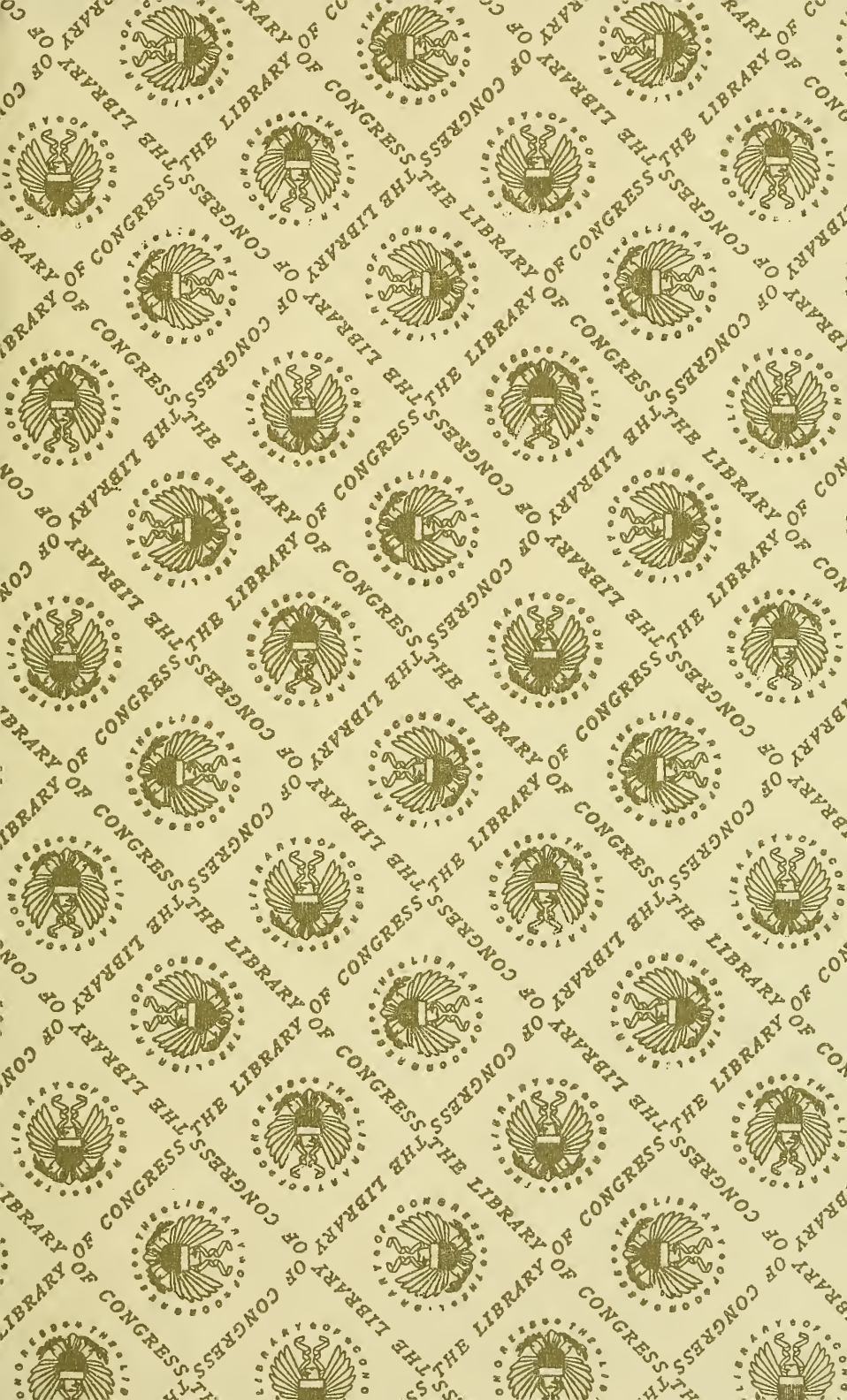


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*Wm. B. McCallister*

THE PRESIDENCY OF MEXICO.

PROTEST

OF

GENERAL JESUS GONZALES ORTEGA,

President of the Supreme Court of Justice,

AGAINST THE

DECREES OF SENOR BENITO JUAREZ,

Ex-President of the Mexican Republic,

ISSUED NOVEMBER 8th, 1855,

AND HIS

ADDRESS TO THE MEXICAN NATION,

TO WHICH ARE APPENDED

LETTERS IN RATIFICATION OF HIS POSITION.

New-York:

FROM RUSSELL'S AMERICAN STEAM PRINTING HOUSE PRESSES,

28, 30 AND 32 CENTRE STREET.

1866.

John W. McLean

Washington, D.C.

Dear Sir,

I have the honor to acknowledge the receipt of your letter of the 10th inst.

and in reply to inform you that the same has been forwarded to the proper authorities.

I am, Sir, very respectfully,  
Your obedient servant,

J. W. McLean

Secretary of the Treasury

Washington, D.C.

Enclosed are the papers referred to in your letter.

I am, Sir, very respectfully,  
Your obedient servant,

J. W. McLean

# THE PRESIDENCY OF MEXICO.



## PROTEST

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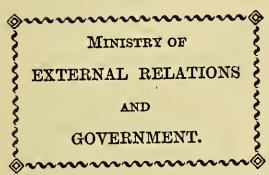
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# DECREES OF BENITO JUAREZ.



## DEPARTMENT OF GOVERNMENT—SECTION 1.

The Citizen President of the Republic has seen fit to issue the following decree :

BENITO JUAREZ, Constitutional President of the United States of Mexico, to the inhabitants thereof. Be it known :

That in exercise of the plenary powers conferred upon me by the National Congress, through its decrees of December 11th, 1861 ; of May 3d, and of October 27th, 1863 ; and WHEREAS,

FIRSTLY.—In articles 78, 79, 80 and 82 of the Federal Constitution, treating of the period of the functions of the President of the Republic, and of the manner of his substitution, provision has been made for a new election of a President, but which, in fact, has not been verified, inasmuch as said provision did not anticipate existence of a state of war, such as the present ; and, moreover, as the enemy, at the present moment, occupies a great portion of the National Territory, it is impossible for a general election to be constitutionally held at the ordinary periods.

SECONDLY.—That in those articles of the Constitution, providing for a substitute for the President of the Republic in the

event of a vacancy, it was provided to confide the executive power of the Presidency to the President of the Supreme Court of Justice, to act in the only case foreseen, during the interim, until a new election could be had according to the Constitution.

THIRDLY.—Inasmuch as it is impossible for an election to be held on account of the war, and as the President of the Supreme Court, were he to enter upon exercise of the functions of the executive office, would do so for an indefinite period of time, it becomes necessary to extend his powers beyond the limit prescribed by a literal construction of the Constitution.

FOURTHLY.—That by the supreme law of necessity for the conservation of the government, the prolongation of the term of office of the President, and of his substitute, would be more conformable to the spirit of the Constitution, inasmuch as it would avoid possibility of the Government being without a head, or the creation of rival functionaries, operating one in the absence of the other; and, moreover, because, conformably to the popular vote, the President of the Republic was elected, primarily and directly, to exercise the functions of the executive, while the President of the Supreme Court was elected, primarily and directly, to exercise judicial functions, those of the executive being entrusted to him, secondarily and *ad interim*, in the case of absolute necessity.

FIFTHLY.—And considering that the present case is not provided for in the Constitution, and the interpretation of the provisions and spirit of the Constitution belongs exclusively to the legislative power, and that the law of December 11th, 1861, confirmed by repeated votes of confidence by the National Congress, has invested the President with power, not subjected to ordinary Constitutional rules, by which he possesses plenary power to do and perform all acts which he may judge proper during existing circumstances, unrestricted save as to the salvation of the independence and integrity of the national territory, of the form of government established by the Constitution, and of the principles and laws of reform:

It has pleased me to decree as follows :

ART. I.—In the present condition of the war, it becomes necessary to extend, and are hereby extended, the functions of the President of the Republic, beyond the time ordinarily limited by the Constitution, until such a period at which the executive government can be turned over to a president, duly elected at an election, which shall be held whenever the condition of the war shall admit of its being held constitutionally.

ART. II.—For a like reason it becomes necessary to extend, and are hereby extended, the functions of the person who holds the position of President of the Supreme Court of Justice, beyond the time ordinarily limited by the Constitution, in order that, should a vacancy occur in the Presidency of the Republic, he may be enabled to fill it as substitute.

For all of which I order this to be printed, published and circulated, that force be given the same.

Given at El Paso del Norte this eighth day of November, in the year 1865.

BENITO JUAREZ.

TO THE CITIZEN SEBASTIAN LERDO DE TEJADA.



DEPARTMENT OF GOVERNMENT—SECTION I.

The Citizen President of the Republic has seen fit to issue the following decree :

BENITO JUAREZ, Constitutional President of the United States of Mexico, to the inhabitants thereof. Be it known :

That in exercise of the plenary powers conferred upon me by the National Congress, through its decrees of December 11th, 1861; of May 3d, and of October 27th, 1862, and of May 27th, 1863, and WHEREAS :

FIRSTLY.—The Citizen General, Jesus G. Ortega, thought proper, in July of the year 1863, to assume the office of Governor of the State of Zacatecas, and abandoned, in San Luis Potosi, the office of Constitutional President of the Supreme Court of Justice.

SECONDLY.—For this reason, following the precedent of Congress, which, owing to the vacancy in the Constitutional Presidency of the Court, had created provisionally a President of the Court, the Government, at the city of Chihuahua, under date of November 30th, 1864, declared that it was necessary that the Citizen General, Ortega, should continue in his capacity as President of the Supreme Court of Justice.

THIRDLY.—The object literally expressed in that resolution was to avoid possibility of the Government being without a head, and gave to the Citizen General, Ortega, a definite and recognized title, so that, in the case of a vacancy in the Presidency of the Republic, he could enter upon its duties as substitute.

FOURTHLY.—Not being contrary to this motive, as he could fulfil his duties in any part of the Republic, Government conceded to General Ortega, on the 30th of December, 1864, a license, which he prayed for on the 28th, to proceed and bear arms in the cause of Independence within the interior of the Republic, with the privilege expressed in the license, according to his solicitation, as well as going direct through Mexican territory, as of passing in *transitu* through a foreign land.



FIFTHLY.—General Ortega departed accordingly, and, nevertheless, despite the express tenor of his license, and, in the place of passing *in transitu*, has resided permanently in a foreign country, without license or permission so to do, and in this wise abandoned his office of President of the Supreme Court of Justice, under the grave circumstances of an actual state of war, at a time when serious casualties have happened, and still may happen, by some of which the Government may suffer the inconvenience of being without a head; yet, in expectation of his return, it was not deemed advisable to name another President of the Court, who, in the event of a vacancy in the Presidency of the Republic, might assume its functions as substitute.

SIXTHLY.—In addition to responsibility, incurred through official vacation of his post as President of the Court, he has likewise violated the rules of good order, inasmuch as, holding a position as General, he has gone to reside permanently in a foreign country, during continuance of a state of war, and thereby abandoned the cause of the Republic, its standard and army.

EIGHTHLY.—Considering that the Government can, and ought, to declare this responsibility, with the power and ample functions delegated to it by Congress, not in opposition to, by applying a just remedy in necessary cases, according to the provisions of the Constitution with regard to public functionaries—

I decree as follows:

ART. I.—The Citizen General, Jesus Gonzales Ortega, inasmuch as from his having taken up a permanent residence in a foreign land during a continuance of actual hostilities, without license or commission from the Government, has rendered himself responsible to a charge of official dereliction, in voluntarily abandoning his office as President of the Supreme Court of Justice; that, when he presents himself upon the soil of the Republic, the Government will make such dispositions as will establish his guiltiness.

ART. II.—The Government, employing the plenary powers delegated by Congress, and applying Article 104 of the Constitution, declares that cause exists to proceed against the Citizen, Jesus Gonzales Ortega, and that, when he presents himself upon the soil of the Republic, a judicial inquisition will be had against him for a crime against good order, for that, while holding the position of a general in the army, he has resided permanently and voluntarily in a foreign land, during continuance of hostilities, without license from the government, thereby abandoning the army, its standards and the cause of the Republic.

ART. III.—Conformably to precedent, established by Congress, the Government, in exercise of its plenary powers, will nominate a President of the Supreme Court of Justice to serve as a substitute to the President, should a vacancy occur, prior to the time when the office shall be turned over to his successor, constitutionally elected, as soon as the state of the war will permit an election to be held.

For all of which I order this to be printed, published and circulated, that force be given the same.

Given at El Paso del Norte this Eighth day of November, in the year 1865.

BENITO JUAREZ.

TO THE CITIZEN SEBASTIAN LERDO DE TEJADA.

## PROTEST OF THE CITIZEN, JESUS G. ORTEGA,

PRESIDENT OF THE SUPREME COURT OF JUSTICE OF THE MEXICAN  
REPUBLIC, AGAINST THE DECREES ISSUED BY DON BENITO  
JUAREZ, ON THE 8TH DAY OF NOVEMBER, 1865.

THE impolitic and disgraceful act, consummated by Don Benito Juarez, in issuing, through your official hands, the decrees of the 8th of November last past, has placed me in the painful position, aware of the circumstances surrounding the political situation of the Mexican Republic, of protesting before, and in the name of the nation, against the subject matter and import of those manifestoes :

FIRSTLY.—For that they are against the express provisions of the political constitution of the Republic, and are consequently arbitrary, illegal and void of effect.

SECONDLY.—For that they create a dictatorship, to be wielded by Benito Juarez, who can, at his option, supersede one of the Federal authorities, sovereign and independent, whose functions have been recognized by the vote of the nation, in this wise destroying a Republican principle, and the basis of legal order, that is, *the form of Government established by the Constitution.*

THIRDLY.—For that they are contrary to the spirit of the powers delegated to the Executive by the National Congress, which to-day, notwithstanding existence of a war with France, declared, while making the concessions contained in the decree of December 11th, 1861, whereby authority of every nature was conceded to the executive to institute, unrestrictedly, such measures as might be considered apt and proper under the actual circumstances, that such powers to be exerted with a sole view

of preserving the independence and integrity of the national territory, *the form of Government established by the Constitution*, and the principles and laws of reform. Moreover, the law of October 27th, 1862, imposed a positive restriction that the executive could do nothing contrary to the provisions of Title IV of the Constitution, which provides that the President has no power to declare if cause exists against any public functionary—a restriction, conceived and set forth with the aim of precluding possibility of the President abusing his power to the detriment of constitutional authority.

FOURTHLY.—For that the decrees aforesaid seriously compromise the independence of the nation, robbing its defenders of a legitimate government, which alone can serve as a rallying point for united patriotism, and substituting in its stead an illegal usurpation, with no more force in authority than that of the unconstitutional decrees now issued.

FIFTHLY.—For that the tone of those decrees is insulting to the Mexican people, battling for principle beneath the constitutional banner, as from a perusal of their text it may be inferred that blood, spilled by thousands of patriots and martyrs, had been out-poured with no other object than for a defence of the person of Benito Juarez, and that, without the salvation of this individual, the cause of Mexico would be hopeless.

SIXTHLY.—For that the statements set forth in those decrees are not only founded upon sophistry, but contain calumnies affecting my personal and official character.

The obligations of the solemn oath, assumed by one as constitutional President of the Supreme Court of Justice, in accordance with the letter and spirit of the Constitution, has been so far observed by me in full faith, as well as with a regard for the popular rights, secured the nation by that instrument; as the nation, when again recovering full exercise of its privilege, must hold all functionaries to a strict accountability.

Eagle Pass, December 21st, 1865.

JESUS G. ORTEGA.

TO DON SEBASTIAN LERDO DE TEJADA.

## THE CITIZEN, JESUS G. ORTEGA,

CONSTITUTIONAL PRESIDENT OF THE SUPREME COURT OF JUSTICE,  
TO THE MEXICAN NATION.

### MEXICANS:

Don Benito Juárez has issued, at El Paso del Norte, on the 8th day of November last past, through the intermediation of Don Sebastian Lerdo de Tejada, acting as Minister of Relation and Government, two decrees: in one, extending the duration of his own powers, and in the other divesting of authority the President of the Supreme Court of Justice. Although alleging two separate pretexts for this last decree, it has been issued with the sole and exclusive aim of arrogating to his personal action the election of the Vice-President of the Republic, a person who, by the express terms of the Constitution, is entitled to, and should succeed to the exercise of the Supreme Executive power on the 1st of December following. There is nothing singular in this step of the Senor Lerdo de Tejada, when his past political career has been called to mind. It must be remembered that he was one of the persons participating in the *coup d'état* of Commonfort—a bloody page in the history of Mexico, which excited the scandal of the world. Returning to the soil of my country, whither I had been drawn from promptings of honor and duty, and where I had come to fulfil the duties of the office which I had received, not from Benito Juarez, but through the spontaneous expression of national confidence, the first spectacle which greeted my vision was its genial horizon lowering over a blood-stained country, strewn with the ruins of a political edifice, previously raised at so dear a cost. There were presented to me two decrees, foreshadowing the gloom of the future. Beneath their shadow I perceived anarchy and disorder, an outrage upon the Mexican people, another scandal in our political history, as

the inevitable consequences of acts, reprobated by morality and experience, the deeds of men who have prostituted the law into a means to serve their personal ambition, instead of administering it for the public good. They revived the painful reflection that Mexicans, treasuring confidence in the purifying influences of Republicanism, had deceived themselves when they had hoped that ignominy had forever disappeared from their midst, leaving behind it but a melancholy memory of previous misdeeds.

