

once, and Mr. Seward asked him what news he had received about the last events in Mexico. Mr. Romero answered Mr. Seward that none besides such as Mr. Seward had communicated to him the day before yesterday, and those which have been published afterwards in the newspapers; but that to-morrow, or the day after, Mr. Romero expected his correspondence from San Luis Potosi; perhaps up to the date of the 15th. Mr. Seward then asked Mr. Romero several questions about the way in which the news from Mexico would come; when some later, to the 15th, could be received; whether they would come sooner by Acapulco and San Francisco, and several others. In conclusion, Mr. Seward requested Mr. Romero, in the most special manner, that as soon as he might receive some correspondence from Mexico he would communicate to Mr. Seward the news he might have.

The cause of his anxiety for such news was, as Mr. Seward stated, that the Austrian minister had called on him to-day at an early hour and showed him a telegram he had just received, in which he was recommended to again solicit, with the speed required by the case, the earnest interposition of this government in favor of Maximilian. Mr. Seward told Mr. Romero he feared very much that a hasty mediation might produce, in the present condition of affairs, some results contrary to those wished for, and that he consequently thought more prudent to wait until some events posterior to the capture of Queretaro would transpire; that, besides, possibly at this time events might have matured, and that the Mexican government might see things in the same light as Mr. Seward, and then it was useless to intervene; that on this account he wished to know as soon as possible what might have occurred, to take, accordingly, the action he would deem advisable. Mr. Romero offered to communicate to Mr. Seward the news he may have as soon as received.

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The foregoing memorandum is taken from a despatch addressed by Mr. Romero to the secretary of foreign affairs of the republic of Mexico, on the 29th of May, 1867, No. 220, mailed in Washington on the 1st of June following.

M. ROMERO.

WASHINGTON, July 12, 1867.

Mr. Romero to Mr. Seward.

[Memorandum.]

MEXICAN LEGATION TO THE UNITED STATES OF AMERICA,
Washington, D. C., June 10, 1867.

Mr. Romero called to-day on Mr. Seward. * * * *

Mr. Seward asked Mr. Romero when he thought of going home; to which Mr. Romero answered that he expected he could do so some time next month. Mr. Seward asked Mr. Romero, too, when Mrs. Juarez thought of returning home; and he then said that he would try to place at her disposal a United States man-of-war, which will take her from New Orleans to Vera Cruz or Matamoras, or from New York if this was possible. Mr. Romero thanked Mr. Seward for his good disposition, and promised him to communicate this to Mrs. Juarez. * * * *

The foregoing memorandum is taken from a despatch addressed by Mr. Romero to the secretary of foreign affairs of the republic of Mexico, on the 10th of June, 1867, No. 238, mailed in Washington on the 15th of the same month.

M. ROMERO.

WASHINGTON, July 12, 1867.

Mr. Romero to Mr. Seward.

[Translation]

MEXICAN LEGATION TO THE UNITED STATES OF AMERICA,

Washington, July 12, 1867.

Mr. Romero has the honor to remit to Mr. Seward a translation into English of an article from the paper "Sombra de Arteaga," published at Queretaro, the 18th June last, in which is given a succinct narrative of the trial of Don Ferdinand Maximilian of Hapsburg, Don Tomas Mejia, and Don Miguel Miramon.

This article gives a slight idea of that trial, and will serve, therefore, to calm the anxiety which is felt here to learn the details. Mr. Romero thinks it due, nevertheless, to make known to Mr. Seward that in said article the able defences of those who are at rest are brought out in high relief and very specially, from which it appears that only one side of the question is presented, and therefore it may be considered as partial to the accused. In all the rest, however, the narrative appears correct.

With reserve, then, of sending to Mr. Seward the entire record of the case, or such portion as may be published, and which will contain both sides of the question, Mr. Romero hastens to transmit to him the article mentioned, which will place Mr. Seward in position to give to Congress the information it desires of the trial itself, although incomplete and partial.

[Enclosure No. 1.]

The following account of the trial of the imperialists is translated from the Mexican journal, Sombra de Arteaga, of Queretaro, June 18:

The three days' prorogation granted by the supreme government to the counsel of the criminals for their further defence having expired, an order from headquarters organized the court-martial, and in virtue of the orders from headquarters, the adjutant general issued his orders as follows:

[General orders of the division for the 12th and 13th of June, 1867.]

