

CHAPTER V

FRENCH INTERVENTION IN MEXICO

THE attempt of Louis Napoleon to establish a European monarchy in Mexico under the tutelage of France was the most serious menace that republican institutions in the new world have had to face since the schemes of the Holy Alliance were checked by Monroe and Canning. The thwarting of that attempt may be accounted one of the greatest triumphs of American diplomacy. The internal disorders common to South and Central American republics have always been a fruitful source of embarrassment to the United States, on account of the liability to European intervention to which these governments continually subject themselves in such periods by their open and flagrant disregard of international obligations. Of no country is this statement truer than of Mexico, where the well-nigh interminable strife of parties gave rise between the years 1821 and 1857 to thirty-six different governments. In 1857 a favorable change occurred in the affairs of the republic. A constituent congress, elected by the people of the different states, framed and adopted a republican constitution which promised better things for the future. Under the provisions of this constitution an election was held in July (1857) and General Comonfort chosen president almost without opposition. His term of office was to begin December 1, 1857, and to continue four years. Within

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one brief month, however, President Comonfort was driven from the capital, and ultimately from the country, by an uprising headed by General Zuloaga. As soon as Comonfort abandoned the presidency, General Benito Juarez, the president of the Supreme Court of Justice, became according to the constitution, the president *de jure* of the republic for the remainder of the unexpired term, that is, until December 1, 1861. General Zuloaga had, however, assumed the name of president, with indefinite powers, and the entire diplomatic corps, including the minister of the United States, had recognized his government. But Zuloaga was speedily expelled, and the supreme power seized by General Miramon, the head of the church party, whom the diplomatic corps likewise recognized. Meanwhile Juarez, the constitutional president, had proceeded to Vera Cruz, where he put his administration into successful operation.

For several months, Mr. John Forsyth, the American minister, continued at the city of Mexico in the discharge of his duties. In June, 1858, however, he suspended his diplomatic connection with the Miramon government. Our relations, which had been bad under former governments, were now rendered almost intolerable under that of Miramon by outrages towards American citizens and personal indignities to Mr. Forsyth himself. His action was approved by President Buchanan, and he was directed to return to the United States. All diplomatic intercourse was thus terminated with the government of Miramon, but as yet none was established with the Juarez government. The ultimate success of the latter became, however, so probable that the following year the President sent

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a confidential agent to Mexico to inquire into and report upon the actual condition of the belligerents, and in consequence of his report, Mr. Robert M. McLane was dispatched to Mexico, March 8, 1859, "with discretionary authority to recognize the government of President Juarez, if on his arrival in Mexico he should find it entitled to such recognition according to the established practice of the United States." On the 7th of April, Mr. McLane presented his credentials to President Juarez, having no hesitation, he said, "in pronouncing the government of Juarez to be the only existing government of the republic." He was cordially received by the authorities at Vera Cruz, and during all the vicissitudes of the next eight years the United States government continued to extend its sympathy and moral support to the government of Juarez as the only one entitled to the allegiance of the people of Mexico.

Juarez thus came forward, in the rôle of reformer, as the champion of constitutionalism and the supremacy of the state against the overreaching power, influence, and wealth of the church party. He was a full-blooded Indian, without the slightest admixture of Spanish blood. In December, 1860, he finally succeeded in overthrowing the party of Miramon and driving the latter into exile. Immediately, on reoccupying the city of Mexico, the Constitutionalists proceeded to execute with severity the decree issued at Vera Cruz nationalizing or sequestrating the property of the church.

The most difficult question which the new government had to face was that of international obligations recklessly contracted by the various revolutionary

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leaders who had successively been recognized as constituting the government of Mexico. In consequence of debts contracted and outrages and enormities perpetrated, for the most part during the régime of Miramon and the church party, the governments of England, France, and Spain determined to intervene in Mexico.

The grievances of the British government were based on the following facts: non-settlement of claims of British bondholders; the murder of the British vice-consul at Tasco; the breaking into the British legation and the carrying off £152,000 in bonds belonging to British subjects, besides numerous other outrages committed on the persons and property of individuals.¹

The claims of the British bondholders referred to had been recognized by the Pakenham convention of October 15, 1842, and formed into a consolidated fund of \$250,000, which was to be paid off, principal and interest, by a percentage on import duties at the custom-houses of Vera Cruz and Tampico. This convention was not carried out by the Mexican government, and on December 4, 1851, Mr. Doyle signed on behalf of Great Britain a new convention, in which not only the claims under the Pakenham convention, but others, recognized by both governments, were likewise formed into a consolidated fund, on which the Mexican government bound itself to pay five per cent. as a sinking fund and three per cent. as interest until the debt should be paid off. This five and three per cent. were to be met by a percentage of customs receipts.

¹ Brit. and For. St. Pap., 1861-62, Vol. LII. Also House Exec. Doc. No. 100, Thirty-seventh Cong., Second Sess.

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In 1857 the sinking fund was to be raised to six per cent. and the interest to four per cent.

Two days after the signing of this Doyle convention the Spanish minister in Mexico also signed a convention on behalf of some Philippine missionaries, known as the "Padre Moran" convention, on almost the same basis as the British. The consolidated fund in this case was \$983,000, the sinking fund five per cent., and the interest three per cent.

The interest was paid on both funds in almost the whole amount, but the sinking fund was not kept up. Succeeding agreements were made in 1858, in 1859, and in 1860, by which the custom-house assignments to satisfy both conventions (British and Spanish) were raised from twelve per cent. in 1851, to twenty-nine per cent. in 1860.²

It will thus be seen that the British and Spanish claims were perfectly legitimate. The French claims, however, were of a somewhat different character. During Miramon's administration arrangements were made through the agency of Jecker, a Swiss banker, by which \$750,000 were to be raised through an issue of \$15,000,000 of bonds. These bonds fell into the hands of Jecker's French creditors and were pressed by the French government, which thus demanded the repayment of twenty times the original sum advanced. A claim was made also for \$12,000,000 for torts on French subjects.³

When the Liberal party came into power again in 1860, they were unable to meet the situation and showed a disposition to question the obligatory force

² Brit. and For. St. Pap., Vol. LII, p. 359.

³ Wharton's Digest, Sec. 58, Vol. I, p. 312.

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of engagements entered into by their various revolutionary predecessors. The British government had undertaken to provide against this contingency upon the occasion of extending recognition to the Juarez administration. Under date of March 30, 1861, Lord John Russell wrote to Sir Charles Wyke, recently appointed minister to Mexico, as follows :

The instructions addressed to Mr. Mathew, both before and since the final triumph of the Liberal party, made the recognition by Great Britain of the constitutional government contingent upon the acknowledgment by that government of the liability of Mexico for the claims of British subjects who, either in their persons or in their property, for a long series of years, can be proved to have suffered wrong at the hands of successive governments in Mexico.*

And further on in the same communication the attitude of the British government is expressed yet more strongly :

Her majesty's government will not admit as an excuse for hesitation in this respect the plea that the robbery was committed by the late government. For, as regards this, as indeed all other claims, her majesty's government cannot admit that the party who committed the wrong is alone responsible. Great Britain does not recognize any party as constituting the republic in its dealing with foreign nations, but holds the entire republic, by whatever party the government of it may from time to time be administered, to be responsible for wrongs done to British subjects by any party or persons at any time administering the powers of government.

Mexico, however, was slow to admit this principle of international law. In a letter to Lord John Rus-

* Brit. and For. St. Pap., Vol. LII, p. 237.

