

armed threat against the Mexican government of compelling it to pay the sum of seventy-five millions.

"Mexico shall be bound to execute fully, fairly, and immediately the contract concluded in the month of February, 1859, between the Mexican government and Mr. Jecker." [Interruption.]

Now, the minister has told you that the execution of this contract could only apply to custom-house duties. [Disorder.] Permit me, gentlemen, to tell you that nothing is more frivolous, nothing more inadmissible [Reclamations.] There is no question, assuredly, in regard to the Jecker house, of the payment more or less enfeebled of custom-house duties, of concessions which the Mexican government might have made to the holders of the notes. When there is question of the execution of a contract, we should regard the end, we must see this end; now, there is question of seventy-five millions claimed of the Mexican government.

Behold, gentlemen, this affair such as it is. And it is this affair which I have had the right to qualify as shameful, because it conceals under the appearance of a debt due, a real usury. I have demonstrated with positive figures, not disproved, that Jecker furnished but an insignificant sum compared to that which he claims; I have demonstrated that he wished to extort from the Mexican government, and that those who have associated themselves to his course merit a solemn rebuke; they have led the French government into a veritable snare. And it is not by recourse to subterfuges, but by positive explanations, that I have demonstrated that it has been sought to make the Mexican government pay seventy-five millions; and as to what has been told us awhile ago by the minister, that the bills were for the most part in the hands of Jecker—that Jecker having failed, his notes were sequestered, nothing is more inexact: the minister was ill informed; we know it, not from the Mexicans, but from the French residents who have been included in the liabilities of the Jecker house. Jecker having been declared a bankrupt in the month of May, 1860, obtained, some time in July, a judgment replacing him at the head of his affairs, whilst according him *speranzas*—that is, hopes for the creditors who will run after their dividends, but will never realize them.

It is in this situation that Jecker negotiated with the French resident minister, in order to have his contract become an object of express stipulation in the ultimatum. He was the holder of almost all these notes; there were not 600,000 piastres in the hands of the merchants; the greater part of these notes, or 14,000,000 of piastres, are in the hands of Jecker. Jecker may have been able to assign them at any price to traffic in them; and it is precisely because there was under this affair a speculation, which was divined by the English minister, that it was brought to the notice of the minister of foreign affairs, and the minister of foreign affairs, either in his instructions or in his replies, explained that when there would be question of liquidating this affair, they would confine themselves to French interests entirely. And it is here we come upon that momentous fact over which the minister seems to me to have glided with great rapidity.

It has been declared that the Jecker debt caused a kind of uneasiness in the consciences of the merchants. Explanations were asked; the minister was alarmed himself; he wrote to M. Dubois de Saligny that it was impossible to execute anything else than what concerned the French; and then as the principal party interested in that contract was a stranger, a Swiss, in the midst of those negotiations, considered suspicious by the English and Spanish chanceries, haste was made to grant this man letters of naturalization, in order that he might be enabled to figure as a Frenchman, in order that he might be enabled to accomplish his work, and make the Mexican government the victim of his usury. Behold the truth with regard to the Jecker affair.

Had I not, then, the right to say that our diplomacy has gone astray here, that this *ultimatum* was without precedent in our history, and that, in consequence, the Chamber, which should take some position with regard to this expedition, was interested, in point of honor as well as in point of policy, to separate itself from that part of the negotiation?

As for the rest, I stop here. The minister has discoursed to you in magnificent language. He has said that French interests were to be upheld in all quarters of the world; that wherever one of our countrymen met a serious obstacle in his way, wherever his security or his fortune was compromised, the French flag should go to protect him. Never, gentlemen, have we combatted such maxims; we share in them with all our hearts; but what we desire, also, is, that the money and the blood of France should not be lavished on an ill-defined expedition which may conceal an intrigue; and this, gentlemen, is my last word. [To the vote; to the vote.]

M. MONIER DE LA SIZERANNE rises to speak.

FROM ALL SIDES. To the vote; to the vote.

SOME VOICES. Speak.

M. MONIER DE LA SIZERANNE. I ask permission to say a few words.

NUMEROUS VOICES. No, no; the previous question.

THE PRESIDENT. The previous question is demanded by the great majority of the Cham-

ber. The amendment is now to be put to the vote. Ten members having demanded a ballot on the amendment, it is now to be proceeded with. The names of the deputies who have signed the demand for a ballot, are: Messrs. Roques-Salvaza, Guillaumin, Charlemagne, Count Segur-Lamoignon, Carayon-Latour, the Marquis de Chaumont-Quitry, Dabeaux, Count de Nesle, Ledier, Corneille.

SOME MEMBERS. Explain to us the vote, Mr. President.

THE PRESIDENT. The Chamber is going to vote on the amendment; it is plain, then, that those opposed to it will deposit a blue ballot, and those in favor of it a white ballot.

(They proceed to ballot; then the votes are counted.)

THE PRESIDENT. The result of the count of the ballots is: Number of voters, 250; absolute majority, 126; for the adoption of the amendment, 5; against it, 245. Therefore the legislative body has not adopted it.

THE PRESIDENT. I proceed now to put to the vote successively paragraphs 3 and 4 relative to Mexico:

"Paragraph 3. Your Majesty had concerted the Mexican expedition with two great powers whose co-operation would, undoubtedly, have had the effect of diminishing the efforts of France. Left alone to pursue a necessary satisfaction, you were justified in thinking and saying that the legislative body would not hesitate to second you." Adopted.

