

palace so vast could not contain all the accused. How! when the most cherished interests of numerous families are found involved in a distant war, whose causes and purposes are, to say the least of them, difficult to be understood, shall it not be permitted to those who suffer from it to deplore its existence, to express their opinions upon it, to use their endeavors to ward it off or bring it to a termination? When the heart is ready to burst must it remain dumb? Would it not be a tyrannical law that would seek to restrain the manifestations of thought and of the most irresistible emotions? Can we not speak of peace, complain of the war, without being punished for it? Ah, such rigors cannot be proposed to the justice of men; such maxims cannot be adopted; for myself, indeed, the very mention of them makes me shudder.

Oftentimes have I heard and read, outside of these sacred precincts, such charges and admonitions as were repeated yesterday. We are told, "Restrain your pacific sentiments at the bottom of your heart; it is culpable to manifest them when our banner is unfurled; let your thoughts, let your reason humble themselves and be silent before the uniform of the grenadier and the red jacket of the zouave!" Gentlemen, this is a very commonplace idea, which can doubtlessly be worked up by means of brilliant words; but it is a commonplace to which recourse is frequently had, and, for all the sense it contains, it is no more than commonplace.

At what time, it may be asked, then, shall we be allowed to talk of peace, to take counsel with each other, to show that it is possible? Before the war? But the existence of war is not known until the vessels have sailed to convey the army, until that army is already on march; and sometimes only by the roar of the cannon is it known that it has been declared. Shall it be perchance after the war? After the war, alas! we are only left to mourn over the ruins. Thus, then, during the war, and before its evils have appeared or have come to be irreparable, is it permitted, then only can it be patriotic to exclaim, in the name of reason, of humanity, and of peace: "Avoid blood and the hostile conflict of two countries that can yet be conciliated and understand each other."

These are sentiments which it is always good to propagate—means which it is always good to try. As to me, I never consider them premature or out of season; I should fear much more lest they should come too late. *Sero medicina paratur quum mala per longas invaluerit moras.*

Let us derive instruction, gentlemen, from a passage of which we are permitted to speak, inasmuch as it has passed into the domain of history.

A half century ago France left on the battle-fields of Spain 200,000 men; on those of Russia 400,000; and hundreds of millions of money, and whole provinces separated from her territory, paid the penalty of her gigantic rashness. Were the wars of those times, now judged and condemned, perhaps, merely due to the eccentricities of a great genius? No; they should be attributed to the muteness, to the forced silence of such opinions as could prevent them; to the spirit of adulation and servilism which flattered every propensity, urged on every excessive trait of character, and especially to that commonplace notion which I assail, and which I shall continue to assail, that prudence and moderation should no longer seek to be heard as soon as the cannon has spoken in its thunder tones.

Let us assert it loudly: reflections, friendly counsels, censures even, provided they be dictated by good faith and expressed in temperate terms, whether they come from a Frenchman or from a foreigner, can always be uttered with freedom and honor. Let us not reject them; on the contrary, let us take charge of them. Oftentimes and ever is flattery ready to do its work; let us leave room for honest, well-meant contradiction, and, above all, let us not renew for our time, to which it is not suitable, that maxim of a period of despotism and degeneracy: "Whoever is not of the opinion of Caesar is the enemy of Caesar."

After this first induction, the merits of which I have just examined, Señor Maneyro is charged with his personal relations. And what were his personal relations with the four persons associated with him in this accusation? Señor Maneyro went to see M. Montluc, his consul general, twice a month; was this too frequent an intercourse with his superior, from whom he was to receive his directions and official communications? M. Boué? He only saw him twice, and he himself has told you with what motive: he wished to request M. Boué, a professor, to interest himself for a youth who was to pass his examination as a bachelor of arts. My client is not acquainted with M. Laverrière; and as to Señor Rodríguez, who has been appointed consul at Marseilles, and has consequently come to be his colleague, he saw him twice only in the house of Señor La Fuente, minister of Mexico in Paris.

To this were the relations so much censured in Señor Maneyro limited. Evidently such a species of accusation does not deserve discussion. Let us pass to the third induction.

The prosecuting agent of the government says to Señor Maneyro: You have received letters from the President of the republic of Mexico, from his secretary, from his ministers, and you have communicated their contents to others, and you have even transmitted them to the newspapers, so that you have committed the crime sought to be prevented by the

law of 1858, a crime which consists in malpractices and maintaining secret relations against the government.

It is to be remarked, that Señor Maneyro might have denied these communications, as there was nothing established to prove them against him; but, being one of those men who never deny their acts, he declared them without hesitation. To whom did he communicate those documents? To a foreign journal, the *Independence Belge*: He himself says that he might equally have communicated them to the newspapers of France—for example, to the political director of the *Siécle*. Had he done so, what would have been the conclusion that could have been drawn from it? This: that he would have been considered more of a partisan of the politics of that journal; somewhat more of those of the 18,000 votes which its director obtained at a recent election. [The audience smiles.] He might also have communicated them to the editor of the *Opinion Nationale*, which does not seem to approve of the war with Mexico, and which would have dealt in severe terms with it. But Señor Maneyro did not turn his attention to any French functionary, for the simple reason that he had no relations with them; and if he sent two communications to the *Independence Belge*, it was simply because he had, at a former period, had some accidental intercourse with one of its editors.

