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NO. 575

THE POSITION OF TEXAS IN THE RELATIONS BETWEEN THE  
UNITED STATES AND MEXICO FROM 1876 TO 1910

THESIS

Presented to the Graduate Council of the North  
Texas State Teachers College in Partial  
Fulfillment of the Requirements

For the Degree of

MASTER OF SCIENCE

By

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June, 1942

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## PREFACE

The object in writing this thesis is to present a brief though fairly detailed history of the position of Texas in the relations between the United States and Mexico from 1876 to 1910. The main body of the thesis is composed of five chapters, each of which deals with a certain phase of the relations of Texas in this position.

The writer's interest has been greatly deepened with the knowledge derived from this study, and she believes that Texas is destined to play even a more important part in the history of the relations between the United States and Mexico.

A salutation to Texas:

No other state in the nation can offer the heritage that Texas claims for her own. Such a glorious panorama of thrilling history, replete with the romance, adventure, and pulse-throbbing historical events, has never been unfolded in like measure across the pages of the history of any other state.<sup>1</sup>

A description of Texas in five words: "Big geographically, historically, culturally, spiritually."<sup>2</sup>

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<sup>1</sup>A. M. Bradley and H. T. Bradley, The World Looks at Texas, p. 2.

<sup>2</sup>Ibid., p. 25.

## CHAPTER I

### THE POSITION OF TEXAS BETWEEN THE UNITED STATES AND MEXICO BEFORE 1876

Texas has been, from the opening of diplomatic relations in 1825, a stumbling block to better relations between the United States and Mexico. Along the eight hundred miles of boundary between Texas and the Mexican Republic flows the stream named by the Spaniards "Rio Bravo del Norte"--Bold River of the North--but which in the United States is called the Rio Grande.<sup>1</sup> For these eight hundred miles the Rio Grande River winds southward and eastward through a region dotted with towns and scattered brick and adobe army posts. Back from the river on each side stretches a waste of mesquite and chaparral giving way in turn to grazing lands. In this vast prairie country of southern Texas and northern Mexico roamed great herds of cattle and horses, tempting sources of gain to raiders, who kept the lower border in turmoil for many years. Above Laredo the country grows rugged and broken, and north of San Felipe the mountains come down to the river. Mountains and desert extend, with a few breaks, to El Paso.

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<sup>1</sup>Compiled by the Workers of the Writers' Program of the Work Projects Administration in the State of Texas, Texas, A Guide to the Lone Star State, p. 7.

Contrast in language and civilization accentuates frontier problems. This is true between the United States and Mexico. Texas furnishes a border belt in which there is a population to some degree lingual. Large numbers of Mexicans have sought an opportunity for a more secure livelihood across the border, but that average Mexican in the United States remains a foreigner in habits of life. For the Mexican, on account of a combination of elements including race, lack of education, and lack of resources, it is hard to become a part of the life of the new community in which he finds himself.

Americans of the border states of Mexico also seldom identify themselves with the local life. They keep their American citizenship, they may be engaged in the exploitation of mines, lumber, or other natural resources, but they are representatives of a foreign "interest."<sup>2</sup> Even though they become landowners, they continue to look upon themselves as foreigners and to be looked upon as foreigners by the native population.

Perhaps the greatest impediment to friendly relations between the United States and Mexico, for more than a decade prior to 1876, was the state of affairs on the international frontier. During this period conditions on

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<sup>2</sup>Chester Lloyd Jones, Mexico and Its Reconstruction, p. 273.

the border, especially along the Rio Grande, were probably more unsettled and irritating than ever before or since. Texas, during the Civil War and Reconstruction, had submitted to murdering of frontier inhabitants and plundering of the border settlements, because they did not see any way of relief, but after the Reconstruction period they felt that something should have been done to make life and property more secure on the border.<sup>3</sup> Due to the Civil War and Reconstruction Texas had been establishing an appalling record for crime.

The Mexican states south of the international line were being disturbed by the revolutions and counter-revolutions characteristic of the section. Smugglers, robbers, cattle-thieves, and other kinds of dangerous and desperate characters had collected along the lower Rio Grande. Indians and bandits infested the region above Laredo and westward to the California line.

Formerly, Mexico had borne the brunt of frontier lawlessness, but now the movement was reversed and the frontier of Texas soon felt the force of the change. Cattle-thieves from the Mexican side of the Rio Grande stole Texas cattle in large numbers. Above Laredo, Texas, the savage Indians who had their lodges in the mountain fastnesses of Coahuila

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<sup>3</sup>Robert D. Gregg, The Influence of Border Troubles on the Relations between the United States and Mexico, 1876-1910, p. 65.

and Chihuahua laid waste to northwestern Texas. The first of these irregularities to occasion trouble were the tariff frauds along the Rio Grande. The treasury department of the United States, much concerned over the loss of revenue in the region, called the attention of William H. Seward, Secretary of State, to the immense amount of smuggling which was taking place. Seward instructed Plumb, American chargé in Mexico, to confer with the Mexican government regarding the matter.<sup>4</sup> Plumb took advantage of an early occasion to carry out his instructions, but the results were not entirely satisfactory.

From the close of the War between the States to 1880, friction along the Texas border was intense, and almost continuous. The lawlessness of a frontier cattle range was aggravated by international complications and inter-racial hostility involving Mexicans, Indians, and Americans. There were thieving, murder, arson, armed expeditions of outlaws and irregular bands of both Mexicans and Americans, and clashes of troops of two nations and of the State of Texas.<sup>5</sup>

The range between the Nueces and the Rio Grande was unfenced, cattle moved readily from one portion of the area to another, ranches were scattered far apart, and population was sparse. The great majority of the population between

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<sup>4</sup>James Fred Rippey, The United States and Mexico, pp. 282-283.

<sup>5</sup>Paul Schuster Taylor, An American-Mexican Frontier, p. 49.

the two rivers was of Mexican origin, but close to the Nueces Americans were more numerous.<sup>6</sup>

In January, 1876, a new source of trouble appeared in the revolution of General Porfirio Díaz against the Lerdo administration in Mexico, a revolution which became more widespread than that of 1871-72 against Juárez. For a time American neutrality was threatened by Díaz, who had established headquarters at Brownsville, Texas, where he, with his companion-adviser Manuel Gonzales, developed plans until his supporters were ready to assume hostilities.

On April 22, 1876, John W. Foster, United States Minister to Mexico, notified Secretary of State Hamilton Fish that Díaz had crossed from Texas to Mexico late in March and on April 2, 1876, had easily captured Matamoras, which gave him the key to the frontier and enabled him to obtain foreign military supplies. Apparently the revolutionary operations of Díaz, which were planned on American soil in Texas, promised no hope for improvement of border relations which had produced an increased anti-American attitude in Mexico.<sup>7</sup>

In the period before the Díaz regime a stream of complaints of lawlessness went from the border to Washington and Mexico. While the Revolution was in progress the partisans of Lerdo operated along the border and were popular

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<sup>6</sup>Ibid.

<sup>7</sup>James Morton Callahan, American Foreign Policy in Mexican Relations, p. 364.



in certain districts of Texas. In 1874, Governor Coke of Texas took affairs into his own hands and ordered the forces under his control to pursue cattle thieves both on the north and south sides of the Rio Grande River, and, when called to account by Secretary Fish, refused to modify his orders. There were several invasions by Texas troops the following year. Continued raiding and the revolutionary disorders of 1876 in Mexico kept the whole issue of border crossing in a state of uneasy suspense. Here they remained to distort relations between the two countries when Díaz stormed the gate of the capital and began a new era in Mexican history.

General Porfirio Díaz came into power as president of Mexico, November 29, 1876. Foster reported that soon after Díaz's inauguration he had been recognized by Germany, Spain, Salvador, and Guatemala. Italy's recognition quickly followed. This gesture of good will on the part of the only other countries then accrediting diplomatic representatives to Mexico served to throw the American attitude into bold relief.<sup>8</sup>

The United States refused to recognize the Díaz government, one reason being that there was some doubt whether or not his government possessed the ability and the disposition to check the raids and depredations upon American property in the vicinity of the Rio Grande. However, Foster felt

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<sup>8</sup> Gregg, op. cit., p. 29.

that the Mexican government appeared to be at last awakened to the pressing importance of giving attention to border troubles.

The Díaz administration, striving to establish itself within the country and among the family of nations, did not consider of slight importance the crossing of the border by American troops and while anxious to secure the friendship of the United States, was unwilling to do anything that would seem to cloud what was declared to be a principle of national sovereignty.<sup>9</sup> When the instance of violation of American territory by Mexicans was brought to his attention, President Díaz gave complete disavowal and promised prompt investigation, reparation and punishment. He withdrew to the interior generals toward whom the United States had expressed distrust and whom it appears Díaz himself could not fully control.<sup>10</sup>

The Mexican generals who were sent to replace those who had shown themselves in sympathy with border lawlessness were given a cool reception by the Mexican border states and local officials and their authority was not recognized. Between October, 1876, and March, 1877, it was reported that Indian marauders from Mexico killed seventeen men and that the arms and horses taken from the murdered men were openly offered for sale in Mexico. Large numbers of horses and

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<sup>9</sup>Jones, op. cit., p. 279.

<sup>10</sup>Ibid.

cattle were driven from Texas to Mexico. In one instance a raiding party was followed over 150 miles into the country to their camp where nearly 100 of the cattle had been slaughtered and beef was found drying. The marauders found a refuge in Mexican towns when pursued and sold their plunder there. In some cases American troops crossed the border and punished the offenders.<sup>11</sup>

The border raids reached a very irritating and grave stage by the spring of 1877, but, what is more important perhaps, the exigencies of domestic politics now rendered it imprudent for the Washington government to continue longer in an attitude of semi-indifference towards the southwestern frontier or any other phase of Mexican relations. The successful presidential candidate, Rutherford B. Hayes, just inaugurated after a questionable victory, was in need of an issue to draw the public mind away from the contest. Others perceived that the recent advent of Díaz to power and his natural desire for the recognition by the United States furnished an excellent opportunity for the exertion of pressure in behalf of the ever-increasing number of Americans interested in Mexican trade and investments. During the course of his revolution Díaz had declared null certain concessions granted by his predecessors to foreigners. Some of these were held by citizens of the

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<sup>11</sup>Ibid., p. 280.

United States who now began to whisper to Hayes's administration in very depreciatory tones regarding the talents of Díaz and his ability to maintain his position.<sup>12</sup> Would it not be wise to give Lerdo more time to gain his lost power? Could not the new Mexican executive be forced to grant more favorable considerations to American economic interests in return for recognition, for moral and even material backing? There was a feeling among many Americans, interested for various reasons, that the coincidence of a new administration in Washington and in Mexico City would be an opportune time for a thoroughgoing settlement of the old and troublesome question of the border by means of written guarantees as a prerequisite to recognition.<sup>13</sup> Such were some of the suggestions which began to be made.

Foster, Foreign Minister to Mexico, still advocated recognition of Díaz, while Texan influences close to President Hayes urged that it should be deferred until Díaz's stability be proved and until he should make guarantees as to the border. Foster felt that the lack of American recognition was a source of much embarrassment to the administration in Mexico.<sup>14</sup>

Texas had a special claim on the Hayes administration.

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<sup>12</sup>Rippy, op. cit., p. 296.

<sup>13</sup>Gregg, op. cit., p. 31.

<sup>14</sup>Ibid., p. 28.

Hayes's lifelong friend and trusted adviser, Guy M. Bryan, was a Texan, and the votes of the Texans in Congress were necessary to defeat the machinations of the President's enemies. The Hayes government might therefore be expected to adopt an energetic Mexican policy.<sup>15</sup>

Colonel Bryan made a trip to Washington to visit with President Hayes and when he returned to Texas he said that he believed the interests of Texas would be more carefully looked after, better protected, and more summarily dealt with than before.<sup>16</sup>

From many Texans came demands for larger federal forces on the border and a firmer attitude toward Mexico in lieu of recognition. Governor Hubbard of Texas pictured the Díaz government as weak and ineffective, questioned its good faith and strenuously urged decisive action by the American government on the border. At the same time members of both Houses of Congress from Texas were denouncing the Mexican government for failure to protect the border, urging vigorous action on the administration, and using their votes on the pending army appropriation bill. In an effective speech in the Senate in November, 1877, Senator Maxey, of Texas, urged that a large part of the army, nominally 25,000 men, be sent to the border and that additional posts be added to the four

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<sup>15</sup>Rippy, op. cit., p. 297.

<sup>16</sup>Gregg, op. cit., p. 32.

already on the Rio Grande. Texas found herself almost helpless before the anarchy which had flared along the border for many years. The task called for permanent troops, not militia, who could not leave their civil pursuits for a great length of time without severe loss. The population of Texas was increasing at the rate of 300,000 persons a year and her wealth had doubled in three years. She did not want war but if it came it would be through no fault of hers.<sup>17</sup>

The Congressional session which met in compliance with a special call of the President in October, 1877, scarcely opened before there was manifested a disposition to go thoroughly into the whole Mexican question. A military committee solicited information from George W. McCreary, Secretary of War, from numerous army officials, and from civilians with knowledge of frontier conditions. This committee did not hesitate to ask embarrassing questions. Secretary of State Evarts was forced to come before this committee and defend the administration's Mexican policy, and John W. Foster, United States Foreign Minister to Mexico, was recalled from Mexico, perhaps in the hope that his testimony might strengthen Hayes's hand.<sup>18</sup>

Foster was sent back to Mexico with instructions to

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<sup>17</sup>Ibid., pp. 32-33.

<sup>18</sup>Rippy, op. cit., p. 307.

extend recognition to the Díaz government, and this he did on April 9, 1878. The crisis had now passed, but in reality Hayes had been defeated in his contest with Díaz. He had been forced to grant unconditional recognition.

## CHAPTER II

### TEXAS BORDER RELATIONS BETWEEN THE UNITED STATES AND MEXICO

When Porfirio Díaz came into power, April 2, 1877, his time was so largely engaged in the organization of his government and the consolidation of his support that he could not immediately spare time to attend to the frontier. A counter-revolution was being organized in the northern states and came often into open conflict with Díaz's own forces so that what troops he could maintain to guard the border were constantly prevented from attending to their duty by the need of their services in these encounters. John W. Foster, United States Foreign Minister to Mexico, in his first interview spoke to Díaz of the necessity of taking some measures to insure the protection of American citizens along the border. Díaz did send General Blanco to the Rio Grande to examine the situation and assured Foster of his good intentions with regard to the matter.<sup>1</sup> Only the pressure to public affairs, he said, and the restoration of official relations between his

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<sup>1</sup>Pauline Safford Relyea, Diplomatic Relations between the United States and Mexico under Díaz, 1876-1910, p. 28.



own and the government of the United States had prevented his attending to the disorders as he wished.<sup>2</sup>

The lower house of the United States Congress appointed a special investigating committee which, February, 1876, reported an intolerant border situation of terrorism which was growing worse.<sup>3</sup> In its report on February 29, 1876, the special committee of the House declared that the American government, by its inactivity and its international politeness, was responsible for the increase of the number and power and contempt of the Mexican robber clans and that it must now send a larger defensive force than would have been required a few years earlier.<sup>4</sup> In the justification of this policy it summarized the failure of past efforts: the appeals from Texas had been earnest and oft repeated; Governor Coke had addressed an urgent call to the federal authorities; the Texan legislature and the constitutional convention of 1876 had memorialized Congress.<sup>5</sup>

Above the town of Piedras Negras on the Rio Grande the Mexican-Indian tribes of Lipans and Mescaleros, located in Coahuila, had long engaged in predatory warfare on the scattered Texan settlements.<sup>6</sup> President Rutherford B. Hayes,

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<sup>2</sup>Ibid.

<sup>3</sup>James Morton Callahan, American Foreign Policy in Mexican Relations, p. 355.

<sup>4</sup>Ibid.

<sup>5</sup>Ibid., p. 357.

<sup>6</sup>Ibid., p. 358.

in his First Annual Message on December 3, 1877, said concerning the Texas border:

The report of the Secretary of War, George W. McCarry, shows that the Army has been actively employed during the year, and has rendered very important service in preserving peace and protecting life and property in the interior as well as along the Mexican border.

Disturbances along the Rio Grande in Texas 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. I regret to say that lawless incursion into our territory by armed bands from the Mexican side of the line, for the purpose of robbery, have been of frequent occurrences, 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 (1877) 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, commander in Texas, was directed to invite the cooperation 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 the frontier and the establishment of several additional military posts along the Rio Grande, so as more effectually to guard the extensive border, peace may be preserved and the lives and property of our citizens in Texas be fully protected.<sup>7</sup>

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<sup>7</sup> James D. Richardson, A Compilation of the Messages and Papers of the Presidents, VII, 472-473.

In President Hayes's Second Annual Message to Congress on December 2, 1878, in relation to filibustering, he stated:

Since the resumption of diplomatic relations with Mexico correspondence has been opened and still continues between the two Governments upon the various questions which at one time seemed to endanger their relations. While no formal agreement has been reached as to the troubles on the border, much has been done to repress and diminish them. The effective force of the United States troops on the Rio Grande, by a strict and faithful compliance with instructions, has done much to remove the sources of dispute, and it is now understood that a like force of Mexican troops on the other side of the river is also making an energetic movement against marauding Indian tribes. This government looks with the greatest satisfaction upon every evidence of strength in the national authority of Mexico, and upon every effort put forth to prevent and to punish incursions by military movements across the border not imperatively demanded for the protection of the lives and property of our own citizens, I shall take the earliest opportunity consistent with the proper discharge of this plain duty to recognize the ability of the Mexican Government to restrain effectively violations of our territory. It is proposed to hold next year an international exhibition in Mexico, and it is believed that the display of the agricultural and manufactured products of the two nations will tend to better understanding and increased commercial intercourse between our people.<sup>8</sup>

In 1880 General Díaz went out of office and was barred from candidature by the constitution and by his own "pronunciamento" or proclamation declaring reelection invalid.<sup>9</sup> Herrera S. Gonzalez became president, but since he was a supporter of Díaz and bound by his party to continue Díaz's policy, his administration was not an interruption in the period this paper is considering. Díaz served as Minister

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<sup>8</sup> Ibid., p. 497.