ARMY CORPS OF THE NORTH,
Adjutant General's Office, Queretaro, Mexico.

At 8 o'clock on the 13th court-martial will organize, and be composed of the following officers: President, Lieutenant Colonel Platon Sanchez. Members, Captain José V. Ramirez, Captain Miguel Lojero, Captain Ignacio Jurado, Captain Juan Rueda y Auza, Captain José Verastigue, Captain Lucas Villagran. This court-martial will meet at the appointed hour, at the theatre Iturbide, in conformity with article 8 and paragraph 5 of general orders of army regulations No. 37. All officers, not on duty, will attend punctually on the court-martial, at the place and time mentioned. At 6 o'clock a. m. will be formed in front of the temple of Capuchinas, fifty mounted riflemen, of Galeana, with their corresponding officers, armed and equipped; and fifty men of the battalion of the guard "of the supreme powers," likewise with their arms, equipments, and officers, both of which detachments will place themselves under orders of Colonel Miguel Palacios, commanding second brigade.

(Signed) SIERRA.

MEDINA.

At 8 o'clock a. m., on the 13th of June, the court-martial assembled at the theatre of Iturbide, and the audience was very large. The stage was occupied by the court, leaving the rest of the theatre to the spectators. The right of the

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stage was occupied by the members of the court, and on the left, and immediately opposite, were placed three stools for the criminals and seats for their counsel. The most profound emotion was depicted in the countenances of all, and the silence that reigned in the circle could almost be felt. Messrs. Miramon and Mejia were brought into the theatre at 9 o'clock in the morning, in a coach, escorted by a company of riflemen of Galeana, covering front and rear of the vehicle, flanked by a company of the "supreme powers" on one side, and one company of the 4th battalion on the other. In this wise they arrived and were delivered over to the officers in charge of the court-room. The president opened the court. The members and the counsel took their seats, all being in strict uniform. The judge advocate, Lieutenant Colonel Manuel Aspiroz, read the charges, after which was read the order from the commander-in-chief. As the trial and all the proceedings will soon be published, we will only rapidly sketch its progress, discharging our duties as historians. The previously taken declarations of the prisoners, first, Maximilian, then Miramon and Mejia, were read. Next followed the confession and charges, after which there were some slight unavoidable interruptions, such as, for example, Maximilian asked that he be permitted to call three lawyers of Mexico to defend him. He also desired Baron Magnus to be called; that he had matters of his family to arrange, and also matters of a national character touching Venice, Italy, and Austria, of the utmost importance to those countries. The general-in-chief granted the prayer of Maximilian, forwarding his despatch to General Porfirio Diaz. The latter, however, would not allow the telegram to pass into that city, on account of its being besieged, stating that he must have a special permit from the supreme government of the same, which was granted. Maximilian named as his counsel Mr. Jesus Vazquez, of this city, and Eulalio Ortega, Mariano Riva Palacio, and Rafael Martinez de la Torre, of the city of Mexico. Miramon nominated Messrs. Jauregui, of San Luis Potosi, and Ambrosio Moreno, of Queretaro. Mejia nominated Mr. Prospero C. Vega, also of Queretaro.

The counsel having read their acceptance of the defence, other documents of a preliminary character were presented and read, but the rapidity of the reading and the confusion in the proceedings do not enable us, at present, to give a detailed account of them, according to numbers and dates, or of their exact statements. We will, therefore, content ourselves only with speaking of the main ones. Among the documents regarding Maximilian, outside of the petition aforesaid, there was one protesting against the jurisdiction of the court-martial, claiming it to be an illegal proceeding against his person, inasmuch as it was based upon the law of the 25th of January, 1862, decreeing against traitors to the country; and that he, being a foreigner, could not be a traitor to the country that is not his own, and over which he exercised such high functions that he believed himself unamenable to the law. There was also a petition, directed by Maximilian to the President, asking an interview, and the answer of the President, stating that the interview could not be granted, because of the limited time allowed by law for his trial, but that he could address him in writing anything he chose to say. An order from headquarters also advised the judge advocate that any protest or exceptions taken by the accused shall be properly certified, and a copy of it given to those interested. Mention was also made of the certificate of illness of Maximilian, arguing in favor of the prisoner being removed to some other place, for change of air.

