IMPORTANT FROM MEXICO.

The Rupture Between the French and Their Allies the Clergy.

OFFICIAL DOCUMENTS.

Protest of the Archbishop and Bishops of Mexico.

Their Situation Declared to be Worse than Under the Juarez Government.

Dismissal of the Archbishop from the Regency and Removal of the Judges of the Supreme Court by Order of General Bazaine,

&c., &c., &c.

The following documents give a full history of the recent rupture between the church party and the French in Mexico:—

SYNOPSIS OF DOCUMENTS.

1.—Protest of the Archbishop of Mexico, as one of the regents, against certain orders issued in the name of the Regency by Generals Almonte and Salas, under command of the French General-in-Chief, which orders involve a recognition of the sequestration of the church property, decreed in 1859 by the Juarez government. November 17, 1863.

2.—Protest of the Archbishop against his removal from office, as Regent of the Empire, Nov. 17, 1863.

3.—Official note from General Bazaine to the Archbishop, acknowledging that the dismissal of the Archbishop from the Regency was made by his orders. November 20, 1863.

4.—Reply of the Archbishop to General Bazaine. He declares his removal from the Regency null and void. November 28, 1863.

5.—United protest of the Archbishop of Mexico, the Archbishop of Michoacan, the Archbishop of Guadalajara, the Bishop of San Luis Potosi and the Bishop of Oajaca, against the circulars and orders issued with reference to the church property by command of the French General, and declaring against all who shall execute them, or co-operate in executing them, the excommunication decreed by the Holy Council of Trent. In this protest they declare their situation to be worse than it was under the Juarez government. December 26, 1863.

6.—Decree of the regents, Almonte and Salas, removing all of the Judges and other officers of the Supreme Court, on the ground of their refusal to enforce any of the laws or orders regarding the nationalization of the church property. January 2, 1864.

7.—Manifesto of Almonte and Salas, explaining this act, and declaring that they found it necessary to conform their action to "French policy." January 2, 1864.

8.—Sharp letter from General Neigre to the Archbishop of Mexico, complaining of the incendiary character of the publications which are being clandestinely circulated by the clergy in the capital. January 16, 1864.

9.—Reply of the Archbishop, declaring categorically that never was the church so bitterly persecuted, and that he, as chief prelate, finds himself in a worse position than under the Juarez government.

PROTEST OF THE ARCHBISHOP OF MEXICO.

YOUR EXCELLENCY—Under this date I have communicated to their Excellencies Regents Generals D. Juan N. Almonte and D. Mariano Salas that of which the following is a copy:—

YOUR EXCELLENCIES—Being unable in any case to make a sacrifice of my conscience and my dignity, I find myself obliged to address to your Excellencies, for your due knowledge and publication in the official paper, the following declarations:—

First—That there having been received by the Regency at the conclusion of its session on Saturday, the 7th instant, a despatch from his Excellency General Bazaine, in which he insisted that the Regency should make a declaration sufficient to expedite in the courts and before the Judge the course of the affairs to which the communication or notice published in the official paper of the 24th of October last refers, and which requirement is made in a manner which should strongly claim the attention of the Regency, I immediately made known that the affair was, from its nature, one of the greatest gravity and of most important consequences, and that it should be treated very cautiously and not hastily, in which opinion we were of accord, the subject lying over to be treated of subsequently.

Second—That desiring to exhaust in this affair every resource which prudence should dictate, in order that it might be fully determined, and if it were possible, with the common accord of the Regency and of his Excellency General Bazaine, I had a conference with his Excellency, in conformity with previous notice, given the evening before to his Excellency Senor Almonte, on Sunday, in the afternoon, making known to him all the reasons which, in my conception, operated in favor of laying aside the affair of the bills receivable and renting of Church property, in order that its resolution should be postponed until the arrival of the Emperor, which conference took place in the presence of his Excellency Senor Almonte, who sustained several of my observations.

Third—That as his Excellency Senor Bazaine did not yield to my arguments, I offered, in the presence of the same Senor Almonte, to send them to him yesterday in writing, to either that he might more carefully consider them.

Fourth—That in compliance with this offer I prepared yesterday, with all precision and clearness, the reasons which operated against giving course to the said suits until a supreme resolution, dictated by the sovereign, should free from the chance of nullity and of ulterior responsibility the temporary determination which might now be given to these affairs.

Fifth—That the first of my observations demonstrated that only the first notice had been issued with the knowledge of the Regency, although with my vote against it, but that the second appeared afterwards without any legal origin, and that in this first notice there appeared no recognition of any right in the unlawful holders of these *pagares* [notes given for Church property.—TRANS.] to avail themselves in their effort to make them good of the public tribunals, but only the declaration that the Regency would hold as calumnious whatever efforts should tend to prejudge the public judgment, causing it to be believed that the Regency had the intention of putting itself forward in an affair whose resolution should be left to the sovereign; and this I stated with my natural frankness, because in fact the notice exhibited a meaning contrary to that which it had been desired to give it.

