

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, April 25, 1864.

MR. SECRETARY: In my note dated on the 17th of March last past, I had the honor to inform you that, in my opinion, the determination adopted by the Secretary of War in the case of the Mexican prisoners confined at Fort Delaware was not entirely conformable to that which the considerations of equity demanded, which militate in their favor, inasmuch as they had suffered so long an imprisonment without any investigation having been made of the truth of the facts which they allege in their defence.

Subsequently I have received the letters of George D. Lustin, copies of which I annex to this communication. By the first of these letters it will be seen that one of the prisoners has already died while awaiting the final determination as to his fate, and that Lustin complains of being quite sick. These circumstances, I trust, will influence the government of the United States to have the cases of the three remaining prisoners attended to, by judging them by means of the investigation which they solicit, and which I have had the honor to indicate, or by putting an end otherwise to the painful situation of expectancy in which they find themselves. My object in this note is none other than to again call your attention to this business by requesting your influence, to the end that it may lead to a decision as promptly as it may be possible, and in the terms of justice which are to be expected from the government of the United States.

With this motive I renew to you, Mr. Secretary, the assurances of my very distinguished consideration.

M. ROMERO.

HON. WILLIAM H. SEWARD, &c., &c., &c.

FORT DELAWARE, April 20, 1864.

RESPECTED SIR: Permit me again to call your attention to my case, and to request you to press it upon the government of the United States, and procure a decision as early as possible. An exchange is in progress, and having no desire or intention of ever going back to the southern army, I am the more anxious to obtain my release before the prisoners are sent from here for exchange. I presume a load will be sent off in a few days from here, and I know not how soon all may be sent. I do not know what evidence the government will require me to produce to warrant it in releasing me, and securing itself against any further service on my part in the rebel army. Having once taken the oath of allegiance, as heretofore stated, and claiming Mexican citizenship and the protection of your excellency, being able to substantiate beyond a doubt that I am a citizen of the government which your excellency has the honor to represent, I think would be a sufficient guarantee of my sincerity. I am willing to submit to any test that may be imposed upon me, compatible with honor, which your excellency may approve, whereby my allegiance to your excellency's government will not be compromised or impaired.

Hoping that your excellency may be able to procure a speedy decision by the government, I am yours, most respectfully,

GEORGE D. LUSTIN.

Señor ROMERO, *Envoy Extraordinary*, &c.

Copy:

IGN. MARISCAL.

FORT DELAWARE, March 27, 1864.

SIR: Yours of the 23d is to hand, and I tender you my acknowledgments for your promptness in laying my case before the government.

I am very desirous of securing my release before summer, as my health is quite delicate, and I fear that I may not be able to stand it through the season. If you can expedite my release it will confer a favor. I am not afraid of being sent south, as I have no wish to go back, and do not anticipate that I will be forced to go. The statements in mine of the 10th ultimo are strictly true, and the utmost reliance can be placed in them, and can be substantiated by indubitable testimony which will be furnished you if you can secure an investigation of my case, and it should be necessary for you to be put in possession of it. Francisco Navarro Sanches was sent to Point Lookout, Maryland, and I have learned that he died there of small-pox. The regiment to which he was attached were all sent to Point Lookout.

Again thanking you for your attention, I am, sir, your most obedient servant,

GEORGE D. LUSTIN.

Señor ROMERO, *Minister at Washington*.

Copy:

IGN. MARISCAL.

Mr. Seward to Mr. Romero.

DEPARTMENT OF STATE,
Washington, April 28, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 25th instant, with its enclosures.

I have communicated a translation of the former, and a copy of the latter, to the Secretary of War, referring, at the same time, to your previous note of the 17th ultimo upon the same subject, which had been duly submitted to the War Department without eliciting any information.

I shall hasten to communicate to you the reply which may be received to these representations.

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

WILLIAM H. SEWARD.

Señor MATIAS ROMERO, &c., &c., &c.

No. 9.—*Protection of Mexican citizens in California.*

Mr. Romero to Mr. Seward, (with four enclosures)..... March 12, 1864.
Mr. Seward to Mr. Romero..... March 17, 1864.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION TO THE UNITED STATES OF AMERICA,
Washington, March 12, 1864.

SIR: I have the honor to send to you a copy of a note I have received from the Mexican consul at San Francisco, in which he informs this legation of the illegal proceedings of which two Mexican citizens were victims at a place in the State of California called Campo Chino, which proceeding ended in the

execution without form of law of the said citizens named, Luis Leyva and Cosme Nuñez. I send also to your department a slip from the newspaper "La Voz de Mexico," which is mentioned in said note, and a copy of the statement which several Mexican citizens resident at Campo Chino presented to the Mexican consul at San Francisco in relation to the same matter.

