THE FRENCH IN MEXICO.

Continued from First Page.

late their desire of the withdrawal of the French forces from Mexico. He argues that the position which the United States have assumed has nothing incompatible with the existence of monarchical institutions in Mexico. He draws to his support in this point the fact that the President of the United States, as well as the Secretary of State, in official papers, disclaimed all thought of propagandism on the American continent in favor of Republican institutions. M. Drouyn de Lhuys draws in also the fact that the United States hold friendly relations with the Emperor of Brazil, as they held similar relations with Iturbide, the Mexican Emperor in 1822. From these positions M. Drouyn de Lhuys makes the deduction that neither any fundamental nor any precedent in the diplomatic history of this country creates any necessary antagonism between the United States and the form of government over which the Prince Maximilian presides in the ancient capital of Mexico. I do not think it would be profitable, and and therefore I am not desirous to engage in the discussions which M. Drouyn de Lhuys has thus raised. It will be sufficient for my purpose on the present occasion to assert, and to give reassurance of our desire to facilitate the withdrawal of the French troops from Mexico, and for that purpose to do whatsoever shall be compatible with the positions we have heretofore taken upon the subject, and with our just regards to the sovereign rights of the Republic of Mexico. Further or otherwise than this France could not expect us to go. Having thus reassured France, it seems necessary to state anew the position of the Government, as it was set forth in my letter of the 6th of December, as follows: Republican and domestic institutions on this Continent are deemed most congenial with, and most beneficial to, the United States. Where the people of any country like Brazil now, or Mexico in 1822, have voluntarily established and acquired in monarchical institutions of their own choice, free from all foreign control or intervention, the United States do not refuse to maintain relations with such Governments, or seek through propagandism by force or intrigue to overthrow those institutions. On the contrary, where a nation has established institutions, Republican and domestic, similar to our own, the United States assert, in their behalf, that no foreign nation can rightfully intervene by force to subvert Republican institutions, and establish those of an antagonistical character. M. Drouyn de Lhuys seems to think that I have made a double reproach against the Prince Maximilian's alleged Government, of the difficulty it encounters, and of the assistance it borrows from foreign powers. In that respect M. Drouyn de Lhuys contends that the obstacles and resistance which Maximilian has been obliged to wrestle with, have, in themselves, nothing especial against the form of the institutions which he is supposed, by M. Drouyn de Lhuys, to have established. M. Drouyn de Lhuys maintains that Maximilian's Government is undergoing the lot quite common to new powers; while above all it has the misfortune to have to bear the consequences of discords which have been produced under a previous government. M. Drouyn de Lhuys represents this misfortune and this lot to be in effect the misfortune and lot of governments which have not found armed competitors and which have enjoyed in peace an uncontrolled authority. He alleges that revolts and intestine wars are the normal condition of Mexico. And he further insists that the opposition made by some military chiefs to the establishment of an Empire under Maximilian is only the natural sequence of the same want of discipline and the same prevalence of anarchy, of which his predecessors in power in Mexico have been victims. It is not the purpose, nor would it be consistent with the character of the United States to deny that Mexico has been for a long time the theater of faction and intestine war. The United States confess the fact with regret; all the more sincere, because the experience of Mexico has been not only painful for her own people, but has been also of unfortunately evil influence on other nations. On the other hand, it is neither a right of the United States, nor consistent with their friendly disposition toward Mexico to reproach the people of that country with their past calamities; much less to invoke or approve of the infliction of punishment upon them by strangers for their political errors. The Mexican population have and their situation has some peculiarities which are doubtless well understood by France. Early in the present century they were forced by convictions, which mankind cannot but respect, to cast off a foreign monarchial rule which they deemed incompatible with their welfare, and aggrandizement. They were forced at the same time, by convictions which the world must respect, to attest the establishment of republican institutions, without the full experience and practical education and habits which would render these institutions all at once firm and satisfactory. Mexico was a theater of conflict between European, commercial, ecclesiastical and political institutions and dogmas, and novel American institutions and ideas. She had African Slavery, colonial restrictions and ecclesiastical monopolies. In the chief one of these particulars she had a misfortune which was shared by the United States, while the latter were happily exempted from the other misfortunes. We cannot deny that all the anarchy in Mexico, of which M. Drouyn de Lhuys complains, was necessarily and even wisely endured in the attempts to lay sure foundations of broad republican liberty. I do not know whether France can rightfully be expected to concur in this view, which alleviates in our mind the errors, misfortunes and calamities of Mexico. However this may be, we fall back upon the principle that no foreign State can rightfully intervene in such trials as those of Mexico, and, on the ground of a desire to correct those errors, deprive the people there of their natural right of domestic and republican freedom. All the injuries and wrongs which Mexico can have committed against any other State, have found a severe punishment in consequences which legitimately followed their commission. Nations are not authorized to correct each other's errors, except so far as is necessary to prevent or redress injuries affecting themselves. If one State has a right to intervene in any other State to establish discipline, constituting itself a judge of the occasion, then every State has the same right to intervene in the affairs of every other nation, being itself alone the arbiter both in regard to the time and the occasion. The principle of intervention, thus practically carried out, would seem to render all sovereignty and independence, and even all international peace and amity, uncertain and fallacious.

