

cluding an armistice long enough to discuss or solve peacefully, if that be possible, their domestic differences. Otherwise, indeed, far from the presence of the combined forces suspending the struggle and arresting bloodshed, it may happen that the horrors of which the republic has so long been the theatre will even increase. Hence it might be imprudent, and perhaps somewhat hazardous, to renounce absolutely and beforehand a course of action which might be afterwards necessitated by unforeseen events.

"Article III would appear equally clear and equally precise, if the government of her Britannic Majesty would consent to suppress the last period and to terminate it at the word 'preamble.' In this way the object of the convention would not be obscure, and it would be determined *without limiting their course of action (l'action successive) which ulterior circumstances might require.* For these reasons her Majesty's government believe that article III may be drawn up in the following manner:

"The high contracting parties mutually engage not to divert the forces they are going to make use of in virtue of the present convention, to employ them for any purpose whatever differing from that specified in the preamble.

"And as intervention in the internal affairs of the republic is not comprehended in that preamble, it is evident that any action executed with that object would be contrary to the convention."

"Article IV may be considered similar to the first, &c. But even if that article should retain the form given to it in the project, and not stop at the words 'special advantage,' which in the opinion of the Queen's government is all it ought to contain, its intentions and its desires would be in no way in contradiction.

"It is unnecessary to state that the Queen's government considers the monarchical preferable to any other form of government; but it will not put forward its opinion upon the advantage which would result to the Mexican people if they adopted that form in order to constitute themselves definitively. If, however, such were their desire; if they made efforts to realize it; if they consented to discuss the election of a sovereign, Spain could not remain indifferent upon such a grave question, especially if any candidate were offered to the Mexicans by one or other of the friendly governments.

"The 5th article of the project is admirably drawn up, and her Majesty's government desires nothing more, &c.

"S. CALDERON COLLANTES."

Now, what will the reader think of this juggle, by which, while great respect is professed for the sovereignty of Mexico, they are nevertheless tricked under the pretence "that it is necessary to place them in a position to examine without passion and without delusion the situation into which these errors have led them, in order to adopt the most appropriate means of ameliorating it?" and of this, in which we find "that it would be imprudent, and perhaps somewhat hazardous, to renounce in an absolute manner and beforehand a course which might be necessitated afterwards by unexpected events;" or of this appeal, finally, to the minister of foreign affairs of the British government, begging him "to permit the suppression of the last period of Article III?"

Why not under such grave circumstances apply to M. de Thouvenel as well as to Earl Russell? Was it because the consent of the former was assured beforehand, or simply because M. Calderon Collantes hoped, with or without reason, to come to an understanding with him more easily?

These are questions upon which it would be idle now to dwell, and to which we merely give a passing allusion. We search in vain through the numberless despatches written on this occasion; in vain we read and re-read the speeches upon this question delivered to this day; we find nothing, absolutely nothing, which explains, much less legitimatizes, this unusual display of force against a country, the greatest crime of which was that of not despairing of its regeneration, and that of making a supreme effort without having previously filled its coffers with the indispensable sums for satisfying the greed of all those who believed themselves interested in opposing it.

It was in reality merely a question of usury, a question of hard cash, and that is why the governments of France and Spain felt from the first that the republic in that country must be destroyed, and replaced by a monarchy supported upon foreign bayonets, as this was the only means of hiding the immorality of the object by disguising it under a varnish of conventional legality.

Be it so. Let us examine the London treaty from this last point of view, and let us see if we shall discover the cause for which the Spanish minister appeared thus to mistrust the English government.

Let us imagine some merchant (the Mexican government) whose affairs, in consequence of an important circumstance over which he had no control, (the *coup d'état*), were in a desperate position, and whose creditors, (the governments of England, Spain, and France,)

instead of coming to a friendly understanding with him, so as to give him time, by means of an agreement arranged in common, to re-establish his affairs, and to pay them ultimately in full, assembled with a diametrically opposite object, and came pistol in hand to demand a payment which their unfortunate creditor, despite his willingness, could not make on the instant, and we have, commercially speaking, the exact and precise sense of the London convention.

Despite the changes effected in the original text of the project, the moral value of this diplomatic act was contained in this disposition of Article III: "Each of the contracting parties will name its general commissioner invested with full powers to conclude the arrangements, which the redivision of the sums to be received in Mexico will necessitate;" and the first paragraph of Article I, "The three powers undertake to send sufficient forces to seize upon the different fortresses and military points of all the coast of Mexico," was only the ostensible means of compelling their insolvent debtor to pay up.

Do not let us, however, forget The London convention, in giving a positive form to the mercantile object of the expedition, took care to declare beforehand that the contracting powers prohibited themselves from making it serve as the starting point of the ambition of any one of them, from seizing by armed force upon any of the provinces of the country, and from using it as a pretext for interfering in the internal dissensions of the republic. It stipulated, on the contrary, in the most formal manner, that the signatory powers meant solely to demand reparation for the outrages and injuries inflicted upon English, Spanish, and French subjects, and not to take part for or against the constitution—for or against the government of Mexico. Now, however little one may know of the institutions which govern the destinies of England, it is easy to understand that it could not have been otherwise. It was, in fact, in order to remain faithful to the principle of non-intervention recognized and proclaimed by all the powers of Europe, that England refused, in 1859, to mix in the struggle carried on at that period by the Italian people to obtain self-government and insure their independence. It was from respect for the same principle that the English government insisted with so much perseverance upon the evacuation of Syria by the French troops, and that recently in a question—we mean the American question—affecting in the highest degree the prosperity and the tranquillity of England, since the occupation and consequently the existence of several millions of English citizens were concerned in its continuance, it declared from the beginning of the struggle that it would observe the strictest neutrality between north and south. The course of the English negotiator was thus completely indicated by the precedents of his country, and despite the facility with which he agreed in the interested observations of the plenipotentiaries of France and Spain, by consenting to the suppressions above spoken of, it was impossible to suppose that Earl Russell would ever let the expedition against Mexico be turned from its object, in order to serve as the pedestal for the ambition of his allies, or as a revenge for the reactionary parties of the country.

E. LEFEVRE.

Mr. Seward to Mr. Romero.

DEPARTMENT OF STATE,
Washington, February 11, 1864.

SIR: I have the honor to acknowledge the receipt of your separate notes of the 26th and 31st ultimo, with their respective enclosures, containing the history of political occurrences in Mexico, as illustrated in contemporaneous documents.