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sell, June 25, 1861, and in other communications, Sir Charles Wyke urged the necessity of a naval demonstration against Mexico. His plan was to take possession of the custom-houses of Vera Cruz, Tampico, and Matamoros on the Atlantic, and of one or two on the Pacific, lower the duties so as to attract the great bulk of trade from other ports, and pay themselves by the percentage to which they were entitled by treaty stipulation.

On the 17th of July, 1861, President Juarez brought matters to a crisis by the publication of a decree, the first article of which declared that "all payments are suspended for two years, including the assignments for the loan made in London and for the foreign conventions."⁵

On the 23rd, Sir Charles Wyke, the British minister, demanded the repeal of this law within forty-eight hours. On the 24th, the French minister demanded its repeal within twenty-four hours. These demands were not complied with and diplomatic relations were immediately broken off by the British and French representatives.

The Spanish government had acted somewhat in advance of the other governments and was already preparing to back its claims by an armed expedition against Mexico. The rupture with the British and French governments very naturally pointed to joint action with Spain as the best means of securing their interests. The United States government, which had just entered upon one of the greatest struggles of modern times and had its hands practically tied as far as Mexico was concerned, regarded the contem-

⁵ Brit. and For. St. Pap., Vol. LII, p. 294.

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plated intervention of European powers in Mexico with grave apprehension, not to say suspicion. So great was the uneasiness occasioned in the United States by the measures in contemplation and so strong was the desire to ward off the threatened danger to republican institutions on this continent, that Mr. Seward authorized (September 2, 1861) the negotiation of a treaty with Mexico for the assumption by the United States of the payment of the interest, at three per cent., upon the funded debt of Mexico (the principal of which was about \$62,000,000) for the term of five years from the date of the decree of the Mexican government suspending such payment, "provided that the government of Mexico will pledge to the United States its faith for the reimbursement of the money so to be paid, with six per cent. interest thereon, to be secured by a specific lien upon all the public lands and mineral rights in the several Mexican states of Lower California, Chihuahua, Sonora, and Sinaloa, the property so pledged to become absolute in the United States at the expiration of the term of six years from the time when the treaty shall go into effect, if such reimbursement shall not have been made before that time."⁶ All this, of course, was subject to the confirmation of the Senate.

This step was communicated informally to the British and French governments, and the validity of the convention was to be conditioned upon those governments engaging not to take any measures against Mexico to enforce the payment of the interest of the loan until time should have been given to submit the

⁶ Mr. Seward to Mr. Corwin, Sept. 2, 1861. House Exec. Doc. No. 100, p. 22, Thirty-seventh Cong., Second Sess.

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convention to the ratification of the United States Senate at its approaching session. It was also to be a condition that, if the convention should be ratified, Great Britain and France should engage, on their part, not to make any demand upon Mexico for the interest, except upon its failing to be punctually paid by the United States.⁷

Grave objections to Mr. Seward's plan of paying the interest on the Mexican debt were entertained both in Paris and in London. The French minister of state, M. Thouvenel, said to the British minister at Paris:

It might not be possible to prevent the United States offering money to Mexico, or to prevent Mexico receiving money from the United States, but neither England nor France ought in any way to recognize the transaction.⁸

Lord Lyons declared to Mr. Seward:

That her majesty's government were as apprehensive as Mr. Seward himself could be, of an attempt to build upon a foundation of debts due, and injuries inflicted, by Mexico, a pretension to establish a new government in that country. Her majesty's government thought, however, that the most effectual mode of guarding against this danger would be for Great Britain, the United States, and France to join Spain in a course of action, the objects and limits of which should be distinctly defined beforehand. This certainly appeared more prudent than to allow Spain to act alone now, and afterwards to oppose the results of her operations, if she should go too far.⁹

⁷ Brit. and For. St. Pap., Vol. LII, p. 325

⁸ Earl Cowley to Earl Russell, Sept. 24, 1861. Brit. and For. St. Pap., Vol. LII, p. 329

⁹ Earl Lyons to Earl Russell, Oct. 14, 1861. Brit. and For. St. Pap., Vol. LII, p. 375.

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The British government avoided beforehand the necessity of a point-blank refusal of the plan of Mr. Seward, in case the treaty should go through, by declaring that the interest on the funded debt was not the only cause of complaint, but that there remained over and above that the outrages perpetrated upon British subjects still unredressed.

Mr. Charles Francis Adams, the United States minister to England, did not approve the plan of guaranteeing the Mexican interest, and in his dispatch to Mr. Seward of November 1, 1861, he expressed his opinion rather more frankly than is usual for a minister to do in discussing an instruction from the state department.

You will permit me here, however, to make a single remark in this connection upon the importance of appearing to divest the United States of any personal and selfish interest in the action it may think proper to adopt. The view customarily taken in Europe is that their government is disposed to resist all foreign intervention in Mexico, not upon any principle, but simply because it is itself expecting, in due course of time, to absorb the whole country for its own benefit. Hence any proposal like that which I had the honor to receive, based upon the mortgage of portions of Mexican territory as security for engagements entered into by the United States, naturally becomes the ground of an outcry that this is but the preliminary to an entry for inevitable foreclosure. And then follows the argument that if this process be legitimate in one case, why not equally in all. As against Great Britain and France, it would be difficult to oppose to this the abstract principle contained in what has been denominated the Monroe Doctrine, however just in substance.¹⁹

While Mr. Corwin was still in negotiation with the

¹⁹ Thirty-Seventh Cong., Second Sess., House Exec. Doc. No. 100, p. 201.

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Mexican government in reference to some method of releasing Mexico from her complications with the allied governments of Europe, the United States Senate, in reply to two successive messages of the President, passed a resolution, February 25, 1862, declaring the opinion "that it is not advisable to negotiate a treaty that will require the United States to assume any portion of the principle or interest of the debt of Mexico, or that will require the concurrence of European powers." This effectually put an end to Mr. Seward's plan.

Meanwhile Sir Charles Wyke had reopened negotiations with the Mexican government and negotiated a treaty which might have satisfied British claims, but the treaty was thrown out by the Mexican congress by a large majority, and also disapproved by the British government in view of an agreement entered into with France and Spain unknown to Sir Charles Wyke.¹¹

The agreement referred to was the convention signed at London, October 31, 1861, between Spain, France, and Great Britain, in reference to the situation of affairs in Mexico and looking to armed intervention for the purpose of securing their rights. The preamble of the convention recites that the three contracting parties "being placed by the arbitrary and vexatious conduct of the authorities of the republic of Mexico under the necessity of exacting from those authorities a more efficient protection for the persons and property of their subjects, as well as the performance of the obligations contracted toward them by the republic of Mexico, have arranged to conclude a con-

¹¹ Sir C. Wyke to Earl Russell, Nov. 25, 1861. *Brit. and For. St. Pap.*, Vol. LII, p. 398.

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vention between each other for the purpose of combining their common action." The most important article of the convention in view of its subsequent violation by the Emperor Napoleon, was the second, which declared that :

The high contracting parties bind themselves not to seek for themselves, in the employment of coercive measures foreseen by the present convention, any acquisition of territory, or any peculiar advantage, and not to exercise in the subsequent affairs of Mexico any influence of a character to impair the right of the Mexican nation to choose and freely to constitute the form of its own government.

