

vana. As stated in a previous letter the first instalment has arrived, and the English steamer from Havana, now due, is expected to bring more. Spain cannot protest if the United States allow enlistments for the liberal army, or the fitting out of privateers under the same flag, from the capture of the imperial gunboat Tabasco.

Mr. Seward to Mr. Romero.

DEPARTMENT OF STATE,
Washington, May 14, 1867.

SIR: I have the honor to acknowledge the receipt of your note of the 13th of last month, containing a copy of a communication addressed to you by the commercial agent of Mexico at Havana, relative to certain enlistments in the island of Cuba of Spanish soldiers, whose term of service has expired, for the armies opposed to the constitution government of Mexico, for which be pleased to accept my thanks.

I avail myself of this opportunity to renew the assurance of my high consideration.

WILLIAM H. SEWARD.

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

No. 5.

BOUNDARY QUESTION.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION TO THE UNITED STATES OF AMERICA,
Washington, January 9, 1867.

MY DEAR SIR: In observance of the charge I took on myself in our conversation to-day, I have the honor to send you copy of communication number 538, which Mr. Lerdo de Tejada addressed to me on the 5th of last month, about the change of the channel of the Rio Grande, no the boundary between Mexico and the United States, and likewise of the annexed document which accompanied it.

I remain, Mr. Secretary, your very respectful and faithful servant,

M. ROMERO.

Hon. W. H. SEWARD, &c., &c., &c.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS AND GOVERNMENT—SECTION OF RELATIONS—BUREAU OF AMERICA, NUMBER 538.—CHANGES OF THE CHANNEL OF THE RIO GRANDE ON THE DIVISIONAL LINE BETWEEN MEXICO AND THE UNITED STATES.

CHIHUAHUA, December 5, 1866.

I send to you annexed copy of a communication which the governor of the State of Chihuahua addressed to me the 31st October last, transcribing another from the political chief of the district of Brazos, dated 17th of the same month,

about the evidence there should be in the archives of that legation respecting the manner of proceeding of the boundary commission, and of what is stipulated in article 5th of the treaty of the 2d February, 1848, on the permanence of the dividing line between the two republics, which was not altered by article 1st of the later treaty of 30th December, 1853, in what relates to the present case.

Although the imperceptible changes caused by alluvion on the banks of the Rio Grande could not be considered, it is not possible to pass without notice the visible and important changes caused by the force of the stream. It appears to be founded in justice, and by the stipulations of the treaty, that in respect of the noticeable portions of land which became fixed on the opposite shore by the force of the river, the eminent domain of the nation to which they belonged, and the private rights which there should be existent over them, should continue.

If that government admits these principles, and in conformity therewith is disposed to give instructions to the functionaries of the United States in the districts of the dividing line, it seems it would not be necessary to do anything more at present; but, in the contrary event, your excellency will please to communicate to me what may be the principles of that government in this particular, in order that what should be proper might be done in respect of cases which already have occurred, and which may easily continue to occur from the nature of the soil through which the Rio Grande flows.

I assure you of my respectful consideration.

LERDO DE TEJADA.

Citizen MATIAS ROMERO,

Envoy Extraordinary and Minister Plenipotentiary
of the Mexican Republic at Washington.

WASHINGTON, January 9, 1867.

A copy:

IGNO. MARISCAL, Secretary.

No. 24.

[Translation.]

MEXICAN REPUBLIC—SUPREME GOVERNMENT OF THE STATE OF CHIHUAHUA.

CHIHUAHUA, October 31, 1866.

The governor of Chihuahua transcribes a communication from the prefecture of Brazos relative to the difficulties which are presenting themselves by reason of the main channel of the Rio Bravo on its immediate bank at the Villa del Paso.