M. Drouyn de Lhuys proceeds to remark that as for the support which Maximillian received from the French army, as well also as for the support which has been lent him by Belgian and Austrian volunteers, those supports cause no hindrance to the freedom of his resolutions in the affairs of his Government.

Mr. Drouyn de Lhuys asks: What State is there that does not need allies either to form or to defend. As to the Great Powers, such as France and England, do they not constantly maintain foreign troops in their armies. When the United States fought for their independence, did the aid given by France cause that Government to cease to be truly national? Shall it be said that the contest between the United States and the recent insurgents was not in a like manner a national war because thousands of Irishmen and Germans were found fighting under the flag of the United States? Arguing from anticipated answers to these questions, M. Drouyn de Lhuys reaches a conclusion that the character of Maximillian's Government cannot be contested, nor can its efforts to consolidate itself be contested on the ground of the employment of foreign troops. M. Drouyn de Lhuys, in this argument, seems to us to have overlooked two important facts, viz: First—That the United States, in this correspondence, have assigned definite limits to the right of alliance incompatible with our assent to his argument. Second—The fact that the United States have not, at any time, accepted the supposed government of the Prince Maximilian as a constitutional or legitimate form of government in Mexico, capable or entitled to form alliances. M. Drouyn de Lhuys then arranges, in a graphic manner, the advantages that have arisen or are to arise to the United States from the successful establishment of the supposed empire in Mexico. Instead of a country unceasingly in trouble, and which has given us so many subjects of complaint, and against which we ourselves have been obliged to make war, he shows us in Mexico a pacific country, under a beneficent imperial sway, offering henceforth measures of security, and vast openings to our commerce; a country, far from injuring our rights, and harboring our offences. And he assures us, that above all other nations the United States are most likely to profit by the work which is being accomplished by Prince Maximilian in Mexico. Wise suggestions are as natural on the part of France as they are friendly to the United States. The United States are not insensible to the desirableness of political and commercial reform in the adjoining country, but their settled principles, habits, and convictions forbid them to look for such changes in this hemisphere, to foreign, royal, or imperial institutions, founded upon a forcible subversion of republican institutions. The United States, in their accustomed sobriety, regard no beneficial results which could come from such a change in Mexico, as sufficient to overbalance the injury which they must directly suffer by the overthrow of the Republican Government in Mexico.

M. Drouyn de Lhuys at the end of his very elaborate and able review, recapitulates his exposition in the following words: "The United States acknowledge the right we had to make war in Mexico. On the other part, we admit, as they do, the principle of non-intervention. This double postulate includes, as it seems to me, the element of an agreement. The right to make war, which belongs, as Mr. Seward declares, to every sovereign nation, implies the right to receive the results of war. We have not gone across the ocean merely for the purpose of showing our power and inflicting chastisement on the Mexican Government. After a train of fruitless remonstrances, it was our duty to demand guaranties we could not look for from a government whose bad faith we had proved on so many occasions. We find them now engaged in the establishment of a regular government, which shows itself disposed to honestly keep its engagements. In this relation we hope that the legitimate object of our expedition will soon be reached, and we are striving to make with the Emperor Maximilian arrangements which, by satisfying our interest and our honor, will permit us to consider at an end the service of the army upon Mexican soil. The Emperor has given an order to write in this sense to our Minister at Mexico. We fall back at that moment upon the principle of non-intervention, and from that moment accept it as the rule of our conduct. Our interest no less than our honor commands us to claim from all the uniform application of it. Trusting the spirit of equity which animates the Cabinet of Washington, we expect from it the assurance that the American people will themselves conform to the law which they invoke by observing in regard to Mexico a strict neutrality. When you (meaning the Marquis de Montholon) shall have informed me of the resolution of the Federal Government, I shall be able to indicate to you the nature of the results of our negotiations with the Emperor Maximilian for the return of our troops. I have already, and not without much reluctance, made the comments upon the arguments of M. Drouyn de Lhuys, which seem to be necessary to guard against the inference of concurrence in questionable positions which might be drawn from our entire silence. I think that I can, therefore, afford to leave his recapitulation of those arguments without such an especial review as would necessarily be prolix and hypercritical. The United States have not claimed, and they do not claim to know what arrangements the Emperor may make for the adjustment of claims for indemnity and redress in Mexico. It would be on our part an act of intervention to take cognizance of them. We adhere to our position that the war in question has become a political war between France and the Republic of Mexico, injurious and dangerous to the United States, and to the Republican cause; and we ask only that in that aspect and character it may be brought to an end. It would be illiberal on the part of the United States to suppose that, in desiring or pursuing preliminary arrangements, the Emperor contemplates the establishment in Mexico before withdrawing his forces of the very institutions which constitute the materiel ground of the exceptions taken against his intervention by the United States. It would be still more illiberal to suppose for a moment that he expects the United States to bind themselves indirectly to acquiesce in or support the obnoxious institutions. On the contrary, we understand him as announcing to us his immediate purpose to bring to an end the service of the armies in Mexico, to withdraw them, and in good faith to fall back without stipulation or condition on our part upon the principle of non-intervention, upon which he is henceforth agreed with the United States. We cannot understand his appeal to us for an assurance that we ourselves will abide by our own principles of non-intervention in any other sense than as the expression in a friendly way of his expectation, that when the people of Mexico shall have been left absolutely free from the operation, effects and consequences of his own political and military intervention, we will ourselves respect their self-established sovereignty and independence. In this view of the subject only can we consider his appeal pertinent to the case. Regarding it in only this aspect, we must meet the Emperor frankly. He knows the form and character of this Government. The nation can be bound only by treaties, which have the concurrence of the President and two-thirds of the Senate. A formal treaty would be objectionable, as unnecessary, except as a disavowal of bad faith on our part, to disarm suspicion in regard to a matter concerning which we have given no cause for questioning our loyalty, or else such a treaty would be refused, upon the ground that the application for it by the Emperor of France was, unhappily, a suggestion of some sinister or unfriendly reservation or purpose on his part, in withdrawing from Mexico. Diplomatic assurances given by the President in behalf of the nation can, at best, be but the expressions of confident expectations on his part, that the personal Administration, ever changing in conformity and adaptation to the national will, does not misunderstand the settled principles and policy of the American people. Explanations cannot properly be made by the President in any case wherein it would be deemed, for any reason, objectionable on grounds of public policy by the treaty-making power of the Government, to introduce or entertain negotiations.

