

"from that post, and retained him prisoner, leaving the piece under the guard of fresh soldiers. In fact, every one described the manner in which they had been made prisoners; and all pointed out Lopez as the author of all the events."

The declaration of L. Echeagaray (commandant) states:—"My battalion was under arms on the night of the 14th to the 15th of May, and there only remained in the corridors of the hospital about forty prisoners, which had been turned over to us to occupy the empty space. About half-past four o'clock in the morning, an officer of the guard of my troop, Lieut. Molinares, entered my room, situated in front of the barracks of La Cruz, and said to me, 'Major, it appears that the enemy is in the garden and the cemetery.' At the moment that I went out to go to the barracks, I saw a body of troops walking by the side of the church, going towards the pieces of artillery which were in the small square near the entrance to my barracks. I asked Molinares what troop that was. He replied that they looked like the enemy. At the same instant I saw them seize the artillery."

"On arriving at the door of the barracks I met General Castillo, who probably came from his room. We had just entered when we saw Lopez coming out, who had disposed of the arms of the forty men of whom I have spoken. General Castillo demanded of Lopez, 'What is the matter, Colonel?' He did not reply; he came to me and said, 'Save the general, all is lost!' I then told him that I would go and gather together some picquets of my battalion, who defended the fortified line, to see what he would do. 'No, no,' he said, 'let everything remain as it is.' Several Republican officers, who were unknown to me, were there with pistols in their hands. I went away and hurried to the nearest posts where the troops of my battalion were, in order to rally them; but it was in vain, as Lopez, at the head of a column of the enemy, accompanied by their officers, marched to all the points occupied

"by our troops; surrounded and disarmed them. I believe that confusion was the reason why we were not then made prisoners. I followed Lopez, who executed with great rapidity the operations of which I speak, up to San Francisco, where I left him. When I descended to the 'Plaza' I saw picquets of the Imperial corps defiling in the same direction, *Exploradores de Mexico*, hussars, the escort of the Emperor, and the small troops commanded by Jablonski. The first three picquets were stopped, surrounded, obliged to dismount and to deliver up their arms; but Jablonski, with his section, crying '*Viva la Libertad!*' freely passed on, and, turning to the right, took the road to the '*Congregacion*,' where I was made prisoner."

"At the break of day the Emperor had risen," says an eye-witness of that tragedy, "and almost immediately he apprehended that an extraordinary event had occurred. Awakening the Prince Salm-Salm, his aide-de-camp, Maximilian went towards the outer yard of the convent; but he had scarcely taken a few steps when a detachment of soldiers, under the command of Colonel Rincon Gallardo, surrounded him. Lopez accompanied that detachment; it was he who pointed out the Prince to his enemies, calling out in a hoarse voice, '*Aquel es, agarrale!*'—'That's he, seize him!'"

To the honour of that Liberal officer, however, be it here remarked, that he, with a heart full of sympathy and generosity for the fallen Emperor, being internally desirous that he should escape, and disgusted with the treason, approached him as though he did not recognise who it was (Maximilian being in civilian costume), saying, "*Usted es un particular y no un soldado; no tenemos que decirle a usted. Andale!*"—"You are a private individual and not a soldier; we have nothing to say to you. Away!" and he delicately put the Prince outside the convent.

This opportunity of escape was not taken advantage of. The game was now up—all was lost; still, with an inexplicable obstinacy, and an extraordinary lack of judgment, being apparently unwilling to succumb without a final effort,

the Emperor hurried away to the heights of La Campana, at the other extremity of the city.

"Towards that same point the Imperialist officers and soldiers who had not yet been captured were going in confusion, pursued by the cavalry of the enemy.

"Up to that time only a few shots had been fired. General Corona, at all times prompt in his movements, had made the principal part of the Liberal army enter into the convent first, and afterwards into the town. He then flanked all the positions of the Imperialists, when the defenders threw down their arms, exclaiming, '*Viva la Libertad!*' But Miramon was not disposed to yield so easily. Rallying a portion of the regiment of the Empress, which he met in the street of *Las Capuchinas*—the principal street of the city—he checked the assailants. The first discharge wounded Miramon in the face, under the left eye, which momentarily deprived him of sight. Before he had recovered from the shock all his soldiers had surrendered, and he was prisoner in a neighbouring house!

