

No. 268.] MEXICAN LEGATION TO THE UNITED STATES OF AMERICA,
Washington, June 22, 1867.

I send you, by telegraph, and through our consulate at New Orleans, translation of a note from Mr. Frederick W. Seward, Assistant Secretary of State, of this date, in relation to Maximilian.

M. ROMERO.

The MINISTER OF FOREIGN RELATIONS, MEXICO.

Mr. F. W. Seward to Mr. Romero.

DEPARTMENT OF STATE, Washington, June 22, 1867.

SIR: This department has this day received authentic information that the imperial family of Austria consents to reinstate, eventually, Prince Maximilian. You will do me the favor to communicate this to your government in the same manner that you recently sent to it similar information.

I avail of this opportunity to offer to you, sir, the reiterated assurances of my highest consideration.

FREDERICK W. SEWARD,
Assistant Secretary.

Señor Don MATIAS ROMERO, &c., &c., &c.

[Telegram communicated by Mr. Romero to Mr. Frederick W. Seward, on the 22d of June, 1867.—Translation.]

SAN LUIS POTOSI, May 15, 1867.

Señor Don MATIAS ROMERO:

MY DEAR FRIEND: Queretaro has been taken by assault at eight o'clock this morning. Maximilian, Mejia, and Castillo surrendered at discretion at the Cerro de la Campana, the last point at which they made resistance. I congratulate you on this important event. Send the annexed to my family.

Your very affectionate friend,

BENITO JUAREZ.

WASHINGTON, June 22, 1867.

A true copy:

IGNO. MARISCAL.

Sent by Mr. Romero.

Memorandum of a conversation between the Secretary of State of the United States and the Mexican minister.

WASHINGTON, July 2, 1867.

Mr. Romero said that he received this morning a letter from the Mexican government, dated on the 7th ultimo, covering copies of all the orders issued by the departments of war and state of Mexico in regard to the persons captured at Queretaro, and the trial of Ferdinand Maximilian, Miguel Miramon, and Tomas Mejia, up to that date. Mr. Romero stated what was the disposition made of those persons, and told Mr. Seward that he would be glad to send him copies of said papers should he desire them.

Mr. Seward said that he may, in the future, beg Mr. Romero for copies of those papers, and others which he might hereafter receive on the same subject.

Mr. Seward to Mr. Romero.

DEPARTMENT OF STATE, Washington, July 3, 1867.

The Secretary of State has the honor to acknowledge the receipt of Mr. Romero's "Memorandum of a conversation between the Secretary of State of the United States and the Mexican minister," and would request an interview with Mr. Romero whenever it may suit Mr. Romero's convenience to call at the department. The Secretary would be pleased to receive copies of the orders referred to in regard to the persons captured at Queretaro.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, July 3, 1867.

Mr. Romero received, at five o'clock on the evening of this day, the verbal note which the Secretary of State of the United States addressed to him acknowledging the receipt of the memorandum which Mr. Romero transmitted to him yesterday, and requesting him to send to the Department of State copies of the orders issued by the government of Mexico respecting the persons captured in Queretaro, to which he referred in the said memorandum, and furthermore that he should call and see the Secretary of State at his department.

Mr. Romero takes pleasure in acceding to the wishes of Mr. Seward, by enclosing him copies of the documents referred to, and informing him that he will call to-morrow at the Department of State to have the pleasure of seeing him.

The Hon. WILLIAM H. SEWARD, &c., &c.

Documents from the ministry of war.

No. 1.

[Telegram from the camp to San Luis Potosi, received on the 15th of May, 1867, at 4 o'clock in the evening.]

To the Citizen Minister of War:

At three o'clock of the morning of this day La Cruz was captured by our forces, which surprised the enemy at that point. Shortly afterwards the garrison of the town was made prisoner, the city occupied by our forces, while the enemy with part of his forces fell back upon the hill of Campana, being successfully beaten by our artillery and thrown into disorder; and finally Maximilian and his generals, Castillo and Mejia, surrendered at discretion, at the said hill, at about eight o'clock this morning.

Be pleased to offer my congratulations to the citizen President on account of this important victory of the national arms.

M. ESCOBEDO.

WASHINGTON, July 3, 1867.

A true copy:

IGNO. MARISCAL, Secretary.

No. 2.

DEPARTMENT OF WAR AND NAVY,
San Luis Potosi, May 15, 1867.

