the mean time had arrested the county judge and placed him in confinement, and ascertaining that the salt agent was at the sheriff's house, proceeded thither and surrounded it.

The sheriff fearing it was not a safe place for his wife took her to a neighbor's, and on his return was cut off and prevented from entering his house. In the morning they took possession of the salt agent, and took him to San Elizario, placed him in a room, put a guard over him, and informed him that if he would sign certain papers to the effect that he would leave the salt lakes free as they were before, until the government or other competent authority should declare and decide who is the legitimate owner of them, and that from this date the people of El Paso County shall have the right to go and take salt from said lakes with liberty, and that he will leave this county within twenty-four hours and never return, &c., they would set him at liberty. For three days and nights they kept him in confinement, not permitting him to speak or write to any one. On the third day he signed the required papers, having been informed by the priest that if he did not they would certainly kill him before nightfall. The sheriff was not put in jail, but merely kept by the mob from going to his house for about four hours, until they could get possession of the salt agent. In the morning the sheriff told them he wished to get his breakfast, after which he would return to them, but he came to El Paso instead. The mob numbered from three to four hundred, and the most of them were citizens of this county. What few there were from the other side of the river were relations by blood or by marriage, and perhaps some that were interested in having the salt lakes free. After the release of the salt agent he went to La Messilla, N. Mex., and gave his side of the story to the press. He then returned to El Paso. Many of the Americans here believe that Mr. Cardis, who is to the Mexicans what Montezuma was to the Aztecs, as they say themselves, was the instigator of the mob and advised them to this step, in order to get the salt-lake agent killed, for it will be remembered they were bitter enemies. It is also believed by many that the Mexicans needed no urging in a matter so vital to their own interests. Be this as it may, the salt-lake agent firmly believed that his life was in great danger through the instrumentality of Mr. Cardis, and the community at large had a vague impression that should the two meet one or the other would be killed; but scarcely before the impression settled into a conviction they met, and Mr. Cardis was shot and killed. The salt-lake agent immediately left for La Messilla, N. Mex., where he now is. Since the above events, which terminated on the death of Mr. Cardis on the 10th instant, there has been no further trouble.

I am, very respectfully,

S. C. SLADE,
Collector.

HON. SECRETARY OF THE TREASURY,
Washington, D. C.

CUSTOM-HOUSE, EL PASO, TEX.,
Collector's Office, December 20, 1877.

SIR: In compliance with telegraphic instructions of the present date "to send by mail as quick as practicable a full detailed account of transactions at El Paso," I have the honor first to refer you to my letter on this subject of October 22 for the origin of the trouble at that time, and which terminated in the death of the Hon. Louis Cardis on the 10th of October last, shot by Charles H. Howard, agent for the salt lakes. After he had committed this Howard immediately fled to La Messilla, N. Mex., fifty miles from here, where he remained most of the time until the 2d instant, when he returned to this place and gave a bond for his appearance before the district court, which meets in March next. About the middle of November a Mr. Jones came here from Austin, Tex., with authority from the governor of the State to raise a company of twenty men as "Texas Rangers" to assist the sheriff in enforcing the law and preserving peace and order. The company was organized and established at San Elizario, with J. W. Tays as lieutenant. On the 5th or 6th instant a large number of Mexicans with wagons left San Elizario for the salt lakes. They were expected back on the 13th or 14th, and on the afternoon of the 12th Mr. Howard left here for San Elizario, with an escort of the Texas Rangers, for the avowed purpose of serving writs of sequestration and arrest of parties having the salt. I am informed that after they got there they went into the plaza and through the principal streets of the town, and that Howard greatly exasperated and incensed the Mexicans by calling them "greasers" and other opprobrious epithets, and by inviting them to come and take him now. During the night the Mexicans gathered and armed themselves; in the morning the rangers found themselves surrounded, and firing commenced on both sides. It is impossible to ascertain who fired the first shots; some allege that a man named Atkinson, who attached himself to the rangers, fired first; others that the first shot came from the Mexican side; all are agreed, however, that the Mexicans killed the first man, a Mr. Ellis, who had the contract to supply the rangers with provisions, &c. It appears that many of the rangers had congregated at his house that evening and were having a convivial time, when Mr. Ellis proposed to go out and see what was going on. He never returned. It is supposed that he was spying around and did not halt when commanded so to do and was shot, or that he had obtained some information while eavesdropping and had been caught in the act. For four days they had the rangers surrounded, and had commenced to tunnel under the building in which the rangers were quartered.

On the 16th instant a white flag was raised by the rangers for the purpose of getting an old gentleman, Mr. Loomis, out of the rangers' quarters, who happened to be caught in there when they were surrounded. The Mexicans also raised a white flag, and Mr. Loomis got out. From this circumstance negotiations were started, and Lieutenant Tays asked them what they wanted. They replied that they wanted Howard, and would have him. They asked Tays whether he was hired by Howard or was on duty and under orders from the governor of the State. When informed that he was under instructions from the governor it appeared to give them a new idea. They then told Lieutenant Tays that if Howard would come over to their camp and talk for himself they thought the trouble could be settled. Lieutenant Tays went back to his quarters and told Howard what they had said to him, but that he need not go without he so wished. Howard, however, concluded to go, and Lieutenant Tays went with him. The Mexicans then sent for Atkinson and a Mr. McBride, who had been acting as Howard's agent in the salt business. Lieutenant Tays and Howard were in a room together; Atkinson and McBride outside. The Mexicans went in where Tays and Howard were and told Lieutenant Tays that they wished to speak to Howard alone. Lieutenant Tays refused to leave him; whereupon they took him in their arms by force and carried him out of the room. In the mean time the remainder of the rangers had surrendered. The Mexicans disarmed them and placed a strong guard over them. They then took Howard, Atkinson, and McBride out to one side of the town to a place where they had already dug a grave, stood them in a row, picked out nine of their best marksmen, and shot them down. They held the rangers prisoners during the night and released them the next day, giving them their horses but retaining their arms. During the fusillade two rangers were killed, and it is thought three or four Mexicans, and a number wounded. Since that time (the 18th instant) nothing definite has been ascertained of their operations or intentions; not a single American is left in the town; all have fled to this place. The rangers of course feel very bitter because of the rough treatment they have received. The Mexicans claim that they wanted nothing but Howard, and him they would have, cost what it might; he had killed Cardis, their best friend. The mob has been variously estimated at from 300 to 500, and there can be no doubt but that many of them were from the other side of the river. News has just been received that the Mexicans at San Elizario are taking their families to the other side of the river, under the promise of the officials there that they will protect them. The deputy collector's office at San Elizario and Ysleta have been closed for the last two weeks. The deputy collector at the latter place sought refuge here; have not heard from the former for twelve days; as soon as pos-

sible shall send down to ascertain about him. Troops are now here, and will soon march upon San Elizario; will advise you of the result and as to how affairs turn.

I am, very respectfully,

S. C. SLADE,
Collector.

HON. SECRETARY OF THE TREASURY,
Washington, D. C.

CUSTOM-HOUSE, EL PASO, TEX.,
December 24, 1877.

SIR: In continuance of my report upon the difficulties and troubles on this frontier, and particularly of those in this county, I have the honor to inform you that General Hatch arrived here on the evening of the 21st instant, and started for San Elizario early the next morning with one hundred and fifty men, one gatling gun, and one twelve-pounder howitzer. He arrived in San Elizario about two o'clock in the afternoon of the 22d instant, without firing a shot or meeting with any resistance from the mob; in fact, they began to disperse before he reached there, most of them seeking refuge on the other side of the river. General Hatch reports that not less than four hundred Mexicans, from Mexico, flocked into San Elizario for the purpose of plunder, and had not troops arrived there they would have sacked Socorro, Yaleta, and perhaps El Paso. Yesterday (the 23d) "the rangers," in conjunction with a party of twenty-five or thirty men from Silver City, N. Mex., who volunteered in response to a call from the sheriff of this county, under authority from the governor "to raise one hundred men," started for San Elizario, but while in Yaleta they arrested two or three Mexicans and shot them. General Hatch arrived on the spot soon after, and told the sheriff that they had committed a cowardly murder, and that if such proceedings were to be continued he would apply to the President for authority to place this county under martial law. The Mexicans state that if they have done wrong in killing Howard they are willing to give themselves up to the military and stand their trial, but they had rather die than fall into the hands of the Texans. Up to the present writing the "rangers," headed by the sheriff, have killed four Mexicans and wounded one woman. They took no prisoners.

I am, very respectfully,

S. C. SLADE,
Collector.

HON. SECRETARY OF THE TREASURY,
Washington, D. C.

[From the San Antonio Express, Jan. 4, 1878.]

Lieut. J. B. Tays, of Major Jones's Frontier Battalion, reports as follows to his commander. The report was received at Austin on Wednesday, the 2d instant:

FRANKLIN, TEX., *December 20, 1877.*

MAJ. J. B. JONES:

By request of Judge Howard I sent an escort to Franklin on the 13th, as he wished to come to San Elizario on business. After the men had left I heard the road to Yaleta was guarded by armed men, and fearing an attack I went to Yaleta with twelve men to meet Judge Howard in the evening. We met at Mr. Kerber's house about four o'clock, and Judge Howard got on a horse and rode down to San Elizario in the ranks. The inhabitants of the town had been expecting us and were all out as we passed their houses, but made no further demonstration. We arrived at the quarters about six o'clock, and a number of Mr. Howard's Mexican friends came to see him. He went over to spend a night at C. Ellis's, and fearing an outbreak I put double guards on the quarters. All was quiet until about ten o'clock, when the guard came in and informed me that there was a disturbance in the direction of Leon Grannillo's house. I got out, and was informed that some men had made a speech and ordered a charge on our quarters. In a few minutes they started. We could hear them yelling and giving orders. I placed some men on the roof, some on the opposite building, and a few in the corral, and gave strict orders not to fire until fired on by the mob. They came to within one hundred yards of the quarters, and then retreated. Howard had come to the quarters on the first noise and demanded protection.

He said that C. Ellis had put his revolver in his boot and started out when the riot commenced, but had not returned. This was the last time he was seen by his friends.

His body was found in the sand-hills two days after, his scalp, eyebrows, and beard taken, his throat cut from ear to ear, and stabbed twice in the heart. I sent Miguel Garcia to the store with orders to keep it safe while Charlie was absent. Captain Garcia and several Mexican friends of Charlie were also there. The night passed off without further disturbance, and at daylight I found that our quarters were surrounded by three lines of pickets, who had stretched rawhide ropes across the openings, and cut holes to command them in such a manner that it was impossible for us to go out and charge them. On the outside of the lines they had squads of cavalry stationed about two hundred yards apart and numbering about twenty men in each. I placed three men on John Clark's house, and John Atkinson went with them. Captain Garcia sent for more men, and I sent him his son, G. D., and Frank Kent to defend the store. Atkinson brought over a trunk containing \$700 in specie.

Cista Calciada told him that they would give us three hours to deliver Howard, and that if we did not do so they would take him out and shoot him. "We will burn you also, as you are interfering in our business." About 9 o'clock I ordered the men off from John Clark's house and placed seven on the roof of the quarters. Sergeant Mortimer went over to Ellis's store and then walked to the corner of John Atkinson's house. He turned and was coming back when a shot was fired from Nick Calhoun's window. He cried out, "I am shot!" and ran down the street, and when opposite the mill he became so weak that I had to go out and help him to the quarters. The ball entered his back and came out below the right nipple. Dr. Ball pronounced it fatal and he died at sundown. At the sound of the shot the mob commenced to fire from all directions, and they were so close it was impossible for my men to return the fire from the roof, and I cut a hole through and ordered them down. I then ordered them to different positions in the quarters and corral, and from then until 4 o'clock in the evening we kept up a steady fire.

At that time the justice of the peace came in under a flag and told us that the Mexicans did not want to fight, and that he would be personally responsible for them that night if they fired on us. I sent one of my men on the roof shortly after, and the moment he appeared they fired on him from all quarters. One ball tore the top of his hat off and another went through his coat. I then barricaded the doors, opened the port-holes in the wall, and stationed two men in each room and at the doors. The firing almost stopped during the night. Next morning they charged the corral and were repulsed. They then attacked Ellis's in the rear and were again beaten off. They retreated, but kept up a continual fire all day. At about 12 o'clock they charged Ellis's from the other side, and the fight lasted for an hour. They then attacked us and endeavored to draw us from our quarters by a sham retreat, but finding it useless, came up again and were beaten off. Mrs. Campbell, an American lady, came over in the morning and asked us to open the door, as her husband wished to get into the quarters. As she was going back she was fired on twice. Her husband and Frank Kent came over safe—the others would not leave. Kent reported that the mob had cut the wall between Ellis's and Atkinson's and were ready to break through at any moment. Captain Garcia wanted them to run away, but they refused to leave. Firing continued all day. At night they charged Ellis's, and Captain Garcia escaped under cover of our fire. The Mexicans plundered the store, fortified the windows with sacks of flour, and opened fire on our quarters from the mill.

At about 12 o'clock next day I put up a flag, as I wanted to let the sheriff of Pecos County go out. He had been with us from the first and could not remain longer. They let him go and sent me word they would like to talk with me. I went to meet them, and they agreed not to fire during the night and would talk to me in the morning. They kept their word, but erected fortifications and dry rifle-pits during the night. I met them in the morning, and they told me that if I did not give Howard up they would blow up the quarters, as they had gunpowder under it.

They promised that if Howard would go down to them of his own will, and relinquish all claim to the salt lakes, they would not hurt him. I told Howard, and he said, "I will go, as it is the only chance to save your lives, but they will kill me."

I went down with Howard. But before he left the quarters I told him publicly that I did not want him to go, and if he would stay I would protect him to the last. He said, "It is useless for us to attempt to stand them off any longer; this is our only chance of escape." He bade the boys good-bye, gave his valuables to McBride, and we walked out. As there was no one at their quarters to interpret for us, I sent back for John Atkinson. When he came they took him to another room and made some arrangement with the mob. He turned back to the quarters and told the boys that I had ordered them to come down with their arms, as everything was peaceably arranged. When my men arrived they were disarmed and imprisoned. The leaders then came to me and told me I could go to my men. I objected, and said that I had brought Howard at their request, and would not leave him till all was arranged. Then twelve men filed in, and showed me into another room, where the sheriff of Pecos County, who they still held, was imprisoned. Then, for the first time, I heard my men had surrendered, and that John Atkinson, to save his own life, had betrayed them.

They then held a meeting, and all determined on the death of Howard, Atkinson, and McBride. They were led out about a hundred yards and shot. Five men from the other side of the river did the shooting. The mob yelled out whether they should kill them all, meaning the rangers. Most of them so agreed, and but for Chico Barilla would have done so. He told them that if they killed one more man he would turn his own command on them.

They then told me to send some of my men to the quarters to look after our property and cook for the rest, and that if I chose I could go to the quarters and sleep, but under a strong guard. Next morning there was a review of the mob, and after maneuvering the troops the leaders made speeches. Two of them from the other side of the river made strong appeals to the mob to kill, not only us, but all Americans in the county. The mob again consented, and, but for Chico Barilla, would have rushed in and killed us. At the meeting it was arranged to give those of my men who were left their horses and saddles. Everything else was confiscated, including Mortimer's and McBride's property. They then told me I was at liberty to go. I demanded their arms in the name of the State of Texas. They refused to give them up. I left for Franklin, as I had no means of procuring arms or ammunition, and we were out of rations.

I forgot to mention that as I was going to meet Howard at Ysleta I met Chico Barilla and eighteen men, some of them from the other side of the river.

Respectfully yours,

J. B. TAYS,

Lieutenant Commanding Detachment Company C, Frontier Battalion.

[From the Mesilla Valley (N. Mex.) Independent.]

The following is a correct translation from the Spanish, in which it is written, of a statement made by a native citizen of El Paso County, Texas. We have known this gentleman for many years, and indorse him as being one of the most respectable and intelligent citizens of El Paso County. He has been a resident of that county all his life, and has creditably filled many county offices of trust and honor. Himself of Mexican origin, and having an intimate acquaintance with the people on both sides of the river, enables him to understand the causes underlying the recent uprising in that county. We have endeavored to preserve his style in making the translation.

SAN ELIZARIO, TEX., January 7, 1878.

To the Editors of the Independent:

I have read much and heard more of the atrocities committed by the mob in El Paso County. Some of the reports are true; some are false. Occupying a position as a county officer it was my duty to endeavor to suppress the uprising which I saw was about to take place. This I tried to accomplish by giving good advice to my friends and neighbors in San Elizario who were engaged in the conspiracy to overthrow the county government and murder all of foreign birth (*extrangeros*) who were in the county. It was in vain that I reasoned with them.

Influenced by the Cura Borajo and the mass of the people in Guadalupe, Saragossa, San Ygnacio, and other towns on the Mexican side, the unfortunate and deluded citizens of San Elizario and Socorro determined to take the steps they did; they were assisted by some from Ysleta, by the mass of the people of the Mexican towns opposite us, and not only these, but by a great number of men from Carmen, Carrizal, the mines of Chihuahua, and other places in Mexico. I know by name or sight every citizen of El Paso County and of the Mexican towns opposite. The mob consisted of over six hundred men; of these about three hundred were citizens of El Paso County, at least two hundred were men of my acquaintance from the Mexican towns across the river, and fully one hundred were strangers to me; I was told by some of my friends who were with the mob that these last men had been brought from the interior towns of Mexico; that they had been assured of plunder, and for that purpose they came. If you ask me to give you the names of Mexican citizens who participated in the insurrection I shall reply, it will be easier to give you the names of the citizens of the Mexican towns named who did not participate, for they are but few, while those who took part are many.

The statements heretofore published in your much appreciated periodical by Judge Howard as to the cause of the difficulties are in the main correct, leaving to one side his prejudices. Whether it was good or bad policy on the part of Judge Howard to return, as he did, to El Paso, knowing, as he must have known, the feeling against him, I do not propose to discuss. He came, however, in a lawful manner, to assert a lawful right. Salt lakes were public property, open to location by anybody who desired to locate them. The people of El Paso County have for years been aware of the fact that those salt lakes could be located by any man who possessed a land-certificate large enough

to cover them ; but being badly advertised by Don Louis Cardis and the Cura Borajo, they determined not to locate these lakes themselves nor permit anybody else to do so. This was for the purpose of securing to the people of the Mexican side the privilege of taking salt from these lakes. You already have the history of the beginning of the trouble. I shall simply give that portion relating to the barbarous murder of the victims.

During three days that the rangers were besieged I was surrounded by the mob. I witnessed all their acts, heard all their talk. Charles E. Ellis was the first to fall ; he was a noble gentleman, a kind friend of the people, had lived with them and befriended them for many years, and had no idea they would harm him. When Howard came to town with the rangers, and the crowd began to gather at Leon Granillo's house, Mr. Ellis went there to talk and reason with them. He was saying, "What does this mean, boys (*muchachos*) ? Don't act foolishly ; let me advise you for your own good," and other remarks to the same effect, when Leon Granillo cried out, "*Ahora es tiempo* !" (Now is the time.) Then Eutemio Chaves rode up on horseback and threw a lasso over Ellis and started on a run, dragging the unfortunate man. After he had dragged him some distance he then got down and cut his throat, and the body was thrown to the coyotes. It has been charged that Miguel Juarez had something to do with the killing of Ellis. This is not true. Juarez was not in El Paso County at the time ; he was in New Mexico.

After the murder of Ellis the attack on the rangers continued for three days. During this period I frequently heard the leaders of the mob discussing the situation ; they told their followers that "their friends in Franklin had assured them that the United States troops would not interfere." And these same leaders, and especially Chico Barela, stated that they were simply obeying orders from their superiors at El Paso. I do not pretend at this time to give an opinion as to the truth or falsity of these statements ; the matter is now being investigated, and when the truth is brought to light, the truth and the whole truth will be published to the world. As I before stated, I was with the mob. I could not escape, for I was closely watched. They called me a traitor to my race for not joining them and threatened to take my life, which was only saved by the exertions of some of my blood relations, who, to the disgrace of our name, were acting with the mob, and who have by their lawless acts stained the name of an honorable family with infamy. I heard their consultations and know all about the trap they set to catch Howard, Atkinson, and McBride. They sent in a flag of truce ; the besieged men were guaranteed safety and kind treatment if they surrendered. Mr. Atkinson gave up to the leaders of the mob \$11,000 in specie, currency, and drafts on the condition that they would permit him, Howard, McBride, and all the rangers to depart without molestation.

Chico Barela swore by the holy cross that he would faithfully keep his part of the agreement. Mr. Atkinson believed him, and said, "Well, you have received a better price for us than we would bring if sold at public auction." It is said by some of the mob that Chico Barela intended to keep his word, and that he sent a messenger across the river to the Cura Borajo, informing him of what had been done, and received this answer : "Shoot all the Gringos and I will absolve you."

Howard was first taken out. The entire mob was formed in a regiment, about six hundred strong, and marched with Howard at the head to the place of execution. He walked erectly, with his hands behind him. When he reached the place of execution the command was given, "Halt !" Howard instantly stopped, and turning, faced the mob ; they were drawn out in a line. All was silent as death. Desiderio Apodaca, with a firing party of eight men, came up and took positions about ten feet from the doomed man, who stood quietly watching the proceedings. When all was ready Howard spoke. He could not speak Spanish very fluently, but enough to make himself understood. He said : "You are now about to execute 300 men ;" then, baring his breast, he gave the word, "Fire !" Then the firing party fired, and Howard fell and kicked and squirmed on the ground ; then Jesus Telles ran up to the body, and raising a machete (large knife) in both hands, struck at the body ; the blow fell, but Howard turned, and the machete fell on Telles' feet, cutting off two of his toes. The body was then hacked and mutilated, after which it was dragged to an old well and thrown in.

Then Atkinson and McBride were brought out and stood on the spot where Howard had fallen. McBride said nothing but appeared to be very melancholy (*triste*). Atkinson spoke in excellent Spanish. After stating the pledges they had made to release the party and the oath they had taken to perform their promises, he asked them if they still intended to violate their solemn pledges. The crowd shouted "*Acabemos !*" (Finish them.) "Then," said Atkinson, "there is no remedy ?" "No ! no !" shouted the crowd. "Then let me die with honor," he said ; "I will give the word." He then took off his coat and vest, opened his shirt so as to uncover his breast, looked at the party of eight men who stood with their guns ready to fire, and said in a cool manner, "When I give the word, fire at my heart—Fire !" As he gave the word five bullets struck him in the belly ; he staggered, but recovered himself and shouted, "*Mas ar-*

riba, cabrones!" (Higher up, you ———.) Two shots were then fired and he fell, but still was not dead. He motioned toward his head, and Desiderio Apodaca, the commander of the firing party, put a pistol to his head and finished him. McBride was instantly killed. The bodies were then dragged off.

I witnessed the above scene, I heard the remarks I have given, and hold myself responsible for the truth of this account. When this occurred there stood in the line of insurgents over three hundred men from the opposite side of the river, and I can furnish the names of most of them if required. After this, and also after the troops arrived, wagon-load after wagon-load of plunder was hauled away from the town to the opposite side of the river. Doña Teodore, the widow of Ellis, was robbed of her jewelry, dresses, bedclothing, furniture—everything; her house was stripped. Captain Gregorio Garcia made his escape to Guadalupe, across the river, and asked protection of the president of the municipality. Cura Borajo advised the authorities to drive him away and turn him over to the mob to be murdered, but Don Francisco Escajeda stood up, like a gallant gentleman as he is, and said he would protect Don Gregorio with his life, and so he was saved, although most of the Guadalupenos were of the mob. Among those of our citizens of Mexican origin who stood by the side of law and order at the risk of their lives I will mention Captain Gregorio Garcia and his sons; Telesforo Montes, Jesus Cabos, Judge Gregorio N. Garcia, Juan N. Garcia, Maximo Aranda, Pablo Mejia, Porfirio Garcia, and Pablo Romero, all intelligent and leading men. The leaders of the mob are all ignorant men. Chico Barela cannot tell the first letter of his name, and he is the most intelligent among them. I shall, if you desire, furnish you additional facts in regard to this affair.

Respectfully,

APPENDIX C.

THE MEXICAN FREE ZONE.

APPENDIX C

THE MEXICAN THIRD NOTE

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MEXICAN FREE ZONE.

FREE PORTS AT MATAMOROS AND ON THE RIO GRANDE.

Official correspondence relating to the Mexican Free Zone.

(From House Mis. Doc. No. 16, 40th Cong., 3d sess., pp. 1 to 11.)

JUNE 9, 1868.

On motion of Mr. Blaine,

Resolved, That the Committee on Foreign Affairs be instructed to inquire whether the action of the Mexican Government, in establishing free ports at Matamoros and other points on the Rio Grande, is not in violation of treaty stipulations, and unfriendly to the commercial rights of this country.

Attest :

EDW. MCPHERSON, *Clerk*.

DEPARTMENT OF STATE,
Washington, December 17, 1868.

SIR: I have the honor to acknowledge the receipt of your letter of the 15th instant, and to communicate a copy of all the papers here containing information on the subject of the resolution of the House of Representatives of the 9th of June last, to which you refer.

I am under the impression that the establishment of the Mexican Free Zone, so called, is not at variance with any existing treaty stipulation between the United States and the Mexican Republic.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. N. P. BANKS,

Chairman Committee on Foreign Affairs, House of Representatives.

List of accompanying papers.

Mr. Plumb to Mr. Seward, June 7, 1867.

Same to same, May 9, 1868.

Mr. Seward to Mr. Plumb, September 30, 1868.

Same to General Rosecrans, December 17, 1868.

Mr. Plumb to Mr. Seward.

NEW ORLEANS, June 7, 1867.

SIR: When at Brownsville and Matamoros, in December last, I received verbal information from reliable persons tending to show that a considerable portion of the business of those places consists in the illicit introduction into the United States of merchandise from Europe, landed at Matamoros in Mexico free of duty.

I have also recently noticed in the public journals that the Secretary of the Treasury has found it necessary to instruct the collector at Brownsville to employ an additional number of mounted inspectors for the prevention of smuggling on the Rio Grande frontier.

With your permission, I beg respectfully to submit to the attention of the department what has, for a long time, since my attention has been turned to our commercial relations with Mexico, appeared to me the source of great injury to our legitimate com-

merce on that frontier, and to suggest how the evil above referred to may probably be remedied. The facts are as follows:

Under a certain disposition of the general government of Mexico, made in 1858, the port of Matamoras, and a strip or district of territory extending up from the sea-coast along the Rio Grande as far as the limits of the State of Tamaulipas, or so as to include the towns of Reynosa, Camargo, Mier, and Guerrero, was constituted a free district, or Zona Libre, as it is called, with the following privileges, viz:

All merchandise coming from abroad is allowed to be received and entered at Matamoras without the payment of any duty or charge whatever except a small municipal tax. This exemption extends not only to all effects consumed in Matamoras and a limited region of a few leagues thereabouts, but also to merchandise placed in store, which may be so held as long as desired. If goods are sent from Matamoras to Reynosa, Camargo, Mier, and Guerrero, for consumption there, they have had to pay, for the last three years in Matamoras, before leaving, one-quarter of the regular tariff rates, except groceries, which pay nothing. Goods sent from Matamoras to Monterey pay full tariff rates in Matamoras, and the usual one-fifth additional or "contra registro" duty in Monterey. Goods proceeding from Reynosa, Camargo, Mier, and Guerrero to the interior are supposed to pay at those places full tariff rates.

All merchandise coming from abroad to Matamoras is entered at the custom-house there with the usual formalities; but the merchant is then allowed to take it to his warehouse and hold it at his pleasure, and it is only on sending it to the points above mentioned in the interior that he is called upon to pay any duty, except the small municipal tax before mentioned.

It results from this singular disposition that the port of Matamoras is practically erected into a free depot immediately on our border where merchandise brought from Europe can be deposited, and where it can be held free of duty until such time as convenient arrangements can be effected or opportunity occurs for its illicit introduction across the narrow Rio Grande into the United States. It is apparent this is not desirable for the interests of the revenue of the United States.

At the time when the disposition creating this Free Zone was made by the Mexican Government our tariff was lower than the Mexican tariff, and Brownsville was supplying the Mexican trade. This injured Matamoras, and the influence of that place secured from the general government the adoption of the preceding measure, not only as a means of protecting the business of Mexican towns against foreign competition, but also as a means indirectly of rather benefiting the public revenue of Mexico; for the limited consumption of the Free Zone which was relieved of duty would yield much less revenue than it was expected would be saved by putting a stop to the contraband trade then carried on from the United States side of the frontier into Mexico. Now, however, the situation, as regards tariff rates, has become reversed, and under our higher tariff it is no longer an object to land European merchandise in the United States when destined for an illicit introduction into Mexico, but it is now an object to land such merchandise in Mexico, when it can be so landed there and held free of duty until opportunity can be found for its illicit introduction into the United States. The effect upon the Mexican revenues has probably also not been what was anticipated by the general government and urged at the time by shrewd merchants of Matamoras; for it is questionable if the creation of this free district has not vastly added to the facilities for the fraudulent transmission to the interior of Mexico of vast quantities of merchandise which, if the tariff had been duly enforced at Matamoras, would then have been compelled to pay the full regular rates of duties.

By the establishment of this free zone the system on the Rio Grande frontier has become, practically, similar to that so long in operation on the west coast of Mexico. There, for instance, a vessel comes from Europe laden with merchandise for a market. She appears off Mazatlan. The consignee on shore communicates with her, and before her entry into port advises whether the negotiations with the custom-house officials, which, in advance of her arrival, have been in progress for the introduction of her cargo, at a reduction from the regular tariff rates, have been successful or not. If they have, the vessel enters port; if not, she may lie off and on for months, or may proceed to some other point on the coast where the officials may prove more tractable. It is this contraband trade, thus conducted, that has stood in way of our legitimate commerce with Mexico; and it is a point of exceeding interest to our future commercial relations with that country to ascertain whether there is not some way by which these exceptional advantages may be terminated, and so all shippers to that country, whether of large or small invoices, be placed upon a footing of just and fair equality.

At Matamoras, applying to the United States the same system that has prevailed on the west coast of Mexico, the fraudulent trader has now still greater advantages. There he can land his merchandise and hold it free of duty in his own warehouse at his pleasure until he can perfect arrangements for its introduction into the United States; or, failing in that, he has still open before him the Mexican market of the interior, of which he can avail himself whenever he chooses, or whenever, as is very

probable, some favorable arrangement can be made with the smaller interior custom-house for its passage at a reduced rate.

Fortunately, the well-known integrity of the revenue officers of the United States renders the improper introduction of merchandise across the Rio Grande extremely difficult, and restricts such traffic to a limited amount. Still, such illicit trade is known to exist in spite of all precautions; and while the opportunity exists which is afforded by the existence of Matamoros as a free port, great temptations will continue to be presented, and it is certainly wise to inquire if a remedy cannot be found. I believe it can be found in procuring from the Mexican government a revocation of the disposition which created this Free Zone. The motives which existed in favor of its creation do not now hold with reference to its longer continuance. The high rates of our tariff and the vigilance and fidelity of our revenue officers render it impossible for merchandise from Europe to be landed now in the United States for the purpose of its illicit introduction thence into Mexico, as was the case in 1858, while there can be no object to the general commerce of Mexico in permitting the free introduction into this zone from the United States of merchandise the product of the United States, when the same is not allowed to be so introduced free of duty into other parts of the republic. On the other hand, the interests of all other parts of the Mexican Republic are injuriously affected by special privileges conferred upon one portion that are denied to the rest. The commerce of Vera Cruz, for example, has very loudly complained of the opportunity the existence of this Free Zone has given for the introduction of merchandise from the frontier into a large portion of the interior by convenient arrangements with the officials of the smaller interior custom-houses that are not practicable in the more rigidly managed custom-houses of that port and Tampico.

It is evident that merchandise once landed on Mexican soil and placed in the warehouse of the merchant, as is now the case in Matamoros, whether under the provisions of this free zone or any other arrangement by which the duty is avoided or postponed, is less likely to be as certainly subjected afterward, in its transit to the interior, to the full payment of duties at some interior point as is that landed, say, at Vera Cruz, certain to have there to bear the full burden of the tariff.

There is, therefore, no argument that can now be legitimately urged in favor of the continuance of the special immunities accorded in the creation of this free zone, except the merely local interests of the port of Matamoros and the other towns on the Rio Grande that have been mentioned; and their interests would not now be affected so injuriously as would before have been the case. At the same time, it is certainly for the general interest of the Mexican republic that its customs tariff should bear upon all portions of the national territory alike.

I therefore believe that a representation to the Mexican Government at some proper time by the Government of the United States upon this subject would be attended with satisfactory results.

Such representation would certainly be none the less proper when the jealous regard of the United States for the due protection of its revenue is dictated by the necessity imposed upon it of providing for an enormous debt incurred in our defense of the cause of free institutions, in which republican Mexico is interested equally with ourselves.

It is apparent that when the full Mexican tariff rates shall be again exacted upon all merchandise landed at Matamoros, the inducement to bring European merchandise there for the purpose of its illicit introduction into the United States will entirely cease.

It is further obvious that it would be greatly for the interest of our general commerce with Mexico that the tariff rates of that country should apply to all ports alike, as it would also serve greatly to stimulate and facilitate our trade, could the Mexican Government be induced to simplify their tariff, and instead of having, as now, various duties, some collected at interior points, establish one sole and uniform rate, to be imposed and paid solely and once for all at the port of entry.

The almost entire breaking up by the late intervention of the former channels of European trade affords a valuable opportunity for the United States to now secure almost a monopoly of the foreign commerce of Mexico, and if peace, as it may now be hoped, shall be firmly established, that commerce will not only be very largely increased, but, in the effect large returns in silver would have upon our own finances, may become very important.

In this view, I have thought it might not be improper for me to take the liberty of submitting these observations to the attention of the department.

I am, sir, with the highest respect, your most obedient servant,

E. L. PLUMB.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Plumb to Mr. Seward.

No. 125.]

LEGATION OF THE UNITED STATES,
City of Mexico, May 9, 1868.

SIR: In the public journals at hand by this mail from home, I notice reference made to a great increase of smuggling into the United States across the Rio Grande frontier.

Permit me, respectfully, in this connection to refer to a letter I addressed to the department upon this subject, from New Orleans, on the 7th of June, 1867, in which I called attention to the system under which the port of Matamoros in Mexico is maintained as a place of free deposit, into which merchandise can be introduced from abroad, and there held free of charge until a convenient opportunity is presented for its illicit conveyance across the Rio Grande into the United States.

I have the honor to be, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Plumb.

No. 105.]

DEPARTMENT OF STATE,
Washington, September 30, 1868.

SIR: I give you herewith a copy of a note, which has been received by me from the Secretary of the Treasury, in relation to the existence on the Mexican bank of the Rio Grande of a belt of country which is free from import duties on commerce. This condition of things the Secretary of the Treasury thinks cannot be beneficial to Mexico, while it is injurious to the revenue system of the United States. This subject will be far better understood at Mexico than it can be here. It is not our right to require Mexico to modify her tariff laws for our convenience, nevertheless it is the custom among friendly nations to give respectful attention to suggestions mutually made of that character.

You may confer with the minister on foreign affairs upon that subject,

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. L. PLUMB, Esq., &c., &c., &c.

Mr. McCulloch to Mr. Seward.

TREASURY DEPARTMENT,
September 26, 1868.

SIR: I have the honor to transmit herewith a copy of a communication, dated the 21st instant, from Mr. Samuel A. Belden, of Brownsville, Tex., in reference to the existence on the Mexican side of the Rio Grande of a belt of country which is free to commerce.

It is alleged by Mr. Belden, and it has also been represented to the department through other sources, that by reason of the existence of such free belt of country, the loss to the revenue by means of smuggling is immense and continually increasing, and that it seriously affects the growth and prosperity of that portion of the United States which borders on the Rio Grande.

In view of these representations, it is respectfully suggested whether it would not be advisable to bring to the notice of the Mexican authorities the exemption of that section of the country, lying in immediate proximity to the United States, from customs duties, and exactions which, so far as I am advised, are enforced throughout the residue of the republic, thus inviting importation of merchandise with a view to its introduction into the United States without the payment of duty, and imposing a heavy expense on the United States Government for the protection of the revenue on that frontier, without any corresponding benefit to Mexico, that I can perceive, which would justify a measure so injurious to a neighboring and friendly power.

I am, very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State.

WASHINGTON CITY, D. C.,
September 21, 1868.

Some time in the year 1857 or '58 the governor of the State of Tamaulipas, Mexico, issued a decree authorizing the merchants and citizens inhabiting the strips of territory embraced in the portion of the State extending from the mouth of the Rio Grande to its furthest boundary, and from the river inland for two leagues, to introduce, free of duty, merchandise of all classes.

This is known as the "Zona Libre," (free belt,) and the decree of the governor was in operation for three years before it was ratified by the general government, and is in full force at this time, notwithstanding the protest of the cities of Tampico and Vera Cruz against it as partial and unjust. The government was not in a condition to refuse any demand of the frontier, because of the heroic defenses which the inhabitants had made against Carvajal and other raiders. The merchandise introduced under this decree is required to pay duties only when exported from the Zona Libre to the interior of Mexico, or to the United States side of the Rio Grande, and its effect has been most disastrous to the commerce of the city of Brownsville, and other towns on our side of the Rio Grande, as well as to the revenue of the United States. No argument is required to prove this, nor can there be any doubt that it is the cause of the immense amount of contraband trade upon the frontier, the inducements to which are irresistible to such as are willing to engage in it, particularly in liquors and foreign merchandise, which can be purchased at Matamoros at a very small advance over the foreign cost, and their introduction into the United States at some point in an extended frontier of upwards of nine hundred miles, *cannot be prevented*.

Prior to the existence of this decree the amount of merchandise in the United States bonded warehouses at Brazos de Santiago and Brownsville ranged from one to three millions of dollars, but since that period the trade has dwindled to such a point the custom-house there, instead of being a means of revenue, is an expense to the United States.

For the removal of this incubus upon the trade of the citizens of our frontier they are without power, but think that the relations which have existed between the governments of Mexico and the United States, since the passage of the decree, will justify prompt action on the part of the United States to terminate so flagrant an injustice.

Very respectfully,

SAM. A. BELDEN,
Brownsville, Tex.

Mr. Seward to Mr. Rosecrans.

No. 11.]

DEPARTMENT OF STATE,
Washington, December 17, 1868.

SIR: This Department has been applied to by the Committee on Foreign Affairs of the House of Representatives for information relative to the zone in the northeastern part of Mexico made free by regulation or decree from import duties. The subject is of great importance to the revenue of the United States, and to merchants domiciled in Texas near the Mexican frontier. The Department has not heard from your legation in regard to it since its instruction to Mr. Plumb, No. 105, of the 30th of September last.

It is supposed to be probable that the existing constitution of Mexico does not contain a clause like that in the Constitution of the United States, which requires duties to be uniform throughout the country. If such a clause existed and were respected, the objectionable measure referred to could not have gone into operation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM S. ROSECRANS, Esq., &c., &c., &c.

Mr. Seward to Mr. Banks.

DEPARTMENT OF STATE,
Washington, January 2, 1869.

SIR: On the 17th of December last I had the honor to transmit a copy of all the papers which were then found in the Department relating to the subject of a resolution of the House of Representatives of the 9th of June last, on the subject of the so-called free commercial zone on the eastern boundary of Mexico.

I have now the honor to transmit, by way of supplement, a copy of a dispatch relating to the same subject, which has recently been received from Edward L. Plumb, esq., late United States chargé d'affaires in Mexico, together with a copy of a recent instruction issued from this department to Mr. Rosecrans, now minister plenipotentiary in Mexico.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. N. P. BANKS,

Chairman of the Committee on Foreign Affairs of the House of Representatives.

Mr. Plumb to Mr. Seward.

No. 232.]

LEGATION OF THE UNITED STATES,
City of Mexico, December 3, 1868.

SIR: I had the honor on the 3d ultimo to receive your dispatch No. 105, of the 30th of September last, relating to the existence on the Mexican bank of the Rio Grande of a belt of country which is free from import duties on commerce, and inclosing a copy of a note addressed to you by the Secretary of the Treasury on that subject.

In compliance with the authorization contained in your dispatch to confer with the Mexican minister for foreign affairs upon this subject, I had interviews with Mr. Lerdo de Tejada on the 6th and 25th ultimo, at which the existing arrangement on the Rio Grande frontier was fully discussed; and at an interview on the 2d instant it was again referred to.

By the same mail which brought me your dispatch I received from the Department a copy of the published diplomatic correspondence for 1867, in which (vol. ii, p. 412) is inserted the letter I addressed to you from New Orleans, on the 7th of June, 1867, upon the subject of this objectionable arrangement on the Mexican frontier, and especially as relates to the facility thus given to the port of Matamoros to become simply a port of free deposit for effects from Europe for the purpose of their illicit introduction across the narrow Rio Grande into the United States.

This communication, presenting fully the views I could now only reiterate verbally, I brought to the attention of Mr. Lerdo in our first interview, and I left with him the volume that he might, as he proposed, have the latter translated and laid before President Juraez.

I also communicated to him at that interview the substance of your dispatch, and of the note of the Secretary of the Treasury, with the communication thereto annexed.

Subsequently I thought it desirable to communicate to Mr. Lerdo, unofficially, a copy of your dispatch and its accompaniments, and did so on the 27th ultimo, with a note, of which copy is inclosed herewith.

I also communicated to him, unofficially, in a note under date of the 28th ultimo, a printed slip containing the resolution relating to this Free Zone adopted by the House of Representatives of the United States on the 9th of June last.

A copy of my note and inclosure is herewith transmitted. I also transmit a copy and translation of Mr. Lerdo de Tejada's two notes in reply.

Since my arrival here in October of last year, I have, on frequent occasions, as opportunity has offered, made reference, in my conversations with members of the government and with their public men generally, to the desirability and justice to commerce of having their national tariff, whatever it might be, made equally applicable over all parts of the republic, that the importer of foreign effects at one point or port might be placed on a just and fair equality with those at all others; and I have urged so far as I properly could, the propriety, both in the interest of Mexico and from comity to the United States, of the termination of the arrangement now existing on the Rio Grande frontier.

I have, also, since the appointment on the 24th of January last of a commission to revise the tariff, sought such opportunities as I properly could to present these views to the members of that commission.

The ground, therefore, had been well prepared for a direct conference upon the subject with this government, and your instruction was most timely. In my interview with Mr. Lerdo on the 6th ultimo, I referred to the statement, published in the *Diario Oficial* of the day before, of the receipts at each of their different custom-houses, both maritime and frontier, by which it appears that the total receipts at all of the frontier custom-houses of the republic and at the port of Matamoros, for the first six months of the present year, amount only to less than \$400,000, or at the rate of say \$300,000 per annum.

Assuming the average rate of duties under the existing tariff to be 50 per cent., the above sum of duties would therefore represent a legitimate commerce of only about

\$1,600,000 per annum while it is notorious that the commercial movement on that frontier and from Matamoros into the interior of the republic must be of vastly greater amount. A large contraband trade from the Free Zone into the interior of Mexico, to the detriment of the national revenues of the republic, appears, therefore, to be evident.

I also referred to the fact that the authorities of the State of Nuevo Leon, which is just without the Free Zone, have petitioned the general government for its abolition, representing its evil effects upon their commerce and the public revenue, as have also the ports of Tampico and Vera Cruz, whose importations are necessarily placed at great disadvantage by the evidently fraudulent introduction into the interior, by way of Matamoros and of the Free Zone, of merchandise there held free of duty.

Mr. Lerdo replied that he was aware of these representations that had been made, and was sensible of the disadvantages to their revenue, to which I had alluded; that the subject of this Free Zone was now under consideration by the government in connection with the reform of their tariff; and that while he had borne in mind the observations that on several previous occasions I had unofficially made to him upon this subject, full consideration would be given to what I had now, under the authorization of my government, brought to his attention.

That one difficulty that had weighed against terminating this system on the Rio Grande was the entire destruction that, it was urged, it would bring upon Matamoros, but that perhaps that effect might be avoided by the establishment of a system of bonded warehouses, such as maintained in the United States, and allowing merchandise to remain in the same for a certain time before the payment of duty.

I replied to the first point that I could hardly believe it probable that the result he apprehended with reference to Matamoros would be realized; that legitimate commerce must in the end be a benefit, rather than an injury, to any place, and there seemed to be a positive necessity, in justice to commerce at the other ports of the republic, to have a common tariff maintained equally applicable everywhere.

Mr. Lerdo made some reference to the feeling that might be raised on the immediate frontier against the government by the abolition of privileges that had been so long conceded.

On the 17th ultimo the report just made of the commission to revise the tariff, a translation of which I transmitted to the department with my dispatch No. 224 of the 20th ultimo, was published. In it the commission recommend the abolition of the free zone.

In my interview with Mr. Lerdo on the 25th I referred to this report, and I inquired whether the position thus taken by the commission would be sustained by the government.

Mr. Lerdo replied that the report had not yet been fully considered by the cabinet, and he could not say what the decision would be, but he thought the feeling in Congress and the tendency of public opinion generally was inclining toward the suppression of the free zone.

So far as the subject had been discussed in the cabinet and between himself and the President, the inclination was such as to lead to the probability of final action in the matter, so far as it might depend upon the executive being in accord with the recommendation made by the commission. That if the tariff should be taken up exclusively by Congress he could not say what its action might be upon this point. Nor if the new tariff should be left, under some general authorization, to the executive to conclude, could he yet positively say that it would be determined to abolish the free zone entirely, or what means of meeting the conflicting interests involved would be finally adopted. There was a very strong opposition from Matamoros against any change; and the evening before a representative from there had had a conversation with him of over two hours, in which some arguments, which were new to him and which appeared to have weight, were urged in support of the existing system. They were more of a local character, however, and of detail, and could not fully weigh against the general principles and the international bearings of the question which I had laid before him.

I then went over the ground again of the various arguments in favor of the equal application of the tariff of the country to all parts of the republic alike; to the fallacy of the representations made by interested parties that contraband trade could be more easily prevented under the present arrangement than if the free zone was abolished, and to the grave inconveniences arising to the United States from the liberty now extended to the merchants in this free zone, to land and hold merchandise there from Europe without the payment of any duty, and the facility thereby afforded of fraudulently introducing the same into the United States across the slight barrier of the Rio Grande.

I also urged, that as the conviction had been created in the United States on the part of our public men generally, that this arrangement maintained by Mexico, while it was of no advantage to the republic at large, was one of serious detriment to the United States, it became a question of mutual concern on the part of the governments of the two countries to endeavor, if possible, to remove this cause of undesirable prejudice.

Mr. Lerdo, at the conclusion of our conversation upon this point, stated that the

government would earnestly seek to find such solution of this matter as, while not altogether occasioning the evils apprehended by some from the entire suppression of the free zone, would yet meet the views I had expressed, and also satisfy the principle of uniformity in their new tariff. He was inclined now to think that this might be obtained by establishing, in Matamoros and at the other points of entry on the frontier, a system of bonded warehouses such as prevailed in the United States, and that thus the systems on the two sides of the frontier might be made identical. If authorization should be given, as he thought probable, to the executive to conclude the adjustment of the new tariff after the project shall have been submitted to Congress, it would then be in the power of the executive to treat this subject in the final framing of the tariff regulations, and the desires of the executive would be as he had indicated.

In my interview with Mr. Lerdo on the 2d instant I inquired if any decision upon the subject had yet been arrived at by the cabinet which I could communicate to my government as final. He replied that there had not.

My impression is that, with the influence that has now been brought to bear, the suppression of the free zone of the Rio Grande, and the application there of the national tariff the same as in all other parts of the republic, may be effected, unless some political obstacle shall intervene, either in the adoption of the new tariff or at the session of Congress, which takes place in April and May of the coming year.

The continuance much longer of the existing arrangement does not now appear to be probable.

I have the honor to be, very respectfully, your obedient servant,

F. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Rosecrans.

No. 15.]

DEPARTMENT OF STATE,
Washington, January 2, 1869.

SIR: I have received Mr. Plumb's dispatch of the 3d of December last, No. 232, which relates to the so-called free trade zone on the Rio Grande frontier. It gives me much pleasure to say that Mr. Plumb's proceedings in the execution of his instructions on that subject seem to have been judicious, and are altogether approved.

Mr. Plumb's dispatch authorizes us to hope that the anomalous condition of the revenue laws of Mexico on the Rio Grande frontier will be removed by the Mexican Congress. The measure is highly interesting, as well to the Government of the United States in regard to its revenue, as to the Government of Mexico in regard to its own revenue. I trust you will spare no useful effort in the matter.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM S. ROSECRANS, Esq., &c., &c., &c.

Extract from a report made to the Senate of the United States May 16, 1870, upon the subject of the Mexican free zone on the Rio Grande.

(Senate Report, No. 166, 41st Congress, 2d session.)

The Joint Select Committee on Retrenchment, to whom was referred Senate bill No. 783, "to repeal all existing laws authorizing the transportation and exportation of goods, wares, and merchandise in bond to Mexico overland, or by inland waters, and for other purposes," having considered the same, respectfully submit the following report:

The object of the bill is to protect, so far as it can be done by legislation on our part, the revenue of the United States and the interests of our frontier bordering on the Rio Grande, from the losses and injuries resulting from the facilities for smuggling afforded by the laws which it is proposed to repeal, and by the existence of the *Zona Libre*, or free belt, on the Mexican side of the Rio Grande.

Prior to 1858 the American towns enjoyed greater commercial advantages and were much more thrifty and populous than their Mexican neighbors on the opposite side of the river.

By the act of August 30, 1852, the transportation to Mexico of goods in bond was permitted by certain routes specified in the act, and by such others as the Secretary of

the Treasury might prescribe. This enabled American merchants to store large quantities of goods in our bonded warehouses until a favorable opportunity arrived to withdraw them for consumption or for exportation in bond to Mexico.

It is simply an impossibility to prevent smuggling on such a line as that formed by the Rio Grande so long as a sufficient inducement to smuggle exists, and doubtless, at that time, there was considerable smuggling from the American side of the river, to the detriment of the revenue of Mexico and the legitimate commerce of her merchants, who were unable to compete successfully with those whose goods had paid only the lower rate of duty then required at the American ports, or having been exported from the United States in bond and smuggled into Mexico, had escaped payment of duties to either nation.

On the 28th day of December, 1857, the legislature of the State of Tamaulipas passed an act creating the *Zona Libre*, which was promulgated March 17, 1858, by decree of Ramon Guerra, then provisional governor of Tamaulipas. The immense amount of smuggling on the Rio Grande, and the necessity for the repeal of our laws authorizing the exportation of goods in bond to Mexico, are mainly in consequence of that act.

As the *Zona Libre* promises to be a matter of considerable interest to the country, we give the decree establishing it in full in the appendix to this report; also the testimony of competent witnesses showing its effects on our revenue and the prosperity of the frontier.

The object of the act is clearly shown in the preamble, where it is recited "that the villages on the northern frontier are found in a really ruinous state," and that the decree is issued "that they may not be entirely depopulated by emigration to the neighboring country."

By the first article of the decree foreign goods are admitted to Matamoros and other towns in the State of Tamaulipas on the Rio Grande free of duty, except such as might be imposed for local purposes, which were mainly municipal and trifling in amount.

Article second invites merchants established on the American bank of the river to transfer their business and effects to the other side, and grants special facilities and privileges for doing so. The other articles are mainly occupied with the regulations for the transfer of merchandise from the *Zona Libre* to the interior of Mexico.

That the result of this decree was not anticipated by its authors is clearly shown in article eighth, in which the inhabitants are invoked "to impede, by every means in their power, the conversion of this benefit granted to them into a shameless contraband traffic."

The purpose of the act was evidently to build up the Mexican towns at the expense of their American neighbors, which was to be accomplished by furnishing to smugglers, for hundreds of miles along a frontier that it is impossible to guard, a safe and convenient place of deposit for goods which they received free of duty, until a convenient opportunity should occur to smuggle them into the United States. The inevitable result was the destruction of the commerce and prosperity of the American towns, and great frauds, estimated at from \$2,000,000 to \$6,000,000 per annum, on the revenue of the United States.

The general government of Mexico hesitated to approve an act so hostile to the interests of a friendly nation; and it was not until July 30, 1861, when Texas was in the possession of the so-called Confederate States, to whom the *Zona Libre* would be of great advantage, that it received the sanction of President Juarez.

Since the close of the war the *Zona Libre* has served as a base from which smuggling into the United States can be safely carried on. The American towns have decayed, and the Mexican towns have flourished in proportion, so that instead of being in a "really ruinous state," and liable to be "entirely depopulated by emigration to the neighboring country," as they were in 1858, they contained in 1868 a population more than three times as large as that of their American neighbors, that ten years before were threatening to absorb them. Honest merchants, unable to compete with the smugglers, have been compelled to abandon the country or to engage in illicit trade themselves, and the whole community on both sides of the river has become so thoroughly demoralized that smuggling is generally considered a legitimate and honorable business. The desperate characters whom this condition of things has attracted or created, plunder private citizens as well as defraud the government, and frequently make raids into Texas and drive large herds of cattle across the river into Mexico. It is estimated by well-informed men that the loss by these raids is sometimes as high as two hundred thousand head a year.

The prosperity of the whole frontier is paralyzed by the existence of the *Zona Libre*. The revenue of Mexico suffers as well as our own. By the decree of Ramon Guerra, only goods consumed in the *Zona Libre* were exempted from duty; but although the importations exceed many times the amount that can be consumed by the population of that territory, the custom-houses collect barely enough to pay their own expenses.

The secretary of the treasury of Mexico, in his report published in the fall of 1869, says:

"Another of the causes which have contributed most powerfully to diminish the product of the public rents, and especially that of importation duties, has been the institution of the free zone, enjoyed by the frontier of Tamaulipas. The establishment of this institution, owing in the beginning to the desire of favoring the frontier populations of Tamaulipas, constitutes an exception which can with difficulty be sustained according to good economical principles, and which has given and will still give margin for abuses and frauds of importance by which suffer greatly the commerce of good faith and the federal exchequer."

Soon after the restoration of order, the attention of the Mexican Government was called to the injuries resulting to both countries from the existence of the *zona libre*, and to the unfriendly spirit shown by enacting for the territory bordering on our frontier different customs regulations from those which existed in other parts of the country, by which the enforcement of our laws and the prevention of frauds on our revenue were made impossible. The President and heads of the executive departments admitted the justice of our complaints, and gave reason to hope that the decree establishing the *Zona Libre* would be abrogated at the next session of Congress. No action was taken by the Mexican Congress until December last, when, instead of abrogating the decree, they extended it so as to include the States of Nuevo Leon and Coahuila.

The following extract from an article which appeared in *La Cronica*, March 18, 1870, and which it is understood was written by a distinguished member of the Mexican Congress, will show the spirit in which this extension was made, and the manner in which the *Zona Libre* is regarded by the enlightened statesmen of Mexico:

"The newspapers of the United States are full of complaints against the institution of the Free Zone on our northern frontier. The evils resulting therefrom to the treasury and the commerce of their country are serious, and they denounce the measure as contrary to the reciprocity which should exist between the two countries. For ourselves, from the time the establishment of the free zone was discussed in Congress, it never seemed to us a measure favorable to the interests of Mexico, and we believed further that it would tend to destroy the relations of friendship existing between the two nations.

"We remember that Congress was deluded by the assurance that the institution of the Free Zone injured the commerce of the United States, and for this reason favored the interests of Mexico. We admit the former proposition, but are far from expecting that the latter will prove true. We do believe, after having studied the question, that the free zone injures both nations; the United States, because all that frontier being a free port, the merchants of the American side will come to our territory to store their goods, and watch for an opportunity to introduce them in a clandestine manner into Texas. Thus Mexico will be in the position of a person who injures himself and at the same time injures his neighbor.

"It was said in Congress that Mexico was free to dictate her own laws. Nobody can doubt that she has this right, but neither can we disregard the obligations imposed upon nations by natural law not to make themselves bad neighbors, one to the other."

With a knowledge of the course pursued by Mexico during the war, and of the feeling toward the United States which now animates the majority of her Congress, it is useless to expect anything from her friendship or her justice.

We must depend wholly on ourselves, and must protect our revenue by the best means in our power. This can be partially effected by the passage of the proposed bill. Large quantities of merchandise are transported in bond from other parts of the United States, mainly from Indianola, Galveston, and Corpus Christi, to the bank of the Rio Grande, and ostensibly crossed over into Mexico. Of this the certificate of an American consul, or, where there is no consul, that of two merchants, is considered sufficient evidence, and on the return of such a certificate the bond is canceled. Where nearly all the inhabitants are engaged in smuggling, such certificates are not difficult to obtain. No inconsiderable portion of those goods never cross the river, but after proceeding for a few miles in the direction of the place to which they are professedly destined, they are carried into the chaparral, taken from the original packages, and thereafter transported with perfect impunity into the interior. After the requisite time the certificate that they have been landed in Mexico is returned, signed, as required, by two merchants, and the bond is canceled. Sometimes the goods are actually carried across the river, but the greater portion soon find their way back into the United States without the payment of duties.

The northern States of Mexico are mainly dependent for their supplies on goods transported in bond across a portion of our territory.

The Secretary of the Treasury has lately issued orders discontinuing routes designated by the Treasury Department pursuant to the provisions of the act of August 30, 1852. By the passage of the proposed bill the other routes authorized by that act will be closed, and the transit trade in bond, with all the smuggling resulting therefrom, entirely stopped.

The cost of supplies for the northern States of Mexico will be increased by the expense of transportation over long, difficult, and unsafe routes, or, if received by the

same routes as at present, by the addition of the United States duty, which must then be paid, so that it will be for the interest of the people of those States to join with the party already opposed to the *Zona Libre* in demanding its abolishment.

The passage of the proposed bill will prevent smuggling, so far as it is perpetrated under cover of our laws authorizing the exportation of goods in bond, but it will not prevent the smuggling into the United States of goods originally imported into Mexico, and will therefore prove only a partial remedy. No effectual prevention of smuggling across the Rio Grande can be devised, except such as will require the concurrent action of Mexico.

The State Department has been in correspondence with the Mexican Government for two years past in relation to the *Zona Libre*, and, although the president and executive officers of that government have expressed their sense of its injurious effects on both countries, and their desire for its abolishment, the only practical result has been, as was before stated, its extension by Congress over two more States.

The hope of successful negotiation seems to have been exhausted. In violation of her own constitution, which prohibits the enactment of revenue laws unequal in their effect, Mexico still persists in maintaining along our frontier a belt of territory to which goods are admitted free, while imports to all other portions of the country are required to pay a heavy duty. Unfriendly is the mildest term by which such conduct can be characterized. A due consideration for the protection of our own interests may render other measures requisite to induce Mexico to regard the comity of nations, and observe toward us such a course of conduct as is essential to the maintenance of friendly relations between neighboring countries. In so delicate and important a matter, the committee offer no suggestions, but simply report the facts connected with the existence of the *Zona Libre* for the consideration of Congress, and recommend the passage of the proposed bill without amendment.

A BILL to repeal all existing laws authorizing the transportation and exportation of goods, wares and merchandise in bond to Mexico, overland or by inland waters, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all existing laws authorizing the transportation and exportation of goods, wares, and merchandise in bond to Mexico, overland or by inland waters, be, and the same are hereby, repealed.

SEC. 2. *And be it further enacted,* That all existing provisions of law authorizing the payment of drawback upon goods, wares, and merchandise exported from the United States to ports or places in Mexico north of parallel twenty-three degrees thirty minutes north latitude, or the cancellation of bonds given for the exportation and landing of goods, wares, and merchandise at such ports and places, be, and the same are hereby, repealed; and all authority to issue certificates in respect to the landing and delivery of goods, wares, and merchandise, conferred by law upon merchants and consuls of the United States, resident at places in Mexico north of said parallel, is hereby revoked.

APPENDIX.

Decree establishing the Zona Libre and approval of the general government of Mexico.

GOVERNMENT OF THE STATE OF TAMAULIPAS.

The citizen Ramon Guerra, governor *ad interim* of the State of Tamaulipas, considering that the towns on the northern frontier are really in a state of decay for the lack of laws to protect their commerce; that, situated in the immediate vicinity of a mercantile nation which enjoys free commerce, they need equal advantages in order not to lose their population, which is constantly emigrating to the neighboring country; desiring to put an end to so serious an evil by means of privileges which have so long been demanded by the commerce of the frontier; favorably considering the petition of the inhabitants of Matamoros, and using the extraordinary faculties with which I am invested by the decree of December 28, the last of the honorable legislature of the State, with the advice and consent of the council, I have seen fit to decree as follows:

ARTICLE 1. Foreign goods designed for the consumption of the city of Matamoros and of the other towns on the bank of the Rio Bravo, Reynosa, Camargo, Mier, Guerrero, and Monterey Laredo, and for the trade which these towns carry on among themselves, shall be free from all duties, with the exception of municipal duties and such taxes as may be imposed, to the end that the burdens of the State may be borne. In like manner, goods deposited in government warehouses, or in warehouses belonging to private individuals in the said towns, shall be free of duties so long as they are not conveyed inland to other towns of the State or of the republic. The terms on which this trade is to be conducted are laid down in the following articles.

ART. 2. Mexican or foreign merchants, settled on the left bank of the Bravo, who may desire to avail themselves of this privilege, may transport their goods and fix their trading establishments, without paying any duties, in any of the towns aforesaid, being subject, in making such transportation, to the provisions made in the laws of the maritime and frontier custom-houses for the importation of foreign goods into the republic with the object of avoiding the clandestine introduction of goods, to the detriment of the national treasury.

ART. 3. Any load conveyed to the right side of the Bravo must be carried through the fords of the river designated in the regulations of the custom-houses of said towns, and goods about to be shipped, already shipped, or which have been discharged at other places than those designated, shall be subject to confiscation, together with the vessel, boat, launch, carts, or wagons, upon which such goods were conveyed, and the carriers shall be required to pay a fine of from twenty-five to one hundred dollars; and the owners of the load shall be obliged, besides forfeiting their goods, to close the trading establishments which they may have in the republic, their names being published in the newspapers, together with a statement of the fact and an order directing the closure of their business.

ART. 4. Goods leaving the towns where the custom-houses are designed for free consumption, must go with permits or passes, as is usual in the internal trade of the republic; in these documents various stations shall not be indicated, but only one in which the goods are to be consumed, and a fictitious name of the carrier shall not be inserted, but his real Christian name and surname, as likewise the name of the sender and that of the consignee. Any failure in this respect will give rise to a grave responsibility on the part of the official issuing such documents. Acknowledgments of the receipt of the goods, and of the delivery of the same to the consignees, will in all cases be required with little delay, in order that goods consumed outside of the privileged towns, in violation of the permit, may pay the lawful duties. Goods for the use of ranchos in the jurisdiction shall be required to pay no duties when their value does not exceed thirty dollars, and when they have the proper permits, without which requisite they shall be confiscated.

ART. 5. The circulation of goods for free consumption, as well as for conveyance into the interior of the republic, shall be subject to the examination of the custom-house officers at the place whence they are sent. The carriers of such goods must present themselves with the same, and with their documents, at the sentry-boxes situated on their route, to the official on duty, that they may receive his visa, without which requisite they shall be liable to confiscation, although the documents covering the load may have been issued in due form of law. It shall also be the duty of the carrier to present the load and documents at the custom-house of the place of destination, under the same penalty of confiscation.

ART. 6. The administrator (collector) of the custom-house issuing the permits or passes must give notice by the next ordinary mail, to the administrator of the custom-house at the place of destination, that said documents have been issued, stating the date and the numbers thereof, the name of carrier, and of the consignees, and the time fixed for their presentation. The administrator of the custom-house at the place of destination shall compare the load with the documents covering it, examining it carefully in accordance with the custom-house regulations, and sending word as to the result to the administrator of the custom-house at the point whence the goods were sent.

ART. 7. Foreign goods leaving the privileged towns, to be conveyed into the interior of the republic, shall, at the time of so doing, become subject to the duties laid upon them by the tariff, and they shall never be conveyed into the interior without having paid, at the custom-house of their place of departure, all duties which are required to be paid in the port, and without the observance of all the requirements and provisions of the laws in force, in order not to be molested or detained on their way.

ART. 8. As the privilege granted by this decree ought not to cause any detriment to the national revenue, it is the duty of the inhabitants of the frontier to prevent, by all the means in their power, this privilege from being converted into a shameful smuggling traffic; it is, therefore, the duty of every inhabitant of the frontier voluntarily to become a sentinel, constantly on the watch to prevent smuggling; otherwise, the government will be under the painful necessity of withdrawing this privilege, by revoking the present decree.

ART. 9. This decree shall be subject to the revision and approval of the Congress of the State at its next meeting in ordinary session; and to that of the general Congress when constitutional order shall be restored, although it shall go into force as soon as published in the privileged towns.

Therefore, I order it to be printed, published, circulated, and duly enforced.

Done at Ciudad Victoria, March 17, 1858.

RAMON GUERRA.

JOSÉ MARIA OLVERA,
Chief Official.

The foregoing decree was afterward, on the 30th day of July, 1861, approved by the general government of the Republic of Mexico; a translation of the decree of President Juarez, approving of the same, is as follows, viz:

BENITO JUAREZ, President of the United States of Mexico, to the inhabitants thereof:

Be it known that the sovereign Congress has deemed proper to decree the following:

ARTICLE 1. We do approve of the act passed by the State of Tamaulipas on the 17th day of March, 1858, by which the towns of Matamoros, Reynosa, Camargo, Mier, Guerrero, and Monterey Lared, situated on the right bank of the Rio Grande, were made free ports of entry for all foreign goods shipped to these towns and destined for the consumption of and traffic between said towns, under the rules and regulations laid down in said decree.

Given in the halls of the Congress of the Union of Mexico, on the 30th day of July, 1861.

JOSE LINARES,
Deputy President.

E. ROBLER,
GIL, L. GANOA,
Deputy Secretaries.

In witness whereof I have ordered the foregoing to be printed, published, and circulated for the proper compliance with the same.

Given at the National Palace of Mexico, on the 30th day of July, 1861.

BENITO JUAREZ.

Citizen HIGENIO NUNEZ,
Secretary of State, Treasury, and Public Credit.

Take notice of the foregoing and enforce the compliance therewith.
Liberty and reform, Mexico, July 30, 1861.

NUNEZ.

The POLITICAL CHIEF of the District of Northern Tamaulipas.

The above is a certified copy.
H. Matamoros, September 2, 1861.

N. CORDOVA,
Secretary.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1870, p. 486.)

LEGATION OF THE UNITED STATES,
Mexico, November 4, 1870.

SIR: I have the honor to inclose an able speech by Mr. Romero, the secretary of the treasury, to the Mexican Congress, in the sessions of the 28th and 29th ultimo, in opposition to the maintenance and extension of the Free Zone. The debate will probably continue for some time, and Mr. Romero reserves the right to be heard again at its close.

I also send a synopsis of a speech in favor of the Free Zone, by the Deputy Don Ramon Guzman, delivered in the session of the 27th ultimo. This orator is perhaps the most strenuous defender of that measure, and, as will be seen by his speech, bases his argument, in a great degree, upon the well-known opposition of the Government of the United States. He also intimates that the American Government attempted to influence himself and another deputy to report against the Free Zone, when serving upon a committee of consultation a year or two since.

THOMAS H. NELSON.

Speech of the secretary of the treasury, Mr. Romero, in the Mexican Congress, October 28 and 29, 1870, against the Free Zone, translated from the Diario Oficial of October 31, 1870.

The executive is to-day again placed in a condition of embarrassment, being compelled to express an opinion in opposition to the interests which have been acquired in a zone of the republic, and which have been represented to this assembly as identified with the honor and the prosperity of the nation, with the patriotism and the most sacred rights of the citizen. It is in fulfillment of a duty toward the nation, which

the executive believes to be superior to every other consideration, that I now come to make known, in all loyalty, its opinion upon the delicate subject of the Free Zone.

The importance of this question and the grave interests at stake impel me to begin by begging the chamber to be good enough to lend me an undivided attention during the exposition, which I will endeavor to make as brief as possible.

At the outset, I must state that I have seen, with regret, as well in the session of yesterday as in that of to-day, that the supporters of the Free Zone have seen fit to bring into the discussion the desires or the convenience of a foreign nation in reference to this subject. It seems to me unworthy of this hall, and almost indecorous for Congress, that in treating a question essentially Mexican there should be presented, as a consideration which ought to have a decisive influence on its judgment, such desires or such convenience of a foreign nation, especially when these reasons, which so much affect the notorious patriotism and lively susceptibility of Congress, with the object of preventing a maturer consideration, and causing it to decide this question rather with the heart than with the head.

At the time of the discussion of the Free Zone last year, when the bases of the tariff were approved, it was insinuated, with more or less directness, as it has been more sparingly during the present debate, that the executive opinion against the Free Zone emanated from a fear of the neighboring nation, which had expressed a wish to have that zone abolished, or from an excessive condescension toward that nation. Those who believe this, know neither the character of the present incumbent of the executive chair nor the tendencies of the human heart. To proceed in this manner it would be necessary that the executive should renounce the fulfillment of his most sacred duties, and abdicate every sentiment of patriotism, and even every sentiment of personal dignity. To sacrifice the interests of a nation, the welfare and prosperity of a portion of its inhabitants, the decorum and the dignity of the republic, to an excess of fear or of servility, it would be necessary to have lost not merely every patriotic sentiment but even the dignity of freemen. The chief of the nation who was not intimidated when the whole colossal power of France sought to subjugate the republic, is not the man who could be intimidated because a friendly neighboring nation makes to him a courteous and amicable suggestion. If the executive should carry the fear or the servility which is imputed to him so far as to sacrifice the interests of the nation to a foreign interest, as surely as he would be condemned within the republic, he would be despised by the very nation in whose behalf he had made such a sacrifice. The practical knowledge which I have of the United States, from having had the fortune to reside there eight years, makes me certain that any Mexican functionary who, through servile deference toward that nation, should sacrifice the legitimate interests of his own country, would meet in that society only with scorn and contempt. There is, perhaps, no nation which better knows how to appreciate patriotism and the fulfillment of duty than the United States. With this conviction, can any one believe, in good faith, that ignoble, or unpatriotic sentiments have guided the executive in determining his opinion against the Free Zone? I refrain from enlarging upon these considerations, because, as I have already said, it seems to me inappropriate and improper to mingle with the discussion of this subject the interests of a foreign nation. I believe that this question ought to be decided in view of the interests of our own country, and from this stand-point I propose to examine it, begging the chamber to pardon me for having touched upon considerations of another character, to which I have been forced by the allusions which the orators who have advocated the Free Zone have thought proper to make.

The question of the Free Zone is very complicated and ought to be considered under its various aspects. Upon laying out a new dividing line between Mexico and the United States, in accordance with the treaty of February 2, 1848, one fact became unavoidably evident, which had before been unknown, owing to the fact that the two nations were separated by immense deserts. This fact was that the United States enjoyed peace, security, guarantees for persons and property, low tariffs, and commercial privileges; while in Mexico, through a long chain of misfortunes known to all, almost all these advantages were unknown, or were enjoyed in a much smaller degree than in the United States. It was a natural consequence of these difficulties of condition that all this welfare and prosperity on one side should be converted into misery and decadence on the other, aggravated by the presence at a very short distance, of the advantages enjoyed beyond the Rio Bravo (Grande). Upon a philosophical and impartial examination of the causes and the remedies of this state of affairs, without any desire to prejudice the mind of the chamber by exciting its patriotism, it is apparent that there was in all this two things substantially different, though closely connected—the social or political situation, and the mercantile situation. The causes of the difference in the social or political situation were, on the one hand uncompromising obedience to law, a system of government calculated to secure and develop the interests of the majority, and other causes of no less importance; and, on the other hand, the results of absolute systems of government, whose object was the welfare of the few to the detriment of the many, the lack of peace, of security, and of respect of law, and

other circumstances of equal importance. This inequality of condition could not, consequently, be remedied either by the establishment of the zone or by any other artificial measure. Its remedy would require, on our part, peace, respect for law, security, a system of government favorable to the interests of the majority, and the other conditions which prevail in the neighboring state. Fortunately we have now entered upon this path, and if, as is to be hoped, we do not encounter in it any insuperable obstacles, we shall, in time, succeed in rendering the condition of the two banks of the Rio Bravo identical in political and social well-being, but it is very evident that this result cannot be obtained by means of the Free Zone.

The prevailing mercantile condition on the two banks of the Rio Bravo prior to the year 1858, when the decree creating the Free Zone was issued, was also different, being undoubtedly more favorable for the left than for the right bank. The principal causes of this difference were three: 1st, on the American shore the privilege of ports of deposit was enjoyed, which was wanting to the Mexican side; 2d, the tariffs were much lower in the United States than with us; and 3d, the national productions of the United States, and foreign goods after paying import duty, enjoyed the fullest liberty of transit and sale throughout all the territory of the United States, while in Mexico both native and foreign goods were subjected to all the burdens and inconveniences of excises, and of a severely restrictive system.

By virtue of the privilege of ports of deposit the merchants of the left bank of the Rio Bravo could import merchandise, store it in bond until they found purchasers, sell it on condition that the buyers should pay the duties, and enjoy all the other privileges afforded by extensions of time and by ports of deposit. On the Mexican shore there were none of these privileges. The Mexican merchant had to pay, on importing his merchandise, the entire duties of the tariff, much higher than those paid on the other side, and this alone constituted a great inequality and gave a great superiority to the residents on the left bank of the river.

The difference in the tariff on imported goods on both sides of the river, also gave a great advantage to the left bank. At that time the Mexican tariffs were those of 1845 and 1853, the highest that have ever prevailed in the republic, averaging from 30 to 40 per cent., while the American tariff barely averaged 15 per cent. The same articles of national produce, such as flour, milk, &c., cost a half or two-thirds less on the left bank than on the right, because in the former case it was free from all imposts, while in the latter it had to bear all the exactions of the excise. If the merchandise was of foreign production the difference in favor of the left bank was a third or a fourth part. It was natural, then, that the residents on the right bank of the river should have to supply themselves, even with articles of the first necessity, from the left bank. The extract from the recommendation made by Señor Esparza, which was just read, merely states a notorious and undeniable fact.

It is necessary to dwell upon the advantage which the settlers on the left bank had over those of the right, in virtue of the freedom of interior traffic which all the inhabitants of the United States then enjoyed, while those of our country were subjected to the innumerable exactions of the excise.

In virtue of this difference in circumstances it was natural and necessary that the mercantile condition of the Mexican shore should be far inferior to that of our neighbors. The law which established the Free Zone was intended to equalize these circumstances by conceding to the residents on our side equal privileges to those which their neighbors enjoyed; but although this was the spirit the letter went much further, since, instead of establishing ports of deposit at the frontier settlements, it decreed an exemption from the federal imposts to all the merchandise consumed in them, and freedom of transit between them, although restricted by the obligation to obtain documents from the custom-houses for that purpose.

It is necessary to notice the great difference which exists between the situation of the frontier at the time of the establishment of the Free Zone and the situation it would now be in if that zone had not been established. As has just been stated, there were in 1858 three very important circumstances which render the mercantile situation of the right bank of the Rio Bravo inferior to that of the left bank. Of these circumstances one has entirely disappeared, another partially, and the third would still exist if it were not for the Free Zone. That which has entirely disappeared is the higher duties collected on the Mexican side of the river. The annual estimate of the United States Government until the year 1860, and before the war with the South, was about forty-five millions of dollars per annum, and that amount was obtained from the duties on imports.

To enable the custom-houses to yield that sum it was enough to collect on foreign merchandise about 15 per cent. *ad valorem*. At the commencement of the Southern war, in 1861, the estimate was considerably raised, and to carry on the war they had to contract a debt, the annual interest on which is more than a hundred millions of dollars. In the years following the war the annual estimate was from three hundred and fifty to four hundred millions, and of this sum the half was produced by customs duties, and the other half by a series of imposts called "internal revenue."

It is easily understood that in order to enable the customs, which in 1858 yielded forty-five millions, to produce one hundred and seventy-five millions in 1867, it was necessary to more than double the tariff. Instead of the 15 per cent. of 1858, it amounted from 1862 to 40 or 50 per cent. As our tariff is never higher than 25 to 30 per cent., there was a difference in our favor of from 15 to 20 per cent., instead of a similar difference against us up to 1858. Consequently foreign merchandise, after paying the regular duties on either side of the river, would now be worth from 15 to 20 per cent. less on the right than on the left bank. The inequality against us has, then, completely ceased and given place to an inequality in our favor.

The second cause of inferiority of condition on our side of the river, and which has partially disappeared, is the excise. Although the constitution wisely provided in its 124th article, that from and after the 1st of June, 1858, excises and interior custom-houses throughout the republic shall be abolished, this provision has not, unfortunately, been lawfully complied with, and although laudable efforts have been made in many States to obey this precept, this important improvement has failed to be realized in some of them. Nevertheless, the abolition of the excise in the States adjoining the frontier of Tamaulipas produces in favor of border commerce the same result as if it had been abolished throughout the republic.

There would not remain, then, any further cause of inequality in the mercantile condition of the two banks of the Bravo than that which results from the existence of ports of deposit on the left bank, and their absence on the right bank. This cause has been considerably diminished by virtue of the American Executive having recently closed most of the custom-houses along the river in front of Tamaulipas.

But even if this were not so, and supposing this cause of inequality to be still in existence in all its force, the most that could be desired by the right bank of the river, in order not to consider itself in an inferior position, would be the establishment of ports of deposit upon that bank. As the idea of the executive in opposing the Free Zone is not at all the desire that the inhabitants of our frontier should be in a worse condition than that of their neighbors, but, quite the contrary, to favor them as far as possible, and make their condition equal or superior to that of those neighbors, he would be willing, notwithstanding the opposition he has manifested to the establishment of ports of deposit in all the custom-houses of the republic, to favor a grant to the frontier settlements of privileges similar to those of ports of deposit, by which means all occasion for any inequality between the two banks of the Bravo, in respect to commerce, would necessarily cease.

It is seen, then, that the Free Zone cannot equalize the social or political condition of the two banks of the river which separates us from the United States, and that in consequence of the changes since the year 1861, and of those which will follow certain privileges which may be conceded to the frontier settlements, their mercantile situation would be equalized and even improved.

If in spite of such measures in consequence of greater security and better guarantees for the stability of the government, which are enjoyed on the other side of the Bravo, some of our countrymen should emigrate thither, it is not in our power to prevent it, and I think that we ought not to trouble ourselves very much on account of persons who so far condemn their own nationality as to renounce it even after their mercantile condition has been rendered superior to that of their neighbors.

When this subject was discussed a year ago, the orators who defended the Free Zone made great efforts to demonstrate that it does not constitute a privilege. Although at first sight it might be thought that this is a mere question of words, it is not so in fact, and as the constitution prohibits the granting of any privilege, it is incontestable that the Free Zone being, as it is, a privilege, is prohibited by our fundamental code.

There are those now who insist upon trying to demonstrate that the Free Zone is not a privilege. This is almost an insult to common sense, and one of the orators who has lately defended the Free Zone did not fail to recognize it as such. We have also just seen that the orator who, a year ago, endeavored to prove that the Free Zone is not a privilege, considered and called it such a short time ago. If the fact that a portion of the inhabitants of the republic may consume foreign merchandise without paying duties to the federal treasury, while all the other inhabitants, rich or poor, who consume them, have to pay duties, is not a privilege, we must agree that this word has no meaning.

After these general considerations upon the condition of the frontier, and upon the objects and tendencies of the Free Zone, I think it proper to make a rapid examination of the decree of March 17, 1858, which established it; for this decree, which is declared by the article of the tariff bills we are now discussing to be in full force, would hereafter have the same effect as if it had been passed by the Congress of the Union, and its many inconveniences could not be remedied except by another act of Congress. The introduction to this decree shows that its object was to establish an equality in the mercantile condition of the two banks of the Rio Bravo, even though its effects might be to establish a real superiority in favor of the right bank. The preamble is as follows:

"Considering that the settlements upon the northern frontier are in a state of real decline through the lack of laws to protect their commerce; that being situated in front of a mercantile nation which enjoys freedom in commerce, they need equal advantages in order not to lose their inhabitants."

It is evident, then, that the object was to give the frontier settlements advantages equal to those enjoyed by the American towns. This desire was legitimate, and the Mexican frontier settlements may be thought to have a right to such advantages; but all that goes beyond this would be to obtain privileges which were not absolutely necessary for the well-being of those settlements, and which were a real burden to the rest of the nation.

An incident which clearly shows the tendencies of the decree by which the Free Zone was established, and which, in my opinion, would be sufficient to deter Congress from blindly adopting this decree, is to be found in its first article, and I think it my duty to call it to the attention of Congress.

By all which it says in favor of the Free Zone, and in the considerations which are found in the preamble of the decree, it would appear that the exemptions conceded by it to the frontier settlements were considered as having a vital importance, and that the interests of the treasury and every other consideration should be sacrificed to this object. This being the case, and when the federal treasury was deprived of the duties which belonged to it on the merchandise consumed in these settlements, it would have been exceeding natural to renounce also the duties collected by the State, which has an interest far greater than the federation in the welfare and prosperity of that region. Was this, perchance, a provision of the decree establishing the Free Zone? Those who now listen to the defenders of that institution would suppose so; but that is not what the decree provides. Its first article is as follows:

"ARTICLE I. Foreign merchandise intended for the consumption of the city of Matamoros, and the other towns upon the bank of the Rio Bravo, Reynosa, Camargo, Mier, Guerrero, and Monterey Laredo, and the reciprocal commerce of these towns shall be free from all imposts, except the municipal and those collected to defray the expenses of the State."

It is to be noted that the language of the decree scrupulously avoids to give to the suppressed imposts their proper name, which would be *those* belonging to the federal treasury. True, the decree says that *all imposts* are suppressed, but in the same paragraph those which are not federal, *i. e.*, the municipal and State duties are excepted.

Either the concession of these exemptions is a vital question of *to be or not to be*, to which every interest of whatever kind shall be subordinated, and in this case it is inexplicable that the State of Tamaulipas, which suppressed the duties belonging to the federation, did not also abolish those of the State, leaving in force only those of a municipal character; or this interest is not so vital as has been represented, and in this case there is no occasion to sacrifice to it the pecuniary interests of the federation without any proportional sacrifice of the similar interests of the State.

If, in fact, it is a necessity for the well-being of those settlements that they should enjoy an absolute exemption from duties, it would be illogical to grant this respecting the federal duties alone, and not respecting those of the State; if an absolute exemption is not indispensable, then the natural and convenient course would be, that any reduction should be borne *pro rata* by the federal and State treasuries. And can a decree which contains these monstrosities be gravely proposed for the sanction of Congress without the discussion and examination of each one of these features?

Another inconvenience of the decree of the Free Zone is found in the first part of article 4, as follows:

"ARTICLE IV. Effects which are dispatched from towns where custom-houses exist, intended for free consumption, shall take out passes in the same manner as is customary with the interior traffic of the republic."

As may be seen, this article proposes to give the rules for the transit of merchandise destined for free consumption, and, the only one which is laid down, could not be more ambiguous or exposed to greater inconveniences. It is provided that merchandise shall take out the *customary* passes for the internal commerce of the republic. What are these customary passes? Are they such as were *then* in force in Tamaulipas, or such as have been established since? In the latter case the federation would become subjected, in a matter of so much importance as that of the internal traffic of the republic, to the will of the legislature of one of the States. The convenience of either giving fixed rules on the subject, or of designating especially the laws which are to be considered in force, cannot be questioned.

Another grave inconvenience of the decree of March 17, 1858, is that it does not fix with precision the extent of the Free Zone, since, though in the first article it seems to limit it to the settlements on the shore of the Rio Bravo, in the latter part of article 4 the dimensions of the Zone are enlarged indefinitely. It concludes thus:

"Effects destined for the consumption of the *ranchos* (hamlets) within the jurisdiction of these towns shall enjoy the benefit of exemption from duties when they do

not exceed the value of thirty dollars, and are provided with the requisite passes, without which they will be confiscated."

It is evident here that certain jurisdictions are spoken of, but not geographically bounded, and may perchance be held to include the whole State of Tamaulipas. It is also to be seen that the benefit of an exemption from duties is conceded by this article, not only to the goods consumed in the towns along the right bank of the Bravo, but also to the *ranchos*, with an undetermined jurisdiction, although with the limitation that their value shall not exceed thirty dollars. It is easily to be understood that this limitation would be a nullity, and would only serve to countenance fraud.

Another indication that it was the intention of the author of the Free Zone decree to include in it the whole State of Tamaulipas, or at least all the northern district of that State, is that, in speaking of the payment of duties upon goods which are sent inland for consumption in places not included in the Free Zone, he invariably uses the phrase to *send into the interior of the republic* without foreseeing the case of the goods being sent inland to other points of the State of Tamaulipas.

The advocates of the Free Zone not only deny that contraband trade is encouraged by it, but even assert that the Zone is the best, if not the only, preventive of such traffic.

All the reasons which have been, or may be, alleged in defense of this theory are, in my opinion, unfounded, and are satisfactorily refuted by article 8 of the decree of March 17, 1858. The author of this decree, who saw practically the decadence of the frontier towns, its causes and the means of remedy, and who found a method which, in the opinion of the advocates of the Zone, was highly ingenious and worthy to be maintained and extended, is doubtless a better authority on this point than the present defenders of the Zone.

Very well, the author of the said decree believed that the establishment of the Zone would foment contraband trade to such a degree that he thought it necessary to consign in an article of his decree an especial recommendation to the inhabitants of the frontier that, in his own words, the benefit conferred upon them should not be converted into a *shameful contraband trade*.

The eighth article of the decree is literally as follows:

"ARTICLE VIII. As the exemption granted by this decree ought not to prejudice the national revenues, the inhabitants of the frontier are under an obligation to prevent, by all means within their power, this benefit which is granted to them from becoming a *shameful contraband trade*, and consequently every inhabitant of the frontier ought spontaneously to become a common sentinel and enemy of everything contraband; if this is not done, the government will be placed under the stern necessity to take away this exemption by revoking the present decree."

Besides this opinion, which has much weight with me, the facts are in favor of its correctness. As the executive desired to proceed with all possible accuracy in the important question of the tariff, it circulated to all the custom-houses of the sea-coast, asking an opinion thereon, the tariff which was presented to the chamber more than a year since by its own committee. In this way it obtained a mass of information which it used in drawing up the observations which it made upon the projected tariff which the chamber afterward provisionally approved. The opinion of the customs authorities of Tampico is found in a communication dated November 21, 1869, in which the collector of that port, an officer of great experience, when speaking of the causes which facilitated contraband trade, said of the Free Zone the following, which I will take the liberty to read to Congress:

"The possibility of this clandestine trade is proved by the abundance of cloths of many kinds in the principal cities of the interior, as San Luis Potosi and Zacatecas, in which the articles are sold much cheaper than in this port. Lately a merchant arrived at San Luis Potosi from Matamoros with more than three hundred packs of cloths, and sold calico at five dollars per piece; and if the great distance between Matamoros and San Luis be taken into consideration, it will easily be perceived that these goods have paid no duties when they can be sold at so low a price, after the heavy expenses of transportation. This evil probably results from the port being established at Matamoros, while it may be avoided by fixing it at Bagdad.

"It may also result from the Free Zone, which is enjoyed by all the northern frontier, a privilege which was granted in consequence of the special circumstances which existed in that section at the time it was granted, and which do not now exist, and under cover of that Zone an immense injury is inflicted upon the national revenue. From Ciudad Victoria, the capital of this State, and from other places in Nuevo Leon and San Luis, such as Matchudla and Linaves, which formerly were supplied from this port, they now buy all their merchandise at Matamoros, in spite of their greater distance from that port than from Tampico, because they invariably get their goods cheaper than their value here; consequently the Free Zone may be considered as a convenient safeguard for contraband trade.

"The Free Zone being, therefore, a system which causes such detriment to the other ports within the republic, especially to those which, like Tampico, are situated in the

Gulf, since they suffer a ruinous competition in the interior towns upon the same latitude, it is necessary to find some resource which may promptly repress this evil, which weighs so heavily upon commerce in general, and upon the national revenues, defrauding them of their just dues, while a few speculators speedily enrich themselves at the general expense, a real monopoly, which, as such, is prohibited by our constitution, and condemned by all the principles of distributive justice.

"This resource can be no other than that of obliging all the ports of the republic, without exception, to abide by the general tariff, for the law ought to be the same for all, especially in regard to contributions and dues, since upon their equalization and strict observance depend the receipts of the national treasury."

In the opinion of the orators who defend the Free Zone, as I have already mentioned, it not only does not favor contraband trade, but is its principal and almost its only remedy. Let us examine their reasons for this opinion. Before the establishment of the Zone, say they, foreign goods were brought into Mexico by the numerous fords of the Rio Bravo, and were not destined, as they have been since the existence of the Zone, to the frontier settlements. As it is much easier to watch over five localities than over a line of a hundred leagues in extent, they judge that the Zone has operated against contraband trade. They say also that, by reason of the said Zone, the goods which are dispatched from the frontier settlements, either for the consumption of another locality within the Zone or for the interior of the republic, have to be furnished with passes, and that these precautions are more than sufficient to repress smuggling.

These reasons may convince their own authors, but, in my judgment, they have no force whatever, and my opinion, in this respect, is confirmed by experience. The provision in the decree establishing the Free Zone that merchandise imported into the frontier settlements be brought by way of the authorized fords and the points designated by, for foreign traffic, cannot carry with it its own fulfillment. It existed long before the Free Zone, and then, as now, it was violated by unscrupulous speculators. In fact, all our tariffs have ordained that the importation of foreign goods be made only at properly authorized points, and have considered all importations through other routes as frauds, which should be punished by severe penalties. This regulation, then, is the same as that of the same decree, and was more efficacious, since its violation was visited with severe punishments, but neither then nor now has it ever been properly enforced. And for what reason? Because the promulgation of a law does not suffice to carry it into execution, but it is absolutely necessary to employ other means to that end. In the absence of such means along our extended frontier, it is clear that the mere publication, either of the tariff law or of the decree concerning the Zone, will not suffice to prevent importations by unauthorized routes.

But we are told that no merchant could be tempted to import his goods through unauthorized routes, under peril of confiscation, when he is permitted to import them into the settlements without payment of federal duties, and can either keep them in deposit as long as he chooses, or consume them duty free within the Zone. It is true that when the merchandise is intended for consumption within the Zone, there can be no object in importing them through unauthorized routes, and then no contraband trade is intended; but it is not the same when the goods are intended for illicit traffic. One of two things, then, necessarily happens—either the smuggler counts upon the connivance of the customs authorities, and in this case imports them through the authorized points, having no temptation to do otherwise, or he does not count upon that connivance, and then he does not import them by the authorized points, because it does not suit him to do so. And what is to prevent him from importing through unauthorized points? Merely a legal text, which is equally inoperative, whether contained in the law concerning the Zone or in any other. It may be seen, then, that if, as the defenders of the Zone assure us, during its existence we ought only to keep watch over five localities on the frontier, by this means fraudulent importations are encouraged, as they no longer suffer peril of any vigilance at the unauthorized routes, through which they may operate with entire impunity.

Another of the reasons alleged to prove that the Zone is a remedy for contraband traffic is, that the goods which are dispatched from the frontier settlements, whether for consumption within the territory of the Zone or without it, are obliged to carry passes and present return passes, in proof of having paid the proper duties. In this case I have to repeat exactly what I said in the previous one, that is, that these precautions and restrictions against fraud existed also before the establishment of the Free Zone, and are as inefficacious now as formerly. In fact, before the decree concerning the Zone, it was the rule that foreign goods imported into the ports of the republic could not be sent into the interior without being accompanied by the proper passes, with the obligation to present the return passes within a certain period. The legislation upon the subject was much more complete than the few provisions respecting it in the decree concerning the Zone, and nevertheless, at that time as well as now, these provisions were insufficient to prevent fraud.

It is evident, then, that the two principal reasons which the advocates of the Free

Zone present, as conclusive to demonstrate that the Zone is the most efficacious remedy against fraud, are really puerile.

We have been interrogated several times as to how frauds can be committed in the Free Zone, and the reply is very simple. Either the smuggler succeeds in coming to an understanding with the customs officers, in order to commit a fraud, or he does not. In the first place, everything is done without the Zone being able to prevent it. In the second case, the smuggler has two courses to follow: the first being to import his goods through some uninhabited route, by which he may carry them to the interior of the republic. As in the States adjacent to Tamaulipas no excises exist, no documents are required, and the smuggler can introduce his goods with absolute impunity. All the danger consists in the possibility of meeting with the customs guards, and, at present, with the sections of the counter-guard on the northern frontier. If he succeeds in escaping the vigilance of these employés, which is very easy in so considerable an extent of territory watched over by a very small number of persons, the fraud is consummated. This, nevertheless, is the least probable expedient, and it is also the most perilous.

The second course consists in importing the merchandise through some of the authorized routes, and then send it with the proper passes for some point within the Zone. When there, false witnesses can be found to swear that the goods have been consumed, in which case a return pass is issued, to be presented at the original custom-house to cancel the pending bond. The goods can then be sent clandestinely into the interior. The same thing can be done by the merchant in the very place of importation, by aducing false proofs that his merchandise has been consumed in the same place.

It is then evident that all known methods of contraband traffic which existed before the Zone are still in existence, and have been increased by new ones before unknown.

I am far from believing that the author of the decree concerning the Free Zone, and the advocates of that institution, propose to foment contraband trade by its means. On the contrary, I take pleasure in recognizing that the deputy of the northern district of Tamaulipas, who is, therefore, the most directly interested in the maintenance of the Free Zone, has given proof that he does not desire to encourage smuggling, by working earnestly for the law which established the counter-guards on the northern frontier, and by lending the executive his aid, in order that this institution may yield the good results which are expected from it.

Returning to the decree of March 17, 1858, I ought to state that the defenders of the Zone think that all its inconveniences are remedied by the 53d article of the tariff bill, because it designates exactly the places which are to enjoy the privilege of the Zone, and that, consequently, this article repeals the conflicting provisions of that decree, and explains those of doubtful interpretation. This reasoning would be valid if the chapter of the tariff bill relating to the Free Zone had no other article than the 53d, but the precise language of the 54th article destroys all this reasoning. This article is as follows:

"ARTICLE 54. In order to enjoy this exemption, the decree issued by the government of Tamaulipas on March 17, 1858, and ratified by the general Congress on July 30, 1861, shall be obeyed in its main scope, *except in the penal portion*. In that respect the provisions of chapter 18 shall be respected."

It is then clear that, although it is first said that the provisions of the decree shall be obeyed *in its main scope*, this limitation is explained by the declaration that it shall hold good in all except the penal portion, which is certainly that of least importance. Besides, as all the provisions of the decree relating to the Free Zone are included in its *main scope*, they all remain in force except the penal portion, which is expressly revoked.

We have a plain proof of this fact. The decree of the second Congress of the Union, dated July 30, 1861, which ratified the Free Zone, is conceived in almost the same terms as the 53d article of the tariff bill; that is, the settlements which are to enjoy the benefit of the Free Zone are mentioned, and reference is made to the decree of March 17, 1858. It has been understood since then that the decree is in force in all its parts, and this has also been the practice.

Besides this, the approbation of these two articles of the tariff bill would amount to a change in the prudent conduct which the Congress of the Union has observed of never giving its approval to legislative measures which have once been in force without discussion of each of their articles.

The terms of article 53 imply, moreover, an important and transcendent constitutional question. By it certain places are designated in which the importation of foreign goods is free. These places are now open to foreign commerce. While they so continue there can be no difficulty in making importations through them; but if circumstances should ever demand that one or more of these points be closed to foreign commerce, a grave difficulty would arise. The fact of their being named in the tariff throws them open to foreign commerce by legislative enactment. If it should become expedient, and even necessary, to close them to such commerce, as has already been proposed, the executive would be placed under a painful alternative, either to refuse

to exercise a prerogative granted him by the constitution, in order not to violate a law of Congress, thus seriously affecting, in the supposed case, the public interests; or, should he act upon the belief that Congress cannot deprive him of this faculty except by previously modifying the constitution through all the prerequisites established for so doing, he might then be impelled to abrogate a legislative enactment. In this case, in addition to the inconvenience which would result from the executive's abrogating or modifying the laws, he might be accused before the national grand jury in the midst of perils of another character.

If we were to credit the statements of the advocates of the Free Zone, it would be necessary to recognize that upon this institution depend, not merely the well-being and prosperity of the frontier settlements, but their very existence, that of the State of Tamaulipas, and of the entire nation. Unfortunately for the friends of the Free Zone, this proposition is untenable. Congress has just heard a deputy, not from the interior, but from the very State of Tamaulipas, who has raised his voice against the Free Zone, not merely in the abstract, but as a question of life or death for the south of Tamaulipas. The representative for the southern district of that State has so stated, not solely upon his own word, but reading communications from merchants at Tampico, which assert that the continuance of the Free Zone would be the complete ruin of that port. This statement is neither unfounded nor incorrect. The custom-house of Tampico, which for many years was the second one of the republic, its revenue being inferior only to that of Vera Cruz, is now in such a state of decadence that, on account of the Free Zone, it has become a custom-house of the third or fourth order, and cannot even pay the expenses of the military force which receives its payment through it.

It is seen, then, that this institution of the Free Zone is not even accepted by the citizens of the very State in whose favor it was established; that if it has caused prosperity in some points on the frontier, which, in my opinion, has been upon a very small scale, it has, in exchange, ruined others which formerly enjoyed prosperity, and causes grave damage not only to other places in the State of Tamaulipas, remote from the frontier, but also to the nation in general. The Congress of the Union, which does not represent a single locality, but the entire republic, has the right and the duty to combine in its laws local with national interests, subordinating when necessary the former to the latter.

The prosperity which the frontier has at some time enjoyed, and which is represented to us as exclusively the result of the Free Zone, is, in my opinion, rather due to the civil war in the United States, which for some time made the cotton trade one of great profit to the inhabitants of Matamoros and other frontier towns, in consequence of the blockade of the Southern ports by the United States Government. The Free Zone was undoubtedly one of the causes of prosperity, but could never be sufficient of itself to cause the transformation on the frontier which we witnessed from 1862 to 1866.

If we were to believe the defenders of the Free Zone, we ought to believe that from the time of its establishment, far from the inhabitants of our side of the Rio Bravo emigrating to the other, as formerly, the emigration would have changed its course, and that we should now be absorbing the inhabitants from the left side of the river. Unfortunately this is not the case, in spite of the efforts made to convince us of it, in order to pre-engage the opinion of the chamber in favor of the Free Zone. A deputy now present in Congress, and who had just passed through the State of Texas, told me yesterday that the current of emigration continues to flow, as formerly, from our territory to that of the United States, the Free Zone not being a sufficient inducement for those of our citizens who desired greater stability and security to remain in our territory. I make the statement because the honorable deputy, Don Enrique Mejia, to whom I allude, authorized me to do so, and he may correct the statement if he should think proper.

It follows, then, that there is much exaggeration in what we are told concerning the magic effects of the Free Zone in behalf of the frontier and of the whole nation. A single fact, which I will mention to conclude my observations upon this point, proves the inexactness of the prodigious effects attributed to the Free Zone. In Paso del Norte there is no Free Zone, since it now only includes the state of Tamaulipas. Opposite Paso del Norte is an American town called Franklin, as there are also towns opposite each of the settlements on the frontier of Tamaulipas. As the same causes now exist there which, before the establishment of the Free Zone, made the frontier of Tamaulipas a place of decadence and almost uninhabitable, the effects of these same causes at Paso del Norte ought to be identical. To judge by what we have heard in favor of the Free Zone, we should suppose that Paso del Norte is an insignificant hamlet, which would only have, as inhabitants, a few true heroes who preferred their patriotic sentiments to their well-being and every other consideration, while Franklin should be a populous city, and in a state of growth and prosperity. Far from this being the case, Paso del Norte contains a population of from five to six thousand inhabitants, while in Franklin there are barely from five to six hundred, most of them being the forces of the line with which the Government of the United States guards its frontiers. This shows that the situation of the inhabitants of our territory is not so

desperate as we are told, and that they do not so absolutely need the Free Zone in order to exist and prosper.

Another consideration has been presented by the defenders of the Free Zone, which I think has weight in the opposite scale. It consists in the menace that the frontier settlements would rebel against the authorities of the republic if Congress should deprive them of the Free Zone. Either I am very much mistaken, or the Congress of the Union will not be influenced in its decisions by threats of this kind, and much less when there is reason to believe that these threats proceed not from the mass of the people, but from the imperiled interests of a few speculators.

Hitherto I have treated only of the inconveniences of the ratification of the Free Zone as it now exists. These inconveniences would be very considerably increased if that Zone were to be extended, as the committee proposes, to other States, some of them not even upon the frontier. In fact, if the Free Zone produces the serious results already mentioned while it is confined to the territory of Tamaulipas, extensive in itself, but small in comparison with the proposed extension to Paso del Norte, these serious results will, in that case, become incalculable. It will then embrace two more frontier States, and one which is not such, and which, for that very reason, has no valid pretext for soliciting this privilege.

The existence of the Free Zone in Tamaulipas is an evil for many persons who have acquired interests there, which render its abolition difficult, even when such abolition is proved to be based upon just, convenient, and economical reasons. It is evident that in that case these persons cannot favor the extension of the Free Zone, which they know to be an evil, which, when once established, will create interests very difficult to remedy. It is short-sighted to raise up obstacles which may ultimately become serious, merely in order to pretend that the Free Zone is not a privilege.

If Congress should now approve, not merely the subsistence of the Free Zone in Tamaulipas, but its prolongation to three other States of the republic, it is to me very probable and almost certain that the evil results accruing therefrom sooner or later will make themselves generally felt, and it will be thought absolutely necessary to extirpate the evil by suppressing the Free Zone. How much more difficult will this be if the Zone is so enlarged as to foster the creation of interests which may become really formidable! If at present the interests created in a district of one of the States can even resort to threats, what would happen when this privilege shall be extended to three more States?

The idea of extending the Free Zone beyond its actual limits arose from the desire of doing away with the character of a *privilege* which is inherent to the Zone, by demonstrating that it may be conceded to any frontier territory. This object has not been attained by the committee's report; for either the frontier ought to enjoy this privilege, and in this case it is inconceivable that Sonora, Lower California, Chiapas, Tabasco, and Yucatan should be excluded, or it belongs not only to the frontier States, but also to those bordering on the frontier States, and then it cannot be understood why it should be granted to Nuevo Leon and denied to Durango, Sinaloa, Oaxaca, and Vera Cruz.

In view of the reasons which have been alleged in favor of the Free Zone, it would appear natural that only frontier settlements should call for this privilege. Nevertheless, we see that it is now proposed to grant it to Nuevo Leon, which has no frontier. I have carefully read the speech of the honorable deputy who recently advocated the right of Nuevo Leon to participate in the Free Zone, and I confess that my limited intelligence could find but one real reason which has any force in favor of this pretended right. This reason, if it may be so called, is that, although Nuevo Leon has no frontier, a part of its territory is very near the frontier, and that the State of Tamaulipas lies between it and the frontier. I think that this same reason might be alleged by several other States of the republic; San Luis might say that Tamaulipas lies between her and the frontier; Zacatecas, that Coahuila lies between her and the frontier; and the same argument might be repeated by Durango, Sinaloa, Oaxaca, and Vera Cruz. Evidently, if all these States had chanced to possess a portion of the frontier, they might all demand the privilege which is alleged to belong to the frontier; but in that case no others than the really frontier States have any right to enjoy such a privilege.

I intended to reply to various allusions made by some of the speakers who have defended the Free Zone, and correct some mistakes which, in my judgment, they have made; but having already occupied the attention of the chamber longer than I wished, and as I shall probably have to occupy it again, as I understand that the debate is to continue, I reserve further statements until its close, and refrain for the present from replying to those allusions, and from rectifying those errors.

In conclusion I will sum up as follows the ideas of the executive concerning the Free Zone:

1. The Free Zone, as it now exists, is a *privilege*, such as is prohibited by the constitution; one which injures a part of the very State of Tamaulipas and the entire nation.

2. It is the duty of the government of the union to endeavor to prevent the situation

of the frontier settlements from becoming less favorable than that of their neighbors, and to that end ought to grant them all necessary exemptions.

3. The Free Zone is not absolutely indispensable to that end.

4. Even in case that Congress should ratify that Zone, it should provide such regulations that the interior commerce of the republic shall not remain at the mercy of the enactments of the legislature of a single State.

5. The extension of the Free Zone to other States, and especially to such as have no frontier, would occasion innumerable evils.

Synopsis of the speech of the deputy Don Ramon Guzman in the Mexican Congress, in the session of October 27, 1870, in favor of the maintenance of the Free Zone.

The maintenance of the Free Zone may be considered under two aspects—as an economical question, and as a political question. I shall examine the former under three heads: first, what our frontier was before it became a free zone; second, what it now is, under the operation of its present exemptions; and third, what it will become, if, unfortunately, the law in question should be repealed.

Our population on the Rio Grande, at the conclusion of the treaty of Guadalupe Hidalgo, was about 30,000 souls, scattered through many villages and hamlets. The Americans who always make correct calculations, immediately established in front of each of our settlements a military post and a custom-house, with bonded warehouses. They had no settlements in which to sell their merchandise, for this region was all a desert. They came and took up their stations at these posts in order to compete with our merchants for the trade of our frontier. Their system of bonded warehouses, with the exemptions from all duties enjoyed by their national manufactures, necessarily annihilated the commercial activity of the Mexican shore; caused its inhabitants to engage in smuggling, to the neglect of agriculture; and finally, when they had become impoverished through lack of work, led them to abandon their native soil in search of that subsistence which our fiscal system denied them. At that time the Mexican tariff was higher than that of the United States. The duties were collected then as now, at the moment of importation, and certain fords were designated for the passage of merchandise, outside of which it ran the risk of confiscation. The American bonded warehouses had no other object than to hold the goods destined to a contraband trade with Mexico. After three years of this unequal struggle, the Americans had gained over to their territory the majority of our population. Our landed property had lost its value; the commerce of Matamoros, our principal town, was reduced to two retail houses, and the few inhabitants of the Mexican bank had to become professional smugglers. From the authorities down to the humblest laborer—some of necessity, and others as a speculation—incessantly crossed the river, bringing back goods at 50 per cent. less than their cost on this side. Our custom-houses did not pay the salaries of their own officers, and they received their money from Mexico.

After three years' experience of these miseries, the government, in 1851, sent General Don Manuel Robles Pezuela to study the condition and the necessities of the frontier. From his luminous report sprang the idea of a Free Zone, which was sent the next year to the chamber on the part of the executive. Unfortunately the influence of foreign ministers in the high regions of power was then irresistible. A *friendly intervention* was decisive. Above all, the recollections of the American invasion were very fresh, and that proposal of the executive, through the lukewarmness of the cabinet, and for another reason which I must not name, had the misfortune to be rejected. But at a later day, in 1858, during the war of reform, and under the influence of General Garza, the decree of the Free Zone was issued.

The inhabitants of both shores immediately perceived that, in the competition between the fiscal systems of the two peoples, the advantage had changed to the right bank. The difference was very soon felt. The American warehouses began to be closed; European cargoes no longer landed on the left side of the river; our lands increased in value; the population augmented so rapidly that from 18,000, to which it was reduced in 1858, it reached 50,000 in five years. Later came the exceptional circumstances of the cotton trade during the confederate rebellion, which produced an artificial and transient increase of population, at one time amounting to 150,000, and the remnant of which still leaves us the 70,000 assigned by the census to the frontier of Tamaulipas.

The national treasury enjoyed a proportional increase of revenue; and after paying all expenses and covering numerous letters of credit, the custom-houses made considerable monthly remissions to the treasury department. Smuggling, which was so easy when there was only the frontier to cross, now became more difficult through the system of passes and of inspectors upon the roads leading to the interior. And if the secretary of the treasury had subordinated the custom-houses of Laredo, Camargo,

Linares, and other towns to that of Matamoras, and had exercised greater vigilance over the morality of his employes, the contraband traffic would have become insignificant. Since the establishment of the *contra-resguardo* (second line of inspection) this evil has largely decreased. The proof is that the custom-house orders, which were worth but a short time since only 20 to 30 per cent., have trebled in value within the two months which have elapsed since the establishment of the *contra-resguardo*.

The third point of my inquiry, as to what would take place if the Free Zone should unfortunately be abolished, may be briefly dismissed. The inhabitants of that region, who have given such proofs of their love for liberty, distinguishing themselves in the wars of independence and reform, would certainly oppose, with arms in their hands, a measure intended to deprive them of their liberty and their well-being. I am told that the government is strong enough to conquer them with two divisions of its army. In that case, this people, warlike by instinct and resolute in the maintenance of its rights, would cross in a body to the American shore, leaving the ashes of their homesteads as trophies to their oppressors.

The enemies of the Free Zone repeat that it is a *privilege* which is prohibited by our constitution. I consider that a *privilege* is that exceptional advantage which is granted to an individual, a corporation, or a locality, by which, under an equality of circumstances with others, an exclusive benefit is granted, to the detriment of the rest. But what port is there on the Gulf or on the Pacific which has in front of it, at a hundred paces off, a foreign port? Ought we not to remember that this colossal power, which has located eight custom-houses, with bonded warehouses, along a desert line of only eighty leagues, intends to build up its own settlements at our expense? Would not the derogation of the law which has created so many interests on our frontier favor the American interests, to the immense detriment of our own?

To vote against these interests is to attack the interests of the nation; and if my own reasoning lacks vigor, and my tongue the necessary eloquence to prove this, my esteemed companion, Mr. Velasco, will read the report of a committee of the American Senate, in which it recognizes the right of Mexico to adopt the financial laws which it may deem proper. It argues that the maintenance of the Free Zone is a serious detriment to their views for the future, and that fact speaks louder in its favor than anything my feeble voice can utter. I will add, however, that when the government did me the honor to appoint me, along with Mr. Castañeda, to draw up a tariff bill, which is very nearly the same as that before us, *suggestions were made to us, on the part of the United States Government, which I am not at liberty to reveal, tending to the suppression of the Free Zone, and, as may be seen, we energetically repelled them.*

I very much wonder, and I call the attention of the chamber to this subject, that the secretary of the treasury has not a single word of disapproval for the Leese contract for the colonization of Lower California, by which the colonists import, free of duty, goods of every kind, and are granted greater privileges than those enjoyed by our brothers of the northern frontier. Nevertheless, his excellency finds no difficulty in granting to strangers what he refuses to Mexicans. Is it because the former speak English, and the latter, the poor Spanish tongue?

I cannot understand how the interests of the United States should be upheld among us in opposition to those of Mexico. Do not think that I bear any ill-will toward that people which was our friend in the hour of misfortune. No, sir; I love it, I admire it, and wish it all prosperity; but not to the detriment of Mexico. I propose no aggression; but that, strong in our right, we do not accept a friendly intervention after having repulsed an armed intervention. I wish for a reciprocity of interests in our relations, and especially upon our northern frontier; and as we endured for twelve years while they maintained in front of us their ports of deposit, let them now endure the continuance of the Free Zone; and if the competition should be pursued, let us, in turn, endure their establishment of free ports. The real sovereignty of the people would be outraged were we to forget our duties. The United States are great and strong, but they are also just.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1870, p. 497.)

LEGATION OF THE UNITED STATES,
Mexico, November 10, 1870.

SIR: After a protracted debate, in which the Mexican Government, through the secretary of the treasury, Mr. Romero, has made great efforts for the abolition of the Free Zone, Congress, on the 5th instant, not only formally sanctioned that measure, but extended it over the frontiers of Coahuila and Chihuahua and to the northern district of Nuevo Leon. Notwithstanding the decisive vote by which this result was obtained

(85 to 37), there is still hope that it may not become a law, as the President will undoubtedly use his constitutional prerogative of retaining the bill in his hands till near the close of the session, and then returning it with objections. Even should it become a law, Mr. Romero is confident that the great practical inconveniences of the measure will ere long become so apparent that it will be repealed after a very brief experiment of its workings.

* * * * *
THOMAS H. NELSON.

Extract from the annual message of President Grant, December 5, 1870.

It is to be regretted that our representations in regard to the injurious effects, especially upon the revenue of the United States, of the policy of the Mexican Government, in exempting from impost duties a large tract of its territory on our borders, have not only been fruitless, but that it is even proposed in that country to extend the limits within which the privilege adverted to has hitherto been enjoyed.

The expediency of taking into your serious consideration proper measures for countervailing the policy referred to will, it is presumed, engage your earnest attention.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1871, p. 608.)

LEGATION OF THE UNITED STATES,
Mexico, December 22, 1870.

SIR: The Mexican Congress, during its recent session, failed to consummate, by appropriate legislation, the extension of the Free Zone, and adjourned on the 15th instant, leaving the tariff bill, of which the Free Zone forms a part, in an unfinished state.

In order to ascertain from an official source the present legal status of this question, on the 21st instant I addressed a note to the minister of the treasury, inquiring if the action of the Congress, at its recent session, had resulted in the extension of the Free Zone, and if further legislation was not required before the extension could become a law.

On the same day, Mr. Romero replied that the Congress of the Union, approved, in the session of the 5th of November, the fifty-third article of the tariff bill, which decrees the subsistence of the Free Zone and its extension to the northern frontier; and that in the session of the 7th of the same month the proper committee withdrew the fifty-fourth article of the bill, in order to present it in another form. It was not presented, however, during the remainder of the session, nor did Congress finish the discussion of the tariff bill; consequently, it remains pending for the next session. Mr. Romero further says that, although a portion of the bill was sanctioned by Congress, as it was not finished, nor sent to the executive for promulgation, it cannot be enforced, even in regard to the portion sanctioned. For this reason, although the article relating to the extension of the Free Zone was approved by Congress, it cannot be enforced until the remaining articles are approved and sent to the executive for promulgation. This cannot, in any case, be done until the next session, which will commence on the 1st day of April, 1871.

A new Congress will be elected in June next, which, it is to be hoped, will exhibit a more judicious and enlightened policy upon this important subject, more in conformity with the wise statesmanship of the executive department of the government.

Your obedient servant,

THOMAS H. NELSON.

Extract from the annual message of President Grant, December 4, 1871.

The republic of Mexico has not yet repealed the very objectionable laws establishing what is known as the "Free Zone" on the frontier of the United States. It is hoped that this may yet be done, and also that more stringent measures may be taken by that republic for restraining lawless persons on its frontiers. I hope that Mexico, by its own action, will soon relieve this government of the difficulties experienced from these causes.

Extract from the annual message of President Grant, December 7, 1875.

The Free Zone, so called, several years since established by the Mexican Government in certain of the States of that republic adjacent to our frontier, remains in full operation. It has always been materially injurious to honest traffic, for it operates as an incentive to traders in Mexico to supply without customs-charges the wants of inhabitants on this side the line, and prevents the same wants from being supplied by merchants of the United States, thereby, to a considerable extent, defrauding our revenue and checking honest commercial enterprise.

Mr. Foster to Mr. Evarts.

(Foreign Relations, 1877, p. 410.)

LEGATION OF THE UNITED STATES,
Mexico, June 20, 1877.

SIR: Yesterday afternoon I called, by appointment, at the foreign office, and read to Mr. Vallarta the greater portion of Mr. Seward's dispatch, No. 390, of the 16th ultimo, on the subject of the recognition of the government of General Diaz. After the reading a lengthy conversation followed.

I answered Mr. Vallarta that, so far as recognition was concerned, every nation must be its own judge as to the time and manner of accepting a new and revolutionary government as the only representative of the people over whom it claimed to be established.

The Secretary of State, in the dispatch which I had just read, had confirmed the assurance which I gave him months ago, that the United States did not seek to intervene in the internal politics of Mexico; but he had also expressed the deep interest which the United States felt in the stability of whatever government it might recognize in this republic, and the desire it had to know of its ability and its disposition to comply with its international obligations, both on the frontier and toward American citizens and interests within the country.

For these and other reasons not experienced by European nations, the United States are interested in knowing the spirit which animates and the stability which is likely to attend any new government in this country.

If the government of General Diaz has not up to the present time been recognized by that of the United States, it is owing to its own neglect of plain duties. Mr. Vallarta will remember that six months ago, soon after entering the foreign office, I called his attention to the critical condition of affairs on the Rio Grande frontier, and stated that they more seriously threatened the peace of the two countries than any and all other matters. I referred to the raids into Texas by Mexican banditti, the ravages of the Indians, and the annoyance of the "Zona Libre."

There had been no change of policy on the part of the Government of the United States with the change of administration, as he (Mr. Vallarta) unjustly, and I thought inconsiderately, asserted.

The records of the Mexican foreign office will show that the present policy of my government as to the frontier is the same as that assumed or foreshadowed during all my residence in Mexico.

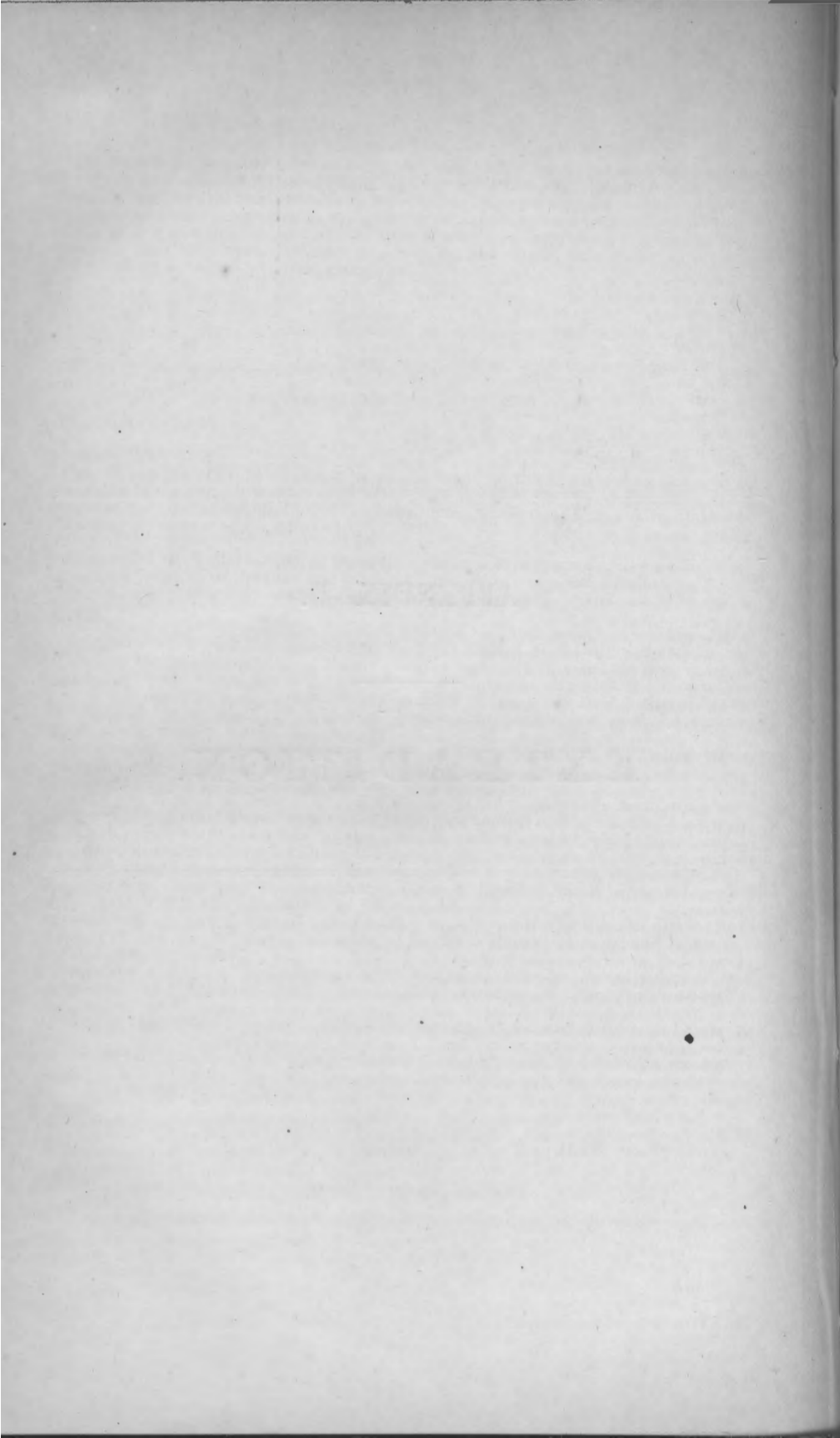
Early in March last I conveyed to him the contents of a dispatch from Mr. Fish, in which the impression was expressed that the United States, prior to deciding in favor of official recognition of the Diaz government, would expect that efficient measures would be taken toward checking inroads into their States and Territories and toward the repeal of the "Zona Libre."

I am, &c.,

JOHN W. FOSTER.

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EXTRADITION.



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THE HISTORY OF THE UNITED STATES

The history of the United States is a story of growth and change. It begins with the first settlers, who came to the Americas in search of a new life. They found a land of opportunity, but also one of challenges. The early years were marked by struggle and hardship, as the settlers fought to establish a new society in a remote and often hostile environment. Over time, however, the United States grew into a powerful nation, one that has shaped the world in many ways. The story of the United States is a story of resilience and innovation, of a people who have overcome many obstacles and achieved great things. It is a story that continues to inspire and inform us today.

The United States has a rich and diverse history, one that is shaped by the experiences of many different people. From the first settlers to the present day, the United States has been a land of opportunity and growth. It has been a place where people have come to seek a better life, and where they have found it. The United States has been a place of innovation and progress, of a people who have pushed the boundaries of what is possible. It is a story that is still being written, and one that we all have a part in.

The history of the United States is a story of many different people, each with their own unique experiences and contributions. It is a story of a people who have come together to form a new nation, one that has grown and changed over time. The United States has been a place of many firsts, of a people who have achieved great things. It is a story that is still being written, and one that we all have a part in.

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EXTRADITION.

Treaty between the United States of America and the Republic of Mexico for the extradition of criminals. Concluded at Mexico December 11, 1861: Ratifications exchanged at Mexico May 20, 1862: Proclaimed June 20, 1862.

The United States of America and the United Mexican States, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within their respective territories and jurisdictions, that persons charged with the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a treaty for this purpose, and have named as their respective plenipotentiaries, that is to say:

The President of the United States of America has appointed Thomas Corwin, a citizen of the United States, and their Envoy Extraordinary and Minister Plenipotentiary near the Mexican Government; and the President of the United Mexican States has appointed Sebastian Lerdo de Tejada, a citizen of the said States, and a deputy of the congress of the union;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

It is agreed that the contracting parties shall, on requisitions made in their name, through the medium of their respective diplomatic agents, deliver up to justice persons who, being accused of the crimes enumerated in article third of the present treaty, committed within the jurisdiction of the requiring party, shall seek an asylum or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as that the laws of the country in which the fugitive or the person so accused shall be found would justify his or her apprehension and commitment for trial if the crime had been there committed.

ARTICLE II.

In the case of crimes committed in the frontier States or Territories of the two contracting parties, requisitions may be made through their respective diplomatic agents, or through the chief civil authority of said States or Territories, or through such chief civil or judicial authority of the districts or counties bordering on the frontier as may for this purpose be duly authorized by the said chief civil authority of the said frontier States or Territories, or when, from any cause, the civil authority of such State or Territory shall be suspended, through the chief military officer in command of such State or Territory.

ARTICLE III.

Persons shall be so delivered up who shall be charged, according to the provisions of this treaty, with any of the following crimes, whether as principals, accessories, or accomplices, to wit: Murder (including assassination, parricide, infanticide, and poisoning); assault with intent to commit murder; mutilation; piracy; arson; rape; kidnapping, defining the same to be the taking and carrying away of a free person by force or deception; forgery, including the forging or making, or knowingly passing or putting in circulation, counterfeit coin or bank-notes or other paper current as money, with intent to defraud any person or persons; the introduction or making of instruments for the fabrication of counterfeit coin or bank-notes or other paper current as money; embezzlement of public moneys; robbery, defining the same to be the felonious and forcible taking from the person of another of goods or money to any value, by violence or putting him in fear; burglary, defining the same to be breaking and entering into the house of another with intent to commit felony; and the crime of larceny of cattle or other goods and chattels of the value of twenty-five dollars or more, when the same is committed within the frontier States or Territories of the contracting parties.

ARTICLE IV.

On the part of each country the surrender of fugitives from justice shall be made only by the authority of the executive thereof, except in the case of crimes committed within the limits of the frontier States or Territories, in which latter case the surrender may be made by the chief civil authority thereof, or such chief civil or judicial authority of the districts or countries bordering on the frontier as may for this purpose be duly authorized by the said chief civil authority of the said frontier States or Territories, or if, from any cause, the civil authority of such State or Territory shall be suspended, then such surrender may be made by the chief military officer in command of such State or Territory.

ARTICLE V.

All expenses whatever of detention and delivery effected in virtue of the preceding provisions shall be borne and defrayed by the government or authority of the frontier State or Territory in whose name the requisition shall have been made.

ARTICLE VI.

The provisions of the present treaty shall not be applied in any manner to any crime or offense of a purely political character, nor shall it embrace the return of fugitive slaves, nor the delivery of criminals who, when the offense was committed, shall have been held in the place where the offense was committed in the condition of slaves, the same being expressly forbidden by the constitution of Mexico; nor shall the provisions of the present treaty be applied in any manner to the crimes enumerated in the third article committed anterior to the date of the exchange of the ratification hereof.

Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this treaty.

ARTICLE VII.

This treaty shall continue in force until it shall be abrogated by the contracting parties or one of them; but it shall not be abrogated except by mutual consent, unless the party desiring to abrogate it shall give twelve months' previous notice.

ARTICLE VIII.

The present treaty shall be ratified in conformity with the constitutions of the two countries, and the ratifications shall be exchanged at the city of Mexico within six months from the date hereof or earlier if possible.

In witness whereof we, the plenipotentiaries of the United States of America and of the United Mexican States, have signed and sealed these presents.

Done in the city of Mexico on the eleventh day of December, in the year of our Lord one thousand eight hundred and sixty-one, the eighty-sixth of the Independence of the United States of America, and the forty-first of that of the United Mexican States.

THOMAS CORWIN. [L. S.]
SEN'N LERDO DE TEJADA. [L. S.]

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1871, p. 628.)

UNITED STATES LEGATION,
Mexico, February 27, 1871.

SIR: I inclose a copy of a note that I addressed to the department of foreign affairs on the 25th instant, in regard to the refusal of the governor of Sonora to surrender, on the requisition of the governor of Arizona Territory, certain fugitives who had escaped to Sonora after murdering and robbing three American citizens at Mission Ridge Camp, in Arizona Territory; in which I requested the supreme government to direct the necessary instructions to the governor of Sonora to deliver the said criminals to the persons duly authorized to receive them by the governor of Arizona, as soon as they could be arrested.

Your obedient servant,

THOMAS H. NELSON.

[Inclosure.]

Mr. Nelson to Mr. Aspiroz.

UNITED STATES LEGATION,
Mexico, February 25, 1871.

SIR: I have just received the inclosed communication from the United States consul at Guaymas in regard to the refusal of the governor of Sonora to surrender, upon the requi-

sition of the governor of Arizona Territory, certain fugitives from justice who are known to have murdered and robbed three American citizens at a place called Mission Ridge Camp, in Arizona Territory, in December last. I also inclose the documents referred to in the letter of the said consul, which will place within your knowledge the facts of the case. I trust that the supreme government will not hesitate to direct the necessary instructions to the governor of Sonora to deliver the said criminals to the persons duly authorized to receive them by the governor of Arizona, as soon as they can be arrested.

After you have examined the inclosed documents please return them to me.

I have, &c.,

THOMAS H. NELSON.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1871, p. 629.)

LEGATION OF THE UNITED STATES,
Mexico, March 23, 1871.

SIR: Referring to my dispatch No. 359, of the 27th ultimo, I have the honor to inclose a copy and translation of a note from the department of foreign affairs, dated the 8th instant, in which the Mexican Government declines to order the surrender of the assassins whose extradition was demanded of the governor of Sonora by the governor of Arizona Territory, basing its refusal upon the fact of the said assassins being Mexican citizens, in conformity with the last clause of the sixth article of the extradition treaty of December 11, 1861, the text of which is as follows: "Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this treaty."

I will, however, make an informal and unofficial effort to obtain their surrender, as an act of international comity.

