

APPENDIX A

THE BANDO NEGRO (BLACK DECREE) PROCLAMATION OF EMPEROR MAXIMILIAN, OCTOBER 3, 1865

MEXICANS: The cause sustained by D. Benito Juarez with so much valor and constancy had already succumbed, not only before the national will, but before the very law invoked by him in support of his claims. To-day this cause, having degenerated into a faction, is abandoned by the fact of the removal of its leaders from the country's territory.

The national government has long been indulgent, and has lavished its clemency in order that men led astray or ignorant of the true condition of things might still unite with the majority of the nation and return to the path of duty. The desired result has been obtained. Men of honor have rallied around the flag and have accepted the just and liberal principles which guide its policy. Disorder is now only kept up by a few leaders swayed by their unpatriotic passions, by demoralized individuals unable to rise to the height of political principle, and by an unruly soldiery such as ever remains the last and sad vestige of civil wars.

Henceforth the struggle must be between the honorable men of the nation and bands of brigands and evil-doers. The time for indulgence has gone by: it would only encourage the despotism of bands of incendiaries, of thieves, of highwaymen, and of murderers of old men and defenseless women.

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The government, strong in its power, will henceforth be inflexible in meting out punishment when the laws of civilization, humanity, or morality demand it.

MEXICO, October 2, 1865.

MAXIMILIAN, EMPEROR OF MEXICO: Our Council of Ministers and our Council of State having been heard, we decree:

ARTICLE I. All individuals forming a part of armed bands or bodies existing without legal authority, whether or not proclaiming a political pretext, whatever the number of those forming such band, or its organization, character, and denomination, shall be judged militarily by the courts martial. If found guilty, even though only of the fact of belonging to an armed band, they shall be condemned to capital punishment, and the sentence shall be executed within twenty-four hours.

ARTICLE II. Those who, forming part of the bands mentioned in the above article, shall have been taken prisoners in combat shall be judged by the officer commanding the force into the power of which they have fallen. It shall become the duty of said officer within the twenty-four hours following to institute an inquest, hearing the accused in his own behalf. Upon this inquest a report shall be drawn and sentence shall be passed. The pain of death shall be pronounced against offenders even if only found guilty of belonging to an armed band. The chief shall have the sentence carried into execution within twenty-four hours,—being careful to secure to the condemned spiritual aid,—after which he will address the report to the Minister of War.

ARTICLE III. Sentence of death shall not be imposed upon those who, although forming part of a band, can prove that they were coerced into its ranks, or upon those

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who, without belonging to a band, are accidentally found there.

ARTICLE IV. If from the inquest mentioned in Article II facts should appear calculated to induce the chief to believe that the accused has been enrolled by force, or that, although forming part of the band, he was there accidentally, he shall abstain from pronouncing a sentence, and will consign the prisoner, with the corresponding report, to the court martial, to be judged in accordance with Article I.

ARTICLE V. There shall be judged and sentenced under the terms of Article I of the present law:

I. All individuals who voluntarily have procured money or any other succor to guerrilleros.

II. Those who have given them advice, news, or counsel.

III. Those who voluntarily and with knowledge of the position of said guerrilleros have sold them or procured for them arms, horses, ammunition, provisions, or any other materials of war.

ARTICLE VI. There shall be judged and sentenced in accordance with Article I:

I. Those who have entertained with guerrilleros relations constituting the fact of connivance.

II. Those who of their own free will and knowingly have given them shelter in their houses or on their estate.

III. Those who have spread orally or in writing false or alarming news calculated to disturb order, or who have made any demonstration against the public peace.

IV. The owners or agents of rural property who have not at once given notice to the nearest authority of the passage of a band upon their estate.

The persons included in the first and second sections of this article shall be liable to an imprisonment of from six

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months to two years, or from one to three years' hard labor, according to the gravity of the offense.

Those who, placed in the second category, are connected with the individual concealed by them by ties of relationship, whether as parents, consorts, or brothers, shall not be liable to the penalty above prescribed, but they shall be subject to surveillance by the authorities during such time as may be prescribed by the court martial.

Those included in the third category shall be sentenced to a fine of from twenty-five to one thousand piasters or to one year's imprisonment, according to the gravity of the offense.

ARTICLE VII. When the authorities have not given notice to their immediate superior of the passage of an armed force in their locality, the superior authority shall inflict a fine of from two hundred to two thousand piasters or from three months' to two years' imprisonment.

ARTICLE VIII. Every inhabitant who, having knowledge of the passage of an armed band in a village or of its approach, has not notified the authorities shall be liable to a fine of from five to five hundred piasters.

