

En tan difíciles circunstancias necesito la cooperación de los hombres que por su honradez, inteligencia y significación política puede concurrir ventajosamente a formar el Gobierno provisional que debe, no sólo presidir la reorganización constitucional del país, sino también la unificación del gran Partido Nacional.

En tal concepto, y teniendo la convicción de que usted reúne en alto grado las relevantes dotes, he acordado encargar a usted el despacho de la Secretaría del Departamento de Relaciones Exteriores, esperando de su patriotismo acepte este nombramiento, que hago en momentos decisivos para el porvenir de la República.

Igual nombramiento hago con fecha de hoy en los C.C. General Pedro Ogazón para la Secretaría de Guerra y Marina, Lic. Justo Benítez para la Hacienda y Crédito Público, Lic. Ignacio Ramírez para la de Justicia e Instrucción Pública, General Vicente Riva Palacio para la de Fomento, y para la de Gobernación al C. Lic. Protasio P. Tagle.

Constitución y Libertad.

México, noviembre 28 de 1876.

Porfirio Díaz

Luis C. Curiel
Secretario

C. Lic. Ignacio L. Vallarta

Ministerio de Relaciones Exteriores.
Presente.

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MEMORANDA

Y Notas Relativas Cambiadas Entre el Ministerio de Relaciones Exteriores y el Ministro Plenipotenciario de los Estados Unidos (1877)

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 12th. 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 1876, 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 proposition was not accepted by the Mexican Government.

On the 20th. 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. (U. S. 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 Coronel Shafter, that the only way to put a stop to the raids was to follow up the delinquents into Mexico, 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 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 measures 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 that frontier, to cooperate 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 last december, his attention was called to the condition of affairs on that 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 cooperate with the American troops, so far as this Legation had received information.

Notwithstanding the long list of these outrages, which the undersigned has brought to the attention of the Mexican Government in the past four years, which include murders, arson, plundering of government post-offices and customhouses, robberies and other outlawry, not a single punishment has resulted on the part of the Mexican authorities.

IV. Mexico has repeatedly 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 demonstrations 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 U. S., that the whole force of the army was required elsewhere to resist the revolution of General Díaz. (See U. S. 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 cooperate 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 internal government.

If one of the rival claimants to the Presidency succeeds in establishing a foothold on Mexican territory and in organizing a counter revolution, will not necessity again compel the Government to devote all its energies 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 cooperate 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 cooperate, 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 assent in an important public order issued by the direction of the Chief Executive, that in giving 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 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 U. S. and Mr. Lerdo, through sinister motives and by a group of adventurers and speculators.

Earnestly desirous that cordial relations may speedily be restored between the two nations, the undersigned returns to hope that the Executive members of the Mexican Government may evoke a calmer reason and a more tempered judgment in dealing with a question of such grave importance.

Mexico, June 23d. 1877

John W. Foster
(Signed)

MEMORANDUM

Of the reply given by the Secretary of Foreign Relations to the points expressed by His Excellency the Minister Plenipotentiary of the United States, in the conferences held between them in this Department

I. It is true that the Government of the United States proposed on various occasions that the troops of both Republics should pass their respective frontiers in pursuit of savage Indians and marauders; but it is likewise true that the Government of Mexico has always replied that it is not authorized to grant such permission to foreign troops; and whenever it has been sought to obtain it from the Congress of the Union, it has been seen that such a measure would not be sanctioned. It was so stated to the American Legation by the Chief Clerk of this Department in a conference held by them on the 14th. of April 1871, and also by the Minister of Foreign Relations to Mr. Nelson in his note, dated the 20th. of the same month.

In a conference held in Washington by the Minister Plenipotentiary of Mexico with the Hon. Secretary of State on April 30th. 1875, the convenience of the said measure was again insisted upon by the Government of the United States. The Mexican Minister placed in doubt such convenience, fearing the abuses to which it would give rise, notwithstanding the good faith of both governments, stating furthermore that he ignored how far Congress would consent to allow foreign troops to enter the National territory. In the debate which took place with regard to this point, they came to no understanding whatever, and the Hon. Secretary of State put an end to the interview, telling the Mexican Minister that his object had been to call the attention of the Government of the Republic towards the important affairs on the frontier so as to select the most suitable means in order to remedy the evils existing there, and concluded by expressing his desire that the Mexican Government would propose those that it might deem most efficacious.