Sixth—That I then proceeded to demonstrate that there could not be given to said notice any other legal interpretation than that which it really bore, without deciding, in fact, the question which is sought to be postponed, and deciding it by ratifying and legalizing all that had been done in the time of Don Benito Juarez; and that such a decision could not be made because it would be anti-Catholic, immoral, scandalous, anti-economical and impolitic with reference to the Pope, to whom it would be a most severe blow; to his Majesty the Emperor of the French, whom it would cause to represent a role diametrically opposed to his generous intentions, conciliatory dispositions and frank and loyal conduct, and to his Majesty the Emperor of Mexico, whom it would deprive of all of his resources, multiplying the obstacles before him and reducing him—such were my words: "to the deplorable and painfully fruitless task of gnawing the bleached bones of a corpse;" with respect to the nation itself, because such measures would cause an immense majority to draw back, while they would not attract the opposition for whom condescensions are stimulants and concessions arms.

Seventh—That this communication was already sealed, in order to send it to his Excellency Senor Bazaine, when, with a surprise and pain which I cannot express, I was informed of a document of the following tenor:—

MEXICO, Nov. 9, 1863.

TO THE POLITICAL PRESIDENT:—

It having arrived to the knowledge of the Regency that, notwithstanding the notices inserted in No. 14 of the official paper, of which the annexed is a copy, certain Judges have attempted from taking cognizance of causes which relate to the *pagares* (notes), and the leasing or rents of properties which have belonged to the clergy, the said Regency orders me to say to your Excellency that, in conformity with the notice referred to, the Judges and tribunals should and must take cognizance of all causes to which they relate. By their order I communicate the same to you for its publication and due compliance. P. RAYGOSA, Under Secretary of State.

And of the Department of Justice.

From all that has been said it appears:—

First—That there has been dictated in the name of the Regency an order which the Regency has not decided upon, for I am a member of the Regency, and I have not been present nor have I been cited to the deliberation upon such order.

Second—That this order, as I was afterwards informed by the Under Secretary of Justice when it was already in circulation, was directed to be issued on Sunday, and before I had the conference with his Excellency Senor Bazaine, in the presence of Senor Almonte, as of an affair still pending, there being maintained by their Excellencies the Regents my colleagues towards me with regard to it a most studious reserve, which I cannot explain, and with the aggravating circumstance that the order was issued through the Under Secretary of the Department of Justice, which is under my charge, without my having, as is seen with reference to it, either any knowledge whatever or even a simple notice on the part of this employe.

In virtue whereof, in compliance with the duty imposed upon me as Regent of the empire, by the oath which I have taken to seek in all the common good, in order to decline all responsibility on my part, whether with respect to his Majesty the Emperor of Mexico, to whom I owe all fidelity, whether with respect to the nation which has honored me with its confidence, or, finally, with respect to the legitimate interests which may give way under the practical consequences of an order which I consider null, I address myself to your Excellencies by the present note, making these declarations, and making known that as I do not consider said order published yesterday by the Under Secretary of Justice, Senor Don Felipe Raygosa, as emanating from the Regency, I protest in all form that said order is entirely null, and against any effects which may flow therefrom.

God guard your Excellencies many years.

PELAGIO ANTONIO,
Archbishop of Mexico, Regent of the Empire.

ARCHIEPISCOPAL PALACE, MEXICO, Nov. 10, 1863.

And I transcribe the same to your Excellency for your due knowledge.

God guard your Excellency many years.

PELAGIO ANTONIO,
Archbishop of Mexico, Regent of the Empire.

ARCHIEPISCOPAL PALACE, MEXICO, Nov. 10, 1863.

TO HIS EXCELLENCY THE PRESIDENT OF THE SUPREME TRIBUNAL OF JUSTICE.

PROTEST OF THE ARCHBISHOP OF MEXICO AGAINST HIS DISMISSAL FROM THE REGENCY.

Under this date I have said to their Excellencies Generals D. Juan N. Almonte and D. Mariano Salas, Regents of the Empire, the following:—

YOUR EXCELLENCIES—I have just received a note from the Secretary of State and Ecclesiastical Affairs, in which he says to me that, finding I am in open opposition to the Regency, since I have declared in my note of the 14th inst. that I would not again meet at its sessions until the order of the 8th inst. and the decree of the same date had been repealed, the Regency declare that I have ceased to form a part of it, and the same is communicated to me, with the information that his Excellency Senor Bazaine concurs in the said resolution.

In answer I have to say to your Excellencies:—

First—That I cannot be in opposition to the Regency, because I form a part of it.

Second—That I have not said I would not again meet at its sessions until the order and decree of the 8th inst. had been revoked; but that as soon as your Excellencies yourselves revoke what you have done without my concurrence, I would with pleasure meet at the sessions of the Regency; two things very different, as may be seen at a glance.