This government cannot be indifferent to the events which are occurring in that republic, and I assure you that I appreciate your courtesy in throwing additional light upon those events from your own resources.

I avail, &c.,

WILLIAM H. SEWARD.

Señor MATIAS ROMERO, &c., &c., &c.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION TO THE UNITED STATES OF AMERICA,
Washington, February 2, 1864.

Mr. SECRETARY: Desirous to communicate to the government of the United States all the documents which may cast light upon its opinion on the conduct of the Emperor of the French in relation to Mexico, I have the honor to enclose with this note, translated into English, an official extract, published in France, of the trial to which, by order of the imperial government, the two Mexican consuls, Messrs. Montluc and Manegro, were subjected; the defence made by a French advocate in behalf of the former; and a circular issued because of this trial by the department for foreign affairs and administration of the republic. These documents of themselves, speak with sufficient clearness in favor of the cause of my country. I will allow myself, however, to call your attention briefly to the inexcusable facts that the French police assailed the consulate general of Mexico in Paris, when the consul was still in the exercise of his functions under the guarantees of the law of nations, searched his archives, and took possession of various documents, and subjected the consul general himself, and the consul residing at Havre, to a criminal trial, infringing on treaties in force which ought to have been respected, as was demonstrated by the distinguished advocate, M. Hebert, in the defence which I enclose. So manifest became the injustice of such proceedings, that the French tribunal, notwithstanding the influence of the imperial government, which, it is hidden from none, is now omnipotent in that country, absolved the accused of all responsibility, although the administration had desired they should pass judgment on these parties as disturbers of public order, and instigators of hatred and disrespect towards the government of the Emperor.

That unjust treatment of our consuls by the imperial government obliged the Mexican government to withdraw their commissions, without leaving any functionary of their class in the French territory, in order to avoid what might be the object of fresh assaults. At the same time the government of the republic withdrew its exequatur from the French consuls resident in the country as a necessary consequence of the former measure, and of the facts before referred to, as may be noted in the annexed circular from the department for foreign relations. I abstain from further commentary, assured, as I am, that the high criterion of the government of the United States renders that unnecessary; the reading of the documents I enclose being sufficient, together with the others I have communicated to it, and think of sending, for understanding on which side justice lies, and which of the two belligerent parties proceeds in open violation of the law of nations.

I avail of this opportunity to reiterate to you, sir, the protestation of my very distinguished consideration.

M. ROMERO.

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

JUDICIAL PROCEEDINGS AGAINST THE MEXICAN CONSULS, JUNE 4, 1863.

We give here the account of the proceedings in this case during the three days in which it was before the court.

COURT OF CORRECTION OF PARIS.

Sixth Chamber.—Session of the 4th of June.—Proceedings and developments within and without.—Five accused.—The Mexican consuls.

Examination of M. Montluc.

The PRESIDENT. At the time of your first examination you held the position of consul general of Mexico in Paris?

M. MONTLUC. Yes, Mr. President.

Question. You were so in fact since, in 1861, you received your exequatur from the French government; but this exequatur has since been revoked?

Answer. That is true; it has been revoked since May 3—that is, three days after the first return of the judicial writ.

Question. So you were consul general when the circumstances transpired which now bring you before the court?

Answer. Yes, sir.

Question. Have you spent any part of your life in Mexico?

Answer. Yes, sir; from 1831 to 1846; and whilst I resided in Mexico I was consul of France for eleven years.

Question. Was it in 1854 that you came to Paris and established a commercial house?

Answer. Yes, sir.

Question. When you were appointed consul from Mexico did you preserve your character of a Frenchman?

Answer. Yes, Mr. President; I esteem it too much to renounce it under any consideration.

Question. At that period were there already difficulties between the government of Mexico and the French government?

Answer. Yes, Mr. President, they commenced then.

Question. Was there in France any general agent from Mexico?

Answer. Yes; Señor Don Juan Antonio de la Fuente, who was the person that brought me my appointment as consul general.

Question. Since the departure of Señor de la Fuente there has been in France no political representative of the Mexican government; you alone remained as consul general; you had no authority to interfere with political affairs, and yet you have occupied yourself with them?

Answer. What I have done in political matters I have done openly, publicly, as a good Frenchman above all, and likewise as consul general of a country which I saw unjustly judged, unjustly threatened. I wrote to M. Billault, minister without portfolio, to inform him of the real state of affairs in Mexico. That was on the 10th of May. On the 3d of June I sought an audience of the Emperor, and on the 5th of July I sent a note to his Majesty. On the 7th of the same month I received a letter from his private secretary, in which I was told that his Majesty had not time to receive me. On the 15th I received from the Mexican government a commission to address a note to the Emperor.

Question. In your communication you said that it was as a Frenchman that you had written to M. Billault?

Answer. In all the notes and letters which I have written I have always signed my name as consul general of Mexico.

Question. No fault is found with you for those acts which concerned public relations; but it is said that apart from those public relations, and independent of the exercise of your functions as consul general, which consisted in watching over the commercial interests of the government which intrusted you with such functions, you had political relations with the Mexican authorities.

Answer. That is what I positively deny. In all that I have done then and since I have had no other object in view than to make the truth known to both countries, and by such a course of action, far from injuring France, I have, on the contrary, thought to do her a great service.

Question. You received news from Mexico, news of ill will and of threatening import to France. You are charged with having propagated this news by means of those who now stand accused with you.

Answer. I sometimes communicated news to Messrs. Boué and Laverrière, recommending to them, indeed, to refute the infamous calumnies spread abroad against the Mexican government, but without ever saying anything that might hurt or offend France, always respecting the truth, without ever forgetting their character as Frenchmen.

Question. Did you not write to Señor Doblado, Mexican minister of foreign affairs, that the advices which you received from that country were published in the newspapers of Mexico?

Answer. Only those which I thought useful to publish in the interest of both governments.

Question. Did you not give information to Doblado of the military forces sent by France to Mexico?

Answer. Yes, Mr. President, and that, too, was done in the interest of both governments. All that I have done had no other purpose than to enlighten both of them, in order to conduct them to a proper appreciation of the state of affairs, since I have never written either

to England, or to Belgium, or to Spain. Far from arousing angry feelings between the two powers, I only strove to bring them to an agreement.