The fourth article, recognizing that the United States also had claims against Mexico, provided :

that immediately after the signing of the present convention, a copy of it shall be communicated to the government of the United States, that that government shall be invited to accede to it. . . . But, as the high contracting parties would expose themselves, in making any delay in carrying into effect articles one and two of the present convention, to fail in the end which they wish to attain, they have agreed not to defer, with a view of obtaining the accession of the government of the United States, the commencement of the above-mentioned operations beyond the period at which their combined forces may be united in the vicinity of Vera Cruz.¹¹

The advisability of inviting the coöperation of the United States had been the subject of considerable discussion and difference of opinion among the three European governments. England and France had urged the coöperation of the United States, while Spain had opposed it.

¹¹ Thirty-Seventh Cong., Second Sess., House Exec. Doc. No. 100, pp. 186-7.

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In compliance with the fourth article the convention was submitted to the government of the United States by a note dated November 30, 1861, signed jointly by the representatives of Spain, France, and Great Britain at Washington.

Mr. Seward's reply conveying the declination of the United States to the invitation to coöperate with the three allied European powers in the demonstration against Mexico was dated December 4, 1861. After reviewing the substance of the convention, he said :

First. As the undersigned has heretofore had the honor to inform each of the plenipotentiaries now addressed, the President does not feel himself at liberty to question, and he does not question, that the sovereigns represented have undoubted right to decide for themselves the fact whether they have sustained grievances, and to resort to war against Mexico for the redress thereof, and have a right also to levy the war severally or jointly.

In the second place, Mr. Seward expressed the satisfaction of his government that the allied powers had clearly repudiated in the convention all idea of carrying on the war for their own ambitious ends and all intention of exercising in the subsequent affairs of Mexico any influence of a character to impair the right of the Mexican people to choose and freely to constitute the form of their own government.

It is true, as the high contracting parties assume, that the United States have, on their part, claims to urge against Mexico. Upon due consideration, however, the President is of opinion that it would be inexpedient to seek satisfaction of their claims at this time through an act of accession to the convention. Among the reasons for this decision which the undersigned is authorized to assign, are, first,

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that the United States, so far as it is practicable, prefer to adhere to a traditional policy recommended to them by the father of their country and confirmed by a happy experience, which forbids them from making alliances with foreign nations; second, Mexico being a neighbor of the United States on this continent, and possessing a system of government similar to our own in many of its important features, the United States habitually cherish a decided good-will toward that republic, and a lively interest in its security, prosperity, and welfare. Animated by these sentiments, the United States do not feel inclined to resort to forcible remedies for their claims at the present moment, when the government of Mexico is deeply disturbed by factions within, and exposed to war with foreign nations. And of course, the same sentiments render them still more disinclined to allied war against Mexico, than to war to be waged against her by themselves alone.

In conclusion, Mr. Seward referred to the fact that the United States government had authorized their representative in Mexico to enter into a treaty conceding to the Mexican government material aid, which might, he hoped, enable that government to satisfy the just claims and demands of the allied sovereigns and so to avert the war which they have agreed among each other to levy against Mexico.¹⁸

As already related, the efforts of the executive in this direction were not approved by the Senate and the negotiations in regard to guaranteeing the interest on the Mexican loan were broken off. The treaty negotiated by Mr. Corwin was in fact never submitted to the Senate, for by the time it was ready the French forces occupied a part of Mexican territory, and it was feared that a loan to Mexico under

¹⁸ House Exec. Doc. No. 100, pp. 187-190, Thirty-seventh Cong., Second Sess. Brit. and For. St. Pap., Vol. LII, p. 394.

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such conditions would be considered a breach of neutrality.

In pursuance of the London convention, Vera Cruz was occupied in the early part of 1862 by a Spanish force of 6,000 men under command of Marshal Prim; a French force of 2,500, which was largely reinforced soon afterward; and a force of 700 British marines.

The first intimation of the real purposes of the Emperor Louis Napoleon was given in the letter of instructions of M. Thouvenel to the admiral commanding the French expedition to Mexico, dated November 11, 1861. He said that in case of the withdrawal of the Mexican forces from the coast into the interior of the country, an advance upon the capital might become necessary. He reminded the admiral of the self-abnegatory character of the second article of the convention, but continued:

There are, however, certain hypotheses which present themselves to our foresight and which it was our duty to examine. It might happen that the pressure of the allied forces upon the soil of Mexico might induce the sane portion of the people, tired of anarchy, anxious for order and repose, to attempt an effort to constitute in the country a government presenting the guarantees of strength and stability which have been wanting to all those which have succeeded each other since the emancipation.

To such efforts the admiral was expressly told that he was not to refuse his encouragement.¹⁴

In view of this order, the British government at once instructed its agent, Sir Charles Wyke, that, while there was nothing to be said against the reasoning of the French government in reference to the prob-

¹⁴ House Exec. Doc. No. 100, p. 174, Thirty-seventh Cong., Second Sess.

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able necessity of marching against the city of Mexico, he was to decline to take part in the advance into the interior, and that the fact, that the whole available British force was only 700 marines, would be sufficient reason for declining.¹⁵

The seriousness of the situation was fully appreciated by the United States government. Shortly after the occupation of Vera Cruz by the Spanish forces and the announcement of the outfit of a French force to follow up the advantage, Mr. Charles Francis Adams wrote to his government from London:

It is no longer concealed that the intention is to advance to the capital, and to establish a firm government, *with the consent of the people*, at that place. But who are meant by that term does not appear. This issue is by no means palatable to the government here, though it is difficult to imagine that they could have been blind to it. Feeble murmurs of discontent are heard, but they will scarcely be likely to count for much in the face of the obligation under which the action of the emperor in the Trent case has placed them. The military occupation will go on, and will not cease with the limits now assigned to it. It is not difficult to understand the nature of the fulcrum thus obtained for operations in a new and a different quarter, should the occasion be made to use it. The expedition to the city of Mexico may not stop until it shows itself in the heart of the Louisiana purchase.¹⁶

About this time reports began to be circulated that the Archduke Ferdinand Maximilian of Austria would be invited by a large body of Mexicans to place himself on the throne of Mexico, and that the Mexican people would gladly hail such a change. To what-

¹⁵ Brit. and For. St. Pap., Vol. LII, p. 381.

¹⁶ Adams to Seward, January 24, 1862. House Ex. Doc. No. 100 p. 206, Thirty-seventh Cong., Second Sess.

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ever extent such reports might be credited, the United States could not call into question the good faith of the parties to the London convention. The British government, as the issue showed, acted with perfect sincerity in the matter; and the Spanish government, whatever may have been its original intentions, followed the lead of Great Britain. When the reports in regard to Maximilian were first circulated, the British government declared to its agent, Sir Charles Wyke, that:

If the Mexican people, by a spontaneous movement, place the Austrian Archduke on the throne of Mexico, there is nothing in the convention to prevent it. On the other hand, we could be no parties to a forcible intervention for this purpose. The Mexicans must consult their own interests.¹⁷

At the time, however, the attitude of the British government was not at all understood. Mr. Adams wrote:

Great Britain occupies the post of holding the door, whilst her two associates, with her knowledge, go in, fully prepared, if they can, to perpetrate the act which she, at the outset, made them denounce, at the same time that she disavowed every idea of being made to participate in it.¹⁸

In the face of armed invasion, the Mexican government assumed a more reasonable attitude, and on the 19th day of February, 1862, the plenipotentiaries of Spain, Great Britain, and France signed, at Soledad, with the secretary of state of the Mexican government a preliminary agreement or convention, in which

¹⁷ Brit. and For. St. Pap., Vol. LII, p. 418.

