

tige, unable to count upon the reactionaries, who despised him after making him their accomplice, or upon the liberal party, which he had so disgracefully betrayed only sixteen days after taking the oath of the constitution;—the latter, we repeat, soon felt that his time had come, and relinquished *de facto* the presidency, by signing on the 15th of January the decrees necessitated by the situation as general-in-chief of the troops under his orders, and no longer as President of the republic. M. Comonfort fell, therefore, before the abandonment of his own forces, rather than from the efforts of the reactionary party.

On the morning of the 22d January the national palace of Mexico was vacant. The *religioneux* occupied it not as a conquered, but as an abandoned post.

Hence it is untrue that the reactionary party overthrew at Mexico, on the 22d January, 1858, the government established by the constitution of 1857, for that government had been sitting since the 14th of the same month at Guanajuato, and on the 19th M. Juarez had publicly taken possession, by issuing a manifesto intended to call the attention of the country and of the foreign ministers to the situation.

It is still more opposed to the truth to give to the promoters of the insurrection commenced on the 17th of December, 1857, and terminated on the 22d January, 1858, by the momentary triumph of the plan of Tacubaya, at Mexico, the name of *de facto* government, since the legitimate government had never ceased to exist, and there could not be two governments in the same country, one legitimate and the other illegitimate.

It is true that a division of the federal army, commanded by M. Comonfort, forgetting the fidelity it owed to its flag, rebelled amid the ringing of the bells which pealed forth the impious vengeance of the monks and the clergy, and at the same time abjured its flag, its oath, and the constitution. How long has the treason of the army implied the fall of the government that it had to sustain? Neither force nor treason avails against the truth, and the energy displayed by the people of Mexico for the maintenance of the constitution during the three years the civil war lasted alone suffices now to show on which side was the right then, and on which the insurrection.

Let us see, therefore, what, under these circumstances, was the conduct of the European ministers accredited to the constitutional government. There were two such ministers at that time—viz., M. de Gulnar and Mr. Lettsom; the former, minister of the imperial government, was also chargé d'affaires of the governments of Belgium, Spain, and Prussia; the latter was simply chargé d'affaires of the British government. Both were accredited to the government of the republic, and not to the individual who might happen to be at that moment dwelling in the national palace of Mexico; and, moreover, they perfectly well knew all the threads of all the intrigues that were crossing each other between the citadel and the palace, and from the palace to the convent of St. Domingo, the seat of the insurrection. They knew well how their conduct at such a moment might assist in consolidating or weakening the legitimate government. Honor, then, made it their duty to risk no step prejudicial to the authority of the government to which they were accredited. Unfortunately it was not so. Whether from party connexion, or from personal regard for the author of the *coup d'état*, or from some other motive of which I am ignorant, they recognized, on the 23d January, the insurrection, which in the capital was triumphant over the right, and it was their recognition, equally mysterious and inopportune, that, by lending a semblance of validity to what must otherwise have proved an abortion, became the sole cause of the events which afterwards brought about the convention of October 31, 1861.

The recognition of the reactionary insurrection—17th December, 1857, 21st January, 1858—by the European representatives, at a time when they had in their hands the manifesto published four days before by M. Juarez, at Guanajuato, was a grave fault, as lowering the government to which they were accredited; and it was, moreover, an absurdity. A grave fault, because the representatives of foreign states should never, under any circumstances, be mixed up with conspiracies against the government which has received them within its territory. An absurdity, because such recognition, once admitted as a doctrine, and pushed to its extreme consequences, would oblige them to recognize in the quality of a government *de facto*, the first andit who should escape from prison and prove fortunate or audacious enough to seize by a *coup de main* the seat of the government. Now I repeat, such a doctrine is absurd, and, therefore, beyond discussion.

If it be true, as I have myself heard M. de Morineau, consul of the imperial government at Mexico, declare, that the instructions of the European representatives accredited to the republic enjoined them at that time to recognize in the quality of government *de facto* the first conspirator who might succeed in seizing the capital, those instructions, let me be allowed to say, would have been an absurdity, which, out of respect to the government in question, I shall pass by without further notice.

In truth, the presence of representatives of European states in a country like Mexico is simply an act of policy necessitated by the interests of the European residents. The recognition which these ministers may think proper to bestow upon any government for

the time being cannot of itself confer any right upon that government. Consequently, their recognition, however desirable it may be with respect to the daily relations of the European residents with that government, cannot convert the wrongful into the rightful possession, or set up a right where it does not exist. Thus in the case which I am discussing, after as before January 22, 1858, the constitutional government remained the true legal government of Mexico. That government, *legitimate* as long as it remained within the limits prescribed by the constitution from which it emanated, became the government *de facto* on the day when, in order to meet the exigencies of the situation, it found itself constrained to transgress those limits.

But whether a legitimate or *de facto* government, it alone had authority to represent Mexico in the eyes of the foreigner; it alone had the right to exercise sovereignty in the name of the country, and consequently to conclude contracts and treaties subject to the condition of submitting them afterwards to the sovereign sanction of the congress.

If, therefore, now that the French army is master of Mexico, the imperial government demands from that unhappy country the recognition of certain contracts—that of M. Jecker for instance, or any other of the same kind—it can only do so in the name of force, the last argument which those who have no other to offer are accustomed to invoke.

These facts clearly show that the Mexican government emanating from the constitution of 1857 never ceased to exist, and that the European ministers accredited to it committed a great fault in recognizing, on the 23d of January, 1858, the triumphant insurrection in the capital; especially as they were informed of the presence of the legitimate government at Guanajuato, and as they had received the manifesto published on the 19th, that is, four days before by the *ad interim* President, M. Benito Juarez.

It would be easy to show that, as far as concerns the conduct of the ministers of Great Britain and France, this unusual recognition was in direct opposition to the diplomatic traditions of their countries, and was condemned beforehand by the approbation given on both sides of the channel to the policy followed under similar circumstances by the ministers of those two powers at Lisbon, under the reigns of George IV, Charles X, and Louis Philippe.

It remains for me to state how this reaction gave way, which appeared for a while so persistent, and under the pressure of what circumstances the convention of the 31st October, 1861, was produced.

E. LEFEVRE.

[From the Daily News, January 4, 1864.]

NO. II.—THE REACTIONARY ADMINISTRATION.

The *coup d'état* had become an established fact in Mexican history. True, the legal position of the country produced by the constitution of the 12th of February, 1857, remained the same, but the reactionists forced their yoke by arms upon the unfortunate people who submitted to it, and their action was all the more to be feared because they thoroughly understood the necessity of utilizing by all possible means the time they still had before them.

