

death; the same man, in nature and spirit, who was dismissed from the army in the days of Santa Anna as "*no longer worthy to belong to the honorable profession of soldiers.*"

The price of Lopez's treachery was two thousand gold ounces, and a guaranty of his own personal safety. In the night of the 14th of May, the company on duty at the convent entrance, the detachment of the empress's regiment, and the body-guard, who were ready to move instantly on the emperor's order, were removed by Lopez, in accordance with his agreement with Escobedo, and detachments from the Liberal army were brought up to the convent walls, and some of them occupied the lower stories; and the great stronghold of the city was thus left defenseless.

At dawn of the 15th, Lopez suddenly entered Salm-Salm's room, and said excitedly, "Quick! save the emperor's life; the enemy is in the Cruz!" Salm-Salm hurried to the emperor's room, and found him fully dressed; and, on announcing the fact stated by Lopez, he quietly said: "*We are betrayed. Go and let the guard and hussars march out. We will go to the cerro, and see how we can arrange this matter. I shall come directly.*" It is probable

that at this moment the emperor hoped that the death which he had often sought in vain amid the bursting shells on the plaza might be at hand, and clothed him with the calmness and stoicism that marked every incident of his capture and surrender as a prisoner of war. He left the convent with Salm-Salm, Castillo, Pradillo, and his secretary Blasio on the way to the hussars' quarters, across the plaza; and outside the door they were halted by some soldiers of the enemy. To their surprise, Lopez stepped out from this group with the Liberal colonel, Rincon; and the latter, after saluting the emperor and his friends, said to the escort: "*They may pass; they are citizens.*" It was the evident wish of some one in authority that the emperor should escape; and as he pressed on to the hill outside the walls, he was again met by Lopez, now armed and on horseback, who implored him to go to the house of Rubio the banker, where he would be safe. His only answer was: "*I do not hide myself.*" He refused to mount his horse; sent orders to Miramon and Mejia to come with the hussars, and all other forces they could muster; and passing a cavalry battalion of the enemy, with Lopez at its head, the party

passed on foot to the rallying point at the top of the hill.

Dense columns of infantry surrounded the position; several batteries opened a heavy fire; only a handful of the imperial troops reached the top; many of the Mexicans openly went over to the enemy; and suddenly the bells of the convent rang out the signal that the treason of Lopez had been successful. Miramon had been badly wounded and taken prisoner in his effort to reach the emperor; the hussars had been captured and disarmed by an overwhelming force, with Lopez in command; and only Mejia, Campos, Salm-Salm, and a few other officers were at hand. The emperor asked Mejia if they could cut their way out; and he simply said: "Your Majesty may look around and judge. I care but little whether I am killed; but I will not take the responsibility of leading your Majesty to certain death." "Now for a lucky bullet, Salm," was the emperor's pathetic cry a moment later, as he saw the white flag raised at two points near him, and knew that further resistance was useless, and the sacrifice of life unjustifiable in the increasing fire of artillery and musketry, and with the hill surrounded by Liberal battalions.

A messenger was sent with a flag of truce to treat for terms of surrender. Escobedo sent his chief of staff, who courteously declared the emperor a prisoner; and on announcing his wish to see the commander-in-chief in person, the emperor and his officers were provided with horses, and, with a strong escort, set out for Escobedo's headquarters. They met the general with his staff and body-guard near one of the city's gates; the swords of the prisoners were demanded and delivered to various officers; and after a brief interview between the emperor and Escobedo, an order was given for a return to the Cerro. On their arrival, at Escobedo's request they entered one of the tents, accompanied only by Salm-Salm and Mirafuentes; and, after a few moments' silence, the emperor made three requests—that if more blood must be shed, it might be only his own; that all who had served in the imperial army might be spared; and that all persons of his household, who wished, might be granted safe escort to the coast to sail for Europe. Escobedo answered that he would report the requests to the government, and added the important and assuring statement that the emperor and those belonging to him should be treated as prisoners of war.

They were then taken in charge, marched down to the convent, over which the imperial flag was still waving; assigned to different rooms, and sentinels were stationed at all approaches, and at each prisoner's door. The city was occupied by the Liberal troops; rioting and pillage were suppressed, and supplies were served out to the famine-stricken people. The hussars and other imperial troops were disarmed and paroled, or forced to enlist in the Liberal ranks and sent to reinforce Diaz at the siege of Mexico. An order was issued that all civil and military officers should report themselves to Escobedo within twenty-four hours, on penalty of being shot without trial. Don Carlos Miramon and Arellano escaped through the lines; Mendez was discovered after the limit had expired, and immediately shot; Escobar, Casanova, Moret, and others surrendered, and were sentenced to various terms of criminal imprisonment by a drum-head court-martial, and the initial chapter in Lopez's treason was finished.