Third—That I do not consider either your Excellencies or General Bazaine have any right whatever to remove me from the office of Regent of the Empire, because General Bazaine, even under the intervention, has no power to do this, still less after the explicit, frank, loyal and highly politic declaration of General Forey at the installation of the Mexican government; nor can two individuals of the Regency constitute and declare themselves the Regency, without violating their title to legitimacy, and introducing by this act in the constitution of the government an essential change of a nature which can only be done by the Assembly of Notables.

Consequently, I ask your Excellencies, in the most formal manner, in use of the right conceded to me by article 17 of the decree of the 16th July last, that for the determination of this question the Assembly of Notables be called together, this being the indispensable and legitimate resort, the question being of the essence of the government; because the Assembly is the accepted and acknowledged organ of the national will; because it is the recognized source, even by the intervention itself, of the form of government, of legality in the country, of the power of the Emperor elect and of the Regency itself; because being obliged, according to the law, to refer to the Assembly in case of grave questions, it is not therefore convoked for this, for what other can it be called, or how can your Excellencies explain your refusal or consider yourselves as the national government, or avoid your immense responsibility before God, the nation and France.

I conclude, therefore, protesting against my removal, on the ground of nullity, and holding in reserve all the other rights which belong to me as Regent and as Mexican.

All of which I say to your Excellencies for your due knowledge and that of General Bazaine, if your Excellencies think proper to communicate the same to him, the said removal having been made in accord with his Excellency.

God guard your Excellencies many years.

PELAGIO ANTONIO,
Archbishop of Mexico and Regent of the Empire.

MEXICO, Nov. 17, 1863.

OFFICIAL NOTE FROM GENERAL BAZAINE TO THE ARCHBISHOP OF MEXICO.

NO. 59.

EXPEDITIONARY CORPS OF MEXICO, HEADQUARTERS OF THE GENERAL-IN-CHIEF, MEXICO, Nov. 20, 1863.

YOUR GRACE—I have received the protest which his Excellency General Almonte has caused to reach me, with reference to the measures which have been adopted by the Regency to remove your Grace from the provisional government. I must make known to your Grace that this measure was rendered necessary by the attitude of your Grace, and it was taken with my accord, persuaded, as I am, that this was the only means of avoiding the interruption of the march of events.

May I be permitted to express the desire that your Grace, well inspired, will accept the position as it is today, and will reject the advice and the suggestions of imprudent friends, against whom, notwithstanding, I am well decided to take the most rigorous measures that I am authorized to employ under the powers with which I am invested. I rely on the abnegation of your Grace, and on your devotion to the country, that, at the moment I am about setting out for the interior on the work of the pacification and regeneration of Mexico, your opposition will not delay the march of the government.

Your Grace will please to receive the expression of my high and respectful consideration. BAZAINE,
General Commanding-in-Chief.

To his Grace, the ARCHBISHOP OF MEXICO.

REPLY OF THE ARCHBISHOP TO GENERAL BAZAINE.

YOUR EXCELLENCY—I have not before answered the letter of your Excellency, dated the 20th instant, which I received on the afternoon of the 24th, because I have been obliged to avail myself of the time for the despatch of the packet. I do so now by stating what it appears to me proper to say to you with reference to each one of the points which in your letter relate to me.

I understand that his Excellency Senor Almonte transmitted to your Excellency my protest of nullity against the dismissal which his Excellency and his Excellency Senor Salas, and not the Regency, made of me in order to remove me from the provisional government. I also understand, from the confirmation which your Excellency gives me, that this act of dismissal was made with your approval, as I had already been given to understand by those gentlemen; and in answer to this point, I say here to your Excellency, as I have said to those gentlemen, and that is, that I do not consider either of those gentlemen or your Excellency as invested with any authority whatever to remove me, and consequently I insist upon my protest of nullity. Your Excellency says that this measure was required by my attitude, and that you were persuaded that my removal was the only means of avoiding the interruption of the march of events. Your Excellency will permit me to reply to you that my opinion is exactly the contrary—

First—Because there is not to be found in jurisprudence any law by which the attitude of a public functionary, who legally fills his office, who defends the principles of justice, who proceeds in everything in conformity with the law, and who appeals to the substantial forms of legality for the validity of his acts, can be made the ground for such a step as his removal from office by other functionaries who are his equals in position and authority, and who are incompetent, not only to remove him, but even to call him to account or to judge him.

Second—Because this removal, far from facilitating, is just what is calculated to delay the march of events; because, say what you will, it implies the substitution of *de facto* for *de jure* in the question of legitimacy, and the destruction of the government constituted on the 25th of June *ult* by the vote of the representatives of the nation, and accepted by the General in Chief of the expeditionary army, who expressly declared that he placed in the hands, not of two, but of the three provisional chiefs of the nation, the powers which circumstances had entrusted to him for the benefit of the nation itself; and your Excellency will see that if these powers are placed in their hands they do not remain in yours, and, consequently, that this government was terminated, from the day of my removal, and that what exists to-day may be whatever you wish, but it will not be the government then announced by General Forey to the Mexican people, to France, and to the world.