Next was read the protest of Miramon and Mejia against the jurisdiction of the court, which being refused, they again excepted to, because they were denied the right to appeal, there being no supreme court in the nation, and they asked only that they be furnished a certified copy of the rulings of the court. These proceedings having been gone through with, the accused, Thomas Mejia, was brought into court and was seated on a stool, guarded on each side by an escort of the "supreme powers." Mr. Prospero C. Vega commenced the defence. We

have heard a great deal and have read much, but never have we heretofore felt the admiration inspired in us by the able counsel, filled with the principles of right most applicable to the case, delivered by the heart and inspired by the most liberal principles of our great code, the constitution of 1857. This masterpiece of oratory moved profoundly the entire audience. The points of defence were three: 1. The meaning of the law of January 25; 2. Its application to the defendant; 3. Its constitutionality. The counsel held that the law of January 25 is only applicable from article 6th to 11th, inclusive, because the balance conflicts with the law of nations and cannot subject the accused to the penalties of said law. In sketching the political status of the accused, in a brilliant biography, he reviewed his military career up to the present time, showing conclusively that he had not allied himself with the intervention. Said Mr. Vega: Mejia offered from the sierra an armed neutrality to Doblado, which he observed until the general government abandoned the capital—behaving in such a manner that he did not disturb their transit almost immediately through his camp. The same behavior he observed toward the officers of the government and their employés, and even to the troops, who were so thoroughly demoralized in their retreat that nothing would have been easier than their destruction. He insisted that the defendant was not an interventionist of the men of Baranca-Seca; that in all of his campaigns he limited himself to defence, and never to attack, remaining faithful to his flag and complying with his military duties. He especially claimed as the best point for defence that Mejia never spilt blood of prisoners; that he had very frequently in his power many of the commanders, chiefs, and officers of the liberal army; that he always treated them with humanity, to which, said the counsel, Generals Escobedo and Trevino could testify. The illustrious martyr, Arteaga, has also been his prisoner, as well as an innumerable number of employés and soldiers of the liberal government. He touched upon the political character of the accused, saying that Mejia, faithful to the proclamation of the government to which his political conviction adhered, he followed the different phases of the civil war. But when the intervention got into the land, Mejia ignored the true physiognomy of the war, and allowed himself to be deceived by its promises, believing that the establishment of a throne in Mexico was the voluntary will of the people. And, finally, addressing himself to the council of war, he spoke in those affecting terms which never fail to move the heart of the young and brave, calling their attention to the humane principles laid down in the constitution of 1857, which abolished capital punishment, and conjuring them not to stain the laurels of triumph with the blood spilt upon the scaffold. Mr. Vega spoke in a happy strain, and the obscure lawyer made himself famous before the bar of Mexico. The president asked the accused if he had anything to say in his defence. He answered no; that all was said by his counsel, but that if anything was forgotten the counsel would state it in proper time.

Mejia was then led out, and immediately Miguel Miramon was introduced. Messrs. Jauregui and Moreno read successively the defence of the accused, with but slight difference in the legal part of the defence, the same points being claimed as were made in the defence of Mejia, regarding the incompetency of the court, and the refusal of the right of appeal. A great many authors were read touching the case in point. But the main point of the defence went to establish the fact that the law of January 25 could not be applied to Miramon; he was accused of stubborn resistance to the constitutional government his pronunciamiento in Puebla, his abstracting the funds of the convention, his usurpation of power, and, lastly, his last campaigns under the flag of the empire. The counsel energetically argued against the application of the law of January 25, being applied in this case of Miramon to acts committed before its passage, and for some of which acts he had already suffered legal punishment, and for others in which he had, as an accomplice of the first magistrate of the nation (for