My first impression was to postpone all action for the benefit of my country, for which I would have spared no sacrifice, whatever may be its magnitude. My public career, heretofore without stain, is the clearest testimony of the truth of my sentiments. Two expedients presented themselves, whereby to extricate myself from my cruel position. The one was to remain mute, saying not a word against the illegality of these decrees, immolating myself upon the altar of my country, retiring to some foreign land, so that the friends of legality, of popular rights, of constitutional privilege, should have no other banner to rally around than that set up in this arbitrary manner.

The other was to protest against these decrees, leaving national rights intact, yet not to erect a new standard, for this might generate a fresh and imprudent scandal; neither was I willing to absent myself, for such a desertion would militate against principle. Had I followed the first suggestion, I would have abandoned rights, not my own, but those of the people, transmitted to me through their votes; I should have shirked fulfilment of the oath taken before the National Congress, and avoided performance of the duties of my official position, substituting in their stead a modest shame; I would have abandoned the straight road and turned aside into another, whether for good or evil, but which assuredly was not the pathway of duty and honor. Moreover, it would have resulted in leaving the country without a legal government, without which it would have been impossible to have made head against a colossal enemy; it would have authorized a fresh attack upon the dignity of the law, without which it is hopeless to anticipate permanent establishment of the Republic, and of national tranquility.

In adopting a second course, I would fulfil my duty and demonstrate to the nation that I was not a party, neither tacit or active, to the blow inflicted upon constitutional rights; I would show to the world that the errors of two men were not those of the nation, whose interests are derived from a more elevated origin—interests which Mexico has defended for the last ten years—and finally, I would place myself in a position before my country capable of defending my conduct. Neither did I believe that persistence in silence would better the military condition of the war. Consequently, I determined upon this last line of conduct, and directed to Don Sebastian de Lerdo de Tejada the protest against the unconstitutional decrees to which I have alluded.

#### ARTICLES OF THE CONSTITUTION.

ART. 79.—The President shall enter upon the functions of his office on the first day of December, and continue for the term of four years.

ART. 79.—In the temporary absence of the President of the Republic, and in the interim before his successor qualifies, the President of the Supreme Court of Justice shall enter upon and perform the duties of that office.

ART. 80.—If the absence of the President be absolute, a new election will be held, in accordance with the provisions of Art. 76, and the President, in this wise elected, will perform his functions until the last day of November of the fourth year from the time of his election.

ART. 82.—*If, from any cause whatsoever, the election for President is not held and published by the 1st day of December, by which time the vacancy should have been filled, or that the candidate elect should fail to enter upon the performance of his duties, the term of the previous President, nevertheless, ceases, and the Supreme executive power, during the interim, will vest in the President of the Supreme Court of Justice.*

ART. 94.—The members of the Supreme Court of Justice,

upon entering upon the functions of their office, shall take an oath before Congress, or in the event of its adjournment, before the Permanent Deputation, in the following form:—" You do swear, loyally and patriotically, to fill the office of Magistrate of the Supreme Court of Justice, which the people have conferred upon you conformably to the Constitution, and regarding only the welfare and prosperity of the Union.

ART. 95.—*The Office of Magistrate of the Supreme Court of Justice can only be renounced for grave causes (POR CAUSA GRAVE), qualified by Congress, unto whom the renunciation must be presented, if, during its adjournment, the qualification shall be made by the Permanent Deputation.*

#### T I T L E I V.

##### RESPONSIBILITIES OF PUBLIC FUNCTIONARIES.

ART. 103.—The deputies of the Congress of the Union, the Magistrates of the Supreme Court and Cabinet Secretaries, are responsible for malfeasance in office, and for the derelictions or omissions which occur during their continuance in office. The governors of states are equally responsible for infractions of the Constitution and Federal laws. So, also, is the President of the Republic: but, during his term of office, he can only be accused on charges of treason against the country, *of express violation of the Constitution*, of attacks upon the elective franchise, and of criminal offences of the common order.

ART. 104.—If the crime be of the common order, Congress, acting as a grand jury, will decide whether there be cause to proceed against the accused. In the case of a regular decision, no ulterior proceedings can be had. Should the decision be affirmative, the accused will be suspended from office and subjected to the action of the ordinary tribunals.

ART. 105.—In cases of malfeasance, Congress will act as a jury of accusation, and the Supreme Court as a tribunal for judgment. The jury of accusation will declare as to the guilt of the



accused by a majority of votes. If the accusation be absolved, the official will continue in the enjoyment of his office; if sustained, the offender will be immediately divested of office, and placed at the disposition of the Supreme Court. This Court, erected into a tribunal of sentence, in the presence of the criminal, the public prosecutor and the accuser, if any there be, shall proceed to pronounce, by a majority of votes, the penalty which the law provides.

ART. 106.—Judgment pronounced for responsibility as to malfeasance, no pardon can be granted the transgressor.

ART. 107.—Responsibility as to malfeasance can only be exacted during the term of the offender's office, and for the period of one year thereafter.

ART. 108.—In demands of a civil order, there is neither process nor immunity for public functionaries.

In according extraordinary powers to the Executive, by reason of the state of war, Congress, in its concessions in the decree of October 27, 1862, imposed an express and definite restriction that he should do nothing contrary to the provisions of Title IV of the Constitution. Hence, it can be readily surmised that Congress had other objects in imposing this restriction upon the Executive beyond the mere conservation of constitutional order, in placing the high dignitaries of the State beyond reach of Presidential attack. They evidently feared that, were unlimited power placed in the hands of the Executive, he might proceed against some functionary, and in this wise produce internal disorder, as Juarez has done in this instance, contrary to the provisions of the Constitution, through abuse of the powers accorded by Congress, and to the manifest prejudice of public decency.

According to Article 95 of the Constitution, "the office of Magistrate of the Supreme Court of Justice can only be renounced for grave causes (*por causa grave*), qualified by Congress, unto whom the renunciation must be presented. If, during its adjournment, the qualification shall be made by the Permanent

Deputation." A sufficient answer to this consists in the fact that I have not renounced the office, conferred upon me by popular suffrage, nor has any grave cause been urged against me to render such a step advisable, and consequently no qualification has been made by either Congress or the Permanent Deputation.

I have quoted the preceding provisions of the Constitution, so that from a perusal of their text the enormity of their infraction is apparent, and not with a view to exhibit the utter worthlessness of the pretensions upon which are based the decrees of November, which attempt would be an insult to the common sense of the general public.

In the decrees of Juarez, and the circular accompanying them, he has sought to furnish a sample of logic and explanation of our constitutional law. To these puerile expedients he has had recourse, for want of better reasons to support his assumptions. Neither as a Mexican, nor as a magistrate, do I wish to discuss this point; the nation will adjudicate upon the simple narration of fact. I would it were within my province to reveal all; it would vindicate my conduct and place Juarez and Lerdo in no enviable and patriotic light; but national interests demand my silence.

The *coup d'etat* of Commonfort, in 1857, caused Don Benito Juarez, then Chief Justice of the Supreme Court, to enter upon the executive functions of the Union. Legal order established after three years of civil war, Congress met in 1861, and there being no person legally entitled to assume the functions of the Presidency of the Republic, in the event of a vacancy, by reason of the President of the Supreme Court of Justice having entered upon the duties of the Chief Executive, an election was held to supply the vacancy in the order of succession to the Presidency, and, in accordance with that design, I was elected to the Presidency of the Supreme Court, *ad interim*. About that period I had been elected, by the popular vote, Governor of the State of Zacatecas.

After assuming the prescribed oath of office, as President of the Court, *ad interim*, before the National Representatives, I pro-

ceeded, a few days thereafter, to the city of Zacatecas, and assumed the Governorship of that State.

This occurred in the year 1861. During the last months of that year, and the earlier ones of 1862, I acted alternately as Constitutional Governor of Zacatecas, Governor and Military Commander of the State of San Luis Potosi, and Military Commander of the States of Aguascalientes and Tamaulipas. This last disposition was made in consequence of the state of the war.

During all this time neither the nation, the Permanent Deputation, nor Congress, when it assembled, perceived that I had abandoned the Presidency, *ad interim*, of the Supreme Court, nor did they detect that incompatibility in office holding which Senors Juarez and Lerdo de Tejada seek to discover by a resort to obsolete constitutional authority, with the aim of finding out that which has no existence in our present national compact.

It had been the desire of Congress simply to select a person with an acknowledged and legal title to succeed to the Presidency of the Republic, in the event of a vacancy, and not an individual to preside over the ordinary business of the Court. The political emergencies of the period, particularly during a state of war, demanded the recognition of a person entitled to the succession, and it mattered little whether he was, or was not, Governor of Zacatecas.

During normal times it might have proven inconvenient for the same individual to enjoy two employments, still the Constitution is silent on that head, and neither have I pretended to fill both at the same time. The war and state of the country governed my actions, and not my own inclinations, for my honor and sense of duty to my native land have impelled me to situations wherein I could render myself most useful to my country. Moreover, I have ever deemed it a gratification to obey the summons which the nation extends to a soldier of the people. I have referred to past events, not for the sake of argument, but to cite facts, patent to the world, and ratified by popular opinion.

During my sojourn in Zacatecas and San Luis, at a distance from the capital of the Republic, a popular election was held for the Presidency of the Supreme Court of Justice, which election,

according to the declaration of the house, resulted in my elevation to that dignity, notwithstanding opposition from the administration of Benito Juarez, with all its power and influence.

When elected I was constitutional Governor of Zacatecas, and notwithstanding that fact, on my transit through the capital of the Republic, I took the oath of office and entered upon its functions for a day, and thence passed on to assume command of my army division in the department of the East.

Shortly after, I took command in my capacity as General-in-Chief of that department, and a very little later officiated as Governor and Military Commander of the State of Puebla, which I held until the middle of the year 1863; and during all this period I maintained a second capacity, as I have stated, namely, as constitutional Governor of Zacatecas.

During the interval of my respective services, neither the nation, the Permanent Deputation, nor Congress discovered *any abandonment on my part of the Presidency of the Court*, neither did they perceive that *incompatibility in employments*, concerning which so much has been said. I was found exactly where my duty as a soldier summoned me.

Having been taken prisoner on the plaza of Puebla, it appears that some propositions were made in the House, having for their object the nomination of some person to replace me in office. No action was had on these propositions, as my nomination had been made for the Presidency of Court in compliance with the requirements of the Constitution, consequently the appointment of any other person would have been invalid on account of its unconstitutionality. The records of the Congressional session attest the truth of these facts. Having attained freedom through an escape from the prison of Orizaba, I forthwith hastened to San Luis, where I found the Government located. After opening the Supreme Court, I directed my steps to the State of Zacatecas, in no wise abandoning the Presidency of the Court, as has been malignantly asserted, but on the contrary, complying with all the rules and regulations governing the internal organization of that body.

At the time of my march, and my separation from the Court,

I demonstrated to the magistrates that my escape from prison in no wise compromised my parole of honor, and that my object was to hold myself in readiness to struggle for the independence of Mexico, whose salvation depended rather upon feats of arms than upon discussions of points of law, and hence I was anxious to present myself in a State of which I was a son and the governor, to impose new obstacles to the advance of the invader. My colleagues approved of my resolution. A little later was conceded the license I solicited; at the time I was still Governor of Zacatecas.

I had, on many occasions, organized the troops of Zacatecas and commanded them through various successful campaigns. I had been one of the leaders of the State during the revolution for reform and the establishment of public order. I had been a governor for five years, and was so at the time, having been re-elected by the popular vote.

It was natural to suppose I exerted no little influence upon the political affairs of that population. My convictions, and I may assert without fear of equivocation, the convictions of my copatriots, demanded that I should devote my energies to the re-organization of its troops, to impose a bold front to the enemy during those solemn moments of the country.

It is but rational to presume that the Government of the Union would have been actuated by similar patriotic convictions. The spectacle of the national drama remained unchanged, or, if it had changed at all, the aspect had been rendered more melancholy by the misfortunes incurred at Mexico and Puebla; nevertheless, personal interests, shielded from public scrutiny, overpowered considerations for the common weal.

During anterior years my permanent presence at the court had not been deemed requisite, neither was it so considered when I lay besieged within the walls of Puebla. But in those days organs of the popular voice were on the alert, keeping constant guard over the interests of the State.

The Government worked only to stultify my influence; it operated to preclude any opportunity of my sharing the popular destiny through rendering fresh services to the country. The cardinal policy of all its acts tended towards ulterior purposes.

My position at the head of the troops of an influential Democratic State was one of the most serious obstacles Mexico presented to the invader; it served, moreover, as a sentinel, guarding the legal rights and privileges of the people, so that the offices of the State could not be disposed of, as if they were in the hands of private proprietors.

The administration of Senor Juarez, instead of employing for the benefit of Mexico the great or little influence which I possessed in Zacatecas, commenced intriguing, in a private manner, with a view of removing matters and persons to another sphere, in order to neutralize my influence. At the same time, Senor Juarez incited a private epistle to Don Severo Cosio, who acted as Governor of Zacatecas, promising him a continuance in office. As the tenor of the communication was of a private character, and related to the personal opinions of the President, the patriot Senor Cosio answered in a like style, assuring him that my influence in the State, taken in connection with my official position as governor, was of importance, if not absolutely necessary, did they desire to defend the integrity of the State. Nevertheless, the intrigues continued. Shortly after came commissioners and agents of the Government, who tendered proposals of command to the General, Don Victoriano Zamora, who had been provisional constitutional Governor of the said State in previous years. Civil war was on the point of breaking out in Zacatecas by reason of the private intrigues of the Government, and this, too, at a time when the French army was penetrating into the interior of the country, and Zacatecas was standing in threat of an attack.

The Government was well aware that, should it declare Zacatecas to be in a state of siege, with the view of appointing a governor, selected by it, to supersede me, it would be my duty to obey the mandate; but, at the same time, the Government was likewise aware that such an act would be reprobated by a State notoriously jealous of the exercise of its privileges, and one which contributed the most towards the defence of Independence under a constitutional *regime*. It was aware, moreover, that the nation at large would recognize, in an act of that nature, the motive of its dictation to be to impair my popularity to serve its

own personal inclinations. All these machinations crumbled to pieces, shaken by the patriotism and common sense of the people of that section of the Republic.

The country disapproved of all these things, for it was deemed necessary to discard private interests, and to concentrate every energy towards the public welfare. With this object in view, a delegation, composed of the Deputies, the Licentiate Don Jose Maria Castro, and Col. Don Jesus Leora, was sent to the city of San Luis, there to address the Government in a firm yet respectful manner, as to the resolution taken up by Zacatecas to furnish troops, in its sovereign capacity, in accordance with its population and dignity, which forces would be placed at the disposal of the Supreme Government. At the same time, the delegation was charged to request that no more obstacles should be placed in the way of its particular Government, when endeavoring to discharge its patriotic mission. Finally the State agreed to guarantee all my actions, and pledged itself to pay over monthly the assessment levied upon it as a national contribution.

The general Government had previously dispatched agents into the State, ostensibly to act as collectors of revenue, but in reality to impede my progress in the work of raising troops. Had the Government stood in need of resources, the delegation were prepared to stipulate as to payment of contributions, under the proviso of having the amount definitely determined. The delegation had interviews with Senor Juarez and some of his ministers, without arriving at any satisfactory conclusion. Nothing could be more natural, for they were strenuously opposed by two ministers, holding secret communications with the enemy, as was shortly afterwards demonstrated to the public through the notoriety of their treason. These ministers, in treacherous employ, naturally exerted every endeavor to damage the Republic, and through complication of affairs to augment its perilous condition. Nevertheless all their arguments were warmly applauded by this same Senor Juarez, for they flattered his vanity by encouraging expectations as to his prolongation of his term of office.

The definite answer received by the delegation, was to the effect that it would manifest to me that the Government had no inclination to recall its agents, and neither did it *stand in need of troops, as there were sufficient under the command of Generals Doblado and Uraga.*

The delegation conveyed to me the result of its mission, and I detected the hand of treason in these machinations of the cabinet. So, was it possible that the defence of our independence demanded no further soldiery, when a foreign army was invading the national domain? Did no necessity exist for fresh troops, when the army of the East had been dissipated at Puebla? My conscience dictated perseverance in discharge of my duty as a Mexican, and as Governor of Zacatecas.

Shortly after Senor Juarez departed from the State of San Luis, and proceeded to that of Coahuila, in consequence of the loss of the division under General Negrete, which served him as an escort.

About this time the Deputy, Don Trinidad Garcia de la Cadena, visited Saltillo on a mission from the Governor of Zacatecas to Senor Juarez. Upon concluding his official business he was invited to a private interview with Senor Lerdo de Tejada, Minister of Foreign Relations and Government. Thither he presented himself, and received from the Minister proposals flattering his ambition as to military command. It was proposed to him that, upon my first absence from the city of Zacatecas, he should seize upon the Governorship, supported by the troops beneath his command as a colonel. He was, moreover, informed that the Government would approve of this measure, and would immediately thereafter forward him his commission as Governor of the State.

Senor Garcia de la Cadena, a native of Zacatecas, who had rendered the country signal service, both in politics and the army, refused to accept this proposition, objecting that such a course would excite a civil war within a State upon the eve of invasion by a foreign force. Nevertheless, the intrigues were not as yet concluded. The same Senor Cadena, while communicating to me the narrative of his official mission, remarked, "I have noted, in all my conferences at Saltillo with Senor Lerdo de



Tejada and his subordinates, that a strong desire exists for the disbandment of the troops which you have organized and are continuing to organize. They fear them, because they also dread the arrival of the period at which the term of Jaurez's office will expire, as of course, Senor Lerdo desires to continue in discharge of his ministerial functions."

My relations in the General Government were apparently in concert and harmony. The course of the war compelled it to withdraw more than 150 leagues from Zacatecas, and experience demonstrated that it had ample need of the forces which I had been engaged in organizing.