But here there are two observations to be made. First of all, in making these communications Señor Maneyro obeyed an order of his government. I have here a letter written to him, under date of February 27, 1861:

"NATIONAL PALACE.

"It being necessary for this government to have frequent advices of the political condition of France, and the order being yet in effect which requires consuls to transmit to this department a monthly review of such political events as transpire in the respective countries in which they reside, I recommend to you, very strongly, a strict compliance with its requisitions. His excellency the president moreover orders that you should transmit every month to this department an account of the mercantile movements of that empire, showing, in general, the condition of it with other powers, and especially in regard to its commerce with Mexico.

"Whilst bringing this subject to your notice, I desire to renew the expression of my esteem and consideration.

"ZARCO.

"The MEXICAN CONSUL at Havre."

Now there follows another despatch, dated April 28, 1862:

"The President of the republic recommends to you to give the greatest possible publicity to the printed documents annexed to this communication; and this I desire to state for your information.

"TERAN.

"The MEXICAN CONSUL at Havre."

Afterwards we find a letter from Señor Doblado, minister of foreign affairs of the Mexican republic, under date of May 24, 1862, and couched in the following terms:

"The supreme government has received with much interest the information which you communicate in your note of 13th ultimo, with reference to what has passed in virtue of the preliminaries signed at La Soledad, and I hope you will continue to communicate whatever information you may be able to acquire on this particular point; for which purpose you will lose no occasion or opportunity to make investigations.

"DOBLADO.

"The MEXICAN CONSUL at Havre."

Such are the orders received by Señor Maneyro from his government; and in obeying them he certainly did nothing that was not legitimate. Following those same instructions, M. Montluc, the consul general, imparted, not only to the public but, above all, to the French ministers and to the Emperor himself, the official communications of his government and his own observations—documents so notable, so worthy to be taken into consideration, and which one of the honorable counsel for the defence read here yesterday. All these efforts for good having proved fruitless, there came another order, addressed to the Mexican consuls, under date of April 23, 1863. This order was sent by Señor La Fuente, the present minister of foreign affairs of Mexico, and is as follows:

* Allusion is made to the election of M. Havin, director of the *Siécle*, to the Chamber of Deputies.

“DEPARTMENT OF FOREIGN AFFAIRS AND GOVERNMENT,
“National Palace, Mexico, March 23, 1863.

“The supreme government justly acknowledges your efforts to ward off, or at least to diminish, the evils of the war which the Emperor has brought upon us. But your efforts have proved vain, before the blind resolution of attacking us, not to obtain justice, which we have never denied, but to interfere by force of arms in our politics and our national affairs. Blood has already flowed, and much more will yet flow. I do not understand the satisfaction which is had in shedding it, nor the benefits which France has to gain in kindling a war without any hope of terminating it other than by the dishonorable peace which is proposed to us, on condition of sacrificing the government which we have selected. As it is desirable to take another step, I have to tell you to suspend absolutely all proceedings that may have for their object to inform or persuade that government, which is so unwilling to listen to the truth and to the dictates of justice.

“FUENTE.”

These are, gentlemen, the correspondences of Señor Maneyro with his government. And what were the printed documents sent to him by it? They were the proclamations of congress, the speeches of President Juárez and his ministers; there was also the letter of General Ortega, which was read here in court yesterday, and which did not suffer by comparison with that of General Forey. On these documents only, in this part, are the judicial proceedings against Señor Maneyro founded; and I maintain that here there is nothing serious in the proceedings, and that, by saying that he had acted by order of his government, and proving it, as he does prove, Señor Maneyro says enough to insure him from any further vexation.

Notwithstanding all this, the prosecuting agent of the government is not willing that the case should rest here. You should, says he, obey your government in all that concerns a consular agent; but that government has no right to tell you to occupy yourself with politics, and you have transcended the powers which your official position gives you, by occupying yourself with politics.

Gentlemen, I fear that a line of conduct in accordance with these principles would be open to the charge of serious disobedience. Let us figure to ourselves a functionary who would reply to his government, “No, no! I do not wish to obey such orders. I divide them, and only reply to what I please. If they ask me the price of sugars and of cochineal, very well; I will communicate all information on the subject; but I do not wish to mingle in politics—on this point I remain deaf and dumb.” Would not such a man be a very stupid agent? And what would we think of the government that would employ him, and retain him in his position?

Now, I proceed further: How could that agent, in time of war especially, distinguish between political interests and commercial interests? He would be a very able man, indeed, who could trace the line which separates the two, and very secure of his pen the one who could speak of the latter without saying anything of the former. Let us remark, moreover, gentlemen, that this should have its direct and necessary application, as well in regard to our own interests as to those of foreign nations. The theory which I maintain is as much for our own consuls as for those of other nations. And now the counsel for the prosecution will allow me, not to give advice, but merely to make an intimation. I consider it proper to ask the ministers of foreign affairs and of the marine from whom they receive their information in regard to Mexico since the rupture of diplomatic relations, and they will reply that they receive them from the consuls, and almost solely from the consuls.