The political chief and military commander of the district of Brazos, in despatch No. 113 dated 17th instant, says to the secretary of the government in my care, what I copy to the letter:

"Since the year 1852, when the boundaries were marked which in the future should divide our republic from that of the United States along all this frontier, the deepest channel of the river at the time when those boundaries were marked was designated as the dividing line, and to fix them, the joint commission of boundaries, having in view the changeableness of the current of the river, owing to the character of the soil which constitutes its bed, made provision for designating that topographically and astronomically, for which purpose a multitude of astronomical observations throughout the whole extent were made by the two commissions, and mainly by the Mexican, which gave the situations in longitude and latitude of old Picacho, the initial point, Morleros, El Paso, San Elizario, Presidio Viejo, Presidio del Norte, San Carlos, &c., solely for the purpose of connecting those points with the deepest channel of the river at that period, that it might serve, as I have said, as a perpetual boundary between both republics.

"The shifting nature of the soil through which the river runs has caused, in course of time, a change in currents in different parts, and more notably below San Elizario, where it has left all the woodlands which belong to that town on this side, and in this villa, in the partido of the chamizal, where it has carried away more than fifteen hundred varas, which before that were owned by individuals, and now are slashes, sandy and ridged, which, as previously stated, ought to belong to El Paso; but the chief people in Franklin defend this land as theirs, as they also defend in other places what the river has left on this side, as is the case at San Elizario. We respect their woodlands, which the river has left on the right side, (and they also defend them,) because we are convinced that they belong to them; but they neither respect nor recognize as ours the soil which the same river has taken from us and left on the left front at Franklin.

"To-day it threatens us, and perhaps at the beginning of the year, or earlier, will divide El Paso, and the greater portion of the town will be on the left bank. In such case, will the part which remains on the left bank belong to the United States? Should it be that the same river should return to its ancient channel—that which it held in 1850—and leave on the right the towns of Ysleta, Socorro, and San Elizario, in such case, will these settlements belong to Mexico?"

"For these reasons this prefecture, considering the evils that the river may cause to this settlement, has arranged to clear a canal in the land which before was on the right, and now is on the left of the river in front of this town, to see if it would be possible to make it change its course, and place it at a distance from the settlement by causing it to take another channel more distant from it, although it should be on the same ground; but the authorities at Franklin don't allow this, because they say it is already private property, and because they have divided it up to various settlers, while we cannot cut a stick in their woods that the river has left on this side without their seizing our drays and oxen and making us pay heavy fines.

"This prefecture, sir, places these facts in the knowledge of the government through your worthy hands, that it may please inform the President of the republic, and do what he may think proper in the case, for it may doubtless happen that if the river does not take to its old channel, it will divide El Paso, and, as is very probable, may end in destroying that town. Please accept the assurances of my esteem and distinguished consideration."

I have the honor to transcribe this for you, sir, that you may please agree with the President of the republic on the most proper solution of the important matter of which the prefecture of Brazos treats.

LUIS TENAGAS.

To the CITIZEN MINISTER
of Foreign Relations and Government, present.

CHIHUAHUA, December 5, 1866.

A copy: JUAN VALDEZ, First Officer.

WASHINGTON, January 9, 1867.

A copy: IGNO. MARISCAL, Secretary.

Mr. Seward to Mr. Romero.

DEPARTMENT OF STATE,

Washington, February 5, 1867.

SIR: I have the honor to acknowledge the receipt of your note of the 9th ultimo, containing a copy of a communication addressed to you by Mr. de Te-

jada relative to the change of the channel of the Rio Grande on the boundary between Mexico and the United States.

In reply I have the honor to state that the views of this government on the subject complained of are expressed in the opinion given on November 11, 1856, by the then Attorney General of the United States, a copy of which is herewith transmitted.

I avail myself of this occasion to renew to you the assurances of my most distinguished consideration.

WILLIAM H. SEWARD.

Señor Don M. ROMERO, &c., &c., &c.

Mr. Cushing to Mr. McClelland.

ATTORNEY GENERAL'S OFFICE,
November 11, 1856.