ARTICLE IX. All inhabitants between the ages of eighteen and fifty-five years of age not physically incapacitated shall, when the locality inhabited by them is threatened by a band, take part in the defense of the place, under penalty of a fine of from five to two hundred piasters or of from fifteen days' to four months' imprisonment. If the authorities deem it proper to punish the village for non-resistance, they may impose a fine of from two hundred to two thousand piasters, which shall be payable by all those who have not taken part in the defense.

ARTICLE X. The owners or agents of country property who, being able to defend themselves, have not kept guerrillas and other evil-doers away from their estates or have

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not notified the nearest military authority of their presence, or who have received the tired or wounded horses of the guerrillas without advising the said authority, shall be punished by said authority by a fine of from one hundred to two thousand piasters, according to the gravity of the offense. In cases of extreme gravity they shall be arrested and brought before the court martial, to be judged in conformity with the rules laid down by the present law. The fine shall be paid to the principal administrator of the revenue of the district where the estate is situated. The provisions of the first part of the present article are applicable to the populations.

ARTICLE XI. All authorities, whether political, military, or municipal, who have not acted in accordance with the provisions of the present law against those who are suspected of or recognized as being guilty of the offenses with which it deals, shall be liable to a fine of from fifty to one thousand piasters; and when the omission implies acquaintance with the guilty, the delinquent shall be brought before the court martial, who shall judge him and inflict a penalty in proportion to the offense.

ARTICLE XII. *Plagiarios*¹ shall be judged and sentenced under the provisions of Article I of the present law, without regard to the circumstances under which the abduction shall have been committed.

ARTICLE XIII. Sentence of death passed upon those guilty of the offenses enumerated by the present law shall be executed in the time fixed, and the benefit of appeal for mercy shall be refused to the condemned. When the accused has not been condemned to death, and is a stranger, the government, after he shall have undergone punishment, may make use with regard to him of its right to expel from its territory pernicious strangers.

¹ Kidnappers.

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ARTICLE XIV. Amnesty is proclaimed in favor of all who, having belonged or still belonging to armed bands and having committed no other offense, shall present themselves to the authorities before the 15th of next November. The authorities shall take possession of the arms of those so surrendering themselves.

ARTICLE XV. The government reserves unto itself the right to fix the time when the provisions of the present law shall cease to be enforced. Each of our ministers is bound, as far as his department is concerned, to enforce the present law and to issue such orders as will secure its strict observance.

Issued in the Palace of Mexico, October 3, 1865.

MAXIMILIAN.

The Minister of Foreign Affairs, intrusted with the Department of State, JOSÉ F. RAMIREZ.

The Minister of Commerce, LUIS ROBLES PEZUELA.

The Minister of the Interior, JOSÉ MARIA ESTEVA.

The Minister of War, JUAN DE DIOS PEZA.

The Minister of Justice, PEDRO ESCUDERO Y ECHANOVE.

The Minister of Public Instruction and of Cults, MANUEL SILICEO.

The Under-Secretary of the Treasury, FRANCISCO DE P. CESAR.

APPENDIX B

TREATY OF MIRAMAR, SIGNED ON APRIL 10, 1864

NAPOLEON, by the grace of God and the national will Emperor of the French, to all who will see the present letters, Greeting:

A convention, followed by secret additional articles, having been concluded on April 10, 1864, between France and Mexico, to settle the conditions of the sojourn of French troops in Mexico, the said convention and secret additional articles are as follows:

The government of H. M. the Emperor of the French and that of H. M. the Emperor of Mexico, animated with an equal desire to assure the reestablishment of order in Mexico and to consolidate the new empire, have resolved to settle through a convention the conditions of the sojourn of the French troops in that country, and have appointed to that effect: H. M. the Emperor of the French, M. Charles François Édouard Herbet, Minister Plenipotentiary of the First Class, etc., and H. M. the Emperor of Mexico, M. Joaquin Velazquez de Leon, his Minister of State without a portfolio, etc., who, after communicating their full powers to one another, these having been found to be in good and due form, have agreed upon the following articles:

ARTICLE I. The French troops actually in Mexico shall, as soon as possible, be reduced to a corps of twenty-five thousand men, including the foreign legion. This corps, as a safeguard to the interests which have brought about

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the French intervention, shall temporarily remain in Mexico under the conditions agreed upon in the following articles.

ARTICLE II. The French troops shall gradually evacuate Mexico as H. M. the Emperor of Mexico shall be able to organize the troops necessary to take their place.

