

cannot but conclude that they justify the suspicion that revenge and cupidity dictated their acts rather than the spirit of a manly foe.

We have seen, in this case, great questions of constitutional and international law considered and decided within a few hours by not very wise and learned men—questions that learned tribunals in other lands would have considered for days before giving a final decision. That is, although they might have considered at first blush the questions not difficult, yet the magnitude and importance of the cause would have demanded from learned jurists a complete and serious examination before the rendition of a definite judgment thereon.

Had the goddess of Justice been present during the trial of the Emperor, she would have hung her head in shame as the judgment was read.

It is apparent that the scales and beam of justice were broken into fragments, and that there was no weighing of the evidence.

The trial was the prelude to the tragedy, in order to increase the assumed dignity, and to extend the great dramatic play of the nation. It was, indeed, a bombastic farce, and the tragedy that followed a terrible one. And both are recorded as a stain on the pages of the history of the Mexican nation which can never be effaced therefrom, though steeped in the sulphurous fumes of the infernal regions.

## CHAPTER XIV.

Application for pardon—Pardon denied—Sentence approved—Pardon again asked and denied—Execution postponed—Letter from Maximilian to Baron Largo—Pardon asked by Baron Magnus—Refused—Despatch from Maximilian to Juarez—Preparations for execution—Last words of the victims—Execution.

**A**FTER the decision of the Council of War, or court-martial, and the approval thereof by the Commander of the Division, General Escobedo, there was but one other mode to pursue on the part of the defendants—that was, to seek the clemency of the Executive. Before, and during the time of the trial, Messrs. Palacio and De la Torre, two of the Emperor's counsel, were at San Luis Potosi exercising their influence with the President and Cabinet.

The said counsel having learned that, on the 14th of June, at ten minutes past twelve o'clock at night, the three prisoners, Maximilian, Miramon, and Mejia, had been condemned to death, immediately applied for the pardon of the three, without waiting to ascertain whether the decision of General Escobedo would be in approval or disapproval of the said sentence. In answer to that application, the Minister of War transmitted to the said counsel the following note:

“SECRETARY OF STATE, WAR, AND NAVY:

“You have set forth in your new petition that having notice that the Council of War assembled in Queretaro have condemned to the extreme penalty Fernando Maximilian of Hapsburg, you ask, as his counsel, the Government to grant him a pardon, or, that if even it

cannot pass upon that question, that in the mean time it will order a suspension of the sentence. The Citizen-President being in possession of this new petition, has directed me to say to you, as I declared to you yesterday officially, that it is not possible to pass upon the question of pardon before knowing the condemnation of the court, there not being a condemnation that may have the effect as such, as, in the mean while, the judgment of the Council of War may not be confirmed by the military chief according to the ordinance and respective laws. And further, I am directed to say to you, also, as I stated to you officially yesterday, that the Government not having altered the provisions of the law, if in case the judgment of the Court should be confirmed, and then should be submitted within the proper time to the decision of the Government, the question of pardon, in such a case, among the considerations which the Government ought to weigh, it will remember the facts set forth in your two petitions.

"Independence and Liberty. San Luis Potosi, June 15th, 1867.

"MEJIA.

"Citizens MARIANO RIVA PALACIO, and  
"Lawyer RAFAEL MARTINEZ DE LA TORRE,  
"Present."

"Telegram from Queretaro for Potosi, received the 16th day of June, 1867, at one o'clock and 15 minutes of the afternoon:

"CITIZEN-PRESIDENT:

"The sentence which the Council of War pronounced on the 14th inst., has been confirmed at these headquarters, and to-day, at ten o'clock of the morning the prisoners were notified thereof, and at three o'clock this afternoon they will be shot.

"ESCOBEDO."

The Government having read the report of General Escobedo, approving the judgment of the Court, and having received another petition from the said counsel, replied thereto with the following note:

"SECRETARY OF STATE, WAR, AND NAVY.