In one or two months I raised, equipped and armed a strong division of the three arms of the service. They had been raised in the midst of these numerous intrigues, and against the inclinations of Senor Juarez, and served to co-operate, in more than one instance, most efficaciously for the salvation of his person, and consequently of that of the legitimate government, beside paying implicit obedience to orders received from him.

Herein are some of the consequences of the *abandonment, as he states, of the Presidency of the Supreme Court*, while at San Luis.

I was still within the State of Zacatecas, at the head of the division I had organized, when most reliable information was communicated to me with regard to the contemplated treason of Don Jose Lopez Uraga, who commanded, as General-in-Chief, the flower of the Republican army, in the South of Jalisco.

I repeatedly communicated this intelligence to Senor Juarez, so that he might institute effective measures with regard to this General, and avoid the destruction of our army.

General Corona possessed a command under the immediate orders of Uraga. When he became aware of his superior's treason, he demanded his passports and withdrew. Passing through Zacatecas, he entered into a conversation with me relative to this treason.

Corona gave to the Government a minute and official narration of the affair, and placed the manuscript in my hands for transmission, which I sent forward by a special messenger. This messenger was Captain Don Marcelino E. Cavero, an officer who

had likewise separated from the forces of Uruga, and who was charged to communicate other details verbally to the Government.

Other chiefs, coming from the south of Jalisco, successively visited me, corroborating particulars of the affair. I was assured by all of them that full knowledge of Uruga's contemplated treason had been communicated to the Government by the illustrious and patriotic General Arteaga. At a later period I found this statement substantiated in an autographic letter of that unfortunate and lamented general.

General Don Felipe B. Berriozabal, passing through the State of Zacatecas, invited me to a conference with the intention of placing me in possession of facts connected with the treason projected in Jalisco. Urgent military business precluded my presence at the proposed interview.

General Berriozabal, without loss of time, pressed forward to the States of Coahuila and Neuvo Leon, then the seats of the Government.

He presented himself thither, and gave most conclusive evidence of the existence of the treason alluded to, as that was the object of his mission. He did more, he denounced Uruga to the Government as guilty of high treason. Still nothing was done. Senor Juarez made but a single reply, saying: "*That if Senor Berriozabal had been invited to participate in the projected treason, it had been, doubtlessly, done as a test of his firmness and constancy.*"

The General, taking into consideration what had passed, and the support bestowed upon Uruga by the Senors Juarez and Lerdo, withdrew his accusation and remitted to the Government a communication, very respectful, yet expressed in emphatic terms, in which he stated that either the Government should investigate the charges made against him by Uruga, *or he would publish documents dishonorable alike to Uruga and the Government.* His demand was complied with, and Senor Berriozabal gave to light the communication to which I have alluded and the answer, wherein he vindicated himself, preserving in obscurity the documents to which he referred. Senor Juarez and Lerdo persistently turned a deaf ear to complaints; they regarded as

of no account the depositions and information given by persons interested. The honor of Mexico, the morality of the army, the salvation of the elements for a successful defence of our independence appeared to them of no value. It was a matter of policy to destroy these elements created, as all the world knows and admits, by the States of the confederation through their individual energies and resources. It was absolutely necessary to demolish the sustenance of constitutional order in order to create other elements and other agencies with the aim of perpetuating, when the time arrived, power in the hands of Senor Juarez. I state this, for I know of no other explanation which can be given of anterior facts. Moreover, I am authorized in this statement, by the facts themselves, as I have heard from the very lips of Senor Lerdo, when he says: "The destruction of existing things is of no consequence; great causes save themselves. Our sole question of to-day is how to live."

Every one is aware of the manifold means at the disposal of a minister for the complication of a political situation, whereby, of his own accord, he can undermine the foundations of public order. The secret workings of his cunning may escape the observation of the multitude, but never the penetrating criticism of the historian. Nevertheless, how much more easy the destructive task through the machinations of an arbitrary minister, versed in the art of cajoling the vanity of a dominant executive.

Located in the city of Zacatecas were two strong divisions of the three arms of service, with a formidable train of artillery; the one under the command of General Doblado, the other under my orders. Both divisions were at the disposal of the Government when it saw proper to use them. Although both of these corps were located at several days' march from the plaza of San Luis, an order was given to General Negrete by the Government to assail that position with the single division at his disposition.

This division were completely destroyed in the attack; subsequently the division of General Doblado was cut up by piecemeal at Matehuala; a little later, mine was annihilated at Matjoma.

At a conference which I subsequently had with Senor Juarez,

at Monterey, in the presence of the Minister of War, I remarked to him that the period was not far distant when the nation would hold the Government to an account for the disastrous manner in which it had frittered away the material for the national defence, through dispersing the elements of resistance by fractions, for whatever may have been its intentions, the work of the Government bore that appearance.

In August of last year the withdrawal of our forces and of the seat of Government from Neuvo Leon and Coahuila was determined upon. General Negrete had then charge of the ministry of war, to which he conjoined a double employment as Commander-in-Chief of the Army, composed of two divisions, the one under command of General Alcade, and the other under my orders—the same as I had raised in Zacatecas.

In the city of Saltillo I received orders from the General-in-Chief to march to the Punta de la Angostina, at the head of the two divisions, and there give battle to the enemy, should they court it. If they avoided an engagement I was to retire the same night in the direction of the villa of Monclova. I obeyed my orders and accomplished the latter command, finding it impossible to execute the first.

A little after my retreat I effected a junction with General Negrete, whose headquarters were at Saltillo. On the morrow the Government united with the forces, and journeyed in company to the Hacienda del Anhel. From this point the Government resolved to progress, by the way of Parras, to Chihuahua, carrying along with it General Negrete, who officiated as Minister of War.

The responsibility of saving our army was committed to my charge, although in an indirect manner, for I had not been nominated General-in-Chief, but assigned to the command of the rear guard, following in the wake of the Government. This circumstance is to be noted as explanatory of the manner in which I was forced to assume the responsibility.

The army was absolutely destitute of commissary stores, while the military chest contained not a single dollar. Its route lay over the most inhospitable and uninhabited section of the national territory; for the greater part over a fearful desert,

devoid of grain and forage for the cattle. Beside, on these barren plains it was liable to be attacked and cut to pieces by the French forces for the want of the necessaries I have mentioned.

It is likewise to be remembered that, if the army was unprovided with a dollar to supply its absolute necessaries, it was not from want of means, which could have been provided beforehand, especially as two months had elapsed after the retreat had been determined upon.

Th Government had abandoned a plaza, which it had occupied during several months, replete with resources, as was that of Monterey, where it could, and did, avail itself of the revenues from the frontier custom houses of Matamoros and Piedras Negras.

I took my line of march in obedience to orders I had received. On the road I notified the Government that the French army was only four leagues distant, and received in reply a written order signed by Don Sebastian Lerdo de Tejada, saying that I should abandon all my artillery and trains and limit myself to saving the *personnel* only of our army, to effect which I was free to take any measure I should deem expedient.

I remonstrated energetically to Senor Lerdo de Tejada, that acquiescence in the order I had received, would in no way result in saving the *personnel* of our army, inasmuch as we would abandon the only means of its salvation in voluntarily sacrificing our war material, while at the same time we were compromising the honor of our arms. I said, however, that if, notwithstanding any opposition, the Government should insist upon observance of that order, it should be communicated to me officially, to absolve me from responsibility. My argument was attended to, and the Minister answered that the Government approved of my determination not to anticipate voluntarily the sacrifice of material, but to await the chances of a battle. The French army avoided a conflict at that time.

I continued my march without interruption, losing, it is true, in the desert, a third or fourth part of our army, hundreds of mules, and a greater part of our munitions of war.

I then gave notice to the Government, located at the Villa del

Almo de Parras, that I had detected symptoms of a dissolution of the forces, as well as from scarcity of provisions and stores, as from consequences of the privations endured by the army.

To avoid that calamity, I received an order from the Minister of Relations not to separate myself from the body of my troops.

At the Hacienda of Santa Rosa a council of war was summoned by the Government, at which, after hearing the opinion of the ministers, I received the appointment of Commander-in-Chief of the army.

At the same time there were accorded to me extraordinary powers to procure a supply of metallic currency, of which the army stood in absolute need, with the restriction, however, of acting, on this point, in concert with General Patoni, the Constitutional Governor of Durango, in which State was located both the army and the Government, who would effect some arrangements with the landed proprietary to supply the wants of the soldiers. Patoni assured me of the impossibility of enforcing contributions upon the landholders, reduced to penury through the hardship of the war. If this were true, as it doubtless was, it only went to aggravate the privations of the troops, caused through the intentional want of foresight in the Government. It was under the circumstances of this unavoidable nature that the army, whose dissolution was inevitable, was placed under my orders as Commander-in-Chief. The warmest advocate for my appointment, as I learned from the Minister of War, was Don Sebastian Lerdo de Tejada.

It is worthy of note, that if the condition of the army was bad when it commenced its retreat from Anhelo, it grew notoriously worse, as was natural, from the causes I have related.

It is more worthy of note, that when I took charge as Commander-in-Chief, the coffers of the Government contained thousands of dollars, reserved for its own use and that of its employees, whom it preferred to the salvation of an army, whose privations had ascended to a point of heroism—an army which had been raised at a heavy cost to the States of Durango, Coahuila, Neuvo Leon and Zacatecas.

At the Council of War, of which I have spoken, I delivered my opinion, in terms perfectly intelligible to the Government,

that we should not destroy, piecemeal, the material upon which we depended, and that we should take advantage of the extent of our line to harass a formidable enemy. At the same time I advised giving battle to the hostile forces, regardless of the point of attack or the number of their reinforcements, inasmuch as, in this manner, if fortune proved propitious to us, we might capture some city of importance, and if the reverse, it was preferable that our army should be destroyed through chances of war than through want and misery, to the dishonor of the Government and our arms.

I commenced my march from Santa Rosa, and posted myself between the States of Durango and Zacatecas, both occupied by the invading army. A few days afterwards occurred the battle of Majoma.

The fortune of war caused us to lose one of two points occupied by our troops and artillery. I retook the point only to lose it again.

The death of the brave Colonel Fernandez y Villagranta, who commanded the battalions of Zacatecas, as well as the loss of the leaders of distinction, and particularly the wounding of General Don Eugenio Castro, whom I had ordered to lead a charge of cavalry, introduced confusion among our ranks, which disorder was soon checked through the ability of our officers. Under fire of the enemy our bodies of the National Guard remained firm. Evening approached rapidly, when I perceived that the heat of the conflict, the physical prostration, engendered through privation and the march through the desert, had so far worn out the national troops that I ordered a retreat. It was effected in the most orderly manner, in the full sight of the French army, who dared not follow us; consequently we left behind us but a portion of our artillery and the corpses of our brave and patriotic militia, whom we were forced to leave on the field of battle.

It is not my intention to narrate, in a detailed manner, an account of all that befel us upon that disastrous day, for those matters I have already officially reported to the Government. My object is merely to connect the thread of events. Our forces retired in the best possible order, to the town of San Miguel del Mezquital, and disbanded during the night of the same day on which

occurred our reverses at Majoma. No discipline could have averted this final calamity. Every man conceived that he had discharged his duty, and that the war could be more successfully carried on in detached bodies. The only aspect for a contrary course, presented to them, seemed that of privation and the desert. Senor Juarez was at that time in the town of Mazas, awaiting the result of my expedition, where he was visited by more than a hundred leaders, desirous of receiving facilities and orders to continue the campaign under other auspices. But he did not await their action, for, aware of the disasters occurring to our forces, he withdrew to Chihuahua, one hundred and fifty leagues from the place we occupied.

I committed the insignificant remnants of our national forces to the charge of Generals Quesada and Caravajal, until the Government could make some disposition of them.

I gave the official notice, to which I alluded, and received an acknowledgment, which ordered me to transfer the relic of our army to General Patoni, which I did. In the verbal conference which I had with the Government, I made known to it that there still remained at its disposal a small escort of cavalry which accompanied me. This I regarded as my duty, and, after a lapse of two or three days, I received an order to that effect, which I fulfilled. Tacitly I remained awaiting orders, as a general, from the Government; but this suspense in no wise suited me, so I notified it that I held myself ready to obey orders, and that such disposition could be made of my person as suited official inclination. I had no military commission to fulfil, and did not even possess an escort.

I would add to these particulars many other details respecting the charge made by the Government in one of its decrees, that "while holding the position of General in the army, I had gone to reside permanently in a foreign land, during continuance of hostilities, *without license from the Government, and therein abandoning the army, its standards, and the cause of the Republic,*" and which is likewise called *the official dereliction of voluntarily abandoning the Presidency of the Supreme Court of Justice*. A portion of the statements which I intend setting forth can be



substantiated by reputable persons, some well known in the State of Chihuahua, and others of a world-wide repute. Other assertions bear the sanction of the Government, and all observations I shall make are deducible from the state of facts. I arrived in the State of Chihuahua after the disaster at Majoma, some time towards the end of September, 1864, and remained in that state until the end of February, 1865, when I departed for a foreign country. During all this period, in Chihuahua was the seat of the general Government, and for more than three months of the time above named I resided in the same city with the administration. During this period of inactivity I was tendered no command of troops to defend "*the standard and cause of the Republic*;" neither was I offered any military commission, great or small, nor did I receive any intimation as to the manner in which my services and good will could be rendered of value to my country, although I ardently desired employment, if only for the sake of appearances.

The Government had no desire to furnish me with troops, and in this wise deprived me of opportunity to add to my influence beneath a military title; it preferred leaving me without positive support, and was blind to the privileges accorded me by the law.

About this time it became incumbent upon the Executive either to relinquish his functions, according to constitutional provision, or to furnish such an explanation of the law as would warrant him constitutionally to prolong his term of office for another year.

The 30th of November, 1864, arrived, and terminated four years, dating from the election of Senor Juarez. On that day I addressed a communication to that high functionary, through the medium of Don Sebastian Lerdo de Tejada, in his capacity as Minister of Government, enquiring whether it was his intention on the following day to pass over the executive power to me, as it has ceased by legal limitation; or, if the contrary was his determination, I told him to bestow upon the constitutional law such an interpretation as he might deem proper, whereby we could avoid anarchy, strengthen the exercise of the functions

of the President of the Republic and leave intact the constitutional law—a law, sustained by the blood of the Mexican people during a period of eight years in warfare. To such a conception, I added, I would be among the first to give my acquiescence. This he gave me on the same day—November 30th, accompanied by a note, which had been agreed upon at a meeting of the Cabinet, and which bore the signature of Senor Sebastian Lerdo de Tejada. It decided that the constitutional term of office of President Juarez did not conclude in that year (1864), but would expire on the 30th of November, 1865, according to the provision in the constitution. And, notwithstanding this decision, he claims to continue exercising the functions of President, according to the selfsame provision of the constitution, which he has previously interpreted to have closed his career, at the furthest, upon the 30th day of November, 1865.

I will insert, at this point, the exact words employed by the minister in his official note, in making his deductions from the premises he had laid down. “For which reason, it is decided that the term of office of the Citizen President of the Republic does not expire until the 30th day of the next year, 1865, *conformably to the evidence and literal tenor of article 80 of the constitution.*”

In the same communication he *declared me President of the Court*. I did not pretend to this declaration, for I stood in no need of it, and neither the condition of affairs at this epoch, nor the interests of Mexico, demanded it. I had been appointed by the nation Constitutional President of the Court in 1862, and the House had declared me to be such in a most solemn manner. The decree, containing this declaration, had received the sanction of the executive and been published throughout the Republic.

Neither popular opinion, nor the councils, municipalities, governors and legislatures of States entertained the least doubt upon the fact of my election, and of my being president of the court. To the nation belonged the right of appointing supreme authorities, in accordance with the fundamental law, sole source and fountain of authority with us. I did not, therefore, require any other appointment or declaration, and especially one, suited for

for the convenience of Senors Lerdo de Tejada and Juarez in their prospects for a future date—prospects whose tendencies were far from the conservation of the purity of the law, entrusted by the nation to the guardianship of Senor Juarez.

The main object of the declaration was the destitution of the President of the Court elected by the people, and the substitution of one appointed by Don Benito Juarez, who might have the power of removing him at his individual pleasure.

Such had been the intention of the government ever since it had left the city of San Luis. Latterly it had suffered no opportunity to escape it to compass its design, even when the opportunities failed to bear the imprint of patriotism.

In this wise the Government acted, upon its arrival within the States of Neuvo Leon and Chihuahua, when issuing a decree summoning a reunion of the magistrates comprising the court. The summons found me at the head of my division, battling with the French troops within the interior of the republic.

It was apparent that the sole motive for the decree was the appointment of a President of the Court, who should owe his nomination and creation to the President of the Republic, and thereby remove the prestige derived from a popular election from the person who might, through emergency, act as the substitute of the supreme magistrate of the nation. But the decree failed of effect. Out of respect for the position I occupy, out of respect to the dignity of the nation—the only source whence can come nominations of supreme authorities, and their destitution conformably to the law—I have preserved intact the charge reposed in me by the voice of the people. Consequently, in my official correspondence with the President of the Republic, I maintained the title conferred upon me by my fellow citizens as President of the Supreme Court of Justice.

The determination of the Government to continue in office one year longer was acquiesced in by me, as I had previously anticipated that action, and my object had been simply to obtain a construction of the spirit of the law which might become a definite and decisive opinion.

I did not accept office, neither do I continue to hold it, simply

for the cause of self-gratification; during more glowing and less fluctuating periods, when fortune smiled upon me with pleasing aspect, I could have obtained official dignities, if not in a manner prescribed by the law, at least in such a wise as the law would countenance in a successful leader, during the stormy hours of revolutionary transitions. But I have ever abided the sanction of the popular will, as expressed in accordance with the fundamental law. At that time, as now, I have only asked that respect be paid the law, as a foundation stone in the column sustaining our institutions, beneath the shade of which we shall progress in greatness, as has been done in the great republic from whose borders I indite these sentences.