With these explanations, I proceed to say that in the opinion of the President, France need not for a moment delay her promised withdrawal of military forces from Mexico, and her putting the principle of non-intervention into full and complete practice in regard to Mexico through any apprehension that the United States will prove unfaithful to the principles and policy in that respect, which, on their behalf, it has been my duty to maintain in this new very lengthened correspondence. The practice of this Government, from its beginning, is a guaranty to all nations of the respect of the American people for the free sovereignty of the people in every other State. We received the instruction from Washington; we applied it sternly in our early intercourse even with France; the same principle and practice have been uniformly inculcated by all our own statesmen, interpreted by all our jurists, maintained by all our Congresses, and acquiesced in without practical dissent, on all occasions, by the American people. It is, in reality, the chief element of foreign intercourse in our history. Looking simply toward the point to which our attention has been steadily confined to, the relief of the Mexican embarrassments without disturbing our relations with France, we shall be gratified when the Emperor shall give to us, either through the channel of our esteemed correspondent, or otherwise, definite information of the time when French military operations may be expected to cease. Here I might, perhaps, properly conclude this note. Some obscurity, however, might be supposed to rest upon the character of the principles of non-intervention, which we are authorized to suppose is now agreed upon between the United States and France as a rule of their future government in regard to Mexico. I shall, therefore, reproduce on this occasion, by way of illustration, some of the forms in which that principle has been maintained by us in our previous intercourse with France. In 1861, when alluding to the possibility that the Emperor might be invoked by Rebel emissaries from the United States, to intervene in our civil war, I observed that the Emperor of France had given abundant proofs that she considers the people in every country the rightful source of authority, and that its only legitimate objects are their safety, freedom and welfare. I wrote, also, on the same occasion, these words to Mr. Dayton:

"I have thus under the direction placed before you a simple, unexaggerated and dispassionate statement of the origin, nature and purpose of the Rebellion, deducting from it the arguments you will find it necessary to employ in opposing the application of the so-called Confederate States to the Government of his majesty the Emperor for a recognition of their independence and sovereignty. The President neither expects nor desires any intervention, or even any favor from the Government of France, or any other in this emergency. Whatever else he may consent to do, he will never invoke or even admit foreign interference in this or any other controversy in which the Government of the United States may be engaged with any portion of the American people. Foreign intervention would oblige us to treat those who should yield to it as allies of the insurrectionary party, and carry on the war against them as enemies. However other European Powers may mistake, his Majesty is the last one of those European sovereigns to misapprehend the nature of this controversy. He knows that the Revolution of 1776, in this country, was not a successful contest of the great American idea of free popular government against prejudices and errors. He knows that the conflict awakened the sympathies of mankind, and that ultimately the triumph of that idea has been hailed by all European nations. He knows at what cost European nations for a time resisted the progress of that idea, and perhaps is not unwilling to confess how much France especially has profited by it. He will not fail to recognize the presence of that one great idea in the present conflict. Nor will he mistake the side on which it will be found. It is, in short, the very principle of universal suffrage, with its claim of obedience to its decrees, on which the Government of France is built. That is put in issue by the insurrection here, and is in this emergency to be vindicated, and more effectually than ever established by the Government of the United States."