SIR: Your note of this date, communicating a clause in the draught of the proposed report of the commissioners for determining the boundary between the Mexican republic and the United States, presents the following question of public law: A portion of the boundary is formed by the Rio Bravo, which is subject to change its course in two ways, first, by gradual accretion of one of its banks, followed, in many cases, by correspondent degradation of the opposite bank; and secondly, by the more violent action of the water, leaving its actual bed and forcing for itself a new one in another direction. In case of any such changes in the bed of the river, does the boundary line shift with them, or does that line remain constant where the main course of the river ran as represented by the maps accompanying the report of the commissioners?

The response to this inquiry depends, in part, on the terms of the treaty between the two republics, prescribing the boundary line, the material part of which, in so far as regards the present question, is to the effect that the line "beginning in the gulf of Mexico, three leagues from land opposite the mouth of the Rio Grande," shall proceed thence "up the middle of that river" to a certain point. The treaty further provides that commissioners appointed by the two governments shall survey and mark out upon the land the stipulated line, which, as agreed upon and established by them, shall in all time be faithfully respected, without any variation therein, unless by express and free consent of both republics. (Treaty of December 30, 1853, 10 Stat. at Large, p. 1032.)

If the question here were of certain other parts of the boundary which are to run on parallels of latitude or by straight line from point to point, in that case the monuments placed by the commissioners, or the line as otherwise fixed by descriptive words referring to natural objects, or by the drawings and maps of the commissioners, would, it is plain, be conclusive in all time by force of the stipulations of the treaty. It would be the line agreed upon and established, even although it should afterwards prove that by reason of error of astronomical observations or of calculation it varied from the parallel of latitude where that was the line, or in the other part did not make exactly a straight line. So, if in another portion of the boundary which calls for the rivers Gila and Colorado, there were controversy concerning the identity of either, as upon the north-eastern boundary of the United States there once was in regard to the true St. Croix, then also, by force of the treaty, the determination of that point by the commissioners would be conclusive in all time.

But the present question is a different one, and depends in part for its solution upon other considerations.

In this case the boundary is not an astronomical or geographical line, but a natural object, defined by the treaty. And there is no equivocation here be-

tween two distinct natural objects, each of them answering to the descriptive language of a stipulation. It is the Rio Bravo, with a course as definite and almost as destitute of tributaries and embranchments in its main course as the Nile. That is a fact which cannot be modified by surveys or reports.

However, the established principles of public law come in here to settle the question in all its relations.

The respective territories of the United States and of the Mexican republic are arcifinious—that is to say, territories separated not by a mathematical line, but by natural objects of indeterminate natural extension, which of themselves serve to *keep off* the public enemy. Such are mountains and rivers. (Barbeyrac's Grotius, liv. ii, chap 3, s. 16, and note; Coccei Grotius, illustratus, *ibid.*)

When a river is the dividing limit of arcifinious territories, the natural changes to which itself is liable, or which its action may produce on the face of the country, give rise to various questions, according to the physical events which occur, and the previous relation of the river to the respective territories.

The most simple of all the original conditions of the inquiry is where the river appertains by convention equally to both countries, their rights being on either side to the *flum aqua*, or middle of the channel of the stream. That is the present fact. With such conditions, whatever changes happen to either bank of the river by accretion on the one or degradation of the other—that is, by the gradual, and, as it were, insensible accession or abstraction of mere particles, the river, as it runs, continues to be the boundary.

One country may, in process of time, lose a little of its territory, and the other gain a little, but the territorial relations cannot be reversed by such imperceptible mutations in the course of the river.

The general aspect of things remains unchanged. And the convenience of allowing the river to retain its previous function, notwithstanding such insensible changes in its course, or in either of its banks, outweighs the inconveniences, even to the injured party, involved in a detriment, which, happening gradually, is inappreciable in the successive moments of its progression.

But, on the other hand, if, deserting its original bed, the river forces for itself a new channel in another direction, then the nation through whose territory the river thus breaks its way, suffers injury by the loss of territory greater than the benefit of retaining the natural river boundary, and that boundary remains in the middle of the deserted river bed. For, in truth, just as a stone pillar constitutes a boundary, not because it is a stone, but because of the place in which it stands, so a river is made the limit of nations, not because it is running water bearing a certain geographical name, but because it is water flowing in a given channel and within given banks, which are the real international boundary.