Third—That not only can it not be said that my removal was the only means, but that there being many, none of them were put in practice, and the National Assembly being in existence, and the only competent means of giving a legal and national sanction to any resolution, not to apply to it, notwithstanding my formal petition in conformity with law, was to give a deathblow to the government of the country.

Your Excellency continues, expressing your desire that I will accept the situation as it is, and will repel the counsels and suggestions of imprudent friends, against whom your Excellency is resolved to take the most rigorous measures in use of the powers with which you are invested. With reference to the first, I have to say to your Excellency that I do not understand the exact meaning which you place upon the words "accept the position;" but as accepting is consenting and admitting, I have to say to your Excellency that I have not, and I never will, agree to any of the steps that have been taken against the rights I have defended; but that, on the contrary, I insist upon all and each one of my protests. If these words have a signification strictly personal, I have to say, with all frankness, that I have no aspirations of a personal character; that I entered the Regency, not for pleasure, but to labor, and to sacrifice myself for the public good, and yielding to suggestions of the most elevated character. If, finally, they mean that I, in my character of archbishop, have to remain silent and impassible in view of these attacks upon the supreme authority of the church, its right to lead and its immunities, I have to say, with all frankness, that neither my self nor my illustrious brethren can maintain silence without doing violence to our consciences, and that we are disposed to suffer everything rather than prove wanting in the execution of such holy duties when the occasion shall arrive.

In the second place, I should say to your Excellency, with the same ingenuousness, whenever may be those imprudent friends to whom your Excellency refers, I am the sole and only one responsible for my acts. Your Excellency concludes, by counting upon my abnegation and my devotion to the country, that at the moment your Excellency is leaving for the interior to continue the work of pacification I will not by my opposition interrupt the march of events. To this I answer, in conclusion, that your Excellency can be sure that, while I am determined to defend the right, I shall not be the one to pass the bounds of a true prudence by any step contrary to the duties it imposes upon me at the times when it should be observed.

Your Excellency will be pleased to accept the expression of my attentive consideration and very distinguished appreciation.

God guard your Excellency many years.

PELAGIO ANTONIO, Archbishop of Mexico.

To his Excellency General BAZAINE, Chief of the Expeditionary Corps.

MEXICO, Nov. 28, 1863.

UNITED PROTEST OF ALL THE PRELATES OF MEXICO.

YOUR EXCELLENCIES—Scarcely arrived in the bosom of our country, after the long and painful banishment, to which we had been condemned by the government which emanated from the Plan of Ayutla, not because we had made any kind of partisan political opposition—a thing which the Mexican Episcopacy have been very far from doing—but solely on account of the conscientious and canonical defence we had made of the doctrines of the faith, the rights of religion, the principles of Christian morals and of the prescriptions of the Holy Catholic Church; returning with the high and noble hope that we had been led to conceive, on the one hand by the intimations made at various times to the Holy Father, on the part of the Emperor of the French, that the bishops who had been banished should return to Mexico, and on the other by the highly significant fact that one of the bishops had been named a member of the executive power and afterwards of the Regency; and, finally, by the solemn obligations which the said Regency contracted with the church and the nation in its manifesto not to decide any of the ecclesiastical questions except in accord with the Holy Apostolic See; returning with the consoling hope of being able to dedicate our latest days in peace and under the guarantee of a Catholic government, the restorer of sound principles, to the re-establishment of religion and of morals and to the reform of society through the means of our pastoral labors, we have been overwhelmed with a terrible and grievous surprise by encountering a situation in every respect exactly equal to that which preceded our banishment, is all that relates to the church, and even worse, by reason of the strange position in which we, as prelates, find ourselves placed.

The opposition, as well founded as inutile, which was made by the illustrious Archbishop of Mexico, in his quality of Regent, to the communications or notices which were published in the official paper of the 24th of October last, and which placed in legal course the payments emanating from the appropriation of ecclesiastical property and the collection of rents of houses taken from the church, and expedited the contingence of the works of alteration upon the same, which has been suspended, the decision taken by your Excellencies alone, without the concurrence of the other Regent, that through the sub Secretary of Justice the Judges and tribunals should be informed that they should have and that they must take cognizance of all causes arising under the affairs to which the said notices refer; the insistance of your Excellencies in this resolution, notwithstanding the protest of nullity addressed to you on the following day by his Excellency Senor Labastida, in his character of Regent; the formal dismissal of the Illustrious Archbishop from his charge of Regent, made by your Excellencies in concurrence with his Excellency General Bazaine; the studious omission which has been made of the church in certain measures regarding the property of public charities; the resistance to the return to the religious societies of the part not yet sold of their convents, and held in lots by the government; the indifference with which it has been seen that those nuns have been reduced to the utmost poverty, without permitting them to receive even the pitiful portion which had been left to them by the despoiling government; various particular acts which brevity will not permit us to refer to, but which show a decided determination to protect the pretended rights created by the so called laws of reform; and, finally, the circular issued by the sub Secretary of Justice on the 15th instant at the instance of his Excellency Senor Bazaine, removing all obstacles, and declaring that there is no legal impediment to the exercise of whatever rights of action which were held with respect to the property called clergy property, on the arrival of the French intervention in the country—all these acts manifest with the most weighty evidence that the Holy Catholic Church in Mexico suffers to day, at the hands of the government which actually exists in the capital, a compulsion in its most holy rights and in its canonical liberties entirely equal to that which it suffered when the authorities emanating from the Plan of Ayutla were in power, because such compulsion consists, not in the form of government nor in the persons of those who compose it, but in the character and importance of its acts, and those of your Excellency's tend to expedite the consummation of the work which those authorities began, for you declare in full force the rights and actions which spring from the sacrilegious and illegal laws and from the acts committed against the immunity of the church by said authorities, and even in the same language, for the same odious expression is now used which was then employed to designate the ecclesiastical property.