Your obedient servant,

THOMAS H. NELSON.

[Inclosure.]

Mr. Aspiroz to Mr. Nelson.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, March 8, 1871.

SIR: With a note from your excellency, dated the 25th of February, ultimo, I received another from the consul of the United States of America at Guaymas, a letter from Mr. George Cooler, agent of the governor of Arizona Territory, and some newspaper slips, all of which refer to the assassination and robbery which it appears was committed by certain Mexicans in the territory of the United States of America, and to the requisition for the surrender of the supposed criminals, made by the governor of Arizona upon the governor of Sonora, and the refusal of the latter to give them up, in case of their being found within the limits of that State.

Your excellency makes known your belief that the Mexican Government, as soon as it shall become cognizant of the facts stated in these documents and papers, will not hesitate to send to the governor of Sonora the necessary instructions for the surrender of the accused parties. Your excellency probably formed this opinion without knowing the fact that the persons whose surrender is solicited from the Mexican authorities are themselves Mexicans.

Your excellency will please to note, in the same documents and papers, which I now return, according to request, that this circumstance is therein expressed with at least as high a grade of credibility as the statement of the crimes committed and the attending circumstances thereof.

I expect from your excellency's well-known high sense of justice that this single circumstance will suffice to excuse the Mexican Government from ordering the surrender of the supposed criminals, as demanded by the governor of Arizona Territory from the governor of the State of Sonora, since its action in the case should be in strict conformity with the stipulations of the treaty of extradition between the United States of Mexico and the United States of America, now in force, and with the practice observed by the government of the latter toward the Mexican Government in similar cases.

I have the honor to repeat that I am your excellency's very obedient servant,

MANUEL ASPIROZ.

Mr. Fish to Mr. Nelson.

(Foreign Relations, 1872, p. 383.)

DEPARTMENT OF STATE,
Washington, January 31, 1872.

SIR: I transmit a copy of a letter of the 25th instant addressed to this Department by Mr. R. C. McCormick, the Delegate in Congress from the Territory of Arizona, and of the letter to me from Governor Safford, of that Territory, to which it refers. These papers relate to the persistent attacks on the persons and property of citizens of Arizona near the border by bandits from the Mexican State of Sonora. The department has repeatedly written on the importance of putting a stop to them.

I am, &c.,

HAMILTON FISH.

[Inclosure 1.]

FORTY-SECOND CONGRESS UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 25, 1872.

SIR: As you are not in the receipt of the original of Governor Safford's letter of December 29, 1871, I now have the honor to furnish you a copy from that sent to me and read to you during our recent interview. I trust, as then suggested, that you will give to the unfortunate state of affairs upon the Arizona border your prompt consideration, and furnish the governor with any instructions you may deem proper under the circumstances. I also hope that you will advise our minister to Mexico of the serious difficulties likely to ensue unless the lawlessness of certain citizens of Sonora is promptly recognized and punished, and instruct him to ask the attention of the Government of the republic of Mexico to the matter as one worthy of notice, and that should not be overlooked, even if the treaty stipulations do not absolutely provide for the surrender of persons engaged in such cases of wrong-doing as the governor of Arizona recounts.

Your obedient servant,

R. C. McCORMICK,
Delegate from Arizona.

HON. HAMILTON FISH,
Secretary of State.

[Inclosure 2.]

TERRITORY OF ARIZONA, EXECUTIVE OFFICE,
Tucson, December 29, 1871.

SIR: I had the honor to transmit to you, February 14, 1871, a communication giving information of the insecurity of life and property in this Territory, along and near the Mexican border, in consequence of frequent murders and robberies committed by Mexican subjects, who invariably escape to Mexico; and particularly referring to the Mission Camp massacre, with my action in the premises, and the refusal of the governor of Sonora to surrender the criminals, coupled with a statement from him that he had referred the question to the supreme Government of Mexico. I subsequently learned from Mexican newspapers that the supreme government had decided in effect that Mexican subjects having committed crimes on the soil of the United States should not under the treaty be given up for punishment to the authorities of the United States, nor was it a proper cause for punishment within the republic of Mexico. This decision did, as I predicted it would in my communication of February 14, "act as an incentive to the numerous bands of outlaws who infest that country to increase their criminal depredations on our soil." Within a few months one man was murdered on the Gila River, while asleep. Another was shot from his horse near the same place. But a few days since William Wright was murdered, sixty miles south of here, while asleep, and his head was cut off; and on the 21st instant John W. Baker, his wife, and boy about seven years old, were brutally murdered sixty miles west of this place, and a child of the age of five months perished for food and from cold after its mother was murdered. I followed in person this last band of outlaws, and came so close to them that they were obliged to abandon the horses they had stolen, but succeeded in making their escape into the mountains beyond the line. This last horrid massacre has aroused the indignation of all good people of the Territory, both Mexicans and Americans, and it is with great difficulty that retaliation is prevented.

Earnestly desirous of maintaining friendly relations between this Territory and the

State of Sonora, and feeling well convinced that the repetition of such outrages as that of the 21st might place the matter beyond my control, I have deemed it advisable to send, unofficially, a Mexican, who was formerly a private secretary of Governor Pesqueira, to him, with a plain statement of the facts, and have asked him, in order to promote friendly relations between this Territory and Sonora, to devise some plan by which these criminals may be punished. Well known and reliable Mexican subjects residing here have also written him in similar tone, and I have strong hopes that the governor will see the importance of complying with our request. If, however, this should fail, and no punishment follow for the perpetration of these outrages, these outlaws will increase their depredations until it will be impossible to inhabit our territory near the Mexican border, and I fear retaliation will follow that will place the two countries in a semi-state of war. If our government could sustain us in following and capturing these outlaws into their own country, we could and would, without further assistance from the government soon bring them to terms, and put a stop to these crimes on our own soil; but I am aware that such a course would not be in compliance with the treaty existing between the two governments. Yet I do not consider that Mexico is acting the part of a neighbor in allowing her outlaws to murder and rob our people without making an effort to stop it. Some relief might be obtained by requiring Mexican subjects to procure passports; those found without them, after a reasonable notice, be compelled to leave the country.

In view of this disturbed condition of affairs, I should be pleased to receive such instructions as you may consider will aid me in the discharge of my duties, and, if possible, adopting such measures as will secure life and property against these outlaws.

I inclose a copy of our local paper of to-day, which contains the report of the coronor's jury, and some further information upon the late massacre.

Very respectfully, your obedient servant,

A. P. K. SAFFORD,
Governor.

HON. HAMILTON FISH,
Secretary of State, Washington, D. C.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1872, p. 411.)

LEGATION OF THE UNITED STATES,
Mexico, March 25, 1872.

SIR: Pursuant to the instructions contained in your dispatch No. 215, I addressed, on the 20th instant, a note to Mr. Mariscal, calling his attention to the numerous murders recently committed in the Territory of Arizona by malefactors from the Mexican State of Sonora, and manifesting the urgency of some efficacious measures for the prevention of such outrages in the future.

I am, &c.,

THOMAS H. NELSON.

[Inclosure.]

Mr. Nelson to Mr. Mariscal.

LEGATION OF THE UNITED STATES,
Mexico, March 20, 1872.

SIR: The Government of the United States is informed by the authorities of the Territory of Arizona that numerous murders have recently been perpetrated within that Territory, near the Mexican boundary, by malefactors proceeding from and escaping to the Mexican State of Sonora. Some of these crimes have been attended with circumstances of such peculiar atrocity as to excite public indignation against the assassins to an alarming intensity, in view of the fact that, when once the criminals have reached Mexican soil, the experience of last year is supposed to show that the state government of Sonora will neither punish them itself, surrender them, nor take any efficient steps to prevent a renewal of such deeds of blood.

Unless some energetic measures of repression be taken by the Mexican authorities, my government believes it will be impossible to prevent the aggrieved parties from

retaliating in the same way upon Mexican citizens residing in that Territory, a proceeding which could not fail to disturb the existing cordial relations between the two governments. In the interest of preventing such lamentable consequences I have been instructed to present the above facts to the Mexican Government, and to manifest the urgency of some efficacious measures for the prevention of such outrages in the future.

I am, &c.,

THOMAS. H. NELSON.

Mr. Nelson to Mr. Fish.

(Foreign Relations 1872, p. 412.)

LEGATION OF THE UNITED STATES,
Mexico, March 30, 1872.

SIR: Referring to my dispatch No. 536, I have the honor to inclose herewith a copy and translation of the reply of Mr. Mariscal to my note of the 20th instant, relative to the frequency of murders by Mexicans in Arizona. This reply, though dated the 23d instant, was not received until several days later.

I am, &c.,

THOMAS H. NELSON.

[Inclosure.]

Mr. Mariscal to Mr. Nelson.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, March 23, 1872.

SIR: I have received your excellency's note of the 20th instant, in which you state that the authorities of the Territory of Arizona have informed the Government of the United States that numerous murders have been committed in that Territory near the Mexican frontier by malefactors who come from the State of Sonora, into which they escape after perpetrating these atrocious deeds.

Your excellency, pursuant to instructions from your government, manifests the urgency of efficacious measures being taken to prevent such outrages in the future. In reply I take pleasure in informing your excellency that I have to-day transmitted your note to the government of the State of Sonora, calling for a report upon the facts in question at the earliest moment, in order to make a proper reply to your excellency, and take the necessary measures.

I improve this opportunity to renew to your excellency the assurance of the high consideration with which I am, your excellency's obedient servant,

IGNACIO MARISCAL.

Mr. Fish to Mr. Foster.

(Foreign Relations, 1874, p. 731.)

DEPARTMENT OF STATE,
Washington, February 20, 1874.

SIR: An instruction has this day been addressed to the United States consul at Matamoros, directing him to apply to the local authorities for permission to Benjamin Murphy to receive into custody one Alexander D. Hamilton, a fugitive from justice, charged with the embezzlement of public moneys. It is desired that in adopting the ordinary means, in accordance with the provisions of the treaty, you will act promptly, and with such discretion as will, in your judgment, most surely tend to secure the apprehension and return of the fugitive in question. The consul at Matamoros has been directed to inform you when the local magistrate shall have decided that the proof of criminality is sufficient.

I am, &c.,

HAMILTON FISH.

Mr. Fish to Mr. Foster.

(Foreign Relations, 1874, p. 736.)

DEPARTMENT OF STATE,
Washington, March 25, 1874.

SIR: I transmit a copy of dispatch No. 161, of the 10th instant, addressed to this department by Mr. Thomas F. Wilson, the consul of the United States at Matamoros. From this paper it appears that the arrest of one Alexander D. Hamilton, charged with a crime for which, pursuant to the treaty with Mexico, his extradition may be required, has been prevented by the interference of General Cortina in his favor. You will lose no time in making a representation to the Mexican Government on this subject, and will state that it is expected such orders will be given to General Cortina as will allow the treaty to be carried into effect according to its terms.

I have, &c.,

HAMILTON FISH.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1874, p. 744.)

LEGATION OF THE UNITED STATES,
Mexico, April 18, 1874.

SIR: I am this day in receipt of your dispatch No. 90, March 25, relating to the interference of General Cortina, at Matamoros, in preventing the extradition of one Alexander D. Hamilton. Immediately on receipt thereof I sent to the minister of foreign affairs a copy of the dispatch of Mr. Wilson, inclosed in your No. 90, with a representation that the Government of the United States would expect such orders to be given as will allow the treaty to be carried into effect according to its terms.

Within an hour after the transmission of this note, I was personally informed by the minister that the President had already seen some notice of the action of General Cortina in the public press, and had at once sent telegrams to the governor of the State, to General Cortina, and to the military commander, calling for information on the subject, and that immediately upon the receipt of my note the President had instructed the minister of war to send orders to the military commander at Matamoros, Colonel Cristo, to arrest Hamilton, and hold him at all hazards subject to the provisions of the extradition treaty. And, in confirmation of this information, I have to-night received an official note from the minister of foreign affairs, of which I inclose a translation.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Lafragua.

(Foreign Relations, 1875, part 2, p. 914.)

LEGATION OF THE UNITED STATES,
Mexico, May 8, 1875.

SIR: The consul of the United States at Matamoros, Tamaulipas, reports to me, under date of the 18th ultimo, the following facts: In June last a man named Juan Flores murdered T. H. Swift and his wife, in Refugio County, Texas. The murderer fled to Guerrero, Mexico, where he was traced and arrested, and a demand was duly made, under the provisions of the treaty, for his extradition. In Guerrero, Flores assumed the name Juan Juarez. He, however, admitted that he had murdered Swift and his wife, and, as a defense to his extradition, claimed that he was a citizen of Mexico. The authorities of Guerrero sent Flores to Matamoros for trial before the judge of the first instance, Don Diego Castillo Montero, the commissioner of extradition. Flores admitted to the judge at Matamoros that he committed the murders, and again claimed that he was a Mexican citizen. Upon being so instructed by the Department of State at Washington, the said consul at Matamoros appeared before the court to aid in securing the extradition of the criminal, and insisted that, in order to avail himself of his claim of Mexican citizenship, Flores must establish that fact by proof; that he admitted that he was a fugitive criminal from Texas; and that the presumption would arise that he, having committed the crime in that State, was subject to its jurisdiction, which presumption must be removed by positive testimony to the contrary. But, in addition to this presumption, the said consul submitted to the court, as

evidence that said Flores was actually a citizen of Texas, a certificate signed by the governor of said State, under the seal thereof, that Flores had registered and voted in Texas as a *native* of that State, having made oath to that effect. No evidence has been produced before the court tending to show that Flores is a citizen of Mexico, and consequently entitled to the benefit of the clause of the treaty which exempts either country from surrendering its own citizens. Notwithstanding the foregoing facts, the case is still undecided, and the consul entertains well-grounded fears that through this delay improper influences, which are being exerted, will secure the illegal release of the criminal.

In view of the recent experience in the enforcement of the extradition treaty at Matamoros, in the case of Alexander D. Hamilton, of which your excellency has full information, and in view also of the condition of public feeling in Texas at this time, I have to request that your excellency's government will cause an excitative to be sent by telegraph to the said judge at Matamoros, to the effect that, if the guilt of Flores is established, and he does not prove his claim of Mexican citizenship, he be delivered to the American authorities under the terms of said treaty, and that his decision be rendered as speedily as is consistent with the ends of justice.

Your excellency will please accept the renewed assurances of my high consideration and esteem.

JOHN W. FOSTER.

His Excellency J. M. LAFRAGUA,
Minister of Foreign Affairs, Mexico.

[Translation.]

Mr. Lafragua to Mr. Foster.

MEXICO, May 11, 1875.

MR. MINISTER: I have had the honor of receiving your excellency's note of the 8th instant relative to the extradition of Juan Flores, accused of being the murderer of T. H. Swift and his wife.

In view of the reasons expressed by your excellency, there has been dictated the order of which I have the honor to inclose a copy, hoping that by that measure the proceedings which have delayed the decision of this matter may be shortened.

It is very pleasant upon this occasion to renew to your excellency the assurances of my high and distinguished consideration.

J. M. LAFRAGUA.

His Excellency JOHN W. FOSTER,
Envoy Extraordinary and Minister Plenipotentiary of the United States.

[Translation.]

The President to the Minister of War.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, May 11, 1875.

CITIZEN MINISTER OF WAR: The President orders that you will be pleased to communicate to the military commander at Matamoros, by telegraph, the following dispatch: "The American legation asks the extradition of Juan Flores, accused as the murderer of the American T. H. Swift, in June, 1874. If he has not proved that he is a Mexican citizen, and there are facts which establish his guilt, you will ask the judge of Matamoros that he deliver the criminal in conformity with the treaty."

I communicate it to you for your compliance. Independence and liberty.

Mr. Schuchardt to Mr. Hunter.

(H. Ex. Doc. No. 13, 45th Cong., 1st sess., p. 70.)

COMMERCIAL AGENCY OF THE UNITED STATES,
Piedras Negras, Mexico, May 14, 1877.

SIR: I have the honor to state that this day (May 14) I have directed to you the following telegram:

"This place is held at present by the rebels (Diaz), who have shown ever since hostility to our country by openly protecting Indians and thieves depredating on the Texas

frontier. I am informed that the rebel authorities will make a demand on the judge of the twenty-fourth judicial district, holding to-day court at Eagle Pass, for the extradition, on fictitious charges, of officials and others of the legitimate government of Mexico, and at present refugees on the Texas side. The judge of the twenty-fourth judicial district, to-day, at Eagle Pass, on my explanations, stated that if these rebel authorities, which he recognizes as representatives of the government *de facto* of Mexico, would make the demand for extradition in due form, he was obliged, under the treaty, to extradite these men. As the extradition of these men to the rebel authorities will result in their death, and this section of the country will be in a few days in the possession of the legitimate government of Mexico, I respectfully request, in the name of justice and humanity, that instructions be sent immediately to the judge of the twenty-fourth judicial district, now at Eagle Pass, to suspend the extradition of Mexican citizens, now in the United States, demanded by the local rebel authorities at Piedras Negras."

Last week four Americans accused of various crimes committed in Texas were arrested here, their arrest being caused by the Texas State police, and their extradition to the United States under the treaty between the United States and Mexico demanded by the judge of the twenty-fourth judicial district of Texas; and to obtain the extradition of these American criminals the Texas authorities made promises to the Mexican authorities (Diaz) to gratify their wishes by turning over to them some Mexicans now on the Texas side the Mexican authorities would designate as criminals, if the demand was made in due form and the crimes these men were accused of came under those expressed in the treaty of extradition.

There are at present only Mexican citizens living as refugees in Eagle Pass, Texas, who had taken up arms in defense of the legitimate government, and to escape the continual persecutions by the Diaz officials have sought refuge in the United States. The real criminals formerly on the Texas side are all in the files of the Diaz party, at present in power here, one of them being an alcalde at Zaragoza, who gives passports to the Indians to raid in Texas, and another is a comandante who does the raiding to Texas himself. These kind of men are the masters of the situation at present, who try to fix false charges on men a great deal better than they themselves for the purpose to get them in their power to have revenge to their gusto.

One of these refugees now on the Texas side was gefe politico and military commander of this district during the time it was held by the Lerdo administration, and in his official capacity he always showed himself in all respects friendly to the American people and their interest by making efforts to stop the depredations by thieves, and to effect this better he even allowed the American troops to pursue the Indians into their dens on the Mexican side, while the present gefe politico of the Diaz party protects these raids of thieves and Indians into Texas by allowing his alcalde to give passports to the Indians, and never prosecutes the thieves when they return with plunder from Texas, although notified of the fact. Whilst the gefe politico of the Lerdo administration consented to the crossing of the United States troops, the Diaz gefe politico's first act was to arrest the Mexican guides who had served the United States soldiers to find the dens of the murdering Indians in the Mexican mountains, on the charge of being traitors to their country.

When I was informed of the intention of the Diaz authorities to demand some of these refugees, adherents of President Lerdo, I went at once to the Hon. Thomas Paschal, judge of the twenty-fourth judicial district of Texas, to inform him of all the facts above stated in detail; but he stated to me that he had to recognize the Diaz officials at Piedras Negras as representatives of a *de facto* government, and was obliged to comply with their demand for extradition of Mexican citizens, if the papers were made out in due form and the crimes therein stated were comprised in the treaty; that he had no right to question the veracity of the charges made in the papers against the persons they would make a demand for.

This determination of Judge Paschal made me apprehend great danger for the lives of innocent men, and I thought it my duty to advise you immediately by sending the above telegram.

I am, sir, &c.,

WM. SCHUCHARDT,
United States Commercial Agent.

Extradition of Lipan Indian raiders.

(H. Ex. Doc. No. 13, 45th Cong., 1st sess., p. 179.)

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, Tex., July 11, 1877.

SIR: I have the honor to inclose for the information of the proper authorities a letter from Judge Noonan, of this judicial district, State of Texas, who was (at the time

he refers to, when steps were taken by him to secure by extradition raiding Lipans) the commissioner authorized under the treaty to act in the premises. I presume the papers giving the names of the Lipans then called, and the replies of the Mexican authorities to his call, will be found in the archives of the State Department; no trace of the copies sent through the headquarters of the military district of Texas is to be found here.

I send this information in order that should the Mexican commissioner, now at Washington, offer to extradite Indian raiders now harbored in Coahuila, it can be seen what has already been attempted in the premises on our part.

Should the Mexican Government be in earnest in the matter of extraditing them, it will have to send a larger and more earnest force than it now has in Coahuila to hunt down and secure the raiders, and to take more positive measures than have ever been yet attempted to punish its citizens for complicity in the raids by purchasing the stolen property of the Indians, and even making bargains beforehand with them to deliver horses or cattle, knowing that they could only be obtained by robbery from the United States.

At present the troops occupying the towns on the frontier of Coahuila are, if my information is correct, composed mainly of levies upon the population of those towns, and who themselves are the instigators to and partakers of the plunder obtained from the United States. As long as this is the case, earnest efforts on the part of such troops to cut off their own supplies cannot be expected; on the contrary, I think it likely they will aid in resisting or defeating every attempt, especially of a small force, to recover stolen stock or the apprehension of thieves.

In this connection, if my present orders are to be executed, as I sincerely hope they will, I have respectfully to apply for another regiment of cavalry, preferably the Fourth.

I am, sir, very respectfully, your obedient servant,

E. O. C. ORD,

Brigadier-General, U. S. Army, Commanding.

The ADJUTANT-GENERAL U. S. ARMY,
Washington, D. C.

JULY 10, 1877.

DEAR SIR: In reply to your inquiry of to-day, I can only make a cursory statement from memory.

In the years subsequent to the war, the Indians were exceedingly troublesome on the Mexican border. In the year 1867, I demanded the extradition of several Lipan Indians who were fully identified as the depredators in a couple of the more recent raids. The testimony against these Indians was furnished by captives who escaped. Upon this testimony, and the corroborating circumstances, the guilty parties were duly indicted in the counties of Uvalde and Bandera, where the offenses were committed. These indictments were the basis of the demand for the extradition of the criminals. All the formalities required by the treaty and usual in making a demand upon the authorities of a foreign country were strictly complied with. The Indians were named and their whereabouts in Mexico specified. The Mexican authorities, including the governor of Coahuila, expressed a willingness to carry out in good faith the provisions of the treaty, and yet nothing was accomplished. Finally, after a great deal of delay, the local Mexican authorities acknowledged their inability to give effect to the treaty. Then an effort was made by me to bring the whole matter before the national governments of Mexico and the United States. To that end, papers were sent to Mexico, through the United States consul at Monterey, Joseph Ulrick, esq., now a citizen of this city, and papers were mailed by me to the Hon. William H. Seward, Secretary of State of the United States. Papers were also sent by me to General Reynolds, then commanding this department, and thus the matter terminated without attaining any satisfactory result.

Yours, truly,

G. H. NOONAN.

General ORD, *San Antonio.*

EXTRACTS FROM THE OFFICIAL CORRESPONDENCE RELATING TO THE
ASSAULT ON THE JAIL AT RIO GRANDE CITY, AND THE DEMAND FOR
THE EXTRADITION OF THE CRIMINALS.

(House Ex. Doc. No. 13, 45th Cong., 1st sess., page 43.)

Governor Hubbard to the President.

[Telegram.]

AUSTIN, TEX., August 13, 1877.

SIR: I am advised by Brigadier-General Ord, commanding Department of Texas, that on the 12th instant a party of Mexicans from the State of Tamaulipas crossed the Rio Grande River to Rio Grande City, the county-seat of Starr County, Texas, bordering on said river, broke open the jail by force and arms, released two murderers therein confined, and, in so doing, severely wounded the State attorney, Hon. Noah Cox, and three jailers. These murderers were followed by a small party of United States troops until they recrossed the Rio Grande into Mexico. Under the extradition treaty in force, I am vested with authority to demand extradition of criminals from any neighboring Mexican State. I propose to make this demand, but desire co-operation by a simultaneous demand from the President. It is an outrageous violation of our treaty relations and international law. I therefore, in behalf of our people, have the honor to make this request and that the Republic of Mexico make reparation for this act, deliver the murderers released to our civil authorities, and inflict punishment upon the outlaws who committed the outrage.

I have, &c.,

R. B. HUBBARD,
Governor of Texas.

Mr. Seward to Governor Hubbard.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 14, 1877.

The President directs me to acknowledge receipt of your dispatch of the 13th instant. Your proposed demand for extradition is in accordance with treaty stipulations. Measures for protection and maintenance of American rights involved will be immediately taken here.

F. W. SEWARD,
Acting Secretary.

Mr. Seward to Mr. Foster.

[Telegram.]

WASHINGTON, August 15, 1877.

FOSTER, Minister, Mexico:

Urge extradition, and demand reparation for invasion of Texas and attack on jail at Rio Grande. Dispatches by mail.

SEWARD,
Acting Secretary.

Mr. Seward to Mr. Foster.

DEPARTMENT OF STATE,
Washington, August 15, 1877.

SIR: I transmit herewith a copy of a telegram just received from the governor of Texas, and the reply made to it by direction of the President. The case to which they refer is one of grave importance.

It is probable that the steps taken by the authorities of Texas, under the provisions of the treaty with Mexico in regard to extradition, will result in the arrest of the guilty parties. Of the progress of these efforts you will be promptly informed, and if

they shall not be attended with immediate success you will be expected to make similar application to the authorities at the national capital.

The event is no merely ordinary crime. It partakes of the character of a national injury, and such events are, unhappily, growing but too frequent. To the long catalogue of raids into Texas for purposes of theft and plunder have now been added two deliberate hostile invasions of American territory by armed bands from Mexico. Public officers of the State of Texas have been seriously wounded, and murderers have been released from custody. To suppose for a moment that the authorities of Mexico will acquiesce in this outrage or will shield the offenders would be to suppose that the Republic of Mexico is no longer disposed to maintain the attitude of a friendly power at peace with the United States. You are instructed, therefore, to lay the facts at once before the officers of the *de facto* government, with which you are holding unofficial intercourse, and to demand their co-operation in the arrest and punishment of the perpetrators of these crimes, and such reparation for them as it is now possible to make.

I am, &c.,

F. W. SEWARD,
Acting Secretary.

Mr. Foster to Mr. Evarts.

LEGATION OF THE UNITED STATES,
Mexico, August 23, 1877.

SIR: On yesterday I received your dispatch dated on the 15th instant, in which you instruct me to "urge extradition and demand reparation for invasion of Texas and attack on jail at Rio Grande City."

I at once called upon Mr. Vallarta and informed him of the contents of your telegram. He said that his government had received information of the occurrence, and that he was just preparing orders to be sent to the governor of Tamaulipas, instructing him to carry out the stipulations of the treaty of extradition in regard to all who had been or might be arrested in Mexico charged with participation in the affair. He further stated that as soon as the government had information of the event, it sent instructions to General Treviño and other officials to use every exertion to detect and arrest any of the guilty parties in Mexico, authorizing them to expend whatever money was necessary to aid in the detection. He said the reports which had been sent by the Mexican officials on the frontier were to the effect that the persons who composed the party attacking the jail were American citizens of Mexican origin resident in Texas; that the expedition had been originated entirely in Texas; and that after the attack the assailants had fled into Mexican territory.

I saw Mr. Vallarta again this morning, and he said that the instructions in regard to the extradition of the guilty parties arrested in Mexico had already been telegraphed to the government of Tamaulipas. I accordingly sent you to-day the following telegram, via overland wire:

"Mexican Government states all diligence being used to arrest assailants of Texas jail. Prompt extradition of all discovered offenders promised. Official information received here that expedition was organized in Texas."

In view of the denial of Mr. Vallarta that there was any invasion from Mexico, I have thought best to confine my action for the present to reading to him your telegram, and urge prompt measures for the arrest and extradition of the offenders. When your dispatches by mail are received, I will act in accordance with the facts and instructions contained therein.

I am, sir, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Evarts.

LEGATION OF THE UNITED STATES,
Mexico, August 30, 1877.

SIR: Confirming my dispatch No. 590, of the 22d instant, in reference to the assault on the jail at Rio Grande City, I have to acknowledge receipt this morning of your dispatch No. 411, of the 15th instant, on the same subject.

I called to-day upon Mr. Vallarta and gave him a copy of the telegram of the governor of Texas to the President of the United States, and directed his attention to the statement of the governor that the assault was made by a party of Mexicans who crossed the river from the State of Tamaulipas. I said that this declaration of the governor was confirmed by the reports of the military officers on the frontier, and was

in direct contradiction of the reports which he (Mr. Vallarta) informed me in our last interview on the subject his government had received. I then gave him the views of our government in regard to the affair, as set forth in your dispatch No. 411, and repeated my demand heretofore made for the arrest and punishment of the perpetrators of the crimes, and for such reparation for them as it was possible to make.

Mr. Vallarta repeated his previous statement as to the measures already taken and the instructions given, and assured me that his government would continue to give the subject its earnest attention with a view to the arrest and delivery of the criminals under the extradition treaty, and to the punishment of any persons who may have aided or abetted the assault in Mexico.

I asked Mr. Vallarta if he considered that it was necessary under the treaty that I should make any formal or written application for the extradition of the criminals. He said that he did not, as the treaty conferred ample powers upon the authorities of the frontier States to effect the extradition without diplomatic intervention or the action of the central federal government; and such instructions had been sent to the authorities of Tamaulipas.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Evarts.

LEGATION OF UNITED STATES,
Mexico, September 11, 1877.

SIR: When at the foreign office to-day, in response to my inquiry as to the news recently received by the government concerning the Rio Grande City raiders, Mr. Vallarta told me that information had been sent that two or more of the assailants arrested were Mexican citizens, and that the government had sent instructions to the authorities of the State of Tamaulipas to deliver them up to the American officials for trial. He said that the extradition treaty did not require the Mexican Government to surrender its own citizens, but in this instance it was desirous of manifesting its disposition to do everything possible to secure the punishment of the criminals.

I assured Mr. Vallarta that if the authorities delivered the assailants under the instructions stated by him, the act would create a very favorable impression in the United States.

I am, &c.,

JOHN W. FOSTER.

(Handed to Mr. Evarts by Señor Mata, October 6, 1877.)

Señor Vallarta to Señor Mata.

[Translation.]

MEXICAN REPUBLIC, MINISTRY OF FOREIGN RELATIONS, SECTION OF AMERICA, NO. 126

Extradition of assaulters of the jail of Rio Grande City.

MEXICO, September 10, 1877.

I have read to the President of the republic your note, number 87, dated the 23d of August last, in which reference is made to the interview which you had with the Assistant Secretary of State in regard to the assault on the jail of Rio Grande City.

The President has agreed to recommend that at the first opportunity you will notify the Government of the United States that the Government of Mexico has already given positive orders that all the offenders implicated in that act, who are asked for by the American authorities, shall be given up. You will inform the Secretary of State, in the clearest and most explicit manner, that in ordering the surrender of said offenders without being obligated to do so by treaties, when the giving up of the Mexicans is solicited, it has only been done on account of the exceptional circumstances of the case, and in order to give incontrovertible proof of the firm and sincere wish which animates the present administration to put an end to the troubles on the frontier; but that this new surrender is not to serve as a foundation for the conduct of Mexico in all the cases which may happen hereafter, nor to be cited as a legal precedent, inasmuch as it has been an entirely voluntary act on the part of the government of

the republic, to which it has not been obligated by treaties, but only moved to it by the considerations stated.

As in the note to which I am replying you signify that you entertain a doubt as to the existence in Mexico of laws to try and punish crimes committed in foreign territory, I deem it not amiss to refer you to articles 186 and 187 of the penal code, which treat of this matter.

I assure you of my particular esteem.

VALLARTA.

Citizen MINISTER PLENIPOTENTIARY OF MEXICO,
In the United States of America, Washington, D. C.

[Inclosure.—Translation.]

ARTICLE 186.

Crimes committed in foreign territory by a Mexican against Mexicans, or against foreigners, or by a foreigner against Mexicans, can be punished in the republic and in conformity to its laws, if the following requisites concur:

1. That the accused is in the republic, either because he has come voluntarily or because his extradition has been obtained.

2. That if the injured person should be a foreigner, there shall be complaint on the lawful side.

3. That the offender shall not have been tried definitively in the country in which the crime was committed; or that, if he was, he has not been acquitted, amnestied, or pardoned.

4. That the offense of which he is accused shall have the character of a crime in the country in which it was committed, and in the republic.

5. That conformably to the laws of these he shall deserve a more serious penalty than that of imprisonment.

ARTICLE 187.

In the case of the preceding article, if an offender tried in a foreign country should make his escape, there shall be imposed on him in the republic the penalty which the laws of the latter prescribe, allowing him always for what he may have suffered of the penalty imposed on him in the foreign country.

RESULT OF EXTRADITION PROCEEDINGS.

Governor Hubbard to Mr. Evarts.

(H. Ex. Doc. No. 13, 45th Cong., 1st sess., p. 77.)

EXECUTIVE OFFICE, STATE OF TEXAS,
Austin, October 10, 1877.

SIR: I desire through your department to advise the President of the recent action of the authorities of the Republic of Mexico in relation to certain demands made by me upon that government, under the existing treaty of extradition, for criminals committing offenses, designated in said treaty, in the State of Texas, and who had taken refuge in the border Mexican State of Tamaulipas.

To the end that the United States Government may have a full and just comprehension of the issues involved, and of the indignities which Texas has recently borne from the hands of Mexican citizens, including theft of our property, burglary, jail-breaking, release of indicted felons, assaults to murder, and actual accomplished murder of our people, I herewith have the honor to transmit the accompanying official correspondence between the executive of Texas and the Mexican authorities. This includes all correspondence especially relating to the reported outrages at Rio Grande City, and the rejected demands of the extradition commission for five murderers from Hidalgo and Duval Counties, duly indicted in the district courts of Texas, and who were fugitives from justice in Mexican territory.

An inspection of this official correspondence will show that on the 12th day of August, 1877, a band of Mexican outlaws crossed the Rio Grande River, opposite Rio Grande City, the county seat of Starr County, Texas, and by force and arms broke open the common jail of said county and released therefrom one Espronceda, indicted for theft of cattle, and one Segunda Garza, indicted for the crime of murder.

While perpetrating this outrage, the State's attorney, Hon. Noah Cox, was severely wounded, as also the deputy sheriff and his wife, all citizens of Texas.

These outlaws recrossed the Rio Grande with the released prisoners, being pursued by a detachment of the United States troops under Major Price of the Regular Army.

Immediately on being advised of this occurrence I informed the President, and asked that the general government would join with me in making demand of the Republic of Mexico for the return of the released prisoners, and the delivery of the raiders, and reparation for the outrage committed. In answer to my telegram to the President, I received from the Secretary of State the gratifying assurance that my demand for the Mexican raiders and for the released felons was properly made under the existing treaty, and that our government would take immediate measures for the protection of American rights involved.

In pursuance of my orders, therefore, the Hon. John C. Russell, of Corpus Christi, judge of the twenty-fifth judicial district and *ex officio* extradition agent, made formal demand of the governor of Tamaulipas on the 23d day of August, 1877, for the extradition of the parties engaged in the jail-delivery and assault to murder, as well as for the felons released by them, giving their names, &c.; and the sheriff of Starr County was ordered to proceed with said demand to the city of Matamoros, where the governor of Tamaulipas then was, and deliver the same to that officer. After much needless delay and discussion about the proper construction of the treaty of extradition, as a reference to the official papers will show, the central government (President Diaz), through his accredited agent (General Benavides), ordered Governor Canales to have delivered to the Texas extradition agent (Judge Russell) the released prisoners and felons Espronceda and Garza, and also the raiders who liberated them and attempted to murder our citizens.

As the executive of a State having over five hundred miles of exposed border, with a shallow stream as the boundary-line between it and a people who cherished a traditional prejudice toward the American people, intensified by the Texas revolution for independence, and the international war of 1846, I instructed the extradition agents, representing this State under the special provisions of the treaty of December 11, 1861, to demand, first, the persons released, irrespective of nationality; because, having committed the crimes of theft and murder on Texas territory, within organized counties, and having been legally indicted by the grand juries of said counties, arrested by the high sheriffs under proper *capias* of the courts, lodged in jail, in default of bail, therefore the jurisdiction of the criminal courts of Texas had already attached, and the clause of the treaty excepting citizens of either country from the operation of its general provisions could not be invoked.

These prisoners were released by an unlawful mob, without the consent of this government, and the Republic of Mexico should place them back, if within their power, in their original status, inside the jail of Rio Grande City.

The extradition agent also demanded, in an able and exhaustive paper, the delivery to the Texas authorities of the outlaws engaged in this affair, as an act of comity toward a neighboring and friendly republic.

In this demand the governor of Tamaulipas (General Canales) did not concur, nor did any one of the local civil or military authorities of Tamaulipas, and did refuse to become the instruments of extraditing any party charged with crime in Texas, fleeing to Mexico, and who claimed to be simply of Mexican origin.

General Benavides, however, representing the central government, concurred in the views of Judge Russell, that all the parties engaged in this Rio Grande City outrage should be delivered over to the civil authorities, and it was so ordered. At midnight, on the 11th day of September, 1877, three of these parties were so delivered to the civil authorities at Brownsville, Tex.

Under my direction the commissioner reiterated his demand for the remaining murderer (Garza), and the confederates of the two raiders already delivered. Governor Canales and Passamento, judge of the first instance, in reply tauntingly informed the Texas and United States commissioner (Judge Russell) that, rather than comply with the orders of President Diaz, every civil officer of the border Mexican States either had resigned or would resign, freely and frankly confessing, as this correspondence shows, that the excited public sentiment of the Mexican people would not allow any more extraditions of fugitives from Texas, of Mexican origin or blood, in any event. It has proven true in letter and spirit.

Troops of the regular army of the central government of Mexico were ordered from Vera Cruz, and did proceed to Matamoros in the Mexican war-steamer *Independencia*, ostensibly to enforce obedience to the orders of said central government, and especially in the matter of the extradition of fugitives from justice demanded under the extradition treaty. These troops have not caused the arrest of any of the Rio Grande City outlaws, nor endeavored to arrest them; and instead of upholding their government have deserted its standard and affiliated with the revolutionary elements of Tamaulipas and the other border States, in their determination to hold the treaty at defiance for the future.

The latest and most significant illustration of this determination of the people of Mexico, is the turning loose in the streets of Matamoros of five criminals who committed murder in the counties of Hidalgo and Duval, in this State, who had been regularly indicted, and formally demanded under the extradition treaty.

I call your attention especially to the interview between the Alcalde José Ma. Villareal, and Sheriff Leo, of Hidalgo County (as stated by latter in his report dated September 17, 1877, to Judge Russell), who, bearing the demand of the United States extradition agent to said civil functionary, was refused an inspection even of the murderers (then in arrest) to ascertain their identity and make the necessary proof.

I also direct your attention to the declarations made by this officer, then having charge of extradition matters in Tamaulipas, that "We [Texas and United States] should be satisfied with those already delivered, and that no more fugitives should be returned," and that "if the Americans were smart they would get what Mexican prisoners they wanted in some other way."

The Hidalgo and Duval prisoners, who were indicted murderers and fugitives from Texas, were turned loose, without any issue of citizenship being mooted, even—much less tried; but the very proposed identification of the criminals denied to the Texas authorities; and this done, too, be it remembered, in a city from which Canales had departed with his State troops!—done under the guns of the fort, and in the presence, *it was thought*, of over a thousand regulars from the central government!

I cannot fail to call the attention of the United States Government to the fact undisguised that Garza and the bandits who released him have been and are now in and around Camargo, in sight of the very spot on which they shot down innocent men and women, and released murderers from the jail.

It is a fact likewise well known that Espronceda and the two others who were delivered, at midnight, opposite Matamoros, were friendless and homeless vagabonds, who, it appears, had depredated as much upon Mexican as upon American citizens; but Garza and the other outlaws are not desperadoes and representative men of their class, perhaps owning ranches near Camargo and beyond, and have never been molested nor in danger of arrest by the Mexican military or civil authorities.

In the presence of these facts, and when advised that now and henceforth a demand for fugitives from justice would be to re-enact a solemn farce at the expense of the pride and dignity and honor of Texas, I directed that, until further orders, no more efforts should be made for extradition under a treaty ignored on the one part, but which has always been observed in earnest good faith toward the sister republic by the State of Texas and by the general government.

We have no assurance of peace and security along the Mexican border, nor have we had such security since the Mexican war and the annexation of the republic of Texas as a State to the American Union.

Aside from the general obligation imposed by the Federal Constitution upon this government to protect the exposed frontiers of Texas, along with the other States, the special stipulations, of the treaty of annexation doubly impose this duty upon the United States, because of her liability to Indian forays and Mexican invasions along a frontier of over many hundred miles in extent.

In obedience to this moral and legal obligation, the United States Government has established forts and posts, and has, since 1846, attempted to give protection to that frontier. The number of troops required, and especially of cavalry, has always been inadequate to the heavy task imposed upon the portion of the Regular Army assigned to that duty.

The consequence has been that the State of Texas has suffered alike from depredations from predatory Mexican freebooters, as well as from hostile Indians, for thirty years; so much so that, prompted by the instincts of self-preservation and the cry which comes from the border unceasingly during all these years for protection, the legislature of my State has been forced to place their own militia in the field, at a cost of nearly two millions of dollars, since 1846 to the present time. While our sister States of California and Oregon, for similar expenditures in maintaining State troops to guard against Indians, have been repaid by our government, it has been the misfortune of Texas to have never yet received any recognition of the just claim upon a great and magnanimous government, and of which she forms no inconsiderable part. I will, I trust, be excused for this partial digression, because it is pertinent to the renewed appeal which I now make for the State of Texas to the government under which she lives, that we shall have material and complete protection on our Mexican frontier.

Our people are murdered, their property stolen, and, with but rare exceptions, our claims for redress are met with indifference, or our demands for fugitive thieves and murderers laughed to scorn from the opposite shore of a shallow river, and almost within sight of their victims. I cannot now recount this long catalogue. I beg, however, to have considered in this connection the exhaustive report upon "Texas Frontier Troubles" of the special committee of the Forty-fourth Congress, consisting of Hon. Messrs. Schleicher, Williams, Banks, Hurlbut, and Lamar, as a part of this memorial.

In that most able and comprehensive report the wrongs which Texas has suffered from Mexico, unredressed, are recounted with a faithful and true hand, and it constitutes a chapter in our history which I pray God may never again be written.

I beg, also, to refer you to the joint resolutions of every legislature of Texas since 1846, asking for more adequate protection, and to the annual messages of my honored predecessors in the executive office, each and all of them filled with evidence of bad faith and hostility of our Mexican neighbors toward the Texas people.

In a spirit of comity and obedience to law we have observed all treaties, and endeavored to cultivate friendly relations. At any time the State government of Texas, in the last quarter of a century, might have precipitated a war with Mexico. The actual indignities and losses of property and life which we have suffered, taken in connection with the traditional prejudices of the two peoples, surely afforded ample and frequent pretexts for invasions of their territory and war upon their people: I appeal to the history of Texas if in any instance, since she has been a State of the Union, she has ever violated any international law, broken any treaty, or invaded the territory of that republic.

Texas, speaking for herself alone, desires no war of conquest, but finds it alike her interest, as it would be her pleasure, to foster peace and friendly commercial relations with Mexico. In the recent causes of complaint to which I call your attention, I have patiently exhausted every legal and peaceful remedy. I recognized among nations, as among individuals, that it is magnanimous to respect a shattered and decaying State, and that it is only the coward and the tyrant who make conquests of the weak because they have the power.

All Texas desires is that Mexico be required to observe her treaty stipulations; and failing, as she has done and now does, that the general government, to which we look for protection, shall demand redress and reparation for the property and the blood of our people sacrificed at their hands.

I have the honor to be, with high respect, your obedient servant,

R. B. HUBBARD,
Governor of Texas.

Hon. W. M. EVARTS,
Secretary of State, Washington, D. C.

Copies of certain documents relating to the outrage at Rio Grande City, Starr County, Texas, on 12th August, 1877, &c., on file in the executive office, State of Texas.

[Telegram.]

SAN ANTONIO, August 12, 1877.

To Governor HUBBARD,

Austin, Texas:

The following just received:

"RINGGOLD BARRACKS, August 12, 1877.

"Between 1 and 2 o'clock this a. m. an armed band of from ten to fifteen men crossed from the Mexican side into Rio Grande City, attacked the jail, and released two notorious criminals, murderers, and horse-thieves, wounding the county attorney, Noah Cox, and three jailers severely. As soon as notification reached me, I sent Lieutenant Fountain, with twenty-five men, in pursuit, and followed at daylight with the balance of my mounted command. The river was carefully followed, and they were found to have crossed to the Mexican side at a point near the rancherias, seven miles above here, about one hour before Fountain's party reached there. Two of the parties were recognized as desperadoes who make their headquarters in Camargo.

"I have called upon the military and civil authorities of Camargo and Mier, in conjunction with civil authorities here, for the apprehension and delivery of these outlaws. I think this high-handed outrage should be immediately followed up by a demand on their government for their surrender. Am ready with one-hundred men and two Gatling guns.

"PRICE."

This is written for you to act on.

ORD, Brigadier-General.

[Telegram.]

RIO GRANDE CITY, TEX., August 15, 1877.

His excellency the GOVERNOR of the State of Texas, Austin :

SIR: I have the honor to report that on the 12th instant, between 1 and 2 o'clock in the morning, a most daring outrage was perpetrated here. The county jail was attacked by an organized band of Mexicans from Mexico, about fifteen or twenty strong, and two criminals liberated, one being the notorious Segundo Garza, confined on a charge of murder, and the other confined on a charge of bringing stolen property into the State.

The attacking party easily overpowered the jailer and his guard, and carried off the criminals above named. They had, previous to making the attack, stationed sentinels in the vicinity to prevent an alarm being given, and when the jailer attempted to reach my house, he was shot down and dangerously, if not mortally, wounded. The county attorney, Mr. Noah Cox, who was sleeping near the jail was aroused by the noise, and coming out on his balcony was shot by one of the party, receiving, it is thought, a mortal wound. The guard was severely wounded, and the wife of the jailer also received a severe wound with a machete. Owing to the proximity of the river, the band easily made their escape, crossing over into Mexico, from whence they came.

The deputy sheriff, with a detachment of United States troops kindly furnished by Major Price, pursued them as soon as possible, but could not overtake them. From positive information I can say that this band came fully prepared with tools to break my jail and liberate the prisoners. They were trailed back to the river, and the evidence is positive that they crossed in the vicinity of Camargo. The leader was one Rafael Garza, well known on both sides of the river, and another was identified as a former prisoner who escaped from this jail.

Colonel Price, commanding Ringgold Barracks, and the deputy sheriff visited the authorities of Camargo, Mexico, and requested their assistance in arresting the perpetrators of this daring outrage. Colonel Price also addressed a communication to the commander of the Mexican military forces at Mier, Mexico. Far from arresting the guilty parties, Mexican troops have been moved into Camargo by forced marches and volunteers formed with the avowed intention of repelling any attempt to arrest the said band by the authorities or troops from this side.

The utmost excitement prevails now upon the border, and a feeling of insecurity for life and property is felt by all. I consider it my duty to lay this statement of facts before you for your consideration, assuring you that in nothing is it exaggerated. The parties who are known as having been engaged in this affair are Rafael Garza, Zeferino Juarez, Pablon, Brigido Ollivarez, Segundo Garza, Rudolfo Espronceda, and others.

Please send requisition for above-named parties, as they are known to be at present in Camargo and its vicinity.

Respectfully,

P. MARCELLI,
Sheriff Starr County, Texas.

[Telegram.]

BROWNSVILLE, TEX., September 12, 1877.

His excellency R. B. HUBBARD, Governor :

Last night, at 12 o'clock m., the Mexican authorities turned over to sheriff of Starr County, on the Texas side of Rio Grande, in this city, Rudolfo Espronceda, who was released from jail at Rio Grande City, and Pablo Parra and Brigido Olivares, raiders, who released prisoners there on the 11th ultimo. Unofficial information assures me that the other raiders are in Camargo and not arrested.

RUSSELL,
Extradition Agent.

[Telegram.]

RIO GRANDE CITY, TEX., September 26, 1877.

His excellency R. B. HUBBARD,
Governor :

Your telegram of to-day received. You need entertain no hopes of the surrender of any more criminals demanded. The whole of the frontier is aflame on the Mexican side about the surrender of the three criminals delivered, and General Canales, who made the delivery, has resigned because he was forced to make the rendition. The

populace along the other side is very much excited, and a revolution is imminent on account of the surrender.

Canales is going to Victoria, capital of Tamaulipas, and takes with him the State troops, leaving in Matamoros his small garrison of federal troops. The latter are now re-enforced by regulars sent from Vera Cruz on the war-steamer *Independencia*. It seems this may be precautionary against Ord's order.

Extradition matters on Mexican side are confided to an alcalde at Matamoros; governor and judge of first instance declining to act, or resigning, and the alcalde seems to follow the popular fanaticism against surrender of any more Mexican criminals.

The Mexican press is unanimous against delivery, and the *Progreso* newspaper of Matamoros (semi-official) announces that no more surrenders will be made.

I received communication from the alcalde of Matamoros yesterday, which plainly leads me to the conclusion that no more criminals will be surrendered. It is reported that meetings have been held on Mexican side with a view to reclaim prisoners already delivered.

To prevent this and insure fair trial, forces at garrison here have been placed at my disposal.

Yesterday sent demand through Colonel Price, Fort Brown, in strong terms, to extradition agent at Matamoros for balance of Rio Grande City jail raiders, also for the Duval County murderers and the criminals who escaped from Hidalgo County; but expect no results whatever except voluminous correspondence and delay.

Colonel Price very earnest in efforts to extradite criminals. I sent Sheriff Leo's report by mail from Hidalgo, which will enable you to judge of disposition of Mexican authorities to surrender criminals of their origin. This is status of extradition matter to date.

JOHN C. RUSSELL,
Extradition Agent and Commissioner.

[Telegram.]

LAREDO, TEX., October 3, 1877.

His excellency R. B. HUBBARD, *Governor* :

I received last night, from commander Fort Brown, the following telegram :

"The five prisoners held in Matamoros, and for whom you have been making requisitions, were yesterday released and turned loose.

(Signed)

"PRICE."

The prisoners referred to are three murderers from Hidalgo and two murderers from Duval, who have been heretofore demanded.

Have you any instructions to give?

JOHN C. RUSSELL,
Extradition Agent and Commissioner.

[Telegram.]

EXECUTIVE OFFICE, STATE OF TEXAS,
Austin, October 8, 1877.

Hon. JOHN C. RUSSELL,
Extradition Agent, Laredo, Tex.:

Your dispatch informs me, covering same advices from Colonel Price, of United States Army, that Mexican authorities have at last set the extradition treaty openly at defiance.

Inform them that I shall regard their action in releasing these murderers indicted in Texas, and formally demanded by you, as conclusive evidence of either inability to observe the treaty or hostility to all Texans and Americans, or perhaps both.

You will cease to make other demands until further orders.

I shall now appeal to the United States Government for redress of our wrongs, so long continued.

R. B. HUBBARD,
Governor.

APPENDIX E.

PROTECTION TO AMERICAN CITIZENS IN MEXICO.

CHAPTER I

THEORY OF THE ARTS AND MANUFACTURES OF THE UNITED STATES

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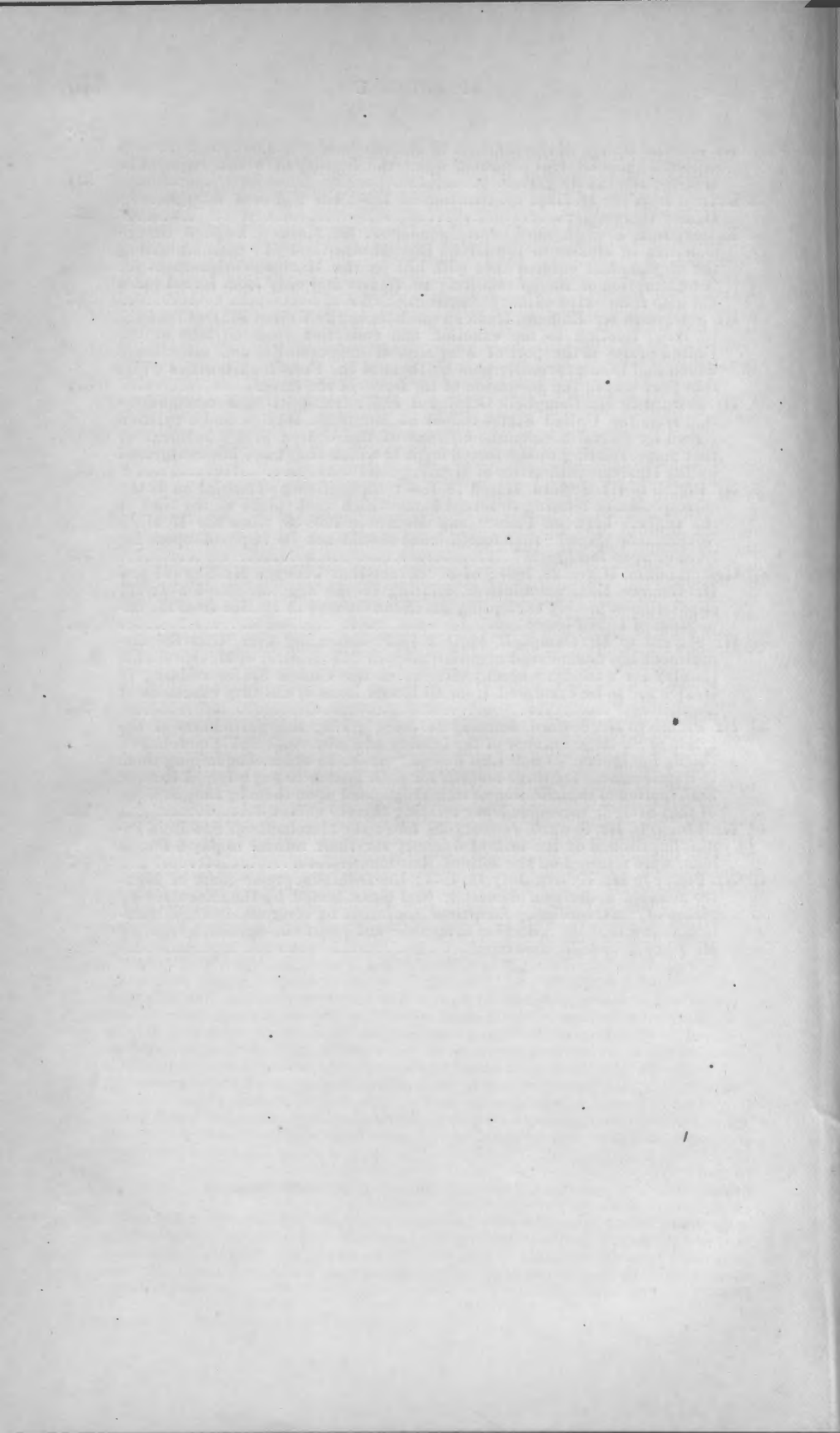
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PROTECTION TO AMERICAN CITIZENS IN MEXICO.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1874, page 734.)

LEGATION OF THE UNITED STATES,
Mexico, March 7, 1874.

SIR: On the 2d instant I received a brief telegraphic dispatch from Rev. David Watkins, at Guadalajara, informing me of the assassination on that morning, at Ahualulco, in the state of Jalisco, of Rev. J. L. Stephens, an American citizen, connected with the American board of commissioners for foreign missions. I immediately replied, asking for details, and on the 4th instant I was informed by telegraph that at two o'clock on the morning of the 2d instant the house of Mr. Stephens was assaulted by more than two hundred men, crying "Viva el Cura"—"death to the protestants"; that Mr. Stephens was killed by them in a brutal manner, his body badly mutilated, and his head cut into several pieces, and his house plundered. The cause of this outrage, it will be seen by reference to the telegraphic dispatch, is attributed to religious fanaticism.

I at once called in person upon the minister of foreign affairs, and presented him a note, with copies of the telegraphic dispatches referred to, expressing the confident expectation that whatever measures could properly be taken by the federal government of Mexico for the investigation and punishment of the crime would be at once adopted.

The minister, Mr. Lafragna, informed me that the government had been early advised of the event by the governor of the state of Jalisco, and that prompt and vigorous measures had been taken to arrest and punish the criminals; that the town was occupied by three hundred troops and order restored; that the principal assassins and two priests had been arrested, and that a judge had been dispatched to the district with an extra corps of clerks to insure a speedy investigation and trial. The official dispatches which appeared in the *Diario Oficial* of yesterday are herewith inclosed.

I am, &c.

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1874, page 744.)

LEGATION OF THE UNITED STATES,
Mexico, April 15, 1874.

SIR: In my dispatch No. 119 March 7, I communicated the details of the assassination of Rev. John L. Stephens, a protestant missionary at Ahualulco, in the state of Jalisco, and the prompt action of the Mexican Government toward the punishment of the assassins.

Up to the present date seven of the guilty parties have been tried and condemned to death, from which sentence they have appealed to the supreme court. Twelve or fifteen more persons, charged with complicity in the crime, are under arrest, awaiting trial, including the cura of the parish of Ahualulco.

President Lerdo, in a recent interview given to the protestant missionaries resident in this city, declared it to be his determination to use every means in his power to secure the punishment of the assassins of Mr. Stephens, to protect the protestant missionaries in the free exercise of their labors, and to maintain religious toleration throughout the republic.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1874, p. 756.)

LEGATION OF THE UNITED STATES,
Mexico, August 22, 1874.

SIR: In my dispatch No. 160, June 27, I communicated the intelligence of the murder of John W. Dunbar and Adolphus Straus, American citizens, at Mazatlan, in the month of May last. According to the facts furnished me by the consul at Mazatlan, the murders were of an aggravated and shocking character and of such flagrant boldness as to call for the most active and vigorous measures of the local authorities; but the consul informs me that much indifference was manifested by the police and officials, and that, although a few arrests were made, as he anticipated, all have been released and the murderers are unpunished and at liberty.

In view of the fact that so many murders and personal outrages of American citizens have been reported to me without, up to the present date, a single punishment by the courts, notwithstanding the earnest representations of this legation and the various consulates in this country, I felt that the two occurrences above stated required my prompt and decided remonstrance with the Mexican Government. I accordingly, on the 11th instant, addressed Mr. Lafragua the note of which I inclose herewith a copy, and to which I ask the attention of the Department of State.

I have nothing new to report officially in regard to the murder of Mr. Alexander Saunders, in the State of Nuevo Leon, and of the Rev. John L. Stephens, at Ahualulco, in the State of Jalisco, both of which have been the subject of dispatches to the department. Notwithstanding some of the murderers of these American citizens were arrested and placed upon trial under the summary law of 1869, which requires a speedy trial and execution within a brief period, and that eight and five and a half months have elapsed, I have not, as yet, been informed that any punishments have taken place. I have repeatedly, in personal interviews, directed Mr. Lafragua's attention to these cases, and especially in that of Rev. Mr. Stephens, expressed to him the interest manifested by yourself and by the public in the United States.

In my last interview on the subject, on the 8th of July, I made inquiry as to the progress of the trials, and stated that, from the information furnished me as to the apparent indifference of the local authorities, I feared that no adequate punishment would be inflicted upon the murderers. Mr. Lafragua promised to communicate at once with the State authorities and advise me of the result. But up to this date I have no further information from him on the subject; neither have I, at the hour of closing this dispatch for the mail, received a reply to the inclosed note of the 11th instant.

I am, &c.,

JOHN W. FOSTER.

[Inclosure.]

*Mr. Foster to Mr. Lafragua.*LEGATION OF THE UNITED STATES,
Mexico, August 11, 1874.

SIR: I beg leave to bring to your excellency's attention the fact that under date of the 16th of May last the consul of the United States at Mazatlan advised me of the murder of two American citizens at that place. He states that on the 5th of May, of this present year, John W. Dunbar, an American citizen, resident in San Francisco, Cal., was seized in a street of Mazatlan and confined in a house, and that on the morning of the next day his dead body was found in a vacant lot in the outskirts of the city, stabbed with knives, and robbed of all his money and valuables.

The consul also informs me that, on the 14th of the same month, Adolphus Straus, an American citizen, was kidnapped in the same city, in open day, between 4 and 5 o'clock in the afternoon, taken to a vacant house in the heart of the city, robbed of jewelry and other valuables he had in his possession amounting to about \$3,000, and murdered, there being found upon his dead body fifteen wounds inflicted with knives or poniards.

I did not bring these fearful murders to your excellency's attention at the time, as the consul advised me that he had made complaint to the local civil authorities; that he was urging them to vigorous measures for the arrest and punishment of the criminals; and that, notwithstanding an apparent reluctance on the part of the police in the latter case, some arrests had been made, and the investigations were progressing. I deemed it best not to question in advance the zeal or disposition of the local authorities to administer strict and speedy punishment upon the perpetrators of these crimes against Mexican society as well as against American citizenship; but on the 16th of

July last the consul informed me that his fears had been realized, and that the murderers of both Dunbar and Straus were all at liberty.

During the short time that I have been in charge of this legation I have been officially informed by the consuls of my government, resident in different localities of the Republic of Mexico, of the death of thirteen American citizens by violence and outrage, some of them murders of the most horrid character and revolting to our common civilization.

In addition to these, I have also received official intelligence of several brutal assaults and personal outrages upon American citizens not resulting in loss of life. In some of these cases I have felt it my duty to bring the facts to the attention of your excellency's government, and in others direct information has been given by the consular representatives of the United States to the local authorities. But I am sorry to state that up to the present date I am not aware that there has been one single punishment inflicted for all this long list of murders and personal outrages. It is, therefore, with the most sincere regret, and under the most urgent conviction of the duty which I owe to the dignity and honor of my government and to the safety of the lives and persons of American residents and travelers in this country, that I earnestly remonstrate against the apparent indifference and negligence of the local authorities to punish crimes and injuries inflicted upon American citizens by Mexicans, and call upon the federal government of Mexico to use in an effective manner its influence and its authority to protect the lives of my countrymen and to punish those who murder and maltreat them. I do not lose sight of the turbulent state of society which in past years has made it difficult for the federal government to exercise full authority to repress and punish crime. But happily, during the administration of the present chief magistrate of Mexico, peace has prevailed, and the supremacy of the government has been and is acknowledged throughout the republic. So, also, the state and local governments, with few exceptions, are exercising uninterruptedly their functions, and the judiciary is everywhere installed with the full force of law, and its mandates respected and obeyed. Especially has this state of affairs existed in the localities where the murders of American citizens referred to have occurred.

Such being the peaceful condition of the country, I am constrained to express to your excellency my conviction, in view of the fact that so many murders of American citizens have taken place in so short a time without a single punishment, that the federal government of Mexico should adopt some effective measures to counteract the prejudices and hostility of the people and the indifference of the local authorities toward the rights and persons of American citizens which, unfortunately, is apparent in certain portions of the republic. I must at the same time express my appreciation both of the marked consideration which your excellency has at all times shown to the representations which I have made in behalf of my countrymen, as well as of the desire expressed by your government to secure the punishment of the criminals who have outraged Mexican society and defied American citizenship. These friendly manifestations give assurance to my hope that vigorous and effective measures may be adopted to put an end to this grievous catalogue of crimes.

I improve this occasion to reiterate to your excellency the high consideration and esteem with which I am, your obedient servant,

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1874, p. 758.)

LEGATION OF THE UNITED STATES,
Mexico, September 2, 1874.

SIR: Referring to my dispatch No. 173, August 23, with which I inclosed a note addressed to the Mexican minister of foreign affairs on the subject of the murders of Messrs. Dunbar and Straus, American citizens, at Mazatlan, and the repeated murders of American citizens in this country without any punishment of the criminals, I now transmit the reply of Mr. Lafragua, received on the 25th ultimo.

In his reply Mr. Lafragua states that he has received from the government of the State of Sinaloa an application for authority to expel from the republic, as a pernicious foreigner, one Le Count, suspected of complicity in the murder of Straus, upon which the President has deferred action until he should have further details of the case. He also incloses a copy of a report from the government of Jalisco, as to the progress made in the trial of the assassins of Rev. John L. Stephens, which contains substantially the information transmitted to the Department of State more than four months ago in my dispatch No. 133. He further informs me that the supreme court has declared the proceedings thus far had in the trial of the murderers of Mr. Sanders, in Nuevo Leon,

to be null and void, and has remanded the case for a new trial by another tribunal. He also states that the cases referred to, far from proving the local authorities negligent in prosecuting and punishing criminals, show that up to the present time they have fully complied with their duties.

The government, desirous of carrying out the suggestions which I made to avoid these unfortunate events, and of again manifesting the good-will which it entertains for the United States, has addressed to the civil and judicial authorities of the federation and the States a most earnest injunction that in every case they prosecute and punish, with the rigor of the law, the perpetrators of crimes similar to those of which I have complained.

On the 29th ultimo, in acknowledging the receipt of Mr. Lafragua's note, I stated that I could not accept the expulsion from the country of one vagabond foreigner as a due satisfaction of the murders of Dunbar and Straus, when the more numerous and influential criminals escaped unpunished. I thanked him for communicating the intelligence in relation to the trials of the assassins of Rev. Mr. Stephens, the receipt of which I had anxiously awaited, but expressed my disappointment in finding no mention of the proceedings had in the trial of the cura of Ahualulco, to whom the published accounts attributed the responsibility of the assassination, at the same time stating that I could not doubt the desire of his government to secure the complete punishment of the assassins of Mr. Stephens, in view of the expressed disposition to protect the lives of American citizens, and its obligation to indicate the freedom of religious worship, which in Stephens's murder had been outraged and defied. I also expressed regret at being informed, after the earnest efforts made to secure the punishment of the murderers of Mr. Sanders, in Nuevo Leon, that all the proceedings thus far had been declared null.

In answer to Mr. Lafragua's intimation that it would be desirable to have a detailed statement of the thirteen cases referred to in my note, in order that his government might ascertain the extent of the negligence and indifference of the local authorities, I have replied that it might be difficult to give such facts as would establish this, but that the bare statement that the lives of thirteen American citizens had been taken by violence, without as yet a single punishment therefor, was sufficient basis for the intimation in my note; but that the four cases referred to by him, and now pending, afforded an excellent opportunity for the government to test the zeal and impartiality of the local authorities to administer justice, uninfluenced by popular prejudice.

In conclusion, I made proper acknowledgment for the action taken by the Mexican Government, influenced by the suggestion in my note of the 11th instant, in enjoining upon the federal and State authorities a vigorous prosecution and punishment of criminals. I inclose a copy of my note.

Notwithstanding Mr. Lafragua insists that in the cases discussed the authorities have been duly diligent, the information furnished me from Monterey and Mazatlan leads me to fear that no punishments will follow the murders of Sanders, Dunbar, and Straus, and that in the case of Stephens, at Ahualulco, the influential and more prominent criminals will escape, as the cura and a number of persons tried before the same tribunal have been, according to the newspaper reports, acquitted; and if any are punished they will be the more obscure actors in the tragedy.

I desire in this connection to call your attention to an announcement which appeared in the *Diario Oficial*, the government official newspaper of this city, on the 29th ultimo, in which it is stated that the minister of foreign affairs has instructed the Mexican minister at Washington to take action in relation to certain occurrences in Texas, of which several Mexicans have been the victims.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1875, p. 855.)

LEGATION OF THE UNITED STATES,
Mexico, January 30, 1875.

SIR: On the 27th instant, at noon, I received a telegram from J. A. Sutter, esq., the consul of the United States at the port of Acapulco, in the State of Guerrero, informing me that on the night previous the Protestant church at that place was attacked, that five persons were killed, among them an American, and eleven wounded, and that Rev. M. N. Hutchinson (an American citizen, resident in this capital) escaped and was in safety.

It is proper to state that about two months ago a delegation of Mexican Protestants arrived in this city, after a journey of ten days, and waited upon Rev. M. N. Hutchinson, the superintendent of the Presbyterian missions in this republic, and represented that they came to him in behalf of and by appointment of a body of Mexican citi-

zens, who had embraced the Protestant faith, resident at Acapulco, with the request that they be received under his charge, and, if possible, that he visit that place and regularly organize them into a Protestant church. Being satisfied of the correctness of their representations, Mr. Hutchinson returned with the delegation to Acapulco about six weeks ago, and his friends in this city had received letters from him announcing his safe arrival; that he had been warmly received by the people represented by the delegation; that he had formed a very promising church, and had secured the use of a church building, and it was expected that at about the date of the telegram he would be ready to return to the city.

Immediately upon the receipt of the consul's telegram, I repaired to the Mexican foreign office, and obtained a prompt interview with Minister Lafragua, to whom I showed the telegram, and explained the circumstances under which Mr. Hutchinson was called to Acapulco. I stated to him that I was impressed with the gravity of the event, and must be permitted to say that it called for the most vigorous measures on the part of the Mexican Government. I took occasion to say that the manner in which the assassination of Rev. Mr. Stephens at Ahualulco had been treated by the authorities was not satisfactory to my government, and that if no more prompt and successful measures for punishment followed the assault and murder at Acapulco, it might occasion grave international difficulties, and it certainly would place in greater peril the lives of a number of American citizens in other parts of the republic.

Mr. Lafragua replied that he had received no other information of the occurrence at Acapulco than that contained in my telegram, but that he would send a copy of the same immediately to the minister of war, with the request that he adopt prompt measures in view of the facts stated. He said that in the Ahualulco affair the federal government had done all that it was possible or legal for it to do; that the trials and convictions had taken place, but that the criminals, being entitled to a resort to the "amparo," had appealed to the supreme court, where the cases were still pending, although he had three times asked the court for a speedy decision.

I remarked that the result of this delay in administering justice had emboldened the populace and made it almost impossible to sustain Protestant worship in the State of Jalisco; that the Rev. Mr. Morgan had been sent to Guadalajara to take the place of Rev. Mr. Stephens, who had been assassinated, and that I had been recently informed that he considered his life in such constant peril that he had felt compelled to abandon his post and leave the republic.

Mr. Lafragua then read to me the letter of Messrs. Morgan and Watkins to the governor of Jalisco (which is contained in the inclosure to my No. 224), in which they state, in answer to inquiries, that they enjoy the necessary guarantees for their personal security and the practice of their worship, and all the protection which the laws concede to foreigners.

I stated that I did not charge the governor with any failure in duty in regard to their personal safety, as he appeared to have afforded them protection as far as military guards were concerned; but that it did not meet the emergency merely to station soldiers over the houses of the missionaries, and to follow them with an armed guard in their movements on the streets and about the country; that this was more an aggravation to the people than a remedy of the evil; that the neglect to correct the leading instigators in the assassination at Ahualulco, and the long delay in the punishment of a single participant in the affair, has encouraged the intolerant classes, who felt immunity from the authorities, and a reign of terror prevailed against Protestantism. The trouble was with the people, not with the governor; and so it will be elsewhere unless swift and severe punishment follow such outbreaks as these at Ahualulco and Acapulco.

Mr. Lafragua acknowledged the force of my remarks, but if the federal government had done all it legally could do, what more could I expect?

I replied that it was no reparation for the lives of American citizens sacrificed to say that the law placed the punishment in the hands of the local authorities and courts, when the criminals went unpunished and the slaughter of my countrymen by fanatical mobs continued. The Government of the United States looked to the federal administration of Mexico to protect its citizens, and not to the local authorities and courts. It was not for me to dictate or suggest how the federal government should exert its influence with these authorities, but in the name of my government I must most imperatively demand that in some way it find an efficacious remedy. I added that if there was a failure to inflict prompt punishment upon not only the active participants, but also the influential instigators of the outbreak at Acapulco, it would have an evil influence upon the communities in other parts of the republic, where American citizens were associated with Protestant missions, and that if a conspicuous and severe example was not now made by the government, the lives of American missionaries in Mexico would become so unsafe that I feared they would all be compelled to leave the republic.

Mr. Lafragua reminded me of the turbulent and ignorant character of the Indian population of the south of Mexico, where these disturbances had occurred, of which I told him I was aware, but that was the greater reason why such energetic measures

should be taken as would strike them with terror, and teach them in a forcible manner the necessity of toleration, and of obedience to law and order.

He assured me of the disposition of the federal government to do all that was possible to protect the lives of American citizens and secure complete freedom of religious worship; and, in this instance, it would adopt immediate measures to secure the punishment of the offenders. But, he said, the government found itself greatly embarrassed and engaged in a constant struggle with the reactionary or clerical elements, and that it was very difficult to overcome the fanatical and intolerant prejudices of the people; that, just now, there was much passion manifested on account of the action of the government in disbanding the societies of the "Sisters of Charity," which was a necessary consequence of the adoption of the laws of reform as constitutional amendments.

I then said that I had not alluded to the political aspects of the case, contenting myself with an earnest effort to influence the government to diligence in the punishment of the murderers of American citizens, and in protecting those of them who are exposed to like dangers. But, as he had referred to the subject, I would remark that my government had, with much pleasure, officially congratulated Mexico upon the enactment of the laws of reform as constitutional amendments, and took a deep interest in its struggles to sustain the principles of religious liberty and the separation of church and state; but that its congratulation would be empty and meaningless if, in so far as they guaranteed freedom of worship, they remained a dead letter in the constitution. He (Mr. Lafragua) had laid great stress upon the obligation of the government not to trespass upon the personal rights of citizens, in the prosecution before the courts of those who have murdered American citizens on account of their religion; but, on the other hand, in the failure to punish them, an equally important constitutional principle was being violated, that which guarantees freedom of religious worship. The trouble to which he referred in regard to the "Sisters of Charity" was only a war of words, but at Ahualulco and Acapulco the blood of American and Mexican citizens had been shed by infuriated mobs, and the "laws of reform" had been set at defiance. These events presented a test of the ability and disposition of the government to vindicate the liberal principles upon which it was established. If it failed to do so, it must be regarded as a fatal blow at its own stability.

Mr. Lafragua said that the government recognized its obligation to enforce these principles, but it was not so easy to punish their infringement as in the United States, where these principles are fully accepted by the people.

I acknowledged the embarrassments with which the government is surrounded, and assured Mr. Lafragua that it had the hearty sympathy of the United States, and that personally I had no disposition to do anything but to strengthen its efforts; but that, unless these outbreaks were soon suppressed, it would come to be a question, not of the murder of a few American citizens and Mexican Protestants, but a life and death struggle for the maintenance of a professedly liberal government.

In taking my leave I said that I would await with interest information of the action of the government in the affair at Acapulco, and would be glad to be able to furnish my government, by the mail of the 30th (to-day), whatever details I obtained. Mr. Lafragua promised to send me, as promptly as he was able, all information he received.

I have given you, somewhat in detail, the substance of my interview with the minister of foreign affairs, thinking it would aid you in forming a correct idea of not only the particular occurrence, but of the state of religious and political affairs in this country.

I inclose copies of telegrams to and from the consul at Acapulco, in relation to the attack upon the Protestant church, up to this date.

After returning from the interview on the 27th instant, I was impressed with the fact that, upon the occurrence at Acapulco being made public, it might place in greater peril the American missionaries in other parts of the republic. I therefore addressed to Mr. Lafragua a note, giving him a list of the States in which these missionaries are established, and suggested to him the propriety of issuing instructions to the proper authorities in those States to afford them all necessary protection in the safe and peaceable enjoyment of religious worship.

On the 28th instant, being informed by the telegram of the consul that Rev. Mr. Hutchinson had taken refuge on board an American frigate, from which I inferred that the authorities of the city of Acapulco were unable to protect him (which inference was confirmed by the subsequent telegram of the consul,) I inclosed a copy of the telegram to the minister, and took occasion to say that the language I had used in my interview, in view of subsequent events, did not appear to have been too strong, nor to have exaggerated the gravity of the occurrence.

On yesterday, Mr. Lafragua transmitted to me a note, inclosing copies of five communications from the respective executive departments, indicating the measures ordered, to the end that order and peace may be restored at Acapulco, that religious liberty of the interested parties may be guaranteed, and that the apprehension and punishment of those who may be found guilty may be secured.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1875, p. 865.)

LEGATION OF THE UNITED STATES,
Mexico, February 9, 1875.

SIR: In my No. 237, of January 30, I communicated to you the telegraphic information I had received from the consul at Acapulco, of the assault upon the Protestant church at that place and the assassination of an American citizen, together with the murder and wounding of a number of Mexicans; and inclosed copies of correspondence between this legation and the Mexican Government in relation to the affair.

I now inclose copies of three communications from John A. Sutter, esq., consul at Acapulco, to Julius A. Skilton, esq., consul-general in this city, giving further details of the assassination, which aggravate rather than mitigate the outrage, as reported by telegraph. In these communications the consul states that, up to the 1st instant, the guilt of no person had been established as having participated in the affair, and that he feared that no one would ever be convicted and punished therefor. He further reports that the assault partook of the character of a cowardly massacre; that the American citizen, Henry Morris, a native of Boston, was horribly mangled, and that he leaves a large family at Acapulco, which, I am informed through other sources, was dependent upon him for their support; that the furniture in the church was cut to pieces; and that several of the wounded have since died. He represents the ignorant Indians, incited by a fanatical priest, as having created in the community a reign of terror; that the district judge, having arrested the parish priest, was forced to release him owing to the threats of armed violence made by the captain of the matricula (a federal armed force); that he, the said consul, together with others who have shown any sympathy for the Protestant congregation, have had their lives threatened; and that nothing but the most energetic and severe measures on the part of the Federal Government will have any influence in restraining the reign of intolerance and lawlessness.

In communicating the substance of the communications of the consul to the Mexican minister of foreign affairs, in a note dated yesterday, I expressed the hope that they would furnish his government additional motives for enforcing strict and decisive measures against the criminals.

In the same note I stated to the minister that the Government of the United States will expect that of Mexico to inflict rigorous punishment upon the murderers, and make full indemnity and compensation to the bereaved family of the American citizen assassinated, for the loss sustained by any failure of the authorities to afford the protection guaranteed to American citizens by articles 14 and 15 of the treaty of 1831.

I felt it my duty to give this prompt notice of indemnity, not only because I deemed it an act of obligation and justice to the bereaved family, but because I was satisfied it would have the effect to incite the Mexican authorities to greater diligence and care in the protection of other Americans similarly exposed, and in punishing the persons who participated in and instigated the assault at Acapulco.

I beg to direct your attention to my action on this point, which I trust may meet with your approval; and, if so, I respectfully request specific instructions as to my future action in fixing and enforcing the indemnity.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1875, p. 868.)

LEGATION OF THE UNITED STATES,
Mexico, February 15, 1875.

SIR: I inclose herewith a copy of a communication, dated on the 3d instant, from Mr. Sutter, consul at Acapulco, with its accompaniments, giving an account of events subsequent to the assault to which my Nos. 237 and 241 relate, and of the state of public sentiment in that community. Your attention is directed to the recommendation of the consul, that a United States naval vessel be temporarily stationed at that port. In view of the facts developed in the interview which I had with the Mexican minister on the 11th instant, to which reference is hereinafter made, I respectfully suggest that the presence of an American man-of-war would have a salutary influence upon the community and encourage the local authorities to greater firmness and activity in punishing the assassins. I also inclose a copy of my reply to the communication of the consul, dated February 12.

On the 11th instant I called upon Mr. Lafragua, minister of foreign affairs, and read to him a translation in Spanish of the greater part of Mr. Sutter's communication, as well as a translation of your dispatch, No. 178, of the 14th of January last, in relation to the assassination at Ahualulco, of which latter I left with him a copy.

After the reading was concluded, Mr. Lafragua said to me that the character of the people in the State of Guerrero made it very difficult for the government to deal properly with the affair at Acapulco; that it was very different from other parts of the republic, such, for instance, as Guanajuato or Puebla, where the laws and authority of the government were respected; but that in the south of Mexico the people were ignorant and fanatical; that the statements of the consul just read, which were confirmatory of the information received by the executive, showed the embarrassment of the authorities; neither the governor nor judges having sufficient power to inflict the full measure of punishment demanded; and that it would require a whole division of the federal army to do it. Mr. Lafragua asked me not to forget the present politico-religious condition of the country, the long struggle which the liberal party had carried on for years against the political power of the Catholic Church, and that the government was now contending against three hundred years of prejudice and intolerance. He acknowledged the justice of my demand for the punishment of the criminals and for the protection of the lives and property of Americans in Acapulco, and said that the government was doing all it could to secure these ends, and hoped to fully vindicate the law and secure full religious toleration.

In reference to the judicial proceedings growing out of the Ahualulco affair, the cases were before the federal supreme court on appeal, and not under the control of the executive department of the government; that he (Mr. Lafragua) had three times asked for an early decision, and that he would again address the court upon the subject.

I answered the minister that I was far from forgetting the peculiar political situation of the country; that I had no disposition to embarrass this government by any factious or unnecessary demands, but was anxious to do all I properly could to strengthen it in its efforts to establish and maintain a liberal republican government, and that in this course I was satisfied I was representing the wishes of my government; but that these religious massacres, in which American citizens were being murdered, could not be passed over in silence; that I was thoroughly convinced that it was an imperative necessity of the present liberal administration of Mexico, for its own safety and permanence, to repress and punish these outbreaks with a prompt and vigorous use of power; and that the lives and property of American citizens and companies at Acapulco, according to the report of the consul, confirmed by those of the local authorities, were exposed to the fury of a fanatical community, and it was for his government to decide whether Mexico or the United States would protect them.

I am just in receipt of a communication from the consul at Acapulco, a copy of which I inclose, from which it will be seen that, up to the 7th instant, the only culprits discovered by the judicial authorities were the two wounded assailants left in possession of the officials, who have since died. Twelve days have elapsed without any arrests, and it appears that the consul's prediction, that no one would ever be convicted and punished, is in a fair way to be realized.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1875, p. 881.)

LEGATION OF THE UNITED STATES,
Mexico, February 27, 1875.

SIR: Under date of the 14th instant, the consul at Acapulco reports to me that no action has been taken to arrest and punish the murderers of the American citizen, Henry Morris, killed in the assault upon the Protestant church at that place on the 26th ultimo. He states that the judicial authorities are powerless to make arrests until a sufficient force of federal troops are placed at their disposal, the State militia sympathizing openly with the priest (the alleged instigator of the assault) and his party; that a large petition has been presented to the governor demanding the removal of Protestants from the municipal council and their banishment from the country; that the district judge and governor, having confessed their inability to protect the native Protestants in the town of Acapulco, have been advised to leave as speedily as possible; and, in a communication of the 17th instant, the consul reports that, with a few exceptions, the Protestants have all left, a number of them having taken refuge in San Francisco, Cal., and that the town is now quiet.

On the 23d instant, I received a note from Mr. Lafragua, in reply to my note to him

of the 8th instant (a copy of which I inclosed to you with my dispatch No. 241), in which, in connection with some reference to the religious aspects of the affair at Acapulco, he states that, from the time the events were brought to the attention of the Mexican Government, it has been issuing the most decisive orders for the arrest and punishment of the criminals, and refers to the measures which it has dictated as of the most extraordinary character. He also alludes to the omission of the Protestant congregation to give the legal notice of its establishment; and also to the fact that the name of Henry Morris, the murdered American, does not appear in the register of matriculation of the Mexican foreign office.

In my answer to Mr. Lafragua, under date of the 25th instant, I took occasion to state explicitly that the object of my intervention in the affair in question was on account of the murder of the American citizen, which would relieve me from noticing the religious aspects of his note. In view of the report of the consul of the situation at Acapulco up to the latest dates from that place, I could not refrain from expressing regret that Mr. Lafragua had not furnished me with some information in detail as to the specific character of the extraordinary measures dictated by his government, or at least to have been informed that some favorable results had followed these measures; in which connection I gave him some of the facts reported to me by the consul in the communication herewith inclosed. In concluding my note, I took occasion to say that the fact that Henry Morris did not appear registered in the foreign office could not affect the case, as he was certified to me by the consul at Acapulco as a native of Boston, Mass., and as an American citizen.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1875, p. 888.)

LEGATION OF THE UNITED STATES,
Mexico, March 23, 1875.

SIR: I have the honor to acknowledge the receipt of your dispatches numbered 190, 192, and 197, relating to the assault upon the Protestant church at Acapulco and the murder of the American citizen, Henry Morris. I shall endeavor to conform my action to the views expressed therein.

You will allow me respectfully to suggest that, referring to your dispatch No. 192, while Morris did not come to his death "by an act of a person in authority," his murder might have been prevented had not the authorities omitted the precautions necessary to protect the church against the assault, which I am informed was premeditated and had been repeatedly threatened. I have every reason to believe that no judicial punishment will ever follow this murder, and if the government is not pecuniarily responsible, it is probable the crime will remain entirely unavenged.

The consul at Acapulco informs me that nothing has been done toward the arrest or punishment of the criminals since my last dispatch on the subject.

I called upon Mr. Lafragua to-day to inquire if the government had any further information upon the subject, and learned from him that it had not. In answer to my inquiry, he also stated that no federal troops had been sent to Acapulco, and no further measures had been taken by the government. Our conversation was quite lengthy, and on my part as decided as I felt justified in making it, but it developed no facts of importance beyond those stated in my previous dispatches. Mr. Lafragua stated to me that the reason why no troops had been sent to Acapulco was because they could not, in the present grave condition of the country, be spared from this city and the central portion of the republic. He again reiterated the determination of the government to do all that was possible to secure the punishment of the murderers of Morris.

I did not in the conversation hesitate to express my disappointment at and disapproval of the inaction and apparent indifference of the governor of Guerrero and the local authorities of Acapulco, and my well-grounded fear that no adequate punishment would be inflicted upon the criminals.

The consul at Acapulco has informed me of the arrival at Acapulco of the United States steamer Saranac.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1876, p. 386.)

LEGATION OF THE UNITED STATES,

Mexico, October 19, 1875.

SIR: I am at last able to inform you that a portion of the assassins of the American citizen, Rev. John L. Stephens, who was murdered by a religious mob on the 2d of March, 1874, have been punished.

The governor of the State of Jalisco, under date of the 16th instant, has telegraphed the minister of war that on that day five persons were executed in compliance with the sentence which condemned them to capital punishment for the murder of John L. Stephens and Jesus Islas.

I am informed, unofficially, that the trial of other prisoners charged with participating in the mob is still pending.

I am, &c.,

JOHN W. FOSTER.

CORRESPONDENCE RELATING TO THE IMPRISONMENT OF JOHN JAY SMITH AT MATAMOROS, MEXICO.

(H. Ex. Doc. 31, 44th Cong., 2d sess., pp. 2 to 36.)

Mr. Valls to Mr. Hunter.

CONSULATE OF THE UNITED STATES OF AMERICA,

Matamoros, September 22, 1876.

SIR: I have to inform the Department of an application made to this consulate by Mr. John Jay Smith, a citizen of the United States of America, asking my official intervention against the alleged illegal treatment inflicted upon him by the military authorities of Matamoros, and my action in the premises.

On the 19th instant I received information of the arrest of Mr. Smith, and immediately called on General Revueltas, the commanding officer of this district, with a view of ascertaining the cause of such arrest. I was informed by the general that grave and serious charges had been preferred against Mr. Smith, and that he would be tried according to the laws of this country. I requested to be informed of the nature of the charges, and received the answer that the accusations had not yet been perfected, but could rest assured that I would be notified of them in due time.

I then repaired to the jail and found Mr. Smith securely locked in the filthiest dungeon of the prison, deprived of all communication, and with a sentry at the door. I inquired of the jailer by whose order the prisoner had been confined to that cell, and was answered that by order of the president of the city council. I immediately visited that officer and remonstrated against the harsh treatment inflicted on Mr. Smith, stating that I considered such severity inhuman and unnecessary, and requested that the prisoner be removed to better quarters; to all of which that officer answered, promising me that Mr. Smith would be immediately removed to a room in the municipal building.

Neither this promise nor the offer of General Revueltas, to notify me of the charges against Mr. Smith were complied with.

On the 21st instant Mr. Smith addressed me a note, a copy of which is herewith transmitted, complaining of the illegal treatment inflicted upon him by the military authorities of this city, and asking my official intervention in his behalf.

Knowing Mr. Smith to be an American citizen, and a civil officer residing in Brownsville, Texas, enjoying the merited reputation of an upright man, whose statements, I believe, are true, and considering the charges against him flimsy and untenable, I deemed it my duty to immediately transmit his complaint to General Revueltas, the commanding officer of this district, which I did on the same day, addressing to the general a communication a copy of which is herewith transmitted.

Up to the present hour (10 o'clock p. m.) I have received no answer whatever from the general on the subject, and am therefore unable to communicate the result to the Department, but will hasten to do so as soon as the answer referred to reaches me.

I have, &c.,

JOHN F. VALLS,
Vice-Consul.

[Inclosure.]

Mr. Smith to Mr. Falls.

IN PRISON,

Matamoros, Mexico, September 21, 1876.

SIR: I have the honor to inform you that on the 19th instant, about 3 o'clock p. m., while passing on the street in front of the main plaza of the city of Matamoros, attending to my legitimate business, I was arrested by Mexican police and incarcerated in a filthy cell adjoining the privies of the common jail, and all communication denied me. Fortunately, as I was being conveyed to prison, a friend passed, who carried you intelligence of my arrest.

By my request, you wrote, requesting Messrs. Maxan & Russell, attorneys of Brownsville, to visit me, who immediately came to see me, and, at the instance of Cassimiro Castro, vice-consul of Mexico at Brownsville, were permitted to see me after dark in the cell where I was confined.

At the solicitation of these gentlemen, better quarters were promised me by the commander of the plaza, but the promise was not kept.

I was kept all night, without food or water, in the dark and filthy cell—filthy and disagreeable with the stench from the common jail on one side and privies on the other.

The furniture of the cell consisted of one pine chair, and the vermin were creeping over the rough wooden block pavement, among which I had to sleep.

On the morning of the 20th, at the urgent solicitation of my lawyers, Messrs. Maxan & Russell, I was removed to more pleasant quarters.

About noon of same day an officer of the Mexican army came to me stating he acted in the capacity of judge, and wished to take my statement. I asked that my counsel be present, which was denied me. I asked that an interpreter whom I knew should be present, as I do not understand Spanish, which was also refused. Questions were asked me, and I answered; and my answers, or what purported to be my answers, were written down in Spanish, through an interpreter in whose selection I had no voice, and who, I understand, is an employé of the Mexican government. I do not know, and have no means of knowing, if my answers were correctly written. I was required to sign the same, and was also required to sign that I was legally arrested, which I refused to do, but was informed that I would be compelled, when I stated I would sign and did so sign under written protest.

I was informed by the judge that I was accused of being a spy for General Cortina, and that I sold him arms, horses, &c.: that I had inspected the fortifications of Matamoros, and reported their nature and condition to the revolutionists.

I deny indignantly the charge of being a spy, without in any manner admitting, but, on the contrary, denying any transaction with General Cortina.

I deny the right of any Mexican authority to inquire into acts I may have done in my own country.

As to inspecting the fortifications and reporting them to General Cortina, the whole is a fabrication, and the charge assumes a ridiculous phase to any one who knows that this city is not a closed plaza, but is open to entry to every one. I cannot conceive that General Cortina could need any spies to tell him the condition of the line of defense, when he and his officers must be as familiar with them as the troops who man the fortifications. Besides, I do not speak the Spanish language, and if General Cortina needed any spies he could find hundreds of Mexican women and men to do him the services in that line which I certainly, if I would, could not.

The gates of Matamoros across the line of forts, and the public ferry between that city and Brownsville, are open to all comers alike, and the only restriction is that parties leaving Matamoros shall obtain a passport to recross the lines of the ferry to the United States. This measure seems principally to be to prevent desertions from the garrison. Even then I am informed that the guard do not identify the person, or in all cases examine the passports. The whole line of the fortifications is open to the view of the inhabitants of the town, who come and go in and out of the same constantly. Besides, there are perfect and minute maps of the city and its fortifications, made by a civil engineer, printed in Paris and hung in the public places of this town and Brownsville, and for sale in any quantities desired. So that the whole charge about my spying and reporting the defense is so absurd, that I can only believe that I am being persecuted with a view to threaten or take my life at the instigation of my personal enemies.

I have never, since the declaration of martial law, been near the fortifications but once, and that was at the urgent solicitation, on the street, of an officer of the Mexican garrison, named Nuñez, who invited William E. Garland, United States deputy marshal, and myself, both residents of Brownsville, to visit them. I did not wish to go, and so stated, as I had come over into the city on private business, but on his still pressing us, we consented, and spent a few minutes in conversation near the line of forts.

That is all that happened, and this is made the basis for the charge of inspecting the fortifications.

It looks to me very much as if that officer may have been an emissary sent to trap me into that visit, to serve as a pretext for the accusation of being a spy. My occupation is that of a deputy inspector of hides and animals for Cameron County, Tex., and my duties bring me over to Matamoros frequently in the collection of bills, &c., from shippers of hides from this city through Brownsville. I sometimes deal in the purchase and sale of animals in Texas, when occasions offer.

I have no military or civil connection with the revolutionists in any capacity whatever.

I am a citizen of the United States, born in the State of New York. I served in the Union Army during the whole of the late rebellion, and held the rank of captain of United States volunteers.

I claim from you, as the United States vice-consul, protection against the outrage committed on my person, and against the oppression of which I am the victim. From personal causes, I feel assured that I can get no relief either in the form of official interposition or of good offices from the military commander of Fort Brown, and I have no hope of receiving any from the naval authorities here of my country.

In view of these facts, I request your interposition against the violent proceedings I am subject to before the court-martial, which I understand is organized to try me summarily, as if I was subject to the rules and articles of war. I also request that you lay my case without delay before the Government at Washington, using the telegraph for that purpose, and that you ask its interference at once, as I consider my life in the hands of a combination of men who I believe would not hesitate to see me sacrificed to their spite or their resentments or their prospects of gain. Claiming your immediate attention in my case,

I am, sir, very respectfully, your obedient servant,

JOHN JAY SMITH.

Mr. Valls to Mr. Hunter.

CONSULATE OF THE UNITED STATES OF AMERICA,
Matamoros, September 24, 1876.

SIR: Respectfully referring the department to my dispatch No. 251, under date of the 22d instant, relating to the arrest and detention of Mr. John Jay Smith by the military authorities of this city, I have now the honor of bringing to your knowledge the further steps which I have deemed it my duty to take in the premises.

On the morning of the 22d instant Messrs. Maxan & Russell, counsel for Mr. Smith, lodged in this consulate a written complaint, a copy of which is herewith transmitted, and to which I respectfully ask your attention, in which they assert that the proceedings against their client are contrary to Mexican law, and that his rights have been violated by the military authorities of this city.

Their statements appeared to me so strange and incredible that I at once decided to personally examine the matter, with a view of ascertaining whether their assertions were founded on facts.

For that purpose I immediately called on General Revueltas, and after submitting to him the complaint of the lawyers, respectfully asked the permission to see the charges preferred against Mr. Smith, and to see the written record in his case. To my surprise the general at once refused the permission, stating that it was contrary to Mexican law that I should see the record.

I then immediately repaired to this office and addressed to General Revueltas a communication, a copy of which is herewith transmitted, officially demanding the privilege of informing myself of all matters relating to the trial of Mr. Smith.

On the ensuing day, the 23d instant, not having received from the general commanding any answer to my two previous communications, nor any message whatsoever in relation to the pressing demands I had made in a case I considered urgent, and justly feeling indignant at this mark of discourtesy to my official position, and of contempt to the government I have the honor of representing, I deemed it necessary to address General Revueltas a note, a copy of which is herewith transmitted, in which I embodied in brief the statements of the counsel for Mr. Smith, and complained of the discourtesy shown to my official position, and notified the general that I would, without further delay, pursue such a course as my judgment prompted for the vindication of the dignity of my country, and the release of an American citizen who had applied to me in behalf of his liberty.

Several hours elapsed, and this letter, like all the previous ones, was totally disregarded. Finding that my communications and appeals were not complied with, or even heeded, and becoming convinced of my impotency to afford Mr. Smith the protection to which I firmly believe him entitled, I deemed it my duty to immediately call for the co-operation of the naval force of the United States now stationed at this port. In doing so I addressed to Lieut. Commander H. L. Johnson, United States

Navy, commanding United States ship Rio Bravo, a communication, a copy of which is herewith transmitted; and, in order that that officer might be fully informed on the subject, I inclosed him copies of all the correspondence relating to the case.

The serious phase which the case has assumed has probably induced Commander Johnson to delay addressing an answer to my communication, which was handed to him yesterday; but desiring to communicate to the department without delay all the correspondence relating to this affair, I have deemed best to avail myself at once of the northern mail which closes early in the morning.

I am, &c.,

JOHN F. VALLS,
Vice-Consul.

[Inclosure.]

Mr. Russell to Mr. Valls.

MATAMOROS, September 22, 1876—11 o'clock a. m..

SIR: We have the honor to lodge before you a complaint, as counsel of record for the American citizen, John J. Smith, who is now imprisoned by the military authorities of this city upon the charge of being a spy for the insurgents against the Mexican government, and of having sold them arms and ammunition, &c.

Our client was notified this morning at 10 o'clock to name the counsel he wished to defend him, and he designated us for that purpose.

To our utter surprise, after we had been so appointed and had accepted the duty as such, requested by Mr. Smith, we were informed by the fiscal, Lieut. Francisco Guerrero, adjutant, &c., that he could not let us see the record or any of the written proceedings against our unfortunate client without consulting first with General Revueltas. And in the course of the discussion arising thereon he informed us that he took no step without previous conference with said general. As this superior officer, in the end, may have to revise the proceedings of the cause against Mr. Smith, his personal interference or supervision of every act of procedure at this stage of the case seemed to us a violation of the rights of our client.

Subsequently, however, and upon the consultation with the general, the fiscal stated to us that without allowing us to take the record we could read the same in his office.

Upon inspection of the proceedings we found that the order of commitment (*formal auto*, or *auto motivado de prision*) had been notified to our client on the 20th instant; and in contravention of express law (the act of 1869), nearly three days had elapsed before he was allowed counsel, and the proceedings against him made public, as he had a right to. So that this illegal delay became an aggravation of the inhuman treatment he has already received, and postponed, evidently with a purpose, the intervention of his counsel in his behalf.

The result of our examination of the record discloses that there is not one particle of evidence, we say not one shred of evidence of any kind, to justify his incarceration, or even to have caused his arrest. We assert this, not only on our professional honor, but as gentlemen.

Such an astounding discovery of the result of the tenebrous proceedings against our client causes us to claim, in the name of our country, to which both ourselves and our client belong, that you call upon the general commanding, who seems to be conducting this prosecution through his subordinate, and request an inspection of the record as it stands, so that you may yourself become satisfied of the fact that an American citizen has been suddenly arrested and cast into a dungeon without, first, any order appearing in the record for his arrest; second, without its appearing on the record who arrested him; third, without its appearing by what authority the jailer confined him to the black-hole in which he was cast; fourth, without its appearing that any initiatory affidavit or "*informacion*" existed as required by law; fifth, without any other or further cause, reason, or excuse than the fact that one Cassimiro Castro, who calls himself the Mexican vice-consul at Brownsville, reported by private letter to General Revueltas his impressions and hearsay gossip and vague, indefinite, and unfounded statements as to the conduct of our client in his own native land, unsworn to and without any circumstances of time, place, or persons.

Therefore we repeat, in the solemn indignation of this moment, that you proceed to examine the record, and that if you find, as you must, that our statements are true (and so strange as to be hardly believed), you will insist again for the release of our client and the redress which he deserves at the hands of the authorities who are guilty of the outrages he has suffered.

We are, sir, your obedient servants,

NESTOR MAXAN,
WM. H. RUSSELL,
Counsel for the Defendant.

Mr. Hunter to Mr. Richardson.

DEPARTMENT OF STATE,
Washington, September 26, 1876.

SIR: I inclose a copy of two telegrams of the 22d instant to Mr. Wilson, the consul at Matamoros, who is now absent on leave, and one of the 25th instant to the department, all from the vice-consul at that place, and relating to the arrest by General Revueltas of John Jay Smith upon the charge of being a spy, and of having sold munitions of war to the Mexican insurgents. A copy of the telegram of the department of this date to you on the subject is also inclosed. According to the last accounts from that quarter, the hold of the federal government on Matamoros was in peril. This may have naturally disposed the general in command to suspicion, and to the exercise of arbitrary acts as its result. Proceedings of the kind are not uncommon on such occasions, but, as the vice-consul remarks, the charges in this instance seem to be absurd on their face. As to that of being a spy, it is alleged that the defenses there are open to the inspection of every one. The charge of having sold war material to the Cortinas party is equally irrelevant: The sale, if any took place, is said to have been made at Brownsville. Mexican authority, under either their municipal law or under the law of nations, cannot reasonably, it is supposed, authorize the arrest and imprisonment for such an act of a person who may chance to be found on their territory.

It is also alleged that Mr. Castro, the consul of Mexico at Brownsville, was the informer in this instance. If this be so, he exceeded the functions for which he was recognized in that character.

If not too late when this instruction shall arrive at the legation, you will follow up the telegram to you on the subject, by presenting it to the minister for foreign affairs in a way which will make him sensible that we are anxious in regard to it, and expect such explanations as will be consonant with a disposition to preserve friendly relations with the United States.

I am, &c.,

W. HUNTER,
Acting Secretary.

Mr. Fish to Mr. Wilson.

DEPARTMENT OF STATE,
Washington, October 30, 1876.

SIR: You are aware of the arrest of Mr. John Jay Smith, pursuant to orders from General Revueltas, at Matamoros, where, it is understood, he is still imprisoned. The department, on being apprised of the arrest by Mr. Valls, the vice-consul, at once telegraphed to and instructed Mr. Richardson, the chargé d'affaires at Mexico, to apply to that government, in order that no hasty or inconsiderate step might be taken in the case. Mr. Richardson made application accordingly, and the reply of the minister for foreign affairs may be regarded as favorable. Mr. Smith, however, is naturally impatient at his continued restraint. This has led him to address a letter to the department upon the subject, which has been telegraphed to the newspapers for publication before the original has reached here. It is presumed that he may not be fully aware of the impropriety of his course. If, however, on reaching Matamoros, you should find him still in confinement, you will do anything which you properly can toward mitigating the hardships which it is presumed are inseparable from imprisonment there, and toward hastening his release. A full and dispassionate report of all the facts in the case would also be acceptable.

I am, sir, your obedient servant,

HAMILTON FISH.

Mr. Wilson to Mr. Hunter.

[Telegram.]

MATAMOROS, VIA BROWNSVILLE, TEX.,
November 17, 1876.

After full inquiry am thoroughly convinced that John Jay Smith is wrongfully and illegally held; have consulted with Lieutenant-Commander Johnson, who recommended that a prompt and energetic demand be made for Smith's release, which has so far been treated by General Revueltas with indifference. I earnestly request that Lieutenant-Commander Johnson be instructed to use all means within his power consistent with section 2001 Revised Statutes to effect Smith's release, as his continued imprisonment is deemed by Lieutenant-Commander Johnson and myself as a gross injustice to Smith and an indignity to the United States.

THOS. F. WILSON,
Consul.

Mr. Wilson to Mr. Hunter.

[Telegram.]

MATAMOROS, VIA BROWNSVILLE, TEX.,
November 18, 1876.

Yesterday evening it was understood Smith's case had been referred to federal judge, who decided there was no cause for holding him; to-day he was recommitted to a dark cell, it is rumored, on new charges, and communication with him prohibited.

THOS. F. WILSON,
Consul.

Mr. Hunter to Mr. Wilson.

DEPARTMENT OF STATE,
Washington, November 18, 1876.

SIR: Your telegram of yesterday, in regard to the case of Mr. John Jay Smith, has been received. The Department has again instructed the legation at Mexico, and written to Mr. Mariscal here on the subject. This, it is believed, is all that can, at present, properly be done. The passage in the Revised Statutes to which you refer is not regarded as applicable to the case, as, pursuant to that provision itself, the President is not authorized to employ an act of war towards obtaining the release of a citizen of the United States imprisoned in a foreign country. If the military or naval force of this government in that quarter were to move for the release of Smith, it might be difficult to deny that this would be an act of war.

I am, sir, your obedient servant,

W. HUNTER,
Second Assistant Secretary.

Mr. Fish to Mr. Mariscal.

DEPARTMENT OF STATE,
Washington, November 18, 1876.

SIR: This department has received urgent complaints in regard to the imprisonment by the military authorities at Matamoros of John J. Smith, a citizen of the United States. It is understood that he was arrested upon the charge of being a spy. Without wishing to interfere with the functions of the tribunal whose province it may be to examine the charge, it is particularly desirable that there should be no delay which can be avoided in disposing of the case, especially as the health of the prisoner is represented to be delicate. I will consequently thank you to move the proper authorities, particularly those at Matamoros, on the subject.

I avail myself, &c.,

HAMILTON FISH.

Mr. Fish to Mr. Foster.

DEPARTMENT OF STATE,
Washington, November 18, 1876.

SIR: I transmit a copy of a telegram to the department, of the 17th instant, from Mr. Wilson, the consul at Matamoros, relative to the case of John Jay Smith, imprisoned by order of the military authorities there. This was the subject of the instruction to Mr. Richardson of the 26th September, No. 337. The minister for foreign affairs, in answer to his application in the matter, said that the authorities at Matamoros would be urged to dispose of the case. From the length of time which has since elapsed, it is feared that orders from the capital have either not reached Matamoros or have been disregarded there. You will consequently make further inquiries at the foreign office. It is apparent from the tenor of the letters of Smith and his friends, that a sense of injury is harbored by his continued imprisonment. It is consequently desired that the subject should be disposed of without any delay which can be avoided.

I am, &c.,

HAMILTON FISH.

Mr. Wilson to Mr. Hunter.

[Telegram.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Matamoros, November 19, 1876.

Replacing Smith in dark cell has increased excitement and indignation previously existing on frontier. There are no new charges against him. He is apparently held as a measure of intimidating Texans from sympathizing or holding intercourse with Mexican revolutionary refugees in Texas.

THOMAS F. WILSON,
Consul.

Mr. Wilson to Mr. Hunter.

CONSULATE OF THE UNITED STATES OF AMERICA,
Matamoros, November 20, 1876.

SIR: Referring to the communication from the department under date of the 30th October last, handed to me in Washington, relative to the arrest of John Jay Smith in this city by order of General Revueltas, the military commander, I have now to submit all the information relating thereto which I have been able to obtain, and to report such action as has been taken in the case.

On reaching Brazos de Santiago, Tex., thirty miles distant from Matamoros, I found several gentlemen from Brownsville, who at once approached me in regard to the case of Mr. Smith, and stated that it had created a very great deal of excitement and interest on the frontier, as he was believed to be innocent of any offense against the laws of Mexico; and that if he could be arrested in the streets of Matamoros and thrust into prison, and *denied* a trial for two months, that no person was safe in visiting that city, and that many persons residing in Brownsville were afraid to go to Matamoros on their usual avocations.

Immediately after my arrival in this city I called at the prison and informed Mr. Smith of the instructions which I had received from the department in regard to him, and assured him of whatever assistance I could properly render him, and asked him for a full statement of all the facts in his case, which he promptly sent to me through his attorneys, Messrs. Russell & Maxan, a copy of which is herewith inclosed; and they accompanied it with a letter of their own, a copy of which is herewith inclosed, in which they corroborate Smith's statement, so far as regards the pretended proceedings and records in his case. A copy of my reply to Mr. Smith is herewith inclosed, in which I assured him of my desire to afford him any assistance in my power.

My first intention in receiving the statement from Mr. Smith was to call personally on General Revueltas and endeavor to make some arrangement whereby Smith could be released. Several of my friends, however, who seemed to understand the motives apparently influencing General Revueltas in the case, advised me not to do so, as it would doubtless be of no avail, as he was predisposed against my interposition in the matter on account of newspaper articles, which had previously appeared, and street rumors that when I arrived Smith would be released, or that the port would be closed by the gun-boat Rio Bravo.

In order to allay, if possible, this feeling on the part of General Revueltas, if it actually existed, before informing him officially of my return, I asked General de la Barra, the collector of this port; John L. Haynes, the collector of the port of Brownsville, Tex.; Casimiro Castro, the acting Mexican vice-consul in Brownsville; Mr. Julius Eversmann, the consul of the German Empire in this city, and Lieutenant-Commander Johnson, of the gun-boat Rio Bravo, all of whom are on friendly terms with General Revueltas, to call on him and use their good offices in behalf of Smith.

Each of these gentlemen subsequently informed me that they had done so without effect.

I had previously addressed a letter, a copy of which is herewith inclosed, to Lieutenant-Commander Johnson, inclosing a copy of Smith's statement, together with a copy of the instructions received by me from the department in the case, and asked him to furnish me with any information in regard to the affair in his possession, and what action, in his opinion, should be taken to secure Smith's release.

I have to inclose herewith a copy of Lieutenant-Commander Johnson's reply, in which he states that he is convinced that there is no reasonable proof that Smith is guilty of any offense for which he could be held to account by the Mexican Government, and recommended that a demand be made to General Revueltas for his release.

Whereupon I addressed a communication, a copy of which is herewith inclosed, to General Revueltas, transmitting a copy of Smith's statement, together with a copy of Lieutenant-Commander Johnson's letter to me in regard to the case, and expressed the

earnest hope that he would find the statements so in accord with the facts as to warrant him in ordering Smith's immediate discharge.

Although my letter to General Revueltas was written on the 14th, and delivered to him on the 15th, and, as will be seen, is couched in the most respectful terms, yet up to the 17th I had not received a reply to it, and as there appeared to be no prospect of Smith being tried or released by any appeal to General Revueltas on my part, and in view of the gross injustice and hardship of the case, after consultation with Lieutenant-Commander Johnson, it was deemed proper to inform the department by telegraph (a copy of which is herewith inclosed) of the facts, and to request that Lieutenant-Commander Johnson be instructed to use all the means in his power, consistent with section 2001 Revised Statutes, to effect Smith's release. Lieutenant-Commander Johnson telegraphed at the same time to the Navy Department to the same effect. As neither Lieutenant-Commander Johnson nor myself, up to the present time, have received a reply to either of these telegrams, no measures have been taken to enforce the release of Smith, and nothing has thus far been accomplished to his benefit.

On the evening of the 17th instant it was understood that Smith's case had been referred by the military authorities to the federal judge, who had decided that there was no cause to hold him. To my surprise, however, on the 18th instant, instead of Smith being released, he was taken from an outer cell which he had been allowed to occupy for some weeks previous and recommitted to a dark cell, and communication with him prohibited, even to his counsel, except by their first applying to the judge-advocate for permission, and being accompanied by him, and the interview held in his presence.

I at once informed the department by telegraph (a copy of which is herewith inclosed) of this unexpected action in the case, and that it was rumored that new charges had been preferred against Smith. As I learned the next day that new charges had not been preferred, I informed the department by telegraph (a copy of which is herewith inclosed) of the fact.

Subsequently I received a communication from General Revueltas (a copy of which is herewith inclosed), dated the 18th, and delivered to me about dark on the 19th, in which he states that the case of Smith has been and will be proceeded with according to Mexican law, which is in direct conflict with the statements of Smith and his counsel, Messrs. Russell & Maxan, and, in my opinion, with the facts, as he has certainly not been allowed a speedy trial, which the law provides.

So far as I can learn, General Revueltas's action is prompted by a desire to intimidate Texans from sympathizing or holding intercourse with Mexican revolutionary refugees in Texas.

Owing to the fact that General Revueltas, in a letter under date of the 24th of September last (a copy of which has heretofore been transmitted to the department), denied the vice-consul, Mr. Valls, the privilege of seeing the records in Smith's case, alleging that it would be an infraction of the Mexican law, I have been unable to obtain a copy of the proceedings for transmission to the department. I trust, however, that Smith's statement, supported as it is by his counsel, together with the statement of Lieutenant-Commander Johnson, taken in connection with what the vice-consul, Mr. Valls, has heretofore transmitted to the department on the subject, and the long delay in allowing Smith even the semblance of a trial, will fully satisfy the department that he is entitled to the interposition of the government in his behalf.

This case has created more excitement and enlisted greater general interest than anything that has occurred here during the six years I have been in charge of this consulate. This has not been on account of the personal influence or the social standing of Mr. Smith, but solely because the treatment to which he has been subjected has been regarded by almost the entire community as wholly unwarranted, and not only an injustice to Smith, but as a menace to citizens of the United States and other nationalities, which, if permitted to pass without some speedy redress, will establish a precedent exceedingly dangerous to the safety of every foreigner engaged in traffic with this section of Mexico; and it is therefore generally expected that this case will receive the prompt interposition of the government.

I am, sir, your obedient servant,

THOMAS F. WILSON.

[Inclosure 1.]

Messrs. Maxan & Russell, counsel of Captain Smith, to Mr. Wilson.

MATAMOROS, MEXICO, November 14, 1876.

SIR: We, as the counsel of Capt. John J. Smith, an American now confined in the prison of this city, have the honor to transmit herewith a communication from him to yourself.

The case of Mr. Smith we regard as one of great outrage, and should elicit the warmest sympathy of every American who is in the least jealous of the honor of his country.

The statements in the inclosed communication referring to the record and any pretended proceedings against Captain Smith, during his long and harsh imprisonment, are entirely correct, and with confidence that they will receive at your hands due attention we commend the same to your early consideration.

We have the honor to remain, sir, your obedient servants,

NESTOR MAXAN.

WILLIAM H. RUSSELL.

THOMAS F. WILSON, Esq.,

Consul of the United States, Matamoros, Mexico.

[Inclosure 2.]

Mr. Smith to Mr. Wilson.

IN JAIL, MATAMOROS, MEX.,

November 14th, A. D. 1876.

SIR: I have the honor to state that, since the 19th day of September last, I have been confined in the prison from which I write, under circumstances of aggravation which I shall endeavor succinctly to lay before you, and against the continuance of which I earnestly pray your early interposition.

I am an American citizen; native of Dutchess County, State of New York; served throughout the late war as a Federal soldier; was a captain of volunteers, and have received three wounds in the service of my country, which have disabled me. Since the war, have been in the customs service at Brownsville, Tex., and was appointed commercial agent at Presidio del Norte, Mex., and declined because of my health being impaired during the war, and which is and will be seriously affected by my detention in this unwholesome jail. I am now a civil officer of Cameron County, Texas.

Before proceeding in my narrative, I must premise that I have never had any relations or communications with the insurgents in Mexico other than those of a social and friendly character with individuals engaged in the revolution; much less have I stooped to be a spy for them, and, as is well known, I have not had the means to enter into or fulfill any contracts for munitions of war; which, however, had I done so in my own country, I claim I had a perfect right to do.

As before stated, I was arrested last September, on the day mentioned, at the corner of the main plaza of this city, by a policeman who, without any written order of arrest, hurried me to the prison, where, without any written order of commitment, I was cast into a close and black dungeon.

It was given out, as I understand, by the Mexican authorities, that I was to be summarily shot or otherwise finally disposed of; hence the natural sense of Mexican propriety is apparent, that no trace or record of my whereabouts should be extant until after I should leave the *oubliette* in which I was locked without even a *lettre de cachet*; fortunately, however, a friend was passing by to whom I called out to make known my arrest, and requested that he should inform Mr. Valls, our vice-consul, of my situation. I have to thank the latter for his active intervention and solicitude in my favor, and can only regret that his efforts in my behalf did not receive that consideration which his zeal, my rights, and the respect due our country at the hands of the Mexican authorities deserved.

From the moment of my confinement I commenced to feel weighing upon me, and barring the efforts of my lawyers and friends, an occult pressure, whose origin I have accounted for to myself, and which I believe has not been removed to this day. But let that pass. About twenty-four hours after my arrest, and when, through the prompt and energetic action of my friends, my personal discomforts had been somewhat alleviated, I was visited by a Mexican military officer, who informed me that he was my judge and would proceed to take my preliminary statement. I must state that Mr. Valls and my lawyers, upon personal application to General Revueltas, had been unable to obtain any information as to the nature of the charges against me, but it was understood that I was charged with a capital offense, and that my life was in peril. Neither did the military judge communicate to me the charges under which I laid, but his proceedings commenced in that respect by putting captious and foregone questions as to the time, place, and nature of a contract for arms and ammunition, which he took for granted I had entered into with General Cortina. As nothing of the kind had ever happened, my answer was a matter of course; but I claimed the benefit of counsel, which was denied me, and I further claimed, failing the former request, the presence of an interpreter of my acquaintance and trust, which was likewise refused me.

As the event showed afterward, statements were written down as mine prejudicial to me which I had never uttered, and which only the most vehement efforts of my counsel were able to rectify.

It afterwards appeared, for in the meanwhile all the proceedings were secret, that the first and only foundation for any action against me was a letter dated September 15, written by Don Casimiro Castro, acting Mexican vice-consul at Brownsville, Tex., to General Revueltas, and purporting to be an answer to a communication from the latter to the former, dated the 12th of the same month.

In this letter Castro states that he had been assured and felt quite certain from what he had heard that I was an agent of the insurgents in Brownsville, and that I was purchasing arms and ammunition for them, for which he was told I received cattle and horses in payment; and, furthermore, that everybody knew that I would come to Matamoros and obtain information as to the defenses and other military matters, and immediately communicate my budget of news to the revolutionists at Brownsville.

Thereupon, Colonel Cristo, post-commander, appointed my military judge in an official letter to him, directing him to proceed to this jail where he would find an American citizen named John Jay Smith, who was accused of selling arms and powder to General Cortina, and ordering him to proceed with my case, and informing him that the witnesses who could substantiate the charges were Antonio C. Muñoz and Casimiro Castro, the vice-consul aforesaid.

It also transpired subsequently (everything still being kept secret at that time) that the witness, Muñoz, referred to, was sworn, and he declared that he only knew me by sight, had never had relations with me, and had not the slightest knowledge about the charges preferred against me; and Casimiro Castro to this day has never been called upon to testify. What the object of this false reference to the witness Muñoz was is past all imagination.

I am advised that under the Mexican constitution, if the legal forms were to be observed at all, I could not stand confined for more than seventy-two hours without a formal decree of commitment to jail by a competent authority, who must state the motive of my arrest, the law which I had violated, and the nature and sufficiency of the evidence against me. As this period was expiring, it seems it became necessary to make some sort of order in my case, and the judge, by superior instruction, slashed out a decree to the effect that, whereas the statement of a Mexican official (to wit, the aforesaid vice-consul) was the fullest proof of a fact; and whereas such statement had been made concerning me, whereby it was established that the charges were true, he declared as my judge that I should stand formally committed!!!

All this may seem incredible, but nevertheless it is true.

After that, some time having elapsed, I was called upon to appoint counsel, which I did, naming William H. Russell and Nestor Maxan, esquires, lawyers of Brownsville. Thereupon they called for the record, which disclosed the foregoing condition of things.

Feeling the insufficiency and absurdity of the position he had taken, General Revueltas called on the Mexican vice-consul for some evidence to support his statement, and the latter sent over a copy of a couple of depositions, purporting to have been taken before him, of two Mexicans named Pilar Flores and Ambrosio Perales. These witnesses are therein made to retail a lot of hearsay evidence and irrelevant matter about my personal relations in Brownsville with some of my Mexican friends, who happened to be engaged in the revolution.

To the introduction of these depositions my counsel strenuously objected, because the same were taken before an incompetent authority; that they were copies and not originals; that they were taken abroad without notice or opportunity of cross-examination; without confrontation with the witnesses; that they were irrelevant and hearsay; and for other reasons. Notwithstanding this they were admitted and form a part of the record, but the cogency of the exceptions did not escape their attention, and my prosecutors bethought themselves of producing the two witnesses in person to testify. Upon this, my lawyers challenged the competency as witnesses under the Mexican law of Pilar Flores, as a murderer and fugitive from the very jail where I am confined, and whose name appears upon an official list of criminals hung up in the very room where I am placed, and of Ambrosio Perales as a common cattle-thief and a man of ill-fame, but still their testimony was taken.

Flores testified that he had seen me generally in friendly intercourse with some Mexican gentlemen in Brownsville, whom he took to be involved in the revolution, naming one of them, Praxedes Cavazos, and stating that he did not know the names of the others; he further stated that he did not know the nature or object of my intimacy with those parties.

Perales declared that he believed that I had relations with the revolutionists, because he had some reason to suppose that I had assisted in procuring the evasion from arrest in Brownsville of one ——— Armador, but neither stating what he was to be arrested for, nor that he was a revolutionist.

The proof that Flores was under the charge of murder was duly presented; but the utter disorder, confusion, and incompleteness of the judicial records of this city prevented the evidence as to Perales from being perfected, although my counsel were assured by a clerk of the court that the challenge was true.

In this condition of things, after many days of unnecessary delay, too long and tedious to relate, General Revueltas transmitted the record of the proceedings against me to the federal district judge for his official opinion as to the regularity of the proceedings, and whether the military commission to try me should be convened under the state of the case.

The federal judge in answer stated that the military authorities were incompetent to try me, and that his court was the only one that had jurisdiction over me, and he called upon General Revueltas to turn me and my case over to him. General Revueltas insisted upon his competency, which the judge thereupon admitted, and the case being again forwarded to the latter, he returned the same to General Revueltas with a preliminary inquiry as to whether there was a sufficient number of officers in the garrison to compose a court-martial.

The answer was in the affirmative. Upon which the federal judge again sent the record to General Revueltas, to cause the witnesses Flores and Perales to be re-examined as to how they knew what they had stated in the depositions taken in Brownsville, and to inquire of the aforesaid Mexican vice-consul upon what he based his statement against me; and also to place me in confrontation with those witnesses as to any contradictory matter between them and me.

All this shifting to and fro of the record took up the most unpardonable delay of days between two officials in the same town, residing a couple of blocks of each other.

However, in the meanwhile, my lawyers proceeded to take defensive testimony of Mexican and American officials, civil and military, to prove, as they did prove, the total groundlessness of the charge of spying; that when arrested I was in the heart of the city, about a mile from the fortifications, and that I had never been near the breastworks, except at their special invitation as a matter of excursion and pastime; and that I had always behaved with the utmost impartiality in the political matters pending in Mexico.

Finally, after incomprehensible delays again, the witnesses Flores and Perales were brought to testify, in accordance with the order of the federal judge, and to my complete surprise and astonishment Flores declared that his purported deposition, taken in Brownsville before Acting Mexican Vice-Consul Castro, had never been read to him, and that he had never known of its contents until that very moment, and he refused to add or take away anything to or from the testimony he had given on this side of the river, stating that he knew nothing more about me.

Perales, on his side, testified that he had never made the deposition attributed to him before the Mexican vice-consul in Brownsville, and that he had not, until then, any knowledge that any such document existed; that he would abide by what he had declared in his testimony before my military judge, which he would not alter, because that was all he knew in respect to the charges against me. And in the solemn act of confrontation with me, both of these witnesses declare that, as regarding my statements of record that I had never meddled in the political affairs of Mexico and the military operations transpiring, they could not contradict me, for they knew nothing to the contrary.

All this appears in writing, duly certified to and attested in the book of proceedings containing my case; and, so far as I know, nothing subsequent has taken place.

The mystery and secrecy of the method of procedure used against me, and its moral effect upon a man in my condition, when I expected every moment, under the threats publicly made, to be taken out and shot, I leave to your own feelings of justice and humanity to appreciate.

It is evident from all that I have stated, and I have stated nothing that does not appear of record, that I have been the victim of some foul conspiracy, bolstered with official corruptions, misrepresentations, perjury, and forgery. And I feel it necessary to claim your assistance, entreating you to examine into the truth of this statement of my grievance, and that you use your authority to throw over me the mantle of that protection which I am entitled to as an American citizen, to relieve me from the outrages and cruelty to which I have been and am still being subjected.

I have the honor to be, respectfully, your most obedient servant,

JNO. JAY SMITH.

THOMAS F. WILSON, Esq.,

Consul of the United States, Matamoros, Mexico.

Mr. Wilson to Mr. Hunter.

CONSULATE OF THE UNITED STATES OF AMERICA,

Matamoros, November 26, 1876.

SIR: Referring to my dispatch No. 261, under date of the 20th instant, relative to the arrest and imprisonment of John Jay Smith, in this city, by order of General Revueltas, and in which I stated that there was no proof whatever against Smith, I have now to transmit herewith a statement signed by John L. Haynes, esq., the collector

of customs at Brownsville, Tex., who has read all the proceedings in the case, and certifies that there is not a particle of evidence to sustain the charge against Smith.

The proceedings are all in the Spanish language, and as Mr. Haynes is a good Spanish scholar and a lawyer, his certificate is of value in sustaining the opinion of Lieutenant-Commander Johnson and myself in regard to the case as expressed in my telegram to the department under date of the 17th instant.

General Revueltas has treated the interposition of Lieutenant-Commander Johnson and myself in Smith's behalf with indifference, and continues to hold him in prison in the absence of any evidence whatever against him, and apparently without the intention of allowing him a trial, to which he is clearly entitled under the Mexican law.

I am &c.,

THOMAS F. WILSON, *Consul*.

[Inclosure.]

Statement of J. L. Haynes.

BROWNSVILLE, TEX., November 26, 1876.

I certify that I understand the Spanish language; that I have read the proceedings in the case of John J. Smith, now in prison in Matamoros; and that there is not a particle of evidence therein to sustain any charge against him, as alleged in said case, and I am satisfied that his present imprisonment is cruelly unjust.

J. L. HAYNES,

Collector Customs, District Brazos de Santiago.

Mr. Fish to Mr. Wilson.

DEPARTMENT OF STATE,

Washington, December 8, 1876.

SIR: Your dispatch, No. 261, of the 20th ultimo, relative to the case of John Jay Smith, has been received. It is inferred from the tenor of the correspondence which accompanied it that General Revueltas, who is in command at Matamoros, may be of the opinion that the prisoner may most properly be tried by court-martial. Be that as it may, the delay in the matter is unaccountable and apparently unjustifiable. A copy of your dispatch will consequently be transmitted to Mr. Foster at Mexico with another instruction on the subject.

I am, sir, your obedient servant,

HAMILTON FISH.

Mr. Wilson to Mr. Hunter.

[Telegram.]

MATAMOROS, VIA BROWNSVILLE, TEX.,

December 8, 1876.

John Jay Smith was released yesterday evening on his own recognizance. Not a particle of proof exists against him.

THOS. F. WILSON.

Mr. Foster to Mr. Fish.

(H. Ex. Doc. 31, 44th Cong., 2d sess., p. 36.)

LEGATION OF THE UNITED STATES,

Mexico, December 14, 1876.

SIR: Your dispatch, No. 351, of the 18th ultimo, relating to the case of John Jay Smith, imprisoned at Matamoros, instructs me to make further inquiry at the Mexican foreign office as to the orders issued through it to secure Smith's release.

As the government with which this legation had the former correspondence on this subject has been driven from this capital, and as there is no other government to

which I am authorized to apply, and there being no direct communication with Matamoros, there is nothing which I can do at present to further the object of your dispatch. It is reported that Matamoros has been transferred to the control of the Guajaluto government represented by Mr. Iglesias, in which case Smith may have been placed at liberty. If, however, he is still confined, you may be forced to consider the propriety of intrusting the case to the military commander of the Department of Texas, in co-operation with the consul at Matamoros.

If the present contest between rival claimants to authority in Mexico is to continue, the exposed condition of American interests on the frontier may lead the department to the adoption of some direct method of procuring intervention and redress, as I will be without communication with the Rio Grande border, and the government in possession of this city may have no power over the Mexican authorities there.

I am, &c.,

JOHN W. FOSTER.

Extract from the annual message of President Grant, December 5, 1876.

The commotions which have been prevalent in Mexico for some time past, and which unhappily seem to be not yet wholly quieted, have led to complaints of citizens of the United States of injuries by persons in authority. It is hoped, however, that these will ultimately be adjusted to the satisfaction of both governments. The frontier of the United States in that quarter has not been exempt from acts of violence by citizens of one republic on those of the other. The frequency of these is supposed to be increased and their adjustment made more difficult by the considerable changes in the course of the lower part of the Rio Grande River, which river is a part of the boundary between the two countries. These changes have placed on either side of that river portions of land which, by existing conventions, belong to the jurisdiction of the government on the opposite side of the river. The subject of adjustment of this cause of difficulty is under consideration between the two republics.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1877, p. 386.)

LEGATION OF THE UNITED STATES,
Mexico, December 8, 1876.