There is certainly in that country a commander-in-chief of our army, with other generals and a number of staff officers. If you ask them for information in regard to the military forces, the state of the fortified positions, most assuredly they will give it to you; but if you interrogate them with regard to the state of feeling, the desires of the people, the condition of parties, or, in fine, with regard to public opinion, that moral power which judges definitively and without appeal of triumphs and disasters and of their consequences, they will say nothing of all these, because they know nothing about them, and are not in a condition to know; these are matters of which nothing can be known except by means of consuls. Let us, then, let alone those men who instruct and serve their governments, because if we hinder them we may expect reprisals. Foreign governments will use against us the arms which we think we have forged against them, and we will remain in the deplorable condition of knowing nothing certain in regard to those countries into which our armies go to maintain our most important interests. Consuls, in such cases, will keep silence, as well about what is favorable as about what is adverse; and if we proclaim the reign of silence over all that most imperiously demands the exercise of thought and of word, we will extinguish all the intelligence of our agents. For what purpose, then, are

those schools, those *alumni* for consulates, those examinations, and those degrees? If there is only question of watching the mercantile movement, let us take simple bookkeepers, whose functions are limited to keeping account of the arrival and departure of vessels, signing invoices and general manifests, and taking note of the component articles and the importance of cargoes.

Another charge made against Señor Maneyro by the prosecution is his correspondence with the newspapers. He is thus addressed: “You have received extracts from newspapers hostile to France, and you have communicated them to other newspapers.”

In order to repel this charge I have to repeat somewhat. Let us remark immediately, in regard to Señor Maneyro, that he has not asked, sent, or received any money, nor has he been remunerated with any pleasure, nor has he manifested any exceptional zeal. If there existed anything of all this, as far as he is concerned it would, in my opinion, be a very trifling affair; but to be brief, it is less than this, because nothing of the kind exists. Let us remark, moreover, that he has had no intercourse with any French journal, nor with those of Dresden and Geneva, characterized by the edict of 1861 as hostile to the government of France. The *Independence Belge* alone received two communications from him, and these merely, I request the court to remember it well, on official documents sent by his government. The imperial advocate appears to have extended to other communications the fact acknowledged by Señor Maneyro; I desire to call his attention to this involuntary error, and I have no doubt his sense of justice will correct it. [Sign of assent from the imperial advocate.] But even if Señor Maneyro had sent extracts of newspapers and other communications, he had the right to do so, unless they were defamatory or culpable, in which case alone they could be prosecuted. Let us cite our precedents.

In 1857 and 1858 there was a judicial proceeding in England. Some French politicians had sent various political articles to English newspapers. A lawsuit was instituted to recover the money for inserting those articles, and the pleadings were commenced by affidavit, according to the custom of England. The incompetency of the English tribunals to decide the case was pleaded, and they declared themselves competent. The case was prosecuted no further, as it appears. I presume that this was not on account of the abandonment by the plaintiffs of the considerable sums which they claimed; it is more likely that satisfaction was made to them.

This, however, is a matter of little importance, because from this instance I infer merely that individuals, Frenchmen or foreigners, may send articles to foreign periodicals in regard to the affairs of France without thereby incurring the charge of having committed any fault. And the example comes from high quarters, since there was then question of the minister of the interior and the ambassador then in actual service. I find these details, on which I wish to insist no otherwise, in the *Times* of November 26, 1862.

Finally, gentlemen, I come to the last induction of the prosecuting agent for the government in reference to Señor Maneyro, and deducted from his correspondence with Señor Del Rio.

I may forthwith make an observation as simple as it is important. A correspondence supposes two persons writing to each other. Now, if Señor Del Rio has written to Señor Maneyro, Señor Maneyro is accused of the receipt of the letters of Señor Del Rio. What has really passed? Señor Del Rio, an able and influential patriot, remained some time in France, where he had dealings with various persons to whom he wrote; he did not write only to Señor Maneyro, but to a number of persons, and I am surprised that there are only five accused included in this indictment, if it suffices to have received a letter from Señor Del Rio in order to be a promoter of disorders and of public disturbances; he not only wrote to Messrs. Montluc, Rodriguez, and Maneyro—he wrote also to M. Demontel, to a brother of Señor Maneyro, who is consul at Bordeaux, to the principal editor of the *Charivari*, for the mention of which here I ask to be excused; it is by no means my intention to accuse it. Señor Del Rio likewise wrote to the editor of *Le Nord* newspaper; what is more, he wrote to Don Joaquin de Errazu. Whence, it appears that he wrote to any person he thought proper, that was a Mexican, only because Señor Del Rio thought it patriotic to distribute his writings. Wherefore, if Señor Maneyro has received documents from that indefatigable citizen, others have likewise received them, and in greater number. Why, then, has not Señor de Errazu been called up, who, being rich, would have been in a state, had he so wished, to defray the expenses of the circulation of these documents? It has not been done, and very important reasons are found for not doing so. I shall not, therefore, say that there are two sorts of weights and measures used; but I shall say that by this very fact it is recognized that such missives (which did not even reach their destination, as they were confiscated on the way) cannot, whatever be their contents, interest those who neither kept them nor sought for them. If it has been thought proper to act in a decided way in regard to Señor Maneyro, it is doubtless because he is a consul, and because he received and sent official documents appertaining to his government. But the conjunction of three actions, innocent in themselves, as I have already demonstrated, can-

not constitute a culpable action. Then it is proper to acknowledge that, in regard to Señor Maneyro, the prosecuting officer has gone entirely astray.