Question. Is it not certain that through you Boué, Petit, and Laverrière have received money from the Mexican government?

Answer. Yes, Mr. President, in order to write in favor of Mexico, but not against France.

Question. The nature of your published writings proved that they were directed against France.

Answer. Never, Mr. President.

Question. Nevertheless, you yourself considered your position so delicate that, in your deposition, you have said that two or three times you were on the point of sending in your resignation of the position of consul.

Answer. That is true; in view of the difficult position in which I found myself I had doubts as to the course of conduct which I should pursue. I spoke on the subject to General Forey, to M. Drouyn de l'Huys, and to some others. What they told me set my mind at rest, and I continued in the exercise of my functions.

Question. Perhaps you would have done well in resigning. The charges laid against you intimate that you did not act by your own inspiration. In a letter from Del Rio, a member of the Mexican union, to Rodriguez, the latter is informed, "Montluc has all my instructions."

Answer. Señor Del Rio had no instructions to give me.

Question. I insist not on the character of the writings published; that is under the control of the department of state. You have said in your deposition that you approved neither the matter nor the style of those writings. The court will judge.

Answer. I cannot be responsible for all that Señor Del Rio may have written to me.

Question. So you deny the principal fact and your complicity with your four companions under accusation with you?

Answer. In what I have done, and I do not see that facts can contradict it, I have had no accomplices. As consul general I received a great many persons in my office; much conversation was indulged in; I had intercourse with Señor Maneyro, consul at Havre, a man of the highest respectability; with Señor Rodriguez, who had been appointed consul at Marseilles; with Señor Laverrière, a discreet and honorable man. I had no reason to conceal my sentiments from them. But as complicity presupposes an evil action deliberated upon and executed in common, I can in no way consider them as my accomplices.

Examination of Señor Rodriguez.

The PRESIDENT. Have you been a correspondent of the Republican Monitor of Mexico, edited by Vincent Torres?

Señor RODRIGUEZ. Yes, Mr. President.

Question. Did you send information to him?

Answer. Yes, and he sent information to me.

Question. And did you communicate such information to the public?

Answer. By no means to the public; only to some fellow-countrymen.

Question. You said in your deposition that you communicated your information to every person that spoke to you on the subject.

Answer. And those persons were my friends or my fellow-countrymen.

Question. Were you in correspondence with Juarez, the President of the Mexican republic?

Answer. I wrote him one letter only.

Question. Were you in correspondence with Doblado, the minister of foreign affairs; with Del Rio, member of the union; with Ordaz, employed in the department of justice in Mexico; and, in Paris, were you in continual relations with your four co-accused friends, Montluc, Boué, Laverrière, and Maneyro?

Answer. With the three Mexicans I have had only a very slight correspondence. The others, those who are called my co-accused, I saw only rarely, and then merely for reasons of friendship.

Question. In a letter which you wrote to Doblado, did you not place yourself entirely at his disposal?

Answer. He had offered me the consulship at Marseilles. On the supposition that I accepted that position—that is to say, as consul—I placed myself at his disposal, but only as consul. I never understood it, nor seek to have it understood, in any other way.

Question. You received a sum of 1,500 francs from Ordaz. Now, as Ordaz is no more than a simple employé in the department of justice in Mexico, did not the Mexican government send you that money?

Answer. I have received nothing from Señor Ordaz; I did receive a sum of 1,500 francs from Señor de la Fuente for former services rendered to the Mexican liberals.

Question. On the 29th of July, 1861, Del Rio gave you information of a sum of 2,000 francs, sent to you, and told you to obtain the assistance of Maneyro. In another letter appear the names of Boué and Maneyro. In fine, in another letter of Del Rio he tells you that he is writing to Montluc, and that he hopes from your patriotism that you will publish his manifesto. "They treat us as barbarians," he says to you, "and it is necessary to make us really known." And he concludes thus: "I wished to send this to some newspaper, but I thought that no one could render us this service better than yourself and Montluc." Thus, then, you assumed to yourself the duty of writing articles, and of having an understanding with Montluc, Boué, and Maneyro, in order to propagate information favorable to the Mexican government.

Answer. Yes, but without prejudicing France.

Question. Nevertheless, you received instructions, which, indeed, you did not always think proper to follow, but which indicate the path you pursued. Thus, on the 26th of July, Del Rio wrote to you that Ordaz announced the destruction of the priests. Did you follow those instructions?

Answer. Partly; not entirely.

Question. Did you receive on that same day a letter from the secretary of the Mexican minister of foreign affairs?

Answer. He replied to a letter of mine, and sent me some Mexican papers. I acknowledge all that, but I deny that there is any illegal information in that.

Question. You propagated the news that the Mexican war was unpopular in France.

Answer. I have not been alone in asserting that. All that I wished to express was that the Emperor had been deceived. Unfortunately, it is certain that the war is not favorably regarded in France; so I hear it said everywhere, in the streets and in the railroad cars. To say so is not to proceed to acts of sedition, nor to make oneself the echo of the public voice. Moreover, I have said so only in private conversations.

Question. Was that letter of yours to Doblado a private conversation? Remember that you have repeated the same sentiments in the newspapers.

Answer. I have done no more than express opinions with good intentions towards both countries.

Question. It is very difficult not to take you for a most active agent and propagandist when Del Rio writes to you: "Do not forget that it may be useful to us to send to England, Belgium, Spain, or Italy what cannot be published in France."

Answer. I did in fact receive that letter, but I did not follow the instructions which it gave me.

Question. Among the papers received by you there has been found a certain Mexican journal which has given information to you and which contains the most violent articles against France.

Answer. In a journal published in French in the city of Mexico; I have never published it; it was sent to all countries.

Question. Resuming the consideration of the charges against you, it is said that you have kept up relations within and without the country, such as to disturb the public peace, and that with this purpose you have come to an understanding with those accused with you.

Answer. And I deny all that in the most positive manner.

Examination of Señor Maneyro.

The PRESIDENT. Are you a Mexican?

Señor MANEYRO. Yes, Mr. President; but I have been twenty-eight years in France, as consul of Mexico at Havre.

Question. Was it not in 1836 that you received your *exequatur* as consul at Havre?

Answer. Yes, sir.

Question. Are you yet consul?

Answer. Yes, sir.

Question. Why, then, do you live in Paris?

Answer. The business of the consulate is not of frequent occurrence. Several persons of my family reside in Havre and apprise me whenever any business occurs that demands my presence.