If as Mr. Foster asserts, alluding to his note of July 7th., 1875.—(*Diplomatic Correspondence of the United States, Part 2, p. 946*).—he informed Mr. Lafragua "that unless those depredations ceased, an order similar to that contained in the instructions to General Ord was to be foreseen", to which intimation as Mr. Foster stated to his Government in the said note, the Minister of Relations gave no direct answer, this cannot nor does it signify that the Mexican Government has at any time tolerated the violation of the national territory by allowing the entrance of foreign troops against its will and without its permission. This is not the first time that the Government has ordered 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

afterwards carried out his threat, General Fuero, with instructions from his Government, addressed a note on the 20th. of the same month to General Potter, Commander at Brownsville, stating that the said invasion was contrary to the treaties existing between Mexico and the United States and was condemned by International Law, notifying him at the same time that if orders were not given forthwith for the withdrawal of American troops from National Territory, besides protesting against that aggression, he would be obliged to repel force with force. General Potter replied that although he had reiterated his orders on the 19th. warning the American officers explicitly, from making any aggressive movement against Mexico, those orders had been disobeyed: but that as soon as he became aware of this fact, he repeated them and the American forces then withdrew; he concludes by saying to General Fuero: "by this you will see, General, that the invasion of Mexican territory and the violation of the laws to which you allude, were committed against the orders which had been received by the officers of United States troops".

The undersigned has stated to Mr. Foster, in various conferences held during 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, persecuting Indians and marauders, and avoiding causes of complaint or a conflict with the neighboring Republic; but that the tranquility of the frontier districts could not be affected by means of an isolated measure, but must be the result of a combination of measures, tending to destroy in its roots the germ of evil existing there: that the passage of troops, though it be reciprocal and agreed upon by both governments, (and if it were otherwise it would but constitute an outrage upon the nation invaded, which would render matters worse) cannot by itself be the remedy of old evils; on the contrary, taking into consideration the peculiar circumstances of the frontier—and this is the opinion of the former administrations—that measure would give rise to greater and more serious complications: that the present government would in due time propose the measures which, in its judgment would serve to reestablish security and order in that region, attending to those suggested by the government of the United States, and devoting to this important subject all the attention it required.

II. If the United States rightfully complain of the depredations which have been committed on the frontier, Mexico can, with equal or greater justice, make the same complaints, because the evils caused are common to both countries. This is a fact which has been explicitly acknowledged by the Hon. Secretary of State. In the conference which he held with the Plenipotentiary of Mexico on April 30th., 1875, he stated to the latter that *the evils on the frontier were exaggerated in Texas, either through the interest of men who proposed to present claims, or by those who wanted forces to be situated on the margin of the River with the object of making contracts for army stores, etc., etc.*" and adding that, "it cannot be denied that such disorders exist, committed by bands of robbers who, in many cases, are not citizens of either country". All this was stated to the American Legation by this Department in a note dated December 30th., 1875, in which it was proven how groundless are the charges made against Mexico in trying to sustain that on this side of the Rio Grande are the robbers who commit all the depredations and that on the other side are the victims of the latter.

Mr. Foster, in reply to the said note, on the 9th. of February, 1876, stated that as he had no full information with regard to the conversation held between Mr. Fish and Mr. Mariscal, he could not properly appreciate the weight it might have in this question; and referring to his various notes of the year 1875, in order to sustain his charges against Mexico, he however, concludes by admitting that it is possible that all the robbers are not Mexicans; but insists that they proceed from Mexican territory where they find refuge after committing their crimes.

The Investigating Commission of the Northern Frontier not only demonstrated that many of the charges made against the Mexicans by the inhabitants of Texas were utterly unfounded, but it gave the particulars of robberies, outrages and crimes committed on the Mexican side by American citizens, who in their turn enjoyed the utmost impunity; but inasmuch as Mr. Foster wishes to refer only to acts subsequent to the Report of the said Commission, the undersigned, so as not to occupy himself in enumerating isolated cases, will but call at-

tention to one of those acts which, on account of its importance and serious consequences, not only justifies the complaints of Mexico, but at the same time it forms one of the principal causes of the depredations and robberies imputed to the Republic.