Unhappy would to-day be the evils which the church suffers were they no more than those; but by a misfortune which we can never sufficiently deplore, there are peculiar circumstances which render still worse than those the situation of the church to-day in Mexico, and which increase its grief to an extraordinary degree.

Then the government frankly manifested its principles. It appeared to the view of all this Catholic people in the character of an opposition armed with power against religion and the church, and the latter, as a victim immolated by the government, defended itself heroically, suffering the consequences of a terrible persecution and perishing nobly for the holy cause of justice. To day a government inaugurates itself with professions eminently religious and moral, after the French army had destroyed, in the capital, that of Juarez, and it presents itself before the Mexican people as the protector of its faith, of its religion, of the church and of the priesthood. Then we were banished; to day we are invited and received with expressions of consideration; treating by this means among the people a feeling of confidence as regards their tenderest affections, their dearest interests. Then the prelates leaving our country carried with them the hope that the first political change which should take place would bring with it a complete moral and religious restoration. To day, returning after such a change to be present at the immolation of all our principles, the consumation of the ruin of the church, we have received a blow such as is only received at the death of all human hope. Then the church had only one enemy—the government that persecuted it. To-day it has two: that same government which still lives in the country, which still has resources of its own, an army that controls hand to hand for every foot of ground, and that counts upon the aid of its principles and interests in the enemy's camp and in the capital—an enemy whose first occupation it is to carry into effect the destructive plans of its opponent in religious and moral affairs. Then we received the blow from the hand of an open enemy; to-day we are attacked by those who called themselves friends of the church and protectors of its liberties. Then the attack and the defence did not pass beyond strictly national bounds; to-day we have to lament the character which the intervention has given to these attacks, and that from it have come the exigencies which have obliged your Excellencies to so proceed. Then we verified our episcopal acts simply as bishops; to-day we have to make our defence passive and legal, because we cannot pass that limit, also as Mexicans. Thus, notwithstanding the restrictions imposed by the laws of the press, we could publish our protests and our pastorals to the people, because there existed no other restraints than such as would result from the inconveniences of a trial. To-day the press is bound in such a manner that it is open only to those who favor the intervention; for there is not only the responsibility consequent upon a very strict law, but also in denial of the very speech itself, to say nothing more, even previous censorship. The publication of a Pontifical allocution, of an edifying and moral retraction, and of any paragraph copied from journals in which allusion is made to the authority of the Holy Father with respect to the ecclesiastical questions of this country, are the subjects of formal admonitions to the press and of prohibitions to insert in the future this class of articles, at the same time that anti ecclesiastical, and, at some times, even scandalous doctrines, pass unnoticed.

It is for these reasons that, speaking of the situation in which circumstances have now placed us, we consider it worse than before.

The Episcopacy of Mexico, considering its responsibility, save by the manifestations made by his Excellency Senor Labastida, and by certain steps which have been taken by other prelates with reference to your Excellencies, had remained silent up to the present time, in order that it might not be believed that it proceeded with precipitation or lack of prudence. But to-day, when affairs have reached their utmost extreme—to-day, when even the palliatives and reserve with which the first dispositions appeared have been cast aside—to-day, when the instance of a French subject has been sufficient to induce the declarations that all the rights and actions springing from the despoilment of the church property still exist in all their force and vigor—to-day, when by this sole act all reservation of these affairs for the decision of the government which shall be definitely established in the country has ceased, our silence would no longer be excusable; it would conceal the wrongs we suffer, and cause us to appear, in a certain measure, as accomplices—a position which it is our duty to repel at all hazards, in the name of the rights of religion, the voice of conscience and love of our country.

