

which was the real *de facto* government in Mexico, for while England and France recognized the authority of the President who was in possession of Mexico, the United States, on the contrary, recognized that of the President who governed at Vera Cruz."

This, if we may be allowed so to express ourselves, was the first step in the path of reparation. Then came the recall of Mr. Ottway, a gentleman so compromised by his weakness and partiality towards the reactionaries that he had become an embarrassment. Next came a despatch dated the 26th of January, 1860, in which Lord John Russell, minister of foreign affairs, requested Mr. George B. Matthews, the *chargé d'affaires*, to offer the mediation of England to the two belligerent parties, but on condition of "a general amnesty being at once proclaimed, together with civil and religious tolerance."

This despatch, dated, as we have said, the 26th January, 1860, arrived in Mexico about the end of February, and was not known in Mexico until the early part of March, when M. Miramon, who left on the 8th of February for the second campaign of Vera Cruz, had already arrived under the walls of that place.

It was then sent to Captain Aldham, commander of the English corvette *Valorous*, anchored at Sacrificios, to be communicated by him to the belligerents, and it received on the 2d March a first reply direct from Miramon, in which, without saying anything about "religious toleration," he presented, however, as a basis of an armistice, six articles, the object of which was to legitimize the insurrection by compelling the constitutional government to take shelter under its skirts.

The constitutional government, though placed in a much more favorable position with the English government, inasmuch as by the law of 12th July, 1859, seven months before the proposition of tolerance, it had abolished religious marriages and substituted for them the civil contract, besides proclaiming liberty of worship, considered that it ought to decline all direct reply, on the ground that the moment was inopportune for answering the English proposals, and on both sides preparations were made for the struggle.

Thereupon Miramon, before opening fire against the place, addressed a last office to M. Ramon Iglesias, superior commander of the forces of Vera Cruz, in order to avoid, if possible, the effusion of blood. This time M. Santos Degollado and José de Emparander, in the name of the constitutional government, and Isidro Diaz and Manuel Robles Pezuela, in that of the *coup d'état*, met in a railway station to discuss the basis of an armistice; but they could not agree upon the first conditions, and war followed, accompanied on the part of the reactionaries with such atrocious circumstances that the commander of the *Valorous* considered it his duty to interfere in the name of outraged humanity by declaring to General Miramon that he might destroy the city, and perhaps even take possession of its ruins, but he would never gain the hearts of those who inhabited it.

"If your excellency," he said at the end of his communication, "does not judge it opportune to terminate an anti-Christian war which nothing justifies, directed solely against property and foreign commerce, and which is a cause of ruin to her Majesty's subjects, in my capacity as commander-in-chief of her Britannic Majesty's naval forces in these waters I shall energetically protest against this war, and I announce to you that I shall take the first opportunity of making known to my government that your excellency has caused the ruin of English subjects and English commerce."

Miramon, in his reply, did not deny any of the charges contained in the letter of Captain Aldham. He contented himself with saddling the horrors committed by a useless bombardment upon the necessities of war, and remained profoundly silent respecting the accusation of having wickedly directed his shells towards the houses in which peaceful citizens resided, nearly all of whom were foreigners, instead of discharging them upon the fortified points held by the defenders of Vera Cruz.

Meanwhile M. Munoz Ledo addressed an official note to the foreign ministers in Mexico, announcing to them the failure of the efforts made at Vera Cruz by the representative of the reactionary party in order to bring about a reconciliation. He dwelt especially, with the *chargé d'affaires* of the British government, upon the causes of the failure, and induced that agent to bring to the knowledge of the London cabinet the motives which, according to him, had prevented the question from being settled in a pacific manner, and in conformity with the sense of the instructions transmitted to Mexico by Earl Russell.

But Mr. Matthews was not a man to be imposed upon by the insidious language of the reactionary diplomacy. He knew as well as M. Munoz Ledo what had passed before Vera Cruz, and how Miramon, in distorting the sense of the English proposal, had endeavored to make use of that proposal so distorted to impose the law upon his adversaries. He replied, therefore, "that he learnt with pleasure that his excellency the President had received with attention the proposals of her Britannic Majesty's government with a view to the reconciliation of the belligerent parties upon certain bases specified beforehand, because those propositions, according to M. Munoz Ledo, were in harmony with his own opinions;" but he added it was also for this reason that he "could not refrain from expressing his sincere regret that the propositions made by his excellency to the constitutional

party were not in conformity with those recommended by her Majesty's government, nor with the enlightened opinion and the friendly sentiments towards Mexico with which her Majesty's secretary of state had been animated in proposing the basis suggested, as the best, the surest, and the most prudent means of re-establishing peace in the republic," &c.

On his side, Captain Aldham pursued at Vera Cruz, with a perseverance certainly worthy of better success, the generous idea of a compromise between the two parties, separated henceforth more perhaps by the blood with which the reactionaries had stained their hands since their accession to power than by the circumstances which had opened out to them the path to it. Difficulties increased his energy. Thus, when he learnt that Miramon, at the end of his resources, and unable for want of ammunition to continue longer the bombardment of the place, was preparing to raise a siege he ought never to have undertaken, he thought the occasion more favorable, and on the 28th of March, 1860, addressed to the reactionary President a fresh letter, the more prominent passages of which we cannot refrain from citing, as they show better than we can the real causes of the present disorganization of the republic.

"I think it needless to tell your excellency," he wrote, "that the greatest obstacle to the establishment of a liberal and constitutional government arises from the great power and wealth of the Mexican church. The bases of the church are good, for they were founded by the Saviour of mankind. But your clergy does not follow the path He traced. Its eyes are closed because its works are bad, and it takes pleasure in them. It will not reform itself, for to do so it must renounce its mundane pleasures. It voluntarily keeps its flocks in darkness and ignorance in order that they may be ignorant of its ways.

"If your excellency continues in the path you have hitherto chosen you will never reign in the hearts of your fellow-citizens. A small number of them may join you, but it will be from fear, not from affection.