<sup>9</sup> Relyea, op. cit., p. 43.

of Works for about a year under Gonzalez. During this time Gonzalez in a letter to Foster rather naively admitted his administration's dependence upon Díaz.<sup>10</sup> Also in 1880 John Foster left the American legation and P. H. Morgan took charge of the Mexican situation.<sup>11</sup>

On December 6, 1880, President Hayes sent his Fourth Annual Message to the United States Congress, in which he commented:

Fellow-citizens of the Senate and House of Representatives,

In my last annual message I expressed the hope that the prevalence of quiet on the border between this country and Mexico would soon become so assured as to justify the modification of the orders there in force to our military commanders in regard to crossing the frontier, without encouraging such disturbances as would endanger the peace of the two countries. William M. Evarts, Secretary of State, moved in accordance with those expectations, and the orders were accordingly withdrawn, to the entire satisfaction of our own citizens and the Mexican Government. Subsequently the peace of the border was again disturbed by a savage foray under the command of Chief Victoria, but by the combined and harmonious action of the military forces of both countries his band has been broken up and destroyed.

There is reason to believe that the obstacles which have so long prevented rapid and convenient communication between the United States and Mexico by railways are on the point of disappearing, and that several important enterprises of this character will soon be set on foot, which can not fail to contribute largely to the prosperity of both countries.

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<sup>10</sup> Robert D. Gregg, The Influence of Border Troubles on Relations between the United States and Mexico, 1876-1910, p. 186.

<sup>11</sup> Relyea, op. cit., p. 43.

Mexico and the States of South America are anxious to receive such postal communication with this country and to aid in their development.

The suggestion of the Postmaster-General Horace Maynard it would be wise to encourage, by appropriate legislation, the establishment of American lines of steamers by our own citizens to carry the mails between our own ports and those of Mexico, Central America, South America, and of transpacific countries<sup>12</sup> is commended to the serious consideration of Congress.

A protocol of an agreement concerning the pursuit of Indians across the border was signed July 29, 1882, which stated:

Memorandum of an agreement entered into, in behalf of their respective Governments, by Frederick T. Frelinghuysen, Secretary of State of the United States of America, and Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Mexico, providing for the reciprocal crossing of the international boundary line by the troops of the respective Governments in pursuit of savage Indians, under the conditions hereinafter stated.

#### Article I.

It is agreed that the regular Federal troops of the two Republics may reciprocally cross the boundary line of the two countries, when they are in close pursuit of a band of savage Indians, upon the conditions stated in the following articles:

#### Article II.

The reciprocal crossing agreed upon in article I. shall only occur in the unpopulated or desert parts of said boundary line. For the purposes of this agreement the unpopulated or desert places are defined to be all those points which are at least two leagues distant from any encampment or town of either country.

#### Article III.

No crossing of troops of either country shall take place from Capitan Leal, a town on the Mexican side of the Rio Bravo, twenty Mexican leagues (52 English miles) above Piedras Negras, to the mouth of the Rio Grande.

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<sup>12</sup>Richardson, op. cit., p. 610-622.

## Article IV.

The commander of the troops which cross the frontier in pursuit of Indians shall, at the same time of crossing or before if possible, give notice of his march to the nearest military commander or civil authority of the country whose territory he enters.

## Article V.

The pursuing force shall retire to its own territory as soon as it shall have fought the band of which it is in pursuit or have lost its trail. In no case shall the forces of the two countries, respectively, establish themselves or remain in the foreign territory for any time longer than is necessary to make the pursuit of the band whose trail they follow.

## Article VI.

The abuses which may be committed by the forces which cross into the territory of the other nation shall be punished by the Government to which the forces belong, according to the gravity of the offense and in conformity to its laws, as if the abuses had been committed in its own territory, the said government being further under obligation to withdraw the guilty parties from the frontier.

## Article VII.

In the case of offenses which may be committed by the inhabitants of the one country against the foreign forces which may be within its limits, the government of said country shall only be responsible to the government of the other for denial of justice in the punishment of the guilty.

## Article VIII.

This agreement shall remain in force two years, and may be terminated by either government upon four months' notice to the other, to that effect.

## Article IX.

As the Senate of the United States of Mexico has authorized the President of that republic, in accordance with paragraph III., Letter B, section III., of article 72d of its constitution, as modified on the 6th of November, 1874, to allow the passing of Mexican troops into the United States and of the United States into Mexico, and the constitution of the United States empowers the President of the United States to allow the passage without the consent of the Senate, this agreement does not require the sanction of the Senate of either country, and will begin to take effect twenty days after this date.

In testimony of which we have interchangeably signed this memorandum this 29th day of July, 1882.

Seal

Fred'k T. Frelinghuysen

Seal

M. Romero<sup>13</sup>

This protocol agreement was renewed and remained in effect from 1882 until November 1, 1886.

The forthgoing problem of filibustering remained troublesome, but the most vexing of all the questions on the Texas border during the period of 1876 to 1910 was that of raiding. Indians escaping from reservations or refusing to go upon them subjected both sides of the border to trail by fire. Faced by the many difficulties that were caused by reservation and "wild" Indians, the troops were hard-pressed in their attempts to overcome Indian raiding, and international complications continued to arise.

J. M. Mata, newly appointed Minister of Foreign Affairs of Mexico, wrote to John W. Foster, Secretary of State, representing the impossibility of friendly relations until the raids in Mexico from Texas should cease. These raids, he said, were organized in Texas and were unable to be curbed by either government. Such a false charge was hardly destined to win American friendship, and Secretary Foster resented it as reflecting the unfriendly feeling throughout

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<sup>13</sup>William M. Malloy, Treaties, Conventions, International Acts, Protocols, and Agreements between the United States of America and Other Powers, 1776-1909, I, 1144-1145.

Mexico now being heightened by fears of "Yankee invasions" aroused over the rush to the Mojada mines near the border.<sup>14</sup>

The Mexican officials and citizens charged that Mexican border states suffered severely from raids of Indians and outlaws from north of the Texas boundary. During the summer of 1878 the municipal president of Rosales, Coahuila, reported to the Mexican Department of Foreign Affairs that his district was losing cattle and horses through raids "to such an extent that most of them are now unable to sow their grain."<sup>15</sup> The stolen stock largely found its way into Texas, he charged. Near Buena Vista on the old San Antonio Road in Texas, eighty yoke of oxen belonging to the citizens of his district were said to be impounded.

Mexican officials also complained in 1880 of the "scandalous deed" of a Texan outlaw Robert E. Martin in the Ascension Valley, Coahuila. His band was said to be made up of Mexicans and Texans who met, swooped down upon their herds of cattle, drove away their booty, disposed of them, separated, and vanished until another secret rendezvous brought them together again.<sup>16</sup>

In June, 1881, the Mexican minister again called attention to the frequency and magnitude of the thefts committed

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<sup>14</sup>Relyea, op. cit., p. 41.

<sup>15</sup>Gregg, op. cit., p. 114.

<sup>16</sup>Ibid., p. 115.



in the frontier state of Coahuila by outlaws from Texas.<sup>17</sup> Efforts to catch these Indian raiders were rendered more difficult, according to American army men, by the assistance given them in their raids by certain elements on both sides of the border.

At the same time Mexican civilians were accused because they were among the raiders with the cognizance and aid of a Mexican officer. It was reported on the best authority that the officer in command of the Mexican troops at Piedras Negras was not merely cognizant of the repeated thefts of American cattle, but that he positively protected the raiders, furnishing them with arms on occasion, and was moreover a receiver to a large extent of the stolen property, feeding his troops, even, upon the beef.<sup>18</sup>

Matters came to a head on June 1, 1877, when Secretary of War, George W. McCrary, wrote to General William T. Sherman, military commander in Texas, instructing him to notify General Ord, commanding the Texas border forces, to ask co-operation of the Mexicans in bringing an end to disorder.<sup>19</sup> This famous Ord Order empowered General Ord, in command of the federal forces in Texas, to pursue raiding Indians across the border into Mexico if it were necessary to do so in order

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<sup>17</sup>Ibid., p. 116.

<sup>18</sup>Ibid., p. 113.

<sup>19</sup>Chester Lloyd Jones, Mexico and Its Reconstruction, p. 280.

to apprehend the marauders.<sup>20</sup> It was hardly issued before the United States had to complain that Díaz troops had driven a band of Lerdists across the river into Texas, where they were attacked and pursued.

The Ord Order meanwhile created a widespread protest in Mexico and on June 18, 1877, the Mexican government ordered its forces to resist any crossing and to "repel force by force," should the invasion take place. Díaz alone was determined to pursue a moderate course if possible. He ordered his own general to cooperate in putting down disturbances on the frontier and in apprehending the Indians, or raiders, but he added that "these things were done in order to resist the insult that is sought to be inflicted on Mexico by the invasion of her territory."<sup>21</sup>

In August a band of Mexicans raided the county seat of Star County, Texas. American forces followed them to the river and the Governor of Texas demanded the extradition of the criminals, a demand supported by the United States government. Mexico now made a serious effort at reparation, but the border officials had little respect for the demand made upon them. Some of the raiders were arrested and surrendered, although the extradition treaty did not demand it. The local authorities refused to surrender the rest. An

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<sup>20</sup>Relyea, op. cit., p. 30.

<sup>21</sup>Ibid., p. 31.

American force crossed the border in October in pursuit of marauding Indians, but, on the approach of Mexican troops, retired.<sup>22</sup>

By 1878 the Ord Order had been modified, on assurance that Díaz recognized the gravity of the situation and would send to the border a prudent general with an adequate force. General Ord was instructed to cooperate with the Mexican general and to cross the border only in an aggravated case. This instruction did not stop the crossings. A proposal to allow reciprocal privilege met a noncommittal answer from the Mexican commander. The officers had received instructions not to attack the United States troops, but to "see" them across the border.<sup>23</sup> In 1879 the objectionable Ord Order was repealed, to the great satisfaction of Mexico.

In light of the disturbances on both sides of the boundary, leaders in Washington and Mexico City were constantly casting about for solutions to the serious problems presented by raiding along the border. As previously noted, the Mexican government protested vigorously the Order of June 1, 1877. The Mexican government held for some time that any negotiation on the subject of reciprocal crossing must come after, not before, the withdrawal of the Order of June 1, 1877. Although substantial powers on the reciprocal

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<sup>22</sup> Jones, op. cit., p. 281.

<sup>23</sup> Ibid., p. 282.

crossing were in the hands of Díaz, not until the summer of 1882 was an agreement actually reached.<sup>24</sup>

On June 30, 1877, Ord visited Treviño, Mexican Commander, in his quarters in Piedras Negras and shortly thereafter Treviño returned the call. The upshot of these amicable conversations seems to have been a new spirit of understanding and cooperation on the border. Although no definite plans were laid, Treviño promised to guard the line against Mexican bandits seeking plunder in the United States and Ord promised wherever possible to prevent passage of bandits from the United States into Mexico.

Very soon events arose on the border to test this new spirit of cooperation. General Escobedo, Lerdo's Minister of War, was busy on the Texas side of the border plotting a counter-revolution. Early in June some of his Lerdists crossed into Mexico and were shortly thereafter driven back onto American soil opposite the Mexican town Paso del Norte. There they were attacked by their pursuers. The Díaz forces soon retreated into Mexico, and Captain J. M. Kelley telegraphed Ord for instructions as to whether or not he should cross the Rio Grande in pursuit. Ord ordered him not to do so, fearing that an incursion into Mexico in the heated state of relations might "stir up the central authority," and the War Department approved. Vallarta, Minister of

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<sup>24</sup>Gregg, op. cit., p. 145.

Mexican Foreign Affairs, expressed gratification at the new orders of Ord on crossing and promptly disavowed the action of the Mexican troops and ordered an investigation to fix punishment and reparation. As a result of several more attempts to organize Lerdo forces on the American side of the border, Escobedo, leader of the movement, and several of his aides were arrested in Texas for violation of American neutrality laws, and with Díaz's growing strength these counter-revolutionary troubles gradually ceased to trouble the border.<sup>25</sup>

During the summer and fall of 1877 and early winter months of 1878 cordial cooperation continued with few minor exceptions. Also Díaz began to reinforce the border, as troops could be safely released from duty in other parts of Mexico. The essential factor in the problem was the lack of American troops. For not only was the force totally inadequate but its elements were so widely scattered as to render effective support almost out of the question.

Raids, as previously noted, occurred mostly in the territory between Fort Brown on the south and Eagle Pass or Fort Duncan on the north, a distance of 402 miles. Farther north Fort Davis, nearest permanent garrison to the Rio Grande in northwestern Texas, was forty miles from Fort

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<sup>25</sup>Ibid., p. 59.

Quitman and one hundred miles from Paso del Norte. Thus huge gaps between permanent posts often a hundred miles or more enabled raiders to slip through easily. Some of the regiments, Sherman reported later, had been in the border country for ten years, and he urged the necessity of replacing them as soon as possible with fresh troops. Officers and men on the frontier of Texas felt themselves neglected and yearned for families, schools, churches, and other features of "refined society."<sup>26</sup>

The following is a part of President Hayes's Third Annual Message of December 1, 1879:

It is a gratification to be able to announce that, through the judicious and energetic action of the military commanders of the two nations on each side of the Rio Grande, under the instructions of their respective Governments, raids and depredations have greatly decreased, and in localities where formerly most destructive, have now almost wholly ceased. In view of this, I entertain a confident expectation that the prevalence of quiet on the border will soon become assured as to justify a modification of the present orders of our military commanders as to crossing the border, without encouraging such disturbances as would endanger the peace of the two countries.<sup>27</sup>

The most important controversy during Thomas F. Bayard's term as Secretary of State arose in the case of Captain Emmett Crawford in 1886. Crawford was in command of a Texan troop which was pursuing a band of Indians into Mexico. While in camp on Mexican territory, he was suddenly attacked

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<sup>26</sup> Ibid., p. 85.

<sup>27</sup> Richardson, op. cit., p. 569.

by Mexican forces. The attack occurred at daybreak, and when the case was brought up for trial the Mexicans testified that they were ignorant of the true identity of the Americans, whom they believed to be Indians, from the dress of the guides. The Mexicans had not, however, fired until a parley had been held with Captain Crawford and Lieutenant Maus, who wore parts of the usual American uniform. After the interview the Mexicans had retired to a small hill and from there had fired upon the Americans, wounding Crawford so that he died in a few hours, and retaining Lieutenant Maus as prisoner of war for some time after the encounter. When appeal was made to the Mexican government, no satisfaction could be obtained. Mariscal, Minister of Mexico to the United States, pointed out that such difficulties would likely arise if passage were allowed to troops, and that the treaty stipulated that federal troops only should carry on a pursuit, whereas Crawford commanded state rangers. The United States protested that this did not disprove the fact that the Mexicans must have known on whom they were firing. Mexico was firm. The investigations were embodied in an extensive report. This report the War Department at Washington considered unsatisfactory, and ill-feeling continued when Mexico refused to consider the case further.<sup>28</sup>

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<sup>28</sup>Relyea, op. cit., p. 55.

James W. Foster became Secretary of State on June 29, 1892. On August 23 of that year, he authorized negotiations with Mexico for a convention on the new problem of the irrigation of the arid lands near the Rio Grande, acting in accord with a joint resolution of the American Congress of April 27, 1890, and with subsequent Mexican instructions of May, 1892, to the Mexican Minister at Washington. On the question of the American policy in relations with Mexico, which he found were still largely concerned with border troubles and raids from Texas into Mexico, his chief service was to induce the American government to take effective steps, by increase of federal forces, to prevent all invasions of Mexican territory. On January 23, 1893, he replied to the views of Mariscal, the Mexican Minister of Relations, who through Romero, Mexican Minister at Washington, complained of American inaction in regard to the Garza bandits near Laredo and who on December 31 had proposed a distribution of Mexican and American forces in concert to guard the several fords on the Rio Grande or an arrangement for mutual pursuit across the border similar to that recently made for pursuit of Indians.<sup>29</sup>

The recurrence of border raids was a matter of concern to the governments of both Mexico and the United States.

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<sup>29</sup>Callahan, op. cit., p. 435.



Mexico accused Foster of not seeing that sufficient forces were maintained on the Texas border to break up the raids organized there to cross into Mexico. Foster replied that the raids were organized secretly and that the members of the attacking party must individually cross the river so that it was impossible to apprehend them. A recent raid at San Ignacio had resulted in the death of six men in the barracks at that point and the confiscation of the arms, horses, and supplies of the encampment. The Mexican government proposed that an agreement be concluded by which both countries should allow troops of the other to cross the boundary for the purpose of breaking up the raids as well as for suppressing hostile Indians. In July, 1893, before any definite steps were taken, a band of Texans under Captain Jones invaded Mexican territory for the purpose of following up a raiding party, and in the skirmish Jones was killed while two Mexicans were wounded. On the next day another American party took possession of an important position on Mexican grounds and only withdrew when the inhabitants threatened to resort to arms.<sup>30</sup>

By the end of the nineteenth century and even the first decade of the twentieth century raids had been almost completely eradicated by the strengthening of the central government of Mexico and by the excellent cooperative policy by

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<sup>30</sup> Relyea, op. cit., p. 69.

which both governments acted in disposing of occasional marauders.