¹⁸ H. Ex. Doc. No. 100, p. 209, Thirty-seventh Cong., Second Sess.

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they recognized the constitutional government as then organized. Declaring that they had "no designs against the independence, sovereignty and integrity of the Mexican republic," they agreed to open negotiations for the settlement of all the demands which they had to make at Orizaba. During the negotiations the forces of the allies were to be allowed to leave the unhealthy locality of Vera Cruz and occupy the three towns of Cordova, Orizaba, and Tehuacan, with their natural approaches. In the event of negotiations being broken off, the allies agreed to abandon the towns above named before reopening hostilities.¹⁹

The convention of Soledad proved, however, of short duration. On the 9th of April, 1862, the representatives of the allies announced in a formal note to the Mexican government, "that not having been able to agree about the interpretation which ought to be given in the present circumstances to the convention of the 31st of October, 1861 (the convention of London), they have resolved to adopt for the future an entirely separate and independent line of action. In consequence, the commander of the Spanish forces will immediately take the necessary measures to reembark his troops. The French army will concentrate in Paso Aucho as soon as the Spanish troops have passed from this position, that is to say, probably about the 20th of April, thereupon beginning their operations."²⁰ According to instructions already alluded to, the British force, which was limited to 700 marines, had declined to advance into the interior, and hence was not present when the breach occurred.

¹⁹ H. Ex. Doc. No. 54, p. 46, Thirty-seventh Cong., Third Sess.

²⁰ *Ibid.*, p. 48.

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In spite of all appearances to the contrary, the French government still persisted in disavowing to the United States government, in the most emphatic terms, all designs upon the independence of the Mexican republic. Even after the rupture at Orizaba, M. Thouvenel assured Mr. Dayton, the United States minister at Paris, that all that France wanted was that there should be a stable government in Mexico, not an anarchy with which other nations could have no relations.

That if the people of that country chose to establish a republic it was all well; France would make no objection. If they chose to establish a monarchy, as that was the form of government here, it would be charming (*charmant*), but they did not mean to do anything to induce such a course of action. That all the rumors that France intended to establish the Archduke Maximilian on the throne of Mexico were utterly without foundation.²¹

M. Thouvenel's disclaimer to the British government was equally emphatic.²²

To return to the situation of affairs at Orizaba, the disagreement between the allies requires some explanation. The immediate cause of the rupture and of the withdrawal from the convention of London was the protection extended by the French agents to General Almonte, Padre Miranda, and other leading men of the reactionary or church party who had been banished from the country and who now from the French camp maintained an active correspondence with Marquez, Cobos, and other notorious chiefs of the armed bands

²¹ Dayton to Seward, April 22, 1862.

²² Earl Cowley to Earl Russell, May 15, 1862, H. Ex. Doc. No. 54, p. 746, Thirty-seventh Cong., Third Sess.

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then in open rebellion against the constituted government of the country. Almonte and his associates openly favored the scheme of placing Maximilian on the throne.

The Mexican government demanded the removal of General Almonte and his associates from the camp of the allies, and in this demand the British and Spanish representatives concurred. A somewhat stormy conference was held between the commissioners of the allied powers at Orizaba, April 2, 1862, at which the French agents virtually said that they did not regard the convention of London or the preliminaries of Soledad as binding upon them. Specifically then the two causes of the rupture were (1) the persistency of the French commissioners in opposing the removal of the Mexican exiles, and (2) their refusal to take part in the conferences which had been arranged by the convention of Soledad to be held with the Juarez government at Orizaba, April 15, 1862. The British government heartily approved of the action of its agent, Sir Charles Wyke, in breaking up the conference and putting an end to the joint action of the three powers.²³ The policy of Spain was completely in accord with that of England.

The French government was not satisfied with the convention of Soledad, but did not dispute its validity, and declared that if the negotiations should be broken off, its provisions in regard to the withdrawal of the troops from their vantage ground must be observed. The French government further assumed that, when negotiations with the Mexican government should be broken off, the allied forces would proceed to act

²³ Earl Russell to Sir C. Wyke, May 22, 1862.

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jointly under the convention of London.²⁶ The British and Spanish governments, however, having become convinced of the duplicity of the French government in the matter, terminated the London convention without further discussion and ordered the immediate withdrawal of their forces and agents from Mexican territory.

The government of Louis Napoleon, thus left to its own devices by the withdrawal of Great Britain and Spain, and by the helpless condition, for the time being, to which the war of secession had reduced the government of the United States, greatly reinforced its Mexican expedition and placed General Forey in command. Soon after the withdrawal of the British and Spanish contingents, General Almonte instituted a government in the territory occupied by the French and assumed the title of "Supreme Chief of the Nation," but it soon became evident, as Mr. Dayton expressed it, that instead of the emperor having availed himself of the services of General Almonte, Almonte had availed himself of the services of the emperor. Accordingly, shortly after General Forey assumed command, he issued an order dissolving the ministry of Almonte, depriving him of his title and limiting him thereafter "in the most exact manner to the instructions of the emperor, which are to proceed as far as possible, with other Mexican generals placed under the protection of our flag, to the organization of the Mexican army."

The misfortunes which had overtaken Mexico and the dangers that threatened the permanence of her re-

²⁶ Earl Cowley to Earl Russell, April 25, 1862, H. Ex. Doc. No. 54, p. 694, Thirty-seventh Cong., Third Sess.

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publican institutions, had now thoroughly alarmed her sister republics of Central and South America, and a correspondence began between them relative to organizing an international American conference to oppose European aggression.

During the remarkable series of events that took place in Mexico in the spring of 1862, Mr. Seward consistently held to the opinion well expressed in a dispatch to Mr. Dayton, June 21, 1862 :

France has a right to make war against Mexico, and to determine for herself the cause. We have a right and interest to insist that France shall not improve the war she makes to raise up in Mexico an anti-republican and anti-American government, or to maintain such a government there. France has disclaimed such designs, and we, besides reposing faith in the assurances given in a frank, honorable manner, would, in any case, be bound to wait for, and not anticipate a violation of them.²⁵

For some months the French troops gradually extended their military operations and occupied a greater extent of territory without, however, any material change in the situation. The Juarez government still held the capital. In the spring of 1863, however, military operations were pushed forward with greater activity, and in June, General Forey organized a junta of government composed of thirty-five Mexican citizens designated by decree of the French emperor's minister. The members of this supreme junta were to associate with them two hundred and fifteen citizens of Mexico to form an assembly of two hundred and fifty notables. This assembly was to occupy itself with

²⁵ H. Ex. Doc. No. 54, p. 530, Thirty-seventh Cong., Third Sess.

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the form of the permanent government of Mexico. The junta appointed an executive body of three, of whom General Almonte was the head.

On the 10th of July, 1863, the capital of Mexico was occupied by the French army, and on the following day the Assembly of Notables declared:

1. The Mexican nation adopts as its form of government a limited hereditary monarchy, with a Catholic prince.

2. The sovereign shall take the title of Emperor of Mexico.

3. The imperial crown of Mexico is offered to his imperial and royal highness the Prince Ferdinand Maximilian, Archduke of Austria, for himself and his descendants.

