

On the 26th, accompanied by the commander-in-chief, General Auza, I twice visited the lines of defence. The enthusiasm of our soldiers and of the people was at its highest pitch, and our hopes of victory were equally great, but in war it is difficult to predict results, and any circumstance, however insignificant it may be, defeats the best combinations. The information sent by the commander of the place known as La Bufa to the general-in-chief not having reached him in proper time, that the enemy had advanced upon that place before break of day, prevented the requisite force being sent to its support, and between six and seven a. m. of the 27th the enemy occupied that point, and shortly after entered the city. General Auza then sent me word that I should look to my safety. Accompanied by Messrs. Lerdo and Yglerias, I then set out on horseback. General Mejia, who had been sick for some days previously, I had directed should be taken from the city the night before. As I left the palace my escort was already firing upon the French, who had appeared at the entrances of the streets. My intention was to go to Fresnillo, but the enemy's advance and fire commanded the road to that place, and therefore I proceeded to Jerez, otherwise known as Garcia City, distant fourteen leagues from Zacatecas. Our troops took the same direction. Miramon, with the main body of his forces, pursued them for nearly three leagues, and though he attempted to destroy it several times, he was as often repulsed, until he was compelled to abandon the undertaking and to fall back upon Zacatecas. I arrived at Jerez on the same day, and on the following day our forces, to the number of one thousand five hundred men, reached the same place.

On the 30th I ordered this force to unite with that of Escobedo, who was on his way to the relief of Zacatecas, and I started for Fresnillo, which I reached on the 31st. On the same day General Auza notified me that Miramon had evacuated Zacatecas at midday, and was retiring towards Aguas Calientes. General Auza advanced to occupy Zacatecas and to harass the enemy's rear, as he had been ordered by General Escobedo. I returned to the capital on the 1st of February, and early this morning received the report of Escobedo, announcing the complete rout of Miramon.

I have herein given you a brief summary of all that has occurred during the past eight days. Personally, I have met with no accident. About the time I left the palace, on the 27th, my attendant took my baggage to a house near the palace, which was subsequently searched by Joaquim Miramon and other myrmidons. My trunk and the cane which had just been presented to me were the only objects saved. The traitors pillaged and destroyed all the public offices. In the palace all was sacked and destroyed, and I have been obliged to occupy a private house.

With the defeat of Miramon our success is rendered the more speedy; for the enemy has now no other troops, and these badly organized, than those of Castillo and Mendez, which will shortly be destroyed.

It is very probable that I shall proceed either to Guanajuato or San Luis within eight or ten days.

BENITO JUAREZ.

ORIZABA, *March 3, 1867.*

The Cordova colony is a thing of the past; the last two families bowed themselves out of the village of Carlotta a week since. Others went last month, six months ago, and during the interim. There were no sorrowing, nor sighs, nor tears; but rejoicing and gladness as each one shook the Mexican dust from his shoes, and turned his face gulfward. The streets and plaza look a little deserted, and the broad mangoes wave their branches in the winds, and sing, in company with the sad night breeze, a sort of mournful requiem.

Sterling Price, now in the land of civilization, sat under the shadow of these noble trees, and slept there, too, with ex-Governor Harris, without shelter from storm and tempest. It was there he composed those romantic missives that, published in the United States, sent out hundreds of fortune hunters and exiles and adventurers, to gather the silver bars and harvests of sugar, and coffee and cotton, and sleep in the lap of this Aztec paradise. You ought to have seen the new-comers, brimful of joy, dash on horseback into the village last summer, lauding the empire; the chivalry of the Mexican race, looking in wonder from the mangoes towards the plaza, that the weeds and shrubs had hid, asking for the spring of cool water that was not there, and the ice cream saloons, and ice lemonades, made of Orizaba ice bars and snow, and bending their cheeks to the cool winds from the mountain peak, which for the first time they learned was forty miles distant. Colonist faces were a study at that time, going in and out of the village. Going in, with prospective music from the crystal fountain, the sight of snowslides from the peak, and orange trees, yellow with golden fruit; bananas hanging in huge bunches; figs and peaches mingling their rich colors; distant coffee groves in bloom; cotton fields white for the harvest, and sugar mills with the busy hum of operatives; the click of mill hammers from the Rio Seco—all romance and humbug and swindle. But people came and swarmed over the valley, and hoed and built and planted, and praised the soil, the climate, and government; talked lightly of, and swore roundly about, the "red, white, and blue." These brave men—generals, colonels, captains, governors, judges and preachers—swearing eternal fealty to Mexico, and eternal hatred to the United States, promised never to set foot on soil where the stars and stripes wave. There was prospect, indeed, of an early and formidable rival on the western shores of the Gulf; and as the multitude came the valleys filled, and settlements extended outward and southward thirty miles. The roads and donkey paths everywhere the thoroughfares of families and men and pack mules; all hunting new lands, no matter where or whose, to grow rich and great, and wise and happy under the genial skies of Mexico.