Another great Texas border problem, that of "stock rustling," continued during this period as a fruitful source of irritation. The raids of Mexican Indians and the theft of cattle in Texas had been attracting attention for some time. At length, on May 7, 1872, Congress passed a joint resolution authorizing the President to appoint a commission of three to proceed to Texas and inquire into the extent and character of the crimes committed along the Rio Grande frontier. On hearing this action the Mexican government appointed a similar committee with the view of being prepared to present its side of the matter and to counteract the alleged plots of "malicious claimants and ambitious private parties" in the United States.<sup>31</sup>

The commissioners of the United States proceeded to the Rio Grande in the summer of 1872 and examined witnesses for more than two months. They then submitted an extensive report confined mainly to the lower Rio Grande. They presented a depressing picture of the conditions in this region. That the thieves were Indians and Mexicans residing south of the river was established by the testimony of Texas witnesses and the well-attested fact that twenty-five per cent of the

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<sup>31</sup>James Fred Rippy, The United States and Mexico, p. 285.

hides transported northward through the Brownsville custom-house bore Texas brands and another twenty-five per cent gave evidence of having been altered and defaced. Aside from the loss of their friends and loved ones, which could not be estimated in dollars and cents, the committee reckoned that the cattlemen had suffered theft of stock and other outrages to the extent of \$27,859,363.97. And, in the opinion of this committee, insult was added to injury by the connivance of the Mexican frontier officials, state and national, in these outrages; for, according to the testimony of witnesses considered reliable by the committee, these officials either shared the plunder or, actuated by hostility toward the United States, winked at the crimes perpetrated upon the Texas border. In view of this appalling situation the committee recommended an increase of the United States cavalry force along the southwestern frontier.<sup>32</sup>

The members of the Mexican commission went much more fully into the frontier problem, setting forth their findings in two elaborate reports presented after they had made an exhaustive study of the border troubles since the year 1848 and had set forth their nature and origin in great detail. They complained bitterly of the Indian depredations suffered by the North Mexican frontier. They declared that these outrages were largely the result of the American

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<sup>32</sup>Ibid., p. 286.

policy of thrusting these natives back upon the frontier and virtually forcing them to prey upon Mexico for a livelihood. Compared with the atrocities thus committed against Mexico, the occasional injuries inflicted upon the United States by the small band of American Indians now residing south of the international line paled into insignificance. They declared, moreover, that the Mexican frontier had been the victim of horse-thieves organized north of the Rio Grande and directed by Texans; that the losses of the Texas cattlemen had been greatly exaggerated; that most of the thieves stealing cattle from Texas were Texans themselves; that some few Mexicans had been guilty of cattle stealing, but these had been trained in this disgraceful practice by Americans; and lastly, that American complaints against alleged outrages committed by Mexicans on the Texas border were raised with the view of finding a plausible excuse for annexing a portion of northern Mexico.<sup>33</sup>

In concluding their report the Mexican commission advised that inasmuch as the local officials of both countries had proved inefficient, control of the frontier should be turned over as far as possible to federal officials of the governments concerned. To this end they recommended that Mexico increase the national army and organize a national police.<sup>34</sup>

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<sup>33</sup>Ibid., p. 286.

<sup>34</sup>Ibid., p. 287.

In 1882 Matias Romero, the Mexican Minister at Washington, protested that a herd of stolen Mexican cattle had been sold by the Collector of Customs at San Felipe del Rio, Texas, as smuggled goods, although evidence was presented to him of their ownership by Mexicans. The charges were not one-sided. In 1885, Phillip H. Morgan, United States Minister to Mexico, reported to the Mexican government "the complaints of several citizens of Dimmitt County, Texas," to Governor Ireland of Texas concerning the loss of considerable stock. The animals were said to have been taken to Mexico where they were sold. The Governor of Coahuila stated an investigation by the judge of the Courts of Records in the Rio Grande District of Coahuila seemed to show an entirely different situation than Morgan claimed to exist. The governor of Coahuila claimed that numerous bandits had been prosecuted in Mexico following raids in the United States.<sup>35</sup>

In May, 1886, following the complaint of export duties unlawfully levied on American cattle by Mexican authorities at Piedras Negras, Thomas F. Bayard, Secretary of State, proposed a convention for facilitating the passage of cattle across the border, especially for grazing purposes. A convention for the reciprocal crossing of cattle from one

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<sup>35</sup> Gregg, op. cit., p. 174.

country to the other was signed at Washington on July 1, 1888, and, after amendment by the United States Senate, was forwarded for the consideration of the Mexican government; but it was opposed by the inhabitants of the frontier Mexican states and was still pending before the Mexican Senate when the United States Congress approved a joint resolution of January 14, 1894. This authorized the Secretary of the Treasury to permit owners of cattle and horses in the United States for a period of twelve months to pass into Mexico to pasture them and to reimport them without payment of duty; but the Mexican government declined to concur in the execution of the resolution on the ground that a convention agreement, signed in July, 1888, for reciprocal crossing of cattle, was still pending before the Mexican Senate and that it had met with considerable opposition among the people of the frontier states.

In the autumn of 1900, the American government, through John Hay, Secretary of State, instructed Powell Clayton, American minister to Mexico, to propose reciprocal facilities for recovery of strayed cattle. Cattlemen, however, were refused permission to cross the border in pursuit of stray cattle except during the months of November and December.<sup>36</sup>

From time to time difficulties arose which showed the powerlessness of the government to eradicate ill-feeling.

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<sup>36</sup>Callahan, op. cit., pp. 425-437.

In 1886 a very important case was presented to the Mexican government for settlement. This was the case of Francisco Arresures, an American citizen of good character residing in Texas. On charges of horse-stealing and banditry his extradition as a Mexican citizen was demanded by Mexico and fraudulently secured by Captain John S. Oglesby of the Texas Volunteer Guards, who promised immediate presentation of the papers relating to Arresures's citizenship. He failed to produce them after he had secured the order of extradition by the promise. The United States consul demanded the return of Arresures to Texas, but his demand was refused, and the prisoner was summarily shot by Mondragon, Captain of the Coahuila State Rangers, and nothing further was done to determine the course of justice or to make amends in case of wrong. It was believed in Texas that Mondragon was satisfying a federal desire for revenge and all America looked upon the affair as indicative of Mexican carelessness in protecting amity.<sup>37</sup>

Another case was that of Sheriff Tumlinson of Dimmitt County, Texas, who rode across the boundary in pursuit of horse-thieves. The governor of Texas reported that Tumlinson hoped for the "aid of local authorities in their capture, that he was well received, and that his efforts were fruitless to overtake the bandits."<sup>38</sup>

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<sup>37</sup> Relyea, op. cit., p. 54.

<sup>38</sup> Gregg, op. cit., p. 169.

In answer to protests by residents of Presidio, Webster, Foley, and Bachel counties in Texas at alleged raids, said to have been committed by Mexican outlaws sheltering in Coahuila, the Mexican government assured the United States government that it "watched constantly and with special care the boundary line of the Rio Grande" with municipal and police officers, federal troops, and revenue guards.<sup>39</sup>

Fortunately, after 1885, with growing settlement, improved transportation, and the coming of relative peace and good order, stock "rustling" was reduced to a minimum. A few minor cases arose from time to time but without important diplomatic consequences.

Boundary problems on the southern border of the United States are markedly different from those along the Canadian line. Topographic, climatic, and local conditions contribute to make the southern boundary an unstable one over a large part of its course.

One of the best examples of the working of Diaz's policy is seen in the period from 1880 to 1890 in the settlement of the old boundary question. The Treaty of Guadalupe Hidalgo had defined the boundary as the middle channel of the Rio Grande, but the constant changing of the bed of the Rio Grande had made the definition inadequate. The treaty of December 20, 1853, with Mexico, defining the

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<sup>39</sup>Ibid., p. 169.



southern boundary, specified that along the Rio Grande and the Colorado Rivers the middle of the stream forms the boundary line. As these rivers, particularly the Rio Grande, are continually changing their courses, this means a fluctuating boundary and the transfer of territory from one country to the other. The uncertainty of the boundary allowed a great amount of smuggling. In 1884 Díaz concluded with the United States the Morteretros Treaty, which affirmed the middle of the old channel of 1848 as the rightful boundary between Texas and Mexico. This treaty in time proved insufficient because the constant change in the river's channel continued to make the old channel uncertain. Díaz saw this and was willing that negotiations should be reopened. While the consequent discussions were going on, it was learned at Washington through the consul at El Paso that a dam at that point was being constructed by Mexican authorities to protect the banks of the river from being washed away and that the dam was being built entirely across the river to rest also on Texas territory.<sup>40</sup>

Article III of the Convention for the Boundary of 1884 states:

No artificial change in the course of the river by building jetties, piers, or obstructions which may tend to deflect the current or produce deposits of alluvium, or by dredging to deepen another than the

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<sup>40</sup>Relyea, op. cit., p. 61.

original channel under the treaty when there is more than one channel or by cutting waterways to shorten the navigable distance, shall be permitted to affect or alter the dividing line as determined by Article I, hereof and under the reservation therein contained; but the protection of the banks on either side of the stream from erosion by revertments of stone or other material not unduly projecting into the current of the river shall not be deemed an artificial change.<sup>41</sup>

When the United States protested that the dam should not be allowed, Mexico denied the violation of treaty stipulation, but immediately agreed to appoint a Mexican engineer to confer with an American engineer in inspecting the dam. The report drawn up jointly by the engineers and showing opposite views illustrates the necessity of a new boundary convention, and such a convention was negotiated in 1884. The new treaty set up an International Boundary Commission under whose jurisdiction the question of the dam should come. The entire negotiation was completed with so little friction that it was a credit to international relations.

In order to prevent the continual shifting of territory from one country to another, the Convention of November 12, 1884, provided that if the river bed shifted by slow and gradual erosion the center of the course of the stream should continue to be the boundary, but if the change was made by avulsion, either through the force of the current cutting a new bed or deepening another channel, the boundary should follow the middle of the original stream bed as defined by

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<sup>41</sup>Statutes at Large, 49th Congress, XXIV, 1011-1013, quoted in Relyea, op. cit., p. 64.

the Boundary Commission of 1852, "even though this should become wholly dry or be obstructed by deposits."<sup>42</sup> The theoretical effect of this was to stabilize the boundary, which thus became in the main a water boundary. The Convention, however, provided no agency for determining which changes were the result of slow erosion and which were caused by avulsion. Therefore, the actual location of the boundary on the ground was uncertain.

In order to give practical effect to the Convention of 1884 and to mark the boundary, a new convention was concluded on March 1, 1889. This created another International Boundary Commission, which was to be composed of one commissioner appointed by each government, and which was given exclusive jurisdiction to determine the boundary. An agreement by the Commission was final unless disapproved by one of the governments within thirty days. The Convention was to be in force for five years. In 1895 and succeeding years it was annually extended for one year, but by the Convention of November 21, 1900, it was made of indefinite duration.<sup>43</sup>

The Convention of 1889 provided:

Article I

All differences or questions that may arise on that portion of the frontier between the United States

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<sup>42</sup>Lawrence F. Schmeckebier, International Organizations in Which the United States Participates, p. 120.

<sup>43</sup>Ibid., p. 122.

of America and the United States of Mexico where the Rio Grande and the Colorado River form the boundary line, whether such differences or questions grow out of alterations or changes in the bed of the aforesaid Rio Grande and Colorado rivers, or any other cause affecting the boundary line, shall be submitted for examination and decision to an International Boundary Commission, which shall have exclusive jurisdiction in case of said differences or questions.

#### Article II

When, owing to natural cause, any change shall take place in the bed of the Rio Grande or that of the Colorado River, in that portion thereof wherein those two rivers form the boundary line, notice of that fact shall be given by the proper local authorities on both sides to their receiving Committees of the International Boundary Commission, on receiving which notice it shall be the duty of the said Commission to repair to the place where the change has taken place or the question has arisen, to make a personal examination of such change, to compare it with the bed of the river as it was before the changing took place, as shown by the surveys, and to decide whether it occurred through avulsion or erosion, for the effects of Articles I and II of the Convention of 1884; having done this, it shall make suitable annotations on the surveys of the boundary line.<sup>44</sup>

A concurrent resolution of the two houses of the United States Congress, passed on April 29, 1890, requested President Harrison to negotiate with Mexico regarding changes in the channel of the Rio Grande, the distribution of the water between the two countries, and "other matters connected therewith."

A protocol signed on May 6, 1896, by the representatives of the two governments provided that the Commission should report on the following:

1. The amount of water of the Rio Grande taken by the irrigation canals constructed in the United States.

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<sup>44</sup>United States Statutes at Large, 51st Congress, 1889-91, XXVI, 1572-75, cited by Relyea, op. cit., pp. 64-65.

2. The average amount of water in said river, year by year, before the construction of said irrigation canals and since said construction--the present year included.

3. The best and most feasible mode, whether through a dam to be constructed across the Rio Grande near El Paso, Texas, or otherwise, of so regulating the use of the waters of said river as to secure to each country concerned and to its inhabitants their legal and equitable rights and interests in said waters.<sup>45</sup>

In 1895, after the Committee had mapped the existing bancos, the area between the abandoned channel and the new channel, it was recommended that between Rio Grande City and the mouth of the river all bancos be eliminated; that is, that the existing channel of the river be regarded as the boundary and that a banco which had been cut off from one country should pass to the jurisdiction of the other. This course was recommended because a banco was generally formed by the combined process of erosion and avulsion, and it was practically impossible to determine which was predominant; because the line was unnecessarily lengthened by following the old river bed; because the question of jurisdiction was complicated by the alternating land and water boundary; and because the expense of monuments would be excessive and not commensurate with the value of the land involved.

As a result of this recommendation a new convention was concluded March 20, 1905. This convention provided

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<sup>45</sup>Proceedings of the International (Water) Boundary Commission, United States and Mexico, Treaties of 1884 and 1889, Equitable Distribution of Waters of the Rio Grande, 1903, p. 275, cited by Schmeckebier, op. cit., p. 124.

that in the portion of the Rio Grande between its mouth and the San Juan River, Rio Grande City, the boundary should be the existing channel of the stream, and that all bancos on the right bank should belong to Mexico and all on the left bank to the United States.<sup>46</sup>

After 1896 problems of water distribution became of equal importance to those relating to the boundary line, if not greater. The American or Texan farmers were draining the river for their own use, in the absence of any agreement on the subject, and to the detriment of Mexican farms and cities. Díaz protested to the United States, but the government failed to discover undue drainage and referred the matter to the Secretary of Agriculture. Ten years later, in 1906, a convention was concluded for the delivery by the United States of a definite quantity of water to the Mexican Canal above Juárez, and the Mexican government waived all claims to water in the river between the point and Fort Quitman, a distance of 142 miles by the course of the river. This convention, however, made no provision regarding the use of the water below Fort Quitman.<sup>47</sup>

In December, 1898, President McKinley informed Congress that the Mexican water boundary commission, established by the Convention of 1889, had failed to agree on three important cases: the "Chamizal" at El Paso, the proposition for

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<sup>46</sup>Ibid., p. 125.

<sup>47</sup>Ibid., p. 126.

the elimination of the several small island "bancos" formed in bends of the Rio Grande, and the subject of equitable distribution of the waters of the Rio Grande.

The Chamizal tract was located between the old bed of the Rio Grande, as surveyed in 1852, and the bed as it existed in 1898, resulting from changes in the river banks and the consequent progressive migration of the stream southward into Mexican territory, extending the area of the American city, El Paso, and correspondingly reducing the area of the Mexican city of Juárez.

The International Boundary Commission was organized on January 8, 1894, and on September 28 it was asked by Ignacio Mariscal, Secretary of the Mexican legation, to consider the complaint of Pedro Ignacio García, who alleged that he had purchased property known as El Chamizal, which was formerly on the south side of the Rio Grande but which, as a result of abrupt and sudden changes in the river current, prior to 1884, was now on the north side of the stream.<sup>48</sup> In March, 1898, in the negotiations for arbitration of the El Chamizal question by a boundary commission, Mexico refused to yield to the proposition of a third commissioner and insisted upon arbitration by a friendly nation or by a joint commission.

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<sup>48</sup>Callahan, op. cit., p. 443.

John Hay, Secretary of State, instructed Powell Clayton, United States Ambassador, to explain to Mariscal that the purpose was to provide a method of deciding ownership of disputed territory and did not involve the constitutional question of ceding territory as Mariscal had thought when Mariscal proposed to defer action until he conferred with the Mexican Senate.<sup>49</sup>

A new convention was concluded March 20, 1905. This convention provided that in the portion of the Rio Grande between its mouth and the San Juan River, or Rio Grande City, the boundary should be the existing channel of the stream, and that all bancos on the right bank should belong to Mexico and all on the left bank to the United States. The foregoing principle was also to be applied to future bancos, except that if a banco had an area of over 250 hectares, 617.5 acres, or a population of 200, the old bed of the river should be considered to be the boundary.

Property rights were not to be affected by a change in jurisdiction, but the accurate marking of the bancos was of importance to the landowners. Private holdings were generally bounded in part by the river, and it was of moment to be able to ascertain definitely where the river was located at the time the title was passed. The citizenship

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<sup>49</sup> Ibid., p. 444.



of the inhabitants was not changed by the transfer of jurisdiction, as the convention expressly provided that a person in an area shifted to another country might retain his citizenship in the country to which the bancos formerly belonged or acquire citizenship in the country to which the banco had been transferred.

The Convention of 1905 simplified the work of the Commission. It was no longer necessary to determine whether a banco resulted from erosion or avulsion. The things to be done consisted of the determination of three facts:

(1) the location of the main channel of the stream, (2) the area of the banco, and (3) its population. As a matter of fact, since 1905 no bancos have had an area in excess of 250 hectares and a population of over 200.<sup>50</sup>

In 1907 the boundary question was further settled by a convention for the equitable distribution of the waters of the Rio Grande, whereby the United States undertook to deliver 60,000 acre-feet of water annually to Mexico without cost. In the same year the second question left by the Commission, the matter of bancos, was settled by a line drawn through the deepest channel of the river for the present and providing that all future questions should be settled by reference to the old bed of 1848. The third question, that of the El Chamizal tract, was submitted to

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<sup>50</sup>Schmeckebier, op. cit., p. 123.

arbitration and settled satisfactorily in 1910. As important as the settlements themselves, was the culmination of the policy of arbitration in the treaty of 1908 for submitting to the Hague Tribunal all controversies between the two republics not capable of settlement by ordinary diplomatic means. Differences which may arise, whether of a legal nature or relative to the interpretation of the treaties existing between the two nations and which may not have been possible to settle by diplomacy in case no arbitration had been agreed upon, were to be submitted to the Permanent Court of Arbitration at the Hague. In 1908, also, President Díaz and President Taft met on the border of Mexico and exchanged expressions of mutual good will.<sup>51</sup>

The most important question remaining to be considered involved the Free Zone and the smuggling incident to it. The Mexicans maintained what was known as the "Zona Libre" or Mexican Free Zone. This had grown up as a result of the low tariff in the United States that caused a serious setback to Mexican commerce on the frontier. In a new tariff act passed on January 21, 1885, the Free Zone, previously restricted to the state of Tamaulipas, was extended to the whole frontier and for a distance of twenty kilometres from the boundary line.<sup>52</sup> It was a revolutionary measure,

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<sup>51</sup>Relyea, op. cit., p. 85.