SIR: I transmit herewith a decree issued by General Porfirio Diaz, from the city of Oaxaca, on the 26th of September last, and which has been republished in the first issue of the official journal of his government in this city, declaring void the contracts described in the three first articles of said decree made by and with the government of President Lerdo. The fact of its publication officially in this city would seem to indicate the intention of General Diaz's government to enforce its provisions. It is not entirely clear whether the decree is designed to be retroactive in its effect, or simply to deter persons from making further contracts with the government of Mr. Lerdo, which at the date of the decree was the one in possession of this capital and of the greater part of the republic, and recognized by the United States and other foreign nations as the only legitimate Government of Mexico. If the third article shall be retroactive in its enforcement it will very seriously and to a large extent affect American interests, and even if only made effective from its date, the decree will place in dispute the validity of certain contracts to which American representatives are parties.

I am, &c.,

JOHN W. FOSTER.

[Inclosure.—Translation.]

[From the Diario Oficial, December 4, 1876.]

General Diaz's decree nullifying contracts of Lerdo government.

PORFIRIO DIAZ, GENERAL-IN-CHIEF OF THE NATIONAL CONSTITUTIONAL ARMY OF THE UNITED MEXICAN STATES, TO ITS INHABITANTS:

Know ye that, in the exercise of the war powers with which the national will has invested me, I have thought proper to decree the following:

ARTICLE I. The contracts of lease of the mints of the republic are null, and without any force or effect, which Sebastian Lerdo de Tejada or his agents may have made, as

shall also be other contracts which he may make in the future, whether they refer to these mints or to any other branch of the administration.

ART. 2. The obligations shall likewise be null and of no value which the so-called government of Sebastian Lerdo may contract with the bondholders of the English debt in any negotiation which may be agreed upon with them or their agents, relative to the recognition of the said debt.

ART. 3. Any contract which may result in any burden to the nation shall also be null and of no force.

ART. 4. The signers of any of the contracts to which the preceding articles refer, and all the individuals who directly or indirectly participate in their celebration, shall be deprived of every right, shall be judged by military commissions and punished as traitors to the country, with the penalty which belongs to the crime, without prejudicing the civil responsibility which they may incur to the treasury or to the private individuals who may be damaged by reason of any contract with the said persons.

ART. 5. The sales, mortgages, or agreements which the responsible parties referred to in this decree, and that of August 28 last, may pretend to make, in order to avoid the civil responsibility which they may incur, apparently disposing of the property which they possess, shall have no force or effect from the moment in which the military commission which may judge them imposes upon them any penalty.

Let it be printed, circulated, and communicated to whom it pertains for its most exact observance.

Given in Oaxaca the 26th of September, 1876.

PORFIRIO DIAZ.

LUIS G. CURIEL, *Secretary*.

Mr. Foster to Mr. Evarts.

(Foreign Relations, 1877, p. 406.)

LEGATION OF THE UNITED STATES,

Mexico, June 5, 1877.

SIR: The communication of which I inclose a copy from Consul Sutter to Consul-General Skilton, reports the arrival of Rear-Admiral Murray, with the United States steamer Pensacola, at Acapulco, on the 1st ultimo, and through the admiral's intervention the insult offered to our flag, in the unlawful and arbitrary arrest of the consul in March last, was formally retracted by a salute fired from the Mexican fort of Acapulco, and by an official visit made by the authorities of that port to the consulate.

It will be seen by the copy of the judgment of the Mexican court inclosed that Consul Sutter has been fully exonerated from any violation of Mexican law, and acquitted by the court of any fault; so that, by the action of the judicial authority, the arbitrary arrest and imprisonment of the consul by General Jimenez were unjustifiable and illegal.

The question of reparation of damages for Mr. Sutter's imprisonment still remains unadjusted, as also the injuries and losses sustained by Mr. Kastan on account of the seizure and confiscation of his property. I am awaiting documentary evidence and other facts to more fully establish these damages, when I will present these matters to the Mexican Government, and urge an early adjustment.

In my No. 534 I sent you a translation of a note from the minister of foreign affairs, in which he informed me that General Jimenez, military governor of Guerrero, on account of his failure to obey the orders of the federal government in regard to the consul's arrest and the seizure of Kastan's property, and for other acts of insubordination, had been deposed from his office.

It appears, however, that before the federal government carried out the order of deposition, the people of the State of Guerrero, under the leadership of the former governor, General Alvarez, revolted against the arbitrary measure of Jimenez, and drove him by force of arms from the State, and he recently arrived in this capital. His reception in this city was announced by the official journal of the government, the *Diario Oficial*, of the 1st instant, in the following language:

"GENERAL VICENTE JIMENEZ.

"In compliance with superior orders, the meritorious chief whose name heads these lines has arrived in this capital."

If the government has taken any step to call him to account for his conduct in Acapulco it has not yet been made public.

I am, &c.,

JOHN W. FOSTER.

Mr. Evarts to Mr. Foster.

(Foreign Relations, 1877, p. 419.)

DEPARTMENT OF STATE,
Washington, July 3, 1877.

SIR: Mr. Skilton, the consul-general, with a dispatch of the 18th, has forwarded to the department a copy of a letter to him of the 4th ultimo, from Mr. Sutter, the consul at Acapulco. It relates to recent events there, and especially to the occupation of that city by General Alvarez. It seems that in consequence of that occupation the city was fired upon by the fort and a Mexican man-of-war. Consequently Mr. Sutter and the other foreign consuls embarked in the boat of the former for the purpose of making such representations to the commander of the man-of-war as might lead to a cessation of the firing. The boat, however, was itself fired upon on its way, and, though not hit, the persons on board of her were exposed to great peril. Mr. Sutter says that the flag of the United States was hoisted on her. Under these circumstances it seems necessary that the Mexican Government should be asked to require of the commander of the fort proper explanations upon the subject. You will accordingly take this course, so far as your unofficial relations with that government will allow.

I am, &c.,

WM. M. EVARTS.

CORRESPONDENCE RELATIVE TO FORCED LOANS.

Mr. Cass to Mr. Forsyth.

(Senate Ex. Doc. No. 1, 35th Cong., 2d sess., p. 47.)

DEPARTMENT OF STATE,
Washington, July 15, 1858.

SIR:

I have had a full conversation with the Attorney-General on the subject of the contribution assessed upon American citizens by the Mexican Government. And while neither he nor myself considers it a forced loan within the terms of the 10th article of the treaty between Great Britain and Mexico, the benefits of which are secured by our treaty to American citizens, yet I have nothing to retract in my dispatch upon this subject, nor to change, as to the unjust and unfriendly character of this imposition. The views therein presented are entirely concurred in by the Attorney-General and are fully maintained. This system of extraordinary taxation to which foreigners temporarily residing in Mexico are subject, is out of all reasonable proportion to the protection afforded to them. In your letter of June 19th, you advise the department that, for the reasons stated, you were about to inform the minister of foreign affairs that the diplomatic relations between the legation of the United States and the Mexican Government would be suspended until the pleasure of this government should be made known to you, and in your dispatch just received you announce that this determination had been carried into effect, and you inclose a copy of your note to the minister of foreign relations, making known to him that this suspension would take place from the day of its date.

The President sanctions the measure you have adopted, and will not instruct you to renew the relations thus broken off, but directs you to withdraw the legation of the United States from that republic.

Your action upon this occasion, and the circumstances attending it, have led the President to consider the condition of Mexico, and the state of our relations with that country. Both are equally unsatisfactory.

The government at the capital has neglected the just complaints of the United States, and evinced no disposition whatever to redress the injuries that have been committed upon the persons and property of our citizens. Your previous efforts upon this subject have failed, and the reports received from you indicate little expectation of a favorable change, till the United States, to adopt your own language, shall give striking evidence of their will and power to protect their citizens. Immediately after the receipt of this dispatch, you will communicate this decision to the Mexican Government, and request the necessary passports for yourself and suite. You will proceed to Vera Cruz, where

an armed steamer has been ordered to repair and await your arrival. She will convey yourself and your family and secretary to such convenient port in the United States as you may designate. The archives of the legation you will deposit with the consul of the United States at Mexico, Mr. Black, and you will instruct him to afford such counsel and protection to the citizens of the United States as may be in his power.

I am, &c.,

LEWIS CASS.

Mr. Corwin to Messrs. Bennett, Lard, and others.

(H. Ex. Doc. 100, 37th Cong., 2d sess., p. 25.)

LEGATION OF THE UNITED STATES OF AMERICA,
Mexico, August 30, 1861.

GENTLEMEN: I received your note of the 26th instant on the 27th, asking my opinion as to the legality of a tax of 1 per cent. on the property of all persons residing in the federal district, where the property of such persons amounts to a sum exceeding two thousand dollars. As the mail for the United States was to leave this city on the 29th, I found myself, from the time I received your note until yesterday at two o'clock in the afternoon, occupied incessantly with other indispensable duties. You will accept this as my apology for delaying an answer to your request until now.

The only question which I think it is useful to consider, when determining the duty to pay this tax, may be stated thus: "Is the tax in question imposed by that power to which the constitution and laws of Mexico have given the right to levy taxes?" If this question by a fair and liberal construction of the constitution can be answered affirmatively, then it is a lawful tax, and in my judgment should be paid, unless other objections, which in this instance do not occur to my mind, should forbid its payment.

The powers and duties of the present Government of Mexico, are (happily, in my judgment) defined and limited by a written constitution. Every functionary of this government, whether executive, legislative, or judicial, before he enters upon the duties of his office, binds himself by a solemn oath to maintain and support the constitution. In other words, he swears that he will exert the powers and discharge the duties of his office in conformity with those rules which are laid down in and by the constitution.

In the fiftieth article of the constitution now in force it is declared that "the supreme power of the federation is divided, for its exercise, into legislative, executive, and judicial. Two or more of these powers can never be united in the same person, nor the legislative power be deposited in one individual."

It will be seen that the various functions necessary to carry on this government are divided into three separate departments. It is expressly declared that the powers of no two of these departments shall ever be united in the same person. Article 72, section 7, defines the powers and duties which are imposed upon Congress, or the legislative department, as to taxes. It declares that "Congress has the power of approving the federal estimates of expenditures which shall be annually presented by the executive and of imposing the taxes necessary therefor."

The power to levy taxes upon the people is here (in language which admits of no equivocation in its terms) given expressly to Congress. No clause in the constitution gives Congress the power to transfer this duty to any other person or to any other department of the government. It is a discretion very liable to abuse, and, when abused, attended with consequences fatal to the rights as well as prosperity of the people. It is therefore a power which, in all governments free in form and design, is wisely lodged only in the hands of those who directly represent the people, and who, more than any other department of the government, are responsible to the people.

Whenever the legislative power is elected by the people, the taxing power is given to that department. The present constitution of Mexico, as we have seen, has embodied these principles. In this respect it is in harmony with all modern systems of government where written constitutions prevail on this continent. This trust cannot be delegated to any one, unless such power is given in express terms, which power, as we know, is nowhere to be found in the constitution.

But another question may arise. Has Congress, by any law, either intended or pretended to transfer this power? It may be said, and no doubt the President supposed and believed, that this power was delegated by Congress to him. I have endeavored to bring my mind, if possible, to agree with this opinion, for I did wish, in the present condition of this republic, to aid rather than oppose the government in raising money to enable it to crush anarchy and restore peace, security, and order. But I am compelled to a different conclusion by reasons which appear to me unanswerable.

First. The law whence this power is said to be derived does not give the power when

its language is properly construed, whatever may have been the unexpressed intentions of those who enacted it. The law in question was enacted on the 4th day of June, 1861. It reads in these words: "The government is empowered to raise funds in whatever way it may deem proper for the purpose of destroying the reaction."

The wisest judges, when acting upon subjects like this, have adopted a canon of construction which requires that if you can give effect to a law, under a constitution, you shall (if its words will admit of it) so construe it as not to make it violate the constitution. The law in question authorizes and requires the President to raise money in any way he *may* or *can*, to crush the reactionaries. Can the President raise money, by virtue of his executive power, in other ways than by taxation? Undoubtedly he can. By the seventy-second article, section 8, in the constitution, he can, as President, raise money by loans. Said section declares that Congress has the power "of giving the basis upon which the executive may procure *loans* on the faith of the national credit and of approving said loans, and of recognizing and ordering the payment of the national debt."

In conformity to the rule above stated we must presume that Congress did intend to authorize the President to loan money; for this they might do, and yet not violate the Constitution; and that they did not intend, and have not given the power to tax; for this they could not do, as the Constitution expressly forbids it. The law must be so construed as to make Congress intend to give the President only such power as by the Constitution they could give. The power to loan money they could give. The power to tax they could not give. The words "to raise money in any way he may or can," only mean in any way he, as President, constitutionally can.

Second. But if we admit (which I do not) that the words of the law do give, in express terms, the power to tax, then I reply that such a law is totally void, as it is clear that Congress has no power to give such authority. The Constitution gives the taxing power to Congress. It therefore denies such power to the executive. It is expressly declared that the powers of no two of the three departments, that is, the executive, legislative, and judicial shall ever be united in any one. If the President is allowed to exert the taxing power, that being by the Constitution a power given to the legislative only, then it follows that legislative and executive powers are united in one, which, as we have seen, is expressly forbidden by the Constitution, in plain terms. The imposition of this tax is, in my judgment, a void and nugatory act, and therefore no person, either Mexican citizen or foreigner, is bound *by law* to pay it.

I may here add that, in my opinion, every American citizen resident in Mexico, is bound to pay every tax which any Mexican citizen is bound to pay.

The law of nations permits every independent government to legislate touching the property of foreigners as well as citizens within its territorial limits. One of the most accurate and learned treatises, in modern times, on national law, has thus defined this power: "Every independent State is entitled to the exclusive power of legislation in respect to the personal rights and civil state and condition of its citizens, and in respect to all real and personal property situated within its territory, whether belonging to citizens or aliens." (See Wheaton's International Law, page 112, part 2, chapter 2, section 1.)

The legislative power here given over the property of foreigners has always been considered as including the power to tax the property of foreigners. It has been the constant practice of the United States Government, as well as the governments of the separate States, to tax the property of foreigners just as they tax the property of citizens. This power may, however, be limited by treaty. The only treaty stipulation on this subject between the United States and Mexico is to be found in the ninth article of the treaty of 1831, which is now in full force, that treaty having been revived by the treaty of 1848. That article reads as follows: "The citizens of both countries, respectively, shall be exempt from compulsive service in the army or navy; nor shall they be subjected to any other charges, or contributions, or taxes than such as are paid by the citizens of the States in which they reside."

This treaty, in my judgment, obliges citizens of Mexico, resident in the United States, to pay in the United States "all charges, or contributions, or taxes" which are paid there by the citizens of the United States, and as clearly binds all citizens of the United States, resident in Mexico, to pay all "charges or contributions, or taxes" which are paid here by the citizens of Mexico. If, therefore, a Mexican citizen is bound by law to pay this tax, then by the treaty of 1831, the American citizen, resident here, is bound to pay it also.

The treaty makes no distinction between ordinary and extraordinary taxes—between local or general taxes. I have no doubt that at this moment taxes that may well be termed "extraordinary" are levied, both by the Federal and State governments, in the United States, which operate alike upon the property of the citizens of the United States and Mexicans resident there. But it is not now necessary to consider this point, as according to the foregoing reasoning neither Mexican citizens nor foreigners can be *lawfully* required to pay this tax.

I wish here to add, that it is with great reluctance that I am compelled to differ with

the Mexican authorities in a point of so much delicacy and importance. I have no doubt but the government has been actuated by the most patriotic motives. Still, I cannot but hope, that in a moment free from the violent excitements which prevail here, and under the influence of which this act has been done, its unbiased judgment will be brought to concur in the general reasons on which I have founded the opinion here expressed.

I am gentlemen, your obedient servant,

THOMAS CORWIN.

Messrs. BENNETT, LARA, and OTHERS.

Extract from the Constitution of Mexico.

(For translation in full of the Mexican Constitution of 1857, see H. Ex. Doc. 100, 37th Cong., 2d sess., p. 140.)

SECTION THIRD—OF STRANGERS.

ARTICLE 33. Those are strangers who do not possess the qualifications determined in article 30. They are entitled to the guarantees established by section first, title first, of the present constitution except that in all cases the government has the right to expel those who are pernicious to society.

It is obligatory upon them to contribute towards public expenses in the manner that may be prescribed by the laws and to obey and respect the institutions, laws, and authorities of the country, submitting to the judgments and sentences of the tribunals, without power to seek other protection than that which the laws concede to Mexican citizens.

Extract from English official correspondence.

Mr. Mathew to Lord J. Russell,

(H. Ex. Doc. 100, 37th Cong., 2d sess., p. 240.)

MEXICO, April 5, 1861.

MY LORD: In a recent and prolonged conversation with Señor Zarco, minister for foreign affairs, relative to British claims, that gentleman earnestly assured me of the desire entertained by his government to meet my just demands on behalf of her majesty's subjects in every manner that the deplorable financial condition of Mexico would admit; and further expressed the readiness of the Mexican Government to do whatever your lordship might deem proper for preventing a recurrence of the exactions lately suffered by British subjects from misinterpretation or deficiencies in the international treaty, from which many of the existing reclamations have arisen.

I thought it, therefore, desirable to address him a brief note on these subjects, in order to be enabled to submit to your lordship some definite proposals and views.

The unsettled condition and future prospects of Mexico, and the experience for the last three years, render it, I feel convinced, of obvious importance that all articles of disputed interpretation in the treaty should be clearly defined, and that such additions should be made to it as your lordship may think conducive to the security of her majesty's subjects, and to the advantage of British interests.

I have much pleasure in being able to lay before your lordship, by the inclosed translation of Señor Zarco's reply, the official declaration of the desire of the Mexican Government to meet these objects.

This government, as your lordship will observe, propose to refer all British reclamations, not yet recognized by it, to the examination and final decision of a mixed commission, and to assign for the gradual discharge of all English claims thus or previously admitted a stated portion of their revenues.

Señor Zarco proceeds to state the willingness of his government to define or extend, as your lordship may think best, in the usual manner, the privileges to be mutually enjoyed by British and Mexican subjects respectively, and makes, in the name of the Mexican Government, the declaration that they stipulate from the present moment for the extension of the right of exemption from forced loans in the ninth article, to exemption from extraordinary contributions, from which her majesty's subjects have so severely suffered.

I have, &c.,

GEORGE B. MATHEW,

[Inclosure.]

*Señor Zarco to Mr. Mathew.*NATIONAL PALACE, *Mexico*, March 27, 1861.

The undersigned has the honor of acknowledging the receipt of the note which Mr. Mathew was pleased to address him, under date of the 22d instant, in which, referring to a recent conversation he had with the undersigned respecting British claims, he expresses a desire to know what are the intentions of the Mexican Government as to their liquidation and settlement. * * *

As Mr. Mathew, in the note to which the undersigned has the honor of replying, has been pleased to suggest the propriety of laying down the clear meaning of some of the articles of the existing treaty of friendship between Great Britain and Mexico, the infraction of which has caused many of the reclamations, the government of the undersigned perceives no sort of inconvenience in making with that of Great Britain such declarations as may seem best suited to prevent for the future all species of doubt or questions of interpretation, so that the natives of each country may enjoy, when resident in the other, clear and defined rights.

Although, in order to arrive at this result, it may be needful to open negotiations, and to give the proper instructions to plenipotentiaries, the government of the undersigned declare that from the present moment they agree with respect to the stipulations in the tenth article of the treaty of December 26, 1826, to extend the exemption from forced loans to extraordinary contributions, limiting their obligation of paying to such contributions as may be legally established in accordance with the constitution of the republic, and to those which the States may impose in conformity with their particular laws and their municipal regulations. * * *

The undersigned, &c.,

FRANCISCO ZARCO.

Mr. Seward to Mr. Romero, Mexican minister in the United States.

(H. Ex. Doc. 73, 39th Cong., 1st sess., p. 107.)

DEPARTMENT OF STATE,
Washington, January 18, 1865.

SIR: I have the honor to inclose to you a copy of a dispatch, No. 7, of December 30 ultimo, received from Mr. Gilbert M. Cole, the commercial agent of the United States at Acapulco, from which you will perceive that Governor Diego Alvarez, of the State of Guerrero, who has reoccupied that port since its recent evacuation by the French forces, has exacted and collected over again from citizens of the United States, residing and doing business at the port of Acapulco, the impost duties and other taxes which had been previously paid by them to the French authorities while that port was in the possession of the forces of the latter.

In the present anomalous condition of affairs in Mexico, the great distance at which the government of President Juarez is established, precluding almost the possibility of rapid and sure communication, I have the honor to call your attention directly to this matter, with a view that measures may be adopted by you, as its representative, to prevent in future the enforcement of such arbitrary proceedings towards the citizens of the United States within the jurisdiction of Governor Alvarez, and also that you may instruct him to refund the amounts already collected to the parties who have been compelled to pay them.

The United States has hitherto resisted the imposition of such duties upon its citizens in cases of a similar nature growing out of the frequent changes of occupation by contending parties in revolutionary times in the American states, and it still adheres to the principle that such duties cannot lawfully be collected except when the ports are in the actual possession of the parties demanding them, and that in no case can these duties and taxes be twice levied upon the same articles and for the same purposes from its citizens.

I avail myself of this occasion to renew to you, sir, the assurances of my very distinguished consideration.

WILLIAM H. SEWARD.

Señor MATIAS ROMERO, &c., Washington, D. C.

[Inclosure.]

UNITED STATES CONSULATE AT ACAPULCO,
December 30, 1864.

SIR: I beg leave to briefly state to your honor a matter that involves the interests of American citizens at this consulate.

About seven months since the Mexican authorities here issued an order against any persons paying any taxes or impost duties to any other parties but themselves, and then with their forces abandoned the possession of Acapulco to the French, whose men-of-war were then bombarding the town. The French then took possession of and occupied the town for a little more than six months, during which time they exercised all the functions of authority over the place, and collected impost duties at the custom-house, &c., and on the 12th instant they evacuated the place and went further up the coast with their fleet.

One or two days thereafter Don Diego Alvarez, governor of this State of Guerrero, came in with his forces and re-established his government over the place, *exclusively a State government, as he claims*, and as such government demanded and collected of American citizens, as well as from all others, the custom-house duties over again, on the same articles for which they had paid duties to the French when they were in full authority here.

One American citizen here, John A. Sutter, jr., had paid on this second requisition \$1,087, and others smaller amounts, several of which amount to a few hundreds. I cannot send a communication to the city of Mexico unless I hire a man to carry it, at an expense of fifty to seventy-five dollars.

The United States sloop-of-war Saranac, Commodore Poor, has been here for a month or more, and the commodore joins me in soliciting advice about this matter.

Very respectfully, your obedient servant,

GILBERT M. COLE,
United States Commercial Agent, Acapulco.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Campbell.

(Foreign Relations, 1866, part 3, p. 2.)

DEPARTMENT OF STATE,
Washington, October 2, 1866.

SIR: I transmit for your information a communication received at this department from Monterey, Mexico, signed by Mr. Joseph Ulrich, lately appointed consul of the United States to that city, in which is contained a petition of several citizens of the United States, merchants of Monterey, setting forth that the Liberal authorities of Monterey had lately subjected them and other American citizens to forced loans, against which they ask the protection of this government. Mr. Ulrich also states that several citizens of the United States are held to service in the Mexican army against their inclination, whose respective terms of service have expired.

These causes will necessitate your early presence at your post; and you are therefore instructed to proceed to Mexico at as early an hour as convenient, where you will at once lend your attention to the proper investigation of the complaints contained in the inclosed documents.

I am, &c.,

WILLIAM H. SEWARD.

Mr. Ulrich to Mr. Seward.

MONTEREY, MEXICO, August 28, 1866.

SIR: Inclosed is a statement of grievances from a portion of the citizens of the United States resident here. The reason for its not being more generally signed is, that some declined putting their names to it for fear of being compromised with the authorities; others were not asked to sign it, as it was feared by those who did, they would not be prudent enough to keep the matter to themselves, and yet all suffer in common with the signers to the document, and all wish redress. This letter is written to explain the lack of more signatures, and, also, to show you how precarious our condition is when so much precaution is necessary in securing our rights, and that you may see how necessary it is for our interest that no publicity should be given to the document.

I would here urge on the department the necessity of having a consul here commissioned. As matters stand I cannot act, and there are now several cases requiring the attention of the government. Eight Americans—three white and five colored men—are held to service in the army; their time is expired, as they say, and they are held contrary to all law and justice; and in the absence of my commission as consul I am, of course, unable to aid them.

Hoping these matters will receive your attention, I am, yours, respectfully,
JOSEPH ULRICH.

Petition of American citizens.

SIR: We, the undersigned, citizens of the United States, residents and doing business in the city of Monterey, Mexico, take this means of calling the attention of our government to our situation as regards "forced loans" (*prestamos*) now being levied on us by the Liberal authorities, for the purpose of raising money for their officials and soldiers, contrary to the stipulations of the treaty between the two countries, without any regular system of taxation, and merely subject, as to amount and frequency, to the will of the chief who may temporarily be in power. That these "*prestamos*" are, in almost every case, levied upon merchants alone, and thus fall inevitably on American residents, they mostly being in commercial business.

That Americans, in common with all foreigners, suffer severely, as in every case distinctions are made between the amounts required from the native or foreign merchant in the favor of the former.

We would also represent that on a recent occasion, since the departure of the French from Matamoros, a loan was ordered from the commerce of that city, which afterward was made exceptional as to Americans, owing to the pressure brought to bear from the American side of the Rio Grande, which furnishes conclusive evidence that where these people can be operated on by a direct application of the power of our government, they will respect our rights and their treaty obligations.

In view of this, and the fact of our distance from any body of the United States forces, we respectfully ask that some steps be taken by our government to save us from utter ruin in the shape of a constant drain of our means, especially now, when we have every reason to look for constant changes among the leaders here, each one of whom, as usual, on entering upon his career, considers the mercantile portion of the community as the only proper subjects for his exactions. During the French occupancy, under a despotic tyranny which regarded the rights of no one, unrecognized as it was by our government, we had nothing to hope for, and submitted; but now, with the advent of the Liberals, we are led to think that we can have at least the protection of our own government, having nothing to hope from any consideration these people will have for their treaty obligations, or gratitude for services, or sympathy received from the United States, unless forced to do so, as in the instance recited above.

So, we ask you to demand for us rights refused us as individuals; to do this not by correspondence merely, as that will be of no avail, but by sending a special agent, a man of character and firmness, who can settle the matter at once and forever, and thus furnish a precedent here in Monterey which may be followed over the whole republic. The party sent must come with full powers to enforce his wishes, as otherwise his visit will be useless. These people will not listen to consuls or agents resident here, as they are well aware how little attention is paid to reports from such officials; but a special agent on the subject of *prestamos* (and all the better if his name is identified with our Army) will command their attention. We ask this as we know it to be the only means of redressing these constant outrages, and we hope our government will think the matter of sufficient importance to receive attention, involving as it does the ruin of American citizens who are compelled by their business position to remain in this country, where their property is thus insecure, merely from the neglect on the part of their government heretofore to protect them. The absolute necessity of this protection will be evident when we inform you that the penalty attached to a refusal to pay promptly those *prestamos* is confiscation of property, imprisonment, or banishment from the country. We have, therefore, no alternative, in the absence of a thorough understanding between the two governments in relation to the matter, but to yield to their exactions or to subject ourselves to the penalties above named.

D. D. BRAMARD.
CHARLES RUSSELL.
R. DRESSER.
JOSEPH ULRICH.
JAMES N. LANGSTROTH.
M. W. STARR, JR.

HON. WILLIAM H. SEWARD,
Secretary of State of the United States.

Mr. Plumb to Mr. Seward.

(Foreign Relations, 1867, part 2, p. 378.)

NEW ORLEANS, *March 18, 1867.*

SIR: During my stay here I have occupied some of my leisure in reading a work which has accidentally fallen into my hands, containing the official publication by the Mexican Government of the correspondence connected with the rupture between France and Mexico that occurred in 1838-'39, and which was followed by the attack by the Prince de Joinville on Vera Cruz.

I find one of the prominent points of complaint then urged by France was that of "forced loans," which formed the second principal point in the ultimatum then presented. In the recent demands of France and of the allied powers on Mexico, that point has not formed a subject of special correspondence or mention, nor do I know what has been the treatment of the subject by our own legations previous to 1861, but since that period all that has transpired relating to it is what I referred to in my official note to the department of the 8th instant. I have, therefore, thought that as the topic is one of some interest, and may have to form the subject of future and perhaps early correspondence, the views of the French Government as presented at the period I have referred to, and the stand taken by the Mexican Government at that time, might not be altogether without interest as a matter of reference.

I have consequently made a translation of such portions of the correspondence as most clearly show the character and interpretation given to what are termed "forced loans," and the views of the respective governments upon the subject. The views then taken are equally pertinent to the discussion of the subject at the present time, and the concession of the whole question offered to be made by the Mexican Government may be important.

To this latter point I would beg respectfully to call attention.

I am, &c.,

E. L. PLUMB.

FORCED LOANS IN MEXICO.—FRENCH VIEW.

Baron Deffandis to the Minister of Foreign Affairs.

LEGATION OF FRANCE IN MEXICO,
Mexico, June 27, 1836.

The undersigned, minister plenipotentiary of France, has read in the public papers, first, a decree of the general congress of the 17th of this month, which authorizes the government to impose, for the purpose of covering the deficit existing in the public revenues, a forced loan of \$2,000,000, which is to be apportioned upon all the extent of the republic, and in such a manner that the maximum of each contribution shall not exceed \$1,000. Second, an order of the supreme government, by which the contributions which are to be exacted are divided into four classes, the first of \$1,000, the second of \$500, the third of \$250, and the fourth of \$100. Finally, a list addressed to the minister of treasury which contains the names of 200 firms or individuals established in Mexico, upon whom is imposed the maximum of \$1,000.

The undersigned reserves to himself to present at a later moment to the Mexican Government general observations against forced loans, which, among all means of procuring money, are the most contrary to the principles of political economy, as well as of equity, and which rather appear contributions imposed in time of war and with the idea of penalty, by a victorious army upon its enemies, than imposts exacted in time of peace and for the purpose of the public utility by a regular government from its citizens. But the undersigned believes it to be his duty to abstain at present from such discussions.

On the one hand he has been a witness for a short time past to the efforts which the administration has made with congress to obtain the establishment of a system of finance more in harmony with the present state of civilization and of science, as well as with certain recent portions of the legislation of Mexico, and he therefore hopes the system of forced loans approaches its termination. On the other hand, he cannot deny that the present extraordinary circumstances in which the republic is placed demand prompt and extraordinary measures, and this last consideration is sufficient to lead him to maintain silence.

The sentiments of friendship which unite France and Mexico, also, do not permit the undersigned to discuss too readily with the supreme government the measures of public policy to which it may be obliged to resort. He will not, therefore, present any objection against the principle of the present forced loan; he only believes it his imperative duty to address to Señor Monasterio his representations with reference to

the apportionment which has been made of the loan by the list addressed to the minister of the treasury.

The undersigned would have desired to await the subsequent lists, in order to judge and discuss with more precision the sum total and the general apportionment of the part that has to be collected in Mexico. But he finds himself obliged to hasten his reclamations by reason of the short term of eight days conceded for the payments; and being obliged to believe, at the same time, that the future lists will be conceived in the same spirit as the one already published, he will proceed to argue upon that natural hypothesis.

Of \$200,000, the total of the sums the collection of which is ordered, by the ministerial list, in Mexico, more than \$40,000 are to be paid by foreigners; that is to say, these are called upon to pay more than the fifth part of the impost. If, then, as is unquestionable, the apportionment of an impost, whatever it may be, cannot have more than two equitable bases, to wit, the number and the fortune of the contributors, it is easy to prove, by the most simple calculation, established upon these two bases, that the foreigners, and consequently the French, are enormously overcharged.

1. The undersigned will not pretend to make a comparison between the number of the foreign population and the total population of Mexico. This comparison would not be logical, because the greater part of the indigenous population are in a condition that renders it absolutely impossible that they should pay even the least part of the impost, and consequently they cannot enter into any calculation. But limiting himself, as is just, to establishing a comparison between the number of the foreign population and of all that portion of the national population that are in condition to bear their part of the taxes, it is evident that the foreign population, far from contributing toward the present forced loan in the proportion of one-fifth, should pay scarcely the twentieth.

2. If, further, the question is examined under the aspect of the comparative riches of the two classes of contributors, natives and foreigners, the conclusion deduced will be even more unfavorable to the ministerial apportionment. In fact, the religious corporations of the capital alone, who do not contribute more than the sum of \$11,000, are immensely richer in capital and even in income than all the foreign population united, who are called upon to pay more than \$40,000. It is sufficient, to ascertain this, to cast a glance over the statistics attached to the report presented to congress by the minister of ecclesiastical affairs in 1833.

Adding then to these riches of the religious corporations the very considerable and well-known wealth of the Mexican citizens who appear in the ministerial list, and adding further, as is necessary, the property of all other persons who are in a condition to bear a part of the impost, it is impossible not to arrive at least at this conclusion, that the foreign population, in place of paying a fifth part of the loan, ought to pay scarcely a fiftieth part.

The projected apportionment of this loan is, therefore, in so far as relates to foreigners, and, consequently, in so far as relates to the French, beyond all the limits indicated by the two sole bases upon which an apportionment of this character can be equitably adjusted.

It also appears a consequence entirely contrary to justice to establish a maximum of \$1,000, and still more a minimum of \$100, which have been assigned, respectively, as the limits of the individual quotas.

In fact a maximum of \$1,000 cannot be equitable, except in so far as it applies exclusively to persons for whom it is an insignificant charge, and perhaps only deprives them of a small part of their superfluous income. If, on the contrary, there is a necessity to apply it to persons for whom it is a very heavy burden, and whom it deprives not only of an essential part of their income, but sometimes of a portion more or less considerable of their capital, it is evident that this maximum has been fixed upon false calculations, and that, theoretically conceived in a spirit of moderation, it is practically supremely oppressive.

With reference to the minimum of \$100, in no case can it appear equitable. If it should be applied to the generality of contributors, it would produce infinitely more than the loan decreed, and would be totally ruinous for a multitude of persons. If, on the contrary, as is probable, it is not applied except to a small number of individuals, it will result that the greater part of the population that are in a condition to pay some part of the impost will pay nothing. Why this unjust privilege? Such persons as cannot contribute with \$100, might, perhaps, with \$30, \$60, \$40, \$20, \$10, or \$5.

These small quotas would be so much the more proper to re-establish justice in the apportionment of the impost by the diminution of the higher quotas, *as it is always the small contributions that yield the greatest sums*; as is proved by the history of finance in all countries.

Under grave circumstances, such as those in which the republic is now placed, an apportionment of imposts which should exact only from every person interested in the security and tranquillity of the country such sacrifices as are in proportion to the means of each would be a measure so necessary and just that no one would have a right to

complain. In this manner, in his own country, which has had its periods of misfortune, the undersigned has seen all the inhabitants who had the means to do it hasten to the succor of the state, from the king, who gave his millions, to the laborer, who gave five francs. But an apportionment of contributions which scarcely touches large fortunes, and does not reach in any manner the poorer, but which annihilates the middle class, or those whom it is pretended are such, cannot but give rise to unusual and well-founded reclamations. Thus the undersigned has received the most earnest complaints from his compatriots with reference to the apportionment of the present forced loan, and he can do no less than to listen to these complaints and become their organ. Besides, with all confidence, the undersigned submits the preceding considerations to the intelligence of the supreme administration, and expects from its justice an apportionment of contributions founded upon bases entirely different, at least so far as relates to the subjects of His Majesty, and he especially solicits Señor Monasterio to co-operate with all his influence toward this just end.

The undersigned renews, &c.,

BARON DEFFANDIS.

Señor A. MONASTERIO,

Charged with the Department of Foreign Relations.

LEGATION OF FRANCE IN MEXICO,
Mexico, April 11, 1837.

The last forced loan of two millions imposed in Mexico has called the most serious attention of the Government of France to the general question with reference to this class of imposts.

Perhaps there is no country in the world where the government has not been obliged to resort, besides the ordinary and permanent contributions, to those of an extraordinary and temporary character; and it is, without doubt, by reason of this example that the different administrations which have succeeded in Mexico since the independence have come to establish, besides the fixed imposts, their forced loans. On the other hand, foreigners have submitted to these loans by virtue of the general principle according to which strangers established in whatever country should, outside of certain known exceptions, bear the same charges as the native citizens.

But such measures and such doctrines, which are perfectly just under certain circumstances, may be entirely inadmissible under different circumstances.

First. In all nations regularly administered extraordinary and temporary contributions are never exacted, except in special cases of extreme necessity, and excessively rare.

Thus it is that no contribution of this class has been collected in France since the year 1816; that is to say, for twenty-one years.

In Mexico, on the contrary, forced loans appear to be the favorite combination of the ministers of finance. In the month of December, 1835 (in order not to cite acts entirely recent), the first forced loan was decreed; in the month of June, 1836, it was followed by the second; and finally, in the month of December of the same year, 1836, a ministerial proposal (which fortunately did not receive the legislative sanction) sought to establish, in fact, the third loan, under the appearance of an augmentation of the quotas of the second.

In this manner the extraordinary imposts, which in other nations only create a momentary embarrassment to the contributors, are here a constant and continuous source of ruin.

Extraordinary contributions, whether they rest upon all the territory and upon all the population capable of sustaining the charge, or whether it appears more just to exact them only in certain localities and from certain particular classes of society, are apportioned, in all countries, in so far as possible, according to the legal, proportionable, and consequently equitable bases which are adopted for ordinary imposts.

This, for example, is what occurred in France with reference to the extraordinary contribution, already mentioned, of 1816, placed upon the city of Paris.

In Mexico, on the contrary, the apportionment of the forced loan is made by estimates purely administrative, without fixed basis, and necessarily accompanied by a multitude of instances of injustice, and this injustice in apportionment is another source of ruin to the persons from whom they are exacted.

Third, and finally, foreigners, besides being subjected here in the exaction of forced loans to the general grave inconveniences just mentioned, have a special reason for complaint.

In place of paying in Mexico, as in other places, such part of the forced loans as is in proportion to their fortunes compared with those of the citizens of the country, they have constantly to support the heaviest part of these imposts. This result, so little in conformity with natural equity and the principles of public right from which it is

derived, arises from the fact that on the one hand there are found only a small number of native citizens comprehended in the apportionment of the loans, while very few foreigners are omitted from it; and, on the other hand, that the greater part of the native citizens comprehended in it are not made to pay, while all foreigners found in the same case are prosecuted with the greatest rigor.

These facts are of public notoriety. The proofs are within the knowledge of all, and one of the most notable instances has lately occurred in the failure to comply with the legal disposition which requires the publication of the lists of the persons who have paid their quotas in the forced loan of 2,000,000.

According to the special instructions which have been received by the legation of France, the considerations which precede have appeared to the government of His Majesty more than sufficient to take the resolution of which the undersigned has been charged to inform the Mexican administration, which is, not to tolerate the application to French subjects of any forced loans, under whatever denomination that may be established.

But the government of the King has observed that it can, besides, found its determination in this sense upon article 9 of the declaration of 1827, and it has blamed the undersigned for not having appealed to this article when the loan of 2,000,000 was first levied.

With reference to this loan in particular, the government of His Majesty, from sentiments of loyalty which, perhaps, will be found worthy of note, has not withdrawn from the concessions of principle which its representative here, without instructions and even against those he had, has taken upon himself to make.

It would not, therefore, have asked that the French subjects should be indemnified for the quotas that they have paid under the loan of 2,000,000 if the loan had been established upon a common agreement, and according to the legal, proportional, and equitable apportionment proposed by the undersigned. But the legation of the King is ordered to demand, in the most positive manner, the restoration of the sums of which his subjects have been thus violently deprived.

The undersigned requests Señor Monasterio to have the goodness to communicate to him the definitive determinations of the supreme government upon the two questions, the one general and the other special, treated of in this note, and has the honor to renew, &c., &c.

BARON DEFFANDIS.

Señor A. MONASTERIO,

Charged with the Department of Foreign Relations.

Second point of the complaint of France in the final ultimatum presented by the French plenipotentiary from the anchorage at Sacrificios, March 21, 1838.

"II. The collection, by means of violence, of forced loans, contrary in their nature as well to public law as to the existing treaties, and not less opposed to the principles of equity by reason of the unjust partiality of their apportionment."

Demanded by France as a treaty stipulation, article 4, clause 2.

"Not to impose in any case in the future, upon the subjects of His Majesty, either contributions of war of any class, or imposts similar or analogous to those known under the denomination of 'forced loans,' whatever may be their purpose or object."

Final project of a convention presented by the French plenipotentiary in the conferences at Jalapa, November 20, 1838, just before the outbreak of hostilities.

ARTICLE 1. Until a treaty of amity, commerce, and navigation, based upon the common interests of the two countries, shall establish in a definite and invariable manner the relations between France and Mexico, these relations shall be provisionally governed by the act known by the name of the declarations of 1827 (although not yet ratified), principally to what relates to articles 7, 9, and 11 of said declaration.

Article 9 of said declaration is as follows:

"In all that relates to the police of the ports, the loading and discharging of vessels, security of merchandise, property, and effects, the inhabitants of the two countries shall be respectively subject to the laws and statutes of the territory where they reside. They shall be equally exempt from all forced military service of sea and land, and there shall not be imposed especially upon them any forced loans. Their property, also, shall not be subject to other charges, requisitions, or imposts than those paid by native citizens."

MEXICAN VIEW.

Exposition published after the war had commenced, by the minister of foreign affairs, Don Louis G. Caceras, upon the differences with France, being a résumé of the course pursued in the negotiations and the stand taken by the Mexican Government. Mexico, January 10, 1839.

[Extract.]

With reference to forced loans, France should have proceeded with frankness and learned the real sentiments entertained by the government with reference to this species of taxation.

Forced loans, as all know, have been imposed in circumstances of difficulty and of extraordinary want of resources for the nation.

Whenever this measure has been taken, it has given rise to heated discussions and has been looked upon with repugnance by both foreigners and natives.

The government, notwithstanding, compelled by necessity, has not been able to do less than to adopt means as well known to be undesirable as regretted by all.

The existing treaties do not prohibit forced loans where they are general, and though the foreign text of some appears to prohibit them generally, the Spanish proves in the most irrefragable manner that the prohibition only extends to special forced loans, and not to those which comprehend all classes.

It cannot be doubted, also, that the government should consult the Spanish text, nor should it be restrained in any manner by the stipulation relative to the declarations of 1827, for besides the fact that the Spanish of these has the same signification as that of the treaties, it is very obvious that, as the said declarations have not been ratified, they are of no force or value.

Notwithstanding this, the good intention of the government, its equity, and the desire with which it was animated to make known to that of France that in the adjustment of the existing differences it would never abandon the principles that it believed most in conformity with the universal practice of civilized countries, required that in this point it should manifest a disposition favorable to satisfy the demand relative to France.

Forced loans, in fact, indicate by their very name an arbitrary act and an attack upon property: the violence by which they may be exacted, and the difficulty of an equitable and proportionate application, have rendered inevitable measures as alarming as disagreeable for Mexicans and foreigners. They have been viewed, also, in a very unfavorable manner by other governments of friendly nations, and, indeed, have appeared little in conformity with the principles of order and civilization of all representative countries. In view, therefore, of these observations, as well founded as politic, this point ought to be ceded, but in such a manner as shall not be understood to be a special concession to the Government of France, but, taken as a general resolution not to impose forced loans in the future, the reclamation with respect to the French will at the same time be satisfied.

This declaration would not in any way impair the legality of these loans in the past, nor give rise to reclamations from other powers, because, although on the part of Mexico it should be agreed not to impose them in the future, no responsibility would be assumed for the past, with respect to which the reasons on which the declarations would be founded would be solely that of public convenience and policy, and not of rigorous right nor of strict justice. The present administration can proceed upon this point with all the more liberty from the explanations that have already been made in congress by the organ of the ministry regarding the inconveniences of forced loans, and the desirableness that they should not hereafter be decreed by the legislative body. Thus, notwithstanding the extraordinary scarcity in the treasury in consequence of the blockade of the ports of the republic, there has not been initiated during my administration any such measure, and there have been only proposed such as were in conformity with the indisputable right of the nation, to provide sufficiently for the public expenditures.

The article of the convention of Jalapa relative to this subject avoided all difficulties, was in conformity with all that could be desired in the adjustment by the governments of friendly nations and by the Mexicans themselves, and has manifested equally that on the part of Mexico all would be ceded that it was possible to yield, and the convenience of facilitating the desired adjustment was recognized.

Final proposition of convention submitted by the Mexican plenipotentiary at Jalapa, November 26, 1838.

ARTICLE 6. The Mexican Government being agreed that forced loans shall not be imposed either upon natives or upon foreigners, the demand of the Government of France in this point with respect to French citizens is, consequently, satisfied.

Spanish text.

ARTICULO 6. Estando conforme el gobierno Mexicano en que no se impongan préstamos forzosos ni à nacionales ni à extranjeros queda en consecuencia satisfecha, en este punto la demanda del gobierno de Francia respecto à los ciudadanos Franceses.

Memorandum.

(Foreign Relations, 1867, part 2, p. 544.)

WASHINGTON, March 28, 1867.

Mr. Romero said that he read with attention the memorandum of the examiner of claims of the department, handed to him by Mr. Seward; that Mr. Romero thinks it very reasonable, so far as it admits that a government has the right to impress the money of the residents, when in extreme need of it, just as it can impress horses, ships, &c., this right being one of eminent domain; that Mr. Romero has no instructions from his government to begin or enter into negotiations with the Government of the United States for the purpose contemplated in said memorandum; but that he will submit that paper to the Mexican Government, and will ask for instructions on the subject, and that, in the meanwhile, the negotiation may be considered as commenced.

FORCED LOANS IN MEXICO.

BUREAU OF CLAIMS, March 27, 1867.

Our treaties with Mexico do not contain any direct stipulation against the levying of forced loans from American citizens. The third article, however, of the treaty of 1831 (8 Stat., 410) provides that "they shall not pay higher or other duties, imposts, or fees whatsoever than those which the most favored nations are or may be obliged to pay; and shall enjoy all the rights, privileges, and exemptions, with respect to navigation and commerce, which the citizens of the most favored nations do or may enjoy." A forced loan is not strictly included within the terms "duties, imposts, or fees;" and if immunity should be claimed under the clause securing such "privileges and exemptions" as the citizens of the most favored nations enjoy, it might be alleged, with some plausibility, that "privileges and exemptions, with respect to navigation and commerce," do not necessarily include exemptions in respect to taxation, or to loans enforced as a necessity, arising from inability to procure funds by taxation. I think, however, this is no more than plausible. A loan, properly speaking, is a commercial transaction. It does not, as it seems to me, lie in the mouth of the Mexican Government to allege that it is taken out of that category because it is enforced. It is not the less a bargain because one party enters into it against his will, as against those who apply the duress.

If this be so, then our citizens are protected from such impositions, because Mexico guaranteed to British subjects, by the 10th article of her treaty with Great Britain of December 26, 1826 (3 Hertslet, 252), that "no forced loans shall be levied upon them."

It seems to me, however, not wise, if it can be avoided, to allow the right of our citizens to immunity from such a contribution to rest upon argument. To my mind the capacity of a nation, in case of extreme necessity (and of this, in the nature of things, it must be the exclusive judge), to possess itself of any property within its territorial jurisdiction, subject only to an equitable obligation to restore the property or its value, is a clear and invaluable attribute of sovereignty. I cannot doubt that, as a government wanting horses or ships may take the horses or the ships where it finds them, without regard to the objection that it imposes a burden upon the owners from which others are exempt, and is, therefore, unequal; so it has good right to impress the money of those who happen to have coin, without regard to the objection that those whose property consists of ships or horses escape the contribution for the time being. Any limitation upon this ultimate right of eminent domain ought to be expressed in the most unmistakable terms. This is done in the 10th article of our treaty with the Argentine Confederation, concluded July 27, 1853 (10 Stat., 1009), in these terms:

"The citizens of the United States residing in the Argentine Confederation, and the citizens of the Argentine Confederation residing in the United States, shall be exempt from all compulsory military service whatsoever, whether by sea or by land, and from all forced loans, requisitions and military exactions; and they shall not be compelled, under any pretext whatever, to pay any ordinary charges, requisitions or taxes greater than those that are paid by native citizens of the contracting parties respectively."

The British treaty with Honduras of August 27, 1856 (10 Hertslet, 875), contains, in article XV, a provision identical with the preceding, except a transposition which makes the exemption from "all forced loans or *military* exactions or requisitions;" and the insertion of words so as to make the exemption from paying "any ordinary or *extraordinary* charges, requisitions, or taxes, *other* or higher than those that may be paid by native subjects or citizens." This is a little more careful expression of the sense of the Argentine treaty, and may well be adopted as the model for an article to be proposed to Mexico.

E. PESHINE SMITH.

Mr. Seward to Mr. Campbell.

(Foreign Relations, 1867, part 2, p. 388.)

DEPARTMENT OF STATE,
Washington, April 2, 1867.

SIR: I have to inform you that the department has commenced negotiations with the minister of Mexico in this country for a treaty, whereby citizens of the United States residing in Mexico are to be exempted from all forced loans or military exactions or requisitions.

I am, &c.,

WILLIAM H. SEWARD.

Mr. Plumb to Mr. Seward.

(Foreign Relations, 1868, part 2, p. 403.)

LEGATION OF THE UNITED STATES,
City of Mexico, January 24, 1868.

SIR: On the 13th instant the telegraphic announcement, of which a translation is inclosed herewith, was published in the papers of this city that a large number of the leading and most respectable merchants, chiefly foreigners, of San Luis Potosi had been arrested, under an order condemning them to imprisonment for three months for their failure to pay a forced loan, or anticipation of contributions, summarily levied upon them by the governor of that State.

The event created great alarm and anxiety in foreign commercial circles here, and was apparently viewed with regret by many leading Mexicans.

After the pledges made with regard to foreigners, both by the executive and by the Mexican congress, I did not doubt that immediate action in the matter would be taken by the general government.

In this I have been disappointed.

On the 20th and 21st instants letters stating the facts reached here from San Luis and were placed in my hands, and I was appealed to to make some interposition in behalf of the foreigners so thrown into imprisonment.

As the only foreign representative in this country, I felt that I should be wanting in my duty if I permitted such an occurrence to pass without some notice at my hands.

At the same time, under the tenor of the correspondence that has taken place with this government regarding the protection to be extended by the United States to foreigners in a condition of non-representation in this country and your latest instructions in that regard, I did not feel at liberty to address this government officially upon the subject, nor to assume to make any demand, but I thought it to be my duty at least to lay before it the information that had reached me, to recall to their attention their own pledges and their own laws, and to show that such acts could not pass without notice, but that they would be officially laid before the judgment of the world.

I therefore addressed to Mr. Lerdo de Tejada, on the 22d instant, the unofficial note of which a copy is inclosed herewith.

Yesterday, the 23d instant, a further telegraphic communication from San Luis Potosi was published here, of which I annex translation, which shows that the merchants who have been arrested are still in prison.

I have, &c.,

E. L. PLUMB.

[From the paper published in the city of Mexico called the Siglo XIX, No. 133, of the afternoon of January 13, 1868.]

[Telegram.—Translation.]

SAN LUIS POTOSI,
January 13, 1868—10 o'clock and 15 minutes a. m.

EDITORS OF THE SIGLO XIX: The undersigned, representatives of the commercial houses to which we belong, have been reduced to prison for three months, by order of the governor, for not having made a forced advance of contributions.

We beg of you to publish this.

MARTIN DOZAL.
LUIS BESCAS.
ANASTASIO ROMANO.
JOHN PITMAN.
P. NARESO.
ANTERO LASEOZ.
M. DE ENDAZA.
J. ANTONIO RAMOS.
E. CLAVERIE.
E. VARONA.

Mr. Plumb to Señor Lerdo de Tejada.

[Unofficial.]

MEXICO, January 22, 1868.

DEAR SIR: I feel it my duty, as the only foreign representative in this country, and in the spirit of the correspondence that has taken place between the Government of the United States and the Government of Mexico upon the subject of the extension of the protection of the United States to foreigners resident in this country who are in a condition of non-representation, to call your earnest attention to the occurrence that has taken place in San Luis Potosi, where a number of the leading foreign merchants have been imprisoned, in addition to the embargo of their property, because they have declined to pay a contribution summarily levied upon them by the governor of that state.

My attention was called to this matter by the telegraphic accounts of what occurred published in the papers of this city; but I now lay before you copies of two letters, not addressed to me, but which have been placed in my hands, from highly respectable commercial houses at San Luis, whose partners have been imprisoned, and which give a full account of the affair.

By no modern legislation is the person of the individual held for the payment of public taxes. His property is liable to the extent of all he possesses, to meet the equitable and proportional contributions, levied in accordance with law, required by the legitimate necessities of the government under which he lives; but the individual is not held liable to personal imprisonment because he is unable or unwilling to pay the civil demands that may be made upon him. This was the case under Marquez, but it had been supposed that time had passed.

In your note to Mr. Otterbourg, of the 7th of September last, you state that "foreigners resident in Mexico, who have no representative of their government, have been and are under the protection of the Mexican authorities, to whom they can apply with confidence that they have enjoyed, and will continue to enjoy, the guarantees conceded by the laws of the republic."

In your note to me of the 26th of October last you add: "Although such subjects have not a representative of their own, the government will watch with special care to see that they are protected by the Mexican authorities, and that they enjoy the guarantees conceded by the laws of the republic."

In your note on the 11th of December last to Mr. Middleton, the late chargé d'affaires of England in this country, I find it stated that "the government has taken care that English subjects resident in Mexico shall be under the effective protection of the laws," and "the same as until now the government of the republic will comply with the duty imposed upon it by public law and by its own legislation."

In the discourse of the President of the republic at the opening of the sessions of the national Congress on the 8th of December, he said:

"The government has also taken care that the subjects of such nations resident in the republic shall be under the protection of the laws and the authorities. The efficacy of this protection has been such that there has been no ground for complaint. It has been practically demonstrated that under the illustration of our people, and under the principles of our liberal institutions, foreigners resident in Mexico, without the necessity of the special protection of treaties, are considered on an equality with Mexicans, and enjoy the rights and the guarantees established by the laws."

In the manifesto, issued on the 8th instant by the national Congress of the republic, bearing the signature of one hundred and fifteen deputies from twenty-one States, the Territory of Lower California, and the federal district, it is stated as follows:

"Meanwhile it is honorable for our people who have been so atrociously calumniated, that the world is seeing that in Mexico foreigners, in order to enjoy every guarantee, require no other protection than that of the laws and the Mexican authorities."

Whether, therefore, what has now occurred at San Luis is the act of the State authorities or of the federal authorities, the duty has been assumed by the general government of the republic of securing to foreigners the guarantees authorized by the constitution and the laws of the country.

Section 1, article 1, of the constitution of the republic I find is as follows:

"The Mexican people recognize that the rights of man are the basis and the object of social institutions. Wherefore it is declared that all the laws and the authorities of the country must respect and sustain the guarantees established by the present constitution."

Article 14 states that "no retroactive law shall be passed. No one shall be judged or sentenced except under laws of date anterior to the fact, and exactly applicable to the case, and by a tribunal which shall have been previously established by law."

Article 16 states that "no one may be molested in his person, family, domicile, papers, or possessions, except in virtue of a written order from a competent authority, based upon legal cause for the proceeding."

Article 17 prescribes that "no man can be arrested for debts of a character purely

civil;" and article 18 that "imprisonment shall only take place for offenses which merit personal punishment. In whatever stage of the proceedings it shall appear that the accused may not be liable to this penalty, he shall be put at liberty under bail. In no case shall the imprisonment be prolonged for default of payment of fees, or whatever other furnishing of money.

Article 19 further adds that "no detention shall exceed the term of three days, except upon proof of sufficient reason for imprisonment, in conformity with the requisites required by law."

"The sole lapse of this time shall render responsible the authority that orders or consents to it, and the agents, officers, or jailers that execute it."

In section 2, article 31, it is declared that it is obligatory upon all Mexicans "to contribute toward public expenses as well of the federation as of the state and municipality where they may reside, in an equitable and proportional manner, as shall be prescribed by the laws."

And in section 3, article 33, with reference to foreigners, it is stated that "they are entitled to the guarantees established by section 1, article 1, of the present constitution (which have been quoted), except that in all cases the government has the right to expel those who are pernicious to society. It is obligatory upon them to contribute toward public expenses in the manner that may be prescribed by the laws, and to obey and respect the institutions, laws, and authorities of the country, submitting to the judgments and sentences of the tribunals, without power to seek other protection than that which the laws concede to Mexican citizens."

And, finally, article 126 of the constitution states as follows:

"This constitution, the laws of the Congress of the Union which enamate from it, and all treaties made or that may be made by the President of the republic, with the approbation of Congress, shall be the supreme law of all the Union. The judges of each State in giving their decisions shall do so in conformity with said constitution, laws, and treaties, anything to the contrary that there may be in the laws or constitutions of the States notwithstanding.

Under these constitutional provisions, and under the declarations that have been made by the Mexican government, there can be but one opinion entertained by the world, if the foreigners who have been thus imprisoned at San Luis are not immediately placed at liberty, and there be not some power felt throughout the republic by which the occurrence of such acts in the future can be prevented.

I am, respectfully, your obedient servant,

E. L. PLUMB.

Sr. D. SEBASTIAN LERDO DE TEJADA, *Sec.*, *Sec.*, *Sec.*

IMPRISONED IN CASA DE BENEFICENCIA,
San Luis Potosi, January 15, 1868.

SIR: I had this pleasure, on the 3d instant, with a résumé of what was passing here in consequence of a new law laying a direct tax on merchants from \$38 up to \$18,000 per year, and I have to state subsequent events that have caused my imprisonment with eight other confrères.

I think it was on the 4th that the State congress, by a decree, authorized the governor to ask (*pedir*) an anticipation of \$27,000 to account of the contribution, which is nothing else than an authority to contract with the commerce a loan.

Instead of so doing and calling on us to lend an amount to account, he assigns the sum among a few of us of amounts from \$500 to \$1,000, and ordering that the amount be paid within twenty-four hours.

If you look over the law you will find that it has a retroactive effect; that it deprives a man of the full use of his property, and in fact it is unconstitutional, let alone the exorbitance of the amount of taxation. It is natural that every one should resist lending any amount to account of a tax that, by the constitution, could not affect us, let alone that we were not asked to lend the money, but had a peremptory order to pay the same at a stated time.

With few exceptional cases, arising from fear, all determined to resist what we could not interpret otherwise than a forced loan; and some in writing, and others by word, made their excuses for non-compliance.

The reply given all of us was, that our reasons could not be admitted as sufficient, and giving us another twenty-four hours.

This second term expired and no one paid, because a voluntary payment would have proved against us, and that we were conformed to the law. Seeing this resistance, the minister *educator* calls on all non-contents with an order, that if by 12 o'clock on the 11th we had not paid, he had to embargo us.

When I and others knew this we at once addressed ourselves to the district judge, requesting protection (*amparo*) not only from the effects of the law, but also the pay-

ment of the forced loan levied on us. We thought ourselves pretty secure, but the sequel proved that we had something else in store for us.

About 6 p. m. on the 11th, as many as could be found were called up before the prefect, who presented an order from the governor condemning all and each one of us to a fine of \$500, or imprisonment for the term of three months.

I was notified the next day at 10 a. m., and as I had refused to pay the amount assigned me, I naturally refused also to pay the fine of \$500, and in accordance was imprisoned.

I fortunately got what was refused to others—a copy of the order—as I said that I naturally wished to have a document stating the reasons for my arrest.

I inclose you an alcance of the “*opposicion*,” in which you will find the same; and the remarks commenting on this order I think you will find such as to show that it is illegal to all intents and purposes, and instead of having that liberty so much talked about, we are only under the rule of a petty tyrant who recognizes no law but his own will.

I have now completed three days in prison; but I have heard it said that if in fifteen days we do not give in and pay the fine we are all to be put in the common jail. I do not know if this is a tale or a threat; but be it as it may, I am as ready to go to the common jail as to remain here.

We have applied again to the district judge, as we have not been consigned to any of the State justices, as the law enforces, to know what we are accused of; because refusing to pay what we do not owe is no disrespect to the authorities or to any one. With equal reason he might have assigned the full amount on me of the \$27,000 instead of the \$1,000; and this surely does not condemn me that I should pay such an amount.

The foregoing is a true statement of facts, and as I make no doubt a different coloring will be given to this scandalous business, I would esteem it as a favor that you would publish this statement, even subscribing my name to it if you so wish.

I hear that an execution was put into my house this morning to cover the \$1,000 forced loan, and they took nine pieces of broadcloth valued at five dollars and fifty cents per vara.

I also hear since that it has been sold at public auction at three dollars to three dollars and thirty-seven cents per vara.

I suppose I shall again be embargoed for the costs, and you may think how pleasant it must be when I do not even owe the money.

Yours, truly,

JOHN PITMAN.

[Extract from a letter from Messrs. Davies & Co.]

SAN LUIS POTOSI, *January 17, 1868.*

Here the excitement about the new law is as great as ever, and business quite at a stand. Our authorities seem determined to carry the law into effect, and if they do so all the houses will have to liquidate and go to some other State.

The quotas for first-class houses we hear have been reduced from \$18,000 to \$6,000, but even this we cannot pay, as it would be simply so much money lost.

Because we decline to pay a loan on account of the new contributions, our Mr. Endara was arrested on the 12th instant, and thrown into prison, together with nine other merchants, and is still in confinement.

In addition to the above, we were embargoed on the 15th instant, and the sum of \$1,000 forcibly taken out of our chest.

This is the way in which our authorities understand constitutional liberty.

We have petitioned our State congress, asking for the derogation of the new law, but they have refused to take our petition into consideration. We have also applied to the judge of the district for protection, both against the law and the imprisonment.

As regards the first request, he has not yet replied, but about the latter he has decided “that there is ground for the petition,” and the prisoners are to undergo some kind of a trial to-morrow.

We have telegraphed to the President on the subject, but as yet have received no answer. We are now preparing a petition to the general congress.

It seems that our government is determined to get the first third of the new law out of us, even if it has to abrogate the law afterwards; and to insure this, a resolution of our congress was published yesterday imposing a fine of \$500 on any person who closes his house of business in order to evade payment of the tax.

[From the paper published in the city of Mexico, called the Siglo XIX, No. 193, of the afternoon of January 23, 1868.]

[Telegram.—Translation.]

SAN LUIS POTOSI, January 23, 1868.

(Received in Mexico at 12.25 a. m.)

EDITORS OF THE SIGLO XIX: All of our houses have been embargoed and the effects sold at the lowest prices. The embargoes are to be repeated to complete the loan. We are still imprisoned.

Please to publish this.

JOHN PITMAN.
ANASTASIO ROMANO.
PABLO NARESO.
M. DE ENDAZA.
ANTERO LASEOZ.
MARTIN DOZAL.
E. CLAVERIE.
E. VARONA.
LUIS BESCAS.

Mr. Plumb to Mr. Seward.

(Foreign Relations, 1868, part 2, p. 408.)

LEGATION OF THE UNITED STATES,

City of Mexico, January 28, 1868.

SIR: I have the honor to transmit herewith copy and translation of a note received last evening from Mr. Lerdo de Tejada, in reply to the unofficial communication I addressed to him on the 22d instant, with reference to the foreign merchants arrested at San Luis Potosi.

I have just returned from the interview to which I was cited in the said note, and am glad to be able to state that I am informed by Mr. Lerdo de Tejada that, yielding to the representations of the general government, the governor of the State of San Luis has placed at liberty the merchants who have been imprisoned, of which fact the government has been advised by a telegram from San Luis, dated day before yesterday.

The explanations offered by the governor of San Luis, communicated to me by Mr Lerdo de Tejada, do not require any remark; they only add to the necessity of the step he has now been induced, by the influence of the general government, to take; that is, to place the persons arrested at liberty.

I am, &c.,

E. L. PLUMB.

Señor Lerdo de Tejada to Mr. Plumb.

[Translation.—Unofficial.]

MEXICO, January 27, 1868.

DEAR SIR: I have received the unofficial letter you have been pleased to address to me, under date of the 22d instant, with reference to the case of certain merchants arrested in the city of San Luis Potosi, by order of the government of that State.

The government has had, and will have, in just consideration the good offices you have been pleased to interpose in this affair, with reference to which Congress has already asked for information, and the judge of the district of San Luis has also intervened in conformity with the law relative thereto.

I can with pleasure make known to you in an interview the explanations and the motives which have been given by the governor of San Luis with reference to his proceedings, and if not inconvenient for you, I will be at your orders for such an interview, at the department of foreign relations, at four o'clock in the afternoon of to-morrow.

I am, with great regard, very respectfully, your obedient servant,

LERDO DE TEJADA.

MR. EDWARD LEE PLUMB, &c. &c., &c.

Mr. Foster to Mr. Evarts.

(Foreign Relations, 1877, p. 423.)

LEGATION OF THE UNITED STATES,
Mexico, July 18, 1877.

SIR: The federal supreme court of Mexico on the 6th instant rendered an important decision, involving the power of the executive to levy a tax by virtue of the "extraordinary faculties" which it has been the practice of the federal Congress so often to confer upon the executive.

The case which occasioned the recent decision arose from the enforcement of a tax of 1 per cent. upon capital, levied July 19, 1876, by a decree of President Lerdo, by virtue of the "extraordinary faculties" conferred upon him by the Congress of the union.

A Mexican citizen, resident in this capital, applied to the federal court of the district for "*amparo*" or protection against the enforcement of the tax, which was refused by that court October 30, 1876. The case was appealed to the supreme court, but the fall of the Lerdo government suspended proceedings therein until the recent reorganization of the supreme court under the administration of General Diaz. The present supreme court has reversed the action of the district court of October last, and has decided that the tax levied by virtue of President Lerdo's decree of July 19, 1876, is unconstitutional, and that its collection cannot be enforced.

The supreme court bases its decision on the fiftieth article of the Mexican constitution, which provides that "the supreme power of the federation is divided for its exercise into legislative, executive, and judicial functions; two or more of these powers can never be united in the same person, nor the legislative power be deposited in one individual;" and on the seventh clause of the seventy-second article, which confers upon the Congress of the union the power "of approving the federal estimates of expenditures, which shall be annually presented by the executive, and of imposing the taxes necessary therefor." Under these provisions of the constitution the court holds that each one of the three federal powers is independent of and cannot exercise the functions or faculties of the others; that the power of imposing the taxes necessary for the federal expenditures is exclusively conferred upon the legislative department of the government; and that Congress cannot delegate to or confer this power upon the executive.

The court also takes the more extended position, that the faculty conferred by the constitution upon the legislative power of making the laws cannot be delegated to any other body or authority. In the language of the decision in question, "where the sovereign power of the state has deposited authority, there it must remain; and only by the constitutional agents should the laws be made." This decision reverses the previous rulings of the federal courts, and is in opposition to the past practices of the executive, and if observed in the future administration of the government, it will have a tendency to remedy some of the most prominent evils which have grown into an established custom in all revolutionary periods in Mexico.

Almost all the unusual and heavy taxation, termed "extraordinary contributions," has been levied not by legislative but by executive authority, by virtue of the "ample faculties" conferred by the former upon the latter at the commencement or during the progress of a revolution. Nor has the practice been confined to the federal executive, but it has been followed in all the States of the republic. Neither have the executives of the union and of the States confined the exercise of their "extraordinary faculties" to the imposition of taxes, as a large part of the past and existing laws of the country have been created by executive decrees alone.

It is an interesting fact, in this connection, that our minister plenipotentiary in Mexico, the Hon. Thomas Corwin, in answer to the inquiry of certain American residents, gave a written opinion in 1861 against the legality of an "extraordinary contribution" levied by President Juarez in exercise of "ample faculties," which opinion assumed the same line of argument as that followed by the recent decision of the court; but the Mexican courts having decided the tax valid, Mr. Corwin was induced to withdraw his opposition on the ground that the question was one exclusively for the supreme judicial authority to determine.

I am, &c.,

JOHN W. FOSTER.

APPENDIX F.

COMMERCIAL RELATIONS WITH MEXICO.

APPENDIX F

COMMERCIAL RELATIONS WITH MEXICO

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COMMERCIAL RELATIONS.

Mr. Plumb to Mr. Seward.

[Foreign Relations, 1868, part 2, p. 381.]

LEGATION OF THE UNITED STATES,
City of Mexico, December 12, 1867.

SIR: In dispatch No. 32, of the 9th ultimo, I called the attention of the department to a decree recently issued by this government establishing what is termed a protective duty upon foreign flour.

I also mentioned that the duty so established consisted of a specific duty, fixed according to the value of flour in the United States, and of certain "additional duties," charged under that name, upon the amount of the direct duties imposed.

As this system of additional duties is one probably not well understood in the United States, and as it is a system which the decrees herein referred to give reason to apprehend it is the intention of this government to adhere to, some remarks regarding it may not be out of place.

The tariff of 1856, which, as I stated in the dispatch referred to, is, in general, still in force, established certain direct duties upon all foreign effects, as specified in the schedule named therein, imported into the republic.

These duties were made payable, one-half in forty days, and one-half in eighty days, counting from the day following the conclusion of the discharge of the vessel. Of each payment, one-half was to be made at the ports, and the other at the capital of the republic.

In addition to the foregoing direct duties, there were established what were termed "additional duties." These were five in number, and were as follows:

1. A municipal duty of $12\frac{1}{2}$ cents upon each package of two hundred pounds, to be collected by the maritime custom-houses and kept in a separate account, and designed for the use of the municipalities of the ports, as might be directed by the government.
2. A duty of public improvements of 20 per cent. upon the amount of the duties of importation, to be applied to the payment of interest upon capital raised for the construction of railroads, as might be specially assigned by the government.
3. A duty of internacion, or inland duty, consisting of ten per cent. upon the amount of the duties of importation, and to be paid on the departure of effects from the ports or frontier custom-houses for places in the interior.
4. A duty of counter register, consisting of twenty per cent. upon the amount of the duties of importation, and payable upon the arrival of effects at the capital or principal point of destination in the interior.
5. A duty of amortizacion, or sinking fund of the public debt, consisting of twenty-five per cent. upon the amount of the duties of importation, and payable at the general treasury of the nation in bonds of the public debt.

There was also imposed by article five of the same tariff, upon all effects embraced in the free list (which includes coal, quicksilver, railroad iron, machinery, salt, &c.), a municipal duty of twenty-five cents on every two hundred pounds weight of such effects, payable one-half at the ports, and one-half at the place of final destination in the interior.

Since that period these several and numerous additional duties have been varied from time to time, and either changed in character or the total amount increased or diminished by various special decrees. This has been done to such an extent that the merchants, and even the government officials, are often in doubt as to what is the total amount of the duties actually in force. This fact is well illustrated by the circumstance that, when writing the dispatch to which I referred at the opening of this communication, I applied to the chief officer of the section in the treasury department from which the decree in question had emanated, to learn what the total amount of the additional duties now in force actually was, and after sending specially to the custom-house to have a liquidation made, being in doubt himself, he informed me by note that the amount was sixty-eight and one-half per cent., and I so made the calculations given in that dispatch. Yet, a few days afterwards, and when my communication had already gone, I received another note from the same gentleman advising me that a mistake had been made, and that, as the duty of counter register had been augmented

by a federal contribution of five per cent., the additional duties now amounted to seventy-three and one-half per cent., instead of sixty-eight and one-half per cent., as he had before informed me.

The calculations I made in dispatch No. 32 are, therefore, too low by five per cent. Since the date of that dispatch, also, the additional duties have been still further modified by three several decrees upon subjects not directly pertinent to the tariff, which have been issued by this government.

One is a decree, issued under date of the 19th ultimo, which, while it establishes a much-needed reform in the abolition of the old Spanish system of tolls on all the highways of the republic, yet perpetuates the system of additional duties, and of treating subjects pertaining exclusively to the tariff in special decrees having no direct connection therewith, by imposing, to supply the place of the revenue from tolls abolished, a new duty upon all foreign effects introduced by the maritime or frontier custom-houses of the republic of one dollar for every two hundred pounds weight of such effects; and this duty is to be applied also to such articles as machinery, agricultural implements, &c., that have heretofore been free of duty; except the twenty-five cents per two hundred pounds before mentioned, as imposed by article five of the tariff.

This new decree, therefore, increases the duty upon flour from the United States by a further amount of \$1 per barrel, which is to take effect from the 1st of January next.

The second decree to which I refer as affecting the existing tariff rates is the concession revalidating the rights of the railroad company from this city to Vera Cruz, which appeared under date of the 27th ultimo, and is issued in the form of a general law.

By this decree the additional duty of public improvements, of 20 per cent., is to be payable hereafter, not in money, as heretofore, but in a public paper which is to be emitted for that purpose by the department of Fomento, and is to be sold by agents of the railroad company in all the ports and in the capital of the republic to a sufficient extent to secure to the company the receipt of an annual subvention of \$560,000 for twenty-five years. The merchants, therefore, will now have to buy this paper before they can make the settlement of their duties.

By article 40 of the same decree there is also a further provision made by which, until the 31st of December, 1871, or an earlier period if the railroad is sooner completed, the duty of *amortizacion* (sinking fund) of the public debt is reduced from 25 per cent. to 15 per cent., and is made payable, not in bonds of the public debt, as heretofore, but in shares of stock in the railroad from this city to Vera Cruz. The foreign importer, therefore, before he can adjust this portion of his duties, has to search for and purchase shares of stock in a railroad company and to pay such percentage of his duties with said shares, rather than in bonds of the public debt or in money.

The duty of *amortizacion*, as heretofore payable in bonds of the public debt, really amounted to but some two and one-half per cent., for the bonds could be purchased at from seven to ten cents on the dollar, while, as now made payable, in the shares of the railroad company, it will amount to the full rate of 15 per cent.

The third decree was issued under date of the 28th ultimo, and establishes a special tariff of duties, which are to be collected by the federal custom-house at this city for the benefit of the municipality. These duties, besides certain specific rates, as \$4.50 per barrel on cider, \$2.25 per barrel on vinegar, &c., consist of 40 cents on every two hundred pounds of foreign groceries and 75 cents per two hundred pounds on all other foreign effects, except machinery, which is to pay 20 cents per two hundred pounds. This decree, therefore, not only establishes a further additional duty, but appears to look to a continuance of the system of interior custom-houses.

It is easy to see that, with this complicated system of different duties and the changes that are so frequently made and, as for instance in the decree establishing the new rates of duties on foreign flour, sometimes without any previous notice, commerce with this country must labor under very great disadvantages and uncertainties, and that the most beneficial part of trade—numerous shipments in small amounts—must be entirely shut out. If I find it difficult myself, when on the spot, to ascertain what the fixed amount of the duties that have to be paid actually is, how can a merchant or small shipper abroad, who thinks of making a venture to this country, make any calculation as to what he has got to pay, and whether the adventure will be desirable or not? On the contrary, the moment he comes to investigate what the charges will be, he finds himself involved in an uncertainty so great, that the idea of making a shipment to Mexico is at once abandoned. The result is seen in the fact that the foreign commerce now carried on remains in the hands of comparatively a few, who dedicate themselves, as to an intricate profession, to a study of the manner and means of getting merchandise from abroad into the interior of this country and accessible to consumers.

As the liquidation of the duties has now to be effected part at the ports and part in the interior, merchandise is followed from the ports with custom-house passes and inspection, and, arriving in the interior, as at this place, has to undergo for the second

time custom-house formalities, and again, for a third time, when passing from this point, or any other central market, to the interior States.

A merchant in this city, desiring to send goods from his own warehouse to a customer in the interior, has to go through all the custom-house formalities attending the shipment of goods to a foreign country. These trammels, while embarrassing and costly in the extreme to foreign commerce, also rest a heavy burden upon the consumption of the country, by which, in the end, all charges have to be borne.

Since commencing to write this communication, I addressed a note to the chief clerk of the treasury department, asking him for a statement of the present number and denomination, as well as amount, of the different additional duties now in force, and have received from him a reply, in which he incloses to me the following list as showing the various duties that have now to be paid upon foreign merchandise imported into the republic, viz:

- 1st. Importation duties according to the tariff.
- 2d. *Internacion*, or inland duty, ten per cent. on the foregoing.
- 3d. Public improvements, twenty per cent. upon the same.
- 4th. Railroad, fifteen per cent. upon the same.
- 5th. Counter register, twenty per cent. upon the same.
- 6th. Municipal, for Vera Cruz and Tampico, three and one-half per cent upon the same.
- 7th. Municipal, at the other custom-houses, twelve and one-half cents per package, and the other duties annexed to this as *beneficencia*, hospital, &c.

8th. Federal contribution of twenty-five per cent. upon the duty of counter-register.

This statement should be considered as final and conclusive, as it emanates from the chief clerk of the Treasury Department, but it does not include two local duties of eight per cent. and of twelve per cent. made by the summing up of several local charges, which I am informed merchandise arriving in this city has to pay before it can reach the warehouse of the merchant and pass thence to customers in the interior. The total of the additional duties upon merchandise coming to this city would therefore appear to be ninety-three and one-half per cent. upon the amount of the duties of importation.

In order that commerce with this country may be placed upon that footing of liberality which it may properly claim, it is very evident that some reforms in the Mexican customs system which will unify and simplify it, and render it everywhere equally applicable throughout the republic, are vitally necessary, and without such changes it would appear to be very difficult for a healthy or enlarged commerce to be established. Such modifications would unquestionably be as much for the benefit of Mexican consumers as of foreign shippers, inasmuch as by generalizing and simplifying commercial intercourse trade is not only increased but consumers are supplied at lower rates; while at the same time the national revenue of the country, which so encourages commerce, is largely augmented over the amount realized while pursuing the opposite policy.

The first necessity, in my judgment, for an increase of commercial intercourse with this country, now that a period of peace has arrived, is the simplification and unification of its customs regulations. It is not so much what rate of duties may be imposed—for this burden will fall eventually upon the consumer—as it is that the duties should be fixed in one precise sum, be everywhere equally applicable, and that the liquidation be made once for all at the port or frontier custom-house of entry, and merchandise then be allowed to move freely into the interior of the republic, instead of being followed by passes and permits, and custom-house inspection, as now.

The moment when commerce between the United States and this country should be built up appears to have arrived; but unless the Mexican Government can be induced to adopt some such changes in its customs regulations as those that have been indicated, the existing trammels are so vexatious and the embarrassments so numerous, that there would appear to be great danger that they will constitute an almost impassable barrier to any extensive or satisfactory commercial intercourse.

This must be evident, I think, from the analysis of certain features of the present regulations that I have made in this communication.

What the amount of duty to be paid shall be is a question that every country has a right to adjust according to the exigencies of its financial position, under a wise regard, it is to be trusted, as to what rates will prove most beneficial in all respects; but it is surely a proper subject of friendly international solicitude that unnecessary formalities not sanctioned by the commercial customs of the present day shall be removed, and legitimate commercial intercourse be facilitated.

Certainly our immediate neighborhood and a common commercial interest, that should tend to strengthen the ties of peace between the two countries, makes this subject one of interest to the people of the United States.

I have, &c.,

E. L. PLUMB.

Mr. Plumb to Mr. Seward..

(Foreign Relations, 1868, part 2, p. 408.)

LEGATION OF THE UNITED STATES,
City of Mexico, February 8, 1868.

SIR: An important step in the direction of commercial reform has been taken by this government in the appointment of a commission for the formation of a new tariff.

I inclose herewith a translation of the order from the treasury department, making the appointment, which, at the same time, indicates the general basis of the reforms proposed.

The simplification and unification of the tariff will, as I understand, be more especially sought than any general reduction of duties.

The commission has already commenced its labors, and it is probable a report will be prepared in time for the new tariff bill to be submitted by the executive at the next session of the congress, which commences on the 1st of April and terminates on the last day of May, and which, by the constitution, is to be dedicated in preference to the consideration of financial subjects.

I have, &c.,

E. L. PLUMB.

[Translation.]

DEPARTMENT OF THE TREASURY AND PUBLIC CREDIT.—SECTION 1.

The general ordinance of the maritime and frontier custom-houses of the republic of the 21st of January, 1856, which is that actually in force, has been so varied by different modifications which it has received from time to time, that there are very few of its provisions that are now considered as in force.

Besides, many of its provisions conflict with the letter and the spirit of the constitution, and for that reason should no longer be permitted to exist.

The modifications that have been made are already so numerous that the system of duties of importation upon foreign merchandise has become very complicated and difficult, which, besides occasioning inconvenience to commerce, produces difficulties and complications for the supreme government and its offices.

The citizen President desiring, therefore, that there shall be formed with all the study and care possible a new tariff, which shall be in accord with the spirit of the constitution and the necessities of the country, and in which, at the same time that the interests of the public treasury shall be protected, the labors of the merchants shall be simplified, has been pleased to direct that there shall be named a commission composed of yourself and Messrs. Jesus Castaneda, S. Castain, A. Barcena, Julio Uthink, and Miguel Gutierrez, charged with forming, upon the basis herein indicated, a project of tariff which shall embrace, so far as possible, all of the conditions desired.

Independence and liberty! Mexico, January 4, 1868.

ROMERO.

MR. RAMON G. GUZMAN.

Mr. Plumb to Mr. Seward.

(Foreign Relations, 1868, part 2, p. 434.)

LEGATION OF THE UNITED STATES,
City of Mexico, March 14, 1868.

SIR: In my dispatch No. 48, of the 13th of December last, I called the attention of the department to a decree issued by this government, establishing a separate tariff for this city upon national and foreign effects.

I have now to transmit to the department copy and translation of a decree issued under date of the 4th instant, by the legislature of the State of Guanajuato, establishing a separate tariff for that State.

It will be observed that, under the provisions of this decree, articles 2 and 5, foreign cotton goods and yarns consumed in that State will now have to pay a duty of five cents per pound, in addition to the duties on their importation established by the national tariff.

All other foreign effects, except those enumerated in the free list of the national tariff, are to pay, under this decree, 5 per cent. upon their value, appraised in that State.

It is not easy to see where the limit to the burdens imposed on commerce in this country is to be reached, if this system of local duties for every city and State is to be continued.

I have, &c.,

E. L. PLUMB.

Decree establishing duties on foreign effects in the State of Guanajuato.

[Translation.]

The citizen General Florencio Antillon, constitutional governor of the free and sovereign State of Guanajuato, to the inhabitants of the same, be it known :

That the congress of the State has decreed the following :

The second constitutional congress of the free and sovereign State of Guanajuato, considering that the revenue upon which the State can now count is scarcely sufficient for the payment of half of its ordinary and necessary expenditures :

That in consequence of the law of classification of revenues of the 12th of September, 1857, the derogation of which this honorable congress has asked of the sovereign congress of the union, it is an absolute necessity, until such decision as may be proper is had, to provide resources to cover the deficiency, as otherwise it will be impossible to continue the public administration, and the State will cease to figure as a member of the Mexican Confederation, because without public revenue it cannot maintain its functions :

And that the State should contribute what is necessary for the expenses of its administration, decrees :

ARTICLE 1. Foreign effects introduced into the State shall pay a duty of 5 per cent. The basis for the collection of this impost shall be that which now serves for the collection of the half per cent. of the department of Fomento.

ART. 2. Cotton goods and yarns consumed in the State shall pay as excise duty, five cents per pound.

ART. 3. Cloths, cassimeres, and carpets of national manufacture, consumed in the State, shall pay 10 per cent. upon appraised value, which shall be the current market price at wholesale of the place.

ART. 4. Once that the effects spoken of in the preceding articles shall have paid in the capital of the State the impost now decreed, they can proceed freely to any point within the same.

ART. 5. Foreign cotton goods and yarns shall pay solely the impost provided in article 2.

ART. 6. Quicksilver and other effects declared free in the tariff of maritime and frontier custom-houses will not be subject to the impost spoken of in article 1st of this decree.

Let the same be communicated to the governor of the State, who will cause it to be printed, published, and duly complied with.

Dated in Guanajuato, March 3, 1868.

JUAN B. CASTELAZO, *President.*

JOSE BRIBIESCA SAAVEDRA, *Secretary.*

ANTONIO RINCON, *Secretary.*

Wherefore I order that it be printed, published, and circulated for its due compliance.

Palace of the government of the State in Guanajuato, the 4th of March, 1868.

FLORENCIO ANTILLON.

FRANCISCO GARCIA, *Secretary.*

Mr. Plumb to Mr. Seward.

(Foreign Relations, 1868, part 2, p. 596.)

LEGATION OF THE UNITED STATES,
City of Mexico, October 2, 1868.

SIR: In dispatch No. 75, of the 8th February last, I advised the department of the appointment by this government of a commission for the formation of a new tariff.

This commission, it seemed then to be expected, would report in time for the new tariff bill to be submitted to Congress by the executive, at the April session of the present year ; but up to the present moment their labors do not appear to have been completed.

The pendency of such a measure has naturally tended to delay importations, and the government has now published a notice that while the contemplated change in the tariff relates mainly to its simplification and the placing of the different duties in one sole rate, and it is not designed to raise or to lower the duties now collected, that under any circumstances it is not probable the new tariff can be completed so as to go into operation under a year from the present time.

I beg to inclose herewith a translation of this notice.

I have, &c.,

E. L. PLUMB.

Mr. Plumb to Mr. Seward.

(Foreign Relations, 1868, part 2, p. 617.)

LEGATION OF THE UNITED STATES,
City of Mexico, November 20, 1868.

SIR: The commission appointed by this government to revise the tariff, of which I advised the department in dispatch No. 75, of the 8th of February last, has concluded its labors, and on the 11th instant submitted a report, accompanied by the project of a new tariff, to the department of treasury. Yesterday the minister of treasury informed Congress that the government is now engaged in examining the project, and will submit the same to Congress at an early day.

* * * * *

The first great object necessary to be attained in the reform of the Mexican tariff is its simplification and the removal of restrictions. The desirable adjustment of the rate of duties will then be less difficult.

From what I learn from the government, it appears probable that after some examination of the project of the new tariff by Congress, a general authorization will be given to the executive for its conclusion.

* * * * *

I have, &c.,

E. L. PLUMB.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1870, p. 295.)

LEGATION OF THE UNITED STATES,
Mexico, November 4, 1870.

SIR: In compliance with the instructions contained in the circular from the Department of State, dated the 19th of August last, I have the honor to submit the following facts and considerations respecting the present state of commercial intercourse between the United States and Mexico, the causes of the present prostrate condition of American interests here, and means which might probably be efficaciously employed by our government to bring about a more prosperous state of affairs.

On the 1st of August, 1869, I addressed a confidential circular to all the American consuls and consular agents residing in the Republic of Mexico, requesting them to furnish me with data concerning the political and material condition of the States in which they respectively reside. Replies were received from most of these officers, and copies of several interesting and valuable communications were transmitted by this legation to the State Department in the closing months of 1869, and the earlier portion of the present year. I respectfully suggest that a collation of these documents will furnish data upon many of the points covered by the Senate resolution.

As the chief practical inference from so many communications, and from my own observations, experience, and inquiries, I may state that the present commercial intercourse between the United States and Mexico is in a state of the utmost prostration and decadence. The reports of our consuls are unanimous upon this point. In this city, which is one of the largest in Spanish America, the number of American mercantile houses does not exceed two or three, and the total number of American residents is but a score or two. The same is the case in Vera Cruz, and in the principal ports of the Pacific, as well as with greater reason, in the large cities of the interior.

The commerce of importation into this republic is almost exclusively in the hands of European merchants, chiefly English, French, and German. The large number of

citizens of the Southern States of the Union, who came to Mexico immediately after the rebellion, have almost all returned to the United States. The agricultural colony near Cordoba, from which so much was expected, has been completely broken up and dispersed, and there is not at this moment in Mexico a single notability remaining out of the many Confederate refugees.

Of the few American commercial houses in Mexico, the greater part import more foreign than American goods, there being, I believe, but one house which deals exclusively in articles of American manufacture; that is to say, in arms and ammunition. On the Pacific coast our commerce, via San Francisco, is almost limited to the vessels of the Pacific Mail Steamship Company, which complains of a loss of trade, and is even said to be running at a loss. The importations by this line are chiefly confined to arms and agricultural and mining implements, with small quantities of hardware and Chinese goods. The causes of this low state of American commerce in Mexico are but too easily explained. They may be summed up as follows:

1. The force of habit; the Europeans having preceded us in establishing commercial relations here.

2. The low rate of interest which Europeans pay for their borrowed capital contrasting with that of the United States in the proportion of from 5 to 10 per centum.

3. The fact that European manufacturers of cotton and fancy goods invariably consult the Mexican taste, thus enabling them to make little account of durability of material, and successfully to compete with American articles of stronger texture, but of subdued colors.

4. The chronic insecurity of life and property which has exerted and still exerts a fatal influence upon all foreign capital in the country, and whose effect upon Americans has been absolutely to preclude its introduction.

5. The entire want of railroad and telegraphic communication between the two countries along our 1,500 miles of frontier.

In respect to the proper remedies which might be employed by the Government of the United States to enable Americans gradually to assume that commercial importance in Mexico to which our proximity and political sympathies entitle us, they may be summed up in general as being those measures which will most effectually operate for the removal or neutralization of these five causes.

Undoubtedly, under favorable circumstances, something may be accomplished diplomatically to place the commerce of the United States upon a more favorable footing as toward the Mexican revenue system. By the continuance of the wise policy of giving moral aid and countenance to the present liberal and patriotic government of Mexico, we shall also contribute to the rapid development of that energetic protection to life and property which is of such urgent necessity, and which this government is doing all in its power to establish.

In the line of active promotion of American interests in Mexico, I know of nothing more important to be consulted than the facility and rapidity of intercommunication by means of railway and steamship lines and telegraphs, both as between the two countries and as within the extensive Mexican territories, where the almost total absence of good means of communication is proverbial. However desirable American colonization may be to Mexico and to our interests, it cannot be effectually promoted in any other way. The construction of railways, then, through the State of Texas, and the Territories of New Mexico and Arizona to the Mexican frontier, is an object of the first importance for the interests to which this inquiry is directed. When such roads once exist to the frontier, the Mexican Government will undoubtedly make great efforts to promote their extension through the vast States, fabulously rich in mines and in agricultural wealth of her northern zone. The unfriendly legislation under the name of the *zona libre*, and other burdensome clogs upon our commerce, would then naturally disappear.

The growing prosperity of our Southern States, and especially the gratifying progress of the port of New Orleans, is destined to exert a speedy and beneficial influence upon our commerce with Mexico. It is worthy of inquiry whether our government might not properly do something in aid of the re-establishment of lines of steamships from New Orleans to the Mexican ports of the Gulf.

Finally, everything which promotes a knowledge in detail of the vast but undeveloped resources of the several States of Mexico will inevitably exert a powerful influence for good in the desired direction. The speedy construction of the Tehuantepec Railroad will be an inestimable boon to the increasing community of interests between the two republics. The survey about to be made of that isthmus, by an expedition under the auspices of the American Navy Department, will, if successful in its object of establishing the feasibility of inter-oceanic navigation, do more than anything else that could be suggested to excite in our commercial houses that interest and curiosity which are the precursors of enterprise, besides giving the widest publicity to the results of that survey. If favorable, might not our government usefully undertake the scientific survey of other portions of Mexican territory contiguous to our own, with a view to other international public works?

The suggestion made in the closing paragraphs of the able preliminary report on this subject of the Department of State, concerning a Congressional appropriation to employ statisticians of ability to collect and collate information upon this subject, seems to me eminently conducive to the attainment of important results, and, in case of its adoption, I would suggest that one or more persons be detailed to the special study of the subject upon Mexican soil. I have addressed a note to Mr. Romero, the secretary of the treasury, requesting him to furnish me certain information and statistics upon several of the matters involved in this inquiry, which I hope to be able to communicate to the State Department by the next steamer.

THOMAS H. NELSON.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1872, p. 392.)

LEGATION OF THE UNITED STATES,
Mexico, February 26, 1872.

SIR: On the 1st of January last President Juarez, by virtue of his "ample faculties," decreed a new tariff, which is to go into effect at the beginning of the next fiscal year, on the 1st of July, 1872. The publication of this tariff and of its voluminous regulations has just been completed in the *Diario Oficial*, and it has not yet appeared in the form of a volume. This important measure will, of course, be subject to the revision of the Mexican Congress, and will undoubtedly form the principal subject of discussion during the session, which will begin on the 1st of April next. It will be vigorously attacked, but will probably be sanctioned in all its essential features.

The present tariff was established in 1856. Since that time numerous modifications have been introduced, but no general measure has been passed. Since the return of the liberal government to this city in 1867, it submitted proposals to Congress for a radical reform in the tariff law, and successive committees of finance have also presented projects to the same end, but, after protracted and exhausting discussions, in which Minister Romero has taken an active part, the Mexican Congress has not yet been able, nor would it be able for years to come, to agree upon the necessary points of reform.

Under these circumstances President Juarez would seem to have taken a judicious step in "cutting the Gordian knot" by issuing a carefully considered and liberal tariff, from which great benefits to foreign commerce in Mexico may reasonably be expected.

I herewith inclose a copy and translation of the explanatory circular of Minister Romero, which accompanies the tariff.

I am, &c.,

THOMAS H. NELSON.

[Circular.—Translation.]

TREASURY DEPARTMENT. FIRST SECTION.

I have the honor to send you copies of the tariff for the maritime and frontier custom-houses of the republic, which the President has to day decreed, by virtue of the faculties granted him in the third article of the law of December 1, 1871.

The President believes that he could not have used the faculties with which Congress invested him in a manner more advantageous to the interests of legitimate commerce and of the federal treasury than by establishing the tariff which has so long been pending, and the lack of which paralyzed commercial operations and considerably diminished the receipts of the treasury.

The President has not deemed the present crisis a proper time to introduce radical changes in the existing tariff, and has judged that, on the contrary, the task of the executive should rather be limited to its simplification and codification, accepting, in general, as the basis of the new tariff, the provisions of the existing ordinance and laws.

The new tariff has been formed upon this principle, and by it the executive believes that the following advantages will be gained:

I. To reduce to a single amount the various duties now paid, under different names, by foreign goods, on their importation into the republic, some in the maritime custom-houses, and some in other offices, either levied directly upon such goods or upon the Mexican products exported for their payment, and to make at the same time a reduction upon the amount paid.

II. To fix the import duties, as a rule, in a given amount, employing the *ad valorem* basis only in cases where a specified duty cannot be provided.

III. To add to the tariff-list many articles not found in the present ordinances, thus avoiding the inconvenience of the arbitrary imports now collected on such goods. The number of articles classified in the present ordinance is 525, while in the new tariff it is more than 800.

IV. To abolish prohibitions.

V. To increase, as far as possible, the list of free goods, exempting them from all dues, while the present tariff only frees them from a part. In the ordinance of January 31, 1856, the number of articles on the free-list is 34, while in the new tariff they number 63.

VI. To abolish onerous restrictions upon the internal circulation of foreign goods that have paid importation duties.

VII. To establish uniform duties upon foreign goods, which produces the advantage of equalizing mercantile operations throughout the nation.

VIII. To exempt national vessels from light-house dues, and collect them from foreign vessels only in the ports where light-houses exist.

IX. To provide that pilotage dues be paid only by vessels that call for pilots.

X. To grant all possible privileges to foreign commerce, thus facilitating the exportation of Mexican products, and opening our coasts to exportation trade.

XI. To authorize the exportation of bullion, in so far as the good faith of the nation, pledged to the lessees of mints, will allow.

XII. To authorize the transit of foreign goods across Mexican territory.

XIII. To simplify, as far as possible, the operations of custom-houses to the advantage of importation.

XIV. To comply with the law of March 15, 1837, which established the decimal-metrical system of weights and measures; and

XV. To combine in a single ordinance the various provisions concerning foreign commerce that are scattered through many laws now in force, which cannot readily be consulted, especially by exporters in foreign countries.

At first sight it would appear that the tariff rates have been increased; since, on comparing them with the present tariff, they are in fact found to be higher. This difference is explained in two ways. Firstly, in the new tariff all the importation duties on foreign goods now paid into the federal treasury, under different names, and which do not appear in the lists of the present tariff, are brought together; and, secondly, the new duties are based upon the meter and kilogram as units of measure and weight, instead of the yard and pound, now employed for that purpose. Foreign goods now pay to the federal treasury upon their importation into the republic the following duties:

Importation duty.....	\$100 00
Public works duty.....	20 00
Railroad duty.....	15 00
Internal transit duty.....	10 00
Counter-registration duty.....	25 00
Municipal duty.....	3 00
Substitute for tolls, equivalent to.....	9 00
Excise duty.....	15 50
Export duty on coin at 8 per cent. <i>ad valorem</i> , equivalent to.....	35 00
Total.....	232 50

The operation of reducing all these duties to a single impost was, therefore, equivalent to that of adding 132.50 per cent. to the present importation duties. From this amount a deduction of 12.50 per cent. was made, so that the actual increase was 120 per cent.

It may be alleged that the excise duty is only paid by goods consumed within the federal district, and that, by consolidating it with importation duties, it is really imposed upon goods consumed outside of the district. This consideration diminishes in importance when we remember that the goods consumed in the federal district form the greater part of those imported at Vera Cruz, and that the latter amount to half of those consumed in the republic. It is also a fact that, in most of the States, if not in all, excise duties are levied equivalent on the average to those of the federal district.

Nevertheless, the President, believing that a prudent reduction of the importation duties, along with the other provisions of the new tariff in favor of commerce, might be efficacious to increase the customs receipts, determined to make the said reduction of 12.50 per cent., which may be held to represent the excise duty, and to be equivalent to its abolition.

If the new importation duties appear higher than the present ones, let it be remembered that the additional duties above mentioned, amounting to 132.50 per cent., and

also those upon cotton and tobacco, are included therein, and will cease to be collected separately from and after the 1st of July, 1872.

The term designated for the new tariff to be put in force, is thought to be sufficient to protect commerce from loss in its pending orders for goods. In order to facilitate the observance of the new tariff, the president has sanctioned a code of regulations for maritime and frontier custom-houses, drawn up in consonance with the new tariff, and which is also promulgated this day.

The president trusts that the practical results of the new tariff will abundantly prove the advantages it offers to legitimate commerce and to the federal treasury.

Independence and liberty!

M. ROMERO.

MEXICO, January 1, 1872.

Mr. Nelson to Mr. Fish.

(Foreign Relations, 1872, p. 429.)

LEGATION OF THE UNITED STATES,
Mexico, June 5, 1872.

SIR: Herewith I transmit a copy and translation of the law passed by the Mexican Congress on the 31st ultimo, fixing the estimates of receipts and expenditures for the coming fiscal year, and also approving the tariff decreed by Minister Romero on the 1st of January last. Three modifications only were made in the tariff, namely: To permit the collection of excise taxes by States; to fix the exportation duty on bullion at 5 per cent.; and to deduct in compensation thereof 10 per cent. from the tariff.

I am, &c.,

THOMAS H. NELSON.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1875, p. 855.)

LEGATION OF THE UNITED STATES,
Mexico, January 16, 1875.

SIR: In commemoration of the establishment of a direct and regular line of steamers between the cities of Vera Cruz, Mexico, and New Orleans, United States, on the 24th of December last, a delegation of the Chamber of Commerce of New Orleans arrived in Vera Cruz, and soon thereafter proceeded to this city. The delegation made their visit upon the invitation of the *Lonja Mercantil* of this city, and had for its object the cultivation of more intimate commercial intercourse between New Orleans and Mexico. The delegation received the most marked attention and hospitality from the mercantile organizations, prominent private citizens, and public officials, and their presence has awakened a greatly-increased interest in the commercial affairs of the two republics. Among the most notable of the entertainments given them was a dinner at the national palace by President Lerdo, at which time he took occasion to express the deep interest he felt in the development and enlargement of the commercial relations between Mexico and the United States.

The delegation took their leave of this capital on the 10th instant, and, after visiting other cities, will sail from Vera Cruz for New Orleans on the 21st instant. They inform me that their observation and inquiries have deeply impressed them with the great importance of a reciprocity treaty, which they regard as desirable for the commercial interests of the two countries, and without which it will be very difficult to compete with European merchants, who now transact almost the entire business of this republic.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Fish.

(Foreign Relations, 1876, p. 405.)

LEGATION OF THE UNITED STATES,
Mexico, July 8, 1876.

SIR: I transmit herewith an article published in one of the newspapers of this city, written by Hon. Matias Romero, deputy in the federal congress, former minister of

finance, and also of the Mexican legation in Washington, discussing the question of a reciprocity treaty with the United States, especially in its relation to sugar-production in Mexico. The press of this capital has noticed with considerable favor the propositions introduced into Congress and the discussion in the American papers on the subject of commercial reciprocity.

I am, &c.,

JOHN W. FOSTER.

[Translation.]

[From the *Correo del Comercio*, Mexico, July 7, 1876.]

EXPORTATION OF MEXICAN SUGAR.

I think that the articles which I have published up to the present in regard to the exportation of Mexican sugar demonstrate beyond all doubt that in the present state of this important product in foreign markets it would be impossible for us to export more sugar than that which may be placed in port at a cost which does not exceed four dollars per quintal. As a general rule, those plantations only which are on the coast, or very close to the place of shipment, will be able to place their products in port at that price, and the inevitable result will be that the exportation will be reduced to a very limited section of country, since, owing to the unpeopled condition of our coasts, the plantations established upon them, or those which may be established, are few; and the products of sugar-plantations situated in the interior of the country, which latter are the more numerous, represent larger capital, and have capacity for a larger production, cannot be exported.

Even introducing all the economy possible, I doubt much whether these plantations will succeed in placing their products in port at that cost; and in this case it is indispensable to look for other means of securing the exportation of our sugar. One of these might be the measure recommended by President Grant to the Congress of the United States, to establish differential duties in favor of the products of countries where slavery does not exist, which, for reasons which I stated in one of my articles on this subject, would cause the price of our sugar to rise in the markets of New York. But this measure is tardy, and we have no means of influencing its adoption, for which reason we should not rely solely upon it.

There is another measure which, in my opinion, would be entirely efficacious in accomplishing this important object, and which I think it is in our power to realize. This measure consists in forming a treaty of reciprocity with the United States, by virtue of which Mexican sugar may be admitted free of duty in that country, we admitting in exchange also free of duty some equivalent product of North American industry.

This would be equivalent to conceding a premium in favor of our sugar equal to the value of the duties, which premium upon the poorest kind of sugar would be more than two dollars per quintal in American gold, and that would be sufficient to make the exportation profitable, which at the present is ruinous.

In order to proceed upon equitable bases, we should concede free of duty the importation of some product of North American industry, the one which at the present time produces for us a sum equivalent to that which our sugar imported by the neighboring nation would produce for the Treasury of the United States. This, in the latter case, would become a premium conceded by the Mexican treasury upon the exportation of Mexican sugar.

I judge the ratification of a treaty of reciprocity with the United States to be a matter easily accomplished, because on the 30th of January, 1875, the government of Washington formed one with the King of the Sandwich Islands, in which muscovado and unrefined sugars are specifically enumerated as among the products of those islands which are admitted free of duty in the United States. It is true that this treaty encountered some opposition in the House of Representatives of the United States; but according to my information, this was due to the fact that it was believed, for reasons which it is not to the point to enumerate here, that a few speculators were the only ones who would profit by the treaty. Nevertheless the treaty, or rather the law necessary for its execution, was approved by the House of Representatives, although by a small majority. It is probable that the Senate, which ratified the treaty on the 18th of March, 1875, will approve the supplementary law necessary for its execution.

For several years the exportation of Mexican sugar to the United States would not be very great; consequently the loss which the North American Treasury would suffer on account of the exemption would also be small. When the good results of the

traffic would be seen, it is probable that the production of sugar would be increased in order to take advantage of the profits which it would produce, and from that time it would assume greater proportions.

In 1859 the Government of the United States concluded a reciprocity treaty with the constitutional Government of Mexico, which was then located in Vera Cruz, and although disapproved by the Senate of the United States, the latter was due to certain other stipulations and not to that referring to commercial reciprocity.

Mr. Foster to Mr. Evarts.

(Foreign Relations of the United States, 1877, p. 429.)

LEGATION OF THE UNITED STATES,
Mexico, August 3, 1877.

SIR:

Although it has been acknowledged for years past that one of the greatest wants of the country is the construction of railroads to unite the centers of population and to give an outlet to both oceans for the products of the interior, the railroad from Vera Cruz to the city of Mexico is the only one that has as yet been constructed. Much time has been wasted by congress in the contentions of friends of rival projects. A concession was granted in 1874 to a Mexican organization in preference to American applicants for the construction of a railroad from this city to the large cities of the interior; and this company having failed completely to comply with its concession, a new grant was made to another organization, in which Messrs. Barron, Forbes & Company, a resident English house, were the principal members.

The work of construction was entered upon, but the revolution of last year almost paralyzed its operations, and, on the advent of the revolutionary government, the concession was revoked by an executive order, and all the works were declared as forfeited.

A detailed account of this transaction has already been given in my No. 524 of April 24 last. The subject of railroad concessions will doubtless be a leading topic in the deliberations of the next session of congress. Although it is acknowledged that the capital to construct the railroads so greatly needed in Mexico must, in a great measure, come from abroad, yet owing to the failure of the government to recognize or pay interest on its foreign debt for years past, and on account of the recent revolution, there is an apparent reluctance on the part of foreign capitalists to invest in Mexican public enterprises. An adjustment of the debt, a restoration of confidence in a stable government, and security and guarantees to foreign capital appear necessary to obtain the inauguration of railroad construction on any scale commensurate with the urgent wants of the country.

I am, &c.,

JOHN W. FOSTER.

Mr. Morrill to Mr. Evarts.

(Foreign Relations, 1877, Appendix, p. 123.)

UNITED STATES CONSULATE,
Manzanillo, September 28, 1877.

SIR: In conformity with the instructions of your dispatch, dated the 13th of July, relating to the best method of promoting commercial relations between the United States and Mexico, I beg leave to submit the following report:

Very little of the commerce of Mexico is done with the United States, for want of American merchants in the country to promote it; for, owing to the general insecurity of property, and the trouble met with in the custom-houses, ignorance of the language, &c., our countrymen prefer other localities. But by placing this country in a state of security, there can be no reason why American manufactures cannot be imported and compete favorably with those of any other nation.

In order to increase commercial relations with this country the first requisite is peace in the country.

It is believed that a treaty of alliance, guaranteeing the integrity of Mexican terri-

tory and its independence, with the right of one nation to assist the other against internal and external enemies, would be popular in this country and not objectionable to the United States. By such a treaty, the moral influence of it would be such that no troops would be necessary to be introduced to maintain peace, for it would be seen by revolutionists that although they might overthrow the government under ordinary circumstances, they could not do so if it were backed by the United States; and instead of getting into power through revolution, would do so through the ballot-box, and thus inaugurate a favorable political revolution in the country.

Peace thus secured, there would be an opening for railroads built by American capitalists; and where there are railroads, American merchants, mechanics, farmers, and miners will follow, and carry with them American commerce, and there will be an end to the European monopoly.

* * * * *
I am, &c.

AUGUSTUS MORRILL, *Consul.*

Mr. Sutter to Mr. Hunter.

(Foreign Relations, 1877, Appendix, p. 121.)

CONSULATE OF THE UNITED STATES,
Acapulco, October 1, 1877.

SIR:
* * * * *

Anxious to comply with the recommendations made to consular officers by the department in the circular of July 13, 1877, I would state that, in my opinion, with efforts made with patience and prudence in the right direction, the United States might soon be enabled to compete successfully with Europe (Manchester) in the production of cotton, linen, and woolen manufactures suitable for the west coast of Mexico, the more so, as of late interest on capital and wages of operatives in the United States have been reduced very nearly to the rates of England.

One of the greatest difficulties in the way of American merchants is, without any doubt, the long-established relations between the commission-houses in Europe and the importers on this coast. In many cases the establishment here is only a branch of the house in Europe. The result of these close relations naturally is that a great many articles which might be imported advantageously from the United States are brought from Europe, and nearly all the exports find their way to European markets.

Rates of interest charged in accounts between European houses and the merchants of this coast are regulated by the rate of the Bank of England.

I also must state here that the merchants on this coast complain of high commissions in New York and of high rates of freight from and to New York. For instance, while freight from New York out is \$60 per ton, it is but £7 from England.

Brown domestics are manufactured plentifully for home consumption in the country from cotton cultivated on this coast, and the high protective import duty of 9 cents per square meter renders the importation of the foreign article impossible.

It may safely be asserted that the business done annually between Manchester and the ports of the west coast of Mexico amounts to \$4,000,000.

Among the staple cotton goods brought to this coast from Manchester fancy prints occupy the first place, being of more consumption than any other article, and deserve to be described as minutely as possible, as well as the manner how they are made up and packed.

The importer selects from patterns furnished to him from Europe such as may suit the particular taste of the inhabitants of a certain district, having obtained from the Manchester printer the privilege of having printed the minimum of ten pieces of each pattern; thus, if needed, he can obtain small lots of ten bales, of fifty pieces of assorted patterns each, and suit all his customers. The printing-cloth used for these prints is 14 by 15 threads in one-fourth of one inch square, 28 to 29 inches wide when printed, well "swissed" (starched and mangled), as this operation is called at Manchester, made up in pieces of 24 yards; the colors are fast; cost-price of piece at Manchester 7s. 2d. to 7s. 6d., approximately, according to price of printing of pattern, exclusive of commissions, expenses of packing, &c.; import duties on prints per square meter say 14 cents; sell per piece at \$5.25 to \$5.50. As these goods have to be transported on mules to the interior of the country, exposed on the road to all sorts of accidents, they must be packed very carefully, viz: Each bale of fifty pieces has inner wrapper of brown or bleached cotton of 9 yards, inner paper, inner wrapper of Hessians (hemp packing-cloth), tarpaulin, and at last outer cover of Hessians. Such a bale is then compressed and bound with iron hoops, weighs from 180 to 190 pounds, and is better suited for transportation over rough roads than a case.

I have had the opportunity of examining patterns of American prints sent to a house at Acapulco by a large New York house, said to be of ready sale in the West Indies, Central and South America. Although they are of a superior quality (15 by 16 threads for one-fourth of one inch square), they are not so well "swissed" or finished as the Manchester article, and for this reason, as well as on account of their unaccustomed width of 25 inches, would not sell readily on this coast.

A better quality of prints is imported under the name of French imitation prints (*percales*); that is to say, select French patterns with French finish, made up in pieces of 44 meters. Printing-cloth used for these prints is 15 by 15 or 15 by 16 threads in one-fourth of one inch square (like the American prints mentioned), 29 inches wide, cost at Manchester of piece of 44 yards 18 francs. In every case each bale of prints is accompanied by its corresponding sample-book.

Bleached cotton sheeting and shirting in several qualities and widths are the articles which rank second among the imports on the west coast of Mexico.

Import duties on the same are 9 cents per square meter. The article is generally made up in pieces of 40 yards. Special attention is paid to a very good and compact finish. The most salable and cheapest quality is of twenty-three threads in five millimeters square, with a width of 28-29 inches, costing at Manchester, per piece of 40 yards, about 7 francs. This quality, 23 threads, 24 inches wide, sells, per Mexican vara, at 11 cents; 27-28 inches wide sells, per Mexican vara, at 13 cents; 29-30 inches wide sells per Mexican vara, at 14 cents; 32 inches wide sells, per Mexican vara, at 15 cents; 35-36 inches wide sells, per Mexican vara, at 16 cents. Better qualities, up to thirty threads in five millimeters square, with calico or linen finish, are also in demand and imported largely. Ordinary qualities are brought long-fold, the better qualities sometimes book-fold.

Among other articles in demand are printed *jaconets*, white ground. The quality generally bought for this market is known at Manchester as 12⁰⁰⁰ (13⁰⁰⁰, 14⁰⁰⁰, &c., mean better qualities than 12⁰⁰⁰), costing per piece of 24 yards, 28 inches wide, 6s. 8d. The import duties on the same are 16 cents per meter square. They sell at \$5 to \$5.25; they are packed in bales like prints.

Printed *jaconet* handkerchiefs are likewise of much consumption. In quality, as per sample herewith, 28 inches by 25 inches, they cost at Manchester, according to colors, from 1s. 8d. to 2s., and are made up in trusses of 300 dozen—import duties thereon, \$1.06 per dozen—sell generally at \$1.62 to \$1.75 per dozen.

Together with these principal staple articles, a great variety of cotton fabrics of minor importance, required for an assortment suitable for the trade, are imported; but only in small quantities compared with the consumption of prints and bleached goods.

Linen goods occupy but a secondary position in the trade of this coast. Import duties on the same are 16 cents per meter square up to thirty threads in five millimeters square, and 22 cents per square meter for all above thirty. Some of the most current are the following:

Platillas and *Silesias*: from 27 to 34 threads in five millimeters square, 26 inches to 28 inches, and 35 inches to 36 inches wide, in pieces of 17½ and 35 yards. *Silesias* of 27 threads, as above stated, with a width of 35 inches, cost at Manchester about 8½d. per yard.

Creas, quality 21 to 29 threads in five millimeters square, from 26 to 29 inches wide; in pieces of 32 or 64 yards, cost price at Manchester of *crea*, 21 threads, 28-29 inches wide, 6½d. per yard.

Bretañas, quality 33 to 40 threads in five millimeters square, 35 to 36 inches in width, made up in small fancy pieces of 7 yards, book-fold; cost price at Manchester of quality of 33 threads, 35 to 36 inches wide, 11½d. per yard.

These articles are supposed to be of pure linen.

For woollen manufactures there is but little demand. Blankets of all kinds, as well as the ordinary qualities of cassimere and broadcloth, are made in this country with high protective import duties. A little of several fabrics of woollen and cotton, or pure woollen for ladies' dresses mostly, like merino, and alpaca, &c., is imported, and likewise a small quantity of the better qualities of light cassimere and broadcloth. All these goods are sold to customers with 6, 8, and even 10 months' credit, or 1 per cent. discount per month if paid for before due.

It is to be hoped that the Mexican Government may soon abolish the ruinous export duty of 5 per cent. on silver coin, which is the only thing received in payment.

As far as other articles of American manufacture, like flour, lumber, California produce, machinery, arms and ammunition, candles, ship-chandlery, drugs; iron, hard, glass, and earthen ware; furniture, edged-tools, coal-oil, groceries, stationery, wines, liquors, &c., are concerned, I would only remark that the commercial relations between San Francisco and the west coast are growing more important every year.

JOHN A. SUTTER, JR.,
Consul.

Mr. Skilton to Mr. Hunter.

[Foreign Relations, 1877, Appendix, p. 119.]

CONSULATE GENERAL OF THE UNITED STATES,
Mexico, December 30, 1877.

SIR: The goods which can be imported into Mexico from the United States with advantage are principally prints, low classes of dry goods, hardware, house-furnishing goods, arms, and machinery.

The representatives of American houses who have visited this capital and other parts of the country here during the past year have received orders for goods to a considerable amount, and the demand will increase, as said goods are giving satisfaction. One hardware house alone, established in this city, will retail over \$200,000 of American goods during the current year.

The railway rates from Vera Cruz to the city of Mexico are as follows: First-class freight, \$76.05 per ton; second-class freight, \$65.18 per ton; third-class freight, \$54.32 per ton, in Mexican dollars. The average freight may be calculated as second class, but a large portion goes through as third class, especially on articles from the United States. If a reduction could be obtained on these rates, as well as on those of the over-sea steamers, as referred to hereafter in the present report, trade would be largely increased.

It is the belief of this consulate-general that legislation on the part of the Congress of the United States can increase the commerce between the United States and Mexico by granting a subsidy to a line of steamers carrying freight between the ports of New York and New Orleans and Vera Cruz and Tampico. Such subsidy should be sufficiently great to enable such line of steamers to reduce their rates of freight so much lower than those collected by the lines running to the Mexican Gulf ports from Liverpool and St. Nazaire, as to induce buyers in Mexico to seek their purchases in the United States.

The present large importing houses of Mexico are such as have generally existed for many years, the oldest partners retiring to Europe or elsewhere upon acquiring a competent fortune, and leaving their sons or younger partners or clerks to follow in the same channel. These houses have had for years their agents and correspondents in the various manufacturing and business cities of Europe, from whom they have ordered and order goods. It will be difficult to induce such Mexican buyers to escape from this routine unless low freights, as well as reduced prices, call loudly for their attention. But it is believed that much can be accomplished by the legislation above referred to. The time now occupied in ordering goods for Mexico, for delivery at Vera Cruz and Tampico and receiving the same, is usually from three to four months, while, by ordering and duplicating orders through the telegraph via Matamoros and New Orleans, from fifteen to twenty days will be sufficient for the receipt of goods at Vera Cruz, resulting in diminution of exchange on funds, interest, or money employed, &c. Should buyers prefer to pay for their goods by shipments to the United States, such shipments will naturally be increased as well as the duties arising to the United States Treasury; for such increased exports and imports must be many times greater than the sum necessary to subsidize a line of steamers, so that their rates of freight can be reduced to a schedule from 25 to 40 per cent. less than that of the European lines running to Mexico.

The present rate of freights to Vera Cruz from the European ports is, as I am informed, from \$7.35 to \$36.37 per ton, while the rates by the lines of F. Alexandre & Sons, as I am informed, are \$14.10 to \$23.50 per ton from New York to Vera Cruz, and \$10.50 to \$16.36 from New Orleans to Vera Cruz.

I am, &c.,

JULIUS A. SKILTON,
Consul-General.

COMMERCE WITH MEXICO—CONDITIONS PRECEDENT.

[Letter from a prominent merchant in Mexico.]

MEXICO, August 19, 1877.

The position of the foreign merchants, not only in Mexico, but in all the South American and Asiatic countries which are explored in the interests of commerce, is a chapter in itself. These true pioneers of civilization and agents of commerce between the great industrial nations and the half-civilized, consuming portion of mankind, are, *de facto*, as devoid of rights as pariahs, and whenever they utter a complaint they are told, "Why did you not stay at home?" Without protection from their own country, without the rights of citizens in the place of their residence, the foreign merchant is exposed helplessly to all chicaneries; and this is the case even with American citizens, in a country bordering directly on the United States. It is really incredible that in this age of progress and in a country where the necessity of foreign markets begins to be so greatly felt, the peculiar importance of the class of merchants who settle and

do business in foreign countries can be so entirely overlooked, and that they should be so harshly and ungratefully treated by the country. If to-day the foreign merchants should withdraw from the half-civilized countries, to-morrow one-half of all the spindles in the great cotton-manufacturing countries would be idle. For who would carry on commerce to remote countries if not the commercial countrymen of the manufacturers? Do the manufacturers consider it possible to enter into direct relations with Mexicans, Chinese, or Sandwich Islanders? If the attempt were made, the result would be that in a year from now every manufacturing establishment which sends its produce to those countries would be forced to send out agents on their own account, which agents would of course make themselves in time independent and become foreign merchants, as is the case to-day.

These foreign merchants are now, in the country of their residence, without rights, and the United States, especially, have so far done nothing to protect their citizens abroad. Protection in the harbors extends as far as the reach of the guns of our vessels. In the interior, the American citizen has no guarantee whatever. To become naturalized and thus identified with the institutions of semi-barbarous countries cannot be expected from any one who belongs to a nation of high civilization.

Whenever the foreign merchant suffers from chicanery or is damaged in his interests without warrant or law, and he applies to his native country for protection, the answer is, "You have left your country to make money elsewhere, and you must bear all the consequences." Those who give this heartless and short-sighted answer forget, in the first place, that every merchant going abroad contributes very materially to the advancement in wealth of the countries from which he imports his goods; nay, more, that as a class he is the only agent and promoter abroad of the business of manufacturing countries. They forget further that the number of those who really so achieve success is exceedingly small, compared to the number of those who fail or barely live; besides that, they forget the innumerable sacrifices which every one has to make whose fate it is to spend the best years of his life in a half-civilized foreign country.

How many of them return with their health impaired for life; how many estranged from their families and friends; and if they return home after a long absence they find themselves more strangers at home than abroad. Their personal worth and the respect they receive is measured only according to the size of the fortune which they bring home, and woe to them if they come back with little or nothing. Still worse off are those who cease to feel the sacrifices they are making, and sink to the level of the people surrounding them. In the debilitation of the tropical countries, they lose all impulse for higher mental efforts, and become doubly pitiable.

These complaints are in close connection with the question of extending American trade into Mexico, because the first condition precedent is the better and more protected position there of those by whom this trade necessarily has to be carried on.

There can be no doubt that American industry has arrived at the point where it must seek a more extended market. Before the American civil war in the period from 1848 to 1860, American fabrics were, in the north of Mexico, already known and sought after. New Orleans had an active trade with Vera Cruz, Tampico, and Matamoros, which was interrupted by the war of secession, and for some time afterward could not be revived because American goods remained at too high a price. The loss of this trade is one of the causes of the decay of New Orleans.

Meanwhile times have changed; the United States have, in the last ten years, made immense progress in almost every branch of manufactures, and, besides the Eastern States, the West and South are now manufacturing also.

Thus, with increasing production, consumers diminish and American industry passes into a new epoch. It is forced to participate in the great commerce of the world, and to enter into competition with other nations, and to look for distant markets. In this I speak particularly of dry goods, principally cotton goods. American hardware and agricultural implements are so far superior to those of other nations that, to a great extent, they introduce themselves. American fancy groceries could be introduced to a great extent if the means of communication were better and the Mexican import duties were reduced to a reasonable limit; but nineteen-twentieths of all imported goods are dry goods.

The first thing that stands in the way of the introduction of American goods abroad is the want of adaptation to the taste of the people. The English manufacture for every taste, for every climate, and for every degree of civilization.

The choice of colors and patterns is particularly wanting. Variety of patterns for printed goods is very costly, and requires more capital than most of the American manufacturers can employ, when compared with the English. Every new pattern requires a new cylinder, which is quite expensive. However, the American manufacturers have lately made great progress in this respect, and experiments with American goods have been made lately on an increasing scale.

With some considerable houses on our frontier importations from the United States have ceased to be experiments, and have become a regular and increasing commerce; nevertheless the importations of those houses from the United States are insignificant

compared with European importations by the same houses. They have their credits in Europe, and what they purchase in the United States they either pay by drafts on European bankers, or they pay these trifling amounts in cash. It would be different if Americans should seek to supplant the English, and I am inclined to doubt whether they can at present do it to any considerable extent. Capital is neither as cheap nor as plentiful as in Europe, and the system of credits is not as well developed as in the Old World. Bankers' credits or open credits are not yet well known in the United States. In New York collaterals are always demanded. This is due to the fact that the business is exclusively with home customers who can be controlled, whose wants in goods and whose business facilities are exactly known, and who do not ask for long credits. On these existing relations the whole trade is based, and prices are equally controlled. Foreign commerce cannot be had on such easy terms. The foreign merchant not only wants long credits, but the cheapest prices, because he has to compete with importations from other countries.

If Americans would occupy toward Mexican importers the position which the European givers of credit assume, they must be prepared for very considerable demands, for the annual orders of an importing house in Mexico run at once into hundreds of thousands. One of the leading importers on the frontier has for some time been importing American goods, first by way of experiment and in small quantities, but now he has sounded his New York correspondent to know if they can give him the same facilities which he has in England if he buys on a large scale. The house had to consult the senior partner, who lives in Europe, but who formerly lived in Mexico, and knows business there. The arrangement was made. Now if this house should get one or two more customers of that kind it will be all they can carry. The American manufacturers themselves have, as a class, no surplus capital, and are first to sell cheap for money. Houses which give extended credits for large amounts really do not exist either in New York or Boston. The real influx of capital for manufacturers, as well as for commission merchants and bankers who give credits, will only commence when American manufacturers come to participate, to a large extent, in the commerce of the world.

Conditions being equal, importing merchants would prefer to import from the United States. The shorter distance would cause less loss of time, and, therefore, less loss in interest, and the American merchant is easier to deal with.

If I buy in New York \$1,000 worth of goods I know I have to pay exactly \$1,000. The goods are delivered on board the ship, and there are no other charges. In England, or in Hamburg, or Bremen, the game of the commission merchant begins after he has drawn the line under the \$1,000. For one who is not accustomed to it the long list of petty charges is almost incredible. They have amounted on my goods to from eight to ten per cent. of the value.

I have said that several houses have commenced to import American goods regularly, but I believe that just these houses would dislike to see American importations become general. It would be the greatest error if American manufacturers should attempt to avoid established houses and have their own agencies. The whole mercantile community would be their enemies. The danger for the large importing houses, if American importations should become general, would be that in time they would lose their trade and become unnecessary. The present business of importing from Europe on a large scale requires large capital and good connections, and business remains consequently in the hands of a few. In the United States it would be difficult to get similar large connections, but it will be so much easier for the small merchant to get a few thousand dollars of credit. This may cause in time an opposition on the part of the large importers against American goods; and I am satisfied that if Mexico would, as a general rule, import from the neighboring United States, the whole trade would assume a different shape. To Americans it will be the same whether they sell to one man \$100,000 or to ten men \$10,000 each. On the contrary, according to American ideas, the latter might be considered preferable.

The best manner of introducing goods here is by superior quality and lower price. In this way they have already introduced themselves, and if manufacturers study the taste of these people more, the consumption, which is upon the whole miserably small as compared with that of European importation, would greatly increase. I have little faith in the effect of diplomacy in this respect. A meddling general can do more in this country than the ablest diplomat. I consider it out of the question to get any favorable discrimination in customs. If the United States would insist that the Free Zone should cease, and that Matamoros should be the only port of entry for transatlantic goods on the Rio Grande, leaving the old ports Camargo, Mier, &c., only for the trade between Mexico and the United States, it might have a good effect. It would then only be necessary to extend railroad communication from San Antonio across the Rio Grande to Monterey, San Luis, and Lagos, from whence one branch would run to Mexico and the other to the Pacific. This line has vastly more vitality than the Texas Pacific, which winds about the 32d parallel through eternal deserts in the same latitude and climate, while a railroad from Saint Louis, Mo., to Mexico, direct, would run through 15 degrees of latitude and exchange the products of a variety of climates.

COMMERCIAL TABLES.

No. 1.

COMMERCE OF THE UNITED STATES WITH MEXICO.

Statement showing the value of the domestic and foreign exports from the United States to Mexico, the imports from Mexico into the United States, and the total commerce between the two countries, during each of the twenty fiscal years ended June 30, from 1857 to 1876, inclusive.

[Compiled from the United States Official Reports on Commerce and Navigation.]

Year ended June 30—	Domestic exports.	Foreign exports.	Total exports.	Imports.	Total commerce.
1857	\$3,017,640	\$597,566	\$3,615,206	\$5,985,857	\$9,601,063
1858	2,785,852	529,973	3,315,825	5,477,465	8,793,290
1859	2,307,170	685,376	2,992,546	5,339,974	8,332,520
1860	3,338,739	2,015,334	5,354,073	6,935,872	12,289,945
1861	1,564,062	651,828	2,215,890	3,689,213	5,905,103
1862	1,840,720	368,287	2,209,007	2,684,852	4,893,859
1863	7,493,167	1,579,045	9,072,212	4,529,584	13,601,796
1864	10,927,960	1,753,594	12,681,554	7,884,391	20,565,945
1865	16,110,189	3,344,211	19,454,400	8,655,619	28,110,019
1866	3,716,599	871,619	4,588,218	4,843,761	9,431,979
1867	4,862,066	590,182	5,452,248	3,990,974	9,373,222
1868	5,061,344	1,392,919	6,454,263	6,115,922	12,570,185
1869	3,836,699	1,047,408	4,884,107	7,232,006	12,116,113
1870	4,556,441	1,318,955	5,875,396	12,099,031	18,974,427
1871	5,082,533	2,568,080	7,650,613	17,511,163	25,161,776
1872	3,445,658	2,132,931	5,578,599	8,507,124	14,085,713
1873	4,084,816	2,345,347	6,430,163	16,430,225	22,860,388
1874	4,073,679	1,930,691	6,004,370	13,239,905	19,244,275
1875	3,895,792	1,874,991	5,770,783	11,634,983	17,405,766
1876	4,706,778	1,501,394	6,208,172	12,505,753	18,713,925
Total for twenty years	96,707,904	29,099,731	125,807,635	166,223,674	292,031,309
Average per annum	4,835,395	1,454,986	6,290,382	8,311,183	14,601,565
Average per annum for last ten years.	4,360,580	1,670,290	6,030,870	11,019,709	17,050,579
Average per annum for last five years.	4,041,344	1,957,071	5,998,415	12,463,598	18,462,013
Average per annum for last five years, per capita of population of Mexico (9,343,470, census of 1871).....	\$0 43	\$0 21	\$0 64	\$1 33	\$1 97

No. 2.