What shall we say to your Excellencies in this exposition, after so much that ourselves and our predecessors have said at different times against these claims and pretended rights that your Excellencies have just again placed in vigor and reinvested with legal force by your circular of the 15th instant? What can we demonstrate now that is not already demonstrated, or now set forth that will be new to any Mexican ordinarily well informed as to our political history? What arguments, however specious they may be, can now be adduced by the defenders of these sacrelignous laws of spoliation that have not been already refuted and utterly demolished, either by the bishops, the ecclesiastical authorities or the Catholic press? If the law of the 11th of January, 1847, which took possession of the ecclesiastical property only to the extent of fifteen millions, was considered by the illustrious Senor Portugal—that prelate as wise as illustrious—as a law without force, being in manifest opposition to the will of the people, and impossible of execution with justice from its repugnance to the principles of sound morality, as the inexhaustible fountain of terrible misfortunes to the church and society, as a law violative of the rights and illegal as against the immunities of the church, not less than against its canonical and even civil liberties, and besides as an anti-economical law, immoral and incendiary—what can we now say with reference to those laws, the pretended claims and rights under which your Excellencies have revived by your circular of the 15th instant? If that virtuous prelate, with the liberty which belongs to a truly apostolic zeal, could not reconcile his Catholic professions with the approbation and execution of such laws and who supposed as the indispensable condition of their origin either the grossest ignorance of the principles of religion, or its positive abjuration and a species of apostacy, what shall we say when we refer to laws which surpass infinitely, under every aspect, in arbitrariness, tyranny, immorality, violence, disasters and ruin, those which then led to the complaints and protests of the former prelate of Michoacan?

Nothing remains to us, therefore, to say, after so much that has already been said, and still less when addressing ourselves to persons so involved in the course of events, as well as penetrated, for so we believe, with the illegal, ruinous, unpopular and sacrelignous character of the laws so pompously called laws of reform, as your Excellencies.

But we cannot do less, your Excellencies, than make known to you the utter surprise and confusion into which we have been plunged by the said circulars, not merely because they have come from your Excellencies, whose religious sentiments have never been placed in doubt, not merely from their character and importance, but more particularly because we cannot find any plausible reason—not to justify them, for that is impossible—but that could at least excuse them on the ground of public convenience.

That Senor Juarez with his party should enact such laws, and should work unceasingly to carry them into effect, this we can well conceive, as well as the energetic opposition of the prelates and the conscientious resistance of all true Catholics; but that a government under the protection of France (not as a conqueror, not as attempting to overthrow our independence, but as respecting it and offering to save it, and instructing its commander-in-chief not to interfere with the freedom of its acts), which has just been established as the government of a nation in virtue of the vote of a Council of Notables, and in opposition to the government of Senor Juarez, that such a government should work for the laws which this latter has dictated, these being, as they are, the essential and sole cause of the division among the Mexicans and of the civil war, this we cannot understand.

What political advantages can be derived from such a course? Aside from those which will spring from the influence of the holders and immoral speculators who availed themselves of the vast riches of the church, and who are very few compared with the immense majority of the Mexican nation who detest such speculations, certainly none.

We well know that to present such proceedings in a favorable light a thousand plausible excuses are invented, principally to win over by surprise the Court of France, which lacks the data which is indispensable to practically judge of the state of society here. But the truth will not be long in appearing in its true light, and to the scandal of the world it will be known that the immense majority of the Mexicans are essentially Catholic, that they respect the laws of God and of their church, that they bewail the attacks received from the government of Ayutla, and that if they manifested themselves in favor of the intervention, it was because it presented itself as their protector, not against the persons—for that would be but a childish jest—but against the acts of the government of Senor Juarez. But the attitude that the intervention to-day takes by such dispositions has transformed its triumphs to victories over the party oppressed, for it gives force and vigor to the claims and rights emanating from such acts. The impartiality and policy with which it presented itself and pretends to justify its acts consists, therefore, solely in the sterile protest of the party conquered by arms, but triumphant in its principles, and that without ceding a single hair in its opposition to France, and in the complete ruin, not only of a respectable political party—and this would be much and unjustifiable, supposing the programme was one of impartiality—but also of the nation in its moral integrity. Being a Catholic people, the Mexicans must consider as enemies all who attack their faith and their religious and moral interests; that supposing the anti-Catholic party does not yield, but on the contrary, is strengthened by such concessions, and that the rest of the nation considers itself oppressed, the intervention may have physical force in the country, but moral, political and national, it will have none; that it will have no support but that of its arms, and that, while it might have become the possessor of the gratitude of a people, favoring them in what they hold to be most valuable and sacred, it has been left alone between an armed party who combats it, and a people unarmed and helpless who fear it.

A position such as this, howsoever much it may be covered up or disguised, cannot be excused, and particularly when taking into consideration the spirit of the instructions given by the Emperor to his Excellency General Forey.

Whatever may be the elements upon which France may count, it is clear that it did not enter into the mind of the Emperor to establish an order of things here separate and independent from the will and the great interests of the Mexican people; and this is, without doubt, the motive of those instructions, at once so circumspect and in every respect so delicate as those given to his Excellency General Bazaine by the Minister of Foreign Affairs, in the communication of the 17th of August last, which has been published in the journals of the capital.