<sup>52</sup>Gregg, op. cit., p. 181.

contrary to the national government whose revenues it annulled, but its objects were realized when trade moved from Texas into Mexico and, despite the duty levied on goods going from the Free Zone to other parts of Mexico, contributed to the growth of towns. One of the provisions of the decree allowed merchandise to be stored free of charge in the territory as was permitted in the United States. The Mexicans used this privilege to hold their goods in storage until a way was found to introduce them illicitly into Texas. This smuggling made Mexican goods far cheaper than American goods and the smuggling increased yearly. The Mexican Congress was then considering a bill for the abolition of the Zone, but could not decide to take the step because of the destruction it might cause to the towns built up under the protection of the free tariff. Romero, secretary of the Mexican legation, acting as Mexican chargé, spoke against the zone, pointing out that it contributed a privilege prohibited by the Constitution and injurious to many parts of the country, but Congress ratified the decree and extended it to other parts of the country along the frontier. The United States considered this a hostile act and did not cease to resent it, since its application was so injurious to her commerce.<sup>53</sup>

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<sup>53</sup>Relyea, op. cit., p. 37.

Although extended in area, the franchises of the Free Zone were limited considerably and these limitations caused an outcry from the harder region affected, with such political pressure being brought to bear on the Mexican Congress that the limitations were suspended and very liberal regulations adopted March 1, 1887. The next tariff act, that of June 12, 1891, marked a new era so far as the Free Zone was concerned; imposing on all goods coming to the Free Zone, previously free of duty, a tax equal to ten per cent of the duties levied on similar goods coming into other parts of Mexico. This tax was continued until by 1896 there was a twenty per cent tax on imports. Thus the Free Zone ceased to be free. But probably the worst blow which the Mexican government dealt the Free Zone came in the Tariff Act of 1891, with the provision that the commodities manufactured in the Zone, whether of foreign or domestic raw materials, should pay import duties coming into Mexico, outside the Free Zone.<sup>54</sup> Whether or not these various changes in relation to the Free Zone aided materially in the battle against smuggling is doubtful.

It was further suggested that employees of each custom service should be stationed in the custom houses "of greater importance, such as Laredo and Matamoras," for violation of

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<sup>54</sup>Gregg, op. cit., p. 182.

customs regulations of their own country. Such a remedy, of course, failed to take into account the fact that most of the smuggling took place in the great, practically uninhabited regions far removed from the customs houses.

Repeatedly Foster pressed upon the Mexican government the urgent necessity of abolishing the Free Zone. President Díaz was of the opinion, Foster quoted Vallarta as saying, that the Zone must be modified or possibly repealed. The executive branch of the Mexican government, however, reported that it had no authority to act without permission of the Mexican Congress.<sup>55</sup>

Meanwhile opposition to the Free Zone was rekindling on the American side of the line. Governor Coke of Texas wrote to James G. Blaine, Secretary of State:

The subject of the Free Zone is an important one not only to Texas but to the whole country. The creation of the "zona libre" on the west bank of the Rio Grande has had the effect to destroy local American commerce on the river, to diminish greatly customs revenues, to promote smuggling, and, by attracting there large numbers of bad men who engage in that unlawful business, to add greatly to the lawlessness of that border. Heretofore the "zona libre" has been confined to the Lower Rio Grande. Its extension will surely subject the country on the Upper Rio Grande to the same evils which for years have afflicted the lower country, and which for a time were so grave as seriously to threaten a rupture between the United States and Mexico.<sup>56</sup>

The Free Zone continued a permanent source of friction

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<sup>55</sup>Ibid., p. 101.

<sup>56</sup>Blaine to Morgan, August, 18, 1881, Enclosure, Coke to Blaine, August 8, 1881, United States Foreign Relations, 1881-1882, pp. 797-798, quoted by Gregg, op. cit., p. 102.

during the period under discussion and thereafter without agreement between the two governments for its abolition being brought about.

On the whole, the problems of the relations between the United States and Mexico seemed in a fair way to disappear. Year by year friction decreased, and there was very little diplomatic correspondence except over the smaller cases which arise between any two governments. President Díaz was invited by the Committee to attend the Chicago celebration in 1899, and, though unable to attend, was very grateful for the honor which he felt had been conferred by the invitation. In 1900, at the time of the Galveston flood, Díaz not only expressed sympathy but appropriated \$30,000 on the part of the Mexican government to aid the sufferers.<sup>57</sup> Perhaps nothing so marked the kindly feeling of the Mexican people toward the United States as does the mark of sympathy for the people of Texas, once a part of Mexico but severed by its own wish from the mother country.

As the long fingers of the railroads reached toward the border and settlements became larger and more frequent, the disorders of frontier days slowly retreated before them. Moreover, Mexican and American cooperation, officially sanctioned, served to hasten the coming of relative peace.

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<sup>57</sup>Relyea, op. cit., p. 73.

Indian outbreaks, cattle raiding, smuggling, and other forms of frontier lawlessness gradually came to be less serious, and finally in the early nineties practically ceased, only an occasional flare of disorder appearing as a reminder of unhappy days.

An interview of President William Howard Taft of the United States with President Porfirio Díaz of Mexico proves further political cooperation. The interview was held in the Chamber of Commerce Building, El Paso, Texas, on October 16, 1909. Each President was accompanied by state officials and dignitaries. This greeting was exchanged between President Díaz and President Taft:

President Taft: I am very glad to welcome you here, sir; I am very glad indeed.

President Díaz: I am very happy to meet you and to have the honor of being one of the first foreigners to come over and give you a hearty welcome.

President Taft: It gives me not only great pleasure to welcome the President of the Republic of Mexico, but to welcome the present President of Mexico, who has made it so great.

President Díaz: I am very proud to grasp the hand of the great statesman who has made such a record in his life -- in the Philippines, in Cuba, and at present, as the head of the great nation of the United States.

President Taft: I wish to express to you my belief that this meeting is looked upon by both peoples with a great deal of interest not as making stronger but as typifying the strength of the bond between the two countries.

President Díaz: My friendly relations and my personal acquaintance with you will make thousands and thousands of friends of the American and Mexican peoples, and streams and wonders of beneficial development will have to follow for the good of the countries.

President Taft: You have already met the Secretary of War and the Governor of Texas. I shall be glad to have the privilege of presenting to you the Postmaster General. [The Postmaster General was then presented to President Díaz.]

President Taft: I shall be glad to have the privilege of meeting your staff.

[The Minister of War, General Manuel Gonzales Cisio, was thereupon presented to President Taft.]

President Taft: [addressing the Minister of War]: I have been Minister of War, and therefore I have a sympathy with you.

The Minister of War: You have been an excellent Minister of War and I have a good example in you.

President Taft: I should be very glad to have the pleasure of taking you and Governor Creel, governor of the state of Coahuila, who interprets so well and who is my personal friend, into an adjoining room for a few moments.

Thereupon President Taft, President Díaz, and Governor Creel retired to an adjoining room for a private interview, which lasted about fifteen minutes.<sup>58</sup>

An interview between President Díaz and President Taft was held in Juárez, Mexico, at the Federal Customs House the same day. Those present were the same as those at the interview at El Paso, Texas.

President Díaz: Your Excellency, the Mexican people and I feel very proud indeed to have you on Mexican soil. I believe that the personal acquaintance which I have made with you and the friendly feelings which already exist between the United States and Mexico will be a guarantee of the continuance of the friendly, cordial and strong relations between the peoples of the two countries, and that success and prosperity will follow.

President Taft: This is the first time, as far as I know, that a President of the United States has stepped beyond the border of the United States, either on the north or on the south, and I esteem it a great privilege to be the President at that time. I hope that it is significant of the tightening of the bond

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<sup>58</sup>William Howard Taft, Presidential Addresses and State Papers, p. 360.



between the two countries. Railroads and other means of communication, like the telegraph, have brought us closer to each other, so that the City of Mexico and the City of Washington are far nearer today than they ever were before, and that means a closer union of feeling between the two peoples, a closer feeling between those responsible for the Government of each country, and I esteem it the greatest honor of my life to have the privilege of representing the United States in such a significant ceremony.

President Díaz: I thank you very much.

President Taft: I think your Excellency was good enough on the other side to let me present the gentlemen who accompany me, so that I will not go through that ceremony again.

[President Díaz presented to President Taft his son, Lieutenant-Colonel Porfirio Díaz, Jr., of the Mexican Army; also his nephew, General Felix Díaz, Chief Inspector of the Mexican Police.]<sup>59</sup>

As already suggested, this growing peace and order on the Texas border was bound up with rapid settlement, with railroad building, with the increased stability of Díaz in Mexico, and with a growing spirit of cooperation between the two countries. Thus as railroads began to span the border, connecting the two countries, and American capital flowed more and more extensively into Mexico, an era of peace and good feeling marked the twenty years or more of Díaz's relationships with the United States. Border troubles decreased almost to the vanishing point, and cordiality replaced the strain and suspicion so frequently evident earlier. At last, old and tired, Díaz relaxed his former strong grip, and his regime was overthrown.<sup>60</sup>

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<sup>59</sup>Ibid., p. 362.

<sup>60</sup>Gregg, op. cit., p. 1861.

Under these circumstances Díaz had a tremendous task to perform. His first administration proved that he meant to accomplish it. Even the United States saw that he could not do so hurriedly, but she knew he was not without support. Mata, Mexican Minister at Washington, in spite of his opposition, had written, "I will omit no effort on my part to secure an adjustment of pending questions."<sup>61</sup>

The second period of Díaz's administration from 1880 to 1890 forms a marked contrast to the period from 1876 to 1880 in Mexico's relations with the United States. It represents the cooling off of hostility and the introduction of a constructive policy commercially and diplomatically.<sup>62</sup>

The diplomatic relations during 1890 to 1900 show interesting developments but point also to certain unrest. In 1890 this unrest was not due to economic causes but to the persistent difficulty in the complete adjustment of problems of long standing between Mexico and the United States.<sup>63</sup> The economic prosperity and the introduction of American capital continued during the following decade of Mexican history. These relations were gradually assuming the foreground in 1890, as the government policy was disposing of diplomatic questions in a quiet and satisfactory way.<sup>64</sup>

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<sup>61</sup>Relyea, op. cit., p. 42.

<sup>62</sup>Ibid., p. 63.

<sup>63</sup>Ibid., p. 68.

<sup>64</sup>Ibid., p. 66.

Thus 1900 was ushered in under good auspices. It was just seventy-five years since the Mexican Republic and the United States had established diplomatic intercourse. Fifty of these years were marked by hatred such as has not been equalled in American annals, unless during the French and Indian wars of the early French and English settlements in the eighteenth century. During the latter twenty-five years the problems left by the old conflicts gradually settled down under the able administration of Porfirio Díaz. He had accomplished what had never yet been done in bringing about an era of peace and good-will in the relations of Mexico with the United States. The year 1900 was a turning point in the relations.<sup>65</sup>

The diplomatic relations during the period of 1900 to 1910 do not reflect growing distrusts. The relations are interesting, however, because they show the continued success of the efforts of past years in building up better principles of settlement. It has been noted before that arbitration was a principle on which Mexico and the United States have long settled difficulties.<sup>66</sup> One by one the problems of Díaz of 1876 had been solved and were being replaced by others of a different character.

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<sup>65</sup>Ibid., p. 71.

<sup>66</sup>Ibid., p. 81.

## CHAPTER III

### THE DEVELOPMENT OF CLAIMS BETWEEN MEXICO AND THE UNITED STATES THROUGH TEXAS

The Court of Claims of the United States consists of five judges and has the authority to hear and determine all claims against the United States, founded upon any law of Congress or upon any contract, expressed or implied, entered into with and by the government. It can also be called upon to determine claims which may be referred to it by Congress, also all set-offs, counterclaims, claims of damage or other demands whatsoever on the government against any persons making claims against the government in that court.<sup>1</sup>

The general principle characterizing all the legislation relating to this court is that its jurisdiction is confined to claims arising out of contract or for damages in cases not sounding of tort. Accordingly, the Supreme Court of the United States has held that a person injured by tort--that is, by the wrongful act--of a government officer or agent, cannot obtain redress in the Court of Claims, but must apply to Congress for relief. It has also been held, by the same court, that in order to obtain

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<sup>1</sup>Encyclopedia Americana, VIII, 117.

a recovery upon an implied contract, the claimant must show that the United States received a consideration for the claim presented, or that they received money or property with a duty to turn it over to the claimant, or that the claimant had a lawful right to it when the United States received and appropriated it.<sup>2</sup>

Proceedings originate in the court by petition filed; and testimony used in the hearing and determination of claims is taken by commissioners who are appointed for the purpose by the court.<sup>3</sup>

No other branch of international relations presents to the American diplomatic republic such a fruitful source of embarrassment as the private claims of his countrymen against the government to which he is accredited. This is especially the case in the countries on this hemisphere, or in other parts of the world where public order is not well established, or where the judiciary system is imperfect or different from that in the United States. It is neither a gracious nor a welcome act for a diplomat to remind the government with which he is expected to cultivate friendly relations that it is derelict in its duties and obligations to his countrymen.

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<sup>2</sup>New International Encyclopedia, Second Edition, V, 388.

<sup>3</sup>Ibid., p. 389.

Claims of this character fall into two classes--first, those based on contracts; and second, those founded on torts, that is, injuries or wrongs done to individuals independent of contracts.<sup>4</sup>

The first of these, contractual claims, usually grow out of voluntary acts of individuals who enter into contracts or agreements with the central government or other authorities of a foreign country for the construction, for instance, of a railroad or other work or enterprise of a public, municipal, or local character, or who purchase bonds or obligations of a government, state, or municipality. In such cases the government of the United States has held that it will not undertake to follow its citizens with its protection; that when they enter into such relations they are presumed to have fully considered the disposition and ability of the foreign authorities to perform their obligations; that having taken risks in the hope of securing large profits they must not complain if their government requires them to stand upon the same footing as native citizens or subjects in relief to be afforded them; and that all they can expect is that their government will in meritorious cases exercise its unofficial good offices in their behalf.<sup>5</sup>

The general rule as to the second class of claims--

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<sup>4</sup>John W. Foster, The Practice of Diplomacy, p. 359.

<sup>5</sup>Ibid.

those founded on torts--is that the injured party must in the first instance seek his remedy through the authorities of the country where the injury was inflicted; but if he encounters a denial of justice or no remedy is afforded, his own government will assume the protection of his claim and seek to have it satisfied.<sup>6</sup>

Aliens, preferring claims against the United States, are required to present them through the diplomatic representative of their government in Washington. They cannot submit them directly to the Department of State, nor can they apply to Congress for relief.

Claims of citizens of the United States against foreign governments and claims of aliens against the United States may be examined and passed upon by the Department of State, in which there is a bureau for that purpose in charge of an officer of the Department of Justice, learned in the law. This bureau is often over-burdened with work, and at best the process of securing adjudication by the respective governments is tedious. When there is a diplomatic deadlock, resort is often had to arbitration.

The method of adjusting claims by mixed or international commissions has been found to be quite expensive and by no means prompt. The personnel of the commission is usually made up of individuals who have never before

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<sup>6</sup>Ibid., p. 366.

served in such capacity, are chosen for a temporary duty, and in some instances are not even educated lawyers. The result is that their decisions are conflicting, and not always in accord with international law and established principles of jurisprudence. For these reasons, and because there were still a large number of unsettled alien war claims, in 1873 President Grant recommended to Congress the creation of a special court to hear and determine the claims of aliens against the United States.<sup>7</sup>

The subject of claims of foreign nations plays a more important part in the history of the foreign relations of Mexico than in that of any other country. Where revolution followed upon revolution and governments were as transitory as the seasons of the year, the lives and property of aliens were subjected to peril in a greater degree than in countries with a more stable political system. The undeveloped riches of Mexico's natural resources attracted hordes of adventurers, especially from the United States, to whom the opportunity of collecting on a large claim against the government was an attractive alternative to slower methods of making profits.<sup>8</sup>

It was universally recognized that Mexico could not

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<sup>7</sup>Ibid., p. 369.

<sup>8</sup>A. H. Feller, The Mexican Claims Commission, 1923-1934, p. 1.



come to the fullest development of her wonderful resources and to her highest evolution as a state, except through the aid of foreign capital and enterprise. This aid would surely be available only upon a renewal of normal relations with the rest of the world. Only when other nations were satisfied that their citizens, holding claims against Mexico, were in a fair way to be accorded justice, would the resumption of normal relations and consequent development of Mexico begin.<sup>9</sup>

As already has been noted in previous chapters, the irritating questions of outrages committed upon the persons and property of American citizens living in Mexico, or having dealings with the country, had arisen again soon after 1848; and an attempt had been made to include a provision for the settlement of claims in the Gadsden Treaty. After 1853 these outrages continued with accelerated frequency; for while there was no interruption in the political disorders of Mexico and no abatement in the ill-feeling toward the Anglo-American, commerce between the two countries showed a considerable increase, and an increase of business relations could mean, under the circumstances, only an augmentation of complaints.<sup>10</sup>

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<sup>9</sup> Raouel E. Desvernine, Claims against Mexico, p. 4.

<sup>10</sup> James Fred Rippey, The United States and Mexico, p. 186.

Many estimates of the damages sustained by aliens in Mexico have been made, but these estimates at best are but guesses. Amos S. Hershey, discussing the legitimacy of the average international claim, says:

While we do not deny the responsibility of governments to foreigners and their liability in certain cases, even during time of civil war and insurrection, it is certain that the major part of such demands are usually far in excess of liability and are based on erroneous principles.

The claims of citizens of the United States against Mexico, presented to the mixed commission which met in July, 1869, and continued in session until January, 1876, amounted to the enormous sum of \$470,000,000. The actual amount awarded was \$4,000,000, or less than one per cent. The claims of citizens of Mexico against the United States amounted to \$86,000,000. They received \$150,000.<sup>11</sup>

The relatively complete list of the claims of citizens of the United States against all foreign countries which was submitted to the Senate in January, 1859, included approximately two hundred and fifty against Mexico for the period since the Treaty of Guadalupe Hidalgo. The complete list for the twelve years subsequent to 1848 is shown by the report of the Joint Claims Commission organized under the Treaty of 1868, to be approximately four hundred and forty-eight.<sup>12</sup> The majority of those in both lists arose from murder and personal injury, imprisonment, and alleged

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<sup>11</sup>Amos S. Hershey, "The Calvo and Drago Doctrines," American Journal of International Law, I, 43, cited in Desvernine, op. cit., p. 45.