My official communication and the answer from the government, of which I have spoken, were published in the state journal. There was not the remotest possibility of establishing the court at the city of Chihuahua, as all the magistrates were at a great distance, save the licentiate, Don Manuel Ruiz. I had, as I have observed, no military commission for active duty. In order to avoid imputation of doing aught to the disparagement of the Government, and fearing lest my political influence might be seized upon to sanction meetings, ostensibly for social purposes, but in reality to distract public opinion, I withdrew myself, as it were, from comingling with the world, and sacrificed the pleasures of a social state, notwithstanding the hospitable reception tendered me by the chivalric inhabitants of that illustrious and democratic state.

From Chihuahua I addressed a letter to the President, Juarez, under date of December 28, 1864. No reference is made to this letter in the decrees of the 8th of November.

In this epistle I stated, that having terminated the business which called me to that city—that is to ascertain whether or not his official term of service had ceased—I found myself without employment since the early days of October, when I had received orders to pass over the forces to General Patoni; that I had not installed the court, and found it impossible so to do, and that, inasmuch as the state of affairs might *result in a crisis, from the fact of the President of the Republic and President of the Court being in*

*one city in company, and liable to capture by the French forces, by surprise or otherwise, and in this way leave the nation without a head,* I requested to be granted a license as President of the Court, and a passport as a soldier, to take my way towards the interior of the republic, or to any of the populations on the sea coast, or to travel by sea to a foreign country, as I should esteem suited to my convenience, and with the object of continuing to serve my country. I transmitted this letter of solicitation officially, omitting only those passages above printed in *italics*, which I did not think suitable to be incorporated in a public letter, notwithstanding they set forth the most cogent reasons for urging my solicitation.

My communication was read at a meeting of the cabinet and acted upon, as was natural to anticipate.

On the 29th, Senor Juarez answered me in reply, saying: "There has been conceded to you the license and passport you solicited, and at the earliest opportunity the respective ministers will forward you the documents indicated."

On the 30th I received the license granted to me as President of the Supreme Court from the Minister of Justice, together with a passport, issued by the Minister of War.

I insert this last document at length, because, in the decrees of Benito Juarez an intentional omission has been made with regard to the fact of my having a military passport when I left the country, so that an accusation could be brought against me that "I had gone voluntarily to reside in a foreign country during the continuance of hostilities, without a license from Government, thereby abandoning the army, its standard and the cause of the republic."

"Secretary of State, Department of War and Marine; Section *First*.—Upon this date the Minister of Justice, Protection and Public Order, makes known to the Citizen President of the Supreme Court of Justice, as follows :

"In accordance with your petition, relative to having a license granted to you as President of the Supreme Court of Justice, to pass to a point unoccupied by the enemy, with the aim of con-

tinuing to defend in arms the independence of the Republic of Mexico, *the citizen President has seen fit, in accordance with a meeting of the cabinet, to accord you that license for a definite period, or until you present yourself at the seat of the government, or when the government shall call upon you to return, or bestows upon you some commission—leave, in the meantime to proceed, either directly, or by traversing the sea, or through some foreign country, to points of the Mexican Republic unoccupied by the enemy, so that you can continue defending the national independence with the forces you can raise, with the understanding that in all the military undertakings you institute you are to act in concert with the governor and military commander of the respective states, or with the leaders of the republican forces, so that in conjunction with those raised by you, you can harass the enemy, but subordinate to the officers of the supreme government, or to the agents to whom such power has been delegated.*

I convey to you the official answer to your solicitation of 28th of the last month, and I have the honor of corresponding with you for the purposes mentioned.

*It is transmitted to you on behalf of the Department of War.*

Independence and Liberty.

Chihuahua, the 30th of December, 1864.

M. NEGRETE.

*To the General of Division, JESUS G. ORTEGA, Present."*

From the literal tenor of the document inserted, it can be adduced :

FIRSTLY.—That I had a license, as President of the Court, and a passport, as a soldier, to traverse foreign countries. Subsequently will be shown the reasons inducing me to dwell outside of the country.

SECONDLY.—I had no definite orders to raise this or that force, or to collect together the elements of warfare within this or that period of time, neither was there any time fixed for my reaching Mexican territory, after traversing the sea and sojourning in foreign lands, with *the sole provision of defending, upon the national*

*territory, the independence of the State*, leaving me free to proceed to any point which I might consider the most proper.

THIRDLY.—The license accorded me, in pursuance of the decision of the cabinet, was for an indefinite period of time, either until I should present myself at the seat of Government, or be recalled, or have some official charge conferred upon me, thereby demonstrating that neither as President of the Court nor as a general in the army were my services for the moment required ; yet, nevertheless, it is apparent that in either or both of these capacities my absence, at a distance from the seat of Government, was desirable.

FOURTHLY.—The Government, instead of giving me authorization to raise forces in any part, or to collect war materials at a definite position, as it had done for a hundred other persons, and notably for guerilla chiefs, destitute of popular morality, issued to me a simple passport for the purpose of travel, inserting, however, a provision *that the forces which I might raise should act in conjunction with the governors and military commanders, and with the chiefs of the Republican forces, without interference with the exercise of military and political functions of the officers of the Supreme Government or their delegates*. That is to say, that the Government precluded possibility in my raising of forces, for how could a Governor, having lost the capital of his State, secure resources or material to make head against an emergency ? What faculty had he to procure them against delegated authority, where power so to do had been denied by the Supreme Government of the Union ? Could a delegate of the Government, or even his subordinate, sustain me when my circle of action was reduced and limited ? Could there be placed at my orders a solitary captain of guerillas, who might serve as a centre for forces which I might raise and discipline for a larger body, when the Government provided in my passport that I should act in conjunction with him ?

I have demonstrated that I had in my possession a license to traverse the seas to a foreign country. I have, moreover, demonstrated that I was recognized by the nation as President of the

Supreme Court of Justice, a duty which I could not exercise in a judicial capacity, through the impossibility of convening the Court, but a position which I considered solely as the substitute to the President of the Republic, according to the provisions of the law. I have, moreover, demonstrated that I had no military employment, neither army nor forces, be their number ever so small, nor even the material of warfare, thanks to the official opposition of the Government.

I was not annoyed at this disposition in the Executive, for I expected and was prepared for it. The services which I had rendered to my country had bestowed upon me influence, and that influence opposed personal aggrandizement. In remembrance of recent transactions, transactions which had presented to me many difficulties which I had surmounted, I was induced again to proffer my sword to my unfortunate country.

In view of intelligence from the interior, and of the disposition of the Government, I determined to retire to a distance from it.

I distrusted myself. I was uncertain of that which was best for the future of Mexico. I desired to be perfectly correct and sought light.

I addressed myself for counsel to two illustrious and patriotic citizens, in whom I had confidence, and who formed a part of the circle of the Government of Senor Juarez as his most zealous partizans, and I supposed them, as was natural, cognizant as to the emergencies of the times. Moreover, they were clothed with an official capacity as members of the General Congress—they were Senors Don Guillermo Prieto and Don Francisco Urquidi. Both were of an opinion that my best course was to proceed to the United States of America, inasmuch as from a port in that country I might journey to Acapulco, by the way of the Isthmus of Panama, and thence enter the Republic from the Pacific coast, and in the meanwhile I might ascertain, in the Great Republic, what could be done for the Mexican people.

I accepted the suggestion and commenced my journey. Permit me to remark that the Government was in no wise ignorant as to the course I had adopted; on the contrary, when I reached the Custom House, at the Paso del Norte, I found an order to



pass my baggage to the United States, which had been granted at the solicitation of my friends.

Thence I went to Santa Fé, capital of New Mexico. The authorities of that territory informed me of the presence there of a stranger, a Hungarian by birth, who represented himself as a special commissioner of the Mexican Government to recruit volunteers, to negotiate a loan of some millions, hypothecating the imports of the Pacific seaports. It was, moreover, asserted that his credentials were apocryphal, taking into consideration that he was a foreigner unknown to the Mexican residents, and the fact that nations seldom, according to universal custom, commit such trusts to other than their own citizens. On this account I deemed it advisable to institute inquiries, so that if the man should prove an impostor I should cause his arrest and extradition to Mexico.

My anterior acquaintance with this stranger, named Jaymes, was through a letter of introduction, representing him as a colonel, soliciting employment in the division beneath my command in that capacity, but which I refused, as I was unaware of his antecedents. The information I subsequently acquired was that he was among the number of adventurers who travel the world seeking glory and fortune. I saw him three or four times.

I made investigations into the character of his commission, which I found, in many respects, ample and correct, emanating from Don Sebastian Lerdo de Tejada. He was authorized to raise two thousand men in foreign parts, as well as the sum of several millions, hypothecating for its repayment the revenues of several custom houses on the Pacific coast. The evasive talents of Senor Don Sebastian Lerdo de Tejada being notorious, it is supposed that he designed merely to cover appearances when he bestowed upon this stranger such ample authority to accomplish great things, when he was confidently convinced that he could do nothing. I explained to the authorities of Santa Fé the nature of the commission bestowed upon the Hungarian gentleman, and returned thanks to them for their zeal in favor of Mexico. I arrived in the centre of the United States during the period of the termination of the great civil war. The press

indulged in favorable comments upon my arrival, and expressed profound sympathy with the cause of Mexico. It was likewise so with the entire continental press, and that of Europe. It was believed in the United States that I had some authority from the Government, seeing that the period for action was opportune, as in fact it was, that a demonstration should be made in support of Mexico and her independence. The enthusiasm of the Americans in our favor, and in support of the Monroe doctrine, was intense.

On my passage from New Mexico to New York I was beset by thousands of persons, tendering their services and influence in favor of Mexico, many of them being of the highest social and political position. Generals with a most honorable record, commanding divisions and brigades, whose term of service had expired, volunteered to place themselves under my orders, to further our cause.

The passage of the Rio del Norte could be easily effected without impairing the neutral character the general Government at Washington had assumed, without respect to the Franco-Mexican question. I was, moreover, visited by several bankers of the highest position, who inquired as to the possibility of establishing an agency to supply our financial wants and that of warlike material. Persons who represented that they had authority to act on my behalf, which they had not, enlisted, within a few days, thousands of men to go to Mexico, but, as I have said, I gave no sanction to these acts, as I did not wish to lead home a filibuster expedition.

Without loss of time, on the 8th of May, I addressed a letter to Senor Benito Juarez, announcing my arrival in the United States, the manner of my reception, and a view of what could be done in favor of Mexico. Beside, Senor Juarez was aware of all this through the newspapers. I wrote, moreover, that I would pledge myself to enroll and equip, on my own part, any number of volunteers he might deem advisable—that I would collect war material to carry on hostilities, as well as an abundant sum of money, so as to be able to elevate the character of the war, and turn it to a fortunate account. All that was requisite to consummate these projects would be his authorization, for I was

unwilling to conclude any contract, or enter upon any enterprise without sanction of him, to whom the nation had committed emergent powers. I offered anew my individual services to Mexico. I furthermore suggested that, should he be unwilling to accord me the desired authorization, he should apprise me to that effect, that I might govern my subsequent actions accordingly.

I communicated these details in a private epistle, and not in an official note, for I, at that time, held no official commission. This matter was one of mere form, and had the correspondence resulted in anything, the results would have been the same, irrespective of the style of communication employed.

I appointed a delegate to deliver personally this letter to Senor Juarez, having previously made him aware of its contents. This task was assumed by Don Guillermo Prieto, Administrator General of the Post Office and deputy to the Congress of the Union. It will be remembered that I had quitted Chihuahua in the month of February. It will be remembered, likewise, that my journey across the plains to New Mexico had occupied two months, for it had been undertaken during the Winter season. It must be furthermore remembered, that a period of from two months and twenty days to three months, is necessary for the transmission of an answer to a correspondence between the city of New York and Chihuahua, and even then under favorable auspices as to transit, for it is only during the Summer season that post coaches can travel with rapidity. On this account I did not receive the answer from Don Guillermo Prieto until the commencement of August last. In this letter that gentleman stated that he had fulfilled my commission, that Senor Juarez had listened, with attention and interest, to the details of my letter, as communicated verbally by Senor Prieto, who was given, as he supposed, to understand that I should receive, by the next mail, the authorization I desired. The conclusion of Senor Prieto's communication conveyed to me a felicitation touching my patriotic sentiments. "Whether or not," he wrote, "the Government accepts of your services, whether or not it renders your projects of utility to the country, you have assumed one of the most noble and disinterested tasks

of a Mexican, in discarding all ideas of a personal reward, while endeavoring to strengthen the action of the Government, and, without seeking to create a new candidate for political honors, to strive to have Mexico continue, with unanimity of will, defending the cause of right, guided by a solitary intelligence—that of the legitimate Government.” With a subsequent mail, towards the end of August, I received a further communication from Senor Prieto, which related to me that, notwithstanding his previous impressions, it was *now apparent* to him that the Government did not intend to bestow upon me the authorization, but whether or not, I should receive some response from Senor Juarez. Vainly I awaited its receipt by the next mail and the one following. It was in September, and my anterior correspondence had incurred no interruption. I waited upon Senor Romero, the Mexican Ambassador, near the Government of the United States, and inquired whether any communication had come through his hands for me from the Government of the Mexican Republic, and he answered in the negative.

I comprehended from all this that Senor Juarez never would answer me, nor did ever intend so to do. He believed that, had I received any such document, it would have served to refute the fallacies upon which are based the decrees of the 8th of November; which said documents, I verily believe, were at that very time in course of fabrication at the paper mill of the Minister Tejada. I comprehended, moreover, that these negotiations were being carried on with the sole aim of detaining me in the United States, so that by putting in play the jugglery of bad faith, it would be impossible for me to return to Mexico before the first day of December.

It would be futile to vindicate my conduct to my fellow citizens, as against the charges promulgated in these decrees, for a critical examination of them, through the impartial light of reason and philosophy, renders such an explanation unnecessary. These same decrees declare illegally “*that there exists cause to proceed against me,*” and adds most falsely “*that I abandoned voluntarily the office of President of the Supreme Court of Justice, and that, holding the position of general in the army, I went to re-*

*side permanently in a foreign land during the continuance of hostilities, without license from the government, and therein abandoned the army, its standard and the cause of the republic,"* while in those same decrees, I repeat, wherein Senor Don Benito Juarez declares himself President of the Republic, he likewise declares that neither the Constitutional President of the Supreme Court, nor the President named by the Constitution, shall enter upon the functions of their office. This is the sole and simple object which dictated the promulgation of these decrees.

If I had acted as Senors Juarez and Lerdo have acted, trampling under foot republican principles, outraging constitutional order, violating the solemn obligations of an oath assumed for the welfare of the people, I would have done better to imitate the *coup d'etat* of Commonfort, alleging as a pretext, as has ever been alleged, the salvation of Mexico; for the scandal would have been the same, the lack of loyalty to the people the same, and the political results the same. A single difference might be detected; in the *coup d'etat* of Commonfort there was but little frankness and civil valor; in that of the 8th of November even these qualities were wanting, as in their stead were substituted words and sophisms, which, although insulting to popular intelligence, fail to deceive the people.

I abandoned the standards of the army and the cause of the republic, say Senors Juarez and Lerdo—in other words, that I betrayed my trust. And this is set forth in a document wherein they betray their own—the gravest trust which could be committed to mortal man. To extenuate their own transgressions they confuse me individually with another capacity, that of the person prescribed by law to succeed to exercise of the supreme power. I to abandon the standard of the army and the cause of the republic! Can it be imagined that an humble citizen, called by the will of the people to assume a position of the highest dignity, and that without intrigue and solicitation on his part, would voluntarily depart from the rules of honor and decency? Can it be imagined that an humble citizen, freely assuming his place among the ranks of the nation's defenders, disdaining the joys and pleasures of a peaceful hearthside, contemning the luxuries

of a home and the flatteries of a social position, to struggle in the cause of liberty and order, would voluntarily abandon the principle of honor, which called him into being as a soldier?

What man would desert the executive chair as Governor of a State? What man, already honored through the nation's voice with the high dignity of President of one of the supreme powers of the United States of Mexico, would go forth to battle against foreign invaders of his country, would defend the walls of a city, wherein he was taken prisoner while defending his flag, and at the last hour abandon the cause of duty and honor? What man, escaping from a dungeon and liberated through honorable means, would offer his sword and his patrimony to the service of his country, would contend against intrigues and difficulties, would levy forces after forces to hurl against the invaders, wherever they appeared, and in the hour of national trial basely desert the army, its standard, and the cause of the republic? How can it be pretended that I fled, abandoning the Presidency of the Court, when I was travelling for the good of the country, with the license of and a passport from the Government? When in that license and passport there had been committed to me no trust to fulfil, no duty imposed wherein I could make default, was it a crime to intimate to the Government that in the position in which I found myself I could do much, very much towards the salvation of your and my native land? Was it a crime to reiterate, time after time, that any person was subject to its orders, so that my services could be rendered useful to the common weal, and all this without having been favored with a response to the epistle I sent it?