"He is dead; they will kill him; I know the Mexicans," said Carlotta in a lucid interval; and in truth when the news of the surrender and capture reached the seat of government at

San Luis, an order was issued for the immediate execution of Maximilian and certain of his officers; and a question of deepest moment was thus presented to the powers that had recognized the empire,—to our own people, anxious to save the name of republicanism from the stain of such a sacrifice; and to the statesmen of Mexico, willing to be generous and humane in the presence of victory. Imperialism still trusted the traditional respect for its titles and dignities; Maximilian thought himself a mere prisoner of war, and entitled to treatment as such, and no one interpreted the real significance of the savage declaration of a Liberal officer to the prisoners in the Cruz, when they laughed at the ragged and forlorn appearance of the sentinels: "*Laugh on, gentlemen; those fellows are still good enough to shoot you.*"

Against this blind confidence in the situation there stood the potent fact of the destruction of the republic and the setting up of a monarchy in its stead, by force of arms; and the logic of Mexican history, the creed of the revolutionist, that the execution was a military or state necessity. Was not Iturbide done to death at Padilla, an illustrious example? But above all

considerations of patriotism or politics there stood the merciless law of 1862, passed in the administration of Juarez, which provided that any foreigner or native taken in arms against the republic should be shot forthwith. It was this law that, in the final result, was cited by the state, alleging the crime of treason and justifying its penalty.

The story of the attempts to save the lives of Maximilian and his friends is one of great interest. After the betrayal and capture at Queretaro, there was but one course to pursue. Success was only possible through direct appeals to the government by persons of influence, reinforced by friendly suggestions from the various powers. The most efficient service in this behalf was rendered by the Prince and Princess Salm-Salm. The prince was an officer of distinction in both the Prussian and Austrian armies, who served in our civil war on the Union side, winning the rank of brigade commander, and who joined the emperor in 1866, as a staff officer and chief of his household. He was a school-fellow of Maximilian's, bound to him by the ties of affection and honor, and became his most trusted counsellor, and was an eye-witness of all that transpired in the

empire's closing days. Not less trusted by the emperor was the princess,—a woman of supreme tact and courage, who undertook, in person, the difficult and perilous service of interviewing Diaz at Mexico, Escobedo at Queretaro, and Juarez and his ministers at San Luis; wrung from them the recall of the first order of execution, time for negotiations, and finally, the only chance of deliverance, in the decree for a trial by court-martial.

The first advantage was gained in the remonstrance of Escobedo against the summary execution, on the ground that it would involve Mexico with the United States, as they had already made solemn protest against the wanton massacre of the French officers at San Jacinto. The Princess Salm-Salm was in the City of Mexico when the news came of the order for the shooting of the prisoners; and, inspired by devotion to the emperor and his cause, and fear for her husband's life, she at once set to work for their reprieve and rescue. Marquez, the renegade and traitor, who had set out to win glory on his own account, had been driven from the field to the capital, where he was besieged by Diaz, the victor of Puebla, who was quietly waiting for starvation and misery to do

their work. To Diaz the first appeal was made. The Princess, after consultation with the Austrian officers and others, visited his headquarters under a flag of truce; and, believing that her action would be ratified, she guaranteed the surrender of the city in exchange for a permit for the foreign troops to leave the country, and a pledge of safety for Maximilian and his officers.

Diaz agreed to refer the proposals to the government, except the stipulation as to the emperor and his personal enemies, Marquez and Vidaurri; and this he declined. The princess was fired upon, and barely escaped death on her return to the lines; she was suspected of treasonable negotiations, held under surveillance for several days; and at last she was handed a passport, with an order to leave Mexico. She at once set out for the seat of government at San Luis Potosi, and, arriving there after many perils and hardships, she gained an interview with Juarez and his ministers. Armed with the eloquence and persuasion of love and loyalty, she pleaded with great force and earnestness for the prisoners' lives. She was treated with marked kindness and courtesy; but her prayers were denied.

She succeeded, however, in securing a promise from Juarez in person, that a trial should be had; and, with this concession, she returned to Queretaro to inform the emperor and her husband.

Meanwhile the representatives of Austria, Prussia, Italy, and Belgium had arrived there; and all efforts were directed to engaging counsel, and to preparations for the defense. Escobedo, after his remonstrance against the immediate execution, refused all requests, save to serve as a means of communication between the government and the prisoners, and hold them under strict espionage in the San Teresita and Capuchin convents, and thwart the plans of escape.

Pending the official order for the trial, Maximilian made certain overtures of great significance. The conditions were stated in a memorandum of May 20th, written by Prince Salm-Salm at the emperor's instance. They covered, in express terms, the renewal of the abdication of the Mexican crown, his pledge to never interfere in Mexican politics, a surrender of all arms and fortifications, and the guaranty of a safe passage to Vera Cruz. Escobedo referred the questions to the govern-

ment ; and they were taken into account as mere incidents of the discussion of what the fate of Maximilian should be.