<sup>12</sup>Rippy, op. cit., p. 189.

irregularities connected with commercial relations. Aside from these, the most important causes of complaint were robbery, breach of contract, forced loans, and expulsion from the country. The incomplete list of 1859 included sixty-one arising from trade relations, thirty-five from imprisonment, ninety-six for murder, and twenty-two for personal injury. The report of the Joint Claims Commission contained eighty-nine on account of commercial irregularities, one hundred and seventy-eight on account of imprisonment, and something over one hundred on account of murder and personal injuries. It also showed a marked increase in the number of complaints against forced loans and breaches of contract. These claims concerned mostly Texas, and faced Mexico and the United States in 1876.<sup>13</sup>

One matter in particular worried Foster as he waited for Díaz's constitutional election; that is, acceptance or non-acceptance of the first claims award due to the United States under the Treaty of 1868.<sup>14</sup> Would acceptance constitute recognition of Mexico's new government? Foster felt that it would. This Vallarta, Minister for Foreign Affairs in the Díaz government, denied. He asserted unhesitatingly that the payment was made in the name of the

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<sup>13</sup>Ibid., p. 190.

<sup>14</sup>Robert D. Gregg, The Influence of Border Troubles on Relations between the United States and Mexico, p. 23.

Republic of Mexico and not of any particular government in compliance with a solemn treaty stipulation; that the subject of recognition of the Díaz government was an independent question and that in this latter question he had confidence the United States would act with sound and liberal judgment, being governed by the condition of affairs or occurrence of events with a desire to maintain friendly relations between the two republics.<sup>15</sup> The administration was in a dilemma. Should it accept the payment, and, if so, through a Díaz representative or through the regularly accredited representative of the Lerdo government in Washington, Mariscal? In this new perplexity it was decided to give Foster full discretionary power to grant recognition.<sup>16</sup>

Contrary to its usual policy, the United States did not immediately recognize Díaz. Díaz's first action was to order payment to the United States Government of \$300,000, the installment due at the first of the year on a recent

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<sup>15</sup>Ibid., p. 24.

<sup>16</sup>Foster to Fish, January 16, 1877, Dispatches MSS., LVIII, cited in Gregg, op. cit., p. 24.

claims award. The acceptance of this sum would ordinarily be a casus pacis, chance for peace, between the two governments as Díaz hoped, but in order not to seem to force the issue he transmitted the sum through Mariscal, who had been at Washington under the Lerdo administration. The United States accepted the money, but even after the formal inauguration of Díaz, refused to recognize his government.<sup>17</sup>

A fact which strengthened the United States in its resolve to resist recognition was Díaz's repudiation on the part of his government of all contracts made by the former government, thus endangering the protection of American property in Mexico.<sup>18</sup>

Another moot question continued to disturb border relations--that of ownership of property by foreigners on the Mexican side of the border. Of these foreigners Americans were the most numerous, and in April, 1879, Foster protested to Ruelas, Mexican Minister of Foreign Relations, concerning alleged unjust discrimination against Americans in ownership of property in the frontier states as an infringement of Article III of the Treaty of 1831.<sup>19</sup> In reply Ruelas

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<sup>17</sup>Pauline Safford Relyea, Diplomatic Relations between the United States and Mexico under Porfirio Díaz--1876-1910, p. 27.

<sup>18</sup>Ibid.

<sup>19</sup>William M. Malloy, Treaties, Conventions, International Acts, Protocols, and Agreements between the United States of America and Other Powers, 1776-1909, I, 1086.

claimed the right of a sovereign state "to concede and refuse to foreigners the privilege of acquiring real estate" as being indisputably and universally recognized. This question of acquisition of territory by foreigners on the Mexican borders was not aimed primarily at Americans, Ruelas asserted, since it applied equally to Guatemala.<sup>20</sup> However, a moment later he seemed to have qualified his own words, perhaps unconsciously. His country acted, he said, on experience gained in the "not very remote events recorded in its own history." The lesson of Texas, he thought, had made Mexico "more cautious and far-seeing in the future" in allowing foreigners to colonize in the mother country.<sup>21</sup>

The cases were very different, Evarts, Secretary of State, declared:

The United States did not expect that Mexico will again make extensive grants of land within its jurisdiction to be colonized by the citizens of the United States. Mexico had a perfect right to exercise its discretion upon that point. This, however, should not extend so far as to exclude the citizens of Texas from acquiring real estate in the border states of that Republic. This exclusion is believed to be both impolitic and unjust, for it cannot fail to cause an irritation which sooner or later, might lead to other than peaceable causes to make such acquisitions.<sup>22</sup>

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<sup>20</sup>Gregg, op. cit., p. 122.

<sup>21</sup>Ibid., p. 123.

<sup>22</sup>Evarts to Foster, June 23, 1879, Instructions MSS., XX, cited in Gregg, op. cit., p. 123.

President Hayes in his Third Annual Message to Congress on December 1, 1879, stated:

The third installment of the award against Mexico under the Claims Commission of July 4, 1868, was duly paid, and has been put in course of distribution in pursuance of the act of Congress providing for the same. This satisfactory situation between the two countries leads me to anticipate an expansion of our trade with Mexico and an increased contribution of capital and industry by our people to the development of the great resources of that country. I earnestly commend to the wisdom of Congress the provision of suitable legislation looking to this result.<sup>23</sup>

Cases arose where Mexico was the plaintiff, and it is not fair to proceed without giving some evidence of her difficulties as a result of the presence of American capital in her country. In 1865 a large mining corporation, La Abra Silver Mining Company, organized in New York, had opened a mine in Mexico with prospects of a large output. The work did not proceed as well as it was anticipated, and in 1875 the mine was closed. The managers brought claims against the Mexican government for the failure, alleging that attacks of bandits and Indians so hindered the employees that they would not work, injured the machinery, and made the output of the ore from the mine a dangerous undertaking. The claims were referred to an arbitrator, who made the award of \$683,041.30 to the company. At the same time the claim of Benjamin Weil had arisen. Weil claimed to have

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<sup>23</sup>James D. Richardson, A Compilation of the Messages and Papers of the Presidents, VII, 569.

had stolen from him an enormous consignment of cotton which he was carrying from Texas into Mexico. The evidence was faulty, since no papers could be produced to prove that so large a consignment had been sold to Weil or had passed through the custom house on the road. The arbitrator allowed the claim, however, and Mexico accepted the award in both cases.<sup>24</sup>

This took place in 1875. In 1876 the Mexican government attempted to reopen the question, but was refused a rehearing. Soon after she began to pay the awards in annual installments to the United States government. No convention had been made in 1875 by which the methods and terms of the distribution of the money was agreed upon. While the bill for this purpose was pending in Congress, the Mexican government notified the Secretary of State that evidence, not within its knowledge or control before, which would establish the fraudulent nature of the awards made to the La Abra Mining Company and Benjamin Weil was at hand. This evidence was presented to the Department of State, Congress determined upon a reexamination of the cases, and the President was authorized to cease payment. The committee appointed was not willing, however, that the decision be reversed, and, though a bill authorized further investigation, the President was directed to continue payment.

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<sup>24</sup>Relyea, op. cit., p. 58.



Mexico then notified the United States that she would inaugurate proceedings in equity in the United States courts. Evarts regarded this course as a contravention of the articles of the convention and of ordinary diplomatic procedure, and his note on the subject caused Mexico to abandon the case. It was not until 1888 that a rehearing was determined upon and the evidence gone over with care. The testimony showed conclusively that the claims in both cases were fraudulent, that the company had been bankrupt before the closing of the mines, and that there had been no forced abandonment of the mines. The award was reversed and Mexico notified the United States that installments should cease while the amount paid was refunded.<sup>25</sup> The United States had thus proved the sincerity of her amity toward Mexico by administering justice in a difficult situation. This contrasted unfavorably with Mexico's own treatment of American cases, though she professed the same sincerity.

On January 30, 1875, Mariscal, Mexican Minister at Washington, in a note to Fish, who was then Secretary of State, made representations concerning the lynching, by hanging, of seven Mexican shepherds on November 28, 1873, on a ranch owned by a Mexican near Nueces, Texas.<sup>26</sup> No

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<sup>25</sup>Ibid., p. 59.

<sup>26</sup>John Bassett Moore, A Digest of International Law, VI, 787.

coroner's inquest, said Mariscal, was held until December 5, 1873, the delay being due, as was alleged, to an Indian invasion; no blame was by the inquest fixed upon anyone, and, although the crime had evidently been committed by many persons and must have left many vestiges, it had been said that there was no means of discovering the murderers. It was alleged by Mariscal that landowners and other residents of Texas were in various places organized for the purpose of killing shepherds, who were accused of stealing and skinning cattle in order to sell their hides, and that the victims of this system were usually Mexicans who were made the scapegoats of the criminals. The Mexican consuls at Brownsville and San Antonio had earnestly solicited the proper officers of justice in Texas to investigate and punish the killing of the shepherds in question, but nothing serious in that direction seemed to have been done; and it was suggested by Mariscal that the authorities were for one reason or another indisposed to take such action.<sup>27</sup>

Mariscal, later, on March 9, stated that he concurred in the principle that a government was not answerable in pecuniary damages for murder of individuals by other individuals within its jurisdiction, but that the ground on which he alleged liability in the present case was the "denial of justice, or rather the lack of its administration."

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<sup>27</sup> Ibid., p. 788.

The authorities, as he maintained, had been altogether too negligent; nothing had been done even to save appearances. Although the families of the murdered men, who resided in a foreign country, had made no sworn complaint, it was the duty of the authorities to investigate a fact so well known as that of the murder of the shepherds in question, which had been published and commented upon by the newspapers; but weeks and months had passed and nothing was done.<sup>28</sup>

In reply Secretary of State Fish said:

Murder, in this country, can only be prosecuted upon information, under oath as to the fact and as to the perpetrators. This Department is not aware that there has been any such information in this case. Had there been, and had the proper authorities then refused or neglected to prosecute the offenders, there would have been ground for the charge that there had been a denial of justice. At present there has been no such denial, as there has been no application in that shape only in which it can legally be entertained.<sup>29</sup>

Mariscal, in a note of April, declared that he was unable to subscribe to this conclusion, in view of the fact that there had been an absolute neglect on the part of the authorities to examine into the case. Mariscal observed that if the public authorities were under no obligation to take measures for the detention of a murderer, crime would often go unpunished, especially in the case of a foreigner, who would leave no relatives or friends behind willing to

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<sup>28</sup> Ibid., p. 789.

<sup>29</sup> Ibid.

undertake the task of furnishing evidence in regard to the crime; and that the difficulty would be greatly increased in a country in which a prejudice prevailed against a certain class of foreigners, such as had been manifested in Texas against Mexicans. The case was revived by Romero, Mexican Minister at Washington, in a note of July 17, 1888, in response to which Thomas Bayard, Secretary of State, on August 13, 1888, declared that the position taken by the Department of State in 1875 was still believed to be sound in international law.<sup>30</sup>

In June, 1880, Secretary Evarts encountered, in a letter of May 10, 1880, from the governor of Texas, a new source of Texas complaint--a charge of the impressment of American citizens, Texans, in Mexican military service, and the requirement that they could be released only by application of the Mexican courts. In October and November the impressment question reached a critical stage. On October 27, Morgan, United States Minister to Mexico, in accord with his instructions from Washington, demanded the immediate release of several Texas citizens of Mexican names who had been impressed into the Mexican army, and he requested a reasonable pecuniary indemnity for their detention and also measures to prevent such impressments in the future. To the response of Fernandez, acting in place of Mariscal,

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<sup>30</sup>Ibid., p. 790.

that the courts of Mexico were open to such complaints, he replied, protesting against the doctrine that release from unlawful duress could be obtained only by the ordinary process of law. He declared the case, involving the comity of nations and fulfillment of treaty obligations, was one which necessitated diplomatic intervention.<sup>31</sup>

Forcing accused and imprisoned aliens to labor pending trial is clearly a contravention of international law. In remonstrating against the action of the Mexican authorities in the case of two Texans, who, while imprisoned at Piedras Negras on a charge of crime, of which they were afterwards acquitted, were compelled to labor on the public highways until the court, on the protest of the American consul, relieved them, the Department of State said:

The deprivation of liberty following upon a charge of crime is allowed, because, without it, the punishment of criminals would be impracticable, although in many cases the innocent may thus be made to suffer unjustly. The exaction of labor rests on a wholly different ground. It is essentially a penalty, just as the imposition of a pecuniary fine; and it is understood that this distinction is clearly laid down in the Mexican law.<sup>32</sup>

On the Rio Grande boundary, in 1884, arose several incidents which eventually resulted in a boundary-line treaty. In April, Frelinghuysen, Secretary of State,

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<sup>31</sup>James Morton Callahan, American Foreign Policy in Mexican Relations, p. 404.

<sup>32</sup>Mr. Blaine, Secretary of State, to Mr. Dougherty, Charge, No. 423, December 29, 1890, MS. Inst. Mexico, XXII, 687, cited in Desvernine, op. cit., p. 84.

presented the American claim to jurisdiction over the island of Morteritos, one of the Rio Grande frontier islands on which Texas citizens complained that Mexican customs officers had recently seized their cattle. In July, Frelinghuysen, reporting the failure of Congress to make an appropriation for the re-survey of the boundary line, stated that a request for an appropriation would be presented at the next session in time to authorize the completion of the work within the time fixed by the convention. At the same time, he instructed Morgan, American representative in Mexico, to ask for the withdrawal of the Mexican claim to Morteritos Island in the Rio Grande, which according to the original survey belonged to the United States, and informed him that after the adjustment of this dispute the American government would consider the proposed convention to settle the ownership of other islands on the Rio Grande. On August 14, 1884, Frelinghuysen sent another additional instruction to press for the settlement of claims of American citizens against Mexico for the value of cattle seized by Mexican customs officials on the Rio Grande islands, preferring to allow reference of the claims to Mexican courts. By October 16, he was able to announce the Mexican renunciation of the claim to Morteritos, although without adjustment of American claims for cattle seized there by Mexican officials, and at the same time he considered favorably the renewed

request of the Mexican minister at Washington for a proposed convention for adjustment of the boundary made doubtful by changes in the bed of the Rio Grande.<sup>33</sup>

On May 19, 1884, a party of border thieves from the Mexican side of the Rio Grande had collected twelve small boats at a point in that river and were using them in transporting to Mexico cattle which they had stolen in Texas, when various residents of Texas from whom the cattle had been stolen collected in force and attacked the thieves. They destroyed all the boats on the Texas bank of the river except one belonging to a Mexican named Uresti; in this boat the marauders made their escape to the Mexican shore. A Texan then swam the river, and, seizing the boat on the Mexican side, pulled it out into the stream and scuttled it. This act, which was complained of as a violation of Mexican jurisdiction, was justified by the United States as a spontaneous effort of private citizens of Texas in defense of their property, in which no officer of the United States, either federal or state, had any part. The United States took the ground that the complainants, if they desired redress, should seek it through the judicial tribunals against private individuals concerned in the transaction.<sup>34</sup>

The "Rebecca," an American schooner, cleared at Morgan

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<sup>33</sup>Callahan, op. cit., p. 418.

<sup>34</sup>Moore, op. cit., p. 662.

City, Louisiana, on January 30, 1884, with a cargo of lumber for Tampico, Mexico. It had aboard also six cases of merchandise to be left on the way at Brazos Santiago, Texas, which were not on the manifest of the cargo for Tampico. While on her voyage and off the bar at Brazos, a storm arose, which increased in violence until the vessel, which was then awaiting a favorable opportunity to enter the port at Brazos, was driven a considerable distance to the southward and so seriously damaged by the storm that the captain, deeming it unsafe to attempt to return to Brazos Santiago, made for the port of Tampico, which he entered with his vessel in a leaking and seriously disabled condition.<sup>35</sup>

When the "Rebecca" began to leak at sea the six cases of merchandise intended to be landed at Brazos Santiago, Texas, which had been reached by the water, were broken open, and the packages, thirty in number, contained in the cases were so stored as to be protected from damage by the sea. On the arrival of the vessel at Tampico, the master immediately noted a protest of distress with the United States consul. On the following day the Mexican custom officials seized the thirty packages in question, which were not on the manifest of cargo for Tampico, on the ground that they had been brought into port in violation of the Mexican law requiring all goods entered in a Mexican port

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<sup>35</sup>Ibid., p. 666.



from a foreign country to be manifested, and arrested the master of the vessel on the charge of attempting to smuggle. This charge was not sustained, and the master was released; but he was subsequently arrested and required to give bond to answer the charge of bringing goods into a Mexican port without proper papers. In due time this charge was heard before the district court for the south and center of Tamaulipas, sitting at Tampico, and it was adjudged by the court that the goods should pay triple duty. The master refused to comply with this sentence, and thereupon the goods and vessel were sold by the order of the court. The United States did not press the case further.<sup>36</sup>

The most important controversy in Secretary of State Bayard's period arose in the case of A. H. Cutting, who was imprisoned at Paso, Mexico, in July, 1886, for the alleged libelous newspaper article, published in Texas, involving the question of the extraterritoriality of penal laws. His release was promptly demanded by telegram from Secretary Bayard, acting through Henry R. Jackson, American representative in Mexico, on the ground that Mexico had no right to hold an American citizen in Mexican courts for an act of publication in Texas. Cutting was released--following the abandonment of the complaint by the Mexican citizen.

On November 1, 1887, Bayard instructed Connery, the

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<sup>36</sup>Ibid., p. 667.

American charge, to reopen discussion of the case, to demand indemnity for Cutting, and to ask for repeal of the Mexican law as to extraterritorial jurisdiction.<sup>37</sup>

Later, President Díaz, in a resumé of his policy and acts in the four years preceding November 30, 1888, stated the reason for the refusal of indemnity in the Cutting case was "so justifiable that the government at Washington did not insist."<sup>38</sup>

On March 2, 1897, the United States and Mexico signed a claims convention called the "Protocol Concerning Claims of Oberlander and Messenger." This was not a mixed claims commission, however, as it provided merely for the selection of an arbitrator.

A convention between the United States and Mexico was signed at Washington on March 24, 1908, and proclaimed on June 29, 1908. This was one of the arbitration treaties contracted by Elihu Root while Secretary of State. Article I of this treaty reads as follows:

Differences which arise whether of a legal nature or relating to the interpretation of the treaties existing between the two contracting parties and which it may not have been possible to settle by diplomacy, in case no other arbitrator should have been agreed upon, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of July 29, 1899, provided that they do not affect the vital interest, independence, or the honor of either

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<sup>37</sup> Callahan, op. cit., p. 426.

<sup>38</sup> Ibid., p. 427.

of the contracting parties and do not prejudice the interests of a third party.<sup>39</sup>

The Convention of 1908, quoted above, was still binding on Mexico and the United States in 1921, but its wording permitted the establishment of a mixed claims convention.