One of the authorities of Coahuila stated to the Government in May, 1876, that the crime of cattle-stealing had acquired large and most alarming proportions in those regions, owing to the fact that there existed on american territory regulary organized companies, engaged in buying stolen cattle at very low rates, and that those companies encouraged cattle-stealing on a large scale: that this circumstance, added to the difficulty of apprehending the robbers who by merely crossing the River placed themselves beyond the reach of their pursuers, had created much alarm among the people of those regions.

If the United States Legation has had no knowledge of this communication and of several others which prove that the depredations complained of have been common to both frontiers, it is because the Government of Mexico has deemed proper to communicate these facts directly to its Minister in Washington, in order to seek the concurrence of the United States Government so as to remedy those common evils.

The Mexican Government can give the most conclusive answer to this kind of charges, by quoting the most respectable and impartial testimonial authority that is extent upon the matter; viz: that of Sir Edward Thornton, Umpire of the Mixed Claims Commission appointed by both Governments. An american citizen made the same charges before that Tribunal, asking indemnification from Mexico, and the Umpire, in the claim No. 647 of William C. Dickens expressed himself in the following manner: "With regard to Case No. 647 of William C. Dickens *versus* Mexico, it is beyond doubt, in the opinion of the Umpire, that during the last few years, cattle-robberies have been committed on the Texan territory bordering on Mexico, and that the said cattle have been carried over to the other side of the Rio Grande; but he considers utterly inadequate the evidence purporting to show that the robbers have always been mexican citizens or soldiers, and also that the bands have been organized on Mexican soil, with the consent of the authorities of the Republic, and that the victms of these robberies have been refused all redress by those authorities, when in particular cases application has been made for the recovery of certain herds of cattle after proving the right to the same".

"The claimant says truthfully that these bands of robbers can congregate rapidly and effect their depredations when United States troops are at some distance from the point of attack. But if this renders it difficult for the authorities of the United States to prevent such incursions, it is far more difficult for the Mexican authorities to do so, for if the collecting of a band and crossing the river require about an hour, to gather a numerous herd of cattle and drive them over to Mexican territory, requires much more time and affords greater opportunities for the United States authorities to attack the robbers and recover the property".

"It does not therefore appear that, as a general rule, there is more want of vigilance on the part of the Mexican authorities than on the part of those of Texas and the United States".

"The Umpire does not find sufficient grounds in this case to render the Mexican Government responsible for the losses suffered by the claimant, and therefore decides that this claim be dismissed".

What the Umpire sets forth in his decision is but the truth which Mexico has been sustaining in this question; a truth which cannot be disputed, inasmuch as it has been declared to be such by a high authority.

III. The Government of the Republic has dictated all the measures within its power in order to prevent depredations in the frontier and avoid the evils there suffered on both sides of the river. In the long and vexatious question of the savage Indians, the conduct of the Government was such that it merited the praise of the Hon. Mr. Fish and of the United States Legation, (Mr. Foster's note to Mr. Lafragua, December 1st, 1873). And with regard to the robberies committed by bandits, there has not been a single case denounced to the Go-

vernment in which the latter has failed to dictate the necessary orders for the apprehension and punishment of the criminals. Many notes could be quoted in proof of this assertion as well as many orders issued by the Departments of Foreign Relations, of War, of the Interior and of Justice, which show that the Government has never been indifferent to the sufferings and troubles of the people of the Frontier.

If notwithstanding, the evil exists, this does not prove want of disposition on the part of the Government of Mexico to remedy the same. The said evil is but the effect of many causes which have contributed towards its development; it is sustained by illegitimate interest which encourage it and the circumstances of locality favor it. The force and vigor of that evil are such, that it has not only, withstood the action of the Mexican Government which combats it, but even that of the American Government, who is equally anxious to extinguish it. And if the charges made against the latter because it has not extirpated that evil at one blow and in a single day, are unjust; if no one can rightfully say that the American Government is unwilling and powerless, because its vigorous action does not reach extensive and desert regions, for the same reasons no one can make any charges against Mexico because its efforts to give security to the Frontier have not been as completely successful as is to be desired.