In the first place came two decrees of the 28th of January, 1858, the former of which had no other object than that of abolishing in the localities subjected to the *coup d'état* the dispositions of the law of the 25th of June, 1856, respecting the alienation of the ecclesiastical property, and the latter that of re-establishing the ecclesiastical and military jurisdictions (*fueros*) wherever they had prevailed before the 1st of January, 1853.

M. de Gabriac, the minister of the Imperial French government, forgetting that the diplomatic agents accredited at foreign courts are not considered privileged conspirators, and consequently should scrupulously abstain from fomenting and favoring conspiracies and plots against the governments which receive them, did not hesitate, in a letter of the 27th of February, 1858, which he probably did not intend for the honors of publication, to congratulate himself upon the part he had taken in the perpetration of this outrage against the sovereignty of the people of Mexico, by recalling to the archbishop of Mexico, D. Lazaro de la Garza, the trifling services (*debiles servicios*) which he had rendered to his country and to the holy churches of that ecclesiastical province.

We knew that France spent enormous sums in maintaining representatives at certain foreign courts for the purpose of sustaining the rights of her subjects there, and of protecting them when necessary against the despotism of the local authorities; but we were not previously aware that M. de Gabriac had been specially charged to protect and defend in Mexico, against the ideas of our own time, the interests of what he calls the "holy churches of that ecclesiastical province," and it is right to announce the fact to the impe-

rial government and the people, in order that they may both know in what manner their official representative in Mexico understood the obligations of his post, and what reasons constantly prevented him from giving effect, as he ought to have done, to the legitimate complaints of his fellow-countrymen against the abuse of power of the reactionary administration.

Those, in fact, who pronounced so boldly on the night of the 16th to the 17th of December, 1857, against the constitution of their country, had counted upon the venality of part of the constituted authorities and the apathy of others, in order to seize suddenly upon a position which the undecided character of the chief magistrate of the republic rendered on all sides vulnerable.

In this plan, which had long been matured among the leaders of the conservative party, treason formed one of the principal means of action, and nothing was more natural than this hope in a country where men's consciences, governed by the priests, were accustomed to put themselves up to public auction. The clergy opened their coffers, in which they had accumulated the millions extorted from the fears of dying men; and, as Captain William C. Aldham, royal navy, indicates, in a note dated off Vera Cruz, the 20th of March, 1860, the property of the poor thus became the principal resource of a fratricidal war, undertaken for the purpose of maintaining in the republic the fatal preponderance of the army and the priests.

Nevertheless, neither the means of the clergy nor the resources they disposed of were equal to the task they had undertaken. Their attempts at seduction failed before the inflexible morality of the defenders of the constitution. The States rose with arms in their hands at the voice of those defenders to maintain the constitution they had freely accepted and sworn to; the resources became exhausted, and three months had scarcely elapsed when the victors were already reduced to expedients. In such a situation people are not particular about means. On this occasion the expedient assumed the shape of a decree, dated the 15th of May, 1858, with the signature of a certain Felix Zuloaga, formerly a *croupier* in a gambling house, but then president of the reaction by the grace of the *coup d'état*. By article 1 of this decree "a tax of one per cent."—we are not inventing, we are quoting—"was imposed for *once only* upon all capital floating or fixed, which was or might be employed in any industry whatever;" but by a prudential reservation, for which foreigners especially ought to have been grateful to M. Zuloaga, the decree of which we speak only applied to those who possessed, or who were supposed to possess, the means of satisfying the exigencies of the reaction.

This was a good deal, doubtless; it was even too much; at any rate, by touching only capital of an estimated value of £1,000 sterling and upwards, the administration gave evidence of a reserve too rare in similar cases not to be publicly recognized.

The alarm was general. Exclamations simultaneously broke forth on every hand; from high and low; from the wholesale merchant and the retail dealer; from the capitalist and the borrower; from the chief city of the republic, and from several towns in the power of the reaction, and the excitement increasing each day; at length on the 22d of the same month, that is to say, seven days after the appearance of the decree, it found expression in a diplomatic protest signed by Mr. John Forsyth, the minister of the United States.

Mr. Otway, who had recently arrived to replace Mr. Lettsom, on his part addressed to the Tacubaya administration a representation from the English residents against the tax in question, accompanied by a note in which he begged the above-named administration to "suspend the effects of the tax, as far as English subjects were concerned, until he had submitted the case to his government, and received instructions relative to the course he was to pursue in this matter."

Finally, M. de Gabriac himself sent a note on the 29th of the same month to M. L. G. Cuevas, * * * the preceding year with levying a tax of one per cent. upon every capital, floating or fixed, of an estimated value of £1,000 sterling and upwards. On this occasion M. Miramon acted more wisely; he fastened upon capital of £200 sterling; he assimilated the instruments of labor with productive capital, and struck a blow both at rich and poor, the capitalist and the workman, the producer and the consumer.

However, this was nothing yet. Wants every day increased in consequence of the daily waste of the public fortune. Coffers full in the morning were empty at night; and in order to fill them again in this limited administration of the *coup d'état*, there was no other resource than that of extraordinary imposts. Recourse to them again became necessary, and this time household property had its turn.

By a decree dated the 30th of May, 1859, it was decided that this property should be subjected to a tax of 10 per cent., payable by the landlord and tenant, at the rate of 5 per cent. for each, and that no one capable of being taxed might be forgotten, care was taken to include the under-tenants in the impost.

All this was but the business of a month; no less, but certainly no more. By the 1st of July the exchequer was as empty as before, and in order to replenish it recourse was had

to a sort of panacea known in the history of that sad period by the name of the Peza law of the 19th of July, 1859. The assessment of the taxes was entirely changed, which was far from being a crime, but a demand, such as had never been heard of in the worst times, was made upon all the rate payers, native and foreign, of a year's taxes in advance, taking for basis the regulations newly established by the law of which we are speaking.

In demanding a year's taxes in advance, the administration had officially undertaken to satisfy, during this same period of time, all the exigencies of the situation without further recourse to the pockets of the rate payers. How this was to be done it alone knew. It is certain that if objections had then been made against the framer of the Peza law, they would not have failed to reply that their measures were all taken, and that with the sum they demanded they would undertake to meet all the eventualities of the future. The foreigners, deprived as usual of the protection of their ministers, had to accept the terms of this tacit contract, but they could not demand the strict application of it. Without respect for engagements which were all the more sacred because it had itself dictated their conditions; without pity for commerce, which it was day by day ruining by its exactions, but reckoning, doubtless, upon the forbearance of which MM. Gabriac and Otway had given so many proofs, the reactionary administration, at the commencement of the new year, published another new financial law; and this time, that nothing might be wanting to complete the hateful character of the measure, the statesmen of the reaction did not hesitate to take the 1st of January, 1860, as the starting point of a tax imposed by a law dated the 25th of March of the same year, giving it thus a retroactive effect of three months.