"As to the petition presented by you of to-day's date to the Citizen-President of the Republic, soliciting a pardon for Ferdinand Maximilian of Hapsburg, who has been sentenced, in Queretaro, by the Council of War that tried him, to suffer the extreme penalty, the President has come to the following determination:

"Having examined this solicitation for pardon with all the gravity which the case requires, and the other solicitations for the same purpose, the Citizen-President of the Republic has thought proper to determine that the petitions cannot be acceded to; the gravest considerations of justice and of necessity to assure the peace of the nation being opposed to this act of clemency.

"And I communicate it to you for your information, and as the determination on your said petition.

"SAN LUIS POTOSI, June 16th, 1867.

"MEJIA.

"Citizens MARIANO RIVA PALACIO, and  
"Lawyer RAFAEL MARTINEZ DE LA TORRE,  
"Present."

Upon an application for further time to be extended to the Emperor's life, the following despatch was forwarded to the commanding officer, at Queretaro:

"Telegram—S. Luis Potosi, June 16th, 1867. At one o'clock of the afternoon.

"CITIZEN GENERAL M. ESCOBEDO, Queretaro:

"The counsel of Maximilian and Miramon have just presented themselves, to state to the Government, that the sentence of the Council of War has been con-

firmed, which imposed upon them and Mejia the punishment of death; and that the execution has been ordered to take place this afternoon. Pardon has been asked for the three condemned persons, which the Government has denied, after having held the most attentive deliberation thereupon. In order that the condemned may have the necessary time to arrange their business, the Citizen President of the Republic has determined that the execution of the three condemned persons will not take place until Wednesday morning, the 19th of the present month.

"Please give your orders in conformity with this resolution, and advise me immediately of the receipt of this message.

"MEJIA."

The following reply came from General Escobedo:

"Telegram from Queretaro for San Luis Potosi—received the 16th of June, 1867, at four o'clock and one minute of the afternoon.

"CITIZEN MINISTER OF WAR:

"I am informed that the Citizen President has ordered a suspension of the execution of the three prisoners until the morning of Wednesday, the 19th. I shall comply with this supreme order.

"M. ESCOBEDO.

"SECRETARY OF STATE, WAR, and NAVY.  
"SAN LUIS POTOSI, June 16th, 1867."

Baron Von A. V. Magnus, the Prussian Minister near the Imperial Government of Mexico, was also at San Luis Potosi, for the purpose of interceding in behalf of Maximilian. The Baron gave all his attention to the welfare of the Emperor. After the final conclusion of the President upon the question of pardon, the Baron

became anxious to hasten with all speed to Queretaro. In order to facilitate him in that respect, the Government ordered the owners of the stage-line to make preparations therefor, as follows:

"MINISTER OF FOREIGN RELATIONS AND GOVERNMENT,  
Department of Government—Section First.

"The Citizen President of the Republic has determined that you will please to so arrange immediately, that there will be provided an extra stage which will go with all possible dispatch from this city to Queretaro; and that you will place this stage at the disposition of Baron A. V. Magnus, and the persons whom he wishes to accompany him.

"I communicate it to you in order that said extra stage may be provided, at the hour which M. Baron Von Magnus may designate, this afternoon or to-night.

"Independence and Liberty. San Luis Potosi, June 16th, 1867.

"LERDO DE TEJADA.

"Señor Agent of the Stage-lines of this city, Present."

On the fifteenth of June, General Mejia had been requested to say to the Emperor, that authentic information had just reached Queretaro, that the Empress Carlota had died. The General communicated the statement to His Majesty.

In consequence thereof, he wrote that day a letter to Baron Largo, who had been ordered away from Queretaro, the 14th, by General Escobedo, and who went to Tacubaya, where he received the letter; in the postscript to which, the Emperor wrote as follows: "I have just learned that my poor wife has died, and though the news affects my heart, yet, on the other hand, under the present circumstances, it is a consolation. I have but one wish on earth; that is, that my body may be buried

next to that of my poor wife. I intrust you with this, as the representative of Austria. I ask you that my legal heirs will take the same care of those who surrounded me, and my servants, as though the Empress and I had lived."