"During this time Maximilian had reached the Cerro de la Campana, a fortified hill which commanded the northern part of the city; he had been rejoined by his generals, Mejia, Castillo, and Avellano, by the Prince Salm-Salm and several others of his officers; but it soon became evident that all resistance was impossible. Four battalions of infantry and all the Liberal cavalry surrounded the Cerro.

"The white flag was then hoisted, and the Emperor, with all his staff, surrendered to General Corona. Permission was granted to the prisoners to retain their horses, their arms, and their personal effects, and some hours afterwards they were conducted to the convent of La Cruz."

The siege had continued for sixty-eight days. "The Emperor lived like a common soldier; full of hope, illusions, and abnegation, he exposed himself with singular indifference. His conduct has not ceased to be an example of chivalrous courage, and a matter of admiration to all."

The following despatch from Baron de Lago, the Austrian Minister, on the events of Queretaro, is replete with interest:—

"Mexico, 25th June, 1867.

"I trust your Excellency has received my letter of the 30th ultimo, and will permit me to give you an abridged account of the events which have happened since, so far as time and circumstances will allow me, reserving details for another occasion.

"Notwithstanding the obstacles which Lieutenant-General Marquez placed in my way, I was able to leave Mexico on the 31st ultimo, by the Chalco canal, and, after a journey of three days, I arrived at Queretaro on the night of the 3rd of June. On the following day I obtained from the general-in-chief (Escobedo) permission to see the Emperor as often as I pleased. I immediately went to the prison of the Convent of Capuchinas, where I found his Majesty on a sick bed, suffering from dysentery, but in good spirits and courageously resigned.

"Some hundreds of soldiers were lying on the stairs and in the passages through which it was requisite to pass, in order to reach His Majesty, so that it was necessary literally to pass over their bodies. The chamber itself was a cell situated at the bottom of a corridor on the first story, about ten yards long and three yards wide. It contained nothing but a camp-bed, a cupboard, two tables, an arm-chair, and four other chairs, all rush-bottomed; the floor was roughly paved with tiles; it had a door and window opening on to the corridor.

"At the door a sentry was placed, and before the window an officer was lying on a mat. At night, a general and three colonels stood sentinel before the Imperial chamber, with revolvers in their hands.

"The two Imperial generals, Miramon and Mejia, were confined in two cells adjoining that of the Emperor, and were able to converse freely with their Sovereign. At a short distance (not in the character of prisoners) were

Doctor Basch, the private physician of Maximilian, and two European servants.

"From the moment of my arrival I had almost daily interviews of several hours with His Majesty, who invariably treated me in the kindest and most courteous manner. His Majesty also frequently saw my colleagues, who had likewise arrived at Queretaro; the resident minister of Prussia; the Chargé-d'affaires of Belgium, Monsieur F. Hoorickx; and the Chargé-d'affaires of Italy, Monsieur Curtopassi, towards whom he showed much courtesy and amiability.

"In the interval, in consequence of the grave and desperate aspect of affairs, we were persuaded that the two advocates, Riva Palacio and Martinez de la Torre, who had come from Mexico, would act more efficiently in the interests of the cause of Maximilian in San Luis, the seat of the Republican Government, and, therefore, the place where the case would be definitively decided, than at Queretaro, where the other two advocates, Ortega and Vasquez, had better remain.

"Shortly after the arrival of the first two advocates at San Luis we heard from them, by telegraph, that their efforts had completely failed, and that the request they had made, that the tribunal appointed to try the Emperor should be declared incompetent, had been refused.

"That tribunal was composed of six captains, presided over by a lieutenant-colonel. The advocates had proposed that the cause should be sent before a Court-martial composed of generals, or before the National Congress.

"On the receipt of this unfavourable news, conveyed to us the same day by express from the advocates at San Luis, Baron de Magnus, Minister of Prussia, departed immediately for that city, to attempt a last effort for a better result, or to obtain, at least, a suspension of the judicial proceedings. In order that nothing should be wanting on my part in whatever way I could be useful to the unhappy Imperial prisoner, I offered, even though I might not be called to San Luis by telegraph, to accompany my Prussian

colleague, particularly as his chancellor was very ill in Queretaro.