All the while the village grew, and people came; lots were high, and speculation was rife. Increase brought selfishness; the supply was already heavy; that produced dissensions; strangers were not welcomed as before, and land could not be had at any price around this charmed spot. Some with wire edge worn off in one week turned back, and left all the way and at home an unvarnished and damaging record of the place and country. But then letters had found their way into print; old generals and disappointed judges and governors indited fair stories and Munchausen tales, that did the work. Golden apples were thick on trees, and silver nuggets were lying around loose everywhere; the very clouds showered down beefsteaks, and empty palaces, and blossoming coffee haciendas, acres of maguey, and cotton fields ready for the laborer, waiting, all waiting for the coming colonist. They never dreamed of disappointment and ruin, nor the cold faces of native, Spaniard, and Frenchman set against them; of the freezing sentences dropped from the lips of the land agent here, or the calm indifference of the founders at the colony; no, only of dollars and downy beds, perennial showers and sugar mills. These were the deluded ones; honest, many of them, but most meanly and villanously taken in. The men who founded the colony had acres of land, but gave none; would sell none to the anxious colonist. The adventurer came too, the dishonest man, the speculator and swindler, and harbored here; robbing his countrymen, the natives, every one he could; then went home again to practice morals in his fatherland. The wave went to Cordova; overran that town, so that people woke from their sleep, put up their rents, their goods, their lands, and waited. We had American hotels, livery stables, American hacks and manufactories, all in a week. Then these political and pious brethren bid against each other run up prices

bought and sold and speculated, borrowed money of each other, opened large houses for hotels that never paid, monopolized business, broke, and then fled the country, leaving their friends and the natives unpaid and bankrupt. A large portion of them came to grow rich, came without money; persuaded others into wild speculations that they knew were swindles, rejoiced in fine outfits, flourishing and flashing signs that meant nothing; spent and played at faro and monte, and then went at night and in disguise, any way to evade the law and their victims, to the States. They accepted land of the government—it cost them nothing—sold it to the unsophisticated and believing, drank, out-Heroded the veriest Greaser, and cursing the country and people, went home as they came—robbers, drones, and rascals. When the rush was at its height discontent grew apace and murmurs waxed loud; the fathers of the concern were roundly and deservedly denounced. Old Sterling Price, the good, kind old man, with the fire of battle gone, exiled, now traduced in his age and helplessness; Harris, ex-governor of Tennessee, strong and unchanged by reverses, with a voice clear as when he rode triumphant on the field of Shiloh, him they spared not in their wrath; Judge Perkins, of Louisiana, now in Paris, the head of the land bureau here, chary of his words when colonists came, proud and polite and uncommunicative, without shadow of sympathy for his countrymen or for any one, him they tracked down and traduced, had him suspended; had the whole disgraceful colonizing scheme, Maury and all, abolished; left him in his glory and solitude, and homeward they journeyed, moneyless and disappointed, in supreme disgust with country, officials, and themselves. Then came trouble with the natives. Indiscreet men squatted on private lands; bullied and blustered; appropriated by right of possession; played the *role* of overgrown fools; made trouble; disgraced themselves and the American name, and ended at last in their capture—in the destruction of their little property, a four weeks' imprisonment on starvation tortilla rations, and a peremptory order to quit the country. Then also succeeded other raids on the Carlotta district, into the village itself, and a general scatterment of citizens followed, loss of property, and a tremor in the founders themselves. From that time the colony grew weak, and people lost faith in it. The French were unfriendly, the natives hostile, the Americans demoralized. The Imperial Railway Company went begging, stopped work, and sent employes and contractors hither and thither, without pay or even the promise of it. The tide swept backward then. Panic stricken, they sold out; sacrificed their sections of land, crops of corn, cotton, and tobacco, their cabins and horses and hoes, and downward toward Vera Cruz, on foot, horseback or wagon, they journeyed. When too late land owners grew generous and made voluntary offers of tracts and lots of land in and around the village gratis. Then it was that the selfish and speculative spirit took fright; then business flagged and crimination followed, and men swindled each other, litigated in the courts, sued for trivial sums, and, through spite, quarrelled and loafed, and drank and grew turbulent; ridiculed the Mexican religion, and depreciated the country and people. Prices went down in a week; rents and credits went the self same way; and men who came without a dollar, and speculated upon their fellows, with hotel bills unpaid, stole, like thieves as they were, out of the country, and landed on the other side of the Gulf with tales of robbery and misfortune and native treachery in their mouths. Scores who had sworn, in their zeal for the empire, never to set foot again on American soil, were seized with leave-taking—calls of business from the States; started on a visit, disposing quietly of their plantations and traps for a song, and waited not till on board a steamer, and in raptures swinging their hats for the stars and stripes, and thanking Providence and the fates that Mexico was out of sight forever. The United States, with free schools, and free negroes tacked on, was not so finished a humbug after all; although caucuses and bar-room gangs, fired by past wrongs and brandy smashes, did expend bits of incorrigible logic to crush the little American re-