"Paragraph 4. We hope for the happy and speedy termination of this war in which our army and our navy give new proofs of their constancy and their courage, and we desire that there may freely issue from it a stable government, which would respect laws and treaties, and remain the ally of France." Adopted.

THE PRESIDENT. I think that at this late hour it would be suitable to adjourn the continuation of the discussion till Monday. [Yes! yes!]

The Chamber adjourned at 5½ o'clock.

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

DEPARTMENT OF STATE,

Washington, November 6, 1863.

SIR: I have the honor to acknowledge the receipt of your note of this date enclosing an English translation of the debates in the corps legislatif of France, on the 6th and 7th of February ultimo, in relation to the Mexican question.

Presenting you my thanks for the interesting and valuable communication, I avail myself of the opportunity to renew to you the assurances of my most distinguished consideration.

F. W. SEWARD,  
Acting Secretary.

Señor DON MATIAS ROMERO, &c., &c., &c.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION TO THE UNITED STATES OF AMERICA,

Washington, January 26, 1864.

MR. SECRETARY: I have the honor to remit to you, translated into English, the documents relating to the affairs of Mexico, presented by the government of France to the legislative bodies of the empire on opening the sessions of 1863 and 1864.

At first sight it will appear strange that I transmit to the government of the United States documents emanating from a government which is making war on my country, and which it publishes for the purpose of justifying this very war; but as from these are deduced, in many respects, precisely the contrary of that which the French government desired to justify, I do not believe it possible to adduce proofs more conclusive in defence of the cause of my country than those which emanate from the French government, and have been produced by it in support of its policy.

It appears that the imperial government, ordinarily quite sparing enough in the publication of diplomatic documents, knew that those published in 1863 would result against those setting them forth, and desiring to avoid the repeti-

tion of the same consequence, only gave to light in 1864 three official papers in relation to a matter in which France and the whole world had the right to expect explanations less superficial on the part of the aggressor.

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.*

*The Minister for Foreign Affairs to Count Flahault, Ambassador of France in London.*

PARIS, October 11, 1861.

Monsieur le COMTE: The English ambassador has called on me to converse on Mexican affairs, and on the means of combining the action of our governments, in order to attain the common object which we have in view. Her Majesty's government, says Lord Cowley, is ready to sign a convention, together with France and Spain, to the end of obtaining redress for the offences committed against the subjects of the three nations, and of enforcing the execution of the obligations contracted by the Mexican government towards their respective governments, provided it should be declared in said convention that the forces of the three powers are not to be employed in any ulterior object, whatever it may be, and, above all, that they are not to interfere with the interior government of Mexico. The cabinet of London proposes to invite the United States to adhere to this convention, yet, without awaiting their answer, to commence active operations.

I have answered the ambassador from England, that I was perfectly agreed with his government upon one point: that I agreed with Lord Russell about the legitimacy of our coercive action towards Mexico, as it only originated from our grievances against that government, and that said grievances, together with the means of redressing them, and of preventing them in future, constituted alone the object of an ostensible convention. I admitted also, without any difficulty, that the contracting parties might bind themselves not to derive any political or commercial advantage, to the exclusion of the others or of any other power, but that it seemed to me of no use to go beyond this, and interdict, in advance, the eventual exercise of a legitimate participation in the events which our operations might originate. The government of the Emperor no more than that of her Majesty would like to assume the responsibility of a direct intervention in the domestic affairs of Mexico, but thinks it prudent for the two cabinets not to discourage the efforts which the country itself might make to put an end to the state of anarchy in which it has been plunged for so long a time—letting it know that no circumstances whatever would bring about any support or assistance from abroad. It is evidently the interest both of France and England to see there established such state of things as will secure the interest existing already, and favor the development of our exchanges with a country so richly endowed. The events just taking place in the United States add new importance and urgency to these considerations. In fact, we are led to suppose that, if the issue of the American crisis were to accomplish the definitive separation of the south from the north, both confederations would soon look after compensations, which the territory of Mexico, going to a social dissolution, would offer to their competition. Such an event could not be indifferent to England; and, in our opinion, the only obstacle which would prevent it is the constitution of a government able to redress wrongs, and strong enough to stop interior dissolution. Whether the elements of such government should be found in Mexico we cannot assure positively. Our interest in the regeneration of that country does not allow us to neglect any symptom which would give hope of the success of such an attempt. As to the form of government, provided it would afford the country and ourselves sufficient guarantees, we had not, and I suppose England herself had not, any preference, nor had chosen any. But if the Mexicans themselves, being tired of their trials, and decided to react against the disasters of the past, should draw up a new vitality from the dangers which threaten them—if, coming back and consulting the instincts of their race, for instance, they should find in the establishment of a monarchy the repose and prosperity which in vain they have looked for in republican institutions, I did not think we ought absolutely to refuse to aid them, if there was a chance, bearing, nevertheless, in mind that they were perfectly free to choose whatever means they might think best to attain their object.

In developing these ideas in the form of an intimate and confidential conversation, I added, that in case my prevision were to be realized, the government of the Emperor, freed from all preoccupation, rejected, in advance, the candidature for any prince of the imperial house; and that, desirous to treat gently all susceptibilities, it would see with pleasure that the election of the Mexicans and the assent of the powers should fall upon some prince of the house of Austria.

Coming back to the point of departure in this conversation, and in order to resume, I

said that the convention in project, in my judgment, should indicate the end of the agreement between the contracting parties—should say, in one word, all that which we were about doing; but that, according to prudence and usage, we ought to abstain from saying what we would not do in case of uncertain events, which ought then to be met when taking place.