Now, when I reflect, in general, on these judicial proceedings, after having, as I hope, cleared away the whole charge against my client, I confess I feel two causes for serious apprehension: one is the new extension given to that law of 1858, already so much enlarged by the interpretations which it has received. In presence of this new weapon in the hands of power, which menaces the safety of every individual, I ask myself who will venture in future—I shall not say to publish his dissenting opinions by means of speech, of the newspapers, or any other way of writing, but even to consign them to private correspondence? Who will venture to express his intimate thoughts to a friend, and abandon himself in his letters to that unrestrained freedom, the sweetest and most consoling of the necessities of the heart? I can no more communicate my ideas to a cherished relative, to a distant friend, and make them participators in my hopes and fears. Shall it be necessary, then, that a person should confine his sentiments, his life, within a prescribed circle? And if one passes that in his correspondence, if two letters from my friend are found in my hands, or two of mine in his, censuring and criticising what seems deserving of disapprobation, shall it be said that we have sought to disturb the public peace, and to excite odium and contempt against the government of the Emperor?

What gives me less concern is the example which we would give to the governments themselves against which we were thinking we only secured ourselves. Reference has been made to our consuls abroad; I speak of our hundred thousand compatriots residing in Mexico, who have gone thither in search of an establishment, temporary or definitive, and who have there interests of importance. If they are harassed and disturbed, they cannot rely upon their consuls, upon their fellow countrymen, upon their government, without fear of offending the Mexican government. If, on the contrary, they are treated with humanity, they cannot then rejoice at it or speak highly of it without passing for traitors to their country.

I know that there are men who give themselves very little concern about these matters. We have the power, say they; our fellow-countrymen will be protected by our valiant army.

Gentlemen, let us predicate nothing upon force. Moreover, that never suffices to justify and purify; what it establishes has its vicissitudes and its terrible instabilities. Let us base everything on right, on truth, on reason, on moderation; let us be persuaded that this is at the same time justice and good policy. In this way, gentlemen, there is no reason to fear disastrous retaliations; good examples are given; they are what we ought to give, and thence we shall derive honor and profit. It behooves France to take the initiative in everything; she is great enough, sympathetic enough in the world to have her example generally imitated and followed.

(Warm manifestations of applause followed this defence, and were received by the court and audience without any attempt to restrain them.)

The case was adjourned to the following day, the 6th, for final decision.

NOTE.—On the 6th of June, on the opening of the court, a decision was rendered releasing the five persons accused from all the charges against them.

Circular from the Minister of Foreign Affairs regarding the arrest of Mexican consuls in France.

DEPARTMENT OF FOREIGN RELATIONS AND OF GOVERNMENT,
San Luis Potosi, August 15, 1863.

In addition to the grave and repeated outrages committed by the government of Napoleon III against the rights of the republic and the law of nations, he himself has just authorized still further indignities, most unworthy in their petty malice, against the consuls, Messrs. Montluc and Maneyro—the one a general of France, the other a private individual of the port of Havre—both appointed by the government of Mexico, and in the perfect exercise of their functions, by virtue of the which *ex-quatour* had been given to them by the imperial government.

In clear infraction of the modern code of public law, of universal practice, and of the treaties which have been celebrated between Mexico and France, (which, in so far as relates to consuls, must be considered as binding, so long as on the one side and on the other these agents are maintained,) the government of the Emperor caused the agents of the police to enter into the office of the consul general, to violate his archives, to read his books and official papers, to take from all of them such notes as they pleased, making a mockery and a jest of the consul, of his *exequatur*, and of his protests. To such exploits of force there was added a wicked and unjust trial, commenced and sustained against both consular agents by a public prosecutor, who accused them of maintaining a correspondence hostile to the government of the Emperor.

The accusation was an outrage against consular privileges, because the acts with which our consuls were principally charged had been done by them in compliance with the orders of the federal government, and, far from involving any crime or offence, were, as was declared with truth by the sentence which closed this unqualifiable proceeding, entirely inoffensive and in good faith.

I desire, on this occasion, to leave on one side all consideration of what the French government, with its prodigious invention when searching out causes of insult and of reclamation against Mexico, would have said and would have demanded of this country if this government had sanctioned such a violence and such an outrage.

The President has rightly refused to take as the regulating principle of his conduct that of a government which, in everything relative to the affairs of Mexico, has only in its words manifested any respect for the prescriptions of justice and of civilization. Although we have been terribly outraged, we still desire to leave to our aggressors their precedence in the path of crime.

This time, for example, we could well exercise the right of national reprisal, and proceed with the consular agents of France in Mexico as they have proceeded in France with ours.

But such a course would be repugnant to us, and would besides lead to an absurdity, because the Mexican consuls in France, and *vice versa*, should not be retained from the moment that, through the outrage of the imperial government, this respectable officer has been subjected to so profound a degradation.

It is, in fact, much more convenient and decorous to direct that our consuls in France cease to exercise their functions, since they can no longer continue them without insult, and that the *exequatur* of the consuls whom the French government has named in the ports and commercial cities of the republic be retired. Certainly a government which treats consular officers in this manner is neither worthy of appointing them or receiving them.