I am sure that the government of the United States, animated by its natural rectitude, will not do less than proceed in this case as justice and the good report of every civilized country demands, and will do so at once upon the facts to which I allude reaching its knowledge, even if otherwise than through me; therefore I think I am excused from urging it, beyond the hope that most effective orders be issued for the apprehension and punishment of those guilty of the assassination of the two Mexican citizens to whom I have made reference, and that also there be given to all Mexican citizens resident in the State of California the protection of the laws to which they have full right in virtue of the stipulations of the treaties which bind together the United States and the Mexican republic.

Reserving return to the submission of this painful subject to the consideration of the department, when I may receive the instructions my government may think right to give me about it, I avail myself of this opportunity to repeat to you, sir, the assurances of my most distinguished consideration.

M. ROMERO.

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

[Translation.]

CONSULATE OF MEXICO AT SAN FRANCISCO,
San Francisco, February 13, 1864.

Having become informed, through various channels, that on the 25th December two Mexicans, called Luis Leyva and Cosme Nuñez, were hanged at a place in this State called Campo Chino, by a mob of persons of various nations, I thought it my duty to inform you of the fact, because it is no rare thing for Mexicans to be victims of such outrages without any intervention of the authorities to repress such acts. I enclose a slip from the Mexican newspaper "La Voz de Mexico," in which publicity has been given to this matter. I also enclose a paper which has been addressed to me from that point, Campo Chino, in which appear the names of the persons who make that kind of demonstration in their way. All which I place in your knowledge, that, if you think it suitable, you may take any step in the business.

I assure you of my respectful consideration.

M. E. RODRIGUEZ.

DON MATIAS ROMERO,
Envoy Extraordinary and Minister Plenipotentiary
of the Republic at Washington.

WASHINGTON, March 12, 1864.

A copy:

IGNO. MARISCAL.

[Translation.]

Patriotic Mexican Junta of Sonora.—Statement to Don Manuel E. Rodriguez, consul of the Mexican republic at San Francisco.

We, Mexicans, who compose this patriotic association, have assembled this day, the 7th February, 1864, to make this statement, which has the double object of congratulating our consul resident at San Francisco on the firmness with which he has commenced the discharge of his functions and to bring to his knowledge the facts which we are about to press upon him. In doing thus, we think we are discharging a sacred duty as citizens of Mexico resident in a foreign country; a duty, the fulfilment of which in this State is of especial

importance, as there have been here so frequent outrages on our countrymen and so little spirit shown in their defence as to give room for the repetition of the same scandals.

Moved by this consideration, C. Alejo Ramirez has made a motion in the junta in the terms following: "Countrymen, I was anxious to see assembled a good number of my fellow-citizens for the purpose of calling their attention to a scandalous outrage committed at Campo Chino on the persons of two Mexicans, who were very lately hung without suit previously instituted or any evidence soever. I propose to you that we resort to our consul, that he may recur to the government of the State or other competent power, complaining of the act to which I refer, which we must consider as offensive to the dignity of our country. Certainly we should not advocate the impunity of criminals, but we should demand that when a Mexican deserves to be punished with any penalty he should be judged according to the laws of this country." This motion was approved by all present, and the assembly closed with the signing of this act by the following citizens:

Alejo Ramirez.	Jesus Duarte.	Basilio Villanueva.
Gregorio Contreras.	Ignacio Carvajal.	Lugardo Palacio.
José M. Hernandez.	Nicolas Gonzalez.	Bonito Madigales.
José M. Garcia.	Casimiro Leon.	Francisco Anaga.
Ramon Osorio.	Herculano Sierra.	Angel Silvas.
Ramon Martinez.	Luis Yañes.	Refugio Gastelum.
Amdo Cuevas.	Pedro Lomelin.	Faustino Morelos.
Simon Caberut.	Gabriel Mendes.	José Castro.
José M. Rosas.	Maximiano Nava.	Jesus Andado.
Jesus Camacho.	Cesario Ramirez.	Fermin Antelo.
Viviano Rubio.	Antonio Castro.	Miguel Morelos.
Francisco R. Luvilla.	Cirilo Flores.	
Fernando Mariscal.	Arcadio Vasconcelos.	

Correct:

WASHINGTON, March 12, 1860.

IGNO. MARISCAL.

[Translation.]