In writing upon the same subject to Mr. Dayton on the 30th of May, 1861, I said: Nothing is wanting to that success, except that foreign nations shall leave us, as is our right, to manage our own affairs in our own way. They, as well as we, can only suffer by their intervention. No one, we are sure, can judge better than the Emperor of France how dangerous and deplorable would be the emergency that should intrude Europeans into the political contests of the American people. In declining the offer of French mediation on the 8th of June, 1861, I wrote to Mr. Dayton: The present paramount duty of the Government is to save the integrity of the American Union. Absolute, self-sustaining independence is the first and most indispensable element of national existence. This is a Republican nation. All its domestic affairs must be conducted, and even adjusted, in Constitutional forms, and upon Constitutional Republican principles. This is an American nation, and its internal affairs must not only be conducted with reference to its peculiar continental position, but by and through American agencies alone.

On the 1st of August, 1862, Mr. Adams was instructed by this Government in the following words: Did the European States, which found and occupied the continent almost without effort, then understand its real destiny and purposes? Have they ever yet fully understood and accepted them? Has anything but disappointment upon disappointment resulted from their misapprehensions? After near four hundred years of such disappointments and disasters, is the way of Providence in regard to the American people still so mysterious that it can not be understood and confessed? Columbus, it was said, had given a new world to the kingdoms of Castile and Leon. What has become of the sovereignty of Spain in America? Richelieu occupied and fortified a large portion of the Continent, extending from the Gulf of Mexico to the Straits of Belle Isle. Does France yet retain that important appendage to the crown of her sovereignty? Great Britain acquired dominion here surpassing by one hundred fold in length and breadth the native realm. Has not a large portion of it been already resigned? To whom have these vast dominions, with those founded by the Portuguese, the Dutch and the Swedes, been resigned but to American nations, the growth of European colonists and exiles, who have come hither bringing with them the arts, the civilization and the virtues of Europe? Has not the change been beneficial to society on the Continent? has it not been more beneficial even to Europe itself than continued European domination. If it had been possible, could have been? The American nations which have grown up here are free and self-governing; they have made themselves so from inherent vigor and in obedience to absolute necessity. Is it possible for European States to plunge them again into a colonial state and hold them there? Would it be desirable for them and for Europe if it were possible? The balance of power among the nations of Europe is maintained not without numerous armies and frequent conflicts, while the sphere of political ambition there is bounded by the ocean which surrounds that continent. Would it be possible to maintain it at all, if this vast continent, with all its populations, their resources and their forces, should once again be brought within that sphere? * * * On the contrary, of all these suppositions, is it not manifest that these American nations were called into existence to be the home of freemen; that the States of Europe have been intrusted by Providence with their tutelage; but that tutelage and its responsibilities and powers are necessarily withdrawn, to the relief and benefit of the parties and of mankind, when these parties become able to choose their own system of government, and to make and administer their own laws? If they err in this choice, or in the conduct of their affairs, it will be found wise to leave them, like all other States, the privilege and responsibility of altering and correcting the error by which they are, of course, the principal sufferers.

On the 8th of May, 1862, Mr. Dayton was instructed to express to M. Thouvenel, the desire of the United States that peaceful relations may soon be restored between France and Mexico, upon a basis just to both parties, and favorable to the independence and sovereignty of the people of Mexico, which is equally the interest of France and all other enlightened nations.

On the 21st of June, 1862, Mr. Dayton was authorized to speak, on behalf of the United States, concerning the condition of Mexico, in these words: "France has a right to make war against Mexico, and determine for herself the cause. We have a right to insist that France shall not improve the war she makes to raise up in Mexico an anti-Republican or anti-American Government, or to maintain such a Government there."

Accept, Sir, a renewed assurance of my high consideration.

WM. H. SEWARD.

To Marquis DE MONTHOLON, &c.

MR. BIGELOW TO MR. SEWARD—[Extract].

LEGATION OF THE UNITED STATES, PARIS, April 6, 1866.

SIR: The *Moniteur* of yesterday morning announced that, as a sequence to the communications exchanged between the Minister of France, his Excellency Marshal Bazaine, and the Mexican Government, the Emperor has decided that the French troops shall evacuate Mexico in three detachments, the first to leave in November, 1866, the second in March, 1867, and the third in November, 1867.

At M. Drouyn de Lhuys's reception yesterday afternoon, I remarked that I supposed the paragraph in the *Moniteur* might be regarded as an official statement of the result of Baron Saillard's mission. He said it might, and then added that it was substantially what they had prefigured to me in conversation last Fall. He went on to say that the reasons for the debarking of the troops were selected from climactic and sanitary considerations. I am, with great respect, your very obedient servant,

JOHN BIGELOW.

MR. SEWARD TO MR. BIGELOW.

DEPARTMENT OF SATE, WASHINGTON, April 21, 1866.