Although it is true that it would be very convenient to send to that region a General of high rank who would, with the necessary Federal troops pursue the robbers, in combination with the american officers, that measure is not the only one nor is it the most important of those which ought to be taken in order to give security to the Frontier districts. With regard to it the Government has been and still is so well disposed, that it has already conferred upon General Treviño the military command of the line along the Rio Grande.

It is not strange that the United States Legation should, in the majority of cases, have been ignorant of the orders which, through the various Departments have been issued by the Government for the pursuit, capture and punishment of criminals, as well as of those addressed to the different courts urging the speedy administration of justice; because these orders, being of a peculiar character connected with the interior administration of the Republic, have not, in the majority of cases, been placed within the knowledge of the Legation. Therefore the charge made by Mr. Foster against the Government, to the effect that according to his information absolutely nothing has been done to repress those invasions, is utterly groundless.

The undersigned has stated to Mr. Foster on various occasions that with a view to procure order and security on the frontier, the stationing of troops sent there by both Governments, will be insufficient; besides that, other more permanent and important measures are required in order to prevent the encouragement to robbery and the profits of cattle stealing from evading the vigilance of the most efficacious police forces that could be stationed in the said region. And if the present Government has not taken this proposed measures which in its judgement would give the desired results, it is, as Mr. Foster has been informed by the undersigned, owing to the anomalous state of the relations between the two Governments which has hithero existed. Nevertheless, that of Mexico is so anxious to impart protection to the people of the frontier and avoid all causes of complaint from the neighboring Republic, that upon sending to Washington its new Minister Plenipotentiary, it gave the latter full powers and ample instructions to treat and settle with the Government of the United States these affairs, in a manner satisfactory for the two Republics.

When the undersigned told Mr. Foster that the Government could not devote its attention to this business until after having re-established order, which had been disturbed by the late revolution, it was at the time when General Revueltas disobeyed every authority in Matamoros and when a portion of the border line had not as yet submitted to the Government established in the Capital. This stament shows plainly the unsurmountable obstacles the Government had to contend with, in attending to the affairs of those regions during the first four months of its existence. Afterwards, and as soon as it was possible, the Government has issued several orders tending to give security on the frontier; those orders have been so effective that, as is notorious in those regions, and admitted by the press of Texas, which is not overimpartial, depredations have diminished to such a remarkable degree, that at present comparative security reigns in those districts as had not existed in former years.

Mr. Foster fears that if one of the rival pretenders to the Presidency should succeed, in organizing a counter revolution in the country, the Government would abandon the Mexican side of the Rio Grande to the robbers and marauders.

Fortunately this fear is unfounded: the Mexican people support their present Government, and will not accept at any price new revolutions. Besides, the possibility of that contingency cannot be invoked as a reason for supposing that the evils of the frontier have no remedy, specially when no nation is insured against such a contingency. It would be a great calamity if civil war were to break out once more in Mexico, and so it would be if another revolution were to take place in the United States. In such an unfortunate emergency, it would not be strange if Mexico were not able to attend to the Rio Grande frontier, inasmuch as the United States, during the war of the South, were compelled to act in a similar manner, resulting therefrom fatal consequences for Mexico. The invasion of savage Indians which the Republic suffered at that time, on account of their reservations having been abandoned, not to mention other evils which were the result of that war, was a great and real calamity for Mexico.

V. The Government of Mexico has understood the significance and appreciated the consequences of the instructions given to General Ord. That fact that the authorization given to their Commander is but conditional, does not attenuate its offensive character towards Mexico, inasmuch as, besides the fact that the fulfillment itself of that condition is left to the discretion of the officer above referred to, the Government of the Republic cannot, even with those conditions, consent to see the national territory invaded, and that a foreign officer, who is in no way authorized either by the laws of the country or by the laws of nations, should come to exercise acts of jurisdiction and according to his discretion. So as to comprehend that the said order, although it be conditional, is an offence to Mexico, it is sufficient to become possessed of its literal sense; the Government of the United States itself has thus understood it: "while the President", it says, "is anxious to avoid giving offence to Mexico, he is nevertheless convinced that the invasion... should be no longer tolerated". The foregoing words leave no doubt whatever upon this point.