Question. You are accused, as well as your fellow-prisoners, with—

Answer. I already know what I am accused of, but it is necessary to prove it. My fellow-prisoners! I do not know the meaning of this. M. de Montluc is an old friend of mine, one of the most honorable men that I know; I see him about every fifteen days in order to receive news from my country. Señor Boué I know no further than by having been in relations with him for the purpose of examining the qualifications of a young man who had been recommended to me. Señor Rodriguez is a worthy Mexican and a friend of mine. As to Señor Laverrière, I do not know him, except in as far as this affair is concerned. These are the men who are called my fellow-accused, and this is what I do not understand.

Question. You are accused of having had publications made for the purpose of disturbing the public peace.

Answer. Where are those publications?

Question. You have said so.

Answer. Where have I said so?

Question. Del Rio wrote to you to have an agreement with Rodriguez in order to make some publications, and you answered him that you would do what he indicated.

Answer. It is true; and what does that prove?

Question. It proves that you do something more than fulfil the duties of a consul.

Answer. That is not my conclusion, but a very different one. I received orders from my government to give publicity in France to certain official acts. I treated about publishing them in France, and I could not succeed in so doing. Then I turned my attention to the Independence Belge. I have never been in communication with any newspaper writers of Paris. My son, a youth of seventeen years, is the person who writes my correspondence and corrects my mistakes in French. I know no newspaper conductors either in Paris or in Belgium, and with the exception of the facts which I have just mentioned, I have applied neither to the Independence Belge nor to any other periodical, French or foreign. If it be sought to prove the contrary, let me be told where are my letters, where is my correspondence.

Question. You know that there has been intercepted a letter from Del Rio to you, acknowledging the receipt of despatches sent to him by you; in these letters, then, are the illegal acts complained of.

Answer. I have said no more than the truth with regard to this wretched war which has cost France more men than is imagined, and in defence of Mexico, which is my country, where I hold all my property. I believe I have merely used my rights as a private individual and as a consul.

The imperial advocate, Aubepin, then addressed the court and asked the enforcement of the law against all the accused; he mentioned Messrs. Laverrière and Boué as the persons who had played the least important part in the acts that constituted the charge.

The court, after having heard the defence of Señor Montluc, presented by the advocate Senart, adjourned the further hearing of the case to the following day.

SESSION OF JUNE 5.

The court of correction, (sixth Chamber,) presided over by M. Rohault de Floury, devoted the whole day to the continuation of the argument in the case of the Mexican consuls and others accused of evil practices and illegal communications within and without the empire, with the purpose of disturbing the public peace, and of bringing hatred and contempt on the Emperor's government.

M. Emanuel Arago presented the defence of M. Boué; MM. Gambetta, Leblonde, and Hebert spoke in defence of Rodriguez, Laverrière, and Maneyro.

SESSION OF JUNE 6.

The court pronounced its judgment in the following terms:

Considering that the five persons accused, who all had relations with Mexico, or with Mexican public men, and of them that two were agents and one now is an agent of the Mexican government, have maintained to the last moment communications with men engaged in the government and with other persons of said country; that some received instructions, others news of which they made use in France and abroad to publish and spread the contents of their instructions and periodicals;

Considering that if the accused knew each other, it is not established that they concerted with each other a common purpose; that it does not appear that their intentions were hostile, nor that they sought to bring hatred and contempt on the Emperor's government, nor to disturb the public peace;

As far as regards Montluc:

Considering that he was consul general of Mexico in France; that in that quality he received despatches from his government, wrote letters, and made communications, of which copies have been presented in court, and prove his desire to serve France, by bringing to the knowledge of his Majesty, as well as of his ministers, what he believed to be the truth.

As far as regards Boué:

Considering that in the articles which he published in the French periodicals, he manifested no feeling hostile to France, and that it does not appear proved against him that he visited Montluc, and received foreign periodicals;

As far as regards Rodriguez:

Considering that, in his quality of Mexican citizen and of attaché to the Mexican legation, he kept up a continuous correspondence with the public men of his country; that the letters and papers which he received breathed great animosity against the French government; that he confesses to have permitted various persons to read those documents; but that he pretends to have acted in this way only with the view of making known the public characters and the condition of his country from their true stand-point, and that it is not proved that he had any other views;

As far as regards Laverrière:

Considering that having spent a long time in Mexico, and having returned in the month of June, 1862, his first step was to present himself before the French authorities in order to inform them of the documents which he had in his possession; that he has produced before the court copies of the communications written by him; that this course of conduct lasted until the month of April, 1863; and that he always professes a desire of making the truth known, such as he understood it, to the French government;

That what proves the good intentions both of Laverrière and Montluc is a letter from the latter to the former, dated the 10th of December, 1862, and post-marked on the same day, in which we read: "Under these circumstances, you and I should publish nothing that might bring suspicion upon us; since, if we sincerely desire that the just demands of France should be complied with, it is necessary to keep within the limits of truth. Let us always labor, then, uprightly and honestly in the consciousness of performing a duty, and let us not fear to have a bad interpretation put upon our efforts in favor of an arrangement that might re-establish peace, so desirable for all;"

That no more than this purpose can be discovered in the articles published by Laverrière in France and in his letters;

As far as regards Maneyro:

Considering that as a Mexican, as consul from Mexico in France, he has done no more than follow the instructions of his government, and that neither his action in receiving papers and the correspondence directed to him, nor any other action on his part, constitutes the crime for which he has been brought to trial;

For these reasons the court orders the release of Montluc, Boué, Rodriguez, Laverrière, and Maneyro, and the restoration to them of the documents seized upon, except the periodicals fraudulently introduced, which are to be destroyed.

Defence of the Mexican Consul, Señor Maneyro, by M. Hebert.

As soon as the court was opened M. Hebert was permitted to speak, and expressed himself in the following terms:

I have the honor of appearing for Señor Maneyro, consul of Mexico at Havre, and I ask, as well on account of his official character, as in view that there is no act of his capable of sustaining the charges brought against him, that the court be pleased to dismiss the case.

Gentlemen, in order to defend my client I shall examine three things: his personal position, that is to say, the general tenor of his conduct throughout his life; his legal and judicial character before this court, and the nature and character of the acts with which he now stands charged. As to the first point, what I have to say of this foreigner, of this agent of a foreign government, is so honorable, so satisfactory, that I would wish with all my heart, as a good Frenchman, that wherever, in any quarter of the world they exert their intelligence and their activity, they could without exception receive and take to themselves the same testimony.