From the San Francisco "Voz de Mexico."

Assassination of two Mexicans, Luis Leyva and Cosme Nuñez.

We take occasion to announce in our paper the assassinations committed on two of our countrymen in disregard of the authorities who are the sole executors of the laws, and now give place to a narrative sent us by a sister of Leyva, and submit it without commentary and without modification, because we wish the ideas should be read as they are presented by the party who communicated them to us.

We urge the Mexican consul resident here to take some action in relation to indemnity for the injuries caused by such outrages, and the punishment of their perpetrators if, perchance, within the sphere of his faculty; but if not, we ask him to address our minister at Washington, that such functionary may interpose the measures which may be needful to attain those objects and that the repetition of such disorders may be averted.

All Mexicans who experience wrongs may send their complaints to this press, well assured that if well founded we will give them publicity with pleasure, because there will at least rest with us the consolation that we have not kept silence on the injustice done to our countrymen.

SONORA, January 31, 1864.

Messrs. Editors of "La Voz de Mexico," San Francisco:

DEAR SIR: Annexed I send you a letter in which you will find the details of the assassination committed at Campo Chino on two of our countrymen, to the end that if you find them worthy of insertion in your esteemed paper you may do so, in order that public animadversion may fall on the perpetrators.

The subscriber, sister of one of the dead men, poor and unaided, recurs to you as the only channel through which, as advised, she can elucidate this matter, which, as you will see, is of interest to every Mexican in its publication.

I remain your obedient servant, Messrs. Editors,

ANASTASIA LEYVA.

[Translation.]

Horrid assassination committed at Campo Chino on the persons of Luis Leyva and Cosme Nuñez, by a mob of Irish, Germans, and Indians, led on by Don Alejandro Retes de Castorena.

On the 18th day of December, 1863, Luis Leyva, going drunk about the campo, entered a shop known by name as El Colorado, to pawn a pistol for five dollars, because, in that trade, money is lent upon every kind of pledge to as many as ask for it; but this El Colorado did not lend to Leyva, and greatly insulted him, and was replied to by Leyva in similar terms. Leyva went out from there and entered a bakery opposite El Colorado's shop, where he pledged the pistol. On the same day El Colorado sued Leyva for damages—some hours earlier—but the authority evaded the matter.

On the 25th of same December, El Colorado, aware that Leyva had redeemed the pistol from where it was in pawn, again sued Leyva, bringing as witness his own brother, testifying in the court that Leyva was carrying arms to attack him with. The judge ordered him to be searched, and, satisfied that he was not carrying arms of any kind, the judge demanded of him bail for five hundred dollars; as guarantee he would drink no more liquor, to which Leyva replied that he was a man with whom this was a vice, and for this reason could not give the bail he asked for, as much because he had no money as that he did not own property of any kind. The judge rejoined that if he did not give the bail he asked for he would order him to prison at Sonora for six months, to which Leyva answered he would do as he chose, but he was satisfied he was acting arbitrarily, because there had been no one sworn according to law that could cause him to be so sentenced. Notwithstanding these observations, the judge sentenced him to six months' imprisonment in the jail at Sonora, Leyva remaining in the court-room till 2 o'clock in the afternoon, at which hour the judge placed him in the custody of the sheriff, who took him to jail.

It is to be remarked that while Leyva was on trial on the 25th, Don Alejandro Retes de Castorena came in, accusing Cosme Nuñez and Amado Pacheco of robbing him of three horses.

The judge of the place ordered the arrest of Nuñez and Pacheco. The sheriff, accompanied by Retes, went to the house of the subscriber, sister of the deceased, where Nuñez and Pacheco lived. They found Nuñez asleep; the sheriff waked him and went into the street, but fearing what in effect took place, he took to his heels, because Nuñez and the campo in general know, and it is notorious, that at that place things are done arbitrarily. In fine, they overtook him, and Nuñez gave up; thence they dragged him before the judge, who told him what Retes had stated, to which Nuñez replied he was entirely innocent in this matter. The judge finding no cause against Nuñez, said to Retes, if he had no proofs on the following day he would set Nuñez at liberty. Then Alexandro threatened the judge if he would not punish the accused. The judge knowing, from what was apparent, that Retes did not tell the truth and was swearing falsely, wished to set Nuñez free, but Retes again threatened the judge, saying, that if he set said Nuñez at liberty he would put a ball through him. The judge then ordered Nuñez to jail for trial the following day.

On the 25th, between eleven and twelve at night, said Retes, with a mob, rushed upon the jail, opened the door, took out Leyva and Nuñez, and on the edge of the campo hanged them on a tree.