public. What a breaking up followed in a few months—a swallowing of bitter terms and savage invective—in vulgar phraseology “dirt eating,” humiliating excuses trumped up for going home again, a pulling down of flaring hotel signs, dropping of newspaper notices and defiant letter writing, a shirking of fair contracts and a general swindling of honest men. Native professionals were put to the blush, and felt more than ever like honest men. And then commenced a system of detraction in nowise creditable to the American character. You could see blustering men “button-holing” each other on the streets, denouncing colonization, toning mildly the wrongs from which they fled, paving the way for a respectable retreat out of the country, truculently seeking pardons, sacrificing principle, as blustering bravado ever does. The loudest talkers fell early, fell first; even the genial, generous ex-judge, ex-senator from Louisiana, struck his colors in September, pushed off from Vera Cruz, leaving the friends he was instrumental in bringing hither to rough the trials and revolution alone; General Price, for whom there is some slight palliation, broken down and bent with age, misfortune, and grief, left without even notifying the families and men he had drawn here by promises of wealth and health and peace. The first to set a stake in Mexico, almost the first to leave it; now in St. Louis, while his colonists here ask charity of strangers to take them home. It was a palpable desertion of friends; let him excuse it if he can. Harris, perhaps more consistent than his compeers, waited till the last footfall of retreating colonists at Carlotta was heard dying away, then took ship for Havana. Shelby, faithful to his trust and promise, waited to see the last one of his friends on the homeward way. He has been engaged in a new colonial enterprise in Mexico, which at present is no nearer completion than it was four months ago. The present stormy times will discourage the bravest spirit.

Let me recite here a little scrap of unwritten history, told me by a colonel of Texas cavalry. This General Shelby, it will be remembered, was the most dashing cavalry officer west of the Mississippi. When the fall of the confederacy was a fixed fact, he, with many other officers of the trans-Mississippi department, were encamped at Marshall, Louisiana. Shelby, with others, conceived the plan of deposing Kirby Smith, who was incompetent and unpopular, and placing the supreme command in the hands of some other officer, cross to the Brazos, rally there all confederate troops, make a stand at the river, and hold Texas; but in case of failure cross the Rio Grande, enter Mexico, and decide the destiny of that country by arms. Preston, Generals Price, Buckner, Shelby, and many other officers were present. Smith must resign, or be at once deposed by force. A delegation called upon him; I will refrain from particulars. He acceded, and the command was given to Buckner. Thus far things had proceeded smoothly. Officers of divisions were hourly expecting orders to move, but none came. Two days afterwards, Buckner and Price, to the amazement of all, made a surrender of all their troops. I may be mistaken as to Price's participation in the conference. The undaunted Shelby, baffled in his plans, refusing to surrender, led his command through Texas, and across the Rio Grande into Mexico. Selling arms, as the public knows, to the liberals, his men scattered, some enlisting under the liberal flag, some under the imperial. Others became colonists, and subsequently went home. Brave and generous to a fault, had he in the beginning joined his fortunes to the stars and stripes, instead of the ill-starred confederacy, Sheridan would have had in him a most formidable rival.