Such is the received rule of the law of nations on this point as laid down by all the writers of authority. (See ex. gr. Puffend., Jus. Nat., lib. iv, cap. 7, s. ii; Gundling, Jus. Nat., p. 248; Wolff, Jus. Gentium, ss. 106, 109; Vattel, Droit des Gens, liv. i, chap. 22, ss. 268, 270; Stypmanni, Jus. Marit., cap. 5, ss. 476, 552; Rayneval, Droit de la Nature, tom. i, p. 307; Merlin Répertoire, ss. voc. alluv.)

I might multiply citations to this point from the books of public law; but, in order that either the United States or the Mexican republic, whichever in the lapse of time shall happen to be inconveniently affected by the application of this rule, may be fully reconciled thereto, it seems well to show that it is conformable to the common law of both countries.

I subjoin before doing this, as authority for Mexican jurists and statesmen, citations from the works on international law of the highest authority in Spain and Spanish America.

Don Antonio Riquelme states the doctrine as follows:

"When a river changes its course, directing its currents through the territory of one of the two conterminous states, the bed which it leaves dry remains the

property of the state or states to which the river belonged, that being retained as the limit between the two nations, and the river enters so far into the exclusive dominion of the nation through whose territory it takes the new course.

"Nations must, of necessity, submit their rights to these great alterations which nature predisposes and consummates. * * * * *

"But when the change is not total, but progressive only—that is to say, when the river does not abandon either state, but only gradually shifts its course by accretions—then it continues still to be the boundary, and the augmentation of territory which one country gains at the expense of the other is to be held by it as a new acquisition of property." (Derecho Internacional, tom. 1, p. 83.)

Don Andres Bello and Don José Maria de Pando both enunciate the doctrine in exactly the same words, namely:

"When a river or lake divides two territories, whether it belong in common to the conterminous riparian states, or they possess it by halves, or one of them occupies it exclusively, the rights which either has in the lake or river do not undergo any change by reason of alluvion.

"The lands insensibly invaded by the water are lost by one of the riparian states, and those which the water abandons on the opposite bank increase the domain of the other state. But if, by any natural accident, the water which separated the two states enters of a sudden into the territory of the other, it will thenceforth belong to the state whose soil it occupies, and the land, including the abandoned river channel or bed, will incur no change of master." (Bello, Derecho Internacional, p. 38; Pando, Derecho Internacional, p. 99.)

Almeda refers to the same point briefly, but in decisive terms. He says:

"As the river belongs to the two nations, so also the river bed, if by chance it become dry, is divided between them as proprietors. When the river changes its course, throwing itself on one of two conterminous states, it then comes to belong to the state through whose territory it runs, all community of right in it so far ceasing." (Derecho Publico, tom. 1, p. 199.)

Leaving authorities of this class, then, let us come to those which discuss the question in its relation to private rights, and as a doctrine of municipal jurisprudence.

The doctrine is transmitted to us from the laws of Rome. (Justinian, Inst., lib. ii, tit. i, ss. 20, 24; Dig. lib. xii, tit. i, l. 7; see J. Voet ad Pandect, tom. i, pp. 606, 607; Heinec, Recit. lib. ii, tit. 2, ss. 358, 369; Struvii Syntag, ex. 41, c. 33, 25; Bowyer's Civil Law, ch. 14.)

Don Alfonso transferred it from the civil law to the Partidas. (Partida, iii, tit. 28, l. 31.) Thus it came to be, as it still remains, an established element of the laws of Spain and of Mexico. (Alvarez, Instituciones, lib. 2, tit. 1, s. 6; Asso. Instituciones, p. 101; Gomez de la Serna, Elementos, lib. ii, tit. 4, sec. 3, No. 2; Escriche, Dic. s. voc. accesion natural, aluvion, avulsion; Febrero, Mexicano, tom. i, p. 161; Sala, Mexicano, ed. 1845, tom. ii, p. 62.)

