

PART III.
THE TRIAL.

SECTION I.		PAGE
Maximilian's Declaration and Protest		201
SECTION II.		
Advocates' Preliminary Defence		207
SECTION III.		
The Defence at the Court-Martial		215
Conclusion		268
INDEX		271

CONTENTS OF PART I.

HISTORICAL INTRODUCTION.

Popular agitation for political liberty—Viceroy acquiesces—Refusal by the Spanish cabal—Deposition of the Viceroy Iturrigaray—Guadalupe and Gachupines—Insurrection in Guanajuato—Lack of a champion for the people—Don Miguel Hidalgo y Castilla—Barbarous edict of Spain—First shout for independence—Response of the Indians—Hidalgo at the head of 40,000 men—March on the silver mines—Fearful massacre and carnage—Retreat of Hidalgo—Rout of the Insurgent army—Seizure of the city of Guanajuato by Calleja—Horrible revenge of the Spaniards—Defeat, escape, and betrayal of Hidalgo—His execution—José Maria Morelos—His military ability—His successes—Defeat of the Spaniards at the Battle of Palmar.	1803.
Successes of the Insurgents.	1812.
Battle of Puruaran—Capture and execution of Matamoros—National Assembly invoked—Its failure—Success of the Spaniards—Capture of Zitacuaro—Proclamation of the Independence of Mexico—Chipalcingo—Proclamation burnt by order of Calleja.	1813.
Perilous expedition of Morelos—His capture—His execution—Remarks on his bravery—Miguel Bravo—His magnanimity—His execution—Confusion in the ranks of the Independents—Acts of cruelty on the part of the Spaniards—Victoria takes the command of the Insurgents—Reinforcement of the Spanish army—Defeat of Victoria—His retreat to the forests of Vera Cruz—Hunted by the Spaniards—Rumours of his death—His reappearance—Padre Torres of Cuchilinga—His vulgar ambition and despotic tyranny.	1815.
Xavier Mina lands at Soto la Marina—Marches to support the rebellion—His daring courage—Hostility of Torres towards Mina—Butchery of prisoners by the Spaniards in the Fortress of Sombrero—Betrayal, capture, and execution of Mina—The siege of Los Remedios—Flight of Torres—Spanish barbarities—Intense hatred of the Spanish by Mexicans—Disappearance of Torres—Public elections—Mexican	1816.
	1817.

- gains—Suspension of the Act of the Constitution—Vacillation of Ferdinand VII.—Diversity of opinion—Appointment of Colonel Iturbide—His character—False accusation, acquittal, and retirement to a temporary private life—Plan of Iguala espoused by Iturbide—His determination to carry it into effect—Offers himself to the Viceroy for active service—Selected by Apodaca to oppose Guerrero—Defeat of Iturbide—Guerrero converted to the plan of Iguala—He co-operates with Iturbide—Iturbide the hero of the day—Styled "Conciliator"—The army of deliverance—Bravo and Santa Anna join Iturbide—Proclamation of the Plan of Iguala—Triumphant march of Santa Anna—Arrival at Vera Cruz—The new Viceroy O'Donoju takes command of the Spanish army—Disaffection among the Spanish soldiers—Cessation of hostilities—Treaty of Cordova—Triumphant entry of Iturbide into the City of Mexico—Proclamation of the act of Independence—The services of Iturbide acknowledged—Made general-in-chief of the army 1-21

THE FIRST EMPIRE.

1821. First meeting of the Assembly—Formation of an executive government—Deputation to Spain—Crown of Mexico offered to Ferdinand VII.—The reception of the deputation—Refusal of the crown by Ferdinand and Don Carlos—Its acceptance by Don Francisco Paulo. The Cortes refuse to ratify—The failure and return of the deputation—The Assembly in Mexico—Dissensions in the Council—Iturbide opposed to a Republic—Public opinion in favour of Iturbide—Scene in the Assembly—Iturbide proclaimed Emperor of Mexico—Enthusiasm of the populace—Coronation of Iturbide—The conspiracy of Santa Anna and others—Dissolution of the Congress—New Assembly convoked—Financial difficulty—Fort of San Juan de Uloa besieged—
1822. Growth of republicanism—Its espousal by Santa Anna—He proclaims a Republic—Echevarri ordered to attack Santa Anna. He betrays his trust, and forms a compact with the Insurgents—Abdication of Iturbide—Its acceptance by the Republicans—He is granted a pension and retires to Italy.
1823. Republican Congress convoked—Centralists and Federalists—Conflicting policies—Rapid depose of presidents—Iturbide weary of exile—His return to Mexico—Ignorant of the fatal decree—His disembarkation at Soto la Marina—His arrest—Great consternation in Congress—His death determined on—His last words—Execution and burial 22-28

THE REPUBLICAN ERA.

