

although, amongst the considerations in favour of the Archduke, we had already explained under every aspect, including our foreign relations, the expediency of a pardon, still we again entered into a discussion thereon.

Mexico, by granting a pardon, would be looked upon as a generous nation—which, energetic in her national troubles, was wise and merciful towards a Prince, who, having been seduced by the enchantments of a Crown in the New World, could not imagine that it would end on the scaffold, because his mind was possessed with one idea—the happiness and felicity of the aggrandisement of an Empire which was described to him as willing and desirous to submit to that new *régime*: and where the remorse of a premeditated injurious intention is wanting, scaffolds are not presented to the imagination, because the love of a people who proclaim a king is not considered a crime of such a nature as to cause their erection. That proclamation might not be universal, nor the spontaneous feeling of a country; but if factions are deceived, why cannot a man also deceive himself? The vote of a faction, or the fractional part of a faction, is frequently the basis of a power opposed at its inception, but which at last conquers by winning the affections of the contending parties themselves. Might not this have been the intention of Maximilian? Is there nothing of an extenuating character in an intention which is as far from crime as good is from evil? In the scale of penalties itself, must we necessarily strain for the last, which is so repugnant to a fundamental principle of our Constitution? Would it not be more glorious and beneficial to Mexico to detain Maximilian as a prisoner, either in the fortress of Perote, or elsewhere, well guarded, in the meantime that Congress resolved on his fate? Is it not evident that we should then see the monarchies of Europe asking from the Republic—the Mexican *democracy*—the life of a Prince, his liberty, and his salvation? What grander monument could history raise to the democracy of Mexico than to say: “It conquered the Empire and consolidated the Republic, which was defended with the valour

“and enthusiasm that liberty inspires: it pardoned the Emperor, and spared his life from the scaffold, because the fundamental law of the victorious Constitution, in its philanthropic wisdom, prohibits capital punishment!”

This was an idea which presented itself in a thousand phases—to save from death the Prince who confided his defence to the honour of a few Liberals.

This idea—our final effort up to the latest moment—was morally a great hope of reconciliation, because from three to four months had to expire before the meeting of Congress, in which the feelings of the Mexicans would experience that inexplicable emotion which moves the fraternal affections of brothers, who, divided to-day, to-morrow weep together in the family circle over the sufferings of the misguided.

The tears of the vanquished are the most irresistible appeal for pardon.

During this struggle against the Empire, an incident occurred in which a father, captured by his own sons, was presented by them to the officer, who had the power to decapitate him. Overwhelmed by anguish, because the life of their parent was most dear to them, the sons vacillated in their actions; they trembled at the law, which condemned those who served the Government (Empire) that emanated from the Intervention; but they feared that some other partisan of the Republic would capture that man who was the author of their existence. Conceal him!—Where?—why? Is there not a severe law against those who do not present themselves? Was not death, then, most probable? The only prudent resolution was to deliver up their father, and ask for his life in the name of the services rendered to the Republic by the sons.

How many instances may be cited in which fathers who were in the services of the Empire had sons in the ranks of the Republic! How many brothers, previously divided, embraced each other in an encounter of arms! In the face of this picture, could the world (divested of political feeling) believe the application of capital punishment to the servants

of the fallen Empire to be just? Would the pardon of its Chief, which reflected the conscience of a nation, meet the disapproval of history? Would it not be more honourable for Mexico that, pending the pardon, intercession should come from all Foreign Courts asking for the life of Maximilian? Would there not be greater glory in receiving petitions from all the Sovereigns, and in laying before the country on the opening of the General Congress, raised to so high a position, the fact that they who brought the Intervention prayed as a favour for the life of the Prince compromised in that expedition?

If, morally, a pardon signified the reconciliation of the Mexicans, and the aggrandisement of our country in its external relations, what objection could be raised against that pardon by those who possess feelings of patriotism? By a debate in the Chamber, on this grave question, the country would rivet the attention of the Sovereigns themselves, who, breaking the links of friendship with the Republic, despatched their invading forces to a friendly nation, which had offered no offence to Europe calling for a war. Whilst the life of Maximilian depended on the vote of the nation, represented by its deputies, the electoral camp, perhaps for the first time, would have been visited by men of all sections. The life of Maximilian was the rainbow which announced to the conquered the end of their calamities; his death was an alarm for the unfortunate, who, possessing in their hearts remorse on account of a grave deception in the Empire, had to tremble before the threatening power of a law enacted as a reply to the challenge of the Intervention. That anxiety—that false position—could not be prolonged, because it was pernicious to the country. It would appear that the death of Maximilian was a concession which the Government made to party exigence, and that concession would raise many scaffolds which would cause tears to flow in abundance.

