

Part of the "Provisional Statute" of the Empire—Laws of the Empire and Republic compared—Decree of October 3d, 1865—Why issued—Observations of a Mexican Journal—Death of King Leopold I.—Audience of grief—Address of Emperor thereat—Reduction of his revenue—His habit and dress—Ceremonies of Lavation—His address, Sept. 16, 1866.

CHAPTER X.

IT will not be considered as deviating from the true course, to insert herein some of the principles which were woven in the warp and woof of the Imperial banner which Mexico flaunted in the breeze under the monarchy. They will be somewhat illustrative of the political views of him who stood at the head of that Empire. A knowledge of these is requisite to draw correct principles, from which we may judge with discernment of the character of that ruler.

If we hold them up to the light of jurisprudence, side by side with the fundamental basis of the Republic, together with the practice pursued under both, the piercing eye of justice will scarcely be able to distinguish and characterize more liberty, liberality, and equity under the latter than under the former.

If the word republicanism is in the least degree soothing to the thoughts, it exercises no influence in abating the rigor of the law that is actually applied under it, in Mexico.

On the tenth of April, 1865, at the Palace of Chapultepec, His Majesty executed the PROVISIONAL STATUTE, which is the substructure of the legislative fabric, as the Constitution is of a Republic. The following is taken from that Statute:

"The Emperor shall represent the sovereignty of the

nation; and while he shall decree nothing in the definite organization of the Empire, he shall act in all its branches according to his own will, or by means of the authorities and public functionaries.

"The Emperor governs by means of a ministry, composed of nine Departmental Ministers.

"The Emperor shall confer with the Council of State relative to the formation of laws and regulations; and upon consultation, when convenient, shall direct the same.

"Every Mexican has a right to obtain an audience with the Emperor, and to present his petitions and complaints. For this purpose he shall apply to the Cabinet in proper form.

"The magistrates and judges, in the exercise of their judicial functions, shall enjoy absolute independence.

"The military shall always respect and assist the civil authorities; they shall exact nothing from citizens except through the latter, and shall not exercise civil functions except when a state of siege or blockade is declared as provided by law.

"The Government of the Empire guarantees to all inhabitants of the Empire, in conformity to law, equality before the law, personal security, property, exercise of worship, and liberty of publishing one's opinions.

"No one can be detained without command of competent authority, made in writing and affirmed, which can only operate against a person when circumstantial evidence presumes him to be the perpetrator of an offence; except when a crime is committed in one's presence, in which case any person may apprehend the criminal and take him before a judicial or other competent authority.

"Property is inviolable, and cannot be used, except in case of absolute public utility, by means of prior and complete indemnity, and in the form prescribed by law.

"The confiscation of property is forever prohibited. All the imposts for the treasury of the Empire, shall be general and decreed annually.

"Taxes can be imposed only by virtue of the law. No one can be molested for his opinion; nor shall the freedom of the press be obstructed, but subject to the laws regulating the exercise of that right."

Who that has long lived in Mexico under the Republic, has not seen nearly every one of the foregoing principles violated?

Is property held inviolable, under the Republic?

I have just seen the Governor of the District of Mexico go stealthily, under the cover of night, with men, to demolish a citizen's property, in order to make a new street over the ground on which the building stood.

I have seen the President making laws, after the termination of the war, under a Constitution which prohibits him from so doing at any time.

Since the war, the liberties of the press have been curtailed by that same Executive, in violation of constitutional rights.

I saw Americans who had been arrested by the civil authority, and imprisoned, for three or four days, without trial, without a writ, or any complaint being made against them, but merely upon the verbal statement of a person, who requested the officer to make the arrest.

The inhabitants are taxed or forced to pay contributions, not according to regularly defined laws, but in accordance with the will of the Executive.

These facts and principles have not been stated herein, in support of the Empire; but that they may fall under the light of comparison—that the operations of those Republican officers may be seen, who have meted out their vengeance upon the head of the Empire, in retaliation for alleged cruelty and inhumanity.

It is not difficult for one familiar with Mexico to perceive that the Executive prerogatives exercised under republicanism, are not circumscribed within narrower limits than those claimed under imperial sway.