The same doctrine, starting from the same point of departure, made its way through the channel of Bracton into the laws of England, and thence to the United States. (Bracton de Legg. Angliæ, lib. ii, cap. 2, fol. 9; Blacks. Comm., vol. ii, p. 262; Woolrych on Waters, p. 34; Angell on Water Courses, ch. 2; Lynch v. Allen, 4 De & Bat. N. C. R., p. 62; Murry v. Sermon, 1 Hawks., N. C. R., p. 56; The King v. Lord Scarborough, iii, B. & C., p. 91; S. C. ii, Bligh N. S., p. 147.) Such, beyond all possible controversy, is the public law of modern Europe and America, and such, also, is the municipal law both of the Mexican republic and the United States.

In my judgment, therefore, the tenor of the report of the commissioners, in the clause submitted to me for consideration, is in substance correct; and, if it need modification to give to it absolute exactness, that result will be accomplished by the insertion of some word or phrase which shall recognize the distinction which exists in law between gradual changes of a river course by insen-

sible accretion, and changes happening through the absolute diversion of its course, effecting avulsion of land from one or the other territory, or striking out a partially new channel through the territory of one or the other, which it is suggested is subject to occur in some part of the course of the Rio Bravo.

I have the honor to be, very respectfully,

C. CUSHING.

Hon. ROBERT McCLELLAND,
Secretary of the Interior.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION TO THE UNITED STATES OF AMERICA,
Washington, February 6, 1867.

MR. SECRETARY: I have had the honor to receive the note you were pleased to address to me, dated yesterday, in reply to mine of the 9th of January last, with which I transmitted to the department copy of a communication from Mr. Lerdo de Tejada, minister for foreign relations of the Mexican republic, relative to the changes of the stream of the Rio Bravo on the boundary line between Mexico and the United States. With said note you sent me copy of the opinion given November 16, 1856, to the Department of the Interior, by the Hon. Caleb Cushing, at the time Attorney General of the United States, on the same subject, which opinion, you add, contains the principles which the government of the United States professes in this respect.

I have read that opinion with interest, and it has appeared to me that the principles enunciated therein are equitable and founded on the teachings of the most accredited expositors of international law. On this date I transmit to my government a copy thereof, and of your note which accompanies it.

In the opinion spoken of, the proper distinction is taken between the case of change of the stream of a river which serves as boundary between two states, whether gradual or by alluvion, without change in its general direction, and that in which such change occasioned by the force of the river be sudden and complete, and cause a change of current. In the first case it is considered that the actual reach of the river continues to form the divisional line, and that the land gained or lost on each bank is acquired or lost by the state to which the bank belongs which undergoes such changes; and in the second case, that the divisional line cannot follow the new stream, but continues along the abandoned one which the river followed before the violent mutation.

It pertains to the government of Mexico to express its conformity to or dissent from these principles. Until I receive its instructions on this point, which I will duly communicate to you, I hesitate not to adopt them, meanwhile, as reasonable and equitable. As the case about which the government of the State of Chihuahua complained, and which I submitted to you with my cited note of the 9th January last, is partially decided by the opinion of Mr. Cushing, I take the liberty to beg you that the document may be officially communicated to the authorities of the United States at Franklin, Texas, and chiefly to the military commanders at Fort Bliss, in the same State, so that they may regulate their proceedings thereby; because, you will remember, in the above-mentioned case, while they considered as property of the United States the portions of Mexican territory which the change of stream of the Rio Bravo has left on the left side, they do not permit the Mexican authorities to consider as Mexican territory that acquired on the same principle, which makes an inequality so marked that the Mexican government had resolved to request that of the United States for an

exposition of the principles it wished to observe, that such might be equally applied to both sides.

The opinion of the 16th November, 1856, solves, in the same sense, the question of the several rights that individuals have to property in the lands which the change in the river leaves on one or other of its banks; in which point, also, the United States authorities have not acted with equality in Franklin and at Fort Bliss. Nevertheless, I do not doubt that when they receive this opinion they will conform their procedure to it.