"It was not until after the solemn declaration made by the advocates who were staying with me and my colleagues, that the presence of an Austrian Minister at San Luis could only injure the cause of the Emperor, that I renounced the project of going, for which His Majesty heartily thanked me the same evening, as he wanted me very much to be at his side. The Emperor placed no hope in the negotiations commenced at San Luis; and with reason, as the result has shown, he anticipated absolutely nothing from that quarter for his life and honour.

"On the 12th and 13th the process commenced in the theatre of the city; the Court-martial as well as the accused were on the stage, and the public were in the stalls and boxes; the theatre was faintly lit up. As His Majesty, partly on account of his indisposition, but principally from a sense of wounded honour, would on no condition, short of actual compulsion, appear in such a place, the proceedings respecting him were suspended, and the court began with the generals Miramon and Mejia, who also had to be forced to appear on the stage.

"At length, on the morning of the 14th, the Imperial advocates commenced to plead, after they had shown that the process might take place and the judgment be legally pronounced without the presence of the accused before his judges. At a future time I shall be in a position to render to your Excellency a more detailed account of the thirteen points of accusation and the defence. Besides the usurpation of supreme power, civil war, &c., the most prominent point in the accusation was the sanction given to the law of the 3rd October, 1865, in conformity with which, according to Liberals of note (*notabilités libérales*), 40,000 persons had been executed in the country after that date.

"At nine o'clock in the morning of the 14th an adjutant of General Escobedo came to look for Messieurs Hoorickx, Curtopassi, Forest (late French Consul at Mazatlan

and chargé of confidential powers of the Ambassador of France), and myself, and conducted us to the head-quarters. There the order was given for us to leave Queretaro within two hours. We had scarcely time to inform his Majesty of that measure and to pack up our luggage, when a second order enjoined us to quit the city immediately.

"A quarter of an hour afterwards a diligence which was placed at our disposal conveyed us from Queretaro. A passport for the towns of Cuautitlan and Tacubaya was given to us by the adjutant, who declared to us in the name of General Escobedo that if we did not instantly leave Queretaro, or if we returned within seven or eight days, it would cost us our lives.

"On the evening of the 16th, after a tedious journey, we arrived at Tacubaya, where we learned that General Marquez did not by any means intend to surrender the city of Mexico, but that he continued to despoil and ill-treat the inhabitants in the most shameless manner, whilst he caused it to be officially announced that the Emperor had obtained brilliant victories, and that he might be expected daily.

"Famine had made fearful progress in the capital; one-third of the inhabitants had run away towards the positions occupied by the Liberals, where extreme misery reigned and horrible epidemics began to make their ravages.

"In the camp of the Liberals exasperation against General Marquez, against the other Imperial generals, and against the officers and soldiers serving under their orders, reached its highest pitch, seeing that it was impossible to admit that these could be still in doubt as to the fate of the Emperor. They were therefore reproached with a desire to cause useless effusion of blood without any chance of success, from sheer passion and obstinacy.

"All the superior officers, Mexican and European, were then on the list of those who should be executed after the taking of Mexico. On the other hand, His Majesty the Emperor had described General Marquez to me—as well

as to my colleagues—as the greatest traitor, who, from the time that he left Queretaro, had always acted in a manner directly opposed to the instructions which he had received from the Emperor. Thus, the Emperor told me that General Marquez had never been authorized to march on Puebla, but that he had received orders to repair with the garrison of Mexico and the money deposited in that city to Queretaro, where he might then have offered a decisive battle to the principal army of the Liberals, the issue of which would certainly have been favourable.

"Having waited some weeks in vain for the return of General Marquez, it had been resolved, after many combats always successful against the besieging army (six times more numerous), to abandon Queretaro and march on Mexico; he should have left on the morning of the 15th; but at 3 o'clock, A.M., the traitor Lopez, up to that time a great favourite of the Emperor and commander of the fortified convent of La Cruz, had introduced the enemy into that position, which commands all Queretaro.

"The Emperor himself related to me that with the intention of rejoining his troops there he had gone to the well fortified hill of the Cerro de la Campana, which is on the west side of the town.