"Do you claim to be a Christian government? Why does not your country prosper like so many others which have passed through a period of greater calamity than that which you are now passing through?

"Because they adopted civil and religious liberty, and their actions were in accordance with Christianity.

"You, on the contrary, merely know its name.

"But the time has arrived when true Christianity ought to prevail; when liberal and enlightened principles ought to take the place of darkness and ignorance.

"Your excellency has the power in your hands. You can become if you please the founder of a great work, desired by the immense majority of the people of Mexico.

"Cast off the fetters that enchain you. Unite cordially and sincerely with those who are struggling for liberty of conscience and free institutions. Once united you will be strong. Put the church in the place which belongs to it. Assign to it a fitting revenue and apply the rest of its property to the development of the national wealth. Compel the clergy, in a word, to follow the path traced out for it by its chief. Protect commerce and business with foreign powers; open your ports, reduce the taxes, and your excellency will soon see welfare and prosperity spread throughout the country, and your excellency will have been the director and the leader of this new state of things."

Thereupon Miramon, summoned by the persistence of the English commander to declare himself categorically upon the different points contained in the note of Earl Russell, and especially upon religious toleration, again glided away from the responsibility of a direct reply by sheltering his disinclination behind the congress of 1857, which, he said, although the most liberal of all that had been held, had not dared, nevertheless, to establish this toleration.

This, we admit, was convicting the liberal majority of that assembly of pusillanimity; but it will equally be admitted that some days after M. de Gabriac thought proper to take the stage in person. It was only when he had ceased to hope that the reactionists would take possession of Vera Cruz that he began to speak of mediation. But after their defeat he deemed it prudent to offer his services, if only to have the right of protecting the interests of the defeated party. So he volunteered his services in conjunction with those of Mr. Matthews, and on April 12, 1860, he offered the good offices of the imperial legation for the conclusion of an armistice, during which they should proceed to elect a national assembly to decide the definite form of government for the country.

The advantage of this new intervention, as it appeared to the reactionary party, was, that for the moment at least it put an end to any measure of civil and religious toleration. Accordingly M. Munoz Ledo replied to M. de Gabriac, on the 13th of the same month, that "the government of his excellency President Miramon regarded as a favor of Providence the accord of the two cabinets of London and Paris relative to the *salutary, disinterested, and impartial* counsels contained in the note of the minister of the Emperor." We see how unsubstantial was this accord. Indeed, the reactionary administration had so little faith in it, in spite of the assurance which it affected in its communication to M. de Gabriac,

that about the same time M. Munoz Ledo, in reply to a pressing inquiry from Mr. Matthews as to the views of the cabinet to which M. Munoz Ledo belonged upon the pacification of the republic as the British cabinet had advised, returned an evasive answer, to the effect that a preliminary declaration of civil and religious liberty would be an invasion of the sovereign rights reserved to the congress whose convocation was demanded. Nothing could be falser than this reasoning, for a political assembly is no more competent to pronounce upon the relative value of this or that form of religious worship than the state to pretend to a cognizance of supernatural things; and this constitutional government, six weeks before, on proclaiming liberty of conscience as a natural consequence of the substitution of the civil contract of marriage for the purely religious sacrament, had sufficiently attested its firm resolve to make Mexico participate in the adoption of the great principles of civil and religious liberty proclaimed in France in 1789. For the constitutional government the difficulty of acceding purely and simply to the counsels of the British government, and signing an armistice of which the first condition should be the recognition of civil and religious toleration, did not (as in the case of the reactionists) consist in the adoption of that measure, which in fact it had already decreed; but it proceeded from the very conditions of its power, conditions which it could not infringe without betraying its duties and deluding the hopes of the country. Therefore it was that, in its reply, dated March 16, 1860, and addressed to Captain Aldham, R. N., to be by him transmitted to Mr. Matthews, and by the latter to the British cabinet, it pointed out the true legitimate origin and quality of the constitutional government; proved by the text of official documents the loyalty with which it had hitherto fulfilled the obligations contracted by the republic, even towards those powers whose representatives had recognized the counter-revolutionary movement of Tacubaya, and merely given it an importance which it would never otherwise have obtained, and concluding by declaring "that admitting that the constitutional President, in order to secure at once the advantages of peaceful and tranquil existence, consented to an armistice based upon the surrender of civil and religious liberty as the reactionary administration proposed, such an act of guilty complaisance would not bring the civil war to an end. On the contrary, it would result in perverting the civilizing tendencies of the great liberal party, and in weakening the elements of order which still existed by casting loose passions now under restraint and urging them to a struggle more disastrous and terrible than any before known in the country."

Since then the situation has not changed. The reactionary aspirations of M. de Gabriac have undoubtedly triumphed for a while in the capital with the aid of the intervention, but the country is up in arms, and every day's experience justifies the provisions of the government of M. Juarez.

In order to understand the causes of the rupture of the convention of London, we have thus endeavored to trace clearly the line of demarcation which, for the last four years at least, has separated the liberal policy pursued in Mexico by the British government from that of which the imperial government of France has unhappily made itself the champion.

E. LEFEVRE.

No. VI.—CONCLUSION OF THE SCANDALS OF THE REACTIONARY PARTY.—ROBBERY AT THE BRITISH LEGATION

While Captain Aldham denounced at Vera Cruz the savage acts of the President of the reaction, at Mexico M. de Gabriac at last received orders to return to France.

That minister communicated the news to the administration by a note, in which he asked to be allowed to "frank," in other words, to send away, without being compelled to pay the export duty, a sum of £30,000, forming the greater part of the gains he had realized in Mexico during a stay of five years, and he announced his departure for the 8th May, 1860.

He left, in fact, on that day, glad no doubt to escape the sight of the fresh scandals which were about to arise in the ranks of the pretended defenders of order.

It is impossible for me to affirm whether he was apprised of what was going to happen, but if we remember the time he lost in going to Vera Cruz, where he had, on the 24th of May, a long conference with an ambassador newly arrived from Spain, it will seem very difficult for it to have been otherwise.