This occasion is very satisfactory to me to renew to you, Mr. Secretary, the assurances of my very distinguished consideration.

M. ROMERO.

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

Mr. Seward to Mr. Romero.

DEPARTMENT OF STATE,
Washington, February 25, 1867.

SIR: Referring to your note of the 9th ultimo, on the question of boundary between the United States and Mexico, and to the reply of this department of the 5th, and the observations on the same, contained in your note of the 6th instant, I have the honor to inform you that a copy of the whole correspondence has been sent to the Secretary of War for his consideration.

I avail myself of this occasion to renew to you the assurance of my high consideration.

WILLIAM H. SEWARD.

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

Mr. Seward to Mr. Stanton.

DEPARTMENT OF STATE,
Washington, February 18, 1867.

SIR: I have the honor to transmit to you for your consideration a copy of a note, dated the 9th instant, which has been received at this department from the Mexican minister, and of the correspondence which preceded it, on the subject of a question of boundary which has arisen between this country and Mexico.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. E. M. STANTON,
Secretary of War.

No. 6.

STEAMER WILDERNESS.

Mrs. Juarez to Mr. Seward.

MEXICAN LEGATION,
Washington, June 17, 1867.

MY DEAR MR. SEWARD: Mr. Romero duly informed me of the kind offer you had the goodness of making to him on the 10th instant, expressing your disposition to have a United States steamer at my disposal to carry me and my family to Mexico. I would prefer to take the ordinary way for passengers, with a view to avoid giving you any trouble, were it possible to do so. But the pres-

ent circumstances are such that I do not think I could conveniently go to Vera Cruz, which is the shortest and most pleasant way, should I not avail myself of your very kind offer.

I beg you will allow me to express my sincere thanks for your delicate attention in facilitating my return home; and to inform you that I will be ready to sail, either from New York or New Orleans, whenever it may be convenient to have the steamer ready. All the time I shall need will only be the necessary days to reach with my family the place from which we should start.

While renewing to you my thanks for this favor, I remain, my dear Mr. Seward, most truly yours,

MAGARITA MAZA DE JUAREZ.

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

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

DEPARTMENT OF STATE,

Washington, June 24, 1867.

SIR: I have the honor to enclose, for your information, copy of a communication received at this department from the Hon. Hugh McCulloch, Secretary of the Treasury, in relation to furnishing passage on board the revenue cutter Wilderness to the wife of President Juarez, of Mexico, from New Orleans to Vera Cruz.

I avail myself of this opportunity to renew the assurances of my very distinguished consideration.

F. W. SEWARD,
Assistant Secretary.

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

Mr. McCulloch to Mr. Seward.

TREASURY DEPARTMENT, June 22, 1867.

SIR: I have the honor to acknowledge the receipt of your letter of 20th instant, requesting that the wife of President Juarez, of Mexico, be provided with a passage from New Orleans to Vera Cruz on board the revenue cutter Wilderness, and to inform you that this department will be gratified to acquiesce in your wishes, whenever the time shall be indicated at which Madam Juarez shall reach New Orleans and be prepared to embark. The necessary instructions will be given Collector Kellogg, at New Orleans, to have the Wilderness put in readiness. * * * * *

I am, very respectfully,

HUGH McCULLOCH,
Secretary of the Treasury.

Hon. W. H. SEWARD,
Secretary of State.

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

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, June 25, 1867.

MR. ASSISTANT SECRETARY OF STATE: I have the honor to acknowledge the receipt of the note which you were pleased to address to me, of yesterday's

date, enclosing me a copy of a communication from Hon. Hugh McCulloch, Secretary of the Treasury, of the 22d, in relation to the steamer which has been placed at the disposal of the wife of President Juarez, for the purpose of conveying her from New Orleans to Vera Cruz.

I have this day communicated your note, referred to, to Mrs. Juarez, and the document annexed thereto, and she requests me to express her thanks to you for the attention which you have shown in transmitting to her the letter of the Secretary of the Treasury, and to inform you that in the course of the week she expects to set off for New Orleans.