Such is, Monsieur le Comte, the substance of the conversation which I have had with Monsieur the ambassador from England, and of which he is to give an account to his government. I hope the cabinet of London will attentively examine these considerations, inspired by the community of our interests in Mexico, and which the frankness of our relations made a duty for me to lay before it.

THOUVENEL.

*The Minister for Foreign Affairs to Mr. Barrot, French Ambassador at Madrid.*

PARIS, October 15, 1861.

SIR: Since the last time I addressed you I have had a conversation with the ambassador of her Britannic Majesty, which you will find abridged in the annexed despatch addressed to Count Flahault. (See the foregoing despatch.) As you will observe, the English government demands that, in the convention which it is about making with France and Spain, it should be stipulated that the three powers will not interfere in the domestic government of Mexico. In the mind of the Emperor such a declaration would be too absolute, and it would at least be of no use to have it figure in the conversation. You will find in my despatch to M. de Flahault the observation which, on this subject, I thought proper to present to Lord Cowley, and in which I have stated that if we are not to assume the responsibility of a direct action in the domestic affairs of Mexico, prudence dictated that we should not discourage in advance the efforts that the people themselves might make, with the moral support which the presence of our forces would afford them, to establish a regular and permanent government; that finally, while leaving the Mexicans in perfect liberty to make their own choice of government, the three powers ought not, for the sake of their interests, to interdict themselves absolutely from aiding the Mexicans in the work of their regeneration. It is in this sense that I have been led to speak to Lord Cowley about the eventuality of the re-establishment of a monarchy in Mexico, as you will see in my despatch to M. de Flahault.

The ambassador of her Catholic Majesty having yesterday come to confer with me on the same subject, I have explained myself with him in the same manner as I did with Lord Cowley. I have told him, particularly in that which refers to the eventual return of a monarchy in Mexico, that this country was, before all, to express its will as to the monarchical form and choice of a dynasty. I have also called the attention of M. Mon to the fact that the government of the Emperor, foreseeing such an eventuality, with perfect disinterestedness resigned beforehand all candidature for any prince of the imperial family, and that he did not doubt that the other two governments entertained similar dispositions. Finally, that in regard to the choice of a dynasty in the eventuality indicated, we had no candidate to propose, but that should the fact happen, an Austrian prince would meet with our assent. Such a choice, in fact, would have, besides many reasons which exist to adhere to the advantage of taking away from the common action of the three powers all motives for collision or national emulation, leaving at the same time all its authority to the moral support which they would be called upon to lend to the Mexican nation. In one word, the three powers would have to act at present as France, England, and Russia acted towards Greece, by engaging themselves not to accept for any of their princes the new throne erected through their common exertions. This precedent, in my judgment, could be brought as an example, the natural difference of the situation taken into consideration, and you may make use of it in your conversation with the minister of her Catholic Majesty.

From what M. Calderon Collantes told you in regard to the action which, in his opinion, the three powers ought to take upon the domestic organization of Mexico, it seems to me that we are very nearly agreed on that point. I would learn with pleasure that the cabinet of Madrid entertained the same opinion as the government of the Emperor as to the eventuality of Mexico's returning to monarchy. At all events, we prefer to act in this affair towards the government of her Catholic Majesty with full confidence, and we have thought that the friendly relation which now exists between both governments constituted for us a duty to deal openly upon the conduct which we ought to follow as much for the interest of Mexico as for that of the three powers.

In regard to the participation of the United States there could be no difficulty between Spain, England, and ourselves. Lord Cowley told me that his government was of opinion that operations could be commenced without awaiting the answer of the American government, and I see by your correspondence that this is also the opinion of M. Calderon Collantes.

THOUVENEL.

*The French Ambassador at Madrid to the Minister for Foreign Affairs.*

MADRID, October 21, 1861.

Monsieur le MINISTRE : I have the honor to acknowledge from your excellency the receipt of the despatch which your excellency addressed to me on the 15th of October.

I have recently held many conferences with Marshal O'Donnell and Mr. Calderon Collantes upon the Mexican question. The English minister in Madrid had already communicated to the government of Queen Isabella the project of a convention presented by England with the object of regulating the common action to be taken by the three powers in regard to the affairs of the Mexican republic. The Spanish government agrees fully with that of the Emperor about the objections made to it, and regards it as interdicting beforehand the very measures which it purposes to adopt.

It is evident, in fact, that the limitations proposed by the English project to the eventual action of the three powers are of such a nature as to destroy all its effect. M. Calderon Collantes has perfectly understood, as your excellency has, that it would be illogical and impolitic to discourage in advance, through a premature and at the least an useless declaration, the efforts of the order-loving people who are in a majority in Mexico, and to whom the presence alone of the united forces of the three nations would give that moral ascendancy which they have lacked heretofore, and without which it would be impossible to dominate the bad passions of the minority.

M. Calderon Collantes sums up his opinion by saying that it would be better to abstain from going to Mexico than to go under the conditions proposed by the English project.

BARROT.

*The French Ambassador at Madrid to the Minister for Foreign Affairs.*

MADRID, November 6, 1861.

Monsieur le MINISTRE : As I have had the honor to communicate to your excellency this morning by telegraph, I have acquainted Marshal O'Donnell and M. Calderon Collantes with the wish expressed by your excellency, that instructions may be given to the commanders-in-chief of the Spanish and French forces in Mexico, so that they may march on Mexico if the circumstances would seem to them favorable.