Señor Lerdo, ever attentive to all our observations, said: "We have been debating on a question of pardon prema-

"turally, because you look upon the verdict of the Court-martial as the certain announcement of the death of Maximilian; and without being able to say that the resolution of the Government is taken, *inasmuch as that is a point reserved for deliberate and serious consideration*, I am anxious to give you some reply to the considerations which you have presented in this conference.

"The pardon of Maximilian might be very disastrous to the country, because, judging from what is known of his changeable character, there would be but little probability that he would abstain from every other temptation. The civil war may, and ought to, conclude with the reconciliation of the contending parties; but for that purpose, it is incumbent on the Government to destroy the principal elements of any confusion that might be probable. In this trial justice fulfils one of its duties, and the nation would demand from us an account of an indulgence which might expose it to the dangers of a renewed agitation. Internally, forgiveness, far from being a link of union, would, for ever, be the cause of recrimination between the supporters themselves of the Mexican nationality; that, indeed, would produce a dangerous disquietude, which might compromise all the future, by relaxing all power of authority. The Government has already meditated, and still meditates, with the greatest deliberation, on the danger of a pardon, and the consequences of death; and if the Government should resolve on refusing a pardon—which question it will study when the time arrives—be assured that it will have considered the national feeling, justice, public safety, and the necessity of establishing peace in a country which, without this new monarchical element, had experienced, during a period of more than fifty years, sufficient to crush it. Who can believe that those obstinately unforgiving men would remain tranquil, to whom the advance of society, its progress, and its institutions, are evils to which they are averse—and which excite them to revolution? Who can guarantee that Maximilian would

"reside at Miramar, or wherever Providence might take
 "him, without sighing to return to a country of which he
 "considered himself to be the elected Ruler? What gua-
 "rantee could the Sovereigns of Europe give, that we should
 "not have another invasion to restore the Empire? Euro-
 "peans do not wish to behold the Mexicans as men worthy
 "of forming a nation. They entertain towards us the
 "meanest ideas; they imagine that Republican institu-
 "tions are the vertigo of a demagogic people, and they
 "might persuade themselves that it would be of more
 "service and greater honour for this country to promise
 "Maximilian before long to again attempt the establish-
 "ment of the Empire. The fatal inspiration which animated
 "the Intervention might revive, and the Governments of
 "Europe, under the pretext of moralising us, by wounding
 "the purest morals, would equip fresh legions, who, although
 "foreigners, would carry the Mexican banner to re-establish
 "the power of one whom they called an Emperor. Pardon
 "might in such a case be disastrous; and to the disdain
 "and ingratitude with which this conduct would be viewed,
 "we might add, perhaps in a greater degree, the repulsion
 "of factions: we should increase their hatred, and gradu-
 "ally might be raised the fearful cry of reproach for treason.
 "By one faction continually casting their glances on Mira-
 "mar, a new violation of the principles of national rights
 "would probably not be remote; and the Independence of
 "Mexico might then have to pass through even greater
 "dangers than those which, at the cost of so much sacrifice,
 "it has been found possible to overcome in the present crisis.
 "It is indispensable that the existence of Mexico as an
 "independent nation should not be permitted to remain
 "subject to the arbitrary will of the European Governments;
 "it is necessary that our reform, our progress, and our liberty,
 "should not be at the mercy of any European sovereign
 "who might wish to patronise some one, who, styling him-
 "self Emperor of Mexico, might aspire to be the dictator of
 "the degree of national liberty, or slavery, most desirable

"to himself. The existence of Maximilian might be the
 "cause of attempting the establishment of a Viceroyship,
 "and foster a hope to nourish by that subterfuge the recri-
 "minations of factions, the seditions of a desperate situation,
 "and so to incite a mutual antipathy, more deeply rooted
 "than any which, up to the present time, has been expe-
 "rienced by political discord. The return of Maximilian to
 "Europe might serve as a weapon put into the hands of
 "the calumniators and enemies of Mexico, which would be
 "used as a means of restoration, by ever provoking a con-
 "flict to create transformation in the institutions of the
 "Republic. It is bordering on fifty years since Mexico has
 "been observing a system of clemency and mildness, the
 "fruits of which conduct have been anarchy at home and
 "contempt abroad. Now, or perhaps never, may the
 "Republic be able to consolidate itself."