Mexico has another cause of complaint by virtue of that order. Coronel Shafter, to whom the order alludes, is the same officer who, on the 3d. of last April invaded Mexican territory, occupying Piedras Negras, and this was not done with the object of pursuing marauders, but with that of taking by force of arms from the Mexican authorities two Mexican criminals who were charged with having committed offences on Mexican territory. By virtue of orders communicated by this Department on the 16th. of April to the Minister of Mexico at Washington, the latter, on the 28th. of the same month, protested against the said invasion, asking from the United States Government the punishment of the guilty parties and due guarantees for the future. And although the Hon. Secretary of State replied on the 1st. of May stating that he had already asked for information with regard to that event, before resolving upon the same, according to the data existing in this Department, the order alluded to was issued on the 1st. of the following June.

Suffice it to relate these circumstances in order to understand why the Government of Mexico has considered the said order still more offensive to the Republic.

VI. The order issued by the Department of War of the Nacional Government on the 18th. it is based on International Law, and was but the fulfillment of an undecidable duty on the part of the same Government. To prove that the instructions given to General Ord violate the treaties celebrated between Mexico and the United States, is as easy as to point out the articles thus violated. They are article 34, fraction 3rd. of the Treaty of December 1st., 1832, the 21st. article of that of May, 30th. 1818 and the 7th. article of the treaty of the 31st. of May 1854. The Government of the United States, without observing the mode of proceeding established by the said articles, and deciding for and by itself that Mexico has neglected her international duties, has issued its order of the 1st. of June authorizing aggressive acts against Mexico. This is prohibited by the articles quoted.

Deseando vivamente que pronto se restablezcan las cordiales relaciones entre ambas naciones, el infrascrito vuelve a manifestar su esperanza de que los miembros del Ejecutivo del Gobierno Mexicano, evoquen su razón más tranquilamente y un juicio más moderado al tratar una cuestión de tan grave importancia.

México, junio 22 de 1877

(Firmado).-*John W. Foster.*

MEMORANDUM

De las contestaciones dadas por el Ministro de Relaciones a los puntos expresados por Su Excelencia el Ministro Plenipotenciario de los Estados Unidos, en las Conferencias tenidas entre ambos en esta Secretaría.

I. Es cierto que el Gobierno de los Estados Unidos ha propuesto en varias ocasiones que las tropas de ambas Repúblicas pasen recíprocamente sus fronteras en persecución de indios salvajes o de merodeadores; pero lo es igualmente que el de México ha contestado siempre que no está en sus facultades conceder tal permiso a tropas extranjeras; y cuando se ha tratado de recabarlo del Congreso de la Unión, se ha visto que tal medida no sería aprobada. Así lo dijo el Oficial Mayor del Ministerio al Secretario de la Legación Americana en la conferencia que tuvieron en 14 de abril de 1871, y así también lo manifestó el Ministro de Relaciones al señor Nelson en su nota de 20 del mismo mes.

En conferencia habida en Washington entre el Ministro Plenipotenciario de México y el Honorable Secretario de Estado, en 30 de abril de 1875, se volvió a insistir por parte del Gobierno de los Estados Unidos en la conveniencia de esa medida. El Ministro mexicano puso en duda tal conveniencia, temiendo los abusos a que daría lugar, a pesar de la buena fe de ambos gobiernos, manifestando, además, que ignoraba hasta qué punto consentiría el Congreso en que entraran tropas extranjeras al territorio nacional. En la discusión que se tuvo sobre este punto, no se llegó a obtener acuerdo alguno, y el Honorable Secretario de Estado dio fin a la conferencia diciendo al Ministro mexicano que su objeto había sido llamar la atención del Gobierno de la República sobre los importantes negocios de la frontera, a fin de excogitar los remedios más adecuados para los males que sufre, y concluyó expresando su deseo de que el Gobierno Mexicano propusiera los que le parecieran eficaces.