Let us now recapitulate a little.

M. Zuloaga, the intimate friend of MM. Gabriac and Otway, had contented himself with imposing a tax upon capital of £1,000 sterling and upwards. In February 7, 1859, M. Miramon, another and not less intimate friend of those gentlemen, had attacked (and, as usual, as an "extraordinary" measure) personal properties of £200 sterling and upwards, and had included the liberal and industrial professions in the impost. In May of the same year he had imposed 10 per cent. on real property. Then came the "Peza" law. Then, when it was found that all the financial measures above-mentioned were insufficient to fill the void of this Danaids' sieve, which was called at that time "the public treasury," the same Miramon taxed all at once, March 20, 1860—

1. Effective capital of £200 sterling and upwards;
2. The liberal and industrial professions;
3. "Moral capital."

This last was quite a local discovery; no European government had heretofore thought of availing itself of such a financial resource. It would be difficult to explain technically what these Mexican financiers of the reactionary party meant by the two words, "Moral capital;" but according to the common talk on this subject, it appears that the administration comprised under that denomination the wages of workmen and servants, and the salaries of employers of all sorts, to whatever class they might belong. By these means the exchequer managed to find even the poorest of the European residents in possession of a capital of which he had never dreamed. Nor yet was it enough to invent categories hitherto unknown of taxable persons; the greater object was to properly develop the resources of the old tax payers. To this end commissions were instituted under the title of *assessing juntas*. All these commissions vied with each other in zeal in screwing up the rate of taxation imposed upon foreigners. Thus the amount of taxation paid by them in 1855, 1856, and 1857 doubled, and in some cases tripled in 1858, under the administration of Zuloaga, was in 1859, under that of Miramon, raised fourfold, and sometimes even sevenfold in the case of certain Europeans, mostly French, for whom M. de Gabriac could never be induced to seek redress.

A simple enumeration of all the abuses of power of which, during the three years of the reactionary government, the foreign merchants established at Mexico were victims, would be an endless catalogue, which it would be materially impossible to inflict upon your readers. Enough to add, that on reading the note addressed, 29th September, 1861, by M. de Saligny to the minister of foreign affairs of the imperial government, I could not but wonder whether the writer was really aware of what had taken place before his arrival, and it appeared to me a curious study to count up the "extraordinary" taxes levied at that time by the friends of M. de Gabriac, by the men whose factitious power French bayonets are now restoring. If it were possible to be surprised at anything, I might fairly marvel at the mighty wrath of the representative of the Emperor at measures the principle of which for my own part I have never refrained from censuring, but which that gentleman's predecessor found perfectly natural, perfectly legitimate, when the reactionary party decreed and profited by them.

While, however, the financial resources of the reaction were sinking into a bottomless pit of deficits, and the complaints of the European residents were lost in the noise of official congratulations, a new insurrection, fomented by men in the very bosom of the reactionary

party, disclosed on a sudden the deep dissensions existing among the pretended defenders of order. The chiefs of this insurrection were the Generals Manuel Robles, Pezuela, and Michel Maria de Echeagoray. It was called the "Christmas pronunciamiento," because it broke out December 23, 1858. The whole meaning of this movement was expressed in the third paragraph of the preamble of the decree drawn up on that occasion, stating "that it was necessary, in order to obtain the pacification of the republic, to overthrow the government of Zuloaga;" and in the following article of a new programme, "the government established at Mexico, in pursuance of the scheme of Tacubaya, lacks authority." In other words, after betraying the constitution of 1857, in company with M. Comonfort, on the pretext that that constitution was not in harmony with the wants of the country, a few subaltern military chiefs betrayed this time the government they had themselves assisted to instal eleven months before, alleging for their justification that that government wanted that physical and moral force which it required to establish peace in the republic, and transferred their mercenary swords from M. Zuloaga to M. Robles, just as they had transferred them, at the beginning of the troubles, from M. Comonfort to M. Zuloaga, and as they were shortly about to transfer them from M. Robles to M. Miramon. It would be far too lengthy and tedious a task to recount how the last-named personage, after declining the presidency offered to him by an assembly of reactionary "notables," convoked by M. Robles, succeeded in getting himself nominated substitute to General Zuloaga, thus restored just a month after his fall. Besides, Miramon, Robles, or Zuloaga, it was the reaction still—the same system, and therefore perhaps better in the hands of M. Miramon, a more thoroughgoing reactionist than M. Robles. If I dwell on the doings of this personage, then, it is not to relate how he put himself at the head of his party, but to express my astonishment at his recognition as President of the republic by the then representative of Great Britain, Mr. Otway, who had in three successive notes, dated the preceding November 20, December 1, and 4, officially demanded his immediate dismissal, with a statement in the official journal of the reasons for cancelling his appointment. But the situation was changed since then; M. Miramon was no longer the general whose dismissal was peremptorily demanded as a punishment for his illegal proceedings against British subjects resident at San Luis; he was now a sort of sovereign, acting as deputy for another sort of sovereign, whom Mr. Lettsom had, perhaps imprudently, recognized, but whom at any rate he had recognized; and Mr. Otway, I must acknowledge, yielded with a very good grace. He immediately recognized this coarse and ill-bred soldier; and the latter, now free in his movements, soon started for the first campaign against Vera Cruz.

At the same time M. Degollado, general-in-chief of the constitutional army, at the head of from 4,000 to 5,000 men at most, operated a diversion against the city of Mexico, for the purpose of preventing the reactionary authorities from despatching re-enforcements to the army before Vera Cruz; and he encamped at Tacubaya, a village situated some three miles from the capital.

Great was the alarm among the defenders of this good cause. General Antonio Corona, charged with the command in the absence of Miramon, called every defender of order he could lay his hands upon to the rescue; and shortly were seen to enter the capital all the "faithful" whom the reaction could depend upon, from the irregulars of the Indian Mejia to the bandits of General Marquez. This man arrived April 8, 1859. Two days after he sallied out at the head of some 6,000 men and 40 pieces of artillery to lay siege to the village held by the constitutional army, and was repulsed in an assault the same day, and twice again the day following. It was only on the third day, at 11 a. m., he succeeded in carrying the intrenchments which the constitutionalists had hastily thrown up. At the same time Miramon arrived, accompanied by his aides-de-camp only, having been obliged to raise the siege of Vera Cruz. At noon Miramon rode out to the scene of action, and between 2 and 3 p. m. effected a junction with General Marquez. Now, what passed between these two men, so well calculated to understand each other, I cannot say; all I know is, that having laid waste the village, these defenders of "order," still reeking with blood, went together straight to the hospital, where the wounded of the day before and of the day preceding lay huddled together, friends and enemies alike. There were found seven generous and devoted men doing their duty as surgeons or physicians at the bedsides of the wounded and the dying. Marquez had them seized, and that same evening ruthlessly slaughtered in cold blood, together with all the wounded officers whom the fortune of war had delivered into the hands of the reactionists that day. This atrocious massacre was executed at night by the light of lanterns, under the immediate orders of General Marquez and M. Miramon. I will not undertake to examine which of these two men was the guiltier, nor whether the seven surgeons were comprised in the death warrant addressed April 11, 1859, by Miramon to Marquez, nor whether Marquez exceeded his orders in having them shot. These are secondary questions, which, in an assize court, might perhaps be worked by a skilful advocate into a plea of extenuating circumstances for his criminal clients; but before the