As evidence that an assassination had been committed, which calls for the punishment of its perpetrators, it is enough to say that the horses supposed to have been stolen were found three days afterwards at a horse-raising farm, three miles distant from Campo Chino, the owner of which farm said that the horses came there of themselves. In view of an event so lamentable, we hope the authority to whom it belongs will take cognizance of it for the purpose of punishing those who, setting themselves above the laws and those charged with their administration, constitute themselves as a court and dispose of the life and honor of the citizen at their caprice and without any regular procedure.

I, as sister of the dead Leyva, demand, in presence of God and of the civilized world, the punishment of Mr. Retes Castorena as guilty of the act, for my dead brother was, by all proof, a good man, as I will testify when I am required. So also will I prove that Retes Castorena is a man who acts and has acted dishonestly, because in general he has been in companionship with thieves.

It is attributed to me that in my house I gave shelter to men of not very good repute; but those were known to all the campo, and I heard none speak evil of them, as is shown by the fact that the judge himself and his constable were with them in the same shop, and who, if they had any ground, or even suspicion, would have advised me not to let them into my house—a thing they did not do, and which evidently proves that some would cast a calumny upon me.

ANASTASIA LEYVA.

*Mr. Seward to Mr. Romero.*DEPARTMENT OF STATE,
Washington, March 17, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 12th instant, relating to outrages alleged to have been perpetrated upon the Mexican citizens Leyva and Nuñez by a mob in California, with the papers accompanying it. Deeply regretting the occasion which has prompted such a representation from you, I have to assure you that this government will countenance no disregard of the rights of foreigners living within its jurisdiction, and that I have transmitted your note, with the accompanying papers, to his excellency the governor of California, with an earnest recommendation that the perpetrators of the outrage be properly dealt with.

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

WILLIAM H. SEWARD.

Señor MATIAS ROMERO, &c., &c., &c.

No. 10.—*Case of the Mexican brig Raton del Nilo.*

Mr. Romero to Mr. Seward, February 18, 1864, (with one enclosure.)

Mr. Seward to Mr. Romero, February 20, 1864.

Same to same, February 24, 1864, (with one enclosure.)

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION TO THE UNITED STATES OF AMERICA,
Washington, February 18, 1864.

MR. SECRETARY: I have the honor to remit to you copy of a protest which I have received from the Mexican consul at the Havana against the capture, by a war steamer of the United States, of the Mexican pilot-boat Raton del Nilo, which had cleared from said port for Matamoras.

Withholding myself from seeking from the government of the United States, on account of said capture, that which the Mexican government may believe proper under the circumstances of the case, I consider it my duty to send to your department the protest mentioned, that there may appear in it the effects to which it gave cause.

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

M. ROMERO.

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

CONSULATE OF THE MEXICAN REPUBLIC AT THE HAVANA.

I, José de Cabarga, charged with the Mexican consulate at the Havana, certify that in the book A of protocols, in this consulate, at folio 266, is a document which literally says thus:

H. Ex. Doc. 11—6

CONSULATE OF MEXICO AT THE HABANA.