We had maintained these agents in conformity with the least rigorous usages, although the Emperor and his generals have made public the real and positive end to which this war is to lead, and that it is the destruction of our government and of our republican institutions which is sought.

To make this revelation until the last hope of peace had disappeared is to violate all the laws of war, and we are therefore free from any obligation to respect them on our part. Besides, as the government of France ignores the federal government, it cannot respect, as in fact it does not respect, any of its rights; but by this very act it declares it free of all obligations towards France, its government and its citizens.

To this extreme would the conduct of the Emperor lead us if we listened only to the voice of our great injuries, and if we sought to prove to our enemies the precise and logical consequences of their insane proceedings. But we abstain from adopting this course, because we have a respect for public law and our own dignity, not from fear of our invaders, whom we are resisting with arms, and shall resist to the end.

In one word, if in this affair it is not advisable that we should violate our traditional policy to initiate proceedings as unjust and as insulting as those of the French government, it is still proper to take others of such efficiency and energy as shall justly protect the honor of the republic.

And as this determination can be realized, as I have already intimated, by terminating the commissions of our consuls in France, and by withdrawing from the French consuls in Mexico the *exequatur* which has been obtained from the federal government, the President has been pleased to direct the adoption of this course.

And by his order I have the honor to communicate the same to you, in order that you may be pleased to cause the French consuls and vice-consuls residing in your state to be immediately notified of the said supreme resolution, the exact compliance with which you will be pleased to opportunistically advise.

Liberty and reform!

FUENTE.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION TO THE UNITED STATES OF AMERICA,
Washington, February 20, 1864.

MR. SECRETARY: With the object of communicating to the government of the United States authentic information upon the important political events of which the Mexican republic is at this time the theatre, I have the honor to send

to you a copy in English of the documents mentioned in the index annexed, and which relate to what has been called the establishment of monarchy in Mexico.

In the report which Mr. Saligny, minister of France in Mexico, gave to General Forey, the 16th June, 1863, upon the organization of a provisional government in that country, it is declared in the face of the world that the city of Mexico, which only contains two hundred thousand (200,000) inhabitants, is of more importance than the entire republic, which contains a population of more than eight millions, and that what should be determined upon in that city (supposing it to be the spontaneous voice of its inhabitants) should be considered as obligatory on the whole nation. The no less strange declaration is also made that the indigenous population of Mexico—that is, almost two-thirds of the inhabitants there are in the republic—cannot have any political rights, and to this time are refused the character of men and Mexicans.

In conformity with the report of Mr. Saligny, General Forey issued, on the said 16th June, that is, only six days after the French army entered the city of Mexico, a decree which provided that a junta of thirty-five persons named by him, at the suggestion of Mr. Saligny, should elect other three persons, who should constitute the executive authority; and that, subsequently, this should associate to itself other two hundred and fifteen individuals, also named by General Forey, to form the Assembly of Notables, for the purpose of designating the form of government which should be adopted.

On the 18th of said month of June General Forey issued another decree, in which he appointed the so-called members of what was called the Superior Junta of government, selecting them from among the persons most addicted to ultra conservative principles.

These individuals designated the traitors Juan Nepomuseno Almonte, Pelagio Antonio de Sabasida, and José Mariano de Salos, to exercise the executive power, and afterwards took up the organization of the Junta of Notables. Although only two hundred and fifteen persons were needed to fill up that body, there was great difficulty, and several days were passed in completing the number, which was at last not completed. The so-called Assembly of Notables appointed a committee that should decide upon the form of government which should be adopted in Mexico; and the individuals who constituted it, who knew beforehand what they were to propose, after lowering their country to such a degree as to picture it as in worse condition than the tribes of Caffres, in a report which was written in disparagement of the Mexican name, and of lasting reproach to its authors, proposed, for instance, that which it was well known, from the time the expedition left the shores of France, they were to propose—that is, the monarchy and the Archduke Maximilian of Austria.

The assembly, which had no will of its own, did not know how to act, not even with the precautions necessary to gloss over appearances, and almost without discussion adopted unanimously, on the same day, the dictation of the committee, by determining, so that there should be no doubt that the will of the Emperor of the French controlled it, that if the archduke did not accept the crown, his Majesty should name the prince who should occupy the throne.

It was by this farce, then, that the French government accomplished what it had so repeatedly declared to that of the United States on the score of its pretended wish not to force the Mexicans to accept any government, but leave them to establish that which they should think most suitable. So illy played was the farce which the French agents presented to the city of Mexico that, even, neither the French government nor the Grand Duke Maximilian considered it as satisfactory; and in degree, as they could do no less than recognize the plain fact that the decision of the so-called notables did not express the will of the country, they thought it necessary, merely to save appearances, to require other formalities, which cannot but be farces as transparent as the election by the notables. The French government has assured that of the United States at a

recent period that the popular suffrage would be required throughout the republic on the question of the form of government to be established, at the same time that it was giving out that the monarchy was solidly and permanently established, as is deducible from the discourses pronounced by the organs of that government in the legislative body in the discussion of the affairs of Mexico that took place in that assembly at the close of January last past. This would, however, be a point of less importance, because the assurances given by the French government fall short of fulfilment. The measure which it is intended to substitute for universal suffrage, in order to discover what is public opinion, is to do so in places occupied by the French troops; it is true they carry acts which persons under intimidation affirm, or, by filling up with fictitious names, declarations in favor of monarchy and of the Archduke Maximilian. The French government makes believe that the occupation of the Mexican villages by the French army is necessary to the free expression of their votes; therefore, on the occupation of such villages by French bayonets, it calls it "freeing them from the tyranny of Juarez," and forgets that at the same instant it is declaring in the face of the world, and its agents are proclaiming, that the constitutional President of the Mexican republic is a wandering fugitive, that the national army has been entirely destroyed, and that there no longer remains a shadow even of the national government.