Statement showing the several ports in the United States at which exports were made to Mexico, and imports received from Mexico, and the value of the same at each port, during the fiscal year ended June 30, 1876.

[Compiled from the Annual Report on Commerce and Navigation.]

Ports.	Domestic exports.	Foreign exports.	Total exports.	Imports.	Total commerce.
Baltimore				\$3,690	\$3,690
Boston				47,725	47,725
Brazos de Santiago	\$915,529	\$824,375	\$1,739,904	1,440,307	3,180,211
Corpus Christi	131,000	157,107	288,107	236,556	524,663
Galveston	29,796	127,737	157,533	105,191	262,724
Key West				1,940	1,940
Mobile	11,634		11,634	7,700	19,334
New Orleans	958,998	107,416	1,066,414	867,551	1,933,965
New York	1,428,335	130,857	1,557,192	4,768,776	6,325,968
Paso del Norte	36,701		36,701	550,939	587,640
Pearl River, Miss	12,429		12,429		12,429
Pensacola	9,516		9,516	82	9,598
Philadelphia	6,960		6,960	17,307	24,267
Puget Sound	4,674		4,674		4,674
Saluria, Tex	65,348	14,745	80,093	84,965	165,058
San Diego, Cal	81,431		81,431	35,937	117,368
San Francisco	1,016,235	139,157	1,155,392	4,337,087	5,492,479
Teché, La	192		192		192
Total	4,706,778	1,501,394	6,208,172	12,505,753	18,713,925
Carried in American vessels	4,097,674	1,191,348	5,289,022	10,930,760	16,219,782
Carried in foreign vessels	297,795	11,482	309,277	667,153	976,430
Carried in cars and other land-vehicles	311,309	298,564	609,873	907,840	1,517,713
Total	4,706,778	1,501,394	6,208,172	12,505,753	18,713,925
Total imports dutiable				1,229,939	10 per cent.
Total imports free of duty				11,275,814	90 per cent.
Total imports				12,505,753	
Proportion of total commerce at New York					34 per cent.
Proportion of total commerce at San Francisco					29 per cent.
Proportion of total commerce at Brazos de Santiago					17 per cent.
Proportion of total commerce at New Orleans					10 per cent.
Proportion of total commerce at Paso del Norte					3 per cent.
Proportion of total commerce at Corpus Christi					3 per cent.
Proportion of total commerce at all other ports					4 per cent.
Proportion of total commerce carried in American vessels					87 per cent.
Proportion of total commerce carried in foreign vessels					5 per cent.
Proportion of total commerce carried in cars and other land-vehicles					8 per cent.

Statement showing the value of the transit trade between the United States and Mexico for the fiscal year ended June 30, 1876.

Port.	Amount.
VALUE OF MERCHANDISE FORWARDED TO MEXICO IN TRANSIT.	
At Brazos de Santiago	\$763,698
At New York	131,484
At San Francisco	234,258
Total	1,129,440
VALUE OF MERCHANDISE RECEIVED FROM MEXICO IN TRANSIT.	
At Brazos de Santiago	16,021
At New York	101,999
At San Francisco	108,222
Total	226,315

No. 3.—*Statement showing the value of the commerce of the United States with Mexico, in merchandise, exclusive of coin and bullion, during the twenty fiscal years from 1857 to 1876, inclusive.*

[Compiled from the United States Official Reports on Commerce and Navigation.]

Years ended June 30—	Domestic exports of merchandise.	Foreign exports of merchandise.	Total exports of merchandise.	Imports of merchandise.	Total commerce in merchandise, exclusive of coin and bullion.
1857	\$3, 017, 640	\$597, 566	\$3, 615, 206	\$1, 026, 873	\$4, 642, 079
1858	2, 782, 852	529, 973	3, 312, 825	1, 103, 501	4, 421, 326
1859	2, 252, 162	667, 580	2, 919, 742	1, 244, 084	4, 163, 826
1860	3, 309, 379	2, 015, 334	5, 324, 713	1, 903, 431	7, 228, 144
1861	1, 559, 062	651, 364	2, 210, 426	979, 738	3, 190, 164
1862	1, 840, 730	363, 227	2, 209, 007	730, 988	2, 939, 995
1863	7, 441, 579	1, 579, 045	9, 020, 624	3, 043, 882	12, 064, 506
1864	7, 765, 133	1, 505, 464	9, 270, 597	6, 128, 445	15, 399, 042
1865	15, 313, 988	3, 344, 211	18, 658, 199	5, 130, 502	23, 788, 701
1866	3, 701, 599	871, 619	4, 573, 218	2, 279, 729	6, 852, 947
1867	4, 823, 614	572, 182	5, 395, 796	1, 071, 936	6, 467, 732
1868	5, 048, 420	1, 392, 919	6, 441, 339	1, 590, 667	8, 032, 006
1869	3, 834, 699	1, 047, 408	4, 882, 107	2, 336, 164	7, 218, 271
1870	4, 544, 745	1, 314, 955	5, 859, 700	2, 715, 655	8, 575, 355
1871	5, 044, 033	2, 568, 080	7, 612, 113	3, 209, 688	10, 821, 801
1872	3, 420, 658	2, 122, 931	5, 543, 589	4, 002, 920	9, 546, 509
1873	3, 941, 019	2, 323, 882	6, 264, 901	4, 276, 165	10, 541, 066
1874	4, 016, 148	1, 930, 691	5, 946, 839	4, 346, 364	10, 293, 203
1875	3, 872, 004	1, 865, 278	5, 737, 282	5, 174, 594	10, 911, 876
1876	4, 700, 978	1, 499, 594	6, 200, 572	5, 150, 572	11, 351, 144
Total for twenty years	92, 230, 432	28, 768, 363	120, 998, 795	57, 450, 908	178, 449, 703
Average per annum	4, 611, 522	1, 438, 418	6, 049, 940	2, 872, 545	8, 922, 485
Average per annum for last ten years ..	4, 324, 632	1, 663, 792	5, 988, 424	3, 387, 473	9, 375, 897
Average per annum for last five years ..	3, 990, 161	1, 948, 475	5, 938, 636	4, 590, 123	10, 528, 759
Average per annum for last five years per capita of population of Mexico ..	\$0 42	\$0 21	\$0 63	\$0 49	\$1 12

No. 4.—*Statement showing the imports into the United States from Mexico, and the exports from the United States to Mexico, of gold and silver coin and bullion, during the twenty fiscal years from 1857 to 1876, inclusive.*

[Compiled from the United States Official Reports on Commerce and Navigation.]

Years ended June 30—	Imports of gold coin and bullion.	Imports of silver coin and bullion.	Total imports of coin and bullion.	Total exports of coin and bullion.	Total imports and exports of coin and bullion.
1857	\$135, 892	\$4, 823, 092	\$4, 958, 984	.....	\$4, 958, 984
1858	26, 429	4, 342, 535	4, 368, 964	\$3, 000	4, 371, 964
1859	37, 404	4, 058, 486	4, 095, 890	72, 804	4, 168, 694
1860	214, 710	4, 817, 731	5, 032, 441	29, 360	5, 061, 801
1861	58, 735	2, 650, 740	2, 709, 475	5, 464	2, 714, 939
1862	61, 047	1, 892, 817	1, 953, 864	.....	1, 953, 864
1863	75, 302	1, 410, 400	1, 485, 702	51, 588	1, 537, 290
1864	92, 707	1, 663, 239	1, 755, 946	3, 410, 957	5, 166, 903
1865	173, 206	3, 351, 911	3, 525, 117	796, 201	4, 321, 318
1866	491, 455	2, 072, 577	2, 564, 032	15, 000	2, 579, 032
1867	574, 132	2, 274, 906	2, 849, 038	56, 452	2, 905, 490
1868	420, 446	4, 104, 809	4, 525, 255	12, 924	4, 538, 179
1869	333, 877	4, 561, 965	4, 895, 842	2, 000	4, 897, 842
1870	235, 777	10, 147, 589	10, 383, 366	15, 696	10, 399, 062
1871	2, 817, 570	11, 483, 905	14, 301, 475	32, 500	14, 339, 975
1872	76, 186	4, 428, 018	4, 504, 204	35, 000	4, 539, 204
1873	53, 475	12, 100, 585	12, 154, 060	165, 262	12, 319, 322
1874	421, 838	8, 471, 703	8, 893, 541	57, 531	8, 951, 072
1875	320, 911	6, 139, 478	6, 460, 389	33, 501	6, 493, 890
1876	336, 468	7, 018, 713	7, 355, 181	7, 600	7, 362, 781
Total for twenty years	6, 957, 567	101, 815, 199	108, 772, 766	4, 808, 840	113, 581, 606

No. 5.

Statement showing the imports of gold and silver coin and bullion into the United States from Mexico during the twenty fiscal years from 1858 to 1877, inclusive.

[Compiled from the United States Official Reports on Commerce and Navigation.]

Years ended June 30—	Gold coin.	Gold bullion.	Silver coin.	Silver bullion.	Total.
1858	\$23,266	\$3,163	\$4,312,428	\$30,107	\$4,368,964
1859	31,742	5,662	3,924,062	134,424	4,095,890
1860	205,803	8,907	4,401,450	416,281	5,032,441
1861	45,787	12,948	2,190,902	459,838	2,709,475
1862	54,109	6,938	1,803,770	89,047	1,933,864
1863	36,286	39,016	1,370,583	39,817	1,485,702
1864	90,283	2,424	1,598,975	64,264	1,755,946
1865	171,400	1,806	3,023,261	322,650	3,525,117
1866	491,455	.....	2,069,495	3,082	2,564,032
1867	567,376	6,756	2,216,681	58,225	2,849,038
1868	418,369	2,077	4,089,791	15,018	4,525,255
1869	332,977	900	4,546,073	15,892	4,895,842
1870	235,777	.....	9,993,022	154,567	10,383,366
1871	2,817,505	65	11,385,529	98,376	14,301,475
1872	74,098	2,088	4,058,521	369,497	4,504,204
1873	27,357	26,118	11,645,641	454,944	12,154,060
1874	417,773	4,065	7,646,284	825,419	8,893,541
1875	305,911	15,000	5,144,369	995,109	6,460,389
1876	297,037	39,431	6,007,589	1,011,124	7,355,181
1877	317,681	11,189	8,574,853	1,336,596	10,240,319
Total for twenty years	6,961,992	188,553	100,009,279	6,894,277	114,054,101
Value of merchandise imported during same period .....	.....	.....	.....	.....	61,628,299
Total imports .....	.....	.....	.....	.....	175,682,400

No. 6.

Statement showing in detail the trade of the United States with Mexico during the fiscal year ended June 30, 1877.

[From an official statement of the Bureau of Statistics, dated November 16, 1877.]

DOMESTIC EXPORTS FROM THE UNITED STATES TO MEXICO.

Commodities.	Quantities.	Values.
Acids	pounds ..	69,362
Agricultural implements .....	.....	\$4,678
Animals, living:	.....	21,381
Horned cattle	number ..	2,809
Horses	do ..	603
Mules	do ..	134
Sheep	do ..	161,549
All other, and fowls .....	.....	11,084
Bear, ale, porter, and cider:	.....	.....
In bottles	dozen ..	9,718
In casks	gallons ..	7,816
Billiard tables and apparatus .....	.....	1,283
Blacking .....	.....	4,548
Books, pamphlets, maps, &c. ....	.....	8,432
Brass, and manufactures of .....	.....	3,768
Bread and breadstuffs:	.....	.....
Bread and biscuit	pounds ..	166,913
Indian corn	bushels ..	64,776
Wheat-flour	barrels ..	11,188
All other breadstuffs .....	.....	9,325
Bricks	M ..	37
Brooms and brushes .....	.....	3,039
Candles, tallow, and other	pounds ..	250,039
Carriages, carts, and parts of .....	.....	34,984
Cars, railroad, passenger, and freight	number ..	2
Clocks, and parts of .....	.....	1,700
Coffee, cocoa, and spices .....	.....	7,146
Coal .....	.....	8,205
Copper, and manufactures of .....	.....	7,746
Cordage, rope, and twine of all kinds, not elsewhere specified	pounds ..	54,737
		7,877
		7,531

Statement showing in detail the trade of the United States with Mexico, &c.—Continued.

Commodities.	Quantities.	Value.
Cotton:		
Unmanufactured	pounds..	3,969,812
Colored	yards..	6,255,489
Uncolored.....do....	do....	5,876,817
All other manufactures of		64,450
Drugs, chemicals, and dyestuffs		75,115
Earthen and stone ware		10,625
Fancy articles, not elsewhere specified, and combs		27,537
Fruits, green, ripe, dried, and preserved		20,721
Gas-fixtures		1,834
Glass and glassware		24,763
Hair, manufactures of		643
Hats, caps and bonnets		11,744
Hay	tons..	598
Hemp:		
Cables and cordage	cwt..	54
All manufactures of		12,095
Hides and skins, other than fur		415
Ice	tons..	3
India-rubber manufactures		11,206
Iron and steel, manufactures of:		
Railroad bars or rails	cwt..	1,929
Castings, not elsewhere specified		8,233
Car-wheels	number..	24
Stoves, and parts of		5,091
Steam-engines, stationary	number..	16
Machinery, not elsewhere specified		201,215
Nails and spikes	pounds..	461,800
All other manufactures of		187,762
Steel, and manufactures of:		
Cutlery		6,455
Edge-tools		65,257
Files and saws		2,937
Muskets, pistols, rifles, &c		118,849
All other manufactures of		8,817
Jewelry, and other manufactures of gold and silver		1,660
Junk (old) and oakum	cwt..	82
Lamps		9,304
Leather, and manufactures of		67,616
Lime and cement	barrels..	555
Marble and stone, rough, and manufactures of		1,889
Matches		6,217
Mathematical, philosophical, and optical instruments		3,947
Musical instruments		969
Naval stores (rosin, turpentine, tar, and pitch)		11,293
Oils:		
Mineral, refined or manufactured		4,389
Animal		293,152
Vegetable		2,867
Ordnance stores:		
Gunpowder	pounds..	174,257
Cartridges and fuses		26,672
Paints and painters' colors		57,578
Paintings and engravings		11,935
Paper and stationery		1,346
Perfumery		87,946
Plated ware, of silver or other metals		2,603
Printing presses and type		857
Provisions:		
Bacon and hams	pounds..	64,360
Beef	do....	1,570
Butter	do....	61,738
Cheese	do....	29,283
Condensed milk		370
Fish, smoked, pickled, and other cured		6,596
Lard	pounds..	550,718
Meats, preserved		63,491
Oysters		4,915
Pickles and sauces		3,494
Pork	pounds..	200
Potatoes	bushels..	11,668
Other vegetables		9,840
Quicksilver	pounds..	776,753
Rice	do....	93,670
Salt	bushels..	1,391
Scales and balances		1,405
Seeds, clover, timothy, garden, and all other		6,883
Sewing-machines		807
Soap, perfumed and toilet		115,970
Other	pounds..	411,473
Specie, coin and bullion		25,829
		5,239

Statement showing in detail the trade of the United States with Mexico, &c.—Continued.

Commodities.	Quantities.	Values.
Spirits, distilled		\$1,442
Spirits of turpentine	gallons.. 2,370	1,197
Starch	pounds.. 141,995	8,632
Steam and other fire engines and apparatus		736
Sugar and molasses:		
Sugar, brown	pounds.. 2,361	237
Sugar, refined	do.. 506,404	55,690
Molasses	gallons.. 388	152
Candy and confectionery		2,406
Tallow	pounds.. 24,126	2,065
Tin, and manufactures of		5,877
Tobacco, leaf	pounds.. 691,828	143,087
Tobacco, manufactures of		4,260
Trunks and valises		7,804
Varnish	gallons.. 2,292	2,705
Vinegar	do.. 4,540	1,410
Watches, and parts of		410
Wax	pounds.. 181	37
Wearing apparel		25,400
Wine	gallons.. 8,518	6,141
Wood, and manufactures of:		
Boards, clapboards, deals, planks, &c	M feet.. 3,214	57,741
Shingles	M.. 1,224	4,024
Shooks		15,339
All other lumber		8,203
Hop, hoop, telegraph, and other poles		9
Logs, masts, spars, and other whole timber		500
Household furniture		44,408
Wooden ware		6,411
All other manufactures of, not elsewhere specified		20,404
Wool, manufactures of:		
Carpets	yards.. 55	60
Other manufactures of		14,469
Zinc, and manufactures of		1,151
All other unmanufactured articles		3,682
All other manufactured articles		14,385
Total domestic exports		4,509,041
Merchandise		4,503,802
Specie, bullion and coin		5,239
Total shipped in cars		622,881
Total shipped in American vessels		3,788,188
Total shipped in foreign vessels		97,972

Statement showing in detail the trade of the United States with Mexico, &c.—Continued.

FOREIGN EXPORTS FROM THE UNITED STATES TO MEXICO.

Commodities.	Quantities.	Values.
FREE OF DUTY.		
Chemicals, drugs, dyes, &c		\$1,254
Cocoa, crude, &c	pounds.. 320,028	52,299
Coffee	do. 1,212,910	251,053
Tea	do. 17,100	6,675
Wood, unmanufactured		352
All other articles		2,833
Total free of duty		314,466
SUBJECT TO DUTY.		
Beer, ale, &c	gallons.. 8,197	7,329
Books, pamphlets, &c		1,539
Brass, and manufactures of		1,485
Breadstuffs		4,223
Rice	pounds.. 532,965	13,782
Chemicals, drugs, &c		13,401
Clothing		17,910
Copper, manufactures of		1,074
Cordage, rope, and twine	pounds.. 1,621	232
Cotton manufactures		567,849
Earthen, stone, and china ware		8,306
Fancy goods		5,200
Fish		2,569
Flax manufactures		64,407
Fruits		17,554
Glass, and manufactures of		4,216
Hemp:		
Raw	tons..	6
Manufactures of		214
Iron and steel, and manufactures of		29,532
Jewelry		5,249
Jute and other grasses, and manufactures of		5,753
Leather of all kinds	lbs.. 1,900	1,939
Manufactures of		3,978
Marble and stone, and manufactures of		871
Metals, metal-compositions, and manufactures of		2,950
Oils		3,057
Opium	lbs.. 75	325
Paintings, engravings, &c		172
Paints		776
Paper, and manufactures of		6,638
Provisions		5,381
Salt	lbs.. 2,220	59
Seeds		17
Silk, manufactures of		16,284
Soda, and salts of	lbs.. 176,221	6,826
Spices of all kinds	lbs.. 152,330	28,259
Straw and palm-leaf, and manufactures of		694
Sugar and molasses:		
Sugar, brown	lbs.. 31,583	1,803
Sugar, refined	lbs.. 30	5
Candy, &c	lbs.. 996	253
Tobacco, and manufactures of		15,497
Wines and spirits:		
Spirits, in casks	pf. galls.. 10,971	15,061
Spirits, in bottles	doz.. 3,025	11,434
Wine, in casks	galls.. 39,491	12,920
Wine, in bottles	doz.. 5,000	15,876
Wood, manufactures of		4,680
Wool, manufactures of		124,151
All other articles		23,390
Total subject to duty		1,075,226
Total foreign exports		1,389,692
Specie		
Merchandise		1,389,692
Brought in cars and other land-vehicles		294,621
Brought in American vessels		1,066,076
Brought in foreign vessels		28,995

Statement showing in detail the trade of the United States with Mexico, &c.—Continued.

IMPORTS INTO THE UNITED STATES FROM MEXICO.

Commodities.	Quantities.	Values.
FREE OF DUTY.		
Articles of the United States brought back		\$39, 237
Barks, medicinal, &c. lbs..	5, 901	529
Books, not elsewhere specified		95
Chemicals, drugs, dyes, &c.		260, 854
Cocoa, crude, &c. lbs..	100, 921	12, 538
Cochineal lbs..	111, 763	52, 466
Coffee lbs..	6, 789, 693	1, 265, 970
Cotton, raw lbs..	110, 000	2, 276
Dye-woods, in sticks. cwt..	69, 733	72, 402
Fish		294
Gold and silver:		
Gold bullion		11, 189
Silver bullion		1, 336, 596
Gold coin		317, 681
Silver coin		8, 574, 553
Guanó	70 tons..	431
Gums	161, 544 lbs..	16, 707
Gypsum, unground	300 tons..	308
Hair, unmanufactured:		
Horse-hair, used for weaving	3, 927 lbs..	576
Hair, of all kinds	178, 143 lbs..	28, 741
Hides, skins, and furs, undressed		1, 529, 702
Household and personal effects, &c.		5, 498
India rubber	43, 314 lbs..	13, 825
Indigo	250 lbs..	260
Paper material:		
Bags of cotton or linen	36, 915 lbs..	535
Seeds		610
Wood, unmanufactured		133, 690
All other articles		318, 647
Total free of duty		13, 996, 510
SUBJECT TO DUTY.		
Animals, living		129, 897
Beer, ale, &c. galls..	20	18
Books, pamphlets, &c.		356
Brass, and manufactures of		465
Breadstuffs		65, 202
Chemicals, drugs, &c.		1, 077
Clothing		234
Copper:		
Ore	24 cwt..	346
Pigs, bars, &c. lbs..	67, 793	7, 917
Manufactures of		115
Cordage, rope, and twine.	7, 453 lbs..	625
Cotton manufactures		112
Earthen, stone, and china ware		1, 026
Fancy goods		244
Fish		1, 101
Flax manufactures		946
Fruits		43, 171
Glass, and manufactures of		32
Hemp:		
Raw	275 tons..	24, 021
Manufactures of		1, 383
Iron and steel, and manufactures of		3, 370
Jewelry		53
Jute and other grasses:		
Raw	7, 278 tons..	656, 746
Manufactures of		15, 910
Lead:		
Pigs, bars, and old	1, 336, 641 lbs..	68, 218
Manufactures of		519
Leather of all kinds	2, 785 lbs..	1, 284
Manufactures of		1, 335
Marble and stone, and manufactures of		4, 354
Metals, metal-compositions, and manufactures of		1, 808
Paintings, engravings, &c.		349
Paper, and manufactures of		5
Potatoes	1, 389 lbs..	1, 627
Precious stones		6, 355
Provisions		2, 679
Salt	3, 513, 660 lbs..	7, 196
Seeds		102
Silk, manufactures of		73

Statement showing in detail the trade of the United States with Mexico, &c.—Continued.

Commodities.	Quantities.	Values.
Soda, and salts of	lbs.. 813	\$26
Spices of all kinds	lbs.. 29,993	5,481
Straw and palm-leaf, and manufactures of		1,257
Sugar and molasses:		
Sugar, brown	lbs.. 5,269,705	220,727
Sugar, refined	lbs.. 156	26
Molasses	galls.. 20,280	5,631
Melado	lbs.. 35,674	1,155
Candy, &c	lbs.. 10	4
Tobacco:		
Leaf	lbs.. 3,638	649
Manufactures of		1,637
Wine and spirits:		
Spirits, in casks	pf. galls.. 4,269	4,870
Spirits, in bottles	doz.. 126	525
Wine, in casks	galls.. 379	366
Wine, in bottles	doz.. 5	32
Wood, manufactures of		1,177
Wool:		
Raw	lbs.. 1,405,983	119,708
Manufactures of		407
All other articles		34,124
Total subject to duty		1,448,073
Total imports		15,444,583
Specie		10,240,319
Merchandise		5,204,264
Brought in cars and other land-vehicles		1,071,681
Brought in American vessels		13,850,276
Brought in foreign vessels		522,446

Statement showing in detail the trade of the United States with Mexico, &c.—Continued.

RECAPITULATION.

Commodities.	Quantities.	Values.
Domestic exports		\$4, 509, 041
Foreign exports		1, 389, 692
Total exports		5, 898, 733
Imports		15, 444, 583
Total commerce		21, 343, 316
Carried in American vessels		18, 704, 540
Carried in foreign vessels		649, 413
Carried in cars and other land-vehicles		1, 989, 363
Total commerce		21, 343, 316
Imports free of duty		13, 996, 510
Imports subject to duty		1, 448, 073
Total imports		15, 444, 583
Imports of specie, coin, and bullion		10, 240, 319
Imports of merchandise		5, 204, 264
Total imports		15, 444, 583

No. 7.

FOREIGN COMMERCE OF MEXICO.

*Statement showing the foreign commerce of the Republic of Mexico for the fiscal year ended June 30, 1873.**

[Compiled from the annual report of the consul-general of the United States at the City of Mexico, transmitted to the Department of State. Commercial Relations, 1875, page 1126.]

Custom-houses on the United States frontier.	Imports from the United States. ^f	Imports from other countries.	Total imports.	Exports to the United States. ^f	Exports to other countries.	Total exports.	Total commerce with the United States. ^f	Total commerce with all countries.
Magdalena, in Sonora	\$2,089	.....	\$2,089	\$45,216	.....	\$45,216	\$47,305	\$47,305
Paso del Norte	22,771	.....	22,771	25,267	.....	25,267	48,038	48,038
Presidio del Norte	136,533	.....	136,533	468,869	.....	468,869	605,402	605,402
Piedras Negras	116,166	.....	116,166	101,057	.....	101,057	217,223	217,223
Monterey Laredo	309,766	.....	309,766	87,673	.....	87,673	397,439	397,439
Guerrero	63,800	.....	63,800	18,641	.....	18,641	82,441	82,441
Mier	47,732	.....	47,732	.....	.....	.....	47,732	47,732
Camargo	71,639	.....	71,639	49,886	.....	49,886	121,525	121,525
Reynosa .....	.....	.....	.....	11,695	.....	11,695	11,695	11,695
Matamoros	2,687,090	\$288,914	2,976,004	986,485	\$11,028	997,513	3,673,575	3,973,517
Total	2,457,586	288,914	3,746,500	1,794,789	11,028	1,805,817	5,252,375	5,552,317
PORTS IN THE GULF OF MEXICO.								
Tampico	162,718	999,909	1,162,627	278,973	2,625,254	2,904,227	441,691	4,066,854
Tuxpan	88,368	69,208	157,576	80,626	46,908	127,534	168,994	285,110
Vera Cruz	1,133,456	12,980,278	14,113,734	5,071,404	12,867,485	17,938,889	6,204,860	32,052,623
Coatzacoalcos	30,976	.....	30,976	27,636	200,018	227,654	58,612	258,630
Tabasco	190,069	406,680	596,749	15,164	178,851	194,015	205,233	790,764
Isla del Carmen	7,983	95,404	103,387	2,720	377,134	379,854	10,703	483,241
Campeachy	97,321	151,750	249,071	3,411	17,654	21,065	100,732	270,136
Progreso	423,496	527,938	951,434	628,841	494,231	1,133,072	1,062,337	2,084,506
Total	2,134,367	15,231,167	17,365,554	6,118,775	16,807,535	22,926,310	8,253,162	40,291,864

PORTS ON THE PACIFIC.

Magdalena Bay, Lower California.....	29,562	11,606	41,168	1,841	114,889	116,730	31,403	157,898
La Paz, Lower California.....	87,673	52,651	140,324	314,643	25,522	340,165	402,316	480,469
Guaymas.....	579,210	437,112	1,016,322	1,480,659	1,474,559	2,958,118	2,039,869	3,974,440
Mazatlan.....	924,232	2,804,202	3,794,034	1,192,527	1,533,574	2,726,101	2,176,759	6,520,135
San Blas.....	239,136	260,544	499,680	57,550	34,513	92,063	296,626	591,743
Manzanillo.....	49,815	1,397,210	1,447,025	281,276	1,358,073	1,639,349	331,091	3,066,374
Acapulco.....	89,789	776,300	866,089	54,520	327,696	382,216	144,309	1,248,305
Salina Cruz.....	1,047	38,830	39,877	.....	40,710	40,710	1,047	80,567
Tonalá.....	67	20,329	2,396	.....	24,937	24,937	67	45,333
Soconusco.....	1,031	61,094	62,125	.....	72,480	72,480	1,031	134,605
Zapaluta (frontier custom-house, State of Chiapas).....	.....	23,310	23,310	.....	43,612	43,612	.....	66,922
Total.....	2,061,562	5,888,788	7,950,350	3,383,016	5,033,465	8,436,481	5,444,578	16,386,831
Total imports and exports of Mexico.....	7,653,535	21,408,869	29,062,404	11,296,580	21,872,028	33,168,608	18,950,115	62,231,012
Percentage under each heading.....	26 per cent. of total imports.	74 per cent. of total imports.	47 per cent. of total commerce.	34 per cent. of total exports.	66 per cent. of total exports.	53 per cent. of total commerce.	30 per cent. of total commerce.	\$6.66 per capita of population.

*No later complete returns have been officially published in Mexico.

†The Mexican official reports and the United States official reports differ essentially in their statement of the commerce between the two countries. According to the United States Annual Report on Commerce and Navigation, for the fiscal year ended June 30, 1873, which is the period embraced in the above table, the value of the total exports from the United States to Mexico for that year was \$6,430,163; the imports from Mexico into the United, \$16,430,225; and the total commerce between the two countries \$22,860,388, instead of \$18,950,115, as given above.

No 8.

Comparative statement showing the foreign commerce of Mexico, by countries, during the fiscal year ended June 30, 1873.

[Compiled from the annual report of the consul-general of the United States at the city of Mexico, transmitted to the Department of State. Commercial Relations, 1875, page 1129]

Countries.	Imports from—	Exports to—	Total commerce with—
Great Britain.....	\$10, 180, 589	\$12, 479, 548	\$22, 660, 137
United States*.....	7, 420, 419	11, 366, 531	18, 786, 950
France.....	4, 817, 111	4, 604, 417	9, 421, 528
Germany.....	3, 890, 496	802, 644	4, 693, 140
New Granada.....	1, 233, 430	1, 579, 015	2, 812, 445
Spain and Cuba.....	1, 394, 212	752, 892	2, 147, 104
Central America.....	105, 479	81, 000	186, 479
Italy.....	9, 035	17, 389	26, 424
Ecuador.....	10, 430	2, 931	13, 361
Belgium.....	380	4, 784	5, 164
China.....	825		825
Not specified.....		1, 477, 458	1, 477, 458
Total.....	29, 062, 406	33, 168, 609	62, 231, 015

* According to the United States Annual Report on Commerce and Navigation, the commerce between the United States and Mexico during the above year amounted to \$22,860,388. For the fiscal year ended June 30, 1877, it was \$21,343,316.

No. 9.

Statement showing the exports, by articles, from Mexico during the fiscal year ended June 30, 1873.

[Commercial Relations, 1875, page 1127.]

Articles.	Value.
PRODUCTS OF THE MINE.	
Silver, coined	\$22,602,493
Silver, in bars	1,512,617
Gold, coined	649,271
Gold, in bars	288,578
Mineral ore, ground and unground, 416 tons	222,854
Unrefined silver	39,252
Lead, 727 tons	30,831
Copper, crude, 720 tons	16,064
Silver, manufactured	8,716
Coal, 31½ tons	1,260
Copper, in bars, 316 pieces	1,073
Tin, 8 tons	520
Brass	144
Total exportation of coin, bullion, metals, and minerals	25,373,673
AGRICULTURAL AND OTHER PRODUCTS.	
Hides in general	1,546,869
Hemp (Henequin and Ixtle), raw and manufactured	1,149,203
Timber and dye-woods	1,042,586
Coffee	532,913
Vanilla	414,038
Cochineal	276,699
Cattle	209,960
Tobacco, leaf and manufactured	132,985
Orchilla	123,450
Fine pearls	109,300
India rubber	93,053
Sarsaparilla	90,862
Wool, uncleaned	88,636
Indigo	80,230
Jalap	77,517
Cocanut oil	46,000
Beans (frijol)	37,805
Cotton, raw	31,330
Mother-of-pearl shell	26,117
Starch	25,850
Jewelry	21,255
Wheat	16,634
Salt and dried meat	13,545
Fruit, fresh	13,241
Flour	12,731
Paint	12,079
Barley	11,421
Sugar	10,860
Miscellaneous articles	1,542,767
Total exports	33,168,609

No. 10.

EXPORTS FROM MEXICO, 1874.

Statement published by the Mexican Treasury Department showing the exports from Mexico to all countries during the fiscal year ended June 30, 1874.

[From the Diario Oficial de Mexico of October 31 and November 1 and 2, 1877.]

Countries.	Merchandise.	Metals.	Woods.
United States	\$3,292,669	\$8,147,280	\$183,200
England	713,485	8,492,496	581,731
France	575,793	3,295,954	194,945
Spain	626,183	106,180	63,375
Germany	137,693	5,000	97,570
Italy			9,721
Belgium			4,701
New Granada, Panama	82,299	998,118	100
Honduras	6,410		500
Guatemala	2,085	29,653	
Costa Rica	1,562		
Total	5,438,179	21,074,680	1,135,843

TOTAL EXPORTS OF MERCHANDISE, METALS, AND WOODS.

To United States	\$11,623,149
England	9,787,712
France	4,066,692
Spain	795,738
Germany	240,263
Italy	9,721
Belgium	4,701
Central America	1,120,727
Total exports from Mexico	27,648,703

No. 11.

Statement showing the value of the imports into Mexico from the United States during the fiscal year ended June 30, 1872.

[From the annual report of the United States consul-general at the city of Mexico. Commercial Relations, 1874, page 831.]

Port.	Value per bill of lading.	Duties paid.
Vera Cruz	\$671,099	\$258,631
Tampico	103,294	31,339
Tuxpau	16,205	4,454
Matamoros	330,000	145,000
Progreso	304,680	167,039
Tabasco	44,140	11,422
Campeachy	133,630	73,715
Isla del Carmen	26,661	6,630
Coatzacoalco	5,287	2,639
Acapulco	47,575	16,653
Guaymas	224,800	58,848
San Blas	21,238	10,644
Total	1,928,609	787,014

According to the above statement the average amount of duty paid in Mexico upon importations from the United States is 41 per cent.

The returns from the ports of Mazatlan and Manzanillo and the frontier custom-houses are not given in the above statement.

No. 12.

Statement showing the classification and value of the foreign imports into the Republic of Mex-ico during the fiscal year ended June 30, 1873, the amount of duty paid thereon, and the percentage of duty so resulting upon the value of each class of articles.

[Compiled from the annual report of the consul-general of the United States at the city of Mexico transmitted to the Department of State. Commercial Relations, 1875, page 1126.]

Articles.	Value.	Amount of duty paid.	Per cent. of duty on value.
Cotton-stuffs	\$10, 531, 970	\$4, 734, 341	45
Wines, liquors, and groceries	5, 191, 789	2, 012, 509	39
Articles free of duty	3, 354, 260		
Hardware, ironmongery, &c	2, 184, 014	763, 909	35
Miscellaneous	2, 035, 610	1, 055, 828	52
Linen and hemp	1, 452, 978	564, 126	39
Woolen goods	1, 427, 867	644, 497	45
Mixed manufactures	1, 417, 428	605, 146	43
Silk goods	588, 911	267, 405	45
Porcelain, earthenware, and glass	577, 511	206, 547	36
Drugs and medicines	300, 069	135, 011	45
Total	29, 062, 407	10, 989, 319	43

The articles free of duty comprise 11½ per cent. of the total imports.

In the United States the average rate of duty, reduced to ad valorem, during the fiscal year ended June 30, 1876, was 44.74 per cent., and the percentage of the total imports entered free of duty was 33 per cent.

No. 13.

Articles free of import duty in Mexico.

[Extract from the annual report of the United States consul-general at the city of Mexico. State Department Report on Commercial Relations for 1874, p. 835.]

Goods importable into Mexico free of duty according to the present tariff:

Animals of all kinds, conserved or alive, except geldings; anvils, blacksmith and silversmith; arms for the national State guard, when asked by State governments, with approval of State legislatures; alabaster in the rough; anchors and masts for large and small vessels; agricultural implements.

Barrel heads and staves; books, printed, bound and unbound, with the exception of those mentioned in article 18 of tariff; bricks and fire-brick clay.

Corn; corn-meal; coin cabinets, ancient and modern; cards, wire and vegetable, mounted, ready to apply to machinery; crucibles of all sizes and materials; cars and coaches for railways; coal of all kinds; collections, mineralogical, geological, and pertaining to natural history.

Designs and models of machinery.

Fire-engines and pumps for irrigation and other purposes; fruits and fresh vegetables, with the exception of those specified in the tariff.

Gunpowder for mines; guano.

Hay or straw in bales; hand-barrows of one or two wheels, and foretop-masts; houses of wood or iron, complete.

Ink, printing; ice.

Lime, hydraulic.

Machinery for all kinds of industry, agriculture, mining, science and the arts, complete or in pieces; maps, geographical, topographical, and terrestrial and celestial spheres; marble, rough and in slabs of all sizes for floors; metals, precious, in bulk or in powder; molds and patterns for the arts; money, legal, of all nations, in silver or gold.

Oars for small boats; oats in grain and on the stem; objects of natural history for museums, &c; oil and oil-cake.

Printing material, type, &c.; plants and seeds for the improvement of agriculture; plows and plowshares for agriculture.

Quicksilver.

Rags for paper; rails, iron and steel, for railroads.

Salt, common, which is introduced via Paso del Norte; saltpeter; scientific instruments; steel, in bars, for mines; slating for roofs and floors; sulphate of copper; steam engines and locomotives, iron sleepers, and other railroad material; stones for lithographing.

Vessels of all kinds and forms; vaccine matter.

Water-pipes of all kinds, materials, and sizes; wicks and fescue-grass for mines; wire, telegraph, when proven at custom-house to be for that purpose; wire, iron and steel, for carding; wood for constructions, shingles and box-material, and box-wood.

Notwithstanding the above-named articles are admissible into Mexico free of duty, the formalities of bills of lading and entry upon the manifest, with the corresponding consignment and declaration of their value, must be made the same as if the articles were dutiable.

No. 14.

Import duties, under the Mexican tariff, on a few imported articles of consumption.

(Commercial Relations, 1874, page 836.)

Articles.	Rate of duty per kilogram.*	Articles.	Rate of duty per kilogram.*
Hams.....	\$0 24	White wine, in bottles.....	\$0 23
Brown soap.....	15	Brass and copper wire.....	29
Brandy and whisky.....	33 to 38	Iron and steel.....	10
Cod-fish.....	10	Scales.....	29
Rice.....	07	Stoves.....	29
Coffee.....	10	Iron nails.....	12
Cinnamon.....	2 40	Glue.....	29
Pickles.....	48	Pig-iron.....	03
Dried fruit.....	05	Sheet-iron.....	10
Fruit in brandy.....	72	Musical instruments.....	43
Crackers.....	12	Pianos.....	43
Wheat flour.....	10	Petroleum.....	09
Hops.....	18	Horseshoe-nails.....	10
Hogs' lard.....	18	Smoking-tobacco.....	1 25
Butter.....	24	Cigars.....	4 90
Irish potatoes.....	02	Rubber goods.....	43
Molasses or honey.....	07	Common bricks..... per thousand..	2 20
Printing-paper.....	1 10	Four-wheeled carriages..... each..	132 00
Cheese.....	14	Coach, berlin or phaeton..... each..	396 00
Tea.....	1 67	Carriage-harness..... each..	2 20
Tallow.....	06	Billiard-tables..... ad valorem..	55 per ct.
Red wine, in casks.....	10		

*45.38 kilograms equal 100 pounds avoirdupois of the United States.

No. 15.

Tariff of freights on the New York, Havana, and Mexican mail-steamers.

(Commercial Relations, 1874. page 838.)

Routes.	Merchandise.		Remarks.
	Per cubic foot.	Per pound.	
	<i>Cts.</i>	<i>Cts.</i>	
From New York to Progreso	30	1	
From New York to Campeachy	35	1	
From New York to Vera Cruz	35	1	
From New York to Tuxpan	40	1	
From New York to Tampico	40	1	
From New Orleans to Tampico	25	1	
From New Orleans to Tuxpan	25	1	
From New Orleans to Vera Cruz	25	1	
From New Orleans to Campeachy	30	1	
From New Orleans to Progreso	30	1	
From Havana to Progreso	30	1	
From Havana to Campeachy	30	1	
From Havana to Vera Cruz	30	1	
From Havana to Tuxpan	30	1	
From Havana to Tampico	30	1	
From Tampico to Havana	30	1	
From Tuxpan to Havana	30	1	
From Vera Cruz to Havana	30	1	
From Campeachy to Havana	30	1	
From Progreso to Havana	30	1	
From Progreso to New Orleans	30	1	
From Campeachy to New Orleans	25	1	
From Vera Cruz to New Orleans	25	1	
From Tuxpan to New Orleans	25	1	
From Tampico to New Orleans	25	1	
From Tampico to New York	35	1	
From Tuxpan to New York	35	1	
From Vera Cruz to New York	35	1	
From Campeachy to New York	35	1	
From Progreso to New York	35	1	
			Henequen, $\frac{3}{4}$ cent per pound; dry hides, 35 cents each; salt beef-hides, 30 cents each; goat and deer hides, 1 cent per pound; ixtle, $\frac{1}{8}$ cent per pound.
			Henequin, $\frac{3}{4}$ cent per pound; dry drugs, $2\frac{1}{2}$ cents per pound; cochineal, ordinary packages, \$3.50; sarsaparilla, ordinary packages, \$5; purga, ordinary packages, \$3.50; goat and deer hides, $\frac{1}{4}$ cents per pound; dry beef-hides, 25 cents each; green beef-hides, salted, 30 cents each; ores, per ton, \$9; bullion, $\frac{3}{4}$ per cent.

NOTE.—On every bill of freight, except on bullion, a primage of \$5 is collected.

No. 16.

Tariff of the railroad from Vera Cruz to the city of Mexico.

(Commercial Relations, 1874, page 837.)

PASSENGERS.

First class (gold)	\$16 00
Second class "	12 50
Third class "	7 25

FREIGHTS.

On goods going to the interior from the coast, per ton of 2,172 pounds, Spanish (nearly equivalent to an English ton), according to the class of freight, depending on the value, bulk of goods, or other considerations:

First class	\$76 05
Second class	65 18
Third class	54 32
All goods carried over 200 miles are placed in the third class, and pay at the rate of	
rate of	54 32
On goods going to the coast for exportation, per ton of 2,172 pounds, Spanish ..	10 86

If not for exportation—

First class	30 42
Second class	26 07
Third class	21 73

NOTE.—The distance from Vera Cruz to the city of Mexico, by railroad, is 263 miles.

No. 17.

Statement showing the coinage in the Mexican Republic during the fiscal year ending June 30, 1876.

[Transmitted to the State Department by the United States consul-general at the city of Mexico. Commercial Relations, 1876, page 750.]

Mints.	Silver.	Gold.	Copper.	Total.
Hermosillo, State of Sonora.....	\$410, 476	\$40, 270	.....	\$450, 746
Alamos, State of Sonora.....	771, 480	6, 420	.....	777, 900
Chihuahua*.....	808, 680	15, 580	.....	824, 260
Culiacan, State of Sinaloa.....	655, 913	49, 745	\$8, 510	714, 168
Durango.....	673, 570	19, 480	.....	693, 050
Zacatecas.....	5, 027, 614	50, 731	5, 500	5, 083, 846
San Luis Potosi.....	1, 936, 500	.....	.....	1, 936, 500
Guadalajara.....	1, 143, 380	.....	.....	1, 143, 380
Guanajuato.....	4, 301, 976	323, 900	2, 195	4, 628, 071
Mexico.....	3, 435, 000	284, 000	13, 650	3, 732, 650
Oaxaca*.....	67, 230	1, 380	.....	68, 610
Total.....	19, 231, 819	791, 506	29, 855	20, 053, 181

* No report received from the mint at Chihuahua for May and June, 1876, nor from Oaxaca between January and June, 1876.

Statement showing the coinage in Mexico since the establishment of mints, a period of 355 years.

Colonial period, 300 years.....	\$2, 151, 581, 961
From the independence, in 1821, to June 30, 1876.....	853, 969, 398
Total.....	3, 005, 551, 359
Average per annum.....	8, 466, 342
Average per annum before the independence.....	7, 171, 939
Average per annum since the independence.....	15, 526, 714

No. 18.

Statement showing the charges on silver produced in the mines of Mexico, say in the Real del Monte district, near the city of Mexico, from the mine to the Bank of England.

From the annual report of the United States consul-general, Mexico. Commercial Relations, 1875 page 1130.]

	Per cent.
Freight from mine to mint of Mexico, including escort.....	0.75
Mint charge, made whether bars are coined or not.....	4.50
Assay, municipal dues, &c., say.....	1.00
Agent's commission at city of Mexico.....	0.25
Boxes, packing, and petty charges.....	0.12½
Freight from city of Mexico to deck of steamer.....	0.50
Export duty.....	5.00
Steamer freight to London.....	0.50
Insurance, Mexico to London.....	0.62½
Agents' commission in London.....	0.25
Minimum charges on bars exported from this district.....	13.50
To the above must be added, as further charge on bars from the interior, a circulation duty charged by certain States, in some 1½ to 1¾ per cent., and another freight costing from ½ to 1 per cent., say in all on an average.....	2.00
Average charges on bars from the interior.....	15.50
As most Mexican silver contains gold, for reasons given above we must estimate the loss on the whole production of the precious metals as at least.....	3.00
Estimated loss on production, between duties collected and heavy mint charges, without taking local taxes into account.....	18.50

No. 19.

*Statement showing the total exports of sugar from the port of Vera Cruz during the four years from July 1, 1873, to July 1, 1876.**

Countries.	Value.
To England	\$125, 770
United States	73, 612
France	20, 127
Spain	18, 759
Germany	17, 652
Total for four years	255, 920

*Statement showing the total exports of coffee from the port of Vera Cruz during the four years from July 1, 1873, to July 1, 1876.**

Countries.	Value.
To the United States	\$2, 135, 348
France	468, 213
England	245, 876
Havana	58, 335
Spain	29, 805
Germany	9, 470
Total for four years	2, 947, 047

* State Department Report on Commercial Relations for 1876, pp. 747, 748.

No. 20.

ENGLAND'S COMMERCE WITH MEXICO.

Statement compiled from the English Parliamentary Reports, showing the value of the exports of merchandise from the United Kingdom to Mexico, and the imports of merchandise from Mexico into the United Kingdom, during each of the fifteen calendar years from 1862 to 1876, inclusive.

[Reduced to dollars, at \$5 to the £ sterling.]

Years.	Exports of British and Irish products.	Exports of foreign and colonial products.	Total exports exclusive of coin and bullion.	Imports exclusive of coin and bullion.	Total commerce, exclusive of coin and bullion.
1862	\$3, 789, 115	\$295, 235	\$4, 084, 350	\$3, 097, 540	\$7, 181, 890
1863	8, 392, 860	351, 050	8, 743, 910	11, 471, 685	20, 215, 595
1864	9, 048, 765	2, 113, 860	11, 162, 625	15, 646, 670	26, 809, 295
1865	9, 464, 475	352, 470	9, 836, 945	16, 084, 620	25, 921, 565
1866	6, 416, 065	246, 455	6, 662, 520	1, 567, 390	8, 229, 910
1867	4, 064, 740	387, 430	4, 452, 170	1, 575, 840	6, 028, 010
1868	4, 242, 940	217, 445	4, 460, 385	1, 753, 320	6, 213, 705
1869	3, 158, 620	266, 990	3, 425, 610	1, 752, 850	5, 178, 460
1870	4, 554, 410	736, 230	5, 290, 640	1, 499, 065	6, 789, 705
1871	5, 345, 065	745, 065	6, 090, 130	1, 966, 670	8, 076, 800
1872	4, 215, 930	281, 760	4, 497, 690	2, 217, 620	6, 715, 310
1873	5, 970, 620	928, 745	6, 899, 365	2, 497, 660	9, 397, 025
1874	5, 623, 065	991, 315	6, 614, 380	2, 733, 255	9, 347, 635
1875	4, 424, 505	479, 075	4, 903, 580	3, 699, 535	8, 513, 115
1876	2, 511, 120	372, 950	2, 884, 070	3, 310, 660	6, 194, 730
Total for fifteen years	81, 242, 295	8, 766, 075	90, 008, 370	70, 804, 380	160, 812, 750
Average per annum	5, 416, 153	584, 405	6, 000, 558	4, 720, 292	10, 720, 850
Average per annum for last ten years	4, 411, 102	540, 700	4, 951, 802	2, 293, 647	7, 245, 449
Average per annum for last five years	4, 549, 048	610, 769	5, 159, 817	2, 873, 746	8, 033, 563

No. 21.

Statement showing the classification and value of the exports from the United Kingdom to Mexico, and the imports into the United Kingdom from Mexico, exclusive of coin and bullion, during the five years from 1872 to 1876, inclusive.

[Compiled from the English Parliamentary Reports.]

EXPORTS OF PRODUCE AND MANUFACTURES OF THE UNITED KINGDOM.

Articles.	1872.	1873.	1874.	1875.	1876.
Apparel and haberdashery	\$97, 670	\$103, 765	\$54, 395	\$39, 590	\$18, 715
Cotton yarn	36, 710	76, 675	108, 500	55, 755	65, 330
Cottons, entered by the yard	1, 721, 910	3, 331, 975	2, 955, 190	2, 681, 535	1, 215, 360
Cottons, entered at value	151, 135	256, 615	219, 305	197, 385	132, 745
Earthen and china ware	13, 900	42, 805	29, 340	9, 350	10, 295
Hardware and cutlery	126, 670	192, 715	187, 030	163, 720	114, 235
Linens, entered by the yard	459, 070	718, 815	511, 480	379, 080	273, 625
Linens, entered at value	5, 745	6, 120	12, 310	7, 805	4, 640
Machinery and mill work	352, 655	360, 495	612, 315	152, 670	159, 245
Metals, iron, wrought and unwrought	710, 650	236, 295	366, 650	227, 020	163, 275
Silk manufactures	24, 945	14, 355	51, 770	18, 850	8, 515
Woolens, entered by the yard	202, 185	238, 390	220, 610	194, 830	133, 260
Woolens, entered at value	15, 030	31, 690	35, 425	26, 710	16, 300
All other articles	297, 655	259, 910	238, 745	220, 205	195, 580
Total	4, 215, 930	5, 870, 620	5, 623, 065	4, 424, 505	2, 511, 120

EXPORTS OF FOREIGN AND COLONIAL PRODUCE AND MANUFACTURES.

Candles, stearine	\$1, 315	\$11, 775	\$3, 945	\$1, 530	\$1, 075
Cotton manufactures	5, 150	9, 570	30, 090	5, 955	2, 685
Quicksilver	113, 185	636, 320	771, 345	306, 605	240, 380
Silk, raw, and manufactures of	63, 490	111, 435	76, 845	45, 350	42, 440
Spices	35, 920	39, 740	31, 235	50, 250	25, 750
Wine	3, 450	13, 490	4, 110	4, 180	2, 970
All other articles	59, 270	100, 515	73, 745	65, 205	57, 650
Total	281, 760	928, 845	991, 315	479, 075	372, 950
Total exports of British and foreign produce to Mexico	4, 497, 690	6, 799, 465	6, 614, 380	4, 903, 580	2, 884, 070
Cottons exported	19, 236, 300	37, 100, 600	37, 702, 500	34, 516, 000	15, 871, 900
Linens exported	2, 819, 340	4, 442, 100	3, 284, 640	2, 451, 000	1, 890, 600
Woolens exported	685, 772	788, 875	1, 036, 340	706, 825	516, 180

IMPORTS INTO THE UNITED KINGDOM FROM MEXICO, EXCLUSIVE OF COIN AND BULLION.

India rubber	\$6, 685	\$4, 750	\$1, 890	\$51, 750	\$2, 460
Cochineal	89, 590	248, 145	222, 210	194, 745	85, 460
Copper ore	15, 745	10, 450	35, 450	112, 685	107, 425
Drugs	36, 945	18, 945	27, 000	33, 290	102, 910
Dye-stuffs, unenumerated	138, 805	15, 030	132, 855	120, 320	145, 515
Dye-woods, logwood	91, 100	53, 360	83, 640	43, 270	86, 605
Dye-woods, unenumerated	51, 775	28, 765	75, 850	220, 830	264, 390
Hemp	60, 010	17, 160	40, 530	115, 690	182, 685
Other vegetable substances	266, 650	149, 015	139, 690	33, 485	4, 295
Indigo	99, 745	12, 865	900	69, 890	44, 825
Ore, unenumerated	1, 170	44, 850	5, 585	635	120, 825
Silver ore	128, 215	80, 095	11, 270	39, 595	72, 860
Mahogany	911, 590	1, 537, 285	1, 791, 250	2, 154, 110	1, 397, 165
Other woods	156, 120	104, 505	119, 815	98, 065	42, 675
Sugar, unrefined	1, 565	1, 565	3, 250	69, 525	162, 660
All other articles	163, 475	193, 875	121, 070	251, 650	487, 905
Total	2, 217, 620	2, 496, 660	2, 733, 255	3, 609, 535	3, 310, 660

No. 22.

Statement showing the value of the foreign merchandise received in England for transshipment and forwarded to Mexico during the fifteen years from 1862 to 1876, inclusive.

[Compiled from the English Parliamentary Reports.]

Years.	Value.	Years.	Value.
1862.....	\$125, 095	1874.....	\$741, 200
1863.....	375, 115	1875.....	790, 790
1864.....	906, 420	1876.....	724, 120
1865.....	544, 195		
1866.....	325, 575	Total for fifteen years	8, 615, 455
1867.....	238, 420		
1868.....	561, 525	Average per annum	574, 363
1869.....	442, 215		
1870.....	511, 970	Average per annum for last ten years..	633, 905
1871.....	887, 020		
1872.....	674, 095	Average per annum for last five years..	739, 569
1873.....	767, 640		

No. 23.

COMMERCE OF THE UNITED STATES WITH AMERICA.

Statement showing the average annual commerce of the United States with Mexico, Central and South America, Cuba, and the British North American Possessions, for the five years ended June 30, 1876.

[Compiled from the United States Official Reports on Commerce and Navigation.]

Countries.	Domestic exports to, per annum.	Foreign exports to, per annum.	Total exports to, per annum.	Imports from, per annum.	Total commerce with, per annum.
Mexico.....	\$4, 041, 344	\$1, 957, 071	\$5, 998, 415	\$12, 463, 598	\$18, 462, 013
Central America	1, 209, 517	80, 403	1, 289, 920	2, 186, 571	3, 476, 491
Colombia.....	4, 631, 099	221, 368	4, 852, 467	7, 837, 959	12, 690, 426
Venezuela.....	2, 651, 731	116, 411	2, 768, 142	5, 410, 160	8, 178, 302
Brazil.....	7, 081, 808	115, 073	7, 196, 881	40, 017, 962	47, 214, 843
Argentine Republic	1, 921, 788	148, 870	2, 070, 658	6, 146, 522	8, 217, 246
Uruguay.....	1, 427, 799	49, 212	1, 477, 011	2, 844, 808	4, 321, 819
Chili.....	2, 221, 028	59, 273	2, 280, 301	800, 566	3, 080, 867
Peru.....	3, 859, 922	104, 156	3, 964, 078	1, 384, 922	5, 349, 000
Cuba.....	15, 466, 139	2, 730, 496	18, 196, 635	71, 364, 327	89, 560, 962
Totals.....	44, 512, 175	5, 582, 333	50, 094, 508	150, 457, 461	200, 551, 969
British North American possessions	42, 014, 092	4, 248, 493	46, 262, 585	37, 324, 596	83, 587, 181
Totals.....	86, 526, 267	9, 830, 826	96, 357, 093	187, 782, 057	284, 139, 150

Total average annual imports during above five years from Mexico, Central and South America, and Cuba.....

\$150, 457, 461

Total average annual exports

50, 094, 508

Excess of imports over exports per annum.....

100, 362, 953

No. 24.

Statement showing the average annual amount of the commerce of the United States with Mexico, Central and South America, Cuba, and the British North American possessions, for the five years ended June 30, 1876, per capita of the population of those countries; also the percentage of the imports from the said countries, respectively, during the fiscal year ended June 30, 1876, entered free of duty, and the percentage entered subject to duty.

[Compiled from the United States Official Reports on Commerce and Navigation.]

Countries.	Total exports to, per capita per annum.	Imports from, per capita per annum.	Total commerce with, per capita per annum.	Percentage of imports from, free of duty.	Percentage of imports from, subject to duty.
Mexico	\$0 64	\$1 33	\$1 97	90	10
Central America	49	83	1 32	95	5
Colombia	1 62	2 61	4 23	97	3
Venezuela	1 55	3 03	4 58	99	1
Brazil	67	3 74	4 41	97	3
Argentine Republic	1 13	3 34	4 47	68	32
Uruguay	3 28	6 32	9 60	94	6
Chili	1 10	39	1 49	34	66
Peru	1 46	51	1 97	99½	0½
Average for Mexico, Central and South America ..	92	2 29	3 21	94	6
Cuba	13 00	50 97	63 97	5	95
British North American possessions	12 42	10 00	22 42	29	71

No. 25.

Statement showing the commerce of the United States with Mexico, Central and South America and the Spanish West Indies, during the fiscal year ended June 30, 1877.

[Compiled from Official Reports of the Bureau of Statistics.]

Countries.	Domestic exports.	Foreign exports.	Total exports.	Imports.	Total commerce.
Mexico	\$4,509,041	\$1,389,692	\$5,898,733	\$15,444,583	\$21,343,316
Central America	1,304,348	52,338	1,356,686	3,449,559	4,806,245
Colombia	4,022,232	92,167	4,114,399	5,454,393	9,568,792
Venezuela	3,066,262	60,552	3,126,814	7,429,559	10,556,373
Brazil	7,499,118	83,695	7,582,813	43,498,041	51,080,854
Argentine Republic	1,129,168	97,614	1,226,782	3,449,559	4,676,341
Uruguay	1,077,434	22,953	1,100,387	2,197,711	3,298,098
Chili	2,175,467	52,084	2,227,551	693,716	2,921,267
Peru	1,239,006	61,546	1,300,552	1,545,461	2,846,013
Total with Mexico, Central and South America	26,022,076	1,912,641	27,934,717	83,162,582	111,097,299
Cuba	12,748,003	3,922,421	16,670,424	67,699,299	84,369,723
Porto Rico	2,323,944	110,620	2,434,564	4,478,029	6,912,593
Total	41,094,023	5,945,682	47,039,705	155,339,910	202,379,615

Total imports, during the fiscal year ended June 30, 1877, from Mexico, Central and South America, and the Spanish West Indies \$155,339,910
 Total exports from the United States to those countries 47,039,705

Excess of imports over exports 108,300,205

No. 26.

Statement showing the value of the imports into the United States from Mexico, Central and South America, and the Spanish West Indies, during the fiscal year ended June 30, 1877, the amount entered free of duty, and the amount subject to duty, and the percentage thereof respectively.

[Compiled from Official Reports of the Bureau of Statistics.]

Countries.	Imports free of duty.	Imports subject to duty.	Total imports.	Percentage of imports free of duty.	Percentage of imports subject to duty.
Mexico	\$13,996,510	\$1,448,073	\$15,444,583	91	9
Central America	2,326,892	1,122,667	3,449,559	67	33
Colombia	5,151,532	302,861	5,454,393	94	6
Venezuela	7,424,024	5,535	7,429,559	99 ¹⁰ / ₁₀₀	¹ / ₁₀₀
Brazil	40,205,874	3,292,167	43,498,041	92 ¹⁰ / ₁₀₀	⁸ / ₁₀₀
Argentine Republic	2,326,892	1,122,667	3,449,559	67	33
Uruguay	1,877,374	320,337	2,197,711	85	15
Chili	352,110	341,606	693,716	51	49
Peru	1,534,726	10,735	1,545,461	99 ¹⁰ / ₁₀₀	¹ / ₁₀₀
Total from Mexico, Central and South America..	75,195,934	7,966,648	83,162,582	90	10
Cuba	2,136,586	65,562,713	67,699,299	3	97
Porto Rico	156,073	4,321,956	4,478,029	3	97
Total	77,488,593	77,851,317	155,339,910		

APPENDIX G.

RECOGNITION.

ALPHABETICALLY

RECOGNITION

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RECOGNITION.

Extract from the annual message of President Buchanan, December 19, 1859.

(36th Congress, 1st session.)

In my last annual message I communicated to Congress the circumstances under which the late minister of the United States to Mexico suspended his official relations with the central government, and withdrew from the country. It was impossible to maintain friendly intercourse with a government like that at the capital, under whose usurped authority wrongs were constantly committed, but never redressed. Had this been an established government, with its power extending by the consent of the people over the whole of Mexico, a resort to hostilities against it would have been quite justifiable, and, indeed, necessary. But the country was a prey to civil war, and it was hoped that the success of the constitutional President might lead to a condition of things less injurious to the United States. This success became so probable, that, in January last, I employed a reliable agent to visit Mexico and report to me the actual condition and prospects of the contending parties. In consequence of his report, and from information which reached me from other sources, favorable to the prospects of the constitutional cause, I felt justified in appointing a new minister to Mexico, who might embrace the earliest suitable opportunity of restoring our diplomatic relations with that republic. For this purpose a distinguished citizen of Maryland was selected, who proceeded on his mission on the 8th of March last, with discretionary authority to recognize the government of President Juarez, if, on his arrival in Mexico, he should find it entitled to such recognition, according to the established practice of the United States.

On the 7th of April following, Mr. McLane presented his credentials to President Juarez, having no hesitation in pronouncing the government of Juarez to be the only existing government of the republic. He was cordially received by the authorities at Vera Cruz, and they have ever since manifested the most friendly disposition toward the United States.

Extracts from English official correspondence.

Sir C. Wyke to Señor Guzman.

(H. Ex. Doc. 100, 37th Cong., 2d sess., p. 254.)

MEXICO, June 14, 1861.

SIR: Unwilling as I am to prolong a correspondence which I fear will lead to no practical result for some time to come, yet I cannot pass over in silence your excellency's note of the 12th instant, written in reply to mine of the 7th, without at once protesting against the doctrine therein attempted to be established by inference, to the effect that the actual perpetrators of the legation outrage are alone responsible, in their persons and property, for the wrong done on the 17th of November last.

Now, according to every principle of international law having reference to cases in any way similar to the one in point, Her Majesty's government is perfectly justified in holding the State of Mexico (I use the word in its largest sense) responsible for the insult done to their legation, and the robbery of British property committed on that occasion, without in any way occupying themselves with the mere individuals who acquired so unfortunate a notoriety by a crime which it should have been the first duty of the present government to punish and atone for.

It was an express stipulation on the part of Her Majesty's government, before recognizing that of President Juarez, that this obligation should be complied with, and Mr. Mathew, late Her Majesty's chargé d'affaires, was so fully convinced of the sincerity of his excellency's then cabinet in this matter, that he at once proffered the recognition he had to offer, without waiting to see the accomplishment of a duty which

was binding, in honor as well as in justice, on the parties who had inherited the advantages as well as responsibilities of their predecessors.

If Mr. Mathew's confidence has been misplaced, that can in no way affect the rights of Her Majesty's government in this matter, which, as represented by me, I now again insist on, as well for the principle involved as for the interests of the parties concerned.

When I had the honor of communicating verbally with your excellency on this subject, I had hoped that you had clearly understood the view taken of this question by Her Majesty's government, and the more so as, according to those principles of international law now universally acknowledged, there is only one way of looking at it.

I avail, &c.,

C. LENNOX WYKE.

Sir C. Wyke to Señor Guzman.

(H. Ex. Doc. 100, 37th Cong., 2d sess., p. 259.)

MEXICO, June 22, 1861.

SIR: On the receipt of your excellency's note of the 12th instant, I communicated a copy of it to those persons directly interested in the question to which it referred.

It was only yesterday that I was made acquainted with their views on the subject, which I will now put you in possession of as briefly as possible. They naturally cannot accept the plea of poverty put forward to excuse the non-payment of so sacred an obligation as that contracted by the Mexican Government with Her Majesty's late chargé d'affaires on the occasion of that government receiving the formal recognition of Great Britain, when the repayment within the space of four months of the money belonging to British subjects that had been stolen from the conducta of the Laguna Seca was one of the express conditions on which that recognition depended. Since that engagement was entered into several millions of hard dollars have passed through the hands of the Mexican Government, so that they cannot, with anything like reason, plead their poverty as an excuse for not having provided the funds necessary to meet the demand now brought against them.

I avail, &c.,

C. LENNOX WYKE.

Sir C. Wyke to Lord J. Russell.

(H. Ex. Doc. 100, 37th Cong., 2d sess., p. 260.)

[Extract.]

MEXICO, June 25, 1861.

A perusal of my preceding dispatches and this inclosure will prove to your lordship that no further reliance can be placed on the promises or even the formal engagements of the Mexican Government.

If the old church party succeeds in driving from power the present ultra liberal administration, we shall then be even still worse off, as will be seen by the inclosed copy of a decree recently sent to me by ex-President Zuloaga, who, with his lieutenant, Marquez, is at the head of a considerable armed force which, after twice defeating the government troops, is at this very moment attacking the gates of the city of Mexico.

It will thus be seen that, with the contending parties, we have not a chance of obtaining justice from either as long as we confine ourselves to remonstrating instead of employing coercion.

Under such circumstances it appears to me that only two courses are open to us, viz, either to withdraw the mission altogether from a country where its dignity is compromised, and where, consequently, it has become useless, or else to support its influence by such means as will compel obedience to our just demands, and obtain that redress for the wrongs and grievances of British subjects which they are lawfully entitled to claim.

Earl Russell to Sir C. Wyke.

(H. Ex. Doc. 100, 37th Cong., 2d sess., p. 301.)

FOREIGN OFFICE, *September 10, 1861.*

SIR: I have received your dispatches of the 26th and 28th of July, and I have to convey to you the entire approval of Her Majesty's government of your conduct as therein reported.

The suspension for two years of all payments in discharge of debt, at a time when the Mexican Government can afford to spend \$6,000,000 in six months, is a shameless breach of faith, which cannot be in the slightest degree excused by the pretenses put forward by Señor Zamacona in its defense.

Señor Zamacona asserts that the present government of Mexico are actively employed in maintaining internal and social order, in reorganizing the administration of the republic, in introducing rigid economy into all the branches of the public service, and in vigorously putting an end to the civil war and restoring internal peace to the country. But it is notorious that every one of these assertions is directly the reverse of the truth. It is well known that life and property are nowhere safe, not even in the streets of the capital; that the administration is as corrupt and as reckless of any interests but their own personal advantage as any that has heretofore governed in Mexico; that great anarchy and disorder prevail in all the departments of the government; and that so far from their having applied the resources of the state to a vigorous suppression of the civil war, the opposite party under the adherents of Miramon were, by the last accounts, in great force within a short distance of the capital, and not unlikely to become its masters.

Her Majesty's government, it is needless to say, cannot accept such excuses for the wrongs of which Her Majesty's subjects in Mexico have been the victims, and therefore, if the proposals contained in my dispatches of the 21st ultimo are not accepted by the Mexican Government, you will finally break off relations and put yourself in communication with Rear-Admiral Milne, who will receive instructions from the admiralty on this subject.

I am, &c.,

RUSSELL.

Mr. Seward to Mr. Corwin.

(H. Ex. Doc. 42, 37th Cong., 3d sess., p. 14.)

DEPARTMENT OF STATE,
Washington, May 10, 1862.

SIR: * * * It is not the interest of the United States to be hasty in recognizing the revolutionary changes which unhappily are so frequently occurring in Spanish America.

It is not always safe to judge that a new government among them, under whatever auspices it may arise, will prove satisfactory to the people and become permanent.

Message of President Johnson, January 5, 1866.

(H. Ex. Doc. 20, 39th Cong., 1st sess.)

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 18th ultimo, requesting information in regard to steps taken by the so-called Emperor of Mexico, or by any European power, to obtain from the United States a recognition of the so-called empire of Mexico, and what action has been taken in the premises by the Government of the United States, I transmit a report from the Acting Secretary of State, and the papers by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *January 5, 1866.*

Memorandum by Mr. Seward.

(H. Ex. Doc. 20, 39th Cong., 1st sess., p. 3.)

On the 17th day of July, 1865, the Marquis de Montholon called at the Department of State, and said that a special agent had arrived at Washington from Mexico, and that he was the bearer of a letter signed Maximilian, and addressed to the President of the United States, a copy of which the Marquis submitted to the Secretary of State, saying that the agent was instructed to deliver the letter if it should be agreeable to the Government of the United States. He also said that the agent brought papers to make explanations and adopt proceedings in relation to certain transactions on the Rio Grande, upon which the United States Government had made representations to the Imperial Government of France.

The Secretary replied, that inasmuch as the letter referred to was directly addressed to the President of the United States, the Secretary would reserve himself until he should have had a conversation with the President upon the subject.

On the 18th the Secretary of State delivered back the copy of the letter to the Marquis de Montholon, and said that the United States are in friendly communication now, as heretofore, with the republican government in Mexico, and, therefore, cannot depart from the course of proceeding it has heretofore pursued toward that country, and of course that the President declined to receive the letter, or to hold any intercourse with the agent who brought it.

WILLIAM H. SEWARD.

Mr. Romero to Mr. Hunter.

(H. Ex. Doc. 20, 39th Cong., 1st sess., p. 4.)

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, August 1, 1865.

MR. ACTING SECRETARY: I have the honor to inclose to you a copy of a note which the consul general of Mexico, residing in New York, addressed to me under date of yesterday, calling my attention to the annexed advertisement published in *The World* of the 29th of July last past, by Don Luis Arroyo, who calls himself the consul named for that city by the so-called Mexican empire.

I deem it proper to call to notice that Don Luis Arroyo, under the title of commercial agent, is about to exercise, as is advertised, all the functions to which he might be entitled if he were the true consul of Mexico, with the respective *exequatur* of the Government of the United States. For this reason I beg you to have the goodness to communicate to me the views of the Government of the United States upon two points, upon which I require to fix my ideas before adopting an opinion upon this matter. The first is, whether the Government of the United States considers that the ex-Archduke Ferdinand Maximilian has the right to appoint in this country commercial agents who shall publicly exercise the functions of consul, or whether this right belongs solely to the governments whose existence is neither doubtful or questionable.

According to my understanding, this government only sees in the republic of Mexico a war between it and France, without recognizing there Maximilian, not even as a government *de facto*.

The second point is, whether such commercial agents can exercise the functions of consuls, not only without a formal *exequatur*, but also without any other sort of permission or recognition from the Government of the United States.

I must make known to you that up to this period the French consul in New York had been performing the functions which Don Luis Arroyo pretends now to exercise, which was perhaps more logical and manifested more consideration for the Government of the United States, inasmuch as the French consul has an *exequatur* from this Government, and represents more genuinely the order of things established in Mexico by the army of Napoleon III. The change which is now made seems to be directed to manifest that the Government of the United States tacitly recognizes as a government *de facto* the work of the French intervention in Mexico.

I avail myself of this opportunity to reiterate to you, sir, the assurances of my distinguished consideration.

M. ROMERO.

WILLIAM HUNTER, Esq., &c., &c., &c.

Mr. Seward to Mr. Romero.

(H. Ex. Doc. 20, 39th Cong., 1st sess., p. 6.)

DEPARTMENT OF STATE,
Washington, August 9, 1865.

SIR: Your note of the 1st instant has been received, in which you ask the attention of this department to an advertisement published in the *New York World*, of the 29th ultimo, by Don Louis Arroyo, in which that person gives notice that shippers to Mexican ports must have their invoices and manifests attested by him, as consul of the Mexican empire, in the city of New York.

In reply, I have to state that this department is not aware of any law of the United States which forbids a person claiming to be a consul of a foreign power from making on his own responsibility a publication of the character to which you refer.

It cannot be necessary for me to repeat what has uniformly been said by this government in all its official correspondence, that no other than the republican government in Mexico has been recognized by the United States. You are aware, however, that the party in arms against that government is, and for some time past has been, in possession of some, at least, of the ports of Mexico. That possession carries with it, for the time being, a power to prescribe the terms upon which foreign commerce may be carried on with those ports. If, as is presumed to be the case, one of those conditions is, that the invoices and manifests of vessels from abroad, bound to those ports, must be certified by a commercial agent of the party in possession, residing in the port of the foreign country from which the vessel may proceed, it is not perceived what effective measures this government could properly take in the premises. Such a commercial agent can perform no consular act relating to the affairs of his countrymen in the United States. To prohibit him from attesting invoices and manifests, under the circumstances referred to, would be tantamount to an interdiction of trade between the United States and those Mexican ports which are not in possession of the republican government of that country. The consuls of the United States in Mexico, who have their exequaturs from that government only, themselves discharge duties as commercial agents in the ports which are not under the control of that government in all respects like those which the person Arroyo, in the same way and to the same extent, claims to do at New York in respect to said ports.

I avail myself of this occasion to offer to you, sir, renewed assurances of my high consideration.

WILLIAM H. SEWARD.

Señor Don MATIAS ROMERO, &c., &c., &c.

Mr. Seward to Mr. Bigelow.

(H. Ex. Doc. 20, 39th Cong., 1st sess., p. 7.)

[Extract.]

No. 300.]

DEPARTMENT OF STATE,
Washington, November 6, 1865.

MY DEAR SIR: * * * * *

I will proceed to discuss the subject, and leave you to present the opinions of the President to such extent and in such manner as your own views of propriety shall suggest. The President feels himself bound to adhere to the opinion set forth in my dispatch No. 259, which has, as we understand, been already read to Mr. Drouyn de l'Huys. The presence and operations of a French army in Mexico, and its maintenance of an authority there resting upon force and not the free will of the people of Mexico, is a cause of serious concern to the United States. Nevertheless, the objection of the United States is still broader, and includes the authority itself which the French army is thus maintaining. That authority is in direct antagonism to the policy of this government and the principle upon which it is founded.

Every day's experience of its operations only adds some new confirmation of the justice of the views which this government expressed at the time the attempt to institute that authority first became known. The United States have hitherto practiced the utmost frankness on that subject.

They still regard the effort to establish permanently a foreign and imperial government in Mexico as disallowable and impracticable. For these reasons they could not now agree to compromise the position they have heretofore assumed. They are not prepared to recognize, or to pledge themselves hereafter to recognize, any political

institutions in Mexico which are in opposition to the republican government with which we have so long and so constantly maintained relations of amity and friendship. I need hardly repeat my past assurances of our sincere desire to preserve our inherited relations of friendship with France. This desire greatly increases our regret that no communications, formal or informal, which have been received from the government of that country seem to justify us in expecting that France is likely soon to be ready to remove, as far as may depend upon her, the cause of our deep concern for the harmony of the two nations.

The suggestion which you make of a willingness on the part of France to propose a revision of the commercial relations between the two countries is not regarded as having emanated from the government of the empire. However that may be, it is hardly necessary to say that we should not be dwelling so earnestly upon the branch of political relations if it had not been our conviction that those relations at the present moment supersede those of commerce in the consideration of the American people.

Believe me to be always faithfully, yours,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., *&c.*, *&c.*, *&c.*

Mr. Seward to Mr. Bigelow.

(H. Ex. Doc. 20, 39th Cong., 1st sess., p. 8.)

No. 332.]

DEPARTMENT OF STATE,
Washington, December 16, 1865.

SIR: Your dispatch of November 30, No. 209, was duly received, and it has been submitted to the President.

Your proceeding in reading my dispatch No. 300 to Mr. Drouyn de l'Huys is approved. The general tenor of the remarks made by you to the minister of foreign affairs on that occasion is likewise approved. It is not the executive department of this government alone which is interested and concerned in the question whether the present condition of things shall be continued in Mexico. The interest is a national one, and in every event Congress, which is now in session, is authorized by the Constitution and is entitled to direct by law the action of the United States in regard to that important subject.

It has been the President's purpose that France should be respectfully informed upon two points, namely:

First. That the United States earnestly desire to continue and to cultivate sincere friendship with France.

Second. That this policy would be brought into imminent jeopardy, unless France could deem it consistent with her interest and honor to desist from the prosecution of armed intervention in Mexico to overthrow the domestic republican government existing there, and to establish upon its ruins the foreign monarchy which has been attempted to be inaugurated in the capital of that country.

In answer to an exposition of our views which was thus made, the suggestion was offered to you by Mr. Drouyn de l'Huys that the government of the United States might favor the express desire of the Emperor to withdraw from Mexico, by giving to him some formal assurance that in the event of his withdrawal this government would recognize the institution of Maximilian in Mexico as *de facto* a political power.

It was my desire, in framing the dispatch No. 300, to express in behalf of the United States a decision that the recognition which the Emperor had thus suggested cannot be made, and to assign, by way of explanation, the grounds upon which that decision was based. I have carefully considered the arguments against that decision which were presented to you by Mr. Drouyn de l'Huys in the interview referred to, and I do not find in them any sufficient reasons for modifying the views which the United States have expressed.

It remains now only to make known to Mr. Drouyn de l'Huys my profound regret that he has thought it his duty to leave the subject, in his conversation with you, in a condition that does not authorize an expectation on our part that a satisfactory adjustment of the case can be effected on any basis that thus far has been discussed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., *&c.*, *&c.*, *&c.*

The Marquis de Montholon to Mr. Seward.

(H. Ex. Doc. 20, 39th Cong., 1st sess., p. 9.)

[Translation.]

WASHINGTON, November 29, 1865.

MY DEAR SIR: Conforming to the desire you expressed to me, I send you herewith a copy and translation of Mr. Drouyn de l'Huys's dispatch, the contents of which I have had the honor to read to you.

With the highest regards, I remain, my dear sir, respectfully, yours,

MONTHOLON.

Hon. W. H. SEWARD,

Secretary of State, &c., &c., &c.

Monsieur Drouyn de l'Huys to the Marquis de Montholon.—(Confidential.)

[Translation.]

MINISTRE DES AFFAIRES ÉTRANGÈRES,

Paris, October 18, 1865.

MONSIEUR LE MARQUIS: I have taken several occasions since two months to advise you of the dispositions of the imperial government concerning the duration of the occupation of Mexico by the French troops. I told you in my dispatch of August 17 that we called with our most sincere wishes for the day when the last French soldier should leave the country, and that the cabinet of Washington could contribute to hasten that moment. On the 2d of September I renewed to you the assurance of our strong desire to withdraw our auxiliary corps so soon as circumstances should allow it. At last, following the same ideas more fully, in a private letter of the 10th of the same month I added that it greatly depended upon the United States to facilitate the departure of our troops. If they would adopt toward the Mexican Government an amicable attitude which would aid to the consolidation of order, and in which we could find motives of security for the interests which obliged us to carry arms beyond the Atlantic, we would be ready to adopt without delay the bases of an understanding on this subject with the cabinet of Washington; and I wish to make fully known to you now the views of the government of His Majesty.

What we ask of the United States is to be assured that their intention is not to impede the consolidation of the new order of things founded in Mexico; and the best guarantee we could receive of their intention would be the recognition of the Emperor Maximilian by the Federal Government.

The American Union should not, it seems to us, be kept back by the difference of institutions, for the United States have official intercourse with all the monarchies of Europe and of the New World. It is in conformity with their own principles of public law to regard the monarchy established in Mexico as being, at least, a government "*de facto*," without particular regard to its nature or its origin, which has been consecrated by the suffrage of the people of that country; and in thus acting the cabinet of Washington would only be inspired with the same feelings of sympathy which President Johnson expressed recently to the envoy of Brazil, as guiding the policy of the United States toward the younger states of the American continent.

Mexico, it is true, is still occupied at this moment by the French army, and we can readily see that this objection will arise. But the acknowledgment of the Emperor Maximilian by the United States would, in our opinion, have sufficient influence upon the state of the country to allow us to take in consideration their susceptibilities on this subject; and should the cabinet of Washington decide to open diplomatic relations with the court of Mexico, we would see no difficulty to enter in arrangement for the recall of our troops within a reasonable period of which we would—might consent to fix the termination.

In consequence of the vicinage and immense extent of the common frontier, the United States are, more than any other power, interested to see their trade with Mexico placed under the safeguard of stipulations in harmony with the mutual wants of both countries. We would most readily offer our good offices to facilitate the conclusion of a commercial treaty, thereby cementing the political "*rapprochement*," the bases of which I have just made known to you.

By order of the Emperor, I invite you to make known to Mr. Seward the dispositions of His Majesty's Government.

You are authorized, if you think it proper, to read him the contents of this dispatch.

I remain,

DROUYN DE L'HUYS.

The Marquis DE MONTHOLON, &c., &c., &c.

Mr. Seward to the Marquis de Montholon.

(H. Ex. Doc. 20, 39th Cong., 1st sess., p. 10.)

DEPARTMENT OF STATE,
Washington, December 6, 1865.

SIR: Having made known to the President the Emperor's views on Mexican affairs which you communicated to me on the 29th ultimo, I have now the honor to inform you of the disposition of this government in regard to the same subject. It seems proper, however, for me to say, in the first place, that what I have to communicate has been already fully made known to Mr. Bigelow, with authority, in his discretion, to impart the same to Mr. Drouyn de Lhuys.

The effect of the Emperor's suggestions when they are reduced to a practical shape seems to be this: that France is willing to retire from Mexico as soon as she may, but that it would be inconvenient for her without first receiving from the United States an assurance of friendly or tolerant disposition to the power which has assumed to itself an imperial form in the capital city of Mexico. The President is gratified with the assurance you have thus given of the Emperor's good disposition. I regret, however, to be obliged to say that the condition the Emperor suggests is one which seems quite impracticable.

It is true, indeed, that the presence of foreign armies in an adjacent country could not, under any circumstances, but cause uneasiness and anxiety on the part of this government. It creates for us expenses which are inconvenient, not to speak of dangers of collision. Nevertheless, I cannot but infer from the tenor of your communication that the principal cause of the discontent prevailing in the United States in regard to Mexico is not fully apprehended by the Emperor's government. The chief cause is not that there is a foreign army in Mexico; much less does that discontent arise from the circumstances that that foreign army is a French one. We recognize the right of sovereign nations to carry on war with each other if they do not invade our right or menace our safety or just influence. The real cause of our national discontent is, that the French army which is now in Mexico is invading a domestic republican government there which was established by her people, and with whom the United States sympathize most profoundly, for the avowed purpose of suppressing it and establishing upon its ruins a foreign monarchical government whose presence there, so long as it should endure, could not but be regarded by the people of the United States as injurious and menacing to their own chosen and endeared republican institutions.

I admit that the United States do not feel themselves called upon to make a war of propagandism throughout the world, or even on this continent, in the republican cause. We have sufficient faith in the eventual success of that cause on this continent, through the operation of existing material and moral causes, to induce us to acquiesce in the condition of things which we found existing here, while our own republic was receiving its shape and development. On the other hand, we have constantly maintained, and still feel bound to maintain, that the people of every State on the American continent have a right to secure for themselves a republican government, if they choose, and that interference by foreign states to prevent the enjoyment of such institutions deliberately established is wrongful, and, in its effects, antagonistical to the free and popular form of government existing in the United States. We should think it wrong as well as unwise on the part of the United States to attempt to subvert by force monarchical governments in Europe for the purpose of replacing them with republican institutions. It seems to us equally objectionable that European states should forcibly intervene in states situated on this continent to overthrow republican institutions and replace them with monarchies or empires.

Having thus frankly stated our position, I leave the question for the consideration of France, sincerely hoping that that great nation may find it compatible with its best interests and its high honor to withdraw from its aggressive attitude in Mexico, within some convenient and reasonable time, and thus leave the people of that country to the free enjoyment of the system of republican government which they have established for themselves, and of their adherence to which they have given what seems to the United States to be decisive and conclusive, as well as very touching, proofs. I am, sir, the more inclined to hope for such a solution of the difficulty for the reason that when at any time within the last four years the question has been asked of any American statesman, or even of any American citizen, what country in Europe was the one which was least likely to experience an alienation of the friendship of the United States, the answer was properly given: France. Friendship with France has always been deemed important and peculiarly agreeable by the American people. Every American citizen deems it no less important and desirable for the future than for the past.

The President will be pleased to be informed of the reception which the Emperor gives to the suggestions which I have now made.

Accept, sir, the renewed assurances of my very high consideration.

WILLIAM H. SEWARD.

Mr. Seward to Mr. Foster.

(Foreign Relations, 1877, p. 403.)

DEPARTMENT OF STATE,
Washington, May 16, 1877.

SIR: Your dispatches Nos. 528, 529, and 530, as well as your unofficial and confidential letter of April 28, and your telegram of May 7, have been received and carefully considered. They present clearly the extraordinary condition of affairs in Mexico.

The Government of the United States in its dealings with the Mexican Republic has aimed to pursue not merely a just but a generous and friendly course. While earnest to guard and protect the rights of its own citizens and the safety of its own territory, it does not seek to intervene in political contests or changes of administration. It is 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.

Such recognition, if accorded, would imply something more than a mere formal assent. It would imply a belief that the government so recognized will faithfully execute its duties and observe the spirit of its treaties. The recognition of a President in Mexico by the United States has an important moral influence which, as you 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.

When the recent revolution resulted in placing General Diaz in the position of chief magistrate, this government learned with satisfaction that he was desirous that the obligations of Mexico, under the treaty of July 4, 1868, between the two countries, should be faithfully observed, and that he had, accordingly sanctioned the prompt payment of the installment of two hundred and fifty thousand five hundred and one dollars in gold.

But it is a subject of grave regret that in other respects the customs of friendly intercourse and the obligations of treaties have been neglected, disregarded, or violated. Doubtless, in many cases, the central government was powerless to prevent these infractions. But they 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. There have been raids and depredations upon the Texan 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. For each and all of these acts, many of them committed, if not with the sanction, at least in the name of the Government of Mexico, not one single man, so far as is known to this government, has been punished.

It is not difficult to believe that General Diaz and his minister of foreign affairs earnestly desire friendly relations and recognition on the part of the United States, and it is gratifying to receive the assurances unofficially made through you that they are disposed to adjust and rectify these complaints and grievances, and are not unwilling to consent to some arrangement for concerted action between the military commanders of the two countries on the frontier for the preservation of peace and order and the protection of life and property. It is 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. But it is 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.

In continuing your present unofficial and informal communications with the Mexi-

ican Government you may present these views, in whole or in part, at your own discretion, not failing, however, 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.

I am, &c.,

F. W. SEWARD.

Mr. Foster to Mr. Evarts.

(Foreign Relations, 1877, p. 410.)

LEGATION OF THE UNITED STATES,
Mexico, June 20, 1877.

SIR: Yesterday afternoon I called, by appointment, at the foreign office (having been unable on the day previous to find the minister in the department) and read to Mr. Vallarta the greater portion of Mr. Seward's dispatch No. 390, of the 16th ultimo, on the subject of the recognition of the government of General Diaz. After the reading a lengthy conversation followed. Mr. Vallarta insisted that the government of General Diaz possessed all the conditions of recognition required by international law and the practice of nations, and as a proof of this cited the fact that the European powers represented in Mexico as well as Central American republics had already recognized the present government, leaving the United States in a singular and independent position, which he sought to explain by the unfriendly attitude of the administration of President Hayes. He claimed that the present Government of Mexico had manifested every possible disposition to comply with the obligations of treaty and comity toward the United States; that it had promptly paid the first installment on the Mexico claims awards under the most difficult circumstances; and that it had held itself ready to give all reasonable guarantees for the preservation of peace on the frontier and for the protection of American interests in Mexico; but, as he (Mr. Vallarta) had stated to me on other occasions, the adjustment of these questions would properly follow recognition, especially where they required treaty stipulations.

Mr. Vallarta expressed regret that there had been an apparent change in the policy of the Government of the United States with the advent of the new administration; that Mr. Fish had interposed no objection to the receipt of the claims installment from the *de facto* government, and there appeared to have been good reason to believe that with the inauguration of General Diaz as constitutional president, he would be recognized as such by the United States as he had been by the European nations. He claimed to have had private advices from New York and Washington that the present administration had been operated upon by the machinations of Ex-President Lerdo and certain American gentlemen who had personal and sinister purposes to accomplish, and that it had yielded too readily to the representations of General Ord, who was an annexationist and seeking to precipitate a war between the two countries.

Mr. Vallarta then referred with much feeling to the order of June 1 of the Secretary of War to General Sherman, containing the instructions to General Ord. He said that when the substance of the order was telegraphed to the government here it refused to believe that it was true, because it could not comprehend that the United States would manifest such a hostile and aggressive attitude toward Mexico, especially without any previous notice of its intention. The government therefore awaited the arrival of the mail with much interest, hoping to be advised that the telegraphic account was untrue or exaggerated. But by this medium the hostile attitude of the government at Washington was fully confirmed. He said that in discharge of a solemn duty, the Mexican secretary of war had issued orders to General Treviño and the northern division of the army to repair at once to the frontier of the Rio Grande, and then gave me the instructions embraced in said order. He hoped for the preservation of peace, and General Treviño was instructed to exert himself to maintain it, but if the orders to General Ord were carried out and Mexican territory were violated, the consequences might be of the gravest character. Mr. Vallarta said that Secretary McCrary in his order to General Sherman had disregarded all the rules of international law and the practices of civilized nations, and treated the Mexicans as savages, as Kaffirs of Africa; that an absolute declaration of war would have been more considerate, as the national honor and the sovereign rights of the republic would not in that way have been so completely disregarded.

If through diplomatic channels notice had been given to Mexico of an ultimatum regarding the frontier, and it had then neglected to render satisfaction to the United States, there might be occasion to consider the propriety of issuing orders such as those given to General Ord; but, in the manner in which the orders had been issued, the cabinet at Washington had sought to place Mexico beyond the pale of civilized

nations. The government, he said, had just received intelligence from General Treviño that, upon the invitation of General Ord, he had gone to the frontier to hold a conference with him, and that General Treviño had been advised of the desire of the government that he should co-operate with the American troops in suppressing the raids, but that it would never permit its territory to be violated by American troops in the manner indicated in the order of Secretary McCrary, without repelling them by force of arms. No government could stand in Mexico for a moment against the popular indignation, if it did not assume this attitude.

I answered Mr. Vallarta that so far as recognition was concerned, every nation must be its own judge as to the time and manner of accepting a new and revolutionary government as the only representative of the people over whom it claimed to be established.

The Secretary of State, in the dispatch which I had just read, had confirmed the assurance which I gave him months ago, that the United States did not seek to intervene in the internal politics of Mexico; but he had also expressed the deep interest which the United States felt in the stability of whatever government it might recognize in this republic, and the desire it had to know of its ability and its disposition to comply with its international obligations both on the frontier and toward American citizens and interests within the country.

The position of the United States toward Mexico was very different from that of the European nations which had recognized General Diaz. We have a long line of coterminous territory, the peace and order of which is very intimately connected with the internal character of the Government of Mexico. The adjoining coasts on both oceans cause our commercial relations and social intercourse to be more seriously affected by the violent changes of its administrations than those of European nations. The interests of American citizens in Mexico are more important. Our treaties are more numerous, and embrace a greater variety of obligations.

For these and other reasons not experienced by European nations the United States are interested in knowing the spirit which animates and the stability which is likely to attend any new government in this country.

If the government of General Diaz has not up to the present time been recognized by that of the United States, it is owing to its own neglect of plain duties. Mr. Vallarta will remember that six months ago, soon after entering the foreign office, I called his attention to the critical condition of affairs on the Rio Grande frontier, and stated that they more seriously threatened the peace of the two countries than any and all other matters. I referred to the raids into Texas by Mexican banditti, the ravages of the Indians, and the annoyance of the "Zona Libre."

There had been no change of policy on the part of the Government of the United States with the change of administration, as he (Mr. Vallarta) unjustly, and I thought inconsiderately, asserted.

The receipt by Mr. Fish of the first installment of the claims-award could not be cited as any indication of the intention of my government to recognize that of General Diaz, as Mr. Vallarta would remember that it was expressly understood between us before the commissioner left Mexico to make the payment that its receipt was not to involve the question of recognition in any manner. The records of the Mexican foreign office will show that the present policy of my government as to the frontier is the same as that assumed or foreshadowed during all my residence in Mexico. Early in March last I conveyed to him the contents of a dispatch from Mr. Fish, in which the impression was expressed that the United States, prior to deciding in favor of official recognition of the Diaz government, would expect that efficient measures would be taken toward checking inroads into their States and territories, and toward the repeal of the "Zona Libre." (See department dispatch No. 370.) I have lost no opportunity in the past six months to bring the subject of the Texas border to his (Mr. Vallarta's) attention. I have been assured of the good intentions of General Diaz's government, but up to date of the order of Secretary McCrary absolutely nothing had been done in that direction, so far as I was informed.

Referring to Mr. Vallarta's remark concerning the influence and motives which caused the issuance of the order of Secretary McCrary, and the interpretation which he placed upon the order, I expressed my regret in seeing that Mr. Vallarta partook so fully of the popular feeling and prejudice which was manifesting itself in the city. I was sorry he should give so much consequence to the reports which reached him from the United States, as to the influence which interested private citizens and exiled Mexicans had upon the cabinet at Washington. I asked him how he knew that General Ord was an annexationist, and seeking to precipitate a war. He said that such were the reports which he had received. I replied that if they were official reports my government was entitled to know their basis. He said they were merely rumors. I answered that he should not then accept them as facts, without further inquiry. General Ord, I said, was one of our most distinguished generals, and had been selected for the important post which he occupied on the frontier on account of his prudence and ability, and that such charges against him were unworthy of consideration, in the form

in which they came. Mr. Vallarta disclaimed any intention to charge him with improper conduct, and only mentioned the rumors as part of the current news connected with the Rio Grande.

I then entered into a review of the history of the Rio Grande frontier as it had passed under my observation during the past four years, noticing the following points: 1st. The instruction to General Ord is not the announcement of a new measure on the part of the Government of the United States. 2d. The depredations of the past four years have not been common to both sides of the frontier. 3d. Mexico has taken no adequate or vigorous measures to prevent the depredations or punish outlaws. 4th. Mexico has frequently acknowledged its inability to discharge its duty in regard to the preservation of peace on the Rio Grande frontier, giving as a reason its internal dissensions. 5th. The instructions to General Ord are misinterpreted by the Mexican Government; and 6th, in view of the foregoing facts, the declaration of the Mexican minister of war is unwarranted wherein it is asserted that the instructions to General Ord are in contradiction with treaties between the United States and Mexico, with the rules of international law, and even with the practice of civilized nations.

These points will be referred to at greater length in a subsequent dispatch. (See my dispatch No. 560.)

In connection with the embarrassments attending border affairs, I referred to the fact that the governors of all the Mexican States on the Rio Grande were regarded as hostile to the United States. The reputation of Governor Canales, of Tamaulipas, was notorious in both countries. Governor Charles, of Coahuila, was in open opposition to the American officials, as was evidenced by the arrest of the guides of the American troops. General Trias, just elected governor of Chihuahua, in a recent letter to a newspaper of this city, has, over his own signature, manifested his hostile sentiments.

Before taking my leave of Mr. Vallarta I said that this government appeared at least to be awakened to the importance and gravity of the condition of affairs between the two countries, although I feared not in the best temper for a calm consideration of them.

I was ready to take all or any of the pending questions up for examination in detail, with a view to adjusting them. Mr. Vallarta expressed himself as quite desirous of entering upon this examination, and requested that I should indicate the subjects, and solicited suggestions from me.

I promised to call to-morrow at the foreign office and submit to him some memoranda for his consideration.

I am, &c.,

JOHN W. FOSTER.

CORRESPONDENCE COMMUNICATED TO THE COMMITTEE BY THE DEPARTMENT OF STATE.

Mr. Evarts to Mr. Foster.

No. 407.]

DEPARTMENT OF STATE,
Washington, August 2, 1877.

SIR: Your several dispatches numbered 550, 552, 554, 555, 556, 557, 558, 559, 560, and 562, relating to your informal interviews with Mr. Vallarta, have been duly received, as well as your confidential communication in regard to the same subject. The various suggestions they contain have been carefully considered.

As you are aware, Mr. Mata has arrived in this city, but has not as yet been received or recognized in an official capacity. At the informal interviews held with him he has stated some of the points in regard to which he would be empowered to negotiate a treaty in case the government of General Diaz should be officially recognized. A memorandum covering these points has been submitted by him, a copy of which is herewith enclosed for your information.

You will observe that the proposed treaty deals only with the single question of the depredations upon the border. While it evinces a praiseworthy and proper desire to remove that cause of international dispute, the methods of prevention and punishment which it offers seem neither adequate nor entirely explicit.

No doubt it will occur to you, as it already has to the President, that any stipulations that may be made in regard to this subject must deal explicitly and clearly with the question of the use of military force 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.

It is deemed preferable, however, that the conference upon these points, which must necessarily precede any recognition of General Diaz, should take place at the Mexican capital. There its results would be more speedily reached. Here its progress would be retarded by the tedious delay attendant upon communications between Mr. Mata and Mr. Vallarta.

You are instructed, therefore, to continue your unofficial intercourse with Mr. Vallarta and to report from time to time as you ascertain them, precisely what definite terms the government of General Diaz would be willing, and would deem itself able, to accede to. You will enter fully into the discussion of the various subjects, the border raids, the action of military commanders, the question of forced loans, the claims for indemnity in the cases of the United States consul at Acapulco, the "Dreadnaught" and the "Montana," and the other topics referred to in your previous correspondence with the department. Meanwhile the Government of the United States will reserve its decision upon the question of recognizing the government of General Diaz, to await such information as it may receive from you.

It may be said that the government of General Diaz has already maintained itself at the national capital and in the adjoining provinces during a longer period than the average duration of governments in Mexico. That very fact, however, may indicate not its stability, but the approach of the time of its overthrow. While the President is desirous of terminating, as early as may be, the present period of suspended diplomatic relations with Mexico, he nevertheless deems it essential that those relations when restored shall be placed upon a just and amicable basis. It is only upon such a basis that they could be permanent, and their interruption, if it should again occur, would probably menace the stability of the one government and the peace of both. By acceding to terms which will 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, the government of General Diaz will give proof of its strength and stability, and will therefore be legitimately entitled to be regarded as the Government of the Mexican Republic. But if, on the other hand, it confesses itself unable or unwilling 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.

Mr. Mata has been informed of the nature of these instructions to you. Further discussion with him in reference to the matters in question will be postponed for the present, and the department will await your communication in reply.

I am, &c.,

WILLIAM M. EVARTS.

Mr. Foster to Mr. Evarts.

No. 597.]

LEGATION OF THE UNITED STATES,
Mexico, September 4, 1877.

SIR: In my No. 589 of the 18th ultimo, and in my unofficial letter of the 19th ultimo, I advised you of receipt of your dispatch No. 407 of the 2d ultimo, in which you refer back to me for negotiation with Mr. Vallarta all the questions pending between the United States and Mexico.

These matters have occupied my continuous and almost undivided attention from the receipt of your dispatch up to the present.

During this time I have had one interview with General Diaz and six prolonged conferences with Mr. Vallarta. As in these conferences all the important questions existing between the two governments have been discussed, and as Mr. Vallarta has expressed a desire that his views should be fully represented to you, I have prepared extended notes of the said interview and of the conferences, which I inclose herewith, and to which I solicit your attention.

It will be seen that the topics considered in the conferences embrace the Rio Grande frontier troubles; the "Zona Libre;" the proper disposition of the Indians in Coahuila and Chihuahua; the rectification of the boundary of the Rio Grande or the recognition of rights rendered uncertain consequent on the changes of the channel of said river; the abolition of the law which prevents American citizens from holding real estate in Mexico on the frontier; the exemption of American residents in Mexico from forced loans; the recognition and adjustment of claims of Americans arising from the Diaz revolution of 1871-72; the complaints for the seizure of the American vessels Dreadnaught and Montana, at Mazatlan; and the imprisonment of Consul Sutter and other outrages at Acapulco. These matters have already been referred to and explained in my dispatches numbered from 555 to 559, inclusive.

The results of the conferences in regard to the Rio Grande frontier troubles and the exemption of Americans from forced loans will be noticed in separate dispatches. It will be seen by reference to the fifth conference with Mr. Vallarta that he states that his government cannot at present adopt any measures looking to the abolition of the "Zona Libre." Although both he and the minister of finance, to whose department the subject specially pertains, regard the existence of that zone as an unconstitutional measure, unjust to the rest of the republic and injurious to the revenues, still, in view

of the opposition which an effort for its abolition would create against the government on the Rio Grande frontier, it was not deemed advisable to attempt its repeal.

The question of the proper disposition of the Indians in Coahuila and Chihuahua Mr. Vallarta desired to postpone until he could receive certain information asked for by him, in reference to Indian depredations in Sonora. I objected to any delay, for the reason that the Indians of Coahuila and Chihuahua were now, and have been for months past, actively engaged in murdering and plundering the citizens of Texas, that communication with Sonora was slow and uncertain, and that it was unjust to the people of Texas to wait that information before deciding as to the removal of the Indians of Coahuila. (See second conference.) Mr. Vallarta hoped that within fifteen days he would be prepared to take up that question. (See sixth conference.)

The subject of the changes of the channel of the Rio Grande as affecting the boundary line was, by mutual agreement, informally passed over for the present. (Third conference.)

Mr. Vallarta desired also to postpone the determination of the right of Americans to hold real estate in Mexico on the frontier until certain difficulties in regard to ownership of real estate which had arisen with Guatemala on the southern frontier should be arranged. I objected to postponement or complication with the Guatemala negotiations; but Mr. Vallarta insisted upon delay, which he said would not be long. (See third and fifth conferences.)

The subject of the recognition and adjustment of the claims of Americans arising from the Diaz revolution of 1871-'62 has also been postponed by the cabinet of General Diaz, although I urged upon Mr. Vallarta a decision in connection with the question of forced loans. (Fifth and sixth conferences.)

Neither was Mr. Vallarta prepared to come to a final conclusion on any of the complaints of the "Dreadnaught," "Montana," the imprisonment of Consul Sutter or other outrages at Acapulco, for the reason stated by him, that he had not as yet received sufficient information upon which to base a final decision. I remonstrated against delay, because these occurrences had taken place from five to eight months ago, and sufficient time had elapsed to collect the necessary information. It will be observed, however, that so far as indicated by our discussions, Mr. Vallarta's views on these subjects are not likely to conform to those entertained by you. It will also be noticed that he does not recognize the salute fired and the visit made to the consulate by the authorities at Acapulco, at the instance of Admiral Murray in May last, as anything but an extra official act of the local authorities. (See fifth and sixth conferences.)

The reports of these conferences I herewith inclose as a partial result of the negotiations you instructed me to open with Mr. Vallarta, in order that you might be precisely informed what definite terms the government of General Diaz would be willing and would deem itself able to accede to on the questions pending with the United States, with a view to determining its disposition to conform to its international obligations, and whether it might be legitimately entitled to be regarded as the government of the Mexican Republic. In connection with my dispatches by this mail on the subject of the Rio Grande frontier troubles and the exemption of American citizens from forced loans, the foregoing review of the results of our conferences will show that the Mexican Government thus far has not on a single question met your expectations. No single question has been satisfactorily adjusted. Several have been postponed, and it is to be hoped that Mr. Vallarta may yet offer some acceptable arrangement of them.

In closing our conferences I manifested a willingness to meet Mr. Vallarta at any time that he was in possession of the information which he said was now wanting, or whenever he desired to present new propositions, or reopen the consideration of topics already discussed.

As he indicated a desire within a few days to present to me such propositions in regard to the frontier troubles as he thought would meet my views, I hope soon to be able to communicate to you further information on that important question. It is possible that he may at no distant day call up some of the other subjects which he has postponed.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Evarts.

No. 598.]

LEGATION OF THE UNITED STATES,
Mexico, September 4, 1877.

SIR: In the conferences between Mr. Vallarta and myself, reported in full in my No 597 of this date, it will be seen that the subject of the Rio Grande frontier troubles has received the most attention, and it is a matter of gratification to note that we have approached more nearly to an agreement than on any other of the subjects discussed, although we have not yet been able to reach an adjustment.

In our first interview Mr. Vallarta presented the project of treaty submitted to you by Mr. Mata as a full and adequate settlement of the Rio Grande frontier difficulties. On the other hand I, while recognizing many desirable provisions in the project, claimed that it omitted the most important and the essential measure to secure a thorough pacification of the frontier and protection to life and property, which was permission for the reciprocal crossing of the troops of the one nation into the territory of the other, when in close pursuit of raiders. I at the same time reviewed the history of the frontier troubles, maintaining that the experience and investigations of all departments of our government confirmed the necessity of this measure. Mr. Vallarta declined to accept this proposition, but agreed to present the question to President Diaz and his cabinet for consideration.

At our second conference Mr. Vallarta said that the frontier question had been made the subject of a careful and extended cabinet consultation, and as a result thereof he had been instructed to re-present to me the Mata project as in the judgment of President Diaz a full and liberal settlement, and he proceeded to explain its articles in detail, to which, with my responses thereto, I beg to direct your attention. My answer to Mr. Vallarta's representation of the project was that his explanations did not modify my views of the necessity of conceding the permission for the reciprocal crossing of troops, nor did I believe that they would alter the determination of my government on that point. Mr. Vallarta then said that although his government was very reluctant to accede to such permission, regarding it as likely to give rise to more evils and complications than the existing troubles, still, if I insisted upon the measure, the President was willing to agree to the crossing of troops in pursuit of wild Indians, or in the desert and unpopulated regions of the frontier, upon condition that the instructions to General Ord of June 1st last would be withdrawn and disavowal and reparation be made by the government of the United States for the armed invasion of Mexican territory. I answered Mr. Vallarta that if President Diaz made it a condition for the arrangement of a treaty that disavowal and reparation be made for the crossing of troops by virtue of the instructions to General Ord, we ought at once to terminate our conferences, as no such disavowal or reparation could be made. The instructions to General Ord were completely justified by the circumstances which existed on that frontier; and hence my government could not make any declaration which would seem to place itself in the wrong. Here followed a conversation in which it was made apparent that no action of the Government of the United States was to be insisted upon as a condition precedent to an agreement for a treaty and that the declaration of Mr. Vallarta was not understood as standing in the way of a continuance of our conferences. Whereupon I told Mr. Vallarta that I did not regard the limited permission for the crossing of troops stated by him as adequate or satisfactory, (1st) because the Mexican government ought at an early day to remove the Indians from the vicinity of the frontier and hence that source of trouble would cease; and (2d) because the greatest necessity for the crossing of troops was in the more populated regions of the Lower Rio Grande, where in times past the outlawry had been greatest and where the worst class of raiders were to be found. Mr. Vallarta pressed his objections to the crossing of troops on the Lower Rio Grande, but I replied that I did not feel warranted in yielding the point, and at Mr. Vallarta's request I suggested two limitations to be attached to the permission to cross, which I thought ought to meet the objections made by Mexico, as follows: 1st. That the crossing should not be made when there were troops of the other nation on the opposite bank of the river ready to follow up the pursuit; and, 2d, that the troops should not pursue the raiders across the river at large towns on the Mexican side, where there was a sufficient police and civil organization to render the capture probable. This proposition Mr. Vallarta asked an opportunity to present to the President for cabinet consultation.

At our third conference Mr. Vallarta said that the President was still reluctant to agree to a crossing of troops, and in lieu of my propositions he had instructed him (Mr. Vallarta) to propose a new and entirely different measure, as follows:

That a clause be added to the Mata project conferring upon the Presidents of the two republics the power of conceding permission by mutual consent for the passage of troops at any time in the future, with authority to prescribe the limits between what points on the frontier the crossing should be made and the length of time the permission should continue. Mr. Vallarta stated that the object which the President had in view was to first put the Mata project of treaty in operation, and if it was found to be insufficient, then the Presidents could agree upon the crossing of troops. This proposition I declined to accept, for the reason that it avoided and postponed the main issue; that the present was the most opportune time to come to an agreement in reference to the crossing of troops; and that in the judgment of my government a treaty which left that unsettled would be defective and unsatisfactory.

Such is a brief summary of the negotiations in reference to a treaty for the adjustment of the frontier troubles up to the present. In the fourth conference Mr. Vallarta incidentally expressed his belief that we could reach a satisfactory agreement, and

repeated it in the sixth conference, promising to submit some written propositions which he thought would be acceptable to me; but he has not yet done so.

It will be seen that the Mexican Government has resisted step by step the proposition for a reciprocal crossing of troops in pursuit of raiders; and at the last it has not consented to it, although I infer from Mr. Vallarta's declarations at our last conference that his government will eventually agree to it. As I considered this measure a *sine qua non* to the arrangement of a treaty, I deemed it unnecessary to enter minutely into an examination of the articles of the Mata project, or of the other necessary details, until we had first settled satisfactorily that essential measure. I have, however, made some suggestions incidentally on other points, as you will see by reference to the first three conferences.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Evarts.

No. 599.]

LEGATION OF THE UNITED STATES,
Mexico, September 4, 1877.

SIR: The question upon which Mr. Vallarta and I have most widely differed and which has been most argued in our conferences, of which reports are transmitted with my No. 597 of this date, has been the exemption of American citizens in Mexico from forced loans or other arbitrary exactions, or rather the reciprocal exemption of the citizens of both countries therefrom.

The subject was presented by me in our first conference as one of the most important questions existing between the two countries, and one which I had been instructed to strongly urge upon the Government of Mexico for present settlement.

The proposition which I presented was for a treaty stipulation, exempting the citizens of both countries from all forced loans or military taxes or contributions, and from all taxes or contributions not levied by legislative authority and in accordance with the constitution and laws. I was met by Mr. Vallarta with the declaration that the proposition was utterly inadmissible, for the reason that if such a treaty exemption was given to citizens of the United States under the "most favored nation" clause, it would have to be extended to the citizens and subjects of all nations with whom Mexico had treaty relations, and hence would make the condition of foreigners better than that of citizens of the country. I answered that I was only asking for American citizens what the Mexican constitution guaranteed to all residents of the country, and that if, in granting this exemption to Americans, it led to conceding it to other foreigners, the government was only discharging a duty plainly enjoined by its own constitution; and that it ought not to make the condition of foreigners better than that of native citizens, because the latter were equally entitled to the same constitutional exemption. Mr. Vallarta replied that Mexico could not make effective its constitutional guarantees to the same extent as the United States, or old established governments as Great Britain, and that it ought not to be held so strictly to them, in view of its past revolutionary history. I referred to the recent decision of the Mexican supreme court as sustaining my view of the question, to which Mr. Vallarta answered that the decision, although correct in theory, was utopian, impracticable, and impossible to enforce in times of revolution. He, however, said he would bring the subject before the President in cabinet session.

In our fourth conference the question was fully discussed with an examination of the old and existing Mexican treaties, the decision of Sir Edward Thornton as arbiter in the Mixed Claims Commission, the decision of the Mexican supreme court, and other documents. Mr. Vallarta referred me to the decision of Sir Edward Thornton in the case of *MacManus vs. Mexico* to show that the treaty of 1831 between the United States and Mexico does not exempt American citizens from forced loans. If the treaty of 1831 did clearly and in express terms exempt American citizens, there would be no occasion now to ask for such a treaty stipulation. But I said to Mr. Vallarta that if Mr. Thornton's decision was cited by him on the one point of treaty construction, it ought to be accepted by him on the other. In the same decision Mr. Thornton quotes the provision of the treaty with Great Britain, which he says is similar to treaties made by Mexico with the Netherlands, Denmark, Chili, Peru, Prussia, the Hanse Towns, and Austria, and then states that "forced loans may be levied upon the citizens and subjects of the contracting parties, *provided that they be not levied specially upon them without at the same time and in the same proportion being levied upon all the other inhabitants of the respective countries.*"

This construction of these treaties would exempt the citizens and subjects of all the countries named from forced loans in Mexico, as they are never levied in the same proportion and upon all the inhabitants. As none of these countries except Prussia has

diplomatic relations at present with Mexico, and that country has made a new treaty with this clause omitted, it may be contended that there is no such exemption in existing treaties; although it is not clear that all the treaties named have expired or been abrogated. (See decision of Sir Edward Thornton, No. 1, attached to the fourth conference, with my No. 597.) The decision of the supreme court, rendered in July last, which is discussed in the first and fourth conferences, decides that the faculty of levying taxes and making laws is by the constitution conferred upon Congress alone; that that body cannot delegate its exclusive faculties to the executive, nor can the executive exercise the faculty of levying taxes or decreeing laws, and that hence the "extraordinary contribution" levied by President Lerdo in July, 1876, by virtue of the "extraordinary faculties" conferred upon him by Congress, was illegal and cannot be enforced. This decision is as strong and sweeping a judicial condemnation of forced loans as is possible to be made, for the reason that the "contribution" levied by President Lerdo was (1st) decreed by virtue of powers voted by Congress; (2d) was a uniform tax levied according to all the usual forms of the tax-assessments; (3d) was stated to be to meet the deficiency in the general revenues and not as a special war contribution; (4th) was levied upon all inhabitants of the whole republic, and (5th) was decreed at the time of a wide-spread and dangerous revolution. The ordinary or most usual class of forced loans generally are wanting in the first four cited circumstances and hence are the more arbitrary and unjust. If such an "extraordinary contribution" as that levied by President Lerdo in July, 1876, is unconstitutional and cannot be enforced, I can conceive of no forced loan which can be legal under the Mexican constitution. Mr. Vallarta claims that the 29th article of the constitution provides for the exercise by the executive of the faculty of decreeing laws and levying taxes or forced loans in time of invasion or revolution. But the supreme court in the decision cited declares the unconstitutionality of such action, as the tax referred to was levied by the executive in the midst of an extended and threatening revolution, which eventually did overthrow the legitimate and constitutional government. (See decision of Mexican supreme court, No. 2, attached to fourth conference, with No. 597.)

In our fourth conference I also referred Mr. Vallarta to the negotiations and difficulties which arose between France and Mexico in 1837-'39, which had as one of their principal causes the exactions suffered by French residents in Mexico from forced loans. The Mexican Government during these negotiations recognized the fact that forced loans were arbitrary and an attack upon property; that they were looked upon with repugnance by both foreigners and natives; and that they were little in conformity with the principles of order and civilization of all representative governments; and hence in the convention of Jalapa, November 26, 1838, it offered to pledge itself that thereafter forced loans should not be imposed either upon natives or foreigners. Although this convention did not result in a treaty to this effect it clearly proves how far Mexico was willing to go at that time to adjust its difficulties with France. (See Mexican minister's resumé of negotiations with France, 1838-'39, No. 3, attached to fourth conference with No. 597.)

It will be seen by references to the conferences that notwithstanding I established the fact that Mexico had in the past repeatedly made treaties with other nations exempting their citizens or subjects from special forced loans; that the supreme court of Mexico had decided all forced loans, whether in peace or war, levied by executive authority to be unconstitutional; that Mexico had proffered to France to pledge itself that no forced loans should thereafter be levied either on natives or foreigners; notwithstanding these and other reasons presented by me, General Diaz, with the sanction of his cabinet, has refused to enter into a treaty stipulation with the Government of the United States for the reciprocal exemption of the citizens of both countries from forced loans, and has declined to make any proposition or offer any suggestion having in view the relief or protection of American citizens in Mexico from such exactions in the future. The suggestion which I made for the recognition of this class of claims in a claims convention, the President also declined to consider at present. (See fifth conference.)

I have already referred to the position assumed by Mr. Vallarta that the enforcement of its constitutional guarantees ought not to be expected of Mexico with the same strictness as of the United States. Another noticeable position taken by him was that it was not just to require Mexico to base its treaties with foreign nations upon the principle of reciprocity, and that the United States should not expect Mexico to guarantee the same rights to its citizens which the United States are able to give to Mexicans, because the circumstances of the two countries are so entirely different. (See fourth conference.)

The great objection which Mr. Vallarta urged against the exemption I asked, was that it would make the condition of foreigners superior to that of natives; but I have not failed to keep before him the fact that under the Mexican constitution all the people of the country are entitled to this exemption; and I have urged upon him the great desirability of recognizing and enforcing the principle of the illegality of forced loans as a policy of the present government, and have endeavored to convince him that it

would be the most useful and acceptable reform which General Diaz could inaugurate to secure peace and give guarantees to property. I am thoroughly satisfied that such a policy would be received by this entire republic with the greatest satisfaction; and it is to be deeply regretted that the present rulers will not adopt it.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Evarts.

No. 626.]

LEGATION OF THE UNITED STATES,
Mexico, November 8, 1877.

SIR: I inclose herewith notes of two conferences held with Mr. Vallarta on the 31st ultimo and the 3d instant in relation to the pending questions between the two governments. As Mr. Vallarta had manifested a marked desire to know the result of your examination of our previous conferences in August last, upon receipt of your No. 415 of the 6th ultimo, I called upon him at the foreign office and informed him of your approval of all the positions assumed by me in said conferences, and at the same time afforded him an opportunity to modify the positions heretofore assumed by him, or present new propositions, especially directing his attention to the two important questions of the Rio Grande frontier and forced loans. It will be seen that in regard to the frontier nothing new has been developed, Mr. Vallarta declining to yield the permission for the reciprocal crossing of troops, which I have again insisted upon as the essential measure to be inserted in a treaty on that subject. He manifested still greater impatience as to the continuance of the instructions to General Ord of June 1, and was very emphatic in denunciation of the crossing into Mexico of Colonel Shafter and Lieutenant Bullis in the last days of September.

In the second conference the chief topic discussed was the exemption of Americans in Mexico from forced loans. Some of the ground passed over in our conferences of August was retraversed, but the special feature of this conference was the consideration of the propriety of the enactment of a law by the Mexican Congress embodying or making effective the principles laid down by the supreme court in regard to forced loans and other executive tax-levies. In my conferences with Mr. Vallarta the only two propositions which I have made to him have been (1st) for a treaty stipulation exempting American citizens from forced loans, and (2d) some provision or arrangement for the examination and payment of their claims for forced loans and damages during the revolutions of General Diaz. But it is proper to state that in the interval between the first and second conferences reported herewith, as Mr. Vallarta had informed me he would again present the subject to the President for consideration, in my earnest desire to bring about an adjustment of our pending difficulties, I took advantage of my friendly social relations with Mr. Zamacona, who was about to leave for the United States, as the representative of General Diaz, to have a personal and informal conversation with him, with a view to securing his influence with the President for a favorable consideration of this subject and for a pacific solution of our international difficulties.

I knew Mr. Zamacona to be an advocate of the principles enunciated by the supreme court and desirous of securing for all the inhabitants of Mexico exemption from forced loans and military taxation. The result of my interview with him was that he agreed to see both the President and Mr. Vallarta before my next conference with the latter, and to suggest to them, as a settlement of the question of forced loans, that the executive would propose to Congress the enactment of a law embodying the principles laid down by the supreme court, making all taxes and contributions illegal which are not levied by legislative authority. It was distinctly understood that I had no instructions from my government to make such a settlement of the question, but I agreed with Mr. Zamacona that if Mr. Vallarta should in our next conference propose to meet the demand of the United States by the passage of a law of the character indicated above, and would make provisions for the adjustment of the claims of Americans for forced loans arising out of the recent revolutions, I would recommend to my government the acceptance of such propositions as a settlement of the question of forced loans. It will be seen by my report of the second conference, attached hereto, that while no direct reference was made to Mr. Zamacona's suggestion, which, in accordance with his promise, he made to Mr. Vallarta, the latter gentleman has informed me that the executive could make no such recommendation to Congress, and that it would neither be approved by Congress nor sustained by public sentiment.

Mr. Vallarta, in the conference, more plainly than heretofore, took the position that a government is not responsible for damages sustained by foreigners during a revolution or insurrection.

It is to be borne in mind that the members of the present government, which sets up this defense against American citizens, were the persons who inaugurated the revo-

tion or insurrection, and that they are resorting to it to avoid responsibility for their own acts. Mr. Vallarta has referred with much confidence to the claim of Great Britain against Tuscany, cited by the Spanish-American publicist, Calvo, to sustain his position against these claims. His citation is somewhat amusing, when it is remembered that by instructions of the Department of State, I presented some of these same claims for forced loans of the Diaz chiefs to the administration of Mr. Lerdo and his minister of foreign affairs based his rejection of them upon this same citation from Calvo. (See my dispatch No. 72, inclosure B.) Mr. Vallarta considers the citation just as good for the leaders of the insurrection, who levied the forced loans and caused the damages in question, and who by the success of the insurrection have become "the government," as it was for Mr. Lerdo's minister on behalf of the legitimate government.

It has thus been made apparent that the government of General Diaz is not disposed to adjust the question of forced loans either by a treaty stipulation, by the enactment of a federal law making effective the constitutional guarantees enunciated by its own supreme court, or by the recognition and payment of the forced loans levied by its own leaders during the recent revolutions. It is understood that such claims held by Americans and other foreigners as the present government may recognize as binding upon it will be held and treated as a part of the interior or domestic debt of Mexico.

If these claims are placed upon the same footing as the other titles of the interior debt, it will approximate a confiscation of their property; as the interior debt has no market value, its amount is unknown, and in the present condition of the country there is no prospect of its redemption or even increase in value.

Mr. Vallarta did not indicate in either of our last conferences a readiness to take up any of the other questions, undetermined or postponed in previous conferences. In August last he stated that within fifteen days he expected to have such information as would enable him to come to a definite settlement with me of the disposition to be made of the Indians of Coahuila and Chihuahua. I remonstrated against the delay at that time, as these Indians were constantly engaged in murdering and plundering the citizens of Texas. He is well aware of the fact that they were the occasion of the last crossing of American troops into Mexico, of which he complained so severely; and that they are a constant menace to the peace of the border. But he has not manifested a desire to take up that subject. He has given me no information of the result of the investigation, which he assured me in July last would be made, in regard to the firing upon the American flag on the consul's boat by the authorities of Acapulco; neither has the property of Mr. Kastan of that port, seized by General Jimenez, been returned to him. No progress has been made in the settlement of the Mazatlan cases. My dispatch No. 625 of the 5th instant indicates what will be the answer to my suggestion for a removal of the prohibition against Americans holding real estate on the Mexican frontier.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Evarts.

No. 660.]

LEGATION OF THE UNITED STATES,
Mexico, January 10, 1878.

SIR: Referring to your dispatch No. 432, of the 7th ultimo, making inquiry whether any of the assailants of the Rio Grande City jail had been arrested, tried, or punished in Mexico in accordance with its penal code, I have to report that in a call which I made at the foreign office on the 26th ultimo, I directed Mr. Vallarta's attention to the inquiry, and left with him a copy of your dispatch.

Under date of the 7th instant I received from Mr. Vallarta to-day a "verbal note," of which I inclose a translation, in reply. The greater portion of the note is occupied with the demand made by Governor Hubbard, of Texas, for the extradition of the parties referred to; but in its conclusion Mr. Vallarta states that he has no information of the arrest, trial, or conviction of the criminals under the penal code, but that he has asked for reports from the authorities of Tamaulipas on the subject. I also inclose a copy of my note acknowledging the receipt of Mr. Vallarta's of the 7th instant.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 660.—Translation.]

Mr. Vallarta to Mr. Foster.

Verbal note.]

DEPARTMENT OF FOREIGN AFFAIRS.

The secretary of foreign affairs has the honor to inform Mr. John W. Foster, minister plenipotentiary of the United States, that he has examined the note which the

Department of State, under date of December 7 last, addresses to him, instructing him to make inquiries as to whether all or any of the assailants of Rio Grande City have been apprehended, tried, and punished in conformity with the penal code, of which note Mr. Foster informally delivered a copy to the secretary of foreign affairs in the conference of the 26th of December last.

The secretary of foreign affairs, complying with the desires expressed by Mr. Foster, can inform him that the Government of Mexico, for very special reasons, already placed, through the medium of its legation, within the knowledge of the Government of the United States, ordered the extradition of the criminals of Rio Grande City and their delivery to the American authorities; that this act, entirely voluntary on the part of Mexico, as the criminals were Mexicans, and wrongly interpreted by the governor of Texas, R. B. Hubbard, gave occasion not only for this official to ask the delivery by Mexico of other criminals, also Mexicans, as a duty imposed upon it by the treaty of extradition which Mr. Foster knows to be inexact, but for him to pretend to demand it in the most improper terms, going so far as to intimate that the Mexican authorities were either unable to comply with the treaty or were animated by a spirit of hostility towards American citizens, or perhaps both; finally, that this conduct of Governor Hubbard, concerning which instructions have already been given to the Mexican legation in Washington, obliged the government not to insist upon the orders which it had issued for effecting the extradition of the criminals, very justly fearing that a concession in every respect gratuitous would be considered in the future as a duty, as was done at that time, notwithstanding the clear and explicit text of the treaty of extradition which binds the two neighboring republics.

Concerning the judicial proceedings which may have taken place subsequently in respect to the criminals, as the latter, according to the laws of the country, were consigned to the local authorities, which latter have not communicated their decision to the government, the secretary of foreign affairs finds himself for the present unable to transmit to Mr. Foster the reports which are asked of him by the Department of State; but as they have already been asked of the authorities of Tamaulipas, they will be brought to the knowledge of Mr. Foster as soon as they are received.

MEXICO, January 7, 1878.

[Inclosure 2 in No. 660.—Copy.]

Mr. Foster to Mr. Vallarta.

(Unofficial.)

LEGATION OF THE UNITED STATES,
Mexico, January 10, 1878.

SIR: I have the honor to acknowledge the receipt to-day of your excellency's verbal note of the 7th instant relating to the Rio Grande City jail assailants, and to state that I will forward a copy thereof to my government for its information.

I improve this opportunity to reiterate to your excellency the assurances of my distinguished esteem.

JOHN W. FOSTER.

His Excellency I. L. VALLARTA,
Minister of Foreign Affairs, Mexico.

Mr. Foster to Mr. Evarts.

No. 662.]

LEGATION OF THE UNITED STATES,
Mexico, January 17, 1878.

SIR: I have to acknowledge receipt this morning of your dispatch No. 439, of the 2d instant, with which you inclose a communication from the Secretary of War containing a copy of General Ord's report of Lieutenant Ward's expedition and as to the co-operation of Mexican troops in the pursuit of raiders on the Rio Grande frontier.

This report of General Ord had already appeared in the Mexican newspapers and had been very bitterly commented upon. The occurrence as reported was denounced as a new invasion of Mexican territory, and the exemplary punishment of the Mexican officer who invited the crossing of the American troops was demanded at the hands of the Diaz government.

On yesterday the *Diario Oficial* published officially the correspondence between the secretaries of foreign affairs and of war on the subject, of which I inclose copies and

translations, and also of the editorial comment thereon in the same paper. It will be seen that the secretary of foreign affairs transmits a copy of General Ord's report in reference to Lieutenant Ward's expedition, as published in the newspapers, to the secretary of war, and characterizes the crossing of the Rio Grande by Ward's troops as a "new invasion of the national territory." He states that the President regards the act as of the greatest gravity, and directs that the necessary measures be taken in view of it. The secretary of war thereupon sends instructions to General Treviño, commanding the Mexican forces on the Rio Grande, to make immediate investigation, in order to ascertain who was the officer that permitted and aided the passage of the American troops to Mexican territory, and again enjoining upon General Treviño the strict enforcement of the orders of June 18 last, to repel with force the crossing of American troops into Mexican territory.

The editorial comment upon these communications states that "the executive is resolved to make a severe example of the officer who may have failed to obey the instructions."

These publications made it almost useless and inopportune for me to express to Mr. Vallarta your gratification at the spirit manifested by the Mexican officers to Lieutenant Ward and your view of the happy results which would follow the continuance of such a spirit. However, in calling upon Mr. Vallarta to-day to advise him of my expected departure for Washington, I took occasion to refer to the event and to say that I had received from you a copy of General Ord's official telegram, which I handed him. I also expressed regret that the event had been so differently interpreted in the two republics and by the two governments. In the United States it was hailed as the manifestation of a friendly spirit of co-operation on the part of the troops of both countries to repress depredations on the Rio Grande, and as an important step towards renewing official relations; and in Mexico it was denounced as an invasion of territory, an outrage upon its national sovereignty, and the Mexican officer who permitted and participated in the pursuit of the outlaws as deserving only of military and presidential condemnation and punishment. I characterized the issuance of the official orders on the subject as highly inopportune, in view of the existing state of our relations, and as likely to be construed in the United States as the manifestation of a hostile spirit on the part of the present authorities of Mexico.

Mr. Vallarta had very little to say in reply, further than that the officer who invited the crossing of Lieutenant Ward had violated the instructions of the department of war, and that the executive felt compelled to issue the orders published in the *Diario Oficial* of yesterday in view of the clamor which had been raised by the press of this capital about the affair.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 662.—Translation.]