On the sixteenth, about half an hour before the Emperor's anticipated execution, he took from his finger his marriage-ring and gave it to his physician, Dr. Samuel Basch, requesting him to carry it to the Archduchess his mother, supposing at the time that his wife the Empress was dead. Not being executed that day, he received it back again, and wore it as usual. On the next day the Emperor wrote the following letter to Baron Largo:

"DEAR BARON:

"I have nothing to look for in this world; and my last wishes are limited to my mortal remains, which soon will be free from suffering and under the favor of those who outlive me. My physician, Dr. Basch, will have my body transported to Vera Cruz. Two servants, Gull and Tudas, will be the only ones who will accompany him. I have given orders that my body be carried to Vera Cruz without any pomp, and that no extraordinary ceremony be made on board. I await death calmly, and I equally wish to enjoy calmness in the coffin. So arrange it, dear Baron, that Dr. Basch and my two servants be transported to Europe in one of the two war-vessels.

"I wish to be buried by the side of my poor wife. If the report of the death of my poor wife has no foundation, my body should be deposited in some place until the Empress may meet me through death.

"Have the goodness to transmit the necessary orders to the captain of the ship de Groeller. Have likewise the goodness to do all you can to have the widow of my

faithful companion in arms, Miramon, go to Europe in one of the two war-vessels. I rely the more upon this wish being complied with, inasmuch as I have recommended her to place herself under my mother at Vienna.

"Again, I give you my most cordial thanks for all the inconveniences which I cause you; and I am, with the greatest good-will,

"Yours,

"MAXIMILIAN.

"QUERETARO, in the Prison of the Capuchinas, 17th of June, 1867."

Before Maximilian's execution, he observed to some of his officers in the convent, that it was not so very hard to die after all; that he felt as though he were going into battle. He also remarked that he could forgive Lopez; but Marquez, never!

The day before his death, the captain who was to direct the execution, went to the convent to see the Emperor, and apologized, saying that he was sorry that he, Maximilian, was compelled to suffer death; that he himself was ordered to cause him to be executed, which he regretted; and that he was obliged to obey the order. The Emperor excused him from any blame, observing that it was not his fault.

Baron Magnus arrived on the eighteenth at Queretaro, from San Luis Potosi, and immediately visited the Emperor. After which, considering as he did that it was his solemn duty to do everything that was within his power, he was not inclined to remain silent, until he saw that the safety of Maximilian's life was beyond hope. He therefore again placed himself in communication with the officers of Government, as the last remedy, at a late hour that night; when he sent the following message:

"Telegram from Queretaro to San Luis Potosi, received at 9 o'clock and 30 minutes of the night, June 18th, 1867.

"HIS EXCELLENCY

"SEÑOR D. SEBASTIAN LERDO DE TEJADA:

"Having reached Queretaro to-day, I am sure that the three persons, condemned on the 14th, died morally last Sunday; and that the world so estimates it, as they had made every disposition to die, and expected every instant, for an hour, to be carried to the place where they were to receive death, before it was possible to communicate to them the order suspending the act.

"The humane customs of our epoch do not permit that, after having suffered that horrible punishment, they should be made to die the second time to-morrow.

"In the name, then, of humanity and Heaven, I conjure you to order their lives not to be taken; and I repeat to you again, that I am sure that my Sovereign, His Majesty the King of Prussia, and all the monarchs of Europe united by the ties of blood with the imprisoned Prince, namely, his brother the Emperor of Austria, his cousin the Queen of the British Empire, his brother-in-law the King of the Belgians, and his cousins, also, the Queen of Spain and the Kings of Italy and Sweden, will easily understand how to give His Excellency Señor D. Benito Juarez, all the requisite securities that none of the three prisoners will ever return to walk on the Mexican territory.

"A. V. MAGNUS."

The following reply to the foregoing was received by Baron Magnus:

"Telegram.—San Luis Potosi, June 18th, 1867, at 10 o'clock and five minutes of the night.

"SEÑOR BARON A. V. MAGNUS, etc., etc., Queretaro:

"I am pained to tell you, in answer to the telegram which you have been pleased to send me to-night, that, as I declared to you day before yesterday, in this city, the President of the Republic does not believe it possible to grant the pardon of the Archduke Maximilian, through the gravest considerations of justice, and of the necessity of assuring peace to the Republic.