Si, como el señor Foster lo asegura, refiriéndose a su nota de 7 de julio de 1875 (Diplomatic correspondence of United States, párr. 2, pág. 946) informó al señor Lafragua "que a menos que aquellas depredaciones cesasen era de preverse una medida semejante a la contenida en las instrucciones al General Ord", a cuya intimación, según lo dijo el señor Foster a su Gobierno en esa nota, el Ministro de Relaciones no dio respuesta directa, esto no puede significar ni significa que el Gobierno Mexicano haya tolerado alguna vez, o tolere, que se viole el territorio nacional entrando a él contra su voluntad, o sin su permiso, tropas extranjeras. No es hoy la primera ocasión que el Gobierno ha ordenado que se repela la fuerza con la fuerza en el caso extremo de una invasión. Cuando un oficial americano en noviembre de 1875 amenazó con entrar al territorio mexicano en persecución de unos criminales, y realizó después su amenaza, el General Fuero con instrucciones de su Gobierno, se dirigió luego en 20 de ese mes al General Potter, comandante de Brownsville, manifestándole que esa invasión era contraria a los tratados entre México y los Estados Unidos y estaba condenada por el derecho de gentes, y notificándole que si no se ordenaba luego que las tropas americanas se retirasen del territorio nacional, además de protestar contra esa agresión, se vería en el caso de rechazar la fuerza con la

(Unofficial).

Legation of the United States

Mexico, July 23rd 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 23rd 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 21st. 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.

Ignacio L. Vallarta,

Minister of Foreign Affairs.-Mexico.

Department of Foreign Relations

Mexico, July, 25th 1877

Sir:

I have received Your Excellency's note dated the day before yesterday, in which, upon acknowledging receipt of my Memorandum, you are pleased to say that although in your opinion not a single one of the six points contained in that of Your Excellency has been successfully assailed, you do not deem it convenient nor opportune to continue the discussion, inasmuch as the Government of Mexico has manifested its desire to enter into treaty negotiations for the settlement of the pending difficulties between the two Republics. In the same note Your Excellency states that you prepared the Memorandum on account of the publications made in the *Diario Oficial* and with the object of fixing the position of your Government, thus destroying the charges and calming the excitement which the said publications had caused in Mexico against the Government of the United States.

In this connection Your Excellency refers to the incidents which occurred in consequence of the presentation of your Memorandum, and concludes by requesting that your note be published together with the documents to which it refers, whenever the Government may think proper to publish the same.

The President, to whom I have submitted your note, orders me to say to Your Excellency in reply, as I now have the honor to do, that as the Mexican Government also considers it inopportune and inconvenient to continue the discussion upon the points to which the Memoranda refer, on account of the motives expressed by Your Excellency, it has no longer insisted upon the same, not even with the object of refuting the remarks which Your Excellency sets forth with regard to the defence of the Republic which the Government has thought proper to present in the charges which are made against it by the Legation.

The President likewise orders me to state distinctly the facts to which your Excellency alludes, and to relate in this note the details connected with the same.

Your Excellency will please remember that upon handing me your Memorandum manifesting your desire, that it be published in the *Diario Oficial*, I immediately stated that your request would be complied with, in case the Government met with no obstacle in so doing; that on the following day, when I had become acquainted with the contents of the said Memorandum, I stated to your Excellency that the Government could not publish it, containing as it did, so many groundless charges against Mexico, without publishing at the same time the refutation of those charges.

As Your Excellency insisted upon the publication of the said document, I gave orders for the *Diario Oficial* to insert it, accompanied by its respective refutation. Whilst the latter was being prepared, I informed the President in the presence of my colleagues, as to the contents of Your Excellency's Memorandum, and the Chief of the Executive Power as well as his Secretaries of the Departments, were of the opinion that the publication of the Memorandum, far from producing the effect expected by Your Excellency of creating a favorable reaction in public opinion with regard to the United States, would but excite still more the public mind, already deeply affected on account of the publication made by the Government of the United States of the order of the 1st. of June last, considered as highly offensive to Mexico; and that it would but cause discussions which would embitter public feeling and give rise to serious difficulties for the peaceful and amicable settlement of the pending differences between the two countries. Under this point of view, the publication of your Excellency's Memorandum, which contains such severe and unfounded charges against the Mexican nation, was deemed inconvenient, but not because it was feared that those charges were founded or that they could not be successfully replied to.

The Mexican Government has not wished to increase, by the publication of Your Excellency's Memorandum, the public excitement caused by the instructions given to General Ord, which excitement could have produced obstacles in the way of a peaceful and speedy solution of the difficulties created by the said instructions.