To the Citizen General MARIANO ESCOBEDO :

I have received and submitted to the citizen President of the republic your report of this day, communicated through the telegraph, and in which you report the capture of the position of La Cruz by our forces, and subsequently the complete occupation of Queretaro.

The citizen President of the republic directs me to make known to you, that you may also communicate it to the army under your command, the satisfaction with which he has heard of this important victory, which is due to the valor and sacrifices of the troops of your command, and upon which he congratulates you through me.

MEJIA.

WASHINGTON, July 3, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 3.

[Telegram to San Luis Potosi, received May 17, 1867, at 7.30 p. m.]

To the Citizen Minister of War :

When Maximilian was made prisoner yesterday, he requested me to grant him what is embraced in the following points :

1. I have sent in my abdication in the month of March, during the first half of the month. Among the archives captured from me at La Cruz there exists a copy of it, certified and countersigned by the minister. The original was sent to the president of the council of state, José Maria Lacunza, with the order that it should be published when I should be lawfully made prisoner.

2. That if a victim be necessary, that it be visited on my person.

3. That my suite and attendants be well treated for the loyalty with which they have accompanied me through dangers and vicissitudes.

He has also told me that he desires nothing more than to get out of Mexico, and that in consequence he hopes that the necessary escort will be given him to the place of embarkation. I have replied to him that I can grant him nothing, and that what I can do is to report this to the supreme government, as I now do, so that it may determine what is proper.

M. ESCOBEDO.

WASHINGTON, July 3, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 4.

[Telegram from Queretaro to San Luis Potosi, received May 30, 1867, at 9 p. m.]

The Citizen Minister of War :

I have already had the honor to inform the citizen President of the republic, through the worthy channel of your department, that eight thousand men of the rank and file were held as prisoners of war, and subject to the disposition of the supreme government; these I ordered should be incorporated in the corps of the

army under my command. There are also fifteen generals, twenty colonels, and three hundred and fifty-seven persons of the rank of lieutenant colonels down to that of sub-lieutenants, held as prisoners.

Not having up to this moment received an answer upon this subject, the imperious necessity which requires that I should march at once to co-operate in the operations which have already been commenced against the capital of the republic by the citizen General Diaz, under whose orders I have placed myself, and the short distance at which the supreme government is now established from this place, have caused me to decide that Maximilian and the principal leaders and traitors should be sent to-day, under a strong guard, to San Luis Potosi.

Immediately after the occupation of the city of Queretaro, I received pressing requests from every direction urging me to act against the guilty parties. You may rest assured that I would have done so, under the powers granted to me by the ordinance, had I not previously placed them at the disposal of the supreme government. The outrages and cruelties of every kind committed by the foreigners and the traitors, causing through them the ruin of thousands of families, who still groan under orphanage and the most frightful misery, demand the prompt and exemplary punishment of the ill-starred men who have sacrificed everything to their ambitions and caprices.

As the result of the occupation of the city of Queretaro all the people think that their welfare and repose have been secured, and they hope that the supreme government will inaugurate an epoch of peace and prosperity for the republic by making effective the law to the guilty.

ESCOBEDO.

WASHINGTON, July 3, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 5.

[Telegram.]

SAN LUIS POTOSI, May 30, 1867.

To the Citizen General M. ESCOBEDO, *Queretaro :*

In view of your telegraphic dispatch of this day's date, communicating the fact that you had ordered Maximilian and the principal leaders, both foreign and traitors, to be brought to this city, the citizen President of the republic has directed that they remain at Queretaro should they not already have left that city, and that if they have left it that you immediately order their return there, sending the order to that effect by an express courier. He has also ordered that you give the order for the return of the last troops to Queretaro which you informed me left there for Mexico; that is to say, the second division of infantry and the first of cavalry of the army corps of the north, in order that the number of troops to remain in Queretaro shall not be less than four to five thousand men; and that you be pleased to await the instructions of the supreme government by remaining in Queretaro, agreeably to what you communicated verbally through a commissioner, who is already on his return to that same city.

Be pleased to inform me of the receipt of this despatch by the telegraph.

MEJIA.

WASHINGTON, July 3, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 6.

DEPARTMENT OF WAR AND NAVY, SECTION FIRST.

The city of Queretaro having been occupied by force of arms, you have informed the government that eight thousand men and more than four hundred chiefs and officers of the enemy have been captured, among them Ferdinand Maximilian of Hapsburg, who hitherto has styled himself the emperor of Mexico.