"I am, Señor Baron, very respectfully,

"Your obedient servant,

"SEBASTIAN LERDO DE TEJADA."

The following despatch was sent by the Emperor to President Juarez on the 18th of June:

"Central Telegraph Line. Official telegram. Deposited in Queretaro. Received in San Luis Potosi at one o'clock and fifty minutes of the afternoon, the 18th of June, 1867.

"C. BENITO JUAREZ:

"I desire that you may preserve the lives of D. Miguel Miramon and D. Tomas Mejia, who day before yesterday suffered all the tortures and bitterness of death; and, as I manifested on being taken prisoner, I should be the only victim.

"MAXIMILIAN."

This was an exhibition of nobleness of character seldom to be met with, and which had been manifested by the Emperor all through his Mexican career.

On that night the commander, General Escobedo, visited the Emperor at half-past eleven o'clock. He asked His Majesty for his photograph, which the Emperor gave him. After a few moments' conversation they bid each other farewell, and the General left. The Emperor

had retired at nine o'clock, but was restless, dozed a little, and was awake when Escobedo entered. He slept only about two and a half hours. The thoughts of the morrow were ill suited to produce slumber. He dressed at a little past three o'clock. The priest came at four, and prayers were said at about five. He gave to Dr. Basch his marriage-ring, to be delivered to the Archduchess, his mother, still under the supposition that the Empress was dead. He then wrote the following letter to the President:

“QUERETARO, June 19th, 1867.

“SR. BENITO JUAREZ: •

“About to receive death, in consequence of having wished to prove whether new political institutions could succeed in putting an end to the bloody civil war which has devastated for so many years this unfortunate country; I shall lose my life with pleasure if its sacrifice can contribute to the peace and prosperity of my new country. Fully persuaded that nothing solid can be founded on a soil drenched in blood and agitated by violent commotions, I conjure you in the most solemn manner, and with the true sincerity of the moments in which I find myself, that my blood may be the last to be spilt; that the same perseverance which I was pleased to recognize and esteem in the midst of prosperity—that with which you have defended the cause which has just triumphed—may consecrate that blood to the most noble task of reconciling the minds of the people, and in founding in a stable and durable manner the peace and tranquillity of this unfortunate country.

“MAXIMILIAN.”

Many of the last letters and documents signed by His Majesty were penned by Mr. Herman G. Schwesinger, who was a confidential friend of His Majesty, and who, for

that friendship was imprisoned six weeks without any charges being made against him. He deserves a mention herein for his fidelity to the Emperor.

The city of Queretaro, on the 19th of June, A. D. 1867, presented one of the most solemn scenes ever witnessed, save that which the murder and burial of Abraham Lincoln produced in Washington City. For a beloved mortal, about to put on immortality, the drapery of mourning was worn by thousands, as an emblem of hearts sincerely touched with grief.

At half-past six o'clock, on that morning, stood before the entrance of the convent of the Capuchinas, three ordinary carriages, with a pair of not very elegant horses attached to each. The first one of those carriages was entered by Maximilian and Father Soria, a priest. The Emperor was dressed in a single-breasted black frock-coat, buttoned up save the last button; black vest, neck-tie, and pants, ordinary boots, and a wide-brimmed hat.

After the Emperor arrived at the carriage, he sent back for his physician, Dr. Samuel Basch. He desired to have some one that he believed to be his friend near him in the last moment. The Emperor sent for Dr. Basch twice, but the doctor did not appear. It was not because Dr. Basch did not wish to do him a favor; the attachment which endeared His Majesty so much to the doctor completely broke the spirits of the latter, and so unnerved him that he had not the heart to look upon the Emperor as the leaden messenger of death winged its way into his noble form. The doctor was a true friend to His Majesty: would that he had possessed more like him!

General Miramon and his accompanying priest occupied the second carriage, and General Mejia and his priest the other. In the extreme advance of their military escort were five mounted men, one of whom was a corporal, a few paces in front of the others. Next fol-

lowed a company of infantry, composed of eighty men, who belonged to the regiment known as the "Supreme Powers;" in their rear were the three carriages escorted by a battalion of Nuevo Leon infantry, one half of which flanked each side of the road, parallel with the vehicles. Then came a rear guard of two hundred and fifty mounted men, called *Cazadores de Galeana* (sharpshooters of Galeana).