The Duke of Tetuan unhesitatingly adhered to the opinion of the government of the Emperor. He declared to me and authorized me to inform you that very elastic instructions, in fact almost discretionary, will be given to the Spanish commander, and that he, besides, would write to him privately, authorizing him to act in conformity with the measures which your excellency's despatch would indicate.

In consequence of a conversation which I have had on the same subject with M. Calderon Collantes, the first secretary of state has authorized me to inform you that his own opinion is exactly like that just expressed to me by Marshal O'Donnell, and to confirm in his name the engagement just entered into with me by the president of the council.

BARROT.

*Ultimatum from the French commissioners in Mexico.*

The undersigned, representatives of France, have the honor, as stated in the collective note addressed this day to the Mexican government by the plenipotentiaries of France, England, and Spain, to draw up, as follows, the ultimatum of which they have received orders in the name of the government of his Majesty the Emperor to demand the pure and simple acceptance by Mexico :

ARTICLE 1. Mexico engages to pay France a sum of \$12,000,000, at which amount are calculated the total French demands, consequent upon events which have occurred up to July last, with the exceptions stipulated in articles 2 and 4, below.

As regards those events which have taken place since the 31st of July last, and of which a special reservation is here made, the amount of the claims against Mexico to which they may give rise will be fixed hereafter by the plenipotentiaries of France.

ART. 2. The sums still due under the convention of 1853, which are not included in article 1, above, shall be paid to the rightful claimants in the form, and allowing the terms of payment stipulated in the said convention of 1853.

ART. 3. Mexico shall be held to the full, loyal, and immediate execution of the contract concluded in the month of February, 1859, between the Mexican government and the firm of Jecker.

ART. 4. Mexico is pledged to the immediate payment of the \$11,000 forming the balance of the indemnity which was stipulated for in favor of the widow and children of M. Rieke, vice-consul of France at Tepic, assassinated in October, 1859.

The Mexican government shall further, and according to the obligation already contracted by them, deprive of his rank and appointments, and punish in an exemplary manner, Colonel Rojas, one of the assassins of M. Rieke, with the express condition that Rojas shall not again be invested with any employment, command, or public functions whatsoever.

ART. 5. The Mexican government also engages to search out and to punish the authors of the numerous murders committed upon Frenchmen, and especially the murderers of M. Davesne.

ART. 6. The authors of the attacks committed on the 14th of August last against the minister of the Emperor, and of the outrages to which the representative of France has been exposed in the first part of the month of November, 1861, shall be subjected to exemplary punishment; and the Mexican government shall be bound to afford to France and to her representative the reparation and satisfaction due by reason of these deplorable excesses.

ART. 7. In order to insure the execution of the above articles 5 and 6, and the punishment for all the outrages which have been, or which may be, committed against the persons of Frenchmen residing in the republic, the minister of France shall always have the right of being present, whatever the case at issue, and by such representative as he may designate for that purpose, at all proceedings instituted by the criminal courts of the country.

The minister shall possess the same right with regard to all criminal prosecutions instituted against his countrymen.

ART. 8. The indemnities stipulated in the present ultimatum shall bear a legal annual rate of interest of 6 per cent., to date from the 17th July last, and until their complete payment.

ART. 9. As a guarantee for the accomplishment of the financial and other conditions laid down in the present ultimatum, France shall have the right of occupying the ports of Vera Cruz, of Tampico, and such other ports of the republic as she shall think fit; and of there establishing commissioners designated by the imperial government, whose duty it shall be to take care that those powers which have a legal claim shall receive such funds as are to be levied for their benefit on the produce of the maritime custom-houses of Mexico, in fulfilment of the foreign conventions, and that French agents shall receive those sums which are due to France.

The commissioners in question shall, besides, be invested with the power of reducing, either by one-half or in a smaller proportion, according as they may judge advisable, the duties at present levied in the ports of the republic.

It is expressly understood that merchandise which has already paid import duty shall in no case, and on no pretext whatsoever, be subjected by the supreme government, or by the State authorities, to any additional customs duty, inland or otherwise, exceeding the proportion of fifteen per cent. on the duties paid on importation.

ART. 10. All measures which shall be judged necessary for regulating the apportionment among the parties interested of the sums levied upon the produce of the customs, as well as the manner and the periods of the payment of the indemnities above stipulated, as also for guaranteeing the execution of the conditions of the present ultimatum, shall be framed in concert with the plenipotentiaries of France, England, and Spain.

VERA CRUZ.

*The Minister for Foreign Affairs to M. Dubois de Saligny, Minister of France at Mexico.*

PARIS, February 28, 1862.

SIR: The dispositions which Sir Charles Wyke has shown on the subject of our last claims, and which have been supported by General Prim, have put an obstacle to your presenting the ultimatum which you had formed with the view of settling the question in that which concerns us. I will take under consideration that ultimatum by and by; first, I intend to examine only the conduct which you followed. Now, in determining from the beginning the whole of the conditions in what concerns us, to which the Mexican government was to be required to assent, you proceed very reasonably, and in conformity with our intentions.