the state policy of Comonfort) and others, followed merely in the train of events of parties in the civil war. The counsel claimed that Miramon did not join the intervention, because he remained in a foreign country during its conception and consummation, without participating therein. That from a foreign soil he offered his services to Mr. Juarez; that his services were accepted, and if he failed to render the services it was because of circumstances beyond his control. But finding it impossible to any longer live outside of his native country, he returned to it, finding the empire already established; that he was then banished to Berlin by Maximilian; and, said the counsel, becoming the irreconcilable enemy of foreigners, he again returned to Mexico, at the time when General Castagny withdrew with the last of the French troops, and then it was that he took part with the partisans until made a prisoner. Messrs. Jauregui and Moreno thereby inferred that the law of January 25 is not applicable to Miramon, and that for the acts in the last period of his career he was protected by constitutional guarantees, and the law of nations regulating the right of prisoners of war. The counsel briefly touched upon the personal character of the defendant, citing his clemency to prisoners of war, mentioning some very noted instances. Mr. Jauregui particularly called attention to an instance in which he himself was indebted to Mr. Miramon for his life, upon that memorable day in Tacubaya, the 11th of April, where, among others, his brother was one of the martyrs, he being among prisoners captured by Marquez. The fatal square was formed, when Miramon saved him from the fangs of Marquez. And finally the counsel invoked the clemency of the liberal party, so brave in war, so noble in victory. Neither the counsel nor the accused having anything further to say, he was led out to his prison adjoining that of Mejia.

Next followed the trial of the archduke. Having been confined to his bed for some days previous, he was this day, if anything, worse. Mr. Manuel Azpiroz repaired to the prison, from whence he returned shortly, stating that it was impossible for the prisoner to appear, in consequence of which Messrs. Jesus Maria Vazquez and Eulalio Ortega alternately read the defence. The first part of the defence comprehended all of the legal points applicable to the case. It was claimed that the court was incompetent to try the case, that the law could not be applied, and the unconstitutionality of the same, and they strongly argued against the irregularity of the proceedings of the court in the absence of all witnesses, documents, and of proof. The situation in which the defence finds itself is incomplete. That the case under consideration is of such magnitude, involving so many points of international law, history, and politics, that the forty-eight hours which were granted are insufficient for its preparation. That the prisoner should not be deprived of the proper means of defence, and more particularly in this case it is imperatively necessary, the nature of the case requires, that all the legalities be complied with; that calmness and deliberation mark the proceedings, in order that the fair name of this republic should remain unimpaired before the world, which so anxiously awaits the solution of this social drama. Several authors were cited to sustain the position taken.

The court overruled the position taken, and forced the defence to trial, the counsel declaring that they could but would not keep silent, in view of the incompetency of the court and the illegality of the law, and then commenced giving the history of the prisoner. Mr. Ortega, who was then speaking, said that he would answer to the charges made against the prisoner, because he was forced to do so, not because there existed any proof sustaining the charges. He ran over the history of the accused, his arrival in Mexico, answering to the charge made against him as an usurper. He said, Maximilian being at Miramar, received a delegation of Mexicans, presented to him by a high functionary of the court of his brother, who came to offer him the crown of Mexico. Maximilian refused to accept the crown until the will of the nation should be known to him. Meanwhile the French occupied Mexico, and under

the terror of bayonets the assembly of notables was convoked, who voted the creation of an empire, of which the archduke was to be the head. Under the influence of the said assembly many municipalities gave in their adhesion, and these acts of adhesion were remitted to the emperor elect. Maximilian, still hesitating, consulted the most eminent jurists of England, and the college of London declared that he was elected by the will of the nation, emperor. The jurists of London, as well as the candidate, ignored the means used in Mexico in order to obtain the unanimity of the people by triumphant parties. Maximilian accepted, not believing himself an usurper, but, on the contrary, its legitimate sovereign; and, moreover, this belief was confirmed by the reception he received on his arrival in this country, unaccompanied by troops, and none with him but his family, the ovations tendered to him in his transit from Vera Cruz to the city of Mexico, and at the places he visited afterwards in the interior of the country. Mr. Ortega denied the charge that Maximilian was there as an instrument of France; that the archduke had been in conflict with her since the agreement at Miramar; that there France asked the cession of Sonora, and he refused it, and even insisted that the article claiming this pretension should be stricken out; that he constantly opposed the demands of the French officials, and this state of affairs lasted till they quit the country. When Maximilian perceived the first symptoms of general discontent, he withdrew from the capital, and in Orizaba and Cuernavaca he called around him his ministers of state and consulted with them about the legitimacy of his election and the will of the people, and they represented to him the entire fidelity of the people. Most ably did the counsel refute the charge of cruelty charged upon the prisoner. He said the law of the 3d of October was made by Maximilian when he was cheated into the belief that President Juarez had abandoned the territory, and that one of the articles of that law was dictated by the commander-in-chief of the French. Moreover, this law was only intended as a terror, because never was a petition for pardon presented but it was conceded. He had given orders that no matter at what hour of the day or night a petition for clemency came, he should at once be informed of it; that neither his rest nor his labors should be regarded, which was strictly observed. Finally, the counsel argued the unconstitutionality of the law of 1862, it being incompatible with the spirit of the liberal party and the rights of the nation, inasmuch as the conqueror is made the judge of the conquered. The counsel closed, earnestly asking the members, in the name of civilization and the history which will judge of the terrible deeds done this day, for the defenders of the second independence of Mexico, to save the good name of this country, in the eyes of the coming generations, that they may forever applaud the crowning of the greatest of victories with the greatest of pardons. Here ended the reading of the eloquent defence.