It is impossible to repeat, with precise exactness, every-
 thing which Señor Lerdo stated in support of his opinion,
 that of the Ministry, and of the President, in case the
 pardon was refused; but we perfectly well remember his
 concluding remark:—"The Government, which has fought
 "for the Republic with a blind unfaltering faith in the
 "future, will not now compromise any of its grave interests
 "by the precipitate resolution of pardon to Maximilian.
 "The Government will faithfully study what you have ex-
 "pressed, and the resolution it may arrive at will emanate
 "from a dispassionate conscience."

We found ourselves at the last extreme of our solicitude,
 as at a later moment it would be fruitless, and we exerted
 our judgment to argue against the ideas expressed.

We portrayed the country already master of its fate, free
 from any new enterprise that might upset the Republican
 institutions; and predicting their more permanent establish-
 ment, and the most speedy advent of peace, we asked for
 pardon.

This was not the time to dispute that right to avenge
 which protects nations, and which every country has availed

itself of in their great commotions. We had to create an idea to lay before statesmen, which, operating on the passions of the multitude, might produce the effect of a merciful, liberal, and magnanimous resolution. We had to eliminate those dark questions of crime and treason to the country, which inflame the passions, and to say to the Government:—The nation will be greater by extending pardon, than by its triumphs. The country is more noble when it pardons than when it chastises. Pardon is a national benefit, which binds by gratitude; blood, shed as a punishment, is the poisonous product of a spirit of vertigo and ruin, which terrifies even those who have spilt their own blood for their country in the struggle. The world, which now contemplates Mexico, will render justice, on observing her institutions raised on the ashes of the Empire. Then will be displayed the force of virtue in the Republic, which, with the majesty of an upright judge, and in conformity with the most brilliant conquest of our Constitution in its prohibition of capital punishment for political offences, calmly and dispassionately considers those who undermined her institutions. That moral triumph will be greater than arms could accomplish; and all men of reflection in Europe and the United States, as well as those of feeling, will extol this patriotic nation, which possesses, besides the name, the virtues of a Republic. It has been victimized to the projects of a Monarchy, but the people of nations generally have retained the highest esteem for Mexico. Our exiled soldiers have received innumerable demonstrations of regard in Spain and France. The former distinguished herself by opening subscriptions for the distressed Mexicans, after giving them a cordial hospitality.

Every farthing received in Europe by our soldiers, in that bitter situation, ought to cement our union with those nations, which, in the face of their Governments, raised their voices in favour of the Mexican Republic.

The Government, superior to the exigence of the moment, with that impartiality with which it considers all opinions

that are expedient and honourable—with that wisdom which should ever guide its actions—may, by pardoning Maximilian, manifest to the understanding of this generous people, that it is an act of great political prudence to retain him prisoner, in the meantime that the nation takes into consideration, pending the important day of the assembling of Congress, the verdict of the Court-martial, and the reasons for its commutation.

Our ultimate hope rested in the reservation of the Government to deliberate at leisure over our suggestions.

On the 14th we received the following message:—

“Telegram from Queretaro. Received in San Luis Potosi at 3 P.M. on June 14, 1867.

“To Señores Don MARIANO RIVA PALACIO and Licentiate Don RAFAEL MARTINEZ DE LA TORRE.

“The Court-martial rose at half-past 12 to-day,—the Fiscal’s conclusion having been read—DEATH—and the defenders having replied. The Court-martial is de-liberating at this moment with closed doors.

“ORTEGA.—VAZQUEZ.”

On the 15th we received this:—

“Telegram from Queretaro. Received in San Luis Potosi at 10.50 A.M. on June 15, 1867.

“To Señores Don MARIANO RIVA PALACIO and Licentiate Don RAFAEL MARTINEZ DE LA TORRE.