However it may have been, the Tacubaya project, restored in January, 1859, under circumstances already known to the reader, definitely passed from life to death the day succeeding the departure of M. de Gabriac after a fresh freak, of which M. Miramon was again the hero; and President Zuloaga, prisoner of his substitute, was carried into the interior of the country, where his gendarme was called in consequence of the victories of Loma Alta, and Penuelas, gained over the reactionaries by Generals Uruga and Gonzales Ortega.

This removal was kidnapping—thorough kidnapping, accompanied by all the aggravated circumstances of premeditation, violence, and ambush—and it complicated in such a grotesque manner the difficulties of a situation already tolerably involved, that everybody regarded it as an omen of the fall, more or less distant but certain, of the reactionary administration. The newsmongers immediately turned it to account in their own manner; and the public, which knew the truth only by the burdens that the clashing of subaltern ambitions caused to weigh upon it, was this time made acquainted with the last farce represented at the palace, by a document, the object of which was to declare that there was no longer a constituted power, and which had all the more effect that it bore the names of three members of the diplomatic body.

The facetious substitute had rushed into the risks of this fresh adventure with all the eagerness of an ill-bred school-boy, who considers he has a right to play tricks upon his tutor solely because the poor wretch seems ridiculous to him. But sobered by the attitude of the diplomatic corps, he reflected upon the influence that this informality might exercise upon his own position, and he thought it would be well to obtain the formal recognition at least of the power he had just seized upon in so strange a manner.

With this object he enjoined his factotum, General Antonio Corona, to elicit the opinion (paid for beforehand) of what he called his council of state. When the cards were shuffled he placed his abdication in the hands of M. Ignacio Pavon, president of the supreme tribunal of justice, and pretended to submit his conduct to the control of twenty-six notables selected from the very flower of the reactionary party, who had accepted the deplorable mission of giving to his usurpation the deceitful gloss of which a few days later the ambassador Pacheco spoke in a despatch addressed by him on the 15th of June, 1860, to M. Calderon Collantes.

The farce played out, M. Miguel Arroyo, secretary general of the ministry of foreign affairs, one of the notables who had just accorded their *satisfecit* to M. Miramon, received orders to communicate the result to the representatives of the foreign powers; but he received in exchange from Mr. G. B. Matthews, chargé d'affaires of the British government, a declaration stating "that he could not recognize by anticipation the administration established in the capital of the republic, under the presidency of the former substitute of M. Zuloaga, before receiving express orders from his government."

Thereupon, M. Lares, who had been promoted within a few days to the functions of minister of foreign affairs, intimated to him "that from the moment he refused to recognize the government of General Miramon before receiving orders from London, the general, on his part, before occupying himself with the interests of the English residents, would wait until he had nothing else to do."

The question, it will be seen, grew more embittered every day. Nevertheless, Mr. Matthews, after observing to M. Lares that his conduct in this matter had been entirely in conformity with that of the majority of the *corps diplomatique*, contented himself by replying to him "that he supposed, in expressing itself thus, the government of which General Miramon was the head had no intention of evading the responsibility devolving in such cases upon every *de facto* government, but that if it were otherwise he should receive the declaration with the utmost surprise, and that he should have the disagreeable duty of communicating it to his government."

M. Lares replied, on the 24th of September, that he could enter into no discussion upon the points advanced by Mr. Matthews, except with the minister of her Britannic Majesty, after such minister had recognized the government of M. Miramon; because the Mexican government could only treat as a *de facto* government, and that while it was unrecognized by Mr. Matthews it could not employ that title in treating with him.

Finally Mr. Matthews received the instructions of which he spoke in his note to M. Lares. They reached him in the early part of October, and on the 17th he addressed to the men who for nearly three years had taken pleasure in violating the most sacred engagements a last note, in which he repeated to them, in rather more measured terms, though similar in substance, what Captain Aldham in his note of the 28th of the previous March had already written to M. Miramon. He concluded by declaring that he had received orders to break off his relations with the government established at Mexico, and he retired with his legation to Jalapa, a town some ninety miles from Vera Cruz.

This was precisely what the ministers of the reaction desired, in order to proceed to the inauguration of a system entirely their own. To begin with—who would believe it?—the first two blows fell upon M. Jecker.

In the early part of August, 1860, this well-known banker, whose coffers had been so often thrown open to the necessities of M. Miramon, was informed that he had to pay into the treasury chest the modest sum of £2,000, to be devoted to the relief, in a moment of distress, of the unceasing poverty of the authors of the *coup d'état*. M. Jecker, to do him justice, resisted as well as a banker who had just failed to meet his engagements could resist. He discussed, he complained, he protested, and only when he found all his efforts

unavailing, concluded that he had better come to terms. So he offered £800; but this sum General Corona, commanding in the absence of Miramon, inexorably declined to accept, and even carried his forgetfulness of the services M. Jecker had rendered so far as to inflict a fine of £600 upon the recalcitrant banker. Then, at length, M. Jecker understood the men he had to deal with, and sent to say that nothing should extort the sum demanded of him. Accordingly, when the police agent came in the evening with an armed force, he found the house barricaded, and entrance impossible. Next morning the doors were opened as usual, and the "defenders of order," armed some with pickaxes, some with hatchets, rushed in. The doors of the offices were opened in presence of the consul of France, whom M. Jecker had sent for, and whose protests were set at naught. The gang were going to break open the chests and safes, when M. Jecker interfered and consented to give up the keys. The safes were opened, and nothing, absolutely nothing, found in them. The knowing banker had removed all their contents in the night.

Then followed the arrest of MM. German Landa and Sanchez Navarro, and MM. Gorribar and Joaquim Rosas, who had one and all forgotten that in the hands of the heroes of Tacubaya their property was not quite so safe as in the hands of professed highwaymen and housebreakers.

But what were a few thousand pounds, more or less, to such an administration? A drop of water in the ocean. Exactions increased with difficulties, and the rapacity of the soldiery with the need of their services, until one fine day nothing was left for the defenders of the altar and of the ecclesiastical privileges but to fall upon the wealth accumulated in the churches by the piety of their fathers. In this instance, it is true, the pillage was sanctioned by the Mexican archbishop and the superior clergy.

