" he says: '*Tantum sufficit ut ad inquisitionem specialem*
" '*diffamati procedatur.*' That article treats of both denun-
" ciation and accusation; and, inasmuch as these do not
" possess the character of judicial proofs of the charge,
" but can only serve as warrants to proceed in virtue thereof
" to form the process, that is also the only legal result
" that can be effected by public report, in the treatment
" of a criminal case, as in the present instance; but, more-
" over, in the said Article 6 of the law of the 25th of
" January, 1862, on which we are now occupied, it is not
" only declared that the only legal result that it can have is
" simply a ground for enquiry; but it also provides that, in
" the causes referred to by the said law, the investigation
" shall be instituted in conformity with the general Ordi-
" nance of the Army, and the law of the 15th of September,
" 1857, which, in its terms, remits to the same ordinance all
" the points which it does not especially decide upon.
" Well, then, it is sufficient to peruse chapter 5, treatise 8,
" of the said ordinance, and that part of Colon's work on
" Military Tribunals, in which he explains the doctrine con-
" tained in the said chapter and treatise, to meet at every
" step with provisions and doctrines, which manifest that
" all the allegations that can be made in favour or against
" the accused before a court-martial, must necessarily and
" positively be founded on the statements made in the
" process. Colon, in his work cited (vol. iii. No. 558), ex-
" plaining the mode of making out an indictment against an
" offender, declares, that one of the most important obliga-
" tions of the prosecutor is not to make the charges with
" cavillations and sophisms, without attending to those points
" which throw light on the judicial proceedings; and at the
" end of the said number he explains that the charges and

" criminations are according to the tenor of the declara-
" tions he himself may have given, and those made by
" witnesses. Further on, in No. 560, he recommends to the
" fiscal prosecutor, that in order carefully to prepare the
" judicial formality of an accusation, he should previously
" deliberately make himself perfectly acquainted with the
" declarations of the witnesses, and with those which the
" accused may have made, in order to take upon himself
" the responsibility of what may result in the process
" against him; and from all, to form a concise abstract for
" direction in the interrogatory, which abstract must be ex-
" plicit, distinguishing that which is fully proved from that
" which is not, in order to make a distinct charge against the
" prisoner, and to convict him. The same author, in No. 555,
" speaking of the same formality of indictment against the
" prisoner, says that he is to be indicted by making the charge
" of the offence which may be provable against him, and
" that he is to be proceeded with and convicted by what is
" stated in the judicial proceedings, and also by such state-
" ments of the declarations, as evidently serve to convict
" him, together with what he himself has said and declared.
" In the formality of an indictment in a case of robbery—
" which is found in the same vol. iii. of Colon on Military
" Tribunals—accusing the prisoner, according to antece-
" dents, of spending money with a woman with whom he
" lived in a certain place, and with whom he was on in-
" timate terms, the author makes the following observation,
" contained in a marginal note: 'Observe,' he says, 'that in
" ' consequence of the intimacy supposed to exist between
" ' the prisoner and the woman not being proved, it might
" ' be argued that there is some antecedent; but it cannot
" ' be said that it appears from the judicial proceedings, and

" ' is proved by witnesses.' Lastly, the same author again
" touches on the same point in No. 606, vol. iii., referred to,
" and says: 'And from what may appear in the judicial
" ' proceedings, the charges and criminations are to be
" ' made, it not having been already done on his first ac-
" ' cusation, or if anything substantial or grave be wanting
" ' with which to oppose him.' The doctrines of Colon, just
" made use of, and which might be multiplied to any
" extent—for that author, in every step, insists on the opinion
" we are taking as a principle (for which reasons our
" citations from him have been taken indiscriminately,
" without the trouble of selecting them in preference to
" others analogous)—are nothing more than the doctrinal
" exposition of express dispositions contained in various
" articles of the military ordinances. In the 13th Article,
" chapter 5, treatise 8, it is admitted, '*that the proof of the*
" ' *crime is the foundation of all criminal cases.*' In the
" 26th Article of the said treatise, on stating the form in
" which the prosecutor should write his conclusion, he ex-
" plains that this should be grounded on the informations,
" charges, and confrontations with the accused, and that he
" ought to ask against the prisoner the penalty imposed by
" law for the crime of which he is charged, when he is con-
" vinced of it; adding, in the same article, that in case of
" the crime not being proved, the prosecutor must declare
" in his conclusion what he believes, *according to his convic-*
" *tions, from the knowledge of what is stated in the process.*
" Article 29 of the same chapter imposes, in the most
" formal manner, on every member of a court-martial, the
" obligation to vote according to his conscience and honour,
" and *the inference drawn from the informations;* and
" although in the second part of Article 43, the right is