Hindman, with the will to do, had too much fear of the “wolf at his door,” and most gracefully lowered his colors, applied for pardon, and is now on his way to New Orleans. Poverty was, in most cases, more potent than patriotism; and, indeed, many an honest man, who came upon principle, was at last whipped by prospective starvation to take the backward step. Robbers put an end to agriculture; the railway work was suspended indefinitely. What else was there

in Mexico to put bread into the mouths of dependent ones? It was an open, quiet tug between principle and starvation, and the latter won—always won. You have heard, perhaps, of moneyless men footing it all the way along the coast to Texas, and of hollow-eyed want on the streets of Cordova and Carlotta. The first was not true; the latter was. Prodigality and pride, American characteristics, travelled all the way to Mexico, and were deeply humiliated. Money was thrown away in amusement and lost at monte that ought to have been husbanded for a rainy day. Land and hotel, all kinds of speculations, swallowed up the few hundreds, and when circumstances compelled a retreat to the States nothing was left to pay the passage. Repentance came when there was no remission; hundreds to be helped and none to help them. Not to mention the desperate means used to aid them in fighting back to the fatherland, it will be doing but justice to state that Marshal Bazaine and his chief of staff furnished transportation to Vera Cruz and passage free to New Orleans and Havana to many destitute Americans. Beverley Tucker and son, (who, by the way, had been robbed seven times and suffered sundry injuries in addition, all in the space of eight months,) with half a dozen others from the Carlotta colony, accepted gratefully the kindness of the French marshal.

Every class and profession was represented in the colony. But lawyers were briefless, and doctors barely managed to live. Preachers came, too, brimful of the divine afflatus, strong in the faith of universal conversion to Protestantism. One read sermons awhile under the mangoes of Carlotta, then left his little flock to gather funds in the States for a temple in the forests of Mexico. So he braved the yellow fever at Vera Cruz, suffered perils by land and sea, and, it is understood, made the necessary appeals for aid in the way of church collections, but never returned. A brave missionary came, promising, as his eyes fell upon the broad, green Cordova valley, to cover every hill with a chapel, and turn the deluded Aztecs by thousands into the narrow way. Arrived at Cordova, he wasted his eloquence upon audiences of from five to ten for two successive Sabbaths, at least, and then went to teaming for a living. The missionary effort was spasmodic—mule driving was no better; and in three months he took passage for the land of psalm-singing, Sunday schools, and civilization. Convert a Mexican Catholic to Protestantism! The idea itself is quite humorous—Americans left their piety on the other side of the Gulf; they tabooed sermon-makers and homilies.

When their dead were lowered into the grave it was in silence, in haste, and without religious service. The amenities of life were scarcely recognized. The sick in many cases were neglected by countrymen and natives, and when the season of fever came on, and strong men dropped into the death sleep in a day, the saddest sights were to be seen; scores there were of idle men in the streets, but none at the death-bed; crowds in the bar-rooms and at billiards, none at the burial. I speak of the mass; there were noble exceptions. Employment was to be had nowhere; so men wrangled instead, fought over their battles, fought each other—when opportunity offered, sued each other, shirked the payment of debts, borrowed and decamped, repudiated contracts and sales, reeled on the streets, insulted strangers, insulted citizens, bullied and boasted to the end. There are a few cases on record where these immaculate fellows swindled their honest countrymen and made beggars of them, most shamefully robbed and fleeced the unsuspecting natives, then ran away at night time, crossed the Gulf, entered a newspaper office, and denounced, heartily and roundly, with pious, pretentious horror, the whole Mexican race, calling them robbers, murderers, treacherous—everything denunciatory. What a marvel it is that ten Figueras instead of one did not pounce upon them, good, bad, and indifferent, and escort them, not to Oajaco, but to the Rio Grande, with the injunction never to return. But to-day not a footfall is to be heard in Carlotta; ten months ago busy with bustling life and swarming with fortune hunters; tenantless houses, weedy gar-