In what did I neglect my duty as a Mexican? Wherein, yielding to the emergencies of my position in a foreign country, did I make default in any order, when leaving all projects I made to the satisfaction of the Government? When the Government received my dispatch it should have answered frankly and openly that the country had no need of my services abroad, and indicated to me the route I should take to return homeward. Had that been done it would have been nearer the truth when it declared to the nation *that I remained abroad permanently,*

*although neither before or after did I receive the least intimation that my presence was necessary upon Mexican soil.* Is not an imputation of this nature a pure calumny? Is it worthy the dignity of the Government? Will such weak inventions, to be detected by those unversed in political matters, satisfy an accusation in the eyes of a people acquainted with the fundamental principles of the law? Can any man fail to perceive in the decrees and the circular, which attempted to divest me of the responsibility and functions of the President of the Court, and nominated another in my stead, a declaration that neither I nor he could succeed to the supreme power, as provided for in the constitution. Who fails to perceive, I repeat, that all these documents have a single object, a single aim—that of perpetuating power in the hands of those issuing them? If my presence was necessary, as Senors Juarez and Lerdo would have us understand, to prevent the State from being without a head, why concede a license *for an indefinite period of time*; and which, from its literal interpretation, suffered me to traverse seas and to journey to foreign lands? If emergencies, unknown at the time of granting the license, occurred subsequently, why was I not recalled? It is only in frank and truthful actions that a loyal government can account for the trust committed to it by the popular will. If, as has been pretended, the independence of Mexico required exercise of all human energies; if to its cause all other interests should have been made subordinate, why was denied me the authorization I desired, through which, in a foreign land, I might have proved of advantage to Mexico? It was because it was feared that I might acquire influence, which did not suit the interest of others; illy disguised as it is, the fact is true.

To what other cause can this be attributed? Was it because the Government had need of my services to take the head of affairs, should a vacancy occur, or was it to fulfil my judicial functions? It will be seen that the court had never assembled, for it was impossible for it to do so; it will be seen, moreover, that I had a license and passport to leave the seat of government and traverse territories and seas to a foreign country. Was it because the Government conceived it necessary to entrust to me some commission of national utility? It will be seen that I had

no employment at Chihuahua, nor when I quitted that place. Was it because the Government had not received my letter? It is proven that the letter was received, as well by the testimony of Senor Prieto as by that of numbers of other respectable citizens of Chihuahua. Was it because there was lacking in me aptitude, representative ability or national confidence? Possibly I may have been wanting in the first and confess it ingenuously and in all modesty, but perchance the deficiency was not perceived when States, Governors and the people have honored me with evidences of their confidence in my representative ability.

There can be wanting neither representative ability nor national confidence in a man who has been elected deputy to the constituent Congress of Zacatecas and the Federal Union; to one who has acted officially as Minister of War; to one who has been elected, by popular suffrage, Governor of one of the principal States of the Republic; to one upon whom has been bestowed, by the General Don Santos Degollado, the most ample functions for the military command of the States of San Luis Potosi, Durango, Aguascalientes and Zacatecas; to one who, a little while thereafter, had been appointed General-in-Chief of the Federal army of the Republic, and charged with extraordinary powers for finance and war; to one to whom we are indebted for the definite triumph of Reform and legal order; to one who has received, during this emergency, the military command of the States of San Luis, Aguascalientes Zacatecas and Tamaulipas, with extraordinary powers for war and finance in the three last, together with every branch of administration for the government of the former; to one unto whom has been confided the command-in-chief of the army of the East, and invested with the full authority necessary to govern the States of Puebla, Vera Cruz and Teaxcala; to one to whom the popular vote has conferred the Presidency of the Supreme Court of Justice; to one upon whom the popular voice has concentrated as among the candidates for the Presidency of the Republic? No, against a man who has been entrusted with all these dignities cannot be charged lack of representative ability or national confidence—which cannot rationally be expected in a stranger who holds in this



country neither position nor family, and to whom the welfare of Mexico is a matter of perfect indifference.

It was during September that I prepared to leave New York for Mexico, when I was detained by an order for my arrest upon civil process, as was noted by the newspapers at the time.

I believed that the order would have been disposed of briefly on account of the manifest injustice of the claim, which was decided afterwards as unjust according to the legislation of this country. I pressed the matter forward, but it was retarded by the intricacies of the law, exerted to my disadvantage. The hand of intrigue put in motion all the springs to obtain that object, assisted by that of treason. All concluded, finally, through the honesty and impartiality of the judges, who dismissed the complaint on the 3d day of November, when the order was revoked. The latest letters received in New York from El Paso del Norte intimated that the Government was to remove to the frontier post of Piedras Negras. Thither I proceeded, and there received notice that Senor Juarez had retrograded to Chihuahua, as the French had evacuated that city. At the same time I received some vague intelligence concerning the decrees and circulars of the 8th of November.

While in Piedras Negras I addressed a letter to Don Andreas S. Viezca, invited him to an interview, and awaited his coming upon this side of the river, at Eagle Pass. Senor Viezca was a chivalric, honorable and intelligent man, and, I believe it useless to add, appointed Governor and military commander of the State of Coahuila by Don Benito Juarez, by virtue of the extraordinary powers conferred upon him.

Senor Viezca presented himself at the conference, and alluded to the circular and decrees I have mentioned, and desired to learn, in his official capacity, which he held on behalf of the nation, in what light I regarded the circular and decrees of the 8th of November. I replied that for my part I did not come to disturb public order; that I travelled alone and *incognito*, having refused the forces tendered me by my friends, as well as the use of orders and recommendations from most distinguished persons in the United States, who had offered me an escort while upon American territory; that I desired Mexico to regard an exhibi-

tion of this nature as a testimony of its political advancement in the republican system; that I would present myself with no other forces than my own support; without other title than that given by the law; and trusted that Senor Juarez would deliver over to me the supreme power, for no other reasons than those assigned by the provisions imposed upon him by that same law.

To the honor of Mexico be it said that it had already witnessed a spectacle of this character when a victorious army, flushed with success, called Don Benito Juarez, President of the Supreme Court of Justice, to the presidential chair, which he acquired through no other title than that given him by the law, the same as the Republic confers upon other citizens. Senor Viezca stated to me that he had no desire to enter upon an official conference, neither would he touch upon the question of legality; he would only say to me that he had received an order, decree, or circular, to warrant my arrest, which had, as he said, been issued by the Government of Don Benito Juarez within appropriate time—that is to say, during the month of November;—that he was disposed to obey the summons and to make the arrest. His secretary added, “*Not only to make the arrest but to cause me to be shot.*”

I replied to Senor Viezca that it was necessary to terminate, in a decorous and dignified manner, a question so deeply affecting the interest of Mexico; that it was requisite that he should allow me to pass through the State he governed, thence to travel to Chihuahua, with the aim of seeking an interview with Benito Juarez, so that I might demonstrate to him by word of mouth the evils which he would cause the nation should he persist in the course he had taken, or whether he could not remedy the error he had committed. I told him, finally, that if he would assume the responsibility of the step I indicated, I would cross the river and place myself within the State of Coahuila, and not upon foreign territory, where he would be at liberty to arrest me, dispose of my person, or take me prisoner to Chihuahua, so that I might demonstrate to the nation that I comprehended my duty and would comply with it.

Senor Viezca refused to accede to my proposition, but indicated to me that I might pass through Chihuahua by the plains of Texas.

In fact there had been issued an order, decree, or circular by the Government, the exact form of which had escaped me, but whose contents I remember, authorizing the arrest of those sojourning in a foreign land without special leave from the Government, and those *who were living abroad by leave from said government given to traverse the foreign territories*. This order, decree, or circular had for its object my person, and, although unjust, it was legal on a certain point, for the convenience of the Government *de facto*, but at the same time general. A multitude of leaders and officials had previously abandoned the Government in Chihuahua after rendering long services, without resources, but with hearts filled with faith, at the advance of the French troops towards that city, which they deserted to go across foreign territory, and thence to return to the country to continue the struggle for independence. Others had suffered privations on the frontiers of Mexico, after fighting with bravery; others again went involuntarily into foreign countries, either to cure their wounds or to gather fresh strength to continue in the struggle for our liberty.

With ample concurrence of the Government, many of the most influential men of the country had gone to foreign territories; notably, General Don Placido Vega, who held a commission, I believe; General Don Pedro Ogazon, General Don Manuel Doblado, General Don Felipe B. Berriozabal, who extorted a passport to reside in a foreign country, and many others of more or less influence, some with passports and others expelled, or forced out by the Government. A general, who had lost his army, raised by his individual efforts, and could have raised more, had he not been beneath ban of the Government, did not declare that he went forth to engross the files of treason, neither was he exiled to a foreign land, but forced thither by more efficacious means. In place of giving him troops, for the Government had none, or the means of raising and organizing them, it placed him in a humiliating and undignified position, to which the Government contributed from its seat, successfully erected in city after city. This conduct resulted in weak men, without restraint upon their passions, augmenting the catalogue of traitors, both as military men and politicians, while others of

the refugees went forth into foreign lands, protesting to the thinking world against the invaders of their country, and against the Government, whose imbecility rendered it responsible for these shameful disorders.

I had frequently spoken to Senor Juarez as to the bad impression caused by this exode of influential persons, and prayed him to put a stop to it in the most determined manner. At that time General Doblado and Colonel Rincon Gallardo, both Governors of the State of Guanajuato, quitted Monterey. But he did not decree at that time against the evil, as he has now done, when his object is to entrap my person.

Placing my hand upon my heart I have inscribed this manifesto, and have asked myself many times has it not been done for the best interests of Mexico, my place of nativity, the receptacle of the ashes of my forefathers, wherein is preserved all I hold most dear and sacred, memory of my past and present, and are not my conclusions justifiable? My conscience answers in the affirmative. I have defended the Government of Juarez with the loyalty of a gentleman, with my sword and my voice, for six or seven years; I have sanctioned it with my signature; I revered it as that of my native land, while loyally supporting the standard of the law, the palladium of public rights; but I do not honor those who make a burlesque of their fellow citizens, who break through the obligations of their oaths, who betray the law, be they called either Commonfort or Juarez. I neither honor, nor will I ever honor those who dishonor my country, who have made it a scoff to the world, asserting through example that Mexico has no laws which cannot be trampled down at the will of a mandarin, although at this very time Mexico is deluged with the blood of her children, in defence of the banner of law and order.

I have been one of the chieftains of the people. I have raised thousands of men to go forth and battle for the principle of legal order against one of the most powerful nations of the earth; I have seen the blood of my countrymen wet the soil of their birth, I have seen the resting places of the dead desecrated, our towns and cities pillaged and burned, and all this in defence of

that principle. I have, therefore, a double duty which my conscience dictates, in view of these numerous and sanguinary sacrifices.

I have not heaped upon the Government useless or unnecessary charges, dictated by a personal sentiment. The public is my judge, before whom my writings will be exposed, when the heat of anger and passion has passed away. I have defended law and order because it was my duty; if others have been remiss in their duty, it has been no crime of mine to remain silent. I have defended my person, not as an individual, but as an officer charged by the public will with the salvation of a principle. I have retraced at length the errors committed by the Government and for its personal motives, but not until that Government has consummated an official act which tends to destroy the law in the place of preserving it. I have protested against this act, that the people shall learn the errors of past and present Government, so as to draw their conclusions from experience gained by the nation during a brief yet melancholy apprenticeship.

I have no desire to tarnish the glory of my country. Glory, indeed, belongs to a nation who has maintained a four years struggle with a powerful enemy, who has used every endeavor to divide its defenders and maintain a ceaseless combat. Glory, indeed, belongs to a nation, not one of whose states, towns or cities have given adherence to intervention unless beneath presence of foreign bayonets. Glory, indeed, to a nation who has preserved its cities, ever open to the access of the authorities, even if they do not come at the cannon's mouth, but in the name of the law. Glory to a nation, who, having lost its army, without moneys, stores or material, improvises bands after bands to rally around the standard of independence—of heroes, born with the emergency, springing from the bosom of the people and willing to lay down their lives in a martyrdom for liberty.

Neither have I tarnished the glory of Senor Juarez, who has himself destroyed it, and with it his previous good fame. His glory was that of a Governor, who should have placed himself at the head of his legions to show to his fellow citizen, by his own example, how to defend the independence of the country or perish in the attempt.

But he exercised no judiciousness in the selection of persons, for we have seen generals in a foreign land, who had served loyally and patriotically, remain without their services being rendered useful to the country, as well as those who had filled high official positions. We have seen governors, who had faithfully performed the functions of their office, superseded by others of his creation; moreover, we have seen generals, ministers and governors named by him, deserting to the cause of treason. The glory of Benito Juarez was derived from the democracy, which ever progresses with reform and liberty, from that government of the people which takes the law as its guarantee.

If then Senor Juarez has tarnished his own glory by following in the footsteps of men traveling on the wrong road before him, I am not the only Mexican who has involuntarily obeyed the instinct of duty and narrated that which the Government has done by its own acts. Nevertheless, the glory of Mexico remains immaculate, for it cannot be stained by the errors of a man, nor decried by the intrigues of others.

Mexicans, I believe that I have fulfilled the obligations I contracted with you. I believe I have done so during this solemn trial of the country, when prudence should dictate conciliation with those remedies required to rectify infraction of the law.

Fellow citizens, believe me, I speak from my heart. If the salvation of our common country demands as a sacrifice on my part that I shall never again tread the blooming turf of my native land, nor breathe the balmy air of its sunny clime, and no longer defend in your midst our nation's banner, cheerfully will I submit to the sacrifice, and seek a death spot in some foreign land. But if, on the contrary, you believe that the cause of law and order has need of my presence as a rallying point, if you believe that my coming to Mexico will dissipate the evil consequences inflicted upon it by the Government, I am yours through the convictions of honor and duty. Act with circumspection, and whatever you do, let it be to reclaim the honor of Mexico, and you will work out its salvation.

JESUS G. ORTEGA.

SAN ANTONIO DE BEXAR, December 26th, 1865.

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DOCUMENTS

RELATIVE TO THE

Coup d'Etat of Benito Juarez,

EX-PRESIDENT OF THE REPUBLIC OF MEXICO.

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## A WORD TO THE MEXICAN PEOPLE.

I publish the accompanying documents, believing them necessary to the end I contemplate.

With me it is an established principle never to depart from the pathway my conscience and sense of honor dictates, no matter what adverse influences may be brought to bear upon me.

I make this statement, actuated by no egotistical motives, but simply because I conceive that my native land, in the hour of her calamity, demands, and should receive, an explanation as to my future line of conduct. Silence under such circumstances would reveal a cowardly disposition, and, consequently, I feel myself compelled to give an exposition of my motives, even though I may incur the risk of reiterating statements to which I have alluded in a previous manifesto.

I assure you that my course is shaped to compass no ignoble ends, neither will I permit personal considerations to intervene in the discharge of my duty, for I shall suppress nothing which does not taint our national honor.

A few months since I said to Senor Viezca, while upon the frontiers of the United States: "I do not come with a ridiculous design of overturning established order; I have arrived, solitary and unrecognized, after having refused the physical force tendered me by my friends, so that I shall not be regarded as an element of disturbance. Should you yourself proffer me the strength of your State and your own influence to establish a government, I should decline the offer. My only object, at the present moment, is to visit Senor Juarez, to avert, if possible, the evils which he would inflict upon the country, and to inquire of you your opinion as to his conduct."

The man who acts in this wise takes as his guide the good of his country; moreover, I give way to none, asking whether or not they would recognize a Government of my establishing.

A most easy task would it have been for me to create a new

Government in Mexico, possessed of more or less strength than that possessed by the one of Juarez. I say an easy task, inasmuch as Mexico is a nation faithful to and conscious of her rights, and I hold a legal title and a well defined authority, derived directly from the Mexican people, which Senor Juarez does not. I have governed many of the interior States of the Republic, commanded national armies, and my political influence has bestowed upon me the confidence of the people. Moreover, during my residence at San Antonio de Bexar, I have been personally visited by many leaders, among them generals of well earned repute, soliciting my return to the Republic to operate as a centre of legitimacy, and the salvation of our independence. I have, furthermore, received letters from officers, commanding armies in the field, actuated only to secure the safety of our principles, inviting my return to the Republic, which documents I do not employ as they were of a confidential nature.

The task was, furthermore, easy, inasmuch as I had witnessed the reprobation following this violation of the law by Senor Juarez, not alone from persons occupying high positions in Chihuahua—which State was the official residence of that gentleman—but from the members of the legislature of that same State, as I have ample evidence to demonstrate, did it not involve a breach of confidence in giving private letters to the light. One of the members of that legislature, of the highest social and political standing, came to me as a commissioner, after a travel of a hundred leagues, for the express purpose of invoking my return, as soon as it became apparent that Senor Juarez designed trampling upon the rights of the Republic. That representative stated to me that the State of Chihuahua would not acquiesce in the usurpation of Senor Juarez, but would, on the contrary, repudiate all his acts, which, I believe, it has done.

And the task was easy, as a final reason, because the late President destroyed the sole means whence he derived popular prestige, and, if he lingers in political existence, within a corner of the national territory, it is that he is tolerated from exceptional motives, to which I need not now allude.

However easy to me would have been the establishment of a government, it was not such an easy task to convince myself as

to the necessity of assuming a prominent part in a drama, representing the Government with conflicting executives, and, at the same time, contending with a foreign power, even though one, having no excuse in lack of national virtue, arrogated to itself, amid the darkness of the pending struggle, powers which had originally been conferred by the people. Yet, had I believed the honor of Mexico, and the honor of Mexico alone demanded my temporary abstinence from establishment of a legitimate government, in the hope either that Senor Juarez would restore to the nation that which he had unlawfully appropriated to himself, or that the nation would arouse to a sense of injured dignity, I likewise believed that the majesty of Mexico should have rebuked the scandalous acts of Senor Benito Juarez, as it has already done in similar cases. Let him be rebuked, inasmuch as the establishment of a legitimate government, by him overridden, has cost the nation more than half a century of blood-stained conflicts. Let him be rebuked for having vitiated that very principle for which we are sacrificing human life in a contest with one of the most powerful nations of the earth. Let him be rebuked, for were he not, the nation forfeits title to its own existence, inasmuch as a people, permitting its laws to be desecrated at the option of its ruler, can neither guarantee its own integrity nor hope to advance towards the standard of civilization enjoyed by nations jealous of their well-being. Mexico, however, thanks to its own endeavors, is progressing steadily in accordance with the spirit of the age, as will be demonstrated by the documents I now publish. Let the nation rebuke the treachery of this man for the sake of its own honor, even though it suffers a passing penalty for his transgressions—for a nation, struggling for a principle, consecrated within the hearts of its citizens, must inevitably resuscitate with a tenfold vigor. Not so with a people who succumb at the dictation of a man usurping authority, through the vacillations of its sons, to his own and individual aggrandizement, for that people stand for all ages disgraced in the eyes of God and man.