Before dictating any resolution relative to the prisoners, the government has desired to deliberate with the calmness and forbearance which are befitting to the seriousness of the circumstances. It has set aside the resentments which a prolonged war might inspire, desiring only to listen to the voice of its high duties towards the Mexican people. It has considered, not only on the justice with which the laws might be applied, but on the necessity there may be of carrying them out. It has considered to what extent mercy and magnanimity may be exercised, and what limit, justice and the imperative necessity of securing the peace, protecting the legitimate interests, and securing the rights and all the future of the republic will not permit it to trespass. After Mexico had suffered all the evils of a civil war of fifty years duration; when the people had succeeded finally in causing the laws and the constitution of the country to be respected; when they had repressed and conquered certain classes, which, to satisfy their private interests, sacrificed all interests and all social rights; when peace and tranquillity once more dawned upon the country, in view of the general will of the people and the impotency of those who had desired to subjugate them, then the most reckless of the remnant of the classes which had been put down appealed to the foreigner, hoping with his assistance to gratify their cupidity and revenge. They went abroad to arouse the ambition and turpitude of a foreign monarch, and they came back to the republic having for their only associates foreign intervention and treason.

The Archduke Ferdinand Maximilian of Hapsburg consented to become the principal instrument to carry out this work of iniquity, which has weighed upon the republic for five years, attended by every species of crime and by every kind of calamity. He came to oppress a people; attempted to destroy their constitution and their laws, without any authority than that of a few votes destitute of all weight, and forcibly obtained through the presence and force of foreign bayonets. He came, voluntarily, to assume the most serious responsibilities, which are condemned by the laws of all nations, and which were provided for in several pre-existing laws of the republic, the last of them being that of January 25, 1862, sanctioned, in order to define the offences against the independence and security of the nation; against the law of nations, against the individual guarantees, and against the public peace and order. The flagrant acts in the conduct of Maximilian embrace the greater number of responsibilities specified in that law.

He not only lent himself to serve as the instrument of a foreign intervention, but also to carry on of himself a war of filibusters; he brought other foreigners, Austrians and Belgians, the subjects of nations not at war with the republic. He endeavored to subvert forever the political institutions and the government which the nation had freely given to itself, by assuming to arrogate to himself the supreme power, without other authority than that of the votes of a few persons appointed and delegated by the foreign invader, or who were compelled thereto by the presence and threats of the foreign force.

He disposed of the lives, the rights and the interests of Mexicans, only through the violence of force, and without any lawful authority therefor. He promulgated a decree containing barbarous proscriptions, in order to murder the Mexicans who defended, or who even did not betray those who defended, the independence and institutions of their country.

He caused a very large number of bloody executions to be perpetrated under

that barbarous decree, and its application to be visited upon distinguished Mexican patriots, even before it could be presumed that they had heard of its promulgation.

He ordered that his own soldiers, or consented, under the false title of chief of the nation, that the soldiers of the foreign invader should set fire to or destroy many and entire towns throughout the whole extent of the Mexican territory, and particularly in the states of Michoacan, Sinaloa, Chihuahua, Coahuila, and Nuevo Leon.

He ordered his own agents, or consented that the agents of the foreigner, should murder many thousands of Mexicans, who were charged with crime for defending their country. And when the armies of the foreign power withdrew, and he saw that the whole republic had risen against him, he still sought to surround himself with some of the most guilty men of the civil war, availing himself of every means of violence and depredation, of death and desolation, to uphold to the last moment his false title, of which he has not attempted to divest himself until he found himself obliged to abandon it, not of his own will, but through force. Among the men who have desired to sustain him to the last moment, thus consummating all the consequences of treason to their country, appear as some of the principal leaders the so-called Generals Don Miguel Miramon and Don Tomas Mejia, who have figured prominently in Queretaro as generals-in-chief to the corps d'armée of Maximilian. Against both of these a grave responsibility was already pending for their having sustained the civil war for many years, without stopping at the most guilty acts, and being always an obstacle and a constant threat against the peace and consolidation of the institutions of the republic.