The formation of the political machine under the Republic cannot be considered as remarkably faulty; but the evidence presented to the world is conclusive that it has been ill-adjusted by the operators. Their unwise acts have so frequently obstructed and defeated the salutary effects of the fundamental basis of their government, that the rights of the citizens are lost sight of, and they no longer look upon it as a shield to their persons and property. It is to be regretted by every lover of republican principles; yet, the desire of our heart should not bridle the tongue from declaring the truth as to existing facts.

When there is in fact no constitutional restraint upon the will of the Executive, in a government that hoists the ensign of a Republic, it is like a false guide-board to the traveller in a foreign land; and the pirate that throws to the breeze the colors of a powerful nation, is not more deceptive and dangerous.

The decree executed October 3d, 1865, by His Majesty Maximilian has been viewed as extraordinary, and not within the pale of civilized governments, but fraught with that severity and inhumanity, the reading of which causes a shudder. The rule of the judiciary is to hear both sides of a cause before rendering a judgment. Let the public follow their example. Has the public ever read the infamous law of January 25th, 1862, made by the Liberal party of Mexico? That law will be hereinafter set forth and discussed.

The above-mentioned decree of October was issued at the instance of Marshal Bazaine. He appeared before the Council, and stated as a positive fact that Juarez had left the territory of Mexico, and that he was then in the

State of Texas, in the United States of North America. Bazaine said to the Council and to the Emperor that it was absolutely necessary to pass some severe law to put down the malcontents: that inasmuch as the leader of the opposite party had abandoned the territory, the remaining few were nothing more in the eye of the law than banditti; and therefore such a decree would be sustained by the law of nations. In the mind of the Emperor such a law was marked with too much severity, and he expressed himself decidedly opposed to it. But after much debate and consideration, together with a decided opinion of the ministry in support of the decree, he signed it, although reluctantly. It will be observed that this is one of the few decrees signed by all the ministers.

That the Emperor fully believed that Juarez was actually beyond the jurisdiction of Mexico, there can be no doubt.

That great barbarity was practised by the Liberals, was a common remark in Mexico at that time. The people generally in Mexico believed that Juarez had left the country. At least, I have talked with many in the city of Mexico who said that they believed it.

As some evidence of the opinion prevailing in that city, I will insert here a copy of an article taken from "*The Mexican Times*," bearing date Saturday, February 24th, 1866:

"We are satisfied that the United States press, that have criticised so severely the order of His Majesty the Emperor, requiring all guerrillas taken with arms in their hands to be shot, are entirely ignorant of the state of things existing in Mexico. A long time before that decree was issued, the Imperial forces were suffering seriously from the conduct of the dissidents. Whenever they took a Frenchman he was immediately shot, while the prisoners taken by the French troops were released

and sent back to their homes. The Emperor, in the kindness of his heart, has turned loose hundreds and thousands who, not appreciating his leniency, went straight into the mountains and joined again their old friends the robbers. This state of things lasted in Mexico for a long time,—the dissidents killing their prisoners without mercy, while the Imperial forces spared theirs. Although there has been no organized force in Mexico opposed to the Empire since the fall of Oajaca, still His Majesty did not issue this decree until Juarez had fled the country, leaving behind him no constituted legal authority whatever to carry on the war. President Juarez took with him his entire cabinet, leaving no head or leader in Mexico. As to Escobedo and Cortina, they were simply outlaws who rob friend and foe, and murder for filthy lucre. Witness the murder of General Parson of Missouri, and party, and the shocking barbarity committed on their persons. If these guerrillas are under the control of Juarez, he is responsible for this wholesale murder of those innocent men. We therefore request our brethren of the northern press to recollect:

"1st. That the dissidents (guerrillas) inaugurated this shooting of prisoners.

"2d. That there had not been for many a long month before the issuance of the decree by the Emperor, any organized force making war upon the Empire.

"3d. There is none now.

"4th. Ex-President Juarez, with his whole court and cabinet, had abandoned Mexico before the decree was issued. The only force in arms against the Empire at the time the decree was issued, were irresponsible guerrillas, who robbed friend and foe, old and young, women and children."