In a separate note I will explain to you in what manner this intrigue of the French government has been received by the Mexican nation, and what are the demonstrations to which it has given place. I will here only indicate that the national government and permanent deputation of the Mexican congress, the genuine representation of the nation, protested against that intrigue in the manner you will see in the documents annexed, (Nos. 11 and 12.)

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

M. ROMERO.

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

Index to the documents which the Mexican legation in Washington remits to the Department of State of the United States, annexed to its note of this date.

1. Report of Mr. Saligny to General Forey on the organization of a junta of government and an assembly of notables, June 16.
2. Decree of General Forey, in conformity with the preceding report, June 16.
3. Decree of General Forey, in which he appoints the members of the superior junta of government, June 18.
4. Decree of the junta of government upon the appointment of the so-called executive power, June 22.
5. Proclamation of General Forey upon the selection of the executive power, June 23.
6. Manifesto of the members of the so-called executive power, June 24.
7. Decree of the so-called assembly of notables on the establishment of monarchy in Mexico, July 11.
8. Decree of the junta of government providing that the so-called executive power continue in function, in the character of regency, until the arrival of Archduke Maximilian in Mexico, July 11.
9. Discourse of D. Manuel Gutierrez Estrada to the Archduke Maximilian, offering him the crown of Mexico, October 5.
10. Reply of the archduke, October 5.
11. Circular of the national government of Mexico to the governments of friendly nations upon the attempted establishment of monarchy in Mexico, July 22.
12. Protest of the permanent deputation of the national congress of Mexico against the monarchy which the French agents have sought to establish in the city of Mexico, July 22.

IGNO. MARISCAL.

WASHINGTON, February 20, 1864.

No. 1.

SUPERIOR JUNTA OF GOVERNMENT AND ASSEMBLY OF NOTABLES.

Communication from the Emperor's minister.

MEXICO, June 16, 1863.

GENERAL: The successive advantages gained by the French army over the troops of the enemy have definitively decided the fate of the Mexican nation. The government, which a few days ago occupied the capital of the republic, has not awaited the arrival before this city of the soldiers who have overthrown the strongest bulwark of its despotism. Your columns had scarcely commenced their movements to march from Puebla upon Mexico, when the government of Juarez, understanding that all resistance was useless, evacuated the capital with the remnants of its vanquished and demoralized army, leaving behind, as records of its stay, the traces of those shameful spoliations and of that abominable tyranny which constituted its sole rule of conduct.

Providence, which has so often made use of the flag of France to deliver and regenerate nations humbled by despotism, reserved to it also the glory of arresting Mexico in the headlong career which was rapidly conducting her to utter ruin by the dilapidation of her resources and the sale of her richest states to strangers. A few years more of this unexampled disorder, which has caused the intervention of the armies of the old continent, and there would remain of this country, thrice the size of France, but some few precincts that might have resisted the dissolving action of this corrupt and corrupting government: the Mexican republic would have lost its nationality.

The eagles of France have brought to this land, abyssed in the revolutionary whirlpool, the kindly sentiments of the Emperor towards this unfortunate people, and hope has been reborn in all hearts. Alone among all, an infamous faction, which, under a name of which it was unworthy, domineered over Mexico by means of terror, has in its turn trembled before the intervention. It has fled before that banner which is the symbol of civilization and justice.

Shall I consider it necessary, general, to prove what I have asserted? The sympathizing acclamations which have saluted your entry into the capital of Mexico, that triumphal march of our valiant army beneath an abundant shower of flowers, those crowns thrown in profusion to the conquerors of San Lorenzo, Puebla, and other well-known fields of combat—are not all these sufficient to testify the sentiments of the immense majority of the people towards the deliverers of Mexico? The perfect order which has ceased at no time for a single moment to reign in the capital since the flight of the fallen government—does not it say with more force than any possible amount of reasoning, that this people, so long fatigued and weary, is now in need of repose to heal the wounds inflicted upon its industry and prosperity? Now, from the generous initiative of France, Mexico hopes for the means to secure the first steps in her social regeneration and to prepare the way for the permanent establishment that is to dry up the sources of the evils which she has suffered up to this time.

These aspirations of a whole people, general, cannot be ignored, and it is to give them the satisfaction which they demand, and at the same time to carry out the benevolent intentions of the Emperor towards the Mexican nation, that I lay before you the results of the deep study which I have made of the situation of the country, of its necessities, and of the means which appear to me proper to attain the object which France proposes to herself—that is to say, the reorganization of the government—to the end that the nation, reflecting upon itself, may, in all freedom and by the organ of its most intelligent citizens and those who enjoy the most consideration, make known the form of government most suitable to it.