Señor Maneyro is of an excellent family in Mexico. On the 3d of July, 1835, he was appointed consul of the United States of Mexico at Havre. On the 18th of March, 1836, he received his *exequatur* from the late King Louis Philippe. From that time he has always represented, and now actually represents, the Mexican nation in that character. It is unnecessary to state that, in the exercise of his functions in one of our great commercial emporiums, which has very frequent relations with Mexico, he has had occasion to watch over important, numerous, and various interests; but what I have to prove is, that he always performed his duties, very difficult at times, with zeal, rectitude, and gratifying success.

It is well known that in those countries in which the republican form of government appears to be the most suitable to the customs and character of the inhabitants—in those countries which are striving to raise themselves from a chaotic condition to a stable constitution, and in the attainment of that object have to pass through a period of anarchical interregnum—it is known, I say, how frequent have been the changes since 1836 in the personal heads of the government. Under all these administrations Señor Maneyro never ceased to be consul at Havre; he retained his powers and the confidence of his country. And in order to serve those different governments, variously and widely divergent in their

political character, Señor Maneyro had but one rule to follow, and that was to remain within the limits of his functions, to obey the orders given to him according to law and by law—I mean the law of nations, treaties, the course of legislation of his own country and of ours.

We likewise, since 1836, have had many political changes, which have not only affected persons, but have been deep, radical, overthrowing men and institutions in succession. Now, then, under all the governments which have succeeded each other in France during the last thirty years Señor Maneyro has always been consul of Mexico—under the government of King Louis Philippe; under the republic of 1848; under General Cavaignac; under the presidency which followed, as now under the empire.

From all this I seek merely to deduce two consequences: first, that Señor Maneyro is not the agent of a Mexican party; that he has not embraced the cause of such and such a faction, or the interests of such and such an individual in his country; that being consular agent of Mexico at Havre for thirty years, he has never been nor sought to be anything else; and, secondly, that Señor Maneyro is likewise no party man in France. A stranger to our country, totally indifferent, as he has the right to be, to the various mutations and agitations of politics, he never espoused any party among us, or participated either in the fierceness of political polemics, foreign to his character, or in the unmeasured laudations, of which he knew how to appreciate the dangers and utter insincerity. He lived in peace with all our governments and all our administrations; and when, at a former period, a conflict arose between the two countries—a conflict in which France and her government equally showed that they were not insensible to the glory of arms—when these last performed their functions and just reparation was offered, Señor Maneyro was one of those who merited well of both countries by having done all in his power that might contribute to the re-establishment of peace.

And, indeed, a course of action like this enters into the scope of consular duties, even under the restrictions and limitations imposed upon them by governmental policy. And is it not, in fact, a matter of interest to these same consuls that they should identify themselves with the interests of those whom they find themselves specially charged to represent? Is it not clear that it would be an act of folly on the part of those who are invested with the confidence of their government to consult in their conduct only their political predilections or their personal friendships or enmities? Señor Maneyro knew how to avoid all these dangers; he did at all times whatever he could to maintain friendly relations—all that he could do within the limits of his official position.

This course of conduct gained him universal approval; I have the best and most honorable testimonials of it. I have here that of the municipality of Havre, dated May 25, 1863:

“OFFICE OF THE MAYORALTY OF PARIS, May 25, 1863.

“We, the mayor of the city of Havre, officer of the legion of honor, certify, to whomsoever it concerns, that Señor Maneyro, consul of Mexico at Havre since 1836, is a man of excellent moral character, and that he has known, as well in private life as in the exercise of his official functions, how to gain for himself the esteem and consideration of all; that, during the period of his residence in this city, he has never ceased to be received with distinction in the most honorable houses; that, in fine, in a political point of view, he has never by word or deed attacked any of the governments that have succeeded each other since that epoch. In proof of which we have written these presents and attached to them the seal of this city.

“JUST VIEL.”

To this first testimonial, so honorable to Señor Maneyro, I add another, which is no less so, given by all the consuls resident at Havre:

“HAVRE, May 25, 1863.

“The undersigned, consuls of the foreign powers at Havre de Grace, certify that Señor Don Luis Maneyro, consul of Mexico, has constantly enjoyed the general appreciation and esteem of all during his stay in this city, as likewise the confidence of all in the relations which they have cultivated with him; and that his political opinions have always appeared to them marked with moderation and justice.”

Here follow the seals and signatures of the consuls of Prussia, Wurtemberg, Hesse, Baden, Oldenburg, Hanover, Bavaria, the Hanse Towns, Switzerland, Brazil, Spain, Belgium, Netherlands, Portugal, Sweden, and Great Britain.*

* It is to be remarked that though the Austrian consul knew Señor Maneyro in times past, he refused to sign the testimonial. Five other consuls, of modern date, could not sign it, but they attested their sympathy with Señor Maneyro.—*Note by the Editors.*

With these, and superior to them, I have another testimonial emanating from our own government. This testimonial is found in the fact of the retention of Señor Maneyro up to this time in his functions as consul at Havre. However, I draw no legal consequence from that; but I have the right morally to say that he has not been considered an upholder of disorder, an inventor of conspiracies; because here we see him consul, here we see him a man of moderation, such as he has been throughout his whole life. The indictment against him tells us that, since 1861, he has been guilty of evil practices detrimental to France and her government. Now, if this is so, how is it that the French government has, since 1861, permitted an enemy of France to perform the duties of a public employment, when it could have very easily disarmed him, by withdrawing his *exequatur*, and even expelling him as a dangerous foreigner?

Such is the personal character of Señor Maneyro. Let us now see what has been his conduct since the commencement of the war. Has it changed, perhaps? Has it belied his spotless antecedents? No, gentlemen; there is not a shadow of guilt upon him. A great error was committed in this case when it was sought to explain his coming to Paris, his determination of fixing the residence of his family in this city, as an evidence of his desire to mingle in intrigues and to aggregate himself with his pretended accomplices. This error not having been reproduced by the counsel for the government, I might have been content with this silent reparation of it if it had not become a duty for me to explain it all, in order to establish in the most incontestable manner the constant rectitude of my client.