dens, fields of unharvested corn; ploughs, axes, and hoes lying where they fell; the mahogany bucket hanging in the plaza well, and tall sprouts running riot with streets and prospective lawns; one is painfully reminded of a deserted town and a woodland wilderness. The landed gentry, the speculative exiles who held their acres at fabulous prices some ten months since, where are they? The robber band of Figuera swooped down upon them when arrogance and selfishness were high in feather; when affluence and Mexican dollars in prospective haunted their sleep and sparkled in their eyes, and when a poor, footsore brother confederate could not get an inch of the precious land for love nor money. It must be with a sort of savage pleasure that the deluded ones who were so heartlessly swindled read how the iron features of that most finished official of the Cordova circumlocution office settled down into a gray paleness when he learned that his land section was a bubble, and his invested doubloons sunk into the bottomless deep of an imperial humbug. I have heard it said that the colony deserved to fall; that it was a speculative enterprise, the founders looking upon it only in the light of a money-making machine; and, indeed, the conduct of many of these exiles warranted just such a finale as has occurred. Insult a people of whom you ask a home; curse the man whose property you have basely appropriated; be he black-skinned Mexican, straight-haired Aztec image worshipper, no matter whom, you deserve no particle of sympathy when your thatched roof tumbles in, your cattle are driven off, corn trampled down, and yourself tramped off into captivity. It was unfortunate for the good men who came; the few honest, noble men who quitted home to avoid insult and humiliation, for all shared a like fate—went down in the general melee and returned home, penniless and disappointed. It is to be presumed that men who pretend to exile themselves in a foreign land would be desirous of clinging to each other, strengthening each other, and aiding each other. But petty jealousies sprang into life at the beginning; clans grew, like mushrooms, in a night; lines (birds of a feather) were drawn; then detraction commenced and scandal travelled, and men who served in the army combined, in drunken brawls, to oppress, to bully, and put down the weak, to perpetuate wrong, defame honest colonists, and defy justice, decency, and Mexican law. A Yankee was spotted and shunned, noticed only when a loan or favor was asked, or a treat in prospective. The Mexican never had much faith in Americans. He looked upon them as a grasping, ambitious, energetic, covetous, wise as serpents, sort of a people. In Cordova, after one year's experience, American character is associated with whiskey, braggadocia, rudeness, dishonesty, and indolence. If any one doubts that let him apply, and he can have the best references and testimony that the town can afford, merchants, ex-governors, judges, alcaldes, ladies, and scores of them. Native antipathy to our race may be offered in extenuation; let it be, I deal in facts only. In one month from this date, a colonist of Cordova tells me, not one American will be left in the place. There are but half a dozen there now, and all setting their houses in order for an early exit from the country. Not one will remain behind the retreating French army. No tears from the natives for their going, only rejoicing and gladness. Such is the brief history of the Cordova colonization scheme.

The Sombra of Zaragoza, the official journal of President Juarez, in the State of San Luis Potosi, published on March 16, a translation of the protest made by French, Austrian, and Belgian officers against the execution of French prisoners captured at San Jacinto. The protest appeared originally in the *Courier du Mexique*, of the capital, 24th of February, and is signed by officers from the rank of captain downward. The following are the main features of the protest:

Escobedo holds that we are bandits because the flag of the intervention has quitted the country, while we remain to fulfil loyally the engagement which binds us to the service of Mexico. He holds us to be bandits because we are foreigners, and belong to no flag whatever. He holds us to be nothing but offscourings of all nations; that we are like the *condottieri*, and have hired our-

selves to the chief who pays best. To this have we come at last, thanks to Marshal Bazaine. Is this the lot reserved for us because we try to keep the promise which he had authorized us to make, and from which he could not free us? We know full well from what quarter the blow came that laid our comrades low. Well do we know who has marked us out for a like fate should we fall into the hands of a ferocious enemy, who regards the terms *civilization* and *humanity* as words void of meaning.