It is not possible to convoke a general congress to deliberate on the grave questions now pending. The state of the country does not yet permit the representatives of the great cities and of the distant states to receive any call made to them for this purpose.

Neither could we think of making the Indian population participate in this act, so important for the Mexican nation. That part of the people, so worthy of interest in every respect, has been hitherto excluded from public affairs, and would not understand either its gravity or its consequences.

The capital, in which there is not a single state not represented by its most illustrious citizens, reckons about 200,000 inhabitants. It contains a considerable number of men distinguished for their intelligence, and accustomed to political life and public affairs. Moreover, it is in the capital that that government has weighed most heavily which has just fallen. On this great population, then, it is incumbent, under present circumstances, to know the best way to conclude the era of periodic revolutions, of which Mexico has been the theatre for more than half a century.

I propose to you, then, general, to decree that a Superior Junta, composed of thirty-five citizens, chosen from among the most honorable of this great city, should be charged with the following powers:

1. To nominate three Mexican citizens, who should constitute the executive power, and two substitutes for those high functions in case of the absence or impediment of the proper incumbents.

2. To elect two hundred and fifteen members chosen from among the citizens of Mexico, to form, in conjunction with the members of the Superior Junta, the Assembly of the Notables, to whom shall be intrusted the duty of determining upon the permanent form of the government of Mexico, and deliberating upon such other questions as may be submitted to them.

3. To settle the salaries to be paid to the members of the executive department of the government.

The Superior Junta shall be divided into various committees to deliberate on the affairs of the different ministers. A general meeting will be called by its president, as often as the questions presented to it demand such a step.

The presidents and secretaries of the Superior Junta and of the committees, as well as those of the Assembly of Notables, shall be named by those bodies in their first meeting after organization. This first duty shall be directed by the president, who shall be the oldest member in each assembly or committee, accompanied by the two youngest members, is the quality of secretaries.

The members of the Superior Junta and those of the Assembly of Notables shall have no salary.

The duration of the first session of the Assembly of Notables shall be five days. It may be prorogued by the executive power.

Such are, general, the provisions contained in the constitutional decree, which is annexed, and which I request you to sign if you see proper to approve of it.

Accept, general, the assurance of my high consideration.

A. DE SALIGNY.

General FOREY.

General of Division, Senator of France, Commander-in-chief of the expeditionary army in Mexico.

No. 2.

Decree in reference to the formation of a Superior Junta of government and of an Assembly of Notables.

THE GENERAL OF DIVISION, SENATOR OF FRANCE, COMMANDER-IN-CHIEF OF THE EXPEDITIONARY CORPS IN MEXICO.

Considering that it is expedient to organize the public authorities that are to replace the intervention in the direction of the affairs of Mexico, I have thought it proper, in accordance with the communication made to me by the Emperor's minister, to decree as follows:

ART. 1. A special decree shall designate, according to the recommendation of the Emperor's minister, thirty-five Mexican citizens to constitute a Superior Junta of government.

ART. 2. This Superior Junta shall assemble in the place that shall be designated for it two days after the publication of the decree announcing the names of its members.

ART. 3. The opening session of the Junta shall be presided over by the oldest member, assisted by the two youngest members in the quality of secretaries.

ART. 4. The Superior Junta shall proceed in this first session to the nomination of its president and of his two secretaries. The election shall be valid only on condition that the elected candidates shall have obtained a majority of all the votes cast.

ART. 5. The inauguration of the dignitaries elected shall take place on the same day.

ART. 6. The Junta shall subsequently proceed to the nomination of three Mexican citizens, who shall be charged with the executive power, and of two substitutes for those high functions. A majority of the votes cast shall be necessary to a valid election.

ART. 7. The members of the executive department shall, as soon as elected, assume the direction of the affairs of Mexico.

ART. 8. The Superior Junta shall settle the salary to be paid to the members of the provisional government.

ART. 9. The Junta shall resolve itself into various committees in order to deliberate on the questions relating to the different ministers.

It shall convoke itself into general assembly by means of its president, for the discussion of business of greater importance, whenever the executive requests it.

OF THE ASSEMBLY OF NOTABLES.

ART. 10. The Superior Junta shall associate themselves, in order to constitute the Assembly of Notables, with 245 members chosen from among the citizens of Mexico, without distinction of rank or class.

ART. 11. In order to be qualified to join the Assembly of Notables, a person must be fully twenty-five years of age, and not disqualified for any office, political or civil.

ART. 12. The opening of the sessions of the Assembly of Notables shall take place immediately after the formation of that body.

ART. 13. The first session shall be devoted to the election of a president, and of two secretaries, who shall be immediately installed by the provisional organization of the eldest and the two youngest members.

ART. 14. The Assembly of Notables shall occupy itself especially with the form of the permanent government of Mexico. The vote on this question must be such that two-thirds of the ballots cast, at least, shall be necessary for a decision.

ART. 15. In case this majority of two-thirds of the votes cast cannot be obtained, after three days of balloting, the executive shall dissolve the Assembly of Notables, and the Superior Junta shall proceed, without delay, to the formation of a new assembly.

ART. 16. The members of the preceding assembly may be re-elected.

ART. 17. The Assembly of Notables shall occupy themselves, after having determined on the form of the permanent government, with such questions as may be laid before them by order of the executive department. The first session shall last five days; it may be prorogued by the executive.

