

No. 16.

## DEPARTMENT OF GOVERNMENT,

*Mexico, January 18, 1867.*

SEÑOR MARISCAL: I received your yesterday's communication this morning, informing me that your duty and respect to your dignity, as well as the good of the army, require you to suppress every act or speech tending to excite hatred of the French name, or to excite popular passion; and this is done also in accordance with the decree on the state of the war. You ordered the imprisonment of the responsible editor of the Patria, or of the writer of the offensive article, that appeared yesterday against the French authorities; the men to be judged by a council of war, and the newspaper to be suppressed by armed force. The government of his majesty, regarding the French army as friends temporarily in the country since their determination to quit, and there being no war between France and Mexico, the chiefs have power over their subordinates, and have no right to correct errors or punish offences committed by Mexicans, who are only amenable to their natural judges and subject to the laws of the empire. If the commandant of the French military subdivision in Mexico, to whom the Patria alludes, thinks himself insulted by the article of yesterday, he can prosecute the author of the article before the proper tribunals, under the laws of the press in the empire. If civil justice is denied him, he can then have recourse to diplomatic intervention, or may appeal to the marshal, that the offence offered the French army may be satisfied; but this must be done according to Mexican law and in Mexican tribunals. The state of war to which the decree you quote refers, is that between rebels and the imperial government, and the expeditionary army and those same malcontents, in case they remain hostile; and martial proceedings only can be instituted against them; but subjects obedient to the empire, which is not at war with France, are not amenable to the laws and tribunals of that friendly nation.

From these considerations the government of his majesty will not consent to the trial of the proprietor and editor of the Patria by a court-martial; but hope you will order the prisoners to be given up to the Mexican tribunals, in accordance with the principles of public right and international law, to be tried for violation of the imperial laws concerning the public press. Neither can the government recognize your power to suppress the publication of a newspaper in Mexico, as that is an imperial prerogative, and therefore he is compelled to protest against the employment of armed force.

In thus making known his majesty's reply to the marshal's note of yesterday, I assure you of my most distinguished consideration,

THE MINISTER OF GOVERNMENT.

The MARSHAL OF FRANCE,

*Commander of the Expeditionary Corps.*

By his order:

*The Under-secretary of Government,*

ANTONIO VISCAINO.

An authentic copy. Mexico, January 29, 1867.

*The Director of the Civil Department,*

FELIX GALINDO.

No. 17.

POLITICAL AND COMMERCIAL SECTION.

*MEXICO, January 18, 1867.*

The undersigned, acting minister of foreign affairs, has the honor to address Mr. Dano, envoy extraordinary and minister plenipotentiary of his Majesty the

Emperor of the French, to inform him that he learns through the minister of government of the imprisonment, by order of Marshal Bazaine, of the responsible editor of the Patria, and of Mr. Ignacio Anievas, for an article published yesterday in that paper, and of its suppression, by reason of "respect to his dignity and the interests of the army, as well as his duty and right, given him by the decree relating to the state of war." The above facts have caused great surprise to the government of his majesty, and they are considered outrages to the sovereignty and independence of Mexico.

If Mr. Bazaine has such regard for his dignity and the interests of his army as to resort to these measures, you will permit me to say that these very acts of his are more calculated than anything else, to draw odium upon the French name, and that even those hostile to the imperial government would consider them disreputable.

The undersigned knows nothing about the decree on the state of the war, mentioned by the marshal as an excuse for his proceedings. He is not conscious that war exists between France and Mexico, the government only being at enmity with the rebels against the empire. It is the duty of the undersigned to call the French minister's attention to the attempt to subject Mexican citizens to the judgment of a foreign tribunal, such as a French court-martial, when they are only amenable to the civil courts for violation of the press. His majesty's government therefore hopes that the editor and Mr. Anievas will be immediately delivered to the Mexican civil authorities, and the republication of the paper be permitted; and if there is any complaint against them, it be brought in the proper courts.

I embrace the occasion to renew the assurances, &amp;c., &amp;c.,

*Acting Minister of Foreign Affairs,*

MURPHY.