Mexico will, doubtlessly, preserve her independence, preserve her principles, preserve her honor. Should the caprices of fortune render the salvation of her independence an impossi-

bility, her honor may be saved at all hazards, for all the strength of the world is impotent to destroy the honor of a people who, like the Mexican nation, has struggled around a flag whose tattered folds will bear to the end the inscription of a solitary cardinal principle. Triumphant it will shine in effulgent glory; down-trodden, it will carry to remote ages the noblest title to heroic martyrdom.

It may be insinuated, as some have already done, that if Juarez has acted illegally, an admission of the fact would dishonor him and thereby inflict injury upon the nation.

Will my silence, or the silence of six or eight other men, propitiate a nation, whose privileges and laws have been trampled under foot by the individual to whose custody they have been entrusted? Can a silence of this nature confer prestige upon a man violating his oath and reprobating his duties? Can it prejudice a nation to protest energetically against wrong perpetrated in its name? Has it prejudiced Mexico in the eyes of the world to have protested against the creation of a throne upon the land of Hidalgo, and to have proclaimed that the rights of Mexico have been assailed through the usurpation of a foreign armed force? Does the sentiment of Mexico and the world depend upon expression of our judgment? Will our silence alter the nature of political acts, rendering bad good and good bad?

The reputation of a public functionary depends neither upon the silence nor the expression of any one citizen, but upon the unequivocal and impartial judgment of society, when popular sentiment canonizes, so to speak, the right and legal procedure of that functionary. None can be ignorant of the fact that when the trials of a nation are at their highest pitch, it is far more noble and honorable to exhibit herself worthy of herself, condemning all acts that she would have discountenanced, when in the plenitude of majesty and power, or against the dignity and spirit of the law. The heroism of a country, like unto that of a man, is rarely evoked unless beneath bitter trials, imposed upon it through emergent circumstances.

I herewith publish the correspondence between Senors Juarez and Prieto, relative to the letter addressed by me to the former,

through the medium of this latter, respecting tender of my services to the Government, while outside of the territorial limits to which I have alluded in my manifesto. To demonstrate the accuracy of my statements in this latter document, it would suffice the public to know that the epistle had been received by the Government. This is not only shown by the correspondence, but the additional fact that it was received in *May* or *June*, and according to Senor Juarez's authority, was not responded to until September, thereby proving that reply to a communication of vital importance was intentionally delayed for several months. Moreover, I was assured that that which I requested should receive the requisite authorization, without any intention on the part of the Government so to do, and that, while I was awaiting this authorization, I should remain outside of Mexico, in order that Senor Juarez might publish, in a decree, that I had abandoned the Presidency of the Court, dwelling permanently in a foreign land, without license, and *I had not even informed the Government as to when I intended returning within the Republic*. I have already stated that I never received an answer from Senor Juarez.

(Signed),

JESUS G. ORTEGA.

THE CONSTITUTIONAL PRESIDENT OF THE SUPREME COURT OF JUSTICE OF THE REPUBLIC OF MEXICO.

CIRCULAR.

I herewith send you a copy of the protest and manifesto which I have deemed it incumbent upon me to make public, in regard to the *coup d'etat* perpetrated by Senors Benito Juarez and Sebastian Lerdo de Tejada.

National, as well as State legislation having been necessarily suspended during continuance of hostilities, nothing remains to direct the administration of public affairs save those high functionaries elevated to power through the votes of the people. It is for this reason that I address myself to you, inquiring as to the course of conduct you have adopted with respect to this outrage upon legal order, and whether you repudiate or endorse the act.

The nation preserves an inherent right at all times, and especially during hours of trial and anguish, to demand from public officials the expression of their opinion as to matters touching the common weal. This right conceded, I conceive it to be obligatory upon me, as President of the Supreme Court, to collate all available information upon that head. Did I not do so, I would regard myself amiss in the discharge of the sacred duties imposed upon my position, and most particularly so when we contemplate the circumstances at the present moment affecting the country.

If I, in this instance, avail myself of my title as President of the Supreme Court, and not of that of President of the Republic, to which position I possess a perfectly legal right under the Constitution, it is because I do not deem it expedient, while the national independence is in jeopardy, to elevate contradictory standards, even though the one be emblazoned with the motto, "Order," and the other with "Abuse of Power," and treason against organic law. Yet my forbearance does not necessitate the Republic to recognize as legitimate the official acts of Benito Juarez after the 30th day of November last past. Considera-

tions as to the national welfare, both now and for the future, will ever instigate my actions; nevertheless I will always struggle to reconcile the cause of independence with the absolute salvation of the law.

Do not on any account presume that this note is designed to solicit your opinion upon an unprofitable business, neither that I have constituted myself into a judge as to your conduct. No! the object of this epistle is much more noble and elevated. The nation is undergoing a terrible ordeal, her organic code has been ruthlessly violated, and that at a moment of the nation's crisis, struggling against a foreign invasion and battling to conserve the form of government instituted by that same organic code, without which independence would be a nullity. The assumption of a solemn oath, my duties, my honor, my patriotic devotion to the interests of Mexico renders it obligatory upon me to exert my most earnest endeavors to preserve inviolate the Constitution and laws, whose creation has cost our nation so many and bitter sacrifices. At the same time a similar sense of duty impels me to exercise an equal devotion towards preservation of our national independence; consequently I have attempted to effect both purposes simultaneously, rendering the one subservient to the other. It is for this reason that I have not appealed directly to the masses, who might manifest their disapprobation of the Juarez usurpation in a temptuous manner. To avoid tumultuous demonstrations from the populace I have addressed myself to the officers of the people, citizens charged with supervision of popular rights, whose foundation rests upon the observance of the Constitution.

During peaceful times and those of national quietude, the organic law lays down both the order of succession and the manner wherein each authority and functionary attains exercise of the duties entrusted to them by the people. During an emergent period these provisions may be departed from. Yet the precedent of history, in similar instances, has demonstrated that the most appropriate method of saving popular rights, is one wherein the opinions of the representative departments have been consulted. With this aim we have observed Governors and

local representatives of the respective States, either in accord or separately, protest against ignominious acts, wherever they had the power so to do, when such acts were found to be in conflict with the spirit of the law, as the exponent of the will of the sovereign people.

For the reasons I have given I now address myself to you as a representative of the people, even although you are momentarily debarred from the exercise of your functions, so that in your official capacity you may communicate to me your sentiments upon this matter. While so doing you may discard formalities, as much for the reason that they cannot, at this present moment, be complied with, as from a consideration of the grave circumstances which encompass our common country.

Independence, Liberty and the Constitution.

SAN ANTONIO DE BEXAR, February 3d, 1866,

(Signed),

J. G. ORTEGA.

*To the Constitutional Governor of the State of—*

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FROM THE CONSTITUTIONAL GOVERNOR OF THE STATE  
OF DURANGO,

To the Citizen, J. G. ORTEGA,

*Constitutional President of the Republic of Mexico :*

As a satisfactory reply to your communication of yesterday, enquiring as to my opinion of the *coup d'etat* of Juarez, the manner in which it impressed me, and my projected line of conduct for the future, I herewith transmit to you a copy of a letter which I forwarded to Senor Juarez from Presidio del Norte, dated December 15th, of the past year.

Independence and Liberty.

(Signed),

J. M. PATONI.

SAN ANTONIO, February 4th, 1866.

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PRESIDIO DEL NORTE, December 15th, 1865.

SEÑOR BENITO JUAREZ,

*Paso del Norte.*

MY DEAR FRIEND AND SIR:—The circumstance of the French



troops being at the gates of Chihuahua at both my arrival and departure from that city, the implied bad taste of manifesting my sentiments during the critical moments signaling our last interview, and last by a determination not to take the initiative in enunciating my discontent at your *coup d'etat*, believing that task to be more properly allotted to persons of more consideration than myself, impelled me to preserve silence on that occasion, while at the same time my duty instigated me to indite a confidential epistle to you on a matter affecting national interests.

It is not within my province, neither do I boast capacity adequate to analyze the decrees of the 8th of November. Nevertheless, however masterly may be deemed the manner in which the law has been perverted, however applicable and sagacious may be the deductions drawn from the spirit of the law by your cabinet; in everything not comprised within the circle you have described for your personal advantage every honest citizen perceives that the law has been violated, that there does not exist in your person title sufficient to exercise the functions you have usurped, and that the country is threatened with the danger of anarchy, when constitutional order could and should have progressed in all its majesty. The grand principle, secured through triumph of the plan of Ayutla, was the perpetual abolition of *persons*. By it popular sovereignty—the soul of democracy—was recognized as a practical truth, and military mobs condemned by the just severity of the people as illegal combinations, who, with more or less plausibility, and stimulated by ambitious leaders, subjugated a populace incapable of resistance.

When I abandoned my peaceful employment and sacrificed my private fortune in furtherance of these principles, and their sustenance through force of arms, combating with like vigor through adversity and success, I was buoyed up with the trust that the law would be our guide, conscious as we were that it would be sustained by the popular vote.

The citizen soldier can never be rendered an instrument for the destruction of the laws. Called into existence by the nation

he can never convert himself into a traitor to its interests, and as a defender of the Government he can never be induced to conspire against its interests. According to my method of observation, and viewed by my conscience, I have no doubt but that your retention of power after the 30th of November is an usurpation, that the naming of your successor is an assumption unknown to our code, and but initiated by Santa Anna during a period of the greatest disorder, and that this comingling of anomalies exposes the country to anarchy, beside depriving it of strength and compromising our name with foreign countries.

I adjure and pray of you, Senor Juarez, by the lustre of your good fame, by the well merited position to which your virtues exalted you, and by the interest of our common weal, to which your devotion has been an earnest of hope and a source of pride, to retrace your steps upon the road along which you have started, as in your footprints it is impossible for me to follow.

I take greater pains to communicate to you my resolution, inasmuch as it should recall to mind memory of the past. You have ever found me at your side, unvacillating and obeying your every order, while you represented the law. You will remember that I have always been one among the first to fly to your defence, and during moments when it happened that personal friends had deserted you, I was too anxious to hasten to your company, eager to identify my destiny with that of the principles which you have guarded heretofore with fidelity. When you ceased to represent principles you deserted me, so that our separation has not been wrought through apprehension of danger, or through momentary emergencies, but because I did not wish to appear as a traitor against laws you taught us to respect.

This manifestation of opinion, which I submit with the greatest respect and with the best of feeling, does not in the least weaken my resolution to serve my country with the same loyalty I have ever given evidence of, neither will it prevent my union with those who are fighting against the invader with a determination to vindicate our common rights to the utmost extremity.

Denying beforehand any intimations of disrespect, and with no wish of giving personal offence, on the contrary, actuated by

the sincerest well wishes for your future, I assure you in honesty and frankness, that my sense of loyalty compels me, without compromising myself with party or person, distinctly to state that I will obey no orders emanating from you as the Government, but will continue to defend my country according to my own inspirations, co-operating with those who legitimately, indispensable condition according to my judgment, do so for the salvation of our independence.

I do not wish to conclude without acknowledging, independently of my official duties, my personal gratitude for the attentions you have shown me. With sincere feelings of esteem, I remain, as ever, your affectionate friend and servant,

(Signed),

J. M. PATONI.

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FROM THE EX-CONSTITUTIONAL GOVERNOR OF THE  
STATE OF MICHOACAN, REPUBLIC OF MEXICO—GEN-  
ERAL OF DIVISION.

To the General of Division, J. G. ORTEGA,

*Constitutional President of the Mexican Republic :*

I have the honor to acknowledge the receipt of the circular, dated 3d of this month, you have communicated to me, inquiring my opinion as to the *coup d'etat* perpetrated by Senors Benito Juarez and Sebastian Lerdo de Tejada, through their decrees of the 8th of November of the past year.

In response, it becomes my duty in the first place to inform you that my term of office, as Constitutional Governor of the State of Michoacan expired on the 16th of September of last year; that in consequence of the war with a foreign power, I asked leave from the legislature to absent myself and devote myself to the formation of forces for the independence and tranquilization of our fatherland. Being so just and necessary an object, the license was granted by the State Congress, and in compliance with an article in the Constitution of Michoacan, they appointed as my successor the citizen Deputy, Antonio Huerta, who, by virtue thereof, entered upon the functions of that office, receiving at the same time, and from the same legislature,

authorization to continue in office until a new election is held, that is, provided I should be killed in action, or my term of office should expire by reason of the prolongation of the war.

Having said this much, it is with pleasure that I respond to the circular of February 3d, in the capacity of the former Constitutional Governor of the State of Michoacan, and as one who received that exalted position through popular suffrage.

In inditing this letter I do not wish to weaken the force of the laws committed to my custody by the people, for I neither desire to maintain a position to which I am not entitled, nor usurp an influence not justly my own, and which only derives honor and respectability when endorsed by the popular vote.

For these reasons, while enumerating my opinion with regard to the *coup d'etat* of Senors Juarez and Lerdo de Tejada, you will accept it as the sentiment of a supreme authority, who has been entrusted with the governorship of an important State, and as an expression of opinion from the only Governor elected by the popular voice who could speak in its behalf.

The State of Michoacan regards with deep bitterness the *coup d'etat* perpetrated at El Paso del Norte, as antagonistic to the principles of the State Constitution, and bedimming the traditional respect with which the laws have ever been regarded by the citizens of that State. I am intimate with the sentiments of my fellow citizens, and well know their obedience to the legitimate authority, inasmuch as I am a native of that State, and have had the honor of being at the head of its affairs for eight years, during which period the rule of constitutional order was never once disturbed. On the contrary, the sons of Michoacan, enthusiastic admirers of law and justice, have ever presented a firm front against the aspirations of ambition and the intrigues of disaffection. Let the foolish attempts of Commonfort attest the truth of this declaration. In all things, neither has Michoacan nor myself judged otherwise than the laws of the republic owe their creation to aught save the will of the people, and we believe, moreover, that laws once framed cannot be violated by any person at his own will.

Senor Benito Juarez, who has broken through the constitutional defences of the country by a blind mis-step, and who

now unfurls a revolutionary banner with a hand pledged to sustain that of law and order, has not, neither can he have my assent to his decrees of the 8th of November last past. At the period of the never to be forgotten epoch of Ayulta, for the purpose of assisting in crushing out a despot, oppressing the Mexican masses, I marched to the battle field, not only to seek glory in triumphing over tyranny, but to acquire a ground plan whereon the people could erect a nation, so that in the pages of a sacred code they could read their rights and duties.

No infraction of the laws, nor disobedience to the supreme power has thrown a shade upon my public life; on the contrary, wherever the fundamental laws of the nation have been menaced, the sons of Michoacan, with myself, have ever been foremost in their defence.

Benito Juarez, victim of the scandalous *coup d'etat* of Commonfort, is well aware that among the ranks of the Constitutional army, organized to defend the supreme authority, I have been always ready for the sustenance of the laws, and willing to die before consenting to their violation. It is in such high esteem I hold the cardinal principles of right, acquired through shedding of Mexican blood.

The consequences of our present war are not mute witnesses of my devotion to the laws. A prisoner of war at Puebla, and transported to France as such, I have never recognized any other cause but that of the Republic, nor any other authority than that imposed upon me by the voice of the people, and congenial to the fundamental code. Notwithstanding that obedience has natural limits, and thus, as I would consider it a crime to oppose legitimate authority, I would regard it a still greater crime to obey one who usurps illegally the sovereign power.

Benito Juarez has finished his career, for nothing, according to my conception, can authorize his perpetuation in authority; neither can he exclude the person to whom the law gives the succession in a determinate manner. Consequently, Senor Juarez is but a private individual; and the Presidency of the Republic has reverted to the Constitutional President of the Supreme Court of Justice, who is the only man entitled to direct the destinies of the country. Therefore, as the last Constitutional

Governor of the State of Michoacan, or, as general of division in the army, you will please accept my opinion, which I have set forth in reply to your circular, appealing to those placed by the will of the people to watch, through all time, over the national rights within their respective jurisdictions.

Please accept the expression of my high esteem. Independence, Liberty and the Constitution.

(Signed),

E. HUERTA.

NEW YORK, February 26th, 1866.

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*Constitutional Presidency of the Supreme Court }  
of the Mexican Republic :*

TO GUILLERMO PRIETO,

*Postmaster General of the Mexican Republic.*

I herewith send you a copy of the Protest and Manifesto, which I caused to be published in this city, respecting the *coup d'etat*, perpetrated by Benito Juarez on the 8th day of November of last year. I sent through you from New York to Senor Juarez the document alluded to. As it was not of a private character, but relative to public and national affairs, I trust that you will supply me with all details in reference to its reception, accompanying the information with any document you may possess.

Clothed as you are with an official position, I hope that you will likewise favor me with your views as to the act of Senor Juarez, of which I have made mention, and as to that which you have done either in approving or condemning the same.

The nation has a right at all times, and more especially during its hours of trial, to learn the conduct of public officers.

As for myself, and placed in the position of President of the Court through popular suffrage, I believe myself compelled to gather such information, so as to comply with the obligations imposed upon me by my duty, and the circumstances of the national situation.

Independence, Liberty and the Constitution.