" admitted to interrogate the accused for better information,
" a restriction is put upon the exercise of that right by a
" condition, to the effect that it may be done *by limiting the*
" *questions to what appears in the proceedings.* Article 46
" authorizes the members of the court-martial to condemn
" only when the accused is convicted of the crime of which
" he is charged; when he is not, it imposes the obligation
" to acquit him; and when the matter shall be doubtful,
" there being insufficient proof to condemn him, or many
" reasons to acquit him, they are permitted to decide on
" taking new information, expressing the particular points
" on which they are to be made. Lastly, Article 55 of the
" same chapter and treatise—which ought to be written in
" letters of gold, for the noble principle of humanity with
" which it is inspired—explains in the following manner the
" sacred respect which ought to be paid to the life of man:
" ' To warrant the verdict of death, every judge should re-
" ' member, *that there must be convincing proof of the crime*
" ' in case the prisoner has not confessed.'

" Therefore, whether we observe the principles of
" common legislation, or those especially military, in con-
" formity with which it is attempted to substantiate this
" process, it is legally impossible to condemn the Archduke
" Maximilian, for he has not confessed himself to be the
" author of the criminal acts with which he is charged;
" neither is there in the process any evidence produced of his
" having committed them; nor is it proved that they are of
" public notoriety; although even this not being proved, the
" former is admissible proof in a criminal matter. Con-
" sequently, for the reason that the Archduke Maximilian
" is not convicted, by the statements in the judicial pro-
" ceedings (as he should be in order to be condemned), of

" having committed the acts of which—as crimes defined by
" law—he is charged, in conformity with the express dis-
" positions contained in Articles 46 and 55 of the military
" Ordinance of the Army, he ought, certainly, to be ac-
" quitted. But, allowing (without conceding it) that we
" found ourselves in the last extremity foreseen by the first
" of these articles—that is to say, that according to the
" opinion which had been formed, it was doubtful as to
" whether the accused ought to be condemned or acquitted—
" even in that article the first of these extremes could not
" be adopted; for in conformity with Article 46, chap. 5,
" treatise 8 of the general Ordinance of the Army, what
" ought to be done would be to take new informations,
" which in this case would be equivalent to drawing up an
" entirely new process. But we do not find ourselves in this
" position of doubt, because the doubtfulness referred to in
" Article 46 is that which arises out of conflicting evidence,
" some of which affirms and some refutes the charge. Such
" confirmation, with its reciprocal confutation, leaves the
" mind in a state of vacillation and doubt:—the position
" in which we do find ourselves is, that there does not exist
" in the process any evidence which proves the charges;
" there is an entire absence of proof, and no contradiction
" therein. This places the mind not in a state of doubt, but
" in a position to declare that the accused is not convicted
" of having committed the crime with which he is charged;
" and that, consequently, he ought to be acquitted and placed
" at liberty, in conformity with the provisions in the second
" case, foreseen by the Article 46 referred to.