ARTICLE III. The foreign legion in the service of France, composed of eight thousand men, shall, however, remain for six years in Mexico after all other French forces shall have been recalled under Article II. From that date said legion shall pass into the service and pay of the Mexican government, the Mexican government reserving unto itself the right to shorten the duration of the employment in Mexico of the foreign legion.

ARTICLE IV. The points of the territory to be occupied by the French troops, as well as the military expeditions of said troops if necessary, shall be determined under direct agreement between H. M. the Emperor of Mexico and the commander-in-chief of the French corps.

ARTICLE V. Upon all points where a garrison shall not be exclusively composed of Mexican troops, the military command shall devolve upon the French commander. In case of combined expeditions of French and Mexican troops the superior command shall also belong to the French commander.

ARTICLE VI. The French commanders shall not interfere with any branch of the Mexican administration.

ARTICLE VII. So long as the needs of the French army-corps will require every two months a service of transports between France and the port of Vera Cruz, the expense of this service, fixed at the sum of four hundred thousand francs per journey, including return, shall be borne by the Mexican government and paid in Mexico.

ARTICLE VIII. The naval stations supported by France

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in the Antilles and in the Pacific Ocean shall frequently send ships to show the French flag in the Mexican ports.

ARTICLE IX. The cost of the French expedition in Mexico, to be reimbursed by the Mexican government, is fixed at the sum of two hundred and seventy million francs from the time of the expedition to July 1, 1864. That sum shall bear interest at three per cent. a year.

ARTICLE X. The indemnity to be paid to France by the Mexican government for the pay and support of the army-corps from July 1, 1864, shall be fixed at the rate of one thousand francs per man a year.

ARTICLE XI. The Mexican government shall at once remit to the French government the sum of sixty-six millions in loan securities at par, *i.e.*, fifty-four millions to be deducted from the debt mentioned in Article IX, and twelve millions as an instalment on the indemnities due the French under Article XIV of the present agreement.

ARTICLE XII. In payment of the balance of war expenses and of the charges mentioned in Articles VII, X, and XIV, the Mexican government agrees to pay to France the annual sum of twenty-five million francs in cash. That sum shall be credited, first, to the sums due under Articles VII and X; second, to the amount, interest and principal, of the sum fixed in Article IX; third, to the indemnities still due to French subjects under Article XIV and following.

ARTICLE XIII. The Mexican government shall pay on the last day of every month, in Mexico, into the hands of the paymaster-general of the army, the amount necessary to cover the expense of the French troops remaining in Mexico, in conformity with Article X.

ARTICLE XIV. The Mexican government agrees to indemnify French subjects for the grievances unduly suffered by them and which caused the expedition.

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ARTICLE XV. A mixed commission composed of three Frenchmen and three Mexicans, appointed by their respective governments, shall meet in Mexico within three months to examine into and settle these claims.

ARTICLE XVI. A mission of revision composed of two Frenchmen and two Mexicans, appointed as above and sitting in Paris, shall proceed to the definite settlement of the claims already admitted by the commission mentioned in the preceding article, and shall pass upon those the settlement of which shall be reserved to them.

ARTICLE XVII. The French government shall set free all Mexican prisoners of war as soon as H. M. the Emperor of Mexico shall have entered his empire.

ARTICLE XVIII. The present convention shall be ratified and the ratification shall be exchanged as soon as possible.

Done at the Castle of Miramar, on April 10, 1864.

HERBET.
VELAZQUEZ.

Additional Secret Articles

[Here follow the ordinary preambles.]

ARTICLE I. H. M. the Emperor of Mexico, approving the principles and promises announced in General Forey's proclamation, dated June 12, 1863, as well as the measures taken by the regency and by the French general-in-chief in accordance with said declaration, has resolved to inform his people, by a manifesto, of his intentions in the matter.

ARTICLE II. On his side, H. M. the Emperor of the French declares that the actual effective force of the French corps of thirty-eight thousand men shall only be reduced gradually and from year to year, in such a way that the French troops remaining in Mexico, including

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the foreign legion, shall be of twenty-eight thousand men in 1865, of twenty-five thousand in 1866, of twenty thousand in 1867.

ARTICLE III. When the said foreign legion, under the terms of Article III of the above convention, shall pass into the service and pay of Mexico, as it nevertheless shall continue to serve a cause in which France is interested, its generals and officers shall preserve their quality of Frenchmen and their claim to promotion in the French army according to law.

Done at the Castle of Miramar, April 10, 1864.

HERBET.
VELAZQUEZ.