The thirty-five years of the Díaz regime represented a period of tranquility in Mexico under a government which exhibited marked hospitality to foreign capital. From time to time claims of American citizens were presented, but these were either disposed of through diplomatic channels or permitted to stagnate in Foreign Office files. No further attempt was made to conclude a claims convention until the Díaz regime was brought to an end by the Madero revolt in 1910.<sup>40</sup>

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<sup>39</sup> Republished as Senate Document No. 654, 62nd Congress, Second Session, p. 3., cited by Desvernine, op. cit., p. 38.

<sup>40</sup> Feller, op. cit., p. 7.

## CHAPTER IV

### RAILROADS OF TEXAS AS A CONNECTING LINK BETWEEN THE UNITED STATES AND MEXICO

The fact that any certain district or country may be fertile in soil or possessed in other great natural wealth is not sufficient. Until transportation is provided, this potential wealth must remain practically unproductive and of little value.

The truth of the foregoing statements has never been better illustrated than in the case of Mexico. A country of great fertility and of vast natural resources, her lack of interior and exterior means of transportation had kept her, previous to 1876, in a most primitive state so far as commercial development and prosperity are concerned. Up to that time one single line of railway, 264 miles in length, connected the port of Vera Cruz with the capital city, and this was then the sum total of railroad development. Mexico, being a land without adequate inland waterways, must depend for her internal transportation in bulk almost exclusively upon her railroads.<sup>1</sup>

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<sup>1</sup>George H. Blakeslee, Mexico and the Caribbean, p. 73.

Humbolt called Mexico a "beggar sitting on a bag of gold," and Cecil Rhodes expressed the same idea more politely by saying that "Mexico is the treasure house from which will come the gold, silver, copper and precious stones that will build the empire of tomorrow and make the future cities of the world veritable Jerusalems."<sup>2</sup>

Commerce is the lifeblood of governments. Without it public revenues and public works are impossible. Through all of Mexico's history as a colony and through much of her independent existence this truism was not appreciated. Through practically the entire colonial period the mother country sought to stifle the economic development of the great region to which it had given its name, or at least to confine it to such narrow, prescribed channels that no commerce could develop proportionate to the great latent possibilities of the territory.

During the period before the Díaz regime the conflict between those who wanted the building of railroads and those who did not was largely theoretical, for the railroad enterprise, with the exception of the line to Vera Cruz, was practically unknown. The poverty and disorder, which had so long characterized the country, made capital still reluctant to invest. The establishment of what appeared to be a lasting peace gradually dispelled this fear, and

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<sup>2</sup>Harvey P. Middleton, Railroads in Thirty Nations, p. 251.

capitalists in the United States began to look more favorably on Mexican railway projects, but they showed a disposition not to invest their money "unless the protection of the United States Government, by some treaty stipulation or other convention, goes with it." At the same time the less confident Mexicans stiffened their opposition to railway enterprise and especially American railway enterprise.<sup>3</sup>

Railway building in itself, it was recognized, was desirable, but railways to the northern border would destroy the natural defense of the republic. Although bills introduced in the Mexican Congress included provision to the effect that the property of the railroads could never be made the subject of international claims, the fear of closer neighborhood with the United States was so great that the projects met repeated defeat.<sup>4</sup>

The desirability of rail connection with the United States was finally recognized in the 1870's, but President Lerdo de Tejada, at that time the Mexican executive, did not favor the project, regarding it as a strategic menace to the safety of his country. He did, however, grant charters for lines to the interior of the republic from its capital, which would not, however, extend to the frontier.<sup>5</sup>

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<sup>3</sup>Chester Lloyd Jones, Mexico and Its Reconstruction, p. 163.

<sup>4</sup>Ibid.

<sup>5</sup>Blakeslee, op. cit., p. 76.

But it was President Porfirio Díaz, Lerdo's successor, who realized that a treasure house was not of much value unless one could open it, and that the gold and silver and oil hidden in the mountains and dense jungles would be of little use to the nation until transportation was provided. And so he offered rich rewards in the form of liberal concessions and general subsidies to foreign capitalists who would undertake the building of railways.<sup>6</sup>

As a result of this policy it was not long before the region in question was traversed by extensive systems of railroads which added incalculably to its commercial prosperity. Particular attention was given to the construction of lines covering the northern and central plateaus, at that time the best developed and most productive portions of Mexico. To this richest undeveloped country of the world came promoters and engineers, American and European.

While the governments of Mexico and the United States were wrangling over border disorders, formal guaranties to vested interests and commercial concessions, hardy American pioneers were crossing the Rio Grande in ever increasing numbers. And when they reached Mexico they usually found the officials of the central government cordial and obliging. If they sought railway concessions they soon procured

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<sup>6</sup>Middleton, op. cit., p. 251.

them. If they desired exemption from duties during the initial stages of the new enterprise this favor was not long denied. Citizens of the United States soon found it possible to evade the Mexican law which forbade them to purchase real estate on the frontier. They were no longer troubled with forced loans; and if they complained of unjust treatment by the Mexican courts, Díaz is said eventually to have interfered in their behalf even here. It may be that they were granted other favors either by Díaz or by the counsellors of the dictator who, according to rumors, were not averse to lining their pockets with "Yankee gold."<sup>7</sup>

During Díaz's first years of control in Mexican affairs, he secured control of capital and he declared null railway contracts which had been made by his predecessor, Lerdo de Tejada. Díaz, however, had made a contract for a railroad from Mexico City to the Pacific and another to the frontier of the United States in Texas, in order to have complete control of all contracts.<sup>8</sup>

By the end of Díaz's first term in 1880 the mileage had increased to 674. His successor, Manuel Gonzales, followed out the Díaz policy of encouraging foreign investments

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<sup>7</sup>James Fred Rippey, The United States and Mexico, p. 311.

<sup>8</sup>Jones, op. cit., p. 166.



in the building of railways during all of his term from 1880 to 1884, and in that time there were more lines of railway built in Mexico than in any other Latin-American country. Then began the long period of the second Díaz administration during which railway construction, encouraged by generous concessions and subsidies, was undertaken at a very high rate of speed.

With more promise of success, an American deputation was sent to Mexico to investigate commercial relations. Its report stated:

We have found everywhere only the most cordial feelings and an unbounded hospitality on the part of the Mexican people, and an unanimous desire for commercial relations with the United States. We have observed no special insecurity to either persons or property, or any opposition of class to internal improvements or development of trade with the United States. We have especially noted an earnest desire on the part of the public men of Mexico for increase of railroad communication between the two nations, and are of the opinion that the United States government should encourage the sentiment which actuates the leading men of Mexico--which is manifestly a desire to cultivate the most friendly relation between the governments, thus uniting them in trade and interest, hereby increasing the strength of both.<sup>9</sup>

By 1878 the Mexican Congress came to realize that the advantages of rail connections with the United States overbalanced the attendant dangers. The prejudice was largely removed in the first term of the dictator, Díaz, and in

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<sup>9</sup>Pauline Safford Relyea, Diplomatic Relations between the United States and Mexico under Porfirio Díaz, 1876-1910, p. 35, citing New York Times, February 13, 1879.

September, 1880, the Mexican Central Railroad and the Mexican National Railroad received permission to build from Mexico City lines to the Rio Grande border.<sup>10</sup> Thereafter the building of Mexican railroads was carried on practically without interruption to the end of Díaz's regime.

The new policy of Díaz and Gonzales, who were able to obtain approval of the Mexican Congress for several concessions to American railway companies, attracted American capital and enterprise--although the policy was disapproved by opposition journals, which predicted that the American companies would involve the government in disputes which would furnish pretext for American aggression and annexation.

The principal lines, three in number, were built in the eighties. They were: The Mexican Central Railway, connecting Mexico City with El Paso, Texas, as its main trunk; the Mexican International Railroad, running from the city of Durango to Eagle Pass, Texas, via Torreon; and the old Mexican National Railroad, the shortest route from Mexico City to the United States border, via San Luis Potosi, Saltillo, and Monterrey to Laredo, Texas.<sup>11</sup>

The way for the railway invasion of Mexico in the year of 1879 was prepared by rapid extension of American railway lines to the Mexican border in the early eighties.

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<sup>10</sup>Jones, op. cit., p.168.

<sup>11</sup>Blakeslee, op. cit., p. 76.

The Southern Pacific in 1881 was extended to Deming and El Paso. The Atchison, Topeka, and Santa Fe established a line in 1881 from Rincon, New Mexico, to El Paso, Texas. In 1882, the International and Great Northern, which had extended to Austin in 1876 by consolidation of two earlier lines and had been purchased by the Missouri, Kansas, and Texas in 1881, was completed to Laredo, Texas, to which also a narrow gauge, the Texas Mexican, was opened from Corpus Christi. In 1883 the Galveston, Houston, and San Antonio was connected with the Southern Pacific and completed a branch to Eagle Pass, Texas. Several years later, in 1890, the Rock Island and Pacific was completed to El Paso, Texas.<sup>12</sup>

In 1880, under new concessions, the first actual American railway construction in Mexico was begun. The Atchison, Topeka, and Santa Fe interests in 1879, utilizing the Blair concession from Guaymas to El Paso with a branch to the Arizona border, incorporated the Sonora Railway Company, which obtained a subsidy contract with Díaz in September, 1880, and at Guaymas in the same year began the first American railway in Mexico.

Construction was begun opposite Eagle Pass following the completion of the Galveston, Houston, and San Antonio to that point in 1883, and tracks were laid to Monclova in

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<sup>12</sup>John Morton Callahan, American Foreign Policy in Mexican Relations, pp. 488-489.

January, 1884, but further extension was slow, reaching Torreon in 1888, Durango in 1892, and Tepehaunas in 1902. Meanwhile, the Southern Pacific Railway Company undertook to construct a railroad through Mexico from the Rio Grande --the Mexican International Railroad, which was later put into operation from Ciudad Porfirio Díaz to Durango in 1892, forming a connection with the Southern Pacific Railroad at Eagle Pass, Texas.<sup>13</sup>

In 1883 a Commercial Reciprocity Convention was agreed upon. This convention stated:

The United States of America and the United States of Mexico, equally animated by the desire to strengthen and perpetuate the friendly relations happily existing between them, and to establish such commercial intercourse between them as shall encourage and develop trade, and good will between their respective citizens, have resolved to enter into a commercial convention.<sup>14</sup>

From this beginning follow liberal schedules of free imports into each country of the more important exports of the other country. Mexico imported from the United States free manufactured goods, machinery, iron and steel, of which she stood in the greatest need for her own development. By this Díaz hoped to prove the value of his policy.

By 1884, Mexican railways had increased to 3,682 miles, chiefly American, beginning a period of awakening and of marvelous transformation of wild woods and deserts. The

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<sup>13</sup>Ibid., p. 491.

<sup>14</sup>United States Statutes at Large, XXII, 934, cited by Relyea, op. cit., p. 45.

Mexican National Railroad was in the process of a change from a narrow gauge to a broad gauge, the work of transition having been completed from the capital to Saltillo. Construction was in progress on the Kansas City, Mexico, and Oriental Railroad, the proposed shortest line to the Pacific, with plans to enter Mexico at Presidio del Norte, Texas, and then follow a route by Chihuahua to the Pacific coast at Topolobampo, "Port Stillwell." At Ciudad Porfirio Díaz, now Piedras Negras, on the Rio Grande, one of the principal gateways to Mexico, opposite Eagle Pass, Texas, the Mexican International Railway connected with the Southern Pacific.<sup>15</sup>

The interest in Mexico as a commercial future for the United States was so new that it is impossible to discover how great were the actual investments in Mexico. Under the direct encouragement of the Mexican government they were rapidly increasing in every direction. American influence was being systematically exerted to develop better trade relations. It was too soon to determine what influence the building up of trade and the introduction of American capital on a greater scale would bring to bear on the betterment of the international relations between the two countries, but it was believed that greater economic interdependence would lead to better understanding and a closer feeling of amity which would react favorably on the relations

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<sup>15</sup>Callahan, op. cit., pp. 492-511.

of Mexico and the United States, especially when all was in direct accordance with a preconceived governmental policy. For this reason economic growth may not be overlooked, though it is difficult to know how great a part Americans played in it and what influence it was to bring to bear on the improvement of relations.

During the period of 1890 to 1900 the economic prosperity and the introduction of American capital continued. The American and Mexican merchants had formed an association for the improvement of trade relations. But the McKinley tariff of 1890 tied the hands of the United States against making a more favorable reciprocity treaty with Mexico, since it practically restricted the free list of coffee, sugar, and hides, the last of which alone was an important import from Mexico. Both American and Mexican merchants were anxious, however, to build up greater trade and were actively engaged in promoting reciprocity on the basis of the new tariff. Díaz thoroughly approved their efforts and the movement was not without practical results. In 1898 a report of the Commission of Manufacturers' Association stated that "ten years ago our sales in that country amounted to less than \$8,000,000 annually. Last year we sent \$23,000,000 across the border."<sup>16</sup> Up to 1900 commercial intercourse with Mexico continued to thrive, and

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<sup>16</sup>Relyea, op. cit., pp. 66-67.

the two governments neglected no opportunity to foster their mutual interests in all practical ways.

It is timely here to review the tremendous hold which American capital and interests had obtained on Mexico by 1902. There were 40,000 Americans carrying on business in the Mexican Republic. Fifty-six per cent of all Mexico's imports came from the United States; eighty per cent of all her exports went to the United States. In railroad stock Americans held seventy per cent of the total value of all Mexican railroads and had, accordingly, access to every part of Mexico on their own terms. The American stock in the Mexican Central Railroad amounted to \$158,999,979.45, and this was the largest single American interest in Mexico.<sup>17</sup> The railway builders of the United States were first to enter Mexico on a large scale. Almost all of them eventually obtained grants, but most of the construction enterprises were carried forward by three groups, the Santa Fe, the Southern Pacific, and the Denver and Rio Grande. By 1902 American holdings in Mexican railways were valued at well over \$300,000,000.<sup>18</sup>

There were three millions of American money in Mexican real estate. To these investments must be added many small private businesses carried on by Americans or by their

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<sup>17</sup>Ibid., p. 76.

<sup>18</sup>Rippy, op. cit., p. 312.

representatives in Mexico, bringing the total in 1902 up to \$511,465,166.83. In 1909 this amount had doubled to approximately \$1,000,000,000, while the number of American citizens in Mexico had increased to 60,000. In 1909 importations from the United States reached \$31,026,415, while exportations to the United States were \$116,102,285.<sup>19</sup>

By 1905 the railways of Mexico aggregated 10,557 miles, and in 1910, towards the end of the Díaz dictatorship, there were 15,260 miles of railway, which included 3,025 miles of small local lines constructed under state concessions.<sup>20</sup> By the close of Díaz's regime the amount of American holdings in Mexican railways had increased to almost \$650,000,000. Americans had contracted about two-thirds of Mexico's railroads.<sup>21</sup>

Using his strong personal power to the fullest extent, Díaz's chief permanent accomplishments were the establishment of order and the opening up of the natural resources of the country. Secretary Foster said that:

Díaz gave the Country a long era of peace and order. He forced the Mexican Congress to grant liberal concessions for railroads connecting with the United States. He established protection and security to life and property. He restored public confidence. He brought about a great development

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<sup>19</sup>Relyea, op. cit., p. 254.

<sup>20</sup>Middleton, op. cit., p. 254.

<sup>21</sup>Rippy, op. cit., p. 312.



of the resources of the country. Under his regime, commerce, internal and foreign, flourished beyond the dream of the most hopeful.<sup>22</sup>

Whether or not the people of Mexico generally benefited by this Díaz regime is doubtful. At any rate the fact remains that Mexico, a poor country, found itself in the shadow of a rich and powerful neighbor. Díaz opened the flood gates, with the railroad builders as the first to respond. When Díaz was first recognized the foreign trade of Mexico was small and chiefly with Europe, the small volume of trade with the United States being due mainly in all probability to lack of communication.

The advance of American trade and business interests was not entirely without opposition. From 1900 to 1910 was not a period which manifested the same steady development in better relations as had been apparent before. Many Mexicans were jealous of American capital, not because of the development which it brought to Mexico, but because of the influences which they feared Americans would secure in Mexican politics.

It was not only the increase of American interests in Mexico that caused the fear of the United States. It was also because Díaz himself was no longer able to support his policy as he had in the earlier periods of his administration

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<sup>22</sup> Foster to Evarts, December 27, 1879, United States Foreign Relations, 1880-1881, p. 116, cited by Gregg, op. cit., p. 133.

and, like most despots, he had trained no successor. He was now an old man, less able to provide for the problems of a new industrial era than he would have been ten years before, and with no plans that compassed the new difficulties. At last, old and tired, Díaz relaxed his former strong grip and his regime was overthrown.

Texas as a railroad connecting link between the United States and Mexico has thereby profited in a broad sense. In order to make its position in this development more definite and specific, three gateways to Mexico through Texas will be considered. It is through these that both the United States and Mexico have been brought closer together and have profited.

El Paso is one of the main gateways to Mexico, and it is the natural outlet for that republic for several hundred miles south of the border.<sup>23</sup> El Paso is the lowest natural pass in that region of deserts and mountains where the westernmost tip of Texas touches the borders of Mexico. A city has stood by "the Pass" since the conquerors first tried to get through it, about two and one-half centuries ago, and since that time the trails of conquest, adventure, and commerce, blazed by the people of four nations, have met

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<sup>23</sup>Nevin O. Winter, Texas the Marvellous, p. 153.

and crossed at that point, leaving a curious heritage of cultures.<sup>24</sup> The city's international tone is evident everywhere on the streets, which bear English and Spanish names, and where fluent Spanish is spoken by Texans as well as Mexicans. About sixty per cent of the residents are of Mexican blood.

El Paso was incorporated in 1873, when the population consisted of twenty-three Anglo-Americans and one hundred fifty Mexicans. The coming of railroads meant even more to isolated El Paso than to other communities. The Southern Pacific reached El Paso on May 19, 1881, and pushed on down the Middle Valley of the Rio Grande. Meanwhile, the Santa Fe built down the valley of the Rio Grande, arriving at El Paso on June 11 of the same year. The Texas and Pacific finally reached Sierra Blanca near El Paso, on January 1, 1892, to make connection with the Southern Pacific at that point, from where it continued westward over the tracks of the latter road. At about the same time the Mexican Central was completed between Juárez and Mexico City. With the abdication of Porfirio Díaz, refugees from Chihuahua poured into El Paso to escape the revenge of the rebels, and many remained.<sup>25</sup>

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<sup>24</sup>Compiled by the Workers of the Writer's Program of the Works Projects Administration in the State of Texas, Texas, A Guide to the Lone Star State, p. 243. Hereafter this reference will be cited as "Writers' Program, Texas."