“Last night, at half-past 11 o’clock, the deliberation of the Court-martial concluded. Although we do not know the result, we fear it, and consider that steps should be taken the same as if it were made known. At this moment, 9 o’clock A.M., we despatch your courier, whom we had detained.

“VAZQUEZ.—ORTEGA.”

It was then necessary to present a second and hasty memorial in writing, which was as follows :—

“ CITIZEN PRESIDENT,

“ Mariano Riva Palacio and Rafael Martinez de la Torre, to the Citizen President of the Republic, approach with due respect ; showing :—That news of the adverse verdict given by the Court-martial held in Queretaro on the Archduke Maximilian has reached this city. He has been sentenced to capital punishment, and we his defenders, recalling the attention of the Supreme Government to the former Appeal we presented, soliciting a pardon, in the event of its being necessary to sue for it, again repeat our supplication praying for the pardon of the life of the Archduke.

“ The verdict which has been pronounced is, according to what we foresaw under existing circumstances, the inevitable result of the application of the terrible law of the 25th of January, 1862, which, by placing in certain hands an immense power for the safeguard of liberty, exposes it to humiliation and misapplication, by sacrificing all the formalities of a trial, which are the guardians of life and honour. By that law everything is left to the caprice of judges incompetent to form a correct opinion on the nature of the excuses and defence of the accused.

“ The death of Maximilian and the other persons who accompany him—having surrendered at the discretion of General Escobedo—weighed in the balance of political justice, may be a merited punishment ; but that, morally, has been satisfied already by the sentence pronounced, and his execution is unnecessary and inconvenient. The termination of the Empire is definitive, because the existence of the Republic is secured. Any debate of the nation on those two forms is an impossibility : party passions and interests might, perhaps, adopt another banner, if discord and anarchical agitations were not suppressed by the President, who has so effectually liberated the country from the dangers of a foreign domination. The way to attain this

object was, undoubtedly, that of the most unflinching energy. The Intervention had no other worthy enemy than the most complete resistance to all military and diplomatic powers. The soldiers of the Intervention were, nevertheless, frequently exempted from capital punishment ; and the Government, undoubtedly, acted wisely in moderating a regulation which cannot be an invariable rule of conduct. Above and beyond what is inscribed in the law, there is the discretion of Governments, which, guided by a true and fair criterion, is the most efficacious power for good. The power of the so-called Empire being ended, the most urgent requirement is peace, which will follow on moderation of the excessive rigour of the law enacted under quite exceptional circumstances.

“ Unflinching energy to resist the Intervention cannot be of the same effect for internal questions. The object of the former was the departure of the foreign forces from the ports of the Republic ; and the latter ought to have a solution which should not be one of extermination, although such may be authorized by law. The vanquished having received a lesson by sad experience, the remembrance of the painful events which we have witnessed will be sufficient to establish tranquillity, which cannot be obtained by that exasperation of their troubles, and that threatening of their existence, which is to be feared in the execution of the sentence of the Court-martial.

“ To prevent evil is the wisest step of all Governments, and in the order of probabilities, rigour prepares rather than excuses the lamentable scenes which precipitate the people into divisions and anarchy.

“ How much grief and sacrifice would have been obviated in some countries, if the heads of the Governments could have foreseen the mournful consequences of excessive rigour ! Never has this served to establish peace.

“ The President will forgive the repetition of any remark made use of in our former communications ; but, at the same time that we are the defenders of the Archduke

Maximilian, for whom we implore the pardon of his life, we are Mexicans, who love our country, and are interested in her future, and her good name.

"The distance which separates us from the seat of trial, and the promptness with which the sentence may be executed, oblige us to supplicate the President, if he cannot immediately grant a pardon, to be pleased to suspend the effects of the sentence until it be definitively confirmed.

"This supplication is the more urgent, when we observe the resolution come to on our former application. We did not wish for a premature decision; and in order to reconcile our profession with the decision of the President, we now make our supplication in the terms just set forth.

"It would be deplorable if any material error in the telegraph—if any incident causing a loss of time—should impede the question of pardon being taken under consideration; and that a cause which, morally, is of the highest importance to the country, should conclude fatally in consequence of an accidental privation of the means of communication.