On the 2d day of the month of February, of the year 1864, appeared at this consulate in my charge, Doctor Don Miguel P. Guimera, for himself and as agent for Don Isidro Maristany, and said, that on the 21st day of the month of October last past, the Mexican pilot-boat Raton del Nilo, in command of her captain, Don Gil Gelpi, with a general cargo of lawful merchandise, duly cleared at the marine administration and this consulate, sailed from this port bound to Matamoras. That the said vessel having reached her port of destination, he received a letter from her captain the 18th of November last, advising him that the vessel had anchored in the roads of Matamoras about fifteen days past and was busy discharging cargo, of which he had already sent part to its owners; and in another, of the 21st of December, he notifies me that whilst he was on shore for the purpose of getting through with the custom-house papers, on the 27th of November, a heavy gale arose which caused the vessel to disappear from the place where she was at anchor without his having any knowledge of it, for which reason he feared some unfortunate event. In this state of things, and without having been able to advance in any way in what might point out where the Raton del Nilo had brought up, on the 15th day of January last arrived, and on that day the cook of said vessel, José Suarez, presented himself to the deponent, stating to him that he had just reached this city from New Orleans, whither he had been carried with his other comrades in the vessel, adding, that while anchored in the roads of Matamoras a heavy storm came on from the north on the 27th of November, and that about ten o'clock at night the chain cable broke, by reason whereof they saw they were under the necessity, although the captain was on shore, of making sail; that after two days lying to, the wind fell and the currents carried them about thirty-five miles from Matamoras; that on the 2d of December, about ten o'clock in the morning, they hove in sight of a steamer coming towards them, and that it would be about eleven o'clock when the said steamer took them prisoners, it turning out that it was the American war steamer Nerlande; that they took out all the crew of the pilot-boat and carried them on board the steamer, sending the Raton del Nilo to Matagorda manned by sailors from the steamer, which carried them to the bay of Matamoras in the Nerlande, where the captain of the steamer neither gave information of the capture which he had made, nor allowed them to advise the captain of the Raton, or to communicate with any person whatever; that from thence they were taken in the same steamer to Matagorda, where the pilot-boat arrived the 8th or 9th of December; that at Matagorda they put on board the pilot-boat the second mate, two seamen, and the cook, who declares that at night, and without the commission of any offence, they were placed in shackles and handcuffed until the 28th, when they reached New Orleans; that on the 29th they went to make oath at the commandant's, where they were set at liberty, the captain's chest remaining at the commandant's; that in this state of things, for himself and in the name of his principal, interested as they are in the said pilot-boat Raton del Nilo, and because of the great damage they have suffered by the violent and arbitrary capture of that vessel without any cause that justifies it, he protests once, twice, and thrice, and as often as may be necessary according to law, against the capturing vessel and against every one who may be liable, to the end that they return the bark and indemnify all losses and damages they have suffered, and all interests they had therein duly estimated, to the end that through the evidence of this protest there be established at this consulate the proper reclamation on the federal government, without prejudice to the protestant availing of his rights by all lawful means.

In faith whereof these presents are signed, and by the witnesses subscribing, at the date above expressed.

As witness: G. MENENDEZ.
As witness: C. BUISSON.

Before me, acting consul in charge.

And that the party interested may give it in evidence when it may be proper, I sign the present, authenticated by the seal of this consulate, at the Havana, the 8th of February, 1864.

In charge of the consulate,

A true copy:

MIGUEL DE GUIMERA.

JOSÉ DE CABARGA.

JOSÉ DE CABARGA,
Mexican Consulate at the Havana.

WASHINGTON, February 18, 1864.

IGNO. MARISCAL, Secretary.

Mr. Seward to Mr. Romero.

DEPARTMENT OF STATE,
Washington, February 20, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 18th instant, enclosing copy of the protest from the Mexican consul at the Havana, against the capture, by a war steamer of the United States, of the pilot-boat Raton del Nilo, and to inform you that I have communicated translations of the same to the Secretary of the Navy for the necessary information.

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

WILLIAM H. SEWARD.

Señor MATIAS ROMERO, &c., &c., &c.

Mr. Seward to Mr. Romero.

DEPARTMENT OF STATE,
Washington, February 24, 1864.

SIR: I have the honor to enclose for your information the copy of a letter, dated yesterday, from the Secretary of the Navy, in relation to the capture of the Mexican pilot-boat Raton del Nilo, which was the subject of your note of the 18th instant.

I will communicate to you such further information upon the result of the admiralty proceedings as may be received.

I avail myself of this occasion to renew to you, sir, the assurances of my high consideration,

WILLIAM H. SEWARD.

Señor MATIAS ROMERO, &c., &c., &c.

NAVY DEPARTMENT, February 23, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 20th instant, enclosing a translation of a note dated the 18th instant from Mr. Romero, Mexican minister, accompanied by a protest relative to the capture by one of our naval vessels of the Mexican pilot-boat Raton del Nilo, and requesting such information on the subject as the files of this department may afford.

From a communication received by the department from Lieutenant Commander W. N. Allen, commanding the United States steamer New London, dated the 8th of December last, it appears that he captured the "Raton del Nilo" on the 3d of that month in latitude 26° 36' N., and ten miles east of Padre island, Texas, she having neither log-book nor papers. The person at the time in charge of her stated that while at anchor in the Rio Grande the cable parted in a norther and the vessel had been driven by the wind to the locality of the capture, and had not had a fair wind to get back. Lieutenant Commander Allen transmits to the department an abstract from the log of the New London, as showing that it would have been impossible for a vessel to have drifted to the northward at the time stated. The cargo of the Raton del Nilo consisted of coffee, sugar, cod-fish, wine, percussion caps, &c.

The vessel was sent to New Orleans for adjudication, and the prize court there will, doubtless, properly dispose of the question as to the legality of the seizure.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

HON. WILLIAM H. SEWARD,
Secretary of State.