What was, indeed, the answer given by his excellency Marshal Bazaine to the call made in a fraternal way by the emperor of Mexico to the army of the empire in favor of such French soldiers as would remain in its ranks? His reply was most unjustifiable. He called attention to the law depriving French citizens of their rights as such when they enlist in foreign service without the consent of their government. What was this but bringing us to the level of parias for drawing our swords in support of a government set up by France and kept on its feet by her during four years?

But, in our case, we had obtained the consent required. You yourself, marshal, had given it to us, and you are the one who has thus thrown us into the danger. And know you are ready to make us break faith. But an oath, marshal, is a sacred thing; and you have no power over our consciences. It is your declaration to which we refer, that has in a certain manner placed us out of the pale of international law, and has served as a pretext for the insults and assassinations of Escobedo. Should not the blood thus spilled call down the vengeance on the head of him who has been the primary cause of this butchery? It cannot be otherwise—the dead will arise one day from their graves and cry out against the guilty one, "Cain, what have you done with the blood of your brethren? That blood calls for vengeance, and we will avenge it."

Let his Majesty's government form us into a legion and put us at the front under General Miramon. We call upon those soldiers of the foreign legion who are in the ranks of the enemy to recollect that they should not remain side by side with those who cowardly assassinate their brethren and compatriots. Let them come over to us; the past shall be forgotten, and one common tie—a lawful revenge—will unite us all together.

The reply of the Sombra de Zaragoza, after quoting from Wheaton to show when and how far it is considered lawful to inflict death, says:

Wheaton lays down that an enemy's prisoners should not be put to death unless in certain well-defined cases of necessity, such as when it becomes impossible to keep them, on account of the enemy's powerful attempts to liberate them. In the case of Tepetates the prisoners became not only a hindrance to us, but a source of real danger, as we were threatened by the forces of Severo Castillo, advancing at the time to re-enforce Miramon. General Escobedo could not, without danger to himself and the government, detach any of his troops to take care of the prisoners who were not even paroled. Had the oath been given to them, it is not likely that they would have kept it, as we shall prove hereafter. Hence the conduct of General Escobedo is justifiable, and cannot be termed an act of barbarity or an assassination.

The reply of the Sombra goes on to refer to the history of the intervention, to the unwarrantable invasion of Mexico by France, to the violation of the treaty of Soledad by the French, and states that, "even were the soldiers who were shot at Tepetates, fighting under the French flag, they would have had no right to ask terms from the republicans, since they granted the latter none; nor could they be considered trustworthy as prisoners of war, after having broken their faith and made the Mexicans fear them as much in peace as in war."

It then refers as follows to the order of Marshal Bazaine, spoken of in the protest:

We have before us two important declarations made by Marshal Bazaine: First, that all French soldiers who would remain in Maximilian's service should

by the fact lose their nationality. This declaration is in accordance with the general practice of all nations. Secondly, that after four years of war, waged with all the means of France at command, he had acquired the conviction that the sentiment of the Mexican people is in favor of the republic, and, of course, that the establishment of a monarchy is impossible.

Now, if the fellow-citizens of Bazaine call him a second Cain, that is a matter with which we have nothing to do. But we must assume that the marshal made the first declaration, either in conformity with the laws of his country or else in the name of his government. In the first case, which is the most likely, the men who remained in the service of the so-called empire voluntarily surrendered their nationality. In the second case, they got clearly to understand that when France withdrew her flag, and with it the strong but ineffectual support which she lent to Maximilian, it was either because she wished to spill no more French blood in support of a hopeless cause, or else because, having fallen out with her ally, she did not consider herself bound to continue her support.