Under the foregoing state of facts, and the provisions of the law of 1862, made by the Liberals, it could hardly be expected by rational men that some law in retalia-

tion of those acts of savage barbarity would not be created by the Empire. The surprise well might be, that the Emperor waited so long before executing some decree that would be considered a sufficient punishment to deter further inhuman acts.

Soon after the issuance of the said decree of October 3d, near the latter part of the said month, twenty-eight persons were taken prisoners by General Mendez, in Morelia, in the Department of Michoacan. Four of them were shot; namely, General Arteaga, Colonel Salasa, and two whose names are unknown to me. When information reached the Emperor that the four had been executed, he felt exceedingly grieved, and despatched a courier to inform Mendez that he disapproved the act, and that he must shoot no more. The Emperor immediately issued orders to the commanders of the different divisions to execute no prisoners until orders were received from him to that effect.

Although the decree was in force, it was not the intention of His Majesty to carry it out; but only to hold it as a terror over the enemy, in order that it might have a tendency to stop bloodshed.

With a view of preventing executions under that decree, the Emperor ordered the telegraph-office to be kept open nights. And he further ordered that the operators should wake him, whenever a message came which reported a capture of prisoners. He was frequently awakened under that order, and he never failed to send an order prohibiting the execution of prisoners.

Further comment will be made upon the October decree, in connection with the trial of Maximilian.

A sad event occurred in December, 1865, in Europe, information of which reached Mexico in the first part of the following month, and mantled Their Majesties with mourning and sorrow. King Leopold I, of Belgium, the father of the Empress Carlota, had expired.

In memory of the departed, and respect to the living, an "audience of grief" was held, January 15th, 1866, in accordance with the programme previously published. The Diplomatic Corps and the great dignitaries presented themselves in full mourning, to offer condolence to Their Majesties, on account of the sad bereavement which had befallen them. In the midst of that solemn audience, one of the Ministers of State, Señor D. F. Ramirez, addressed Their Majesties in a becoming style, with much dignity and with tender feelings of sympathy.

His Majesty, with great kindness of heart, responded. On this occasion, he expressed his feelings and opinions relative to his government, which will not be uninteresting, as expressive of the sincerity of his views and the rectitude of his actions. That response was in the following language:

"GENTLEMEN:

"I am thankful to you for the participation you have taken in the sad event which has just wounded the Empress and myself.

"In such a great misfortune it is, however, a consolation to remember the great and laudable example which, as a most sacred inheritance, the King of Belgium bequeaths to us. He, as ourselves, in accepting the throne which a people offered him, met a nation to constitute and a government to establish. The uninterested intervention of France enabled him to restore peace, and he dedicated himself to very important internal reforms. He promised liberty to his people, and during the lengthy period of twenty-five years, he fulfilled his engagement. He promised security and tranquillity to the country, and they were given, and with them their independence,—thus placing Belgium in a high rank among the nations of Europe, especially in a commer-

cial point of view, and leaving spotless its noble motto and banners.

"We will know how to follow that great example, by which God has taught us that Providence never abandons the honest and just monarchs in their noble enterprises.

"The Empress, his daughter, has just returned from a laborious journey in distant lands and in dreadful climates, without other guard than the love of the people, and everywhere meeting a frank and cordial reception, which shows once more the sympathy existing between the nation and its rulers. This fact proves beyond a doubt the error in which were laboring many ill-intentioned parties who had rumored a departure of the Empress for Europe, and predicted and wished her a hostile reception in the country she was to travel through.

"It is gratifying to me to express on this occasion my profound gratitude to the heroic Vera Cruz and the beautiful Yucatan, which received the Empress with such solicitude, that its memory will ever be graven upon my inmost soul.

"As to me, Gentlemen, you have witnessed my labors. Discarding the dangerous theories which lead to anarchy, I devoted my time to the organization of public administration, to the development of all the elements of prosperity and wealth of the country, and to the solution of the questions which most interest it.

"In this arduous labor I have resisted the importunities of some and the discouragement of others, knowing that the wounds inflicted during fifteen years of civil war do not heal in one day; but, firm in the consciousness of my duty, I will follow unhesitatingly my path with indefatigable perseverance. My strength may fail—my courage, never!