It is to be regretted that your colleagues did not think it possible to adopt a similar determination simultaneously. The disagreement between you, I should think, has been brought about by a forced interpretation of the convention of London. It was wrong that Sir Charles Wyke and General Prim should have attempted, if I do not mistake, to see in those articles the right for each one of the representatives of the three powers to exercise a binding control upon the claims presented by their colleagues in the name of their respective governments. It had never been understood, indeed, that we were to submit to a reciprocal appreciation of our grievances, and that the reparations demanded by the dignity or the injured interests of one of the powers ought to be limited to only those which the other two would think themselves authorized to admit. It was natural, undoubtedly, that having to form our ultimatum in common, the different commissioners should acquaint themselves, mutually, with the grievances for which they were to ask satisfaction, but this preliminary communication taking place only as a kind of information for the better understanding of the representatives by no means carried with it the right for any of them to discuss these grievances. The convention of the 31st of October empowers the commissioners to determine about the claims, but as the text itself says, *on the questions only which might arise from the employment and distribution of the sums of money which were recovered from Mexico, taking into consideration the respective rights of the contracting parties.* It is to each power that belongs the right to determine what it had cause to demand. Otherwise, if we had to reciprocally examine the demands drawn up on both sides, as your colleagues thought it would have to be, to expose ourselves to see several months pass, as it has been acknowledged, before having done with this task—wishing, besides, to proceed in this way, one could not (and this has been the case) arrive at an ultimatum that would authorize all the discussions for want of preciseness, and therefore it would not be very serious.

What I understand is, that, in the ulterior and effective regulation, it seems necessary or equitable to establish a classification of liquidation among the credits, to cause the payment of some of them to be made before others, to examine their quality and importance; but, what is necessary from the very beginning, is to affirm plainly and categorically what each power intends to obtain. I pretend, by no means, to say that there is an absolute obligation for the three governments to consider every demand presented by one of them as carrying with itself a right to be supported by the other two. If, in that which concerns us, our condition surpassed the measure of those which the representatives of Great Britain and Spain decided as satisfactory for them, it would be necessary for us to reflect on the attitude which was more convenient to our interests, examining whether they would not suffer much by the concessions made to maintain a common action of the three courts, or whether by remaining scrupulously faithful to the spirit of the convention of London, that is to say, not seeking in Mexico any particular advantage or territorial acquisition, we ought to separately exact the satisfaction due to France.

I come now to the observation which the reading of the ultimatum you prepared suggested to me. I am not willing to make it the text of formal instructions. I limit myself to leave them to your own reflections, so that you may pay attention to them as far as right will allow it and circumstances may demand. The amount which the department had endeavored to value our claims did not reach that which your article first fixed, but, in the absence of sufficient details to arrive at them, a great latitude was left to you on this subject. And, although I would not invite you expressly to diminish any amount which Sir Charles Wyke and General Prim should think to be exorbitant, you could be less rigorous on this subject if that was to be an evident cause of dissidence between the representatives of the three courts. The amounts to be charged to Mexico, besides the twelve millions of dollars of principal indemnity contained in the clauses of articles 2 and 4, seem to be of such a nature as to be considered as the most rigorously to be exacted. I would be inclined to think that if we fix a considerable amount of indemnity we could dispense with reparations of other kinds, although fully justified in principle that you should demand whether it be in relation to the death of our agent at Tepic, or to the criminal attempts committed against your person last August, express and additional clauses. I ask myself, also, whether the precautions which you have thought proper to take under articles 5, 6, and 7, with the object of securing the judicial pursuit and the punishment of the different outrages to which our countrymen have fallen victims, would attain, in reality, the object which they aim at, and if it would not be more advantageous to consider at once the indemnity stipulated as a satisfaction comprising all our grievances.

In what concerns, specially, article 3, in relation to the Jecker affair, there is evidently a distinction to be made between that which affects our own interests and that which is foreign. When General Miramon published the decree which brought about his contract with the house of Jecker, the information from the legation having stated that the foreign commerce derived a great relief from the financial measure brought about by this house to the Mexican government, it was natural to see a great profit in preventing as much as

possible that they would go back on this measure and the operations which facilitated it. It is in this sense that instructions from the department have invited you, as you had already taken the initiative, to support the claims provoked on this point by the conduct of the Juarez government. Now, the care would be, they say, on account of the opposition made by Sir Charles Wyke to that which you had proposed on this matter, that the foreign commerce would not derive any advantage from such a contract, but that the house of Jecker would be the only one to profit by its fulfilment. I do not know how the case stands, but I call your attention to the importance of separating in this affair that which I would really compromise, the interests which it is our duty to protect from that which would only affect interests of a different character. The actual government would not consent to deprive our countrymen of advantages accruing from a regular measure taken by General Miramon's administration on the only ground that it emanated from an enemy, but on our side it would be unreasonable to be willing to impose on the actual government obligations which would not essentially emanate from its responsibility as a government.

THOUVENEL.

*The Minister of Foreign Affairs to the Ambassador of France at London.*

PARIS, March 7, 1862.

Monsieur le COMTE: Lord Cowley has called to communicate to me the observations which the ultimatum, prepared in our name by M. de Saligny, and which the disposition shown by Sir Charles Wyke prevented him from presenting, had suggested to Lord Russell. I send you a copy of said ultimatum, and I think proper to inform you of my answer to the ambassador from England, so that you may be enabled to understand it in the same sense.

I reminded, first, Lord Cowley of my declaration to him from the very beginning, that the government of the Emperor could not determine in advance the amount of indemnity required for its demands in the absence of proper date to arrive at. Our legation at Mexico being in possession of all the documents of the numerous claims presented by our countrymen up to a recent period, it could alone fix the amount which would constitute an equitable and real reparation for so many grievances and damages which we have been compelled to ask from Mexico. I had, therefore, announced to Lord Cowley that we would leave this question to be settled by our representative. As soon as I learned the terms in which the ultimatum was conceived, having received only the text without any explanation in its support, I did not conceal to our plenipotentiaries, it is true, that their vigor had somewhat surpassed our previsions. But on reading afterwards the explanations sent by M. Dubois de Saligny, which I expected, I must acknowledge that, in forming this project of ultimatum, he had done so after mature reflection and formally proving the claims recommended to our case.