" And let it not be said that if any proof exists in the
" process of the charges made against our client—such as
" that of a tacit, feigned, or presumed confession, implied on

" the refusal to reply to the interpellations which the judicial
" authority put to him in the process, either at the time
" of taking his preparatory deposition, or on receiving his
" accusation—because this observation has many answers,
" all of which are decisive, and admit of no reply. In the
" first place, even supposing (presently we shall show that
" such is not the case) that the tacit, feigned, or presumed
" confession, which is inferred from silence, ought to have
" the same effect as an express confession—which consists
" in acknowledging an act in explicit terms—that maintain-
" ing silence is, in itself, tantamount to a confession, when
" it is done capriciously and without any motive; yet it
" cannot be so when a person, with reason, declines to reply
" from some legal and just cause. And, in the present case,
" the reason why our client refused to reply cannot be more
" just, legal, and well-founded—namely, that the tribunals,
" to which it was intended to submit him were incom-
" petent, and that the law by which it was intended to try
" him was unconstitutional. Under such circumstances
" (as has been previously shown), even we the defenders
" should have the right, without neglecting our duties,
" to abstain from speaking. From principles of prudence—
" not because we lack legitimate power to do so—we have
" abstained from exercising that right. With greater reason
" the accused himself had that right. On his conduct an
" opinion may, perhaps, be formed that it was not con-
" venient, but by no means that he was not authorized
" by the laws to do so. All the importance attaching to a
" tacit, feigned, or presumptive confession is, that a refusal
" to reply may constitute a contempt of court—contumacy,
" and disobedience to the authorities. But in all those cases
" wherein an accused has proper and legitimate grounds

" to consider himself not compelled to reply, the character " of contempt of court, contumacy, and disobedience " to the authorities, completely disappears; and indeed " silence, in such a case, cannot be construed into a tacit, " feigned, or presumptive confession. But, in the second " place (as we before stated), it is not true that it can " have the same legal effect as an express confession. For " instance, a confession which in explicit terms acknow- " ledges a personal act, not only constitutes a full proof " thereof, but, according to juridical axiom, relieves from " the necessity for any other whatever. A tacit, feigned, or " presumptive confession, which resolves itself into a con- " tempt of court in refusing to reply, is very far from having " the same probatory force. In order to demonstrate this, it " would be very easy to multiply the authorities; for there " are innumerable writers on the science of law, who treat " on confession, its different species, characters, and legal " probatory force. The pressure of time, by which we are " impelled to despatch—the limited time granted for the " defence—constrains us, on this point, simply to refer to an " eminent author, namely Escriche, who explains the current " doctrine on the matter, and his opinion is universally " accepted. In his 'Dictionary of Legislation,' at the end " of the article under the word 'Silence,' he says as follows: " 'But if the explicit and real confession has no force " 'against the criminal only in case it is supported by " 'other proofs, his silence cannot supply an inference of " 'greater force; and justice even demands that previ- " 'ous to drawing any deductions from the silence of an " 'accused person, the judge should give him timely intima- " 'tion, in order that he may be acquainted with the risks to " 'which his conduct exposes him; bearing in mind, never-

" 'theless, that no one is obliged to accuse himself, and that " 'it is not a culprit who has confessed, but he who has " 'been convicted who ought to be condemned.' But, " lastly, there is another circumstance, which is, that if in a " civil matter the refusal to respond constitutes a tacit con- " fession, in a criminal matter it is only so constituted by " flight, or by its being maintained in certain cases and " under certain conditions. This doctrine is laid down by " authors, whose opinions Escriche, perfectly and with pre- " cision, condenses in the following paragraph, which is to " be found in the 'Dictionary of Legislation,' under the " article 'Express and Tacit Confession': 'He who refuses " 'to make the confession which is judicially required from " 'him, or does not wish to respond, or responds only in " 'an equivocal and obscure manner, or after having pleaded " 'to the action, abandons his position; and he who, being " 'accused of any crime, should escape from prison or com- " 'promise with the accuser, in certain cases, and under " 'certain circumstances, it is understood that he tacitly " 'confesses the acts on which he is interrogated, and of " 'which he is accused. But this tacit or feigned confession " 'does not deprive the assumed confessor of the right to " 'be heard and to prove his own explanation, or his inno- " 'cence, in the event of his presenting himself; for it pro- " 'duces no other effect than that of imposing on him the " '"*onus probandi*"—the obligation of proving—which obli- " 'gation previously belonged to the opposite party.' In " that doctrine, two notable considerations are embraced: " —first, that already mentioned, viz., that in a criminal " matter it is not the refusal to respond, but the escape " from prison, or a composition with the accuser in certain " cases and under certain conditions, which constitutes