When the French government broke its promises and withdrew its plighted word in the face of the world, could the authors of the aforesaid protest expect or believe that its engagement with individuals would be more sacred or irrevocable? If we add to this the fact they could not be ignorant of the unpopularity in France of the Mexican expedition, we shall have to conclude that these men have rebelled against their own country, which found itself forced to abandon them to their precarious lot. Nor could those soldiers thus forced in so narrow a strait fail to know that they were going to fight against a government which could on no ground whatever recognize the so-called laws of a pretended empire. Even if they had, in conformity with such laws, adopted the Mexican as their nationality, it would have been unpardonably absurd for the republicans to grant any guarantees to men whose very claims betrayed their spurious and manufactured origin; to men who, by sustaining Maximilian, were bound to follow him in his career of spoliation; to men who, by making themselves the instruments for carrying out the famous law of last October, which was so prodigal in dealing out death to dissidents, whom they designate as bandits, *whatever may be the number, organization, character, or name by which they may be known.* * * * If we were bound to respect our enemies solely because they are loyal in the fulfilment of their engagements with their masters, where should we stop? Then, does loyalty in the performance of one's promises always justify the end for which that promise was given? If this were the case, we should erect monuments in honor of the filibusters who were led on to certain death by the daring pirate Rausset Boulbon. We know that France, at that time more just than now, did not claim them as citizens, nor interfere to prevent their punishment. The similarity between the foreign servants of the empire and the adventurers led by Walker to Nicaragua, who were for the most part Americans, is none the less striking than the above. They were not treated as having rights under the law of nations; and it is notorious that even the government of the United States lent its co-operation to exterminate them. Contemporary history presents us another fact similar in its circumstances, namely, that of the adventurers enlisted under Narciseo Lopez, for the purpose of getting up a revolution in the island of Cuba. The Spanish government was bound to consider them a band of pirates, and, indeed, it so treated them.

Forms are of no account as against the substance of things. The facts that Maximilian styled himself emperor; that France and other nations recognized him as such; that he invaded more or less of our territory and set up a mockery of a government, and that he found Mexicans infamous enough to second his views. These facts do not improve the vicious character of his establishment in Mexico, nor can they affect in the least the justice of the title usurper which has been given him. Indeed he did not come here, even at the invita-

tion of any party that could arise by its own strength, but rather under the shelter of a foreign flag, which protected him in his usurpation, and at a time when there existed, as there now does, a rightful government established in accordance with the will of the nation and conformably with the requirements of our organic law. These are the weighty arguments which fix Maximilian and the *condottieri* who follow him in the same predicament as Walker in Nicaragua, Lopez in Cuba, and Rausset in Sonora; all of whom could not fail to be considered as pirates by the respective governments of those places; and pirates are without the pale of international law.

Let not the hackneyed argument about *de facto* governments be presented to us; for besides the fact that such sort of government is not well defined by any writer on public law, reason, justice, and a due regard for the public weal teach us that a government should be regarded as *de facto* only when it can sustain itself by its own force, and present a guaranty of stability and peace, while at the same time securing the fulfilment of its international engagements, and at the same time not resting its claim to priority on the right of conquest, which is now reprobated and proscribed by the civilized world. Finally, when such a government can with prudence and energy preserve at least public tranquility, and thus make up for the loss of liberty, although not resting its own claim on the love of the people. In which of these conditions can Maximilian claim to be? Instead of recognizing the claims of justice or believing in the advantages of peace, he carried war to the very confines of the republic. Instead of putting himself in the way of fulfilling any of his international obligations he entangled himself in engagements which it was impossible for him to fulfil. * * * Converting his military expeditions into what resembled hunts after wild beasts, he has destroyed all confidence on the part of his enemies, stifled whatever magnanimity they had left, and placed them in the inevitable necessity of taking eye for eye, tooth for tooth, and head for head. And still we cannot admit that he has succeeded in setting up might over right, but rather the law of Talion to a most frightful extent.