GENERAL REGULATIONS COMMON TO ALL THE DELIBERATING BODIES.

ART. 18. The secretaries of the Superior Junta, and of its various committees, as also those of the Assembly of Notables, shall take down, in writing, the proceedings of the committees. They shall, together with the presidents, sign all the resolutions passed by those bodies.

ART. 19. The sessions of the Superior Junta, and of its committees, as also those of the Assembly of Notables, shall not be public. Official acts may be published in the newspapers, provided they be transmitted to them by the secretaries, under the authority of the respective presidents.

ART. 20. The members of the Superior Junta, and those of the Assembly of Notables, shall receive no salary.

OF THE EXECUTIVE POWER.

ART. 21. The members of the executive department shall divide among themselves the six ministries; they shall nominate individually to all the employments dependent on their respective offices; they shall also have the power of dispensing with such employments.

ART. 22. The executive power shall receive for promulgation, as decrees, the resolutions of the Assembly of Notables. It shall have the absolute right of vetoing such resolutions. Bills prepared by the Superior Junta shall pass to the executive for transmission to the Assembly of Notables.

ART. 23. The functions of the executive shall cease from the moment of the inauguration of the permanent government, proclaimed by the Assembly of Notables.

ART. 24. The Emperor's minister is charged with the execution of the present decree, which shall be inserted in the bulletin of the acts of the intervention, and shall be posted up in the streets of the capital.

Given at Mexico, June 16, 1863.

FOREY,

General of Division, &c., &c.

No. 3.

Decree nominating the members of the Superior Junta of government.

THE GENERAL OF DIVISION AND SENATOR OF FRANCE, COMMANDING-IN-CHIEF THE EXPEDITIONARY CORPS IN MEXICO.

In view of the decree issued on the 16th of June, relative to the establishment of a Superior Junta of government, and in accordance with the proposal of the Emperor's minister, it has seemed proper to me to decree as follows:

ART. 1. The following persons are named members of the Superior Junta of government: D. J. Ignacio Pavon, Manuel Diaz de Bonilla, Dr. J. Basilio Arellaga, Teodosio Lares, Dr. Francisco Javier Miranda, Ignacio Aguilar y Marocho, Dr. José Sollano, Joaquin Velazquez de Leon, Antonio Fernandez Monjardin, General Mora y Villamil, Ignacio Sepúlveda, José M. Andrade, Joaquin Castillo Lanzas, Mariano Dominguez, José Guadalupe Arriola, General Adrian Woll, Fernando Mangino, Agapito Munoz, José Miguel Arroyo, Teófilo Marin, General Miguel Cervantes Velasco, Crispiniano del Castillo, Alejandro Arango y Escandon, Juan Hierro Maldonado, J. Ildefonso Amable, Gerardo Garcias Rojas, Manuel Miranda, José Lopez Ortigosa, General Santiago Blanco, Pablo Vergara, General Cayetano Montolla, Manuel Tejada, Urbano Tovar, Antonio Moran, Miguel Jimenez.

ART. 2. The members of the Superior Junta, just named, shall enter upon the exercise of their functions immediately.

ART. 3. The Emperor's minister is charged with the execution of this decree.
Given at Mexico, June 18, 1863.

FOREY,

General of Division, &c., &c., &c.

No. 4.

Decree of the Junta of Government naming the persons who are to constitute the Executive

MANUEL G. AGUIRRE POLITICAL CHIEF OF THE DEPARTMENT OF MEXICO, TO THE INHABITANTS THEREOF, GREETING:

The Superior Junta of government has communicated to me the following decree:

"The Superior Junta of government, installed in conformity with the decree of the 13th of the present month, proceeded, in its session of yesterday, to the election of the executive power provided for in the sixth article of the said decree, and the following persons were chosen:

"First. His Excellency Señor Don Juan N. Almonte, general of division.

"Second. The most illustrious Señor Don Pelagio Antonio de Labastida, archbishop of Mexico.

"Third. His Excellency Don Mariano Salas, general of division.

"First substitute, the most illustrious Señor Dr. D. Juan B. de Ormaechea, bishop elect of Tulacingo

"Second substitute, his honor Don Ignacio Pavon, president of the supreme court of justice.

"This election shall be published by national edict.

"Given in the hall of the Junta at Mexico, June 22, 1863.

"TEODOSIO LARES, President.

"ALEJANDRO ARANGO Y ESCANDON, Secretary.

"JOSÉ MARIA ANDRADE, Secretary."

Wherefore, I order that it be printed, published, circulated, and have full authority given to it.

MANUEL G. AGUIRRE.

MANUEL AGUILAR Y LOPEZ, Mayor.

PALACE OF THE POLITICAL GOVERNMENT,

Mexico, June 24, 1863.

No. 5.

Proclamation of General Forey in regard to the election of the Executive.

MEXICANS: The nation has declared its will by means of its representatives chosen according to my decree of June 16.

General Almonte, the venerable archbishop of Mexico, and General Salas, were elected, the day before yesterday, by the Superior Junta, to take upon themselves the executive authority, and to direct the destinies of the country until the establishment of a permanent government. The names which I have mentioned are well known to you: they enjoy the public esteem and all the consideration due to distinguished services and high-toned char-

H. Ex. Doc. 11.—17