In the month of September, 1858, it was that Señor Maneyro took a residence in Paris, long before the war with Mexico, before it was even thought of, and before any new or serious cause of dissension had arisen between the two countries. Señor Maneyro, then, came to Paris in 1858, and rented a residence in the Rue de l'Arcade, in a house of well-known character, whose proprietor, were it necessary, would give me most satisfactory certificates. That proprietor is M. the Baron de Cormenin; on the supposition that I refer to the one of to-day, [the audience smiles,] one of the most faithful servants of the empire, and who would not have given an asylum to a man that came to Paris to intrigue against the government.

Two reasons brought Señor Maneyro to Paris, both of them serious, both of them satisfactory. He came principally for the education of his son, who is pursuing his course of studies at the Lyceum Napoleon, and I have here the proof of what I say. [M. Hebert turned around, and, smiling, pointed out to the court, with his finger, the son of Señor Maneyro, a fine youth of seventeen years, who stood up and blushed somewhat on seeing himself the object of the gaze of the spectators.] The second reason for the coming of Señor Maneyro to Paris was the change in the condition of his private fortune. Indeed, even before the war, pecuniary difficulties, of frequent occurrence in his country, had occasioned the failure of the payment of his salary as consul. I have heard the counsel for the government censure some of the accused for what he calls salaried services. I have the satisfaction of being able to say of Señor Maneyro that for several years he has served his country, and watched over the interests of his countrymen, without receiving anything, without asking anything of his salary, without complaint, and without the least diminution of zeal or efficiency.

But if this abnegation is honorable, the consequences which it produces may prove injurious to other feelings. During a space of twenty-five years Señor Maneyro kept, in Havre, what may be called a good house and respectable social relations. It is hard to descend, even with honor. The worth of the sacrifice, the thought of gratuitously serving our country, does not prevent the grief of feeling obliged, perhaps, to undergo, if not privations, at least necessary changes of life and habits.

Such, gentlemen, are the two motives which brought Señor Maneyro to Paris; not to fix there his personal residence, but to locate his wife and son modestly and temporarily, and likewise to superintend the education of the latter. For the rest, his domicile always remains in Havre; he is consul there all the time, and whenever his business calls him thither he goes immediately; he has his office there, his papers, and his secretary, who performs the part of chancellor.

In view of these explanations, either I deceive myself much, or the accused, whom I defend, is now a very different person from what prejudice may have considered him; he now stands absolved from all suspicion of clandestine practices, from a species of treason which, I do not deny, would assume the greatest gravity, on account of his character as a consul, in the exercise of his functions, because, I repeat it, he is still consul at Havre; his *exequatur* has not been withdrawn; it is not two months since he signed manifests and bills of health for two vessels bound for the coasts of Mexico in search of a cargo of dyewoods.

* This is satirical. The late Baron de Cormenin, likewise known by the name of Timon, and who published a biography of the orators of France of the time of Louis Philippe, was an ardent liberal; but his son is, on the contrary, devoted to the imperial policy.

Now, gentlemen, I must examine the subject in another light. I say that Mr. Maneyro is yet consul of the Mexican government at Havre, and I maintain that, in that character, he is protected by the law of nations, and clothed with certain immunities, so far that I might even question the competency of courts of correction to assume cognizance of his case. But this I shall not do; so great is the confidence which I have in truth, in the potency of the justification which I propose to lay before the court, extracted from the essence of the case itself, and which I do not desire to weaken by taking exceptions.

Gentlemen, this is the first time that judicial cognizance has been taken of a matter like this; the first time that a criminal prosecution has been commenced against consuls and for political reasons. I believe I am not mistaken when I say that it would be well to be more careful in a second attempt of the kind. Let us examine the case attentively and we will derive profit from it, for the present as well as for the future.

Two classes of privileges are united with the functions of a consul, general privileges and special privileges. The first apply to the consuls of all nations, and are founded on the law of nations; the second result from particular stipulations inserted in the treaties negotiated with each nation.

The first document which I have to consult, relative to the relations between France and Mexico, is the treaty of March 13, 1769, which was for a long time binding upon France and Spain, then mistress of all that part of America. In it we find a clause intended to settle the privileges of the consuls of both countries, which is as follows:

"Consuls, being subjects of the prince who appoints them, shall enjoy personal immunity, without being liable to arrest or imprisonment, except in case of atrocious crimes, or when the consuls are also traders. Their papers, or those belonging to their office, can be touched under no pretext whatever, unless the consul be also a trader, in which case, as far as regards his commercial affairs, he shall be proceeded with according to the regulations in the treaties concerning foreign merchants."

I find another treaty negotiated between the government of the Restoration and Mexico, which was then an independent power; it is an almost verbal repetition of the treaty of 1769.

On the 11th of August, 1839, a new agreement was entered into between Mexico and King Louis Philippe; I call the attention of the court to Article 3, the terms of which are these:

"Until the two nations can conclude a treaty of commerce and navigation, to settle in a definitive manner, and to their mutual advantage, the future relations of France and Mexico, diplomatic agents and consuls, citizens of every class, vessels and merchandise of both countries, shall each continue to enjoy in the other whatever franchises, privileges, and immunities they have had, or may be granted, by treaty or by custom, to the most favored foreign nation."

Now, if I search in the various international treaties what the privileges are of the most favored nation, I find, in a great number of them, the most absolute personal immunity for consuls.

I have here one made between the present government and the republic of Salvador, and I presently find, in its 23d article, the general clause which follows:

"The consuls-general, consuls, and vice-consuls, as well as consular attachés, chancellors, and secretaries, in the performance of the duties of their mission, shall enjoy, in both countries, all the privileges, exemptions, and immunities that may be conceded, at their place of residence, to the agents of the same rank of the most favored nation," &c.

And afterwards more particularly: "Those agents shall enjoy personal immunity in all cases; they shall not be arrested, brought to trial, or put in prison, except in case of atrocious crime."

By what I have specified, it is evident that this Article 23 is no more than the treaty of 1769 more elaborated. Except in case of atrocious crime, consuls can neither be arrested nor brought to trial. So that, in this point of view, we might have been able to maintain, in regard to two of the accused, that no proceedings could legally have been instituted against them, and, with still greater reason, that no judgment could have been pronounced against them. And then, as far as complicity is concerned, what would have become of the charge against the others? Thus, then, there is no distinction, in this respect, between consuls and diplomatic agents. In view of these immunities, conceded to them by treaties, their standing is the same, since there is no question now with regard to the simple rule of the law of nations, whence a distinction might be deduced. Here treaties constitute the law, and they make no distinction.