The President, as I have stated, considered inconvenient for the said reasons the publication of the Memorandum by the Government of Mexico and expressed his desire that Your Excellency would withdraw your request for the publication of that document. One of the members of the Cabinet, Mr. Romero, who is a personal friend of Your Excellency, indicated that he would speak to you with that object, and after several interviews held for that purpose he informed me that Your Excellency withdrew the said request.

These statements of Mr. Romero, induced me to believe that the Memorandum should be considered as withdrawn from the Department; which belief was corroborated by what Your Excellency told me upon handing me the said document, viz: that the especial object with which it had been drawn was its immediate publication, and in my opinion this circumstance rendered that document useless inasmuch as you desisted from its publication. Having communicated this opinion to Mr. Romero, the latter told me he was under the impression that although the Memorandum be not published, it was Your Excellency's intention that it should remain in this Department as a diplomatic document to be placed there on file. And in order to clear up this point and know the exact character with which the said document should be considered, I availed myself of the first opportunity to consult Your Excellency upon the matter.

I did so in the conference we had on the 10th inst, and as Your Excellency manifested your determination that the Memorandum be considered as a document that should be placed on file in the archives of this Department, I rectified the error incurred in believing it to have been entirely withdrawn.

I informed the President of this incident and he ordered me to prepare immediately the Memorandum in reply to that of Your Excellency, duly defending Mexico from the charges made against her. In compliance with this order, I presented to Your Excellency my Memorandum, verbally stating what I now say in writing, and adding that owing to the mistake under which I labored up to the 10th inst, the Memorandum bears the date it has, although it was subsequently written and delivered to Your Excellency.

The President orders me to say to Your Excellency that the note to which I now reply will be duly published together with the Memorandum to which I have referred, in compliance with Your Excellency's request. Finally, the President likewise orders me to declare in this note that if the Mexican Government has thought proper to keep those documents still private, it is with the object of giving no cause whatever for any charge to be made against it that it endeavors to create an unjust excitement in Mexico against the Government of the United States; also to avoid obstacles in the way of the pending negotiations with regard to the affairs of the frontier, and so as not to give up to the press of both countries a discussion which for the present should be confined to the Cabinets of Mexico and Washington.

It is to be regretted that in the excitement caused in Mexico by the instructions given to General Ord, Your Excellency should have believed that the press of this Capital had unjustly attacked your Government; but if Your Excellency's object was to prevent that any of those charges be made, which charges might redound to the permanent prejudice of both Governments, it is clear that the said object could not be attained with the publication of a Memorandum defending those very instructions and in which very unjust charges are made against Mexico.

The Government of the Republic, which sincerely desires the peaceable and decorous settlement of the pending difficulties between the two countries, has seen in the discussions and charges contained in the said publications under the existing circumstances, a positive drawback to the settlement, and as such discussions would but serve to exasperate public feeling and embarrass a satisfactory arrangement, it has resolved on its part to keep all those documents reserved until it becomes opportune to publish them.

Nevertheless, if any of those documents should become known to the public before that time, the Government will order the official publication of them all, declining from this out the consequences that may result from the said publication.

I avail myself of this opportunity to present to Your Excellency the assurances of my most distinguished consideration.

(Signed).-*Ignacio L. Vallarta*

To His Excellency

John W. Foster,

Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

(Unofficial)

Legation of the United States

Mexico, July 27th. 1877

Sir:

I have the honor to acknowledge the receipt to day of your Excellency's note dated the 25th. instant in answer to my note of the 23rd instant in reference to our respective memoranda.

I only deem it necessary to notice a single incidental point alluded to by your Excellency. Neither in my memorandum nor in my note of the 23rd instant have I alluded to the discussion of the Frontier question by the press in general of this Capital. It was the *Diario Oficial* and not the unofficial press, which made necessary the preparation and rendered desirable the publication of my memorandum. And I cannot understand how the government can avoid responsibility for the editorial declaration of its official organ, when the same columns are constantly being used by the ministerial department to explain the views and conduct of the Executive.

I have not been at any time, and am not now, able to perceive the harm that would have resulted from the publication of the memorandum at the time and in the manner indicated by me.

With the renewed assurances of my marked esteem, I remain your Excellency's.

Obedient Servant,

John W. Foster

To His Excellency

Ignacio L. Vallarta

Minister of Foreign Affairs.-Mexico.