Our representative, in basing his conduct in this case upon the instructions which I had sent him, has tried, notwithstanding, not to exaggerate their application, and has, besides, been frank and open in his manner of proceeding towards his colleagues. The objection made by Sir Charles Wyke against our ultimatum, pretending that only claims already admitted by Mexico in virtue of treaties or conventions ought to be comprehended, must have surprised M. de Saligny no less than it does ourselves. If this were the case, we could never have attained the object of an expedition, caused by the recent acts of the government of Mexico. That which evidently led the three powers to unite their forces against Mexico has been the impossibility of permitting that the rules of right and justice should be violated with impunity towards their subjects, and the firm determination of obtaining the proper satisfaction for past injuries and security for the future, that such abuses should not be repeated. Was it then properly time to pretend that France, Great Britain, and Spain, by sending their fleets and soldiers to Mexico to secure, as the convention says, by means of a joint action, the efficacious protection of their respective subjects, did not intend to require from the Mexican government aught else than the fulfilment of conventions which, having reference only to former grievances, would leave without satisfaction our last and more serious causes of complaint?

Neither M. Dubois de Saligny nor ourselves so viewed it. Our resolution and that of the cabinets of London and Madrid was, we are perfectly convinced, at the moment that the treaty of the 31st of October was signed, to exact from Mexico the full reparations, without leaving room to evade it, for all the wrong of which it was responsible before the three powers up to the day when they had set foot on its soil.

It does not become us to criticise the abandonment which England and Spain would be willing to make in this case of a part of their reclamations. Each of the allied powers is the judge in this respect of its own conduct; and because we always thought so, we never

admitted, even for an instant, that the demands presented by one of the representatives were to have in advance the assent of the other two.

Thus the opinion enunciated by Sir Charles Wyke on this subject, though supported by General Prim, has been most properly opposed by M. Dubois de Saligny. It results from a forced interpretation of the convention of London, for it cannot be concluded, in the first place, from its clauses that each one of the representatives of the three powers has the right to exercise a binding control on the claims presented by his colleagues in the name of their respective governments. It has not been understood by any means that one has to submit to a reciprocal appreciation of its claims, and that the reparations required by the dignity or injured interests of one of the governments should be limited to those which the other two would deem satisfactory. It was natural that the different commissioners, having to form simultaneously the conditions for an ultimatum, should consult each other upon the grievances for which satisfaction was to be demanded; but this preliminary communication, made only as a simple understanding, and with the object of best showing the accord between the different representatives, could in no manner convey the right to one of them of discussing the origin and extension of the grievances themselves.

The convention of the 31st of October has conferred on the commissioners the power of giving their opinion on the subject of claims, but, as the convention properly says, on the questions which might arise from the employment and distribution of the sums of money which will be recovered from Mexico, paying attention to the respective rights of the contracting parties. It is in principle the right of each power to determine itself what it has to claim. Otherwise, if we were to examine reciprocally the demands made by either party, that would have been to expose ourselves to see several months elapse before the task could have been accomplished. What it is easy to understand is, that in the final and effective arrangement might have been necessary or just to establish a rank of liquidation among the credits in view of their character and importance; but what is always necessary at the beginning is to determine frankly and categorically what it is the purpose of each power to obtain, otherwise their ultimatum gives rise to discussions, and consequently is not of a serious character. I do not pretend to say, nevertheless, that the three governments were bound to consider that all demands presented by each of them were to have the support of the other two as a right. If, in what concerns us, our conditions surpassed the measure of those with which the representatives of Great Britain and Spain were to decide or content themselves, we were to look for the attitude which would best suit our interests, and to examine whether they would not have to suffer too much from concessions made to the support of a joint action, or whether we were to prosecute separately the reparations due to France by remaining scrupulously faithful to the spirit of the convention of London—that is to say, without looking for any particular advantage or territorial acquisition. One of the clauses of our ultimatum, which seemed more than any other to have met with the opposition of Sir Charles Wyke, is that which relates to the contract made by the Mexican government with the house of Jecker. Our legation in making the claim originating from this contract has borne in mind, above all, the general interests of foreign commerce and the advantages accruing from it—as it bound the responsibility of the Mexican government, whatever it may be—no less than the enormous injury to the resident and foreign merchants which would follow its non-compliance.

Writing to M. Dubois de Saligny in the sense of the exposition which precedes, I have left him free yet to use the latitude which was accorded him by my former instructions to modify his demands. Although I have not invited him, expressly, to reduce the amount of our indemnification, he can be less rigorous on this point if this is to be an evident cause of dissidence between the representatives of the three courts.

As for the other conditions which appear in our ultimatum, I have authorized him to give way so far as new considerations may advise it. In what concerns particularly the affair of the Jecker debt, he will have again to examine, if there is not a destination to be made between the interest attached to it, and whether all of them have equally a right to our protection.