His Excellency Mr. DANO, *Envoy Extraordinary*  
*and Minister Plenipotentiary of France.*

A true copy. Mexico, January 29, 1867.

*The Director of the Civil Department,*

FELIX GALINDO.

No. 18.

LEGATION OF FRANCE IN MEXICO,

*Mexico, January 21, 1867.*

MR. MINISTER: I have received your communication regarding the suppression of the Patria, and the imprisonment of the proprietors and one of the editors of that paper.

I had nothing to do with the affair, and cannot interfere in any case between the French authorities and the imperial government in Mexico. I send a copy of your communication to Marshal Bazaine.

I must add, however, that I am sure the commander-in-chief of the expeditionary corps had good reasons for acting as he did.

I embrace this occasion to renew the assurance of my high regard,

ALPH. DANO,

*Envoy Extraordinary and Minister*  
*Plenipotentiary of the Emperor of the French.*

A true copy. Mexico, January 20, 1867.

*Director of the Civil Department,*

FELIX GALINDO.

His Excellency THOMAS MURPHY,

*Acting Minister of Foreign Affairs.*

No. 19.

## EXPEDITIONARY CORPS OF MEXICO—OFFICE OF THE MARSHAL COMMANDER-IN-CHIEF.

MEXICO, January 22, 1867.

MR. MINISTER: I have read your note of the 18th, in which you seem to want to establish, in the name of the Mexican government, the right of protest against the order I have given, first, to imprison the responsible proprietor and one of the editors of the Patria newspaper, and second, to suspend the Patria. I do not see proper to enter into a discussion of my rights; I proclaim them, and force respect for them. To deny the existence of war in Mexico, in the very capital, is puerile. To prove what I say I refer you to Chaleo, Texcoco, Tlanepantla, and even to the suburbs of the city.

When, in April, 1865, I suspended a paper in Mexico, just as I did the Patria on the 18th of this month, I founded my right on the same obligations. What was right then is right now, unless the advisers of the sovereign in 1867 think what was good against the enemy in 1865 is not applicable now, particularly to a paper in its interests.

The code of military justice promulgated by order of his majesty the emperor of Mexico has a letter proclaiming the existence of war. The court of cassation, in Paris, gave a decree allowing the commander of an army in a foreign country to bring any man before a military tribunal who insults the honor or endangers the security of the French army.

I therefore affirm my right, and will force it to be respected.

I have ordered the proprietor and editor of the Patria to be released, because I did not wish to give fresh cause of quarrel among hostile parties just as the army is leaving Mexico. But I continue the suppression of the journal La Patria, as its language is insulting to the French name. The government regulated the language of other papers and should have regulated this.

Receive, Mr. Minister, the assurance, &c.

Marshal of France,  
BAZAINE.

THE MINISTER OF GOVERNMENT.

A true copy. Mexico, January 20, 1867.

Director of the Civil Department,  
FELIX GALINDO.

No. 20.

PRESIDENCY OF THE COUNCIL OF MINISTERS,  
January 29, 1867.

SEÑOR MARISCAL: His majesty the emperor, desiring a friendly settlement of several questions, in order to avoid everything that might complicate the present situation, embarrass the free action of the government, or disturb in any manner good intelligence and harmony with the representatives of France, ordered me to invite you, in union with Minister Dano and General Castelnau, to a conference, which was to have taken place yesterday. You and General Castelnau thought proper to excuse yourselves from attending, and Mr. Dano, the only one who was present, said he was not competent to decide the questions proposed, though they were of the greatest importance, and demanded a prompt settlement to avoid the serious inconveniences mentioned; and therefore the government of his majesty, desiring to avoid a written correspondence by means of an oral conference, finds himself obliged to address the present note to you and Mr. Dano

and General Castelnau, to settle in a clear and precise manner the following points: 1. In a communication of the 7th of November last, the marshal and General Castelnau declared that, as long as the French troops were in Mexico, they would protect the authorities and towns as they had heretofore done, and preserve order within the zones they occupied, but would undertake no distant expeditions. But in the recent attack at Texcoco you did not offer the least assistance, as the general-in-chief of the second division informs us; and the government would like to know what would be the attitude of the French troops in the capital if the city were besieged by the rebels before they had left, or any part of it attacked by the enemy.