It was reasonable enough to suppose that these ecclesiastical treasures would stop the gap for a time, and give a moment's peace. Not so; about the middle of September M. Miramon called together a new assembly of twenty-six capitalists—just the number of "notables" who had been summoned to make him President—and demanded of them, according to his invariable custom, revolver in hand, the trifle of £100,000, with which he undertook to dispose of General Gonzalez Ortega, who had defeated him forty days before near the little town of Silao.

It was impossible to resist so polite an injunction; but even this sum did not suffice, so the "defenders of order" resolved to seize a sum of £132,000, belonging to English bondholders, and which was deposited in the safes of the British legation, doubly protected by the place of deposit and by the seals of the legation (bearing the arms of England) affixed thereto.

General Leonardo Marquez (in Mexico commonly called *Leopardo*, in remembrance of the assassinations of Tacubaya—the man whom the imperial government of France has since decorated with the cordon of commander of the legion of honor)—was charged with this expedition; and on November 16 the chief of the police, Lagarde, at the head of his men, occupied the residence of the legation, on the pretext of searching for a depot of arms alleged to be concealed there.

Next day, the 17th, Marquez addressed to Mr. Whitehead, the agent of the English bondholders, the following letter, in which he endeavored to put a false color on the designs of the reactionary government, by representing the object of this robbery as an act of caution against the risks which the bondholders' money might be exposed to in the event of disturbances:

NATIONAL ARMY.—MEXICAN REPUBLIC.—QUARTERMASTER GENERAL.

As the public funds deposited in your hands, and destined to the payment of the English bondholders, have not yet been paid over, and as under existing circumstances they might run great risk in case of disturbance; and as the danger would become imminent if the forces which preserve order in the city should be unprovided for; and as provision cannot be made for them with the resources at present at the disposal of the government, available only in periodical payments, his excellency the general-in-chief of these forces, in obedience to his duty, and desirous to clear his responsibility, orders you to place the funds deposited in your charge at the disposal of the commissariat of the army. It is, of course, understood that no more than the sums strictly necessary will be taken from the coffers, and that for their reimbursement the proceeds of the loan subscribed by the venerable clergy and by private persons for the payment of the garrison will be available, and that if there should be a deficit at the departure of the first conducta, this deficit will be covered by the duties to be deducted from the sums exported.

You will be so good as to deliver 200,000 piastres (£40,000) this very day, to the commissary general, who will deliver you a receipt for that amount.

God and the law.

Headquarters at Mexico, this 17th November, 1860.

L. MARQUEZ.

But it appears that Mr. Whitehead was not of opinion that the interests with which he was charged permitted him to obey this peremptory injunction, for the same day Marquez addressed to him another and still more peremptory summons.

These two notes, sent one upon the other, clearly meant that the determination of the reactionary government was taken, and that no excuses on Mr. Whitehead's part for declining to violate a deposit committed to his care would avail against it. Nevertheless, in order to clear his own responsibility in the matter, Mr. Whitehead replied once more by the following letter to the terrible quartermaster general:

MEXICO, November 17, 1860.

EXCELLENCY: In reply to the official note which I have had the honor to receive to day from the hands of the commissary of the army, I deem it my duty to declare to you that the money received here on account of the foreign debt contracted at London was deposited under the protection of the legation of her Britannic Majesty, in conformity with the instructions of the foreign committee, to be forwarded as soon as circumstances should permit; and that Mr. Mathews, before his departure from Jalapa, placed the seals of the legation and his private signature on the door of the apartment in which the funds were deposited, the keys of which are in his possession. Consequently, notwithstanding the urgent circumstances which your excellency justly points out, I cannot dispose of these funds without the consent of the representative of the British government, for I have not the keys of the apartment in which they are placed, nor can I break the seal of the legation. Such is the answer that I had the honor to give to the commissary. I was obliged to give him a verbal reply, because time pressed, and I declared to him that I found it impossible to remit to him the 200,000 piastres which you demand. I trust that your excellency will be convinced that it is not from want of deference towards the government that I have not complied with your order, but simply because I have not the power to do so. As regards an observation which your excellency has addressed to me, it may not be superfluous to remark that although the funds are not distributed in dividends, they have nevertheless been legally delivered, and therefore do, in fact, belong to the bondholders. Even were they not deposited at the legation, I should have no right to touch them except to see to their being shipped for their destination. In support of this assertion, and in case your excellency should not be aware of the text of the law of January 23, 1857, I take the liberty to send him a copy enclosed herewith, and I have the honor to call his attention to the formal wording of the first three articles.

I have the honor, &c.,

CH. WHITEHEAD,

Agent of the Bondholders of the Foreign Debt.

His Excellency the QUARTERMASTER GENERAL, Mexico.

All this was true—physically and materially true. But Mr. Whitehead had to deal with men as well aware of the facts as himself—with needy men exasperated by their wants, and by the reiterated defeats of their party—with men, in short, who had made up their minds to listen to no remonstrances. So Colonel Jauregui, at the head of a party of Marquez's men, broke into the house, broke the seal bearing her Majesty's arms upon the doors of the apartments, and, in spite of the protest of the Spanish ambassador, M. J. F. Pacheco, took away £152,000 sterling of the sum which had been deposited there by the agent of the bondholders. The same day M. Pacheco addressed the following note to M. Teodosco Lares, minister of foreign affairs in that government of bandits:

EMBASSY OF SPAIN AT MEXICO,
November 17, 1860.

The undersigned, ambassador of her Christian Majesty, regrets to be obliged to address his excellency M. Teodosco Lares, minister of foreign affairs, concerning a deplorable event that occurred yesterday.