indignant conscience of humanity they cannot change the nature of the crime committed by the orders of those men. Both Miramon and Marquez, the one equally with the other, stand accountable for the blood shed on that horrible night; the latter for having executed the assassinations, the former for having commanded them; or, if the surgeons were not put to death by his orders, for not having immediately arrested the assassins.

Let us see what the British government thought of that atrocious butchery. Not only did the resident representatives of the European governments take no steps to prevent the assassinations I have just described, not only did they make no protest against it, but it appears that in their correspondence with their governments they did not even think it worth while to mention the circumstance; for if the British government was afterwards informed of it, it was through a private correspondence; and because among the victims there happened to be one physician of English extraction, Dr. John Séferino Duval.

But the reactionary administration understood too well how far it had transgressed all permissible limits not to hasten to anticipate the just reproaches to which it was liable. Accordingly, as early as June 20, it had ordered its agent at London, Mr. Murphy, to put into the hands of the British government a formal complaint of the conduct pursued during the siege of Mexico by Messrs. G. B. Matthews and Frederick Glennie, the former secretary of legation, and the latter consul of the British government at Mexico. Mr. Murphy then demanded an interview with Mr. Seymour Fitzgerald, the then under secretary for foreign affairs, who, so far from listening to the agent's complaints, declared to him, with all the indignation of a man of honor and feeling, what her Majesty's government thought of the assassinations committed at Tacubaya on the night of April 11. This reply is so honorable to the government of your country that I cannot hesitate to make it known through an extract from the despatch, marked "Very important," and "reserved," addressed by Mr. Th. Murphy, at that time diplomatic representative at the British court of the Mexican republic, to his own government.

MEXICAN LEGATION.—No. 16.

VERY IMPORTANT—RESERVED.

EXCELLENCY: I have had a conference with Mr. Seymour Fitzgerald on the contents of the despatch No. 7, marked "Very confidential," of your excellency, dated the 30th of last April, relative to the conduct of Mr. G. B. Matthews, secretary of the British legation at Mexico, and to that of the British consul, Mr. Frederick Glennie, during the occupation of Tacubaya and the environs of the capital by the forces of M. Santos Dejollado.

Mr. Seymour Fitzgerald replied to me that it was somewhat out of season on my part to be bringing complaints to the government of her Majesty when they had in their hands an account written by a merchant in Mexico (whose name he would not give me) concerning Mr. John Duval, a subject of her Majesty, who, (as it was alleged,) in company with several other foreigners and natives of the country, had been assassinated in the most cruel, inhuman, and shameful manner, by order of the authorities of Mexico, solely because they had been found attending to the wounded of Tacubaya, according to their duty as surgeons.

Mr. Seymour Fitzgerald added that her Majesty's government had never known of an order so barbarous, so unworthy of a people which pretends to pass for civilized—an order, in short, which deserved the execration of the whole world. He ended by declaring that the government of her Majesty were resolved to demand a signal reparation, and a large indemnity to be paid immediately to the widow of M. Duval, and that failing this reparation and indemnity, they were resolved to recognize the constitutional government.

M. MURPHY.

His Excellency the MINISTER OF FOREIGN RELATIONS at Mexico.

This conversation was, in fact, followed by peremptory orders, for on the 4th August following, that is, three or four days after the arrival of the mail bringing that despatch from Mr. Murphy, Mr. Otway himself addressed to the reactionary government a note, in which he claimed, in behalf of the widow Duval, the indemnity of which Mr. Murphy had received warning; and at length some doubts of the legitimacy of the government established by the *coup d'état* began to appear. Unfortunately, the reactionary government continued to elude the demand on more or less plausible prettexts, and it was not until 1861, after the definitive triumph of the liberal party in Mexico, that the affair was settled to the satisfaction of Madame Duval and of the British government.

E. LEFEVRE.

ERRATUM.—In letter I. (Daily News, December 30,) for M. de Gulnar, read M. de Gabriac.

[From the Daily News, January 7, 1864.]

No. III.—THE JECKER BONDS.

October 29, 1859, the reactionary administration, in pressing want of money, published a decree, purporting to create a paper issue of 15,000,000 piastres, or a little more than £3,000,000 sterling.

By this decree the administration suspended the issue to the same amount of bonds created by the Peza law, (Art. 2,) and decided that the new bonds should be received in the proportion of 20s. per cent. each, in payment of all the taxes or duties which the treasury should impose, (Art. 3;) that they should bear an annual interest of 6 per cent., (Art. 4;) that half that interest should be guaranteed, for five years, by the house of J. B. Jecker, whose signature shall authorize the issue of the bonds, (Art. 5;) and that the possessors of the old bonds should have the faculty to convert them into new bonds, by paying into the hands of the above-mentioned Jecker, as the banker who had undertaken the operation, a sum of 25 per cent., for the "revalidation" of the bonds of the old internal debt, of 27 per cent. for the bonds which have been created by the law of November 30, 1850, and of 28 per cent. for those which were created by the famous Peza law. (Art. 8.)

The operation was calculated to produce a net profit of 3,750,000 piastres (£750,000.) On this amount M. Jecker received: 1. Five per cent. commission on the total issue, or, in other words, the twentieth of the total realisable profit of the operation—£150,000. 2. To payment of five years' interest, (of which he guaranteed one-half conformably with the terms of Art. 4,) £450,000; balance remaining to the government, £150,000; total, £750,000. Nevertheless, in the course of its execution, this transaction presented itself under three distinct and independent aspects. The first is that which it had naturally in virtue of the decree of October 29, above mentioned.

The second is that which it received from a private convention proposed by the house of Jecker, on the same day, October 29, 1859, to the reactionary administration, and accepted by the latter.

The third is that which it assumed, from time to time, in consequence of certain proposals or contracts presented by the above-named house of Jecker, in order to carry out the operation advantageously. Between these three aspects of the transaction the difference is so great that it would be impossible to explain it without making it demonstrable in figures.