Article 28 of the law referred to provides that the pains imposed in it be applied to the criminals caught in the very act of committing the crime, (*in flagrante delicto*,) or during any action of war, the identification alone of the persons being required. Both of these circumstances being embraced in the present case, the public knowledge of the facts would suffice to authorize you to proceed agreeably to that article of the law. Nevertheless, the government, desiring to make use of its ample faculties, with the view that there may be the fullest justification for the proceeding in this case, has resolved that with reference to it the trial be proceeded with which the same law provides for in other cases, so that, in this manner, the defences which the accused may wish to make may be heard in this one, and that the judgment be pronounced called for in justice. In virtue whereof, the citizen President of the republic has determined that you adopt the measures for proceeding to the trial of Ferdinand Maximilian, of Hapsburg, and of his so-called generals, Don Miguel Miramon and Don Tomas Mejia, proceeding in the trial with entire accordance to the articles, from the sixth to the eleventh, inclusive, of the law of the 25th of January, 1862, which are those relating to the form of the judicial proceeding.

Respecting the other chiefs and officers or functionaries apprehended in Queretaro, you will be pleased to send lists of them to the government, specifying the classes or occupations which they held among the enemy, in order to be enabled to determine what it is proper to do agreeably to the circumstances of the cases.

Independence and liberty! San Luis Potosi, May 21, 1867.

MEJIA.

The Citizen General of Division MARIANO ESCOBEDO,
Commander-in-chief of the Army Corps of the North, Queretaro.

WASHINGTON, July 3, 1867.

A true copy:

IGNO. MARISCAL, *Secretary.*

No. 7.

[Telegram from Queretaro to San Luis Potosi.]

To the Citizen Minister of War :

In order to try Ferdinand Maximilian and Mejia, the appointment of a military assessor becomes necessary, which must be appointed by the supreme government. I therefore hope you will be pleased to inform me what person must act in that character during the trial, or otherwise authorize me especially to appoint one.

ESCOBEDO.

WASHINGTON, July 3, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 8.

[Telegram from San Luis Potosi, May 25, 1867.]

To the Citizen General MARIANO ESCOBEDO, Queretaro :

The citizen President of the republic has, after consultation in cabinet, directed me to say to you, in reply to your telegram to that effect of this day, that as there is not at these headquarters, at this time, the assessor provided for in the law, you may, in the exercise of the faculties which the government has conferred upon you, appoint him.

MEJIA.

WASHINGTON, July 3, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 9.

[Telegram from Queretaro to San Luis Potosi, received May 27, 1867, at 4 o'clock and 45 minutes in the evening.]

To the Citizen President of the republic :

A courier has already left with lists of the prisoners.

The attorney who is to conduct the case of Maximilian has permitted him to write to you. The attorney has a doubt. As you know there are three persons to be prosecuted, and in order to effect the reference which is preparing for the defence, only twenty-four hours are allowed. The doubt is, whether this period is to be allowed to each one of the parties defending, or for the defence of the three.

ESCOBEDO.

WASHINGTON, July 3, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 10.

[Telegram from Queretaro for San Luis Potosi, received May 27, 1867, at 4 o'clock and 45 minutes in the evening.]

CITIZEN PRESIDENT: I have sent a telegram to Mexico, with the authority and permission of the citizen General Escobedo, requesting the presence here of Baron Magnus, with two lawyers to take charge of my defence.

The Señor General Diaz has replied, by telegram of yesterday, that he cannot permit the entrance into the city of Mexico of my request without the order of the supreme government.

I desire, Mr. President, that you will be pleased to issue that order, to the end that the persons whom I call for may come, and who are indispensable to my defence, adding to them the representatives of Austria and Belgium, or in their default, those of England and Italy, as it is indispensable to me to arrange with them family matters of an international character, which should have been settled some two months ago.

MAXIMILIAN.

Let this be transmitted.

DORIA, *Secretary.*

Let it pass.

ASPIROZ.

WASHINGTON, July 3, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 11.

[Telegram from Queretaro for San Luis Potosi, received May 27, 1867, at 5 o'clock and 5 minutes in the evening.]

Mr. PRESIDENT: I desire to speak personally with you, upon matters grave and very important to the country. As you are a decided lover of it, I hope that you will not deny me an interview. I am ready to start for your city notwithstanding the molestations of my infirmities.

MAXIMILIAN.

A true copy :

WASHINGTON, July 3, 1867.

IGNO. MARISCAL, *Secretary.*

No. 12.

[Telegram from San Luis Potosi, May 27, 1867.]

To the Citizen General MARIANO ESCOBEDO :

The citizen President of the republic has taken cognizance of the request which Maximilian makes, that General Diaz may permit the departure from the city of Mexico—now occupied by the enemy, and closely besieged by the said General Diaz—of Baron Magnus, with two lawyers, in order that they may take charge of his defence, and also of those who have been near Maximilian, the ministers of Austria and Belgium, or in their defect, those of England and Italy, in order to arrange with them family affairs.