Soon after those carriages were thus entered, they and their escorts moved slowly on, carrying three noble men into the arms of death. What a contrast in the two pictures—that of His Majesty's entrance into Queretaro, and that of his departure therefrom! The former was a glittering procession and triumphal entry; the latter, a solemn march into the hands of the executioner,

"Where Mexicans wrought their cruelty."

The appointed place for that work of barbarism was *El Cerro de las Campanas* (the Hill of the Bells), about one and a quarter mile northwest of the city. It was near that hill the Emperor and Mejia were taken prisoners. Are we to suppose that the conquerors were actuated by the same principles which governed the infuriated English two centuries ago?—that mob which, dethroned of reason, and wild with vengeance and hate, executed Charles I. before Whitehall, near his own palace, to show the triumph of republicanism over royal majesty. Did the Mexicans hope to overrun the cup of sorrow by presenting to Maximilian's dying view the unfortunate spot of his surrender? The English would feign seal up that part of their history. What will Mexicans hereafter think of their own past record?

While the *cortège* advanced to the place of execution, the faces of the surrounding multitude were pictured



lowed a company of infantry, composed of eighty men, who belonged to the regiment known as the "Supreme Powers," in their rear were the three carriages escorted by a battalion of Nuevo Leon infantry, one half of which marched west side of the road, parallel with the vehicles. They were a rear guard of two hundred and fifty mounted men, called *Cazadores de Galeana* (sharpshooters of Galeana).

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While the cortege advanced to the place of execution, the faces of the surrounding multitude were pictured

CERRO DE LAS CAMPANAS.





with sorrow. Crowds upon crowds rushed along, mournfully looking at the victims for the sacrifice, shedding tears, offering up prayers, and holding up the cross as the true emblem of consolation. Could one have dropped suddenly from the clouds among that gathered concourse, he would have thought that a whole nation were in mourning. If ever there was proof of true affection from a whole people for living man it was then. It was not idle curiosity that assembled that mighty host. Their actions, their expressions of grief, their contempt exhibited toward the soldiery, were too apparent to deceive the observing witness.

About twenty minutes time brought the unfortunate men to their death-ground. His Majesty stepped out of his carriage and gave his hat and handkerchief, with which he wiped his face, to his servant, to carry to his mother and brother, and looked to see if any friend came, and asked if he was alone, to which the servant on the carriage said "Yes." He stroked down his ample beard, as was his frequent habit, and walked proudly to his place; this was where the right-hand cross in the engraving herein stands, and is within about twenty feet of the wall in the rear, which is a part of the fortification erected by himself.

About three thousand soldiers stood in a square, so as to enclose the ground of execution on three sides, leaving the rear supported by the wall. The centre cross marks the spot where General Miramon stood, and the other the position of General Mejia.

The Emperor gave to Lieutenant-Colonel Margain, on the 16th, for each of his seven executioners a twenty-dollar gold piece of money, with his profile thereupon.

The victims embraced each other three times, the Emperor saying that they would meet in Heaven. He also said to Miramon, "Brave men are respected by sovereigns—permit me to give you the place of honor," pla-

cing him at the same time in the centre. Gen. Escobedo was not on the ground. He remained at his quarters.

Each of the three victims had an opportunity of delivering a farewell address. The Emperor spoke as follows:

"Persons of my rank and birth are brought into the world either to insure the welfare of the people, or to die as martyrs. I did not come to Mexico from motives of ambition. I came at the earnest entreaty of those who desired the welfare of our country. Mexicans! I pray that my blood may be the last to be shed for our unhappy country, and may it insure the happiness of the nation. Mexicans! Long live Mexico!"

General Mejia had previously requested General Escobedo to take care of his son, but at the time of his execution he said nothing: his attitude was firm and resolute.