By order of the quartermaster general of the army, a person whom the undersigned has not the honor to know presented himself, accompanied by an armed force, at the residence of the British legation, for the purpose of demanding the remittance of a considerable sum of money which it appears had been deposited there for the payment of English creditors. So far the undersigned had no right to interfere in this matter, the chargé d'affaires of her Britannic Majesty not having recommended to his care the interests or the persons of his countrymen. But in proceeding to take possession of the sum in question the Mexican police agent must have burst open the door protected by the seals of the legation, and it is in consequence of that act that the undersigned deems himself authorized to repeat in the present note the protest which he has already made verbally, and to call the particular attention of the minister of foreign relations to the case. The undersigned, placed at the head of the diplomatic corps, cannot forbear to protest most strongly against an act which

H. Ex. Doc. 11—15

is at once a violation of the immunities which foreign representatives enjoy and of international law; for such it is to break the seals of a legation, to seize property intrusted to its protection. Were this principle liable to be disregarded with impunity, the relations existing between different countries would be deprived of all security and dignity, and public right would be abandoned to the caprices of arbitrary power and brute force. It is for these reasons that the undersigned deploras an event which he forbears to characterize in more energetic terms; but he feels himself bound to protest; and in addressing this protest to his excellency the minister of foreign relations, in the hope that he will take into his serious consideration the gravity of the facts which have occasioned it, and of the consequences it may lead to, he begs to state that he shall forward a copy of it by the next mail to the government of her Christian Majesty, and make a similar communication to his colleagues residing in the republic.

He avails himself, meanwhile, of this opportunity to, &c.

The MINISTER OF FOREIGN RELATIONS.

J. F. PACHECO.

After the minister of Spain, the minister of Prussia, who happened just then to be away at Jalapa, addressed the above named Lares a note on the same subject, warning him that the government of Mexico had entered upon a course of action which would render it impossible for foreign governments to maintain regular relations with it. The same day Mr. Mathews instructed Mr. Whitehead to write, in his name, to M. Lares, insisting on the restitution, accompanied by a letter of apology, within twenty-four hours, of the sum removed by violence from his residence after breaking the seals of the legation; otherwise that he should render M. Miramon, in company with his ministers, Lares, Diaz, Corona, and Sagaceta, with General Miramon, and, conjointly, the whole Mexican nation, responsible for the attack committed, in his person, against the British nation and government. But as neither the minister of Prussia nor Mr. Mathews had recognized the strange authority of M. Miramon, the reactionary administration pretended that its dignity would not allow it to reply.

As to the ambassador of Spain, M. Miramon's administration did not even take the trouble to offer any apology for an act without excuse; it simply sent him a copy of the report of the burglarious attack upon the British legation, drawn up by a person who had been sent to assist at the operation expressly in that capacity; and without any anxiety for the consequences of an act which appeared to it perfectly regular, it calmly awaited the effect of this "report" upon the temper of European governments.

And this was the last act of the administration commonly called that of M. Miramon. A month after he was flying ignominiously, and for a second time, before the liberal forces commanded by M. Gonzalez Ortega, and was soon obliged to go and beg the protection of those very foreigners whom he had victimized and plundered incessantly as long as he was in power.

E. LEFEVRE.

NO. VII.—EXPULSION OF M. PACHECO—CONDUCT OF M. DE SALIGNY.

The constitutional army arrived at Mexico without striking a blow. M. Juarez gathered the fruit of the battles won by his generals at Loma Alta, Penuelas, Calderon, Silao, and Capulalpam. He entered the capital on the 11th of January, 1861—three years, day for day, after he had left it—and immediately afterwards gave notice to the ambassador of Spain, to the Papal Nuncio, and to the ministers of Ecuador and Guatemala, to quit without delay the territory of the republic, in consequence of their declared hostility to the lawful government and to liberal institutions. This dismissal, necessitated by circumstances and justified by the conduct of those persons, was besides entirely conformable to the admitted doctrine of international law in such a case; for it is evident that if governments may on certain occasions refuse admission into their states to foreign agents simply on the ground of suspicion, they have, *à fortiori*, the right to send them away when their conduct has confirmed the suspicion and made it certainty. Yet the Spanish government made the dismissal of its ambassador a grievance against the government of the republic. Naturally enough, the dismissal of the Papal Nuncio and of the minister of Ecuador and Guatemala was scarcely noticed; but the expulsion of M. Pacheco was regarded as a more serious matter. That personage protested, not against the order he had received to quit the territory of the republic within the briefest delay necessary to complete his preparations for departure, but against a simple breach of etiquette. He protested that "he had not come to Mexico as a private individual, but in the capacity of ambassador of the Queen

of Spain, as his credentials deposited in the archives of the state attested, and that therefore all communications addressed to him by the government ought to bear, as a superscription, his ambassadorial title and quality." We should certainly not have mentioned so trivial a matter as this, had not M. Pacheco repeated the terms of his protest before the senate of his country, and had not that protest foreshadowed a question far more important, viz., that of the sovereignty of the Mexican nation.

Assuredly, when M. Pacheco was sent to Mexico as ambassador of Spain, he was accredited to the lawful government of the republic, and not to a faction which, although for a moment in possession of the capital, had no lawful authority to represent the country before foreign powers.

It was to the lawful government, sprung from the constitution of 1857, and established for the moment at Vera Cruz, that M. Pacheco should have presented his credentials. Instead of this, he preferred to remit them to the chief of an oppressive faction, which for three years had covered the country with blood and ruins. In doing so, he voluntarily divested himself of his ambassadorial quality, and became the instrument of a party whose fortunes he was bound to share.