<sup>25</sup>Ibid., pp. 246-247.

El Paso holds a strategic position as a port of entry, being the largest city on the Texas-Mexico border, and across the river from the largest city in northern Mexico. The city is the local base for American firms and individuals operating in Mexico. Friendly relations having been established, El Paso gives every promise of becoming one of our country's ports of ingress. El Paso has an ever increasing trade with Mexico, a trade of importance to the entire United States.<sup>26</sup>

Juárez, State of Chihuahua, Mexico, the ancient El Paso del Norte from which the Texas city derived its name, has an important import and export trade and is a tourist amusement resort. Twice Juárez has assumed national importance. In 1865 President Benito Juárez, reformer and national hero, defeated by 30,000 French troops of Maximilian, retired to El Paso del Norte, where he continued to maintain his "capital" in the face of French occupation. In 1888 the town's name was changed to Juárez in his honor. During the Díaz-Madero struggle, the Battle of Juárez and its fall climaxed the seven-month revolt of Madero. During this battle many bullets fell on the streets of El Paso and several residents were killed. A large part of Juárez was destroyed by shells and fire. This battle ended the

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<sup>26</sup> Otho Raymond Plummer, The Book of Texas, p. 235.

dictatorship of Díaz and marked the beginning of the Mexico of today.<sup>27</sup>

In 1767, the city of Laredo was founded and a liberal charter adopted for its government. The year of 1780 found a prosperous village here with a population of several thousand people. Laredo, then a part of Mexico, became Laredo, Texas, with Texas gaining her independence. Laredo was incorporated under the laws of the State of Texas in January, 1852.

In the early part of the year 1881, the Texas-Mexican railroad was extended to Laredo from Corpus Christi, while in the latter part of the same year the International and Great Northern road entered Laredo from San Antonio. American families in large numbers began to pour into the city with the entrance of railroads. The export and import trade and general trading with Mexico became an important factor in the commercial life of Laredo.<sup>28</sup> Among Laredo's principal imports from across the border are grain, cottonseed, vegetables, and other raw products. The principal exports are mining and agricultural machinery, and large quantities of shoes and clothing.

The modern city, grown from a small Spanish settlement, everywhere gives evidence of its Mexican influence, both

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<sup>27</sup>Writers' Program, Texas, p. 256.

<sup>28</sup>Times Job Department, "Laredo," Laredo Times, 1925, pp. 1-3.

past and present. The international tone of the city is manifest everywhere. Display signs, placards, and window posters printed in Spanish are seen more often than those in English. During the annual Washington's Birthday celebration, Nuevo Laredo, across the border, participates, and both cities are crowded with visitors. Side by side march the Spanish-Mexican, the Indian, the Latin- and Anglo-American in parades. The elements play equal parts in a three-day whirl of gayety. Nuevo Laredo supplies no small part in the entertainment, the feature of which is the bull-fights.

Nuevo Laredo, State of Tamaulipas, Mexico, across the Rio Grande from Laredo, has several small plazas, large casinos and cafes, and numerous curio shops along its main streets. The curio shops and sidewalks, extending south of the International Foot Bridge, display Mexican curios, including an excellent assortment of earthenware, baskets, sombreros, sarapes, and other native handiwork. These shops are open day and night. Most frequently heard is the subdued strumming of guitars and the songs of wandering troubadours who gather at street corners, in cafes, and in the shadows of the market to sing the folk songs of old Mexico.<sup>29</sup> The building of the National Railroad Lines, from Nuevo Laredo toward Mexico City, has also added stimulus to Laredo.

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<sup>29</sup>Writers' Program, Texas, op. cit., p. 313.

Proceeding down the Rio Grande towards its mouth from Laredo, there are no towns of great importance until Brownsville is reached.

Brownsville came into existence with the openings of the Mexican War. In the beginning it was merely an unnamed group of hastily built shacks sprawled under the protection of Fort Brown. The fort was established in 1846, and was first named Fort Taylor, in honor of General Zachary Taylor, commander of the army of the Rio Grande in the Mexican War. General Taylor's troops were engaged in construction for more than a month, and although a Mexican force occupied Matamoros, across the river, there were no hostilities beyond a few skirmishes between outposts and scouting parties.

Soon after the fort was completed, however, the Mexican army crossed the Rio Grande several miles downstream, with the evident intention of cutting the American line of communication between the fort and its seaport base of supplies at Port Isabel. General Taylor immediately moved toward Port Isabel, leaving only a small force under the command of Major Jacob Brown to defend the new fort. General Taylor collected his supplies at Port Isabel and had equipped a train to return to Fort Taylor when a Texas Ranger brought word that a Mexican army had attacked the fort in force. Major Brown asked for reinforcements and General Taylor immediately moved his entire army to his relief.

About noon the next day, May 8, 1846, Taylor found himself confronting a superior Mexican force at Palo Alto, nine miles northeast of his objective. Taylor gave battle in the first major engagement of the war, and drove the Mexicans from the field. Resuming his advance at daybreak, Taylor was again confronted by a Mexican army, a little more than three miles north of Fort Taylor, and there was fought the Battle of Resaca de la Palma, where a swiftly executed cavalry charge and an infantry flank movement sent the enemy flying across the river in disorder.

Arriving at the fort, General Taylor found that the detachment had been successful in defense, but that Major Brown had been fatally wounded. On the death of the major an order from General Taylor changed the name of the post to Fort Brown, in Major Brown's honor.

While General Taylor was organizing his forces for the advance against Monterey (now spelled Monterrey), merchants and settlers were rapidly opening establishments outside the reservation. After the war, in 1848, Charles Stillman founded the town of Brownsville, and that same year he and a few associates bought the small steamboats which General Taylor had used for the transportation of troops and military supplies, thus initiating the river traffic that played such an important part in the history of Brownsville and the Rio Grande Valley from 1848 to 1872.



In 1849 and 1850 the straggling village received another boost. Westbound gold seekers landed at Port Isabel in increasing numbers and converged on Brownsville, where they outfitted for the long journey up the Rio Grande and across the mountains of northern Mexico to the gold fields in California. Thousands thronged the town, awaiting transportation on the little river steamers that would take them to the head of navigation. Some, seeing greater possibilities nearer at hand than in California, remained and became pioneer citizens. It was Brownsville's first boom, and the town prospered.

From 1850 to 1861 Brownsville served as a distributing center for a vast area of developing cattle country. Ranches in the region were large and their thousands of cattle roamed the open range. Cattle thieves and other outlaws were numerous, and there were many bloody conflicts between ranchers and gentry of the brush. Yet trade was brisk, and boats crowded the Rio Grande bearing cargos of supplies to landing stations maintained by the ranches along the river's winding banks. It was during this period that Charles Stillman laid the foundation of what later became, under his son, James, one of the greatest fortunes and banking houses in America. It was Stillman and his associates who laid out the town site of Brownsville.

From 1859 to 1860 gave rise to an unsavory practice of

favoritism on the part of various Texas politicians, which resulted in some instances in the loss of property among Mexican landholders north of the Rio Grande. Rebellion burst forth when Juan Nepomuceno Cortinas rallied a Mexican force that swept into Brownsville in a surprise raid, captured the city and held it in September, 1859. After his departure Cortinas figured in numerous dramatic episodes, until a combined force of Texas Rangers and Federal troops drove him back into Mexico.

During this period Mexico was in constant turmoil, due to political strife, and Brownsville received, with almost equal frequency, the bullets and the refugees of battles between rival Mexican factions in Matamoros. Deserters from the various factions looted both sides of the river impartially, and so great was the disorder that Lieutenant Colonel Robert E. Lee was sent to investigate the situation, spending several months in Brownsville during the inquiry. Following that particular event, Brownsville spent a comparatively quiet interval. It was in Brownsville that Porfirio Díaz planned the initial moves of a campaign that opened with the capture of Matamoros and swept onward in the successful revolution that made him the dictator of Mexico.<sup>30</sup>

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<sup>30</sup>Ibid., pp. 204-207.

Brownsville is also the southern terminus of the St. Louis, Brownsville, and Mexico Railroad, known as the Gulf Coast Lines, connecting with the Mexican National Railway at Matamoros in 1904. It may be stated that Brownsville is opposite Matamoros, Mexico--thus its sobriquet is "Where Mexico meets Uncle Sam." Thus Brownsville helps to keep alive its old heritage, and to cement the friendship that characterizes relations between the people on both sides of the Rio Grande.<sup>31</sup>

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<sup>31</sup>Alfred E. Menn, Texas as It Is Today, p. 63.

## CHAPTER V

### MEXICAN IMMIGRATION INTO TEXAS AND ITS EFFECT UPON TEXAS LABOR

The central fact in immigration is the transfer from one social group to another. In all true immigration this transfer involves the crossing of a political boundary line. But the significance of this political factor may be, and very frequently is, greatly overestimated. In fact, the new political orientation is scarcely more than an incident in the problem that the typical immigrant has to face. He experiences a complete change in his environment, both human and physical, and political institutions form only a minor portion of this environment. It is the environment in its entirety which he has left behind that constitutes the background of the immigrant.<sup>1</sup>

The importance of the question of immigration from Mexico can hardly be overestimated. It has a direct bearing on the general subject of immigration which Congress has been considering for years, and which has not yet been solved. It is tied up with the greatest of all our problems, that of race mingling. It may be, roughly speaking,

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<sup>1</sup>Henry Pratt Fairchild, Immigrant Backgrounds, p. 1.

considered from three angles, economical, racial, and political.<sup>2</sup>

Economically considered, the Mexican immigrant is usually received. Until a very recent time there has been no real protest, for he nearly always went straight to the farms, where his labor was most urgently needed, or into domestic service where clamorous housewives welcomed him in spite of his hopeless inefficiency.

As for the racial and political acceptance, this steady incoming of an alien race, not altogether white, is welcomed by some Americans, tolerated by others, and utterly abhorred by those who look beyond the next cotton crop or the betterment of the railway lines.

A little more than a hundred years ago Texas was a province of Mexico. Colonists both from the United States and from Mexico had settled in Texas. Mexican and Spanish-speaking people are not newcomers in Texas; that is, many of them are not. This fact should be stressed to offset an overemphasis upon the Mexican immigrant. Many people appear to forget the early history of Texas and to visualize immediately the Mexican laborer recently arrived from Mexico whenever the Mexican is mentioned.<sup>3</sup>

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<sup>2</sup>James L. Slayden, Some Observations on Mexican Immigration, Vol. XCIII of Annals of the American Academy, pp. 121-124.

<sup>3</sup>Hershel T. Manuel, The Education of Mexican and Spanish-Speaking Children in Texas, p. 4.

The writer knows no detailed study of the Mexican population of Texas from the standpoint of ethnology. Certainly, the population is a varied one. The colonial history of Mexico and of Texas gives abundant evidence of Spanish elements in the population. The native population of Mexico assures also a strong Indian influence. Professor J. E. Pearce, of the Department of Anthropology of the University of Texas, made the following statement concerning the Mexican immigrant:

The immigration from Mexico to Texas is, for the most part, from the peon element of the northern portions of the central plateau and of the northern coastal plain of Mexico. Probably three-fourths of the immigrants are of pure Indian-blood origin, but have been in peonage and under direct control of the Spanish-whites in Mexico for so long that their old tribal names and affiliations have long since been wiped out. They are, generally speaking, of essentially the same physical type as are the elements in and around the City of Mexico, who have descended from the old Toltex and Aztec populations of that region. A great portion of this early Indian population had been long inured to slavery before the coming of the Spaniards. This accounts for the readiness with which they submitted to slavery or peonage, which amounts to about the same thing, when the Spaniards took possession of their lands and attached them to the soil in imitation of European serfdom.<sup>4</sup>

The Mexican immigrant is thought of as a peon, one of a low class, an illiterate from the centuries of oppression, a shiftless, or else a sly, manstabbing wild man from the lowest Indian ranks. Reports concerning Mexicans during

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<sup>4</sup>Ibid., p. 8. Statement by Pearce, personal interview.

border troubles that have occurred from time to time, reports concerning the depredations of the Indians and their reputation for stealing, "taking everything they can lay their hands on"--such items give the Mexican immigrant an unsavory reputation in the minds of many Americans.<sup>5</sup>

But the aversions for Mexican immigrants do not necessarily become prejudices, because the Mexican, despite his high birth rate and high immigration rate, is not a competitor. He does not tend to displace Texans from anything that they value highly. His docility saves him from having active prejudice aroused against him. However, his "greasy swarthy appearance" stimulates disgust, and his careless or carefree ways of living maintain social distance between him and the Texans. Unfortunately, most Texans judge all Mexicans by the peon immigrant type that comes to the United States and by the lawless raids, reported in the newspapers, of non-representative Mexican bandits in Mexico. Texan newspaper headlines too often create a "banditry" frame to everything Mexican.

A Mexican migrating person is interesting. He is more than flesh and bones, more than clothes, a bundle on his back, and a satchel in his hand--he is a culture medium, and a part of all human life that has preceded him. In one

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<sup>5</sup>Emory S. Bogardus, Immigration and Race Attitudes, p. 20.

sense he is an emigrant, trying to get away from something; from another viewpoint, he is an immigrant, trying to get into new situations. Mexican immigrants are treated as economic commodities because of the work they can do. As long as they remain docile and do not react against untoward conditions, they are tolerated in large numbers. For instance, despite large numbers of Mexicans in the Southwest today, no Americans are particularly disturbed by the presence of these noticeably different peoples. As long as unskilled immigrant laborers remain "in their place," amenable to control, all goes well.

Of the main types of social data, those describing personal experiences are perhaps the most significant. They reveal a person's viewpoint and disclose his cultural backgrounds. They indicate the nature of his personal make-up or personality organization. It is in the cultural backgrounds that a person's reactions to his racial contacts are explained. But these are often very elusive, complex, and lost to research. Their importance, however, remains undiminished. It is in his personal experiences that racial attitudes and opinions have their major setting. Emory S. Bogardus relates his viewpoint thus:

My early schooling helped me to develop my hatred for the Mexicans. I learned that Mexico was a lazy, hot, dirty country. There was no inside plumbing or bathtubs. The favorite occupations were drinking, siesta-ing, and bullfighting. Their exports were Tequila and bad cigars. These people were the same



race that so badly treated our soldiers who tried simply to protect the American interests near the border. The Americans, of course, had no idea of grabbing any land while they were down there and were only interested in fairly judging and settling the various land claims. These were my reasons for being prejudiced against the Mexicans as a race. It should be noted that in all this time I had not come personally in contact with them.

As I grew older, I began to learn how foolish my puerile prejudices were. I came into contact with some Mexicans and found that they were not fiends-in-human-flesh. They were human, charming, and one in particular was quite beautiful. Of course, such a thing as a beautiful woman would not influence my better judgment. Not much, anyhow! I learned some of the truth about the Mexican War and the American wholesale "land-grab." I found that Mexico was not entirely concerned with revolutions and banditry.<sup>6</sup>

Public attention is usually given to racial prejudice rather than to its counterpart, racial goodwill. Pleasing sense impressions lead to one form or another of racial friendliness. The opposite of racial competition, or racial cooperation, does not produce the exact opposite of prejudice, but rather a rationalized form of friendliness or an organized program of helpfulness.

In examining the conditions under which racial friendliness is engendered, one observes certain behavior sequences. As in the case of the personal experiences that lead to racial prejudice, you again find that life patterns are paramount in explaining why some persons react in friendly ways to certain experiences while other persons

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<sup>6</sup> Ibid., pp. 43-45.

do not react at all or perhaps unfavorably to the same type of experience. Both direct and derivative experiences arouse racial good will. Pleasing experiences or pleasing accounts of constructive race relations lead to a friendliness sequence. Again Emory S. Bogardus relates this experience:

An incident which occurred recently after I had studied Spanish, increased my admiration and friendliness toward Mexicans. I was cutting the lawn in front of our home when an old aged Mexican came slowly up the hill. He seemed to be exerting all his energy just to walk. Behind him came a very unhappy-looking dog. He stopped on the walk before me and asked for water. I got the hose and started the water running. He filled his old hat, and to my surprise gave it to his dog before taking a drink himself. As the dog drank I could hear his master mumbling. Gracias a Dios! Gracias a Dios! (Thank God!). There was something about him that attracted me strongly, so I tried to start a conversation. He told about the goodness of his dog, and at last about the strength and eternity of Dios. His attitude, his almost primeval faith, was typical of the Mexican people, and it is a thing of great beauty. I like them because they are a good and friendly people.<sup>7</sup>

Racial feeling between Spanish-Americans and Anglo-Americans does not appear to be a blazing hate, rather a smoldering resentment. One Spanish-American describes it very accurately as indifference. There are four types of racial prejudices: hatred, contempt, indifference, patronage. Any one of these is bad enough. In this case there seems to be a lack of common interest to bind the

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<sup>7</sup> Ibid., pp. 77-83.

Spanish-American and Anglo-American together rather than any ineradicable racial difference. The racial prejudice toward the Spanish-American is generally regarded as quite different from that felt toward the Negro or Oriental, though these races are not much in evidence in the territory occupied by the Spanish-American.<sup>8</sup>

The Mexicans are a transient population, often entering and leaving Texas many times in one year. Most of these immigrants come from the states of the northern plateau or the states of the central plateau. They are employed in the cotton fields, in orchards and in the mines. Most of them are unskilled workers; some are tenant farmers.

The economic factor is the most significant cause of immigration. Mexicans come into this country because they have to endure deplorable working situations and low wages at home. In some regions conditions for farming are difficult. Land is owned by big proprietors. Many have shown their distaste for this situation by emigration; others have interested themselves in revolutionary movements. For some, revolutionary activities have been added causes for migration. Although only a few have left Mexico because of

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<sup>8</sup>Manuel Gamio, Mexican Immigration to the United States, p. 212.

political disturbances, many have remained in Texas to escape the conflict.<sup>9</sup>

Shiftlessness is common among the Mexicans. The American environment affords the Mexicans inadequate stimulation. The Mexican is brought into Texas as an unskilled laborer, works irregularly and seasonally, lives in unhealthy and un-American ways, and after drifting about, may settle in Texas permanently. When the average Texan sees him, the worst effects of his centuries of oppression are evident, and his best qualities are hidden. He is somewhat individualistic, following leaders rather than organizations. He is noted for politeness. He stresses form. He loves art music. He is patient, submissive, and when his confidence is secured, is very loyal.