Miramón drew from his pocket a small piece of paper, from which he read:

"MEXICANS! behold me, condemned by a Council of War, and condemned to death as a traitor! In these moments which do not belong to me, in which my life is already that of the Supreme Being, before the entire world I proclaim that I have never been a traitor to my country. I have defended my opinions, but my children will never be ashamed of their father. I have not the stain of treason, neither will it pass to my children. Mexicans! Long live Mexico! Long live the Emperor!"

Just as Miramón was finishing, the Emperor placed his hand on his breast, threw up his head, and gave the word—"Fire!" The executioners then discharged their guns. At each victim six soldiers fired simultaneously. The two Generals were killed immediately. The Emperor

first received four balls, three in the left breast, and one in the right;—three passed through and came out of the shoulder. As they fired, Maximilian fell a little sideways, falling on his right side, causing a little bruise on the face and hip. And as he fell, he exclaimed, "*Hombre! Hombre!*" (O man! O man!) This statement has been disputed by Baron Magnus, but he did not stand as near the victim as some other individuals, who heard more distinctly. After Maximilian had fallen, a soldier fired into his stomach, which caused him to move slightly; then another shot sent a ball through his heart, producing instant death.

When the victims first entered the ground of execution, the officer in command of the forces present read the following order to the surrounding multitude:

"SOLDIERS:

"In the name of the nation, he who solicits pardon for the three prisoners, or any of them, will be shot."

Possibly, it may be denied that such an order was read; but nevertheless it is true. A general in the Liberal army said that the law required such an order to be read.

Thus passed away that good man, Ferdinand Maximilian I., Emperor of Mexico, from a corruptible to an incorruptible crown of glory.

He died like the bravest. And well may it be said that

"Never in moment most elate,  
Did that high spirit loftier rise;  
While bright, serene, determinate,  
His looks were lifted to the skies,  
As if the signal lights of fate  
Were shining in those awful eyes!  
'Tis come—his hour of martyrdom  
In honor's sacred cause is come;

And, though his life hath passed away,  
Like lightning on a stormy day,  
Yet shall his death-hour leave a track  
Of glory, permanent and bright."

It was apparent, even to a casual observer, that the spirit of revenge was running high, from the moment of the capture of Maximilian until he was murdered. The zeal and animosity engendered against a man of high rank, who had come from a foreign land, added to the raging violence of a civil war, so inflamed the minds of the Liberals that the voice of reason was unheard. Their victims were marked, the work must be done; they could not be deprived of the sight of that Imperial blood which was to tinge their soil, gratify their savage spirit, and satisfy "*justice and the peace of the nation,*" as by them considered requisite.

No argument could be presented which they would admit savored of reason, if it had for its object the saving of life. The officers of the army, from Generals down, with but few exceptions, were desirous that death should embrace the victims. If they were addressed on the subject by persons in favor of leniency, they exhibited the greatest acrimony of expression which their abilities were capable of forming. You could not go among the officers without inhaling the breath of vengeance. It seemed as though they had turned around and looked the dark ages in the face, that they might bring up the same scenes then witnessed, for the review of the present century. That they equalled them in barbarity cannot be doubted by civilized nations. The ideas of toleration, the mild and charitable spirit taught by Christianity in the present age, entirely escaped their thoughts. In short, such ideas were repugnant to their sentiments of justice. A photograph of the pagan world would present a view not unlike that of to-day, within the jurisdiction of Mexico.

I desire not to be understood as applying this to all Mexicans; there are many exceptions. There are many in the Liberal party that were opposed to taking the life of Maximilian. The officers of the army were furious. The common soldier hardly expressed an opinion on the subject of his execution. I believe the majority of them were not in favor of it. One officer high in command, had been in favor of the execution of the Emperor; but, when he received a telegram stating that the execution had taken place, he observed to a friend of mine that it made him feel sick for several days. He would have gladly restored him, had such a thing been possible. When reason was brought to bear coolly, the conclusion was correct. I think that there are thousands of Mexicans who deeply regret the act. Some brutal Mexicans, near the frontier, fired cannon in commemoration of the execution. It would be a sad reflection on civilization, if the death of a man should cause rejoicing, even when every principle of law and justice would justify the deprivation of life.

Cruelty is a plant that took root in Mexico long ago, and the scythe of civilization has made but little advancement toward its destruction.