Referring to the "cry for vengeance and the proposal to fight it out to the bitter end," spoken of in the protest, the answer continues:

Such a struggle as this had already begun long since on the part of the French, with the wicked establishment of courts-martial organized for the purpose of systematizing murder; with an ostracism which sent the defenders of our independence to the most deadly places of imprisonment in the Antilles; with the calaboose in San Juan de Ulloa, from which about one per cent. of the prisoners came out alive, and no one could tell whether the sword or the bullet, the cup or hunger carried off our fellow-citizens. It continued in the pillage, sack, and burning of whole towns, together with the assassination of our people, and was kept up by the vilifying accounts of their writers, the shameful calumnies that issued from the mouths of their generals, even in the parliamentary assemblies of France, and by the absolute ignoring of every principle of humanity, of all the laws of war, of all the maxims of morality, and all the sentiments of humanity.

Now, we have shown that the action of General Escobedo in shooting the prisoners taken at San Jacinto was authorized under the law of nations; and, moreover, that all the aggravating circumstances to which we have alluded stamp the measure as entirely legal and fully justified. In putting to death the San Jacinto prisoners there was no wish to wreak vengeance on a handful of foolish adventurers, who had hired themselves out to butcher Mexicans, but there was, indeed, the intention to annihilate, if possible, in their persons, that spirit of filibusterism so hurtful to the peace of nations.

We have shown the propriety of these executions, because, based as they were on justice, it seriously concerns the fair fame of Mexico in history. It is of value to do so, because it will serve to check henceforth the avarice and ambition of foreigners, and will serve to let the world know what is our real social and politi-

cal situation. Finally, these grand principles will serve, after the consummation of our national triumph and the re-establishment of peace, to form a text for the treaties which we may make with the remaining powers of the world.

Mexico does not admit nor recognize *de facto* governments in countries where popular representation has been established. Neither does she recognize as Mexicans any but her native sons or such as choose the Mexican nationality in conformity with the laws of the republic.

Mexico does not admit the principle that a naturalized citizen can reclaim his original nationality. Foreigners who acquire real estate in Mexico lose by the fact their title to foreign citizenship. Nor do foreigners who enrol themselves under a political banner to subvert public order or contribute toward its overthrow hold any rights, and none shall be recognized in them.

[From the New York Herald, April 25, 1867.]

Activity of Gen. Marquez—he steals away from Queretaro to Mexico with full powers from Max.—raises money and men, after changing the whole ministry—off for Queretaro or Puebla again—Max. tries to make Mexicans believe Uncle Sam means to meddle in Mexico—Juarez and Maximilian contrasted—French calumny of Juarez, &c., &c.

MEXICO, March 31, 1867.

Like the skilful practitioner, who, when a body is dragged cold and limp to the shore, and those grouped about declare the case hopeless, detects the germ of life and warms it into vigor, General Marquez has infused into the drooping empire a new existence. By his energy and boldness he has made of the passive power of Maximilian's character an actual and creative principle. No longer troubled with anxiety about European interference, he has turned to account of the imperial régime the policy of the United States in regard to the continent of America, and snatched from the unskilful hands of the liberals what should have been their strength and stay. Postponing every consideration to the salvation of what he called the state, he disregards every right, public or private; and, accepting the responsibility as boldly as ever Jackson did, goes directly to his aim without a thought of the danger and difficulties his mad career is preparing for Mexico in the future with European nations. In fact, Marquez believes that while the moral attitude of the United States holds in check all transatlantic intermeddling, he can deal with the Juarists and keep afloat a government of conservative elements (whatever political name shall be given it) on the current of events.

Having in vain essayed at Queretaro a compromise with the liberals, who refused to yield an iota of their pretensions in favor of traitors then allied with a usurper, Maximilian, he and his chief adherents, determined on a daring course. A decree, issued on the 19th, proclaims General Marquez lieutenant general—a title which, from his proceedings since his arrival on the 26th at the capital, would appear to confer powers but little short of the absolute disposal of life and property. It is as follows:

"For the discharge of the extraordinary and important mission which we have intrusted to General Leonardo Marquez, we name him our lieutenant general, invested with full powers according to the verbal orders which he has received from us."

"Given at Queretaro, the 19th of March, 1867.

"MAXIMILIAN."

Armed with the authority which Maximilian, emperor of Mexico by the grace of Napoleon III, is fully empowered to delegate, Marquez passed through the