With reference to the request referred to, the citizen President has been pleased to resolve in cabinet, that if the persons solicited by Maximilian can come to Queretaro in time to meet his wish, without interrupting the proceedings of the trial, and the terms which the law prefixes for its termination, you will not place any embarrassment whatever to them, and to that end you will transmit this despatch to the citizen General Porfirio Diaz, in that which relates to it.

In case that the persons sent for cannot come in due time, the trial will be proceeded with, and the accused will have authority to avail himself of the services of other persons who may be entitled to defend him.

With reference to the other petition of Maximilian, relative to an interview with the citizen President, as this cannot be realized in consequence of the distance which separates them, and the peremptoriness of the terms of the trial, he will be notified that during the cause which will be instituted against him, he will be enabled to bring in evidence everything that may be convenient to him.

With reference to the question propounded by the attorney, as to whether the period of twenty-four hours is intended for the defence of each one of the accused, or for all of them in common, the citizen President has been pleased to determine that the said term be of twenty-four hours for the defence of each one of the accused.

I communicate this to you for the proper ends, and in reply to the two despatches from yourself and Maximilian relative to the subjects referred to, received this evening at five o'clock.

MEJIA.

WASHINGTON, July 3, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 13.

QUERETARO, May 25, 1867.

SIR: Not knowing the Spanish language sufficiently in its legal sense, I desire that in case my defenders should arrive a little too late, the time necessary be conceded to me for my defence and the settlement of my private affairs.

MAXIMILIAN.

WASHINGTON, July 3, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 14.

[Telegram.]

SAN LUIS POTOSI, May 28, 1867.

General MARIANO ESCOBEDO :

SIR: The citizen President of the republic has received a letter to-day from Maximilian, dated the 25th of this month, manifesting that he does not sufficiently know the Spanish language in its legal sense, and he asks that, in case the defenders whom he has sent for do not arrive in time, the time necessary for his defence and the settlement of his private affairs be granted to him.

In view of said letter, the citizen President has decided in cabinet meeting

that, if the defenders sent for by Maximilian should not arrive within the term which the law provides for the defence, or should arrive at its conclusion, or near the conclusion of that term, you can concede that, in any one of these three cases, the term which the law provides for the defence may commence to be counted over again and immediately; and that the two other persons indicted also may have the benefit of this extension.

Be pleased to make known this determination to Maximilian, as an answer to his letter.

MEJIA.

WASHINGTON, July 3, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 15.

[Telegram from Queretaro to San Luis Potosi.—Received May 28, 1867, at 11 o'clock at night.]

The Citizen Minister of War :

I have this moment, at 6 o'clock this evening, received your message, in which you are pleased to say to me that the citizen President has decided in cabinet meeting "that, if the defenders named by Maximilian should not arrive within the term which the law provides for the defence, or should arrive at the conclusion of its term, or near its conclusion, there may be granted, in any one of the three cases, that the term which the law provides for the defence may commence immediately to be counted over again; and that the two other persons indicated may also have the benefit of this extension."

Be pleased to inform me if this be the decision of the citizen President in cabinet meeting, and, in that case, to make some explanations which you may judge in every respect proper.

ESCOBEDO.

WASHINGTON, July 3, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 16.

[Telegram.]

SAN LUIS POTOSI, May 28, 1867.

The Citizen General ESCOBEDO :

To the question which you put to me in your message of this night, which is confined to asking me whether the decision in cabinet meeting which I have communicated to you, in order that, in the cases indicated to you, you may cause the term provided for the defence to be counted over again, I reply to you, that it is the decision in cabinet meeting of the citizen President, as it is stated in the same message. The terms of said message are clear, but if there occurs to you any doubt as to its meaning, do you state what that doubt is, so that what is proper may be determined upon.

MEJIA.

WASHINGTON, July 3, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 17.

SAN LUIS POTOSI, May 31, 1867.