- National dissension—The clergy and the country—Their wealth and power—Their control of the army.
- Invasion of Mexico by the United States—Inefficiency of the executive—Formation of new government—Clerical and military reform. 1847.
- Santa Anna proclaimed dictator—His despotic rule—Combination between the clergy and army—Dissatisfaction of the people—The standard of rebellion raised by Ignacio Comonfort—General insurrection—Overthrow of Santa Anna and the clergy. 1853.
- Comonfort elected president—His inability to govern, and abdication in favour of Don Benito Juarez—Contending factions—Conservatives and Liberals—The election of Miramon by the conservatives—Desperate conflict—Battle of Calpulalpam—Victory of the Liberals—Juarez in possession of the capital—Suppression of monasteries—Civil and religious liberty—Conspiracy of the clergy—Their expulsion from the country—Their desire to establish a Spanish Monarchy, and to obtain the intervention of France—Jecker bonds—Repudiation of the debt by Juarez—The clergy enlist the Empress of the French on their side—England, France, and Spain, petitioned to intervene—The vacillation of Earl Russell—Convention of London signed—The allied navy and military forces proceed to Vera Cruz. 1861.
- Despatches from the allied powers to Juarez—His frankness and honesty of principle—His desire to avoid hostilities—Proclamation by the allied representatives—Decree by Juarez against the Interventionists—The reply of the Allies—Meeting of delegates at La Soledad—Conference—Preliminary convention of La Soledad—Its approval by Juarez—The French representatives dissent—Arrival of General Lorencez from France with the Mexican General Almonte—Conference of Orizaba—Disagreement of the Commissioners—Proclamation of the French Commissioners—March of the French forces towards the capital—Conflict with Mexican troops—Defeat of the French—Arrival of General Forey from France with reinforcements—His instructions from the Emperor of the French—Forey takes the command—Advances on Puebla—Siege of Puebla—Mexican supplies cut off—Juarez despatches Comonfort to the relief of the besieged—Defeat of Comonfort—Capture of Puebla—Juarez voluntarily retires from the capital to 1862. 1863.

- avert a siege—Advance of Forey on the capital—Triumphant entry of the French—Arrangements for the establishment of a Monarchy—Assembly of Notables—Regency appointed—Report of the Commission in favour of the Monarchy—Resolution to offer the Crown of Mexico to the Archduke Maximilian of Austria—Commission received by the Prince at Miramar—His letter to Almonte—French intrigues to obtain the consent of the Mexican people—The Archduke consents to accept the crown—Decides on going to Mexico—His letter to General Woll—Mexican deputation visits the Archduke—He is declared Emperor and takes the oath—His departure for Mexico and arrival at Vera Cruz—His proclamation—Arrival in the City of Mexico—Warm reception 29-47

SECOND EMPIRE.

- Favourable commencement of reign—Shows signs of liberal principles—Imperial tour through the country—Personal qualities of the Emperor—Speech of the Emperor at Dolores—His return to the capital—His opinion of his receptions—Gains the support of the Liberal party—Jealousy of the clerical party—Their intrigues.
1865. Fatal decree of the Emperor—Its arbitrary character and fatal results—Remarks on the decree—Interposition of the Washington Government—Withdrawal of the French troops—Letter from Mr. Seward
1866. —Preparations of the Emperor to leave Mexico—Arrival of his luggage at Vera Cruz—Its detention by order of Marshal Bazaine—Bazaine obstructs the departure of Maximilian—Growing power of Juarez—Decline of the Imperial Government—Consternation of the clerical party—Maximilian returns to the City of Mexico—Generals Miguel Miramon, and Marquez—Their notorious characters—Combination of the priesthood and ultra-clerical party—Struggle for ascendancy—
1867. Review of troops by Marshal Bazaine previous to his departure for Europe—The march past—Gone! Maximilian's feelings—The decisive struggle—Critical position of the Emperor—Endeavour of the Imperial Government to re-establish its authority—March of Miramon on Zacatecas—His defeat and retreat on Queretaro—Arrival of the Emperor at Queretaro with Marquez—Siege of that city—Strategic manœuvre of Marquez to relieve Puebla—Is attacked and defeated by the Liberals—The Emperor presides at a council of war—His plans frustrated—Treason of Lopez and his accomplice Jablonski—The surprise and surrender of the Emperor—Depositions of Colonel Guzman and

- L. Echeagaray—Vivid account of the treason and betrayal of the Emperor by an eye-witness—Magnanimous conduct of the Liberal officer in command—Chivalrous conduct of the Emperor—Despatch of Baron Lago on the events at Queretaro—Mr. Stephenson's letter on the subsequent events—The morning of the execution—The cortège leaves the ex-convent of Capuchinas for the Cerro de la Campana—The Finale 48-78

CONTENTS OF PART II.

ADVOCATES' PREFACE—INCIDENTS CONNECTED WITH JUDICIAL PROCEEDINGS.