Result of the affair of the Jecker bonds had the operation been carried out in conformity with the terms of the decree of October 29, 1859.

Product of sums expected to accrue to the treasury from the conversion, at an average of 25 per cent., of 15,000,000 piastres in bonds, issued in conformity with the decree of that day, £750,000. Product of fifteen millions of piastres in Peza bonds, which were then worth 5 per cent., and redeemable in proportion as the new bonds should be issued, £150,000. Value of the new Jecker stock, which the government was to redeem with the 20 per cent. on the State revenues, £3,000,000.

Approximate calculation of the sums that should have accrued from the fifteen half-yearly payments (at the least) required for the redemption of the whole amount of the interest on the sum of £3,000,000 sterling in bonds, in conformity with Art. 5 of the decree above mentioned.

First half-yearly payment at 6— $\frac{1}{2}$ = 3 per cent. on.....	£3,000,000	£90,000
Second.....do.....do.....	2,800,000	84,000
Third.....do.....do.....	2,600,000	78,000
Fourth.....do.....do.....	2,400,000	72,000
Fifth.....do.....do.....	2,200,000	66,000
Sixth.....do.....do.....	2,000,000	60,000
Seventh.....do.....do.....	1,800,000	54,000
Eighth.....do.....do.....	1,600,000	48,000
Ninth.....do.....do.....	1,400,000	42,000
Tenth.....do.....do.....	1,200,000	36,000
Eleventh.....do.....do.....	1,000,000	30,000
Twelfth.....do.....do.....	800,000	24,000

Thirteenth half-yearly payment at 6— $\frac{1}{2}$ = 3 per cent. on....	£600,000	£18,000
Fourteenth.....do.....do.....	400,000	12,000
Fifteenth.....do.....do.....	200,000	6,000

Total.....720,000

This sum, added to the £3,000,000 of bonds issued, made a general total of £3,720,000

From this sum, by deducting the credit from the debit, the following result was obtained.....£3,720,000

Deduct.....900,000

Total.....£2,820,000

So that if the operation had been carried out in conformity with the prescriptions of the decree to which we referred at the beginning of this article, £900,000 would have cost the government the enormous sum of £2,820,000.

The operation, however, was not carried out on these terms, for at the moment of its execution the house of Jecker presented another proposal, which we proceed to analyse as follows:

Result of the affair of the Jecker bonds if the operation had been carried out in conformity with the second proposal of that house.

	Credit.	Debit.
Total accruing to the national treasury from the conversion of £3,000,000 sterling of bonds issued as above mentioned.....	£750,000	
Peza bonds, redeemed as above mentioned.....		150,000
	£900,000	

Expenses of the operation.

Commission of 5 per cent. to MM. Jecker.....	£150,000
Deposit of 10 per cent. with MM. Jecker for payment of interest guaranteed by same.....	300,000
Brokerage.....	30,000
Printing bonds.....	2,400
	482,400

Total to deduct from amount above mentioned.....482,400

Difference in favor of the treasury.....£417,600

From which must be deducted also the supposed value of the Peza bonds.....150,000

Net result of the operation.....£267,600

But the value of the new stock which it was proposed to redeem was.....£3,000,000

That of the interest at 3 per cent. which was also to be redeemed in fifteen half-yearly payments was.....720,000

Total.....£3,720,000

From which if we deduct the net sum accruing to the treasury.....267,600

The difference against the treasury was.....£3,452,400

So that if the operation had been carried out according to the last proposal of M. Jecker, £417,600, including even the supposed value of the Peza bonds, would have cost the state £3,720,000, or, what is the same thing, the public treasury would have received a sum of £267,600, on condition of paying interest for it from eight to ten years at the rate of something like 80 per cent. per annum.

Nor is this all. The most singular feature in this operation is that to transform it from theory into practice no account was taken either of the decree which had imposed it upon the tax-payers, nor of the last proposals presented to the government by the house of Jecker itself; but it was realized any how, by means of private contracts presented one by one to the sanction of the authorities, for the public took but the smallest part in the

conversion, and M. Jecker found himself obliged to complete it himself by altering each time, both in its form and in its mode of stating the figures, not only the decree of October 29, but even the very terms of his own last proposal.

Thus the first contract proposed by him to the administration bears date October 27, 1859, two days anterior to the publication of the decree.

The second presented by his nephew and partner, M. Jules Bornègue, bears date January 26, 1860.

The third, presented also by his nephew, is dated March 13 of the same year.

By virtue of these three private contracts the house of Jecker converted a part of the Peza bonds and became master of the new stock in the following proportion:

It converted, by the first contract, £400,000; by the second, £1,200,000; by the third, £1,248,322; total, £2,848,322; brokerage paid to M. Clement Caricabure, £30,000; converted by different persons, £121,678; total equal to the amount of issue £3,000,000.

It remains for us to explain how the house of Jecker undertook to convert a certain quantity of bonds bearing the signatures of MM. Peza and Zuloaga in exchange for an equal quantity of bonds which were issued by the administration of Miramon. By means of the three contracts above mentioned MM. Jecker & Co. remitted in hard cash a sum of £144,604; in bonds presented as cash, £49,350; in bills on the customs, also presented as cash, £20,000; in clothing and equipments for the army £73,600; total, £287,554.

It is true we have drawn up this statement on the proposals made by MM. Jecker & Co. themselves, and stipulated by the contracts above mentioned; but at the moment of making the remittances to the treasury the negotiators arranged to pass as cash a certain quantity of other credits or bonds, so that this new transaction was, in fact, another variation of the primitive scheme of the operation.

The following is the result of the treasury account: MM. Jecker & Co. have remitted in cash, £123,785; in ordinary bonds at 3 and 5 per cent., £68,400; in Peza bonds, £6,000; M. Jecker bonds, (those of his contract,) £4,950; in bills on the customs, £20,000; in army clothing, &c., £73,600; in divers credits and payments, £1,350; total, £298,085. Difference: treasury account, £298,085; former account, £287,554; difference in favor of treasury account, £10,531.

In the second of these accounts the total sum of the remittances is augmented, as it appears, by £10,531, but it is at the same time diminished, so far as the portion which MM. Jecker & Co. were to remit in cash, contrary to their proposals, by the sum of £20,818. We remark also a difference between the quantity of bonds redeemed by M. Jecker, according to the account presented by him, and that which the registers of the treasury show. But the difference is trifling, and scarcely diminishes in any sensible degree the sum in cash which M. Jecker received for converting bonds of individual holders. We have mentioned it as a term of comparison, and as evidence that this transaction was one of those in which the profits are calculated in proportion to the risks.