What seems to me to be essential above all is, that no room be left to the Mexican government to discuss hereafter the obligations which will be imposed upon it. This would not be the case if our exactions should not be made in a distinct manner; if the amount of indemnity charged to the account should not be fixed at once, the power to raise objections against what she would owe us should be left to her soon after our forces had evacuated her territory. What we have experienced by recurring several times to this expediency of a liquidation, admitted in principle, but which was to be subsequently discussed and settled, proves how illusory such sort of arrangements with the Mexican government are, to expose ourselves to fall again in the situation which has followed the regulations of the kind to which, not long ago, Admiral Penana, and more recently M. Dubois de Saligny, had thought advisable to submit through a feeling of confidence in the good faith

of the Mexican government—a good faith which has not been confirmed. Therefore I do not admit that an opening be left to that government to evade the obligations which it might seem to have accepted, unless I consent to have as a net loss the heavy expenses which the actual expedition has caused; I do not object, on the other hand, since the amount of our indemnity seems to be exorbitant to the English government, and since we do not pretend to establish it ourselves upon positive date at this time—I say I do not object to having a special commission to determine at a later period exactly what the amount, distinctively, of our indemnity must be which will satisfy our reclamations. M. Dubois de Saligny himself first suggested the idea, and I am perfectly disposed to adopt it. We would, in such case, do what we have done in similar cases; for instance, in the indemnity of Djeddah. We would not hesitate in freeing the Mexican government from the portion of the amount primitively fixed, which would be over and above what we have a legitimate right to demand after an examination of all our injuries. It is well to remark, besides, that the importance of the demanded indemnities could not be considered as proper to render the recovery impossible after sufficient delay for payments should be granted to the Mexican government.

There is another objection to our ultimatum, made by Lord Cowley, and which it is easy to remove. Article ninth seemed to him to state that the occupation of the ports of Vera Cruz, Tampico, or others, ought to take place for the exclusive benefit of France, she only having to establish there commissioners with the indicated object. Such is not, if well understood, the sense of this disposition. The measures which this article refers to as having to be adopted to guarantee the fulfilment of the obligations imposed on Mexico must, without the least doubt, be common to the three powers. If their ultimatums were not to contain an identical clause on this head, certainly it would not be acting any longer in accordance with the spirit of the convention of London.

THOUVENEL.

*The French Ambassador at London to the Minister of Foreign Affairs.*

LONDON, March 11, 1862.

M. le MINISTRE: I waited yesterday upon the principal secretary of state, and my interview with him was almost exclusively devoted to the state of affairs superinduced by the grave dissensions among the commissioners of the allied powers in Mexico. It is too important to the success of our expedition that a good understanding should be restored as soon as possible to have authorized me to do aught else than immediately direct my efforts to exhaust the question of the difference between M. Dubois de Saligny and Sir Charles Wyke, in regard to the ultimatum drawn up by the former. I therefore immediately informed the principal secretary of state of the approbation accorded by the Emperor's government to the conduct of its commissioners. Following the spirit of your excellency's despatch of March 7, of which I thought myself authorized to read several passages, I brought Lord Russell to acknowledge that her Britannic Majesty's commissioner had mistaken the spirit of the treaty signed at London when he refused his assent to the ultimatum project of France. Like ourselves, Lord Russell does not admit, indeed, that the demands drawn up by any one of the representatives of the allied powers should preliminarily have the assent of the other two; he thinks, however, that in virtue of the solidity which binds their governments in a community of action, and the reciprocal guarantees which they give each other, each of the commissioners has a right to make observations, and to give his opinion on the ultimatum of his colleagues. The principal secretary of state, as far as he is concerned, agrees with what Sir Charles Wyke has expressed in regard to the clauses of the ultimatum presented by M. Dubois de Saligny. Our demand of twelve millions of piastres seems to him too high. The clause which exacts the execution of the contract with the Jecker house also appears to him open to most serious objections. He said to me that, in his opinion, that was not one of those engagements which deserved such a protection as that it should be necessary to lay down the execution of it as one of the conditions of an ultimatum.

I was not sufficiently acquainted, M. le Ministre, with the contract in question to be able to enter upon a profound discussion on this point. I restricted myself to replying that your excellency had left M. Dubois de Saligny free to modify his demands, and that the latter would have consented to leave the Jecker affair among the reserved questions, if Sir Charles Wyke had been willing to give his assent to the other conditions contained in the French ultimatum, and especially to the first condition. As to the pretended excessiveness of the sum of which we had fixed the amount, I maintained the right which the French plenipotentiary had of comprising in his demand not only such debts as had previously constituted

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the subject of treaties with the Mexican government, but also those which had not yet been recognized by that government, and which had not been liquidated; and in this connexion I let it be understood that if the pretension continued to be held forth that we ought to confine the claims which we believed ourselves justified in making upon Mexico within the limits of those with which the representatives of Great Britain and Spain had resolved to rest contented, it would perhaps be the occasion for leading us to examine whether our interests should not suffer too much from concessions made for the maintenance of common action, and whether it would not be preferable for us to proceed separately to the enforcement of the satisfaction due to us. I added that it appeared essential, above all, to the Emperor's government that the Mexican government should not hereafter find itself in a position to discuss the obligations which might have been imposed upon it, and that it was chiefly with this view that it was deemed necessary to draw up the demands so as to settle now the amount of indemnity required from Mexico. "This amount," said I, "may be either insisted on or modified by our commissioner; but once accepted by the Mexican government, we will not refuse to have a special commission appointed to determine hereafter more exactly what ought to be finally paid as the sum total of our indemnities, in order to strictly satisfy our claim." And then I indicated what facilities in regard to time we were disposed to accord to the Mexican government in order to discharge its obligations. Lord Russell accepted this idea of a commission, and told me that he was going to request Sir Charles Wyke to desist from his opposition.

FLAHAULT.

*The Minister of Foreign Affairs to the French Ambassador in London.*

PARIS, March 12, 1862.