(From the *Diario Oficial*, January 16, 1878.)

DEPARTMENT OF WAR AND MARINE,
Mexican Republic, Department of Foreign Affairs, Section of America.

In compliance with the desire of the President, I transmit to you a translation of a paragraph from the *New York Herald* of December 25, last. It contains a dispatch from General Ord to the General-in-Chief of the North American Army, in which it is stated that a new invasion of the national territory took place on the 20th of that month, not only with the acquiescence but even by invitation of a Mexican official.

This act being of the greatest gravity, the President instructs me to bring it to your knowledge in order that, through your department, he may proceed to take such steps as shall be necessary.

Liberty in the constitution.
Mexico, January 12, 1878.

VALLARTA.

To the SECRETARY OF WAR,
Present.

MEXICAN REPUBLIC,
Department of Foreign Affairs.

[Translation.]

(New York Herald, December 25, 1877.)

PURSUIT OF RAIDERS.

Troops of the United States and Mexicans follow a fresh trail in Mexico. Good understanding between the soldiers.

WASHINGTON, December 25, 1877.

The following has been received in the War Department this afternoon:

"CHICAGO, ILL., December 24, 1877. (Received 10.55 a. m.)

"General E. D. TOWNSEND,
"Washington, D. C.:

"The following telegram from General Ord is forwarded for the information of the General of the Army.

"P. H. SHERIDAN,
"Lieutenant-General.

"Lieutenant Ward was sent to Rio Grande to find trail of horses stolen and driven into Mexico on 15th instant. Has just come in. The Mexican troops got to the river on morning of 20th. Ward showed the Mexican lieutenants the trail and at his invitation crossed his men and joined the Mexican troops. They followed the trail together all day, going about twenty-five miles. As it had rained heavily, the trail was hard to follow, and another hard rain setting in they found it impossible to follow it farther. The trail was left about three miles from Newtown, and only six or eight miles below where it crossed the river.

"Ward says there was perfect good feeling among the Mexican soldiers and our own, and that the lieutenant offered to go with him anywhere he thought the horses could be found.

"ORD,
"Brigadier-General."

A copy.—MEXICO, January, 12, 1878.

JOSÉ FERNANDEZ,
Chief Clerk.

DEPARTMENT OF WAR AND MARINE,
Section First.

The citizen minister of foreign affairs, in a communication of the 12th instant, states the following to this department:

"In compliance with the desire of the President, I transmit to you a translation of a paragraph from the New York Herald of December 25th last, &c."

Which I transmit to you, accompanied by a copy of the document cited, in order that the corresponding investigation may be made at once for the purpose of ascertaining who the officer was that permitted and aided the passage of American troops to our territory, and in order that the proper resolution may be formed concerning those who are found guilty, giving a report of the result of the investigation.

The citizen President instructs me to recommend to you anew that strict fulfillment be given to the orders issued by this department on the 18th of June last, in view of the order given by the Department of War of the United States to General Ord on the 1st of the same month and year.

Liberty and constitution.
Mexico, January 14, 1878.

OGAZON

To the Citizen GERÓNIMO TREVIÑO, Monterey.

DEPARTMENT OF WAR AND MARINE,
Section First.

Under this date your note of the 12th instant is transmitted to the Citizen-General Geronimo Treviño, accompanied by the translation to which it refers, in order that he may make at once the corresponding investigation in order to ascertain who the official was that permitted and aided the passage of American forces to our territory, as is stated in the dispatch of General Ord to the General-in-Chief of the North American

Army, and to the end that the proper resolution may be formed concerning those who are found guilty, with the understanding that the said General Treviño be recommended anew to cause the strict fulfillment of the orders issued by this department on the 18th of June of last year, in view of the order given by the Department of War of the United States to General Ord, on the 1st of the same month.

I have the honor to state it to you for your information.

Liberty and constitution.

Mexico, January 14, 1878.

OGAZON.

To the SECRETARY OF FOREIGN AFFAIRS,

Present.

True copies.—MEXICO, January 16, 1878.

JOSÉ JUSTO ALVAREZ,
Chief Clerk.

[Inclosure 2 in No. 662.—Translation.]

(From the Diario Oficial, January 16, 1878.)

IMPORTANT COMMUNICATIONS.

In the official column our readers will see the communications addressed by the department of foreign affairs to that of war and also to General Treviño, in relation to the passage of American troops to our territory. The executive is resolved to make a severe example of the officer who may have failed to obey the instructions which should control the conduct of the forces which guard the frontier.

Mr. Foster to Mr. Evarts.

No. 665.]

LEGATION OF THE UNITED STATES,
Mexico, January 18, 1878.

SIR: I received on the 24th ultimo your dispatch No. 428, of the 28th of November last, inclosing a copy of a letter from Hon. G. Schleicher, of the House of Representatives, asking that inquiries be made whether any of the persons arrested in Mexico as participants in the "Corpus Christi" raid of 1875 had ever been punished. On the 26th ultimo I called at the foreign office and made the inquiries as directed, and Mr. Vallarta answered that he was not able to give me the information desired without examination, as the occurrence took place before he assumed charge of the department. I accordingly left with him a written memorandum of the information desired, and he promised to give the matter his early attention. Not having received an answer, in a call which I made last week at the foreign office I reminded him of my previous request, and he replied that as soon as he could obtain the information he would immediately transmit it to me.

Up to this date I have received no answer on the subject, and in view of my contemplated absence from the legation for some weeks, I have thought it proper to inform you of my attention to your instructions. I will add that I am fully satisfied that no punishment ever followed the arrest, for the reason that in case of punishment the foreign office would not have failed to inform me, as I had repeatedly complained to it that no punishment had ever followed raids committed from Mexico into Texas, and because neither our consuls in that locality nor the newspapers, so far as I am advised, had ever reported the punishment of the criminals.

I am, &c.,

JOHN W. FOSTER.

TEXAS FRONTIER TROUBLES.

TESTIMONY TAKEN BEFORE THE COMMITTEE ON FOREIGN AFFAIRS.

STATEMENT OF BRIGADIER-GENERAL E. O. C. ORD, COMMANDING THE DEPARTMENT OF TEXAS.

WASHINGTON, D. C., *December 7, 1877.*

Mr. SCHLEICHER. I would like you to give the committee a general idea of the state of the troubles on the Rio Grande.

General ORD. I did not bring any papers or documents with me to-day, not being aware of the character of the examination or of the points to be touched upon, but my reports for the last three years give as accurate a statement of the difficulties as I could give at the time from all the facts before me. I should like to introduce those reports as testimony bearing upon the condition of affairs there, and I will furnish them to the committee. They relate to the difficulties prevailing there from time to time; the revolutions on the border, the character of those revolutions, and the necessity of our maintaining a large force on that border. They also refer to the notoriously bad character of many of the Mexican troops brought up there from the interior, many of whom desert and either remain on the other side or come over to our side. They also show that seven-eighths of the population of the tier of counties for 100 miles back from the Rio Grande is Mexican by birth, and that the habits of these people are Mexican. The committee can derive a good deal of information concerning the occupants of the country on the south and west side of the river—the country bordering the Rio Grande—by reading the latter part of the report of the Mexican Commission, in which the immense number of raids committed on that border for twenty years past and the immense amount of damage done are stated. The commissioners claim that the Indians who committed these depredations came from the United States, but the raids now are reversed, and all those Indians who then made raids into Mexico from the United States are now living in Mexico, and have made peace with the citizens on that side, and now raid back on the United States. They are wild, savage Indians, living in mountains that are inaccessible, in a country which is reported on the Mexican maps as unknown. So that we have these wild raiding people upon our border, in a country over which the Mexican Government has never exercised control, and for that reason I think that that government has no right to consider that following the Indians is any violation of the law of nations any more than we should have such a right if we had an island in the Pacific Ocean in which pirates lived and depredated upon commerce. We should not claim exemption from interference with those pirates under the law of nations because the island belonged to the

United States. These Indians are not citizens of Mexico; they are savages, and the Mexican commissioners state in their report that these Indians are beyond the reach of police and far from settlements. For that reason they cannot claim that they are exempt from punishment.

Mr. CRAPO. What extent of country do these Indians occupy?

General ORD pointed out on the map the location of the Indians. He went on to say:

The raids on the Lower Rio Grande were very numerous in the time of Cortina, but when the civil war began there between the Cortina faction and the Diaz faction, the raids diminished. So long as Cortina remained on that frontier he was the head man of the wild and lawless people on the border. He has been succeeded since by Canales.

Returning again to the consideration of the Indian raids, General ORD said: I am told by gentlemen who have lived all the time in Mexico that this region (indicating on the map) is a desolate waste of mountains, bearing nothing but grass and Indians, and that the troops of the United States might occupy it for fifty years without the people of Mexico knowing anything about it. Lately General Treviño came to see me on the subject, and I suggested to him the propriety of his troops driving the Indians out of that country, but he said he had no knowledge of the country; that they did not know where the water was, and that they would have to send exploring parties into the country to find out where the water was. Our troops going into that country have frequently marched ninety miles without finding water.

The CHAIRMAN. What do you estimate as the total aggregate of this Indian population?

General ORD. I am surprised at its numbers. A small detachment of scouts recently went over the river under Lieutenant Bullis, who reports that it is the worst country he has ever seen. The Indians were so numerous that he had to fall back ten miles on our side of the river until he was re-enforced by a detachment of three companies, who have gone back to see what they can do.

The CHAIRMAN. Have these Indians settlements of any magnitude?

General ORD. They have several little towns in these mountains, but they move frequently.

The CHAIRMAN. Are they divided into tribes or nations?

General ORD. They are divided into tribes and nations, speaking different languages.

The CHAIRMAN. And living separately?

General ORD. Not always; they frequently combine in their operations.

Mr. SCHLEICHER. At the foot of the mountains here, where the little towns of Rimolino and Saragossa are, is there not an active intercourse between the Mexicans and some settlements of Indians?

General ORD. Those Indians who formerly crossed from the United States and depredated in Mexico have now settled in Mexico, and appear to be on friendly terms with the Mexicans, and they carry their plunder down into the villages and sell it to Mexicans, receiving in return powder, ammunition, &c. Not long since I notified the Mexican authorities that there was a camp of that sort near Saragossa, and I had papers made out for the extradition of some Indians who had wounded an American citizen, who was then lying in a hospital at Fort Clark.

Mr. COX. What resulted from the attempt at extradition?

General ORD. My letters were to the military authorities on the frontier (I mean the subordinate or perhaps insubordinate military authorities), and they excused themselves by stating that the Indians had

gone off into the mountains and were concealed and could not be found. I knew at the time that these Indians were trading with Mexicans. Shortly after that, in following one of these Indian trails, our party made for the town and attacked it. We found these Indians just in and west of Saragossa, thereby contradicting the statement of the Mexican authorities that they could not be found. This shows the indisposition of the local authorities there to deal with us in good faith. My impression is that the Mexican Government is anxious to put a stop to raids and to enforce better order, and to remove the officers who refuse to obey its orders, but the ability of the Mexican Government to do this is another question.

Mr. SCHLEICHER. Were not reports repeatedly made to you that Indian raids starting from Saragossa and Rimolino were fitted out in Mexico, and that the raiders had orders and passports to enable them to cross the river without interference from the Mexican authorities?

General ORD. I forwarded a report, which came from the commercial agent in Mexico, stating that the Indians had an order in advance, in one case, for a pair of large American mules. I had some letters, which are now in the State Department, showing that such orders were given in advance, and that the local authorities were engaged in and profited by the trade. These reports came in from a gentleman who lived in Mexico, and was engaged in mining there some fifteen years ago. He says that at one time the trade in stolen cattle and horses was so lively in one of these towns that the authorities levied tax upon them, and that this tax became so large that a revolution was got up by another faction to gain possession of the town so as to get the tax. This report in reference to the two large American mules was made last summer or spring.

Mr. SCHLEICHER. Did you hear anything about these raiding Indians having passports from the authorities in Mexico?

General ORD. There was a statement made by one of the Mexican ranchmen that the authorities on the opposite side of the river had given raiding Indians a passport to pass in one direction, and that when these Indians returned, they left with the Mexican authorities on the river (a sort of custom-house guard) a portion of the horses as a sort of payment for permission or protection.

The CHAIRMAN. These passports were not given by the central government, but by local authorities?

General ORD. The central government of Mexico has little or no control over these people. The authorities are more or less temporary and are utterly unscrupulous.

Mr. CRAPO. What was the necessity for passports? Are passports necessary to cross over from Mexico into Texas?

General ORD. No, sir; they were to facilitate the rapid flight of these raiders in case they were pursued from our side, and not to have them stopped to pay any dues.

Mr. CRAPO. How often do our troops cross the line?

General ORD. We go over whenever we can, under our orders, in pursuit of these raiders. We are there for the protection of the frontier. When I left there only a few days ago there were three parties of Indians that we knew of raiding in Texas.

Mr. CRAPO. Do the local authorities make any objection to your thus crossing over the river in pursuit of these Indian.

General ORD. I have recently met very serious objection in Coahuila. In Chihuahua we have had an understanding on both sides, so that we can cross over into their territory and they can cross over into ours.

Mr. COX. Do these Indians belong to Mexico?

General ORD. It is very difficult to tell. They are wandering Indians; they live by plunder; they are predatory in their habits. These Lipans, I think, have been driven across from Texas on account of their wild habits. They know the country well; better, probably, than the people who live in the plains and who own the country. These hills (indicating on the map) are about 150 or 180 miles in extent, and come down within 30 miles of San Antonio. During the civil war in Mexico, and before it, these Indians drove cattle within three miles of San Antonio. There is a famous hill about three miles east of San Antonio, known as the Apache Lookout. These Indian raiding-parties sometimes come there and occupy this hill and keep a watch over the country for parties whom they attack.

Mr. COX. Are any of these depredations committed by Mexican citizens?

General ORD. There are a great many Mexican captives among the Indians, and there are Mexican traders who trade with them and live in these towns. The Indians get all the arms that they want from them, and they sell to them their store and plunder. The Indians are well known to them by name. You can go to Saragossa to-morrow and see the principal chief of the Lipans come in to dispose of plunder, and if you talk with these Indians in Spanish, they will tell you that they are Kickapoos.

Mr. COX. They are our northwestern Indians?

General ORD. Yes; they moved down there during the war.

Mr. BRIDGES. Have the Mexican authorities made any effort to prevent Mexican citizens purchasing plunder from Indians?

General ORD. The local authorities in the vicinity of the raiders, while they have made a pretense to prevent these outrages, have, I think, made no real, honest efforts to do so. What they propose to do now I do not know. Diaz has ordered some regular troops there. Gentlemen here have stated to me that the object of ordering troops there is to have troops that will not be under this local influence, and that can overawe the inhabitants and do what the central government requires.

Mr. FORNEY. Are these Mexican troops to act in accordance with you?

General ORD. That is the information we receive. It will depend, however, entirely upon whether the Mexican troops receive pay from the central government or whether they will have to levy assessments on the country. They are very apt to be more or less influenced by the local feeling.

Mr. CRAPO. Do these local authorities get their appointments from the central government or what is their organization?

General ORD. They are a good deal more independent in their appointment and in their action afterward than the State authorities are in the United States. They pay little or no attention to the orders of the central government. They regulate their own affairs, elect their own governors, alcaldes, judges, senators, and representatives.

Mr. SCHLEICHER. You stated a while ago that the tax levied in one of these towns upon property stolen from Texas was so large that on one occasion it caused a revolution, one set of officers wanting to drive another set out in order to get possession of the tax.

General ORD. That was the statement made in a letter written by a mining agent to the superintendent of the mine, of which he furnished

me a copy. This was three or four years ago, either under the Juárez government or the Maximilian government.

Mr. SCHLEICHER. How do the people in these towns of Rimolino and Saragossa live; what trade have they?

General ORD. It is hard to say. There is very little trade, I believe, except with some mines in the interior. They cultivate a little land and irrigate a little. Some of these Indian tribes (the Kickapoos) are quite agricultural. Colonel Mackenzie went in there and punished the Kickapoos very severely, and since then they have moved back, and are now cultivating land. The Lipans never cultivate the soil, but subsist by plunder. I am told that the trade of these towns is a very lively one in plunder.

Mr. WILLIAMS. What is the length of the frontier that you are defending?

General ORD. One thousand four hundred and twenty miles along the river.

Mr. WILLIAMS. How many troops have you?

General ORD. Before I left I had 2,900 men. That included headquarters, hospital-stewards, various attendants, two companies that were out constructing telegraph-lines, guards for mail-routes, and all the little details of men that take away from the effective force—probably one-third.

The CHAIRMAN. What proportion of cavalry have you?

General ORD. I have two regiments of cavalry, each about 850 strong.

Mr. CRAPO. Where are your headquarters?

General ORD. At San Antonio.

Mr. WILLIAMS. How far have your troops penetrated into Mexican territory in pursuit of raiders?

General ORD. From 150 to 200 miles in this mountain district.

Mr. WILLIAMS. About how many of our people have been killed last year?

General ORD. A little more than a year ago a very fierce and ugly raid was made by the Indians, who killed all that they came across. They killed fourteen persons, and in a recent raid they killed three. I had a telegram yesterday stating that the raiding Indians are all believed to be back over the Rio Grande, in front of San Antonio, and that two men have been killed.

Mr. SCHLEICHER. Give the committee an idea of the past history and the present condition of the State of Tamaulipas.

General ORD. The population on the lower river has been restrained during the last year by the revolutionary governments and by the contending factions being so equally matched that it was afraid the United States troops would cross and attack it. Cortina, who has been the leader of nearly all the great raiding bands, was very careful not to have any trails of stolen cattle into his camp during the revolution.

Mr. Cox. What has become of Cortina?

General ORD. I think he is in the city of Mexico, and that he has a sort of parole, but I do not know positively. Since Cortina ceased to be in power Canales is the governor and military ruler. He is a sort of opposition leader to Cortina. He and Cortina have been bitter enemies, and he has not been disposed to relax his hostility to the Cortina men, or, as they call them, the muchachos de Cortina—Cortina boys. If he can starve them out, and thus reduce the Cortina power, he would be glad to do so. Therefore, I think he has been disposed to prevent their raiding into the United States and getting plunder. Quite a number of these Cortina men went off with the troops, and that has been a respite

for the Lower Rio Grande, and until recently things there have been comparatively quiet. You may read in the Mexican papers that there have been no raids since Cortina left, because they know of none, but their knowledge only extends for 100 or 200 miles.

Mr. SCHLEICHER. Explain to the committee that the two classes of raids, those on the Upper Rio Grande and on the Lower Rio Grande, are entirely separate and distinct.

General ORD. Entirely. They are just as different as if the French population living on the Canadian border were to have a feud with the people on our side and to come across and have a little predatory war, while the Sioux Indians under Sitting Bull were to take the Union Pacific Railroad and to steal cattle along there. The one class of these raids is by wild, predatory savages, who have been raiding on the Pueblo Indians of Mexico ever since we have any knowledge; the Apaches, and Comanches, and Lipans, and all the different branches of the great Apache and Navajo tribes.

Mr. COX. I suppose you assume that diplomacy has failed to correct this mischief?

General ORD. Yes, sir.

Mr. COX. The Army has also failed?

General ORD. I consider that we are gradually succeeding.

Mr. COX. Is there in your mind any other remedy?

General ORD. The remedy that has been adopted.

Mr. COX. Is there anything that Congress can do?

General ORD. I think that if Congress would only agree by resolution that the order of the President in the premises is right and proper, that would satisfy the Mexican Government that this is not a mere temporary expedient, and its moral effect in Mexico would be good. Their periodicals state that the American Congress is opposed to the orders issued by the Secretary of War and will not support them; but if those orders are supported, and it is known to be the determination of the nation that these raids shall cease, and that the necessary measures shall be taken to suppress them, they will have no further excuse for delay in the matter.

Mr. SCHLEICHER. You have never failed to impress the Mexican authorities with the idea that your crossing in pursuit of raiders means no hostility to the government?

General ORD. In all instances. In my conversations with Mexican officers, and in my remarks to General Benavides, I have stated that we confine our operations entirely to the parties that commit the offenses, and that if they only keep the Indians out of the country occupied by peaceful inhabitants they will never know that we go into the country.

Mr. SCHLEICHER. State, in a general way, the character and history of these raids on the Lower Rio Grande.

General ORD. The lower classes of the inhabitants of Mexico are nearly all Indian by descent, but having different characteristics and speaking different languages. The Indians of Tamaulipas in the early days were wild and desperate and never were subdued by the Spanish. They were cattle-ranch Indians—offshoots of the Florida Indians who went into that country because of its facilities for plunder. There have been a great many accessions to their number by deserters from the Mexican troops. All through Mexico all the labor is done by Indians—by peons; the men laboring upon ranches are Indians, but are what are called Pueblo Indians. The people of Spanish race are very few and scattered, and probably not more than one-tenth of the population pretend to be descended from Spaniards. There are also a great many

negroes. The Indians in the center of Mexico are generally quiet and submissive to any set of rulers who take control over them. The worst class of them, augmented by various deserters, occupy the borders of Tamaulipas. They were under the leadership of desperate fellows like Cortina or Canales, and when they were notified to raid into the United States they would do so with pleasure. When I suggested to the commandant at Matamoros to try and get up a public sentiment among the people against these outlaws, he told me that unfortunately the public sentiment was the other way and in favor of the outlaws. When they are not raiding upon citizens of the United States, these same fellows will raid against their own country people. The very men who come along as conductors for a train will turn around and plunder that train in connection with some robber band.

Mr. FORNEY. Have there been many raids since the commencement of this year?

General ORD. Only two or three recently.

Mr. BRIDGES. Can the river be crossed at any point of that fourteen hundred miles which you guard or have the Indians particular points at which they cross the river?

General ORD. They can cross almost anywhere, especially in low water. When the water is very high and swift they have to select points for crossing, but they pay no attention to fords. They swim their horses and swim themselves.

Mr. BRIDGES. How many troops have you in your command to protect that line?

General ORD. About 2,900, but re-enforcements have been ordered recently, which will give me about 5,000 men, and I think that that number will be sufficient to preserve the peace.

The CHAIRMAN. I understand you to say that if Congress would pass some measure recognizing the recent orders given to the troops, it would have a good effect in protecting the border from the incursions of these people?

General ORD. I think it would.

The CHAIRMAN. As showing that Congress united in that policy?

General ORD. Yes, sir; it would be of great service, indeed, and would convince the people of Mexico that this is not a mere temporary expedient.

Mr. FORNEY. Would not a recognition on the part of our government of the present Diaz government also aid and assist in that?

General ORD. I think it would undoubtedly. I think that anything which would promote quiet and stability in Mexico would have its influence on the frontier.

Mr. SCHLEICHER. Was not the worst time of these raids the time when the Lerdo government was recognized by us?

General ORD. There was a recognized government at that time, but still that government was entirely powerless to control Cortina and his people. It appeared to be afraid to exercise any rule over them, whereas Mr. Diaz has taken Cortina into the city of Mexico, and is apparently a more determined man than any President of Mexico that we have had for a long time.

Mr. SCHLEICHER. Do you not think that much of his exertion is due to the desire on his part to be recognized by the United States Government?

General ORD. I cannot say as to that.

Mr. SCHLEICHER. You stated in your testimony last Congress that there were a number of settlements along the border which could be

compared with the settlements of pirates on the North African coast; that they had settled there in villages for plunder without any visible means of support. That was during the time of Mr. Lerdo's government?

General ORD. That was in the time of Mr. Lerdo's government.

Mr. SCHLEICHER. You also stated that the Indian raids had been stopped by General Mackenzie's punishment of the Indians.

General ORD. That is, the Kickapoo raids.

Mr. SCHLEICHER. Previous to General Mackenzie's invasion these Kickapoos were also very troublesome?

General ORD. They were.

Mr. SCHLEICHER. Was not that during the time of the Lerdo government?

General ORD. I do not know whether it was the Lerdo government or the Juarez government, but it was some government recognized by us.

Mr. SCHLEICHER. And the only time that the Indian raids were stopped was by the invasion of General Mackenzie?

General ORD. The reports have come from Mexico that these Indians moved back, and have been since that time comparatively quiet.

Mr. WILLIAMS. You have spoken of these Mexicans as being substantially outlaws. Does that hold good as to the whole population?

General ORD. No, sir; after being in the country about a year, I stated in my report that the character of the inhabitants on the lower river was such as I have mentioned, but that when you ascend the river you come into a country with a population that is very intelligent and more disposed to keep peace and to maintain friendly relations with us. The people on the lower river are raiders pretty much. There are very few exceptions.

Mr. WILLIAMS. How far does that class of inhabitants extend?

General ORD. You find them principally in Tamaulipas. Then there is a small class of inhabitants in some of the towns of Coahuila, in the vicinity of the raiding Indians, who buy plunder from these Indians, but as you get farther up the inhabitants are entirely friendly, and co-operate with us.

Mr. CRAPO. Is there any objection to the Mexican troops coming over on our side in pursuit of Indians who go from Texas over into Mexico for plunder?

General ORD. On the contrary, I have invited co-operation, and I have directed that when they cross over they shall be treated as our own troops.

Mr. CRAPO. There has been no conflict by reason of their doing so?

General ORD. None at all, unless, probably, the State authorities of Texas might look upon them as being dangerous in the country; but their crossing would not occur, probably, in any district that is occupied by settlers. There is an immense district on the western frontier of Texas, above the mouth of Devil's River, which is a wild, unpopulated region, extending all the way up until you get to the valley of the Rio Grande, where there is some cultivation by means of irrigation. All that country (indicating on the map) on both sides of the river is a desolate waste, open to Indian raids and scarcely populated. The co-operation to protect settlers from these depredating Indians ought to be mutual, and I think that, with a little encouragement and good-will between the authorities of both countries, it will be.

Mr. SCHLEICHER. There never has been any objection to Mexicans coming over from Chihuahua in pursuit of Indians?

General ORD. They claim that they have been objected to and that they have not been allowed to pursue the Indians.

Mr. COX Have you received any recent orders?

General ORD. Our orders are very strict, not to cross the river where the Mexicans have any troops at all who have the ability to follow the raiders themselves—any troops capable of overtaking the raiders and restoring the property. I have been directed not to allow any violation of those orders in any instance whatever.

Mr. SCHLEICHER. Years ago the Mexicans came over frequently from Chihuahua?

General ORD. Yes, sir.

Mr. SCHLEICHER. At one time you had rations issued to them?

General ORD. That was in California, when I had command of that department. It included Arizona. The Mexican troops crossed over in pursuit of Cochise, a noted Indian depredator, and I kept the Mexican troops for two weeks and furnished them with rations.

Mr. FORNEY. Is the sentiment of the Mexican population against us from the mouth of the Rio Grande up to Mier?

General ORD. It is, on the part of those who want to obtain power and plunder; but I do not know that you can include in that the intelligent land-owners, who want peace and quiet.

Mr. SCHLEICHER. State something about that occurrence last August in breaking the jail in Rio Grande City.

General ORD. Colonel Price, in command of Ringgold Barracks, reported to me by telegraph that during the night a party had crossed the river, broken the jail in Rio Grande City, wounded the jailer's wife and deputy sheriff, and, I think, another person, and released two or three persons who were confined there for offenses against the State of Texas. One of them was supposed to be a horse-thief and another a murderer. Colonel Price reported that they had taken these prisoners to the Mexican side, and that he had followed the trail to a certain point where they had crossed, and that he believed the released prisoners were then in Camargo or in the vicinity. As this was a case for the governor of Texas, under the extradition laws, I referred the matter to him, and he made, through the extradition agent on the border, an application for the return of the criminals. Efforts were made to obtain their return, and I think that three of the persons engaged in breaking the jail were surrendered. These men, I believe, have been since tried and sentenced to a slight punishment.

Mr. SCHLEICHER. Why, in your opinion, were these three men singled out?

General ORD. The reports came from the officer on the border that these three were men of little or no position; whereas the others who were engaged in the attack on the jail were men of some importance, and would not be disturbed.

Mr. SCHLEICHER. Are you aware of any effort being made by the Mexican authorities to bring these men to justice?

General ORD. The authorities representing the central government, among them General Benavides, exerted themselves to the utmost, I believe, to have these offenders all delivered up, but their efforts were looked upon as so absurd that when Benavides crossed over the river to impress upon General Canales the importance of carrying out his instructions and delivering up these men, he found it unsafe to remain there, and he left at night, for fear of his life, and escaped to our side, leaving his baggage behind him.

Mr. BRIDGES. You have troops stationed at different points on the river?

General ORD. Yes, sir.

Mr. BRIDGES. What distance is there between the points at which troops are stationed?

General ORD. In the lower river the posts are about 100 miles apart, except in two instances. I have troops at the mouth of the river, Brownsville; then 100 miles farther up, at Ringgold Barracks; then 100 miles farther up, at Laredo; then 100 miles farther up, at Fort Duncan; and then 60 miles farther up, at San Felipe.

Mr. BRIDGES. Are not the raids made very suddenly as a general rule?

General ORD. Yes, sir.

Mr. BRIDGES. These raids can be made between the different points of your military stations before the troops can be aware of them?

General ORD. On the lower river the character of the river is such that the first notice we have of raids is after the people have lost their cattle, and after the raiders are in full career for the river. That is the reason why I said that there was no remedy except by following the raiders across. From the difficulties of the country, it is almost impossible to intercept them before they reach the river.

Mr. WILLIAMS. What proportion of those 5,000 troops is cavalry and what proportion infantry?

General ORD. About three-fifths are cavalry.

Mr. SCHLEICHER. The demands made upon the Mexican Government under the extradition treaty were only regarded by the Mexicans as extending to citizens of Texas who had gone over there—that is, they denied our right to demand the return of anybody who lived in Mexico, holding that the treaty only gave us the right to claim those who had fled from Texas into Mexico?

General ORD. The discussion in regard to the matter is contained in a document sent to the House of Representatives by the Secretary of State. My impression is, from a casual glance at the reports of the governor, that they refused to deliver these people at first on the ground that the treaty excepted Mexican citizens. That is the nature of the claim of their authorities; and I think that in the discussion of the subject it was suggested that if any Mexican citizen could be claimed, it would be hard to tell who would be the next man.

Mr. WILLIAMS. How large an armed force of all kinds would you have to contend with on the other side in case the Mexican authorities were determined to resist your crossing?

General ORD. They had about 2,000 troops of all arms, on the border extending from Tamaulipas up; but recently an additional force of regular troops has been ordered there, and I believe they have been ordered up in good faith for the purpose of getting rid of the local influence.

Mr. WILLIAMS. How large a force can these outlaws get up against you?

General ORD. On one occasion a company of State troops crossed over under Captain McNally, after I had stated to him that if there were any regular troops in the vicinity, and if he should run any serious danger, we should protect him from bad results. He crossed over about 40 men, and the Mexicans in the course of the night rallied some 400 or 500 of their rural troops. Along the lower river the population is quite thick, and more or less Mexican, all of it. They have organized a sort of frontier minute-men there who assemble on short notice. If they had two days' notice they could probably have doubled the number that met McNally. They can raise, I suppose, from 5,000 to 10,000 of those troops, extending along the river and going back 150 miles, up as far as Eagle Pass.

EXAMINATION OF GENERAL E. O. C. ORD CONTINUED.

WASHINGTON, D. C., *December 13, 1877.*

By Mr. SCHLEICHER :

Question. You testified before the committee in the last Congress. Will you make your testimony on that occasion part of your present testimony, so far as the condition of things at that time was concerned ?—

Answer. Yes, sir.

Q. Have you ever read with attention the testimony then given by Captain McNally ?—A. I read it casually.

Q. He is not alive now ?—A. No, sir ; he is dead.

Mr. SCHLEICHER. I would like you to look over his evidence and state to the committee (in a note if necessary) that you have examined it and consider it correct, and if there are any points in it wherein you differ with him, you may state that also.

General ORD. I will do so.

Q. Since that time there has been comparative quiet on that portion of the border where, at that time, most of the raids occurred ?—A. Yes, sir.

Q. You stated partly the other day the reason for that quiet ; but the people who are still there, are they not those raiding people ?—A. The causes still exist, and if the restraints now imposed were withdrawn the raids would probably be as bad as ever.

Q. You mean to say that the quiet which we have there now may be attributed to the presence of the military forces there, not to the disappearance of the causes on the other side ?—A. I attribute it mainly to the orders issued to follow over on fresh trails after the raiders, and to the fact that I have sufficient forces to do it, and that they are apprehensive that I will do it. That is the principal cause of the quiet.

Q. Has the State of Texas any troops near there, and do you think it desirable that it should have ?—A. The governor of Texas informed me that he had sent eight men down there. My impression is that, outside of the necessity for guarding the jail and co-operating in the execution of the State laws, maintaining order, and preventing outlawry, the State troops are not necessary right on the border. They may be necessary at certain localities, on account of the absence of United States troops.

Q. The State troops in the western part of Texas have been engaged in suppressing lawlessness on our side ?—A. Partly ; and occasionally when Indian raids are made (especially in the northern part) the State troops have followed the raiders, with success at times, and have frequently sent guides with us, their men being more familiar with the country than ours.

Q. You recollect the services of Captain McNally and his company ?—A. Yes, sir ; I regarded him as a very useful man indeed. His company was under very good discipline and rendered excellent service, especially at the time when Cortina was active in making raids.

Q. You made a remark the other day in reference to the raid into Rio Grande City when the district attorney and two jailers were wounded, and when the jail was broken open and criminals taken out, that that matter belonged to the jurisdiction of the governor of the State, rather than to the military jurisdiction. Where is the distinction ? Is it necessary that the governor should keep a force to guard against such invasions, or is not your own power sufficient to take charge of the entire protection of the State, so as to include such a case ? Or where do you draw the line ?—A. It is difficult to draw it. The State troops are au-

thorized by deputy sheriffs to make arrests. We have no such authority within the limits of the State. I should be very glad to have some State troops or deputy sheriffs along with us on occasions when we pursue these raiders, because, if we were to overtake them and to shoot some of them on Texas soil, it might probably turn out that they were Texas citizens. We have been already placed under serious embarrassment because pettifogging attorneys take up such cases and cause the arrest of the officers and men whenever we attempt to apprehend these raiders, unless we are accompanied by some State officials. So that the presence of small detachments of the State troops is very desirable when we overtake raiders, because the State troops can commence firing upon them; whereas if we did so, and shot any of them, their friends would have us arrested immediately and tried for murder.

Q. Has there ever been a conviction except in the case of General Hatch?—A. No, sir; but the people who control the laws along that border being Mexicans, makes it very difficult for troops to act without having some State authorities along with them. The governor has very kindly sent deputy sheriffs, at my instance, on some occasions along with our detachments, to enable them to make arrests. The laws of the State are the dominant laws there, and I wish to respect them and respect the State authorities on all occasions. The governor is also the party to make reclamations for extradition.

Q. In that instance of the raid on Rio Grande City, there were twelve or fifteen Mexicans engaged in it, and they came upon our territory and attempted murder?—A. They shot three persons.

Q. They broke open the jail, took out criminals, and carried them to the other side?—A. Yes, sir.

Q. Would not the United States troops be authorized to act in such a case?—A. When there is no other power to protect the citizens against such raids, I would regard it as my duty to step forward and save the lives of our citizens against Mexicans or Indians.

Q. I do not understand you to say that you would consider that as being outside the line of your duty?—A. I would consider it within the line of my duty where my interference was absolutely necessary to save life and protect property.

Q. Are you aware that our extradition treaty with Mexico only requires the extradition of fugitives from our own country when they have committed the crimes on our side, and that it does not apply to criminals who come over from Mexico, commit crimes here, and then return to Mexico?—A. I read the articles of the treaty recently, and I find that Mexican citizens are not subject to arrest under it.

Q. Does it not practically follow that they are not subject to punishment at all?—A. I had a telegram from Colonel Price recently that five murderers at Matamoros had been all released, although a demand for their extradition had been made.

Mr. SCHLEICHER. The Mexicans always say "you have your remedy under the extradition treaty," and when that remedy is invoked, and when the governor makes the demand for the return of criminals, the Mexicans say that only such as are American citizens are liable to extradition, and at the same time they take no steps to punish the Mexicans who are guilty of the same crime, so that really these crimes committed by Mexicans in Texas are, under the Mexican code, considered perfectly justifiable, and not liable to any punishment? Since you have been there has there been a single case where a Mexican has been punished by his own authorities for crimes committed on our side?

General ORD. I have heard of quite a number of instances where ap-

plications have been made for the restitution of property or for the punishment of criminals, and I have not heard of a single instance where the criminals had been punished on the other side.

Mr. FORNEY. Do I understand you to say that if a Mexican comes across our borders and murders one of our citizens, and if an indictment is found against him, the Mexican Government will not surrender him on application under the extradition treaty?

Mr. SCHLEICHER. It will not. There has not been during the twelve years of raiding since the close of the war a solitary instance where a man has been punished on the Mexican side by the Mexican authorities for a crime committed on this side, so that they are neither liable to extradition nor to punishment.

General ORD. That is the practical operation of it. I never heard of an instance of a Mexican being punished on the other side for a crime committed on this side; and I doubt whether, if you examine the State laws of the frontier States, you would find any law for the punishment of offenses committed in the United States. That question came up in a court-martial at Fort Brown, not long since, on the trial of a deserter who had committed the offense of perjury in the town of Matamoros, in Mexico. The court-martial was doubtful whether it had cognizance of an offense committed outside of the United States, although the oath which was supposed to be false had been taken before our consul at Matamoros. The court-martial, however, took the ground that it had jurisdiction of the case, and the man was found guilty and sentenced to punishment. But I doubt whether any punishment is provided under the statute laws of the Northern States of Mexico for offenses committed in the United States, and the extradition treaty does not provide for their being delivered up for punishment on this side.

Mr. SCHLEICHER. Then the practical effect of the treaty is to prevent the punishment of Mexicans for offenses committed on this side?

General ORD. Yes, sir; that is about the effect of it.

Mr. SCHLEICHER. There is a strong feeling in Congress to censure the Secretary of War for the order issued to you and to revoke that order. From your knowledge of the Mexicans, state what effect such action would have in Mexico, and whether it would assist the making of a treaty and the settling of the difficulties, or whether it would have the contrary effect, by weakening our government in the minds of the Mexican people.

General ORD. I have been thinking the matter over for some days, and I am satisfied it would so elate the Mexicans, that the people on the border would be induced to think that the revocation of the order was caused by the display of their forces and by the fear of our people. I think it would tend more to bring on war than if the execution of the order were continued.

Q. Do you not think that such revocation of the order would weaken this administration in the negotiation of a treaty?—A. It would. If you yield to the demands of that people, they attribute it to fear and not to reason or justice.

Mr. SCHLEICHER. And even where the leading men know better, are they not very much coerced by public opinion into the steps they have to take? Has not the opinion of the masses there a very great pressure on the government which has such a slight hold on power?

General ORD. My opinion is that the bad element of the masses, and not the intelligent element, control Mexican politics, and that the bad element is ready for anything in the shape of war or raiding or anything that would lead to plunder.

Mr. SCHLEICHER. You are perfectly clear in your mind that the safety of the frontier depends on the presence of our own troops?

General ORD. Entirely. These Mexicans only respect force.

Mr. SCHLEICHER. And even if there were Mexican troops on the other side and none on our side, you do not think that the Mexican troops would do anything to stop raiding; is not that your opinion?

General ORD. Yes, sir; it is. I am very sorry to say so. The Mexican troops have not, so far, done anything in that way, and I cannot expect anything better of them in the future.

Mr. SCHLEICHER. What is your opinion of Major Scofield, of the cavalry; is he a man of good judgment?

General ORD. Yes, sir; when he has proper means for obtaining information of the facts bearing on a matter.

Mr. SCHLEICHER. I find a report of his to you dated August 23, in which he says: "From the foregoing it will be seen that this, our third effort, recently made to secure a joint pursuit of Indians and Mexicans with stolen stock in their possession, has failed. In my opinion, any similar efforts that may be made in the future will likewise fail, as I do not believe the Mexican authorities will consent to our troops crossing over to join any such pursuit; or, if they do consent, they will thwart the enterprise in some way, as they have done up to the present time."

General ORD. I concur with him in the sentiment; as far as concerns the desire or wish of the Mexican authorities, but my own view is that the conclusion which he draws would not necessarily follow.

Mr. SCHLEICHER. There are two essential points which I wish to bring out in your testimony; in the first place, that it is only the presence of our own large military force which has succeeded in securing what little peace we have had, and will in the future do so; that the causes of the raids are not removed, and that we have to continue to rely on our military force.

General ORD. I stated so before the Military Committee.

Mr. SCHLEICHER. The second point is that any interference with the order given to you to pursue the raiders, instead of bringing about peace, would have the contrary effect; that it would arouse the Mexicans, would bring about more raids, and would stand in the way of negotiating a sensible treaty with them.

General ORD. I most certainly think so. The population of the frontier town is a very lawless one. The people are more like Arabs in their habits than any other people that I have read of. A bandit leader is permitted to live in a town, or to come into it and get supplies, so long as he does not plunder the vicinity of that town; and when a train of specie passes through the country, the owner of the train seeks out the principal bandit to act as guide, and pays him for his services. So long as he is well paid he is pretty faithful against other bandits, but if he is not paid, or if he is dropped, then he will assist other bandits in robbing the train. It was at my very earnest solicitation that General Sherman first authorized me to pass on a fresh trail. I stated to him that the river was a dead-line; that these raiders would cross the river in retreat, and almost flaunt the scalps of our people in our face, and use insulting gestures to us; that the river was open to them over a stretch of country of 1,420 miles, and that, unless we could cross it in pursuit, there was no possible means of punishing raiders or recovering property, and that if we were allowed to follow them across the river, we might recover some of the plunder, and might punish some of the raiders. General Sherman gave that authority, which was afterward confirmed by the administration. I came on to Washington and had a

conference with the President on the subject, and earnestly stated to him the reasons why that order was necessary. It was at my solicitation, I believe, that it was issued.

Mr. BRIDGES. Did you ever meet with a Mexican official who strove to divert you from the pursuit of raiders?

General ORD. It was stated recently that a Mexican commander came to the border and brought with him as a guide to follow the raiders the very leader of the raiding party whom we were pursuing.

Mr. FORNEY. Then you think it absolutely necessary, in order to protect our people, that this order should be continued in force?

General ORD. I believe that if it be revoked the frontier will be almost depopulated.

The following letter was subsequently received from General Ord and was made part of his testimony:

WASHINGTON, D. C., December 14, 1877.

SIR: In reply to the question from the Hon. Mr. Schleicher, of your committee, "How far do you concur with the testimony of Capt. C. H. McNally (contained in Report No. 343, Forty-fourth Congress, House of Representatives) in regard to the frontier difficulties?" I have to state that in Captain McNally's conclusions, as to the great extent and causes of the difficulties, the character of the inhabitants committing cattle-raids, and the want of proper or earnest efforts on the part of Mexican local authorities to suppress or punish them, or return the stolen stock, I fully concur. In the specified details of the number of raids committed while Captain McNally was actively engaged on the border, the number of lives lost, and persons murdered, I cannot, for obvious reasons, give any testimony not based on the reports of others, I having made only occasional and short visits to that district; but the affidavits of a number of government officers, civil and military, were sent to me, and they, as a rule, confirmed all that Captain McNally states in his testimony.

I am, sir, with great respect, your obedient servant,

E. O. C. ORD,

Brigadier-General, Commanding Department of Texas.

Hon. THOS. SWANN,

*Chairman Committee on Foreign Affairs,
House of Representatives, Washington.*

STATEMENT OF THOMAS L. KANE, OF PENNSYLVANIA.

WASHINGTON, D. C., December 13, 1877.

Mr. SCHLEICHER. Please state the circumstances under which you recently went to the Mexican frontier.

Mr. KANE. That was not my first visit to Mexico, and it is not necessary that I should enter minutely into the circumstances. I returned ten months since from a visit to Mexico, in which I examined very thoroughly the country along the Rio Grande, and afterward went into an interesting country, very little known, which is generally called on the maps *Teritoria no explorada*—the unexplored country. Since that time I have kept up my correspondence with Mexican friends in that country—a correspondence necessarily restricted, owing to the perils to which persons there are exposed if they should show themselves to be liberal-minded.

Mr. SCHLEICHER. Please show on the map the portion of the country through which you traveled.

Mr. KANE. I went through those counties of Texas (indicating on the map), and afterward went in advance of a proposed excursion of United States troops across the Rio Grande, not far from Eagle Pass, which is opposite the State of Coahuila. This was last October, shortly before the date of military orders to cross the river (which has been so much

commented upon). I then went up here (indicating on the map) into a country which I cannot describe by this map, as the map is very inaccurate in its leading features, and omits any mention of the features of this unexplored country. Suffice it to say that I went up into a part of the country which is the camping-ground of the Mescalero Lipans. Afterward, it being desirable that I should associate myself with the Mexicans of the government party, I accompanied a column of Lerdist people who moved to San Buenaventura, which is in Coahuila. That is an interesting country as an Indian country. It is not to be called a Mexican country. After some examination of the mountain passes there, I went up to Monterey, and afterward, returning and striking the river lower down, I had an opportunity of visiting most of our military posts, and I afterward returned through Texas by a different route.

Mr. WILLIAMS. About how many miles did you ascend the river ?

Mr. KANE. I have not computed the distance. I struck it at different points in going and returning.

Mr. WILLIAMS. What was the highest point that you remember ?

Mr. KANE. I was up near to San Carlos, which is not on this map.

Mr. SCHLEICHER. Do you know the towns of Rimolino and Saragossa, at the foot of the mountains which constitute that unknown country which you have spoken of ?

Mr. KANE. It is very difficult to describe the country when even the rudiments of it are wanting on the map. It was my intention to have published a map of that country ; but I had the expectation of visiting it again, and I desired scientific accuracy.

Mr. SCHLEICHER. When you were there, did any of these frontier troubles and outrages come to your knowledge ? If so, give the committee a statement in regard to them.

Mr. KANE. I visited that portion of Texas with preconceived impressions. I did not believe in the stories which I had heard and which at the time I left Washington were disbelieved, with reference to the outrages which had been committed. I found, however, that there was an intolerable state of things along the frontier.

Mr. SCHLEICHER. While you were there did you see these occurrences or any signs of them ?

Mr. KANE. I hope I could not have allowed outrages to go on while I was present with an armed party. I saw those, however, who had been recently the victims of outrages. I met a large number of emigrants returning to the frontier. I found savagery resuming its possession of American country, and I found civilization being driven back. I think it is our mission to carry civilization from the heart to the extremities, and not suffer it to be driven back upon that organ.

Mr. SCHLEICHER. So you found that those statements which you had heard of the troubles on the frontier were realities ?

Mr. KANE. Generally they had not been exaggerated.

Mr. SCHLEICHER. While you were there you became acquainted with people on both sides of the frontier ; the committee would, therefore, be obliged to you for any advice or opinion which you may give to it bearing on this subject.

Mr. KANE. That is a very leading question. The state of things there is sufficiently critical to make it, in my opinion, the duty of an American citizen to ascertain what are the views of his government before he undertakes to advise or allows the public to know what he would advise.

Mr. WILLIAMS. Give us, in your own way, a general narrative of what you saw in that country and your conclusions.

The CHAIRMAN. And any outrages which came under your own observation, so as to give you an idea of the character of the people, and how they are demeaning themselves toward citizens of the United States.

Mr. KANE. It would give me great pleasure, and I would feel honored by addressing the committee in writing at any time on any subject. Not to enter into details, it may perhaps be enough for me to say that I can hardly express opinions that would be satisfactory to both sets of disputants on this question. I am of opinion that the *de facto* government should be recognized.

Mr. BRIDGES. Do you think that it is stable enough and firmly enough established to be recognized?

Mr. KANE. I am speaking without having prepared myself.

Mr. BRIDGES. What is your opinion?

Mr. KANE. I should answer that question by saying that it is stable enough to be recognized by our government—more stable than the Herrera government with which we concluded the treaty of Guadalupe Hidalgo. I think we should hasten to conclude a treaty with the *de facto* government which we are able to recognize. I think we should conclude a treaty with it somewhat like that which has been called the McLane plan of treaty, but with additional provisions appropriate to our present exigencies. It should include what I will call the right to patrol the country between what we call the Sierra Madre (a very inaccurate designation) and that which is entitled to be called the United States, and also what may be called the right of free transit. And here I ought to say that until such a treaty be concluded, I am not sure that I would revoke the orders to cross the Rio Grande in pursuit (of which so much has been said). I might add something more on the subject of railroads, but I forbear until specially interrogated.

Mr. BRIDGES. How long were you in that section of country?

Mr. KANE. I think I may say that off and on I was about two months in what you may call the border on either side.

Mr. BRIDGES. During that time, do you know of any instance in which Americans have given provocation to the Mexicans to make raids or commit trespasses on the property of American citizens?

Mr. KANE. Numerous instances.

Mr. BRIDGES. Please to enumerate some of them.

Mr. KANE. Unless it were necessary (and speaking to you as freely as I do), I would rather be excused from mentioning names, and I can explain to you why it might be undesirable that I should compromise individuals.

Mr. SCHLEICHER. Did I understand you to say that you knew of numerous cases where provocation was given by American citizens to Mexicans to come over and raid upon the American territory?

Mr. KANE. I would rather modify it by saying by persons residing on our side of the river. I have not been able to go into the question of citizenship, but I would say that provocation has been given by persons on our side of the river.

Mr. SCHLEICHER. Provocation for Mexican raids into American territory?

Mr. KANE. I think that provocation has been given on both sides.

Mr. SCHLEICHER. The raids that are complained of are in the shape of cattle stealing and lawlessness on this side of the river. Are you aware of raids that have been made over to the other side from Texas,

or has the provocation merely been the possession of cattle and horses on this side?

Mr. KANE. I think you are asking me to go into considerable detail. A great part of the provocation which has been given has been given by Mexicans who have not been prevented from operating from our own territory against the government of that country. That is an interesting side of the question.

Mr. CRAPO. In your judgment, is the community on the Texas side of the river entirely free from lawless men, or is there not lawlessness on the American side of the river just as on the Mexican side?

Mr. KANE. On both sides.

Mr. BRIDGES. Do you know of any instance where Americans have crossed the Rio Grande to the Mexican side and have committed raids on the property of Mexican citizens? Are the people on the American side tantalizing and tormenting the Mexicans?

Mr. KANE. The difficulty is to know who are the American citizens, when they cross from our side of the river.

Mr. BRIDGES. Do such persons reside on the American side and have they their homes there?

Mr. KANE. I had not sufficient opportunity for ascertaining. I rate equally low the Mexicans who are on either side of the river, and who belong to the cattle-raising and cattle-stealing classes.

Mr. SCHLEICHER. Is there not a very large vagrant population continually drifting about and hiring out for shepherds, stock-tenders, cart-drivers, &c., and continually passing from one side to the other?

Mr. KANE. A large population. It is difficult to identify them. I was going on to say that there was another reason why a larger force for the protection of that frontier is demanded. It is in order that we may observe our duties toward a nation with which, in terms at least, we are at peace.

Mr. SCHLEICHER. In your opinion, would a treaty do away with the necessity of a military force on our side?

Mr. KANE. Much must depend upon the terms of the treaty. I can hardly think that it would.

Mr. SCHLEICHER. Do you think that the Mexican central government is strong enough under any terms of a treaty to keep that population on the northern frontier entirely under control?

Mr. KANE. So far as I can speak from my last advices, I should say it is not. Things are changing there.

Mr. SCHLEICHER. You remarked a while ago that you did not consider it advisable to have the present military orders interfered with. I suppose you have read the Mexican papers and kept yourself acquainted with the state of feeling in Mexico. What would be the impression among the Mexican people, and what would be the effect, if this Congress should censure that order of the Secretary of War?

Mr. KANE. I have already stated that, in my opinion, until a treaty be concluded on honorable terms, these orders should not be revoked. I think from what I know of the Mexican people that such a revocation would be misunderstood. I think that anything like vacillation or indecision in our policy toward these people is to be avoided.

Mr. SCHLEICHER. Do you not think that such an interference with or censure by Congress of the position of the administration would interfere with the making of a treaty, and would actually weaken our administration in its negotiations for a treaty?

Mr. KANE. Yes; but at the same time I would like (having answered

in that way) to speak more freely on the subject. I do not wish to give an answer which would appear one-sided without a proper qualification.

Mr. SCHLEICHER. You need not restrict yourself to an exact answer to the questions. You may state your views as fully as you desire.

Mr. KANE. At the risk of being diffuse, I will do so. I disapproved of the issue of those orders. I crossed the river in advance of their being carried into effect, and I incurred some personal risk in the part I took to prepare the minds of Mexican residents against what I am free to say I considered an ill-advised step. I ought to say, gentlemen, that while on this excursion, which was made partly on account of my health, as I am an invalid, and have been suffering from wounds received in the war, and partly as a collector of scientific facts, great interest was given to it by my having received an impression that I could contribute to keep the peace. I am an obscure private citizen, but efforts which I have made in that direction have sometimes been successful, and having (as I do not hesitate to say) taken much human life, my service has always been at the command of my government when the object has been to prevent war. I hope my efforts on this occasion were not thrown away. But from what I have said, I think my opinion is entitled to respect, which is that I do not think these orders should be revoked.

Mr. SCHLEICHER. You know General Ord?

Mr. KANE. I do.

Mr. SCHLEICHER. Do you think that there is any danger that any indiscreet use of those orders will be made by General Ord?

Mr. KANE. I do not think that he is the man to commit any indiscretion.

Mr. SCHLEICHER. Has he not been very prudent and careful?

Mr. KANE. I do not hesitate to say that he has not only been prudent and careful, but that we are under great obligations to him for his exertions in keeping the peace on the Texan side of the river as well as on the Mexican side. He is a man who has not a reputation to make for daring intrepidity, and therefore he can afford to be discreet and can afford to interfere to prevent unnecessary violence. He also has a good manner, which has been useful to us in Texas as well as in Mexico. It is the old Maryland manner, Mr. Chairman. I found the Texans so excited when I was in that State that I believe that but for General Ord we should have had an outbreak of hostilities. The Texas people felt that they were compelled to take their cause in their own hands. I think that we owe a good deal to General Ord for keeping down the Texans.

Mr. SCHLEICHER. Do you not think that the presence of a respectably large military force there is calculated to keep the peace rather than to bring about war?

Mr. KANE. I think that the presence of a very large military force is necessary there simply to enable us to perform our duties toward that weak nation.

Mr. WILLIAMS. How large a force, in your judgment?

Mr. KANE. I would rather that it were too large than too small.

Mr. WILLIAMS. Please give your estimate.

Mr. KANE. I would decline to do so without advising with the War Department. For a police force, an army ought to be large.

The CHAIRMAN. What increase of our military force would you think necessary under present circumstances to keep the peace of that frontier?

Mr. KANE. There should be a large force there until the treaty, which I would recommend—I would only be honored by being asked to recom-

mend certain provisions of the treaty. But until that treaty goes into operation, I would recommend a larger force than has been spoken of.

Mr. CRAPO. Would you regard an army of 5,000 men on that frontier as in excess of the requirement to keep the peace?

Mr. KANE. Disliking very much to answer that question without advising with the War Department, I should say that it would not be in excess.

Mr. SCHLEICHER. Have you met with Mr. William Schuchardt, the American commercial agent at Piedras Negras, opposite Eagle Pass? If so, state his character and what value should be, in your opinion, set upon his statements.

Mr. KANE. I think very highly of Mr. Schuchardt. His knowledge of the people in the vicinity of Piedras Negras is extensive. He is a truthful man. Opinions expressed by him would probably be too sweeping, but they would be sincere.

Mr. SCHLEICHER. His statement of facts as to the condition of the country would be, you think, entirely reliable?

Mr. KANE. I think they would be restricted by the consideration that they are of the Teutonic school. You Germans have a school of opinion from the capital to the frontier.

Mr. SCHLEICHER. Is he not in a country where smuggling and dishonest dealing are almost the rule, and is he not a remarkable exception?

Mr. KANE. He is a remarkable exception, and he has suffered in property. His services rendered to us have been wholly unrequited. His life has been more than once in danger because he is so true an American citizen.

Mr. SCHLEICHER. He has not been able to be successful in commercial life because he would not have anything to do with the smuggling across the Zona libra.

Mr. KANE. I know the fact, but that subject of the Zona libra had better not be raised.

Mr. SCHLEICHER. Do not consider yourself restricted to answer the questions, but give as full and complete a statement of everything as you desire.

Mr. KANE. I ought to say a word in favor of Diaz, as a man above the ordinary class of Mexican military adventurers. He has been an honest man. He has shown intrepidity in the incarceration of Cortina, who is probably one of the most dangerous villains on earth. Cortina, although a bandit, is a very important man in Mexico as a politician, and the fact of Diaz incarcerating him I accept as an earnest of Diaz's intention to fulfill his promise to keep order and protect us in Tamaulipas. That fact goes very far with me. While speaking of persons, I would also like to speak of Mr. Zamacona, whose personal acquaintance I do not enjoy. He was president of the Mexican commission to the Centennial Exhibition, and I had a letter of introduction to him from Mr. Welsh, the president of the Exhibition, but I had not the opportunity of delivering it. Mr. Welsh and a number of other gentlemen thought very highly of Mr. Zamacona; and, if President Diaz has given him full power to act, I think he may be respected. I do not know that I will go further than that. Having been asked about Mr. Schuchardt, I ought to say that we have had no one else to represent us in the Northern States of Mexico. While we accuse (too often for our own convenience) the central power of Mexico of inability to regulate the affairs of the Northern States, we take no pains to set ourselves right with "the powers that be" in those Northern States, whatever they are. In my paper I refer to the

better system of the British, in India, where a power on the frontier is not to be treated as a civilized power, entitled to the benefits of international law (whatever we may call that sort of thing). We should have our agents or our residents representing us in these Northern Mexican States, causing our views to be respected, or at least explaining them. We are very unjust often to the Mexicans without meaning it. We conduct negotiations with a few ornamental people in the city of Mexico (frequently a circle of jobbers), and we sometimes send persons there to represent us who do not speak the language of the country, and who do not associate with the best people. They very generally take the wrong side. They very generally are careful not to behave themselves like gentlemen. I think you would be interested to hear me on this and kindred subjects. I entertain (differing perhaps from some of the German school) the highest possible opinion of the nobility of character of a great many Mexicans, men and women. I think that some of the noblest people on earth dwell in that unhappy Mexico. Our difficulty is to get beyond their politicians. We want to reach the people. We want to bring the good men of this country in contact with the good men of that country in spite of the politicians. That is the way to keep the peace. I am in favor of at least two railroads down there.

Mr. BRIDGES. Are you in favor of the Texas Pacific Railroad?

Mr. KANE. I think we should have at least two railroads there; but that subject would be trenching on the time of the committee, and perhaps it belongs to other places.

STATEMENT OF LIEUT. COL. WILLIAM R. SHAFTER.

WASHINGTON, D. C., *January 11, 1878.*

Lieut. Col. WILLIAM R. SHAFTER, of the Twenty-fourth Infantry, stationed at Fort Clark, Texas, appeared before the committee, and was examined as follows:

By Mr. SCHLEICHER:

Question. How long have you been stationed on the Rio Grande?

Answer. Since the 23d of June, 1867.

Q. Commence at the mouth of the Rio Grande and state the different kinds of raids that have been made across the border, and the different kinds of population on the Mexican side.—A. From the mouth of the Rio Grande to Laredo I only know of the raids by common report and by talking with frontier people. The raids, however, are said to have been all made by Mexicans, and I know that Indians never do cross below Laredo. Laredo is, in a direct line, 300 miles from the mouth of the Rio Grande; by the windings of the river it is 500 miles. The population all along on the Texas side is exclusively Mexican, except in the little towns, where there are a few American people. In Brownsville there are a good many. I was all along there in 1868, and I never saw any ranches except Mexican, and I do not think there are any until you get well east toward Corpus Christi. Near the Nueces they are all American ranches.

By Mr. WILLIAMS:

Q. What is the character of the country there for productiveness, cattle-raising, &c.?—A. It has no productiveness at all. It is very poor land, producing nothing but grass. It is exclusively a grazing country.

There are immense droves of cattle there, and a good many sheep and horses. It is the only place near the Mexican border where horses can be kept with any sort of security from Indians.

Q. Your experience has been principally in the region above Laredo?
—A. Above Laredo, where the Indian raids are.

By Mr. SCHLEICHER:

Q. If I understand you, the Indian raids are entirely separate and distinct from the Cortina raids?—A. Entirely separate and distinct. San Felipe is the upper settlement on the Rio Grande; beyond that there are no settlements. The country from Laredo to San Felipe (over 300 miles by the river and 180 by the road) is sparsely settled on our side and mostly with Mexicans, except in the vicinity of Eagle Pass, Fort Clark, and San Felipe, where the population is nearly all American. As you go back toward the Nueces River, the population in the Frio, Sabinal and the Medina valleys is all American; from San Felipe up to Fort Leaton (at least 400 miles by the river), there is not a soul living. The country on the Mexican side is, of course, settled by Mexicans, up to San Felipe; but there are no settlements on that side higher up than San Felipe. There is no population except Indians in that immense scope of country, including the northern part of Coahuila and a portion of Chihuahua.

By Mr. WILLIAMS:

Q. How many Indians are there in that section?—A. I suppose that if you count in the Kickapoos, who are tolerably peaceful just now, there may be some 500 of them, but I do not believe that of those Indians who are giving all the trouble there are more than 200 men, and they are divided up into little bands of five, ten, fifteen, and sometimes more families. Many of them cannot live together, as they have to graze their animals and the water is scarce.

By Mr. FORNEY:

Q. The Government of Mexico does not seem to have any control over these Indians?—A. It does not exercise any control over them; but I think it could do so without any trouble, because these Indians have to be at peace with somebody, inasmuch as they must have some place to go to buy arms, ammunition, and food, and we know that they visit the Mexican frontier towns. We originally drove the Lipans over from Texas into Mexico. That was just about the time I came there. They had their homes on the Pecos.

By Mr. SCHLEICHER:

Q. What are the relations of those Indians with these Mexican border settlements, such as Rimolino and Saragossa?—A. They are on perfectly friendly terms with them, and have been ever since I have been there. It is a notorious fact that the Indians have purchased supplies at these two places and at Santa Rosa and other little towns about there—the extreme frontier settlements—and when we have attacked them on the other side (as we have done on two or three occasions) they have run to the nearest town for protection. Mr. Bullis has chased them twice into Saragossa.

By Mr. FORNEY:

Q. Have you been in the unexplored region there?—A. Yes, sir.

Q. What kind of country for agricultural purposes is it?—A. It is of very little value for agricultural purposes, except in places where it can be irrigated; but the irrigable portion is very small as compared with

the whole. For grazing purposes, however, it is a magnificent country—finer than on our side.

Q. But, on the whole, it is not a desirable country for white people?—
A. No, sir; it is not.

By Mr. SCHLEICHER:

Q. The various expeditions that have been made across the river by your command, have they not been on the upper edge of the Mexican settlements in this unknown country, and not in the settled portion of Mexico?—A. We have never been into the settlements.

Q. Have our troops, under that order of General Ord, ever gone into the settled portions of Mexico?—A. In pursuing the Indians they have always gone into the Indian country.

Q. Has there been, to your knowledge, under this order, any crossing into the settled portions of Mexico?—A. None at all, except that the Indians have been run close to the town of Saragossa. None of these crossings have ever been made in Tamaulipas.

Q. Do you think that you could make a fuss down there if you wished?—A. Yes; I think that we could make a fight, but I do not think any one wants it if it can possibly be avoided or if the murder and robbery of our citizens is stopped.

Q. How many fighting men could they collect on the Mexican side to oppose you?—A. It is hard for me to tell how many they could raise down on the Lower Rio Grande, but I suppose they could raise in the State of Tamaulipas 10,000 men in ten days to fight Americans.

Q. You have no idea that any of these little bodies of troops of ours could cross over in Tamaulipas with any success?—A. Certainly not, if the Mexicans undertook to resist them.

By Mr. WILLIAMS:

Q. What is the character of the soldiers in Mexico?—A. They are good fighters, but I do not think they could stand against American troops.

Q. How is it as to their arms and equipments?—A. The regular Mexican troops that I have seen are well armed. They are not armed as well as ours are, because I think ours are the best armed of any troops in the world.

Q. Higher up the river, where the Indians cross, the Mexicans could not raise so many men?—A. I suppose they could raise a thousand men in the frontier towns of Coahuila in a very few days, as every Mexican is a soldier.

By Mr. SCHLEICHER:

Q. You have had occasional intercourse with Mexican local authorities and officers?—A. Frequently.

Q. They have been very polite to you, I suppose?—A. Exceedingly polite.

Q. Have you, at any time, made any demand upon them for the restitution of stolen property?—A. No, sir; I do not think that I have ever made a demand upon them for the restitution of stolen property. That is a matter which the owners of the stock would do themselves. They would go to the civil authorities in Mexico and would attempt to reclaim their property by lawful methods. But the stolen stock is not kept where it can be got at. It is carried into the interior. If a herd of horses were brought into Piedras Negras, which is opposite Fort Duncan, and were held there, of course we could demand them and

could get them, but the horses are driven into the interior and cannot be got at.

Q. Have many demands of the kind been made by our citizens?—A. A good many men have told me that they have been over the river after their property, and I have seen them frequently returning from trips into Mexico after their property.

Q. Are you aware of any cases where they have succeeded in getting it?—A. The only case that I know of where property was recovered was last summer when twenty or thirty head of cattle were brought in by the authorities of Saragossa and delivered up to the owners on this side. I think the owners had to pay three dollars a head for them as charges. That was immediately after we had four companies over there pursuing a band of Indians, who had carried off 60 horses and about two hundred head of cattle. This bunch of cattle that was restored, was not, however, any part of these two hundred.

Q. Have any people on our side of the river been killed in any of these raids?—A. A great many. There is hardly a neighborhood, hardly a family among the older settlers of Kinney, Uvalde, Medina, or Kerr Counties that have not lost members by these Indian raids. Of course I have not kept a record, and I cannot say just how many have been killed, but I know that in one raid in September, 1876, there were thirteen or fourteen men and a woman killed.

Q. In your ten years' experience there have you ever known of a case where any crime committed on our side of the river has been punished in Mexico by the Mexican authorities?—A. No; nor are they required to punish them by treaty stipulations. I have not known a man who had committed a crime on this side, and who had fled to the other side, punished there. I have known men to be given up and sent back to this side for trial, but they were not citizens of Mexico, but citizens of the United States.

Q. Are you aware of any fact that leads you to believe that these raids have retarded the settlement of the country near the border?—A. I believe that they have. That is simply my opinion. I do not know of any person having ever been driven away, but I believe these raids have retarded settlement. They very naturally would do so.

Q. In the ranches along there, there is very little cultivation of the soil, but they are particularly engaged in stock-raising?—A. The business is principally stock-raising. It has in former times been exclusively stock-raising, but now the cattle are nearly all gone from Uvalde, Kinney and other counties most exposed to Indian raids and Mexican thieves.

Q. Are you acquainted with the Slaughter family—stock-raisers?—A. Not personally; I know of them.

Q. They used to be immense stock-owners?—A. Yes; I think they drove, in one herd, the year before last, 11,000 head of cattle to Colorado. They lived in Frio County. They drove away all their stock, big and little.

Q. For what reason did they drive them away?—A. I do not know unless it was for sale.

Q. Do people drive their stock away from that country because they cannot keep them?—A. Many are driving their stock from the river back into the interior of the country, and the people have been actually forced out of cattle-raising because they cannot keep their cattle from being stolen, and have gone into the sheep business. There are 100,000 head of sheep in Kinney County to-day, where ten years ago there were

not 5,000; and where there were at that time a great many cattle, the cattle have almost all gone.

Q. Have you ever known any Texans to go over into Mexico for the purpose of robbing?—A. I never knew but one occasion of Texans crossing into Mexico on a raid, and that was not for the purpose of robbing, but for punishing robbers. A party of citizens about six years ago crossed and killed the alcalde of Newtown, a little town above Eagle Pass, and did some other damage, but were driven back across the river. That is the only instance I have known of Texan men crossing the river, and they were all brought before the United States courts and tried, except one man who is still a fugitive.

Q. Have you ever known any crossing into Mexico except in pursuit of thieves or to punish robbers?—A. I never have; and in the ten years that I have been there I have never had a single complaint made to me by Mexican citizens that thieving parties from our side had been over the line. I have known revolutionary parties to be organized on this side of the river and go to the other. Diaz himself organized on our side of the river. There may be instances of Texans stealing among themselves and driving off cattle, but any cattle-stealing that has been done by Texans has been done on our own side of the river. No one could ever have thought of such a thing as going to the other side of the river to steal.

By Mr. WILLIAMS:

Q. In your judgment, what should be the policy of the Mexican Government in relation to the Indians in the way of preventing raids?—A. I think they should simply capture the Indians and turn them over to us, or hold them as prisoners. No two months have passed within the last five years that they could not have done that with some one or other of these bands, because they come right into the towns to sell their stock and to buy arms and provisions.

Q. Has the central Government of Mexico had a force there sufficient to do that?—A. It has not until quite recently, but there are always soldiers there who could be called out by the alcalde, for every Mexican is a soldier.

Q. Are they subject to the control of the central government?—A. Theoretically they are; practically they are not. The regular soldiers are of course subject to the central government and obey orders, and there are now quite a number of regular soldiers there. There are 250 of them at Piedras Negras, opposite Fort Duncan, and until quite recently there were about 300 regular Mexican troops at Saragossa. And when these 300 troops were there there was a band of Mescalero and Lipan Indians within from five to twenty miles of them, coming into Saragossa every day, and who could have been picked up had the authorities been so disposed.

Q. While these Mexican troops have been there have they co-operated in good faith with our forces to prevent raids?—A. So far as you can judge from what they say, they have.

Q. But from what they do?—A. From what they do I do not think they have, but it is hard to judge. They are not so well mounted as our men, and may not be able to catch these Indians while they are moving. In the three instances that I have notified them that raiding parties had crossed back into Mexico, and asked them to co-operate in their pursuit, they have been very dilatory about it, and nothing has been accomplished by them. Pursuing raiders is a matter which requires the greatest celerity of movement.

Q. In your judgment how large a force do we need on that border to insure peace and good order—I mean in the whole country from the mouth of the Rio Grande up?—A. I cannot give a very correct opinion as to the Lower Rio Grande, but if we are going to act on the defensive, going simply to stand there and prevent raiders from crossing into Texas, when we can do so, or chase them only on our side of the river, I think it would require twice as many men as there are to-day to do it successfully, and it is not certain that they could do it.

Q. How many would that be?—A. Between five and six thousand men, if they are simply to be used to patrol the river and try and stop thieves and Indians from getting across, or pursue them when they do get across, the pursuit to stop at the Rio Grande.

Q. Supposing that Mexico were to co-operate in good faith with us, how large a force would we require then?—A. I think in that case we have now twice as many as we need.

Q. State it in numbers.—A. I think that a thousand or fifteen hundred men would be enough to guard that frontier, because I know that the Mexicans could stop this Indian raiding in twenty days if they wanted to. If these Indians could not get their arms and provisions in Mexico they would have to make peace somewhere at once.

Q. Then in your judgment there is no good reason why the Mexican Government should not protect us from those raids?—A. No reason in the world.

By Mr. SCHLEICHER :

Q. What weight can you attribute to Mexican promises?—A. I believe that they could be made to fulfill them, and, if it was the alternative of that or war, I think they would do so. I haven't much faith in Mexican promises when it is not for their interest to carry them out.

By Mr. WILLIAMS :

Q. Is it their habit to promise and then to evade their promises?—A. That is a characteristic of the Mexican people, and that is my observation of them. They could stop this raiding at once. I know it, and every man on the frontier knows it. It is not an impossible thing, or a difficult thing, for them to do.

Q. If the central government were to undertake that, would it have a tendency to lead to a revolution in those Northern States?—A. I do not believe it would. The people who would be opposed to it, or who would make any active opposition to it, are not the strong, influential men of the community.

Adjourned.

WASHINGTON, D. C., *January 14, 1878.*

Examination of Lieut. Col. WILLIAM R. SHAFTER continued.

By Mr. SCHLEICHER :

Question. Do you think that an efficient protection of the line of the Rio Grande can be had against those raiding parties unless the military have authority to follow the raiders across the river?—Answer. Not with the force which we have there, unless the Mexicans themselves put a stop to it.

Q. Some time ago the Texas papers reported that the executive order allowing troops to cross in pursuit of raiders had been revoked. Did

that report come to your ears?—A. Yes, sir. I suppose that twenty of the stock-men in the vicinity of Fort Clark came to see me at the time, and asked me if it was a fact.

Q. What was the general impression among the stock-men in that regard?—A. The general impression among the stock-men was that the order was revoked.

Q. What was their idea as to the result of the revocation?—A. Their idea was that the stealing would continue, and probably increase.

Q. What was your own idea in that respect?—A. I knew that the order had not been revoked; but I can tell you what I believe was the result of the opinion on the Mexican side of the river where it was known among the people as it was on the Texas side; it was to greatly increase, within the last six weeks, the amount of thieving on our side of the river.

Q. If there is any statement which has not been brought out by the questions of the committee, and which you think of importance, you may make it.—A. I do not know. The questions, I believe, have touched on almost all the points connected with the raiding. I do not know of anything that I can add.

Q. All that you stated was only in reference to this Indian-frontier part of the raids?—A. All that I stated was only in reference to the Indian frontier.

Q. None of your statements applied to the Lower Rio Grande between Laredo and the mouth of the river?—A. No, sir; that I only know of from common report.

By Mr. WILLIAMS:

Q. I have seen something in the newspapers about a present made by a Mexican officer to an American officer, as going to show the good relations existing on that border. What have been the relations between the Mexican and the American officers?—A. Perfectly friendly and pleasant. I was the officer who received the present. It was from the commanding officer on the other side. I stated the fact to the Military Committee as showing that the Mexicans were not angry with us, as that present was sent to me three days after we had returned from an expedition to Mexico. There is no ill feeling—that is, none expressed.

Q. Do you regard that as evidence of their disposition to co-operate with you in good faith?—A. No, sir; I do not know that I do, but simply as a mere personal courtesy. I will say that this robbing and murdering has been going on constantly for years. There is hardly a month or two months in which a man is not killed, and the people there have rather got to expect it. There is hardly a family which has lived on the frontier any length of time that has not lost a member by Indians. Of course, among the families that have recently come there that is not the case, because the raiding has gradually grown less, and because our own Indians, who used to do the same thing, are now suppressed. We have them at Fort Sill and keep them there. But the raiding from Mexico has not ceased, and has not grown less; and when I stated that Indian raids had not been so frequent during the last two years, I should have said that this was to be accounted for by our Indians having been driven from the Staked Plains in Western and Northern Texas and forced to remain on their reservations in the Indian Territory. I submit three affidavits, showing some property stolen within the last two months, and a letter of a respectable citizen (Mr. Town) living on the Rio Grande; also affidavits of two of the principal stock-men of the county, Mr. Herreford and Mr. Greenwood, showing their losses for some

time back and continuing until very lately. Their cases are the same as those of every other man who has tried to raise or hold horses or cattle near the Rio Grande, between Laredo and San Felipe.

The affidavits and letters are as follows:

Affidavit of B. C. Greenwood.

STATE OF TEXAS, County of Kinney :

Personally appeared before me, the undersigned authority, B. C. Greenwood, to me well known, who, having been by me duly sworn according to law, deposes and says that he is engaged in the stock-raising business, and is a citizen of the county and State aforesaid ; and this affiant further deposes and says that about the middle of the month of September last he had stolen from him two horses, from his place six miles west of Fort Clark, Tex., and followed the trail of the said two horses about thirty miles above San Felipe, Tex., and to the Rio Grande River, and from this, affiant says, he was convinced they crossed the said river, as the trail went into the river. This affiant further says, from the direction in which they were going it would take them to what is here known as the Santa Rosa Mountains, in Mexico. At this same time, affiant says, his men found another trail of horses and cattle, which crossed the Rio Grande River about six miles above San Felipe, Tex.; my son, Beverly Greenwood, and Robert McMahon were the parties who followed this last trail. This affiant further says from all of the appearances which he saw upon the trail which affiant followed led him to believe the party who had stolen his horses were Indians from Mexico, and he was assured in his own mind that they were Indians from the fact of having picked up on their trail several Indian trinkets, such as bead ornaments, feathers, &c. This affiant further says that the said Beverly Greenwood and McMahon also thought the trail which they followed was an Indian trail, for the same reason as above stated. This affiant further says that from the direction both of these trails were leading upon striking the Rio Grande River, they would bring up at the said Santa Rosa Mountains. This affiant further deposes and says that one of the horses stolen from him as above stated, about the middle of September last, was returned to him by Lieut. John L. Bullis, Twenty-fourth Infantry, and this affiant says upon its being returned he was credibly informed that it had been captured from the Indians at the time they were attacked in September last near the town of Saragossa, in Mexico, by the said Lieutenant Bullis.

This affiant further deposes and says that Mr. Kurst, a citizen of Kerr County, Texas, had some horses stolen from him about the same time in September last, and that one of the horses so stolen was brought back by the said Lieutenant Bullis, and this affiant says he was likewise credibly informed that it had been captured from the Indians in the attack made upon their camp in September last, near the town of Saragossa, in Mexico, by the said Lieutenant Bullis.

At this same time in September last this affiant says that Mr. Hereford, in charge of Mitchell and Presnal's ranch, about fifteen miles southwest of Fort Clark, Tex., lost several horses, which were supposed to have been stolen by the same party of Indians. This affiant further deposes and says that on or about April 20th last he and Mr. Slaughter, with their herd hands, were at the Zacatosa ranch, in Texas, distant about eight miles east of San Felipe, Tex., where the news was brought to affiant and the said Slaughter by one of their hands that some of their cattle, supposed to be about one hundred head from the size of the trail, had been stolen and driven across the Rio Grande River at the mouth of the Sycamore. This affiant says that he and the said Slaughter immediately sent J. A. Thomas to the camp of Capt. J. M. Kelley, Tenth Cavalry, U. S. A., stationed at San Felipe, Tex., asking him for aid to follow the robbers. This affiant further says that the said Captain Kelley sent a detachment of twenty mounted men with orders to follow the trail, but not to go into any town or interfere with any ranches on the other side of the river. This affiant further says that he and the said Slaughter, with six other citizens, went with the said detachment, which crossed the Rio Grande River on the trail at the mouth of the Sycamore. This affiant further says that twenty-one of the cattle so stolen were picked up on the trail and brought back. This affiant further says that he, in company with the said detachment, followed the main trail within one and a half miles of Villa Nueva, a town in Mexico, immediately on the Rio Grande River, and distant about ten miles below the point where the said trail had crossed the river. This affiant further says that they were here met by two citizens of Mexico, by whom the said detachment was informed that the said stolen cattle had passed through the town of Villa Nueva, and were then under herd at the lower end of the said town, and affiant says that the detachment was further informed by the two said citizens of Mexico that the said cattle had been taken by Mexicans, and warned us not to go after them, as there was a military force near the place where the said cattle were then under

herd, and that this force would protect the cattle, and it would not be safe for our party to go after them. This affiant says that the said detachment of cavalry then fell back and recrossed to the American side at the same place where it had crossed into Mexico and went into camp for the night.

This affiant further deposes and says that next morning, at seven o'clock, the detachment was fired upon by about forty Mexicans in citizens' dress and Mexican uniform. Their fire was returned by the detachment, and in a few minutes the Mexicans were re-enforced by about sixty men, also a part of them in citizen's dress and a part wearing Mexican uniform.

Affiant says the fight lasted fifty-two minutes, some of the said detachment firing as many as twenty shots. In the mean time we sent for re-enforcements about one mile above and about six miles below, where there happened to be some United States forces encamped. There came to our assistance some thirty-two soldiers. The Mexicans then drew off out of the range of our fire and camped for the day. Upon our side there were no casualties. We saw the Mexicans carrying off their wounded, and they were leading three horses without riders. Affiant says that he has since learned from Dr. Leach, who was practicing medicine at Villa Nueva at this time, that three of the Mexicans were killed, and besides the three killed he attended two who were badly wounded.

This affiant further says that he has been a stock-raiser in this county since October, A. D. 1871, and that he brought with him four thousand head of cattle, and purchased soon after he came two thousand head more of located stock, and that since that time he has lost at least fifty head of horses, and at least one-third of his original cattle stock and increase, by similar inroads of Indians from Mexico and Mexicans.

This affiant further says that of the stock so lost he has only recovered the twenty-one head above mentioned, and ten head which he claimed before the alcalde of Piedras Negras, Mexico, which were returned upon affiant's paying \$3 per head.

Affiant further says that he has recovered five head of horses, one from an exiled alcalde from the town of Villa Nueva, who rode him to this side of the river, where affiant claimed him; another, which was brought to this side of the river by General Pedro Valdez, *alias* Winker, when he had to flee his country; another, when affiant went into Mexico in August, 1876, with Major Price, Eighth Cavalry, United States Army, which I found in the town of La Vaca, and claimed it before the alcalde; another, returned to me, as above stated, by Lieut. John L. Bullis; another, that was found in the possession of a Mexican colonel at Piedras Negras, Mexico, and there claimed and proven before the authorities.

Affiant further says that he does not think that he has lost any more than any other stock-raiser in this section in proportion to the amount of stock owned.

B. C. GREENWOOD.

Sworn to and subscribed before me this 21st day of December, A. D. 1877.

[SEAL.]

WILLIAM N. COOKE,

Clerk County Court Kinney County.

By J. L. MARTIN,

Deputy Clerk.

Affidavit of James H. Perry.

STATE OF TEXAS, County of Kinney:

Personally appeared before me, the undersigned authority, James H. Perry, to me well known, and a resident of Del Rio County and State aforesaid, who, being duly sworn, deposes and says that on the night of the 15th of December, A. D. 1877, between fifteen and twenty horses (mares and colts) were stolen from him and crossed the Rio Grande into Mexico, near the mouth of Sycamore Creek, Texas.

J. H. PERRY.

STATE OF TEXAS, County of Kinney:

This is to certify that the above was signed and sworn to before me this 22d day of December, A. D. 1877.

Witness my hand and seal in testimony whereof.

Done at Del Rio, Tex.

[SEAL.]

W. S. HEMINGWAY,

Justice of the Peace, Precinct No. 4, Kinney County, Texas,
and ex-officio Notary Public.

Affidavit of John Hannahan.

STATE OF TEXAS, County of Kinney:

Personally appeared before me, the undersigned authority, John Hannahan, who, being by me duly sworn according to law, deposes and says that he is a citizen of the county of Uvalde, in the State aforesaid, and that on the 16th day of November last he had stolen from him, on the Leona River, five miles below the town of Uvalde, in the county of Uvalde and State aforesaid, thirty-four head of horses. This affiant further says that from the trail and other signs, such as arrows, &c., he verily believes the party taking them were Indians from the Republic of Mexico. This affiant further says that Mr. Brooks, a citizen of the same county, lost two horses, and Mr. McDonald lost two or three horses at the same time, and that on or about November 14 last, a herder was killed by the same party taking these horses; and at this same time this same party shot with arrows one colt and three head of cattle, which arrows this affiant says he now has in his possession.

JOHN HANNAHAN.

Sworn to and subscribed before me this 22d day of December, A. D. 1877.

[SEAL.]

WILLIAM N. COOKE,
Clerk County Court, Kinney County.
By J. L. MARTIN,
Deputy Clerk.

Affidavit of George O. Burrows.

STATE OF TEXAS, County of Kinney:

Personally appeared before me, the undersigned authority, George O. Burrows, to me well known, who deposes and says that on the 19th day of December, A. D. 1877, he lost twenty-five (25) head of horses, and that said horses were crossed over the Rio Grande River into Mexico, about six miles above Del Rio, Tex., and also some twenty-five head of cattle were stolen and crossed at the same time and place above mentioned.

Sworn to before me at my office in Del Rio, Kinney County, Tex., this 24th day of December, A.D. 1877.

In testimony whereof witness my hand and seal.

[SEAL.]

W. S. HEMINGWAY,
Justice of the Peace, Precinct No. 4, Kinney County, Texas,
and ex-officio Notary Public.

HEADQUARTERS POST SAN FELIPE, TEX.,
December 24, 1877.

The above-named man is known by me to be a reliable citizen, and I am personally cognizant of the facts set forth in his affidavit and know them to be true.

J. M. KELLEY,
Captain Tenth Cavalry, Commanding Post.

Affidavit of E. M. Herreford.

STATE OF TEXAS, County of Kinney:

Personally appeared before me, the undersigned authority, E. M. Herreford, to me well known, who deposes and says that on the first day of February, A. D. 1877, he lost twenty-one head of horses; said horses were stolen and crossed over the Rio Grande into Mexico at the town of Monclova Viejo, Mexico. And also on or about the 5th day of May, A. D. 1877, he lost eight head of horses which were stolen and crossed into Mexico at the town of Monclova Viejo, Mexico.

And also on the 15th day of June, A. D. 1877, he lost eighteen (18) head of horses which were crossed over the Rio Grande into Mexico, near Newtown, Mexico.

And also on the 3d day of December, A. D. 1877, he lost five (5) head of horses which were crossed over the Rio Grande into Mexico at the town of Newtown, Mexico.

And also on or about the 20th day of August, A. D. 1877, he lost some fifty (50) head of cattle, which were stolen and crossed over the Rio Grande into Mexico, at the town of Newton, Mexico.

In the foregoing cases of stock being stolen and crossed, the trail of said stock was followed to the Rio Grande, and in two of said cases the trail was followed across the

Rio Grande River, and in one of said cases the pursuing party was met by a party of well-armed Mexicans, who ordered the pursuers back across the Rio Grande, with the threat that if they did not they would get hurt, whereupon the pursuers abandoned the trail and came back across the river.

Sworn to before me at my office in Del Rio, Kinney County, Tex., this 24th day of December, A. D. 1877.

In testimony whereof witness my hand and seal official.

[SEAL.]

W. S. HEMINGWAY,
J. P. P. No. 4, K. Co., Tex., and ex-officio Notary Public.

HEADQUARTERS POST SAN FELIPE, TEXAS,
December 24, 1877.

The above-named man is known by me to be a reliable citizen.

J. M. KELLEY,
Captain 10th Cavalry, Commanding Post.

WASHINGTON, D. C., January 14, 1878.

Examination of JOHN L. BULLIS, first lieutenant Twenty-fourth Infantry, commanding Seminole scouts at Fort Clark, Texas.

By Mr. SCHLEICHER :

Q. How long have you been at Fort Clark or in that vicinity?—A. I have been stationed in that vicinity upwards of ten years.

Q. Have you ever been stationed on the Lower Rio Grande?—A. But a few weeks, and that is upward of ten years ago.

Q. Do you know about where the upper end of the State of Tamaulipas is?—A. Just above Laredo.

Q. Then the district of which you have personal knowledge is above Laredo?—A. Yes, sir; I have but little knowledge of the country below there.

Q. Are you familiar with the history of those raids in the Lower Rio Grande?—A. No, sir; I know very little of them, and principally from hearsay.

Q. Your experience is confined to those raids above Laredo?—A. Yes, sir.

Q. Opposite what Mexican States?—A. Opposite the States of Coahuila and Chihuahua.

Q. What is the character of the raids upon that country?—A. The raids are principally made by Indians composed of Lipans, Mescaleros, and Kickapoos.

Q. What are the relations existing between the people in the Mexican settlements and the Indians?—A. They are very friendly indeed. I have known the Indians to live in the suburbs of Mexican towns and to trade off stock stolen from this side of the river for arms, clothing, munitions of war, and in fact everything that they might require.

Q. Has that been the case in only one or two instances, or is it generally the case?—A. It has been a general practice for years. I have been there upward of ten years and know well of what I speak. The Mexicans even induce Indians to cross to the American side of the river to steal, and then they barter with them for the stolen horses and cattle.

Q. What different authorities are there among the Mexicans?—A. There are civil authorities, and there have been also military authorities, but not until very recently. Until the last summer there were only civil authorities.

Q. Have you ever had any experience to enable you to say what position those civil authorities take in regard to those raids?—A. They

never take any action whatever to prevent them. They are well aware that the Indians depredate upon the American side, and in fact I have heard Texans remark that the Mexican civil authorities would not assist them to recover their stolen property.

Q. Have you yourself ever had any occasion to make any application to these civil authorities in Mexico?—A. No, sir; I never have. I have heard Texans speak of it—men who have been at the city of Saragossa for instance, and seen Indians riding horses bearing their own brands. They have called upon the alcalde to have the horses turned over to them and he has positively refused to do so.

Q. That country up there in Mexico is not a thickly-settled country? It is rather outside of the Mexican settlements?—A. Yes, sir; it is very sparsely settled. The thickly-settled country is below, toward the State of Tamaulipas.

Q. It is a sort of Indian frontier, just as we have it in Texas?—A. Precisely; the Indians live around the frontier towns.

Q. Do you think, from your experience there, that an efficient protection is possible without troops being authorized to follow the raiders?—A. No, sir; I do not. The Indians, in my belief, can depredate on this side unless we are authorized or allowed to follow them, or unless the Mexican authorities co-operate with us to prevent their raiding.

Q. How far do the Indians ever get into Texas?—A. I have known them to steal within the last nine months within 25 miles of San Antonio, and at that time they drove out about 150 head of horses in one raid.

Q. State your experience in reference to the difficulty of catching Indians on this side of the river, and whether, therefore, an efficient defense against these raids must include the power to cross the river in pursuit.—A. The Indians, when coming in to steal, come in numbers from 2 to 35. They mostly come in on foot, wearing moccasins. They hide in the cedar breaks and in the rough country during the day, and work through near the settlements, and when the moon is full, or thereabouts, they gather up stock. I have known them in one night to gather up 100 head, or even more. Then they start out and drive night and day. They exchange from one horse to another, and within three to five days they cross the Rio Grande, traveling day and night. There is such a vast extent of country that in crossing to the Rio Grande they have a space of 200 miles or more which they can traverse at any point they desire, and it is thus very difficult for troops to intercept them.

Q. You have been several times on the other side?—A. Yes, sir; quite a number of times.

Q. Have you ever been into the thickly-settled portions of Mexico, or have you only been into this wilderness country?—A. Mostly into this wilderness country. Once or twice only I have been in close to the settlements on expeditions after Indians, but even these settlements are on the extreme frontier and on the outskirts of civilization in Mexico.

Q. Have there ever been any incursions from our side into the settled portions of Mexico?—A. No, sir; never, to my knowledge.

Q. What has been the character of the movements of the Mexican troops who have come lately to the border?—A. I cannot say. They have been stationed principally in the towns of Piedras Negras, a Mexican town, and also in Saragossa. I think they have been in there principally for the object of preventing an uprising of revolutionists.

Q. Have they ever co-operated with our troops in pursuing raiders?—A. Yes, sir; before my leaving Fort Clark there was one instance (on the 20th of December or thereabouts) where a small party of Mexican

troops joined a party of our troops and followed up a trail for a few miles only, but without any success whatever. That is the only instance that has ever come within my knowledge.

Q. Have you any reason to believe, from your experience there, that the Mexican troops are making any *bona-fide* efforts to catch the Indians?—A. No, sir; these Indians could be caught within a week, for I have known them to go into the Mexican towns and drink there and become intoxicated. In fact it is a daily occurrence for them to go into Mexican towns and barter stolen stock with Mexicans.

Q. Did you ever have any communication with General Falcon's forces there?—A. No, sir.

Q. Did he ever send you any messages?—A. No, sir; never to me.

Q. Then your experience has been all confined to this Indian frontier?—A. Yes, sir, altogether.

By Mr. WILLIAMS :

Q. What is the distance from Laredo to the northern boundary of your district, or to as far north on the river as you go?—A. It may be six hundred miles or perhaps more.

Q. Have you patrolled that district?—A. I have scouted through the district, and have frequently found trails and even caught Indians when returning from raids into Texas above Laredo.

Q. Then your scouting has extended as high as six hundred miles up from Laredo?—A. Yes, sir; eight or nine hundred miles above it.

Q. How far does the Indian country extend west from the river into Mexico—I mean the country occupied by these Indians who have caused the trouble?—A. These Indians most generally live within from forty to one hundred and twenty-five miles of the river.

Q. Taking it within those limits, what would be your estimate of the number of Indians there?—A. I estimate the total of these Indians to be about two hundred and twenty-five men.

Q. Within that limit, what is the character of the Mexican population and the nature of their occupations?—A. The country is very sparsely settled indeed. Some few of the Mexicans are engaged in agriculture by means of irrigation, and the principal part of them are engaged in stock-raising. Many of them barter and trade with Indians for stock stolen from the American side of the river; others are engaged in smuggling.

Q. During the ten years that you have been there, have you known of any raids from the Texas side into Mexico?—A. Never. During my experience in Texas I have never known of Americans, or even any party or parties from the American side, to depredate on the Mexican shore.

Q. Taking a corresponding section of country on our side of the river, what is the nature of the settlements, and what are the occupations of the inhabitants?—A. On our side of the river the inhabitants are principally Americans (there are some few Mexicans), and they likewise are engaged in agriculture by means of irrigation. Kinney County alone, in which Fort Clark is situated, has 20,000 acres under cultivation by irrigation. But the most of the people are engaged in stock-raising—sheep, horses, cattle, and goats.

Q. Are there large herds of horses and cattle in that region?—A. Yes, sir; thousands are owned by one person.

Q. Can you estimate the number of horses and cattle taken from this side of the river since Diaz came into power in Mexico?—A. I cannot answer that question definitely. I know that in the months of June

and July, 1876, I captured from Indians one hundred and twenty-seven head of horses and mules that were mostly stolen from this side of the river. I think that that, however, was before the Diaz Government was in existence. The revolution was then going on on the other side; but I have captured stock from Indians since the Diaz Government has been in existence.

Q. In round numbers, what would be the aggregate of what has been stolen for the last three years?—A. I suppose that within the last three years there have been stolen in that country seven thousand head of horses and cattle, and perhaps three times the amount, or more. I alone found at one time within one day where the Indians had run off over a thousand head of horses within three weeks.

Q. What is the average value of horses in that country?—A. It depends altogether upon the stock. The horses stolen there by the Indians would average \$15 or more a head, and the cattle \$10.

Q. Do the Indians steal many mules?—A. Yes; I captured ten mules out of ninety-six head in one cavallada. The Indians generally get the horses which the Texans use in gathering up cattle. Very few men engage in the raising of horses near the Rio Grande, because it is so unsafe, although near San Antonio and vicinity men are engaged in the raising of horses.

By Mr. SCHLEICHER:

Q. Did you ever hear of the experience of Judge Noonan in stock-raising?—A. Yes, sir. Noonan has lost horses for which he has paid as high as \$1,000—stallions, blooded horses, &c. He has told me so himself, I think.

By Mr. WILLIAMS:

Q. How far into Texas do those raids extend?—A. I have known the Indians to steal horses within twenty-five miles of San Antonio, and that would be one hundred miles from the Rio Grande.

Q. Do the settlers ever take any means to oppose these raiders?—A. Yes, sir; they do if they are strong enough to oppose them, but the Indians are very cunning and they commit their thefts principally in the night, and as they pass out through the uninhabited country it is very seldom that the Texans succeed in striking them.

Q. How many soldiers have we had in that section which you describe?—A. I suppose from one thousand to thirteen hundred men.

Q. These have been stationed over what space?—A. Over a space of six hundred miles up and down the river.

Q. How large usually are the garrisons?—A. Within the space where I have scouted there are three garrisons: that of Fort Clark, which numbers, I think, about fifteen companies (probably six hundred or seven hundred men); that of San Felipe, which is garrisoned by two companies (probably one hundred men); and that of Fort Duncan, which is garrisoned by three or four companies, which would number say two hundred men.

Q. How large a force can the Mexicans bring against you there on short notice?—A. I suppose that the Mexicans can gather up on the opposite side there within five days about three thousand men.

Q. What would be their character as to arms, discipline, knowledge of the country, &c.?—A. Their knowledge of the country is very accurate. They are all very fine riders, and they have been so constantly in a state of revolution for the past twenty years that they are accustomed to warfare, and their power of endurance is very great. Their arms are good—mostly breech-loaders. There has been no special

system of arms adopted by the government. The majority of them have American arms—Winchester's, Sharps', and Remington's.

By Mr. SCHLEICHER :

Q. Some time ago there was a rumor that this order allowing the troops to cross had been revoked. Was that rumor circulated in Texas?—A. Yes, sir.

Q. Was it known in Mexico?—A. I think it was.

Q. Did you notice any change in the condition of affairs?—A. Yes; more raids had been made within a month before my leaving Texas (which was in December) than had taken place within some four or five months before; but we noticed, as soon as the report was circulated that an order had been issued not to cross the river in pursuit of raiders, that more depredations were committed than had been for months before.

Q. If there is anything else of interest that occurs to you, you may state it to the committee.—A. I have known those Indians to come over and make raids. For instance, in the months of April and May, 1876, they came over and killed twelve men, and in the months of September and October, 1876, they came over and killed thirteen men and one woman, and drove off about one hundred and forty or one hundred and fifty head of horses. On crossing the river the last time they made camp at from within one to three miles of a Mexican town, and remained there for a number of days.

Q. What town was that?—A. Newtown, on the Rio Grande. It is called by the Mexicans Villa Nueva or Concepcion, and is known to the Americans by all three names. It was estimated at the time that the effect of this last Indian raid was to turn back two hundred and fifty families that had started to settle on the western frontier of that county.

By Mr. WILLIAMS :

Q. How many persons have been killed on our side from May, 1876, up to the present time?—A. It is very difficult for me to answer that question. I should say that from April, 1876, up to the present time there have been as many as thirty-five or more persons killed.

JOHN L. BULLIS,

First Lieutenant, Twenty-fourth Infantry.

TESTIMONY OF WILLIAM SCHUCHARDT.

WASHINGTON, D. C., *January 14, 1878.*

Examination of WILLIAM SCHUCHARDT, United States commercial agent at Piedras Negras, Mexico.

By Mr. SCHLEICHER :

Q. How long have you been living in Piedras Negras?—A. Since 1863.

Q. State your experience during that time in regard to the raids from Mexico into Texas?—A. Raids have been always made by Indians and Mexicans, and I know that the Mexican authorities never did anything to prevent them. These raids have been going on ever since I had an opportunity to observe them in 1867, ever since the fall of the empire, when all the troops came back. And they have been made by Indians before that, ever since the Kickapoos have lived there. They moved there in 1864.

Q. How many Kickapoos moved in there?—A. I think there were at

that time about eleven hundred, according to their statement. They lived some 30 miles from Santa Rosa.

Q. What were their relations with the Mexican Government and authorities, and how came they to settle there?—A. I believe that they were invited to come over and settle there in order to protect the frontier against the wild Indians.

Q. While they were living there did they make any raids into Texas?—A. Yes, sir; I believe they did. They always brought American horses back to Santa Rosa and sold them there. Mexican citizens from Texas have come over there to reclaim horses.

Q. Have you any idea on how large a scale that was carried on?—A. Yes; the stealing was carried on on quite an extensive scale. The Indians kept the stolen horses in the cañon where they lived and would not let anybody in there.

Q. Did they never drive them off in the interior?—A. Yes, when they were trading them. I was informed that they took them to Saltillo and other places in the interior. After citizens from Texas had gone there to reclaim their horses, the Indians did not think them secure where they were, so they sent them right off and sold them.

Q. Were there many losses of horses in Western Texas at that time?—A. Yes, sir.

Q. Were people killed there?—A. I do not recollect; I know of one instance of a boy being stolen.

Q. Were you in Piedras Negras at the time that General McKenzie went into the Indian camp?—A. I was.

Q. He broke up their camp?—A. Yes, and scattered the Indians; a part of them went back to their cañon, and some of them were removed to the Indian Territory by United States troops, and a part of them left for the interior of Mexico.

Q. How many of these Indians were left when the United States commissioners returned?—A. I believe there were 300 of the Kickapoos and Pottawatomies; but there were very few of the latter, as the small-pox had killed them off.

Q. Do these Indians keep apart from the other Indians, the Lipans and Mescaleros?—A. Yes, sir; they have been enemies until lately.

Q. What other Indians are there there besides Kickapoos?—A. The Lipans, who live near Saragossa or Rimolino; and sometimes the Mescaleros and a few Comanches come down.

Q. How many Indians have there been there altogether within the last few years?—A. I cannot tell how many.

Q. The raids that have been made lately, however, have not been made so much by the Kickapoos as by the other Indians?—A. They have been made by Lipans and Mescaleros. The Kickapoos have their own ground between the city of Rio Grande and Laredo, and have got passports from the Mexican authorities at Santa Rosa to cross the river hunting, and occasionally they come over into Texas. I do not think they go far into the country, but they gather up all they can find and return.

Q. What are the relations of the Mexican population to the Indians who make those raids?—A. Very friendly.

Q. What do the Indians do with the horses that they steal?—A. They trade them off.

Q. Did you ever hear of horses being stolen on commercial orders?—A. A man at San Antonio who freighted goods for me could not come in the right time because, he said, he had to wait for Indians to bring in some mules. He had an order for them. The same man the other

day gave an order to an Indian at Eagle Pass to buy all the horses he could for \$10; and the Indian brought him three, among which was one of his own horses that had been stolen from him.

Q. Have the Mexicans ever made any effort to break up this raiding?—A. I cannot say that they have.

Q. Have you noticed any change since Mr. Diaz came into power in Mexico?—A. Since Diaz has come into power, there are some troops at Saragossa and some at Piedras Negras, and their presence there seems to encourage the Indians to come over more frequently and in greater numbers, because the Indians think that while the Mexican troops are there, the American troops cannot follow them.

Q. Do you think that the Mexican Government is in a condition to enforce any orders on that frontier?—A. I think not.

Q. Has it ever been since you lived there?—A. Yes, sir.

Q. At what time?—A. Before the late revolution—under the Lerdo administration.

Q. From McKenzie's raid, in 1873, until about a year and a half ago, there were hardly any raids on that Indian frontier?—A. I cannot say exactly how long after General McKenzie crossed, but there was a time when affairs were quiet there.

Q. Have you any information of the raids from the State of Tamaulipas?—A. No, sir; I have not. The raids that I know of have been as far as fifteen leagues above Laredo.

Q. Below there the raids are not made by Indians? There are no Indians living below there?—A. I do not recollect a case of Indians crossing there since 1867, when a large number of Comanches crossed right above Laredo.

Q. Are you familiar with the Zona Libra and with its influence upon trade along the Rio Grande?—A. I am.

Q. Does the Zona Libra extend to Piedras Negras?—A. No, sir; but the revolutionary leaders have promised to extend it there.

Q. Whom do you mean by the revolutionary leaders?—A. I mean the Diaz party. When they commenced the revolution they promised they would extend the Zona Libra into that district.

Q. Of what advantage is the Zona Libra to the district?—A. In the first place all the principal retail business and wholesale business would be done on the Mexican side instead of on the American side, and, besides, the people would have all the necessaries of life so much cheaper.

Q. To what extent is smuggling carried on through the Zona Libra?—A. It is hard to tell.

Q. Is very much trade done outside of smuggling?—A. There is some trade done, but not much.

Q. What proportion of the trade is done in connection with smuggling?—A. About two-thirds of the goods are smuggled and about one-third honestly imported.

Q. Do the Mexican military officers smuggle any?—A. Not while they are officers, but men who are now officers have been engaged in smuggling.

Q. Are they making much money by their smuggling?—A. I believe they are.

Q. Have you ever known during your residence there a single case of the punishment of a Mexican for crime committed in Texas—robbery, murder, or anything of that kind?—A. No, sir; I do not recollect any one case of the kind. There have been arrests made and men have been kept for a month or two, but then they escape.

Q. Do the ordinary courts in Mexico entertain any prosecutions for

crimes committed in Texas, or do they consider them to come under the extradition treaty?—A. Such crimes are never punished in Mexico, I believe. The local authorities there know very little in reference to their duty.

Q. They do not take any cognizance of these crimes?—A. No, sir.

Q. Do you recollect a case where two men were kept in prison and threatened to be shot by the governor of Chihuahua because they had served as guides for our troops in the Indian country?—A. Yes, sir. According to the Mexican law they were to be punished as traitors to their country.

Q. Because they served as guides for our troops in pursuing Indians in the Indian country?—A. Yes, sir.

Q. When was that?—A. In April last.

Q. State the circumstances?—A. I was at home, and one of those men who had served as a guide was staying at my house. He saw brought in another of those guides as a prisoner, and he went off across the river. The next morning a man reported to me from Rimolino that a trail of Indians had left on foot to cross over into Texas, and it seemed to me rather a peculiar coincidence that this man should have gone over at the same time. I sent word to Colonel Shafter, and my dispatch concluded, "Your guides are arrested just now, and such and such a one escaped to the other side of the river." The Indians were seen, but the troops were so stationed in Texas that they could not do anything, and the Indians recrossed very soon. This guide, who was taken prisoner, was kept in Piedras Negras, and was intended to be sent to Saltillo to be punished there, but when near Saltillo he escaped. Another of them was taken to Saltillo, when he was turned loose. The crime they were accused of was treason.

Q. Were they not threatened to be shot?—A. That was the punishment.

Q. And was it not after General Ord's remonstrance and interference that they were turned loose?—A. Yes, I believe so. He interfered in their favor.

By Mr. WILLIAMS:

Q. Under whose order were they imprisoned?—A. The order of the *jefe politico*, and he said it was by order of the governor of Coahuila.

Q. Do you think that there is any ground for hope that there will be peace and quiet in Mexico for some time?—A. I believe not. All the indications are that the adherents of the Diaz party will commence quarreling among themselves. Several of the officers of the garrison stationed at Piedras Negras told me that in a short time there would be something up among themselves, and according to newspaper reports Alvarez has been raising an army in the State of Guerrero.

Q. Have you been familiar with the Mexican mode of making merchants pay money under the prestamos?—A. Yes, sir.

Q. Have you known of American citizens residing there who have been made to pay them?—A. On the line, since there have been so many American troops stationed on this side, the Mexicans do not enforce prestamos on American citizens, but they have done it in Santa Rosa.

Q. In what manner do they collect these prestamos?—A. When a military chief comes into a town he informs the alcalde that he must have so much money. The alcalde makes a partition of the amount among the principal merchants according to their abilities to pay, what penalty is exacted in case payment is not made. Sometimes they im-

prison a man and some times close his store. They have gone so far as to take his goods and sell them.

Q. That is the ordinary mode of raising money during the times of revolution?—A. Yes, that and making bargains for the importation of goods.

Q. What effect has this Zona Libra had on the trade of American merchants on the Texas side the river?—A. It has been injurious to their trade.

Q. And what have they done in consequence?—A. Some of them have moved over to the Mexican side.

By Mr. FORNEY :

Q. Do the people where you live recognize the Diaz government as the true government of Mexico at this time?—A. Yes; they are under its rule now.

Q. What is the real feeling of the masses of the people there toward the Diaz government; is it friendly or otherwise?—A. They do not express themselves.

Q. What do you think it is, from your observation and knowledge?—A. It must be friendly to the Lerdo government, because when a revolution was started against Lerdo the people of Piedras Negras would not go into it, and the man who started it there with four or five others had to go into another district and join another revolutionary party, because he could not get men to join him at Piedras Negras.

By Mr. SCHLEICHER :

Q. What class of the population is in favor of the former government and what class in favor of the present government?—A. All the good working people are in favor of the former government—the Lerdo government.

Q. What reasons do they give for it?—A. In the first place, they did not want the revolution against the Lerdo government, and they blame General Diaz for having made a disturbance and revolution in the country. In the second place, Diaz's officers are not the very best men.

Q. Is there any attention paid in Mexico to the manner of succession? They have had for some time governments by election and law, but the present is one established by military force, is it not, or is it based on election?—A. It is based on election, but those who are in favor of the Lerdo or Juarez governments were disfranchised before the election.

Q. Do you mean to say that Diaz came into power by election or was the election subsequent to his coming into power?—A. The election was after successful revolution.

By Mr. FORNEY :

Q. Do you know when that election was?—A. I do not recollect; I believe that it was in June, 1877.

By Mr. SCHLEICHER :

Q. And you say that all those who had been in favor of the former governments were disfranchised. Do you mean those who had held office under the former governments?—A. Yes, sir.

By Mr. FORNEY :

Q. And since the election, in June last, has there been any armed opposition to the Diaz government?—A. Yes; there have been small bands in existence.

Q. Was there any at this time?—A. I am informed that General Alvarez is in arms in Guerrero against the general government.

Q. Has he any considerable force?—A. It was reported that he had 6,000 men.

By Mr. WILLIAMS :

Q. What number of leaders could you name in your section that are secretly opposed to the Diaz government?—A. There are two or three in almost every town. In the district that I live are some twelve towns, and in each of them there is a principal leader and some subleaders.

By Mr. FORNEY :

Q. How many months in the year is the Rio Grande fordable for cattle?—A. That depends upon the weather. It has been fordable now for years. But the Indians cross anyhow, whether the river is high or low. They swim across.

The witness subsequently presented the following additional statement, which was made part of his testimony :

RAIDS.

Raids from Mexico into Texas are made by Indians at peace in Mexico and by Mexicans, and sometimes some of the latter join the Indians in their incursions into Texas; having been employed as vaqueros by American stock-raisers, they know perfectly well all localities and where to find horses, &c. In the early part of last spring Mexicans were seen in company with Lipan Indians about fifteen miles from the Rio Grande, on the Mexican side, coming with a lot of horses from Texas.

INDIANS.

The Indians who engage in raiding into Texas belong to the tribe of the Lipans, joined sometimes by Mescaleros, Gileños, all three belonging to the great tribe of Apaches. Often Comanches are in camp with them, but only a few in number, and also the Kickapoos.

The Lipans proper, I am informed, do not exceed in number twenty warriors, and are encamped almost the whole year not very far distant from the town of Zaragoza. Whenever they come from a raid to Texas they camp nearer to that town. Sometimes they go to the vicinity of San Carlos, in the State of Chihuahua, but they never fail to return to their camps near Zaragoza when the time of the sugar-making arrives. Almost every day some of these Indians can be seen at Zaragoza offering for sale horses and mules stolen in Texas. There is also a number of Mexicans who go to the Indian camps to buy animals and give cotton goods, liquor, tobacco, arms, and ammunition in payment. This traffic is carried on publicly, and whenever the Indians are arming for an expedition to Texas it is known by many inhabitants of Zaragoza. Very few men in Zaragoza do not own horses or mules stolen from Texas and obtained from the Indians. Sometimes inhabitants of Zaragoza have orders to fill from men living in the interior for American horses or mules, which can be obtained from the Indians.

Lately the raids into Texas and the Indians engaged in them have increased. To account for this increase, it is very probable that persons interested in the traffic with the Indians have interpreted the order of General Diaz to General Treviño, to repulse force by force, as meaning protection to them; feeling that they could carry on their depredations in Texas, and once on the Mexican side of the Rio Grande they would be safe from pursuit of United States troops. Passports have been given

to the Indians to go on hunting expeditions. These passports are good to the very bank of the Rio Grande, and in various instances they were presented by Indians coming from a raid with droves of horses from Texas, yet near the bank of the Rio Grande, to persons who have made this statement to me. Not very long ago a party of Indians in recrossing the Rio Grande coming from Texas appeared in the fields of the people of La Resurreccion, on the Mexican side. They laid down the fences to go out of the fields, and by this means the cattle got into them and destroyed some of the crops. Complaints were made before the jefe politico of the district, who sent an officer to the Indian camp to inquire into the affair, when the Indians stated that they were closely pursued by the Americans and had to take the shortest way. This was satisfactory to the jefe politico, who never inquired about the raid and the horses these Indians brought from Texas.

KICKAPOO INDIANS

live at a place called El Nacimiento, near the town of Santa Rosa, about one hundred and twenty miles distant from Piedras Negras. They came to Mexico in 1864, having been sent for by Don Santiago Vidaurry, then governor of the States of Nuevo Leon and Coahuila. In their transit through Texas they were attacked by Texas rangers whom they had met with a white flag, manifesting their peaceable intentions. This created a very hostile feeling in them against Texas, which was kept up by the people of Santa Rosa by keeping the Indians in the belief, for several years after the close of the war between the States, that the war was still carried on and that Texas was a State of the Confederacy. They frequently raided into Texas and disposed of the plunder at Santa Rosa and vicinity. Their relations with the people were more or less the same as those of the Lipans with the people of Zaragoza.

The Kickapoos had lived, before they came to Mexico, on a reservation in Kansas, and efforts were made by the Government of the United States, at great cost, at different times, to induce them to go back to their reservation; but the first effort failed, because the government of the State of Coahuila, being notified of what was intended, had sent an agent with money for the Indians to Santa Rosa to intrigue against the United States commissioners, and the result was that the Indian declared they would not leave Mexico for the United States.

The Mexican commissioner made no secret of his mission to counteract the labors of the United States commissioners. He told them, "Let us see who wins, you or I." Hon. H. M. Atkinson, who was sent some time afterwards, succeeded in bringing back to the reservation about 200 Kickapoos. A part of those not willing to go staid at the Nacimiento, and another moved to the State of Durango. From that time, in my opinion, they did not make any raids into Texas until lately, when going with passports from the authorities at Santa Rosa to their hunting-grounds near the Rio Grande, they often steal over from their camps whenever convenient and depredate in Texas. The hunting-ground of the Kickapoos commences about 55 miles below Piedras Negras, and extends to a short distance above Laredo. The Lipans generally cross the Rio Grande above Piedras Negras, and recross often below that place. When going to Texas they sometimes pass by the Mexican towns. Knowing that they are not to be interfered with by the Mexican people, they do not try to hide.

The Mexicans who have made and yet make stealing expeditions into

Texas are well known to the authorities and to their own people. In some cases they were pursued and overtaken by the owners of the cattle they had stolen, and then the authorities could not help taking action and returning the cattle to the owners. But seldom the thieves were captured; and in case they were, then they were imprisoned for a month or so awaiting trial, and then broke jail. One notorious cattle-thief escaped from the jail at Presidio de Rio Grande, and to be free and unmolested had only to come to Piedras Negras, distant 42 miles. In January, 1873, some depredators, with 140 head of cattle, were captured by the custom-house guards of Piedras Negras, who seized the cattle as contraband, but let the thieves go. The cattle were released by the collector of the custom-house, and returned to the owners on payment of \$225. At that time it was said that the commandant of the custom-house guards allowed stolen cattle to pass, collecting some compensation for this service from the thieves, while in cases where the drivers had bought the cattle and paid impost duties on them, he molested them in all possible ways. The practice at that time of the custom-house at Piedras Negras, of issuing permits to cross cattle at any place on the river outside of that port, fostered greatly the cattle-stealing from Texas. In several instances cattle were captured by the owners in pursuit of them, and good custom-house documents for their transit to the interior were found in possession of the thieves or of those who had bought the cattle from them. To obtain the documents required for the transportation of cattle, crossed in the above manner, it was necessary to be a prominent man, and sometimes when the thieves themselves could not obtain these documents, they were obliged to sell their cattle to those prominent men, who very often cheated them out of the proceeds.

In June, 1871, a drove of stolen cattle was kept near the town of Piedras Negras and partly butchered there for the consumers of the town, when it was claimed by an agent, provided with a power of attorney from the owners, which was declared by the Mexican authorities to be in legal form according to the laws of Mexico. He obtained at great cost the cattle yet alive, but could recover no indemnity for those butchered. The case was decided by a higher authority at the capital of the State, to the effect that in order to punish the thieves it was required that the owners appear and state how many head of cattle were stolen, the time when stolen, the color, size, and class of each animal. In Mexico a man claims his horse, mule, or ox by only his brand; as long as the animal has not the counterbrand of the owner he has a right to claim it, even if he has sold it. It often happens that a man buying a horse from another, neglects to have it counterbranded, and after the horse changes owners several times, it is claimed by the original owner as his property, because not being counterbranded it is considered the rightful property of the man whose brand it bears. The ruling of the authorities to require the appearance of the owners of cattle, and proof of ownership by the most impossible description of the cattle, was always followed when the arrest of the thieves could not be avoided.

The people at Presidio de Rio Grande, 42 miles below Piedras Negras, generally have their stock-ranches on the Texas side, and it was their interest to keep on good terms with the Texas stock-raisers in order that they should not retaliate on their cattle. Thus several times the authorities of that place voluntarily captured stolen cattle crossed near by and returned them to the owners. In one such case, where the alcalde had taken a drove of Texas stolen cattle, he was ordered by a higher tribunal not to return the cattle to the owners who had proven their property, but to keep them until it was decided that the man who had

them in his possession when captured had stolen them. The decision was delayed; meanwhile the whole of the cattle were consumed in costs for herding them. After a long delay and several changes of the State governments, the decision came that the alcalde had to pay for the cattle he had captured as stolen from Texas. About January, 1876, a number of horses were taken from Texas and found in possession of different men at Presidio de Rio Grande. The owner obtained an order from General Falcon to the alcalde of Presidio de Rio Grande to have the horses delivered to the owner. The alcalde summoned the men who had the horses in their possession and asked them to return them at once to the owner, which they refused to do, with good result; the alcalde saying that as these men were all of their party and had done good services to the revolution, and were sustaining the new government, he would not force them to give the horses up.

The men engaged in the raiding all belong to the Mexican side, where they also have committed crimes and are well known, but, as they never have been punished, the people dare not testify against them, because they are afraid of their revenge when they are let loose or make their escape from prison. A short time since, some cattle were stolen from a Mexican residing in Eagle Pass, Texas. He looked over the register kept by the procurador, or hide and cattle inspector, at Piedras Negras, and found one of his cows registered as killed; another cow he found tied up ready to be butchered. The man who had the cow returned it to him and paid him for the one killed, upon the condition that he would not ask him how he obtained the animals. When the owner of the cows asked the procurador, in presence of the alcalde, why he had given permission to the butcher to kill his cow without presenting a bill of sale from the owner, as the law requires, he was told by that procurador to mind his own business; if not, he would put him in prison. The owner of the cows, when asked why he let the case rest, said that if he would do anything he would expose himself to be molested at every step in Piedras Negras, and could not transact any longer business there.

In the month of April or May, 1877, raids were made by parties of Indians, Indians and Mexicans, and Mexicans. One of the parties of Indians and Mexicans, and another Mexicans, recrossed with large droves of horses from Texas, at two different places (not very distant the one from the other) below Presidio de Rio Grande, before the United States troops sent to intercept them could arrive. Both raiding parties were seen arriving at the Mexican town of Peyotes, where the Indians offered the stolen horses for sale, and the leader of the Mexican raiding party made a present of an American horse to the military leader of that town and took the other horses to the interior, probably not beyond Monclova, which is half way between the Rio Grande and Saltillo. The jefe politico and military commandante of the district of Rio Grande was notified by Colonel Shafter, verbally, at Eagle Pass, of these facts, at a casual meeting. The jefe politico stated to Colonel Shafter that he was not acquainted with the leading raider of the Mexicans, while, as everybody knew, he was serving under the orders of the jefe politico as a military officer.

In view of such a statement by highest official of the district, no action against the raiders could be expected.

At the time of the crossing of these raiding parties the custom-house guards entered Presidio de Rio Grande with about 20 Texas horses and mules, stating to some of the people that they had taken them from the Indians; to others, that these horses and mules were their share of an importation made. In the month of July, 1877, cattle and horses were

stolen and crossed to Mexico about forty miles above Piedras Negras, in the neighborhood of the Mexican village "La Resurreccion" called by the Americans "Newtown." The Mexican general, Naranjo, being notified by the United States military, sent an officer with 20 men to pursue the thieves and recapture the stolen animals. That officer failed to accomplish anything because he employed as a guide to trail the raiders the leader of them, who took him (the officer) a few miles out of the village and then returned. The principal raider in this case is the same person aiding in the case referred to before. This man has been a leader of professional raiders for years, which committed crimes also in his own country, but was never punished for them or prosecuted for his stealing in Texas; of his class quite a number exist along the Rio Grande. Sometimes they go temporarily into the chaparral of Texas when it gets too hot for them on the Mexican side, but come back whenever a revolution is started and are received with open arms by the revolutionary leaders, being considered by them as the very best material. If a revolution succeeds in overthrowing the government, as the last one did, then they become prominent men and nobody dares to touch them.

The crossing of the Rio Grande by the United States troops in pursuit of Indians and their attacking them in their vallages has not created bad feeling in general among the Mexican people. When General Mackenzie, a short time after he had crossed the Rio Grande after cattle-thieves, visited Saragossa, he was very well received; all the prominent men of the town visited him to pay their respects to him. He told them that he had been over for a few days ago after some of their bad men; that the protection of the Texas frontier was confided to him; that if the Mexican authorities would not put a stop to these raids, he would have to do it alone, and then he would come over any time in pursuit of raiders. They partly confessed their inability to suppress the raids, and thought it but just to submit to General Mackenzie's action. On another occasion, one of the principal men of Saragossa was told that it might become necessary to establish a temporary camp of United States troops in the mountains near there, and was asked if corn and beef could be bought from the people of Saragossa for the supply of the United States troops. He said yes, and offered at once to take a contract for furnishing both articles. When he was asked if this was not rather dangerous for him, he said, "Not at all; people are glad to sell their produce to me for that purpose, knowing that being for the United States they will obtain a good price, and that after all, the Indians were a common enemy, and were so considered by the people of his town, and then, he said, the United States soldiers always behaved very orderly, molested nobody, and never came near the towns, but kept in the desert country."

The people of Saragossa very often said that as long as they had not the forces to make a formal campaign against these Indians it was convenient to keep peace with them; if they should show a hostile attitude the Indians would leave the country, but before leaving they would kill everybody they would find outside of the settlements and carry off their horses and cattle, as they had done on some occasions in former years.

It is in the power of the Mexican authorities to stop the raids of Mexicans as well as those of Indians. Some time last year a lot of horses was stolen from a Mexican living on the Texas side, below Fort Duncan. The United States military called the attention of the Mexican commander to the matter, stating that the stealing was done by Kickapoo Indians. A small detachment was sent to Santa Rosa, and the stolen horses demanded and given up by the Indians. This shows that

the authorities have full control over the Indians, but do not exercise it properly. These Kickapoo Indians living near Santa Rosa are under the supervision of the local authorities of that place, and receive sometimes provisions from them.

To remove the necessity of the crossing into Mexico of the United States troops in pursuit of raiders, a demand for the extradition of 15 of the principal depredating Lipan Indians was made on the Mexican general, by the United States extradition-agent some time in August, 1877. The general promised to comply with the demand, stating that in order to arrest these Indians it was necessary first to make them confident so that they would come near Saragossa. From the time the demand was made until Lieutenant Bullis attacked them near Saragossa, some time in October, 1877, most of the Indians wanted by the Texas authorities under the extradition treaty were living not over six miles from Saragossa and frequently came into that town; some of them may have been absent from time to time on raids to Texas, but they always returned to that camp.

TRADE AND COMMERCE.

Piedras Negras, opposite to Eagle Pass, Texas, is the only port in the State of Coahuila. The district of Rio Grande, wherein Piedras Negras is located, and the adjacent districts, buy most of their goods at Eagle Pass and San Antonio, Texas. Piedras Negras is not included in the Zona Libre. For some time the transportation through the United States, of European goods in bond to Piedras Negras was suspended, and the result was that now all goods imported into Mexico through the port of Piedras Negras are of American manufacture or foreign goods on which duties have been paid to the United States. The duties on imports according to the Mexican tariff are very high, but a small part of the goods imported pay these duties; generally importations are made on private terms with the collector of customs, or, in time of an unsettled state of political affairs, with the military chiefs, advancing them money on importations to be made. According to the need of funds, greater or smaller allowance is made by these chiefs upon the amount of duties. Goods imported on such terms are detained very often by the interior custom-guards (*contra resguardo*) and the owner of the goods subjected to great losses and molestations, and it requires a special order from the chief with whom the bargain was made or from the secretary of the treasury to release them; but the owner is never indemnified for his losses. Whenever a revolution is started it is stated to the people by those who intend to engage in it that they have sufficient funds to carry it on, and therefore nobody will be molested nor anything be taken from the citizens without being paid for right away. But soon the funds pretended to exist give out, and requisitions for arms, horses, provisions, grain, and money are made on the *alcaldes* of the different towns. The money is obtained by forced loans (*prestamos forzosos*), and for greater sums checks are given by the military chiefs on a custom-house, to be received in payment of duties. The holders of such checks, who are not importers, generally transfer them to such at a discount, sometimes very considerable, and thus importers become parties interested in the success of the revolution in order to get their money refunded, which they would lose in case the revolutionists should be driven off the port. Sometimes a check on the custom-house is not accepted by the collector, and then it needs a new indorsement by a higher chief. In time of peace, checks on custom-houses, to be received in payment of duties, are issued only by the sec-

retary of the treasury, and are procured through agents at the capital for a sum considerably less than the checks call for. From this kind of transactions, merchants on the frontier, doing business on a smaller scale, are excluded. Smuggling both ways is considered, on the frontier, as a necessary quality of a good business man; those who do not possess that quality cannot succeed in business. The constitution of Mexico prohibits the States from levying export duties, but notwithstanding this the local authorities, by sanction of the State legislature, collect an export duty on almost all articles. These duties are not called export duties, but are denominated introduction or extradition duties. These duties very often are not collected according to a fixed tariff, but are arbitrary. It has happened that Americans who intended to go to the interior of Mexico to buy cattle or produce, called first on the local authorities to ascertain the exact duties in order to make their calculations, but when they returned with their purchase ready for exportation, a higher duty was exacted from them than that stated by the authorities before they had made the purchase. The exporters being principally American citizens, these unjust duties affect Mexicans but little, and for that reason, probably, the higher authorities do not interfere with these extortions of the local authorities.

Very seldom the custom-house at Piedras Negras has sufficient funds on hand to pay its employés; their pay depending on the amount entering the custom-house for duties.

ZONA LIBRE.

This institution, so offensive to American manufacturing interests and legitimate commerce, and so injurious to the revenue of the United States, extends from the mouth of the Rio Grande, along that river, up to the port of Laredo. It is offensive to American manufacturing interests, because most of the goods imported into the Zona libre ports are European goods transported in bond through the United States; these goods are stored in the houses of the owners and not in a government warehouse; they can be opened and sold, and duties are paid only on those which are declared for shipment to the interior; on such as are consumed in the limits of the Zona libre or recrossed to the United States no duty is collected. It is very easy to smuggle any quantity of such goods to the United States side of the Rio Grande, and they can be sold there cheaper than American goods can be sold; thus, the government can be defrauded of the revenues, and merchants dealing in American goods are obliged to abandon the American side and establish their business on the Mexican side, or stay on the American side and engage in the traffic in European goods smuggled into the United States from Mexico.

In my opinion, no business can be carried on with success in a legitimate and honest way anywhere on the Rio Grande border. Smuggling is facilitated by the very long uninhabited line of that river, and the number of the United States inspectors is not large enough to put a stop to it.

No. 80, dated July 15, 1872.

No. 97, dated January 20, 1873.

No. 99, dated February 20, 1873.

No. 105, dated May 17, 1873.

No. 106, dated June 3, 1873.

No. 116, dated November 17, 1873.

No. 122, dated February 13, 1874.

No. 124, dated February 27, 1874.

No. 134, dated August 17, 1874.

TESTIMONY OF GENERAL WILLIAM STEELE, ADJUTANT-GENERAL OF TEXAS.

WASHINGTON, D. C.,

January 17, 1878.