It is there declared terminantly that nothing violent or arbitrary will be attempted or sought, not even special advantages over other nations; there the acts of the government of Senor Juarez are qualified as iniquitous, and the situation which that government created is regarded as the culminating point of dissolution; there it is declared that France, triumphant by virtue of its good intentions towards our country, rejects all idea of substituting its influence for the free determination of the country; there the authority of the Notables is considered as of great weight and authority; there the General in Chief is prohibited from substituting his initiative for that of the government; there the principle of impartiality is proclaimed, but only as regards the passions, the vices and the bastard interests of the parties, and where principles are involved. This is a chart full of intelligence, of reason and of hope. Will it be possible to find here the justification for what is now passing, the support that is pretended, the reason of the resolves that have been taken?

When his Excellency General Forey issued his manifesto to the nation, declaring before its face that it is were possible to give any recognition whatever to those who had acquired church property fraudulent contracts should not be sustained, and, in consonance with this, issued his decree of the 22d of May, he gave evidence of impartiality and of equity. But all this has disappeared by the issuance of the notices or communications of the 24th of October, because these, placing in legal course, without any restriction whatever, the notes given for church property and expediting the suits for collection of rents without the requisite of previous qualification, has destroyed entirely the moral guarantees which the manifesto and decrees before cited had given. Still, these notices, themselves establishing in principle that the measure was transitory, that it did not imply the solution of the principal questions, nor the definitive legitimization of any right—because this remained reserved to the sovereign—left alive the hopes, although very feeble, that his Excellency Senor Forey had caused us to conceive, and above all, facilitated up to a certain point in the critical situation of the country the resignation of the faithful and the prudence of the pastors. But to day, after the circular of the 15th instant, there is an end to the reign of principles, the empire of right, the encouragement of hope, confidence in the situation, and, in fine, of all promises. A step has been taken so grave that perhaps it would not have been taken even by the cabinet of the Tuileries.

And what has been the cause? What powerful motive has precipitated this crisis? Perhaps the supreme interests of society? Perhaps an extreme necessity, a sudden emergency, a tempest which could not be conjured by any other means? No! it was the most trifling cause, the most insignificant in regard to the effect.

The complaint of a French subject, and the request of the General-in-Chief made to your Excellencies by virtue of this complaint. This is the cause of all; this is what Mexico has to hope from the impartiality that was promised, and from the non interference of that chief in order to leave the government free in its acts; this is the melancholy synopsis of the situation in which the Mexican church to-day finds itself.

Your Excellencies, turning a glance backwards over the dispositions and acts to which we have referred, should determine to apply the remedy, which only requires from your Excellencies a firm and resolute will. We ourselves ask it, with the most pressing urgency, in the name of religion, of morality, of our country, by the obligation which we have to defend the rights of the first, to guard the prescriptions of the second, and to speak under the legitimate inspiration of the third. We ask it in compliance with our most sacred duty as prelates of the church and pastors of the flock of Jesus Christ. We ask it with the confidence which is inspired by the religious and patriotic sentiments of your Excellencies, and the lofty and generous views that the French government has so clearly manifested in its instructions to the two chiefs of the army in Mexico. We therefore hope that these circulars will be annulled, that this violence they inflict upon us will cease, and that all proceedings will be suspended in these affairs, which, from their character, their importance, the nature of the situation, and even from the understanding with the French government, should be postponed until they can have a solution capable of placing in harmony consonance and legitimate interests, a solution canonical and civil; a solution in which shall concur the spiritual and the temporal sovereigns, a solution upon which the hopes of religion and of the country now hang dependent.

But if, unfortunately, the said circulars are to remain in force, we, as prelates of the Mexican church, in the use of our canonical faculties and in compliance with our duties, protest in the most solemn form against the said circulars and their effects. We hold the rights of the church reserved from the inability and nullity so protested of said circulars. We reproduce and now expressly apply our manifestation of the 30th August, 1859, of which we enclose to your Excellencies four copies, issued by reason of the laws of the 12th, 13th and 23d of July of that year, decreed by Senor Juarez, in Vera Cruz, the claims and rights under which your Excellencies revive by your circular of the 15th instant, and in consonance with what we then set forth we conclude this exposition, protesting our respect, with the following declarations:—

First—That it is not lawful to obey either the communications of the 24th October, the circulars of the 9th of November and the 15th instant, nor any disposition whatever of those that tend to the execution of the said decrees of Senor Juarez, nor to co-operate in the compliance therewith.

Second—That neither that government nor any government, whatever it may be, has any authority to take possession of the property of the church; that, therefore, as well the decrees of that government as the notices and circulars issued by order of your Excellencies, involve an illegal and tyrannical disposition of the most sacred property, and are subject to the censures of the holy church, and especially to the excommunication fulminated by the Holy Council of Trent, in chapter 11 of session 22 *de reformatione*. In consequence there are comprehended in this canonical penalty not only the authors and executors of the decrees, notices and circulars aforesaid, but also all those who in any way co-operate or have co-operated towards their fulfilment.