SIR: I have the honor to acknowledge the receipt of your dispatch of the 6th of April, number 297. It is accompanied by a copy of the *Moniteur*, the official organ of the Government of France, to the effect following: That the Emperor has decided that the French troops shall evacuate Mexico in three detachments—the first to leave in November, 1866; the second in March, 1867; and the third in November, 1867. You inform me that you learn from M. Drouyn de Lhuys that the decision mentioned in the *Moniteur* may be regarded as an official statement of the result of Baron Saillard's mission in Mexico. Presuming that we may expect very soon to receive a direct communication of the Emperor's views on the subject of the proposed evacuation of Mexico, I think a discussion on our part of the newly-presented points of the subject of the French intervention would at the present moment be premature. I am, Sir, your obedient servant.

WILLIAM H. SEWARD.

To JOHN BIGELOW, Paris.

THE MARQUIS DE MONTHOLON TO MR. SEWARD.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES, WASHINGTON, April 21, 1866.

MR. SECRETARY OF STATE—*Sir*: I hasten to remit herewith to your Excellency a copy of a dispatch which I at the moment receive from H. E. M. Drouyn de Lhuys, and which answers the dispatch you were pleased to address to me, relative to Mexican affairs, on the 17th of February last. Accept, Mr. Secretary of State, the assurances of my high consideration.

MONTHOLON.

To the Hon. WILLIAM H. SEWARD.

M. DROUYN DE LHUYS TO THE MARQUIS DE MONTHOLON.

[Translation.]

PARIS, April 5, 1866.

TO THE MARQUIS DE MONTHOLON.—*Sir*: I have read with all the attention which it deserves the answer of the Secretary of State to my dispatch of the 8th of January last.

The scrupulous care with which Mr. Seward has pleased to analyze that dispatch, and the extended considerations upon which he has entered to define in regard to the exposé which I have made of the conduct of France in the affairs of Mexico, the doctrines which are the basis of the international policy of the United States, bear witness in our eyes to the interest which the Cabinet at Washington attaches to putting aside all misapprehension. We find therein the evidences of its desire to cause the sentiments of amity, which the traditions of a long alliance have cemented between our two countries, to prevail over the accidental divergencies often inevitable in the movement of affairs and the relations of governments. It is in this disposition that we have appreciated the communication which the Secretary of State has addressed to you on the 1st of January last. I shall not follow Mr. Seward in the developments he has given to the exposition of the principles which direct the policy of the American Union. It does not appear to me opportune or profitable to prolong a discussion wherein many may differ in opinion from the Government of the United States, without danger to the interests of the two countries. I think it better to serve those interests, to abstain from discussing assertions, in my opinion, very contestable, in order to take action on assurances which may contribute to facilitate our understanding. We never hesitate to offer to our friends the explanations they ask from us, and we hasten to give to the Cabinet at Washington all those which may enlighten it on the purpose we are pursuing in Mexico, and on the loyalty of our intentions. We have said to it, at the same time, that the certainty we should require of its resolution to observe in regard to that country, after our departure, a policy of non-intervention, would hasten the moment when it would be possible for us, without compromising the interests that led us there, to withdraw our troops, and put an end to an occupation, the duration of which we are sincerely desirous to abridge. In his dispatch of the 12th of February last, Mr. Seward calls to mind, on his part, that the Government of the United States has conformed during the whole course of its history to the rule of conduct which it received from Washington, by practising, invariably, the principle of non-intervention, and observes that nothing justifies the apprehension that it should show itself unfaithful in what may concern Mexico. We receive this assurance with entire confidence. We find therein a sufficient guarantee not any longer to delay the adoption of measures intended to prepare for the return of our army. The Emperor has decided that the French troops shall evacuate Mexico in three detachments—the first being intended to depart in the month of November, 1866; the second in March, 1867, and the third in the month of November of the same year. You will please to communicate this decision officially to the Secretary of State.

Receive, Marquis, the assurance of my high consideration.

DROUYN DE LHUYS.

MR. SEWARD TO M. DE MONTHOLON.

DEPARTMENT OF STATE, Washington, April 23, 1866.

MY DEAR MARQUIS: I hasten, in advance of the departure of the mail, to acknowledge the receipt of your note of the 21st inst., together with the copy of a dispatch you were pleased to give me, which was addressed to you on the 5th inst., by M. Drouyn de L'huys, in which the Minister for Foreign Affairs of the Emperor of France replies to the communication I had the honor to address to you, concerning Mexican affairs, on the 12th of February last. The subject will early receive the considerate attention of the President of the United States.

I am, my dear Marquis, very faithfully yours,

WM. H. SEWARD.

The MARQUIS DE MONTHOLON, &c., &c.

MR. SEWARD TO MR. MOTLEY. [No. 167.]

DEPARTMENT OF STATE, WASHINGTON, March 19, 1866.

SIR: Mr. Bigelow informs me by a dispatch of the 12th of February that he learned from an unofficial source that Gregorio Barandyn, the diplomatic representative of the Archduke Maximilian, formerly Secretary of Legation under Senor Robles, at Washington, is now in Paris to fit out 10,000 Austrians, who he says are ready to embark from Trieste for Mexico.