General WILLIAM STEELE, adjutant-general of the State of Texas, appeared before the committee, and was examined as follows:

By Mr. SCHLEICHER:

Question. State your sources of information in regard to affairs on the Rio Grande.—Answer. I am and have been for four years adjutant-general of the State of Texas, and of necessity I have had to inform myself about the affairs in all parts of the State. In addition to that I went with the advance of General Taylor's army, in 1846, to the Rio Grande, and spent two years in Mexico. I have since been a good many times on the Rio Grande, have resided there for months at a time, and have been in all portions of that region. I believe that I have a very good general idea of all that part of Mexico bordering on the State of Texas. Our borders, as related to those of Mexico, should be divided into about three parts: that which is coterminous with the State of Tamaulipas, that which is coterminous with the State of Coahuila, and that which is coterminous with the State of Chihuahua, making a border between the three States of about a thousand miles as you go by land, and between two and three times as much by water. In the State of Tamaulipas the question is one entirely between Mexicans and our people. In Coahuila and Chihuahua it is a good deal mixed up with Indians. Coahuila is a more mountainous State than Tamaulipas; so is Chihuahua also. It is mostly Indians who come from Coahuila to depredate on the State of Texas. In 1875, I was sent by the governor of Texas to the Lower Rio Grande for the very purpose of examining into that subject, and of seeing what truth there was in the statements which were so constantly made of depredations. I spent some weeks there, and I had access to all the sources of information possible. I found and so reported, that the reports coming up were not exaggerated at all. I could see where the cattle had been crossed over the Rio Grande, and the evidence which is contained in my report and is corroborated by affidavits showed that fact. Every day or two during my stay there were robberies committed, and during that time a portion of the State troops overtook a party of these cattle-thieves, killed twelve of them, and recovered 250 or 300 head of cattle. It was currently reported, and I believe truly, that these cattle were designed to be shipped on a Spanish steamer that was then lying at the mouth of the Rio Grande, there being a contract between Cortina and the Spanish Government in Cuba for the delivery of cattle in Cuba. I sent a man, in disguise, on board this Spanish steamer, who reported to me that he had seen the brands and marks, unobliterated, of the Texas cattle that had been shipped, nearly all of which brands and marks he knew. The killing of these men and the recapturing of the cattle broke up that contract; the captain of the ship stating to my informant, who went on board as a passenger, that he would not come back any more, as he had been detained so long and had lost so much time by demurrage. The river in that part of the country is extremely tortuous. It has been suggested by some that the river might be defended by light steamers, but a party might be crossing within four miles from a steamboat in a direct line, and the steamboat would have to go 25 miles in order to get to the crossing, so that that means of defense would not do. The country on both sides of the river is filled with semi-tropical thickets, full of cactus and vines, and almost

impassable except by cattle-paths or roads cut through it. Some 30 miles from the river you come upon the prairies where the cattle are raised in immense numbers, or have been heretofore. This thicket is occupied principally by men of Mexican descent. Some few of them claim allegiance to the United States, but the majority do not. In fact they are on our side of the river or on the other just as it is convenient to them, and they are a set of probably as unmitigated rascals as the world can present anywhere. Many of them are spies. They inform their friends on the other side when there is a convenient opportunity to get a herd across the river. Those who come across can scatter among the Mexicans on this side without being distinguished. If you or I went there, we would not know one from the other, and even when you get out on the prairie where the cattle are, there are so many Mexicans employed as herdsmen that it is very difficult to distinguish those who come across for thieving purposes from the others; so that bodies of troops have often passed along and met these Mexican thieves, who passed as herdsmen of different stock-raisers, and were allowed to go unmolested. Whenever they find the opportunity favorable, they gather up the cattle, and in one night's rapid driving get them to the river and cross either during the night or early in the morning unmolested. It is therefore a matter of extreme difficulty to break up that system of thieving by any system of patrolling. The country on the other side of the river is also thickety. The thickets extend back irregularly. While I was investigating the subject, I learned that some years ago there had been a regular trade in cattle from this side of the river, but that now there was no legitimate trade, the whole of the State of Tamaulipas being supplied with cattle stolen from this side. It is a matter of common notoriety there that the stolen cattle are taken into the large Mexican towns, Matamoros, a city of 20,000 inhabitants, Camargo, a town of two or three thousand inhabitants, and various other small towns and villages. The State of Tamaulipas is the most thickly populated of any of the Mexican States on our border, and the question there is, as I stated before, between Mexicans and Americans.

By Mr. WILLIAMS:

Q. How many horses and cattle have been, according to your estimate, stolen by Mexican raiders from that portion of Texas opposite the State of Tamaulipas, and how many American citizens have been killed there since you made that investigation in 1875?—A. I have not got any estimate relating exclusively to Tamaulipas. I have summarized the results in connection with all three of the districts in the different raids, both of Indians and Mexicans that have been reported. The reports have come to me entirely from official sources, and I am confident that there have been many cattle stolen which do not appear in these reports, as the facts did not come within the knowledge of the small bodies of troops which I had then on the frontier. Most of the statements that I have seen in the newspapers, and which I believe to be true, I have not included in this recapitulation. There were three abandoned camps found, 57 Indian parties seen in Texas, 15 trails followed, 14 attempts to find the trails, 874 horses and mules stolen by Indians and Mexicans, 71 horses and mules recovered from Indians and Mexicans, one Indian killed, two Indians wounded, 40 citizens killed, 6 citizens wounded, 12 citizens attacked, 9 reports of horses stolen, the number not being mentioned, and 8 wagons and harness burned. The United States troops have been on that border, and the State troops under my command have generally been operating from a higher point across to the Red River,

so that I have not got a full report of the cattle-raids there since that time.

By Mr. SCHLEICHER :

Q. You made an official report at that time?—A. Yes, sir.

Q. Will you make it part of your evidence?—A. Yes; here is a copy of the report which I made to the governor, and attached to it is the report of a gentleman who was a State senator, and who is perfectly familiar with the people and speaks the language like a native. In fact, it is his mother tongue.

The report is appended to the examination of this witness.

(Witness continuing.) The State of Tamaulipas is mostly flat until you get back to the first range of mountains. That strikes the Gulf near the State of Vera Cruz, leaving a large flat country in Tamaulipas with a good many towns. It has no mountains that harbor Indians near enough to have any effect upon our frontier. When you get farther above, in the State of Coahuila, you strike this range of mountains through which the Rio Grande breaks. The Mexican population there is not so dense as it is in Tamaulipas. The Indians who harbor in these mountains make their raids into the State of Texas. They do it almost every new moon, and they come back with horses and mules and whatever pillage they can carry off in a raid of a week or two. It has been very clearly demonstrated that they go into these Mexican towns without molestation and trade off their supplies. In that part of the country the people have manifested no very great indisposition to have our troops follow over after the Indians, for they care nothing about them individually, only as they can trade with them. Farther up in the State of Chihuahua there has been very little trouble heretofore until this last season.

By Mr. WILLIAMS :

Q. In which of those districts are the troubles the most serious?—A. The most serious troubles are in the district of the Lower Rio Grande. In the other districts the troubles are not so great. Let me read you a report from Frio County, which is signed by the sheriff of the county, justice of the peace, district judge, and 44 citizens. It is a petition to the governor of the state for protection. It says: "Seven of our citizens have been killed by a band of Indians in the most cruel and atrocious manner on October 1st, and have been interred within the last 24 hours. Since writing the above petition, 2 more men have been found dead. Since signing the above, 5 more men have been found dead, making 14." That was the result of one party of Indians who came in there in October, 1876. That is the greatest loss of life that has been suffered by any one raid. Some of these raids are made by Indians and some by Indians and Mexicans mixed. I believe that a great many Mexicans come over, spy out the land, and act as guides for the Indians in their raids.

By Mr. FORNEY :

Q. Are they generally American Mexicans?—A. No, sir; they are Mexican Mexicans. The people up there are almost a nomadic race. They frequently come over to Texas and engage as herders, where they learn everything that they want to know, and soon after they return to Mexico there is a raid made, showing a knowledge of where the stock is—the knowledge having been undoubtedly derived in that way. Up in the Chihuahua district, until these last troubles of which the newspapers have been full at San Elizario, there has been comparatively little trouble on either side of the river except such as arose from lu-

dians from our own reserves stealing and plundering on both sides of the river. The river up there is a mere line. In fact, it is for nearly the whole distance from its mouth a mere line, so far as regards facilities for crossing. For the past season it has not been running at all for 90 miles in this district which I am speaking of. The recapitulation which I have made does not include this San Elizario matter. We are getting letters constantly in regard to it. I got one from a well-known gentleman last night—a man whom I have known for many years, who lives in that country and has relations there. It is dated December 31, and it says: "The situation at present is anything but pleasant and I am fearful for the future. The country is overrun with thieves and robbers from the interior of Mexico, so that you can well understand our situation."

Q. Leaving out this San Elizario trouble, how does the general condition of the border for the last ten months, or since last spring, compare with its condition the previous year?

A. I can see no perceptible change in it.

Q. Do you think that it is as bad as it was?

A. I do not know that there have been any very large raids during the last ten months, but these large raids come in at long intervals. There was not long since a raid regularly organized on the Mexican side, in which the raiders went to the vicinity of Corpus Christi before they commenced operations, and they commenced by burning stores and robbing the people, and a prisoner who was then wounded and captured stated that there was a much larger force to come, but that they had disagreed among themselves as to the command. He also stated that they had intended to take the city of Corpus Christi, which they could have done, it being defenseless.

Q. Have there been as many cattle and horses stolen and as many people killed during that period of time as there had been previously?

A. I cannot state as to that. There have been more regular troops there, but I have had no body of troops down in that lower section of country that has been reported to me direct.

By Mr. SCHLEICHER:

Q. What is your information about the Rio Grande City raid in August last?

A. My information on that point is contained in my report. There appears to have been more than one raid in August. It is reported that a party crossed over and killed two men near Concepcion in that month, not far from where this other thing occurred. I read from my report: "Capt. N. Caldwell, Company A, reports twelve Mexicans crossed Rio Grande from Camargo, attacked Rio Grande City jail, wounded Noah Cox, county attorney, and the jailer and his wife, released Segundo Garzia, a murderer, and R. S. Espronceda, (theft), and recrossed to Camargo." That is where the jail was broken. That has been the subject of a good deal of correspondence.

Q. How many of the persons concerned in that raid were delivered up by the Mexican authorities?—A. Three of them. One of the prisoners and two others.

Q. What was done with them?—A. They were tried and sentenced to the penitentiary.

Q. You do not know anything about the rest?—A. It was reported to me time and again by Captain Hall, of the State forces, who went there immediately after that, that the principal man of the party and several others of the party were living but four miles from our side of the river,

near the city of Camargo, and that he had reliable information that he could cross there almost any night and capture them, and he would have done so had I not telegraphed to him not to do so. The matter had then been made a question under the extradition treaty, and I did not want to let one raid stand against another. It was also reported to me that the Mexican troops which were sent to the border on that occasion marched in such haste to prevent the crossing of our troops that 7 or 8 of the men were killed by sunstroke. All my correspondence indicates that there is a very hostile feeling between the Mexicans and the Gringos, as they contemptuously style us.

Q. Do you know anything about the density of settlements along the river on the Mexican side?—A. Yes, there is a pretty large population there.

Q. How is it on our side?—A. There is a larger population on the Mexican side than on our side. The town of Camargo is there and there are ranches at intervals, Cuevas, Bolsa, and several other ranches, which are apparently used to facilitate smuggling and stealing from this side of the river. The smuggling which is going on from the Zona Libre prevents our getting information, because those who are not engaged in cattle-stealing are mostly engaged in smuggling, and they do not like to inform upon each other.

By Mr. WILLIAMS:

Q. What is the general occupation of the inhabitants on the opposite side?—A. Some of them raise a few goats and cultivate small patches of corn, but I should say their general occupation is robbing and stealing. I speak now of the rural population. In the town of Matamoros the people have some trade with the interior of Mexico. Monterey is another place where there is a large market for stolen cattle. The Mexicans cultivate some land just along the bank of the river, probably enough to supply themselves with meal to make bread. Corn bread is their principal food. A person who would go to one of those Mexican ranches would find their food to consist of beef, fresh or jerked, tortillas (corn cake), red pepper, and beans, or frijolas, as they call them.

Q. Have you seen any large fields in cultivation?—A. I never saw any very extensive fields in cultivation in Mexico.

Q. Do they own horses and cattle?—A. Very few. About 150 miles farther down the river, and toward the Gulf coast, there is a section of country where mules are raised.

Adjourned.

WASHINGTON, D. C., *January 19, 1878.*

Examination of General WILLIAM STEELE continued.

Mr. SCHLEICHER. If you have any statements to make in addition to what you stated the other day in connection with the troubles upon the Mexican border, you may make them now.

The WITNESS. There is one point which I neglected to state the other day and which I regard as a fruitful cause of the troubles on the Rio Grande, and that is the uncertainty as to the border. The border was fixed immediately after the treaty of Guadalupe Hidalgo, and since then the changes have been very great from the fact of the Rio Grande changing its course. Bends of the river have been cut off and accretions made, so that what is in Mexico at one time is at another time in Texas.

By Mr. WILLIAMS:

Q. How long does it take for the river to shift its bed in that way?—A. It is sometimes done in a day. The stream is extremely tortuous,

so that often you have to go 20 miles around by the river, in order to reach a point 4 miles across. Sometimes, when the river is high, 15 or 20 miles will be cut off from one side and given to the other side. As an illustration of what I mean, I will mention the fact that the town of Mesilla in New Mexico was on the western side of the river when I was last there, but now it is on the eastern side.

Q. Does that leave the old river-bed dry?—A. It leaves the old river-bed dry, and it fills up with sand except in some places where there are little ponds and lakes.

Q. Does it leave the old river-bed so as to be easily distinguishable?—A. The closing up of the river-bed so as not to be distinguishable is the work of a good many years. The place where the battle of Resaca in Mexico was fought is an illustration of that kind. It is evidently an old bed of the river. My notes of evidence are not complete as to the robberies and depredations and murders that have been committed. I heard of others and have seen statements of others in newspapers, but I only collected those which were reported to me through the regular official channels. I am perfectly satisfied that what is there stated comes very far short of the truth, and for a considerable time I have had no reports from the Lower Rio Grande below Rio Grande City.

Q. If the Diaz government should be recognized and the order for our troops to cross in pursuit of raiders should be revoked, what do you think would be the effect of it on the border?—A. The effect of it would be to increase the robberies. We see by the Mexican papers that the government is sending troops to the border and is also sending large quantities of arms. It sent orders before to turn over to Texas authorities the men who had been engaged in making the attack on the Rio Grande City jail, but the people only laughed at these orders. The idea of the central government raising a force from these people to enforce its orders seems perfectly absurd. Only three of those criminals have been turned over to the Texas authorities, and no efforts have been made to arrest the others.

By Mr. SCHLEICHER :

Q. Do you happen to know why these three men were singled out?—A. Nothing more than the statement which has been made, that they were parties who were objectionable to the people on the other side, and that they were individually of no importance. I do not know that, however, to be a fact. The result of sending troops from time to time to the Rio Grande has been only to increase the number of thieves by desertion from the troops. The deserters cross over and come to this side of the river. It is a conceded fact that the desertions are very considerable from every body of troops that is sent to the border, and that these desertions add to this dangerous class of people. The Mexicans are extremely arrogant and ignorant. They do not get any newspapers, and do not know what is going on in the world, except as they happen to learn it from some one passing along. In the way of intelligence, they are one hundred years behind, but they have all the pride of the Spanish character and of the Indian; and, Indian-like, the revocation of the order for our troops to cross would look to them like the backing down of the United States Government, and would increase their arrogance and their disposition to insult and to raid upon us. I am certain that that would be the result. Just before I left Texas I saw a letter from a gentleman who had been over to Mexico, in which he said that he went into a restaurant on the other side, and that an officer of Mexican troops who was there got up and left the house, saying he would not eat in any place where Gringos were allowed to come.

TESTIMONY OF JOHN B. JONES.

WASHINGTON, D. C., *January 19, 1878.*

Examination of JOHN B. JONES.

By Mr. SCHLEICHER:

Question. State your official position.—Answer. I am, and have been for nearly four years, in command of a battalion of six companies of Texas State troops, under an act of the legislature for frontier defense. At first my operations were confined entirely to the Indian frontier. From the point where our settlements leave the Rio Grande and run across to the Red River, we call the Indian frontier; and from that to the mouth of the Rio Grande, we call the Mexican frontier. The extent of this Indian frontier is about four hundred miles in a straight line. At first, my operations extended from the upper waters of the Nueces to the Red River. For the first two years I was confined exclusively to that section, but about two years ago so many reports came in of Indian depredations in this country [indicating on the map] from the head of the Nueces, and down the valley of the Nueces to Dimmit County, that I felt called upon, and in duty bound, to give attention to it which I had not before given. All this region is opposite the Mexican State of Coahuila. About eighteen months ago, therefore, I stationed a company of thirty men in this country, placing it on the Nueces River, about the upper part of Uvalde County, and about forty miles northeast from Fort Clark. I think that since I sent the first company down, there has been an increase of raiding. Just before I sent it there, there was a very large raid made by a large number of Indians; the largest that had been made for a number of years before. The Indians were very successful, and took probably three hundred head of horses, and killed fourteen citizens that I know of. Soon afterward another big raid was made, but they were pursued before they got out, and since then they have adopted a different plan, and send over small parties, which have been most successful in their operations, because in this mountainous country it would be as easy to find a gang of wolves and to catch them as it would be to find and catch a body of Indians when they come in on foot. Since the last big raid was made, about twelve months ago, the raids have been all made by small parties. It is a very rough, mountainous country, and very difficult to pass through. The Indians come in from Mexico on foot and conceal themselves in the mountains until they get a good opportunity to make a strike. Then they make a strike and start for the Rio Grande, and are able to keep ahead of any troops that can be sent after them. I sent another company down there last winter and kept two companies there, but there were so many reports of raids that this winter I sent another company, and now I have three companies at this point (indicating on the map). One of them is in the southwest corner of Edwards County, forty miles northeast of Fort Clark; another is in the eastern part of Uvalde County, about sixty miles east of Fort Clark; and another is in Frio County, about seventy-five miles southeast of Fort Clark. I think that there is an absolute necessity for these three companies at those points in order to protect that country from the depredations of Indians coming from Mexico. I have taken those companies away from where I knew that there was a necessity for them and have placed them there, because I considered that there was a greater necessity for them at those points. There are only about 75 men in the three companies. If there were 50 men in each company I would feel justified in placing them all there at the expense of the State, but the appropri-

ation made by the legislature for frontier defense does not admit of any larger force being sent there.

I have a memorandum here from which I will state the raids that have been made from time to time.

In December, 1875, there was a party of Indians from Mexico seen passing out toward Little Devil's River.

In January, 1876, there was a party seen at the head of the Guadalupe River. They were attacked and one of them was wounded.

In March, 1876, there were three persons killed by Indians in Edwards County, and there were also two men attacked by them, and one of their horses killed. The Indians got away with some horses. In the same months Indians stole 13 horses from another man in Edwards County.

In April, 1876, Indians were seen on the Frio River, which is a tributary to the Nueces River. There a boy was killed, a man's horse was shot under him, the man making his escape by getting into the bush.

On the 22d of April, 1876, the Indians killed a man on Black Creek in Frio County, and stole 30 horses; and they killed Mr. Williams and a boy in the same month on the Nueces River, in Uvalde County, and stole 14 horses.

On the 21st of April, 1876, another party of Indians was in Kimball County, and stole some horses and wounded a man. In following the trail of that party a detachment of my command found on Devil's River the trail of a much larger party of Indians, supposed to consist of 30.

The 19th of that month a party of Indians was in Frio and Uvalde Counties, and took 80 horses from a citizen named Mart Woodward. On the 22d of that month the Indians killed Mr. E. Wohrman in Kinney County, took some horses from him, and took his gun and pistol, which they sold to a Dr. Cherokee, in Morales, Mexico. The gun has since been seen by parties from Texas who knew it. Dr. Cherokee, who is a half-breed, says that he knows the Indian from whom he bought the gun, and can identify him. The same party, at the same time, stole 20 horses from Kingsbury and Holmes in Uvalde County, and 30 horses from Levy English in Dimmit County.

On the 3d of May, 1876, a man named Nixon was killed at the head of Camp Wood Creek, tributary of the Nueces, and several horses were stolen by the Indians on the Frio River.

On the 1st of August the Indians stole 35 horses in Frio Cañon.

On the 9th of August there was a party of Indians on the head of Slana River, in Kimball County.

On the 3d of October there was a party of Indians in Edwards County which stole horses there.

On the 6th of September, 1876, there was a party of Indians in Kimball County who took a number of horses. In October the Indians killed 14 citizens in Uvalde, Medina, and Frio Counties, and took from those and the adjoining counties about 300 head of horses.

In December, 1876, a number of horses were stolen in Kimball and Kerr Counties; two boys were killed in Kimball County, and one man in Frio County. The raid passed through these three counties. In that raid the Indians got fifty horses in Kimball County alone. I do not know how many they got in the other counties. They were followed by my men and twelve of the horses were recovered from them.

On the 31st of December the Indians made a raid through Edwards, Uvalde, Frio, and two other counties, and carried off a number of horses. The trail was followed and forty of the horses were recovered from them, but they got away with a good many.

On the 28th of December the Indians killed a citizen named J. N.

Phillips, in Bandera County. A few days after they passed a Mexican boy about fifteen years old was picked up wandering in the mountains where the Indians had traveled, who said that he had got lost; that they had taken him in Mexico and had him with them, and that when they got pretty closely pursued in the mountains they scattered and he got lost.

In January, 1877, there were three men killed by Indians in Bandera County.

On the 25th of March Indians stole horses in Edwards County. They were pursued in the direction of Mexico and were surprised in their camp in the mountains. They made their escape, but their horses and everything they had were captured and the horses were restored to their owners.

In April the Indians were on the Nueces, in Uvalde County, and stole some horses there.

About the 1st of May Indians were followed in the direction of Mexico, when they scattered in the mountains.

On the 22d of June the Indians were again on the Nueces River, and there was a party in Kerr County (supposed to be the same party of Indians) who stole fifty horses.

About the 1st of July the Indians were in Kimball County, and were followed to the Pecos River, in the direction of Mexico. They stole some horses (the number not given) and fourteen of them were recovered from them.

In June there were thirteen Indians on the Nueces, in Edwards County. They attacked two men in a field, wounded one of them, captured their wagon and team, and took their two horses and harness. They stole nine horses from Wells, two from Chalk, and one from Box, all citizens living in the immediate vicinity.

In August, 1877, Indians killed two men near Concepcion, in Duval County, and were followed to where they crossed the Rio Grande into Mexico.

In November, 1877, the Indians stole thirty head of horses in Kimball County.

In the same month a body of Kickapoos attacked a ranch in Webb County and killed Francisco and Jesus Reyes. They made their escape back into Mexico from there. My report does not state whether they took horses.

On November 20, Indians were on the Nueces in Uvalde County, stole five horses there, killed Louis Villanueva, and stole twenty-six horses from Mrs. Hannahan. Her son, a boy of sixteen or seventeen, followed their trail into Mexico, found some of his mother's horses in possession of the Indians, who were offering them for sale in a Mexican town, either Santa Rosa or Saragossa, claimed the horses and went to the Mexican officials and demanded that the horses should be returned to him. His report is that the Mexicans fooled him around (or some such expression) until the Indians got away with the horses, and he never saw them any more. He was an American and citizen of Texas. I mention that fact because I have another instance where a different course was pursued with a Mexican citizen.

I have here another memorandum which covers the same time in some instances, but refers to different raids.

On the 15th of January, 1876, Indians stole sixty head of horses at the head of the Nueces River, or rather they passed there with them, having taken them in the interior. One of my detachments struck their trail,

but too late to overtake them. It was estimated that they had sixty horses.

In February, March, and April, 1876, Indians were on the Nueces and Frio Rivers, and in the latter month they carried off two hundred horses in one raid. They were at Camp Wood, on the Nueces, on the 15th of April, and killed a horse and shot a young man.

In July, 1877, some Mexicans murdered and robbed a man named Trimble, on the Nueces River. They were pursued to the Rio Grande and were overtaken on this side, and two of them were killed and one wounded.

Two men were killed by Indians in Webb County in November last.

In October last, the stage-driver was killed carrying the mail between the head of the Concho River and the Pecos. His mules were taken and the mail was taken. The mail-bags were cut up, and some of the letters were carried off and some were left. I am not certain whether those Indians were from Mexico or from the Tula Rosa reservation. They were traveling across the road and were going south at the time. I am inclined to think that they were from the Tula Rosa reservation, but they may have been from Mexico. Indians have been at the same place twice since. Their trails were seen, and the last time that they were there they chased the stage again and tried to catch it, but it got away from them. That was in December last.

About the 1st of January the Indians killed a man named Valdez, the stage-route agent on the upper end of the El Paso line, and a negro who was with him. I do not know whether these Indians were from Mexico or from the Tula Rosa reservation. In November last the Indians were in Kimble County and stole some horses. They stole some very near Fort Clark, from the town of Brackettville.

Indians stole some horses from a Mexican who has a ranch on this side of the river, but who lives in Mexico and is a citizen of Mexico. They stole his horses and carried them to the same place where they carried the horses stolen from the widow Calahan, whose son followed them. This Mexican followed them across and found his horses and went to the Mexican authorities and asked them to recover his horses for him. They went and took the horses from the Indians and restored them to him and he brought them back to his ranch in Texas. I mention that circumstance to show the difference between the treatment given to the Mexican citizen and that given to the American boy.

In the fall of 1876 one of my companies had a fight with some Indians, killed one, wounded one or two, and captured a Mexican boy, whom they brought in. I had him in my camp for some time. He said that he had been with these Indians two years, and that they had taken him on the Hondo, which is about forty miles west of San Antonio. He said that they lived a part of the time in Mexico and a part of the time in Texas.

In some of these raids people say that the persons engaged in them are Mexicans, not Indians. My own opinion is that sometimes Mexicans do assume the guise of Indians and do come over and commit depredations. I have never caught one of them, however; but from the information which I have, and from their movements and their routes of travel, I am very much inclined to think that that is the case, and that these Mexicans come and make Indian signs. I think that they purposely drop moccasins on the trail, and bunches of beads and arrows, to give the impression that they are Indians, while in reality they are Mexicans; but I have no doubt that in most of the instances that I have mentioned the parties were Indians—Lipans and Kickapoos.

By Mr. WILLIAMS:

Q. What is the advantage of the Indians themselves making this sign?—A. The Indians do not do it purposely. If you pick up a mocasin on their trail, it is one that has been dropped accidentally. You may take an Indian trail, and a person who is familiar with these things on the frontier can often tell what tribe the Indians belong to. The various tribes have certain habits of camping and moving which indicate what tribe they belong to. We can also determine pretty closely as to the number of horses in the party, and what horses are ridden and what driven. Then we can tell, from their camps, trails, and other signs, with tolerable accuracy how many Indians there are in the party. Sometimes we find the beds where they sleep, for they sleep like so many hogs; I mean we find their impressions on the ground where they sleep.

By Mr. SCHLEICHER:

Q. What class of horses do the Indians generally steal in that country?—A. As a general rule they get, if they can, the best horses, but of course they take them as they can get them. They generally get pretty good horses, from the fact that people out there have no horses except what they use. They do not raise horses as they do farther east. I have been a horse-raiser myself, and have had, I suppose, more than a thousand head of horses. They ranged over four or five counties, over a territory as big as some of the Eastern States; but in the Indian country that I am speaking of the people have only a few horses, which they use in hunting cattle, and these are of the best quality of horses—that we call on the frontier "using-horses."

Q. What is their average value?—A. From \$40 to \$75.

By Mr. WILLIAMS:

Q. What is the average price of the cattle which the Indians steal?—A. The stock-cattle are worth \$7 or \$8 a head, the beeves are worth \$18 a head, and the work-steers are worth \$30 a head. I suppose that the average would be from \$8 to \$15.

By Mr. SCHLEICHER:

Q. In this country that you speak of as raided by Indians, the principal stock stolen, is it horses or cattle?—A. It is principally horses, though some cattle are taken.

Q. The cattle-stealing is done lower down on the Rio Grande?—A. Yes, sir; most of it.

Q. But up here in this Indian country the rule is to steal horses, and down on the Lower Rio Grande the rule is to steal cattle?—A. There is no question about that.

Q. There are no large cattle-ranches up in this Indian country?—A. Not so large as there are lower down. To my knowledge, several of the largest cattle-ranches up there have been broken up and abandoned. The Adamases' have abandoned their ranch; they had a ranch inclosed of about forty thousand acres, and it is now abandoned, unless they have gone back there within four or five months. It is about the forks of the Nueces.

By Mr. WILLIAMS:

Q. What market is found for these horses, and to what use are the horses put?—A. My impression is that these stolen horses are offered for sale in the Mexican towns opposite. I have had information of their being offered for sale at Saragossa, Santa Rosa, and other Mexican towns on the opposite side, and that they are sold there very cheaply.

Q. What do the Mexicans use them for?—A. The Mexicans do not raise horses themselves, and they use those stolen horses which they buy for riding. The country is constantly in revolution, and a fellow going into the army must have a horse.

By Mr. SCHLEICHER:

Q. Do not the Mexicans trade in these horses and send them farther into the interior?—A. I do not know; but I do know that several years ago, when I was in Mexico, horses were taken from that region of country out toward Monterey, and farther down south, to be sold. I think the Mexican traders buy them from the Indians.

Q. The Indians, as a general thing, do not travel far into the interior of Mexico?—A. My impression is that they do not; some 75 or 80 miles.

Q. And all the farther trading in the interior is done by Mexicans themselves?—A. I think so. Good horses, that are worth in Texas \$30 or \$40, are sold in Mexico by the Indians for \$3 or \$4. I am told that there are parties in these Mexican towns who give Indians outfits to start out on expeditions, and then buy the stolen horses which they bring back.

Q. Is that known to the local authorities there?—A. I think there is no question about that. All of the instances of depredations that I have given have occurred opposite the State of Coahuila, and I have got my information from my officers who are stationed there, and from actual observation.

Q. Have you ever been in Mexico?—A. Yes, sir; I have been in Mexico a good deal.

Q. Among the Mexican population?—A. Yes; I have lived in Texas all my life. When I was a boy my father had Mexican stockmen, and since I have grown up I have had as many as twenty Mexicans employed on my ranch. I was in Mexico once for nearly a year, and I have been familiar with Mexicans all my life.

Q. Do you think that United States troops could give efficient protection to the people on this side unless they had authority to follow raiding parties over into Mexico?—A. No, sir; I do not.

By Mr. WILLIAMS:

Q. Supposing the Mexican Government were disposed to stop these Indian raids, how could it do so?—A. I do not know how. My opinion is that the Mexican people encourage these things. I think that if a force were kept on the border by the Mexican Government, it could, if disposed to do so, keep the Indians from crossing as often as they do, or could catch them when they come back, and seize the property which did not honestly belong to them.

By Mr. SCHLEICHER:

Q. Do you not think that the Mexicans that might be sent there would rather turn in and make money themselves out of these Indian raids?—A. I am satisfied that they would.

By Mr. WILLIAMS:

Q. Supposing this authority to cross the river were withdrawn, what would you advise to protect the frontier?—A. I would advise keeping a force there large enough to maintain constant scouting, and thus they would be sure to catch some of the thieving parties. They could not catch all of them, but by catching a part of them occasionally and by punishing them very severely, others might be deterred from coming. The larger parties could be broken up in that way, but not the smaller

parties. These are very hard to find. They make very little sign, and when they get ready to come back they rush at once to the river.

Q. How large a force would it require to keep up this scouting from the mouth of the river up as far as these difficulties extend?—A. I believe that three good regiments could do it.

Q. The whole length of the river?—A. Yes. If I were going to dispose of it, I would place two regiments on the Rio Grande and one on the Indian border.

Q. From the mouth of the river to the highest point on the Rio Grande is about how many miles?—A. The line on which I would keep up a constant scouting would extend for about a thousand miles, and then I would have some stations at other points on the mail-line to El Paso.

Q. How many men in numbers would all that require?—A. I should say three thousand men.

By Mr. SCHLEICHER:

Q. Do you mean three thousand for scouting?—A. Yes.

Q. And nothing for garrisons?—A. I am only speaking of my own plan of operations without reference to garrison duty.

By Mr. WILLIAMS:

Q. What is the aggregate number of men that you would think requisite to protect the whole border for a thousand miles?—A. If I were going to do it with United States troops, I would have three regiments of cavalry and a sufficient number of infantry for garrison duty.

Q. What number of infantry for garrison duty?—A. I am not competent to say, because I do not know anything about that sort of business.

Q. But you think it would require at least three thousand cavalry?—A. Yes, sir. The first six months that I was on the frontier from the head of the Nueces to Red River, I had four hundred and fifty men, and I kept them moving constantly. My orders to them were to keep on the move whether they knew anything to hunt for or not. I never wanted more than half the men in camp at any one time. My orders were to do all the work that the horses could stand, and they can stand enough to keep half of them out all the time—one party in camp and the other half in the saddle. At first some of the older men thought it a new-fangled thing to make them ride all the time. They had been in the habit of lying around in camp, playing cards and racing horses, until somebody would come and tell them that horses had been stolen. The result of my system was that for the first six months (the latter part of 1874) that I was out there my command had fifteen fights with Indians and had followed forty-eight trails besides. During that time the Indians were very bad. Some of them were from Fort Sill. I have taken blankets from them which had not been issued to them longer than a week or two. Since then, and especially since General Mackenzie has been up there, these Indians have been restrained and have not committed as many depredations as before.

By Mr. SCHLEICHER:

Q. Are your men principally frontier boys who have been raised to that sort of work?—A. Most of them are, but a good many are picked men from the interior.

Q. How many regular troops were in Texas during the time you speak of?—A. The Register showed about five regiments of infantry and cavalry.

Q. Do you think that the services of your men were necessary in

addition to the five United States regiments that were there?—A. Yes, sir.

Q. Yet you think that three regiments, without any State troops, would be sufficient in the future?—A. I believe that three regiments of cavalry would be sufficient for frontier defense in Texas, if they were operated as my men were, but of course some infantry would be required for garrison duty.

Q. How many troops do you think will be requisite in the future, without Texas keeping up a special battalion?—A. I cannot say unless you let me say how they should operate. I say that if they are kept at constant scouting, and either Mexicans or Indians come in, they will catch some of them.

Q. A smaller number than the five regiments and your battalion would probably not suffice?—A. At that time I could have employed a thousand men such as my own to great advantage on the frontier.

Q. From your knowledge of the Mexican character, what do you think would be the effect if this order for our troops to cross in pursuit of raiding parties were withdrawn?—A. I think that the raids would be worse than they have been.

By Mr. WILLIAMS:

Q. Why?—A. Because the Indians will take the chance of getting back to the Rio Grande, while they would not take the chance if they knew that they were to be pursued to their homes on the other side. I think that this system of raiding could be broken up by the Mexicans themselves, if we would hold the people there responsible. From what I know of the Mexican character, I would say that if a town is held responsible for any crime committed by its inhabitants the criminal is soon given up. I have seen examples of that in revolutions in Mexico, where, for instance, the leaders of one party escape and take refuge in a town, and the other party takes possession of the locality and demands the leaders to be given up, and they are given up.

Q. Would the public sentiment of the Mexicans on the Lower Rio Grande sustain the central government in breaking up those raids?—A. I do not think it would sustain it.

Q. What would be the effect if the central government attempted it in dead earnest?—A. I think the effect would be to create a revolution against the central government. I think that some fellow like Cortina would set up a government for himself, or support some one else that would do so.

Q. Do you think that the central government is not strong enough to prevent that?—A. I do not think it is strong enough to prevent it.

By Mr. SCHLEICHER:

Q. Have you ever known of a case where any Mexican living on the other side was punished over there for a crime committed in Texas?—A. No, sir; I have not. The United States troops on service there within the last eighteen months have been very active and very efficient under Colonel Shafter, but they have been utterly unable to stop these raiding parties. Colonel Shafter and Lieutenant Bullis and the men under Colonel Shafter's command have been very active; have pursued many parties and have overtaken some of them. They have given me information and I have given them information of raiding parties in the country.

Q. What do you know as to the El Paso troubles?—A. My information is that there were Mexicans living on the other side of the river who were encouraging the troubles on this side, and that they repeat-

edly sent messages to this side that they would come over whenever they were wanted to. My information is that they did come over there in September last, at the time that Howard and McBride and the county judge and the sheriff and one of the justices of the peace of that county were taken prisoners by the mob. I was told that there were men there from the other side of the river on duty guarding the prisoners, and that propositions were made by parties living on the other side of the river that they would come over and help the Mexicans on this side whenever they were wanted, on condition that they would make a clean sweep of everything, clear out all the Americans and take all the property, and that then they would leave that section of country and go to Sonora; but they were not willing to go into the thing unless they could get property enough to start in a new country. I know that it is a common sentiment there on both sides of the Rio Grande that Texas still belongs to Mexico. I gather that from Mexicans in interviews which I had with them myself. I met them in two of their juntas while I was out there. They say that the United States have no right to that country anyhow; that it was stolen from Mexico; that the United States never did whip Mexico, but that their leaders sold them out, and that they were ready for the fight to open again. I found the same sentiment among the Mexicans on both sides of the Rio Grande, and my opinion is that these Mexicans really look forward to the time when they are going to get that country back. They say that when the war opens again they are going to whip the United States and get that territory back. There was a Mexican on this side of the river who, I was informed, had been a lieutenant in the Mexican army and had been dismissed from the service for drunkenness. He was over here and had some men from the other side with him—perhaps about 200 men from both sides of the river. When I got there they were just in the act of taking possession of some citizens who had gone on Mr. Howard's bond, and this ex-lieutenant from the other side of the river was drilling them. They admitted that to me themselves. At first they denied that there were Mexicans from the other side of the river there, but afterward I called about fifteen of them and asked them about this ex-lieutenant, and they admitted that he was there and was drilling them. This was on the 8th of November. They are pretty well drilled. While they had Howard in custody I was told by the priest of the locality that he had gone to them to see Howard to try and get him released, and that he was challenged by a guard some distance off from the place, who called the corporal of the guard; that the corporal of the guard came and asked him some questions and passed him to another line, where they called the sergeant of the guard; that the sergeant came and asked him some questions and carried him to where the officer of the guard was called for, and that then the officer of the guard took him to an inside place, where the commandant was, and that after being examined by him the commandant went with him into the presence of the prisoners, and allowed him to have an interview with them.

Some of these Mexicans were from the other side of the river. Then, when they extorted this bond from Howard and his friends, they disbanded, and everything was quiet for a time until Judge Howard came back to El Paso. They had extorted from him a bond for \$12,000, collectible in any court in Texas or Mexico. They thought they could go into a Mexican court and get a judgment, and that it would be just as good as if it was got in a Texas court. After Howard went back there, they proposed to take the citizens who were on his bond and to hold them as hostages for the payment of the \$12,000. When I got there,

which was on the 7th or 8th of November last, they had got together and were in the act of arresting these citizens. I managed to get them to disband, and they promised me they would not do so any more. I know that some of them were Mexican citizens. I staid there for two weeks, and everything was quiet at the time I left; but about three weeks after I left, Judge Howard returned there, and then this mob raised again. Judge Howard took refuge with a small company which I had organized and had taken down there to keep down the disturbance. This company was attacked by this mob of about 300, half of whom, in my opinion, were from the other side of the river. My lieutenant informed me that after he was forced to surrender, Howard and McBride and Atkinson were taken out and shot by nine Mexicans, who were detailed for the purpose, all of whom lived on the other side of the river.

Q. Do you think that the matter was really instigated on the other side of the river, or was it mutual on both sides?—A. I think it was mutual on both sides. When I was at San Elizario, where this trouble was, I had occasion to send a Mexican, whom I had employed, over to Franklin one evening. He went across a bend of the river which brought him into Mexico, and when he came back next morning he told me that he had met a Mexican who said that he had sixty men ready to come over whenever they were wanted.

By Mr. WILLIAMS:

Q. You think that these men have no fear of punishment from the Mexican authorities for raiding on this side of the river?—A. No, sir; no fear or restraint, and I do not think they are in any danger either. The jefe politico on the other side of the river (a kind of civil and military officer) was notified repeatedly about this trouble at San Elizario, but he could not control the Mexicans on his side of the river, and if he would have done so I do not think he could have done so. My opinion is that if he had called out his militia and had seen a body of Mexicans ready to come on this side of the river, he could not have induced his men to fire upon them. I am satisfied that he could not.

TESTIMONY OF JOHN S. FORD.

WASHINGTON, D. C., *January 21, 1878.*

Examination of JOHN S. FORD, of Brownsville, Tex.

By Mr. SCHLEICHER:

Question. Do you hold any official position?—Answer. I am State senator from the twenty-ninth senatorial district of Texas.

Q. Is that a Rio Grande district?—A. It is.

Q. How long have you been living there?—A. Since 1865.

Q. Were you in what was called the Cortina war in 1859 and 1860?—A. I was.

Q. What was your position in that war?—A. I was commanding troops raised by the State of Texas.

Q. Were you under the command of General Heintzelman?—A. I reported to General Heintzelman (then Major Heintzelman) for orders.

Q. Give a brief history of that affair.—A. The war between Texas and Mexico was inherited, as it were, by the United States. It left in the masses of Mexico a feeling of hostility against the gov ent and

the people of the United States. Soon after the conclusion of that war raids were made by Mexicans upon the people of Texas. These were not formidable until 1859, when Juan N. Cortina gave them consistency and respectability in the estimation of his countrymen. He had authority to raise men for service in Mexico. He did so, and at the head of 50 or 60 followers he captured the town of Brownsville on the morning of September 28, 1859. He killed six citizens, broke open the jail of Cameron County, liberated the prisoners, and took arms and other property. The interference of General Carvajal, of the Mexican service, and of Don Miguel Tijerina, prevented Cortina from burning the place.

He defeated the citizens and a body of Mexican troops sent by General Carvajal to occupy Fort Brown. It was believed by many that the Mexican troops played false. He defeated the Texas State troops, and mutilated the corpses of the killed in a brutal and indecent manner. He fought the United States troops and Texans, commanded by Major Heintzelman, eleven miles above Brownsville, early in December, 1859. He moved up the Rio Grande on the American side, and laid waste one hundred and twenty miles of frontier. He killed citizens, plundered their property, burned houses and fences, and carried cattle, horses, and other property into Mexico. He was pursued by the regulars and rangers, and defeated, with considerable loss, at Rio Grande City, December 27, 1859. He took refuge in Mexico, reorganized his forces, and marched down the Rio Grande on the Mexican side. He camped at La Bolsa, forty or forty-five miles above Matamoros. He remained there about one month with the well known object of capturing the American steamer *Ranchero*, while on the way from Rio Grande City, with more than \$300,000 in money, and valuable property aboard.

He made the attempt to do so early in February, 1860. He fired on the boat and on the Texas troops from the Mexican side. He killed a sergeant of Captain Ford's command. The rangers crossed the Rio Grande and defeated him. The next morning the Texas troops moved down the river, on the Mexican side, in order to protect the *Ranchero* from attack. At Las Palmas they found a large body of troops in their front, which proved to be Mexican, and on their right another body, which was reported to belong to Cortina's command. During the preceding month Cortina was in constant communication with Matamoros, and nothing was done to restrain his hostile intentions; but it required one night only to march nearly a thousand men from Matamoros to confront the hated "gringos." After this there were skirmishes at La Mesa, and at one of Cortina's ranches, about twenty miles from Matamoros. Our troops crossed into Mexico, in pursuance of an order issued by General Garcia by direction of General Carvajal.

Cortina had risen from a very questionable position to be hailed as a representative man in Mexico. His hands were red with American blood. He became a popular favorite. He was promoted rapidly; was military governor of the State of Tamaulipas, and a brigadier-general in the Mexican army.

After the conclusion of the civil war in the United States, and the occupation of the valley of the Rio Grande by federal forces, the Mexican town of Bagdad was captured by the Juaristas. It is at the mouth of the Rio Grande, and the avenues of approach from up-river were controlled by the imperial troops occupying Matamoros. In order to obviate this, Juarez's troops were permitted to cross into Texas above Brownsville, to march over American territory, and to recross into Mexico in the vicinity of Bagdad. General Mejia, commanding the imperialists, set on foot a plan to recapture Bagdad. The Juaristas believed they

could not hold the place, and abandoned it. Some of them crossed into Texas, and moved up the river. A detachment, commanded by Lieutenant Ramirez, if I remember rightly, entered Sabinito ranch, killed a man or two; beat others unmercifully, and robbed the ranch, thus abusing the hospitality of the United States. Two of the party were afterward caught, tried, and sent to the Texas penitentiary for life.

About this time a clerk of Droey, Oetling & Co., of Matamoros, while on the American side, was caught and inhumanly murdered. A soldier carrying dispatches was killed, afterwards a non-commissioned officer of a Wisconsin regiment was killed, and his comrades took summary vengeance. These murders were committed by men belonging to the liberal army of Mexico. This was a fact disputed by no one.

The murder and robbery of Dr. Morse, of the United States Army, occurred not far from this time. Ebenezer Cobb, esq., was assassinated because he informed who committed the outrages at the Sabinito ranch. Witness warned him of his danger. He started to Brownsville and was pursued and killed near the town. His widow, Concepcion Cobb, filed a claim before the frontier commission and proved the killing of her husband, the robbery of his property, and the destruction of his house by her own countrymen, the Mexicans. These papers can be found in the State Department.

During 1868 witness took editorial charge of the Sentinel, a newspaper published in Brownsville, Tex. He now quotes from its columns and believes the facts stated to be true.

Saturday, December 18, 1868, the custom-house at Clarksville, Cameron County, Texas, was taken and robbed. Inspectors Hammonds and Phelps were killed. Inspector Ryan wounded. Hammonds was killed in Mrs. Clarke's bed-room. Houses of citizens were robbed. The trail made by raiders led up the Rio Grande and they crossed into Mexico. (See papers in Clarke case, now in State Department.)

Early in 1869 cattle-stealing became prevalent. The Sentinel of January 29, 1869, has a notice of the crossing of four droves into Mexico, also of the fact that 1,500 head had been crossed at Las Cuevas within four months preceding.

Same, of March 15, 1869, has notice of the crossing a drove at Agua Negra, March 5. The cattle were seized by the Mexican custom-house authorities of Reynosa. Don Juan Treviño demanded them as the property of King & Kennedy; demand refused; cattle condemned and sold for having been introduced into Mexico contrary to law, and proceeds paid into Mexican treasury, or should have been, notwithstanding the Mexican collector of customs knew the cattle had been stolen from Texas owners and driven into Mexico by thieves. (See papers in King & Kennedy's case before Mixed Commission.)

About same time a drove was crossed into Mexico, below Brownsville, by a band of ten men, armed with Sharps' rifles and six-shooters, and commanded by José Maria Martinez, a citizen of Mexico. These cattle were sold in Matamoros, Mexico.

Early in April, 1869, raiders stole cattle from Green Milsted, at the Santa Maria ranch, 27 miles above Brownsville.

About April 20, 1869, Capt. Carpio Garcia arrested Crispino Casas and Vicente Benavides, with forty head of stolen cattle. The prisoners were turned over to Judge Manchaca, and held for some time in Matamoros, but I have no recollection of their having been punished. The cattle belonged to King & Kennedy, John McAllen, and others. Captain Garcia had command of rural police, or some other local force. He has friends and interests on the Texas side.

NOTICED IN SENTINEL OF APRIL 20, 1869.

Dionisio Cardenas, butcher, of Matamoros, bought stolen cattle to feed to his hogs. He had one thousand hogs. He sold the hide for \$1 more than he paid for the beef. For a considerable length of time the meat of a beef could be bought on the Mexican side for 62½ cents. The average price of hides, \$4.50 each.

It was asserted in the Texas newspapers, and never publicly denied, that sixty beeves were slaughtered daily in Matamoros and vicinity; that forty of those beeves were stolen from Texas owners.

An estimate, made by a gentleman, published in the Sentinel of April 27, 1869, was to the effect that the towns on the Mexican side of the Rio Grande, and the large ranches in the valley of that stream, consumed yearly 86,400 beeves stolen from Texas.

The Observador and other Mexican newspapers published articles concerning the raids. Their existence was undeniable.

In May, 1869, citizens of Texas petitioned Judge Manchaca, of Matamoros, Mexico, to use his official power and his influence to stop cattle-stealing. Judge Basse, of the district court of Texas, indorsed the petition.

Sentinel of May 18, 1869, has notice of the seizure of cattle by Mexican custom-house guards. They were condemned and sold by Andres Muguerza, collector of customs, Reynosa, Mexico, on charge that they had been introduced into Mexico in violation of law. The animals belonged to Hale & Parker, King & Kenedy, and others. They were demanded by agent of owners. (See case of Hale & Parker before Mixed Commission.)

About this time Judge Basse, Major Boone, of internal-revenue department, and Mr. D. Kernaghan, reported the presence of armed bands of Mexicans in Texas, above Brownsville. One band was forty strong.

May 26, 1869, body of Frank Dupont, inspector of customs, district of Brazos Santiago, Tex., was taken from the Rio Grande. He had been killed and thrown into the river.

In August, 1869, General Ruelas, Prajedis Uribe, and Manuel Treviño recaptured twenty-four head stolen cattle at Tulosa ranch, below Brownsville. General Ruelas was an adherent of Maximilian and a refugee.

August 10, 1869, General Ruelas charged band of ten raiders; their guns missed fire, and they abandoned herd, though they had crossed part of them into Mexico. The cattle had American brands.

In latter part of this month cattle were crossed into Mexico at La Bolsa and Santa Maria; some of them bogged and were skinned alive.

Three thousand head stolen cattle were crossed into Mexico at the Cuevas ranch during this month.

In the latter part of the month General Clitz, commanding Fort Brown, &c., sent Lieutenants Vernon and Lynch with a cavalry force to scour the country and capture raiders. They were accompanied by citizens; some of the latter were authorized to act as inspectors of hides and animals and to make arrests as deputy sheriffs. Citizens recaptured sixty-six stolen cattle and eleven horses and made two prisoners. (See reports of General Clitz in War Department.) The force visited many ranches in Cameron and Hidalgo Counties. They ascertained citizens were much excited by their losses and banded together. In these operations Mexican-born stock raisers took a part. Seven or eight reputed raiders were killed.

The party sent out by General Clitz took no part in the killing, nor did they see the men who did it.

By Mr. WILLIAMS:

Q. How does the general condition of things on the border below Laredo during the last ten or twelve months compare with its condition during the three years previous to that time?—A. There is not so much stealing now as there was then, for the simple reason that there is nothing there to steal.

Adjourned.

WASHINGTON, D. C., *January 24, 1878.*

Examination of JOHN S. FORD continued.

By Mr. SCHLEICHER:

Q. What is the nature of the authority of the federal government of Mexico on that border?—A. My opinion is that the Mexican Government is not altogether powerless, but is nearly so, in those border States.

Q. And the power that we really have to deal with is the local power?—A. Yes, sir.

Q. Of what does that local power consist?—A. It consists of the government of the States and of the officers appointed by the federal government on duty there and who are men living there.

Q. Are any officers elected by the people?—A. Yes; the members of Congress and others are elected by the people, and the governor is elected by the people.

Q. How are the judges appointed?—A. Either by the governor or by the legislature, I do not recollect which.

Q. During all this time have the local authorities there made any efforts to check this raiding or to return stolen property?—A. In 1869, a judge of the district court of Matamoros, Manchaca, took a stand against cattle-stealing and endeavored to suppress it. He permitted the Americans to appoint two agents to go over there and represent the cattle interests, and Mr. Shedd and Mr. Klein were sent over from the stock association. Shedd had been lieutenant in the United States Army during the war, and Klein had been county clerk of Cameron County. Manchaca gave them authority to examine the hide-yards in Matamoros. That authority was openly resisted and the public sentiment was so opposed to anything of that kind that Manchaca was eventually forced to resign, and the agents were notified by his successor that they had better return to this side of the river. The elections in that year for the state authorities of Matamoros were carried by the friends of the raiders, and the officers who were elected were known to be favorable to raids. General Palacios, at a subsequent period, did something toward stopping cattle-raiding. He made a communication to General McCook on the subject, and he waited upon him and had a conversation, which I heard General McCook repeat. The purport of the conversation was about this: that he, Palacios, was in command of the plaza in Matamoros, but that Cortina had a sort of roving command outside, and that he, Palacios, could not control Cortina at all; that he was very anxious to stop cattle-thieving, but that it was impossible to do it while a brigadier-general of the Mexican army was there encouraging and aiding. In 1870 I waited upon General Cortina, in company with Lieutenant Burke, of the State police, and Cortina entered into an agreement with us to help in arresting men who stole cattle on this side. He assured Burke that all he had to do was to point out the cattle-thief and he, Cortina, would hang him. He did hang four men, and led us to believe that they were cattle-thieves; but we afterward ascertained that these men had been stealing on the other side, and that he hung them on the ground that it was a great offense to steal on that side

while the gringos had so much that they could get on the other side. Cortina led the stock-owners to believe that he was commanding in good faith, and he actually induced some of the most prominent cattle-owners in Texas to sign a petition to General Thomas E. Devin asking for his pardon, as he stands indicted in the State of Texas for murder, theft, robbing the mails, and other like offenses (the indictments numbering between twenty-five and thirty). It was afterward ascertained that instead of Cortina being a friend of the cattle-owners, he was the head-center of the cattle-thieves. At one time the mayor, or first alcalde, of Matamoros, issued a circular order in relation to cattle-stealing and attempted to stop it, but he did not succeed. His family have a cattle ranch on this side and the thieves had got to stealing from them.

Q. Have you anything more to state on the subject of the position of the Mexican authorities toward these raiders?—A. I may premise by saying that Mexico is in the hands of professional revolutionists. You may take up a newspaper and read of a revolution that happened some years ago, and then you may refer to papers in reference to the revolution that is, and you will see the same names figure. These men take advantage of popular outbreaks to levy forced loans and to oppress property, professedly for the good of the cause, but the most of the money goes into their own pockets. Some of them, when change of government occurs, are absorbed into the new government and get places under it, but the outsiders generally manage to pronounce as soon as the money which they have previously stolen gives out. These things affect the state governments as well as the supreme government of Mexico, and there are frequent revolutions in a State resulting from elections. These revolutions have occurred in Tamaulipas, Nuevo Leon, and different other States at different times.

Q. State something about the nature of these forced loans and what they really mean.—A. Forced loans are prohibited under the present constitution of Mexico, but they are practiced all the same. The practice is just simply this: A revolutionary leader gets possession of a town. He has got no money, and he pretends that he is obliged to have so many dollars to run his command, and that if he does not get the money he will not be responsible for the consequences. That forced loan is made up at great sacrifice. He calls for so much money, and the authorities of the town then hold a meeting and assess every man so much according to his means, and the money is made up in that way.

Q. By what means are those forced loans generally enforced?—A. By the bayonet. For instance, if a merchant refuses to pay, they take possession of his store, break it open and sell the goods. When the houses of American merchants were broken open in Matamoros, their goods were sold for almost nothing. For instance, a box of sardines, about six dozen cans, was sold for 75 cents. In Mier a forced loan was levied, and it was understood and known that in some cases they took the roof off a man's house who did not pay.

Q. Have you ever known cases where they shot men who refused to pay forced loans?—A. I have heard of a number of such cases, and I can give you the name of one man—De Leon—who was shot because he refused to loan money to a leader of the revolutionary party.

Q. What is the interpretation given on the other side to the extradition treaty?—A. The interpretation is that they are not compelled to give up any Mexican citizen under it, and that is the interpretation that seems to have been put upon it by Mr. Diaz. He does not say so in so many words, but he knows that the State authorities have refused to arrest and surrender the raiders on a demand properly made by our

extradition commissioner, and he knows that the citizens of his government have been setting on foot expeditions to murder citizens in Texas and to plunder their property; and yet when the Government of the United States, under the plain letter of international law, directs its forces to cross the Rio Grande and to break up these combinations or to arrest the raiders, Diaz issues an order to his officers to repel force by force, and he treats that action of the United States Government as a cause of war. That I consider as his interpretation of the treaty. In other words, his interpretation of it is that no matter what a man born in Mexico may do in the United States, as soon as he reaches Mexico the flag covers him and protects him.

Q. Do the local Mexican courts take cognizance of any cases of crime committed by Mexicans in Texas?—A. In a few instances—but a very few. Once in a while they take a man who has no friends and no money, and they will deliver him over.

Q. Have you ever known a case of that kind?—A. Yes; they turned over a man who was implicated in the murder of Swift and his wife. Cortina himself turned him over; but it was understood that it was for a consideration of \$2,000. Recently General Canales surrendered three of the men who were engaged in the raid on the jail of Starr County; but it was understood at Brownsville that the reason of his doing so was that it had been telegraphed there that General Álvarez had embarked at Vera Cruz with a force of 1,500 regular soldiers, and that it was his intention to compel obedience to the orders of Diaz. These troops, however, did not come. Canales surrendered the three prisoners, and General Treviño and other high officials immediately resigned, their resignations being understood to be made as a concession to public sentiment and as a protest against the order of Diaz. Immediately afterward, when the sheriff of Hidalgo County went to Matamoros for the purpose of identifying and receiving five prisoners that were held there charged with murder in Hidalgo County, the extradition commissioner refused to let him see them, and told him that the Americans had already got three prisoners and ought to be satisfied, and that if they expected any more they would have to get them in some other way. That is the last declaration that has come on that subject.

Q. What do you know about the imprisonment of Americans over there?—A. John J. Smith, formerly captain in the Union Army, was arrested in Mexico. At the time that he was arrested he was a deputy inspector of hides and animals in the county of Cameron, and he went to Matamoros for the purpose of collecting some fees from merchants on that side. He was met on the square at Matamoros, arrested, and imprisoned. It was given out that he was charged with being a spy, but as far as can be ascertained there never was any specific charge made against him, and the military commission that examined him did not succeed in eliciting any evidence. There were some affidavits taken by Casinivro Castro, the Mexican consul at Brownsville, which were exhibited on the examination, but the parties whose names were attached to them swore that they had never made such affidavits, and one of them, whose name was attached with a cross, said that he could write himself. There was an attempt afterward to indict Castro on this side for forgery. Smith, notwithstanding this, was held over two months in prison, part of the time in irons, and was treated with all sorts of indignities. This, and the fact that the United States Government did not use force to get him back, did more to lower American influence on

the Rio Grande and to injure the prestige of the United States Government than almost anything that has ever happened.

Q. Were any appeals made to the military commandants there?—A. I understood so; but the understanding was there that the act was indorsed by the commander of Fort Brown.

Q. Why?—A. He and Smith had had a misunderstanding, and I can only say what happened from being told by both parties and from having seen the thing published. It seems that a party of Mexican police came to this side of the river, accompanied by a military guard and some others from some distance above Brownsville, and went to a ranch which is claimed to be in Mexico (being cut off by the river, the river having run around and thrown this ranch over to the Mexican side) and made an arrest, brought the prisoner down on the American side and crossed him over to Matamoros during the night. The citizens of Brownsville were very much incensed about this, and held a public meeting, in which they denounced the act as kidnaping. This offended General Devin very much, and a few days afterward Smith went into Fort Brown and was ordered out by General Devin. Some words ensued, and Smith published an account of the matter, in which he probably called General Devin a simpleton, or a fool, or something like that.

Q. Were you in Brownsville when General Benavides came over from Matamoros?—A. Yes, sir.

Q. What was understood to be the cause of his leaving Matamoros?—A. It was understood that he did not feel safe in Matamoros. He had had a row with Canales and he thought he was not perfectly safe on that side, and so he came over during the night.

Q. Do you know anything about Diaz, when he started his revolution on this side at Brownsville, borrowing money for the purpose from Cortinas's family?—A. Yes, sir; I saw General Diaz in Brownsville just across the street from where I lived. I went over and talked with him a considerable length of time, and questioned him in reference to what his policy would be, in the event of his success, in regard to the raids. He promised that he would check them, and in that manner there was a communication established between us, and he told me a good many things. I know that he borrowed money from Savas Cabasas, a half-brother of General Cortina, for the purpose of organizing a force, as he said, on the other side. Cabasas lent him between \$30,000 and \$50,000. Diaz began his revolution and took Matamoros, and after he had succeeded Cabasas attempted to collect his money and found it necessary to go to the city of Mexico. He expected to be gone one month, but when I left home he had been gone three or four months. He wrote back that they were putting him off from day to day, and eventually he was arrested. Cortina himself sold his cattle and paid debts which Diaz had contracted there during the Diaz revolution.

Q. And was saved from being shot, was he not?—A. Yes, sir.

The statement was put in evidence, and is as follows:

By Mr. WILLIAMS:

Q. From what you know of the condition of things on the border, would it or would it not in your judgment be a good policy on the part of our government to recognize the Diaz government?—A. I think it would be good policy to recognize the Diaz government. I would not say to do so at present, but in the event of his being strong enough to do what he has pledged himself to do—that is to suppress raiders.

Q. What is your opinion as to his strength and ability to do it?—A. At present I do not think he could do it; but whether recognition by the United States Government would have sufficient moral effect to increase his power, I cannot say.

Q. What is your opinion on that subject?—A. It would certainly increase his power.

By Mr. FORNEY:

Q. Would not the Mexican people have more confidence in the stability of the Diaz government if our government should recognize it?—A. I think so.

Q. Then, confidence being restored, would not that give it greater power, and greater capacity to aid and assist our government in suppressing those raids?—A. That is a hard question to answer; that would involve a declaration on my part that I think those raids would be suppressed by the Mexican authorities; I think that is very doubtful; I do not think that any government in Mexico would have strength enough to suppress those raids without really applying martial law and executing the thieves engaged in them.

Q. How can these raids be suppressed?—A. By force.

Q. Suppose the two governments should unite, could it not be easily done then?—A. Yes, sir.

Q. Would not a force of 2,500 men on our side and an equal number on the Mexican side check raiding if the government went at it in earnest?—A. That requires some little explanation; the Mexican army is principally made up of men who have been impressed or taken out of jail, and consequently it is made up of the worst classes of society; you may talk of their being volunteers, but you will find a good many of them in chains; they are simply impressed; these men will desert whenever they get an opportunity; it was understood at one time, recently, that 2,500 regular Mexican troops were to be sent to the Rio Grande, and the declaration in Texas then was, "We shall have 2,500 more thieves;" these men desert and come to this side, and make the worst possible population that can be inflicted upon us; there is the danger. Then, again, I do not care on what pretext the United States troops are sent into Mexico, if they remain there any length of time they will be fired upon by the people or some armed force; the Mexicans' hate for us is so great that they will not tolerate our presence on their soil, except as enemies.

Q. Even in co-operation with their own government?—A. Even in co-operation with their own government; General Carvajal was a very popular man, but he never succeeded in anything, because they said he was a "gringado," that is, he was Americanized.

By Mr. SCHLEICHER:

Q. Do you think that there will be for some time to come any federal government in Mexico under Diaz or anybody else of which you can say that it can spare troops away from the difficulties which are constantly arising in order to send them to the frontier?—A. No, sir.

Q. Is there anything that would justify us in letting our people depend upon the protection which the Mexican Government can give against raiding?—A. No, sir.

Q. Is it not necessary to rely entirely on what we do ourselves?—A. Yes, sir; the regular army in Mexico is frequently used for the purpose of deciding elections. There was a force in Monterey not long ago, and the commander of it said in a conversation with Senator Dwyer, of San Antonio (who is himself a half Mexican), that in the event of those troops being removed from Monterey the approaching election in the State of Nuevo Leon would be against the then President; the troops are used for the purpose of keeping the revolutionary elements in a state of quiet; they are used against the States, and if President Diaz were to send 2,500 troops to the Rio Grande with the avowed purpose of aiding in suppressing raids, that would be made a cause of complaint and of probable revolution against the government.

By Mr. WILLIAMS:

Q. Then the popular opinion on that border is against the suppression of raids?—A. They would charge all over Mexico that Diaz was dictated to and controlled by the Americans, and that would be sufficient to unseat him.

By Mr. SCHLEICHER:

Q. Have you said that within the last year the raids on the Lower Rio Grande have not been so frequent or on so grand a scale as they were formerly?—A. They have not been.

Q. Before that, and during the worst time of the raids, were not the diplomatic relations between the two governments always of the friendliest kind, and was not the Mexican Government always recognized by our government?—A. Yes, sir; even at the very time of the worst raiding the Mexican Government was receiving all kinds of favors from the Government of the United States, and, as far as I know, there was the most perfect good feeling between the two governments. Very frequently there would be a raid on the Rio Grande, and the American minister at Mexico would state that he had assurances from the Mexican Government that no such thing had happened. The raids now are not so frequent as they were formerly, for the reason that there is very little left to steal. Heretofore, in traveling northward from Brownsville, you could see hundreds and thousands of cattle and a great many horses, but in September last I crossed over that country in company with Lieutenant King, of the United States

Army, and we calculated that in a distance of about 110 miles in Cameron and Nueces Counties we had not seen 30 cattle grazing.

By Mr. WILLIAMS:

Q. Supposing we postpone the recognition of the Diaz government, what, in your opinion, would be the effect of that on the stability and strength of that government?—A. I do not think it would make a great deal of difference in its stability, for the general opinion is that Diaz will not serve out his term, but will be driven out anyhow.

Q. How long is his term?—A. Not quite four years. I have taken a good deal of pains to inform myself on that subject. I recently traveled 200 miles along the Rio Grande and back on the Mexican side, and had an opportunity of ascertaining the sentiment of the Mexican people. I find that there is an undercurrent setting in against Diaz, on the ground that he is not a statesman, while Lerdo was a cunning lawyer and a statesman and astute diplomatist. They say that the United States could not pull the wool over Lerdo's eyes as they have been doing over Diaz's; that feeling exists, I understand, all over Mexico.

Q. Does that grow out of Diaz's friendliness to the United States?—A. Yes, sir.

By Mr. SCHLEICHER:

Q. Do you not think that this war talk in the Mexican newspapers and in Mexico has had the effect of strengthening Diaz and preventing a revolution?—A. Our understanding is simply this, that notwithstanding Diaz has issued that order to repel force by force, he is at heart in favor of suppressing these raids, and would do all that he can for that purpose; but that he issued that order with the view of sustaining himself with the Mexican people.

Q. I have here a statement of the Cortina raid, signed by sixteen citizens of Brownsville, two of them being Mexicans and fourteen Americans, and I see your name second on the list. Do you accept that as part of your testimony now?—A. Yes, sir.

The following is the report verified by the witness and ordered to be made part of his testimony:

REPORT OF THE PERMANENT COMMITTEE, APPOINTED AT A MEETING OF
THE CITIZENS OF BROWNSVILLE, TEX., APRIL 17, 1875.

PRELIMINARY REMARKS.

The permanent committee, to which was referred the matter of the recent misrepresentations made by Señor Mariscal, the minister of the Republic of Mexico at Washington, in regard to the Rio Grande frontier, whose correspondence on the subject we attribute to incorrect information of our true condition on his part, beg leave to report that, in order that our government may be correctly informed on the subject, it will be necessary to present a brief review of the history of the frontier from the adoption of the treaty of Guadalupe Hidalgo, and the final settlement of the Rio Grande as the co-terminous boundary between the United States and Mexico, and to give an account of all known causes of complaint that have arisen between the people inhabiting the opposite banks of the Rio Grande, which duty we shall endeavor to perform fairly, correctly, and without prejudice.

In this investigation your committee has confined itself to the territory embraced in the counties of Cameron, Duval, Encinal, Hidalgo, Starr, Webb, and Zapata, these limits being nearly 40,000 square miles in extent, with a population, according to the census of 1870, of 27,128 inhabitants, equal in area, but not in population, to the great State of Ohio. It would involve too much delay and expense to extend our inquiries beyond this section; and a more extended investigation is rendered partially unnecessary from the fact that the principal causes of complaint existing have originated within the boundaries specified and the Mexican territory adjacent on the right bank of the Rio Grande.

* * * * *

NEW OUTRAGES.

Since the report of the commissioners to Texas was made to the Secretary of State, and laid before Congress, new and startling outrages have been perpetrated, which we now proceed to notice. These new outrages sustain all the facts set forth in the foregoing portion of our report, and present new evidence of the thorough organization of the banditti operating from Mexico against this section of our country, and of the determination of the secret society, organized by Cortina in 1859, "to exterminate their

tyrants." It will be seen that this fixed resolve is being carried out with relentless ferocity. We only present for consideration that class of outrages that show combination and organization on the part of the perpetrators, originating and proceeding from Mexican territory, leaving out of view entirely those outrages or crimes to which every society is subject, many of which might be traced to the same source with those that we shall notice.

I. During the months of March and April, 1873, Alberto Garza, a notorious outlaw from Guerrero, Mexico, with a party of cattle-thieves, crossed to this side of the Rio Grande, and located himself near Piedras Pintas, in Duval County, in the neighborhood of which there are dense thickets, affording means of concealment, where he engaged regularly and systematically in killing and skinning cattle. On the 19th of April he offered two hundred hides for sale at Piedras Pintas that had just been taken from the cattle on the range. And it was not until the owners of the cattle collected in force that he retreated to Mexico.

II. On the 8th day of June, 1873, the United States custom-house or deputy collector's office, at Carrizo, in Zapata County, was robbed by a party of Mexicans.

III. On the 6th of July, 1873, Dr. J. C. Crocker was murdered and robbed by an organized band of Mexicans about fifteen miles west of Captain King's ranch, in Nueces County.

IV. On the 7th of November, 1873, the store of R. Schubert, a merchant at Concepcion, in Duval County, was entered by a party of twenty or thirty armed Mexicans, who overpowered Schubert and his clerks, and gutted his store, taking between \$2,500 and \$3,000 in money, besides arms, goods, &c., with which they recrossed into Mexico, at the ranch of Las Cuevas, in the lower edge of Starr County.

V. On November 30, 1873, Henry Grey, a son of E. N. Grey, of Concepcion, Duval County, was killed by a party of Indians and Mexicans. The same party killed, in all their raid, twenty-four men, and wounded fifteen, Mexican herdsmen in Duval and Webb Counties, and stole between seventy-five and one hundred head of horses, and scattered the sheep-stock of the country so that the owners suffered great loss. G. W. Sank, recently killed in the Corpus Christi raid by another party of Mexicans, was wounded by this party. Don Hypolito Mendiola was killed at his ranch near Laredo. This party was pursued by Captain Refugio Benavides, of Webb County, and one of them, an old Mexican, was wounded and captured. The rest fled and found refuge in Mexico, from whence they came upon this raid.

VI. On May 5, 1874, a young man by the name of Watson, traveling with two companions, was tied up with his companions and robbed by a party of armed Mexicans about twenty-five miles from Corpus Christi, Nueces County.

VII. John Albertson, traveling from Brownsville, Texas, to Corpus Christi, was, on the 3d of February, 1874, tied up with the members of his family and robbed, in the upper part of Cameron County, by a party of armed Mexicans, and his wife was subjected to the most horrible outrage by members of this band of robbers.

VIII. On May 5, 1874, a Frenchman named Martinet was tied and robbed of about \$1,800 by a party of armed Mexicans between the Olmito and Lampasitos ranches, about seventy-five miles southwest of Corpus Christi.

IX. On May 9, 1874, a party of twenty-five to thirty armed Mexicans appeared at the ranch of Peñascal, near the line of Nueces and Cameron Counties, and not very far distant from the scene of the preceding case (No. VIII), where they attacked the people, brutally murdering John F. Morton, Michael Morton, P. F. M. Coakley, and Herman Tilgner, and robbed their store of its contents. One of these raiders was afterward caught, tried, and hung at Corpus Christi. From his confession, several parties became known, and it was established that they were all Mexicans from Mexico.

X. On the 7th of June, 1874, a party of five armed Mexicans attacked the house of Mr. Thaddeus Swift, of Refugio County, and brutally murdered Mr. Swift and his wife, both of them being cut to pieces and horribly mutilated with knives, the object being robbery. For the terrible details of this tragedy we refer to the annexed affidavit of Mr. F. M. Swift. Three of the assassins were hunted down and hung by the outraged neighbors. Two of them escaped to Mexico. One of these is Juan Juarez, or Juan Flores, as he called himself. This man had claimed to be an American citizen, and had registered himself as a voter. He was arrested in Guerrero, Mexico, and a demand made for his extradition under our treaty with Mexico. He confessed his guilt with cold assurance, but claimed to be a Mexican citizen and not subject to rendition. His case was transferred to the Mexican federal court at Matamoros, where, upon his examination, he again confessed his guilt. We refer to the copy of his confession, herewith attached, taken from the record of his case. He has been finally delivered to our authorities, not in accordance with the treaty, but upon the payment of a large reward (or bribe) paid in money by the relatives and friends of the murdered Swift family.

XI. On August 2, 1874, an attempt was made by a party of marauders to murder Mr. Roach, living about thirty-five miles from San Diego, in Duval County, and to rob his store; but, being prepared for the danger, he made a successful defense.

XII. On November 3, 1874, the store of Mr. George E. Blaine, at the Los O'mos ranch, near the line of Nueces and Hidalgo Counties, was robbed by a large party of armed Mexicans, the loss being \$500 to \$600 in money, and about \$2,500 in goods. No lives were lost on this occasion, Blaine making no resistance to the robbery. The thieves had declared their intention to kill Blaine, and he was only spared by the timely arrival of a party of twelve Americans, who happened to be encamped in the vicinity, and who rushed to the rescue in time to save Blaine's life, they having been advised by a courier of what was transpiring.

THE CORPUS CHRISTI RAID.

XIII. The success that had attended the robberies of stores in the scattered out-settlements emboldened the robbers to make a more daring attempt and a more general pillage, and, on the 26th of March, 1875, began what is generally called "the Corpus Christi raid," from the fact that it was supposed that an attempt would be made by the raiders to sack Corpus Christi. We present the following brief account of the raid, taken from the Valley Times:

"From all the information we can glean from those who were present and eye-witnesses of the recent Mexican raid, we give the following:

"From Mr. Doddridge we learn that rumors of the gathering of a party were conveyed to him about a week ago, but nothing was thought of it more than that of any other idle assemblage.

"Their first overt act appears to have been the demand made upon Campbell, near Tule Lake, for horses, as narrated yesterday.

"Procuring a few animals, which were ridden by the captors without saddles or bridles, the crowd went to Page's, nine miles from Corpus. Here they made a clean sweep of everything valuable. Two ladies in the house betook themselves to the chaparral, while Mr. Page was carried off.

"The next place visited was Frank's store, at the Juan Sais ranch. There were eighteen or twenty of them here. Three or four, presenting pistols at Frank's head, demanded all his valuables. Of course, no resistance was made, Frank yielding them everything. Overhauling his stock, they took everything they wanted, exchanged their old clothes for new, and even stripped Frank to his underclothing.

"They stopped at this store for some time, supplying themselves with horses, saddles, &c., from the travelers passing either way. As soon as a vehicle or horseman would arrive, he was immediately surrounded, a score of pistols and guns leveled, and the demand for surrender made. In this manner were Mrs. Sidbury, Mrs. Savage, Miss Laura Allen, Messrs. H. A. Gilpin, Jos. Saunders, S. G. Borden, George Reynolds, Joe Howell, with Mr. W. W. Wright's team and wagon, the driver of Gilpin's team, W. A. Ball, Mr. Reynolds's little daughter, Frank Page and son, and a number of Mexican women and children captured, and all their valuables appropriated, some of the ladies having part of their clothing taken from them. The miscreants attempted to disrobe Mr. Reynolds, but one of their number interfered and prevented it by the threat of a pistol.

"It was at Frank's the first killing was done. One of the robbers asked a Mexican to join the party in their raid. He refused, when a pistol was placed to his head, the trigger pulled, and his soul sent to eternity. It was a terrible, cold-blooded deed.

"After leaving Frank's the Mexicans, driving their prisoners before them like sheep, started for the Motts. Their first effort there was against the store of Mr. Thomas Noakes, which they found closed.

"Opening the door, the first man who presented himself was shot twice by Mr. N. Immediately afterward a man named Smith, in the store at the time, rushed out the front door, was met by the party and shot down, mortally wounded. Aggravated, it is supposed, by the unexpected resistance, the store was fired. Noakes took refuge under the counter, and afterward got out of the building and into a place of safety. The destruction of his property was so complete that the calves in the pen were roasted. His loss is at least \$10,000.

"At the Motts the women prisoners were liberated and allowed to go to their homes. After staying here an hour, the party started off toward Peñitas. In the neighborhood of Mr. Hunter's house they were brought to a stop by Pat Whelan and his party of ten, who charged the devils at once. Received by a volley, in which poor Swanks lost his life, he being shot through the stomach, it was returned with vigor. Thirty-five to ten were heavy odds to fight, and, after exhausting his ammunition fruitlessly, Whelan was obliged to give up the contest and return to the Motts for ammunition and re-enforcements. Receiving those, pursuit was resumed almost immediately.

"The Mexicans had with them two wagons piled with plunder, which were on ahead under an escort. One one of them belonged to Reynolds.

"The following, to a great extent identifying the party, was received here by a lady yesterday, from Piedras Pintas, and is reliable:

"Alberto Garza passed through Piedras Pintas March 25. He shot one of Silverio

Salinas's vaqueros three times because he would not give him his horse. He was thought to have twenty-five men with him, and on his way to San Diego.'

"Friday night Mr. Lee Riggs, R. W. Archer, and two others, coming from Lagartaville, were shot at near a creek. Camping six miles this side of the place, and about fifteen miles above Nuecestown, about three o'clock in the morning, a party of between twenty and thirty armed Mexicans passed them. But for being concealed in a little hollow, suggested by the attempt spoken of, they would have undoubtedly lost their lives."

The raiders having sacked the country in the neighborhood of Corpus Christi, turned their course toward the Rio Grande. On the night of April 2 they surrounded the town of Roma, in Starr County, on the Rio Grande, and were prepared to sack that town and rob the custom-house, a deputy collector of customs being located there, but were prevented from doing so by the presence of a company of United States troops stationed at the place. They then withdrew from the place and crossed the river into Mexico in the immediate vicinity. These facts are shown by the deputy collector of customs, herewith attached.

The raid having attracted universal attention on this frontier, the Mexican authorities of Mier and Camargo, in which jurisdictions the raiders crossed into Mexico, took action in the case and arrested eight of the raiders. These prisoners were started for Matamoras, and the judge of the district court of this district was notified of the fact by the United States consul at Matamoras and advised to be prepared by the time of the arrival of the prisoners at Matamoras. Judge Dougherty immediately telegraphed to Corpus Christi to procure witnesses to identify the criminals, and was answered that plenty of witnesses would be ready to attend at Matamoras. But while the prisoners were en route to Matamoras an order was received from General Escobedo, from San Luis, Mexico, that the prisoners should be sent to Monterey, about two hundred miles into the interior, and not to Matamoras. For the particulars of these facts we refer to the letters of the United States consul to Judge Dougherty, herewith attached.

It is claimed that this order of Escobedo was issued in good faith in order to keep the prisoners from being subject on their arrival at Matamoras to the influence of Cortina, and to keep them beyond his protection. But it appears to us that this is a flimsy pretext to send them where there would be no possibility of their being confronted with the necessary testimony to convict. The allegation, however, although it may prove the punic faith of the Mexican authorities, also proves the character of Cortina with his own government.

During this raid Miss Lizzie Joy arrived at Corpus Christi from Laredo, and made affidavit that she had left Laredo on the 20th, and on the 26th saw the dead bodies of two Americans near the roadside hacked to pieces with knives, and their horses hitched near and in a famishing condition. Miss Joy was traveling with a train of carts, and the cartmen buried the dead bodies. The next day two other bodies were discovered hanging near the roadside; these latter bodies were Mexicans. As there was no other party out except the Mexican raiders upon Corpus Christi, these four additional deaths to those already recounted are attributable to them. We annex the published account and the affidavit of Miss Joy in this case.

XIV. On the 16th day of March, 1874, Vidal la Haille, a Frenchman, traveling from Corpus Christi to this place, was killed and robbed by Ricardo Flores and a party of armed Mexicans in this county, near Olmos, the line between this and Nueces County. Flores is a registered voter of this county. He was arrested, and, upon investigation before a magistrate, was committed to jail to answer for the murder before the district court, but broke jail and fled to Mexico. He is now in Matamoras, Mexico, where he has been since his escape. A requisition has been made under the treaty with Mexico for his rendition, but without success, Flores being under the all-powerful protection of General Cortina.

XV. On the 27th day of February, 1875, a party of armed Mexicans, seven in number, crossed the Rio Grande from near Reynosa, Mexico, and went to El Sauz, in Hidalgo County, where there is a post-office, and they entered the store of Mr. J. L. Fulton, the postmaster, when they made an assault upon him and his clerk, Mauricio Villanueva, a young Spaniard, in which both these parties were killed. The object was to plunder the store of Fulton; but the neighbors, having become alarmed by the shots, assembled and sent to Edinburg, about seven miles distant, for assistance, which the robbers perceiving, they fled across the Rio Grande without accomplishing their purpose of robbery. Mr. Fulton was an officer of the Thirty-sixth Regiment of United States Colored Troops, and had settled here after the close of the war. He was an industrious, law-abiding, peaceable, and useful citizen.

XVI. On the 23d day of March, 1875, Alexander Morel, a citizen of Hidalgo County, was killed by a party of Mexican cattle-thieves, from Reynosa Vieja, in Mexico, who had crossed the river to ply their vocation. The details of his death are given in the annexed letter of his brother, Victor Morel. *The body of the deceased was not found until the thieves sent word to his brother, Victor, where he would find it buried.*

XVII. On the 16th day of April, 1875, George Hill, a resident of Tio Cano ranch, in Cameron County, was killed by a party of Mexican cattle-thieves who had crossed

the Rio Grande to pursue their nefarious traffic. Hill was out hunting stock, and came upon the party unexpectedly, and was evidently killed to prevent discovery. The evening after his death the thieves crossed their plunder to Mexico, near Santa Maria, which fact came to the knowledge of and was reported by the customs inspectors stationed at Santa Maria. Mr. Hill was a hard-laboring farmer and stock-raiser, who had settled here after the close of the war, in which he served as a member of the Fourth Wisconsin Cavalry, and he has left a large and helpless family of small children, thus robbed and deprived of the protection of their father.

XVIII. On the 19th of April, 1875, a party of twelve armed Mexicans crossed the Rio Grande, from Guerrero, Mexico, and appeared at Carrizo, Zapata County, where there is a post-office, and where a deputy collector of customs and two mounted inspectors are stationed. The raiders entered the store of Dr. D. D. Lovell and murdered him in cold blood. They then robbed his store of several thousand dollars in money and goods. They then proceeded to the office of the deputy collector of customs, robbed the place of all the property in the office, except the money, which was in a large iron safe which they could not break open, but broke off the knobs, leaving it useless. The deputy-collector was absent and the inspectors fled, being two only against the twelve robbers. Dr. Lovell was the postmaster at Carrizo, and the post-office, as well as the store, was gutted of its contents. Dr. Lovell was an intelligent and enterprising citizen, who had built up a considerable trade at Carrizo, where he had settled at the close of our late war, in which he had served honorably as a volunteer in the Fourth Wisconsin Cavalry, which regiment within two days lost two of its members, Dr. Lovell and George Hill. These deaths occurring at distant points from each other, but at nearly the same period of time, prove the thorough organization and understanding between the Mexican thieves scattered all along the Mexican border of the Rio Grande. The sheriff of Zapata County, writing to Judge Ware, states the loss of Dr. Lovell at \$4,000, and that he lost \$1,000 taxes collected, that was on deposit with Dr. Lovell.

XIX. On the 1st day of December, 1874, a large party of Mexican cattle-thieves encamped near the ranch of Carlos Danache, of Cameron County, about fourteen miles from Brownsville, and they sent word to Mr. Danache, who had been active in the pursuit of these *caballeros*, that they were encamped near his place and would be pleased to see him. Mr. Danache gathered a party of friends and went to their camp next morning, but found it abandoned. And at their camp he found a Mexican hung and the dead body so badly mutilated that it could not be identified, but supposed to be some honest man who had made himself obnoxious, like Danache, to the thieves. We refer to the affidavit of Mr. Danache in this case, herewith annexed.

XX. On the 18th day of January, 1875, Albert Dean and Joseph Dunn, mounted inspectors of customs stationed at Rio Grande City, Starr County, were attacked by a party of five Mexicans, armed with Winchester carbines, who had just crossed from Mexico, and whose outfit was undergoing examination by the inspectors, and their outfit, consisting of raw-hide ropes and other paraphernalia of the cattle-thief, indicated the object of their visit. This was about two leagues below Rio Grande City.

In the same neighborhood, G. W. Lowe, another mounted inspector of customs, accompanied by Joseph Dunn, was ambushed and fired upon from the chaparral on the 22d day of April, 1875, the ball cutting through his clothing across the breast, which indicated the intention of the assassin. For particulars in these cases we submit copies of the official reports in relation thereto.

XXI. On the 26th day of January, 1875, a fight occurred between a party of United States soldiers and a party of Mexicans at the rancho Solises in Starr County, about eighteen miles below Rio Grande City, in which two soldiers and one Mexican were killed and two other Mexicans were wounded. Many versions of this affair have been published, and it has been the subject of judicial investigation before the grand jury of Starr County. Your committee confesses its inability, in the conflicting evidence, to arrive at a correct conclusion. We therefore present several of these published accounts, together with the official report of General Hatch, and annex them to our report. The newspaper articles in regard to this affair prove that there is no unjust prejudice against Mexicans on this frontier, nor any undue partiality in favor of the United States troops, which latter might be expected from the fact that these troops do give much protection to our frontier.

From the foregoing account of outrages, extending through the last two years, it will be perceived that the raids of the Mexican bandits upon this frontier have not been confined to cattle-stealing alone, but have taken a wider range and resulted in the robbery of the mercantile establishments, post-offices, and custom-houses scattered over the country and beyond the protecting guns of the garrisoned towns, and in the systematic murder of isolated Americans engaged in this region in business either as merchants, farmers, or stock-raisers; and that the fiat for "exterminating their tyrants," issued in 1859, is being carried out to its bloody consummation. As before stated, we have not recounted many murders traceable to the same hands, but have confined our relation to those acts proving organization and a common purpose.

WRONGS PERPETRATED AGAINST MEXICANS.

It is often alleged that Mexicans resident in Texas suffer great wrongs at the hands of Americans, and that they receive no protection in their persons and property in our courts. Your committee do not pretend to assert that such wrongs have not been committed against Mexicans by Americans in their individual capacity, but we do most earnestly deny that there has existed or that there could exist in this section of the State of Texas any combination or organization of citizens for such a purpose; but, on the contrary, we maintain a well-known truth when we say that the courts, federal and State, are always open and ready to redress such private and individual wrongs. The population between the Rio Grande and the Nueces, according to the census of 1870, is twenty-seven thousand, of which at least nine-tenths are of Mexican origin, and the voting population holds nearly the same ratio. The right of suffrage and the selfishness of politicians has prevented and will continue to prevent any such injustice as organized hostility to a community that controls the polls and elects our officers. A lean minority can never so oppress a preponderating majority, and the absurdity of the allegation is proven by the bare presentation of the statistics.

INVASION OF MEXICO.

And it is equally impossible for Americans of this section of the State to organize themselves into predatory bands for the purpose of invading or raiding upon our neighboring republic. The existence of such organizations would be immediately communicated to those menaced by such bands through their relatives and friends among our residents and citizens of Mexican origin. And, besides, in Mexico they have a most admirable system of rural police, the want of which in this State is one of the causes of the success of the invading bandits in their raids upon our stock-ranches. In Mexico the people are gregarious or live in villages or ranchos, and it is a very rare thing to find an isolated dwelling or household. In each of these ranches an officer is appointed, called an *encargado*, or superintendent, who has the authority of a justice of the peace, and whose duty it is to give information to the officers of the municipality, parish, or county (to use our own similar subdivision), to furnish horses to couriers, to make arrests, to call out the rural police, and to exercise a general supervision over their ranches. No predatory band, however small or however numerous, could penetrate Mexico from this side the Rio Grande without all its movements and designs being known and promptly reported, as the banks of the Rio Grande are lined with ranches from its mouth up to Laredo on both sides. The speedy arrest, trial, and punishment of any predatory band would be as certain and as prompt as the decrees of fate. Upon the subject of the organization of the rural police of Mexico we present the most incontestable and indisputable proof in a sworn statement of its organization and powers, and the impossibility of evading its vigilance, made by the present first *alcalde* of Matamoros, Señor Castillo Montero, a copy of which is hereto attached, the original being on file in the archives of the mixed commission at Washington in the case of King, Kenedy & Co. before the commission. There is another and complete refutation of any charge that Americans are guilty of raiding upon Mexican soil existing in the fact that not a single American has ever been captured in any such expedition, which, as we have shown by the description of the rural police of Mexico, would have been an inevitable consequence of any such criminal attempt.

RENDITION OF STOLEN PROPERTY.

We have already shown the justice of the legislation of Texas toward Mexicans, residents and non-residents, in securing to them the titles to their lands, and this spirit is still further shown by the laws of the State enacting that the possession of property stolen in a foreign country is a continuation of the felony and providing for the punishment of the felons. (Paschal's Annotated Digest, articles 2438, 2439, and 2453.) This act is enforced in our courts. It would make this report too voluminous to cite the records; and we present case No. 308 in the justice's precinct No. 2, Cameron County, as a sample of many others. In this case Leonidas Guerra, of Matamoros, Mexico, made an affidavit before the justice as to the loss of certain animals, upon which a search-warrant was issued, which warrant was indorsed by Hon. W. H. Russell, district judge, in order to secure its execution in any county where the property might be found, and the following is the return on the process: "Came to hand May 22, 1872, and executed same day by delivering to Leonidas Guerra 37 head of stolen property. Roswell H. Gillette, special bailiff, Bee County;" to which county Mr. Guerra had pursued his property, and where it was restored to him. The records of the United States custom-house of this port (Brownsville) prove that the federal officials are equally prompt to do justice by the delivery of stolen property when the proper claims and proofs are presented by Mexican claimants. (See annexed certificate of the

collector of customs of the port.) These official documents prove another very important fact bearing upon this discussion. They show that, in nearly every instance, the stolen property was found in the hands of Mexicans, there being but one case in which it was traced to the hands of an American, and in this case the party showed beyond question that he had purchased the stolen horse from a Mexican. The evidence is cumulative, and we might say conclusive, that Americans are not engaged in this nefarious traffic, but that Mexicans alone have been proven to be guilty. This class of thieves steal from both sides of the river with rigid impartiality.

The courts of Mexico are practically closed in this respect to our citizens, although Mexico has the same laws in regard to the continuation of a felony that exist on our own statute-books. Their laws are good, but we assert, upon the unvaried fate of all attempts to reclaim stolen property in that country, that the laws are not only not executed, but that they are intentionally and habitually violated and disregarded. This question, however, was fully investigated by the United States commissioners to Texas, and reported upon by them (see report, pp. 6 and 7), and we do not, therefore, consider it necessary to enter upon the details of the many cases that might be cited, as such a course would only be cumulative upon a subject sufficiently investigated officially by our commissioners to Texas, upon whose report and the accompanying evidence we rely for the correctness of our statement of the facts.

POPULATION BETWEEN THE NUECES AND RIO GRANDE.

As heretofore stated, the great mass of the population between the Nueces and the Rio Grande is composed of people of Mexican origin, the proportion of this class to all others being quite nine to one, or nine-tenths of the whole number of inhabitants. According to the census of 1870, pages 321, 322, sixteen thousand four hundred and seventy-eight of the twenty-seven thousand enumerated are foreign-born, all of them except say the odd hundreds being of Mexican birth; eighteen thousand three hundred and ninety-eight are children of parents, both of whom are of foreign birth; over nineteen thousand are children of a foreign father, and over nine thousand of a foreign mother. The white or American inhabitants certainly do not exceed three thousand in number in all this region.

This fact is one of the causes of our troubles. The Spanish is the usual language of this frontier. Few or no schools exist outside of our towns, and but a limited number even in the towns, and our few American people learn the language usually spoken, while the mass of our population speak their mother-tongue, very few of them learning to speak or use English. The result is that this people generally have retained their ancient manners, customs, and traditions, and continue their intercourse with the people from whom they sprang, with whom their relations are more intimate than with the people of this State to whom they have become territorially and politically attached. The natural prejudices of race and class that exist among all peoples of different nationalities add to the complications of such a condition of affairs, and prevent, to a certain extent, the proper and prompt execution of the laws, which, from the great extent of our counties, and the sparseness of our population outside of the line of river-ranches, could not be enforced with vigor even under more favorable circumstances. It is a general and notorious complaint on the part of our officers of justice that our population of Mexican origin are not prompt to give information against raiders and cattle-thieves, and that they are reluctant to testify in the courts against them, and that, when questioned on the subject, they too often reply with their expressive shrug of the shoulders, and the inevitable *quien sabe* with which they avoid direct testimony.

In justice to our preponderating population of Mexican origin we cheerfully bear testimony that the great majority of them are honest, industrious, and laborious people, and they own a greater part of the soil in this section of the State, upon which they graze thousands upon thousands of head of stock—cattle, horses, mules, and sheep, and they suffer very greatly from the operations of the cattle-thieves. To a stranger to our frontier, their failure to prosecute the cattle-thieves and to testify willingly against them would appear very extraordinary, but not so to any one acquainted with the actual condition of affairs. These people were educated amid the chronic revolutions of their mother-country, where they learned the lesson of submission to the law of force, and, for the reasons already given, they have never become sufficiently familiarized with our different system of government to throw off their dread of armed force; hence the armed bandits who depredate upon them as well as their American-born neighbors are regarded with such terror that our Mexican-born rancheros are actually afraid to perform their duties as good citizens by exposing and punishing them; nor is this fear confined to this class of our population, but extends very generally among our stock-raisers, American as well as Mexican born, all being more or less subject to the reign of terror brought about by the force of arms and the fear of assassination.

There is another fact which adds greatly to the difficulties of dealing with the cattle-

thieves. Many of them have located on this side of the Rio Grande, squatting upon any public domain they may find vacant, and even upon private land, where they build a temporary shelter of sticks and mud (*jacales*), hardly sufficient to protect them from the rain and the sunshine, and are by their locality the better able to give aid and information to their confederates in crime on the other side of the Rio Grande. There is a considerable number of these squatters hid away among the live-oaks, called the *Encinal*, about midway between the Nueces and Rio Grande, this encinal region being a sandy ridge where water is easily obtainable, and where the squatters are protected by the *encinos*, or live-oaks, from which it obtains its name. After the recent Corpus Christi raid, some Americans of Nueces County banded together to avenge the wrongs of their neighbors, and it was against these squatters that they directed their vengeance, the land-owning Mexicans and known rancheros having been left undisturbed at their ranches.

There is also another and a serious evil with which we are afflicted. By the provisions of our State constitution every male person who shall have declared his intention to become a citizen of the United States and who shall have resided in the State one year is entitled to register as a voter. Many of the squatters, heretofore described, make this declaration of intention in order to make entry of land as a settler and to register as voters, whereby they manage to secure a certain degree of impunity by placing themselves under the protection of politicians, who are called upon to defend them in the courts, by which service the aid of these characters is secured in our elections. This evil is a very grave one, for the Mexicans who make these declarations of intention to become citizens are very generally of that class who spell their middle names with an X, and very few of them have, as yet, gone beyond taking this primary oath, and the invariable rule with them, when they commit a crime, is to fly to Mexico and claim exemption from the provisions of the treaty of extradition on the ground that they are not citizens of the United States but are Mexicans. Advantage has been taken of these notorious facts by the authorities of Mexico to charge that the cattle-thieves are American citizens; whereas the truth is that they are not citizens of this country and never likely to become such, but nomads, living on one or the other bank of the Rio Grande, having no fixed residence, but changing their locality as may become necessary to ply successfully their vocations, and Mexicans in all things and always.

The abuses to which this interpolated provision of our constitution (for it is not in the article fixing the right of suffrage) is subject is well illustrated in the case of a Mexican of intelligence and of a higher class than the cross-mark patriots under review. Mr. Castillo Montero, the present first alcalde of the heroic, loyal, and unconquered city of Matamoros, under the ayuntamiento of which General Cortina is president, got up a little revolution some years ago at Tusan, near Tampico, in which he shot one of his neighbors, who was the alcalde of Tusan, the scene of the revolution, but the revolutionary attempt came to grief and Montero fled to this city for safety. The people of Tampico and Tusan stupidly regarded the revolutionary execution of the alcalde as murder, and Montero was regularly indicted for that crime, under which a demand for his rendition under our extradition treaty was being prepared, which Montero avoided by declaring his intention to become a citizen of the United States in the United States district court for the eastern district of Texas. Afterward, through the influence and under the protection of Cortina, he returned to Matamoros, and is now the first alcalde of that city, notwithstanding the indictment pending against him. A lawyer of that city (Mr. Valdes) recently published the facts of this case to prove that Montero was not eligible to the office he held, having abjured his allegiance to Mexico and sworn allegiance to the United States, when Montero acknowledged that the oath of intention was simply taken to avoid arrest, and not with any intention of renouncing his allegiance to Mexico or of becoming a citizen of the United States, thus confessing his fraudulent intent. Mr. Valdes was sued by Montero for libel, tried before an associate alcalde, fined \$2,000, and convicted and sentenced to two years' imprisonment for his publication. This case is cited to show the abuses to which our liberal naturalization laws are subject on this frontier by Mexicans who may wish to profit by a quasi citizenship of this country; and at the same time it is an illustration of the beauties of Mexican justice as administered under the *régime* of General Cortina.

RETALIATIONS.

As we have stated above, the recent raid of Mexican banditti near Corpus Christi brought about a retaliatory raid on the part of a few unthinking Americans living near the Nueces River. These men came down to the Encinal country among the squatter Mexicans, and found them, it is said, with stolen hides buried in their yards or concealed about their premises, when they burned down the jacales and killed some three men, according to the best information we can gather. There is no defense for such lawless acts. The guilty parties should have been arrested, not murdered, and turned over to the proper authorities for trial and legal punishment. But this Ameri-

can raid was soon squelched by Captain McNally, of the State troops, who opportunely arrived and published an order disbanding all unauthorized organizations, which order was promptly obeyed, as it was well known that it would be duly enforced. We fear that such illegal and retaliatory organizations will add to our troubles, and it is to prevent them, as well as to prevent raids of armed bandits from Mexico, that we earnestly call the attention of the government to the condition of this frontier. Unless the government gives the people protection, they will be compelled to protect themselves or to abandon the country. To show the extent of the danger and the alarm of our people we refer to the annexed proposition, headed "To the rescue," in which certain citizens of Nueces County propose to keep under their individual pay a company of volunteers to protect themselves from the cattle-thieves. The amounts they subscribe for the monthly pay of such a company is sufficient evidence of the losses to which they have been subjected and of the danger with which they are menaced by the bandits, while it at the same time illustrates the general condition of this frontier.

COMPLICITY OF MEXICAN OFFICIALS WITH THE CATTLE-THIEVES.

1. In the year 1866 or 1867, Messrs. Hale & Parker, stock-raisers in Hidalgo County, lost about ninety head of beef-cattle that were traced to Mexico and found in the possession of Andres Muguerza, collector of customs at Reynosa. Angel de la Vega, agent of the owners, claimed the cattle and proved that they had been stolen from Texas and crossed into Mexico against the will of the owners, but Muguerza refused to deliver them on the ground that they had been introduced into Mexico without a permit. A part of the beeves were sold by the collector and the rest were turned over, as rations, to the troops stationed at that place. The action of this Mexican collector and his construction of the law contrast not very favorably with the course of the American collectors toward Mexican claimants in similar cases. For evidence of the action of Collector Muguerza, we cite the affidavit of the agent, Vega, on file in the case of Hale & Parker vs. Mexico, No. 548, before the Mixed Commission at Washington.

2. In the year 1866, John McAllen, another agent of Messrs. Hale & Parker, went to Matamoros to reclaim another lot of stolen cattle, and, instead of accomplishing his purpose, was arrested and imprisoned by the alcalde of that city, and insulted in the grossest manner. For the particulars of this case we refer to a copy of the affidavit of Mr. McAllen, who is one of our most worthy citizens, the copy being hereto annexed, the original being on file in the above-cited case before the Mixed Commission.

3. In the month of July, 1874, Anastacio Cavazos, a resident citizen and stock-raiser of Cameron County, lost the greater portion of his stock, amounting to about one thousand head, which were stolen by armed bands of Mexicans, and openly sold in the market of Matamoros. In one instance he recovered fifteen dollars for twelve beeves that had been thus stolen from him and there sold, the amount being about the average price of single beef. While engaged in recovering this pitiful sum, the thieves crossed over again and drove off nearly his whole herd. For the full particulars of his case we refer to his affidavit herewith filed.

4. About the 1st of June, 1875, a Spanish steamer appeared off the mouth of the Rio Grande for a cargo of cattle for the Cuban market, to be delivered under a contract with General Cortina, who, shortly after the landing of the steamer, appeared at Bagdad with a body-guard of some seventy-five armed men. Only about half of the five hundred head necessary to complete the cargo were ready for delivery. Mr. Hall, first sergeant of Captain McNally's company of State troops, which company had reached this vicinity but a few days before, was sent aboard the lighter, an American vessel that was to take beeves out to the steamer, and he was charged to ascertain the brands of the cattle shipped by Cortina, and he found sixteen different American brands in the lot that he recognized, noted down, and reported. An inspector of customs of this port was also aboard the lighter on the 2d of June, while she was taking on cattle on the Mexican bank of the Rio Grande, and he recognized the following persons among the guard of Cortina, to wit:

Pancho Lopez, Guadalupe Espinosa, Rafael Salinas, Telesforo Dias, and José Maria Olguin, alias *El Aguja*. On Saturday, the 12th day of June, Captain McNally had a fight with a band of cattle-thieves near the old battle-field of Palo Alto, about twelve miles from Brownsville, and about the same distance from the mouth of the Rio Grande, in which he killed eleven of the thieves, wounded three others, and recaptured from them 253 head of stolen beeves, of various American brands, that the thieves were driving in the direction of the mouth of the Rio Grande; and, from the fact that Pancho Lopez, Guadalupe Espinosa, and Rafael Salinas were killed, and José Maria Olguin, alias *El Aguja*, was wounded in this action, and that they had been recognized with Cortina during the delivery of his contract, which was short the amount of the stolen herd, the evidence is irresistible that the thieves were sent over by Cortina to steal the necessary number of cattle to complete his contract. One of the thieves killed by McNally was one Jack Ellis, who had been sentenced to the penitentiary in

Nueces County, but had escaped jail with another of the band, Camilo Lerma, a notorious murderer, both of whom have been residing since their escape at Matamoros under the ægis of General Cortina. We annex certificate as to the identity of the thieves by the inspector of customs on June 2, and also newspaper accounts of the fight of Captain McNally with the thieves, to which we refer for particulars. On the 12th day of June the body of William F. McMahan, a peaceable schoolmaster, who had left Brownsville to go to the Jarra ranch, about sixty miles north of this place, to teach school, was found horribly mutilated, the head, arms, and legs being severed from the body and scattered over the prairie. It is not doubted that the band of thieves destroyed by McNally committed this horrible outrage, as the clothes of Mahan were recognized upon one of the dead thieves brought to Brownsville for identification and interment.

RÉSUMÉ OF THE EVIDENCE.

From the incontestable facts presented in the foregoing report, there can remain no doubt that the crimes of cattle-stealing, robbery, murder, and arson are committed to a fearful extent throughout the region of country included in our investigations, as well as in many other counties not included; there can exist no doubt that the thieves are almost exclusively Mexicans, having their organization and headquarters in Mexico; there is not a particle of doubt that vast numbers of stolen cattle are driven from Texas to Mexico for sale and consumption; and, from the extent of this traffic, and the open, public, and notorious disposition of stolen cattle in Mexico, there can be no doubt that the Mexican authorities are cognizant of the facts, and that many of them are in complicity with the cattle-thieves.

CONCLUSION.

We have in the foregoing report referred as briefly as possible to the condition of our frontier, and have cited the principal causes of our troubles. There are many points that might have been mentioned, many others dwelt upon with greater detail, but these have been omitted in order that our report might not become so voluminous as to weary. In conclusion, we would call the attention of the government to the reports of the military officers on this frontier, which, we are satisfied, will bear out the conclusions at which we have arrived.

And, finally, we may add, that it is to the interest of our government and people, especially of the people of this frontier, to preserve amicable relations with the government and people of the neighboring republic of Mexico. We have a large trade passing through this frontier with that country, and our commerce, as well as our local industry in stock-raising, has been seriously injured by the continued disorders with which we have been afflicted. It is to the interest of the manufacturers, the merchants, and the ship-owners of the North, as well as that of the herdsmen and merchants of our own locality, that this question should be speedily settled, and we believe that it can only be settled by the strong arm of our own government, which we invoke to act with promptness and vigor.

J. L. HAYNES.
JOHN S. FORD.
WILLIAM NEALE.
G. M. RAPHAEL.
F. J. PARKER.
WM. KELLY.
A. GLAVECKE.
M. TREVINO GARZA.
EDWARD DOWNEY.
J. GALVON.
J. L. PUTEGNAT.
R. B. KINGSBURY.
H. S. ROCK.
J. G. BROWNE.
F. YTURRIA.
GEORGE WILLMAN.

The following are the reports presented by the witness, and ordered to be attached to his testimony:

REPORT OF THE ADJUTANT-GENERAL.

ADJUTANT-GENERAL'S OFFICE,
August 31, 1875.

SIR: I have the honor to submit the following synopsis of the duties of my office: This office is required by the same law of Congress which defines the liability to

militia duty. The State law adds all of the duties which usually pertain to the quartermaster-general, inspector-general, commissary-general, and paymaster-general. These duties, as far as they have reference to the militia proper, consist of the organization of seventeen companies of uniformed volunteers.

The whole militia of the State has never been organized, owing to the want of an appropriation to pay the expenses of enrollment. But the State is peculiarly situated, with a foreign boundary of 1,500 miles, badly protected by the United States from foreign banditti, and with a frontier on which have been colonized many tribes of savages, it has become a matter of necessity that the State should maintain a defensive attitude along a line of over 2,000 miles. Whilst this expenditure does not properly belong to the State, yet, in the failure of other protection, it is the duty and interest of the State to give protection to its people.

The result of the operations of the State troops, during the past year and a half, shows it to be to their interest. Indian incursions have been met by the State troops and severely punished, which has resulted in a feeling of security along the Indian border that is fast settling up that rich and beautiful portion of our State.

The organization of the frontier forces, scattered as they are from the mouth of the Rio Grande to El Paso, and along the line of settlements from the Nueces to the Red River; the furnishing them with arms, ammunition, forage, and provisions, with the necessary scrutiny of accounts and the payment of approved vouchers, has made this office no sinecure.

In addition to the duties arising out of the present laws, there has been a mass of work under the head of deficiencies. When the fourteenth legislature met, seven companies of rangers and twenty companies of minute-men were in the field—the seven companies called out by Governor Davis; the minute-companies acting under law. All these companies had rolls and accounts that required a very careful criticism.

The appropriations have been as follows:

FIRST SESSION OF THE FOURTEENTH LEGISLATURE.

Frontier protection	\$300,000 00
Deficiencies	150,000 00
Salaries, rent of store-room, store-keeper, stationery, &c	5,300 00
Collection of arms	1,000 00

SECOND SESSION OF THE FOURTEENTH LEGISLATURE.

L. H. McNelly's and Galveston companies	\$17,403 00
Deficiencies	00 00
Frontier protection	150,000 00
Salaries, wood, stationery, &c	4,700 00

Two last items not yet expended.

The vouchers under all these heads have been examined and passed, and reduced or rejected, in the adjutant-general's office.

There is another duty that *should* attach to the office of the adjutant-general, which is the collection, arrangement, and care of the military records of the State. These records are rich in elements that rival the imagination of writers of fiction; yet there is no one authorized to collect; no place where they can be securely kept. Our people should be proud of our history; yet it perishes yearly for the want of the small means that would preserve and arrange it for the future historian.

I add a statement of uniformed volunteer militia companies, which is the only organized militia of the State, and which the experience of many States has made the element to be cherished and provided for.

As a result of the civil war, which desolated the South during the last decade, there has been left a large number of young men, who, having become habituated to bloodshed and living upon the property of others, have continued their life of reprisals since the war ended; and as they have been driven from more populous countries, have frequently congregated in sufficient numbers to overawe the civil authorities on our extreme and sparsely populated frontier, from which they have an easy escape to Mexico whenever combinations are too strong for them.

The frontier battalion, having the powers of peace-officers, have been efficient in arresting and dispersing these outlaws. The frontier counties, from the mouth of the Rio Grande to the Red River, near Denison, may be considered as in a chronic state of invasion from Indians and these perambulating gangs of outlaws. The citizens of these counties, recognizing their inability to sustain the laws by the usual modes, are continually making application for assistance of a military character.

Upon this office, also, has devolved the receipt and distribution of arms and munitions accorded by law of the United States to the amount of \$28,246, during the last eighteen months, and the care of artillery and other arms previously issued by the general gov-

ernment, or paid for by the State, amounting to \$74,350.66. It also devolves upon this office to make returns to the United States, as required by law, of militia and ordnance.

Respectfully, your obedient servant,

WM. STEELE,
Adjutant-General.

To his Excellency RICHARD COKE,
Governor of the State of Texas.

APPENDIX A.—Killed, captured, &c., by State troops.

Killed.—24 Indians, 12 Mexican thieves, 3 outlaws (white), 3 enemies' horses.

Wounded and escaped.—8 Indians, 1 Mexican thief, 1 outlaw (J. Hardin).

Recovered.—1 white boy, 1,915* head of cattle, and one Mexican boy.

Captured, and turned over to civil authorities.—29 thieves and outlaws, 2 Indians.

APPENDIX B.—Uniformed volunteer militia.

	Name of company.	Where formed.	Commanded by—
1	Galveston Artillery Company	Galveston.....	Capt. M. F. Mott.
2	Washington Guards .....	...do	Capt. — Kelly.
3	Lone Star Rifles .....	...do	Capt. N. Weeks.
4	Travis Rifles	Austin.....	Capt. A. S. Roberts.
5	Capitol Guards .....	...do	Capt. James Jackson.
6	Austin Rifles .....	...do	Capt. George Tearwood.
7	Light Guards	Houston.....	Capt. J. R. Coffin.
8	Alamo Rifles	San Antonio	Capt. H. B. Adams.
9	Coke Guards .....	...do	In process of formation.
10	Comanche Guards	Comanche	Capt. J. N. Wright.
11	Bass Greys	Marshall.....	Capt. F. S. Bass.
12	Waco Greys	Waco.....	Capt. R. S. Ross.
13	Lamar Rifles	Dallas.....	Capt. J. G. Eblin.
14	Stonewall Greys .....	...do	Capt. E. G. Bower.
15	Star Riflemen	Corpus Christi	Capt. S. T. Foster.
16	Smith County Guards	Tyler.....	Capt. Bryan Marsh.
17	Washington County Volunteer Militia Comp'y	On Rio Grande	Capt. L. H. McNelly.
18	Palestine Riflemen	Palestine	Capt. H. J. Hunter.

AFFAIRS ON THE RIO GRANDE.

ADJUTANT-GENERAL'S OFFICE,
Austin, July 1, 1875.

SIR: I have the honor to submit the following report of a tour of observation in the southwestern portion of the State, made in obedience to your instructions.

Proceeding to San Antonio, I was joined by Hon. J. E. Dwyer, in response to the request of your excellency, and it is due to him to say that through his intimate knowledge of the language, together with the standing which his father had when living, and having business relations with Mexico, opened sources of information that would have been otherwise inaccessible.

The first subject of investigation was the robbery and burning of stores, and robbery of individuals in Nueces County. Passing over the scene of that outrage, we conversed with Mr. Noakes (whose store had been burned) and his wife; Mr. Franks (whose store was robbed), and Mr. Borden, who was robbed on the road, and who gathered a party and pursued until the trace was lost by the division of the party into small bands, going in the direction of the Rio Grande. From these and other witnesses the fact is apparent that the raiding-party was composed entirely of Mexicans, who were not recognized by any of the many residents of Nueces County who came in contact with them as being residents of that part of the State. One of the raiders having been wounded and abandoned by his comrades when closely pursued, was carried into Corpus Christi, and, to their shame be it said, hung by citizens of that place without the excuse, which is sometimes held to excuse such action, of danger of rescue or escape. The statement of this man, as made to the sheriff, is stated by him in substance: That he was a citizen of Victoria, Mexico, where he had married; that he had worked in Brownsville, and on a rancho not far from King's; that his family was now living near Matamoros; that the party was organized in Mexico, at the Bolso, from

* A larger number is officially known to have been recovered, but number of heads was not stated in the reports.

which point they traveled in small parties, and at night, to a rendezvous about twenty miles from where they commenced their operations. There they were joined by another party with fresh horses. From this point they moved into some timber, where they remained several days. They expected an accession to their force, which, not receiving, they commenced operations. He further stated that, when he was enlisted, it was stated that robbery was the object, and that no one was to be hurt, which might have been carried out if Noakes had not resisted and shot one of their number; in retaliation for which a Mr. Smith, who was at Noakes's, was badly shot, and the store burned.

Many citizens were stopped on the highway and robbed, but not injured, except by the fatigue of a forced march with their captors. Our further investigation on the Rio Grande shows that a small party of the raiders were arrested at Camargo, Mexico, and sent into the interior of Mexico, a force of cavalry having been sent to take them to Monterey, Cortina, in the meantime, having ordered them sent to Matamoros.

The preparations for this raid were known to many in Mexico, a letter announcing it having been sent to General Escobedo, which, it is stated, did not reach him until the raid took place. Information was also sent by Mr. Avery, at Camargo, to General Ed. Hatch, at Ringgold Barracks, that something of the kind was on foot. There is no question but that the expedition was intended to have been of larger proportions, and that Corpus Christi was their objective point. But dissensions amongst themselves reduced their numbers so much that they dared not attack so large a place.

Soon after the raid of Mexicans in Nueces County, some raids occurred of a different character. Bands of Americans went to a place called La Para, where a store was burned and several persons killed. This was incited partly for revenge on Mexicans, and partly to suppress the killing of cattle for their hides.

There is a considerable element in the country bordering on the Nueces and west, that think the killing of a Mexican no crime, and the effect has been to stop, for a considerable extent, the trade between Laredo and Corpus Christi.

The killing of cattle for their hides has had much to do with the unfortunate condition of Nueces and adjoining counties, and some of the merchants of Corpus Christi are much to blame for their encouragement of this illegal traffic. I consider it abundantly proved that small stores and peddlers have been started in trade by these merchants in localities where there could be no legitimate business, and returns have been made in stolen hides, which have been shipped in various directions as would best avoid detection.

Your excellency will doubtless recollect that a company of minute-men was formed under the law of the first session of the fourteenth legislature for Nueces County, and of which Warren Wallace was captain. This company was fortunately kept in service but three months; for, in passing through the country, I have arrived at the conclusion that the organization of this company only had the effect to give a semblance of authority to an armed mob. Captain Wallace appears to have exercised no control over the blood-thirsty instincts of many of his company. The experience with this company only strengthens the conviction I have long held, of the impropriety of organizing a local force wherever there is a question of local interest involved. Proceeding from the Nueces to the Rio Grande, the population changes from an English-speaking one to one where the great majority do not understand that language, so that outside of the cities any one not knowing something of the Spanish language would have difficulty in making his wants known, even for the necessities of life. This population has little knowledge of the customs of the American people, and none of the laws which are supposed to govern; the result of which is that county officers in some of the counties bordering on the Rio Grande have little qualifications, except that of being able to read the laws and talk Mexican. And where a very large preponderance of Mexican votes have elected one of themselves to the office of justice of the peace, or other office, he is at the mercy (as one of them told me) of some one who could interpret for him, and he said he did not feel altogether responsible for documents in English which he had signed; and these counties, while having a population ostensibly of Texas citizens, are under control of influences from the other side of the Rio Grande. Their citizenship sits lightly upon them. They look more toward the city of Mexico than to the city of Washington. The language of the country for one hundred miles from the Rio Grande being Spanish, and a large number of the inhabitants owing allegiance to Mexico, gives greater facilities to the parties of cattle-thieves in their operations.

The thieves and cut-throats who have collected on the border think the killing of a Texan something to be proud of, and they will kill any one, even of their own nationality, should he happen to encounter them with stolen cattle, unless they have confidence in his discretion. Many have been killed for no other reason than that they knew too much. The result is that the many good citizens of Texas of Mexican origin, feeling that they are unprotected and at the mercy of the thieves that they may offend, will not willingly give information. But, with all these advantages, cattle-stealing could be in a great measure stopped if there was not a safe asylum for cattle-thieves and their plunder as soon as the line of the Rio Grande was passed.

I have heard of no instance in which parties from Texas have met with real aid from the Mexican authorities. On the contrary, it appears as if every possible obstacle was interposed by officials to the recovery of stolen animals or other property. Even in the case where some of the raiders into Nueces County were arrested in Camargo an opportunity to view the property found upon them was refused to Mr. Avery, acting in behalf of the United States consul at Matamoros. Probably the officials at Camargo were afraid of General J. N. Cortina, whose autocratic power extends to and includes that town. His complicity with the thieves and participation in the profits of cattle-stealing is confirmed by the fact that a Spanish steamer was, during my stay in Brownsville, loading with cattle contracted by Cortina himself, and these cattle were examined and found to consist mostly of cattle stolen from Texas.

Cortina is the recognized head and protector of all of the cattle-thieves and murderers from Camargo to the mouth of the Rio Grande. He takes them from the hands of any officer who is bold enough to arrest them. They, in turn, support him against all powers that may be brought against him. It is impossible to conceive, without having heard from many and undeniable sources on both sides of the line of Mexico and Texas, of the extent of the power of this great robber chief. It is a well-known fact that not only Cortina himself, but even his mistress, gives orders to judges as to their decisions in cases, either civil or criminal, and such orders are obeyed. His armed adherents are said to number over two thousand. He has around him most of the time seventy or eighty of his trusted men. The police of Matamoros, of which city he is mayor, is composed entirely of ruffians ready at any moment to commit murder or any other crime at his bidding.

There is no prospect of a cessation of the raids into Texas until this man is removed entirely from our frontier, and a better disposition is manifested in arresting thieves, and restoring stolen property, by the Mexican civil officers near the line.

It has been claimed that horses and mules have been stolen in Mexico and brought to Texas for sale, but I have not learned of one instance where the name of the thief did not indicate a Mexican origin; and whenever the thieves have been pursued, every facility has been given to recover the stolen property.

But there is a feature in these claims of stolen property from Mexico that deserves attention. Along the line of the river the United States revenue department has mounted inspectors, who have frequently detected droves of horses or mules trying to enter the United States without the payment of duties. Invariably, in such cases, the claim is set up of "stolen animals." So uniformly is this action taken, that the conviction is forced upon me that a previous agreement exists, by which the claim of "stolen property" is to be set up in case of failure to evade the custom-house officers. In traveling through the country between the Nueces and Rio Grande, I heard no talk of robberies from Mexico, other than in the cases mentioned above; whilst at every place I heard of stolen cattle driven towards Mexico, and such concurrent testimony as to lead to the conclusion that cattle-stealing is going on almost daily, and has been since the close of the confederate war, to the extent that there is not now ten per cent. of the cattle that were to be found within one hundred miles of the Rio Grande in 1864.

The result of my observations leads to the following conclusions:

1st. That parties have been and are still being organized on Mexican soil for the purpose of plundering ranches, stores, and individuals, and other parties, for the purpose of collecting herds of cattle in Texas and driving them into Mexico for sale. That these acts are committed with the knowledge and connivance of Mexican officials.

2d. That parties of Americans living near the Nueces have banded together with the object of stopping the killing of cattle for the hides, but have themselves committed the greater crimes of murder and arson.

3d. That many merchants of Corpus Christi and elsewhere have aided and abetted the hide-peeling, by buying the stolen hides knowingly.

4th. That the country near the Rio Grande is being rapidly depopulated of good citizens on account of the insecurity of life and property.

5th. That the negro United States soldiery give no sense of security to citizens outside of towns, but, on the contrary, are regarded with fear.

6th. That there is an intelligent and industrious population on the Texas border of the Rio Grande, who only need security from foreign incursions to make them valuable, law-abiding citizens, whose flocks and herds will add very largely to the wealth of the State.

The question then arises as to the course to be adopted to remove the irritating causes, which, if allowed to continue, will sooner or later involve the two countries in war.

The first necessity is, that the despotic power of Cortina be removed. Second, that there must be such an agreement between officers of the peace on both sides as will prevent the collection of criminals on the line, where they can escape from one nationality to another, as may be necessary to their safety.

Failing in such peaceable measures, it is necessary that there should be a large force

under one head on the Rio Grande, with orders to pursue and capture felons into Mexico, if necessary. The immunity from pursuit no longer existing, stealing would be reduced to the petty proportions that is found everywhere.

Herewith I inclose affidavits and statements of various parties in support of the opinions above expressed, as follows:

- A.—Affidavit of Jesus Sandoval.
 - B.—Affidavit of Anastasio Cavasot.
 - C.—Affidavit of Lawrence S. Hynes.
 - D.—Affidavit of Henry Klahn.
 - E.—Affidavit of H. E. Rock.
 - F.—Affidavit of A. E. Irwin.
 - G.—Affidavit of F. M. Rhodes.
 - H.—Affidavit of J. T. Callaghan.
 - I.—Affidavit of G. A. Hall.
 - J.—Affidavit of N. Champion.
 - K.—Affidavit of D. McLean.
 - L.—Affidavit of C. Stillman.
 - M.—Copy of letter to Judge Ed. Dougherty, from Thos. F. Wilson, United States consul, Matamoros, April 10, 1875, inclosing letter of Lucius Avery, United States consular agent, dated Camargo, April 6, 1875.
 - N.—Copy of letter from Judge Ed. Dougherty, from Thos. F. Wilson, United States consul, Matamoros, April 14, 1875.
 - O.—Report of John Vale, deputy collector, dated Roma, April 6, 1875, to collector of customs at Brownsville.
 - P.—Letter to J. L. Haynes, from Joseph Dunn, sending copy of letter from Matt. Dunn, Carrizo, April 17, 1875.
 - Q.—Letter to collector of customs, Brownsville, from S. G. Stewart, Rio Grande City April 23, 1875.
 - R.—Copy of inquest on body of Geo. Hill, county of Cameron, April 18, 1875.
 - S.—Copy of report of grand jury, Hidalgo County, April 28, 1875.
 - T.—Substance of circular of Francisco Fuentes Fareas, president of common council, Matamoros, May 26, 1874.
 - U.—Letter of C. Stillman to Henry Klahn, dated La Jarita, June 13, 1875.
 - V.—Certificate of J. L. Haynes, Brownsville, June 21, 1875.
 - W.—Letter of J. G. Brown, sheriff Cameron County, to General J. N. Potter, U. S. A. commanding Fort Brown, Texas, Brownsville, June 1, 1875, and indorsement thereon of H. C. Merriam, major Twenty-fourth Infantry, temporarily commanding post, dated Headquarters, Fort Brown, June 2, 1875.
 - X.—Correspondence of Frontera to Corpus Christi Weekly Gazette of June 5, 1875.
 - Y.—Affidavit of Victor Morel.
- Very respectfully, your obedient servant,

WM. STEELE,
Adjutant-General.

His Excellency RICHARD COKE,
Governor of Texas.

REPORT OF SENATOR DWYER.

SAN ANTONIO, *August 14, 1875.*

His Excellency RICHARD COKE, *Governor of Texas:*

SIR: In compliance with the request made by your excellency in your letter of May 18, 1875, I joined General William Steele, the adjutant-general of the State, in a tour of observation, to investigate the cause and extent of the recent disturbances in the country between the Rio Grande and Nueces Rivers.

I have the honor to say that I concur in the report made by Adjutant-General Steele. I respectfully submit the following remarks, especially to state more fully the complaints of our Mexican citizens living in Texas.

Undoubtedly robberies and murders by Mexicans from Mexico have almost continually been perpetrated in Texas, but in retaliation Americans have committed terrible outrages on citizens of Mexican origin.

In passing through Bee County, we heard of a Mexican, a quiet citizen (so reported to be by the presiding justice of the county, an American), who had been brutally murdered, a few days before our arrival, by several Americans, because (as was stated to General Steele) the Mexican would not go and play the fiddle for them. This substantiates fully General Steele's report, viz, "That there is a considerable element in the country bordering on the Nueces and west that think the killing of a Mexican no crime."

There is no justifiable defense for the outrageous, lawless acts committed on Mexicans living in Nueces and Cameron Counties in consequence of the recent raid of the Mexican robbers near Corpus Christi. Instead of exterminating the banditti who invaded Texas, the vengeance fell on the poor and unfortunate living in the country. But I am happy to state that the numerous indictments found by the late Nueces County grand jury indicate that these outrages have aroused the good men of the country with the determination to put down vandalism and sustain the majesty of the law.

There is a disposition on the part of some Americans, which crops out "every once in a while," not to respect the property of Mexicans living southwest of the Nueces River. As a case in point, I would respectfully cite that of Senor Don Sabino Cavazos, a neighbor of Mr. Richard King, on the Santa Gertrudes, Nueces County.

Senor Cavazos is known to be a good, law-abiding Mexican citizen, a stock-raiser having horses and cattle. Senor Cavazos has had a ranch in Texas for over a quarter of a century. Well, one of our enterprising Americans living, I believe, in Live Oak County openly claims Cavazos's brand as his own property, without any sale or transfer from Cavazos.

I myself read Sabino Cavazos's letter to Captain McNelly, appealing for protection.

Many of the citizens of Mexican origin complain bitterly that the safeguards and protection of the laws of the State are not usually thrown around their property as around that of a select few. They complain that the extensive "beef-packeries" too freely receive and butcher cattle bearing Mexican brands. They say that while reports of cattle or hides with A's, B's, and C's, American brands and ear-marks, giving full description thereof, are generally properly made, when it comes to their property, their cattle or hides, they are usually reported simply as so many cattle or hides with "Mexican brands," without any description thereof; hence their inability to trace their property, even when sold without their authority.

Such are the complaints made by our Mexican citizens, and I have thought it my duty to report them to your excellency.

As to the relations with the adjoining republic, *smuggling*, in consequence of the immediate proximity of the Zona Libre (or Free Zone) and cattle-stealing by Mexicans from Mexico, have worked together to the destruction of Texas interests.

Many well-to-do Mexican rancheros owning property on both sides of the Rio Grande are engaged in smuggling, using the bold and intrepid for the business, and when depredations or murders are committed in Texas by these "employés," the smuggling rancheros do not dare expose them, in consequence of their own illicit traffic, and the honest ranchero, for self-preservation, dares not expose them, as his life and property both are at the mercy of the marauders.

The system of "*rural police*" on the frontier of Mexico is so perfect, that the Mexican authorities are generally aware of nearly all the thefts of animals committed on the Texas side of the river, *especially* when the booty is carried over to the Mexican side of the Rio Bravo. But the Mexican officials on the Lower Rio Grande have acted in exceedingly bad faith, even when our American citizens, or Mexicans claiming American citizenship, made fair and just reclamations, and their identified stolen property was in sight.

As a ludicrous example of the bad faith and "*finesse*" of some of the Mexican officials on the Lower Rio Grande, I will relate one of their escapades, resulting out of what is known as the Corpus Christi raid, as reported by Mr. Avery, United States commercial agent at Camargo, Mexico.

As soon as Mr. Avery heard of the arrest of several of the raiders by the principal judge at Camargo, he went to see if he would be permitted to inspect the stolen property belonging to Americans found in possession of the raiders. This permission was *refused*. But subsequently an order came from Matamoras allowing the inspection by the United States commercial agent of the stolen property in charge of the Mexican authorities.

A long inventory was handed Mr. Avery by the judge, in court, and at the very bottom of the inventory was reported "a gold watch and chain."

As Mr. Avery had been notified by one of the victims of the Corpus Christi raid to be on the lookout for a gold watch and chain, in hopes to identify the property he asked to see it.

Scene in court, Camargo, Mexico.

MEXICAN JUDGE. Very well, sir; you shall see it. Mr. Clerk, show the gentleman the gold watch and chain.

CLERK. The gold watch and chain; si, señor; hum! hum! (Clerk retires from courtroom, then returns.) Your honor, I don't know where the gold watch and chain are—hum! I believe—the—prisoner has got them yet.

JUDGE. Bring the prisoner in court. (Prisoner, one of the raiders, brought in.) Have you got the gold watch and chain?

PRISONER. No, sir. When coming through Requasa Viejo, my comrades and myself,

as prisoners, having no funds to buy provisions with, I sold the gold watch and chain for \$15.

JUDGE (to the prisoner). That was very wrong, sir. (Then turning to Mr. Avery.) I regret this very much, sir; but is there anything else on the inventory you would like to see?

"No," replied Mr. Avery, and in disgust he went home.