"The world at large, which watches the important episodes in the history of a nation in all their details, would have reason to censure us, if, fearing as we do a momentary suspension of communication with Queretaro, we did not cause this to be foreseen; and now that we have referred to those who, outside our country, are interested in this proceeding, the President will permit us to call his attention to this point.

"Mexico, by her relations with Europe, should fix her attention on our international right, from which the felicity of the nation may in a great measure be derived. Can it exist isolated? Can it sever its relations, almost all, in consequence of Spain, France, and England having taken the initiative in the question, and because Belgium and Austria despatched a portion of their forces as a foreign legion?

"All nations, in their differences and conflicts, have their obligations or rights, which, justly established by the ability

and wisdom of their governors, promote the felicity of the country just as, on the other hand, their prejudices, if the opportunities to do good be despised, expose them to an isolation, to a general and constant enmity, which is at all times perilous, and fraught with direful consequences.

"Nations, the same as individuals, have propitious opportunities for enhancing their interests, and the most favourable occasion is that in which the justice of a cause is universally proclaimed. On the return of the remaining forces of the Intervention to France, a heartfelt shout of condemnation of that fruitless adventure escaped from every soul. In the termination of the Empire, European diplomacy—casting a retrospective glance of ten years—must recognise the right of Mexico to maintain, in a just manner, those rules of conduct observed between nations.

"Such a brilliant opportunity will undoubtedly be followed by a felicitous result, if, by pardon, the life of the Archduke Maximilian be spared. In his tomb, if he should die, the country, unhappily, would bury five years of its international history, with their important elements of external reparation. By that sacrifice, Mexico would afford a sad instance of momentarily destroying, by one act, the most powerful element of its victory. Mexico would have said, to satisfy an ill-understood exigency of the moment, 'I close the best road which the efforts of my sons have opened up to me for their future well-being.' Mexico, by the execution of the Archduke Maximilian and his comrades—rashly seizing a banner, always fratricidal—would neither be prudent, great, nor generous. To sacrifice all the benefits that might be derived from a great victory, simply to pander to the passions of civil discord, can never meet with the approval of the nation. History and posterity will decide if there has been any error in these calculations: God grant that condemnation may not be cast back upon an irretrievable action!

"The feeling of the nation is with us. Men of all parties will consider the pardon of Maximilian as a highly politic

act, demanded by clemency, and supported by the desire for peace.

" MARIANO RIVA PALACIO.

" RAFAEL MARTINEZ DE LA TORRE.

" San Luis Potosi, June 15, 1867."

To this memorial the following reply was given :—

" Office of the Secretary of State and War.

" To Citizens MARIANO RIVA PALACIO and Licentiate

" RAFAEL MARTINEZ DE LA TORRE.

" In your communication of this date you state that, having received intelligence that the Court-martial assembled in Queretaro has condemned Ferdinand Maximilian of Hapsburg to the extreme penalty of the law, you, his defenders, ask the Government to grant a pardon ; or, in case it could not yet decide on this point, that it might in the meantime order a suspension of the sentence.

" The President of the Republic having read this new Appeal, has commanded me to inform you that, as I stated in my official letter of yesterday, it is impossible to resolve on a petition for pardon before the sentence at the trial is known, there being no sentence which can take effect until that of the Court-martial be confirmed by the military officer in command, in accordance with the ordinance and the relative laws ; and, furthermore, I repeat what I stated in my official communication of yesterday, that if the Government do not alter the dispositions of the law, and in case the sentence of the Court-martial be confirmed, it may then be referred to the decision of the Government to resolve on the question whether a pardon shall be granted or not : in that case, amongst the many considerations which must be weighed by the Government, both documents presented by you will be laid before them.

(Signed) " MEJIA.

" Independence and Liberty.

" San Luis Potosi, June 15, 1867."

A multitude of the inhabitants of San Luis Potosi were desirous of associating themselves with us in our endeavours to obtain a pardon.

Amongst those who had no party-feeling, there existed an instinctive repugnance to the shedding of blood ; and with a pleasure which, as defenders, we cannot find words to express, we observed many Liberals, who, superior to that satisfaction in a triumph which assumes an appearance of delight, longed for peace, initiated by mercy and accompanied by pardon.