4. If, under circumstances which cannot be foreseen, the Archduke of Austria, Ferdinand Maximilian, should not take possession of the throne which is offered to him, the Mexican nation relies on the good will of his majesty, Napoleon III, Emperor of the French, to indicate for it another Catholic prince."

The crown of Mexico was formally offered to Maximilian by a deputation of Mexicans headed by Señor Estrada, October 3, 1863; but Maximilian replied that he could not accept the proffered throne until the whole nation should "confirm by a free manifestation of its will the wishes of the capital." This was a wise decision, had it been given in good faith and had it been wisely adhered to, but the sequel shows that the archduke was either not sincere in his protestations or else was woefully deceived by representations subsequently made to him. Six months later he accepted the crown without the question having been submitted

* Sen. Ex. Doc. No. 11, pp. 254-268, Thirty-eighth Cong., First Sess.

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to the wishes of any but a very small portion of the Mexican people.

In spite of the declaration of the Mexican Assembly, which showed so unmistakably the hand of Napoleon, the French government continued to repudiate the designs imputed to it against the independence of Mexico, and Mr. Seward continued to express, officially at least, the satisfaction of the American government at the explanations vouchsafed by France. September 11, 1863, he stated the case as follows:

When France made war against Mexico, we asked of France explanations of her objects and purposes. She answered, that it was a war for the redress of grievances; that she did not intend to permanently occupy or dominate in Mexico, and that she should leave to the people of Mexico a free choice of institutions of government. Under these circumstances the United States adopted, and they have since maintained entire neutrality between the belligerents, in harmony with the traditional policy in regard to foreign wars. The war has continued longer than was anticipated. At different stages of it France has, in her intercourse with us, renewed the explanations before mentioned. The French army has now captured Pueblo and the capital, while the Mexican government, with its principal forces, is understood to have retired to San Luis Potosi, and a provisional government has been instituted under French auspices in the city of Mexico, which being supported by arms, divides the actual dominion of the country with the Mexican government, also maintained by armed power. That provisional government has neither made nor sought to make any communication to the government of the United States, nor has it been in any way recognized by this government. France has made no communication to the United States concerning the provisional government which has been established in Mexico, nor has she announced any actual or intended departure from the policy in regard to that country which her

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before-mentioned explanations have authorized us to expect her to pursue."²⁷

The probable acceptance of the crown by Maximilian was, however, the subject of frequent communications between the governments of France and the United States. In the course of a somewhat familiar conversation with M. Drouyn de Lhuys, the French minister of state, in August, 1863, Mr. Dayton expressed the fear that in quitting Mexico France might leave a *puppet* behind her. De Lhuys replied: "No; the strings would be too long to work."

The chances of Maximilian's success in Mexico had been from the first deliberately calculated on the basis of the probable success of the Southern Confederacy; and, therefore, the cause of the Juarez government and the cause of the Union were considered the same. The active sympathy of the Unionists with the Mexican republic made it difficult for the administration to maintain neutrality. This difficulty was further enhanced by the doubt entertained in the United States as to the intentions of France. In this connection Mr. Seward wrote to Mr. Dayton, September 21, 1863, as follows:

The President thinks it desirable that you should seek an opportunity to mention these facts to Mr. Drouyn de Lhuys, and to suggest to him that the interests of the United States, and, as it seems to us, the interests of France herself, require that a solution of the present complications in Mexico be made, as early as may be convenient, upon the basis of the unity and independence of Mexico.²⁸

²⁷ Seward to Motley, Sept. 11, 1863, Dipl. Corr., 1863; Sen. Ex. Doc. No. 11, p. 479, Thirty-eighth Cong., First Sess.

²⁸ Sen. Ex. Doc. No. 11, p. 464, Thirty-eighth Cong., First Sess.

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In reply, the French minister declared that the question of the establishment of Maximilian on the Mexican throne was to be decided by a majority vote of the entire nation; that the dangers of the government of the archduke would come principally from the United States, and the sooner the United States showed itself satisfied, and manifested a willingness to enter into peaceful relations with that government, the sooner would France be ready to leave Mexico and the new government to take care of itself, which France would, in any event, do as soon as she with propriety could; but that she would not lead or tempt the archduke into difficulty, and then desert him before his government was settled. He said that the early acknowledgment of that government by the United States would tend to shorten, or perhaps to end, all the troublesome complications of France in that country; that they would thereupon quit Mexico.²⁹

To this communication, Mr. Seward replied that the French government had not been left uninformed of the opinion of the United States that the permanent establishment of a foreign and monarchical government in Mexico would be found neither easy nor desirable; that the United States could not anticipate the action of the Mexican people; and that the United States still regarded Mexico as the scene of a war which had not yet ended in the subversion of the government long existing there, with which the United States remained in the relation of peace and friendship.³⁰

²⁹ Dayton to Seward, Oct. 9, 1863, Sen. Ex. Doc. No. 11, p. 471, Thirty-eighth Cong., First Sess.

³⁰ Seward to Dayton, Oct. 23, 1863. *Ibid.*

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Before formally accepting the crown, the archduke visited England with a view to securing a promise of recognition for his new position. He was, of course, to pass through Paris, and in view of his approaching visit, Mr. Dayton asked for instructions as to his conduct on the occasion. Mr. Seward replied, February 27, 1864:

I have taken the President's direction upon the question. If the Archduke Maximilian appears in Paris only in his character as an imperial prince of the house of Hapsburg, you will be expected to be neither demonstrative nor reserved in your deportment toward him. If he appears there with any assumption of political authority or title in Mexico, you will entirely refrain from intercourse with him. Should your proceeding be a subject of inquiry or remark, you will be at liberty, in the exercise of your own discretion, to say that this government, in view of its rights and duties in the present conjuncture of its affairs, has prescribed fixed rules to be observed, not only by this department, but by its representatives in foreign countries. We acknowledge revolutions only by direction of the President, upon full and mature consideration."

The archduke visited London in company with his father-in-law, Leopold of Belgium. The British government declined to act on the subject at that juncture, "but gave them reason to hope that, so soon as the action in Mexico would appear to justify it, they would acknowledge him."⁸² Spain and Belgium were ready to follow in the wake of France.

About the time of this visit of Maximilian to England, Mr. McDougall, of California, introduced in the Senate a resolution declaring "that the movements

⁸¹ Dip. Corr., 1864.

⁸² Adams to Seward, March 24, 1864.

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of the government of France, and the threatened movement of an emperor, improvised by the Emperor of France, demand by this republic, if insisted upon, war." This resolution was not carried, but some days later, on the 4th of April, 1864, the House of Representatives passed by a unanimous vote a resolution declaring its opposition to the recognition of a monarchy in Mexico. Mr. Seward, fearing a rupture with France on this account, took pains to inform the government of that country, through Mr. Dayton, that this action of the House was in no way binding on the executive, even if concurred in by the Senate.

The formal acceptance of the crown of Mexico by Maximilian took place April 10, 1864, at Miramar, the palace he had built near Trieste, in the presence of the Mexican deputation. The next day the Emperor and Empress of Mexico, as they styled themselves, set out for their new dominions by way of Rome, where they received the blessing of the Pope. Before leaving Europe Maximilian signed with the Emperor of the French a convention in the following terms:

The French troops in Mexico were to be reduced as soon as possible to 25,000 men.

The French troops were to evacuate Mexico in proportion as the Emperor of Mexico could organize troops to replace them.

The "foreign legion," composed of 8,000 men, was to remain in Mexico six years after all the other French troops should have been recalled.