The Mexican Minister informed him that there was no money in his hands. I am not sure of learning the result of the Minister's suit here, as the money, if furnished, must come through indirect and concealed channels. You are instructed to inquire concerning the facts, and, if they justify the report, to bring to the knowledge of the Austrian Government seasonably, that the United States cannot regard with unconcern a proceeding which would seem to bring Austria into alliance with the invaders of Mexico, to subvert the domestic government of the Republic, and to build up foreign imperial institutions. It is hoped that Austria will give us frank explanations. I am, Sir, your obedient servant.

WM. H. SEWARD.

J. LOTHROP MOTLEY, esq., &c., &c., Vienna.

MR. SEWARD TO MR. MOTLEY.

DEPARTMENT OF STATE, WASHINGTON, March 19, 1866.

SIR: I have your dispatch of the 27th of February, No. 150, by which we learn that efforts are now made to induce the Austrian Government to consent that 4,000 volunteers may be levied within that Empire this year for Mexico, on the ground that the supplementary articles of the Convention of Miramon permitted 3,000 each year, and that none were forwarded in the year 1865. Upon this statement of facts, you express the opinion that the consent desired will probably be accorded by the Imperial Government, so that if the funds can be obtained for paying, equipping and transporting 4,000 officers and volunteers, they will be found, and may be expected in Mexico this year. At the same time, you state that it is your opinion that the funds have not yet been furnished. The case thus presented renders it proper that I should call your especial attention to my dispatch, No. 167, which bears the date of, and is sent forward this day. In preparing that dispatch I anticipated the case substantially which your communication now presents. I cannot, while practising the courtesy and respect which are due to the Austrian Government, be either too earnest or too emphatic in the protest you have been directed to make. In performing this duty you may be assisted by information of the actual state of the question concerning French intervention in Mexico at the present moment. With this view I give you confidentially a copy of my note addressed to M. Montholon, on the 17th day of February last. As yet no reply has been received to this note, nor have its contents become public. You will therefore see the propriety of being discreet in such use of it as you may find it necessary to make.

After reading that paper you will be gratified in saying that the American Government and people would not be likely to be pleased with seeing Austria, at this juncture, assume the character of a protector to a foreign military power, which, claiming the power of an empire, is attempted to be set up on the supposed subverted foundations of the Republic of Mexico.

I am, Sir, your obedient servant,

WM. H. SEWARD.

J. LATHROP MOTLEY, Esq., Vienna.

MR. SEWARD TO MR. MOTLEY.

No. 173.]

WASHINGTON, Friday, April 6, 1866.

SIR: An informal note has just been received from Mr. Bigelow, the United States Minister at Paris. In this note Mr. Bigelow writes in substance as follows:

The *Moniteur* of the 21st of March announces that a military convention was signed at Vienna on the 15th inst. between the Austrian Government and the representatives of Maximilian, supplementary to a convention of the same nature which had been previously concluded between the same parties. The purpose of this engagement, says the *Moniteur*, is to insure the enrolment necessary to keep full the Austrian corps in Mexico. Mr. Bigelow further writes as follows: I have seen it stated in another journal that a line of steamers is to be started from Trieste to Vera Cruz, to ply regularly after the 1st of April.

Again Mr. Bigelow furnishes an extract from the Paris *Constitutionnel* of the 21st of March: "We learn from the *Frandenblatt* of Vienna that the enlistment for Mexico will begin immediately, that the funds had been received from Paris two months since. Your dispatches of dates almost as late as that of Mr. Bigelow's note are silent upon the rumors which he brings to the notice of this Government. It is possible that more authentic information which you may possess concerning the disposition and proceedings of the Austrian Government may enable you to treat the matter mentioned by Mr. Bigelow with indifference. Looking at the matter, however, from one point of observation, the rumors referred to are deemed sufficient to entitle us to ask a friendly and just exposition of the Imperial Royal Government of the relations which it proposes to assume or maintain henceforth in regard to Mexico. You are therefore expected to execute the instructions which have heretofore been sent to you to that effect, and it is thought proper that you should state that in the event of hostilities being carried on hereafter in Mexico by Austrian subjects under the command or with the sanction of the Government of Vienna, the United States will feel themselves at liberty to regard those hostilities as constituting a state of war by Austria against the Republic of Mexico, and in regard to such war waged at this time and under existing circumstances the United States could not engage to remain as silent or neutral spectators. The President may desire to call the attention of Congress to this interesting subject. You will see the importance, therefore, of obtaining the information which is desired as early as may be practicable consistently with the courtesies due to Austria as a friendly Government. Should you, however, find important reasons now unknown to us for deferring the execution of this instruction, you will be at liberty to exercise your discretion and report tee reasons to us.

I am, Sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, esq., Vienna.

MR. SEWARD TO MR. MOTLEY.

DEPARTMENT OF STATE, WASHINGTON, April 16, 1866.