We may thus easily understand the difference that exists between the conversion of stock as it was proposed by the decree of October 29, 1859, and that which was effected by the agency of MM. Jecker, a conversion for which the government received only £123,785 in specie, and £73,600 in army clothing. But even supposing that all the different fractional sums remitted by M. Jecker could be treated as cash, it would be not the less clear that for £287,554 the government (besides 3 per cent. yearly interest, which was to be redeemable in fifteen half-yearly payments, and the total of which amounted to £720,000,) mortgaged for ten years more the revenues of the republic by taking the fifth of their effective value until the complete redemption of the £300,000 remitted in bonds to M. Jecker.

In other words, for £287,554, value received in money, in clothes, in bills on the customs, and in bonds, the public treasury undertook the reimbursement of a sum of £3,720,000.

Besides, it will be observed that in these transactions no profit whatever results to the government, since M. Jecker, after having reserved out of the £3,000,000, which he had received to effect the conversion of the stock—1, 5 per cent. commission; 2, 10 per cent., to cover the portion of the interest for which he was personally responsible, ought at least to have made good to the government, every time that a bond was redeemed, the 10 per cent. corresponding to that bond, or, at least, the surplus, whenever a half-yearly payment of interest was effected. MM. Jecker, however, in paying that half-yearly interest—that is, 1½ per cent.—considered themselves discharged from all further obligation, and retained, besides, the 8½ per cent. in addition to their commission of 5 per cent.

In this state of things, although it may be difficult to get at the precise figures, since the actual charges on the house of Jecker are not known, we may establish a commercial balance-sheet more or less accurate of what that operation must have cost, and we may here remind the reader that the expenses of brokerage to M. Caricabure, or of printing the bonds, were not borne by MM. Jecker, but by the government.

APPROXIMATE CALCULATION OF THE COST OF THE AFFAIR OF THE JECKER BONDS.

Cash paid into treasury, comprising payments for the purchase of a flotilla.....	123,785
Cost <i>sur place</i> of 222,000 piastres in bonds at 3, and at 5 to 6 per cent.....	2,664
Ditto of 24,750 piastres in Jecker bonds at 30 per cent.....	1,425
Ditto of 100,000 piastres in bills on customs at 50 per cent.....	10,000
Ditto of 368,000 piastres for clothing and equipments.....	73,600
Ditto of 14,378,700 piastres in Peza bonds employed in the conversion, at 5 per cent.....	143,787

Total..... 355,321

Deduct:

1. Value of 554,127 piastres in bonds, which M. Jecker realized at 30 per cent.....	33,247
2. Ten per cent. which M. Jecker reserved on 621,300 piastres, in bonds converted by the public.....	12,426
	45,673

Actual disbursements..... 309,648

This, let me repeat, is only given as an approximate account, and may contain errors. But, even if we add or subtract some thousands of pounds sterling from the figures given above, it will still remain a fact that the affair was from first to last simply a banking operation, in which the reactionary government issued £3,000,000 in bonds bearing interest at 6 per cent. per annum, and that these bonds, redeemable in ten years, were sold *sur place* at 25 per cent.

In another letter we propose to consider this great operation from a political point of view.

E. LEFEVRE.

[From the Daily News, January 13, 1864.]

NO. IV.—CONCLUSION OF THE JECKER QUESTION.

In our last article we contented ourselves with representing the affair of the Jecker bonds from a purely commercial point of view; but in order to complete it some fresh reflections are required, which appear to us of a very serious nature.

The French imperial government demanded the execution of this contract through M. de Saligny, and that agent introduced the condition into one of the articles of his ultimatum.

Now, one of two things follows from the explanations we have already given:

Either that contract was in principle an innovation, and completely independent of the decree which authorizes it; or it was a series of different contracts, which may be classed among those called in French jurisprudence *contrats bilatéraux*.

If it is regarded as a single contract—which is incorrect, not to say absurd—then it was violated at every turn by M. Jecker himself. It was modified in a thousand ways. In fine, it is connected with a thousand different operations. The imperial government could not, therefore, demand from the Mexican government the full and complete execution of the decree of the 29th October, 1859, since his client had never executed his part of it.

If, on the contrary—and the evidence of this fact cannot be disputed by anybody—the deed in question is not composed of one but of several contracts concluded by the nephew of M. Jecker, rather than by M. Jecker in person, it follows that each of those contracts was distinct, and this shows that both M. Jecker and the reactionary government made and unmade, according to their interests, the conventions they signed; that they modified them; that they changed them; and above all, that they materially altered the dispositions of the legislation which served as their starting point. It was, therefore, supremely unjust on the part of the imperial commissioner to demand the full and entire execution of the clauses which were in favor of M. Jecker, since the latter had modified all those which were in favor of the treasury, by paying into it bonds, bills, goods, and drafts upon the custom-house, instead of money.

* See Daily News of December 30, January 4, and January 7.

But there is a still more conclusive reason. The contract in question was infringed, nay, broken, completely broken, by the Jecker firm itself.

In fact, about the middle of the month of May, 1860, that firm saw itself under the necessity of suspending payment. It cannot be said that this arose from the ill-will of the constitutional authorities, for those authorities were only re-established in Mexico on the 25th of the following December.

However, in taking this very serious step M. Jecker naturally suspended all his operations.

On the 18th or 19th of the same month he assembled his creditors and made terms with them on condition that a *conseil d'intervention* should be appointed.

Under these circumstances it became impossible for him to retain the deposit, as he had undertaken to do on commencing the *réfection*, the 10 per cent. corresponding to the interest of the bonds issued, and which alone amounted to the enormous sum of £300,000. The contrary, however, happened, and while M. Jecker presented his 14,000,000 of bonds as part of his capital, while he mortgaged them (which he had no right to do, as he had not fulfilled the conditions of his contract,) he said nothing, and with good reason, of that £300,000 which he ought to have had in his strong box to meet the interests becoming due, and to dispose legitimately of this paper which a part of the country was paying for then with the sweat of its brow.

However, there is more yet. Under the circumstances in which M. Jecker concluded his famous contract, it was not a loan, pure and simple, undertaken by a banker unconnected with politics; it was a real and effective society that the Jecker firm formed with a counter-revolutionary party, for the purpose of driving from Vera Cruz the government which, in conformity with all the usages of civilized nations, was the only national and legitimate government.

Thus, even before failing, M. Jecker had committed the grave fault of contracting with a government which, according to the rules of international law, was incapable of contracting, and of having by that circumstance mixed himself up in the intestine dissensions of the country.

He ought, therefore, to have known to what he exposed himself in case of reverses; and to completely establish this fresh fact we might, if it were necessary, translate the decree rendered at Vera Cruz upon the matter on the 3d of November, 1858—that is, a year before the signing of the contract with which we are occupied.