" the tacit, feigned, or presumptive confession; and secondly,
" that this does not produce any other effect than that of
" imposing on the assumed confessor the obligation of prov-
" ing, which previously did not lie upon him: and as in the
" present case our client and ourselves have been denied
" the opportunity to prove that the charges made against
" him are not true, as well as that they lack proof in
" the process, we are justified in limiting ourselves to a
" denial of them; and accordingly, in order that we may
" do even so, we ask that the case may be received on
" proof, which has been denied us. On our part, we have been
" ready to fulfil the obligation which might result from the
" supposed tacit, feigned, and presumptive confession; and if
" we have not fulfilled it, it has been in consequence of the
" same authority having denied to us the means to do so: that
" is to say, we have been prevented by circumstances foreign
" to our own will, and by an impediment placed in our way
" by a power which we have been unable to overcome.

" But, since the public accuser—whose cause is not
" more, but rather much less, plausible than that of the
" accused—has been permitted, for the purpose of establish-
" ing the charges (there being no proofs in the process), to
" resort to extrajudicial data, which do not appear therein
" —such as that pretended, vague, and indefinite public
" notoriety, the existence of which has not been proved
" in the proceedings, and, even if it were proved, would be
" of no benefit to the party who accuses—it ought to be
" lawful for the defence, in order to answer the charges, to
" use similar means to those which have been resorted to
" in the attempt to establish the proof; but we must pre-
" viously explain that to the doctrines just adduced—in
" order to demonstrate that the prosecutor cannot support

" the charges except by the evidence in the proceedings
" and that to act in any other manner is contrary to law—
" the following is to be added from Colon, which we most
" earnestly beg the President and members of the Court-
" martial to take into consideration, in arriving at their
" verdict in this very important transaction. That author
" says, in No. 178, p. 118, vol. iii. of his treatise on Military
" Tribunals:—

" ' The laws, in order to adjudge condign punishment,
" ' demand proof of the crimes on their consummation, with
" ' such precision, that it may easily happen that a real
" ' murderer, against whom, from carelessness, the gravamen
" ' of the crime has not been proved in the cause for lack of
" ' eye-witnesses, or indications which might have criminated
" ' him, is set at liberty; because the sentence has to be
" ' awarded according to what is positively proved in the
" ' process, and not to what is extrajudicially ascertained.'
" But, assuming that the prosecutor has endeavoured to find
" weapons with which to attack the accused outside the
" arsenal of the process, we repeat, that it ought to be lawful
" for us to take others from whence he endeavours to find
" his, in order to defend our client.

" ' Usurper of public power!'—' Enemy to the indepen-
" ' dence and security of the nation!'—' Disturber of order
" ' and public peace!'—' Trampler on the laws of nations and
" ' of individual guarantees!'—such are, in epitome, the prin-
" cipal charges made against the Archduke Maximilian.
" But these sonorous and resonant phrases—which serve to
" adorn a discourse in a club, or to fill the columns of a
" newspaper—are very far from being sufficient to satisfy the
" mind of a tribunal in pronouncing a sentence which is to
" decide the life or death of a fellow-creature. Legal, solid,

" and cogent reasons, not vain and hollow declarations, are " the only ones which, in such a case, can tranquillize the " spirit of public functionaries called to pronounce a penalty " of such irreparable consequences as capital punishment. " Let us examine, then, more narrowly and impartially, the " charges made against our client, and we shall easily com- " prehend that what is said by an eminent Spanish poet, " respecting certain pompous literary works, is very appli- " cable to those charges :

" Mas la razon se acerca, y con desprecio
Ve el bulto informe entre el ropaje vano."