The brief time we had to pen this narration, and the difficulty of retaining in our memory, with precision, all that was said and transpired at the court-martial, its proper order and continuation, has prevented us from rendering literally exact the words pronounced and phrases used. We were without a stenographer, and had no recourse to the documents to rectify errors. It has been the work of a memory weakened by fourteen hours of mental labor, and we ask the judge advocate and counsel to pardon us if we have not been exact in our work as historian. What we do declare is that we have especially adhered to the truth in reference to all the circumstances connected with this case. Profound are the reflections emitted by this solemn trial; but reduced to paper by the historian, in it will be found only what transpired, and we have repeated but the words said, keeping silent our own feelings. Hereafter we will disturb that silence which we this day maintain out of compassion for the tried, and in respect for the holy mission of the reporter who explains questions, defends

principles and crushes crime, but salutes respectfully the fallen, if he does not raise his compassionate voice in mercy for him.

It was 9 o'clock at night when the president announced that the court stood adjourned to 8 o'clock to-morrow morning; that the defence could not longer continue, as the court desired to consult counsel in reference to some points in the case.

June 14. At the stated hour the court-martial, having gone through the usual form, was declared in session. None of the accused were present. The president asked the counsel for the prisoners if they had anything further to advance for the defence. They answered not at present, but wished to reserve further argument until a later period in the trial. Mr. Manuel Azpiroz, the judge advocate, then read the charges against the accused, sustaining the same by certain official documents emanating from the so-called imperial government. Mr. Azpiroz united with his known ability a dignified and solemn energy which indicated no doubt as to the result of the trial on the minds of his hearers. Among the accusations against Maximilian, was found that terrible charge of having attempted to prolong the war by his celebrated decree of March 7, already laid before our readers in our last number, in which he created a regency in case of his death in any of the coming battles. To rebut the effort made by Mr. Vega to overthrow the charges by reason of the absence of any proof of the same, the judge advocate said that all the charges were founded upon the notoriety of the acts, and that notoriety was sufficient to establish the accusation; that according to article 28 of the law of January 25, it would have been sufficient to establish it as a capital offence, even previous to the identification of their persons. The absence of those records and testimony, which the counsel deem so strange, amounts to nothing. They are not needed. The prisoners were captured with arms in their hands, and their crimes are known to the entire world. He concluded by asking that capital punishment be adjudged the accused.

Messrs. Vazquez and Ortega then successively addressed the court for the defence. The first of these gentlemen carefully refuted the charges, and concluded with these memorable words, addressed to the court. "If you condemn the archduke to death, I am not uneasy about a coalition in Europe, or the threatening attitude that the United States may assume toward the republic. I have confidence in the liberal armies that have rooted out the French from this soil. But I fear the universal reproach that will fall upon our country, as an anathema, more than even the sentence of death, because of the nullity of the proceedings of this court." At this point Mr. Ortega proceeded. This gentleman is an orator. We have seen him, and were reminded of the beauties of Mirabeau. His audience was held spell-bound. He went into the case with that power of improvisation so remarkable in him. He protested against the irregularity of the proceedings. He called attention to the principle in right and law that the judge advocate should first read his petition before the defence commences, because the last words to be heard by the court should be those of the accused. He charged the judge advocate with having formed his petition from the answers made by the defence, in view of the proofs furnished by the defence, which is at variance with the legal practice and the rightful nature of all things. He reproached the judge advocate with having collated into his petition proof that had not been read during the trial, which, apart from proving that that officer had taken advantage of the suspension of the court during the night to perfect his accusation, but making points which were suggested to him by the defence—this being against all law in a question where life and death is concerned—had more the appearance of trying the prisoner on his own statements, than by the proofs adduced against them by the prosecution. Regarding the accusation against the archduke that he attempted to prolong the war by appointing a regency in case of his death, said the counsel, with earnestness and spirit, I declare that Maximilian's subsequent act of abdication at the Cerro