But I will, perhaps, be met with the objection that war dissolves all treaties, and that there is now a war with Mexico. I reply, that this would be to fall into a new confusion, which it is important that we should avoid.

If war dissolves treaties as far as they relate to diplomatic relations, it does not annul them totally as far as they regard maritime and commercial arrangements. Why this difference? Why continue the relations of nation to nation, which ought to continue notwithstanding a state of war, unless they be dissolved by express declaration to that effect

and by stipulations specially opposite? The reason is because, if the governments, if their flags are at war, at least their real national interests—their commercial interests especially—are not. I repeat it, they are not, unless it be by means of blockades and absence of communication, means which begin to be considered more and more barbarous every day, and which already, in fact, no longer exist in the greater part of the wars of our times.

Commerce is the life of nations, and governments cannot seek or act to destroy that life. Now, if the consul is the essential agent of commerce, its protector, its safeguard, it is clear that, differently from the diplomatic agent, he does not disappear for the simple reason that peace has ceased.

Suppose, in fact, that war does break out; what is proposed to be done with the consul, to whom treaties have granted reciprocal immunities? Can he, perhaps, be transformed into a consul despoiled of his stipulated immunities, and, so to speak, into a half-consul? No; he is either nothing or he remains what he is according to treaties; he remains consul on the same conditions in which the two contracting parties have placed him. Is there sought a proof of this? I do not pretend to intimate that we should receive exemplifications from foreign governments; we can at least derive some instruction from them. I have here a proclamation issued by the military commandant of Puebla, under date of March 10, 1863, and addressed to the inhabitants:

"ART. 1. All the French, resident in this city, shall, three hours after the publication of this decree, present themselves before the general, second in command of the military department embracing this State, in order to obtain letters to secure their personal safety, after which they will pass to the residence of the consul or vice-consul who represents them, and shall remain there during the attack on this place, or during the time that the invading army remains in the neighborhood," &c., &c., &c.

"ART. 2. As the object of the preceding regulations is no other than to insure all possible security to French citizens resident in Puebla, the authorities will not be responsible for any misfortunes or accidents that may happen to the persons of such Frenchmen as refuse to conform to them."

There follows a notice from General Ortega to the consuls of foreign nations, under date of March 14, 1863, and couched in the following terms:

"This position has been very promptly assaulted by the French army, and, in view of the disastrous accidents that often ensue in such cases, I advise you to place in a secure position whatever objects of value your government may have confided to you, as well as the interests of your consulate, and of the subjects of the nation which you represent."

"Having, on my part, complied with what I consider my duty as commanding officer of this department, you will strive, for your part, in the way that seems most prudent and convenient to you, for the interests which you represent."

Such is, gentlemen, even in war, the position of the consul. If he is consul in virtue of the law of nations, he remains consul in virtue of the law of nations; if he is consul in virtue of treaties, he remains consul in virtue of treaties.

But, then, it will be objected to me, a consul can do anything he pleases—disturb, agitate, insult with impunity, the nation to which he is accredited. No, nothing of the kind is to be feared; because the government has a very simple remedy at its disposal, of which it can always make use. It can withdraw his *exequatur* from the consul whom it considers dangerous, and even expel him if he be a foreigner, and if he has really failed in his duty, by the abuse of his official character and of his immunities. There now remains the case of atrocious crime, which destroys those immunities entirely; and doubtless it is on this ground that the commissary of police, who evidently strives to support his case on this notion, who has studied the treaties but misapplied them, acted in the beginning in virtue of Article 78 of the Penal Code. By reading that article, it will be seen, gentlemen, that the crime which it provides for and punishes is really an atrocious crime; but it will likewise be seen with what reason the government has since recognized that it was neither proper nor sensible to apply such a qualification to the acts involved in these proceedings, even should they succeed in being proved. Doubtless for this reason it was that the severe process of the examination was not resorted to in regard to Señor Maneyro, who was accused after the others, and when the 78th article of the aforesaid code was no longer held in view. Thus one of his personal immunities was recognized, but that does not suffice; we must go further and acknowledge that the two consuls, in this case, are both regarded as under the shield and protection of the immunities so expressly inserted in the treaties.

And when I defend here the rights of a foreign consul, I am not inspired only by the interests of that foreigner; I am also inspired by the regard due to justice and the honor of our country, which should give an example of respect for treaties and for the rights accruing from them to all nations, to the end that they should in their turn observe them in regard to us. I maintain, equally, that the two consuls accused are under the protection of the same immunities; I maintain it upon general principles, and for the sake of the observance of those general principles, which may not be violated without danger; and I

consider it fortunate that, at the same time, those principles should be the safeguard of the fate, of the liberty, and of the honor of a venerable sire, whose merited discharge will, I hope, be decreed by the court.

But, independently of those general immunities, there is another entirely special, and even more powerful, if possible, for the protection of Señor Maneyro. This immunity results from the fact that he acted only under express orders from his government. Here I have no need of citing treaties; I may refer to the law of nations, which, I have already said, does not place consuls on the same footing with diplomatic agents. On the principles established by the law of nations, when consuls have acted under the orders of their government, they can never be prosecuted individually nor prosecuted before the courts.

Here is what Dalloz says on the subject, (General Jurisprudence; word, Foreign Consuls:)
 "The jurisdiction of the French tribunals cannot extend so far as to investigate the acts of foreign consuls in France honestly performed in accordance with orders from their government. (Decree of 13th Vendemiaire, year 9; approved by official circulars from the department of foreign affairs and justice, April 18, 1818, and May 29, 1819.)

"The acts in question are considered as the acts of the foreign government, and consequently are in the category of political acts treated of between government and government. The ministerial letter of the 19th Floréal, of the year 8, is conceived in the same spirit."

Merlin (Repertory of Jurisprudence; title, Foreign Consuls,) adopts the same opinion, as also does Félix, (Treatise on International Law,) as well as Goujet and Merget, (Dictionary; word, Consuls,) who say likewise:

"Consuls who have no treaties analogous to those which we have mentioned are treated in France like other individuals of the same nations. Nevertheless, consuls cannot be prosecuted before the courts of the country in which they reside for acts done in their consular capacity and by order of their government."