The expenses of the French expedition to Mexico, to be paid by the Mexican government, were fixed at the sum of two hundred and seventy million francs for the whole duration of the expedition down to

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July 1, 1864. From July 1st all expenses of the Mexican army were to be met by Mexico.⁸³

The resolution of the House referred to above came very near producing the rupture that Mr. Seward was striving to avert, or at least to postpone, during the continuance of the war of secession. When Mr. Dayton visited M. Drouyn de Lhuys just after the resolution reached Europe, the remark which greeted Mr. Dayton when he entered the room was: "Do you bring us peace, or bring us war?" Mr. Dayton replied that he did not think France had a right to think that the United States was about to make war against her on account of anything contained in that resolution; that it embodied nothing more than the principles which the United States had constantly held out to France from the beginning.

The Confederate agents were taking advantage of the resolution to stir up trouble between the United States and France. In fact they had long caused reports to be spread in Europe, and had succeeded in gaining credence for them, to the effect that the United States government was only awaiting the termination of domestic troubles to drive the French from Mexico. The French naturally concluded that if they were to have trouble with the United States, it was safest for them to choose their own time.⁸⁴ Napoleon was all the while coquetting with the Confederate government, and holding above Mr. Seward's head a veiled threat of recognition of Confederate independence. The Confederate government quickly caught at the suggestion of an alliance between Maxi-

⁸³ Dipl. Corr., 1865, Part III, pp. 356-849.

⁸⁴ Dipl. Corr., 1864; also Sen. Ex. Doc. No. 11, Thirty-eighth Cong., First Sess.

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milian and the South with the power of France to back them. A Confederate agent was actually accredited to the government of Maximilian, but did not reach his destination. Although Napoleon's calculations were based on the overthrow of the Union, and although he had assumed at the outset, with England and Spain, an attitude decidedly unfriendly to the Federal government, nevertheless he was not willing to go the full length of recognizing the Confederacy as an independent power while the issue of the conflict was still in doubt.

In speaking of Slidell's movements in Europe and the encouragement given him in France, Mr. Bigelow wrote to Mr. Seward, February 14, 1865:

I am strongly impressed with the conviction that, but for the Mexican entanglement, the insurgents would receive very little further countenance from the imperial government, and that a reconciliation of the national policies of the two countries on that question would speedily dispose of all other sources of dissatisfaction.

As the war of secession seemed nearing its end, the French papers became uneasy in view of possible intervention in Mexico by the United States on the ground of the Monroe Doctrine. This principle of American diplomacy, which was likened to the sword of Damocles suspended over the head of Maximilian, was discussed in all its bearings on the present case by the journals of Europe.²⁵

Throughout all this period of turmoil, the United States recognized no authority in Mexico but that of the Juarez government. In April, 1864, the French

²⁵ Dipl. Corr., 1865, Part III, pp. 380-385.

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minister at Washington complained that serious complications with France were likely to arise out of grants of land made by "ex-President Juarez" in Sonora to emigrants from California. The French government regarded these grants as illegal and proposed to send forces there to prevent the parties from taking "illicit possession."

In May, 1864, the French government sought explanations in regard to a club formed in New Orleans, called the "D. M. D.," Defenders of the Monroe Doctrine. Mr. Seward replied that the object of the club, so far as the government had been able to ascertain, was to bring moral influences to bear upon the government of the United States in favor of a maintenance of the Monroe Doctrine, but not to act in violation of the law, or of the well-understood governmental policy of neutrality in the war which existed between France and Mexico. Members of the association did, however, actually start on an expedition to Brownsville, but the steamer was taken possession of by United States officials. During the year 1864 constant complaint was made by the French government of shipments of arms to the Juarez government from California and from various points along the Rio Grande, particularly Brownsville, in violation of American neutrality.

Shortly after the surrender of General Lee, several Confederate officers of high position and influence went to Mexico and identified themselves with the government of Maximilian. Dr. Wm. M. Gwin, a former United States Senator from California, organized a plan for colonizing the states of northern Mexico with ex-Confederates. This scheme was the subject of sev-

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eral representations to the French government on the part of Mr. Seward. He reminded them that the sympathies of the American people were already considerably excited in favor of the republic of Mexico; that they were disposed to regard with impatience the continued intervention of France in that country; and that any favor shown to the proceedings of Dr. Gwin by the titular Emperor of Mexico or by the imperial government of France would tend greatly to increase the popular impatience. He further requested an assurance that the pretenses of Dr. Gwin and his associates were destitute of any sanction from the Emperor of France.

Among the most prominent Confederates connected with this scheme were Matthew F. Maury, the distinguished geographer and naval officer, who became a naturalized Mexican citizen and was appointed Imperial Commissioner of Immigration and an honorary councillor of state; and General John B. Magruder, who was charged with the supervision of the survey of lands for colonization. It was hoped that the prominence of these men and the high rank they had held under the Confederate government would, in the general uncertainty that prevailed as to the treatment of the South by the victorious Union party, induce many persons to emigrate to Mexico. Maximilian issued a special decree, September 5, 1865, regarding colonization with a view to inducing Southern planters to emigrate to Mexico with their slaves—the latter to be reduced to a state of *peonage*, regular slavery being prohibited by the laws of the empire. This scheme was altogether impracticable.

In July, 1865, Maximilian finally made an effort to

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secure recognition of his government by the United States. On the 17th of July, the Marquis de Montholon, the French minister at Washington, called at the department of state and informed Mr. Seward that a special agent had arrived at Washington, bearing a letter signed by Maximilian and addressed to the President of the United States, a copy of which the marquis presented to the secretary of state. On the 18th, Mr. Seward delivered back the copy of the letter to the Marquis de Montholon, and said that, as the United States were on friendly relations with the republican government of Mexico, the President declined to receive the letter or to hold any intercourse with the agent who brought it. The French government expressed to its representative at Washington its annoyance and embarrassment at this step, and said that Maximilian should have taken measures to learn the disposition of the United States before sending the agent.⁸⁶

Mr. Tucker, in his book on the Monroe Doctrine, makes the statement that Mr. Bigelow, who succeeded Mr. Dayton as minister to France, announced to the French government that the United States would recognize the empire of Maximilian upon the immediate withdrawal of the French troops from the territory of Mexico, but that this statement, made upon the envoy's own authority, was disavowed by the President. This is hardly a correct version of the case. It seems that Mr. Bigelow, in the course of a conversation with M. Drouyn de Lhuys, asked him, "in his own name, and without prejudicing the opinion of his government, if he did not think that the recognition of Maximilian by

⁸⁶ Dipl. Corr. 1865, Part III.

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the United States would facilitate and hasten the recall of the French troops." ⁸⁷

On the 3rd of October, 1865, Maximilian issued a decree at the city of Mexico, the first article of which declared:

All persons belonging to armed bands or corps, not legally authorized, whether they proclaim or not any political principles, and whatever be the number of those who compose the said bands, their organization, character and denomination shall be tried militarily by the courts-martial; and if found guilty even of the only fact of belonging to the band, they shall be condemned to capital punishment, within the twenty-four hours following the sentence."

The United States, through Mr. Bigelow, protested to France against this decree, as repugnant to the sentiments of modern civilization and the instincts of humanity. M. Drouyn de Lhuys replied with a touch of sarcasm:

Why do you not go to President Juarez? We are not the government of Mexico and you do us too much honor to treat us as such. We had to go to Mexico with an army to secure certain important interests, but we are not responsible for Maximilian or his government. He is accountable to you, as to any other government, if he violated its rights, and you have the same remedies there that we had."