"I will endeavor to maintain the democratic habits of the nation. I am convinced that they elevate the

minds of the citizens, impressing them with consciousness of their dignity and valor.

"I have protected the liberty of the press as long as it did not degenerate into unlimited license; at the same time having the authority of the law exercised.

"Very blind is he who does not see that a strong authority is the only anchor of salvation for our country.

"You have been able to observe our calm attitude during that storm of calumnies raised against us abroad. On, Gentlemen! the calumnies will pass over, and our work will stand.

"Strongly supported by my conscience and the uprightness of my intentions, I quietly contemplate the future. Mexico has placed her honor in my hands, and she must know that this honor will be kept unstained and unspotted."

The reduction made by the Emperor in his own revenue, which includes all of that expended for the Imperial House, known as the Civil List, is adequate proof of his economy. On the 15th of March, A. D. 1866, he wrote from Cuernavaca, to the Minister and Intendent-General of the Civil List, a letter which contained, among other things, the following:

"In view of the present exigencies of the treasury, and while the condition of the public treasury is so burdened, it is our firm resolution to receive only from the State for the Civil List the third part of the annual revenue which belongs to it, according to the said decree of the Regency; that is, the sum of five hundred thousand dollars for all the said expenses."

He further observed in the same letter, that—

"This reduction in the expenses is preferred by us, through choice, to the customary splendor and greatness

of the European Courts; because simplicity and moderation better accord with the democratic ideas which animate us; and besides, it raises the prestige of the monarchy as much as the brilliancy of a splendid Court."

The Emperor was quite regular in his habits. He retired from eight to nine o'clock. When in the National Palace he frequently went to bed at eight, and at Chapultepec usually at about nine o'clock. He sometimes read while in bed for a half-hour, and sometimes would require his *valet de chambre* to read to him from some German work until he fell into slumber. While at Chapultepec he rose at three o'clock in the morning, and immediately commenced writing,—answering letters, signing documents, etc. At half-past five he took a cup of coffee. At seven he rode out for an hour. He breakfasted between eight and nine. He drank seidlitz water with ice at the table. He dined at half-past three, never eating fruit at his meals, nor drinking coffee at dinner. After dinner he smoked, then rode out in his carriage, usually drawn by six white mules, with coachman and groom, and one mounted escort in the advance. The three servants dressed in apparel made of soft leather. After the ride he would generally call his secretary, or an officer, and play billiards. His breakfast and his early coffee were usually taken without the company of the Empress,—that is, the coffee particularly, as it was not a convenient hour for her. They invariably dined together. Whenever they ate separately, he was accompanied by his secretary, or some officer, and the Empress by her maid of honor, Señorita Josefa Varela.

From one o'clock to half-past two, in the afternoon, was the time designated for his ministers and visitors to call.

He wore, generally, light-colored pants, a black frock-

coat, black vest; and while at Chapultepec, a soft white hat, with a low crown; and when in the city, a high-crowned hat, white or gray. His overcoat was gray. He also wore a set of studs and sleeve-buttons, set with blue stones, which he had used for many years without any change for others.

On the second finger of his right hand were two heavy plain gold rings. One of them had the following inscription on the interior surface: "Prince. M. Charlotte, 27th July, 1857. G. G. G." On the little finger of his left hand was a gold ring with a large blue setting, having engraved thereon the Mexican coat of arms. When he retired at night, he took off one of his plain rings; and after washing the next morning, placed it again on his finger. Which ring it was, or why he did so, I was not able to learn. While at Cuernavaca he dressed in white linen, and Panama hat. At parties, he sometimes dressed in citizens' clothes.

Their Majesties were both devout in their attachment to the Roman Catholic faith, and in attention to its precepts. They performed the ceremony of the Lavation, on Holy Thursday, at noon, in 1866, at the National Palace, in the reception-saloon. Tickets were issued inviting a large number to attend; and the apartment was quite crowded. Twelve old men, of humble position in life, were seated on a bench with a table before them, furnished with a white cloth, twelve plates, and knives and forks. On the opposite side of the room stood another table prepared in like style, with twelve women seated thereat. The Emperor wore the uniform of a Mexican General, and was accompanied by his aids and household officers. The Empress was dressed in black, wearing black earrings—assisted by her maids of honor. The twelve men and women were in black apparel, with white collars. The table was served in courses, brought in on wooden trays, by the guard palatinate.