"There he would have awaited General Miramon, but in the interval the latter had received a severe wound in the face and had been made prisoner. Thus the precious time, which might have been utilised by opening to himself a road for escape, passed away without benefit. When the Emperor heard of the fate of Miramon he thought no more of flight.

"The majority of the Imperial troops, who during the siege had shown themselves so brave and so faithful, had been surprised and found themselves prisoners all scattered about. Even General Mejia advised the Emperor to surrender, seeing that assaulting columns of the enemy were approaching from all points with a terrible fire. The

Emperor himself at that moment took the white flag, and surrendered himself to the General Riva Palacio, the son of his present advocate.

"Four days previously, Colonel Lopez—that traitor!—had presented himself at the quarters of General Escobedo, and traded his treason for the sum of 2000 doubloons, on account of which, however, it appears he only received about 7000 dollars. The Emperor himself told me that Lopez had sold him and his troops for about eleven rials (five shillings and sixpence) per head.

"As soon as I arrived at Tacubaya, I addressed an official communication to the officers of the Austrian staff, to inform them of the fall of Queretaro and the captivity of His Majesty. At the same time I stated that an autograph letter from the Emperor, in which he requested them to put an end to a useless effusion of blood, and which I had sent to them by Baron Magnus, had been intercepted by General Marquez; and I told them that, under the circumstances, it was my duty to hold them responsible before His Austrian Majesty, our gracious master, for the life of every Austrian soldier lost in a useless manner.

"I offered to have an interview in the trenches during the night with Colonel Khevenhuller, to divest him of the least doubt as to the authenticity of the fate of the Emperor. At the same time I entered into communication with General Porfirio Diaz, for the purpose of obtaining the most favourable conditions for the Austrians. General Porfirio Diaz declared a proposition from the Austrian officers, to be allowed to present themselves at Vera Cruz with arms and baggage, to be wholly inadmissible, because the foreign troops had for two months supported the violent and cruel tyranny of General Marquez.

"Ultimately General Diaz and myself agreed on the conditions of the capitulation of the Austrian troops and their officers—conditions which the General designated as the extreme concessions of which he could take the responsibility in the face of his Government. General Diaz

refused to give me a written declaration, but declared to me and to the witnesses present—Monsieur Frederic Hube and Governor Baz—that he, on his word of honour, engaged to have the stipulations observed. It was in that sense that I communicated to the Austrian superior officers the last conditions of the General, which were nearly as follows:—

"1st. The principal condition of the present convention is that from this moment the Austrians shall withdraw themselves from all participation in hostilities against the Republican forces.

"2nd. If, between this and the morning of the 21st—that is to say, within forty-eight hours after receiving the stipulations—the Austrians leave the city and deliver up their arms, General Porfirio Diaz guarantees to send them to Vera Cruz at the expense of the Republican Government; but he desires that the arms and horses should be given up, with the exception of the swords and horses of the officers.

"3rd. In case of a fight, if, without taking any part therein, the Austrians retire within the palace and hoist the white flag, the General can only guarantee their lives; in all other respects the Republican Government will decide.

"4th. These conditions also apply to the other soldiers, not being Mexicans, placed under the command of Austrian officers, according to the second condition.

"At five o'clock in the evening of the 20th we heard at Tacubaya that these points had been accepted without reserve by the Austrian officers. They declared at the same time that, on the following day, at ten o'clock in the morning at latest, the Austrians would leave Mexico, and deposit their arms at Tacubaya. Unfortunately, negotiations had been entered upon, with the object of a capitulation, by General Tabera, Commandant of the City of Mexico in the place of Marquez—who had concealed himself—which were completed about midnight.

"On the 21st, about five o'clock in the morning, the Republican troops were to enter Mexico—which, in fact,

took place. Therefore the fulfilment of the second point on the part of the Austrians became impossible, without any fault on their side.

"The Austrians were concentrated in the palace, and after the entry of the Republican troops their arms were not demanded from them. The Austrians and a party of foreign troops were to leave the next day for Puebla; there they would await the decision which the Republican Government might definitively arrive at respecting them."

All the Austrians were subsequently sent to Vera Cruz, from whence they embarked.