It was claimed by respectable Mexican citizens at Matamoros, and by the indefatigable Mexican consul at Brownsville, that this condition of affairs existed owing to "Cortina's reign"; and in justice to several Mexican gentlemen I would say that they did all in their power to cause the removal of Cortina from the frontier.

Now that the United States Government seems to have awakened from its "Rip Van Winkle sleep," after the wanton murder of Texas citizens, high-handed thefts of Texas property, and open invasion of Texas soil by a well organized and armed body of Mexicans from Mexico, it is sincerely and most fervently hoped that a better era will dawn upon our unfortunate, bleeding frontier.

I have the honor to be, very respectfully, your obedient servant,

JOS. E. DWYER, Jr.

APPENDIX.

A.—Affidavit of Jesus Sandoval.

UNITED STATES OF AMERICA,
Eastern District of Texas: .

Personally appeared before me, the undersigned authority, Jesus Sandoval, who, being sworn, says:

My name is Jesus Sandoval; I live at the ranch of Estero Grande, 15 miles above Brownsville, Cameron County, Tex.; I have lived in what is now Cameron since 1846; I was in the employ of the Quartermaster's Department of the United States when the battle of Palo Alto was fought, and served until the end of that war; and since the conclusion of peace I have lived in Cameron County, and nowhere else.

Raiding upon the people of Texas by bands of armed Mexicans commenced in the year 1859, when Juan N. Cortina entered Brownsville at the head of an armed party of Mexicans and committed murders and other outrages. This occurred on the morning of September 28. Since that date raids of a similar character have been made upon the people of Texas by armed Mexicans on various occasions, and they have been continued up to date.

After the conclusion of the civil war in this country, bands of raiders were organized in Mexico to invade the territory of the United States. They murdered many citizens of Texas, robbed the people of that State at will, and carried the stolen property into Mexico and sold it. This was done with the knowledge and consent of the Mexican authorities. The appointment of an *encargado*, or magistrate, at each rancho, whose duty it is to preserve order, to protect citizens of Mexico in the enjoyment of their rights, to arrest offenders, to prevent stolen goods from being carried across the Rio Grande, and to report everything of interest to his superior—the fact that armed bodies of men, called the "rural police," act under the orders of the *encargado*, and aid him, when required, in the discharge of his duties, gives that official extraordinary powers. Now, with these officers and these organizations, it would be impossible for a body of armed men to leave Mexico without the knowledge of the authorities; and for such a body to return from Texas with droves of stolen horses and cattle without the knowledge of the authorities is not within the range of possibility.

In Matamoros there is a registrar of brands, whose duty it is to record the brand of every horse or cow brought within that jurisdiction. Said officer is cognizant of the sale of all animals within his jurisdiction. Besides, the city of Matamoros levies a tax of 25 cents upon every horse or cow sold within the corporate limits. The authorities of that city have been compelled to know of the introduction of animals stolen from the people of Texas. They could not be sold within her limits without the protection of her authorities. I know many cattle, stolen from the people of Texas, have been sold in Matamoros, because I have seen them and knew the brands. I also know that the taxes on said cattle were collected by officers appointed by the city authorities or elected in accordance with law. I have seen cattle sold in Matamoros, as above stated, having the brands of Capt. Richard King, Clarke, Wright, Rabb, and many others, both of Americans and naturalized citizens of the United States.

I have information, derived from trustworthy sources and from personal observation, that similar transactions have taken place in Reynosa, Camargo, Mier, and Guerrero.

I know that the raiding parties were composed of citizens of Mexico, with few exceptions. The leaders were well known, and they have on all occasions carried their plunder into Mexico. Should a party of Americans commit a robbery in Texas and carry the stolen property into Mexico, they would be arrested and the property taken

from them. I do not know of any such occurrence, nor have I heard of any, and I am positive such a thing has not happened.

I believe it would be impossible for an armed party of fifty Americans to enter Mexico, rob and burn houses, remain several days, and return to Texas. The organizations before mentioned, the strength of the different ranches in population, the facility for the transmission of news, all go to show the impracticability of such an undertaking. I am positive no party of Americans have ever passed the Lower Rio Grande to plunder the people of Mexico since the conclusion of the treaty of Guadalupe Hidalgo. I know that men who were Confederate soldiers have not robbed people in Texas and carried the stolen property into Mexico, at least on the lower Rio Grande, and I am sure they have not committed robberies in Mexico and brought the property to this bank.

I have been a peaceable citizen of the United States since eighteen hundred and fifty-three, at least I have voted and held office; for that reason I have many enemies in Mexico; they say I am Americanized, and consequently criminal—a traitor to Mexico; they have persecuted, threatened my life, and attempted to assassinate me. For seven months I have not slept in my house; I have slept in the chaparral—and have been a solitary sentinel over my own person.

On the twenty-first day of April of the present year, three armed Mexicans, from beyond the Rio Grande, went to my house, asked for me; they told my wife if she did not tell where I was they would kill her. I was luckily not at home.

I am positive that General Juan N. Cortina is implicated in the robberies upon the people of Texas. On the first day of March, of this year, he was at the ranch of Laguna Redondo, and there received from Capt. Alijos Sanchez a drove of cattle which had been stolen in Texas. I know from men of undoubted veracity that General Cortina has many cattle on his ranches which were stolen in Texas, and have yet the brands of the rightful owners.

Capt. Savos Garcia, of the regular army of Mexico, and formerly of General Cortina's brigade, invaded Texas on various occasions with his company; they had their government arms in their hands; he committed many robberies in Texas, and crossed many cattle into Mexico. I have seen cattle, stolen from Texas, at General Cortina's ranch of Mogotes, with the brand of Captain Garcia upon them.

I think it was in eighteen hundred and seventy-three that General Cortina became enraged at Captain Garcia; he accused him of having sold the largest and best part of a drove of stolen cattle instead of having turned them over to Cortina; the general spoke of hanging the captain. Garcia, in order to appease his offended commander, passed his command over the Rio Grande, and went to the ranch of Jardid, where he collected a large number of cattle; a party went out from Brownsville, Garcia heard of them, and made a hasty retreat into Mexico. The American party found a number of cattle with the brand of Captain Garcia freshly burned.

The robberies have continued since the frontier commission was in session. I cannot say how many cattle have been driven into Mexico, but I am positive there is now on hand but 10 per cent. of what was on hand five years since.

The Mexicans say they will drive the Americans and the Americanized Mexicans out of this country or kill them. They claim the country and all the property.

JESUS SANDOVAL.

Subscribed and sworn to before me this 3d day of May, A. D. 1875.

[L. S.]

F. J. PARKER,

Clerk Circuit Court United States, Eastern District of Texas.

I certify the above and foregoing is a true copy of the original executed before me.

F. J. PARKER,

Clerk United States Circuit Court, Eastern District of Texas.

B.—Affidavit of Anastasio Cavasos.

STATE OF TEXAS, County of Cameron :

BROWNSVILLE, April 21, 1875.

Personally appeared before me, the undersigned authority, Anastasio Cavasos, who, being sworn, says:

My name is Anastasio Cavasos. I live at the Mezquite ranch, thirty-nine miles north of Brownsville, Cameron County, Texas. I am a stock-raiser. I have lived in Cameron County twenty-four years.

On the first day of January of last year I had on hand about one thousand head of cattle. They were worth about seven thousand dollars. The price of cattle has been depreciated on this frontier on account of the want of protection and security. The same animals, if in the interior parts of Texas, could have been sold for more than ten thousand dollars.

During the early part of July, of last year, a party of armed Mexicans crossed into Texas, from Mexico, and took by force more than one hundred beeves from me, and a larger number from James G. Brown, sheriff of Cameron County. They were crossed into Mexico below Brownsville, at the ranch of Et Pando. My son-in-law followed the trail to the bank of the Rio Grande.

In the early part of November I was again robbed of beeves. I went to Matamoras to reclaim some beeves. Mr. H. S. Rock had seen them. I waited on the registrar of brands, and he had painted or copied my brand wrongly. He told me I had no right to recover anything, as I had not any beeves there. I returned to Brownsville and got a certificate from H. S. Rock, deputy inspector of hides and animals, that he had seen beeves of mine in the herd which had been sold by the authorities of Matamoras. After a great deal of trouble, and spending some money, I succeeded in recovering fifteen dollars for twelve beeves of mine which had been sold by the authorities of Matamoras. While I was engaged in recovering fifteen dollars for twelve beeves, I was robbed of nearly all the cattle I had left at home. Don Matias Serrape followed the trail of the robbers, which led in the direction of the Rio Grande, and he recaptured fifty-nine of my cattle.

I have had men engaged in searching the range, and they have gathered about one hundred and eighty head of my cattle. More than eight hundred head of my cattle have been stolen from me and carried into Mexico. These robberies were committed by Mexicans. The cattle were taken to Mexico, some of them sold publicly in Matamoras, with the knowledge and co-operation of the authorities.

The *encargados*, or magistrates, in the different ranches on the Mexican side of the Rio Grande, are assisted by the rural police in enforcing the laws and in preserving order. It is their duty to prevent the introduction into Mexico of property stolen in Texas. If they had done their duty, they, aided by the rural police, could have prevented the robbers from crossing with my cattle. It was their duty to have arrested the robbers after they had crossed.

I am positive fifty armed Americans could not enter Mexico, go one hundred and fifty miles into the interior, rob and commit other depredations, and then make a safe retreat across the Rio Grande. The rural police, the facility with which they can communicate news from ranch to ranch, would render such a thing impossible.

I have never known a party of Americans to enter Mexico for the purpose of raiding.

The people of the State of Tamaulipas, Mexico, generally breed horses and mules. They buy beeves from Texas.

ANASTASIO CAVASOS.

Subscribed and sworn to before me on this the twenty-first day of April, eighteen hundred and seventy-five.

CORN'S STILLMAN,
Justice of the Peace, Precinct No. 2, Cameron County, Texas.

UNITED STATES OF AMERICA,
Eastern District of Texas:

I hereby certify that I have carefully compared the above and foregoing copy of the affidavit of Anastasio Cavasos with the original, and that it is correct.

JOHN S. FORD.

Subscribed and sworn to before me this 5th day of June, A. D. 1875.

[L. s.]

F. J. PARKER,
Clerk United States Circuit Court, Eastern District of Texas, at Brownsville.

C.—Affidavit of Lawrence J. Hynes.

UNITED STATES OF AMERICA,
Eastern District of Texas:

Personally appeared before me, the undersigned authority, Lawrence J. Hynes, who, being sworn, says:

My name is Lawrence J. Hynes. I live at the ranch of Santa Maria, thirty-five miles above Brownsville, Cameron County, Texas. I have lived there six years; four years of the time I was justice of the peace, precinct No. 3. I have been engaged in farming and selling goods.

Ever since the close of the civil war in this country, bands of armed Mexicans have been crossing from Mexico into Texas. They have assassinated citizens, robbed stores, taken stock by force, and they have carried their stolen property into Mexico, and sold it publicly in the markets of that country. These outrages have continued up to the present time.

Since June, 1873, a dozen droves of stolen cattle have been crossed into Mexico in the vicinity of Santa Maria.

About the middle of the present month a party of armed Mexicans crossed the Rio Grande; collected a drove of cattle belonging to citizens in the vicinity of Lake Tio Cano. They killed George Hill, about four miles west of Tio Cano, where he lived. He was hunting horses, and appears to have come upon the marauders unawares. They shot him four times, robbed him of a pistol, saddle, bridle, rope, and all his clothing but his shirt. That night two droves of stolen cattle were crossed into Mexico, one near the Carricitos, the other in Hidalgo County, at the Esterito ranch.

Since that time armed men from Mexico have been seen in the range around Tio Cano. They shot at the herdsmen of Francisco Fuentes, and drove them out of the range; also at other herdsmen. They were in Cameron County a few days ago, and are said to be there now. Herdsmen will not leave the houses, and stock are at the mercy of the invaders. A sense of insecurity prevails among the residents who have anything to lose, and their only concern is to save their lives by keeping out of sight of the marauders.

The citizens of Mexican origin say that the invaders declare their intention is to kill the Americans or drive them off and to take Texas back; and Americans have been cautioned of impending danger by friendly Mexicans.

I cannot say how many thousand heads of stock have been driven into Mexico from Texas within the two years last past, but I am satisfied that one-half the stock on hand in June, 1873, has been taken by bands of armed Mexicans and carried into Mexico. I form my opinion from the declarations of stock-owners; also from having been engaged in the purchase of hides.

I have five Americans besides myself on my ranch. I have a watchman employed to look out for my corn and hides at night, and I frequently have others on watch when danger is apprehended. I live in constant danger of being attacked by marauders from Mexico; of being killed and robbed.

L. J. HYNES.

Subscribed and sworn to before me this 28th day of April, 1875.

F. J. PARKER,

Clerk United States Circuit Court, Eastern District of Texas, at Brownsville.

I hereby certify that the above and foregoing is a true copy of the affidavit of L. J. Hynes, executed before me day and date above written.

[L. S.]

F. J. PARKER,

Clerk United States Circuit Court, Eastern District of Texas, at Brownsville.

D.—Affidavit of Henry Klahn.

STATE OF TEXAS, County of Cameron:

Personally appeared before me the undersigned authority, Henry Klahn, who, being sworn, says:

My name is Henry Klahn. I live in Brownsville, Cameron County, Texas. I have lived on the frontier of the Lower Rio Grande since the year eighteen hundred and forty-eight. I have been a mounted inspector of customs, deputy sheriff, clerk of the county court, deputy inspector of hides and animals, and am now chief justice of Cameron County.

I am well acquainted with the Mexican State of Tamaulipas. I have been through it on many occasions, assisting others in the purchase of horses and mules, &c. The people living above and west of Matamoros do not raise many cattle; they breed horses and mules. The same is the case south of Matamoros. There are small cattle-ranches between Matamoros and San Fernando. They have to be watered from deep wells, except during very rainy seasons. For this reason they cannot have large numbers of cattle on a ranch. South of San Fernando cattle become wild, and have to be shot as other wild animals. In some places they remain in the thickets during the day and come out at night. In that contingency they are hunted at night. It would be impossible to steal and drive these animals. They would not leave the thickets alive, and could not be killed and carried off in large numbers.

The valley of the Lower Rio Grande is well populated; there are a great many large ranches, and they have many people on them; each of these ranches has an *encargado*, or magistrate, whose duty it is to see the law enforced, and to look out for the welfare of the people. He is required to communicate all matters of interest to his superior in office. He is assisted by the rural police in the discharge of his duties. Should a body of armed Americans make their appearance in his vicinity he would send an expressman with the news to the next ranch, and that ranch would forward to the next. In this manner the news would be carried a hundred miles in a few hours; the populace would meet, organize and arm, and then proceed in the direction of the Americans. Such a party would be outnumbered, attacked, and all of them killed; small parties

could not rob them. As cattle are scarce in that section, it would require considerable time to "round up" a herd respectable in number. I know no small party of Americans could go into Tamaulipas, collect cattle, and drive them out of the State. The people of Tamaulipas, north and west of San Fernando, and in places south of that town, do not raise all the beef they consume; more than half the beef consumed in Matamoros and the towns above it comes from Texas, and most of the Texas are stolen.

It being impossible for robbing parties to enter Mexico without being discovered and pursued, it is equally impossible for the organized bands which left that country, invaded Texas, and returned with their plunder, to have done so without the knowledge of the authorities; they could not have crossed the Rio Grande and sold horses and cattle in the public markets without having been protected by the authorities. I speak positively, because I have had much dealing with the authorities of Tamaulipas, and was the agent of stock-raisers for the purpose of reclaiming stolen cattle and hides. Mr. Shedd and myself had an office in Matamoros. We had an order from Judge Augustin Manchaca to authorize our searching slaughter-pens and hide-yards. We were eventually resisted, and the popular indignation against Judge Manchaca became so heated that he had to resign his office, and we deemed it prudent and a measure of safety to retire, because his successor in office, General Pedro Hinojosa, refused to assist us. He declined on the ground that should he do so he would incur the ill-will of the people, who were opposed to our being there.

Since I have lived here I have never known Americans to raid upon the people of Mexico. I know Mexicans have been raiding upon the people of Texas since eighteen hundred and fifty-nine.

HENRY KLAHN,

Presiding Justice, Cameron County, Texas.

Subscribed and sworn to before me this 23d day of April, A. D. 1875.

F. J. PARKER,

Clerk Circuit Court United States, Eastern District Texas.

I hereby certify that the above and foregoing is a correct copy of the original, which was executed before me.

Witness my hand and seal of office this June 7, 1875.

[L. S.]

F. J. PARKER,

Clerk United States Circuit Court, Eastern District of Texas, at Brownsville.

E.—Affidavit of Herman S. Rock.

UNITED STATES OF AMERICA,
Eastern District of Texas :

Personally appeared before me, the undersigned authority, Herman S. Rock, who, being sworn, says :

My name is Herman S. Rock. I live in Brownsville, Cameron County, Texas. I have been mounted inspector of customs and deputy inspector of hides and animals.

In June, eighteen hundred and seventy-one, Capt. D. Lively, myself, and others went to a ranch about fifteen miles northwest of Brownsville, which I understand is called Jardin. We found there more than sixty beeves which had been stolen from various citizens of Texas, which had been freshly branded with the brand of Capt. Savos Garcia, of the Mexican army, as I was then told, and have every reason to believe. Some of those cattle had been crossed into Mexico; a row had occurred about dividing them, and a portion of the drove was left on this side.

On the 6th of the present month, Sheriff Brown, Lino Saldana, myself, and others went out for the purpose of aiding Captain McNelly's command in finding a party of seventeen raiders who had crossed into Texas on the night of the 4th instant.

We succeeded in making prisoners of two raiders, and learned from them the names of the party, to wit: Camilo Lerma, captain; George Himenes, lieutenant; Pancho Lopez, Manuel Garcia, Juan El Guarachi, Guadalupe Espinosa, Jacinto Himenes, Cecilio Benavides, Tibutio Fuentes, Casimiro Garcia, Rafael Salinas, Encarnacion Garcia, Telesforo Diaz, José Maria Olguin alias Aguja, Guillermo El Cara Cortado, Guadalupe Escaval.

The name of one man was not known. It has since been ascertained to have been Doroteo de la Garza.

On Saturday, the 12th instant, we overtook the raiders; they halted, formed, and opened fire on us; a running fight ensued, in which all the raiders were either killed or wounded.

The State troops captured about two hundred and sixty beeves; I rode through them, and looked at the brands. I am confident the beeves turned over to the inspector of hides and animals in Cameron County, by Captain McNelly, are part of the cattle captured on the 12th instant, more than forty of them having been lost. I know that

quite all of said beeves belong to citizens and residents of Texas, and some to Mexicans having lands and stock in Texas. I am acquainted with a great many of the owners; know their brands and places of residence and that the beeves above mentioned were stolen from them.

Among the horses captured from the raiders two belonged to Morgan Barclay and three to Teodoro Garcia, both of Cameron County; and said animals were stolen from owners by the raiders.

It is a fact generally conceded and publicly known that the above-named raiders were in the employ of General Juan N. Cortina, of the Mexican army, or that they were stealing beeves to sell him.

H. S. ROCK.

Subscribed and sworn to before me on this the 17th day of June, A. D. 1875.

[SEAL.]

F. J. PARKER,

Clerk United States Circuit Court, Eastern District of Texas, at Brownsville.

F.—Affidavit of Arthur J. Erwin.

UNITED STATES OF AMERICA,
Eastern District of Texas:

Personally appeared before me, the undersigned authority, Arthur J. Erwin, who, being sworn, says:

My name is Arthur J. Erwin. I live at the Coyote ranch, about fifty-five miles northwest of Brownsville, Cameron County, Texas. I have been engaged for four years and a half in raising cattle. I commenced with eleven hundred head of cattle, and of these eight hundred were "mother cows." The first year I branded over seven hundred calves; according to usual rate of increase in this section, I should now have on hand about four thousand head of cattle. I have on hand about two hundred head; I have sold about two hundred head; the balance, including original stock and increase, have been robbed from me by bands of armed Mexicans, and carried into Mexico.

In addition to the loss of property, I have been living in constant danger of personal injury from marauders; I have received warnings from my Mexican neighbors that my life was in danger should I remain at my ranch. I left, and remained in Brownsville for some time, visiting my ranch occasionally, and generally with a military escort. After Captain McNelly's fight with the cattle-thieves, June 12, 1875, I thought I could remain at my ranch with safety. I received notice, sent by express, to quit my ranch at once; that I was in greater danger than before; that the Mexicans were going to avenge the killing of the raiders. I am now in Brownsville, where I shall stay until I can return to my ranch with safety.

I have reason to particularly dread the hostility of a Mexican, who was in my service, robbed me, and fled to Mexico. He is driving General Cortina's carriage. He has threatened me.

ARTHUR J. ERWIN.

Subscribed and sworn to before me this the twenty-second day of June, eighteen hundred and seventy-five.

[L. S.]

F. J. PARKER,

Clerk United States Circuit Court, Eastern District of Texas, at Brownsville.

G.—Affidavit of Thaddeus M. Rhodes.

UNITED STATES OF AMERICA,
Eastern District of Texas:

Personally appeared before me, the undersigned authority, Thaddeus M. Rhodes, who, being sworn, says:

My name is Thaddeus M. Rhodes. I live in the ranch of Relampago, thirty miles below Edinburg, Hidalgo County, Texas. I am a farmer and stock-raiser. I am justice of the peace, precinct No. 1. I am also United States commissioner.

I have been living on the frontier of the Lower Rio Grande for twenty-seven years. I have been a witness of many scenes of violence and robbery, committed by Mexicans, and Indians from Mexico, upon residents of Texas. In eighteen hundred and fifty-two, I was robbed by a party of Mexicans and Tampacnas Indians. In eighteen hundred and fifty-nine, I was robbed by Juan N. Cortina and his band of cut-throat invaders; my houses, fences, &c., were burned. Since eighteen hundred and sixty-six, I have

been robbed, from time to time, of horses and cattle, by bands of armed men from Mexico.

After the marauders had thinned the stock, they commenced robbing custom-houses, stores, and ranches. These operations brought them into immediate contact with those in charge of these different governmental establishments, and with the occupants of ranches and the owners of stores. The danger to life was greatly augmented.

In the month of March last there was a body of more than eighty men, organized and armed, occupying a position in Mexico immediately in front of my house. They were at a ranch claimed by General Juan N. Cortina, of the Mexican army. They avowed their object was to cross into Texas, murder, rob, and plunder. I was compelled to keep a guard over my ranch for a week. I became worn out with watching and anxiety, and concluded to remove to Brownsville with my family, to place them out of danger.

The marauders were the friends and adherents of General Cortina. One of the principal men among them was Capt. Santos Garza, formerly of Cortina's brigade. The leaders were Olguin and Aleno Trevino. The latter was one of the leading men in the raid upon Corpus Christi. He has been in the Mexican service.

I feel perfectly sure that I saved my life by the abandonment of my ranch and property. I have been to my ranch once since. I slept in the woods, being confident I should be killed should I attempt to sleep in my house. I found matters had grown worse instead of better; that danger to life and the insecurity for property had become greater. The marauders had established a regular crossing upon the Rio Grande, near my house. They had thrown down my fences and passed droves of stolen cattle through my fields.

The civil authorities were entirely powerless to execute the laws. They were at the mercy of armed invaders. The marauders traverse the country in bands of from ten to forty well-armed men. The people seldom left their houses—I mean the honest ones. Everything had been left at the mercy of the raiders, and they dominate the whole country. I shall remain here until I am assured of adequate protection at home.

THADDEUS M. RHODES.

Subscribed and sworn to before me this the twenty-fourth day of June, eighteen hundred and seventy-five.

[L. S.]

F. J. PARKER,

Clerk United States Circuit Court, Eastern District of Texas, at Brownsville.

H.—*Affidavit of John T. Callaghan.*

UNITED STATES OF AMERICA,
Eastern District of Texas :

Personally appeared before me, the undersigned authority, John T. Callaghan, who, being sworn, says:

My name is John T. Callaghan; my post-office is Austin, Tex.; I am assistant superintendent of the Texas and California Stage Company, and am traveling in its interest over the route between Corpus Christi and Brownsville, the same being a mail-route of said company, on which service will commence July first.

On the evening of the 19th I arrived at the Paistle ranch, where there is a way-station in charge of a colored man. While there I ascertained from the station-keeper that the station-house was attacked by a party of armed Mexicans on the night of the 16th instant: They fired shot into the house, the balls passing through the planks on one side and striking the logs on the other. He abandoned the house to save his life, and hid himself in the sand. After having fired a number of shots, the Mexicans closed in around the house and found the station-keeper. They asked him in Mexican and broken English what had become of the party which had been there in the evening. He told them they got frightened and had gone back to Brownsville. The Mexicans laughed at the idea, and said they did not care for the negro soldiers. They asked if Captain "Nally" was not with the soldiers. He said no. They then asked who it was. He told them a surgeon of the United States Army.

They remained at the station about three-quarters of an hour, and rode off. The station-keeper said they were well armed, well mounted, and well dressed, the best-looking Mexicans he had seen; and that three of them were the same men that were there during the day with the escort.

The stage from Brownsville reached the Paistle station that night. The driver told me he saw two armed Mexicans standing by their horses, near the road, about five miles south of the Paistle, and about two o'clock on the morning of the 17th.

The station-keeper at Montreaux told us three Mexicans came to his station on the 16th instant. He described them as above. This station-keeper is an Englishman.

The station-keepers, on this side of Captain King's ranch of Santa Gertrudes, feel very insecure. They fear the stations will be attacked by raiders, the keepers killed, and everything carried off. If they are not more adequately protected I believe they will quit. The cost of transporting the mails has already been augmented by the operations of the raiders. Unless there shall be a change for the better, the cost of transportation will be further increased, and the contractors will incur losses, and ultimately be compelled to abandon the route between Corpus Christi and Brownsville. Stock has been stolen from our predecessors, and now organized bands of armed Mexicans have commenced to make hostile attacks on the station houses. We have the worst to fear for the future, and earnestly ask for protection.

JNO. T. CALLAGHAN.

Subscribed and sworn to before me on this the 21st day of June, 1875.

[L. S.]

F. J. PARKER,

Clerk United States Circuit Court, Eastern District of Texas, at Brownsville.

I.—Affidavit of George A. Hall.

UNITED STATES OF AMERICA,
Eastern District of Texas :

Personally appeared before me, the undersigned authority, George A. Hall, who, being sworn, says:

My name is George A. Hall; my post-office is Burton, Washington County, Tex.; I am first sergeant of Captain McNelly's company of Texas State troops.

I was directed by Captain McNelly to proceed to Bagdad, Mexic., and ascertain all I could in relation to cattle driven to that place by General Cortina, of the Mex can army, to be shipped to Havana by a Spaniard named Bustamante.

I arrived at Bagdad on the 7th instant. I saw cattle just above the town, and was informed there were four hundred and eighty of them. I examined the brands as carefully as I could under the circumstances, knowing I was suspected and closely watched by the Mexicans in charge. They had heard I was a detective, and I had to make them believe to the contrary.

I saw a large number of heeves with American brands. I copied about sixteen brands. One of them is the brand of Hale & Parker; another, Rabb's. I saw a brand which I believe was I—K, or —, one of Capt. Richard King's, of Santa Gertrudes ranch. Some of the brands had been freshly burned.

The men assisting to ship the cattle told me they were satisfied they were mostly from Texas.

I have the copies of the brands yet in my possession, and will submit them to some person well acquainted with the brands in this section, and he can designate the owners. I believe nearly all the brands were American, or those of residents of Texas.

I saw a large pile of beef-hides, and I saw American brands on them. I think there were five hundred of them.

I saw a large pile of dried beef done up in bales or packages. I believe there was one hundred thousand pounds of it.

I went on board the steamship and saw some of the cattle shipped, and a considerable quantity of the dried beef.

Señor Bustamante pays Captain Moore, of the Eunice Huston, \$40 a day for lightering. He pays the steamer Jessie \$100 per trip for towing Captain Moore's vessel. Bustamante offered Captain Moore \$30 a day to remain at Bagdad until the steamship returns for another cargo.

The steamship is lying about three miles from Bagdad.

I was told that Señor Bustamante is paying hands from \$2.50 to \$5 per day to assist in loading the steamship.

I was informed that General Cortina had been at Bagdad several days, and left the same evening I arrived at Clarksville—the 6th instant. He had seventy-five men with him.

I was told that at least half the horses his men were riding had American brands.

G. A. HALL.

Subscribed and sworn to before me on this 11th day of June, 1875.

[L. S.]

F. J. PARKER,

Clerk of the United States Circuit Court, Eastern District of Texas, at Brownsville.

J.—Affidavit of Nicholas Champion.

UNITED STATES OF AMERICA,
Eastern District of Texas :

Personally appeared before me, the undersigned authority, Nicholas Champion, who, being sworn, says:

My name is Nicholas Champion. I live, at present, in Brownsville, Cameron County, Tex.; my proper home is the Florida ranch, on the Rio Grande, about thirty-three miles above Brownsville. I am a farmer and stock-raiser.

Armed Mexicans have been banding together in Mexico, crossing into Texas, and committing murders and robberies, since the year 1859. They have carried into Mexico hundreds of thousands of cattle and thousands of horses; they have sold animals and other property, stolen from the people of Texas, publicly in the markets of Mexico. This has been done with the knowledge and assistance of the Mexican authorities.

In the spring of 1872 several American citizens went to the Galveston ranch to deliver railroad ties; my brother Peter and myself were with them; while we were there a force of about forty Mexican soldiers arrived there with a large drove of stolen cattle. They put pickets on the road from Fort Brown to Ringgold Barracks, above and below the Galveston ranch, and they made prisoners of every person passing. Pedro Montalba, a citizen of Mexico, was a prisoner with us; he told us the armed force belonged to the army of Mexico; he pointed out soldiers and said he knew them personally; the men were armed alike, and generally dressed alike. Mounted Inspector of Customs Sheldon, who was stopped by the raiders, told us afterward that they were commanded by Captain Savos Garcia, of the Mexican army. Montalba cautioned us not to attempt to escape; that if we did we would be killed. The soldiers remained at the ranch about three hours, until they crossed the stolen cattle into Mexico; an armed force was drawn up on the Mexican side of the Rio Grande; they assisted in crossing the cattle. After the crossing, and the pickets had been withdrawn, we were permitted to depart.

These constant incursions and robberies have decreased the number of cattle and horses. In 1861 I had about one thousand head of cattle. I have sold very few. I now have about fifty head of cattle; the original stock and the increase have nearly all been stolen and carried into Mexico. I consider this a fair statement of the loss of stock throughout Cameron County.

As our cattle and horses decreased, the danger to our persons increased. In addition to the stealing of stock, the raiders commenced to rob custom-houses, post-offices, stores, and ranches. These operations brought them into conflict more immediately with those in charge, and increased the number of murders. The danger to our persons became so great that my brother Peter and myself removed to Brownsville with our families, where we shall remain until we can be properly protected at home. We leave our property to be stolen and carried into Mexico, or to be destroyed by the raiders.

his
NICHOLAS + CHAMPION.
mark.

Subscribed and sworn to before me on this the 23d of June, A. D. 1875.

[L. S.]

F. J. PARKER,

Clerk United States Circuit Court, Eastern District of Texas, at Brownsville.

K.—Affidavit of Daniel McLean.

UNITED STATES OF AMERICA,
Eastern District of Texas:

Personally appeared before me, the undersigned authority, D. McLean, who, being sworn, says:

My name is Daniel McLean. I am acting assistant surgeon in the service of the United States. I have been ordered to San Antonio, and left Fort Brown on the twelfth day of the present month for that place, accompanied by an escort commanded by Lieutenant Wright. On the 15th instant, William D. Thomas, the guide, came to his death at the Saltillo ranch by the accidental discharge of a pistol in his own hands, as is believed. This necessitated a division of the escort. One detachment of it took charge of the guide's corpse, another remained with Lieutenant Wright, and a sergeant and five men of Company H, Ninth United States Cavalry, proceeded with me to the ranch of El Paistle, Mr. Echart, of the stage-line, acting as guide. Mr. Echart had received information at the Saltillo ranch which impressed him with a sense of danger from raiders. We were followed by three Mexicans, well armed, well mounted, and well dressed. They asked a great many questions, and acted in a suspicious manner. When we arrived at the Paistle, on the 16th instant, those men halted there also. Mr. Echart told me that he saw one of said Mexicans, when near me, and unobserved by me, place his hand on his pistol, with an evident intention to draw it. This he communicated to the escort, with a request for them to be on the watch, as the Mexicans surely meant mischief.

The keeper of the stage-station stated that three other Mexicans, well armed and mounted, had been there in the morning, and gave, as his belief, that a number of thieves were congregating in the prairie at a place called "The Bovido." This was corroborated by the information received by Mr. Echart.

My escort had orders not to proceed any further. I was convinced that an attack would be made on the Paistle ranch that night, and I deemed it prudent to return with the escort. We left the Paistle that evening for Brownsville. I believe one of the Mexicans who followed us is Señor Garrety, of Matamoros; that the Mexicans knew me, and the position I held in the United States service. They certainly knew the soldiers of the Ninth Cavalry; they had on their uniforms, their government arms, &c., and there could be no mistake as to them.

On the 20th instant, Mr. Callaghan arrived at Brownsville, on the stage, from Corpus Christi. From him and others I learned that the Paistle ranch was attacked and fired into by a party of armed Mexicans; that the station-keeper recognized the three Mexicans who stopped there while we were there.

I believe that this party of Mexicans deliberately formed a plan to attack my escort and kill them, assassinate me, and rob the United States of horses, arms, &c. They would have sought security in Mexico had they succeeded.

I also believe there is no security for person and property between the Nueces and the Lower Rio Grande, outside of towns, unless parties travel together in force, well armed, and on the alert; the inhabitants of ranches are at the mercy of the raiders. The raiders, emboldened by success and impunity, are now meditating the destruction of small detachments of United States troops.

D. McLEAN.

Subscribed and sworn to before me on the 21st day of June, 1875.

[L. S.]

F. J. PARKER,

Clerk United States Circuit Court, Eastern District of Texas, at Brownsville.

L.—Affidavit of Cornelius Stillman.

UNITED STATES OF AMERICA,
Eastern District of Texas:

Personally appeared before me, the undersigned authority, Cornelius Stillman, who, being sworn, says:

My name is Cornelius Stillman. I live at the Santa Rosa ranch, about sixty miles northwest of Brownsville, Cameron County, Texas. I am a stock-raiser.

For many years parties of armed Mexicans have been invading Texas, stealing cattle and horses, and driving them into Mexico, where they have been sold in the public markets, with the knowledge and under the protection of the Mexican authorities. They have, also, murdered citizens of the United States, and kept the country between the Nueces and the Rio Grande in constant alarm; in fact they have inaugurated a reign of terror.

The constant drain upon cattle and horses reduced their numbers, and rendered the depredating adventures less profitable to the bandits engaged in them, and to their partners, the buyers of stolen animals and hides. The result has been the robbery of stores, ranches, and in some instances custom-houses and post-offices, and also attacking stage station-houses. In this manner the danger to persons has been augmented, and the sanguinary scenes of this border war have increased in numbers and ferocity. A number of Americans have been forced to abandon their ranches and to leave their property to be preyed upon by the remorseless despoilers.

After Captain McNelly's fight, June 12, 1875, I thought I could live at my ranch. I received notice from a citizen of Mexican origin to leave at once if I wished to save my life, and that the Mexicans were determined to kill Americans to revenge the defeat inflicted by Captain McNelly. I have left ranch and property at the mercy of the marauders, and shall remain here till I can return and be protected at home.

CORNELIUS STILLMAN.

Subscribed and sworn to before me on this the 24th day of June, 1875.

[L. S.]

F. J. PARKER,

Clerk United States Circuit Court, Eastern District of Texas, at Brownsville.

M.

CONSULATE OF THE UNITED STATES OF AMERICA,
Matamoros, April 10, 1875.

SIR: Inclosed please find a copy of a letter received at this consulate from Mr. Lucius Avery, United States commercial agent at Camargo, in relation to several per-

sons arrested at Camargo, supposed to belong to the armed band which recently raided through Texas.

Whatever action your authorities may take to identify the prisoners when they reach this city, and recover any stolen property that may be in their possession, will receive my hearty assistance.

I am, sir, your obedient servant,

THOMAS F. WILSON,

Hon. EDWARD DOUGHERTY,
Judge of the Fifteenth Judicial District, Brownsville, Tex.

UNITED STATES OF AMERICA,
Eastern District of Tex.:

The above and foregoing is a true copy of the original.

JOHN S. FORD.

Subscribed and sworn to before me on the 5th of June, 1875.

[L. S.]

F. J. PARKER,

Clerk United States Circuit Court, Eastern District of Texas, at Brownsville.

UNITED STATES COMMERCIAL AGENCY,
Camargo, Mexico, April 6, 1875.

SIR: A few days ago the authorities of this place were informed, by telegraph from Mier, that a party of armed men, to the number of fifteen or twenty, of very suspicious appearance, had crossed from Texas and were proceeding toward Camargo, and warned them to be on their guard. On their arrival here three of them were arrested in this city and five others at a ranch a few miles below here, on the Matamoras road. The first three had an examination before the juzgado, and will shortly be sent prisoners to Matamoras. I am told by the chief of police that their horses have American brands, and that many of the *prendas* taken from the prisoners are evidently American. There is no doubt that these men are a part of the band that made the recent raid into Texas, and were on their return home with their booty.

I applied to the president of the ayuntamiento for permission to see the articles and take the brands of the horses taken from the prisoners. He has telegraphed to Matamoras to see whether he can show them to me. Should he receive a favorable answer before the prisoners leave, I hope still to obtain some information at this place. However, as they are to go to Matamoras with all their plunder, you will be able to take such steps as you may see fit in the matter.

I am, very respectfully,

LUCIUS AVERY,
United States Commercial Agent.

THOMAS F. WILSON, Esq., *United States Consul, Matamoras.*

UNITED STATES OF AMERICA,
Eastern District of Texas:

I hereby certify that the above and foregoing is a correct copy of the letter of Lucius Avery, United States commercial agent.

JOHN S. FORD.

Subscribed and sworn to before me on the 5th of June, 1875.

[L. S.]

F. J. PARKER,

Clerk United States Circuit Court, Eastern District of Texas, at Brownsville.

N.

CONSULATE OF THE UNITED STATES OF AMERICA,
Matamoras, April 14, 1875.

SIR: Referring to my letter to you of the 10th instant, inclosing a copy of a letter from Mr. Avery, commercial agent of the United States at Camargo, in regard to the arrest of several persons at and near Camargo, supposed to belong to the band of marauders which recently raided through Texas, and in which Mr. Avery stated that the prisoners would be sent to this city for trial, I have now to state that Colonel Cristo informed me to-day, verbally, that the prisoners referred to had been ordered to

Monterey by the federal government, there to be placed in charge of General Escobedo, the military commander of the State of Nueva Leon.

I am, sir, your very obedient servant,

THOMAS F. WILSON.

HON. EDWARD DOUGHERTY,

Judge of the Fifteenth Judicial District, Brownsville, Tex.

UNITED STATES OF AMERICA,

Eastern District of Texas :

I certify the above and foregoing is a true copy of the original.

JOHN S. FORD.

Subscribed and sworn to before me on the 5th of June, 1875.

[L. S.]

F. J. PARKER,

Clerk United States Circuit Court, Eastern District of Texas, at Brownsville.

O.

CUSTOM-HOUSE, ROMA, TEX.,

Collector's Office, April 6, 1875.

SIR: I have the honor to inform you that on the night of the 2d instant, at ten o'clock, this town was surrounded by a party of robbers, numbering between thirty and fifty men, on their return from the interior of Texas, who intended to have robbed (as per their own statement made to some of the Mexican prisoners they had taken *en route* here) this custom-house and the stores in town. Fortunately for us all Captain Beyer and his company of troops were here, which as soon as they found they left, crossed the river, most of them at Saens' ranch, one mile below, and the balance at Los Arrieros, above here.

On the 4th, in the morning, an ambulance was stopped between this place and Rio Grande City, by another party of four armed Mexicans, but the driver being alone, and having nothing in the ambulance, was allowed to proceed on his road here.

Very respectfully,

JOHN VALE,

Deputy Collector.

To the COLLECTOR OF CUSTOMS,

Brownsville, Tex.

UNITED STATES OF AMERICA,

Eastern District of Texas :

I hereby certify that I have compared the above and foregoing with a copy obtained from Col. John L. Haynes, collector of customs, district of Brazos de Santiago, and that the same is correct.

JOHN S. FORD.

Subscribed and sworn to before me on this the 5th day of June, 1875.

[L. S.]

F. J. PARKER,

Clerk United States Circuit Court, Eastern District of Texas, at Brownsville.

P.

J. L. HAYNES, Esq.:

DEAR SIR: I send you inclosed a copy of a letter received from my brother Matt, who is a mounted inspector of customs at Carizo:

"CARIZO, April 18, 1875.

"DEAR BROTHER JOE: This place was thrown into intense excitement this morning by the appearance of a gang of Mexican thieves. Their first act was to kill Dr. D. Lovel in his own store. They shot him six times. There was about twelve of them. They broke into the custom-house, and ransacked it, upset the safe, broke off and carried away the knob and handle, and everything else they thought worth their while. Our deputy collector went with Colonel Plato to Corpus. Jack and myself thought there was too many of them for us to handle easily, so we made tracks for tall-timber, and thus saved ourselves by a mere scratch.

"Your brother,

"MATT. DUNN.

Your son James is here yet, but leaves this morning in company with the inspector-general and Captain Hagan, who takes his company along to escort the inspector, so James will be safe.

Yours,

JOSEPH DUNN.

Postmarked Rio Grande City, April 22.

UNITED STATES OF AMERICA,
Eastern District of Texas:

I hereby certify that I have compared the above and foregoing copy of letter from Joseph Dunn with the original, and that it is correct.

JOHN S. FORD.

Subscribed and sworn to before me on this 5th day of June, 1875.

[L. S.]

F. J. PARKER,

Clerk United States Circuit Court, Eastern District of Texas, at Brownsville.

Q.

CUSTOM-HOUSE, RIO GRANDE CITY,
Collector's Office, April 23, 1875.

COLLECTOR OF CUSTOMS,
Brownsville, Tex.:

SIR: George W. Lowe, mounted inspector of this post, while on duty below this place, was ambushed and shot at, the ball going through the breast of his coat, also through his coat, shirt, and undershirt sleeves; he had a very narrow escape with his life.

The two inspectors, Dunn and Low, looked for the would-be murderer, but could not find him. This was on yesterday, the 22d.

Yours, truly,

SAM. J. STEWART,
Deputy Collector.

UNITED STATES OF AMERICA,
Eastern District of Texas:

I hereby certify that the above and foregoing is a correct copy of the communication of Sam. J. Stewart, and that I have compared the same with a copy obtained from Col. John L. Haynes, collector of customs, district of Brazos de Santiago.

JOHN S. FORD.

Subscribed and sworn to before me on this June seventh, eighteen hundred and seventy-five.

F. J. PARKER,
Clerk United States Circuit Court, Eastern District of Texas, at Brownsville.

R.

STATE OF TEXAS,
County of Cameron:

The inquest held this 18th day of April on the body of George Hill, found lying dead in the woods about four miles west of Tio Cano Lake.

We, the jury, find that said Hill came to his death by being shot in the head and left and right shoulders by pistol and rifle balls, either one being sufficient to cause death. The jury find that the said killing was done by a party or parties unknown to them, but the opinion of the jury is that said killing was done by a party of thieves from Mexico, who was driving a drove of stolen cattle from this immediate range, and was passed to the other side on the same night of which the killing was done.

THOMAS J. HANDY, *Foreman.*
VALERIO SOLIZ.

^{his}
LAZARO + SOLIZ.
^{mark.}

^{his}
FRANCISCO + PEREZ.
^{mark.}

^{his}
RAFAEL + LOPEZ.
^{mark.}

BENITO RAMON.
J. M. LONGORIA, *Coroner.*

I do hereby certify that the above is a true, correct verdict.

J. M. LONGORIA,
Coroner, Justice of the Peace, Third Precinct, Cameron County.

STATE OF TEXAS,
County of Cameron:

I do hereby certify that the foregoing is a true and correct copy of the original on deposit in my office.

Witness my hand and official seal, at office, in the city of Brownsville, this 4th day of May, 1875.

[SEAL.]

ADOLPHUS GLAEVECKE,
Clerk District Court, Cameron County, Texas.

S.

GRAND-JURY ROOM,
Edinburg, Tex., April 28, 1875.

We, the grand jury of Hidalgo County, respectfully submit the following report of our labors during the brief period we have been in session. During a session of two days and a half we have returned three bills of indictment, embracing charges of murder against various individuals who are not in the custody of the law, and who are reported to have made their escape into the neighboring Republic of Mexico—two for theft and one for assault with intent to murder.

We find that crime of almost every grade and type prevails to a great extent in our county as well as along the entire frontier, and that the most revolting murders are perpetrated almost daily on the Texas side of the Rio Grande, and that they are, in a great degree, unrebuked, on account of the facility with which the offenders make their escape beyond the reach of our courts and their officers.

Organized bands of men, armed and equipped, not unfrequently make sudden and unexpected incursions from the opposite side of the Rio Grande into Texas, and rob and plunder our citizens of whatever falls in their way, and kill and murder such of them as resist them or refuse to connive at their unlawful and desperate enterprises.

The military posts along the line of the Rio Grande being situated at long intervals apart, and each post being weak in point of numbers, afford but little protection, even if the law and our relations with Mexico authorized active interference, and the desperadoes and the lawless-disposed confederates of this side the river being so numerous as to defy the civil authorities, and thus to leave the hard-working toiling classes of our population, who live by honest labor and the sweat of the brow, a prey to the unrestrained licentiousness of irresponsible and lawless men, who refuse to work, and who seek to live at the expense of society, and by appropriating forcibly and unlawfully that which others have accumulated by honest efforts.

Many of our best and most industrious citizens are beginning to despair of being able to live in the country unless some additional protection is given to person and property; and there exists almost everywhere on this portion of the border a general feeling of insecurity, and business has been, in many places, partially suspended, and travel over the roads considered too hazardous to attempt, except in large parties and where extreme necessity requires.

In view of these facts, we earnestly appeal to the legally-constituted authorities of the country, through your honor, for sufficient protection to secure us in some measure against the lawlessness prevailing to such an alarming extent, and that we may have peace, and that confidence may be restored, and that honest industry may be encouraged and sustained.

We further respectfully suggest to your honor that the county court of our county be instructed to promptly make provision, according to law, for the improvement and repair of our county roads, as in many places they are almost impassable for vehicles.

T.—Circular.

The president of the common council of the city of Matamoros, Francisco Fuentes Farias, by authority vested in him by several decrees of the supreme government of the State of Tamaulipas, ordering the persecution of all cattle-thieves and horse-thieves, has published, under date of May 26, 1874, a circular calling on and commanding all officers and employés within his jurisdiction, and also the rural police, to take active measures to arrest and bring to Matamoros all cattle-thieves and horse-thieves.

He orders the presiding officer of each precinct to call a meeting of all his neighbors and to read the circular to them. Among the pressing causes he sets forth as of urgent necessity for these proceedings, he says that not only do parties of armed Mexicans cross to Texas and steal and drive animals to Mexico, but that the whole jurisdiction of Matamoros is desolated by them; that even the poor farmer who owns but

one or two yoke of oxen, and the widow who owns two or three milch-cows on which depends the subsistence of her large and helpless family, are frequently thrown into the deepest misery by finding that their oxen or their cows have been killed for the sake of the hides, which is all that the robbers care to take with them.

He also calls their attention to the daily, almost hourly, complaints of the residents on both sides of the river, asking for protection and redress, and points out to them that it will not only be a dishonor and a disgrace upon Mexico if these things are not put down, but that it will be the ruin of the country.

UNITED STATES OF AMERICA,
Eastern District of Texas:

I certify that the above and foregoing is a correct translation of the substance of the circular of Francisco Fuentes Farias, dated May 26, 1874.

JOHN S. FORD.

Subscribed and sworn to before me on this the 5th day of June, 1875.

[L. S.]

F. J. PARKER,

Clerk United States Circuit Court, Eastern District of Texas, at Brownsville.

U.

LA JARITA, June 13.

HENRY KLAN, Esq.:

DEAR SIR: The body of Mahan was found yesterday, near the Rancho Mezquite. I went over to-day and saw the remains; not having any interpreter, could not hold an inquest. Gathered the remains together, and had them buried where found.

Yours, truly,

C. STILLMAN,

Justice Peace, Precinct No. 4, Cameron County.

V.

CUSTOM-HOUSE, BROWNSVILLE, TEX.,
Collector's Office, June 21, 1875.

This is to certify that George W. Miller, mounted inspector of customs for this district stationed at Clarksville, at the mouth of the Rio Grande, has reported to me that he went aboard of the schooner Inez Huston, that had cleared from the port of Bagdad, Mexico, to lighter cattle to a Spanish steamer off the mouth of the Rio Grande, in Mexican waters, the cattle being shipped from Bagdad for Cuba; while said schooner was taking aboard the cattle on the 2d of June, 1875, on the Mexican bank of the river, and that on that day, and while aboard the schooner, he saw General Cortina superintending the shipment, accompanied by a large armed guard, among whom he saw and recognized the following persons: Pancho Lopez, Guadalupe Espinosa, Rafael Salinas, and José Maria Olguin, alias *El Agazo*, all of whom were killed or wounded in the fight of Captain McNelly with cattle-thieves, near the old battle-ground of Palo Alto, in Cameron County, on Saturday, the 12th day of June, 1875, upon which occasion Captain McNelly recaptured from the said cattle-thieves some two hundred and fifty head of beeves that the thieves were driving in the direction of the mouth of the Rio Grande.

J. L. HAYNES,

Collector.

W.

BROWNSVILLE, June 1, 1875.

General J. H. POTTER,

United States Army, Commanding Fort Brown, Texas:

GENERAL: I received positive news this morning that a party of men from Mexico were going in the direction of the mouth of the Arroyo Colorado in search of cattle. They seldom remain more than two or three days. Others with myself have made three unsuccessful trips, because I had not men enough to station in the rear while we went ahead.

Captain McNelly, of the State volunteers, left for Corpus Christi last Thursday

therefore I am obliged to call on you for assistance—say ten or twelve men, for two or three days.

I am, general, very respectfully, your most obedient servant,

JAMES G. BROWN,
Sheriff Cameron County, Texas.

[Indorsement.]

HEADQUARTERS, FORT BROWN, TEXAS, June 2, 1875.

Respectfully returned to the sheriff of Cameron County, Texas, with the remark that, under recent instructions, I am not authorized to furnish troops as asked within.

H. C. MERRIAM,
Major Twenty-fourth Infantry, temporarily commanding Post.

X.

[From the Corpus Christi Weekly Gazette of June 5, 1875.]

From Roma.—A voice from the interior.—A lull in the raid-storm—Bad effects upon Corpus Christi—The railroad—Our only salvation—Movements of troops, &c., &c.

[Special correspondence of the Gazette.]

ROMA, TEX., May 24, 1875.

As you may, perhaps, construe my long silence as an indication of me not taking any more interest in yourselves and borough, or as having forgotten my old friends in Corpus, I hope to relieve your mind from such impression by informing you that although I have not been absent from you for more than a year, I still retain the same lively interest for your welfare as when I left you last April.

I am glad also of being able to inform you that since the last and most disgraceful raid perpetrated at Carrizo, Zapata County, this upper country has been unusually quiet and peaceable, and for which I can only account as follows:

1. That said raid was the most successful one of any done for some time previous, as each raider got about \$500 in cash, besides the plunder, which certainly ought to keep them quiet for a few months.

2. That some of the leaders of the Nueces raid, who were caught at Camargo and Mier, were transported into the interior of Mexico, and whether or not they have been summarily dealt with, as their acts deserve, and as rumor says, their transportation from the frontier has had the good effect of intimidating others from engaging in similar enterprises.

3. The arrival on this frontier of the company of State troops from Austin, who, according to all accounts, are rendering good service as scouts and lookouts, not found sleeping more than one night at any place in the immediate back country between Brownsville and Laredo—these are, in my humble opinion, the causes why the raid-storm has lulled for the present.

It is to be most sincerely regretted that these raids into our country, as well as the shameful attack (whether done by Mexicans or Americans) upon the Mexican train of carts, some time since, near Palo Alto Creek, have given such a severe blow to all the resident stock-raisers and merchants in the country, as well as to all travelers passing through it. But its effect upon Corpus Christi has been still worse; for it struck to the very heart the prosperity of your city. Every good Mexican is now afraid to navigate the roads to Corpus on horseback or with carts, and the business in these parts has commenced turning into another channel, where less risk is found. To my own personal knowledge, more than 200,000 pounds of wool raised in this part of the country, and several thousand hides that previously took the Corpus route, have now already abandoned it, and are going by land and water to Brownsville and Matamoros. Several merchants on the river, who before supplied themselves at your city, are now taking the same route, supplying themselves from below, and thereby saving, they say, not only the risk, but time and money also; all of which will certainly be felt by the merchants of your city, and even if they should now commence a more liberal policy, with their old customers on this river, than they have heretofore shown, it will be a long time before they will be able to divert the trade back again which they have already lost; and may, perhaps, laugh and not heed the remark which I am about to make, but which time will prove to be the truth, and is the following: *That the only salvation now left for the merchants of Corpus Christi and the stock-raisers in Nueces, Duval, and Webb Counties, is to take stock in your railroad, and have it completed with all possible speed to Laredo via San Diego.* Had they done so when the charter was procured in the year 1873, in place of quarreling and wrangling about wharf monopoly, city charter, choice of mayor and aldermen, and other less important items, your city and county would to-day have been in a far better and more prosperous condition.

I was pleased to read in a late issue of your paper that you have now a new charter, both for your city and your railroad, and have lately elected a span-new mayor and a new lot of city fathers; that the hatchet has been buried at last, and the merchants and people of your city are now pulling together for the common interest and welfare of all; and if every one of you who have means to spare would only invest the same in the speedy building of your railroad, which is the only means now left for your recovery of losses in trade and stock, from the raids, you would see that long before the road is finished to Laredo a large immigration will come in, your real estate will advance in value, your business will increase, and the country soon be settled up with such a population as will make similar raids impossible in future.

There has been no change or increase of the United States troops on this frontier since my arrival here; but to-day an order has been received from General Ord, commanding this department, calling in to their respective posts or garrisons the three companies stationed at Santa Maria, Edinburgh, and Roma, to Fort Brown and Ringgold Barracks. This is certainly a very strange order, and unintelligible to me; and I feel very sorry to part with their protection of this town, and believe, had such an order been issued about two months ago, I would not be able this day to pen this information to you, but would have been going my way rejoicing on the other side of Jordan.

To-day I have also learned that our sister republic, from which all our troubles and raids have emanated, is now taking the first step toward preventing them, by having sent to Mier yesterday about one hundred and fifty mounted soldiers, which I presume will be distributed at the different crossings and ferries of the river in these parts, and which I sincerely hope may have the effect desired.

The mercantile business of this place has been unusually dull for the last two months, and I am not even able to give you the quotations of the Roma market-value of hides and wool, for reason of not being in the business; but if you feel interested in knowing the market-price of roasting-ears and eggs, I will inform you that these commodities are held on the streets at *seis por medio*; and very often when small change (not exchange) gets scarce in this market, the same amount of these luxuries are taken in trade by our merchants, giving in exchange therefor a small bowl, coffee-cup or saucer, which transactions have not as yet been quoted in *Corpus Christi* prices-current.

Having nothing else of interest to write you, and having already extended this letter to considerable length, I will here close the same by sincerely wishing that peace and prosperity may now commence and continue in our country forever, and particularly in that part of it situated between the rivers Nueces and Bravo, in which all of us are mostly interested.

Yours, truly,

FRONTERA.

Y.

THE STATE OF TEXAS, County of Starr:

On this 16th day of June, A. D. 1875, Victor Morel, of the county of Starr, and State of Texas, personally appeared, who under oath deposeth and saith that he has lived in the county of Starr, State of Texas, since the year 1856, and that since 1865 to 1874 he has been employed in the Quartermaster's Department as an interpreter, and principally as guide; and that during the period of eight or nine years he was principally engaged in the prosecution of cattle-thieves, coming from Mexico to Texas to steal American cattle. Deponent further swears that the wholesale cattle-stealing business on the Rio Grande commenced some time in December, 1863, or beginning of 1864, when the Second Texas Cavalry, United States Army, was organized by its colonel, John L. Haynes, and also that in the month of August, 1865, I was ordered to hire hands to help me drive cattle from near Los Olmos Creek to Ringgold Barracks. This for the use and benefit of the United States troops stationed at that post, the order being issued by General Jackson, commanding Second Division, Twenty-fifth Army Corps. Benito Garcia, Leonardo Rodriguez, Vivian Rodriguez, Antonio Resurdes, and others, were hired by me for the purpose of helping me to drive said cattle, the entire party being under the command and direction of Lieutenant Wentz, United States Army. The cattle gathered were about four or five hundred head, not purchased from any owner or their agents, but taken by the force of arms. To my knowledge, the stealing of American cattle is, if anything, improving instead of decreasing. My occupation and business compelling me to be absent from home, gives me the knowledge of this fact, as I can most every day see cattle-trails crossing the river, and behind them men driving them to Mexico.

V. MOREL.

Sworn and subscribed to before me this the 16th day of June, A. D. 1875.

E. MARKS,

Justice of the Peace Starr County, Precinct No. 1.

DEPREDACTIONS BY INDIANS AND MEXICANS.

AUSTIN, TEX., January 1, 1878.

November, 1875.—El Paso County Frontier Company followed trail of three Indians, who stole nine horses and one mule from Socorro. Killed one Indian and recovered the stock, besides capturing three Indian ponies.

December.—Lieut. N. Coldwell and party, Company F, Frontier Battalion, in pursuit of nine Indians and seven horses, seen passing out toward Little Devil's River. Trail not found.

January, 1876.—Corporal Watson and three men of Kerr County volunteer militia company on 15th attacked four Indians, wounding one.

March.—Lieut. Tel. Montes, El Paso County Frontiersmen, reports that Indians were in last week and stole horses.

Capt. N. Coldwell, Company F, Frontier Battalion, reports that Mexican Indians killed three persons (names unknown) on Nueces River, Edwards County, and attacked two men near Camp Wood, killed one horse and drove off four.

Lieut. Pat. Dolan, Company F, Frontier Battalion, reports Indians stole thirteen horses from Barksdale, Hatch & Co., Edwards County.

April.—Sergeant Wett and nine men, Company F, Frontier Battalion, on 11th found trail of Indians on main Frio, where it was reported a man's horse had been shot from under him and a boy killed. Lost trail on 13th.

Capt. N. Coldwell reports that on the 22d Indians passed through Frio and Medina Counties, killed one man on Black Creek, Frio County, and stole 30 horses.

Mr. Williams and one boy killed on the Nueces this month.

Captain Coldwell reports fourteen horses stolen on this raid.

Lieutenant Coldwell and fifteen men, Company F, Frontier Battalion, on the 21st got on a trail of Indians who stole horses, and wounded one man on 19th at Point Rock. Followed trail in direction of Devil's River 70 miles without water. Command broken down, and returned to camp.

Lieutenant Coldwell reports that another party of Indians on the 19th raided through Frio and Uvalde Counties, and drove off eighty horses from Mart. Woodward.

Lieut. Pat. Dolan reports that Indians on the 22d killed E. Wohrman in Kinney County, and took his gun and pistol, which they sold to one Dr. Cherokee, in Morales, Mexico. Same party stole twenty horses from Kingsbury & Holmes, in Uvalde County, and thirty from Levi English, in Dimmit County.

Lieut. Tel. Montes, El Paso County Frontier Company, followed trail of Indians (who on the 16th stole horses at San Elizario) for two days and nights until they saw the Indians go over the mountains into their reservation at Dog Cañon. While resting, company was fired into by about 200 Indians armed with needle-guns and pistols, and company escaped during night.

May.—Sergeant Witt and eleven men, Company F, Frontier Battalion, learned that on 3d — Nixon had been killed by Indians on head of Camp Wood Creek and several horses stolen on the Frio. Found no trail.

June.—O. M. Keesey reports from Fort Davis that Indians have taken 21 animals. Have saved herd four times in last four months. Indians mortally wounded one of my herdsmen.

July.—Lieutenant Foster and 10 men, Company E, Frontier Battalion, struck an Indian trail on Colorado River, followed it 35 miles, discovered the Indians at 4 a. m., charged and routed them, wounding 1 Indian and capturing 40 horses; 50 Indians rallied, charged and recaptured the horses. Lieutenant Foster's force too small, and retired. Indians had 11 lodges. Captured new blankets marked U. S. I. D., calico, musquito-bars, saddles, crockery, &c.

August.—Company A, Frontier Battalion, on 1st, at source of Colorado, head of Champion Creek, struck 7 recently abandoned wigwams, blankets, tent-covers, saddles, &c.; 6 miles above 12 more wigwams were found.

Sergeant Witt and 13 men, Company F, Frontier Battalion, learned on 4th that on 1st Indians went from the Nueces to Frio and stole 35 horses at Frio Cañon. Trail not found.

Sergeant Hawkins and party, Company D, Frontier Battalion, from 9th to 15th, scouted on headwaters of Llano for Indians coming north from Uvalde; trail not found.

Sergeant Hawkins and 12 men, Company D, Frontier Battalion, on 15th, struck trail on Duck Creek of Indians who passed Menardville; followed in close pursuit to Fort Concho and there lost it.

Lieut. D. W. Roberts and party, Company D, Frontier Battalion, on 14th and 15th, scouting after Indians, passing near Menardville. (A party of citizens gone in pursuit before the news reached camp dispersed the Indians.) This Indian party stole 25 horses in Menard and Concho Counties.

September.—Lieut. Pat. Dolan and party, Company F, Frontier Battalion, from 28th to October 15, scouted for Indians who stole horses on Bull Creek.

Capt. D. W. Roberts, Company D, reports that on 6th Indians raided in Kimble and

Concho Counties, and on 15th through Kimble and Menard Counties, and stole a number of horses.

Lieut. Pat. Dolan reports that Indian party he was after on 28th stole 4 horses from Bud Pullen, Edwards County, and 5 horses from Bullhead Creek. From there they stole 13 horses from Jno. Luckey and others at Frio Cañon.

October.—Petition from citizens of Frio County (signed by sheriff, county judge, justice of the peace, district clerk, and 44 other citizens) to Governor Hubbard for protection, says "7 of our citizens, killed by a band of Indians in the most cruel and atrocious manner on October 1st, have been interred within the past 24 hours." "Since writing the above petition 2 more men were found dead." "Since signing the above 5 more men have been found dead, making 14."

Captain Coldwell reports that in above raids 90 horses were driven off.

Hon. Louis Cardis, member of 15th legislature, writes that between 15th and 24th September Indians have murdered two men and carried off many head of cattle in two different sections of El Paso County.

That on 9th Indians attacked three employés of the Texas and California stage-line, at Eagle Springs station, El Paso County, killing Chon Marengo and wounding Felipe Garcia. Indians were driven off when attempting to capture the stock.

That on 10th Indians stole and carried off a herd of horses from ranch of Miguel Montayo, El Paso County.

Sergeant Moore and eight men, Company E, Frontier Battalion, from October 28 to November 5 on trail of Indians who stole fourteen horses on Valley Creek. Indians scattered at mouth of Elm. Trail obliterated by rain. Five horses and one mule recovered.

Capt. S. R. Merritt, Kerr County volunteer militia company, writes that on 24th eight or ten Indians stole a number of horses on Bear Creek, and killed Sam. Spears and Isaac Kuntz. They then stole horses about ten miles from Kerrville, and on their way to the Frio stole some more horses and killed ——— Allen.

George H. Gray, county judge, Kimble County, says of above raid, that there were thirteen Indians, and that they got about fifty horses in Kimble County.

Lieut. F. M. Moore and ten men, Company D, Frontier Battalion, from 24th to 30th on trail of above raiders to the headwaters of the Medina. Twelve horses picked up.

Capt. N. Coldwell and ten men, Company A, scouting for Indians, struck trail on 31st, as the Indians passed out behind the citizen scout. Citizens recaptured forty horses.

Lieut. S. W. Campbell, Company B, Frontier Battalion, reports that in Throckmorton County J. B. Mathews had twenty-one horses stolen by Mexican robbers. Robbers were captured by United States troops at Fort Sill, and ten horses returned. Loss, \$550.

William Hudspeth, county attorney, Bandera County, writes that on 28th Indians killed J. M. Phillips.

That on January 2 a Mexican boy, about 15 years old, was captured alive by J. B. Hudspeth. Said boy was captured by Indians when quite young, and on raid above mentioned was lost from the party, and in wandering about for something to eat, and as he says, also for a horse, he was caught by Hudspeth. The boy says he was with a party of Indians from Mexico; that on the Llano they killed a man and were pursued so closely that they scattered, and this boy lost from the party the day before Phillips was killed.

January, 1877.—Mr. Hudspeth continues: On last Saturday morning (about January 11) Indians were seen within two miles of Bandera, and it is reported that three men were killed there on Saturday.

February.—Capt. N. Coldwell, Company A, Frontier Battalion, reports Indians seen on Dry Frio; trail not found.

March.—Lieut. Pat. Dolan and party, Company F, Frontier Battalion, on 25th struck trail of Indians on Devil's River; pursued and scattered them; recaptured thirteen horses and all of their camp equipage.

April.—Lieut. Pat. Dolan and party, Company F, Frontier Battalion, scouted after Indians who stole horses near Romeo Mountain. Lieut. G. W. Campbell reports that at Reynolds City Indians attacked the herders' camp and ran off twenty head.

May.—Company A, Frontier Battalion, 2d to 5th scouted on a trail of 10 Indians; lost trail at head of Devil's River. This party had nine horses.

Lieut. G. W. Campbell reports that Mr. Glenn was attacked by Indians at Deep Creek; three horses wounded and wagon burned. Loss, \$260.

Also, that camp of John Burns & Bro. was attacked at Deep Creek; three horses stolen, wagons and harness burned, and provisions poisoned. Loss, \$300.

At same place and on same day same party of Indians attacked Charles Walters; stole seven horses, harness, wagon, gun, carbine, and company outfit, and poisoned the provisions. Loss, \$450.

June.—Sergeant Jones and party, Company F, Frontier Battalion, on 21st struck trail of Indians; on 22d, trail scattered in all directions.

Capt. D. W. Roberts, Company D, reports this party stole fifty horses in Kerr and Kimble Counties.

Three parties of Company A, Frontier Battalion, scouting after Indians reported in country; trails not found.

Sergeant Seeker and party of Company D, Frontier Battalion, on an Indian trail from 26th to July 10, followed them to Devil's and Pecos Rivers; picked up thirteen horses.

Lieut. Pat. Dolan, Company F, reports that thirteen Indians attacked Bob Johnson and John Leary, one mile from Camp Wood; took two horses and harness from wagon, stole nine horses from Sam. Wells, two from J. Chalk, and one from F. Box. All in Uvalde County.

July.—Lieut. G. W. Campbell reports that Chas. Calvin was attacked by Indians on headwaters of Brazos; hat shot from off his head, and wagon riddled.

August.—Capt. N. Coldwell, Company A, reports a party of Mexicans killed two men near Concepcion, Duval County, and recrossed Rio Grande to Mier, Mexico.

Capt. N. Coldwell, Company A, reports twelve Mexicans crossed the Rio Grande from Camargo, attacked Rio Grande City jail, wounded Noah Cox, county attorney, and the jailor and his wife; released Segundo Garza, a murderer, and R. Espronceda (theft), and recrossed to Camargo.

November.—Capt. D. W. Roberts, Company D, reports a party of Indians raided in Kimble County and stole twenty-five or thirty horses.

Capt. N. Coldwell, Company A, reports a party of Kickapoos attacked the Sanez Ranch, Webb County, and killed Francisco and Jesus Reyes.

Lieut. Pat. Dolan, Company F, reports twenty Indians stole five horses in the Nueces Cañon, Uvalde County; killed Louis Villeneuve in same place; stole twenty-six horses from Mr. Hannahan.

Lieut. N. O. Reynolds reports Indians stole, in 1876 and 1877, fifteen horses from Isaac Mullins, McCullough County; twenty-five horses from Dan. Tankersly, McCullough County; seventeen horses from John Gand, Mason County; twelve horses from William Potter, Kimble County; three horses from Henry Runnels, Kimble County.

RECAPITULATION.

- 3 abandoned camps found.
- 57 Indian parties in Texas.
- 15 trails followed.
- 14 attempts to find trails.
- 874 horses and mules stolen by Indians and Mexicans.
- 71 horses and mules recovered from Indians and Mexicans.
- 1 Indian killed.
- 2 Indians wounded.
- 40 citizens killed.
- 6 citizens wounded.
- 12 citizens attacked.
- 9 reports of horses stolen and no number mentioned.
- 8 wagons and harness burned and supplies poisoned.

November.—John Sanders, stage-driver, killed near Pecos by Indians.

December.—Gabriel Valdez, route-agent El Paso stage-line, and driver, killed near Eagle Springs.

TESTIMONY OF J. G. TUCKER.

WASHINGTON, D. C., *January 24, 1878.*

Examination of J. G. TUCKER, of Brownsville, Tex.

By Mr. SLEICHER:

Question. How long have you been residing on the Rio Grande?—
Answer. About eight years.

Q. What is your business?—A. I am a contractor and land-owner. I supply forage to the government.

Q. You have been up and down the river somewhat?—A. I travel a good deal and constantly. My business is such that I have to come in contact with merchants living along the border. In fact I travel more than anybody else living there.

Q. Give a statement of what has occurred since you have lived there.—

A. At different times my life has been in imminent danger from the fact of my having run into bands of cattle thieves. At one particular time, some two years ago, I only saved my life by a ruse. I happened to be along with Paymaster Nichols, who was going to pay off the troops at Ringgold Barracks. He had started on ahead of me, and I followed in my own buggy with the servant. It appears that there was a large drove of cattle concealed in the woods near Las Cuevas. The thieves had evidently been watching his movements, for after he had passed with his escort, they, thinking that the danger was over, commenced driving the cattle across the road. There were not less than two hundred or three hundred head of cattle and not less than forty or fifty men. I was driving at a full swinging trot to overtake the paymaster, when, as I got to the top of a short, steep hill, I suddenly found myself driving among them. Some of the cattle had been evidently a long distance and were tired, and some had lain down in the middle of the road. I am usually heavily armed when traveling, and my servant sat with a rifle on his knee. I was driving, and I checked up the horses instantly for fear of running over the cattle. I whispered to my servant then, "Cock your gun," and he cocked it. I carried the reins in my left hand and stooped down and got my pistol in my right hand. I was then driving at a walk. There were five or six men standing on the roadside at my left and five or six on my right. As I came driving between the cattle, I said to the men, "Buenas dias." They did not answer, and that was a bad sign, for as a general thing the Mexicans are very polite. These men were from the Mexican side of the river. It occurred to me then to use a ruse. They were looking at each other right across the road with an inquiring look as though asking each other whether they should fire upon us, when it occurred to me to look back. I turned to look back, and the moment they saw me looking behind me they supposed that there was an escort coming after me, and by the time I had half risen the next hill two of them had turned back to see whether anybody was coming. By that time I had got a little way from them and drove off. I have also met parties returning from raids in Texas without cattle. I met them going back into Mexico in parties of thirty or forty. It is true that for some time past there have been no regularly organized raids on the Lower Rio Grande, but it is impossible for the people there to keep any stock. It would be of very great advantage to me to use oxen for plowing purposes, because they are less expensive than horses. I own a ranch at Santa Maria, thirty miles from Brownsville, where it would be profitable for me to use oxen, but I cannot do it because I could not keep them. They would be stolen and killed and their hides taken across the river. At one time, two years and a half ago, when General Ord camped on my place, the very night he camped there the Mexicans killed two of my oxen in the lower part of the field and carried the hides across the river. My neighbors are in the same fix that I am. I have been compelled to buy condemned artillery horses from the government to plow with. The Mexicans do not care to steal them because they are heavy and lumbering and cannot travel fast, and yet I am compelled every night to drive my stock into a corral and to lock it up right alongside of the house.

Q. During the eight years that you have been living there, has there been raiding and stealing almost all the time?—A. From the time I arrived until a year and a half ago, regularly organized raids were taking place all the time. Cattle were taken and driven across the river, and frequently some of the herdsmen were caught and killed. Two or three years ago it was all that a man's life was worth to travel up and down

the country, unless with a large party. A large part of the Americans living there were killed. A paymaster—Major Foote—was killed there. A man in my immediate neighborhood, Mr. Hill, a very inoffensive man, was killed inside of his own house, leaving a wife and five little children. A man named McMahon was also killed right close to my place. He was a school-teacher, and a very inoffensive man. Every now and then I hear of somebody being killed. This state of things has existed on the Lower Rio Grande up to within the last year and a half. Since then we have had no regularly organized large raid, but the stealing has been going on all the same in small quantities.

Q. Is there much cattle in the country now?—A. No, sir. There used to be a great many cattle there, but the people now are afraid to keep them. In fact, they cannot keep them along the river. All that they keep now is what they need for immediate consumption, unless a norther springs up and brings the cattle down, as it sometimes does, all the way from the Nueces River, or in a very dry season the cattle will come there in search of water; but as far as cattle-raising is concerned, it is perfectly dead with us. I have not a single head, except a few cows for dairy purposes. I would like to raise cattle, but there is no possibility of my doing so at present. I have got some nice horses in Brownsville—my own driving-horses—which I would frequently like to send up to grass on my farm, but I dare not send them out of town, and have to keep them in my stable at Brownsville.

By Mr. FORNEY :

Q. How far into the State of Texas do these raids extend?—A. They have extended to within a few miles of Corpus Christi, over one hundred miles.

Q. For that distance, I suppose that there are very few cattle left?—A. Within sixty to seventy-five miles of the Rio Grande there are very few cattle.

Q. And several years ago there were a great many cattle there?—A. Yes, sir. I have got eighteen miles of land there all pasture-land, except a couple of thousand acres for cultivation, and I cannot use it for the purpose of raising cattle, although it looks very natural that I should raise stock there, but I dare not attempt it.

By Mr. SCHLEICHER :

Q. Are you well acquainted on the other side of the river?—A. I am. I know a great many people there.

Q. Were you at the Corpus Christi raid?—A. I was at Brownsville at the time.

Q. Did you see any of that affair?—A. No, sir. I saw the raid that was made below Brownsville, where eight or ten of the thieves were killed.

Q. Did you ever hear of a case where any one was punished in Mexico for a crime committed in Texas?—A. No, sir.

Q. Is it not notorious down there that no one is punished?—A. It is.

Q. Does any one expect that any punishment will be inflicted for a crime committed on this side of the river?—A. No, sir; because those from the other side of the river who commit depredations on this side have friends and relatives living on the other side, and some of them on our side, and when they get back, of course they are shielded, or if they are followed, they are secreted. It is not that Mexican officials would not do their duty if they could, but they are powerless on account of the population, and there is no force on the other side of the river to check this thing.

Q. Who is the governor of Tamaulipas?—A. General Canales is the so-called governor. He is now a brigadier-general in the army and has a substitute governor in his place.

Q. What is the character of Canales?—A. Canales and Cortina have the same sort of character. There is no difference between them. The factions on the other side are known as the Cortina crowd and the Canales crowd, and the one is no better than the other. They are all the same. So far as willingness is concerned, there are none of them willing to do anything to uphold law. Personally, Canales would not do anything in that line. He would rather not obey federal orders than obey them, because he is a politician and is a man who runs for office, and if he were to make himself unpopular of course he could not be elected. He has made that statement himself publicly. When these Rio Grande City raiders were demanded from him, and when he received positive orders from General Diaz to turn them over to the American authorities, he refused to do so. General Benavides, a special commissioner who was sent by General Diaz, came to me with a letter of introduction. I had met him already in the city of Mexico, and I conferred with him every day. I was either over on the other side or he was on this side with me. He was very anxious to have that matter settled, and at one time I went up to Camargo at his request in reference to the matter. I drove night and day in order to get there. It was at the time of this excitement, and he requested me to go there and to urge the authorities of Camargo to use their utmost endeavors to catch these men who had broken into the Rio Grande City jail. When I returned he informed me that Canales had received a positive order from General Diaz to turn these men over as fast as they were caught, and that Canales had refused to do so. He did not do so for ten days, and I doubt whether he would have done it at all at that time had it not been for General Benavides. General Benavides left Matamoros disgusted, came to Brownsville, and staid there five or six days. While he was there General Canales came over to pay him a visit and begged him to return to Matamoros, promising to turn over one of the prisoners to him, but General Benavides refused to do so. He said to Canales, "You have received your orders from Diaz to turn them over and you have disobeyed those orders. You need not turn any of them over at all on my account." And what was Canales's excuse? "I have no objection to turning these men over to the Americans, and I can turn over a good many of them if I want to. There are a good many men whom I would like to get rid of, but if Diaz wants to get anybody to pick the chestnuts out of the fire, he must find somebody else besides me. I expect to run for governor some of these days, and I am not going to sacrifice myself for the accommodation of General Diaz." Subsequently more positive orders were received to turn them over, and three of the men whom they held were turned over.

Q. What sort of men were they?—A. One of them had been a captain in the Mexican service under Lerdo. He was a politician opposed to General Diaz, but the other two were common robbers—men who had no friends or footing.

Q. What was the general supposition there as to why these three men were surrendered and the rest let go?—A. I do not know that the rest were let go. General Benavides, who held no military position, and who is a gentleman, tried his utmost to get them turned over, but as to how far others did so I do not know. I do not know whether they could get them, or did have them and would not turn them over.

Q. You say that Canales feared to make himself unpopular if he

turned these men over. Do you mean to say that the majority of the people there are in favor of shielding those thieves?—A. I do, indeed.

Q. Do you know the ranch or village of Las Cuevas?—A. I do.

Q. Is it near your ranch?—A. No, sir. Las Cuevas is sixty miles from my ranch. It is on the main road from Brownsville to Ringgold Barracks. It is on both sides of the river, and is considered to be the worst place on the Lower Rio Grande. I mean it is the place where these bands of thieves run to with the stock that they have stolen.

Q. Have you known of that?—A. Frequently.

Q. Do they cultivate much land in that village?—A. Very little on this side of the river. The farming is done on the Mexican side.

Q. How much of it is done there?—A. A good deal. It is a very large ranch. It is a ranch which has put under arms at a time two hundred or three hundred men. They do not plant any more than it takes to support their families. You cannot buy anything from them, but I should consider that Las Cuevas can mount and arm at any time from two hundred and fifty to four hundred men.

Q. There are a great many more people on the Mexican side of the river than on our side?—A. Yes, it is more thickly settled on the other side. Our side of the river is very thinly populated. A majority of the herds that have been driven across from our side have been driven to Las Cuevas. That is the best landing place for that purpose.

Q. Were you in Ringgold Barracks at the time that that raid was made on the jail?—A. I was there shortly afterward, and before any of the prisoners had been caught. I was there, and was also over in Camargo. That was the time I alluded to when General Benavides asked me to go up there.

Q. Did our troops cross over after that raid?—A. No. I saw on the other side Colonel Price, who was in command of Ringgold Barracks. And I also saw Lieutenant Hall in Camargo. He was commanding the State troops.

Q. What was the spirit of the Mexican population in Camargo at that time?—A. The people there were frightened, because they were afraid of the Mexicans going over. It being well known that these prisoners had escaped to Camargo, the people were very much frightened lest there should be a collision, and at the time I was there, which was in the height of the excitement, all the rancheros were arming and flocking into the town. They certainly expected a collision with the United States troops, and I went there especially to allay excitement, being asked by General Benavides to do so, and to urge the Mexican authorities to capture these men by all means and to deliver them over to the Texas authorities. That was my mission.

Q. You think that General Diaz and General Benavides were entirely in earnest in trying to have these men delivered up?—A. I am perfectly sure of it.

Q. But it was impossible for them to do so?—A. It was. I feel perfectly satisfied that if all these men could have been got they would certainly have been turned over, so far as General Diaz and General Benavides were concerned, but there was no military force there to do it.

Q. Has the central government really any power along the frontier?—A. It has not had until very recently on account of the dissensions that have been going on, but I believe that at present the central government is as strong as any government that has been in Mexico for a good many years. Even Canales acknowledges the government of Diaz, and says that he is willing to do everything that he can for it. But as soon as

General Diaz sends troops to the frontier I have no doubt that a good deal of this lawlessness will be suppressed.

Q. Have you ever known a time when the central government of Mexico could suppress those raids?—A. I have never known a time since I have been there that there have been sufficient troops to do it.

Q. Did you know Colonel Cristo while he was there?—A. Yes, sir.

Q. Had he anything to do with those raids?—A. Not that I know of.

Q. Are you familiar with the trade and commerce of Mexico?—A. No, sir.

Q. Or with the manner in which the Zona Libra operates?—A. It is a patent fact well known to everybody that it operates very injuriously to American commerce in various ways. In the first place, the Zona Libra being established on the river, all foreign goods pass in free of duty and are smuggled from Mexico into the United States in considerable quantities. As the goods are imported free of duty, the merchants there import goods from England and France which otherwise would be procured in the United States, being so much nearer and the freights and charges being so much less. Were it not for the Zona Libra, all our towns would improve, because stocks of American goods would be kept there and sold to Mexico. But now it acts the other way, and goods are smuggled from the Mexican side into the United States, so that it is a detriment to the Government of the United States, and should be abolished if possible. I am conversant with trade as far as trade goes, though I am not engaged directly in trading myself. I am in constant contact with merchants.

Q. Were you in Matamoros at the time that a forced loan was levied by Revueltas?—A. I was in Brownsville and Matamoros.

Q. What American merchants had to pay that forced loan?—A. I understood that quite a number of them had to do so. Mr. Yturria, whose store was in the lower part of the consulate building, had to pay it. His store was broken into and the goods taken out. I heard of quite a number of similar instances, and although the American consul tried to stop it and did all in his power to keep the Mexicans from levying this forced loan upon American citizens, his efforts were of no avail.

Q. Was there a sufficient military force on this side of the river to have protected Americans on the other side?—A. I suppose there was; but, as I understood it, instead of protecting Americans, the American officers were the ones who did the American people the most harm, especially the commanding officer of the garrison at Fort Brown. It was a noted fact at the time. In fact, I am cognizant of a correspondence which passed between the American consul at Matamoros and the commanding officer at Fort Brown in regard to the matter. I saw the letter which was written by the consul, and I saw the answer to it from the commanding officer, General Thomas E. Devin. The letter which was written by the American consul stated that he had been informed that General Devin had, on various occasions while in Matamoros, expressed himself publicly, in a bar-room and in a barber's shop, to the effect that if he were General Revueltas, instead of levying a tax of 3 per cent. he would levy a tax of ten per cent., and the purport of his letter was to ask him not to interfere with his (the consul's) duties; and he said that, if General Devin desired, he would give him the names of the parties who had made complaint to him. Revueltas had said, "Here I am upheld by the United States authorities, and I am right in what I am doing." Of course that worked directly against our citizens.

Q. Revueltas said that he was sustained by the American authori-

ties?—A. Yes; and it proved that he was sustained when these assertions were made publicly.

Q. What means did Revueltas take to enforce the payment of those forced loans?—A. He simply broke into the stores and took out the goods by force, and sold them to his officers and to anybody who wanted to buy them. Goods were sold there for a mere song, his officers principally being the purchasers.

Q. Were not some who refused to pay the forced loan set to work on the fortifications?—A. That was at a previous time. At the same time that this occurred, aid and comfort was given to Revueltas by the commander of a gun-boat on the Rio Grande, Lieutenant Johnson. Our officers were hand and glove with this man Revueltas, who, in my opinion, is the worst thief and the greatest coward and scoundrel that we ever had on the Rio Grande, and he stands in that position now with the Diaz government. There never has been a bigger ruffian in the command of the Mexican troops on the river.

Q. What was that former occasion that you speak of when men were put on the fortifications?—A. That was the occasion of another forced loan.

Q. Who levied that?—A. That was levied by General La Barra under the Lerdo government. The man who was put to work on the fortifications was an American citizen by the name of Sustental, who refused to pay the amount that was levied on him. He was taken and set to work on the fortifications, exposed to the enemy's fire. He was a man of family, a very respectable man of good standing. I understood at the time that he was released through the exertions made on his behalf by the American consul.

Q. Both of those occurrences were at a time when there was friendly diplomatic intercourse between the two governments?—A. Yes, sir; it was under the Lerdo government, with which our government was in full accord, so much so that all possible aid and comfort were given to the Mexicans by the American authorities in the way of lending them ammunition to defend the town of Matamoros.

Q. Does the opinion which you have expressed of Revueltas express his general reputation?—A. That is his general reputation. When he was leaving Matamoros he did not dare to come through Brownsville, but went to Fort Brown, where General Devin gave him an escort of an officer and twelve men to accompany him to Point Isabel.

Q. Was General Ord there at any time during these occurrences?—A. He was.

Q. What position did he take in regard to them?—A. He believed the reports that were made to him by General Devin. General Ord himself told me that Revueltas was a wonderful man, having been prejudiced in his favor by General Devin. I asked General Ord in what way Revueltas was a wonderful man, and he spoke of his having held out so long against the forces outside. It was this same Cortina who was outside at that time. I said to General Ord, "I was in the Confederate army, and you were in the Federal army, during the war. Do you suppose that you or I could not at any time with a single company have captured that town?" He said yes. General Ord visited Revueltas. He was only there two days when he went right across the river and visited him.

By Mr. FORNEY:

Q. What did General Ord do when the citizens called upon him and desired to communicate facts to him relative to Smith's case?—A.

General Ord positively refused to receive them on any business connected with the Smith affair, but stated that he would be glad to see them as visitors.

By Mr. SCHLEICHER :

Q. What citizens were they?—A. They were the principal citizens of the town of Brownsville—Judge Downey and quite a number of others.

Q. What did you say about Revueltas not venturing to pass through Brownsville?—A. An American gunboat was close by the town and he went in the launch of that boat over to Fort Brown and stopped with General Devin over night. The next morning, instead of going on the train, he would not trust himself there, but General Devin gave him an escort of twelve men and an officer—Captain Chilson—to conduct him to Point Isabel by land in a government ambulance.

Q. Revueltas was then fleeing from Mexico?—A. Yes, he was a refugee and had no military command.

TESTIMONY OF MAJOR WILLIAM R. PRICE.

WASHINGTON, D. C., *January 26, 1878.*

Examination of WILLIAM REDWOOD PRICE, major of the United States cavalry now stationed at Ringgold Barracks, Texas.

By Mr. SCHLEICHER :

Question. How long have you been on the Texas frontier?—Answer. I have been in Texas since May, 1876.

Q. Where were you first stationed?—A. At Fort Clark. I assumed command there.

Q. Did you have any experience of raids while at Fort Clark?—A. Yes, sir; I had the experience of three raids during the time I was in command there. The first was about July. I was awakened by two men very early in the morning, who informed me that between 300 and 400 head of cattle had been driven across the river just above the town of San Felipe. That is in the Indian country opposite the State of Coahuila; but this was not an Indian raid, it was a Mexican raid. I had but 50 men under me, and I told them to get together whatever men and guides they could find among the cattle-men, and that I would be at the San Felipe Springs, 30 miles off, that evening with my force. I moved out there, and the next morning I moved 12 or 18 miles down the river in order to assure myself of the fact that they had crossed and where they had crossed. I saw where there had been a chute and where a large drove of cattle had been made to run down the chute to the bank of the river. It was a ravine, and the banks on this side being high, the cattle could not come back to this shore and had to swim to the other shore. We could see the dead bodies of seven cattle which had been killed by the hurried manner in which they had been driven, and I should judge that there were at least 200 cattle in the drove from the tracks there and where they got out on the other bank. The river was unfordable at that point, and I moved down endeavoring to find a place to cross. I crossed some six miles down and went back to the point where the cattle had been crossed, and I ascertained that there had been apparently about eleven men encamped there in the brush for a week before they had made the movement, or at least before they had got all the cattle which they intended to drive into Mexico. The cattle scattered on the other side, and as we pursued the trail, it broke off in

different directions to the various little towns down the river. I followed the main portion of the trail some 60 miles, and then it got thinner and the cattle got mixed with other herds of cattle, so that I recovered back only about fifteen head. That was in Mexico.

Q. How far were you in Mexico on that occasion?—A. I suppose that in a direct line I was in 50 miles.

Q. Did you discover what sort of people they were who were driving the cattle?—A. I was satisfied that they were Mexicans, not Indians. The tracks in the sand showed that they wore shoes, not moccasins. You can generally tell the track of an Indian even if he is wearing shoes.

Q. Was that the only occurrence of the kind you have knowledge of?—A. No; during that time there were two or three other movements of Indian raiders. Their movements were of a different character. They crossed up about Kickapoo Springs, and they usually moved downward. We would hear of them clear up to San Antonio, north of Uvalde county, and at the head of the Nueces. They would go in by the wild parts of the country and come down. Their raids were usually for horses. I followed one of their parties myself for 150 miles, and then Colonel Shafter, who was above, sent couriers to me, and he took up the trail and recaptured a large portion of the horses. We overtook, I suppose, 4 or 5 horses which the Indians had abandoned. We were so close upon them that they would jump from one horse to another, and when they had worn the saddle-blanket it was still wet on those horses which they had ridden on.

Q. How long were you stationed at Fort Clark?—A. From May until September, 1876.

Q. Those raids occurred during that time?—A. Yes, sir.

Q. When did you go from there?—A. I was East for three months, and then I was ordered to take command of Ringgold Barracks on the Lower Rio Grande. I came away for 30 days' leave, which I had extended, and I did not get back until after Colonel Shafter was placed in command.

Q. Ringgold Barracks is opposite the State of Tamaulipas?—A. Yes, sir; opposite the town of Camargo.

Q. What is the difference as to the population on the other side of the river opposite Fort Clark and opposite Ringgold Barracks?—A. There is a very dense population opposite Ringgold Barracks, and opposite Fort Clark there is very little population. Opposite Fort Clark is the Indian frontier of Mexico. Along the rivers there are some little towns, but there is none between Newtown, which is nearly opposite Fort Clark, and Presidio del Norte. It is a barren country, almost unoccupied.

Q. What sort of a population is there in Tamaulipas, opposite Ringgold Barracks?—A. That country is very much more thickly settled. The town of Camargo is opposite, containing probably 8,000 inhabitants; 28 miles north of that is the town of Mier, with probably 10,000 inhabitants; 30 miles further up the river is the town of Guerrero, containing from 8,000 to 10,000 inhabitants. There are ranches and little places all along between these towns. Down the river, 4 miles below Ringgold Barracks, is the town of Reynosa, containing I should think about 18,000.

Q. And the country between these towns is pretty well settled, is it?—A. Yes, sir; all along on both sides of the river with a Mexican population.

Q. Do you know the village of Las Cuevas?—A. Yes, sir; that is

called a nest of cattle-thieves. The people there have been heretofore almost exclusively engaged in that business. The village of Las Cuevas is 18 miles below Ringgold Barracks.

Q. Please state what you have seen of raids while you were at Ringgold Barracks.—A. I first took command of Ringgold Barracks in June, 1877. I had been on other duty, and I arrived there in June. A very short time after that, General Escobedo and his party came down the river from above, and it finally culminated in my asking instructions as to what action I should take in regard to him to prevent the violation of our neutrality laws. Just as I was satisfied that the movement was going to take place, I made the arrest of General Escobedo and some 20 of his party.

Q. He was a leader of the Lerdistas?—A. Yes, sir; he was placed under bonds. I felt that in order to have any hope of doing any good in that country, I should endeavor to show the Mexicans that I was ready to prevent anything being done to their detriment on our side of the river, and to hold them responsible to the same accountability on their side.

Q. Why did you arrest Escobedo?—A. Because I had distinct information that he was going to cross the river into Mexico the next day with arms. I learned that the arms were on the steamboat which was to arrive that morning, and that Escobedo's movement was to be to take the town of Camargo the next day. I found 8 cases of Remington arms and ammunition on the boat, and the horses were at the Rimolino ranch above. They were to cross over and to pronounce in the town of Camargo. These officers whom I arrested were all officers of Escobedo's army, and had been original officers in Lerdo's army. They had had a horse-race the previous Sunday, within sight of the post, at which there were some 500 armed Mexicans—five times as many men as I had myself.

By Mr. FORNEY:

Q. On which side of the river was the horse-race?—A. On this side of the river, within half a mile of my post.

Q. Where did you arrest Escobedo?—A. In the town of Rio Grande City, a mile above the post. He with two of his aids was at the house of Mr. Peter Kelsey. The other officers were about half a mile above the town in a sort of camp.

Q. The boat on which you captured the arms, was it a Mexican vessel?—A. Yes, sir; I did not take possession of the arms; I just kept watch where they went to; I did not care to invade any individual rights; the arms were not consigned to anybody, and had no mark on them. Nobody seemed to have shipped them, and there was nobody to receive them. They were not on the manifest of the steamer's freight. They were subsequently taken off to one of the merchants in the town there. I have frequently come in contact with the military commander over there—Estrada, the commandant of that line. A great many crimes have been committed there. On one occasion an ambulance came along with a Mexican, and he and his son and driver were killed. He was an old respectable Mexican living near Corpus Christi. Two others were tied and robbed. One of those who were tied was the president of the railroad there. I heard that the men who had committed these crimes had crossed above my post, and had gone through Mier. That was one of the first things which my attention was called to, and I got the sheriff of Starr County to go with me to the town of Mier to endeavor to enlist the authorities there in a friendly endeavor to get these men. I thought that the fact that this old gentleman, Mr. Flories, who was killed, being

a Mexican, who was respected among them and whose brother was a collector of customs in the town of Mier, they would be ready to assist in capturing his murderers. I went over there, spent the day, and saw the authorities of the place. They made some professions of wanting to do it. I had almost positive information that the horses which had been taken from these parties at the time of the murder had been sold in the town of Saltillo. But I could get the authorities to take no interest whatever in the matter. I had taken with me two soldiers, one of whom carried his pistol in his hand. He came to me in a short time and said that somebody had asked him to give up his pistol and that he refused to do so. I told him that he did right not to give up the pistol, but I took the pistol myself and handed it to the policeman who was with him, and who said that it was against the law to carry arms in the town; at the same time all the Mexicans around me were carrying arms and pistols, and no effort was made to take them away. After I had gone, I learned that the inhabitants of the town had held a meeting and had notified Flories that if he took any steps in the matter he would lose his position as collector of customs, and so there never was anything done to know who the murderers were. I think about the 20th of August another man was killed just above the town, a Mexican. He was killed for the sum of \$8. He was cut almost in two with a large machete. The murderer ran down to the ferry-boat which crosses at the town of Rio Grande City. The boat was just leaving, and he ran into the river and got aboard of her, and went to the town of Camargo. I met the sheriff, and we called over within an hour after the man had left. We found where he had had his hand dressed in a drug store, and we learned that he had gone to the town of Mier; we then went to the town of Mier, but failed to find him. We learned afterward that he had been taken into a battalion of troops there. We found from a surgeon that he had dressed such a man. The mayor made some apparent demonstrations to get him. He said that he had surrounded the house where he was supposed to be, but that the man had gone, and he was unable to find him. That was all that was done about that.

By Mr. SCHLEICHER :

Q. Did you think that the mayor was showing a sincere effort to find the man?—A. I did not. Two or three days before the raid on Rio Grande City jail, I had a letter from Colonel Estrada, sending greetings with the mayor of the town of Mier, and with the commanding officer of his battalion stationed at Mier, and stating that he thought there were other parties of Lerdistas further up the river who were conspiring against the government, and calling on me to take action in the matter. I replied to him that I had already given an earnest of my sincerity in that direction by the arrest of Escobedo, and that I was fully aware of what my duty was; that if at any time he should send me guides and men who could identify individuals according to our laws, who were conspiring against the Mexican Government, and would furnish sworn evidence of the fact, I would endeavor to arrest them according to our laws to prevent any violation of neutrality. I also called upon him to endeavor to do the same thing on his side. I asked these men to remain all night at my post, and they did stay until about ten o'clock and left. It was the second night after they were there that I was awakened in the night by the announcement that the jail had been broken into and that Noah Cox had been shot, together with the jailer and other parties. I immediately ordered out 25 men. I ascertained that the raiding-party had consisted of 10 or 12 men, and I ordered all the mounted men at the

post to prepare immediately for a five days' scout; and I directed one of the officers to send me word back as soon as they could ascertain the direction in which the parties who had broken into the jail had taken flight. I moved up there at daylight. I thought that they had gone further up the river than they really had gone. They actually crossed within a mile and a half of the town, while I supposed they had gone about seven miles up. It took a long while to find out exactly through the chaparral there where they had crossed. I then found where they had carried the man who was in irons, Segundo Garcia. He was one of the prisoners who was taken out of the jail. The other prisoner was not in irons. I found where they had carried Garcia on a raw hide and laid him down, also where they had removed part of the towel which he had wrapped around the shackles to prevent their hurting him. That was right on the peninsula—a strip of land which runs up opposite Camargo between the San Juan River and the Rio Grande, about three miles above Ringgold Barracks. These people went right into Camargo and were seen there at breakfast the next morning. Before night of the same day I had the names of all who were engaged in it except one.

Q. How many were there altogether?—A. I think there were nine known and one unknown—ten; and the two prisoners who escaped. One of them was Rafael Garcia, the brother of Segundo, another was Pedro Rodrigo, and another was Obispo. These were all men of notoriously bad character in that section of the country. They had all committed one or more murders or depredations.

Q. Was not Segundo Garcia a murderer?—A. Yes, sir; he boasted of the murder of seventeen Americans.

Q. He has not been recaptured since?—A. No, sir; as soon as I found that they had crossed the river, I went with the sheriff to the town of Camargo. From the other side of the river they could see that I had all the cavalry out, and they were aware of what had occurred. I went down to the ferry in an ambulance to drive up to the town. Evidently a courier had gone before to notify them, because when I rode in I found that they were all in a state of great trepidation. An old negro man whom we met informed us that the men were all up at the court-house and that there was nobody in the streets, as the Yankees were crossing. I rode to the court-house and found the men there. They were all subservient and apparently willing to do everything, so far as words went, but nothing in the way of action. I then telegraphed to Escobedo, at Mier, 28 miles off, stating that I had hoped not to have called upon him so soon to redeem his pledge, telling him what had occurred, and calling upon him earnestly to aid me in the arrest of the breakers of the jail; and stating that if I failed to receive his support, it would be my duty to follow and endeavor to take them wherever I could find them. He immediately set his troops in motion and sent a column of 30 cavalry down, which arrived in the following night. He himself came with a battalion of infantry (about 250 men) on a forced march to Camargo, killing 14 men on the road, who died from exhaustion.

Q. What was the object of his march?—A. His object was to prevent our crossing.

Q. It had nothing to do with the attempt to catch the criminals?—A. He made no attempt to catch them; it was only to prevent the crossing of American troops. He came over to see me, bringing with him an interpreter, an intelligent Cuban named Susino, who was a friend of General Canales. We talked on two occasions earnestly, and kindly and friendly. My desire and anxiety was to get the criminals and to avoid any trouble or liability of trouble between the two countries.

This gentleman, who was with Escobedo, called me aside and said, "He is making no effort whatever to get these men, and all this talk here is just talk; he has done nothing." There was so much excitement about this thing that it suddenly became an international question, and I was directed under no circumstances to cross the river; that the question had been referred to Washington and was in higher hands, and that I was to leave it in the hands of the extradition agent. I then with the sheriff (whose mother was a Mexican) prepared a telegraph to Governor Hubbard, stating the facts of the case, and Judge Russell was appointed extradition commissioner and the matter was placed in his hands. One of the parties, named Pablone, was arrested in the town of Camargo at least a week afterward, under distinct orders from Canales and Treviño. It was said that they tied him up by the toes until he was made to confess who all the parties were, and the authorities could have got the whole of them at any time during those seven days if they wanted to. They were all for a week or ten days within a radius of 10 miles, but when they found that something was going to be done against them, some of them got out. Two others were arrested who, apparently, had no friends. One of them represented himself as an Escobedo man coming into the interior. He was arrested on our side for bringing stolen property into the State; he was followed from Mexico by a citizen who claimed the horse he was riding. The horse was taken from him and he was put in jail, and is now in the penitentiary for stealing property in Mexico and bringing it into the State of Texas.

Q. Was anybody killed or wounded at the time of that jail-breaking?—A. No; Noah Cox got well, and I do not know whether the Mexican who was shot died or not. The jailer was very severely shot in the hip. Noah Cox was sleeping above the jail, out on a veranda; he said that the prisoners usually woke up pretty early, and that when he first heard the noise he thought it was the prisoners waking up. He then stepped inside and found that it was an unusual noise. He then looked out of the window and saw six or eight men apparently moving with some object, and he then knew that something was wrong; he moved back toward his bed where he kept his pistol, got his pistol in his hand, leaned over the balusters, and asked, "*Quien es?*"—who is it? He asked a man below, probably eight feet from him, "What is the matter?" The man said, "That is the matter"; and he fired, shooting him in the breast, the ball apparently escaping the ribs.

Q. Who is Noah Cox?—A. He is a lawyer there, and the county-attorney. He is one of the principal county officers of Starr County.

Q. At that time was not the order in force to cross the river in pursuit of raiders?—A. No; it was understood then to be in abeyance. We were not to cross where there were Mexican troops on the other side that could be communicated with.

Q. Were there Mexican troops on the other side?—A. Not at Camargo.

Q. Then why did not the order to cross apply to that case?—A. I suppose it did apply to that case, but from Camargo to the river is a dense chaparral through which the road runs. I had, all told, 100 men, and the Mexicans could have got together in that chaparral 500 or 1,000 men, and that is about the reason that I would not cross.

Q. How many men do you think they could get there to oppose you?—A. I think they could get five hundred men. I could have readily got into the town of Camargo at any time within those twenty-four or forty-eight hours, but I could not have got back. I would have had to come along this road. I had one hundred men, an entirely inadequate force for such

a place. I consider Ringgold Barracks the most important point along the whole line of that river.

Q. Did you hear anything of the movements of the Mexicans just about that time?—A. Yes.

Q. How many fighting men could they collect at one time?—A. I think they could get together two thousand or three thousand men in forty-eight hours.

Q. And they are fighting men?—A. They are all men of the border; all men who have arms.

Q. You know at what points our troops have crossed the river in pursuit of raiders. Have they ever crossed except where there is hardly anybody living on the other side?—A. No, sir; hardly ever. I know of no instance where they have crossed where there were settlements on the other side.

Q. They cross in the Indian country, above the settlements?—A. Yes, sir.

Q. You say that you could not have gone over safely with your force and got back again?—A. Not with one hundred men.

Q. You have been in Mexico repeatedly, have you not?—A. Yes, sir. I have been in Guerrero, Mier, and Camargo.

Q. In all your dealings with the local authorities of Mexico, has there ever been a single case where you thought that they were sincerely trying to prevent those raids?—A. No, sir. In many instances they made promises, but they never kept them.

Q. Did you ever think that their promises were made with a view of being kept?—A. I did not.

Q. Is not that known everywhere?—A. Everywhere.

Q. It is a matter of notoriety along the whole border?—A. Certainly. In Matamoros, where these three men were delivered up, the crowd followed down to the river. They were delivered up under the positive order of the government to deliver them. Canales himself came over and saw Colonel Haines, the collector at Brownsville, and told him to go to Judge Russell and tell him not to pursue the matter, and that he, Canales, would give the men up. He said that he should not be forced to do it; that he had the order to do it and would obey it, so far as the giving these men up was concerned, but that he wanted his own time and method of doing it. And so in about a week he did deliver these three men up.

Q. Three out of twelve?—A. Yes. As they were taking them down to the wharf, they were followed by a great populace crying, "Up with Cortina and down with Canales." Canales immediately resigned in order to retain his popularity. It was just a fictitious resignation, but it was done to show the people that he was not in favor of delivering up these men, and in order to throw the responsibility of delivering them up upon Diaz. Five other men were arrested in Mexico. They had committed murders in Duvall and Hidalgo counties. Two of them were arrested in Mier, and three, I think, in Reynosa. They were brought down to Matamoros, and a demand was made upon the Mexican authorities for their extradition. They were held for a long time and repeated requests and demands were made for them. The sheriff was sent over to identify them, but he was not permitted to see them. He did, however, see one of them and recognized him. The men were not turned over, but were released under a sort of bond, but it was a straw bond.

Q. Do you know the provisions of the extradition treaty?—A. I have never been able to get a copy of the treaty, but I know the main features of it.

Q. You are aware that it applies only to persons resident on the American side of the river who are fugitives from justice?—A. Yes, sir.

Q. Consequently there was no remedy under the treaty for such a case as the Rio Grande City raid?—A. No, sir; and under such a treaty I do not see how any one is safe on that border.

Q. Did you ever know any case of the punishment in Mexico of a Mexican citizen for a crime committed in Texas?—A. No, sir; I did not.

Q. And the actual result is the absence of all punishment of Mexican citizens for crimes committed in Texas?—A. Yes, sir.

Q. Was that the first time you went to Texas, when you went there in 1876?—A. Yes, sir.

Q. You had no interest there?—A. No, sir.

Q. No friends there?—A. No, sir.

Q. You were an entire stranger?—A. Yes, sir.

Q. You had no predilections one way or the other?—A. No, sir.

Q. And you have come to these conclusions from your own observation there?—A. Yes, sir.

Q. In what manner can criminals be brought to justice there?—A. By force, and by compelling the Mexican authorities to do their duty.

Q. Do you think that there is any security for the people on our border in any measure that depends upon Mexican co-operation?—A. None whatever.

Q. We have to depend upon ourselves entirely?—A. Entirely.

Q. What is your opinion about the power exercised by the Mexican central government on that border?—A. I think it is so slight as to be almost nominal.

Q. Has the central government any power there if it conflicts with the sentiments of the people?—A. I think not. The towns of Camargo and Mier and Guerrero are very largely made up of men who are engaged in smuggling—passing goods across the line into Mexico from the Zona Libre. While they are engaged in revolutions and troubles at home, they do not give us so much trouble on this side, but when they are not so engaged, then they cross on this side to steal cattle and horses. All the merchants who are doing business in those towns are to some extent dependent upon this class of men for assistance and aid in smuggling their goods. The whole community is in an illegitimate and improper traffic there, and in that manner the tone of the country is debauched. Such men as Segundo Garcia—leaders of small parties—are brought into prominence in this way. The greater desperadoes they are, the more useful they are to the merchants in getting their goods through; so that you can hardly get up any sentiment or tone that would regard them as criminals. Either stealing of cattle or smuggling is considered a legitimate and proper business.

Q. The moral tone of the whole population of Tamaulipas is of that stamp, is it, that they look upon cattle-stealing and smuggling as the regular business of the country?—A. Yes, sir.

Q. Do you not think that those two causes, the great facilities for smuggling by the Zona Libre, and the practical impunity for crime, have been instrumental in bringing that class of people together whom we have to deal with on that border?—A. Yes, sir.

Q. And it is a very numerous population?—A. Yes. There are in the town of Camargo two or three families whom I have met, who seem to speak in an apparent under-tone, and to say that they are in the hands of thieves, that their mayor and authorities are of that class and have been elected by that class, and are therefore under its control; and that they probably might have done better if they had the power to do it.

But they have no control whatever. They are entirely cowed by the others.

By Mr. FORNEY:

Q. How many troops do you think necessary to prevent these raids from the mouth of the Rio Grande up to El Paso—I mean without any assistance on the other side?—A. I think that with a different disposition of the force that is now there, that force could stop it.

Q. How large a force is there now?—A. There are three regiments or cavalry and about three of infantry.

Q. Suppose that the Mexican Government co-operates with us earnestly, what force would then be required on this side?—A. I cannot conceive of any co-operation on the part of Mexican forces. I can hardly understand how they can co-operate.

Q. Suppose the Mexican forces on the other side of the Rio Grande would unite with our forces on this side in preventing raids, how many troops would it be necessary for this government to have on the Rio Grande from its mouth to El Paso? Could we get along with half the force that we have now got there?—A. Certainly we could; even with less than half.

Q. Do you not believe that if this government would recognize the Mexican Government, the Mexican Government then would more readily unite with our officers on this side in preventing those raids?—A. I do not believe it would. I think there would be just as many raids. I think that if that were to be the case, the government should show its desire of doing that now, before it is recognized, and when it is on its good behavior. I think that it should be *a sine qua non* that the government should do so before it is recognized.

By Mr. SCHLEICHER:

Q. Have you paid attention to the trade there?—A. Yes.

Q. What portion of the trade is legitimate, and what portion is done by smuggling?—A. None of it is properly legitimate. The merchants get custom-house paper in Matamoros at a great shave. That is called legitimate business; but the paper is got for, I think, one-third discount. Canales gives to the house of Belden & Co. this custom-house paper, at a great shave, for the supplies which his soldiers use. That is the legitimate part of the trade, and that is about one-third. The rest is altogether smuggling.

The witness presented and put in evidence the following letter and affidavits:

RINGGOLD BARRACKS, TEX., *January 4, 1878.*

SIR: I have the honor to inclose, for the information of the commanding officer, sworn statements regarding the stealing and crossing of cattle from this side of the river into Mexico during my late two months' tour of duty at Carrizo, Zapata County, Tex. 1. Affidavit, marked A, made by Mr. L. L. Hall, gives particulars of the crossing of fifty-seven head of cattle. I wish to invite attention to that part of the affidavit regarding the statement of the alcalde. The inspector of hides and animals was also present during this interview and is willing to make affidavit to the foregoing statement. 2. Statement, marked B, filed with this affidavit, is without doubt a forgery made for the inspection of Mexican custom-house officers. 3. Affidavit, marked C, of Mr. J. B. Thatcher, inspector of hides and animals, states facts regarding the capture of thirteen head of cattle. These cattle, as well as the horses and equipments of the escaped Mexicans, were sold at auction at Carrizo, Tex. 4. Affidavit, marked D, of J. B. Thatcher, inspector of hides and animals, reports capture of ten head and the crossing of twelve or fifteen to the other side. The captured cattle were sold at auction at Carrizo, Tex. These affidavits were all made at my request, and contain facts, many of them to my personal knowledge. On inquiry, I find this cattle-stealing and the crossing of them, of four herds in one month, is no unusual occurrence.

The ranchmen make but little effort to regain their cattle after crossing, and say it is useless to do so. Cattle that cost from twelve to fifteen dollars per head, if purchased of an honest ranchman on this side, have been sold for one dollar and twenty-five cents on the other side, said cattle bearing Texas brands and marks; other cases of this kind have been reported to me by men I consider reliable.

I have the honor to be, very respectfully, your obedient servant,

J. MILTON THOMPSON,

First Lieutenant Twenty-fourth Infantry, late commanding forces at Carrizo, Tex.

To the POST-ADJUTANT,
Ringgold Barracks, Tex.

A.

STATE OF TEXAS, *County of Zapata:*

Personally appeared before me, the undersigned authority, L. L. Hall, of Santa Rosa ranch, Cameron County, Texas, who, being duly sworn, deposes and says that on the 12th of December, 1877, a Mexican, an employé of Mr. F. J. Parker (the owner of Santa Rosa ranch) came to Santa Rosa and said that there were unknown parties about four miles from said ranch; that said parties had the cattle of said Parker rounded up, and were taking such of them as they wished. Immediately after I and two other hands started in pursuit of said parties. We followed their trail, which led to the Rio Grande, and crossed it about seven miles below Carrizo, Tex., near the Tipozan ranch. Upon reaching the river, we heard that they had crossed and gone to Guerrero, Mexico, with said cattle. Acting on this information, we crossed the river and proceeded to Guerrero, Mexico, where we went to the president of said town, Juan de Dios Guitevovs, who sent us to an alcalde named Marcos Martinez, who stated to us that the cattle we were after were there, and that he knew that they were stolen property from the prices at which they were being sold, and also stated that if he could have his way he would have had the cattle sold and the money deposited, so that the owners could get it on their arrival. Said Marcos Martinez sent for the inspector of cattle, who came there and brought a certificate, said to have been given by a deputy inspector of hides and animals of Starr County, Texas. A true copy of said certificate is furnished herewith. The alcalde stated that he could do nothing in the matter, after which I left, and was leaving the town when I was sent for by the said president, who stated that he had found the man who had brought said cattle in. The next day I saw him, whose name is Ramon Losano, who stated to me that he had bought said cattle at the Los Almos ranch, Nueces County, Texas, of Jo Vaughn, Ignacio Ramirez, and others that he did not know. I then asked him how much he paid them for said cattle. He stated \$10 a head; and then I asked him how he could pay that much for them and sell them at the prices he was selling them at; that a man had informed me that he had purchased one three-year-old cow from him for \$1.25. He then said that he had bought some of his cattle for under \$7 a head, and the rest of them for under \$5 a head. In this conversation he said that the certificate referred to was a true and correct certificate. I then asked him why certain cattle that he had were not described in the said certificate, to which he made no reply. He also stated that said certificate was given on the 12th of December, 1877.

On the day of my arrival at Guerrero, Mexico, I was taken to the place where said cattle were said to have been disposed of and saw one cow which I recognized by the brand and mark as the property of Mrs. John Rabb of Corpus Christi, Tex., and one three year old beef which I recognized by the brand and mark as the property of Benito Garcia, living at the Recalito ranch, Hidalgo County, Texas; neither of these brands or marks is on the said certificate. I asked said Ramon Losano how he had those two head who were not recorded on said certificate, to which he gave me no answer. Said Ramon Losano acknowledged to me that he had gotten the cattle in the Las Olmas ranch on the 12th of this month. It will be seen by said certificates that it bears date of December 12, 1877. Las Olmas ranch is in Nueces County, Texas, and the certificate is purported to have been given by a deputy inspector of hides and animals of Starr County, Texas, which he had no right to give for cattle from a county other than his own. It is a notorious fact that said Jo Vaughn and Ignacio Ramirez own no cattle. The said certificate bears ample evidence of fraud and forgery on its face, it does not comply with the plainest requirements of the law, it does not state from whom the cattle were bought, and the brands and marks do not correspond with the cattle. The certificate has on it one of the brands and marks of Captain Richard King, of King's ranch, Nueces County, Texas. Several of W. W. Wright, of Banquete, Nueces County, Texas, one of Bluntzen and Lewis, of San Patricio, San Patricio County, Texas. No one in Las Olmas ranch or its vicinity has the right to sell any cattle of the parties just named, and this is conclusive proof to my mind of the falsity of said certificate. Furthermore, I was informed by several parties in Guerrero, Mexico, that this herd was the third one which had been driven there from Las Olmas ranch,

Nueces County, Texas, in the last month and by the same men, and that said herds of cattle were sold at prices not one-tenth their real value.

L. L. HALL.

Sworn to and subscribed before me at Carrizo, Tex., Zapata County, this 22d day of December, A. D. 1877.

In testimony I have hereunto signed my name and affixed the seal of my office this 22d day of December, A. D. 1877.

[SEAL.]

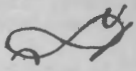
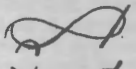







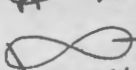
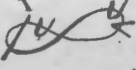
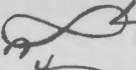
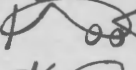




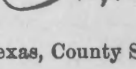
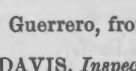
THEO. S. DIX.

B.

THE STATE OF TEXAS, COUNTY OF STARR,
Office Inspector of Hides and Animals.

The following cattle were inspected in accordance with law, to wit:

3 Cows,	I	
1 Beef,	I	
3 Cows,	E	
1 Cow,	D	
1 Cow,	V	
1 Beef,	↑	
2 Cows,	7	
1 Cow,	8	
1 Cow,	6	
1 Cow,	J	
1 Cow,	H	
1 Cow,	K	
1 Beef,	L	
1 Cow,	CN	
1 Cow,	JS	
2 Beef,	X	
1 Cow,	H	
2 Cows,	A	

1 Cow,	π	
1 Beef,	1E	
1 Beef,	m b	
1 Beef,	G S	
1 Cow,	M	
1 Beef,	B	
1 Beef,	X	
1 Cow,	C J	
1 Cow,	m c	
1 Cow,	K	
1 Cow,	S	
1 Cow,	R	
1 Cow,	A	
1 Cow,	R.	
1 Cow,	G	
2 Cows,	H	
2 Cows,	NE	
1 Cow,	Sc	
1 Cow,	Sc	

Dos sillos blancos que dicen, inspector of hides and animals, Texas, County Starr ; Ramon Losano, owner ; Ramon Losano, helper, person in charge.

Permission is hereby granted to Ramon Losano to drive said to Guerrero, from the county of Starr, Texas.

G. W. DAVIS, *Inspector.*

In witness whereof I have affixed my hand and seal of office at Sworn to and subscribed before me this 28th day of December, 1877, at Carrizo, Zapata County, Texas.

In testimony whereof I hereunto sign my name and affix the seal of my office.
[SEAL.] THEO. S. DIX.

C.

STATE OF TEXAS, *County of Zapata* :

Personally appeared before me, the undersigned authority, I. B. Thatcher, who, after being duly sworn, deposes and says, that on December 23, 1877, about 4 p. m., Unides Villereal, his deputy inspector of hides and animals, sent a boy to him with a certificate of inspection, stating that he, the said Villereal, was holding some beeves until he (the said Thatcher) could get there. On examining the said certificate I saw that it was false, and called on Theodore S. Dix, county judge, at Carrizo, Tex., for assistance to go and seize the said cattle. He gave me two men, T. L. Thomas and L. L. Hall, in company with whom I proceeded to the place where the beeves were. On the way we stopped at the ranch of José M. Villereal, sheriff of the county of Zapata, Texas, when the said sheriff accompanied us to the Tipozan ranch, where the said beeves were supposed to be. On arriving there the owner of the ranch stated that they were not there, but about two miles off. The said sheriff and Hall remained at the ranch to arrest any of the thieves coming there; that he, accompanied by said deputy and Thomas, proceeded to hunt for said beeves, which we found about two miles away on the Texas side of the Rio Grande, which were in charge of four Mexicans, two of whom were residents of said Tipozan ranch. The said two from Tipozan ranch told him that they were there watching the other two Mexicans, so that they could not get away with the beeves, and which he knows to be a fact, as they sent word to his deputy; that he asked the Mexican in charge, Apollonio de la Cardenas, where he had gotten the beeves, and he replied that he had bought them from various ranchmen in the vicinity of Lampasitos ranch, which is either in Cameron or Nueces County, Texas; that on asking said Cardenas how many beeves he had bought, he replied that he started with only sixteen head, of which he had lost three; that said Cardenas's certificate, which has been referred to, called for thirty-four head, which certificate was purported to have been given in Starr County, Texas. That he then told him (Cardenas) that he would drive the said cattle to the Tipozan ranch and inspect them. On reaching said ranche he had them penned. That he seized the cattle, and said sheriff arrested the two Mexicans originally in charge of said cattle, who just afterward broke and ran and succeeded in making their escape, though fired at three times—it being dark at the time; that the next morning he inspected said certificate and found it to be false; that it was reported to him that one Manuel Resindas, who lives at the Las Olmas ranch, Nueces County, Texas, was in partnership with the two Mexicans arrested.

J. B. THATCHER,

*Inspector of Hides and Animals, Zapata County, Texas.*STATE OF TEXAS, *County of Zapata* :

Sworn to and subscribed before me, at my office in Carrizo, this the 24th day of December, A. D. 1877.

[SEAL.]

THEO. S. DIX.

D.

STATE OF TEXAS, *County of Zapata* :

Personally appeared before me, the undersigned authority, J. B. Thatcher, inspector of hides and animals for the above-named county and State, who deposes and says that on the 27th of December, 1877, he was about six miles below Carrizo, Tex., on the Rio Grande River, when he was informed by a Mexican, named Cosme Marine, that he had found ten head of cattle in a bend of the river on the Texas side near by, near a ford, and that said cattle were muddy, as if they had been mired up, and had every appearance of belonging to a large drove; that upon which information he proceeded to the place described; that he found the said ten head of cattle which have the appearance described; that he had the said cattle driven to Carrizo, Zapata County, Texas; that most of them had Texas brands and marks on them. Deponent further deposes and says, that just after finding the above-described cattle he proceeded down said river about a mile below the place where said cattle were found; that he was standing in a ferry-boat and was looking up the river toward the said bend and saw five men trying to cross cattle—from twelve to fifteen head; that from there he went to ranch near by, owned by Francisco Monte Mayor; that said Monte Mayor accompanied him to the said bend; that when the said five men were about half-way across the river (going toward the Mexican side) with said cattle, that he ordered them to return to the Texas side, which they failed to do, whereupon he fired a number shots at them, which shots they returned; that they succeeded in getting said cattle to the Mexican side; that he afterward saw them pen the said cattle.

J. B. THATCHER,

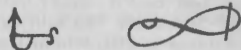
Inspector of Hides and Animals, Zapata County, Texas.

STATE OF TEXAS, *County of Starr :*

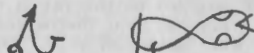
Before me, the undersigned authority, personally came and appeared Julian Garza, deputy hide and animal inspector in and for the county of Starr, Texas, who, being by me first duly sworn, on his oath deposes and says:

That on the 20th day of November, A. D. 1877, affiant inspected for Ramon Lozano, at the ranch Tinaja, aforesaid county and State, the following-described horned animals, to wit:

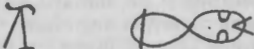
One Cow, 4 years old, branded,



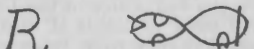
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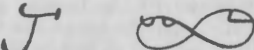
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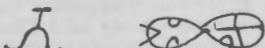
One Cow, 5 years old, branded,



One Cow, 4 years old, branded,



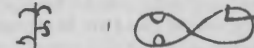
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One Cow, 6 years old, branded,



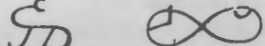
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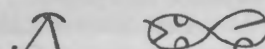
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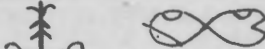
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One Cow, 3 years old, branded,



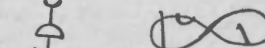
One Cow, 7 years old, branded,



One Cow, 3 years old, branded,



One Cow, 4 years old, branded,



Affiant further swears that the said described marks and brands are correct and true, and that affiant has not inspected any animals of any kind since the date hereof for said Lozano. Affiant further swears that he only inspected fourteen head of cows for the said Ramon Lozano.

J. DE LA GARZA,

Deputy Hide and Animal Inspector, Starr County, Texas.

Sworn to and subscribed before me this 4th day of January, 1878.

SAML. J. STEWART,

Justice of the Peace, Precinct No. 2, Starr County, Texas.

TESTIMONY OF THOMAS F. WILSON.

WASHINGTON, D. C., *January 28, 1878.*

Examination of Mr. THOMAS F. WILSON, United States consul at Matamoros.

By Mr. SCHLEICHER :

Question. How long have you been United States consul at Matamoros?—Answer. Since the early part of June, 1870.

Q. State what in your opinion is the effect of the Zona Libre.—A. The Zona Libre was undoubtedly established for the purpose of attracting the commerce of the frontier to the Mexican side, and diverting it from the Texas side, where before that it had chiefly been. In its operations, it allows the merchants residing in Mexico to import foreign goods into the Zona Libre from Europe and elsewhere, without the payment of duties. This Zona Libre is a belt of country extending along the Rio Grande six miles (or two leagues) in width from the river from its mouth to the upper limit of the State of Tamaulipas, say for 250 miles on the frontier. The merchants import their foreign goods into this Zona Libre free of duty except a local municipal tax, which is merely nominal. All goods that purport to be consumed within the Zona Libre pay no duty whatever except this municipal tax. In the city of Matamoros, for instance, they allow goods at the custom-house to be cleared to the cities of Camargo or Mier within the Zona Libre, and they are transported within that line without any customs supervision at all, and this affords a facility to smuggle goods across the Rio Grande into Texas.

Q. Is smuggling going on to any great extent there?—A. I think there is not as much smuggling now as there was immediately after the close of the late war, but the whole intent of the Zona Libre is antagonistic to the commerce of the United States.

Q. Is it not common that goods are purchased in Matamoros, and delivered by what is known as the pigeon express?—A. Any one can go to Matamoros and purchase goods that have been brought into the Zona Libre free of duty, and have them sent over the river. That is being done constantly without the payment of any duty on either side.

Q. You have had opportunities of observing the character of the people of Tamaulipas?—A. Yes, sir; I have had some opportunity of observing the character of the people all along the frontier, from the mouth of the Rio Grande to the Paso del Norte, say for a distance of more than a thousand miles.

Q. In your opinion, have the smuggling features there been instrumental in collecting lawless people there?—A. I think that the Zona Libre has attracted a large number of people who follow smuggling from the Zona Libre into Mexico and into the United States. I know personally a number of professional smugglers in Matamoros, who have considerable capital invested in the business of smuggling, who have wagons, trains, mules, and carts necessary to successfully carry on that pursuit. A good deal of this smuggling of course is into the interior of Mexico, but it is immaterial to these gentlemen on which side the smuggling is to be done.

Q. What is the relative position of the local authorities of Mexico and of the central government?—A. I have always found in my official intercourse that the local authorities act in their own interest, apparently regardless of any subordination which they should have to the general government. I have gone into court at the instance of officials from Texas and elsewhere to assist in the extradition of

criminals—for instance, in the case of Flories. Flories stood up in the court and said, "Yes, I assisted in murdering these people in Texas, but I am a citizen of Mexico, and what are you going to do about it? You cannot extradite me; I am a Mexican citizen." There was no proof whatever that he was a Mexican citizen, and I took the ground with the court that if this man claimed that privilege under the treaty he must establish the fact in order to avail himself of it, and that it was not incumbent upon us to show that he was not a citizen of Mexico. The judge replied to me that it was all very well; that he believed the man was a criminal as he confessed in court, also that he had no confidence that he was a citizen of Mexico so as to exempt him from liability to extradition, but that he (the judge) was powerless to extradite him on account of Cortina; that Cortina protected people of Mexican origin, and that he (the judge) was powerless to exercise any authority as a judge in opposition to the will of Cortina, who favored that class of people. I then referred the matter to Mr. Foster, the United States minister to Mexico, with this confidential statement of the judge, and a telegram came from the Mexican secretary of war to the military commander at Matamoros to take charge of the prisoner and to surrender him. After months of vexation, and after it was found that Flories was not of much consequence, they did surrender him. This Flories case occurred about two years ago, but I will give you a more recent one. Early last summer the authorities of Texas traced some supposed murderers to the town of Reynosa, Mexico, and requested me to ask General Canales, who was then commander of the Zona Libre, to send a military force from Matamoros to Reynosa to assist in arresting these men, as the local authorities at Reynosa would not act. General Canales promptly handed me an order and I telegraphed it on the American side to Mr. Scott, the Texas officer at Reynosa. It ordered the authorities of Reynosa to arrest these men. Scott, when he got the order, found that it was useless, and he came to Matamoros and I went with him to General Canales, who issued an order for a detachment of troops to go to Reynosa to capture these men. He sent the cousin of one of the men who was to be arrested in command of the troops, and of course we did not get them. In the case of Hamilton, the defaulting treasurer of Jersey City, who had run away with a large amount of money and bonds belonging to the city, Cortina protected him even against the order of the Mexican secretary of war to Colonel Christo to take Hamilton and surrender him. Hamilton was in Cortina's house and was spirited away into the interior by the Cortina people. He afterward confessed so himself, when he surrendered and came back to New Jersey. So far as my experience in Mexico goes, it is impossible to enforce their own local law, much less treaty stipulations, as between Mexicans and citizens of the United States.

Q. Then the central government has no power to control the local feeling?—A. I have on two or three occasions made strenuous efforts to have that power exercised, but it has been only done spasmodically. For instance, General Rocha and General Sebállos came there to suppress revolution. Rocha came twice—once in 1870, and once in 1872. General Escobedo came there in 1875 at the head of a splendid force, but that was to enforce the power of the federal government in respect to its own interests, not in the interest of general order or of the execution of local law or treaty stipulations. It was in the interest of the general government itself as against revolution. These are the only instances that I know where the general government has attempted to enforce authority on the frontier—the revolutions of 1870, 1872, and 1875.