It would be seen there, among other things, that every person convicted of having afforded aid, directly or indirectly, to the insurgents, by supplying them with money, or in any other manner, was, for that alone, to lose the integral value of the amounts he had given, and to be condemned to pay, moreover, to the treasury, as a fine, double the amount of money he had supplied.

The good faith of M. Jecker might be defended by maintaining that he might or might not have known of this decree; but this objection, which is more special than solid, would only serve to establish the insignificant value of his reclamation in the opinion even of those who sustain it; for it is publicly notorious that during the whole period of the reactionary administration the decrees rendered at Vera Cruz by the legitimate authority were disseminated in the capital by the clandestine press; and it would be insulting to the public to try to make it believe that in a matter of this importance M. Jecker alone was ignorant of the terms of a decree the rigorous dispositions of which were known to every one in Mexico.

Let us, therefore, turn from these questions, and place ourselves solely upon the ground of facts, in order to study the position occupied by the Jecker affair upon the entrance of the constitutional forces into the capital of the republic.

The counter-revolutionary authorities had disappeared, carrying away with them the hopes of all those who had attached their fortune to them; and M. Jecker was of this number. Ought the legitimate government to have sanctioned its contract with the fallen administration? We do not hesitate to reply in the negative; in the first place, because the operations connected with it were directed against itself, and because a government could not in any case be compelled to pay for the weapons with which the insurgents had made war against it; secondly, because, in consequence of the financial organization which had again been instituted in the country, the assignment of 20 per cent. contained in the decree of the 29th of October was legally and *de facto* completely suspended.

It only remained for him in reality to conclude an engagement by private arrangement, as the government several times proposed, or to apply to the tribunals, and make them judges of the transaction.

But, urged by M. de Saligny, M. Jecker refused to follow the example given to him by several English citizens, Mr. Davidson, for instance, and he addressed himself to the French legation, which proposed a settlement, the object of which was to reduce to ten millions of piastres (£2,000,000) the sum to be paid to M. Jecker. In the event of ac-

ceptance, this debt was to be paid off by instalments, by means of a sum of 15 per cent. levied upon the custom-house revenues. Finally—to omit nothing—this proposition was preceded by a note, in which, while recognizing that *this affair was the only one which could occasion serious difficulties between France and Mexico*, M. de Saligny proceeded to add menacingly, immediately afterwards, that it would prevent the imperial government from giving free course to its friendly intentions towards the republic.

The following is this note. It is the best reply to the statements made by the late M. Billault before the corps législatif on the 27th of June, 1862, and the 6th of February, 1863, denying that any pressure was exerted upon the relations of the imperial government with Mexico by this unfortunate affair of the Jecker bonds:

LEGATION OF FRANCE IN MEXICO,
Mexico, May 2, 1861.

Monsieur le MINISTRE: I have had the honor of frequently conversing during the last three months with your excellency upon a question in which the interests and the honor of France are seriously involved—I mean the question relating to the Jecker bonds.

After the conversations exchanged on this subject between your excellency and myself, I believe I need not for the moment enter into the details of this matter. It appears to me equally superfluous to discuss here an incontestable and undisputed principle which prevails in the relations between all civilized nations, and that your excellency yourself did not refuse to admit—the principle of the solidarity, in connexion with international engagements, of the various governments which succeed each other in a country. This principle France, throughout the various phases she has passed through during the last fifty years, has always respected—sometimes at the cost of grievous sacrifices which are still fresh in all memories. It is her right, therefore, and her duty to demand that it shall be respected by other nations; and, however sincere and ardent may be the kindly feeling with which the Emperor is animated towards the Mexican government, he cannot recognize in that government the faculty of emancipating itself from that principle, and of creating for its own advantage a new international law in formal opposition with that which has hitherto served as the rule of all international relations.

As I had given you to expect, therefore, not leaving you ignorant of the matter, I have received, first by the Tennessee, twelve days ago, and since, by the last English packet, precise and peremptory orders from my government upon this question.

I had hoped that, informed by you of the necessity and danger of the situation, as well as of the incontestable obligations imposed upon it, the government of his excellency the President would have hastened to settle this affair, the only one which can occasion grave difficulties between the two countries, and prevent France from giving free course to her friendly intentions towards Mexico. My hope, unfortunately, has been deceived. I cannot take upon myself to delay any longer the execution of the orders of the Emperor's government. Nevertheless, before notifying them to you in an official manner, I have felt bound to give you a fresh proof of the conciliatory spirit with which I am personally animated; and, guided by a sentiment that you will, I hope, appreciate, I beg of you to let me know with the shortest delay the definitive intentions of your government.

I am, &c.,

A. DE SALIGNY.

His Excellency M. FRANCISCO ZARCO,
Minister of Foreign Affairs of Mexico.

In this note M. de Saligny openly asserted, as it will be seen, a principle which no one thought of denying—the solidarity, in connexion with international engagements, of the various governments which succeed each other in the same country. But he refrained, and with good reason, from showing how the interests and the honor of France were so seriously implicated in the acceptance of the Jecker bonds, or the titles upon which, according to him, the legitimacy of the reactionary government was based. Yet it was worth the trouble

During three years there were, in effect, two different governments in Mexico. One of these constituted powers was established at Vera Cruz, the other at Mexico. Which was to be considered as the legitimate government and which as the intruder?

M. Jecker, it is true, had concluded different contracts with one of these two governments; but in proceeding thus he had acted as a banker, not as a Frenchman, for he was then a Swiss citizen, and, try as we may, we cannot understand how the non-execution of a contract between a Swiss and the more or less legitimate government of Mexico could affect the honor and the interests of France.

M. de Gabriac, then minister of the imperial government in Mexico, had recognized, it is true, the government established in that city; but was this recognition a sufficient reason why his successor, M. de Saligny, in an affair concerning a Swiss citizen, and not a French

subject, should claim, in favor of transactions between that government and that Swiss citizen, "the solidarity of international engagements?"

Surely there were two previous questions to be decided: 1. How came this Swiss citizen to claim a right to the protection of France? 2. Had the reactionary government become the legitimate government of the republic? For if M. Jecker, by reason of his nationality, had never had any right to the protection of France, if it had been decided, after a fair and careful deliberation, that the reactionary government was an usurpation, it is clear that neither the one nor the other could have claimed any right—the former to demand of France a guarantee for his jobbing speculations, the latter to make the country responsible for its acts; and in neither case could M. de Saligny be justified in quoting, in favor of the acts of his *protégé*, that principle of the solidarity of international engagements, or, in other words, the common and equal responsibility of successive governments, upon which he insisted, in order to exercise a pressure upon the legitimate government.

Now, it results from a note of M. Arnold Sutter, consul general of the Swiss confederation in Mexico, that the citizens of that nation have never been under the protection of any foreign power, and that in extraordinary emergencies only their consuls general are authorized to claim the protection, not of the minister of the Emperor of the French, but of the envoy of the United States of America.