When all overtures had been refused and the intentions of the authorities became known, at the instance of Salm-Salm an attempt to escape was resolved upon, in the belief that, if Vera Cruz could be reached, better terms of capitulation might be made. Salm-Salm was charged with the details ; and by the aid of a bribe, given in charge of the Princess, and covered in the emperor's bill of exchange on a house in Vienna, to be honored on certain conditions, he had arranged for the flight on the night of the 2d of June, when the emperor changed his mind, with the vacillation which seemed his fate, and notified Salm-Salm that he would not go, as he ought not to disappoint the foreign ministers, and his counsel, who had come up from the capital, and whom he had invited to meet him on the following day. Meantime the bribed officer disclosed the whole scheme, and the last opportunity was lost.

On the 8th of June the government issued an order for the trial of Maximilian, Miramon, and Mejia at court-martial ; and the court was

made up of a lieutenant-colonel and six captains specially detailed. The sessions were held in the Iturbide theatre. The court occupied the stage ; the balconies were draped in the national colors ; the house was filled with spectators, and nothing was omitted to enhance the dramatic incidents of the occasion or to intensify public opinion.

Maximilian was not present owing to his serious illness ; and only Miramon and Mejia were called to plead in person. The judge-advocate was Azpiroz, a man of subtle resources and fiery eloquence, and inspired by his service in the cause of the people. The counsel for the defense were the eminent Mexican lawyers, Palacio, De la Torre, Vasquez, and Ortega. There was, in truth, but one answer to the government's case, and that was a plea for mercy, for humanity to the prisoners, and an appeal to national pride, to patriotism, and the exercise of charity in the hour of victory. Every argument of fact, of law, of sentiment, of honor, was advanced in support of this vital proposition ; but Mexico, true to her history, for the "crimes of the empire," demanded the supreme expiation.

At the trial it was urged that Maximilian

accepted the throne only upon conclusive evidence that such was the people's will; that his government had been recognized by all the powers but the United States; that he had remained after the departure of the French only to save his friends, and at the request of a great party, and pending a congress to determine the form of government; that he had offered to abdicate and leave the country on usual conditions of amnesty; that he had signed the "Black Decree" on official assurances that Juarez had left Mexico and his government had ceased to exist; that the tribunal was incompetent in rank to try him, and had no jurisdiction; and that he was simply a prisoner of war, and entitled to personal protection.

Only necessary formalities were observed in the proceedings; a verdict of guilty was promptly rendered, and the prisoners were sentenced to be shot, at a date to be fixed by the government. The sentence was affirmed on the day it was announced by Juarez and his council, and the execution was fixed for the 16th of June. The representatives of the various powers, the Princess Salm-Salm, and other friends undertook at once the task of

obtaining a pardon or modification of the sentence. Every consideration was offered,—pledges that Maximilian would leave the country, and never interfere in its affairs; of alliance and assistance from the various powers; of full indemnity for damages and wrongs inflicted by the empire; and, at last, threats of summary vengeance if the execution took place. All failed to move the government from its purpose; but a reprieve of three days was finally granted for the prisoners to arrange their affairs.

The causes that controlled Juarez and his cabinet, in the great question of Maximilian's fate, are summarized in a letter of the time, written to a friend by Mr. Romero, the Mexican minister at Washington, eminent in his patriotic service to the two republics.

"If Maximilian should receive pardon and return to Europe, he would be a standing menace to the peace of Mexico; he would call himself emperor, and have a court at Miramar, the rallying point of all dissatisfied Mexicans, who would intrigue with him; the powers would recognize him in the event of a return to Mexico, following the example of Iturbide, and threaten the country with complications. If the pardon should be granted, the government would be considered weak and cowardly, instead of magnanimous; and in any event, all power for mischief must be destroyed."

“Maximilian persisted in a useless attempt to shed Mexican blood after the French forces withdrew,” was Minister Lerdo’s answer to our minister’s request that the emperor and his supporters might be treated as prisoners of war; and the real necessity which led to the execution, is reflected in the words of Juarez in his final answer to the earnest and tearful appeal of the Princess Salm-Salm: *“I am grieved, Madam, to see you thus on your knees before me; but if all the kings and queens in Europe were in your place, I could not spare that life. It is not I who take it: it is the people and the law; and if I should not do its will, the people would take it and mine also.”*

CHAPTER IX.

Mexican vengeance—Decree of execution—June 19, 1867—Preparations for death—Maximilian’s letters—Appeal to Juarez—Messages to Emperor of Austria—Archduchess Sophia—Farewell to Carlotta—To the “Hill of the Bells”—Address to the Mexican people—Miramon’s plea—Mejia’s stoicism—Execution of the sentence—Austria’s request for Maximilian’s remains—Final consent of the Mexican government—Burial in Vienna—Paris in 1867—Louis Napoleon’s triumphs—Memories of Maximilian and his fate—Judgment of history.

THE dream of empire was over; the protests of the nations, the prayers of friends for mercy, had failed; and the spirit of cruelty, the lust for blood that had sent to shameful deaths some of the noblest men in Mexican history, now demanded Maximilian’s life as the price of its satisfaction. In the morning of the 19th of June, the tolling bells announced the coming execution of the Republican decree. Maximilian, and Miramon and Mejia, who were to die with him, were permitted to spend a part of their last night together, under guard, in a spacious room once used as a hos-