(Signed),

J. G. ORTEGA.

SAN ANTONIO DE BEXAR, February 3d, 1866.

Office of the Postmaster General of the }  
 Mexican Republic. }

TO GENERAL J. G. ORTEGA,

*Constitutional President of the Republic of Mexico.*

The misfortune of suffering in my eyesight deprives me of the pleasure of answering your official note autographically, and as extensively as I would wish, consequently I am obliged to send you copies of the documents to which you make allusion.

The first is a copy of a letter sent to an intimate friend in Chihuahua, and exhibits in the amplest manner my opinion with respect to the *coup d'etat*, free from all other motives than those of sorrow at the unexpected retention of authority by Senor Juarez. I have the honor of assuring you that my conduct has been entirely consistent with my ideas. At the time I suspected the incredible weakness of the Chief Magistrate of the Republic, I demonstrated to him personally, and in the most earnest manner, the consequences of his design. I made public my disapproval of the scheme, and to avoid scandal, sent in my resignation, which was not accepted; while, in my discourse of September 16th, I alluded to the advantages Senor Juarez would obtain by swerving from the path of usurpation. I caused my name to be stricken from the head of the official newspaper when publication of the decrees of the *coup d'etat* were made. I had published that paper gratuitously for two years. Finally, crossing the desert, I retired to a foreign country, separating myself from a class of persons attempting to impose upon the nation as law scholastic cunning, which the people will have the good sense, doubtlessly, never to accept.

The other documents which I forward are copies of letters exchanged with Senor Juarez. They will bear me out in saying that I placed the letter, which you entrusted to me, in the hands of that high functionary; that he was aware of your being in a foreign country, with the intention of remaining there for a time; that he never exhibited the slightest disapprobation of your conduct, and, finally, that he did not answer you until the 7th of September, at a time when it was publicly known that the idea of the *coup d'etat* existed with the cabinet.

I believe what I have said will cover the object of your note; as for myself, I have the satisfaction of knowing that I have performed everything possible, consistent with my duty.

Independence, Liberty and the Constitution.

GUILLERMO PRIETO.

SAN ANTONIO DE BEXAR, February 15th, 1866.

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PASO DEL NORTE, *October 31, 1866.*

[STRICTLY CONFIDENTIAL.]

MY DEAR FRANK :

This will be no letter, but a panorama of the terrible shock which I suffer in a painful manner. You will comprehend my meaning by reading the enclosed decree, issued by Benito Juarez on this date—a decree, which it is, at this moment, impossible for me to analyze, as I feel as if I were in the midst of chaos. The decree, as you will perceive, is apparently according to the law, besides being solicitous for the well-being of the army, and in accord with the purest sentiments of patriotism. Ostensibly it is a measure which does not transcend the natural faculties of the executive, against exercise of which opposition would be made only from selfish motives. But a careful perusal will disclose the Jesuitical mask, covering the Presidential question, so as to cloak, during the nation's most solemn trial, in the most audacious and treacherous manner, by surprise, the prologue to the *coup d'etat*. It is thrown forth as a secret poison to assassinate legality; it is designed as an ingenious dagger to pierce unnoticed, but to leave behind an incurable wound. The allusion to Ortega is transparent on every line. It is he who is away in a foreign land, leaving with license and absent for four months. It cannot mean Berriozabal, for he was recalled by express orders, neither is it Huerta and his companions, for they are excluded. Ortega is the party denounced, as any reasonable being can at a glance detect.

This man, whom the unalterable law declares to be President of the Republic; this man, whose title was confirmed in a solemn manner by the Government but a short year since, when



public opinion accused him of being ambitious, whether with reason or not we cannot say, as memory of his defeat at Majoma remains fresh, as accusations *from which he was absolved by Government*, are still being fanned by hate and malice; this man, I say, is not judged nor condemned, but his power is torn from him, as one dangerous to the common weal, or unworthy his trust. No! the law is spread as a trap so as to render him helpless; when, thus enchained, he is wounded and robbed of his legitimate functions.

Do not think for a moment that I am pleading for Ortega as an individual. I defend him as he, at this moment stands, the personification of right. I neither favor him nor dread him, nor have I evidence to show him preferable to Juarez, but in all justice I regard him as an exponent of the law, whom they desire to override with a cowardly intrigue, concocted in secrecy and out of the popular sight. The decree is a confusion of ideas, which renders its unraveling difficult. The Presidential question is a simple one; the Constitution places a definite and positive term to the Presidential office, so that a usurpation is impossible. It expresses that, *no matter what may happen*, the President of the Court shall be the substitute for the President, when the term of office of this last expires, and no election is held for his successor. The subterfuge of declaiming the incumbents to remain in office until a new election is not expressly set forth but implied, in my estimation. *First*, because this case is like all others, and provided for in the Constitution. *Secondly*, because, when the law regulating elections was adopted, the contrary was held; and, *lastly*, because, in the famous answer of Lerdo to Ortega, Government denied the right to change the law.

Ortega left the country upon leave of absence, advised the Government of his residence, placed his services at its option, wrote directly to Juarez, and still received no sign of its disapprobation. To all of this you are a witness.

The previous career of Ortega in Chihuahua gave no evidence of irregularity or insolence; he respected the resolutions of the Government; he acquiesced in its mandates, and left to make himself useful. But, that nothing should be wanting in this vio-

lation of the law, it is concocted with ingenious perversion, which is sought to be excused by sophistry and perfidy. Was it anticipated or found inconvenient that Ortega should not come into power? Then, why did they not trump up a thousand reasons or plausible pretexts to incapacitate him? Was it not rumored that he committed an error while exercising power as Governor of Zacatecas, and thereby destroyed his right to the position of President of the Court? Was it not reported that he should have been court-martialed for his conduct at Majoma? If so, why did he continue vested with authority and recognized as successor to the Presidency?

We will suppose that Ortega deserves the prosecution so openly instituted against him. What is the power for his judgment? Has not the Constitution prescribed the method of procedure? Is there no restriction imposed upon the faculties which the Government has arrogated, thrusting the future into the embrace of usurpation and absolutism? Why deceive the nation with this assumption of perjury and falsehood? Is it possible that the presence of a foreign enemy renders us blind to the theft perpetrated upon the national laws, upon the most precious of conquered rights? Is not all this formality and falsification the proper weapons of usurpers?

Juarez has heretofore been my idol, both on account of his virtues and his having been chosen by the law, for his standard was our glory and our rights, and were we to fail, we must succumb in the defence of the law. What remains of our political edifice? Whom shall we respect? Does it make any difference whether the usurper be named Santa Anna or Commonfort, or Ceballos, as of old, or Juarez, the suicide of to-day? We will suppose that Juarez was a political necessity, and that his administration was immaculate. Did he derive reputation apart from his official position? We will not hazard the presumption that a change would prove distasteful, or that our exterior relations being paralyzed would prove the cause of anarchy. Has not usurpation the same or greater dangers? What would be the result from the discontent of the adherents of Juarez in the city of Mexico, where they are very few in number? Is, then, discontent comparable to the disaffection of Negrete, of Zacate-

cas, of the division of the army in the State of Sinaloa, and of the remainder of the Republic? Yet all this occurs through the action adopted by Juarez. The partisans of principle will not recognize Juarez in the future, for they advocate principles, not men. Such being the case, will it justify a deliberate rising in favor of Ortega? What are our foreign relations? Who will assure us that the United States will continue their sympathy after this *coup d'etat*, as they always follow principles and not persons?

And what an instrument to our disadvantage will be this act in the hands of our enemies when knowledge of it becomes diffused to the world at large.

Anarchy! It is a word, under the circumstances, which terrifies more than it injures; it exists already, and through it may be saved the national honor.

There can be no anarchy when there is unity in thought, and this unity employed to put down the invasion. If Arteaga and Regules, Fernando Ortega, Riva Palacios and Rosales, and all the chiefs had been subjected to, or omitted our orders, what would have become of the country? Anarchy is horrible when the ambition of different men is loosened to run riot. Then the struggle between the strong and the weak commences on the same soil. But the country without a head would have an insurrection, and that this would be common will be the supreme good of the country. Would not the nation be convulsed to see the flag of the invader disappear, only to give place to another equally illegal and equally detested?

In any case, should evil befall the country, Juarez and those who have allured him to his ruin will stand the blame, and not those who follow the path of duty and honor respecting the public will of their country, which is expressly mentioned in their fundamental code. I even go further, and suppose this extraordinary feat of jugglery of Juarez to terminate happily. Is it honorable to follow him? Is it right to acknowledge such a vaulting over the law? Ought we to tolerate this act, thus authorizing others of a similar nature, which would very soon follow? For my part I will not.

I have been so candid with you so far that not even the fear of the Constitution's being broken stops me. Our cause is so grand that the glory of driving out the invaders would be unfading, and this might tempt me to act against the laws. But no, that would be reputation for the life of the country. I have not done it yet. I am not frightened.

I am frightened to contemplate Juarez as a revolutionist, inert, crippled, haggling, occupying himself with misrepresentations, or in elevating the baseness of vengeance against a certain person to the height of a State question. Can you imagine Juarez as a revolutionist? What are the rights of this man? What his strength? Are the destinies of a country to be subverted at the call of a scene shifter? Can this rushing of a country into perdition be caused by cautious but deceitful night vigils and thought? Is it virtue to break the law? Is it right to be the judge in your own case? Is it honorable that the culprit should turn the tables on his judge and declare him a thief, because he happens to acquire a temporal power?

I repeat that I grope in darkness and know not where to turn.

How obscure and treacherous is this document; how it omits the name of Ortega; what an innocent and natural air it bears. If we say to the Government, here, that artful idea, that order, is an ambush from behind which you will assassinate the legitimate possessor of what you declare to be your inheritance? Then they might say, what do you deduce from? Damn anathemas on the calumniator. Shame and punishment to the suspicious rogue!

I saw this intrigue coming and I threw up my position, because I had neither labor to perform nor means of livelihood. My renouncement of office was not accepted, and I was retained so as to martyrize me, or for the purpose of having me desert my position in an infamous way, so that this desertion might be used as a gag to stop my just reproof of what I knew to be a turning of the truth, the abjuration of the law, the improbable transformation of the legitimate Government into a strolling company of actors, who wish to enact plays after the manner of Napoleon the little, and oh! shame, after the style of Maximillian the rickety!

Can you imagine what I have suffered? Can you imagine my situation when I am the exception amongst those gentlemen?

I am yours, affectionately,

(Signed),

GUILLERMO PRIETO.

PASO DEL NORTE, *October 1st, 1865.*

BENITO JUAREZ:

MY DEAR FRIEND AND SIR:—The last two times in which I have seen you, you have manifested that you were displeased with me. This displeasure is caused doubtlessly by my having, in a thoughtless moment, disclosed my ideas at a public entertainment, but which I am proud to say were conformable to the law and the honor of the Government. Having lost your esteem, I miss one of the most powerful reasons for being near your person, as well as the small recompense of eight years of public service, in all of which time I have given patent proofs of my loyalty to the cause, and of affection to you, personally. Misrepresentation is a degradation, and I have remained here so as not to degrade myself. I beg of you as a special favor that you give an order, causing the labors of the administration of post offices to cease, which in fact are useless, for I neither have anything to do in that respect, nor have I any salary, and this order will rid you of me, and rid me from being the victim of penury.

I am as ever, your servant and friend,

(Signed),

GUILLERMO PRIETO.

PASO DEL NORTE, *October 1st, 1865.*

GUILLERMO PRIETO:

MY DEAR FRIEND:—I answer your letter of to-day, by saying that I cannot give the order to stop the administration of post offices, as you wish, because that would be equivalent to the Government commencing the destruction of public administration. Let the enemy destroy it if they have the power, and such should be the destiny of my country, but I shall neither do it nor allow it to be done so long as I am able to prevent it. If

you have been wanting in circumspection in the matter of which you speak I can say nothing, as you have a faithful and sincere friend, which can satisfy you by approving or disapproving your conduct ; that friend is your own conscience, to which I appeal without having the necessity of verbal explanations in this matter, or any other particulars which you may not wish to inform me of, or I may wish to ask of you.

Before closing this letter I ask of you a favor, which is, that you bring to your memory that I never have said to you nor authorized you to say to Gen. Gonzales Ortega, in my name, that he could remain indefinitely away from his country. It has never been my pleasure to tell any one to do anything but what he liked best. Neither have I authorized any one to pursue the road of dishonor.

I am as always, your true friend,

(Signed),

BENITO JUAREZ.

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PASO DEL NORTE, *October 1st, 1865.*

BENITO JUAREZ :

MY ESTEEMED FRIEND AND SIR:—I did not wish for an order to destroy the administration of post offices, but that the labors of it should cease, which in fact is the case. I have appealed to my conscience, and that is not only satisfied but proud. I have never written one single syllable to Gen. Ortega, neither as coming from myself or yourself, in regard to your feelings about his indefinite permanency away from his country. Once, in a private conversation between Yglesias (Minister of Hacienda and Gobernacion, in the Juarez cabinet) and myself, I said to him that Ortega had written to you through me, in which letter he expressed a wish to labor for our country in the United States, and asking your approbation. In answer to which letter you told me that you had said to him to act in conjunction with Romero (Mexican Minister to the U. S). I added in that conversation that, taking this reply as a guide, you were not averse to his remaining away from his country. This answer covers the grounds of your letter to me, which ought neither to offend you nor suspect your future intentions, and gives you proof of my

proceedings. Any way, if you can in any manner so fix it as to enable me to separate myself from my position, so that it will not appear as if I had been expelled, but only as a matter of delicacy on my part, I shall be very much obliged if you will inform me as to the manner.

Respectfully, your obedient serv't,  
 (Signed), GUILLERMO PRIETO.

PASO DEL NORTE, *October 1st, 1865.*

GUILLERMO PRIETO :

MY ESTEEMED FRIEND :—I am sure that I could never have told you that I would have answered Ortega by telling him to act in concert with Romero. I recollect having answered Ortega on the 7th day of September last, simply telling him that he could not receive the authority which he asked for, and this is the first time that I have ever told any one what I had written to your constituent (Ortega). I am very happy to know that you have so clear and proud a conscience, for that being the case, you will live tranquilly.

I cannot grant your prayer in regard to the ceasing of the labors of the general administration of post offices, because I have not the wish to assist the invaders of Mexico in discrediting the administration of my country. I cannot tell you either to leave your office, because I have neither a motive to tell you so nor does the Government repel you, nor are you a stumbling block in the way.

I am your affectionate friend,  
 (Signed), BENITO JUAREZ.

PASO DEL NORTE, *October 2d, 1865.*

BENITO JUAREZ :

MY ESTEEMED FRIEND AND SIR :—When I, in May or June last, placed a letter from Mr. Ortega into your hands, I am sure that you then said to me that you were going to answer Ortega to the effect that he should act in concert with Romero. If you did or did not do it, I cannot say, neither do I know what you said to him in your letter of last month. The former idea, that

is to say, that of May or June, I communicated to Mr. Yglesias then, and this is a proof to me that I am not mistaken.

I do not think that there would have been dishonor in suspending the labors of the general administration of post offices, nor with my ceasing to operate would the invaders have been assisted, for by the same reasoning is it not ridiculous to believe that the ceasing of the administration of sealed paper, public lotteries, and Custom Houses, have also assisted the invasion? I proposed that I should be considered as having resigned, for the reason that the public should not know that there could be a cause of difference between you and myself. To stop all further doubts, and to close a correspondence which occupies your attention, I herewith send my resignation, which I hope, as a **great** and only favor, may be at once attended to.

I am, your affectionate servant,

(Signed),

GUILLERMO PRIETO.

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[COPY OF RESIGNATION].

OFFICE OF GENERAL ADMINISTRATION OF P. O.—There being no duties to perform in the general administration of post offices, and my presence in this place being of no consequence to my cause—on the contrary, a source of unpleasant feelings—I beg of you to entreat the President to grant me leave to reside wherever I may see fit, and if this should seem impossible, to admit the formal resignation which I make of the office of general administrator of post offices.

PASO DEL NORTE, *October 2d, 1865.*

(Signed)

GUILLERMO PRIETO.

*To the Minister of State.*

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PASO DEL NORTE, *October 2d, 1866.*

GUILLERMO PRIETO:

MY ESTEEMED FRIEND:—I perfectly well recollect that I did not tell you what I was going to answer Ortega when you brought me his letter. I said that I would answer him in a courteous and polite manner, and nothing more.



I will present your resignation to the proper parties, and in due time will communicate to you their resolution.

Your affectionate friend,

(Signed,)

BENITO JUAREZ.

REPUBLICAN ARMY OF MEXICO, }  
OFFICE OF BRIGADIER GENERAL. }

Notwithstanding the several supreme decrees which would have justified me at different times to have separated myself from the Mexican Government, yet their indisputable title to legality made me remain at the side of Mr. Juarez, where I would now be were it not for the decrees of the eighth of November, which I consider as an attempt against constitutional order.

When General Commonfort, colleaguig with a portion of the army, shielding himself behind the memory of glorious deeds, and flattered by parties interested, gave his *coup d'etat*, I, in my humble position, withdrew from the armed mob, and did not vacillate an instant in giving my support to him who was President of the Supreme Court of Justice, and who shortly entered into the exercise of the Presidential power. In the struggle for Reform, I had the honor to be one of the number who composed the army that, victorious in the capital, were the first to aggrandize the head of the Government, so that in his aggrandizement might be seen the triumph of the law. During the present war, the more adverse to our cause was fortune the more inseparable have I been to the Government, and Mr. Juarez will bear me witness, that on treading the confines of the Republic, when it appeared that we touched the limits of our territory and our hopes at the same time, I was one of the few who carried that far their faith, and respect for the Government which still upheld the tattered but glorious banner of the nation.