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

M. ROMERO.

F. W. SEWARD, Esq., &c., &c., &c.

Mr. Romero to Mr. Seward.

[Translation.]

WASHINGTON, June 26, 1867.

MY DEAR MR. SEWARD: I have the honor to inform you that Mrs. Juarez came back last night to this city, with the rest of her family, and wishes to leave for New Orleans to-morrow, going by way of the Mississippi.

I enclose to you a list of the persons who form the family and suite of Mrs. Juarez.

I am, very sincerely, your obedient servant,

M. ROMERO.

FREDERICK W. SEWARD, Esq.

Mrs. Juarez; Mr. and Mrs. Santacilia and child; Miss Juarez; Miss Felicitas Juarez; Miss Soledad Juarez; two girls, Mrs. Juarez's daughters, fourteen years old; Master Benito Juarez; Mr. Rafael Zayas; Mr. José Romero; Joana Arce, servant; Maria Rivas, servant; Jebronio Arce, servant.

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

DEPARTMENT OF STATE,

Washington, June 27, 1867.

SIR: I have the honor to acknowledge the receipt of your note of the 26th instant, accompanied by a list of the persons who propose to embark for Mexico in the revenue cutter Wilderness, at New Orleans. That list was at once communicated to the Secretary of the Treasury, who telegraphed the collector of customs at New Orleans on the subject. A copy of a letter from Mr. McCulloch, with the collector's answer, is herewith transmitted.

It is believed that the party may be made comfortable. No efforts for that purpose will be spared.

I avail myself of the occasion, sir, to offer to you a renewed assurance of my high consideration.

F. W. SEWARD.

Assistant Secretary.

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

Mr. McCulloch to Mr. Seward.

TREASURY DEPARTMENT,
June 27, 1867.

SIR: In accordance with the verbal request of yesterday, I transmit herewith copy of despatch just received from Collector Kellogg at New Orleans. Señor Romero was at the office on yesterday, and desired to be informed of the result of despatch sent yesterday, from this department, to New Orleans. Should it be deemed necessary, I will thank you to cause a copy to be furnished that gentleman.

I am, very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

Hon. F. W. SEWARD,
Acting Secretary of State.

[Telegram.]

NEW ORLEANS, June 26, 1867.

Hon. H. McCULLOCH:

Wilderness at Southwest Pass. If desired, get her ready for Vera Cruz by morning; only difficulty seems accommodations for so large a party. General Steedman, just in; has despatches for Mexico. Wishes to send the same by cutter, if going. Please answer.

W. P. KELLOGG, *Collector.*

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

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, June 27, 1867.

MR. ASSISTANT SECRETARY OF STATE: I received the note you have pleased to address to me to-day, enclosing to me copy of communication from the Treasury Department of this date, and of the telegram which accompanies it, in relation to the passage of La Señora Juarez and family, from New Orleans to Vera Cruz, on board the revenue cutter Wilderness.

I have communicated these documents to La Señora Juarez, who requests me to repeat to you the assurance of the gratitude with which she regards the efforts of the department to make her voyage convenient and pleasant.

Señora Juarez has determined to set off to-morrow, from this city, for Cincinnati, whence she will go by water to New Orleans. She does not think she can reach that point before the 6th of July next.

This opportunity is very satisfactory to me for renewing to you, sir, the assurances of my distinguished consideration.

M. ROMERO.

FREDERICK W. SEWARD, Esq., &c., &c., &c.

INDEX TO PAPERS

RELATING TO

MEXICAN AFFAIRS IN 1867.

[CAPTURE, TRIAL, AND EXECUTION OF MAXIMILIAN.]