It is true that Dalloz, in the passage which I have cited from him, adds these words: "and with the approbation of the French authorities." But it is evident that he is mistaken in the law, and gives to the documents which he quotes a signification which they do not bear, since it cannot rationally be supposed that the government should cause the prosecution of an act previously known to and approved by it. For the rest, and of this I hope to convince the court, it matters little, in view of the fact that the official documents received by Señor Maneyro, and communicated by him according to orders of his government, had been previously presented to the French government and had not been disapproved by it. M. Senart established this point for my client as well as for his own.

From this the court sees that the legal *status* of Señor Maneyro is as strong as his personal *status* is interesting. I might stop here, but this would not suffice for the defence of a man of so much probity as my client, of so much consideration for thirty years at Havre, and one who stakes his honor on proving that he has not been unworthy of this good reputation. He has the right of being entirely justified, of proving that he ought not to have been prosecuted, not only on account of the letter of the law, but likewise, on account of the relation of the facts themselves of which he is accused.

Let us see, then, what Señor Maneyro is blamed for doing, and let us see especially what he has really done.

The court knows that he is charged with having, in the course of the present year and of 1862, committed himself to evil practices and communications within and without the empire, for the purpose of disturbing the public peace and exciting contempt and odium against the government of the Emperor.

What I have read is the text of the law, and the summons to the accused was couched in the same terms. I do not wish to say anything of that law itself, provoked as it was by a criminal and lamentable act.* But that law does not appear, either to those who proposed it or to those who voted for it, to have for its object to punish and frustrate conspiracies against the warlike or diplomatic policy of France; it was made at a time when the motto, *the empire is peace*, already enjoyed all its prestige. More stringent laws were sought for the security of the empire; the 78th article of the penal code had provided for crimes against the security or the external power of France, and that was not what was then thought of; what was wanted was to protect a life which was believed to be conspired against by enemies who had correspondence both within and without.

Such was the intention of the law; it had no other, as I understand. Nevertheless, by implication it has been extended to correspondence with hostile journals, by the sentence of November 30, 1861, given by the court of Paris. Let us read that sentence:

"Considering that article 2 of the law of the 27th of February, 1858, in decreeing penalties against malpractices and conspiracies abroad, entered into for the purpose of disturbing the public peace or of exciting contempt and odium against the government, has necessarily had in view such correspondence and communications as feed the foreign press

* The attempt of Orsini.

with calumnies against the government of the Emperor; that it would even be very difficult to find any other means of propagating contempt and odium against the government, outside of France; that in view of the nature of the punishment and the similarity of the expressions employed, it is evident that the law of 1858 seeks to repress the custom of fomenting the injurious attacks of the foreign press, as the ordinary legislation punishes those of the home press," &c., &c.

Gentlemen, I have laid a stress on these last words because—a notable fact—if the publication be made in France it will be prosecuted, as the judgment of the court with reason remarks, only in virtue of the ordinary legislation in regard to the press, and for this same reason the communications made will be culpable only in so far as that which constitutes the object of them is of such a character as should be prosecuted in case of publication in France. And how can it be otherwise with publications and communications, when there is question of foreign periodicals?

"Considering," thus proceeds the judgment of the court already quoted, "that, in fact, J—— has maintained for several years a correspondence with periodicals whose animosity towards France is very notorious; that the documents previous to the 22d of July, 1858, if they afford no occasion for a prosecution, constitute an element for the moral appreciation of the political spirit and of the general tendency of the correspondence of the accused, and that they ought, under this view, be retained in the case:

"Considering that the acts not prescribed and relative to the journals of Dresden and of Geneva manifest a positive and continued intention to propagate odium and contempt against the imperial government; that the sole knowledge of the systematic ill-will of the journals in question should make known to J—— that he was contributing to a work of enmity and slander directed against the government of his country; that the articles which form part of the correspondence which he maintained with them, and principally the letters confiscated upon the institution of judicial proceedings, demonstrate that the accused had wholly associated himself to the purposes of those journals:

"Considering that he has thus maintained correspondence calculated to draw odium and contempt on the government of the Emperor," &c., &c.

This shows, gentlemen, how far it was thought, in November, 1861, possible to proceed in the application of the law of 1858. But, although it widens the range of its application, I shall say no more of what that law permitted, but more of what was then thought. The court will notice that the court of Paris traced out the essential characteristics that must constitute the crime, and these characteristics were: first, the sending to foreign journals systematically hostile to France of *calumnious writings* against the government of the Emperor; secondly, the object, in such writings, of *exciting odium and contempt against the government, and of disturbing the public peace*; thirdly, the habitual employment of malpractices with the constant and clearly proved intention of entering upon a culpable course of communications, as well at home as abroad, against the government of the Emperor.

Now let us see whether anything of all this can be, I shall not say established, but even alleged against Señor Maneyro.

The counsel for the government has founded the prejudice against him and against the other accused on the following four inductions:

Their presumed sentiments in regard to the politics of France and the war with Mexico; their relations with each other and with Mexico; the publications that have been sent to them by the Mexican government, and which they have communicated or transmitted; the extracts from newspapers and pamphlets that have been directed to them under their names.

To arrive at these inductions, the prosecuting officer presently took up, not the first of the accused—M. Montluc, the consul general—but a simple Mexican, Señor Rodriguez. Taking his position and his sentiments into mature consideration, it was inferred that he must be hostile to France and devoted to Mexico, and therefore that everything that he might say, do, or write, everything that he might receive or send, would be undertaken or conceived in a spirit of hostility and with a purpose of causing disturbance, in which those would be participators who would hold relations with him, and who are now his co-accused.

Against the first mode of induction I protest forthwith, not only as a lawyer but as a citizen, in the name of the liberty of human opinions. And have I not the right of doing so, particularly in the name of Señor Maneyro? Should we not excuse him for loving Mexico? It is certainly allowed to a man born at Puebla, who has yet his home there, as he himself told the court, to be afflicted at seeing that city besieged, to endeavor to remove the horrors of war, to be deeply affected at considering his native city taken by assault, his home ensanguined with the blood of his fellow-countrymen, perhaps with that of his relatives.

Let us not seek, then, inductions so far out of the way. Sentiments so natural can never serve as a pretext for making accusations, if they have led to nothing culpable in itself; because, if the prosecuting agents of the government should take as a mark of culpability the disapproval of this war with Mexico, and the ardent desire of seeing it concluded, this