The dishes were taken therefrom by Count Bombell and Princess Iturbide, and handed to the Empress, who served the twelve women with the same, at the same time conversing with them. She poured out the water and wine for them; changed their plates as the different courses arrived; handed the used plates to Count Bombell—and thus continued until the conclusion. The Emperor went through the same ceremony with the twelve men, assisted by his household officers. Neither men nor women appeared to eat very heartily, although requested so to do, until the *frijoles* (beans) were served; and as that dish is the favorite of the Mexicans, they could not resist temptation.

After the eating was finished the tables were removed, but the parties remained seated, and were covered with a long white cloth from their laps down to the floor.

Behind the twelve women stood an equal number of girls from ten to sixteen years of age; and behind the men the same number of boys were arrayed.

The girls and boys advanced in front of the men and women respectively, and turning towards them took from them their shoes and stockings. The Emperor and Empress, taking off their gloves, each receiving a bowl of water from their respective assistants, bent down upon their knees—the Emperor before the twelve men, and the Empress before the twelve women—and washed the feet of the twelve respectively; and as they finished the washing, they kissed one foot of each person so washed.

Thus ended that religious ceremony, which is performed by His Holiness the Pope, in imitation of our Saviour.

On the sixteenth of September, 1866, the anniversary of Mexican Independence, an address was delivered to Their Majesties by D. José Fernando Ramirez, Minister of Foreign Affairs; on which occasion the Emperor made the following expression, showing how truly he

felt himself identified with the interest and welfare of Mexico :

“ MEXICANS :

“ This is a family rejoicing. It is to rejoice together as brothers, that we meet each year on this celebrated day around our glorious banner. The day on which our immortal Hidalgo, raising his patriotic voice with noble courage, assembled the heroes of a new era for Mexico, will always be for the children of our country a day of rejoicing as well as a day of duty;—of rejoicing, because we celebrate in it the anniversary of our nationality; of sacred duty, because every good Mexican ought to renew on that day the oath to live only for the greatness, the independence, and the integrity of his country, and to be ever ready to defend it with all his courage and energy. The words of this oath are the first which I uttered as a good Mexican. I solemnly repeat them to-day to you. My heart, my soul, my labors, all my loyal efforts belong to you and to our dear country.

“ No power in this world will be able to make me vacillate in my duty. Every drop of my blood is now Mexican, and if God were to permit that new dangers should threaten our dear country, you would see me in your ranks fighting for its independence and its integrity. I may die, but I will die at the foot of our glorious banner, for no human force can make me abandon the post to which your confidence has called me.

“ What I do myself every true Mexican must do; he must extirpate past feuds, he must bury past hate, and live only for the good and the prosperity of our beautiful country. Thus united in sentiment, and following the same path indicated to us by duty, we shall be strong, and we shall make those principles triumph which form the main object of our labors.

“ Let us take advantage of each day to develop and

strengthen them. Let us unite ourselves closely to our noble allies and their glorious flag, and we shall thus see, growing in strength and bearing fruits, the beautiful tree of our independence, the seed of which was sown more than half a century ago by the great Hidalgo and his illustrious companions. Long live Independence! Long live the remembrance of its great heroes!"

When "new dangers" did arise, the Emperor was true to his promise. How well can his brave officers and men, who were around him in Queretaro, attest the truth of that averment! He asked no man to run any more risk than he was willing to incur himself. The true soldier, the true man, was prominent in all his bearing. He was a nobleman of Nature, wanting no indorsement of man to perfect the title.

About the eighth of October, 1866, the Emperor received the sad intelligence of the derangement of the Empress Carlota. It completely prostrated him. It was about two o'clock in the afternoon when the news reached him. He immediately rode out to the palace of Chapultepec, where he shed tears all that day. He remained there over ten days, confining himself closely to his apartments, scarcely seeing any one during that time. It was a sudden as well as a terrible blow of affliction to him. Her physical condition had been so good, that he never for a moment thought that such a misfortune could befall her.