From whom and to whom.	Date.	Subject.	No. of enclosures.	Page.
CORRESPONDENCE WITH MEXICAN LEGATION.				
Mr. Seward to Mr. Romero.	1867. April 6	Requests him to countersign a passport and return the same.....	1	6
Mr. Romero to Mr. Seward.	April 6	Returns passport of Frederick Hotze duly countersigned.....	1	6
Mr. Seward to Mr. Hotze.	April 6	Passport issued to Mr. F. Hotze, to proceed to Mexico with despatches.	.....	6
Mr. R. S. Diaz to Mr. Romero.	April 30	(Telegram.) Reports death of Miramon, defeat of Marquez, capture of Queretaro and Maximilian hidden.	.....	6
Mr. Seward to Mr. Romero.	May 4	Receipt of above telegram, communicated by Mr. Romero, April 30.	.....	7
Mr. Romero to Mr. Seward.	May 13	Enclosing map showing position of Mexican army around Queretaro.	1	7
Mr. Seward to Mr. Romero.	May 15	Receipt of his note of 13th, with the map enclosed.....	.....	7
Mr. Romero to Mr. Seward.	May 20	Memorandum of an interview in reference to intercession for the life of Maximilian and treatment of prisoners of war: The conduct of Mexican and French officers in reference to prisoners of war.	1	7, 8
Mr. Lerdo de Tejada to Mr. Campbell, (enclosure.)	April 22	In reply to Mr. Campbell's letter of the 6th April, requesting that Maximilian and his partisans when captured should be treated as prisoners of war.	.....	8, 9
Mr. Seward to Mr. Romero.	July 17	Receipt of memorandum of May 20, and copy of Mr. Lerdo de Tejada's letter of 22d April, 1867.	.....	10
Mr. Seward to Mr. Romero.	May 27	Transmits copy of telegram from Mr. Plumb at New Orleans.....	1	10
Mr. Plumb to Mr. Seward.	May 26	(Telegram.) From President Juarez: Capture of Queretaro; Maximilian, Mejia, Castillo, and Miramon, prisoners of war.	.....	10
Mr. Romero to Mr. Seward.	May 27	His receipt of the above telegram, with thanks to the Secretary of State.	.....	10
Mr. Romero to Mr. Seward.	May 28	Transmits extracts from letters of General Diaz, in command of eastern division, relative to recent events in Mexico; capture of Puebla and treatment of the prisoners there made—released.	1	11
General Diaz to Mr. Romero.	May 3	Siege, attack, and capture of Puebla, April 4, 1867; defeat of Marquez, April 10; his march to Mexico; invests that city; proposals to surrender it rejected; the enemy closely besieged in Mexico, Queretaro, and Vera Cruz; proposals of Bazaine—are rejected.	.....	11 to 12
Mr. Seward to Mr. Romero.	June 13	Receipt of his note of 28th May, with letter of General Diaz, with details of recent events in Mexico.	.....	13
Mr. Romero to Mr. Seward.	May 30	Transmits telegram from General Diaz, confirming the capture of Queretaro and Maximilian.	1	13
General Diaz to Mr. Romero.	May 16	(Telegram.) Announcing capture of Queretaro and surrender, at discretion, of Maximilian, Castillo, and Mejia, May 16, at 3 a. m.	.....	13
Mr. Seward to Mr. Romero.	May 31	Receipt of his note of 30th, with above telegram.....	.....	14
Mr. Romero to Mr. Seward.	June 4	Transmits copy of his letter to Mr. Hiram Barney, May 31, published in New York Evening Post.	1	14
Mr. Romero to Mr. Barney.	May 31	Thanks for his congratulations on the successes of the liberals in Mexico—treatment of Maximilian and other prisoners; gives his views on the subject.	.....	14
Mr. Romero to Mr. Seward.	May 31	Copy of the above letter, as published in the New York Evening Post June 3, 1867.	.....	14
Mr. Seward to Mr. Romero.	June 10	Acknowledges receipt of his note of 4th June, with letter of Mr. Romero to Mr. Barney, of May 31, 1867.	.....	16
Mr. Seward to Mr. Romero.	June 15	Memorandum of an interview: Mr. Seward informs Mr. Romero that Austria, France, and Great Britain have appealed to the United States to use any legitimate good offices within their power to avert the execution of the Prince Maximilian; recommends clemency to President Juarez as good policy, and requests Mr. Romero to make same known to his government.	.....	17