The American government was now relieved from the burden of civil war, and for several months the correspondence of Mr. Seward had been assuming a more decided tone. On September 6, 1865, he reminded the French government that the attention of

⁸⁷ Tucker, p. 104; Dipl. Corr., 1865, Part III.

⁸⁸ Sen. Ex. Doc. No. 5, p. 3, Thirty-ninth Cong., First Sess.

⁸⁹ Mr. Bigelow to Mr. Seward, Nov. 30, 1865, Sen. Ex. Doc. No. 5, Thirty-ninth Cong., First Sess.

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the country was now no longer occupied by the civil war, and that henceforth both the Congress and the people of the United States might be expected to give a very large share of their attention to questions of foreign policy, chief among which was likely to be that of their relations with France in regard to Mexico. About this time Major General Schofield was sent to Paris on a mission, the precise object of which was long a matter of mystery. It appears from John Bigelow's memoirs that Grant, Schofield, and a number of other army officers were bringing great pressure to bear upon the government to intervene by force and drive Maximilian from Mexico. Seward, with his usual political sagacity, concluded that the best method of holding Grant and his followers in check was to send Schofield to Paris on an informal mission. According to the latter, Seward said to him: "I want you to get your legs under Napoleon's mahogany and tell him he must get out of Mexico." Seward knew perfectly well that Schofield would not be as belligerent in the presence of the Emperor as he was in Washington, and above all he had confidence in Bigelow's tact and ability to handle Schofield when he arrived in Paris. The plan worked beautifully. Neither Bigelow nor Schofield reported just what took place at the interview with the Emperor, but we may be sure that Schofield did not say in Paris what he had intended to say when he left Washington. After Bigelow returned from Paris in 1867, he had a conversation with Seward in which the latter said:

I sent General Schofield to Paris to parry a letter brought to us from Grant insisting that the French be driven head

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over heels and at once out of Mexico. It answered my purpose. It gave Schofield something to do, and converted him to the policy of the Department by convincing him that the French were going as fast as they could. That pacified Grant and made everything easy."

On November 6 Seward wrote:

The presence and operations of a French army in Mexico, and its maintenance of an authority there, resting upon force and not the free will of the people of Mexico, is a cause of serious concern to the people of the United States. . . . They still regard the effort to establish permanently a foreign and imperial government in Mexico as disallowable and impracticable. For these reasons they could not now agree to compromise the position they have hitherto assumed. They are not prepared to recognize any political institutions in Mexico which are in opposition to the republican government with which we have so long and so constantly maintained relations of amity and friendship.

Finally, on December 16, 1865, Seward addressed what was practically an ultimatum to France. He pointed out the likelihood that Congress, then in session, would direct by law the action of the executive on this important subject, and stated that:

It has been the President's purpose that France should be respectfully informed upon two points, namely: First, that the United States earnestly desire to continue and to cultivate sincere friendship with France. Second, that this policy would be brought into imminent jeopardy, unless France could deem it consistent with her interest and honor to desist from the prosecution of armed intervention in Mexico, to overthrow the domestic republican government existing there, and to establish upon its ruins the foreign monarchy which

* Bigelow, "Retrospections of an Active Life," Vol. IV, p. 42; Bancroft, "Life of Seward," Vol. II, p. 435.

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has been attempted to be inaugurated in the capital of that country.

In conclusion he added :

It remains now only to make known to M. Drouyn de Lhuys my profound regret that he has thought it his duty to leave the subject, in his conversation with you, in a condition that does not authorize an expectation on our part that a satisfactory adjustment of the case can be effected on any basis that thus far has been discussed.

As late as November 29, 1865, the French government, through the Marquis de Montholon, still insisted on recognition of Maximilian by the United States as the only basis for an arrangement for the recall of the French troops.⁴¹

The formal reply to Mr. Seward's note of December 16 was received through the Marquis de Montholon, January 29, 1866. M. Drouyn de Lhuys still insisted that the French expedition had in it nothing hostile to the institutions of the new world, and assuredly still less to those of the United States. He called attention to the fact that the United States had acknowledged the right of France to make war on Mexico, and continued: "On the other part, we admit, as they do, the principle of non-intervention; this double postulate includes, as it seems to me, the elements of an agreement." He also contended that the right to make war implied the right to secure the results of war; that they had to demand guarantees, and these guarantees they could not look for from a government whose bad faith they had proven on so many occa-

⁴¹ Sen. Ex. Doc. No. 6, p. 98, Thirty-ninth Cong., First Sess.

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sions; that they found themselves engaged in the establishment of a regular government, which showed itself disposed to keep its engagements; that the Mexican people had spoken, and that the Emperor Maximilian had been called to the throne by the will of the people of the country.⁴²

Mr. Seward's counter-reply was dated February 12, 1866. He declared that the proceedings in Mexico were regarded in the United States as having been taken without the authority, and prosecuted against the will and opinions of the Mexican people; that the United States had not seen any satisfactory evidence that the people of Mexico had spoken and called into being or accepted the so-called empire, and that the withdrawal of the French troops was deemed necessary to allow such a proceeding to be taken. He added, however, that :

France need not for a moment delay her proposed withdrawal of military forces from Mexico, and her putting the principle of non-intervention into full and complete practice in regard to Mexico through any apprehension that the United States will prove unfaithful to the principles and policy in that respect which, on their behalf, it has been my duty to maintain in this now very lengthened correspondence.⁴³

He concluded with a virtual ultimatum :

We shall be gratified when the Emperor shall give to us . . . definite information of the time when French military operations may be expected to cease in Mexico.

⁴² House Ex. Doc. No. 93, Thirty-ninth Cong., First Sess.

⁴³ Dipl. Corr., 1865, Part III; also H. Ex. Doc. No. 93, Thirty-ninth Cong., First Sess.

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Napoleon finally decided that, in view of the European situation, he could not risk a war with the United States, and in the issue of April 5, 1866, the *Moniteur* announced that the Emperor had decided that the French troops should evacuate Mexico in three detachments: the first to leave in November, 1866; the second in March, 1867; and the third in November, 1867. In the course of a conversation with Mr. Bigelow the day following M. Drouyn de Lhuys acknowledged that this statement was official.⁴⁴ The decision of the emperor was officially made known to the United States in a note of April 21, 1866. Seward had very fortunately left a loophole in his dispatch of February 12, in the statement that the United States would continue to pursue its policy of neutrality after the French evacuation. De Lhuys said:

We receive this assurance with entire confidence and we find therein a sufficient guarantee not any longer to delay the adoption of measures intended to prepare for the return of our army.⁴⁵

American historians have usually attributed Napoleon's backdown to Seward's diplomacy supported by the military power of the United States, which was, of course, greater then than at any other time in our history. All this undoubtedly had its effect on Napoleon's mind, but it appears that conditions in Europe just at that particular moment had an even greater influence in causing him to abandon his Mexican scheme. Within a few days of the receipt of Seward's ultimatum Napoleon was informed of Bismarck's de-

⁴⁴ H. Ex. Doc. No. 93, p. 42, Thirty-ninth Cong., First Sess.