SIR: I have had the honor to receive your dispatch of the 27th of March, No. 155, which brings the important announcement that a treaty called a "Military Supplementary Convention," was ratified on the 15th of that month, between the Emperor of Austria and Prince Maximilian, who claims to be an Emperor in Mexico. You inform me that it is expected that about 1,000 volunteers will be shipped under the treaty from Trieste to Vera Cruz very soon, and that at least as many more will be shipped in the Autumn. I have heretofore given you the President's instructions, to ask for explanations, and conditionally to inform the Government of Austria that the dispatch of military expeditions by Austria under such an arrangement as the one which seems now to have been consummated would be regarded with serious concern by the United States. The subject has now been further considered in connection with the official information thus recently received. The time seems to have arrived when the attitude of this Government in relation to Mexican affairs should be once again frankly and distinctly made known to the Emperor of Austria and all other Powers whom it may directly concern. The United States, for reasons which seem to them to be just, and to have their foundations in the laws of nations, maintain that the domestic Republican Government with which they are on relations of friendly communication, is the only legitimate government existing in Mexico; that war has been for a period of several years been waged against that Republic by the Government of France, which was begun with a disclaimer of all political or dynastic designs; that that war has subsequently taken upon itself and now distinctly wears the character of an European intervention to overthrow that domestic Republican Government, and to erect in its stead an European imperial military despotism, by military force. The United States, in view of the character of their own political institutions, their proximity and intimate relations toward Mexico, and their just influence in the political affairs of the American continent cannot consent to the accomplishment of that purpose by the means described. The United States have therefore addressed themselves, as they think seasonably, to the Government of France, and have asked that its military forces engaged in that objectionable political invasion may desist from further intervention and be withdrawn from Mexico.

A copy of the last communication upon this subject, which was addressed by the United States to the Government of France, is herewith transmitted for your special information. This paper will give you the true situation of the question. It will also enable you to satisfy the Government of Vienna that the United States must be no less opposed to military intervention, for political objects, hereafter in Mexico, by the Government of Austria, than they are opposed to any further intervention of the same character in that country by France. You will, therefore, at as early a day as may be convenient, bring the whole case in a becoming manner to the attention of the Imperial Royal Government. You are authorized to state that the United States sincerely desire that Austria may find it just and expedient to come upon the same ground of reconstruction in Mexico which is maintained by the United States, and to which they have invited France. You will communicate to us the answer of the Austrian Government to this proposition. This Government could not but regard as a matter of serious concern the dispatch of any troops from Austria to Mexico, while the subject which you are thus directed to present to the Austrian Government remains under consideration. I am, Sir, your obedient servant.

WM. H. SEWARD.

J. LATHROP MOTLEY, esq., Vienna.

AFFRAY AMONG LODGERS.

One of the Party Probably Fatally Stabbed—Investigation by Coroner Gover—Verdict of the Jury.

For some time past a state of ill-feeling has existed between Miles and Daniel O'Reilly and Patrick Donnelly, inmates of the tenement-house No. 254 East Fourteenth-st. On Sunday night they met in the hallway of the building, and after a few words the brothers O'Reilly commenced a savage assault upon O'Donnelly, knocking him down, beating and kicking him. While he was lying upon the floor, Daniel, it is alleged, stabbed the unfortunate man in the breast, abdomen and arm with a pocket-knife, inflicting probably fatal wounds. Officers Faucett and Little of the Eighteenth Precinct, who were but a short distance from the place, were notified of the occurrence and at once ran to the spot. The assailants in the meantime had retreated to their rooms, and as the officers attempted to enter were attacked by the wives of the men, named Margaret and Ann. Sticks and other missiles were used by the infuriated viragos, and it was with the utmost difficulty that the officers could overcome their resistance. The doors of the rooms in which the men had taken refuge were forced open, and the men taken into custody. The women, for having resisted the officers, were also arrested. The wounded man was taken to Bellevue Hospital, where he was pronounced in a critical condition, and Coroner Gover notified to take his ante-mortem deposition. Yesterday morning the women were taken before Justice Ledwith and discharged.

The following is the testimony of Donnelly and others, taken before Coroner Gover:

Patrick Donnelly testified—At 9 o'clock last night I went down to stay a few minutes at the front door; Miles O'Reilly came down and, without any provocation on my part, he struck me a violent blow on the left ear; I turned around to defend myself and he struck at me again, and I struck at him; we both clinched and I got him down; quite a crowd of persons, hearing the difficulty, gathered around, and some of them asked me to let him up; we soon got up and separated; O'Reilly's wife and some of the other persons then took him into a grocery in the lower part of the house; he soon came up and again attacked me; I tried to defend myself, when some one else struck me; at the same time I heard some woman say, "Oh! he has a knife," and I felt some one stab me three times; I then went into a cigar store, and, meeting an officer, told him I was stabbed; I was then taken to a drug store, and had my wound dressed; after that I was taken to the hospital; the O'Reillys and myself had previously had a difficulty with me; I think it was Daniel who stabbed me.