2. The government of his majesty wished the French troops to remain in the country till the autumn of 1867; for, in the memorial of the 31st of May last, sent directly by the Emperor Napoleon to the emperor Maximilian, it said that if the combinations that would be proposed to him (that is, by his majesty's diplomatic minister on questions of finance) were accepted by the emperor Maximilian, the terms fixed for the successive departure of the troops would be maintained, and Marshal Bazaine would arrange the evacuation of Mexican territory on conditions most favorable to the maintenance of order and consolidation of the imperial power. Now, as the speedy withdrawal of the French army from the capital seemed to be determined, and his majesty the emperor is firmly decided to remain in the position where he has been placed by the nation, his majesty's government, which has to take care of itself in the future, would like to know the precise day fixed upon for the evacuation of the capital by the French troops, so as to be enabled to make proper provision for the security and defence of the same.

3. For the same reason it wishes the cities and other fortified places to be given up, as well as all munitions of war belonging to them, to provide for the proper defence of the capital.

4. The conference also was intended to have an amicable settlement of the trouble caused by the suppression of the Patria by Marshal Bazaine, and to decide the question of the application of the French military laws to the subjects of a government fixed in its own country, against whose citizens justice can be enforced by their natural judges.

5. The convention was also to consider the irregularity of the fact that a French agent used French military force to take his goods out of an interior custom-house that held them for duty, which act could not be authorized even in execution of the convention of the 30th of July.

6. The government also wished to treat with the French representatives about the funds of the Vera Cruz custom-house, arising from duties paid previous to the 1st of November last, and drafts accepted by the same custom-house before the date mentioned.

The undersigned hopes that the representatives of France will give him an answer upon all these points, so plain and satisfactory that it will once more prove the good harmony he would be so happy to see reign between both nations, and thus avoid all causes of a bad understanding that might disturb the relations now existing between both nations and their sovereigns.

Accept the expression of my most high consideration.

F. LARES,

President of the Council of Ministers.

Marshal BAZAINE, Mr. A. DANO, Minister Plenipotentiary of France, and General CASTELNAU.

MEXICO, January 29, 1867.

A true copy:

FELIX GALINDO,  
Director of the Civil Department.

No. 21.

EXPEDITIONARY CORPS OF MEXICO—OFFICE OF THE MARSHAL COMMANDER-IN-CHIEF—NO. 190.

MEXICO, *January 27, 1867.*

Mr. MINISTER: I have received your letter of the 29th instant. I ought to confine myself to a simple acknowledgment of its reception, as it treats of questions that have been already decided in writing and by former conferences. You will please find, therefore, the explanations you ask in my replies to you, and in my letters to the various under-secretaries of state to whom I have written.

You seem to accuse the French army of want of activity. Have I not, on the contrary, the right to remonstrate against the arbitrary acts, against violence committed every day for some weeks, and which our presence in Mexico seems to render the French flag an accomplice in?

As your letter, Mr. Minister, shows a sentiment of distrust, constantly based upon calumniating appreciations injurious to our loyalty, I am compelled to say to you that, in future, I will have no direct communication with your department.

Accept, Mr. Minister, the assurance of my high consideration.

BAZAINE, *Marshal of France.*

His Excellency the PRESIDENT OF THE COUNCIL OF MINISTERS, &c.

MEXICO, *January 29, 1867.*

A true copy:

FELIX GALINDO,  
*Director of the Civil Department.*

*Mr. Otterbourg to Mr. Seward.*

No. 9.] CONSULATE OF THE UNITED STATES OF AMERICA,  
*City of Mexico, February 10, 1867.*

SIR: I have to announce the evacuation of this capital on the 5th instant by the French forces under command of Marshal Bazaine in person, which I communicated on the same day by telegraph to our consul at Vera Cruz, authorizing him to report the fact officially to the department. This event was precipitated by an entire rupture of all relations some five days previous between Maximilian and his excellency. The day preceding his departure the marshal published a farewell address, enclosure No. 1, to the inhabitants of Mexico, which may be regarded both as an apology for what had been done as well as for what should have been done under more propitious circumstances.