Completing this sketch in the words of Mr. Stephenson's letter:—

"The besiegers, immediately after the fall of Queretaro, advanced to join Porfirio Diaz in the siege of Mexico, which was defended by Marquez with the energy of desperation.

"For a long time neither provisions nor fuel had been allowed to pass into the Capital, and already many of its inhabitants were perishing of hunger when Queretaro fell.

"Marquez was officially advised of the capture of the Emperor with all his officers, and he was requested to deliver up the Capital, which he no longer had a legitimate motive for defending; but he sternly refused, and concealing the intelligence, he actually ordered rejoicings to be celebrated for a fictitious victory of Maximilian, which he invented in order to deceive his soldiers and the people.

"Now did Maximilian experience the sad result of his own bad act, in appointing the savage Marquez to be his General-in-Chief and Governor of the Capital; for this monster, taking counsel only of his own ferocious nature, heeded not the peril of his master and of his old companions, but, regardless of what their fate might be, resolved to continue a useless defence—and thousands of people miserably perished by battle, pestilence, and famine!

"Not only did Marquez disregard the death and suffer-

"ings of the poor, but in order to extract money from the rich, he imprisoned all that refused to comply with his demands—not merely natives, but likewise British and foreign merchants, without distinction; and we are told that, with a characteristic refinement of cruelty, he had them placed in rooms at the highest storey, exposed to the greatest heat, and to the flying balls—and refused to give them food until the money he wanted was paid.

"Of course, all business and trade were suspended, and the streets deserted by all the men of peace; because the press-gang was ever active to catch all it could, to oblige them to take part in the defence, so that only women or children, or aged men, could venture in search of the scanty means of subsistence.

"We are not yet fully acquainted with the horrors of that dread time in the City of Palaces, the beautiful Mexico; but the following incident, related in a letter from that place, dated the 27th of June, may afford an idea. The writer mentions, that in a family consisting of father, mother, and three small children, the mother sickened and died, and nothing to eat remained in the house. The father ventured out to seek provisions for his little ones, locking the door to keep them safe until his return. He was caught by the remorseless press-gang, who hurried him off, regardless of his prayers and deep despair; and when, after three days, he by some means succeeded in reaching home, he found all his young children sleeping with their mother—in death!

"When such heartrending disasters were being caused by Maximilian's officers in Mexico, for above a month after the Emperor became a prisoner; and similar miseries were taking place, although on a smaller scale, at Vera Cruz, which port also refused to surrender; when people in all parts of the country were being distressed by ruinous exactions to maintain the war; and when more than 20,000 men, women, and children had perished in the sieges of Mexico, Queretaro, Puebla, and Vera Cruz—

"can we wonder that at length arrived the hour of retribution for the man, who, by his culpable folly and wrong-headedness, had made himself the direct visible cause of all these sufferings and deaths?"

"In Mexico it is well known that Juarez is not a sanguinary man, but that he is, on the contrary, averse to the shedding of blood; and when he previously triumphed, in 1860, in that second great contest with the Conservatives, he allowed all his enemies to escape, and did not order a single execution, after concluding by force of arms a civil war of three years.

"The delay which took place in the execution of Maximilian and of his principal Generals was doubtless owing to the secret desire of Juarez to find some plausible occasion for sparing their lives; and if Mexico and Vera Cruz had capitulated when their commanders received official advice of Maximilian's capture, such an opportunity for the exercise of clemency probably would have been furnished in the universal joy of the nation at the restoration of the long-desired peace.

"It had been expected that, as a consequence of the signal triumph at Queretaro, the Capital and Vera Cruz would be delivered up; but when Maximilian's own General-in-Chief continued a useless but terrible conflict, the indignation of the impatient people could no longer be restrained; and on the 19th of June, after thirty-five days of suspense, the decree of a court-martial was carried into effect, and Maximilian, together with his Generals, Miguel Miramon and Tomas Mejia, was launched into eternity."

Wednesday, the 19th day of June, 1867, is a memorable date in the history of Mexico. Ere the sun, which on that day seemed to shine with more than usual splendour, should have set, Maximilian would be no more.