" The closer one's reason approaches
The misshapen bust one beholds ;
With deeper contempt one reproaches
It—wrapped in bedizening folds !"

" It is true that the rebellion of a village, of a city, of " a province, of a small minority of a nation, against the " institutions adopted by the country, is a grave crime, " which ought to be punished, though we will presently " examine whether by the penalty of death, or by some " other ; but between the case of a rebellion—that is to say, " the rising of a few against the immense majority of a " nation—and that of a veritable civil war, that of a rigor- " ous social schism, in which society divides itself almost in " equal numbers—one portion in favour of a new path, and " the other against separating themselves from the beaten " and familiar track—there is an enormous distance : these " two social conditions are entirely diverse, and the legal " rules applicable to the one and to the other are also en- " tirely different. When a nation, or when society, is under " the former conditions of rebellion, that is to say, the rising " of an insignificant minority against the majority, the

" minority necessarily and inevitably succumbs, and the " majority has the right to chastise them—because they " have committed the crime of disturbing the public peace, " without any legal motive warranting them to do so. But " at times societies, particularly those ruled by popular " institutions, find themselves in another condition, which is " that of dividing themselves almost in equal numbers—one " portion wishing one thing, and the other affecting the con- " trary. When a minority, relatively small, opposes what " is decided upon by the majority, it is the duty of the " former to resign and submit ; because that is the law of " all associations—that is to say, that the minority has to " submit to the majority in everything which does not alter " the constitution of the society. But when there is a real " and rigorous division between its members ; when the " force of both sections into which a nation may be divided " is almost equal ; when both sections take an ardent inter- " est in the questions which divide them ; when neither of " them is inclined to make concessions to the other, then " such a conflict—the same as if it had happened between " two proud and independent nations—cannot be decided " in any other manner than by a recourse to arms. In order " to decide international questions, without appealing to the " disastrous and sanguinary resource of arms—in order to " cause war to disappear from among nations, century after " century has produced philosophers and philanthropists, " who have formed with that object various systems, which, " up to the present time, have remained inefficacious and " fruitless ; so that in the present state of political science, " the problem of a perpetual peace amongst nations is still " as insolvable in the science of the laws of nations, as the " squaring of a circle is in the science of mathematics. A

" defect, analogous to that which we have just noted in the
" laws of nations, is met with in the constitutional law. Up
" to the present time no country has been able, in its constitu-
" tion, to enounce a solution of the problem, how to terminate
" in a pacific manner those social schisms which at times
" break out in nations: and when they do transpire, they are
" still seldom decided in any other manner than by resorting
" to the sword. When civil war breaks out in a district it is
" put an end to by the same means as those which are
" international. Sometimes factions, after being fatigued in
" destroying each other, terminate the strife by means of
" an arrangement, the same as when two belligerent nations
" put an end to the war by means of a treaty. At other
" times, one faction in process of time overpowers the other,
" and conquers and subjugates the opposing faction. Of
" that nature were the religious wars which broke out in
" various nations of the centre and North of Europe, in con-
" sequence of the so-called Reform in religion, initiated by
" Luther in Wittemberg. Of the same nature are those
" political wars which, ever since the end of the last century,
" have agitated society, and will continue to conflict with
" those traditions which (without any reason for continued
" existence) have been bequeathed to the modern world,
" until societies follow the examples of the nations of
" Europe and America, where new ideas of liberty and pro-
" gress are discussed and disseminated through the world
" by modern philosophy, and the advancement of the human
" understanding. When one of those great social schisms
" occurs in a nation, and when one of the belligerent factions
" succeeds in overcoming and conquering the other, the
" victorious faction might abuse their triumph to any ex-
" tent, because its exercise of force cannot be limited but by