To those men whom we love—to the Mexicans, of whatever opinion they may be, if in politics they keep within the orbit traced by morality—an example, rarely shown by more civilised nations than our humble but much-beloved country, was presented to us in the towns and cities *en route* from Mexico to San Luis. This example affected us with pleasure. Those cities and towns, in the triumph of the Republic, have not witnessed the excesses of that intoxication of victory, nor any factious or party wrath : no sanguinary scene has marked the restoration of the institutions, and the cries of "*Viva la Republica !*" were accompanied by generous actions in favour of the vanquished. General Escobedo—who afterwards, as Commander-in-Chief, had to confirm the sentence of death on our client—gave, during the days which preceded its execution, evident proofs that any idea to excite the passions against the conquered was far from him.

San Luis, the theatre of our fruitless efforts, is a city in which a certain spirit of moderation in political questions dominates, and that spirit of moderation was particularly manifested by the almost unanimous efforts of all classes of society in soliciting pardon. Women and men, Mexicans and foreigners, made express memorials asking for indulgence, which met with the same fate as our own. The Government was diligently occupied on the question of pardon, but held out no hope whatever ; and by this course repeated, that justice and the public conscience would

decide what ought to be done when the time arrived. We had no hope that Señor Escobedo would not confirm the sentence of the Court-martial, and on the 16th (June), about noon, we received the following telegraphic despatch :—

“ Telegram from Queretaro. Received in San Luis Potosi at 11.45, June 16, 1867.

“ To Señores Don MARIANO RIVA PALACIO, and Licentiate Don RAFAEL MARTINEZ DE LA TORRE.

“ At this moment, half-past 11 A.M., the sentence, confirmed by the Commander-in-Chief, is being published.
“ Six o'clock in the afternoon is named for the execution.

“ ORTEGA.—VAZQUEZ.”

Awaiting that revision in the most anxious suspense, we had arranged with the telegraph not to observe on that day the custom to close their office at 1 o'clock, as was usual on holidays.

The message, notwithstanding all our forebodings, produced in us the sad impression which may have been experienced by all who have had the life of a criminal entrusted to their attention, to their care, to their solicitude, to their efforts. The Baron de Magnus was with us, and we instantly went to the palace, to present the last appeal for mercy.

In the street we met a clerk from the telegraph office, who said : “ I am advised from Queretaro that the execution will take place at 3 o'clock this afternoon, and not at six, as was erroneously stated in the telegram.”

Señor Lerdo received our appeal, and immediately carried it to the chamber of the President to confer on it. That was our only hope, and we verbally supported it by every means that suggested itself to our minds. Señor Magnus also made a strenuous effort. His profound grief gave a tone to his words which, to us, appeared irresistible.

Our appeal was as follows :—

“ CITIZEN PRESIDENT,

“ Mariano Riva Palacio and Rafael Martinez de la Torre, to the Citizen President of the Republic, with due respect state : That the verdict of the Court-martial has been confirmed by the Commander-in-Chief, imposing capital punishment on Prince Ferdinand Maximilian. For the last time we are compelled to trouble the Supreme Magistrate of the nation, asking from him this day clemency towards our client.

“ The sentence of the tribunal which has tried this cause is now passed, and in the face of this fact the defenders avoid making any new observations on the law, in order now to implore the grace of pardon.

“ Everything we expressed in our former appeals was promised to be taken under consideration by the Citizen President, and it is now our only remaining duty to protest : that, as lovers of Liberty, we esteem it one of our greatest privileges to set forth truthfully whatever we deem beneficial to the nation. The life of Maximilian will never be the cause of internal disturbance in the country, and may elevate Mexico, morally and materially, in her exterior relationships. His grave would constitute the nucleus of serious mischief ; since it would form a starting-point for the renewal of civil discord ; commencing with blood, and terminating—no one can foresee where. So far as foreign Powers are concerned, it would signify the alienation of Europe, and a motive of displeasure for the neighbouring nation—dark picture of a future which we should be sorry to predict !

“ But we will no longer speak of any consideration of public order. From the clear insight of the Citizen President cannot be hidden the powerful effect which a pardon would have on a vanquished faction, which recognises in the hands of the Supreme Magistrate the power of public salvation.

“ It cannot be possible that the heart of a citizen who has