At 6 A.M. the *cortège* left the convent of the Capuchinas. The glories of that beautiful morning burst suddenly upon them as they entered their carriages, each prisoner being attended by a priest. Their sombre garments and saddened

faces stood out in striking contrast to the charm which nature yields so unsparingly in that delightful climate. Maximilian, enthusiastic to the last, could not refrain from expressing his admiration. On reaching the threshold, turning to his advocate, Ortega, he exclaimed: "What a beautiful sky! It is just like this that I should have wished the day of my death to be."

Four thousand soldiers formed an escort. The procession slowly wended its way to the Cerro de la Campana, a hill in the suburbs of Queretaro, which was the place selected for the final scene in the life of the illustrious prisoner and of his companions in arms, Generals Miramon and Mejia.

On arriving at the place of execution—about one hundred yards from the spot where he had surrendered himself on the 15th of May—the calm demeanour and courageous bearing of the ill-fated Emperor testified to the dignified resolution with which he met his fate.

On alighting from his carriage, he coolly brushed off some dust from his dress, and then, with head erect and with a firm step, he walked to the spot where he was to be shot.

To each of the firing party he presented a twenty-dollar gold coin, and enjoined them to aim at his breast.

The young officer who was in command approached the Emperor, and said how much he dreaded that their blood would be on his head, whilst he disapproved from the bottom of his heart the mission he was forced to fulfil.

"Young man," the Emperor replied, "the duty of a soldier is to obey. I thank you for your compassion; but what I request is that you may accomplish the order which has been given to you."

The Emperor then approached Generals Miramon and Mejia, and, with emotion, embraced them, saying: "We shall soon see each other again in the other world." The Emperor, who was in the middle, addressed himself to Miramon: "General, sovereigns also admire the brave; and on the point of death I wish to cede to you the place of honour." Then, turning to Mejia, he added: "General,

"he who has not been rewarded on earth will certainly be so in heaven." Mejia was the most affected of the three. A few minutes previously he had seen his wife—her infant in her arms and her bosom bared—run across the street as though she had been struck with insanity.

The Emperor advanced a few steps, and in a clear voice, with remarkable self-possession, addressed the troops—[vide p. 178.] He then retired a few yards; and, with one foot forward, lifting his eyes toward heaven, he calmly pointed to his breast, and tranquilly awaited death.

Miramon drew a paper from his pocket, looked around like a commander on the 4000 men stationed before him, and said: "Soldiers of Mexico! citizens! here you behold me condemned to death for treason. At the moment in which my life is no longer my own—when in a few minutes I shall be dead—I declare before all of you, in the face of the whole world, that I have never been a traitor to my country. I have fought in the interests of order, and it is for that cause that I this day fall with honour. I have children, but they can never be hurt by the calumny with which I have been basely assailed. Mexicans! long live Mexico! long live the Emperor!" He spoke in a stentorian voice. All hearts were moved, and many eyes were filled with tears. The Emperor was so near to the muzzles of the muskets of the firing party that his dress caught fire. The Baron de Magnus, Doctor Basch, and a Mexican surgeon attended that horrible scene. By their care the fire was immediately extinguished, and the corpse of His Majesty, covered with a pall, was delivered into the hands of the medical men, who forthwith embalmed it.

The Emperor Maximilian was born on the 6th of July, 1832, and married the Princess Charlotte, daughter of the King of the Belgians, who was born on the 7th of June, 1840.

He died on the 19th of June, 1867, in the 35th year of his age, and the fourth of his reign.

PART II.

INCIDENTS

CONNECTED WITH THE JUDICIAL PROCEEDINGS AND DETAILS OF THE EFFORTS MADE BY THE ADVOCATES AT THE SEAT OF THE REPUBLICAN GOVERNMENT.

Translated from the original Spanish.

THE ADVOCATES' PREFACE.

A DEFENCE of the life of a human being is one of the gravest trusts that can be undertaken.

To defend the life of a public character is to accept a trust of still greater gravity, inasmuch as it involves the profoundest anxiety.

The attainment of the desired result of a defence affords the keenest satisfaction. To raise a scaffold as its termination implies a melancholy series of emotions: hope is displaced by anxiety, anxiety is succeeded by dismay, and dismay ends in deepest grief.

The death of the Archduke of Austria, as a judicial result, was destined by the statute of the 25th of January, 1862, which, in obedience to the highest authorities, was