Third—That the political change which has taken place in Mexico in consequence of the intervention has not altered or lessened in any respect the obligations and moral and canonical responsibilities to which those of whom we have just spoken are subjects, and that therefore all of our protests, circulars and diocesan orders, issued by reason of the so-called constitution and laws of reform, remain in all their force and vigor, and are applicable to the notices and circulars of your Excellencies already mentioned, and to whatever other dispositions of your Excellencies that tend to place in execution the laws, decrees and acts to which our canonical protests, said manifestation, circular and diocesan orders refer.

Those incurring the censure of the said canon, in virtue either of the law of the 25th of July, 1856, of the decrees published in Vera Cruz by Senor Juarez in July, 1859, or afterwards in Mexico, of the communications and circulars issued by order of your Excellencies, or of the disposition or orders of whatever authority or person, public or private—that is to say, the authors, executors or co-operators in the despoliation of the church in its property, lands, rents, possessions, claims, rights, temples, objects contained therein destined to public worship, &c., are strictly obliged to make restitution and reparation for their scandalous crime; and they cannot be absolved, not even at the point of death, if they do not comply with the conditions established by the church and set forth in our circulars and diocesan decrees aforesaid.

Such are, your Excellencies, the declarations and protests, which, in the unhappy case that our petition is not attended to, and the notices of the 24th October and the circulars of the 9th November and 15th December remain in force, we shall have to make, and now, in fact, do make, not from a spirit of partisan opposition, which we are very far from feeling, but solely to comply with our duty.

Hard it is to find ourselves placed in this situation, even if we were treating of a national government and bitterly hostile. What is it, therefore, when the authorities in question have been inaugurated as protectors and have presented themselves as friends?

But, your Excellencies can believe us, we cannot keep silence without making ourselves criminals by this silence before the strict justice of that government before whose tribunal we shall have to appear at the end of a life which is rapidly escaping. When these terrible occasions present themselves which call for the exercise of our pastoral charge, when we see that a soul lost through our silence will call down upon ourselves the same perdition, we tremble with terror. Notwithstanding our evident knowledge of the inutility of our expostulations and protests would excuse us before God. See the fearful confirmation of this truth which the Holy Spirit gives us in chapter iii., verses 18 and 19, of Ezekiel:—"When I say unto the wicked, thou shalt surely die, and thou givest him not warning, nor speakest to warn the wicked from his wicked way to save his life, the same wicked man shall die in his iniquity, but his blood or perdition will I require at thine hand. Yet if thou warn the wicked, and he turn not from his wickedness, nor from his wicked way, he shall die in his iniquity; but thou hast delivered thy soul."

We conclude, therefore, protesting to your Excellencies, with this unhappy motive, our attentive consideration and distinguished estimation.

God guard your Excellencies many years.

PELAGIO A., Archbishop of Mexico.
CLEMENTE DE J., Archbishop of Michoacan.
PEDRO, Archbishop of Guadalajara.
PEDRO, Bishop of San Luis Potosi.
JOSE MARIA, Bishop of Oajaca.

To their Excellencies Generals Don JUAN N. ALMONTE and Don JOSE M. DE SALAS, Regents of the Empire.

MEXICO, Dec. 26, 1863.

DECREE OF THE REGENCY REMOVING THE JUDGES OF THE SUPREME COURT.

DEPARTMENT OF JUSTICE AND PUBLIC INSTRUCTION.

The Regency of the Empire to all of its inhabitants maketh known:—

That considering that the first duty of the supreme magistracy of a State consists in respecting the laws and administering justice, without ever deviating from the principles upon which social order is based;

Considering that the Supreme Tribunal, by its exposition addressed to the Regency of the Empire on the 31st of December last, has placed itself in rebellion against the legitimate government, declaring that it will never by its acts and decisions lend any acquiescence to, nor will it join in, decisions which have for their object the execution of the circulars and official communications ordered, or which may be ordered to be published by the Regency, relative to the question of the property called clergy property, if such dispositions shall not be for the purpose of restoring the same at once and directly to the said clergy;

Considering that the tolerance observed up to the present time by the Regency with respect to reprehensible acts of this order, in the hope that its efforts would be successful in changing for the better the ideas and sentiments of the individuals intrusted with that high magistracy, has been considered by them as an act of debility, and not as an idea of conciliation, by means of which it was desired to reunite the honorable men of all opinions in order to form a truly national party;

Considering that the Regents of the empire would be unworthy of the confidence of their fellow citizens and of the high mission they have received, if in the presence of this act of rebellion they delayed a longer time to reduce the magistracy to the limits of their attributes, which consist in applying the laws and administering justice without mixing themselves with acts which belong exclusively to the legislator, the Regency of the empire decrees—

ARTICLE 1. All of the magistrates and secretaries of the Supreme Tribunal appointed in conformity with the decree issued by the Regency of the empire on the 15th of July, 1863, are hereby dismissed.

ARTICLE 2. The reorganization of the said tribunal shall be immediately proceeded with, the persons being ineligible to form any part of it who signed the exposition addressed to the Regency on the 31st of December last.

The under Secretary of State and of the Department of Justice and Public Instruction is charged with the execution of the present decree.

Dated in the Imperial Palace of Mexico, the 2d day of January