" a contrary force, which, by the terms of the proposition,
" has already been suppressed and subjugated. But there
" is an immense distance between what is done and what
" ought to be done—between an act and a right. The con-
" quering faction, moved by the passions of the moment,
" and by the instincts of revenge which a prolonged and
" sanguinary struggle always awakens, may abuse their
" victory without limit; but history and right, which do not
" participate in similar passions, look across a different
" prism to that of contemporaries. Sanguinary executions
" mark those passions with a stamp of severe reprobation,
" and testify that they are useless and unjustifiable. The
" Government of Charles V., after he had conquered the cities
" of Castile, and the force of arms had pronounced against
" them, caused the Chief of Villalar to die on a scaffold,
" but history has been very far from seeing that execution
" in the same light as it was regarded by those who decreed
" it. History, with its burin of fire, has recorded it in the
" annals of the human race as an act of useless barbarity, as
" an extravagance of ostentatious tyranny. The popular
" faction of Paris, after having conquered Louis XVI., on
" the 10th of August, with a derisive mockery of judgment,
" caused his head to be cut off, but the impartial opinion
" of all the world, even in Republican countries, has been
" very far from approving of that act, notwithstanding that
" at that time a terrible European coalition threatened France
" by sea and land, by shore and frontier; and it is no secret
" to any one that Louis XVI. had called foreigners to his
" aid, and was most anxious for their arrival, that he might
" see their troops march through the streets of Paris. Not-
" withstanding these apparently extenuating circumstances,
" impartial history has passed sentence, without appeal, that

" under such circumstances the French nation had the right
" to deprive Louis XVI. of the exercise of royal power, be-
" cause he ought not to confide the direction of war *à l'ou-*
" *trance* to a coalition with a secret ally—yet has it discoun-
" tenanced the right it exercised to deprive him of his life!
" Afterwards, nearly forty years later, in 1830, the French
" popular faction obtained a new triumph over royal power,
" and conquered Charles X. in the same city which had
" witnessed the victory of the 10th of August; but the ideas
" of right, and the true political principles which ought to
" regulate civil war, had been submitted to the discussions
" of half a century; and the life of Charles X. was respected,
" and he terminated it in a foreign land. Eighteen years
" afterwards, the Republican King of the Barricades of 1830
" was in his turn conquered; and his fate was the same as
" that of his immediate predecessor, and not that of the
" monarch of the epoch in which the guillotine governed.
" Either history is a science of pure curiosity, vain and
" barren; or the examples it contains stand recorded in its
" immortal pages, that some may be imitated, and others be
" avoided. And who would not prefer to imitate the
" examples which the history of France in the nineteenth
" century offers, much rather than those of France in the
" epoch called, by a significant figure of speech, the Reign of
" Terror, which dominated the French territory, converting
" it into a vast and lugubrious cemetery?

"Amongst the most memorable civil wars in the annals
" of the human race, that which is most worthy of observa-
" tion—England being the founder of modern constitutional
" institutions—is the long struggle of half a century between
" the English popular faction and the House of the Stuarts.
" One of the most interesting incidents of that civil war is

" the trial and execution of Charles I., after having been
" conquered and made prisoner by his political adversaries.
" Let us see, then, how that event is viewed by modern
" English historians, who belong, not to the Tory party, but
" to that of the Whigs, or Liberals—that is to say, to the
" same political communion which, centuries ago, took upon
" itself the responsibility of the decree for the execution of
" Charles. And observe, that in all countries governed
" by free institutions, the two parties who struggle for power
" —one representing the past, and the other the future—the
" one not inclined to alter anything, and the other bent
" on innovation: these parties, which in different Countries
" and epochs have various names, and which are now re-
" spectively called by us Conservative and Liberal, are
" undergoing, with the times, this modification—viz., the
" enemy to innovation is resigning himself, little by little, to
" some of the proposed changes, and therefore daily becomes
" less retrogressive; while the leader of that party which
" day by day demands fresh novelties, instigated, as it con-
" ceives, by new necessities, each day advances a step in his
" ideas, so that both parties maintain the same separateness
" and the same relative position. If the greatest advocate
" for progress of two centuries ago were placed, with all his
" ideas, in one of our liberal societies of the present day, we
" should consider him more ignorant and retrogressive than
" the most unenlightened of our times. It thus happens that
" the Liberal English historians of the present century—
" whose opinions on the trial and execution of Charles I.,
" we are about to lay before our judges—are infinitely more
" liberal than their co-religionists of two centuries ago,
" who took part in that cruel act. Well, then, Mr. Hallam,
" in his 'Constitutional History of England,' condemns the