The following is the note written after the departure of M. de Saligny from Mexico, and addressed to the government of the republic, in consequence of the Prussian minister, M. de Wagner, having interfered in the affairs of a Swiss citizen, M. Santiago Kern, proprietor of a mill situate near the city of Mexico:

CONSULATE GENERAL OF SWITZERLAND IN MEXICO,
February 8, 1862.

The undersigned, consul general of the Swiss confederation, has the honor to acknowledge the receipt of the note addressed to him by his excellency the minister for foreign affairs, under date the 7th instant, asking whether he is still in the exercise of his consular functions, the attention of the government having been drawn to the fact that the legation of France, and subsequently that of his Majesty the King of Prussia, have taken part in questions touching the interests of Swiss citizens.

The undersigned has the honor to reply to his excellency that the instructions he has received from his government authorize him in all respects to put himself in communication with the government of the Mexican republic, and to receive all the communications which the Mexican government may transmit to him. At the same time it is his duty to inform his excellency that, in pursuance of a convention agreed to between the government of the Swiss confederation and the government of the United States of America, the Swiss consuls are authorized to demand, in case of need, the protection of the diplomatic agents of the United States, and that the latter are instructed to consider it their duty to protect Swiss citizens as they should their own fellow-countrymen.

The undersigned, &c.,

ARNOLD SUTTER.

His Excellency the MINISTER OF FOREIGN AFFAIRS OF MEXICO.

So that, if M. Jecker had any complaint to make against the government of the Mexican republic, it was to the American and not to the French legation that he should have addressed it.

So much for the first point. It remains to clear up the second. According to the doctrine of international law propounded during Louis Philippe's reign by M. Rossi, at the College of France, it is understood "that an insurrection in no respect alters the relations between the government of the country in which the insurrection breaks out and foreign powers." It is even admitted that the latter ought to abstain rigorously from giving any aid, direct or indirect, to the insurgents, because, in acting otherwise, they would be acting against the presumption of the national will, which is always in favor of the established government, so long as that government exists.

The whole question, then, is, by what title M. Zuloaga first, and then M. Miramon, could have superposed the authority of the reactionary insurgents upon that of the government emanating from the constitution of 1857, and thus engage the responsibility of the latter; for it is evident that if the title invoked by M. de Saligny was not in accordance with the usages of international law, it was therefore null, and the engagements undertaken in the name of that pretended government with M. Jecker, or any other person, would fall under the category of those private engagements which are within the jurisdiction of the ordinary tribunals. The constitutional government, so long as it existed alone, represented the nation in the eyes of foreign sovereigns; alone had the right to sign contracts, and, consequently, to engage the responsibility of the republic. This point is beyond all possibility

of dispute. What it was essential to demonstrate was that that government had succumbed under the assaults of the reactionary party, and how and when it had succumbed.

Here the facts speak for themselves irresistibly. At the risk of repeating a part of what we stated in our first article, we may be permitted to summarize them as follows:

December 17, 1857, M. Comonfort, President of the Mexican republic, rose in insurrection, in company with a certain Zuloaga, against the constitution to which sixteen days before he had sworn fidelity, and proceeded to arrest M. Juarez, who, as president of the supreme court of justice, was designated, according to the terms of article 79 of the constitution, to replace him in the functions of President till the nomination of his successor. January 11 following, perceiving that he was the tool of reactionary parties, he restored M. Juarez to liberty.

From that day forth M. Juarez was the veritable President of the republic, and M. Comonfort was so well convinced of this that, in signing the decrees required by the circumstances, he assumed the title of general-in-chief of the division of the army placed under his orders.

January 19, 1858, M. Juarez publicly took possession of the presidency at Guanajuato by a manifesto to that effect, and when, on the 22d, the insurgents entered into the national palace of Mexico, the legitimate government had, in fact, been organized three days before in the former city. Since then M. Juarez has not ceased to fulfil his duties towards the republic and towards foreign powers in every case; that is to say, where these powers had deigned to address themselves to him; and unless it is to be presumed that the recognition of the *coup d'état* by the ministers of England and of France constituted a legitimacy which before was wanting to that act of M. de Zuloaga and Miramon, a doctrine which, in M. de Saligny's own words, "would create in their behalf a new *droit de gens* in formal opposition to that which has hitherto served as a rule for all international relations," we cannot see in virtue of what legitimate right or usage the administration of Juarez could be held responsible for the acts or contracts of the usurping administration of MM. Zuloaga and Miramon.

M. Jecker had voluntarily entered into several contracts with persons who had no lawful authority to treat in the name of the republic. This was an affair between his former partners and himself. If he had been mistaken in his calculations, it was for him to bear the consequences of his mistake, and to consider himself fortunate if the lawful government forbore to inflict upon him the penalties which he had incurred according to the terms of article 1 of the decree of November 3, 1858.

But the Mexican government never placed itself on that absolute ground of strict right. M. Zarco always manifested to M. de Saligny his desire to arrange, in a manner satisfactory to the interested parties, the questions pending between France and Mexico; and while taking into account the difficulties which beset the case of M. Jecker, both on account of its origin and the exhaustion of the public treasury, he added that as soon as the question of principle was settled the details should be speedily arranged to the satisfaction of the parties principally concerned.

If, then, M. Jecker did not come to terms on this question with the Mexican government, it is simply because, as we said above, he refused to do so; and if he refused, it is simply because M. de Saligny constantly opposed any terms of arrangement whatsoever.

E. LEFEVRE.

No. V.—CONCLUSION OF THE REACTIONARY ADMINISTRATION.—ENGLISH MEDIATION.

There are cases in which certain governments, without being compelled to admit explicitly that they have been mistaken, may be so favored by the institutions from which they spring as to have need of the support of public opinion, and they are enabled then to react without danger against their previous decisions.

The English ministry acted thus in the Mexican question after its chargé d'affaires, Mr. Lettsom, and its official representative, Mr. Ottway, had both recognized the reactionary administration emanating from the Tacubaya project, and by degrees separated itself from that administration to draw nearer to the constitutional government.

It profited, in the first place, by the horror it felt at the assassinations committed on the 11th of April, 1859, at the village of Tacubaya, by order of Marquez and Miramon, to declare to the minister for foreign affairs of that government of bandits "that it was not sure it had done well in giving an uninterrupted preference from the commencement of the troubles to the government of which that minister was the organ."—(Note of Mr. Ottway, dated August 4, 1859.) Then, too, in reply, on the 16th of December, 1859, to certain English merchants, who begged him to declare that the sole *de facto* government was that to which he was accredited, her Britannic Majesty's minister said "it was difficult to say