With the design of observing events, and of being in a position to act as the condition of affairs might require, the French forces encamped at but a short distance from the capital on the day of the evacuation. Had the imperialists employed, as it was reported to be their intention, unnecessarily severe measures to suppress a movement rumored to be initiated by the liberals in the city, the marshal would have interposed his forces; while if the liberals succeeded in mastering the capital, his excellency would be near by, and prepared to enter into negotiations with the successful party.

General Marquez, the chief of the second military division, took immediate command of the city, of which in an address and proclamation, enclosures Nos. 2 and 3, he advised the population on the morning of the 6th. Inasmuch as by this proclamation General Marquez places the capital under martial law, and assumes irresponsible powers of judgment and exercise of will, I determined to

address him a note, of which enclosure No. 4 is a copy. His reply, enclosure No. 5, refers my communication to the minister of foreign affairs for a decision of the points involved in the inquiries directed to the commander-in-chief. The proclamation has awakened much excitement and disquietude among the representatives of the nations who have recognized the empire, and induced a meeting of the diplomatic corps for a discussion of the measures proper to be taken in order to meet the dangers threatened by a state of affairs so suddenly brought into existence. Acting with entire independence of all other foreign agents, from the relative position of the United States and the authorities here, I have found it necessary to recur to different measures which might secure the interests of American citizens, and the honor of the flag that covers them.

The finance minister, from the unsatisfactory results of the forced loan imposed upon the capitalists, as communicated to the department in a former despatch, has appealed to a general contribution of one per cent. upon property and values of every kind, enclosure No. 6. The decree authorizing this contribution, though unquestionably designed to obtain resources for the maintenance of civil war, gives but little room for direct protest against its provisions. I have, while awaiting the result of the protest from the foreign ministers against the exaction of this new forced loan, made by a skilful mode of imposition, applicable alike to foreigners and natives, desired citizens of the United States, who have sought advice upon the subject at this office, to return on the 11th instant, the day named for the collection of the first instalment, when I could probably give a decisive opinion as to the most effective course to be adopted. Contrary to all expectations Maximilian still remains in the palace, and there exists the same uncertainty as to his continuance or departure as prevailed previous to the retirement of the French army from the capital. Our reports announce the French to have reached San Martin, at twenty leagues from Mexico, on the high road to Puebla, in prosecution of their march towards the port of Vera Cruz.

Official information was last night received of the rumors of Miramon's complete rout at San Jacinto, a point between Zacatecas and Aguas Calientes, with the loss of his entire army, artillery, and military chest. He himself escaped to Queretaro, accompanied by several officers, and was joined at the same city by General Severo Castillo, now in command of Mejia's division, who had fallen back with his forces from Leon on learning the defeat of his chief.

President Juarez is believed to be at San Luis Potosi with the officers of his government.

The imperial General Tabera has suffered a severe disaster while returning from Toluca, whither he had gone with a column of 1,000 men to cover the withdrawal of the garrison into Mexico. The blow was inflicted by General Velez, an officer who a short time ago pronounced in favor of Ortega against Juarez and the empire.

The most accurate information gives the number of foreign soldiers at present in the service of the empire at 1,500 men of all arms. These men, rejecting the offer of a return to Europe extended by the French government through Marshal Bazaine, have remained at their own risk and peril in this country.

Business enterprise and commercial activity, which for months past have been declining, are now completely paralyzed in consequence of the condition of the political situation and the heavy contribution.

I have the honor to be, very respectfully, your obedient servant,

MARCUS OTTERBOURG,

*United States Consul, in charge of United States Legation.*

Hon. WILLIAM H. SEWARD,

*Secretary of State of the United States of America, Washington, D. C.*