" execution of Charles I., in the following severe and precise
" language : ' The vanquished are to be judged by the rules
" ' of national, not of municipal law. Hence, if Charles,
" ' after having by a course of victories, or by the defections
" ' of the people, prostrated all opposition, had abused his
" ' triumph by the execution of Essex, or Hampden, or
" ' Fairfax, or Cromwell, I think the latter ages would have
" ' disapproved of these deaths as positively, though not
" ' quite as vehemently, as they have of his own.' Mac-
" aulay, the greatest of the English writers of the present
" century, in his critical essay on Mr. Hallam's ' Constitu-
" ' tional History of England,' referring to the trial and
" execution of Charles I., expatiates against the opinion of
" the English Tory party, and contends that, constitution-
" ally, Charles I., by having infringed the laws, could be
" tried and executed ; but, considering that event under the
" aspect of Charles I. conquered and made prisoner in a
" civil war, Macaulay fully adheres to the opinion of Hallam
" on that point, saying : ' Mr. Hallam decidedly condemns
" ' the execution of Charles, and in all that he says on that
" ' subject we heartily agree. We fully concur with him in
" ' thinking that a great social schism, such as the civil war,
" ' is not to be confounded with an ordinary treason, and
" ' that the vanquished ought to be treated according to the
" ' rules, not of municipal, but of international law.' It
" therefore cannot be disputed in the present age, that in
" the case of civil war the conquerors have not the right to
" take away the life of the vanquished ; and accordingly, it
" only remains to examine if the struggle in which the
" Archduke Maximilian has succumbed had the character
" of a civil war, or of a simple rebellion.

"The French Intervention, and the attempts made to

" establish an Empire under its protection—in sustaining
" which our client was made prisoner—are the last efforts
" made by the party at enmity with the social innovations
" contained in the so-called laws of Reform, in order to
" oppose itself to the establishment and consolidation of
" those innovations. And can it be questioned that the
" strife has been a veritable civil war, which has been pro-
" longed for ten years, between the Liberal party, determined
" to establish and consolidate them, and the Conservative
" party, not less decided to impede their establishment and
" consolidation ? The division of opinions, of which that
" strife is nothing more than a symptom, has in every State
" deeply penetrated all classes, even to the very heart of
" families : frequently has it been witnessed, that a father
" has been fighting in the ranks of one faction, and his son
" in those of the other ; and in the besieged and the be-
" siegers of this city, cases of the like nature have been
" seen—one such having afforded, in the act of taking this
" very city, a most noble, beautiful, and pathetic example of
" filial piety. Cities, entire states, are marked amongst us
" for their decided opinions on one side or the other. Nor
" is such a phenomenon to be wondered at. The spirit of
" innovation enters and is slowly and steadily propagated
" in societies. In the first place, it emanates from the brain
" of a profound and bold thinker, to whom the thought-
" less public—at first calling him a bigot, a dreamer—
" become by degrees proselytes ; and only with time does
" that idea—the germ of which appeared solitary and
" isolated in the head of a daring innovator—germinate,
" unfold itself, gain strength, and take root in the bosom of
" society. The greater and more radical the innovations
" are which it is intended to introduce, the more decided