But it may be alleged that M. Pacheco had been accredited to the authorities which derived their sanction from the Tacubaya arrangement—authorities recognized by M. de Gabriac, the then chargé d'affaires of the Spanish government; and therefore that these authorities represented to the O'Donnell cabinet the sole lawful government of the republic. Was, then, the recognition of that factious combination of Tacubaya by M. de Gabriac sufficient to constitute in its favor a lawful origin? If so, it follows that the sovereignty of any country, of France, or of England, as much as of Mexico, resides in the will of a few representatives of foreign states who may according to their caprices (sometimes to their interests) transfer that sovereignty to the party they may desire to favor. It would be difficult to equal in absurdity a doctrine tending to such a conclusion as this. Common sense, not less than right usage, teaches us that before, during, and after the success of the clerico-military insurrection of December 17, 1857—January 11, 1858, the government established by the constitution was the sole lawful government of the country, and M. Pacheco, in protesting, by his recognition of a rebellious faction, against that only lawful government, deprived himself of the rights and immunities attached to the office conferred upon him by his own sovereign, and became a mere private individual in the eyes of the lawful government. Indeed, this might be said equally of the new minister of France, M. Dubois de Saligny, and for the following reasons. For, while M. Pacheco was in receipt of an order of expulsion from the constitutional government, in reply to his claims for services rendered to the reactionary party, M. de Saligny, who had arrived at Mexico only on the 12th of December, 1860, and whose name was as yet untarnished by those intrigues which had rendered that of M. Pacheco so unpopular, waited patiently and apart to see what was to become of the constitutional government to which he also had been accredited by instructions dated Fontainebleau, June 28, 1860; and this silence on his part, under such circumstances, if not an actual declaration of war, was significant enough. Instead of acting upon M. de Gabriac's theory, that any government whatsoever established in the capital should be recognized as the lawful government of the state, M. de Saligny remained stealthily silent and apart; while the newsmongers attributed his retreat to various causes, some pretending that the French minister wanted to be paid for his recognition of the Mexican government, some that he was not in reality accredited at all to the government of the republic.

This state of things continued until February, 1861, when M. de Saligny suddenly gave signs of life on the occasion of the visit paid to the establishment of Sisters of Charity by the authorities. M. de Saligny claimed to withdraw the establishment of the Sisters from the supervision of the local authority altogether, on the pretext that the principal foundation of the Sisterhood being in France, all these establishments were under the direct protection of the imperial government. From this strange doctrine, already adopted, in 1858, by M. de Gabriac, and of which, probably, neither M. de Gabriac nor M. de Saligny had calculated all the consequences, it would follow that any religious congregation allowed to establish itself in any country divests itself, by the mere fact of belonging to one or other of the monastic or conventual orders, of its nationality, and adopts that of the founder of the order. Thus the king of Naples, when such a potentate existed, should have been the protector of the Benedictines and the Franciscans, simply because, in the sixth century, St. Benedict, of Nursia, established the headquarters of the order at Monte Cassino, in the kingdom of Naples, and in 1208 St. François d'Assisi founded his order at Portiuncula, also in the Neapolitan territory. Such a pretension could hardly have been admitted by the government in whose name M. de Gabriac and M. de Saligny claimed to impose it upon the Mexican government, and unless on the principle of denying to a weak government, because it is weak, the sovereignty to which, as an independent power, it is entitled, by what

right could the ministers of France claim for France a privilege which the imperial government would never have conceded to the Neapolitan government?

Nevertheless, in order to put an end to shifts and artifices which only seemed to keep alive the resistance of the reactionists by persuading them that the constitutional government could never be recognized by M. de Gabriac's successor, the Mexican government desisted from the exercise of its undoubted right and surveillance over a religious order of Mexican origin, and which had been established with the consent of the Mexican Congress, and proposed to the French envoy to refer the question to his own government. Thereupon M. de Saligny officially recognized, on March 17, 1861, the constitutional government. All this time the revolution, which had begun to implant reforms in the institutions of the republic, was pursuing its regular course in the midst of difficulties and trials which proved more and more the strength it derived from the support of the people who had hitherto found no escape from the retrograde tendencies of the clergy. In 1858, everybody thought it would be impossible for the constitutional government to make head against that colossal power which disposed of the conscience of the country, and relied on the indirect resources which it was in a condition to procure from the recognition of the *coup d'état* by the ministers of France and England. The struggle had been long and terrible; but it had terminated in the complete triumph of the constitutional government, and there seemed to be at length an opportunity for the latter to carry out the principles of political, social, and administrative reform. But the reactionists, beaten on every field of battle, sought to take advantage of the difficulties of the great process of reform which three years of fighting had interrupted. The reactionary party still in arms met in small bands in parts of the country beyond the reach of the rapid or regular action of authority, and these miserable gangs of no political color or creed, but whose anti-social purposes were no secret, confided in the support of men who in Mexico, as in Europe, arrogate to themselves exclusively sentiments of order and moderation. Nay, more: certain of the diplomatists who had committed the error of recognizing the abominable dictatorship of a Zuloaga and a Miramon, forgot themselves again so far as to regard with complacency the plots of these malefactors, and even received at their legations individuals most deeply compromised in the events of the three preceding years.

Meanwhile the champions of reform relaxed not in their work of social and administrative reorganization, in spite of all these obstacles and dangers, while some of the diplomatic representatives of European governments were employed in weakening the authority and assailing the character of the government, supporting conspiracies, and fomenting discord, even in the very congress. The administration, supported by public opinion, pursued the bands of malefactors who were ravaging the country, and persevered in vindicating the cause of the revolution by undeniable benefits. For, in fact, this revolution was unlike any other that had yet occurred in the Mexican republic. It was a revolution that had its source in the heart of a nation resolved to submit no longer to the lawless caprices of privileged classes, but to secure true order and civilization, by emancipating itself at once from the despotism of the sabre and the corrupting influence of the confessional. But in Mexico, as elsewhere, a new structure of reform could only be built upon the ruins of past privileges.

It was in the face of all these difficulties, inseparable from a reforming government, that European diplomacy resolved to exact the rigorous fulfilment of all the obligations contracted by the government of the republic towards foreign powers; and, as diplomacy was in a hurry to present its ultimatum, it seized the occasion of the law voted on the 17th July. And yet the question raised by this law was simple enough. The point was, whether it could ever be permitted to a government to proceed in that manner; and if so, whether the Mexican government was at that time in the condition prescribed by public law.

Now, to understand at a glance the excessive nature of these diplomatic demands, it is enough to recall the fact that all writers on international law have admitted, that whenever the impossibility of meeting an engagement arises from a change in the situation of the debtor, that impossibility changes also the nature of the obligation which he may have contracted.