de la Campana is in existence. On my honor, I can assure you, and likewise can the faultless liberal, Mariana Rivas, assure you, that in that abdication there is no evidence of a regency. Concerning the article 28, of which the judge advocate spoke in justification of the absence of evidence and documentary proofs, all the counsel for the defence answered in so many words, that the times of the inquisition had passed, in which nothing but the mere forms were all that were required for conviction. They never supposed that Mr. Azpiroz expected the honorable court, whose youthful members were the brave and noble soldiers of the republic, had assembled for the purpose of condemning, and not convicting. And, lastly, that they never believed that the honorable court would make a farce of justice, under a watchword, instead of proceeding according to the dictates of their own consciences. They (the counsel) scorned to entertain this idea of the brave chiefs composing this council. The idea is the offspring of the strange argument of the judge advocate.

One of the counsel for the defence, we believe Mr. Vega, asked the judge advocate by what right he annulled the order of the supreme government, demanding him to proceed according to articles 6 and 11 inclusive, comprised in the law of the 25th of January, omitting the balance, and among them article 28. Mr. Ortega read the order and made a note of the infraction. Mr. Jauregui having closed for the defence, Mr. Moreno presented a protest based upon three propositions, energetically protesting against the admission of evidence subsequent to the trial, inasmuch as the prosecution had been roused up and the judge advocate had ample notification of the defence. Without anything further transpiring, the court went into secret session for the purpose of passing the sentence. At near 10 o'clock at night the court-martial dissolved, and we are not at this moment officially informed of the decision.

The court-martial is over, and the republic, after having struggled until they brought their enemies to the bench of the accused, after having beaten them in a thousand fights, will this day decide their fate, either by approving their sentence or extending clemency. The city, the republic, the world, await anxiously the results of this terrible drama.

[Enclosure No. 2.]

We extract the following from the *La Sombra de Arteaga*, published at Queretaro, and *El Mexicano*, published at the city of Mexico:

"Having placed ourselves at the head of our army for a campaign which will decide not only the form in which Mexico will be governed, but the integrity of its territory, and the existence of the country as an independent nation, we have considered the case of our death, by an accident of war, as possible, and the possibility of Mexico, which we love with predilection, being headless in its government. The regency which we established in less hazardous days than these, depending in Providence and the intelligence and virtues of our august wife, the Empress Charlotte, has ceased to exist on account of her absence in Europe; it is necessary to meet that want with a medium of similar nature, the Mexican nation not having expressed its will to change the form of government; and the monarchy existing to-day, it is proper to establish a regency which can govern the state in case of vacancy of the throne. Loving the Mexicans as we do, we have determined, for the referred case of our death, to leave a regency established, serving transitory as the centre of union to the government, to save the country from horrid wrongs, and we recommend the Mexican people, who see in this measure the last testimony of our love to them, to accept it joyfully. The citizens which we have placed as regents are well known for their illustration, patriotism, and perseverance in the grave affairs of the state, and are consequently acceptable by their countrymen. In virtue of which, we establish a regency of three persons, and we name regents, the president of the supreme

tribunal of justice, D. Teodosia Larez, the president of the state council, D. José M. de Lacunza, and the general of division, D. Leonardo Marquez. We name vice-regents, in order that they may replace the proper regents in case of need, D. Tomas Murphy, and D. Tomas Mejia. The regency will govern in accordance with the organic statute of the empire. The regency will convoke the congress, which definitely constitute the nation, after the termination of the war, by the triumph of the imperial army, by amnesty or any other means which will bring hostilities to a conclusion, the free and legitimate reunion of that constituting power take place. The regency will cease, and with it the power which we bestow upon it, by this letter, at the inauguration of congress. In the expressed case of our death, we name from to-day D. Leonardo Marquez, general-in-chief of the army, until the assembly of the regency. The Hon. D. Manuel Garcia Aguirre, our present minister of public instruction, is recommended to let this, my last will, be known to the nation, and to the regents whom we have named. In addition to our orders to the regents, we recommend them to punctually follow the motto which has been the seal of all our acts as sovereign, "Equity and Justice," to guard inviolably the independence of the nation, the integrity of its territory, and a politic foreign to all spirit of party, devoted only to the happiness of all the Mexicans, without distinction of opinion."