Smarting under the late bereavement, perplexed by the course pursued by Bazaine, and believing that the jealousy and discord of the latter had so weakened the political ties around him, that nothing but danger and misfortune could be seen looming up in the future—with all these thoughts pressing on his mind, the Emperor went to Orizaba, about the twentieth of October, with a view of leaving the country. These were trying cir-

cumstances, which called for the utmost vigor of thought and resolution to determine what method to adopt. But after a short reflection his drooping spirits became aroused, and his inclination became strongly in favor of a resolute defence till the last. Honor inspired his martial spirit to the highest pitch. He began to meditate upon the fact that they who had solicited his presence as their ruler, would be left in no agreeable or safe condition after his departure; that they had been, with him, joint actors in the great work of building up the Empire, and that he could not go out of the copartnership until the contemplated work should prove to be an impossibility, and the framework already erected should be annihilated.

But anxious that the work should proceed in harmony with the majority, he was desirous of testing the will of the Mexican people. The same rule that governed his actions in coming to the country was still adhered to. That is, he required the support of a majority of the Mexicans in order to sustain his conscience in consenting to be their head.

The fact that armed dissidents were in the field was no proof that such a majority was against him. He was not ignorant of the historical fact, that the supreme power of a nation is possessed by those who have the implements of war in their hands; while at the same time it may be true, that they are far in the minority. That such a state of things has existed in Mexico, more than once, will not be questioned by those well versed in its history.

He therefore expressed his views clearly to his Council, to Generals Miramon and Marquez, and Father Fischer, his secretary, while at Orizaba. He desired to receive an explanation of the will of the people; and if that will were against him, he considered that honor would no longer compel him to remain for the purpose

of soliciting the people to yield to his reign, nor to force them by arms.

With a view of hearing the voice of the people, he issued the following proclamation:

“MEXICANS: Circumstances of great magnitude, relating to the welfare of our country, and which increase in strength by our domestic difficulties, have produced in our mind the conviction that we ought to reconsider the power confided to us.

“Our Council of Ministers, by us convoked, has given as their opinion that the welfare of Mexico still requires our presence at the head of affairs, and we have considered it our duty to accede to their request. We announce, at the same time, our intention to convoke a National Congress, on the most ample and liberal basis, where all political parties can participate.

“This Congress shall decide whether the Empire shall continue in the future; and in case of assent, shall assist in framing the fundamental laws to consolidate the public institutions of the country. To obtain this result, our Councillors are at present engaged in devising the necessary means, and at the same time arranging matters in such a manner that all parties may assist in an arrangement on that basis.

“In the mean time, Mexicans, counting upon you all, without excluding any political class, we shall continue with courage and constancy the work of regeneration which you have placed in charge of your countryman.

“MAXIMILIAN.

“ORIZABA, Dec. 1, 1866.”

On the 12th, His Majesty, His Council of Ministers, General Marquez, and Father Fischer, left Orizaba, and on the 18th reached Puebla. His Majesty and Father Fischer there remained until the 3d of January follow-

ing. The Ministers and Gen. Marquez proceeded on to the city of Mexico. On the 5th of January, His Majesty and Father Fischer arrived at the Capital.

The contemplated session of Congress did not take place, for the reason that the state of the country was such that an election was impossible. No blame can be attached to his Majesty on that account. He was heartily desirous of bringing about an election, at which all parties might express freely their wish, uninfluenced by his own bayonets.

Inasmuch as vituperations have been profusely uttered against His Majesty for the alleged cruelties perpetrated under his sway, it will not be improper to state certain facts as to the regular course of justice pursued during a part of the time, considering that I have procured positive proof of what I am about to relate.

During nine months of the year 1866, in the city of Mexico, the court-martial, of which Colonel Luis Reyes was president, tried twenty-seven persons, most of whom had been guilty of robbery and other felonious crimes. Three of them only were convicted of political crimes, and not one of the latter was executed, but all were released.

Cruelty was not an ingredient mixed up in Maximilian. It was as impossible for him to be cruel as it is to mix oil and water.