The citizen President having been informed through a letter which you addressed to him under date of the 29th instant, that the telegraphic line has not been able to transmit the question proposed which you made respecting the manner in which you are to grant the extension, for which authority was given you by the supreme government in behalf of the parties indicted, who are now being tried in Queretaro, has been pleased to direct that I make to you the following explanation:

If the defenders should present themselves at the conclusion, or near the conclusion, of the term fixed by the law for their defence, you can concede that the term commence to run from that moment; but if the defender should not present himself at the first term granted, then you can only grant the extension of twenty-four hours more, during which you will not take into consideration whether the defenders arrive or not, and which (twenty-four hours) cannot be extended, even should they arrive while the second term is transpiring; but this will serve the indicted parties as a grace conceded, in order that they may overcome the difficulty by intrusting their defence to the person who may be prepared to render them this service, or undertake it themselves. In case they do not avail themselves of any of the means of defence referred to, it must be understood that they reject this benefit, the said term being then considered as ended, and not to be extended.

Independence and liberty.

MEJIA.

The Citizen General MARIANO ESCOBEDO,
Commander-in-Chief of the Army of the North, Queretaro.

WASHINGTON, July 3, 1867.

A true copy:

IGNO. MARISCAL, *Secretary.*

No. 18.

[Telegram.]

SAN LUIS POTOSI, June 5, 1867—7 o'clock p. m.

The Citizen MARIANO ESCOBEDO:

In view of the petition which the citizen Mariano Riva Palacio has made in the name of the defenders of Maximilian, to the effect that the term for their defence be extended, the citizen President of the republic has determined, in cabinet meeting, that, in addition to the extension previously granted, three more days be conceded, counting from the conclusion of the extension previously conceded. These three days are conceded as a term common to Maximilian and to the other two parties indicted, in order that they may be enabled to avail themselves of it also in their defence, with the understanding that no other extension will be conceded, as this is the second time the government has granted an extension, in order to give to the defence the utmost extension as far as it has deemed it compatible with reason and the spirit of the law.

Be pleased to direct that this determination be made known to the three parties indicted.

MEJIA.

WASHINGTON, July 3, 1867.

A true copy:

IGNO. MARISCAL, *Secretary.*

No. 19.

[Telegram from Queretaro to San Luis Potosi, June 5, 1867, at 8.45 p. m.]

The Citizen Minister of War:

I have received your message of this day, and the decision of the citizen President in relation to the extension of three days, which he has been pleased to grant to them for their defence, has been made known to the criminals, Maximilian, Miramon, and Mejia.

ESCOBEDO.

WASHINGTON, July 3, 1867.

A true copy:

IGNO. MARISCAL, *Secretary.*

No. 20.

MINISTRY OF WAR AND NAVY—SECTION FIRST.

The persons apprehended on the occupation of the city of Queretaro by force of arms, respecting whom no determination has yet been taken, besides the responsibility of all their previous acts, have incurred in an especial manner that of having desired still to continue the shedding of more Mexican blood, and to cause the country to suffer incalculable evils, without either the probability or the hope of sustaining the mock government which the foreign intervention attempted to impose on the nation, for the purpose of destroying republican institutions, by means of the gallows, incendiarism, and pillage. Agreeably to the express provisions of the law of the 25th of January, 1862, each one of the two circumstances thus attaching to those captured at Queretaro—that is, the fact of their having been apprehended in the act of transgressing said law and engaged in an act of war—would suffice in order that the penalty of death should be inflicted upon them on the mere identification of their persons. However, after having taken this matter into deliberate consideration, the citizen President of the republic has deemed it proper to make use of his ample faculties in order to reconcile, as far as possible, the sentiments of clemency and mercy to the requirements of justice and the very important measure of securing the peace and tranquillity of the nation.

To this end he has thought that a distinction could be made in the degrees of criminality of those more or less guilty. Some of those prisoners, owing to the importance of the civil and military positions which they have filled, the greater influence which their character has given them, and the grave offences which they have committed, or which they have authorized, may be considered the more liable to the penalty of the law. Others are in the same situation who, by former or recent acts, the perpetration of numerous crimes or an excess of refined cruelty, have made themselves as highwaymen and robbers, and deserve no consideration, whatever may have been the class or station they have held.

With reference to both, notwithstanding that they appear to be deserving of the strict construction of the law in this regard, on the mere identification of their persons, the citizen President, in use of his ample powers, has determined, in order that the defences which they may have to make may be heard, that, agreeably to the provisions of the law cited relating thereto, the following trials be held:

1. Those will be tried by one and the same process of law who appear on the special list of prisoners made at Queretaro, as generals of brigade, including Colonels Don Mariano Monterdo, Don Mariano Reyes, and Don Juan Ottou, because they have held important commands or have figured with antecedents involving a special responsibility.

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