⁴⁵ *Ibid.*

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termination to force a war with Austria over the Schleswig-Holstein controversy. Napoleon realized that the territorial aggrandizement of Prussia, without any corresponding gains by France, would be a serious blow to his prestige and in fact endanger his throne. He at once entered upon a long and hazardous diplomatic game in which Bismarck outplayed him and eventually forced him into war. In order to have a free hand to meet the European situation he decided to yield to the American demands.

About the time that the French government announced its intention of withdrawing its forces from Mexico, it was found that troops were being enlisted in Austria for the Mexican "foreign legion." The United States government at once took measures to prevent the French troops from being replaced by Austrians by declaring to the Austrian government through Mr. Motley, "that in the event of hostilities being carried on hereafter in Mexico by Austrian subjects, under the command or with the sanction of the government of Vienna, the United States will feel themselves at liberty to regard those hostilities as constituting a state of war by Austria against the republic of Mexico; and in regard to such war, waged at this time and under existing circumstances, the United States could not engage to remain as silent and neutral spectators."⁴⁶

Mr. Motley seems to have been somewhat surprised and puzzled at the sudden and emphatic change of tone in the instructions of his government, and failed to carry them out in the spirit intended by Mr. Seward. This brought forth a sharp reprimand. Mr.

⁴⁶ Wharton's Digest, Sec. 58, Vol. I, p. 328.

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Seward expressed his strong disapproval of the position taken by Mr. Motley in his communication of the instructions of the department to the Austrian government, and directed him to carry out his instructions according to the strict letter, adding:

I refrain from discussing the question you have raised, "Whether the recent instructions of this department harmonize entirely with the policy which it pursued at an earlier period of the European intervention in Mexico."

Mr. Motley was instructed to withdraw from Vienna in case troops were sent from Austria to Mexico. The embarkation of troops for this purpose was stopped. Austria was in a great state of excitement over the approaching war with Prussia, and, besides needing all her available troops at home, did not care to antagonize the United States.

It was now a question of great interest in this country and in Europe, whether Maximilian would withdraw from Mexico with the French troops or attempt to maintain himself there without foreign support. Napoleon sent one of his aides to Mexico to make known his intentions to Maximilian. This fact was communicated to the United States government, October 16, 1866:

Mr. de Castelnau has for his mission to make it well understood that the limit of our sacrifices is reached and that if the Emperor Maximilian, thinking to find in the country itself a point of sufficient support, may wish to endeavor to maintain himself there, he cannot for the future count on any succor on the part of France. But it may happen that, deeming it impossible to triumph through his own resources over the difficulties which surround him, this

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sovereign may determine to abdicate. We will do nothing to dissuade him from this, and we think that on this hypothesis there would be ground to proceed, by way of election, in the establishment of a new government.*

When the time came for the withdrawal of the first contingent of French troops, no action to that end was taken by the French government, and the United States had once more to seek an explanation. The Emperor assured the American government, however, that he had decided from military considerations to withdraw all his troops in the spring in a body, as the recent successes of the insurgents would render any large reduction of his forces perilous to those who remained. He further stated that he had counselled Maximilian to abdicate.⁴⁸ To the surprise of everyone, however, Maximilian seemed to think that honor demanded that he should remain in Mexico and share the fate of his supporters.

After the withdrawal of Mr. Corwin, owing to the unsettled state of affairs in Mexico, the United States had no one accredited to that government until May, 1866, when Mr. Lewis D. Campbell, of Ohio, was appointed. He left New York for his post in November, 1866, accompanied by Lieutenant General William T. Sherman of the army. They proceeded in the U. S. S. *Susquehanna* by way of Havana, but as they found the principal Mexican ports on the Atlantic still occupied by the French, they proceeded to New Orleans, from which point Mr. Campbell tried to establish regular communication with President Juarez. The President had first decided to dispatch General Grant with Mr.

* Dipl. Corr., 1866, Part I, p. 387.

** H. Ex. Doc. No. 30, Fortieth Cong., First Sess.

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Campbell, in the hope "that some disposition might be made of the land and naval forces of the United States without interfering within the jurisdiction of Mexico, or violating the laws of neutrality, which would be useful in favoring the restoration of law, order and republican government in that country." This demonstration was intended to insure the withdrawal of the French army according to the promises of the Emperor. A hitch occurred through some question raised by General Grant and General Sherman was substituted.⁴⁹

The French army was withdrawn in the spring of 1867, and it very soon became evident that Maximilian's cause would speedily collapse. In view of the almost inevitable capture of Maximilian, Mr. Seward telegraphed to Mr. Campbell at New Orleans, April 6, 1867:

You will communicate to President Juarez, promptly and by effectual means, the desire of this government, that in case of capture, the prince and his supporters may receive the humane treatment accorded by civilized nations to prisoners of war.

Some of the prisoners already taken had been summarily executed.

Mr. Campbell at once dispatched a special messenger, who succeeded in getting through to the headquarters of Juarez, and who returned with an answer from the Mexican government, dated April 22, 1867. This answer not only undertook to defend the execution of prisoners above referred to, but also intimated that similar severity would be practiced on Maximilian

⁴⁹ Dipl. Corr., 1866, Part III.

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and his leading associates, if captured, on the ground that, by his harsh decrees, he had placed himself beyond the pale of the law of nations.⁵⁰

Maximilian and his chief supporters were taken prisoners, May 15, 1867. This information was received in the United States toward the last of the month, and along with it a report, not well authenticated and which afterward proved to be false, that they had been executed on the 16th. As soon as these rumors reached Washington, Mr. Seward telegraphed to Mr. Campbell, then at New Orleans, June 1, 1867, directing him to proceed at once to the residence of the President of Mexico and enter on his mission, and if necessary to urge clemency to Maximilian and the other prisoners of war. Mr. Campbell failed to act under these instructions. He requested first that a public vessel of the United States should be detailed to carry him to Mexico. When it was found that no ship was available for this purpose, he was ordered to proceed to Havana and thence by the British or French line of steamers to Vera Cruz. He replied that under the circumstances he did not think it becoming the dignity of the representative of the United States to return to Mexico under the flag of a nation which had shown such hostility to that country. He thus remained at New Orleans from the first to the fifteenth of June. He was then ordered peremptorily to proceed at once according to instructions. He replied that he was ill and was afraid to go by way of Havana, where yellow fever was raging; that he would resign, if desired. The same day Mr. Seward telegraphed him that his resignation would be accepted.

⁵⁰ Dipl. Corr., 1866, Part III.

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Mr. Seward then informed Mr. Romero, the Mexican minister at Washington, that Austria, France, and Great Britain had appealed to the United States to use its good offices to avert the execution of Prince Maximilian. He strongly recommended clemency to President Juarez, as good policy, and requested Mr. Romero to make the same known to his government at once. This was June 15, the same day that Mr. Campbell's resignation was accepted. On the 21st, Mr. Seward requested Mr. Romero to inform President Juarez that the Emperor of Austria would restore Maximilian to all his rights of succession upon his release and renouncing forever all projects in Mexico.⁵¹

Meanwhile Maximilian of Hapsburg, Miguel Miramon, and Tomas Mejia had been tried by court-martial and sentenced to death, June 14. The sentence was confirmed by the government on the 15th, and the execution fixed for the 16th, but at the request of Maximilian's counsel, it was suspended by order of President Juarez until the 19th, in order to allow the prince to arrange certain business affairs of a private character. At seven o'clock on the morning of June 19 the prisoners were shot.

⁵¹ Sen. Ex. Doc. No. 20, Fortieth Cong., First Sess.