Officer Faucett, of the Eighteenth Precinct, testified that he saw Miles O'Reilly and Donnelly fighting, and while so engaged saw Daniel O'Reilly strike Donnelly three times as if in the act of stabbing him, and at the same time heard Donnelly say "I am stabbed;" he, together with Officer Little, testified as to the resistance made by the men and their wives; the knife could not be found.

Patrick McGrath, one of the inmates of the above house, testified that on the night in question as the officers were leaving with the prisoner he found a knife lying in the hall; he picked it up, and kept it about half an hour; he then threw it in the rear yard of the house, and subsequently told the officer what he had done; he had not seen the knife from that time.

The jury rendered a verdict "that Patrick Donnelly came to his wounds by a preconcerted agreement of the brothers O'Reilly, Daniel and Miles, and that the wounds were inflicted with a knife or some other sharp instrument in the hands of Daniel O'Reilly."

On the rendition of this verdict, the prisoners were committed by the Coroner to await the result of the injuries of the wounded man. The prisoners are aged respectively 28 and 31 years, and are natives of Ireland.

NITRO-GLYCERINE.

The Explosion in San Francisco—Continuation of the Case of the United States agt. Otto Burstenbinder Before Commissioner Betts—Examination of Witnesses Continued—Interesting Testimony Respecting the New Explosive—Case Adjourned to Wednesday.

The examination in the case of the United States agt. Otto Burstenbinder, was continued in the United States Commissioner's Office, before Commissioner Betts, yesterday.

Joseph B. Prentice was called for the defense, and testified that Mr. Burstenbinder was absent from the city about five weeks, and returned about the 1st of April; he sold no oil before leaving.

On cross-examination he testified that oil had been shipped to the accused on several occasions, and once to the association; part of this oil was sold to Mills; Mills left I think, three or four weeks before the oil was shipped; I think the oil was packed by James Daveau, I am not sure; I saw the package after it was sold; it was standing in front of our office, I think in an express cart; I have no particular branch of business in connection with the oil; the oil was sold on Mr. Burstenbinder's account; he owned it; he handed in a bill for this oil the other day; J. W. Brazear keeps the books; I have had conversations with Mills about this oil; I was interested in the mining company for which he went out; I understood that any of us had authority to sell the oil; that Mr. Burstenbinder wanted to get rid of it and we were doing him a favor in selling it; that was the second consignment from Europe as far as I know; there has been another consignment since, the 300 lb lot which has been mentioned; the oil has been used experimentally; I went with this to the foot of Canal-st by Mr. Raymond's order; he had been to the express office to see about having it sent overland; the box was too large, or freight too heavy, or something, and as a favor to him I took it to the dock; Mr. Raymond went to the express office before it came down from the magazine; I supposed I knew what the contents of the box were; I don't know how many pounds were in it, I think 100; I don't know whether it was in glass or in tin packages; I dont know how the box was marked; I suppose according to the weight I took down; I got it on the dock, I think, about 4 p. m. on Saturday afternoon; when I got there the porter told me it was too late; I went in and hunted up the man who seemed to have charge, and asked him to let me have it then, as otherwise I should have to send up to One-hundred-and-sixteenth-st., and it was late; I got the bills of lading on this receipt: Ex. B. "Rec'd from Mr. O. Burstenbinder one case oil, marked as below. W. H. Mills, Los Angelos, Cal. 1 case oil;" I got the bills of lading, I think, on Wednesday after; I handed them over to Mr. Daveau; Mr. Daveau has one now in the office; Mr. W. H. Raymond was formerly in partnership with Mr. Daveau; he has now gone out to Nevada, to develop some mines there; Brazear & Co.'s firm, with which I am connected, does a general brokerage business; about March 21 a package was sold to a Mr. Taylor, who wanted it packed not to weigh over 100 lb, so that he could take it in his cabin with him, as baggage; I suppose the package contained 25 lb of oil, with a good deal of sawdust packing; I think James Daveau sold that to Mr. Taylor; I supposed it was going on that steamer, if we got it down there in time; Daveau had only a general understanding with Col. Burstenbinder; the magazine was ours, and the keys hang in our office; we got the magazine a little after the Greenwich-st. explosion; before that we kept some in our office; Col. Burstenbinder fixed the price, I don't know at what; I saw the Col. hand a paper to Mr. Daveau, which he said was a bill for the oil; I don't know the price of either that or the oil sold to Taylor; it was paid for; Mr. Mills left about the middle of February, and Mr. Burstenbinder about the last of February; there was some oil sold to a man of the name, I think, of Legendre; I did not see that package; I did not see the marks on either of the boxes sent by steamer; Mr. Daveau told me he got the oil ready; I don't know who the expressman was who brought it down; I paid him on the dock as he was leaving; Mr. Daveau made a contract for bringing it down to the office, and I gave him a dollar to take it to the dock; I heard there were two cases taken to the public store in Broadway for appraisal last week; Mills has been engaged in two or three mining companies about that office; we knew he was going to Los Angelos for opening mines three or four