The decrees of the 8th of November changed the face of affairs, and threw the country back to the times when an obscure plot displaced the will of the nation, and when reason, which is

the law, ceded its place to arbitrariness, which is nothing but a manifestation of tyranny. I found myself more than any one else obliged to separate myself from the so called Government, because to a soldier there was not even the excuse that power was retained so as to continue the struggle, for the same *coup d'etat* only asked from the people their *indifference in exchange for the Government's inaction*.

I have arrived here, after extreme difficulty, so that you who have the legitimate title to, and imperious duty of saving the independence and laws of the country, might see me at your side in the station and manner which you may see fit, when you head the ranks of the defenders of Independence.

Having made this declaration I comply with the duties which honor imposes on me; and if, through any motive which I beforehand respect, you should not find it convenient to present yourself within the Republic, I will go and join any soldiers who carry our flag as their symbol, without having lost for one moment faith in the holiness of our cause through your absence; and thus I shall not be in the sad condition of him who tramples the laws and honor of his country under foot to save our Independence, nor of him who compounds with the transgressions of Mr. Juarez.

My acts will, at any rate, serve to explain my opinions, and be a proof that I neither received nor complied with the watchword to break, by force of arms, the rights of the nation.

Liberty and Reform.

San Antonio de Bexar, Feb. 6, 1866.

(Signed,)

FERNANDO POUSEL.

To Gen. JESUS G. ORTEGA,

*Constitutional President of the Republic of Mexico.*

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ARMY OF THE MEXICAN REPUBLIC, }  
OFFICE OF A BRIGADIER GENERAL. }

In the month of August of last year Government left the city of Chihuahua and went to Paso del Norte, giving the order to the chiefs and officers who were attached to and followed it,

that they might choose a place of residence in any place not occupied by the enemy, and, also, that it should not be El Paso del Norte. In accordance with these orders, several chiefs, and I amongst them, took the road to Presidio del Norte, and there, in unison with General Negrete, and inspired by our patriotism, we fortunately got together a few arms so as to be able to hostile the enemy. Two months passed, during which time I became convinced that the resources of the State being frittered away, and the executive taking no initiative part, our efforts would be useless. I vacillated between going into the interior of the Republic to join some other forces, or to go to the United States, there to try and procure arms, when I had reason to know that Juarez was seriously plotting his perpetuation in power, which would, in reality, incapacitate national defence, and convert the army into the escort of an usurper. I entered the career of arms with Liberty as a godfather. I wished to enter into citizenship on the field of battle, because the war which then raged was for the liberties and regeneration of the masses; and the commencement of my career and the advent of Juarez to power coinciding, I neither had any other name nor other flag to invoke, nor any other cause than that with which he has been identified.

His transformation into a revolutionist was his disappearance from legal right, and an army could only serve him for uses entirely personal. The evils which I then foresaw, the sentiments which, from that moment, animated me, and my acknowledgment of yourself as President of the Republic after the 30th of November, I made manifest to you through a commissioner which I sent to New York in August last, I coming to this city to reside, where I have, as you know, been as useful as I could be to the common cause of our country. This is the simple explanation of my conduct; I think it fully justified, not only from my inward feelings of conscience, not only from the rigid test of the laws, whose unequivocal tenor condemns Mr. Juarez, not only on account of public feeling, which, as it leaks out, shows the bitterness felt for the painful loss of one of our glories—for the name of Juarez was one of our national glories—but on account of the overturning of the legal order, and the danger to

independence, because Governments to be strong must be just, and usurpation carries within itself the germs of weakness and annihilation. I, one of the least of citizens, but in my expression of national conscience, as great as any, have wished to protest by my conduct against the *coup d'état* of Mr. Juarez, so as to be witness that amongst all classes, and on behalf of all who love their country, there is an unanimous feeling against this overturning of the public right of the nation, against the criminal attempt to divide the lawful cause of the country, and against the probable effect of giving cause for anarchy and fraternal war in the midst of our foreign invasion, and the danger even, if triumphant, in this horrible invasion, of receiving the terrible inheritance of civil war and capricious rulers. Having thus expressed my feelings and fully convinced that you are the legitimate head of Government, I place myself at your orders, so that I may be employed, even if only as a common soldier, in the defence of national independence.

Independence and Liberty.

San Antonio de Bexar, Dec. 18, 1865.

(Signed,)

M. QUESADA.

To JESUS G. ORTEGA, *President of the Republic of Mexico.*

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To Gen. JESUS G. ORTEGA,

*President of the Republic of Mexico :*

SIR,—I herewith send you a copy of the letter which I sent to Mr. Benito Juarez on the 7th of October, of last year. You will note the frankness with which I always express myself, and more than ever when my feelings are brought in contact with the politics of my country.

Benito Juarez, blinded in the extreme, has just given a terrible blow, not only against the Constitution and nationality of the Republic of Mexico, but against himself. I trust that he may yet turn his steps and arrive at a full knowledge of the gravity of the crime which he has committed. As in my letter I dilate fully upon the conduct which, in my belief, Mr. Juarez ought to observe, I omit repeating it here, but I wish it to be under-

stood that I protest against the decree of the 8th of November, 1865, given by the referred to Juarez, whom I not only consider as an infamous blot in a Government which is known as a Constitutional one, but as the volume in which is recorded the expropriation of the rights which belong to a people, and which are now entrusted by them to the President of the Supreme Court of Justice.

Independence and Liberty.

New York, February 22, 1866.

(Signed,)

JOAQUIN VILLALOBOS.

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NEW YORK, October 7, 1865.

BENITO JUAREZ :

SIR,—The extraordinary events now transpiring in our country is the reason why I direct myself to you, to manifest what my opinion of the actual state of the political horizon is, and what I consider as just and necessary. Do not look on this letter as from a philosopher, which I am not, nor as the result of a partiality. What I wish to say to you now is instigated by my love for my country, and for those Republican institutions which fortunately still rule us. Take this letter in that light and hear me.

One of the great motives which has actuated France in originating an intervention, has been the disorder and want of respect to the laws, in which Mexicans have always lived. Unfortunately, our reform, which originated the agony and death of the retrograde party, caused, necessarily, a civil war, but which, in Europe, was not so considered as necessary. Each party, which had come into existence up to the time of the Revolution of Ayutla, had put forward their leaders, only to depose them in turn, and the conservative party, incorrigible to the last, owes its downfall to the villany of its acts and men. Not so the liberal party, which, convinced that its only guide could be *law*, pursued from the Ayutla Revolution a legal path; and neither defeat nor obstacle has made it change from its original resolution.

The desertion of Mr. Alvarez, which was rather turbulent, compromised materially our situation, but, fortunately, a pacific arrangement quieted everything, and opened the path to the Presidency for Mr. Commonfort. This gentleman, who, unfortunately misunderstood the part he was to play, and wished to become the gratuitous thief of what he legally possessed, brought to light the famous *coup d'etat*, and, in doing this, infringed the law and changed public opinion.

You know perfectly well what the result was of this notorious act: The church party extended its arms to the chief of the revolution, not to embrace him, but to strangle him, and Commonfort, undeceived a few hours after his treason, knew that military force had lost its influence in the country, and that nothing but the law held full dominion. We have here the reason why this apostate of Ayutla opened your prison doors, and left you at liberty to join the army which was waiting for you, and who unanimously acknowledged you as the head of Government. Nearly all the States lent their adhesion to you and offered to sustain you.

It is undoubtedly the case, that when Commonfort violated his oath he left the field open for the ambitious success of many influential politicians, and that it was to be feared that each particular faction, civil or military, should each take a separate and distinct road; however, this was not the case; on the contrary, every Republican of any note, capable of successfully playing his ambitious part, constituted himself into a bulwark of the law, and recognized Benito Juarez as the legitimate successor to the Presidency of Mexico.

It is needless to follow the course of that struggle, suffice it to say, that in all the defeats of our army, and in all the confusion naturally originating from so many rebuffs, your authority was never questioned, and even when you had to leave the country, and embark on foreign waters, and travel through foreign countries to return, it was never disrespected or doubted. Vera Cruz, which was the place chosen by the Republican Government for a temporary capital, opened its doors to the supreme authority of the nation, it raised its walls, and gave its sons for the defence of the law in Benito Juarez. The triumph of the

national cause was finally obtained, and the capital of the Republic offered a seat in its palace to the legitimate President.

Later, and through legal steps, the election for Constitutional President was held. A portion of the people voted against you, but a majority elected you to that position, and you were recognized as President by all parties.

From that time the opposition (to which party I belong) has criticised your official acts through the press, but always lawfully, and never have advised that you should be dispossessed by force of arms of your position.

This, without doubt, would be sufficient to prove the respect rendered by Mexicans for duly elected authorities; but God, who, doubtless, wished to demonstrate, in a stronger manner, our respect for the law, caused foreign intervention to be landed on our shores, so as to completely prove our solidity. In vain has Napoleon and his soldiers tried to disavow, and cause to be disavowed, the President of Mexico. The invader has overrun our country for three years, in every direction, and has been unable to overturn the lawful pedestal on which our banner rests. All the forces who rise to defend the Republic do it in the name of Juarez, the laws which are given forth are signed by Juarez, and an account of all the battles won or lost is made to Juarez, and the Mexican United States, who follow no model not fashioned by the law, acknowledge no other authority nor legitimate power excepting that of Juarez. It will, doubtless, be asked, if it is the *person* who accomplishes all this acknowledgment. Is it Benito Juarez, solely as Benito Juarez, who does all this? Undoubtedly no. He may be possessed of sufficient virtues to command great respect, but what the Mexican United States and society recognize is not Benito Juarez but the *legality* of the *law*.

Well, sir, after these hasty remarks and reflections, imagine my surprise to learn that a few Mexicans (residing in New York, calling themselves your friends, and also of our nationality, without being one or other) say, that notwithstanding your term of office has expired, that you ought to continue in power, alleging reasons which are far from being satisfactory. These persons, unwittingly, are striving to dim the glory of your term,

and would hurl us into sad confusion. No one is ignorant of the path pursued from the time of Ayutla to this date, yet it seems as if this interesting branch of Mexican history is not known by these imprudent advisers. The Republic has no other method of being saved except through a respect for its laws, and if consent was given, through a false conviction, to their counsels to violate legality, any one would hereafter have the right to rise as sovereign and rule at his pleasure.

One of the *reasons* given by those who wish you to continue as President, is that General Gonzales Ortega will not maintain the rights of the nation with safety, and will occasion the loss of a country which you have so worthily defended. I do not wish to judge of this. It may be that they are right, or they may be wrong, but what there is no doubt about is, that your continuation in office illegally, and the resistance to turn over the Government which the law demands should be turned over, would make you, not the President of the Republic of Mexico, but only a revolutionist. One great proof of the obedience of a people who love republican institutions to their laws, is, that after the death of Lincoln, Johnson, without a murmur from the masses, took his seat as President. Europe, which accused the Republics of being based on false systems of Government, on seeing this changed its tone, and loudly sang a thousand praises in honor of the system which it had attacked. When, finally, the universe has understood that it makes but little difference to a people, who obey their laws, who disappears, and that order is still maintained; when we have such glorious examples before us, shall we, Mexicans, be the first to defile the Republic, and give our more scandalous example to the world? Which would be greater for Juarez—to revolutionize and anarchize his country, or deliver up the trust which the law demands, and thus satisfy both the law and his conscience? How grand a spectacle would it be to see on the wide desert of Mexican politics, where there is scarcely a green spot large enough to spread our book of codes, to see two men open this book, and, changing the leaves, take or leave power without a struggle and in perfect harmony. What chief of Mexico would doubt the validity of this act, and would not take courage to plume his ambition in



honorable flight. The occupation by Johnson of his elevated position would be no more an act worthy to be extolled as belonging to the Republican form of Government than would be offered by you by so just an example. Then would all the severe criticisms of many writers, who exaggerate and even misunderstand our manner of government, be tempered in their censures, and these scribblers no more throw dirt in our faces. Then would the celebrated Richard Cobden be once more in the wrong, for he has declared that the Republic of Mexico was ungovernable, and that civilization would never enter its doors.

Yes, Mr. Juarez, you can now be the greatest or most contemptible man of our country. Your conduct can either lower us to the lowest depths, or elevate us to the orbits of great nations. Do not become responsible to future generations for evil consequences, nor lend a willing ear to aught but the voice of the law and your own conscience. Fortunately you are in the position to act as few others. You have borne the national standard nobly for three years and one half, in cities and in mountains, and on the same Mexican soil you can turn it over to your successor. If he takes it to the capital of the Republic, not on this account will your glory be dimmed, but if, unhappily, this flag should be dishonored in the hands of the new President, there will remain the satisfaction to you of having been able to fulfil what others could not do.

Excuse my thus writing to you, and I repeat that if these remarks are not the best counsels I can give, they are still to the point.

Respectfully,  
(Signed,)

JOAQUIN VILLALOBOS.

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The Mexicans who sign below, residing at this date in New York, on account of not wishing to recognize either the so-called empire of Maximilian, nor foreign intervention, and knowing that the legitimate base for the sustenance of democratic principles, and of the nationality of the Mexican Republic of Mexico, consists in obeying blindly the fundamental com-

pact which binds the nation together, therefore, whatever Mexican spurns said fundamental compact is not worthy of consideration only as a creditor for the severest punishments. Therefore :

1st. We protest against the decree of Benito Juarez, given on the 8th of November, 1865, wherein he declares himself President.

2d. We recognize as President of the Republic of Mexico, during the time accorded to him by the law, General Jesus Gonzales Ortega, President of the Supreme Court, and consequently legitimate successor to Mr. Benito Juarez.

3. A copy of this shall be sent to Citizen, Jesus Gonzales Ortega, to do as he likes with, and the original shall be preserved for whatever may occur wherein it may be needed.

New York, February 20, 1866.

(Signed,)

JUAN TONGO,

*Colonel in the Mexican Army.*

J. RIVERA,

JUAN N. ENRIQUEZ ORESTES.

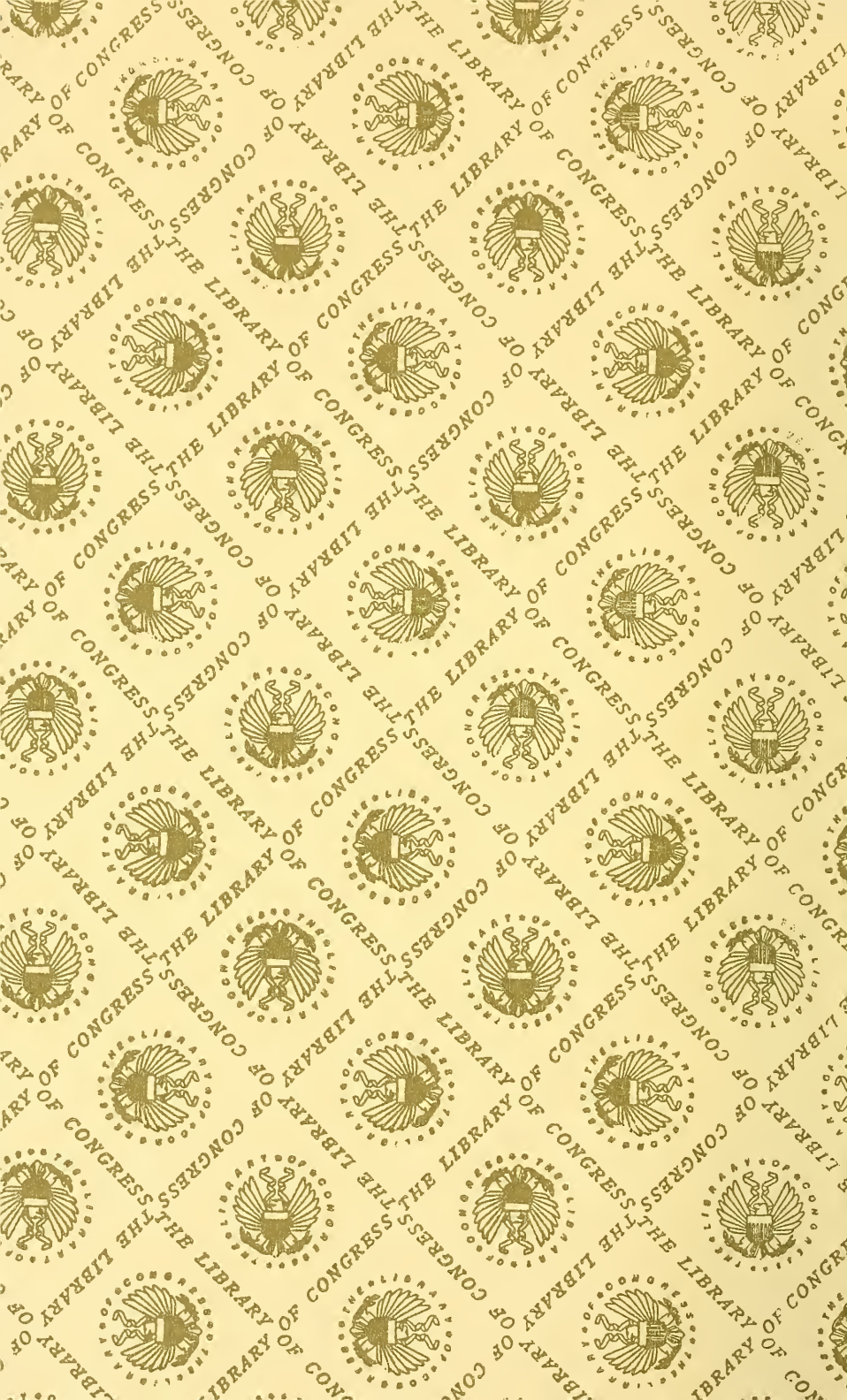
















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