Q. Is it customary there to consider the extradition treaty a remedy in all cases for crime committed by Mexicans in Texas?—A. No, sir. There is a law in Texas to punish persons for carrying stolen property into Texas, but I do not know of any reciprocal law of the kind in Mexico. I never heard of anybody being punished in Mexico for a crime committed in Texas.

Q. Under the extradition treaty the Mexican authorities refuse to deliver up any but Mexican citizens?—A. They only deliver up those whom they want to deliver. It is a matter simply of local caprice whether they will surrender anybody or not, be he a Mexican or a citizen of the United States. The extradition treaty, so far as its practical effect is concerned, might just as well not exist. I have gone into court and asked for its enforcement so often without avail that I have almost ceased to do so any more.

Q. State whether when crime is committed by Mexican citizens on the soil of Texas, it is taken any cognizance of by the Mexican courts.—A. Not at all. I never heard of it. I never heard of the punishment of a Mexican or any criminal in Mexico for crime committed in Texas.

By Mr. FORNEY:

Q. How many criminals have you ever heard of being delivered up?—A. I suppose that in the seven or eight years that I have been there there have probably been a dozen or two delivered up. Some have been delivered up regularly and some irregularly. It is owing a good deal to the caprice of the authorities. If they want something they would give up almost anybody asked for, and if they didn't want anything they would not.

Q. Was Flories surrendered?—A. Flories was surrendered. We were several months at that. They brought him down from Guerrero and had him in the Matamoros jail. The charge against him was killing a family in Texas, and he confessed in court that he had murdered them at night. I have had the judges repeatedly tell me when I applied to them for the rendition of a criminal that they were powerless, that the power of Cortina or some other local chief prohibited them. I heard one of the judges say that his life would not be secure an hour after he would do such a thing. That was in the Hamilton case. He requested me to regard that remark as unofficial.

Q. Were you there during the Cortina troubles?—A. Yes. General Cortina, I think, returned to the border in 1870 or 1871.

Q. He was the principal power there?—A. When I first went there the country was in a state of revolution. That was in 1870. When I reached Matamoros General Pedro Martinez had a force in the rear of the city, outside of the walls, besieging the town. I found that the alcalde (an ex-secretary of war) and most of the local authorities of the city had been implicated in the revolution of Martinez and had fled the city. That was the time when General Rocha came down the country from the interior with a force. Martinez left the neighborhood of Matamoros and went toward the capital of the State, Victoria. As soon as Rocha came into the town he sent for a lot of merchants and held them in his quarters, to force them to pay a *prestimo* of five or six thousand dollars apiece. One of them was a citizen of the United States, named Vizcaya, and there were quite a number of others whom I do not now recall. I went to see General Rocha on the subject, in behalf of Vizcaya. He told me that these men had compromised themselves to lend him some money and that now they would not do it, and that he had put them in confinement and would keep them there until they

paid it. I told him that was not the way to force money from citizens of the United States. I said that Vizaya had mentioned that he, Rocha, had threatened to march him out of town if he would not pay. Rocha said yes, he had made that threat and was going to execute it. I told him that if he attempted to march a citizen of the United States out of the city and expose his life to danger (for I never knew anybody who had been marched out ever to be marched back), there would probably be some authority to march both him and the prisoner back again. He said, "Suppose I take him in my carriage, that will not endanger his life?" I said, "I cannot consent that any citizen of the United States shall be taken away from the city at all. If he has committed any crime here for which you have a right to enforce a penalty, it has been done within the jurisdiction of Matamoros, and this is the place to try and punish him." I said that I did not go there to screen anybody, but to see that citizens of the United States had their rights. Rocha, after my interview with him (it was on a Sunday evening), went to his headquarters and called this man Vizcaya down stairs and told him that he was a gachupin (meaning a whitewashed Spaniard), that he was a naturalized citizen of the United States, that he lived in Mexico and evaded his responsibility to both governments, and that he thought he would take him out into the back yard and shoot him. The man was there in his power at night, and he was frightened. After Rocha had plied him in this way for some time, he finally said to him, "I will tell you what I will do; if you withdraw your claim for protection from the United States consul I will let you off, or else I will shoot you now—just whichever you like." Vizcaya wrote a letter withdrawing his claim for protection, and had it sent to me early the next morning. I then dropped the case after the man had withdrawn his claim for protection. During the course of the day, about eleven or twelve o'clock, I received a note from Vizcaya asking me to call again at headquarters. I went to see him and he told me that Rocha had agreed to let him off provided he withdrew this claim for protection. I said, "Very well, it is a matter between you and Rocha"; but, said he, "Rocha will not do it unless you say you will not forward my application." I said that it was entirely a matter for himself, and in the course of the day Rocha let him off. That is about a fair sample of the way we get along in Mexico.

Q. Have many complaints of American residents in Mexico come to your knowledge in regard to these forced loans?—A. Yes, sir.

Q. Give a general statement of what they are.—A. I will state the most recent ones. The general government is always short of funds, and whenever there is a revolution there is an extraordinary effort made to send forces to the point where the revolution is. As soon as they get possession of a place, in order to pay the troops and keep them from revolting they have to raise funds, and they cannot do so from the general treasury because there are no funds there. They, therefore, call a meeting of the foreign merchants (they are almost invariably foreigners; I have never known them to enforce these loans on their own citizens in Matamoros), and tell them that they want so much money—so much from this one and so much from that one—two or three or ten thousand dollars, according to their ability; and they usually keep these merchants confined until they agree upon some sort of a basis of compromise. Sometimes the merchants pay more and sometimes less. Sometimes they get orders on the custom-house for what they pay at the rate of \$2 for every dollar they pay. I have known military orders given on the custom-house for advanced duties as high as three dollars for one.

Sometimes these orders are recognized by the general government and sometimes they are repudiated, and the merchant loses whatever he has invested in them. One of the strongest cases occurred lately when General Diaz was outside the city of Matamoros. It was in the latter part of March, 1876. It was understood in the city that Diaz was about to come in, as those inside had betrayed the general government. General La Barra was in command of the city at the time. He sent out for, I think, eleven of the principal merchants, and had them in the custom-house. He wanted to raise from them \$30,000. Business had been very bad, and they claimed, and justly, that it was very difficult to raise that much money at all in the town. They applied to me, and I went and saw them, and I had an interview with General La Barra. I told La Barra that he could not do that sort of thing; that it would not be permitted any longer. After these gentlemen had put their claim for protection in writing, I telegraphed the facts to Mr. Fish, and asked to have the gunboat Rio Bravo sent there to assist in rescuing the prisoners. The gunboat was promptly sent. It came there the next day. In the mean time the families of these gentlemen who were retained in headquarters were very much excited. It was supposed that the city was going to be captured and perhaps sacked that night, and these men were not at home to protect their families. Their families were constantly sending messages to the consulate asking me to relieve them. I went to General La Barra and told him the situation of these people, and he finally agreed to allow them to go home that night, on my becoming surety that they would return at ten o'clock the next morning, which I did. It was seven or eight o'clock at night when they were released. While I was riding with an adjutant of La Barra's with an order to release these men from the custom-house, I heard this adjutant boast to the driver of the carriage that he had just taken Mr. Sustental, a citizen of the United States, from his house and put him on the fortifications. They had imposed on Mr. Sustental a forced loan of \$300, and had taken him from his house and put him on the fortifications in the most exposed position, and would not even permit him to sit down, because he would not pay. As soon as I got to the custom-house and these other gentlemen released, I went to Mr. Sustental's residence and inquired where he was. His wife said that a squad of soldiers had been there an hour or two before, that she had answered to the alarm at the door herself, that they had asked for Mr. Sustental and that she denied his being in the house. They said they knew he was in the house and would knock down the door if she would not open it. She said that Mr. Sustental then came forward and they arrested him and carried him off and that she did not know what they were going to do with him. She was very much excited and so were the children. I took a carriage and went to the headquarters of General La Barra, driving almost clear around the fortifications through the camps of the soldiers to reach them. I found General La Barra, and waked him up. I told him that this thing was an outrage, and that it could not be permitted for a moment. He said that he knew nothing about it, and sent his adjutant with me to find where Sustental was. He did not know nor did I in what part of the fortifications (which are two miles long and contained five or six forts) he was. I had traversed the greater part of the line before I found where La Barra was, and then I went through the rest of the line from La Barra's headquarters right around to the other side. His adjutant went with me to Fort Puerto Verdas. There I found Mr. Sustental on the outer earth-works. It was then about one or two o'clock in the morning. I asked

Sustendal how he got there, and he told me that he had been sent there by the order of General Toledo, who was the second in command under La Barra. I then applied to Colonel Arroyo, who was in command of that fort, to know how a citizen of the United States had got into that position. He said that he had received him from the adjutant of General Toledo, with orders to place him where I had found him. It was the latter part of March, and the weather was cold and damp. Mr. Sustendal is a man of at least sixty years old, and one of the most peaceable, quiet, orderly men that I know of in Matamoros. I never knew him to be in any sort of litigation or trouble of any kind. He is a Frenchman originally, but he had resided in New York and was naturalized there. He has resided in Matamoros for ten or twelve years. The adjutant of General La Barra told Colonel Arroyo that La Barra had sent for the prisoner. La Barra had said to me that he did not know why General Toledo had put him there, but that he would take me as security for him to appear next morning at the custom-house with the other prisoners who had been released in the early part of the evening, to answer for whatever it was. Next morning at 10 o'clock these men met at the consulate; some of them were German, some were Spanish, and some American citizens. The German consul had left the city, with his family, and was on the other side of the river. Before going away he came to me and said that he was powerless, that he had no sort of authority there, that he would probably get into some sort of trouble himself if he remained, and he asked me to use my good offices for the German citizens. As the Secretary of State had telegraphed me that the foreign ministers in Washington had applied for my good offices on behalf of the English and German citizens in Matamoros, I of course consented. I went to the custom-house with Mr. Sustendal and the others. By that time the gunboat Rio Bravo had steamed up and got to our side of the river. Commander Johnson, of the Rio Bravo, accompanied me to the custom-house, and we demanded the immediate release of the United States citizens and of the other prisoners. La Barra, apprehending that we were going to enforce the demand, released them, but that is all the satisfaction Mr. Sustendal or any of them ever got for being torn from their families and restrained of their liberty. That was in March, 1876. That is another sample of the way we are treated in Mexico.

In a day or two La Barra was driven out of Matamoros. Diaz came in over the fortifications and captured the town. The only fort that held out for any time was this same fort, Puerto Verdas. Diaz came into the town, and after remaining there some two or three weeks, took a considerable quantity of arms, cannon, ammunition, &c., and went into the interior. It was understood that the Lerdo government was sending down General Escobedo to recapture the place. I think Diaz came into Matamoros on the 2d of April, and his forces remained in Matamoros until the night of the 17th of May, when General Gonzales sent a note to me that he was going to evacuate the town, and that if we foreigners had any way of maintaining order and protecting ourselves he would leave the city in our hands; that is, he virtually abandoned the town. If the foreigners wanted to protect themselves from being robbed and plundered, they should do so. He seized all the carts and horses, and even captured the watchmen and police and everybody that he could in the city, and carried them off with him, and we were very apprehensive that he was going to carry off some of the foreigners, but he did not. At daylight he sent me word again that he was ready to leave.

During the morning I had a conference with Commander Johnson, of

the gunboat, and he sent some sailors to patrol the city for me, and placed them at my disposal to maintain order, and I held the city for two days, until General Escobedo came in. What brought about this idea of turning over the city to me was this: One of General Gonzalez's lieutenants, I think an aid, had gone to a lumber-yard and was carrying off a lot of lumber to be used in the fortifications, making ways for cannon, &c. A citizen of the United States, living in Texas, named Mansur, came to me and claimed that the lumber belonged to him, although it was in the possession of his brother-in-law. I went to the lumber-yard to see for myself what was being done, and I there found this lieutenant plundering the yard and had some soldiers and carts there to carry off the lumber. I asked him by what authority he was acting, and he said by the authority of General Gonzalez. I asked him if he knew that it was American property. He said he did not, and that he did not care. I asked him if he knew who I was, and he said he did not care who I was. I said to him that he must show some authority for what he was doing, as I did not know who he was, as he was in citizen's clothes. He said he thought it would be a first-rate thing if they would pick up the German and the United States consuls and take them out and shoot them; that it would save a great deal of trouble.

I went then to General Gonzalez, and told him what this man had said. Gonzalez immediately countermanded the order to take the lumber. I told him that American citizens had come there under treaty stipulations, with a guarantee for life and property, and that I wanted to know if he could assure us that we would receive the guarantees to which we were entitled. I said that it was not the proper thing for his own staff-officers to talk about taking consuls out and shooting them. He disclaimed the act of the lieutenant, and said that so far as the Diaz government was concerned it intended to give foreigners all the rights that they were entitled to. The German consul who had returned had some trouble in the morning in regard to one of his subjects. I asked him to go to Gonzalez with me, but he would not do it, as he said he had no way of enforcing any of his demands; but Commander Johnson, of the gunboat Rio Bravo, went with me on this occasion. Gonzalez said that we should have every guarantee, and that he should correct these abuses. I said to him, "In case of any insurrection or disturbance, if he could not give us proper protection, would he let me know?" He said that he would, and that is why he gave me notice when he was going away; that he was done with the place, and that I must use whatever force was at my disposal and maintain order. General Escobedo came in two days after and put General Revueltas in command of the city, and issued a proclamation making General Revueltas military and civil governor of the Zona Libre. At that time General Canales, who was the governor of the State of Tamaulipas, and all the local authorities of the State, so far as I know, were sympathizing with or aiding Diaz, and therefore the State authority was almost abolished, and General Revueltas was appointed military and civil governor of the Zona Libre, which is within the State of Tamaulipas.

By Mr. WILLIAMS:

Q. State how far you understand that you can go as United States consul, under our treaties with Mexico, in protecting our citizens there from personal violence or forced loans or things of that kind.—A. The treaty of 1831 says that the property of citizens of the United States shall not be taken without compensation, nor shall citizens of the United States be compelled to serve in the Mexican armies, nor shall their ships

or merchandise be embargoed for military purposes. It was on that ground that I claimed they could not carry off this lumber.

Q. And, practically, what would you do in cases of that kind?—A. Whenever a complaint is made that the rights of American citizens were interfered with, I always asked that the complaint be reduced to writing, if it was a case which allowed of any delay, I would transmit a copy of the complaint to the Mexican authority, whether military or civil, and asked for an investigation of the matter. I usually wind up the letter by saying that if the facts were found as stated, they would doubtless give prompt redress. In a case of emergency, I go personally to the authorities. There are no specific instructions on the subject. Things are so irregular in Mexico that you have to make every case stand on its own merits.

Q. Supposing that in these cases which you have mentioned they had refused relief?—A. When La Barry refused to release the persons he held, I telegraphed to the Secretary of State. I always keep the department advised of what is going on, and in cases of emergency I always telegraph it.

By Mr. SCHLEICHER:

Q. Would you not call on the military force of the United States if there was one near?—A. I have no authority to do that.

By Mr. WILLIAMS:

Q. Would you regard yourself as having power in extreme cases to use military force?—A. I have not such power.

Q. Has our government power to direct it?—A. I think it has by the act of Congress, Revised Statutes, section 2001, which reads as follows:

SEC. 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen; and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release. And all the facts and proceedings relative thereto shall, as soon as practicable, be communicated by the President to Congress.

Q. Then you understand that in cases of this kind our government would be justified in using military force, if necessary, to protect its citizens?—A. Yes; that is my idea of it.

By Mr. SCHLEICHER:

Q. Was there not a forced loan under Revueltas?—A. General Revueltas was a very arbitrary, tyrannical officer. For instance, in July 1876, he sent out and arrested four or five prominent Mexican citizens of Matamoros. They were taken from their homes and carried to a common jail, and the next morning there was an order that Mr. Yturria was to pay \$5,000, Mr. Solice was to pay \$5,000, Mr. Langoria was to pay \$10,000 or \$15,000—I think \$15,000—and that Mr. Antonio Canales (the brother of the governor) was to pay \$5,000; and that if they did not pay it he would shoot them by four o'clock in the afternoon. Some of the friends of these people came to me about it, especially the friends of Yturria, whose brother was a naturalized citizen of the United States, living in Brownsville. I went to see General Revueltas about it. They supposed that I had more or less influence with him. I said to him substantially about this: That he was an officer of the Lerdo government; that, so far as I knew, the United States Government recognized the Lerdo govern

ment as the legitimate government of Mexico, and had thrown its moral influence on the side of sustaining President Lerdo, and that I did not think the United States Government desired to lend their moral influence to an officer or a government that would send out for its own citizens and perhaps murder them, if they did not submit to being robbed in that way. I said that I was satisfied our government did not want to lend its moral influence in that way, and that while I had been assisting or sustaining him against revolutionists, I would no longer aid or assist him after such an act. I said that I protested against it in the name of civilization; that it was wrong, and that it was barbarous. The answer which I got through the deputy collector, Mr. Chevero, who acted as interpreter, was about this: That if I insisted on that protest it would injure the prisoners, and that they would doubtless be shot; that Revueltas was a very arbitrary man, and said he, "You people protested in the name of civilization against the shooting of Maximilian, and we shot him. We do not care for such protests." That is the answer I got. I then said that, so far as I was concerned, I would cease to hold any personal intercourse with officers that would act that way; that whatever official intercourse I had to hold with them I would of course hold, but that from that time on I ceased to hold any personal relations with Mr. Revueltas other than my official duties required. I had exerted myself in getting powder and ammunition from our authorities to sustain the city against the outsiders, and had interested myself in every way in giving the officers of the Lerdo government some support. I had held the town for them when the others had gone, and I thought I was entitled to some consideration in a request of that kind. These gentlemen had all to pay their loans before they could get out. Some of them compromised for less, and gathered up what they could and paid it. That was in July, 1876.

Q. Did they interfere with any Americans?—A. Not at that time.

Q. At what time did they?—A. In December, 1876, General Revueltas issued a proclamation imposing an extraordinary tax for military purposes. Cortina's army was then outside of Matamoras, in the Diaz interest. We had no communication whatever with the country, and the only means of getting provisions was across the river, by the ferry from Brownsville. Revueltas issued a proclamation levying a tax of three per cent. on all property within the Zona libre. About thirty-five foreigners, principally citizens of the United States, came to the consulate and signed a protest against it, on the ground that the treaty exempted them from paying any other tax or contribution than that which was paid by the citizens of the State in which they resided. I then went to General Revueltas about it. Revueltas said that he had the power as a military commander to levy and enforce that tax, and that he was going to do it. I said to him, "General, if you levy this tax and exhaust it in maintaining your army, you may levy another tax to-morrow, and so on." Said he, "I claim that I have the power to levy taxes to the amount of 100 per cent." I then telegraphed the situation to the Secretary of State at Washington, and asked that Commander Johnson, of the gunboat Rio Bravo, be instructed to enforce our rights there. I also asked the commander of the gunboat, which was still lying there, in case Revueltas insisted on forcing this tax, to close the ferry between Brownsville and Matamoras, because if the ferry was closed Revueltas could not sustain himself a day, as there was no other way for him to get food or provisions for his men or horses. All supplies had to come from Brownsville. The commander of the gunboat, however, did not feel like doing this, and the tax was enforced.

The merchants asked me what they should do. I told them to resist the payment of the tax as long as they could, and that I thought by resisting it in all the quiet ways they could they would make it so odious that Revueltas would not proceed with it. They took my advice, and they allowed their stores to be broken in, and their goods carried off and sold at auction; but Revueltas made so little out of these sales, and the money came in so slowly, and he found himself so obnoxious on account of the enforcement of this tax that he afterward sent a note to me asking me to meet him at Mr. Chevero's, the deputy collector's, and hold an interview with him. I went there one evening and he told me his situation. He said that he had been trying to hear from the general government; that the Lerdo government had left the country; and that he had sent to the Diaz government, offering to submit to it, but that he had got no answer; and that he wanted to hold the city until he could hear from some constituted authority in the capital. He asked me if I would not use my influence to aid him in holding the town. I told him that so long as he insisted in that three per cent. tax I would not; that he had imposed that tax against my protest, and against the protest of the citizens of the United States, and that it was only piling up debt against his own government, which it would probably have to pay for some day. He then asked me in what way it could be done. Of course it was our interest to maintain order in the city, for if Cortina's people came in we did not know what might happen. I told him that I thought by abandoning the three per cent. tax, and calling a meeting of the merchants, they would subscribe sufficient money to maintain the troops in the city until he received instructions from the Diaz government or from any other government in existence. The next morning the merchants had a meeting at the consulate, and agreed to contribute \$300 a day, to pay the soldiers, and to leave it with me. They would not give it to Revueltas personally in any amount, but they sent \$3,000 to the consulate, and I was to pay it to the paymaster of Revueltas's forces. The reason they did not give it to Revueltas was lest he might steal it and run away, and let Cortina enter the city. Revueltas's paymaster came daily for ten days, I think, and received on my office table \$300 a day to feed the troops, and to keep them from pronouncing and going over to the Cortina party. For the money which they paid, the merchants were to get orders on the custom-house at the rate of \$2 for every dollar which they subscribed.

By Mr. WILLIAMS:

Q. Did they get the money back?—A. Some did, and some did not.

By Mr. SCHLEICHER:

Q. What position did the commander of the American troops take?—A. General Revueltas and Colonel Deven, who was commanding Fort Brown, in Texas, were very intimate. They were constantly exchanging visits with each other, and it was reported publicly in the public press, and by public rumor, that Colonel Deven had been interested in the Smith case and had befriended Revueltas. I therefore did not apply at all to Colonel Deven on the subject. I had no instructions to do so, and I did not do so. I applied, however, to the commander of the gunboat to assist me, and he declined. I had telegraphed this protest of the merchants against the payment of the three per cent. tax to the Secretary of State and had asked for definite instructions as to the rights of the merchants there and what they should do in the matter. While that was pending, I was informed that Colonel Deven had come to Matamoros and in a barber-shop and drinking-saloon, had said that Revuel-

tas was right in enforcing the three per cent. tax; that he had authority to do it; that the troops must be paid, and that if it was he (Deven) who had it to do he would put on a tax of ten per cent., and if the foreigners did not like it, damn them let them get out of Mexico. The merchants were a great deal excited over this report and brought an account of it to me. I wrote a dispatch to Colonel Deven stating what I had heard, mentioning the places where I had understood he had made these remarks, and telling him that I would furnish him with the names of the persons who had given me the information if he desired it. I told him that in a country like Mexico, where revolution was so general, such remarks from an officer of the United States were calculated to stimulate irresponsible Mexican military officers to acts which they were not justified in, and that, pending the decision of the question by the State Department, I hoped he would not interfere to the prejudice of citizens of the United States within the consular district. That is substantially what I told him. I afterward received a letter from him in reply, in which he did not deny that he had made use of these remarks, but implied that I had no right to question his conduct in the matter, or what he said or did. That was the purport of his reply.

By Mr. WILLIAMS :

Q. Did you get a reply from the State Department?—A. I did.

Q. What was the reply, in substance?—A. The substance of it, in regard to the collecting of the three per cent. tax, was that the Department had referred the matter to the Mexican Government, or to our minister in Mexico; that it was probably illegal; but that the latter clause of the treaty of 1831 prescribed that all such questions should be first presented to the government before any force was used. That was about the reply, as I recollect it. That was the tenor of it. I saw Colonel Deven stand in the street of Matamoros and look at a door of an American citizen being knocked in by Revueltas's officers in the enforcement of that tax. I saw the commander of the gunboat, Johnson do the same thing, and neither of them sympathized with the American merchants in Matamoros, nor used their good offices to assist them in the matter.

By Mr. SCHLEICHER :

Q. The goods of the American merchants were taken away and sold at auction?—A. In satisfaction of this three per cent. tax.

Q. Did they bring any fair prices?—A. No, sir. The majority of the merchants—the respectable merchants—agreed, as I understood, not to buy each other's goods; that is, they had a verbal understanding with each other not to buy them, and many of the goods were sold to officers and contractors of the army, who took them for their pay. They were sold for almost nothing; so that I think Revueltas abandoned the enforcement of the three per cent. tax because he was getting nothing from the sale of the goods.

Q. State the circumstances of the arrest of Smith, and who Smith was.—A. John J. Smith is a citizen of the United States. He came to the frontier in charge of the national cemetery at Fort Brown. I understand that the law prescribes that only a wounded soldier who had been honorably discharged can be appointed to such a position. Mr. Smith resigned that position when he was appointed an inspector in the custom-house at Brownsville, because the compensation of an inspector of customs is greater than that of a cemetery-keeper. Being in bad health, as he told me, from wounds received in the war, he thought of changing his locality, and he was appointed United States commer-

cial agent at Presidio del Norte, which is up in a dry hilly country. He told me afterward that he resigned that because he was unable to take the long journey there, and he remained in Brownsville. I think he was deputy cattle and hide inspector in the county of Cameron, under the Texas law. I was absent in the summer of 1876, on leave, visiting the Centennial Exposition in Philadelphia, and there I received a long telegram from Mr. John F. Valls, the vice-consul at Matamoros, stating that Mr. Smith had been arrested and imprisoned by General Revueltas in Matamoros. I immediately transmitted the telegram to the Secretary of State, and instructed the vice-consul to communicate directly on the subject with the Secretary of State. Later I received another telegram from the vice-consul on the same subject, which I also transmitted from Philadelphia to the Secretary of State, and I came on to Washington. Mr. Fish, the Secretary of State, called my attention to the Smith case with the intention, I think, of my immediately going to Matamoros, and he instructed me in writing that if, on reaching Matamoros, I should find that Mr. Smith was still in confinement I should do whatever could be properly done to secure his release, or to mitigate any hardship of imprisonment. On reaching Matamoros I found that Mr. Smith was in jail and I went to see him at once. I had previously met the commander (Johnson) of the gunboat Rio Bravo at Brazos Santiago, thirty miles from Matamoros, and I had a conversation with him on the Smith case. He appeared to think that Smith's was a case which did not demand much attention. I met some other citizens of Brownsville at Brazos, who appeared to have the same opinion, and I met Colonel Haynes, the collector of customs, who appeared to have a very different opinion. One or two other citizens of Matamoros who had come to Brazos to meet me, I believe, but who were the friends of Colonel Deven and the military, appeared to think that I need not bother much about Smith. The citizens of Texas, however, and the collector, appeared to think that Smith's case was one requiring prompt attention. I then went to Matamoros and found Smith in jail. I told him what the Secretary of State had said to me in Washington, and I informed him of the purport of the dispatch in regard to him, and told him I would do whatever I could to carry out the wishes of the Department. It had been reported in Matamoros that as soon as I arrived there would be a prompt demand made for Smith's release, and that General Revueltas was aggrieved on account of this rumor, and probably would not release Smith if he could help it. To avoid any difficulty I went and saw General La Barry, who is a very quiet sort of man, and who was a friend of Revueltas, and I saw the commander (Johnson) of the gun-boat Rio Bravo, who was also intimate with Revueltas, and one or two others of Revueltas's friends. I asked them to use their influence with Revueltas to have Smith discharged before I should make any demand about it. That was simply to avoid this presumed threat which Revueltas would not act under, and it was to avoid any previous trouble which had occurred in reference to the presumed demand to be made. Revueltas, however, refused to discharge Smith; so these gentlemen informed me. Colonel Haynes, the collector at Brownsville, Tex., was one of those whom I had asked to use his good offices in behalf of Smith. I then informed General Revueltas officially of my return to Matamoros, and of my resumption of the consular duties, and I subsequently transmitted to him the statement which Mr. Smith had sent to me. In the mean time I had ascertained that there was no testimony whatever against Smith, and I had told Commander Johnson of what I knew in that respect. He

asked me how I found that out, and I told him I had found it out from the records of the case.

By Mr. WILLIAMS:

Q. What was the nature of the charge against Smith?—A. Being a spy. I had not seen the record myself, but I got a friend of mine to read the record, and I was assured by him that there was not a particle of evidence against Smith. I told Commander Johnson so, and that Smith was being held there a long time; that he was in a foul prison; that his health was being impaired, and that no matter who Smith was, he was at least a citizen of the United States, and entitled to protection. Johnson said substantially that he did not believe Revueltas would have taken the position he had unless he had some testimony against Smith. I told him that I could convince him that he had not a particle of evidence, and I arranged with Colonel Haynes, who reads Spanish well, to go with Commander Johnson and ask Revueltas to let him see the records in the case. Johnson went to Revueltas with Colonel Haynes as a friend, and Haynes read the testimony and told Johnson that there was nothing in the record to justify any proceedings against Smith, or to justify his being held. Mr. Haynes gave a certificate of that fact, which I transmitted officially to the Department of State. Johnson then told me that he was satisfied that Smith was being wronged, and that he would join me in anything that could be done to secure his release. I told him that before he commenced acting he had better put that in writing, and I then transmitted to Johnson a copy of Smith's statement of his case to me. I said to Johnson that he had been there while I was absent, and probably knew all the circumstances, and I asked him for his opinion as to what should be done, as we had been ordered to act together. Johnson replied officially, in writing, that he had become satisfied that there was nothing against Smith, and that he would join me in securing his release by all proper means, by which I supposed he meant that he would use the force at his command to enforce Smith's release. I transmitted to General Revueltas a copy of Commander Johnson's letter, Smith's letter, and a letter of my own. The next morning after sending that communication to Revueltas (twelve or fifteen hours afterward), I was walking down the street toward the gun-boat to see Commander Johnson and ascertain what was going to be done. I met Commander Johnson and Mr. Eversmann, the German consul, coming up in a carriage. They stopped and invited me to get in with them. Johnson told me that the German consul had just visited him on behalf of General Revueltas, and had told him that Revueltas thought Johnson had betrayed his confidence when he read this testimony in giving me any information on the subject, and that if Johnson did not revoke his letter to me, (a copy of which I had sent Revueltas), he (Revueltas) would publish all the circumstances and facts connected with the arrest of Smith. Johnson asked me what he would do in the case. I said to him that if I were in his place I would simply reply to Revueltas so far as Johnson's letter to me was concerned, telling me that there was no evidence against Smith—he could stand upon the record; that he could base that upon the ground that he knew of no cause, and that Smith's statement alleged that there was none, and that as to the threats of publishing the facts and circumstances, he might do it if he chose, and see what he was going to make of it. When we got up as far as the consulate I got out of the carriage, and the German consul and Johnson went on toward the plaza, in the direction of General Revueltas's headquarters, and I

believe they went there. After that I never could get Johnson to do anything in the matter. Some days afterward I met Johnson's former clerk, and I said that I thought it an extraordinary thing that Revueltas would send such a message to Johnson, and that I would like to see what a man would do who would send such a message to me. He replied something like this: "You do not know as much about the matter as I do. I have been the interpreter; and if I told what I knew, Johnson would probably lose his commission," or words to that effect. I do not pretend to quote verbatim, but substantially what he said. But I naturally did not feel afterward that I was going to have any more support in the matter from Commander Johnson. I told Johnson next day what his former clerk had said to me. I observed that Johnson continued to be good friends with him afterward, and I drew the inference from that that what he said had more or less foundation, for I hardly think that Johnson would keep on good terms with a man who had made such a remark about him if there had not been good ground for it. In this connection I desire to say that it was alleged in the public newspapers, and in common report, that Colonel Deven was the cause of the arrest of Smith, and that Johnson sympathized with him. Whether that is true or not I do not know; I give you newspaper and public report. The next day after that conversation with the German consul and Johnson and myself, Smith was removed from the outer room in which he had been allowed to be for some time previously, and was returned to a dark cell in the rear of the prison, close to a very offensive sink. I telegraphed to the Secretary of State the fact of Smith being returned to this cell, and received a reply that they had again telegraphed to the minister at Mexico on the subject, substantially that all was being done at the department for Smith that could be done. I believe that the government tried to relieve Smith all it could by the way of Mexico. I am satisfied from what Mr. Fish told me at the department, and from my correspondence afterward, that the State Department used all its power, short of force, to relieve Smith.

Q. When did you reach Matamoros on that occasion?—A. I reached Matamoros on the 10th of November, 1876.

Q. Was that while Lerdo was still in power?—A. Yes; he was supposed to be then in the city of Mexico. I think he left the city of Mexico on the 21st of December following. Smith was discharged afterward, and there never was a particle of testimony against him.

By Mr. WILLIAMS:

Q. How long was Smith detained in prison?—A. I think from the latter part of September until about the middle or latter part of December, 1876. It was asserted in the public press that Colonel Deven had called on Revueltas and asked him for a certificate that he (Deven) was not interested in Smith's imprisonment, in regard to which I took the ground that a United States officer holding such intimate relations with General Revueltas as Deven did, should not want a certificate that he was not interested in the imprisonment of an American citizen, but, on the contrary, should have used his good offices as efficiently as possible to secure his release. It seems to me that this ought to have been the position of an officer under such circumstances.

Q. You felt that Deven and Johnson did not co-operate with you cordially?—A. I felt that they both opposed me.

Q. Did you communicate that fact to the State Department?—A. I wrote to the State Department in regard to Colonel Deven's conversation in Matamoros, and inclosed a copy of my letter to General Deven. My

reason for writing this letter first to General Deven was because I did not want to transmit to the government anything against Deven without his knowing it. I did not want to represent the facts without first informing Deven of what had been reported to me about him:

Q. Is he stationed there now?—A. No, sir; he was afterward promoted to a colonelship in the Army and transferred to another regiment. After I had been the treasurer of the merchants to pay Revueltas's troops every day, Revueltas one morning, to our great surprise, left the city on hearing that General Canalez was advancing on the place. As long as Cortina was outside Revueltas held the city, but when General Canalez approached within a reasonable distance of the city Revueltas left it very promptly. This was after he had robbed our people through the means of the tax, and after he had imprisoned Smith, and after he had defied all the authority which I could use to protect either our merchants or Smith. Revueltas went on board the United States gun-boat then lying along side of Matamoros, which had been sent there to protect our people and afford protection to them, and he was transferred by Commander Johnson in one of the gun-boats' launches to Fort Brown. In Fort Brown he was the guest of Colonel Deven, and Colonel Deven gave him a special military escort to convey him to Point Isabel, nearly thirty miles distant. He went by ambulance, instead of taking the railroad, because of the hostility of the United States citizens toward him in Brownsville. He doubtless would not have been allowed to go through Brownsville on account of the exactions, extortions, and wrongs which he had done to our people. Colonel Deven used part of the Army of the United States to protect this fellow Revueltas, who had robbed and imprisoned our people, and he even gave him a military guard while he ate his dinner at Point Isabel, until he got on board the steamboat. At the time that Revueltas fled from Matamoros he was no longer an officer of a friendly government, and was not entitled to a military escort, even as a matter of courtesy from one nation to another. I can only leave the motives of Johnson and of Deven in this matter for the committee to determine. I know this, that when a civil officer of the United States goes along the frontier on official duty he cannot have a military escort without a special order from the Secretary of War.

By Mr. WILLIAMS :

Q. Do you know any reason why Johnson and Deven should be so friendly with the Mexican authorities instead of with our own?—A. I can only give you the reasons that rumor assigns. I had nothing to do with Colonel Deven. Rumor states that Deven had sold some ammunition to Revueltas, and that this forced tax paid for the ammunition. I do not know that this is true. It was also rumored that friends of Deven in Brownsville had supplied Revueltas with corn, hay, and other army supplies, and that Revueltas was indebted to them for those supplies; and I should judge from Colonel Deven's remarks in Matamoros that the troops must be fed, and that Revueltas had the power to enforce the tax to feed them, implied that these supplies should be paid for by means of this forced tax.

By Mr. SCHLEICHER :

Q. Was General Ord around there at that time?—A. General Ord came to the frontier while Smith was in prison, and about the time that this tax was being enforced; I think at the time.

Q. What position did he take about it?—A. I was told by respectable citizens in Brownsville that they had appointed a committee for the purpose of calling on General Ord and explaining to him the situa-

tion in Matamoros of Smith and the other Americans there, and that General Ord would not receive them. He had time, however, to go over to Matamoros and see General Revueltas. I saw him with Colonel Deven in a carriage going in the direction of General Revueltas's headquarters, and I believe they went there. It was a very stormy, inclement day, so much so that hardly anybody else was out.

Q. Do you think that there is any reason to believe that in the near future we can rely on anything else for the protection of our citizens on that frontier except on what our government does itself? Is there any reason for relying on anything which the Mexican Government will do or can do?—A. Ever since I have been in Mexico, I have stated in my dispatches that I thought there was no remedy for the wrongs done to our people and for the violation of treaties, except by the use of some effective measures which would teach the Mexican authorities that they were to be held responsible for the wrongs done to citizens of the United States. I do not see anything in the present that would give us any other guarantee for the future. I have heretofore informed the government of the almost nullification of the extradition treaty on account of the jealousies that exist between one side of the border and the other, and on account of the want of enforcement of law on the Mexican side. I do not believe that the present extradition treaty can be enforced, and I suggested to the department as a remedy (about two and a half years ago) the formation of a mixed court. I was satisfied that the Mexican law could not be enforced on the border, and that the central power of the General Government of Mexico could not be made effective on the frontier, while the frontier people did not want to submit to it. As a remedy for that, I proposed that we should make a treaty, constituting a mixed court, consisting of one Mexican, one citizen of the United States, and an umpire, to be chosen as the treaty might provide, with power to sit on either side of the river and try criminals on either side, who were fugitives from justice from either country, instead of extraditing them, and to have a common prison for the confinement of prisoners, because if you imprison a man in Mexico, and a revolution breaks out, he is immediately free again. I believe that with a court of that kind, with power to call on the military power of either country to enforce its authority, the remedy might be attained.

By Mr. WILLIAMS:

Q. Supposing the Diaz government were recognized, and that the order directing our forces to cross into Mexico were withdrawn, what, in your judgment, would be necessary to protect the Texas frontier?—A. I do not think that the recognition of the Diaz government would remedy matters on either side of the border. I have repeatedly said that if some measure were used to teach Mexicans who commit crimes in Texas that they cannot find a safe asylum and shelter in Mexico, these crimes would cease. I think that it might be achieved by the mixed court which I suggested.

Q. If the Diaz government should enter into that stipulation to co-operate with our government in suppressing those raids, what would you expect to be the result of such an undertaking?—A. If the two governments could agree upon some means of co-operation to prevent these raids, and could hold the local authorities responsible, something might be done; but, with my view of the case, I do not see that on the Mexican side it could be very efficiently done, unless we can use some power to enforce it.

Q. Having been stationed at Matamoros for some time, what would be

your practical remedy for the protection of the Texas frontier?—A. As I said before, I should make this mixed court, which would be amenable to both governments and with power to call on the military of either nation to enforce its authority and jurisdiction, and through it endeavor to arrest and punish those who commit depredations on either side of the Rio Grande. The military power of the United States Government has been used to more or less extent to protect the Texas frontier for more than a quarter of a century, and the result has not been satisfactory, while the annual expense has been very large. If the civil authority, both State and Federal, was properly strengthened, either by creating the mixed court suggested, or by establishing other and more efficient tribunals than now exist on the frontier, I think a beneficial result would be speedily attained at a much less expense than the present military force on the frontier costs.

TESTIMONY OF H. S. ROCK.

WASHINGTON, D. C., *February 7, 1878.*

Examination of H. S. ROCK, of Brownsville, Tex.

By Mr. SCHLEICHER :

Question. Do you hold any official position in Texas?—Answer. Yes; I am acting as deputy inspector of hides and animals.

Q. How long have you lived there?—A. I lived there between twelve and thirteen years. I went there in July, 1865.

Q. What do you know of cattle stealing and raiding from the State of Tamaulipas?—A. There are some occurrences of the kind which I recollect very distinctly from being more or less connected with them.

Q. Do you recollect in what year those troubles there commenced?—A. The greatest of the stealing commenced, I should suppose, about 1867 or 1868. Before that there may have been more or less stealing, but there were not many complaints. The country was then full of stock, but now there is very little stock left, and when it began to diminish the people commenced to take steps to stop the raiding. In 1869 I was an employé in the custom-house and used to be engaged in crossing horse-stock from Mexico to this side, and in going up and down the river and getting acquainted with Mexicans. I used to hear of droves of cattle being crossed over the river night after night. Soon after that the legislature passed an act to provide for the protection of stock-raisers and for the appointment of officers in all the counties. I was one of the first appointed in Cameron County, and in this way I began to get more or less acquainted with the interests of the stock-raisers. I found that they were complaining to a terrible extent of their stock being stolen and taken across the river and afterwards of their hides coming back from Mexico. We used to see hides of cattle that had been stolen, and which hides were sent back for sale. I have been hide-inspector nearly continuously all the time except for about a year and four months. Many of the hides brought over from Mexico used to have American brands with which I was pretty well conversant, and they were coming over to a great extent until agents of the cattle-owners who had perhaps powers of attorney would claim them. After that the shippers at Matamoros began to learn what brands were American, and they would pick them out and retain the hides over there. These hides would not come over to Texas excepting in small quantities, and where the brands were not very plain and where

they were overlooked in some way. Their mode then, as I understood, was to ship these hides with American brands by way of Bagdad instead of sending them to Texas for exportation.

Q. Do you remember any particular raids that you noticed?—A. I believe I can mention several with which I was more or less connected. About the month of May, 1874, a report came down from a ranch about thirty miles up, to the effect that Mexicans had been crossing stock there for about three days from this side of the river to Mexico. Judge Dougherty, our district judge, came to me and asked me if I would not go over on behalf of our stock-raisers and see if something could not be done to reclaim the property. I said that I would do so, as I represented a good many of the stock-raisers myself as agent. I went to Matamoros about seven o'clock in the evening, and, with some Mexican troops and some rural police under a non-commissioned officer (about twenty men, all told), I started about eleven o'clock that night for a point about twenty miles up the river, where we got about daylight the next morning. I went to the ranch and saw a good deal of fresh meat hanging up in the ranch, and several animals tied down by the horns ready for killing. In passing by close to them I saw that the brands were from Texas. I called the attention of the officer in command to the fact. He said he would have first to go and report to the encargador of the ranch. We went there and talked with the encargador, and had to smoke some cigarettes and to take coffee, occupying some half an hour. I then asked the officer if he would not give me a few men that I might take with me and look at the stock and see where the cattle came from. He did so, after, probably, an hour, and I went and took a look around, but in the mean time all the stock had been loosened and turned off out of reach; but still I found some, and I also found some hides that had been freshly skinned, and which I found to have Texan brands. They were not all the brands of American owners, but of residents on the Texas side of the river, both American and Mexican. I then induced the officer to go with me to the crossing to see if we could find out how many cattle had crossed, as nobody in the ranch would give us any information. In fact, the ranch itself is noted as a notorious thieving-place. About three or four or five hundred yards from the ranch we came upon the crossing where the stock had come out into a corn-field. The tracks of the cattle were very plain and distinct. Some of the cattle were lying on the Mexican side, dead in the mud, and some had been skinned and their hides taken off, and we found one or two on our side of the river that had been driven into the mud and had died there. I formed an estimate of the number that had crossed as being about seventy-five or one hundred head.

We then went to the house of a woman who was living the nearest to where the stock had crossed. She said that the cattle had been taken over there, but that they had been crossing for a couple of days, and that the people on the other side knew all about it, and that therefore she thought it was all right. Before that, cattle used to be crossed over legitimately for sale in Mexico, but now that thing is reversed, the stock being worth more on our side than it is on the Mexican side. I finally induced the officer to come up on our side of the river to ascertain the facts, if possible, from the Mexicans on our side. He hesitated considerably, but finally he came over with me in a little boat, and we met on this side Judge Dougherty and Lieutenant Leggett, who was in command of a company stationed at the nearest point, with one or two others. The guide who was with them, and who was a good judge in the matter, said that he thought there

must have been from seventy-five to one hundred head of cattle crossed. We questioned the Mexicans in the ranch and learned from them that the cattle had been crossing there for nearly two days, and that they thought there were nearly a couple of hundred head of stock crossed, but that of course they did not bother themselves about it, and were afraid to go near them. We got the best data we could, and went back to the ranch on the Mexican side. The officer went back with me, and after a great deal of hesitation he finally concluded to take a few hides which I had pointed out to him as having American brands, and bring them to Matamoros. In the mean time the animals had been all cut loose. The Mexicans who came with me were Cortina men. The hides were taken to Matamoros, and the owners were required to prove property within two or three days, but there was none of the property reclaimed or ever turned back to the owners. That was about the month of May, 1874. In the same year, probably about the month of September or October, there was a drove reported to me as crossing about two and a half miles below Brownsville, about two miles below Fort Brown. At the time I heard of it I understood that the stock was all over, and I went right to Matamoros, called on one of the alcaldes there and asked him if he would not give me three or four men to go outside to get some Texas stock that had just been crossed over. He said that he would do so as soon as possible; but he was so long in getting his men ready that when we got there we found that the stock was already away from the crossing, in the hands of two or three men. These men all escaped by jumping into the chapparal lagoons where nobody could follow them, and we took the stock. The stock was afterwards turned over to Cortina for sale, and it was sold at public auction in Matamoros for the benefit of the owners. One of the principal owners came to Brownsville and received the profits of the sale of his stock, after the expenses were deducted, or at least he received whatever amount they turned over to him.

Q. After the commencement of these raids, in 1867, were they very frequent?—A. It is pretty hard to say. You would hear reports of a drove having passed here and there, but that is all that you would know about it. Of course a man could not go after them or see them without endangering his life. You would learn from reports, but that is all you could know, and no doubt a good deal of those reports were exaggerated too. I have known instances of that myself.

Q. You have been very familiar with the cattle-business there from your office?—A. Yes, sir; I was present on one occasion when a party of these Mexican cattle-thieves were attacked on this side of the river by Captain McNally, in command of some State troops, and when fourteen or fifteen of the cattle-thieves were killed. That was in 1875. Some of them I knew personally myself as living on this side of the river. I counted up at the time about seven who were residents and voters on our side of the river; the others were unknown to me, and I suspected they were Mexicans. They were all killed excepting one, who escaped and went to Matamoros, but who was afterward extradited and sent to our penitentiary for 15 years. Three or four months afterward I got information that there was a lot of cattle which had been seen proceeding toward the Rio Grande, in the lower part of the county, where no cattle were supposed to be driven except for the purpose of being taken across the river. I called upon the commanding officer and asked for four or five men to intercept them. I took a corporal and five men and went down and caught two of the fellows just before they got

to the river with a bunch of stock which they had. That was about the 28th of May, 1876.

Q. Can you tell us anything about the quantity of stock that was in that country before these raids, and how it has been reduced?—A. The stock has been reduced a great deal. There is no doubt of that. But it has gone in both ways. A good deal of it has been driven to Kansas and other markets, and a good deal has been stolen and brought to Mexico. The cattle were just on the line where both parties were continually raiding them. Only a short time ago I came upon a party of cow-boys in Texas with a lot of cattle stolen from Mexicans on our side of the river, and they wanted to know why I was so particular in taking the cattle away from them. They thought it legitimate prey. I do not think that there is now in Cameron County one-fifth of the stock that there was eight years ago. But a great deal of it is owing to this fact. In winter time, during the northers, the cattle used to come down from the settlements above the Nueces into Cameron County, into what we call the sands; but now, on account of the stealing from both sources, both by cow-boys in Texas and by raiders in Mexico, these cattle are kept from coming into Cameron County, so that there is scarcely any stock there. It is pretty hard to say what proportion of it has been stolen, but I should think that hardly one-fourth of the quantity of stock is left in the county.

Q. Were there at one time a great number of cattle killed for their hides?—A. Yes, and there is yet a great deal. People are complaining to-day just as much as they ever did of cattle being stolen and killed for their hides and tallow. The markets of Brownsville and Matamoros are supplied to-day with meat from cattle killed in the chaparral and dried and taken there and sold.

Q. Do you know anything about Cavallo Blanco?—A. By reputation. He used to be in Brownsville nine or ten years ago, but since then his operations have been farther up the country.

Q. Do you know anything about a law in Tamaulipas as to reclaiming stolen stock there, and which requires that the brands shall be recorded in Tamaulipas?—A. No, sir; I do not think there is any such law there. If a man from this side wants to claim property, all that he has to do is to prove his property, and he gets it without the necessity of his brand being recorded. Several instances have occurred lately where property has been returned without any trouble at all.

Q. Is there lately a better state of feeling in that respect?—A. Yes, sir; I know that myself, for I have assisted in getting back property, and I found that the people on the other side did all that they could to assist me; but at the time that Cortina was there every obstacle was thrown in the way. They would not flatly refuse you, but you could not do anything. They would send you from one officer to another and the result would be that you could not do anything at all. Some hides with Texas brands were in Matamoros, and I heard of them being there and went over to get a look at them to see whose they were and whether there was any chance to reclaim any of them. In the first place I went to the custom-house, as I understood that they had been seized by custom-officers, and there I was told that they were in the hands of a man who kept the hide-yard there and that I would have to get permission from him to see them. I went to him and he said that I must get a permit from the collector of customs. In this way I was sent from one to the other, and finally I went to the *guardia* where they were, and asked to be allowed to look at the brands. They refused to show them to me unless I got an order

from a certain judge. I went to the judge who said that I did not need any order but that I could go back and look at them. I went back but I could neither look at the hides nor see the brands, nor get any information about them, and so I gave the thing up in disgust and left.

Q. Has your experience been only in Cameron County, or has it been higher up the river?—A. I have some experience in portions of Hidalgo County, but my experience has mostly been in the lower part of the Rio Grande.

Adjourned.

TESTIMONY OF WILLIAM H. RUSSELL.

WASHINGTON, D. C., *February 1, 1878.*

Examination of WILLIAM H. RUSSELL, of Brownsville, Tex.

By Mr. SCHLEICHER:

Question. Do you hold any official position?—Answer. I am city attorney of Brownsville; I have been district judge and State senator for the Rio Grande district.

Q. How long have you lived at Brownsville?—A. Since 1870.

Q. State what your experience has been during that time in reference to raids from Mexico into Texas.—A. There has been during most of this time a predatory warfare by Mexicans against the property of Texans. It was carried on upon such an extensive scale, and with such apparent organization, as to warrant the belief that it was with the knowledge, if not connivance, of the Mexican authorities. These raids were mostly for the purpose of stealing cattle, but many of the most wanton and cruel murders were committed by the marauding parties, when necessary to accomplish their object or to prevent discovery. There have been instances when the incursions or raids were for the sole purpose, apparently, of committing murder. United States custom-houses have been invaded, post-offices sacked and burned, the wealth of the country destroyed, citizens killed on the highway and in the presence of their families, and women violated, on the Rio Grande border below Laredo in Webb County, to such an extent and in such manner as to challenge belief. I am not prepared to give data; the instances are so many, and at the time occurring so rapidly, that it is impossible to detail them from memory. I have read the report of a committee of citizens of Brownsville made April 17, 1875, and examined the list of outrages given in such report, and find that it states substantially and quite accurately the history of the troubles of our border. This report is published in Report No. 343, 44th Congress, 1st session, House of Representatives, pages 50-59. I have also just received by mail from Governor Hubbard certified copies of the evidence of two Mexican gentlemen, to wit, Col. Santos Benavides and Capt. Refugio Benavides, taken by a joint committee of the legislature of Texas in 1875, and which may be of some service to this committee. For many years, and until quite recently, an almost organized war by a great number of the Mexican population against the border inhabitants of Texas has existed. But a few days, at any one time during this period, elapsed without our community being startled by the news of the killing of citizens, and the driving of cattle into Mexico by the robbers. The droves of cattle so stolen have been of all sizes, estimated at times to be as high as five hundred in number, and were easily passed over the Rio Grande at almost any point distant from the large settlements. They have at times been passed at and near

some of the ranches on the Texas side, the Mexican residents being afraid to give the alarm, knowing that it would certainly result in their being killed at no distant time. I do not remember of any organized raid since the one upon the county jail at Rio Grande City in August last.

Q. Were you there at the time that raid took place?—A. I was in Brownsville and know the parties who were injured. The jail was attacked at a very early hour in the morning, say one or two o'clock; the jailer was shot as he was running to give the alarm, and the county attorney, whose office and sleeping apartment was over the jail, was shot seriously while standing on the balcony inquiring as to the cause of the disturbance. I know the county attorney well. Both of the parties recovered, but the latter is permanently injured.

Q. What was the immediate cause of that meeting of citizens in 1875?—A. The disturbed and exposed condition of the country; the devastation caused by a recent raid as far to the interior as the Nueces River, a distance of about 160 miles; general alarm and apprehension of much larger raids, rumors that such were in contemplation being prevalent at the time; and misrepresentations of Mr. Mariscal, Mexican minister at Washington, about matters on the Rio Grande frontier. The object of the meeting was to call the attention of the people at large to our condition and to solicit personal protection from our government. I was absent at the time, but know that the report referred to truthfully represents the feelings and condition of our people.

Q. What was the former state of the country in reference to wealth in stock and cattle compared to what it is at present?—A. Formerly the stock-raiser was in independent circumstances; now nearly all within one hundred miles of the river are comparatively impoverished. In the winter of 1874, an American and two Mexicans, all citizens of Texas, were indicted in the district court of Cameron County, upon a charge of hanging two Mexicans near the city of Brownsville. I was employed to assist the State's attorney in the prosecution; it was a prominent trial in our section, and upon it the condition of the country was fully disclosed. The evidence for the prosecution was mainly circumstantial, and the theory set up by the defense was that the Mexicans were hung by cattle-thieves or raiders. Under this theory or defense the history and extent of the operations of the raiders was extensively given in open court by many witnesses, such as A. Glaevecke, the clerk, and James G. Browne, the sheriff, gentlemen who had resided for a quarter of a century in that section, and were posted in all of its history since the first American settlement there. Also many Mexican rancheros living in, and citizens of, Texas, all respectable and good citizens, and who had suffered severely in the destruction of their property. The substance of the evidence of all these witnesses was that the country was constantly infested by bands of mounted and armed Mexicans from Mexico, who were engaged in killing whomsoever they encountered and driving off cattle; that within a very short time, from the ranches within fifty miles of the river, the depredations upon stock had been so great that scarcely ten per cent. of the cattle-wealth then existed. As to the extent of these depredations I believed then, and still think, this testimony was correct. The papers heretofore referred to, being copies of the evidence of the Benavides brothers, show that in the vicinity of Laredo about one-fourth of the cattle-wealth had not been left. I have personally observed a great and constant diminution in the number of cattle. It was exceedingly common, for years at a time, to hear well authenticated reports of droves of from one to five hundred head of cattle

being carried over the Rio Grande into Mexico. Such reports and robberies became so common that they ceased almost to be a matter of surprise.

Q. Then it is a fact of public history that the country was thickly stocked with cattle at one time, whereas now it is without stock, or with very little stock?—A. It is so, sir. In the immediate Rio Grande country there are but few cattle left.

Q. State the common observation and appearance of the people there, and the history of that country in that respect.—A. It is a common thing to find parties who a few years since had considerable stock, and now have none. It is well known that seven or eight years since the great prairies near the Rio Grande were well stocked with cattle; but now the traveler in a day's journey will see but few, whereas formerly he would see thousands. For about one hundred miles back from the river there has been almost a total destruction of the cattle-wealth. This I have learned from observation as a resident there, and in my intercourse with the people as a practicing lawyer.

Q. Have not facts of the great losses by owners and families come before you during your term of office as judge there?—A. Yes; frequently.

Q. Do you know anything personally about the cattle that were crossed at Las Cuevas when Captain McNally had a fight there?—A. As to the crossing of the cattle into Mexico, I know nothing, but from circumstances transpiring afterward, such is a fact. I was at Rio Grande City at the time attending court, about twenty miles above Las Cuevas. After the fight Captain McNally came up to Rio Grande City, which is on the river opposite Camargo, this place being about four miles back from the river. He there had several interviews with parties from Camargo, and informed me that he was to receive the cattle on the Mexican bank of the river; by his invitation I went with him to the ferry, when the captain passed over with some of his men and received the cattle, some 70 head, I think. I saw them received and crossed back into Texas.

Q. Do you recollect from whom he received them?—A. From the authorities of Camargo; the officer, or person in charge of them, and making the actual delivery, I do not know.

Q. He was dealing with the mayor, or *alcalde* of Camargo?—A. Yes, with the mayor, or, as known among the Mexicans, *presidente del ayuntamiento*, and his agents. His name is Diego Garcia.

Q. He was the one whom McNally had this arrangement with about returning the cattle?—A. I so understood. It was an acknowledged fact that the cattle were delivered by the civil authorities of Camargo.

Q. Were you in Brownsville when General Benavides was there?—A. Yes, sir.

Q. Did you get acquainted with him?—A. I only met him casually. I never had any conversation with him.

Q. Do you know anything about the circumstances under which he left Matamoros?—A. Only from street talk, public rumor.

Q. What was the public rumor?—A. It was to the effect that he left because of some disagreement between himself and General Canales, growing out of the disposition of General Benavides to meet the demands of our authorities for the extradition of the parties who had made the raid upon the Rio Grande City jail. It was understood that Benavides and Canales, who was the Mexican commander at Matamoros, had some hot or unfriendly talk about the matter, and that arising out of it, Benavides had left Matamoros and come to Brownsville.

Q. Do you recollect at what time of the day or night he came?—A. I do not know, but it was generally understood that he came in the night.

Q. Was it regarded as a flight from over there?—A. It was so understood.

Q. In what manner are these raids and the other crimes which are committed on the American side of the Rio Grande treated by the local courts and authorities in Mexico?—A. With very few exceptions they are treated as if the parties had been merely seizing their legitimate prey.

Q. Do the local courts there take cognizance of such crimes, as crimes which come under their jurisdiction, with a view of punishing them and preventing them?—A. I have never known an instance of it.

Q. How many were engaged in that raid on the Rio Grande City jail?—A. It has been variously estimated at from nine to fifteen.

Q. How many prisoners were released by them?—A. Two—Segundo Garza, confined on a charge of murder, and Miguel Espronceda, confined on a charge of theft of a horse in Guerrero, Mexico, and bringing the stolen horse into Texas.

Q. Both the raiders and prisoners were claimed by our authorities from the Mexican authorities?—A. Yes, sir.

Q. How many were delivered up?—A. The escaped prisoner Espronceda and two of the raiders—three in all.

Q. Was it known why these three were singled out and none of the others arrested?—I do not know. It was claimed that those were all that could be arrested. They were delivered very late at night, near about twelve o'clock, on the bank of the river at Brownsville, to the sheriff of Starr County, after repeated demands by the district judge, and after, as it was generally understood, orders from the Central Government of Mexico.

Q. Did you ever consider that extradition treaty as being a remedy for the punishment of these crimes?—A. With these people it is no remedy at all, and does not apply to the parties committing these raids.

Q. You are aware that the treaty only refers to persons living in Texas, and who are fugitives from justice?—A. There is a stipulation in the treaty that neither of the contracting parties shall be bound to deliver up its own citizens.

Q. You do not look upon the extradition treaty as being a remedy for the punishment of Mexican raiders who live in Mexico and commit crime in Texas?—A. I do not. It does not apply to such cases.

By Mr. FORNEY :

Q. It is discretionary with the Mexican authorities whether they surrender them or not?—A. It is a matter of discretion with the central government. The local authorities or agents of extradition have no such power.

By Mr. SCHLEICHER :

Q. Consequently the treaty is no remedy in such cases?—A. It is not, in my judgment. Mexicans may be delivered as an act of international comity, as in the case mentioned, and may be demanded on the same ground, when the crime is of such a grave character that the shielding of the criminal would jeopardize the friendly relations between the two powers. There is no treaty obligation.

Q. Can you explain in what manner our commanding general, the governor of Texas, or the judge there could be made to believe that was the remedy?—A. I do not know that they believed so, but, on the contrary, I think the demands of Governor Hubbard for the raiders on the

Rio Grande City jail was with the qualification, "if they be not citizens of Mexico;" that was the idea, the words I do not remember. The demand of the judge was peremptory for all the raiders, and properly so, I think, as he was not bound and could not be held to know of what country they were citizens. If they were Mexican citizens it was a matter of defense which they could plead against any proceedings under the extradition treaty. I think it was proper to make the demand without qualification and let them set their citizenship up as a defense, which, if proven, under my view, would bar any further proceedings on the part of the local agents under the treaty. In the case of the three parties spoken of this defense was set up. The return of the escaped prisoner Espronceda was urged on the ground that, although a Mexican citizen, our jurisdiction had already attached and he was properly in the custody of our civil authorities when he was forcibly released from the jail of Starr County. The demand for the two raiders was insisted upon on the ground that their attack upon the county jail, the shooting of the county attorney and jailer, was assaulting a part of the machinery of our government, and consequently the sovereign itself; that, if assumed by Mexico, it was an act of war, and the refusal to surrender the raiders would necessarily be considered as a hostile act, incompatible with that comity which should exist between two friendly nations. The demand for the raiders was also insisted upon on the ground that the offense committed by them rendered them outlaws and common enemies of mankind, which position is, I think, sustained by writers on international law. The judge and governor took the broad and correct ground that Mexico must surrender these men, or that the failure to do so would be regarded as assuming the responsibility of that crime by the Mexican Government. The men were delivered, not by the machinery of the extradition treaty, but by the soldiery of the Mexican Government, under orders of the *de facto* President. I do not pretend to give exactly the position taken, but have stated it substantially, and do so to show that the governor and the judge in their action did not mistake the scope of the treaty. I do not know the view held by the commanding general.

Q. Then you say that the extradition treaty is no efficient remedy because it does not apply to Mexicans; in other words, it does not apply to one case in a hundred of the offenses that are committed there?—A. It does not apply to crimes committed by Mexican citizens, and in cases where demand can be made under the treaty it is generally disregarded. Parties are sometimes, but very seldom, extradited, and the extradition, when it does happen, has more the appearance of caprice than a response to the demands of justice and law. If it suits the pleasure of the local authorities the treaty is observed; otherwise, it is not.

Q. Have you ever known a single case where a Mexican residing in Mexico was punished there for a crime committed in Texas?—A. I have never heard of such a case.

Q. Is it possible that such a state of things can exist, as that on one side of a river there is a community where there is no punishment for any crime committed on the other side of the river, with a dense population like that of Tamaulipas; where there are no courts to punish such offenses, and where practically there is no law to punish murder, robbery, or other crimes committed across the river? Can such a state of things possibly continue, unless our people submit to being ruined and despoiled forever?—A. Such a state of things does exist and has existed for many years past, but cannot continue much longer without ruin to our people, dishonor upon our government, and it would soon re-

sult in our people asserting in the most positive manner the right of self-defense.

Q. What is your opinion as to what the remedy should be?—A. Believing, as I do, that the National Government of Mexico, no matter how well disposed it may be (if it is so disposed, which I do not believe), is entirely unable to restrain its lawless citizens or execute any order on the border that it may make which is distasteful to the populace, my idea is that immediate force is the only speedy but temporary remedy. This force might be brought to bear by capturing the border towns and holding them until fugitive criminals are delivered up for punishment, or by an army of occupation or observation stationed in all such towns. While this would give us prompt and timely relief, it would last only so long as this force was rigorously applied; it would, however, be expensive, and would certainly very soon produce war. The permanent remedy can only be reached by connecting our border with the metropolis and interior of the State by two or more railroads intersecting the Rio Grande at different points, which would cause such emigration to that section and fill the valley of the river with such a population that these disturbances would be no longer possible. The valley of the river would support a very large population. This, in my judgment, is the most practical and enduring relief that could be extended, and the most economical to the United States. The next best method of extending relief would be the establishing of a protectorate over Mexico until such time as that government should learn to respect the rights of its neighbors. The merely following of the raiders over the river cannot amount to much, as they could not be caught by our troops unless by the merest accident. Once in Mexico, they could not be identified, and besides nearly the whole populace would combine to screen and protect them. There are many good Mexican citizens along the Mexican line of the frontier, who are opposed to this spoliation of our border, but they are largely in the minority and powerless for good.

Q. Their State courts take no cognizance of these crimes?—A. I never heard of their doing so.

Q. The central government has no power to punish them and consequently does not punish them?—A. It does not punish them. I do not think it has either the power or disposition to do so.

Q. Consequently all these crimes committed in Texas for the last 10 or 12 years remain unpunished?—A. It is so, sir, except in a few cases by our own courts, when some of these criminals happen to be captured on our side.

Q. So that their authorities, either local or federal, do not punish them?—A. They do not. It would be a very difficult matter to induce a Mexican court to think that it was a punishable offense for a Mexican to kill or rob an American; and should such a conclusion be reached I do not think the rabble, in its present temper, would permit the infliction of punishment.

Q. Then there is no alternative, except that our government shall punish them, or that they shall remain unpunished altogether?—A. Our government must take charge of the matter, or we will have to submit to it, until such time as the patience of the people of Texas is entirely exhausted.

Q. Do you think that a new treaty would remedy the evil?—A. I do not think so. My observation is that the Mexicans execute or disregard treaty obligations at pleasure.

Q. Suppose a treaty were made very stringent, which would provide for the punishment of such cases, do you think that the central govern-

ment could enforce it?—A. I think it could not—it would be evaded in some way.

Q. Do you think that the local authorities and the people who live there would enforce it?—A. I do not.

Q. These local authorities would be the parties to execute the treaty?—A. Naturally so.

Q. And so you think there is no remedy by a new treaty?—A. I do not see how the case can be met in that way. Of course a treaty could be made providing the remedy. The difficulty is in the execution of it. Force on the part of our government would be necessary to secure its observation. The making of a treaty would be merely postponing matters which call for immediate adjustment. The Mexican idea is, do nothing to-day; everything and anything is promised for to-morrow. In my opinion, and it is the common judgment on the frontier, their local courts make, unmake, and disregard laws at will.

Q. Were you in Brownsville at the time that they had fighting about the possession of Matamoros, between the Lerdo party and the Diaz party?—A. At the time of the first fight, when Diaz personally entered Matamoros, I was not in Brownsville—I was attending court up the river. Afterward, the Diaz party by some means was induced to evacuate, and General Escobedo of the Lerdo army entered. He left General Revueltas in command. During the subsequent fighting over the possession of Matamoros I was at Brownsville.

Q. Revueltas, the Lerdo general, was inside and Cortina was outside?—A. Yes, sir.

Q. For what government was Cortina?—A. Diaz, the present government.

Q. Have any of these forced loans levied upon American merchants at Matamoros ever come to your knowledge?—A. They have. I remember the case of Mr. Francisco Yturria, whose store was beneath the American consulate, and was broken open by order of Revueltas and goods and merchandise taken out, of the supposed value of the money exacted, which were afterward sold at public auction by the Revueltas authorities. Mr. John Cross was served in a similar manner, and there were several other instances which I do not now remember. In fact, during the rule of Revueltas in Matamoros, in 1876, all the American merchants were compelled to pay these loans. Those who did not pay under protest, their stores were broken open and plundered, as in the instances cited.

Q. Are you familiar with the system of forced loans?—A. By common rumor, and information from those who have suffered, I am.

Q. Are they not of very common occurrence?—A. Quite so.

Q. They are part of the revolutionary system?—A. Generally revolutions subsist by them. The first thing a successful partisan does on capturing a town is to impose his arbitrary tax and enforce its collection. This is a general rule; but in the Diaz revolution of 1876 I do not remember of such a tax being exacted. They were imposed and collected under the Lerdo government by Revueltas when he pleased, the consul at Matamoros objecting; but Lieutenant-Colonel Devin, commanding our land forces, and Commander Johnson, of the Navy, so far as the general public or the parties injured know, never interested themselves. The general belief, from their acts, was that they sided with Revueltas.

Q. Has your attention ever been called to the Zona Libre?—A. Simply as a resident on our frontier I have noticed its effects. It comprises a belt of country some few miles in width, extending along the Rio Grande from the Gulf of Mexico as high up as Laredo, and perhaps higher, into

which foreign goods may be, and are, introduced free of duty. When they pass beyond this line to the interior of Mexico duties are exacted.

Q. What are its effects?—A. It has affected very injuriously the local trade of our towns, by transferring much of it to the Mexican towns, where the merchants can sell their goods, less the amount of duties, cheaper than our merchants. It has a demoralizing effect, because of its tendency or the inducement it has created. This inducement is the low price of goods, creating a desire to bring them to the Texas side in disregard of the United States revenue laws, commonly called smuggling.

Q. Have you been up and down the Rio Grande frequently?—A. Yes, as far up as Laredo, generally about three times a year for the past seven years.

Q. On both sides?—A. No, sir; I have been frequently at all the towns in Mexico, within that distance, but have never traveled the road on the Mexican side.

Q. Is smuggling considered anything wrong along the river?—A. It is not considered criminal—a party being caught at it is deemed unfortunate, that is all.

Q. Is not the rule of mercantile business along the Rio Grande smuggling, and is not the payment of duties the exception?—A. I do not know much about mercantile business, and could not indorse such a wholesale charge as that question implies. It is as a general thing not the merchant who smuggles, but parties making their individual purchases; this is not thought wrong, as in doing so they have the example of the United States district judge, Amos Morrill, who refused to pay duties on his purchases when required by the collector. This fact, I am informed, the records of the Treasury Department will show.

Q. Have you never heard that every merchant there smuggles?—A. I have heard it asserted that everybody smuggles, but I know families who do not and merchants who I am satisfied do not, though the temptation to save the duties is often very great and the force of judicial example in refusing to pay duties very strong. I cannot indorse the assertion.

Q. Public opinion there does not look upon smuggling as much out of the way?—A. It is not regarded as criminal at all. It is a statutory offense; and parties who make their individual purchases in Mexico, and this is the class of smuggling which affects our towns, are not much afraid of the statute, when the judicial officer of the United States is alike culpable.

Q. As a matter of fact has not all cattle-raising along the river been pretty much stopped as a business?—A. Within one hundred and twenty-five miles of the river it is pretty well abandoned.

Q. Within that belt it is not considered a safe distance?—A. It is not, and the depredations frequently extended beyond that.

Q. Are there any which used to be American ranches that have been broken up?—A. Yes, many.

Q. I see in General Heintzelman's report that he says that at the time of the Cortina war all the American ranches were broken up.—A. I believe it is so stated in that report. It is true—at least it is accepted as true in that country.

Q. And in your time a number have been broken up?—A. Yes, sir.

Q. Was it not looked upon as a rule there that the cattle of Americans were first stolen before the cattle were taken off the Mexican ranches?—A. When these raids first commenced and cattle were in abundance, this was undoubtedly the rule, but as the amount of cattle grew less, they were, so far as is known, driven off without regard to ownership. This discrimination arose not from complicity with the Mexican resident,

but hatred to the American and a natural sympathy or feeling on the part of the freebooter for men of his own race. Our Mexican resident population, who are citizens, are generally hard-working and industrious people, obedient to the law, submissive to authority, and in all respects faithful to their duties as citizens.

Q. What is this statement you have produced to the committee?—A. It is certified copies of the evidence of two Mexican gentlemen, citizens of Texas, who reside at Laredo, taken before a joint committee of the senate and house of representatives of the legislature of Texas, in 1875, of which committee I was the chairman, and these copies were furnished me by Governor Hubbard at my request. There was much more evidence before that committee, but I only asked for this when I was summoned here, because these gentlemen are of Mexican origin, of high character, information, and know everything transpiring in their section.

Q. Do you think their statements deserving of full credit?—A. Entirely so; they represent the state of facts to that date, 1875. Since then the authorities of New Laredo, Mexico, have not been so obliging; for latterly many foul murders have been committed in the streets of Laredo, Texas, the perpetrators fled to Mexico, and the authorities of the opposite town have utterly disregarded the efforts of our people to bring them to justice.

Q. Will you make them part of your testimony?—A. Yes.

[The statements are annexed to the testimony of the witness.]

By Mr. FORNEY:

Q. Do you know anything about the arrest and imprisonment of J. J. Smith?—A. Yes; I was one of his counsel. About the 19th of September, 1876, I received a note addressed to Hon. Nestor Maxan and myself, written by the United States vice-consul at Matamoros, stating it was written at the request of Mr. Smith. This note informed us of the arrest and requested us to see him. We sought the acting Mexican vice-consul, Casimiro Castro, whom we found in Brownsville, and he fully informed us of the cause of Smith's arrest, though he did not, or professed not at that time to know he had been arrested. He said he was arrested on the charge of being a spy; that he certainly would be shot, and that it would be short work. This naturally aroused us, and we solicited Mr. Castro to procure us an interview with Mr. Smith that night (it being then late); he agreed to do so, and went with us to Matamoros and secured our entry into the jail.

We found Mr. Smith in a dark and filthy cell, adjoining the sink, disagreeable almost beyond description. From there we went to the commander of the plaza, Colonel Christo, who promised us that Smith should have comfortable quarters at once, but did not keep his promise. Smith had to remain all night in the same filthy cell, without bed, chairs, or any convenience—without food or water to drink. The next day, however, he was removed to more comfortable quarters. The vice-consul of the United States, Mr. John Valls, was very active in behalf of his imprisoned countryman, but could learn nothing; he was refused, on his written demand, to see the accusation against Smith. General Revueltas, or his subordinate, assigned a lieutenant, a very ignorant man, but disposed to be clever, to conduct the proceedings, under the title of "*fiscal*," which means an attorney for government. He went to Smith's cell, interrogated him, and had his answers written down. Smith asked that his counsel be present; this was refused. He asked to see the charge against him; this was refused. He then declined to sign the statement written out; was informed that he would be compelled to, when he signed under protest, in writing, accompanying his signature.

It has been asserted by both Devin and Revueltas that Smith was arrested at or near the fortifications; this was not true, which Devin could easily have learned, but he chose to believe Revueltas. Smith was arrested by a policeman on the main plaza of the city, within two hundred yards of the headquarters of Revueltas, and fully one mile from the fortifications. This was established beyond doubt by the policeman and others. After some days, Mr. Maxan and myself, as counsel of Mr. Smith, were permitted to read the charge against him; it consisted of a letter of Castro written to Revueltas stating that he was well informed in Brownsville that Smith was a spy for and that he was selling arms to and had visited Cortina, who was then besieging Matamoros. This was the substance—not sworn to—merely a gossiping letter giving rumors. Smith was a resident of Brownsville—a county official of Cameron County, Texas. After weeks of delay, the declarations of the parties given by Castro, who would testify as to the rumors given in his letter, were taken, and they disproved what he alleged. In the mean time, Castro sent to Revueltas what purported to be the declarations of these parties taken before him as vice-consul of Mexico at his office in Brownsville, and which were attached to the record as part of the evidence against Smith. But, as counsel of Smith, we had those witnesses brought before the "fiscal" in Matamoros, and, on being confronted with these purported declarations by Castro, they denied them.

Mr. Smith was not legally charged with any illegal act. He could not have been guilty. Spying upon and reporting the fortifications to Cortina was an absurdity. Anybody could enter Matamoros by the ferry at Brownsville or by the gate-ways in the line of the fortifications, plans of which were exhibited publicly on the walls of saloons in the cities of Brownsville and Matamoros, and were for sale in both cities. And besides, Cortina was a resident of Matamoros; had fought both behind and before the breastworks, and it was well understood that he was as well acquainted with them as with his own house. The "fiscal" collected his evidence; we could not get any court ordered to try Smith; finally, the matter was referred to the federal judge, who held that the proceedings were all wrong, when, instead of Smith being released, he was again cast into a cell, and no one, for some days, permitted to visit him. His counsel could see him only in the presence of an officer. Mr. Maxan and myself, in writing, certified to the United States vice consul, upon our honor as attorneys at law and as gentlemen, that there was not one line of evidence against Smith; but Revueltas refused to let him see the records. We told Commander Johnson, of the gunboat *Bravo*, but he refused to inquire.

During Smith's imprisonment General Ord visited Brownsville, and I, as one of his counsel sent a note, signed by many citizens of Cameron and Nueces Counties, asking an interview with him in regard to Smith's case. The general declined to receive the citizens on the business the interview was sought, but said that he would be glad to meet them as gentlemen if they saw proper to call. They did not, however, do so, though one or two may have done so. The general conceived that he did not have the right to interpose.

The action of Lieutenant-Colonel Devin and Commander Johnson impressed the whole community at the time that the detention of Smith in jail was agreeable to them. Devin and Smith, before the arrest of Smith, had some personal misunderstanding, resulting in Devin ordering Smith not to visit Fort Brown and to leave the headquarters where he then was, and this led to a newspaper publication by Smith. Mr. Maxan and myself never had any conversation with Lieutenant-Colonel Devin about Smith, as we knew from his general deportment, his asso-

ciation with Revueltas, and expressions of his which reached us, that it would be entirely useless, and, therefore, I can give only the public impression. We had several conversations with Commander Johnson, and his whole effort and desire, from his arguments, seemed to be to sustain the position of Revueltas.

In view of the action of the military and naval authorities, and the declination of the commanding general to discuss Smith's case with a body of citizens, there was nothing left but to await the pleasure of Revueltas.

Early in December, 1876, Revueltas announced that he would let Smith out if he would give bond signed by residents of Matamoros. This he declined to do, but insisted on a trial. Finally, on the 7th of December, I think, Smith was discharged on his personal recognizance. From the 19th of September to the 7th of December this American was confined in the Mexican jail, without any formal charge or a particle of evidence against him, without protest on the part of our military and naval authorities on the Rio Grande. This action has done more to create in the minds of Mexicans a disregard of the rights of American citizens and to jeopardize their personal liberty, than anything that has ever happened on that border.

I have just seen a letter of General Devin, in this committee room, reflecting upon the character of Smith, and in justice to him I wish to say that he stands very well with most of the officers of the Army and all the people on the Rio Grande River, and that in point of intelligence, gentlemanly deportment, and personal honor he would lose nothing in comparison with Devin.

With the hope that it may lead to a formal investigation of this matter, I state to the committee that a Mr. Mayo can tell more about the action of Revueltas, Devin, and Johnson than any one else. He came to the Rio Grande as the clerk of Captain Johnson, on the gunboat Rio Bravo—he subsequently took service with Revueltas, and was since on the Rio Bravo as clerk. He was the interpreter generally between Revueltas, Johnson, and Devin, and can undoubtedly disclose the true and secret history of Smith's arrest and detention.

By Mr. SCHLEICHER :

Q. Did Johnson make any statement to you of how far he thought Revueltas could go with an American citizen?—A. The night of Mr. Smith's arrest, quite late at night, Mr. Maxan and myself found Lieutenant-Commander Johnson at the rooms of Mr. Harris, an American citizen, in Matamoros, when we informed him of Smith's arrest; he, in the course of our discussion, told us he had no right to interfere; that the city was under martial law, and that if Revueltas was to send a file of soldiers to that room, where we were, and take Mr. Maxan and myself out and shoot us, neither he nor any one else could interfere. It is my recollection that during this interview Johnson stated that he knew Smith was to be arrested, but had not heard of the arrest.

By Mr. FORNEY :

Q. Was there any evidence tending to show that Smith was a spy, or that he had committed any crime?—A. Not a particle. There was not even a formal charge. He was arrested on the letter of Castro to Revueltas, before mentioned.

Q. You say that Smith had gone there on legitimate business?—A. He was a deputy inspector of hides and animals in Cameron County, and was in Matamoros, when arrested, to collect dues or some business of his office.

Q. Do you know anything about the arrest of the United States deputy marshal Calloway?—A. Yes, sir. During the session of the Federal court in Brownsville, in the fall of 1876, Mr. Calloway and W. E. Garland, deputy marshals, Jesse Dennett, deputy clerk of United States court, Mr. Ivey, a United States commissioner from Starr County, and Mr. George Champion, I think, one of the grand jurors of the Federal court, were in a saloon in Matamoros, discussing among themselves Smith's imprisonment, whom they had just visited, when some Mexican officers came in from a back room and inquired why they were talking about Smith. Some words passed, and, I think, some blows, when the whole party were arrested and carried off to jail. No influence or representation could get them out. They were all fined—Calloway and Dennett \$150 each; the others \$25 each. It was offered to prove that the two who were heavily fined had not said a word during the controversy in the saloon. The parties were told that the fine must be paid or all go to work on the streets or fortifications. The fines were paid. It was believed that the two fined heavily were so fined because Calloway was the chief deputy marshal of the Federal court, and Dennett was the deputy clerk.

Q. Is stock stolen in Mexico and brought into Texas? If so, what is the practice of our authorities and courts in regard to the same?—A. I only know of a few instances where stock has been stolen in Mexico and brought to Texas, and in every case the thief has been a Mexican citizen. We have a statute punishing the bringing of stolen property into our State, and several have been sent to the State penitentiary. The only instance where more than one has been brought over, that I remember of, was while I was judge, in 1872. An affidavit that property had been stolen in Mexico was made by one Leonidas Guerra, before a justice of the peace in Cameron County, upon which the justice issued a warrant for the seizure of the stock and arrest of the parties. This warrant was presented to me and I indorsed it, so that it could be executed in any county in the State. The return on the warrant shows that it was executed by a civil officer of Bee County, and that thirty-seven head of stock were delivered to Guerra. All other instances are where one or two horses are stolen. The property is always returned and the thief sent to the penitentiary. The man Esproncidea, who was one of the escaped prisoners from Rio Grande City jail, and who was delivered over to our authorities as before recited, was of this class. He was convicted and is now in the penitentiary. For the past eight years this has been the invariable rule.

Affidavit of Col. Santos Benavides.

Col. SANTOS BENAVIDES, being sworn, says: My name is Santos Benavides. I live in Laredo, Webb County, Texas; have lived there all my life—fifty-one years. I held the position of colonel in the Confederate Army in the late war, and for considerable time had command of the entire line on the Rio Grande. Ever since the Confederate troops disbanded, there has been continual invasions in this section by Mexicans and Indians from the Mexican side. These raids or invasions have been so frequent that I don't remember of any particularly notorious act or acts, when committed, &c., nor the names of parties engaged in them.

The prevailing opinion along the Rio Grande is that there is no security for life or property; it is unsafe to pass from one town to another without a guard; the danger is mostly from Mexicans and Indians, and sometimes from citizens. About the 25th December, 1874, two United States officers rode into Laredo, hitched their horses, and went to attend to their business. In their absence their horses were stolen and taken into Mexico; the thieves and horses were afterward captured and brought back.

I think that the Mexican authorities do all they can to aid the Americans in stopping raids and invasions and restoring stolen property to the proper owners, punishing thieves, &c. I mean the authorities opposite Laredo.

There was twenty-five State troops stationed in Webb County, commanded by Lieutenant Benavides; during their active service there were no raids. Since that com-

pany was disbanded some horses and cattle have been stolen. The Mexican authorities referred to did offer Lieutenant Benavides assistance, and furnished it in some instances in capturing thieves, &c.; during the war he was permitted to cross the river with troops. This has reference to the authorities of New Laredo. The authorities are not efficient in capturing raiders and thieves except in the large towns and cities; when they do apprehend them, they turn over American citizens to American authorities, and Mexican to Mexican authorities. Can't give a definite idea of the amount of losses since the war; the loss has been very great. Since the war there is not more than one-fourth of the stock left, and the country is being depopulated. This loss of stock is not the result of negligence by the owners or by sale, but by thieves. Before we commenced driving stock to Kansas, more than one-half were stolen and taken to Mexico. Depredations are seldom now, because there is but little stock to steal. Some thieves have been punished in New Laredo and Monterey; in small towns the authorities have not the power to punish robbers and thieves: they are usually sent to large places for trial. I have known unarmed shepherds and herdsmen to be killed by Indians and Mexicans while tending their flocks, &c.

I have no knowledge of any complaints being made by Mexicans of Texans committing depredations on the Mexican side. I have held frequent conversations with the general commanding the Mexican army. Am acquainted with all the leading citizens, and have never heard from any source of depredations committed by Texans on the Mexican side. The general speaks highly of our citizens, and all seem desirous to cultivate friendly relations between the two sections.

About two years ago, Nicholas Sanchez, about twenty-five miles above Laredo, while at his ranch, heard of a force of Mexicans crossing the river above. He followed them as soon as practicable; he overtook them, recaptured the stolen cattle, and wounded one man. A little before this time, Atanacio Vidaurre, a citizen of Texas, with his vaqueros, came across a party of Mexicans driving stock. He asked them if they had bills of sale for the stock. They replied they had. Doubting the truth of this assertion, he took possession of the cattle and arrested the men. These cattle belong to myself and my neighbors. Very often cattle have been stolen and crossed into Mexico, and delivered afterward to citizens claiming them. The present administration in that part of Mexico is much better than it has been heretofore. Some two years ago five shepherds in the employment of Juan Ortiz, in Webb County, were killed by Indians. A month afterward one of my brother's shepherds was killed; also, two or three of Mr. Callashan's, one of Raymond Martin's, and one of Mendiola's; they also killed one of General Quiroga's, took all his mules (he was at his ranch), and, at the same time, killed a woman. These murders all occurred between Laredo and San Antonio. I don't know whether these Indians belong on the Mexican side or not. We sent couriers to the Mexican general, advising him of Indian raids. He told us to follow them into Mexico. I went with Lieutenant Cole, in pursuit of Indians, one hundred miles into Mexico. This particular party of Indians killed persons on both sides of the river. In our march, we found a good many dead bodies, sometimes two together. They also carried off two boys, sons of Ceciles Benavides, into Mexico. General Quiroga also followed these Indians, but the lack of sufficient force and being scarce of ammunition caused him to turn back. I was one of the first settlers of the Nueces. The Indians have done me no very great harm. A woman from San Antonio was captured and killed; her name was Mrs. Domingo Rodriguez. I had written authority during our war to cross over into Mexico and capture thieves. I think any respectable American can get the same authority now.

Since the close of the civil war many thefts and robberies have been committed by the people from the Mexican side upon the property of citizens on this side. Fully one-half has been carried, by marauders from Mexico, across the Rio Grande, but never, I believe, with the knowledge or consent of the Mexican Government or its authorities. The sparsity of our population permits these depredations. Lawless Mexicans have taken advantage of the frequent revolutions in Mexico, resulting in leaving the frontier open, to commit these crimes, and we ourselves have not had sufficient force to repel the incursions of marauders. The American citizen on the frontier has been, in a great measure, left to his own resources. If the State government comes to our relief with a small armed force, I believe, with the present change of officials on the Mexican side of the river, who are showing every disposition to adjust our border troubles, we will be able to save what we have left; otherwise, we will lose everything.

SANTOS BENAVIDES.

THE STATE OF TEXAS,
Department of State:

I, T. H. Bowman, acting secretary of state of the State of Texas, do hereby certify that the foregoing is a true copy of the original now on file in this department.

In testimony whereof I hereto sign my name and affix the seal of the State, at the city of Austin, this 22d day of January, A. D. 1878.

[SEAL.]

T. H. BOWMAN,
Acting Secretary of State.

Affidavit of Capt. Refugio Benavides.

Capt. Refugio Benavides, having been sworn, says: My name is Refugio Benavides. I live in the city of Laredo; have lived there fifty-four years. About six months ago I was appointed and commissioned by Governor Coke captain of a frontier company, with orders to preserve order, protect the citizens, &c. I took command and went down toward the Nueces. I found the country desolated. We came to camp near San Diego, where five hundred cattle had been killed. Above the San Antonio road there is no stock at all. I saw large trails, over which immense droves of cattle had been driven into Mexico. After my arrival in that section with my company the raids stopped. I know the country well; there has been a large quantity of stock there, but now there is none. The trails referred to led into Coahuila. In Zapata County we found a great many cattle-trails leading into Mexico. I have been recently informed by rancheros that raiders are now coming in, stealing cattle, &c. They are generally from twenty-five to thirty strong. Depredations have been going on continually since the war ended, up to the present time. They have been more extensive and on a larger scale for the last two years, being much worse now than ever. Between Nueces and Laredo there is no safety for life or property. When going round with my company we found a great many dead bodies. The United States troops stationed at Fort McIntosh are not efficient; they are infantry, and never go out. In my excursions we never met with any Federal cavalry. At one time I went up seventy-five miles above Laredo. The officers of the present administration of that portion of Mexico opposite Laredo seem desirous to give us what aid they can in apprehending thieves, reclaiming cattle, &c. On visiting these officers and informing them of the organization of my company, &c., they promised their co-operation, and told me to cross over with my company and catch and kill the thieves. I remember the killing of twenty-four or twenty-five men in 1873. Between Laredo and San Diego we followed the Indians as far as the Espia ranch. Our horses were broken down; theirs were fresh. We could pursue them no farther. This party killed my shepherd in this raid. They killed thirty or forty horses and over thirty persons. They stole a good many horses, which we recaptured.

REFUGIO BENAVIDES.

THE STATE OF TEXAS,

Department of State:

I, T. H. Bowman, acting secretary of state of the State of Texas, hereby certify that the foregoing is a true copy of the original now on file in this department.

Given under my hand and seal of State this the 22d day of January, 1878.

[SEAL.]

T. H. BOWMAN,
Acting Secretary of State.

TESTIMONY OF THOMAS F. WILSON (CONTINUED).

WASHINGTON, D. C., *February 19, 1878.*

THOMAS F. WILSON, consul at Matamoros, recalled and further examined.

By Mr. SCHLEICHER:

Question. State what you know in connection with your official communication to the State Department relative to the supposed expedition gotten up to precipitate a conflict with Mexico.—Answer. The question which you asked me at the close of my previous examination was "did I ever know of any attempt by people on our side of the river to cross the river." It was in reply to that question that this matter came up.

Q. Now refer to your official communications on the subject and explain them.—A. Ever since I have been on the river there has been more or less of an impression on my mind that there was a feeling among a certain class of people on the Texas border that a large portion of Northern Mexico would at some time be acquired by the United States, and the class of the community mentioned appeared to be in favor of it. In the latter part of 1875, when I returned to Matamoros, it seemed to me that the feeling had concentrated into a sort of conspiracy to try and produce a conflict between the United States and Mexico for the purpose of acquiring this territory. It was so stated in rumors among

the officials of the United States and others that a conflict was desired and impending. I was satisfied that this was not true and that, on the contrary, the government wished to avoid a conflict by all reasonable and honorable means; and as the persons who were engaged in the movement had threatened to precipitate hostilities by crossing into Mexico and burning and destroying the Las Cuevas ranch, as it was regarded as the most objectionable one on the river on account of harboring cattle-thieves, I informed the Secretary of State of such rumors as had come to my knowledge in regard to the project, and suggested that a reliable person, in whom he had entire confidence, be sent to the frontier to inquire into the matter, as the facts could be readily ascertained, the project being spoken of freely, and the person sent out could place the department in possession of such positive evidence of the existence of the project as would justify any action in the premises that might be deemed necessary.

Q. Who was the party who seemed to be engaged in this matter?—

A. There appeared to be a number of persons engaged in the project. It was shortly after the arrival of the Rio Bravo, a United States gunboat, in the river, the commander of which appeared to be the officer who talked most about producing this conflict. But he was not the only one supposed to favor it, as a large number of people about Brownsville, and some other officers, appeared to sympathize with him, and who associated with him and talked about it themselves. The knowledge of these rumors was brought to the notice of the Secretary of State in order that he might know what was likely to transpire, and Lieutenant-Commander Remey, of the Navy, was sent out to investigate the matter, with authority to relieve Commander Kells of the Rio Bravo, who was found by Commander Remey to be engaged in the project, and Kells shortly after left the frontier.

Q. What sort of a man was the officer who was relieved; what were his habits?—A. Kells was a man very much given to talking and associating about bar-rooms with the class of people who usually congregate in such places.

Q. Was he a drinking man—in the habit of associating with drinking people?—A. Yes, sir; I understood that these things were freely talked about in the bar-rooms; while they were reported as rumors, yet I believed them to have considerable foundation.

Q. When he had been removed was there any similar effort made afterward?—A. Well, there was more or less rumor in regard to this project being carried out at Las Cuevas. The Mexican papers even warned the people of the frontier that an attack was to be made several days before the affair occurred at Las Cuevas. When Commander Remey came to the river, he inquired in regard to these rumors of Colonel Haynes, the collector at Brownsville, and Captain Corbin, who was then in temporary command at Fort Brown, Texas. Both of these gentlemen are in Washington, and as they live in Texas and saw more of the matter than I did, and gave Lieutenant-Commander Remey written statements of their knowledge of the project, doubtless they can give more actual information on the subject than I can.

Q. You say that all the information you had was communicated by you to the State Department?—A. Yes, sir; I understood Commander Remey to say that he took statements in writing from Colonel Haynes and Captain Corbin in regard to the matter, which he forwarded to the Navy Department, to justify his action in relieving Kells. I am quite certain that the government authorities at Washington took prompt and very active measures to prevent any supposed intention of producing an armed disturbance on the border at that time.

Q. Are you familiar with the efforts that the government has been making lately in preventing breaches of the neutrality laws by the adherents of Lerdo against Diaz?—A. Since Ex-President Lerdo and his party left Mexico more or less of the Lerdo people have taken refuge in Texas on the frontier, chiefly at Brownsville and Ringgold Barracks. I think in the early part of last spring—I am not certain as to the exact time—General Escobedo, formerly secretary of war under the Lerdo government, came to Brownsville with a portion of his former staff, and it was afterward stated that he had a large number of followers about Rio Grande City. He was subsequently arrested, I think in July, with probably half a dozen others, charged with an attempt to get up a military expedition to cross the frontier and invade Mexico in the interest of Lerdo. He was indicted at Brownsville in the United States court, tried, and acquitted, and immediately afterward left the frontier.

By Mr. WILLIAMS:

Q. How large a force had he gathered?—A. It was alleged on the trial that he had with him about two hundred and fifty or three hundred men. I think that was the general understanding. I was present in court part of the time when he was on trial. The trial continued one or two days.

By the CHAIRMAN:

Q. Do you think that the intended invasion of Mexico was broken up by his arrest?—A. I think it was. I am satisfied, too, that if he had not been arrested his party would have been across the river before this, as one of the witnesses stated that Escobedo said he expected to be in Monterey in a few months. It was in July when he was arrested, and tried about November.

Q. Were you in Matamoros at the time General Diaz occupied a similar position in Brownsville?—A. Yes, sir.

Q. Was he interfered with?—A. Not that I know of.

Q. Was he treated with any more favor than Escobedo?—A. It seemed to me that at the time General Diaz was there, a large proportion of the population in and about Brownsville sympathized with his movements, as it is usual to sympathize with the "outs"—those endeavoring to upset the other party; at least that has been my experience. I think I only knew one exception, which was in 1870, when the people in Brownsville appeared to be against the outs; I know the papers were.

Q. Did General Diaz at that time make any invasion from the Texas side over into Mexico?—A. I was told by a Mexican official that the officers under the command of General Diaz were in the habit nightly, for six weeks before he himself came over, of crossing with parties of twenty-five or thirty men. In one instance they had captured a mail-coach back of Matamoros, and the person in command of the expedition was alleged to have given a receipt for the mail-bags and then rifled them. This was said to have been done by a Brownsville merchant, a Mexican by the name of Miguel Peña. I never heard of his being arrested or indicted. I think it was generally understood that he was engaged in that revolutionary movement of General Diaz.

Q. Diaz was never arrested himself?—A. No, sir.

Q. Was there at any time a battle during that revolution where he was defeated and fled with some of his forces over again into Texas?—A. I understood he was defeated somewhere up in the mountain part of northern Mexico, in the neighborhood of Monclova or Saltillo. It was then stated that he recrossed into Texas, and went down the gulf coast and took passage for Mexico; I think at New Orleans, but I am

not certain. This is only rumor which I heard and believed at the time, and believe yet.

Q. For what length of time during this revolutionary period did he stay there?—A. His headquarters were in Brownsville from about the 1st of January until he crossed into Mexico and captured Matamoros, which was on the morning of the 2d of April, 1876.

Q. Was it generally understood what his business was?—A. Yes, sir. Revolutionary proclamations had been issued in his behalf. The proclamation of Tuxtepec had been issued months before his arrival in Brownsville, and everybody understood that his coming there was for the purpose of crossing the river. The Lerdodists in Matamoros were making every preparation for resisting him. They were making unusual efforts for them to that purpose.

By Mr. WILLIAMS:

Q. When did Diaz come into power?—A. Diaz entered the city of Matamoros on the 2d of April, 1876, and was afterwards driven out of the country in the summer of 1876, probably August, then crossed into Texas and took passage at New Orleans, and went round the coast in the neighborhood of Tuxpan or Vera Cruz, where he landed again and got up another force, or joined another party of his friends, some of whom were from Matamoros. After General Diaz captured the city of Matamoros the regular troops fell into his hands, and they, together with others who had joined his standard, formed quite a force. He took the ammunition and cannon which he had captured in Matamoros and sent a portion of his force with General Gonzales toward Vera Cruz, or in that direction. He himself went toward the mountain portions of Mexico—toward Monterey. I understood his force was dispersed, while Gonzales's force was successful, and when he left Mexico and went to New Orleans, and round toward the coast of Vera Cruz, it was understood he intended to join the Gonzales portion of his army, and in connection with that portion of his adherents went into the city of Mexico after a battle near the city of Pueblo.

Q. When did he enter the city of Mexico and take full possession?—A. I think he went into the city of Mexico about the 21st of December, 1876.

Q. Since that time, have you known of any movement on the Rio Grande which tended to a breach of the neutrality laws, other than what you have stated?—A. No; I don't recollect any other.

Q. What difficulties does our government encounter, if any, in enforcing the neutrality laws there?—A. The great difficulty on the Rio Grande is the long distances with but sparse population; the inability to get reliable information, and to procure witnesses to convict persons presumably engaged in organizing these expeditions.

Q. How is it as to the terms of court?—A. We have two terms of court a year; sometimes only one—in March and November.

Q. How long do these generally continue?—A. The judge comes from Galveston on one steamer and almost invariably returns on the next one—say in a week or ten days.

Q. In consequence of that, is the business of the court hurried?—A. Yes, sir; the judge appears to be very much more anxious to get away than to discharge his duties properly. The inefficiency of the court might, however, be partially remedied, if some reliable person were specifically charged with the enforcement of the neutrality laws on the frontier, as the act of Congress on the subject provides whenever the circumstances might be deemed sufficient by the President to require that he should designate some person to see the neutrality law enforced.

WASHINGTON, D. C., *February 27, 1878.*

JOHN S. FORD recalled.

The WITNESS. During the fall of 1869, Eugenio Benavides, special inspector of hides and animals in Hidalgo County, encountered a party of marauders not far from Salt Lake. They fired on the citizens. A fight ensued. Desiderio Villareal, captain of raiders, wounded, and Cesario Salinas captured; Julian Garivai, Perfecto Villareal, a butcher of Matamoras, Julian Curriola, of Matamoras, and Rafael *alias* Indio Viejo escaped. Raiders crossed into Mexico. Benavides recaptured 129 stolen cattle.

In September, 1869, Hon. S. Powers and Sheriff James G. Browne, of Brownsville, had their horses stolen and carried into Matamoras, Mexico, just opposite. Judge Powers's horse was found in possession of the son of the second alcalde, and could not be recovered.

November 7, 1869, herd of stolen cattle crossed at Baston ranch. (Sentinel of November 16, 1869.) About same time Observador, newspaper of Matamoras, published articles on raiding into Texas.

December 12, 1869, band of seven armed Mexicans entered house of Henry Redmond, living in Carrizo, Zapata County, Texas; killed his clerk, Mr. Simpson, and robbed Mr. Redmond of \$800 or \$900 in money. (Sentinel, January 11, 1870.)

January 12, 1870, Juan Porras and others assaulted Duncan and Taylor in their camp, nearly 200 miles from the Rio Grande; thought they had killed them; robbed them of \$2,000 in gold, eight or ten horses, &c. These Mexicans had been hired by Duncan and Taylor. They crossed into Mexico. Porras and another ringleader captured, and taken into Matamoras. Proof of the American citizenship of Porras was positive, yet Mexican authorities refused to extradite him. (Sentinel, January 21, 1870.) Same month Mexicans formed plan to capture steamer San Roman. Rafael Lopez, of Camargo, gave warning.

In March, 1870, thirty-seven horses stolen from Capt. Richard King. (Sentinel, March 29, 1870.)

In August of same year Eugenio Benavides captured twenty-two stolen cattle from Epifanio and Pablo Salinas and Hilario Chavarro.

In September of same year Capt. José Maria Martinez quit invading United States and raiding upon stock raisers and began robbing Mexicans. He was hunted down and killed by Mexicans under Juan Trevino Canales, now a Mexican general.

Drove of stolen cattle crossed into Mexico in October, 1870. (Sentinel, October 4, 1870.)

During this year our government requested that of Mexico to repeal Zona Libre law. The Mexican Congress passed a bill to extend it by a vote of 87 to 35. President Juarez did not promulgate the law.

April, 1871, Matilde Ramires, a noted leader of raiders, stole two horses from a man named Octaviano. Don Juan M. Longoria, a citizen of the United States, went to Reynosa to recover them, and was imprisoned by Mexican authorities for attempting to do so.

In June, 1871, Rafael Hinojosa, *alias* Pico Chueco, captain of raiding band, crossed stolen cattle into Mexico at La Bolsa; so did another raider, Capt. José M. Aldape.

During same month and year corporate authorities of Mier, Mexico, adopted measures to check cattle-stealing, by making it an offense to sell cattle without bill of sale, finable in each case ten dollars.

July 29, 1871, Carlos Esparza and other American citizens had a fight with band of raiders. The latter were crossing stolen cattle into Mexico near Rancho Nuevo, eighteen miles above Brownsville. Raiders fired

first. Two raiders reported killed. They abandoned a few cattle on this side. General Cortina soon appeared. He gobbled all the cattle raiders had crossed, except eighteen poor ones; those were reclaimed by owners.

During this year Antonio Cantu, an American citizen, lost cattle. He traced them to Reynosa; found them in the hands of Juan Domingues. An alcalde named Yarrito cited Domingues to appear and answer for having stolen property in his possession. The receiver of stolen cattle laughed the alcalde in the face, and told him he was protected by General Cortina. The alcalde said he was powerless.

Same year Albert Champion's horses were stolen by officers of the Mexican army. He recovered most of them from General Cortina's possession. A band of armed men waylaid him at one of his stage-stands, and would have killed him had he passed. He concluded staging a bad business about that time. Ricardo Flores found a horse stolen from him in Cameron County, Texas, at General Cortina's ranch of Canelo, Mexico.

In August, 1871, Dionisio Cardenas, a butcher of Matamoras, complained that other Mexican butchers were just as much in the habit of buying stolen beeves as he was, yet they were not mentioned in the public prints.

In week ending August 18, 1871, seven large droves of stolen cattle were crossed into Mexico at various points on the Lower Rio Grande.

During same month General Palacios, of Mexican army, conferred with General McCook concerning theft of stock from Texas, and expressed his inability to check it.

Portugal, chief of police in Matamoras, Mexico, captured stolen cattle from thieves and published the facts. He was dismissed from office through General Cortina's influence.

During month General Cortina sold two hundred head of stolen cattle to Dionisio Cardenas. About this time raiders complained that General Cortina was not dividing fair; that he was claiming to be the agent of owners, taking whole herds, not paying them anything for driving, and sending the cattle to his own ranches.

July 15, 1871, fifteen raiders crossed two hundred stolen cattle into Mexico, near Jo. Turner's ranch; five days later one hundred and fifty head; a drove also on the 28th of July.

In July, 1871, Deputy Sheriff D. Lively recaptured 63 stolen cattle in Cameron County.

July 18, 1871, Francisco Fuentes Farias, first alcalde of Matamoras, Mexico, published a circular against cattle-stealing.

During this year an immense number of stolen cattle were crossed into Mexico. In a little more than one week 7,000 head were crossed at Las Cuevas ranch, Mexico.

During this year the Kickapoo Indians made many incursions. They invaded the United States above Laredo generally, and had Mexicans with them. They got outfits from Mexicans, and paid for them in horses, cattle, &c., stolen in Texas. In the event the Indians refused to comply, the Mexican authorities enforced the contract.

In January, 1871, the Kickapoos killed Mr. Stringfield and wife, in McMullen County, Texas, and captured Adolphus and Thomas Stringfield, the first six, the latter four years of age. They were understood to have been held and sold as slaves. Their relatives have never been able to recover them.

Peter Schwandner and Henry M. Smith had children stolen, the former previous and the latter subsequent to the capture of the String-

fields. Schwandner and Smith recovered their sons. They had been enslaved. (See papers in Schwandner's and Smith's cases, on file in Department of Interior.)

In latter part of 1871 witness ceased his connection with Brownsville Sentinel.

In 1872, Capt. Sabas Garcia, of Mexican army, made various raids into Texas. He usually brought with him detachments of his own company. He committed many depredations.

The burning of Mr. Murdock in his own house, nine miles from Corpus Christi, the assassination of other citizens of the United States, the robbing of custom-houses, post-offices, and of stores continued up to 1876. The attack upon the jail of Starr County, Texas, and the wounding of county officials, and the affairs transpiring in El Paso County, bring the history of raids and deeds of sanguinary violence almost down to date. Most of those events are mentioned by other witnesses.

JUDGE GALVAN'S CATTLE-BOOK.

During 1869, theft of stock was so fearfully great that a stock-raiser's association was organized. A small company was raised in Cameron County, commanded by Louis Renaud. It was paid by contributions from stock-raisers mostly, if not altogether. Hon. J. Galvan was then judge of the county court of Cameron County, and chairman Stock-raisers' Association. To encourage the recapture of stolen stock, a plan was formed to sell recaptured stock at auction, and divide the proceeds equally between owners and captors, after deducting expenses, &c.

Judge Galvan kept a record of the recaptured property sold during his term of office, giving the names of captors, brands of animals, receipts, &c.

The following is a synopsis of the names of captors, number of animals retaken, &c., omitting brands, names of owners, and other details:

August 18, 1869.—General Ruelas reported with 67 head recaptured cattle. Sold for \$260. He received one-half, less expenses, \$11.70—say, \$118.30.

August 16, 1869.—Rafael de Soria reported with 13 recaptured cattle. Sold for \$65. De Soria received \$32.50.

August 26, 1869.—Carlos Esparza Villareal reported with 118 recaptured cattle. Sold for \$726.37½. Expenses, \$52.50. Captors received \$309.68½.

August 26, 1869.—Casimiro Tamallo reported with 7 stolen cattle. Sold for \$35. Expenses, \$2. Paid captors, \$15.50.

August 31, 1869.—General Ruelas reported with 104 recaptured cattle. Sold for \$301.75. Expenses, \$23. Paid captors, \$187.87½.

August 31, 1869.—Ignacio Treviño reported with 7 recaptured cattle. Sold for \$33.25. Expenses, \$3.55. Paid captors, \$13.07½.

August 31, 1869.—M. Longoria had fight with raiders and recovered 4 stolen horses belonging to Adolphus Glaevecke, Alexander Werbiski, J. G. Browne, and Bernardo Perez. Sold to owners for \$25.87½. Expenses paid to captors, \$15.25. Donated to stock-fund, \$10.62½.

September 4, 1869.—Casimiro Tamallo reported with 3 recaptured cattle. Sold for \$10. Paid captor, \$5.

September 4, 1869.—Gil Vasques reported with 37 recaptured cattle. Sold for \$353.50. Expenses, \$32. Paid to captor, \$144.55.

September 4, 1869.—Louis Renaud reported with 37 cattle and 6 horses recaptured. Sold for \$187.50. Expenses, \$21.75. Paid captors, \$72.

September 25, 1869.—Eugenio Benavides reported with 129 recaptured cattle. Sold for \$656.50. Expenses, \$43.25. Paid captors, \$285.

January 29, 1870.—James G. Browne reported with 50 recaptured cattle. Sold for \$335.62½. Expenses, \$16.75. Paid captors, \$151.67½.

March 1, 1870.—Alexander Werbiski reported with 15 recaptured cattle. Sold for \$135. Expenses, \$9.25. Paid captors, \$58.25.

March 30, 1870.—Pedro Garcia reported with 29 recaptured cattle. Sold for \$213. Expenses, \$14.40. Paid captors, \$92.10.

April 4, 1870.—Simon Cantu reported with 14 recaptured cattle. Sold for \$84.75. Expenses, \$8.50. Paid to captors, \$33.87½.

On pages 40 and 41 there is account of recapture of 32 cattle and 3 horses; name of captor not given, nor date of recapture. Sold for \$119.87½. Expenses, \$12.50. Paid captors, 47.43¾.

September 19, 1870.—Alexander Werbiski reported with 8 recaptured cattle. Sold for \$80. Expenses, \$2. Paid captors, \$38.

August 26, 1870.—R. Aguirre reported with 4 recaptured cattle. Sold for \$62. Expense, \$1. Paid captors, \$30.

April 27, 1871.—Cruise Carson receipted for his share for recapture of 20 cattle. Sold for \$175. Paid captor, \$87.50.

May 1, 1871.—Nat. White reported with 40 recaptured cattle. Sold for \$475. Expenses, \$5.25. Paid captor, \$232.25.

May 2, 1871.—Thad. M. Rhodes reported with 38 cattle and one hide recaptured. Sold for \$270. Expenses, \$22.42. Paid captors, \$112.58.

May 23, 1871.—Twenty cattle were sold for \$100. They were recaptured from Pedro Lujo, in Matamoros, Mexico, by order of General Cortina. Col. Juan Arocha, of the Mexican Army, claimed twelve head as the property of his brother-in-law, Mr. Belden, of Nueces County, Texas. The balance belonged to Hale & Parker, John Rabb, John McAllen, and Mrs. Riggs, all citizens of the United States. Twenty dollars received by Judge Galvan on account of last-named owners.

May 24, 1871.—A. Glaevecke reported with three recaptured cattle. Sold for \$21. Expenses, \$6. Paid captor, \$5.

June 1, 1871.—Ricardo Flores recaptured from Pedro Lujo 78 stolen cattle and 6 horses. Sold for \$768.37½. Expenses, \$93.50. Paid captors, \$290.68¾. Louis Renaud recaptured 11 stolen cattle from Refugio Acuña. Date not given. Sold for \$61.75. Paid captors, \$30.87½.

Deputy Sheriff D. Lively recaptured 63 stolen cattle at rancho Tepiguague in July, 1871. Sold for \$419.75. Captors received \$209.87.

July 29 and 31, 1871.—Carlos Esparza and Galixto Gomez recaptured 30 cattle from Pedro Jurado and others at rancho Nuevo, Cameron County. Sold for \$151.25. Paid captors, \$75.62.

September 9, 1871.—Martin Hinojosa recaptured 33 stolen cattle. Sold for \$239.25. Expenses, \$22.25. Paid captors, \$97.37½.

Judge Galvan went out of office about this time, and no one filled his place in the matter of recaptured property.

Stealing stock and carrying them into Mexico still continues, though in a small way, on the Lower Rio Grande. Small parties cross to this bank and steal a few animals. Large raids are only made occasionally.

I beg leave to append a letter of Hon. George Dye, former mayor of Brownsville, concerning the Cortina war, also report of grand jury of Cameron County of 1871.

I would call your attention to typographical errors in the part of my evidence already printed. I am made to speak of "oppressing" property instead of impressing it. Application was made to Gov. E. J. Davis for the pardon of General Cortina, and not to "General Devin." When asked how raiding could be suppressed, I replied by the exhibition of force,

not by "force" alone. When I spoke of having traveled up the Rio Grande 200 miles, I did not say I traveled on the "Mexican" side, but on the American side, and that I passed over to the Mexican side at some points.

Between the Lower Rio Grande and the Nueces I estimate that 500,000 head of cattle have been stolen and carried into Mexico within the last nineteen years, worth \$5,000,000, and 14,000 horses, worth \$1,000,000. During same period of time I estimate the losses in money, merchandise, and miscellaneous property at \$750,000. These estimates do not include more than eight counties. The raiding has been going on from the mouth of the Rio Grande to the mouth of Devil's River, a distance of nearly 500 miles. Raids have been made north of San Antonio River, about 200 miles from the Rio Grande. The "armed merchants" of Mexico and their Indian allies have murdered and robbed an area of about 100,000 square miles.

CORPUS CHRISTI, January 25, 1878.

ESTEEMED FRIEND: I see it reported that you are on your way to Washington City to give testimony before the Military Committee in relation to the Rio Grande Mexican affairs. I am glad of it, for I am sure that there is no man better able to give facts than yourself of the temper, spirit, and conduct of the Mexican people on the Rio Grande. I think that it is high time that some decisive action should be taken by our government to teach the Mexican people a lesson that may serve to deter them from again coming upon our soil to murder and carry away the property of our people, as has been their practice for thirty years.

Had I been summoned before that commission I could have stated facts from my personal knowledge that would have aided them in coming to a fair and just conclusion in regard to the Mexican outrages so often repeated upon our Rio Grande frontier and upon American citizens on their own soil. You no doubt remember the trick that was played upon us in 1859 by the Mexican authorities under pretense of friendship and aiding us in defending against the threatened attacks of Cortina. After he had entered and taken possession of Brownsville and killed five of our citizens, and then retired, as was supposed, to organize and return, Colonel Laranea was sent with seventy Mexican soldiers and a piece of artillery; that in a fight with Cortina, Laranea abandoned his cannon and ordered his men to retreat, when there was really no danger from Cortina at the time. Cortina, of course, took possession of the cannon and turned upon the small force of Americans, and but for a hasty retreat all we would have been killed. And on our return to Brownsville the cartridges of the Mexican soldiers were examined and found to be blank. One of the soldiers said that all of them were blank. Report of these things was made to the Mexican officials in Matamoros, and a pretended court-martial was had, but Laranea was not punished; also the Mexican flag floated over Fort Brown for fifty days, until the Texas rangers came to our relief, and the Mexicans retired to Matamoros.

Well, colonel, I have written more than I had intended, but hope that the relation of these facts may serve to refresh your memory.

I remain, yours, truly,

GEO. DYE.

Col. J. S. FORD.

Report of the grand jury, Cameron County, Texas.

GRAND-JURY ROOM, BROWNSVILLE, TEX., August 28, 1871.

To HON. WM. H. RUSSELL,

Judge of the District Court in and for the County of Cameron, State of Texas:

The grand jury beg leave to report that two-thirds of the time they have been in session has been devoted to inquiring into the wholesale stealing of cattle which has been and is constantly carried on, to an alarming extent, on this frontier.

We have had before us fifty or sixty of the leading rancheros living on the river, many of whom live in the vicinity of the various places where stolen cattle are driven across the Rio Grande into the Republic of Mexico, and the facts elicited are such as to convince us that unless the United States Government interposes its strong arm, the stock interests will be so injured as to cause the depopulation and abandonment of all the stock-ranches between the Rio Grande and the Nueces.

Undoubted evidence has also been adduced to the effect that all of those depredations have their origin on the Mexican side of the Rio Grande; that it is there the

thieves organize and arm, and it is from there that our State is invaded by bands of Mexican citizens sufficiently large and sufficiently well armed and mounted to defy capture and to contemn attack.

It would appear that the parties engaged in this illicit traffic are protected by the authorities of Mexico, from the well-known fact that no attempts are made to arrest the thieves and that stolen cattle find a ready sale in open market there.

The jury found great difficulty in obtaining evidence, for the reason that there is no protection afforded the inhabitants by the military and no State force adequate for the emergency, the witnesses knowing that the giving of information that would lead to indictments is equivalent to signing their own death-warrants; but sufficient information has reached us to warrant us in the statement that the whole section of country as far up the river as Hidalgo County, and as far back as Santa Gertrudes, in Nueces County, is completely under the control of armed thieves whose homes are in Mexico, who carry on their depredations and cross stolen cattle in immense numbers into Mexico in broad daylight, overawing the people into silence regarding their depredations by threatening death to all informers and protecting the crossing, when necessary, by force of arms, as in one instance of late occurrence.

This took place on the morning of the 29th of July last, after sunup, at the Calabozo ranch, in this county, some twelve or fifteen miles from Brownsville, where a party of well-disposed rancheros disputed the crossing of about one hundred and fifty head of stolen cattle, and were fired on from the Mexican bank by the party in charge, some twenty in number, who had previously succeeded in making their escape to the Mexican bank with a part of their booty. The fire was returned by the rancheros, and it is believed that three of the thieves were wounded.

It is the opinion of this jury that the above engagement, which lasted fully half an hour, is a flagrant violation of the neutrality laws and a violent outrage against the peace, dignity, and sovereignty of the State and of the United States, and merits the prompt attention of the United States Government.

It is broadly asserted that these armed miscreants have allies in these transactions residing in this city. The constant movement of transient persons, belonging to the other side of the Rio Grande, into and out of this city renders it probable enough that this is true, but there has been no evidence of the fact presented to our attention in such a manner as to lead to their detection.

The want of an agent or agents on this frontier, duly authorized to represent the interest of stock-raisers at a distance in the recovery of stolen hides and animals, and the active prosecution of the thieves, is felt to be a serious drawback to all movements for their protection. The remedy for this is in the hands of the stock-raisers themselves.

Its frontier position renders this county a sort of outpost for the protection of the more interior counties of the State. The amount of local crime, or the number of criminals permanently resident here, is comparatively insignificant. Our jail is filled with foreign criminals, from whom our people are entitled to be protected by the State or Federal authorities. Instead of this, our people are compelled to pay, in addition to the ordinary State taxes, an annual sum equally large for the support and prosecution of offenders, for whose existence or crimes this county is in no way responsible. Its relation to the offenses of these criminals arises solely from our geographical position. If we are to stand on duty as sentinels for the interior portions of the State, we should not be required to pay the State for *not* performing that duty for us.

The county jail is entirely inadequate for the purpose of keeping these criminals securely, but for the reasons already stated, added to the destruction of the former jail in the storm of 1867, the financial condition of the county will not admit of an outlay for the improvement of the present temporary building or the construction of a new one.

An appropriation of the State tax for two years would enable the county to erect a jail adequate to the demands of its frontier position. This and the regular assumption by the State of the annual expenditure of the county for the maintenance and prosecution of foreign criminals, would be an act of simple justice on the part of the legislature, and place the county on an equal footing with others more favorably situated in geographical position.

The sheriff is unable to maintain the prisoners confided to his charge at the rates now allowed by law, when he is compelled to receive at par county scrip that can only be sold at thirty-five to forty cents on the dollar. He must either starve the prisoners or feed them at his personal expense. This demands a remedy at the hands of the county court.

The prisoners are better provided for than either the accommodation furnished by the county or the compensation allowed the sheriff, under the circumstances, demand or justify.

J. L. PUTEGNAT, Foreman.

THE STATE OF TEXAS,
County of Cameron, ss:

I, Robert B. Foster, clerk of the district court in and for the county of Cameron, 15th judicial district, State of Texas, do hereby certify that the foregoing is a true copy of the report of the grand jury for Cameron County impaneled at the August term, 1871, read in open court August 23, 1871, and ordered filed.

In testimony whereof witness my hand and seal of said court this 21st day of September, A. D. 1871.

[SEAL.]

R. B. FOSTER.

Clerk District Court, Cameron County, Texas.

WASHINGTON, D. C., March 9, 1878.

H. S. ROCK recalled.

By Mr. SCHLEICHER:

Q. Do you recollect what sort of body-guard Cortina had in Matamoros?—A. I know that he had a guard that was called Cortina's men. A good many of them were refugees from our side of the river—criminals who had fled into Mexico. Cortina controls things in Matamoros, so that they could not be extradited. Some of them were men who had been in jail already and had broken out and gone over there.

Q. Were you in Brownsville at the time of the last arrest of Cortina?—A. I was out about fifty miles from Brownsville.

Q. Do you recollect the circumstances of how Cortina came to be arrested the last time?—A. After his escape from the prison in the city of Mexico he came to Matamoros and organized a force on the outside of the city, fighting against the Lerdo party that was holding Matamoros. Cortina was commanding the cavalry in the Diaz forces. After Revueltas left the city, General Blanco, who took possession of it for the Diaz government, sent to Cortina's camp requesting him to come in. Cortina, who is pretty wary generally of Mexican tricks, fell into the trap and came in. He was arrested and remained a prisoner in Matamoros for some time. General Canales threatened to shoot him; but he was finally sent to the city of Mexico, where he still remains a prisoner. Lerdo had had him arrested before that and sent to Mexico, and he had escaped from the city and pronounced for Diaz.

Q. Were you present at the time that Cortina was engaged in shipping cattle on a Cuban vessel?—A. No, sir; I was sent for to go down to inspect the cattle, but some citizens came to me and told me not to go, as it would not be safe, I being too well known on the border. First Sergeant Hall, of McNally's command, who was a stranger at Matamoros, and who knew the Texas brands, was sent. That stock was shipped just after the drove of beeves which McNally intercepted going into Mexico, and the supposition was that those beeves were to be sent on that vessel. There has been something said about raids being got up by persons on the Texas side, but I know that that is not so. I went with the troops who were sent to assist Captain Randlett, who was acting in support of McNally's forces, and I know that the parties who were engaged in the raid were, many of them, Mexicans living at Las Cuevas. One of them was caught and hung by one of our own citizens, a Mexican.

Q. Are there any cattle-ranges now along the Rio Grande? Is stock-raising still carried on there to any extent?—A. People are trying to raise stock there; for the last two or three years they have have had a good deal of confidence that they would be let alone in future, because

since the time that these men were killed by McNally, and since we have had cavalry stationed there, there has been very little stealing of cattle in my section on the Lower Rio Grande. It is only, however, by having cavalry on the line that raiding can be stopped. It is the presence of troops there that has given security to some extent. The rancheros there all know me, and they tell me that if things continue as they have been going on for the last two or three years, they can raise stock. The Corpus Christi raid was in March, 1875, and the shooting of these men by McNally occurred on the 11th of June, 1875, and that fall the cavalry arrived there, and since then the cavalry has been very effective and very vigilant. For some time before that there had been no cavalry there except a company of mounted infantry—negroes—who were not effective, as there were but few of them, and the thieves did not seem to care about them. Then came the Ninth Cavalry, also negroes, but they were taken right away and succeeded by the Eighth Cavalry, and that regiment has been very effective. The Mexicans on our side cannot get along with negroes, as the negroes are too overbearing for them, and the Mexicans will not give them any information, as they do to white soldiers. Previous to those two years back the raiding was carried on very extensively. That I know of my own knowledge. I was all the time through the country, and discovered a good many of those raids myself; but generally I had to get out of the way as quick as possible, because it would not do to get into the hands of such people.

Q. Is it true that American stock-raisers have generally left that country?—A. The vast majority of stock-raisers in that country, between the Rio Grande and Nueces Rivers, are Mexicans. Several Americans had been there and some of them were murdered, and the rest went into the towns either on the Nueces or the Rio Grande, as their only security.

Q. You did not see any of this Corpus Christi trouble?—A. No, sir. I took a party of men to intercept them, but they crossed into Mexico near Camargo and we did not come across them. The commercial agent there telegraphed to Judge Dougherty, notifying him that the thieves were on the way to Matamoros with their booty, and Judge Dougherty asked me if I would not go to Matamoros with him in order to identify the stolen horses by their brands, as I knew the brands of the horses and cattle on the Nueces. We went to Matamoros, but the thieves had not arrived, and we went again the next day and they did not come. Neither the thieves nor the property were ever turned over.

Q. Were you in Brownsville during the time that the raid occurred on Rio Grande City jail?—A. Yes, sir; I was in Matamoros the day before. Two or three of the persons engaged in breaking the jail were arrested in Mexico and delivered up. One of them was tried in Texas, convicted, and sent to the penitentiary, and afterward escaped. There was a good deal of excitement in Matamoros about that time about giving these men up, and there was a good deal of bitter feeling about it. They were given up in the night-time, very near midnight. One or two of the Lerdo officers who were on this side, near the men, crossed the ferry, abused the Mexicans in charge of them, and said that they were not true Mexicans to give up their countrymen to be hung by Boleos. Boleo is a word used to designate Americans or white men. It is not so offensive a word as Gringos.

Q. Do you think that the central government of Mexico is strong enough to arrest criminals there and send them over here?—A. I think so.

Q. Would the people allow that to be done?—A. Yes; if the government sends the right sort of officers, but as long as the government sends officers who are from the boundary themselves and are not in sympathy with the people, nothing can be done. Mexicans get out of doing things with the best grace in the world when they do not want to do them. Generally they have Cortina and Canales in command, or if not in direct command, they control those that are, and they have Tamaulipas men under them, and of course nothing is done.

Q. Do you know anything about the present military force which the Mexican Government has on the border?—A. I have very little idea. At the time I left there I do not think that there were more than 800 men from Laredo extending down all the way to Matamoros.

Q. What character of men are the Mexican troops?—A. A good share of them are cavalry. They are as good soldiers as can be expected. Mexicans do good fighting, but they have generally infernally poor officers.

Q. Who is now the commanding officer there?—A. There is no one there ranking Canales. The ranking officer over him was Trevino, who was stationed in Monterey.

Q. What is the feeling on our side among the people? Do they take part with the different factions in Mexico?—A. Yes, sir. The time when Diaz got his foot-hold in Mexico he started from Brownsville. He made Brownsville his headquarters, from which he issued proclamations or caused them to be issued. He raised men and arms there. That was the most palpable violation of the neutrality law that could be perpetrated. Ninety-nine out of every 100 citizens of Brownsville (Americans and Mexicans) were in sympathy with him. I do not know why; I cannot account for it; but they seem to be in sympathy with every revolution. In fact, they make the most money in times of revolution, because when Matamoros is shut up the trade is done from Brownsville. Diaz has been in some little time, and the outs are getting impatient and would like to get up a revolution. They do not seem to care on whose side a revolution is so long as it is against the existing government.

Q. Have you ever been in the interior of Mexico?—A. No, sir; except some 50 miles.

Q. What is your idea as to the stability of the government there?—A. I think that Diaz will be able to maintain himself. The people lose a good deal by revolutions, especially on the border, from the loss of cattle, horses, and other property, so that they are getting tired of revolutions and are glad to live under any government if it is only stable. I speak of those who are trying to live by their industry. The people who are in favor of revolution are the restless and ambitious classes and office-seekers who are all the time seeking to cause disturbance. I think that the masses of the people of Mexico are going to let Diaz alone if he only gives them a stable government.

Q. There is an element among the old residents there that is composed of quite good people?—A. Yes, sir.

Q. But they have no influence in politics?—A. Very little. The masses are controlled by some loud-spoken fellows who do nothing but meddle in politics, just as they do on our side. In the Cortina time the municipal elections in Matamoros were always held on a Sunday, and the people were either Cortina men or Trevino men, as they were sometimes called.

Q. Did not Cortina kill a man by the name of Trevino?—A. Yes, that was another Trevino, near Reynosa. That Trevino was an alcalde, and Cortina shot him with a pistol without any ceremony.

Q. Was not that for the arrest of some of Cortina's men?—A. I do not know, but I believe that it grew out of the taking of stock or some property. I know that the Mexicans generally condemned it.

[Witness supplied the following statement as an addition to or explanation of part of his former testimony.]

I did not revise the first part of my testimony. I have seen it in print, and wish to explain what I really meant in saying that a good deal of stock has been driven to Kansas and a good deal stolen and carried to Mexico.

At the conclusion of the civil war there were large numbers of cattle between the Nueces and Rio Grande. Soon after the cessation of hostilities the Mexicans commenced raiding into Texas. They drove thousands of cattle and some horses across the Rio Grande, and sold them publicly in the markets of Mexico. About three years since, during a trial in the district court of Cameron County, stock-raisers stated upon oath that since the civil war 90 per cent. of their cattle had been stolen and carried to Mexico; the increase also. The increase is about 30 per cent. per annum. The most of the witnesses were American citizens of Mexican origin. It was not until after this great decrease of stock that some cattle was purchased in this section and driven to Kansas. The number taking that direction constituted but a small percentage of the cattle that were stolen and carried to Mexico. On some occasions lawless men have stolen cattle from the sands with a view to drive them to Kansas. These robberies have been but a very small portion of the losses of cattle between the Nueces and Rio Grande. I speak advisedly because I have been deputy-inspector of hides and animals for several years, and have reason to know the facts. I know the constant stream of hides stolen in Texas, taken to Mexico and sold, and brought back into Texas for shipment, where I had access as inspector, and I have claimed large numbers for the owners, notwithstanding the purchasers culled generally the Texas hides and shipped them elsewhere.

I have captured, or, rather, assisted in capturing cattle stolen in Texas within sight of Matamoros. I know that the Mexican authorities have never made any serious efforts to check these depredations.

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ERRATA.

Page 117, change "Escobedo," at the end of a line 18 lines from the foot, to "Es-trada."

Also, the same correction on first line of page 118.

Also, change the word "toes," on the thirteenth line of page 118, into "thumbs."