Thus, according to Grotius and Cocceius, "The obligation resulting from any convention whatsoever ceases at the same time as the impossibility of meeting it;" and, according to Wheaton, "the annulment of a treaty, even after ratification, may be demanded, on the ground of the physical and moral impossibility of fulfilling its stipulations, and there is physical impossibility in all cases where the contracting party is wanting in the means necessary to the making his contract good." According to Martens, "The physical impossibility of fulfilling a treaty discharges a State from the obligation it has contracted, but without releasing it from the indemnity which must be granted to its creditor, in case that impossibility had been provided for by the treaty, or had occurred through the fault of the debtor." Finally, to omit many more equally decisive authorities, according to Hoffer, "The party who has subscribed an obligation may refuse to execute it in cases of impossi-

bility, even though relative only, if it arose from the force of circumstances permanently beyond his control; and he would be specially so discharged if the conflict was one between his duties as debtor on the one hand and the rights and well-being of the country on the other."

So much for the law of the case. It remains to be seen whether Mexico was at that time in any one of the cases of extremity mentioned by the writers quoted above. What, then, were the conventions to which Mexico had subscribed, and under what conditions had they been accepted by the government of the republic? These conventions were two in number. They dated from the beginning of the year 1857, and had been subscribed in order to prevent the bombardment of Vera Cruz—the one in favor of certain French merchants, the other of English creditors.

By the first, the Mexican government had assigned to the payment of the creditors of the French debt:

1. AS A PERMANENT CHARGE.	
25 per cent. on all ships of French owners.....	25 per cent.
2. AS A TEMPORARY CHARGE.	
8 per cent. to pay the arrears of the said convention.....	8 per cent.
This 8 per cent. to be raised 2 per cent., under certain circumstances provided for by the convention.....	2 per cent.
Total.....	35 per cent.

By the second, the same government had assigned to the payment of the English debt and convention:

1. BY PERMANENT ASSIGNMENT.	
25 per cent. in favor of debt contracted in London.....	25 per cent.
16 per cent. in favor of the English convention.....	16 per cent.
2. BY TEMPORARY ASSIGNMENT.	
8 per cent. applicable to payment of arrears.....	8 per cent.
To be raised under circumstances provided for, 2 per cent.....	2 per cent.
Total.....	51 per cent.

Moreover, the expenses of management, to the amount of about 30 per cent., were charged upon the Mexican government; so that, on the revenue derived from customs dues on French imports, there remained to the Mexican government, after payment of expenses and instalments of debts, 35 per cent., and on customs dues on English imports 19 per cent. only. Considering that the greater part of the revenues of the country are derived from these customs dues, these demands appear to leave something to be desired in the way of moderation; and it cannot be denied that M. Juarez's administration, far more unfortunate than culpable in that respect, was at that time under a stress of circumstances which all authorities on international law declare to be tantamount to the impossibility of meeting its engagements.

In pronouncing against these excessive demands, we are far from supposing that the governments of Great Britain and France had for a moment calculated the difficulties which might interfere with the execution of the engagements. But the difficulties, whether foreseen or unforeseen, were not the less serious; and the government of the republic could not be fairly made liable for the delay in payment which resulted from them. Others may, perhaps, charge the Mexican government with having wilfully entered into engagements which it knew it could not fulfil. But this objection is far more specious than solid. In its struggles against the reactionary parties after the *coup d'état*, the constitutional government really represented the cause of reform in the administration and in the whole conduct of the state. It was not a few isolated individuals that succumbed, but the cause and prospects of a better government. What signified the momentary suspension of payments, if the fall of the only Mexican government that had ever represented a moral principle was in the balance? The important point was to gain time; and, as there was but one way of fairly attaining this desirable result, the government was bound to yield before a display of force which left it no other alternative possible than to fall or to submit to sign the conventions, backed by the guns of the British and French squadrons, and to wait until after a victorious entry into the capital of the republic to demand the revision of treaties, the strict execution of which was materially impossible.

E. LEFEVRE.

No. VIII.—THE CONVENTION OF LONDON.

The law of July 17, 1861, was, we have shown, in strict accordance with all the principles of right which, according to the testimony of all writers on international law, appertain to governments in such a situation of affairs. But when reasons are wanting pretexts avail, and those who were intriguing with all their might to bring about an intervention were not likely to let slip so rare an opportunity of attaching European powers to their cause.

It was Spain that commenced proceedings. Not, as might be supposed, after all the noise about the name of M. Pacheco, to punish the republic for the expulsion of that unfortunate ambassador, but to constrain the Mexican government to recognize the treaty signed in 1860, at Paris, between M. Mon, ambassador of Spain to the French court, and M. Almonte, envoy of the reactionary rebellion.

Now, to understand the conditions of this treaty it must be observed that the Mexican debt is divided into two distinct branches, which should not be confounded with one another. There is the internal debt and the external debt; the one, of course, privileged; the other subject to all the fluctuations of parties, which for the last forty years have disputed the government of the republic. The internal debt is composed of all the sums due, in any shape, by the Mexican administration to its own citizens, and the government has always maintained that nothing could divest it of its quality of a debt essentially Mexican. Nor could persons who might happen to become holders of its stock, change on any pretext its national character.

The Spaniards, on the contrary, insisted that the bonds of the foreign debt bought by foreigners should partake in the privilege accorded by the law to those same foreigners; so that being masters of a considerable portion of these bonds, which they had bought at the lowest prices, they claimed to have them treated as credits of Spanish origin in the convention destined to liquidate by instalments the Mexican debt to Spain. Thence arose between the two governments a conflict which had terminated in 1857, under M. Comonfort, in a temporary suspension of payment of the Spanish debt.

But the insurgent reaction, in order to testify gratitude to Spain, whose subjects sympathized with it on all occasions and on all points, had authorized M. Almonte to comply for the while with all the exigencies of the Spanish government; and M. Mon, on his part, in order to respond to such generous conduct, had declared that Spain would henceforward desist from availing herself of the terms of that treaty to exact from Mexico concessions of the same nature.