Copy taken from the original.

J. C. DORIA, *Secretary.*

QUERETARO, June 10, 1867.

[Enclosure No. 3.]

THE DECREE.

Considering that if our death was to happen, the government of the empire would be headless on account of the absence of its legitimate regent, our august wife, the Empress Carlotta; considering that to remedy this great wrong, and to secure on our part the happiness of the Mexican nation, even after our death, it is necessary to leave an established government whom the nation can recognize as the centre of union; considering that it is through the freely convoked congress which will be decided the form in which it will continue to be constituted, and substitute the present one, which is the monarchy, and for the same cause of our absence the government will be deposited in a regency, we decree:

ARTICLE 1. Our regents of the empire, in our defect in case of death, D. Theodosio Lares, D. José M. de Lacunza, and General Leonardo Marquez.

ART. 2. The regency will govern in accordance with the organic statute of the empire.

ART. 3. The regency will convoke congress, which will definitely constitute the nation after the termination of the war by the action of arms or by amnesty. The legitimate and free election can take place, and that constituted power can reassemble.

ART. 4. The regency will cease, and also the power with which we invest it in this decree, at the installation of the congress.

Our minister of public instructions is recommended to inform the regents heretofore named, when necessary.

Given at Queretaro, June 10, 1867.

J. C. DORIA, *Secretary.*

Mr. Seward to Mr. Romero.

DEPARTMENT OF STATE,

Washington, July 17, 1867.

SIR: I have the honor to acknowledge the receipt of your three communications of the 3d, 7th, and 12th instant, with their enclosures, in relation to the

capture, trial, and execution of Prince Ferdinand Maximilian of Hapsburg, and of Generals Mejia and Miramon, late of the imperial army, in Mexico.

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

WILLIAM H. SEWARD.

Señor Don MATIAS ROMERO, &c., &c., &c.,
Washington, D. C.

Count Wydenbruck to Mr. Seward.

WASHINGTON, April 5, 1867.

I have just received a telegraphic despatch from my court, on the subject of which I should be happy to speak with you. May I ask you to fix the hour when I can have the honor of seeing you to-morrow?

I remain, Mr. Secretary, with the highest consideration, your obedient servant,

WYDENBRUCK.

Mr. SECRETARY OF STATE.

Count Wydenbruck to Mr. Seward.

[Pro memoria.]

WASHINGTON, April 6, 1867.

The Emperor of Austria, my gracious Sovereign, has been informed that his brother is surrounded in Queretaro by the liberals. The fate of the prisoners after the battle of Zacatecas makes the Emperor anxious for his brother's safety, should he fall into the hands of the liberals. I received yesterday a telegram from my Court, instructing me to speak on the subject with Mr. Secretary of State, and to see if you would not be disposed to use your influence with Juarez to urge him to respect, in such an eventuality, the person of my Emperor's brother. Of course such a friendly intervention would also benefit the other eventual prisoners, particularly foreigners. We hesitate the less to make this application to you, Mr. Secretary, not only because we have confidence in the friendship of the American government, but because this government seems to have a right to demand from Juarez to respect prisoners of war, as it is in great measure to the moral support of the American government that the liberal party in Mexico owes its present successes.

WYDENBRUCK.

Mr. Seward to Count Wydenbruck.

DEPARTMENT OF STATE,

Washington, April 6, 1867.

MY DEAR COUNT WYDENBRUCK: With the President's approval I have this morning transmitted by telegraph a despatch to Mr. Campbell, a copy of which I place in your hands. I have also communicated to Mr. Romero, the Mexican minister plenipotentiary here, the sentiments of this government in regard to the exigency apprehended in Mexico. He gives me the assurance that he will lose no time in communicating the same to the government of Mexico.

I am, my dear Count Wydenbruck, very respectfully yours,

WILLIAM H. SEWARD.

Count WYDENBRUCK, &c., &c.