Appointment of Advocates—State of the City of Mexico—Desire of the Populace to terminate the siege—Fall of Queretaro—Surrender of Maximilian—General Escobedo's official despatch—Disbelief of the Imperialists—General Vicente Riva Palacio's confirmatory letter—City of Mexico still doubts—Abdication privately reported—Conference as to abdication—Official appointment of Counsel by Maximilian—Advocates accept appointment—Difficulties in leaving the City—Obstacles overcome—Desire of the inhabitants to flee from Mexico city—Advocates' departure—Interview with General Diaz—Foreign Ministers permitted to pass—Message from Baron Magnus to President Juarez—Special escort provided by the Liberals to the advocates and party—Short time allowed for defence—Extension of time granted—Arrival of advocates at Queretaro—Their interview with Maximilian—Result of trial foreshadowed—Emperor surprised that his Abdication had not been published—Application for further extension of time—The reply—Still further time granted—The Commission of Advocates divide their labours—Counsels' interview with Señor Lerdo—Reception by the Citizen President—Council of Ministers to be called—Conflicting prospects—The President's answer—Proposed appeal to the Army—Sentiments of General Treviño—Policy of General Porfirio Diaz—Objections to inexorable laws—Maximilian forewarned—The advocates chosen from Liberal party—Advantages and dangers of pardon—Maximilian's good faith—Gloomy prospects—Baron de Magnus summoned from Queretaro to San Luis Potosi—Advocates' petition to the President—The answer—Petition for pardon presented—Pleas—Maximilian's solicitude for Mexico—His plea justified—Supported on antecedents and on moral grounds—Appeal to Mexican history—Constitution of 1857—Vattel on capital punishment—The law of 25th January, 1862—Appeal to reason and feeling—American opinions—

Deference due to the United States—Impolicy of Maximilian's execution—Maximilian's oath—His policy towards the Mexicans—His honourable intentions—Formal act of Abdication—Political reasons for pardon—Example in the case of Jefferson Davis—Pardon would be politically justified—Answer to the Advocates' Petition—Interposition of Baron Magnus—His interview with President Juarez and Minister Lerdo—His written appeal—Mexico's relations with Prussia—Official answer to Baron Magnus—Opening of the Court-Martial—Further discussions with Señor Lerdo—Hope in delay—The glory of pardon—Lerdo's objections to pardon—Advocates' extreme anxiety—Rejoinder of Señor Lerdo—The verdict of the Court-Martial—Second memorial to President Juarez—Official answer—General desire for pardon—Sentence of death confirmed—Another appeal to the President—Official letter to General Escobedo—Answer to the renewed appeal—Advocates' mournful meditations—Execution postponed—Vain hope of Foreign intercession—Maximilian pleads for Mejia and Miramon—Señora Miramon—Advocates plead for her—Their parting with the President—Maximilian's last letters—The Execution—The futility of a Mexican Empire—Advocates' departure from San Luis—Their reflections—Aspect of Mexican affairs—The Republican policy—Political prospects and contingencies—Patriotic anticipations and aspirations 79-188

POST-MORTEM.

Mission of Vice-Admiral Tegetthoff—Negotiations—Official demur to his application for the body of Maximilian—Instructions to General Escobedo 189-199

CONTENTS OF PART III.

PRELIMINARY DEFENCE.

Declaration of Maximilian previous to his trial—His relation of the offer of the Crown—His scrupulous examination—His account of the reception he met with in the country—His Government—His fall—An example quoted—Question of the competency of the Tribunal—Protest of the advocates 201-214

DEFENCE BEFORE THE COURT-MARTIAL.

Protest against the law of 25th January, 1862—Court-Martial opposed—Constitution of 1857—Federal tribunals—Special laws and special tribunals prohibited—Maximilian not subjected to special rules and laws which govern the army—Abolition of capital punishment for political offences—Arguments on appeal—Maximilian deprived of the use of legitimate defence—Incompetency of the tribunal—Object of process in criminal cases—Want of proofs—Public notoriety—Escriche on "Fama," or public notoriety—Also Argenteo, Ferraris, Murillo, and Febrero—6th Article of the law of the 25th January, 1862—Colon on military tribunals—A tacit, feigned, or presumed confession—Escriche on express and tacit confession—Charges against Maximilian closely examined—Arguments—Cases of Charles V. and Charles X. of Spain, Louis XVI. of France, and Charles I. of England—Hallam and Macaulay on Constitutional Law—Social innovation—Constitution of 1857—Juan Antonio de la Fuente on Reform—The charges against Maximilian—Repudiation of Maximilian's subserviency to France—Treaty of Miramar—Maximilian's demand for the liberation of the Mexican prisoners from the French Government—His efforts to overthrow the influence of the French—His prompt attention to appeals for pardon—The law of the 3rd October, 1865—General Diaz—His victories—Maximilian's indulgence—Crime of usurpation—Maximilian's good faith—Jefferson Davis—Peroration—Conclusion 215-270