Unfortunately for the importance of that financial masterpiece, the fall of the reactionary party drew with it the collapse of the treaty; and Spain being warned that the constitutional government could not under any circumstances recognize the acts of the reactionary insurgents, had taken advantage of the irritation of the cabinets of London and Paris against that law of July 17 to suggest the necessity of a combined military and naval demonstration on the coast of Mexico.

How, then, did it happen that this expedition, which in its inception was purely Spanish, became transformed into an expedition exclusively French? This is a question which can only be answered satisfactorily by those who are in the secret of the communications exchanged upon that occasion between the governments of France, England, and Spain. Indeed, any answer to the point is impossible, unless we take for granted that in the preliminary negotiations of the three powers there was neither as to the motives nor as to the objects of the expedition any clear and definite understanding.

We must seek elsewhere an explanation of the nature and causes of the convention of October 31, 1861, and perhaps we cannot do better than refer to the declarations made by M. Billault to the corps legislatif.

On the 27th June, 1861, M. Billault, the minister of state, replying to a speech delivered by M. Jules Favre the day before, acknowledged, perhaps somewhat involuntarily, that in the defined scheme of the convention there was no question of an expedition into the interior of the country, the action of the allied forces being limited to the coasts. In making this avowal M. Billault stated only a part of the truth. To have stated the whole truth he should have added that the convention of October 31 had given the contracting parties no such right to undertake an expedition into the interior of the country, and that if the imperial government exceeded the terms of the convention, it was because that convention was nothing but a pretext to cover the despatch of forces destined to overthrow the republican institutions in Mexico, and replace them by an empire organized under the presence of French bayonets, and in favor of the Archduke Maximilian of Austria, or, failing his acceptance, of some other prince at the Emperor's disposal. This, at least, would have been a clear, a frank, and a definite statement of the question; and since in this nineteenth century there is a majority in the French Chambers always ready to support

the strong, the corps legislatif would have had the opportunity of pronouncing upon the purely material question whether the wrongs suffered by French subjects were proportionate to the penalties exacted, or whether the military and naval expedition would not result in taxing French commerce for the profit of mostly foreign creditors. But it was not so to be. The imperial spokesman preferred to keep silence; events took their course; the expedition went on; a French army entered the city of Mexico, and "the Empire," which had been so resolutely denied on June 27, 1861, in the face of the corps legislatif, was proclaimed at Mexico on July 12, 1863, in the presence of General Forey and M. de Saligny, by a meeting of 215 individuals, without any mandate from their fellow citizens, convened by traitors, at the point of foreign bayonets, to lend a varnish of legality to measures predetermined in Paris several months before the commencement of the intervention, among certain paid dignitaries of the French empire, and some famished agents of the old reactionary factions in Mexico.

To appreciate the morality of the operations now going on in that distant country, it might be desirable to set out, side by side, the original text of the convention of the three powers, and the convention itself; but this instrument is so notorious that we need only indicate the changes which were introduced into the original draught of the scheme. That scheme defined in the simplest manner the objects of the expedition. It was "to obtain from the authorities of Mexico a more efficacious protection of the persons and property of foreigners." It appeared, as M. Billault himself acknowledged at the sitting of the corps legislatif in June 21, 1861, "that the high contracting parties engaged *beforehand* not to make use of the forces which they might employ by virtue of the said convention, for objects other than those which were specified in the preamble, and *specially* not to make use of them to interfere in the internal affairs of the republic." But the instrument added what M. Billault took very good care to suppress—"that immediately after the occupation of Vera Cruz, and of the adjacent ports, the chiefs of the allied forces should address a collective note to the authorities established in the republic, in order to bring to their knowledge the motives for which the allies had recourse to measures of coercion, and to invite them to enter immediately into negotiation."

It would appear that in presenting this handsome document for Lord Russell's sanction, the sole object of the plenipotentiaries of France and Spain was to lull the apprehensions of the British cabinet; but when once the expedition was resolved upon, and before signing the definitive convention, they referred it back to Lord Russell, with a hinted doubt of the results to which, in that form, it might lead. They declared to the British government that they had no intention of compelling the Mexicans to adopt this or that form of government; that, on the contrary, the Mexicans should be left perfectly free in that respect; all the more so that they, the plenipotentiaries, had plausible grounds for supposing that the Mexicans would themselves come forward to ask for a moral support which could not be refused them. And thus was obtained the suppression of those inconvenient paragraphs in the original draught of the convention which, as M. Billault phrased it, "might have discouraged the national movement."

Now, let no one pretend that we are inventing suppositions on behalf of the cause we have undertaken to plead. Here is a despatch from the Spanish minister of foreign affairs, M. Calderon Collantes, dated Madrid, October 22, 1861, that is, eight days before the convention at London, to the Spanish ambassadors at the courts of St. James and the Tuileries, and in which all our "suppositions" are officially recorded in the order in which we have ourselves laid them before our readers.

M. Calderon Collantes, after declaring that the preamble clearly defines the nature of the united action of the three powers, continues thus:

"Article I leaves nothing to be desired by the government of her Majesty.

"Article II equally merits our approval, and though the dispositions which it contains might perhaps be reserved for instructions which will be furnished to the commanders of the united forces," he (M. Calderon Collantes) "believes that it is preferable to define clearly in the convention what should be their course from the moment when they present themselves on the coast of Mexico, and more particularly after their occupation of Vera Cruz, and of other important points on the coast.

"Article III of the draught convention is entirely conformable to the ideas which the Queen's government has constantly manifested. They have always thought that full liberty should be left to the Mexicans to constitute their government in the manner most agreeable to their interests, to their customs, and to their beliefs. But while he has always held, and still holds, that the Mexicans should be the sole masters of their destinies, he equally believes that it is necessary to take measures to enable them to examine (*qu'il est nécessaire de les mettre en état de pouvoir examiner*) without passion and without infatuation the situation to which their errors have brought them, in order to adopt the most judicious means to ameliorate it. This result might be obtained by intimating to the Mexican government and to the chiefs of the belligerent forces the necessity of suspending hostilities, and con-