Many Mexicans enter illegally on a long and poorly guarded border; many return to Mexico for the winter when their seasonal employment is ended. Most Mexicans are extremely poor and move about, following seasonal crops. A vast majority of the Mexicans are unskilled pick-and-shovel workers. Some are share-croppers. A small portion in Texas are artisans and small shopkeepers, live in Mexican quarters in the town, and send their children to Texas schools.<sup>10</sup>

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<sup>9</sup> Lawrence Guy Brown, Immigration, p. 183.

<sup>10</sup> Carl Wittke, We Who Built America, p. 456.

In addition to the foreign-born Mexicans in the United States, practically all of whom have come since 1900, the people of Mexican stock in this country include the descendants of Mexicans who had settled in Texas before it was annexed to the United States. Taken over as American citizens at the time of annexation, these groups have coalesced in a number of regions, especially along the border, and have retained much of their ethnic and linguistic purity. The Mexican-Americans, as they are termed, are relatively large in number and are so important in many sections that much of the public business is conducted in Spanish. Manuel Gamio has said:

Within the United States there exists a vast zone parallel to the boundary line, inhabited by people nominally Americans but really Indo-Spanish or Mexicans, who, although they have adopted American customs and American material civilization, remain racially, sentimentally, and traditionally one with the Mexicans on the other side of the Rio Grande and a part of the whole body of the Indo-Spanish people.<sup>11</sup>

Mexicans have filled the vacuum in the American labor marked by crossing the border to supply the cheap labor which used to come from Europe. The effect of immigration between the United States and Mexico is scarcely known, yet the problem is important and demands the attention of both countries toward its solution. The migratory currents

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<sup>11</sup>Manuel Gamio, Mexican Immigration to the United States, p. 56, cited by Maurice R. Davie, World Immigration, p. 212.

flowing from Mexico to Texas and from Texas to Mexico cannot be considered from a single point of view. Mexican emigration to Texas is made up, mainly, of unskilled labor, a great population turning to Texas for wages better than they can secure in their own country. It is true that many of these immigrants are, in Mexico, skilled laborers, but in Texas, of necessity they become unskilled, because of ignorance of the language, and because of their inability to operate the modern agricultural machinery they are called upon to use.

There are three principal classes of Texas Mexicans. In the older cities and localities, a relatively small group possesses strong traditions of family and culture, usually of Spanish origin. A widespread new middle class, recruited from both the upper and lower strata, have home standards of living and business equal to those of any element. From this group have developed the Leagues of United Latin American Citizens and the League of Loyal Latin American Organizations designed to improve conditions generally among Texas Mexicans, and to foster ideals of American citizenship among Mexicans and amicable relations between the two peoples.

The third social stratum is that of the peon. These Mexicans crowd city slums or live as tenants or hands on farms and ranches. In the cities, this class is often used as the balance of power in machine politics, and unwittingly

is a powerful factor in government. Although there are many Texas-Mexican landowners along the Rio Grande, the vast majority of Mexicans south of the Nueces River exist in a system not unlike medieval feudalism. In handicrafts, such as pottery, the Texas-Mexicans excel, and their influence has been great in music, art, and architecture. Cheap Mexican labor is an important economic factor in agriculture and in the garment manufacturing and other piece-work industry.<sup>12</sup>

In the Mexican population of Texas, then, we are dealing with a varied group--citizens of long standing at one extreme and the newest immigrant at the other; full-blooded whites, full-blooded Indians, and all degrees of mixture. Mexican children in Texas come from homes representing all degrees of economic and social status from the highest to the lowest. The prevailing picture, however, is one of underprivilege--often extreme. Nearly half of the Mexican children in the schools have parents classified as unskilled laborers, and among these the wages are often pitiably low and employment distressingly unsteady. While many Mexicans are regarded with respect and consideration in their own communities, there is a tendency on the part of other whites to treat the Mexicans as socially inferior. The attitude of the Mexicans toward this treatment as inferiors varies from apparent acquiescence to bitter resentment.

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<sup>12</sup>Writers' Program, Texas, p. 88.

In economic and social status, again, we have a varied picture--the Mexican of wealth and high social position and the Mexican of abject poverty, and almost inconceivably low social status, with all degrees of differences in between. Hardman has said that the Mexican population of Texas is divided into three groups:

1. A group of political refugees, found chiefly in San Antonio, an educated, well-to-do group.

2. The Texas-Mexicans, Texanos, living especially along the border, descendants of the original Texas Mexican population and of later settlers.

3. The immigrants, in a large measure casual agricultural laborers.

In Manuel's study he was able to secure information on the occupations of the parents of more than 12,000 Mexican children who were enrolled in the Texas schools. An attempt has been made to separate all persons into three groups:

1. Owner, operator, capitalist, and member of the well-recognized professions.

2. Tenant farmer, skilled laborer, and semi-professional worker.

3. Unskilled laborer.<sup>13</sup>

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<sup>13</sup>Manuel, op. cit., pp. 9-12.



Another investigation refers principally to unskilled labor because the majority of the immigrants fall into that class. Very few of the skilled laborers find work of the same sort which they have done before, and most of them have to begin all over again as unskilled workers. Some of these may become skilled laborers in the course of time. It should be remarked that even then, because of their nationality or for other reasons, they receive wages much lower than American workmen of the same class. Of these laborers, the great majority are not transient, and after some time they may acquire a little land and a home, especially if they live in a small town or a rural district.

The earliest laborers, in what is now Nueces County, were the Mexican vaqueros, herdsmen or cowboys, and pastores, shepherds, tending the cattle and sheep of the ranchers, who came northward from the Rio Grande to the Nueces in the first of the nineteenth century. When Colonel Kinney established Corpus Christi he employed numbers of Mexicans in these capacities and as retainers for defense.

Some farmers of Nueces County and other parts of Texas have been accustomed to send dependable Mexicans to Mexico to recruit others, even, if necessary, giving them money to pay immigration fees. Americans in south Texas have always recognized their dependence on Mexican labor and have long spoken with pride of their ample labor supplies. In 1909 a

Corpus Christi labor agent advertised, "Plenty of labor, I secure Mexicans, any number." Doubtless he could; for in the same year the United States Soil Survey of the Department of Agriculture commented on the "large" supplies of labor available in the region, and also forecasted a great increase in demand.<sup>14</sup>

There are Mexican colonies of recent origin in Austin and San Antonio. Document 120 of the United States Bureau of Labor, Bulletin 78, is a characterization of the labor element, by a trackmaster who has worked various kinds of labor in southern Kansas and by a railroad official:

We have worked Mexicans out of El Paso for several years, and since 1903 have substituted them for Italians, who were disorderly, and for negroes in northern Texas, nearly to Texarkana. They suit us better than any other immigrant labor we can get. They are better than negroes for blasting, laying ties and ordinary track work; but the negroes can beat them laying rails, and will work better long hours or at rush jobs, as in the case of washouts or getting a track around a wreck. Our chief difficulties are due to ignorance of the language and to the rough ways of our foreman, who sometimes frightens the Mexicans so they won't work. Mexicans are not very regular, and we have to carry about fifty men on the payroll to be sure of thirty or thirty-five men working every day.<sup>15</sup>

Transformation of the land from stock range to cotton farm necessitated clearing off the brush and cactus. This

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<sup>14</sup>Paul Schuster Taylor, An American-Mexican Frontier, pp. 100-105.

<sup>15</sup>United States Bureau of Labor, Bulletin 78, p. 477, cited by Robert E. Park and Herbert A. Miller, Old World Traits Transplanted, p. 181.

work was done by Mexican hand labor in Nueces County. The work has customarily been done on contract. In 1909 when extensive clearing was in process, the contract for moving heavy growth was twenty dollars per acre, or even as much as twenty-five dollars. Lighter growth cost less, even as low as five dollars, but the average in Nueces County was nearer twenty dollars.<sup>16</sup>

Throughout south Texas, Mexican, Indian and half-breed, farm labor has been cheap and plentiful, but inferior when compared with labor in the North. In 1906 the usual price per day for ordinary farm work was fifty cents, American money, and one meal. In rush seasons, such as when strawberries were ready for picking and shipment, the price would go as high as a dollar per day. A Mexican's wants for a week are easily supplied with three dollars, and when he has earned that sum it is hard to make him work the remainder of the week. Threatening to employ him no more is of no avail. He knows he will never freeze, and nature is so generous in south Texas that it would be practically impossible for him to starve. But he respects a contract. Sign with him at the beginning of the year, or for any given length of time, and he will not only work for you, but will

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<sup>16</sup>Taylor, op. cit., p. 117.

zealously guard your interests. Under any other circumstances or condition, he is none too trustworthy.<sup>17</sup>

Both skilled and unskilled Mexican laborers are praised by American employers and landowners who favor immigration and benefit by it. It has even been said that they could not get American workmen for the low wages and long hours that the Mexicans accept. The contract gives the advantage to the employer, and furthermore, if an employer breaks a contract the workman cannot well defend himself, partly because he rarely has the money to do so, and partly because he does not know the law or the language. To this employers answer that no matter how hard the conditions or even the abuses, the Mexican workmen as a whole are better off than in Mexico, else why do Mexican workmen return again and again? Although the immigrant often undergoes suffering and injustice and meets many difficulties, he undoubtedly benefits economically by the change. He learns the discipline of modern labor. He specializes. He becomes familiar with industrial and agricultural machinery. He learns about scientific intensive agriculture. He observes and learns about the transformation of raw materials into industrial products. He becomes a laborer of the modern

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<sup>17</sup>"The Growth of the Great Southwest," The American Monthly Review of Reviews, edited by Albert Shaw, XXXIII (February, 1906), 210.

type, much more efficient than before. Could all the immigrants return to Mexico, they would do much to make of it a great industrial and agricultural country.<sup>18</sup>

It is said that many Mexicans, coming to this country to work on cotton and truck farms, often started in Texas by picking cotton, and moved northward as the season advanced and pickers were needed in other sections; then when the season was over, instead of getting steady employment on the farms they drifted into the small towns and cities, and there they frequently worked toward the industrial centers of the East and Middle West. This tendency is apparently borne out by increases in Mexican urban population. Each year a new group came to this country to start in as farm laborers, and in turn moved to the cities.

The Mexicans perform work that native white laborers will not do, both because of the nature of the work itself and the climatic conditions under which it must be performed. One witness observed that these workers may move across the state of Texas five times during the cotton season, and then when cotton picking is over they go back to the lower Rio Grande district and work with the vegetable crops.<sup>19</sup>

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<sup>18</sup>Gamio, op. cit., p. 49.

<sup>19</sup>Elma S. Moulton, Cotton Production and Distribution in the Gulf Southwest, p. 305.

In 1900, as reported by the census, the number of Mexicans in the United States was 103,410. Since that time their immigration has been very rapid. During the ten years between July 1, 1899, and June 30, 1909, 23,991 were entered by the Bureau of Immigration. Presumably the number immigrating has been very much larger, perhaps approaching 60,000 a year, although the majority of those who come over for the first time go back to Mexico, coming largely for seasonal work.<sup>20</sup>

In the southwestern states, the Mexican problem has developed rapidly since 1900. Because the Mexican immigrant represents the peon classes or the mixed and least developed classes of Mexicans, because they come from scenes of current oppression and revolution, because of the delicate international relations of the United States and Mexico, because of the untoward living conditions of the Mexican immigrants in the United States, and because of the chasm of misunderstanding which exists between Americans and Mexicans, no Americanization problem is complete which does not include the Mexican immigrant problem.

Socially, in the late nineteenth century, there were in Mexico but two classes: the rich, who were few in number, comprising less than ten per cent of the population;

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<sup>20</sup>Jeremiah W. Jenks and W. Jett Louck, The Immigration Problem, p. 227.

and the poor, representing more than ninety per cent. The rich were very wealthy, possessing large landed estates; the poor were living in conditions of squalor and ignorance. They lived in adobe or clay houses with thatched roofs and dirt floors, and frequently just one room.<sup>21</sup> The peon, under the Díaz regime, was always a peon. It is this class which has been brought into the United States as immigrant labor. Centuries of oppression have broken the spirit and nearly destroyed the self-respect of the peon class.

In 1900 Texas had a population of 71,062 Mexican settlers.<sup>22</sup> According to records, 5,682 Mexican immigrants were admitted in 1908; 15,591 in 1909.<sup>23</sup> By 1910 Texas had almost doubled its Mexican population, having 125,644 settlers. Large numbers of Mexicans did not bother with legal formalities, expense of head tax, vise, or examination, but simply walked across the border and were welcomed by their countrymen there as "wet backs," Rio Grande waders.

There was a marked tendency on the part of the foreign element to cluster in certain districts. The Mexicans were found mostly along the northern side of the Rio Grande. From San Antonio and El Paso southward and eastward Mexicans were found in considerable numbers.

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<sup>21</sup>Emory S. Bogardus, Essentials of Americanization, p. 217.

<sup>22</sup>Gamio, op. cit., p. 23.

<sup>23</sup>Hannibal Gerald Duncan, Immigration and Assimilation, p. 213.

Previous to 1910 the immigration from Mexico was due entirely to economic causes. Laborers came north with their families to work during the summer on the railroads and at agricultural work, but at the beginning of winter the majority would return to their homeland to spend their wages. In Mexico during that time laborers were paid about twenty-five cents a day. Public records give only a very faint idea of the number that crossed the border previous to 1910. Little attempt was made to keep track of the ebb and flow of the tide of Mexican laborers.

Although widespread indifference regarding Mexican immigration prevailed, later the immigrant peon created a serious problem and caused trouble with Mexico. From the Mexican point of view the Mexican immigrant, although worse off in the United States than other ethnic groups, has been better off than he would have been in his native land. In recent years immigration from other southern states into Texas has decreased, while that from the northern states has increased. By 1910 Texas was being invaded on one side by Mexicans, on the other by Yankees.<sup>24</sup>

There were two classes of Mexican peons in Texas: those who intended to make the state their home, and those who came only for the cotton picking season and returned

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<sup>24</sup>H. Y. Benedict and John A. Lomax, The Book of Texas, p. 54.



as soon as it was over. Since 1910 it has been harder to cross the border, and of those who have come across, a much larger number have remained than formerly. Those Mexicans who intended to make Texas their home usually applied sooner or later for their citizenship papers, unless they were on the other side of middle age at the time they came. If that was the case, their children had taken out papers, but the old people, as a rule, had not. How has the peon voted? He has voted just about as the white man who has had the same educational advantages. The ignorant one has voted as his landlord or some friend has told him. If he has been reared in this country and has gone to school here he has voted as he has seen fit, and the vote of this class has been very similar to the vote of the intelligent and educated native. One of the most encouraging signs among the Mexicans in Texas is the number of American citizens of Mexican birth or parentage who are becoming able leaders among their own people. To make a good voter and a good citizen out of a peon, the one thing necessary is to educate him. And the most encouraging feature of this part of the work is that he is entirely capable of receiving an education and, more than that, eager to get it.<sup>25</sup>

The children of alien parents are citizens of the

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<sup>25</sup>Frank Callcott, "The Mexican Peon in Texas," Survey, XLIV, (June 26, 1920), 437-438.

United States and of Texas if they were born and have their residence here. Since the data in our possession are not a sufficient basis for making a very close estimate of the proportion of citizens and aliens in the entire Mexican population of Texas, only a rough approximation will be attempted. It may be, of course, that the influx of Mexican immigrants has been greater or less, and data are lacking on the rate of naturalization, the rate of return to Mexico, and other pertinent factors. The early decades of the present century have witnessed an amazing increase in immigration from Mexico. Between 1900 and 1910 the number of foreign-born Mexicans in Texas increased 53,954 or 75.9 per cent.<sup>26</sup>

In conclusion, from the economic point of view, Mexican transient immigration during this period was beneficial to both countries, inasmuch as Texas could not supply the need of labor which existed in certain regions for certain types of work, at a time when Mexico could not offer better living conditions to its own workers. On the other hand, permanent immigration is harmful to both countries, especially if it takes place on a large scale; and even if it does carry with it temporary economic benefits, in the long run it can cause great harm. For Texas this might be expected to make itself

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<sup>26</sup> Manuel, op. cit., p. 4.

felt in labor struggles and perhaps in racial conflicts, whereas for Mexico it would mean the loss of its best working population, for it is exactly these that migrate.

Texas needs to have a better understanding of Mexican immigrants. Texans need to develop ties of respect, not chasms of distrust and fear between themselves and the Mexicans. Texas needs to develop an efficient educational program and furnish a sufficient number of home teachers to give the illiterate members of the race an application of the best American ideals. Texas needs to develop in the Mexican immigrant a true sense of economic values; she needs to offer a democratic industrial program which will produce a mutual understanding between the Texas employer and the Mexican employee. Texas needs to encourage the Mexican to live a more practical and socialized religious life.<sup>27</sup>

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<sup>27</sup>Emory S. Bogardus, Essentials of Americanization, p. 221.

## CONCLUSION

As stated in the preface, the purpose of this study was to show the position of Texas in the relations between the United States and Mexico from 1876 to 1910. With this thought in mind the general problem has been to link the two countries through Texas.

The Texas border relations between the United States and Mexico during this period were interesting because they showed the continued success of the efforts of the past years in building up better principles of settlement. It was noted that arbitration was the principle on which the Texas border relations between the United States and Mexico were settled.

The development of claims between the United States and Mexico through Texas found this period one of marked favor in foreign capitals. From time to time claims were presented, but these were disposed of either through diplomatic channels or permitted to stagnate in Foreign Office files.

The railroads through Texas, connecting the United States and Mexico, did much to strengthen the friendly relation happily existing between them, and good-will between the respective citizens during this period. Mexican immigration into Texas has had effect in Texas and in the relations

between the United States and Mexico through the labor problem, which became more serious after 1910. Unfriendly attitudes resulted from the social and economic problems among the immigrant population in Texas and have made it more difficult to secure friendly relations between the United States and Mexico in more recent years. Large numbers of the Mexican immigrants becoming citizens of Texas and the United States has aided in a closer relation. And with better laboring conditions and equal educational opportunities for the Mexicans in Texas there has grown up and is continually developing between the people of northern Mexico and the people of Texas a knowledge of each other, a better understanding of each other, and a kindlier feeling toward each other which will aid in the better relations between the United States and Mexico.

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