Monsieur le COMTE: I have just received the despatch which you have done me the honor of writing to me on the 11th of March. I congratulate myself on seeing that the cabinet of London admits no more than we do the primal cause of the opposition manifested by Sir Charles Wyke against the ultimatum prepared by M. Dubois de Saligny, and on learning that Lord Russell is about to request the English minister to desist from that opposition. The opinion expressed by the principal secretary of state in regard to our claims requires of me, however, to transmit to you, in order to lay it before him, an estimate of the amount of the justice of which there can be no suspicion. This estimate is found in the article annexed, extracted from a Mexican journal, the Mexican Extraordinary, which is the accredited organ of the English interests in that country. This journal, which is far from having ever testified any very lively sympathy for our interests, does not hesitate, in an elaborate examination of the foreign debt, to place the sum total of our just claims at fifteen millions of piastres. As I already supposed, for other reasons, the amount of the English claims is still higher; since the article annexed, while allowing a reduction of twenty per centum, then fixes our claims at twelve millions of piastres, and the amount of the English claims at 16,800,000 piastres. We do not propose to ourselves in any manner to examine into the origin and legitimacy of these debts, but we must think that Lord Russell himself was not perfectly informed heretofore in regard to the amount sought to be figured out in the reckoning up of England's interests by the side of ours.

THOUVENEL.

[Article annexed.]

*Analysis of an article from the "Mexican Extraordinary."*

The amount of the debt due by Mexico to France may, according to the writer of this article, be estimated at fifteen millions of piastres.

"We have," says he, "studied the question with great care, having all possible sources of information at our disposal for this investigation, and we declare that, after the minutest examination and the most rigorous research into the proofs demanded under such circumstances, the sum total of the claims of the foreign powers will not be reduced more than twenty per centum from the figure previously announced, which fixes the claims to be enforced by each power against Mexico as follows:

"English claims.....	16,800,000 piastres.
"French.....do.....	12,000,000 piastres.
"Spanish.....do.....	8,000,000 piastres.
"Other.....do.....	4,000,000 piastres.
"Total.....	40,800,000 piastres."

*The Minister of Foreign Affairs to the French Minister in Mexico.*

PARIS, March 14, 1862.

SIR: I always regret, as I wrote to you by the last courier, that the presentation of the ultimatums did not precisely indicate, from the very first moment, the amount of satisfaction which the three powers intended, above everything else, to obtain from Mexico, and of which the common necessity had occasioned the combined expedition among themselves.

The explanations into which I have entered in this regard with Lord Cowley, and which I have requested the Count de Flahault to repeat to Lord Russell, have been conformable to all that I said to you in my last despatch, and the information since furnished to me by your correspondence has allowed me to state with more authority the perfectly well considered and justifiable character of our ultimatum. I have considered it more particularly my duty to establish the point well that neither the letter nor the spirit of the treaty of London imposed any obligation on the representatives of the three powers to submit, as Sir Charles Wyke understood it, to a reciprocal investigation of the claims which they should draw up in the name of their respective governments. As you will see by a despatch from the Count de Flahault, Lord Russell has actually admitted, in unison with us, that the demands, drawn up by any one of the representatives of the allied powers, were not subject to be approved beforehand by the other two; he added only that this did not exclude for that reason the right of expressing an opinion in reference to the ultimatum of a colleague. This is what I myself first declared, and whilst at the same time maintaining our right to consult our own interests merely on this point. Had the other two powers been willing, as far as they were concerned, to abandon a part of their claims, I did not wish to conceal from the English government the fact that we would not refuse to examine, in view of the maintenance of the common understanding between the powers, whether it was possible for us to yield up certain of our demands. I therefore called his attention to the modifications which I left you free to make in your ultimatum. I shall add, in this connexion, to what I said to you in regard to the possibility of a reduction of the amount of twelve millions of piastres due as our indemnity, that circumstances will indicate to you, better than I could do at so great a distance, whether too much rigor on our part might not, in the long run, be productive of more inconveniences than a few concessions, which might contribute to maintain an intimate concert of action between the representatives of the three courts, and which might facilitate a final arrangement. The institution of a French commission, which should be charged with the exact determination of what ought to be the amount of our indemnity, in order strictly to satisfy our claims, moreover appeared to the principal secretary of state of the Queen a happy idea, and I believe he would be disposed to adopt it also as far as the English claims are concerned. Consequently I request you to take this circumstance into consideration. In fact, I see no reason, as I have authorized the Count de Flahault to say, why we should hereafter hesitate to excuse the Mexican government from the payment of the portion of the indemnity primitively fixed upon, which might exceed what we would be legitimately authorized to demand, all our prejudices being taken into consideration. I have not failed, however, to remark to the English government that the importance of the indemnities demanded could not be considered such as to render the recovery of them impossible when sufficient delay was accorded to the Mexican government.

As far as concerns the Jecker affair, I cannot insist too much on the distinction which I recommended you not to fail to make between whatever in this affair might properly claim our protection and foreign interests, with the maintenance of which, on the contrary, we have no business.

THOUVENEL.

*Preliminaries of La Soledad.*

1. As the constitutional government which at present rules in the Mexican republic has made known to the commissioners of the allied powers that it is not in want of the help that they have so benevolently offered to the Mexican people, since it possesses in itself the elements of strength and of public opinion sufficient to preserve itself against any intestine revolt whatever, the allies from this time enter into negotiations ("entran en el terreno de los tratados") in order to adjust ("formalizar") all the claims that they have to make in the name of their respective nations.

2. Accordingly, and protesting, as do protest the representatives of the allied powers, that they will attempt nothing against the independence, sovereignty, and integrity of the territory of the republic, the negotiations will be opened in Orizaba, to which city will repair