

No. 17.

SAN LUIS POTOSI, May 31, 1867.

The citizen President having been informed through a letter which you addressed to him under date of the 29th instant, that the telegraphic line has not been able to transmit the question proposed which you made respecting the manner in which you are to grant the extension, for which authority was given you by the supreme government in behalf of the parties indicted, who are now being tried in Queretaro, has been pleased to direct that I make to you the following explanation:

If the defenders should present themselves at the conclusion, or near the conclusion, of the term fixed by the law for their defence, you can concede that the term commence to run from that moment; but if the defender should not present himself at the first term granted, then you can only grant the extension of twenty-four hours more, during which you will not take into consideration whether the defenders arrive or not, and which (twenty-four hours) cannot be extended, even should they arrive while the second term is transpiring; but this will serve the indicted parties as a grace conceded, in order that they may overcome the difficulty by intrusting their defence to the person who may be prepared to render them this service, or undertake it themselves. In case they do not avail themselves of any of the means of defence referred to, it must be understood that they reject this benefit, the said term being then considered as ended, and not to be extended.

Independence and liberty.

MEJIA.

The Citizen General MARIANO ESCOBEDO,
Commander-in-Chief of the Army of the North, Queretaro.

WASHINGTON, July 3, 1867.

A true copy:

IGNO. MARISCAL, *Secretary.*

No. 18.

[Telegram.]

SAN LUIS POTOSI, June 5, 1867—7 o'clock p. m.

The Citizen MARIANO ESCOBEDO:

In view of the petition which the citizen Mariano Riva Palacio has made in the name of the defenders of Maximilian, to the effect that the term for their defence be extended, the citizen President of the republic has determined, in cabinet meeting, that, in addition to the extension previously granted, three more days be conceded, counting from the conclusion of the extension previously conceded. These three days are conceded as a term common to Maximilian and to the other two parties indicted, in order that they may be enabled to avail themselves of it also in their defence, with the understanding that no other extension will be conceded, as this is the second time the government has granted an extension, in order to give to the defence the utmost extension as far as it has deemed it compatible with reason and the spirit of the law.

Be pleased to direct that this determination be made known to the three parties indicted.

MEJIA.

WASHINGTON, July 3, 1867.

A true copy:

IGNO. MARISCAL, *Secretary.*

No. 19.

[Telegram from Queretaro to San Luis Potosi, June 5, 1867, at 8.45 p. m.]

The Citizen Minister of War:

I have received your message of this day, and the decision of the citizen President in relation to the extension of three days, which he has been pleased to grant to them for their defence, has been made known to the criminals, Maximilian, Miramon, and Mejia.

ESCOBEDO.

WASHINGTON, July 3, 1867.

A true copy:

IGNO. MARISCAL, *Secretary.*

No. 20.

MINISTRY OF WAR AND NAVY—SECTION FIRST.

The persons apprehended on the occupation of the city of Queretaro by force of arms, respecting whom no determination has yet been taken, besides the responsibility of all their previous acts, have incurred in an especial manner that of having desired still to continue the shedding of more Mexican blood, and to cause the country to suffer incalculable evils, without either the probability or the hope of sustaining the mock government which the foreign intervention attempted to impose on the nation, for the purpose of destroying republican institutions, by means of the gallows, incendiarism, and pillage. Agreeably to the express provisions of the law of the 25th of January, 1862, each one of the two circumstances thus attaching to those captured at Queretaro—that is, the fact of their having been apprehended in the act of transgressing said law and engaged in an act of war—would suffice in order that the penalty of death should be inflicted upon them on the mere identification of their persons. However, after having taken this matter into deliberate consideration, the citizen President of the republic has deemed it proper to make use of his ample faculties in order to reconcile, as far as possible, the sentiments of clemency and mercy to the requirements of justice and the very important measure of securing the peace and tranquillity of the nation.

To this end he has thought that a distinction could be made in the degrees of criminality of those more or less guilty. Some of those prisoners, owing to the importance of the civil and military positions which they have filled, the greater influence which their character has given them, and the grave offences which they have committed, or which they have authorized, may be considered the more liable to the penalty of the law. Others are in the same situation who, by former or recent acts, the perpetration of numerous crimes or an excess of refined cruelty, have made themselves as highwaymen and robbers, and deserve no consideration, whatever may have been the class or station they have held.

With reference to both, notwithstanding that they appear to be deserving of the strict construction of the law in this regard, on the mere identification of their persons, the citizen President, in use of his ample powers, has determined, in order that the defences which they may have to make may be heard, that, agreeably to the provisions of the law cited relating thereto, the following trials be held:

1. Those will be tried by one and the same process of law who appear on the special list of prisoners made at Queretaro, as generals of brigade, including Colonels Don Mariano Monterdo, Don Mariano Reyes, and Don Juan Ottou, because they have held important commands or have figured with antecedents involving a special responsibility.

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2. Shall be tried on another indictment the so-called Colonels Don Francisco Redoné Jesus, *alias* Bueyes Pintos, and the so-called Lieutenant Colonels Don José Almanza and Don Emeterio Maldonado, together with the other persons, whatever may be their class or condition, whom you may be enabled immediately to designate in consequence of their having antecedents which distinguish them by their former or recent acts as highwaymen or robbers, or for their refined cruelty.

3. Shall be tried on another indictment Don Manuel Garcia Aquirre, who held the position of minister to Maximilian; Don Manuel Dominguez, who acted as prefect of Queretaro; and Don Domingo Paros, who acted as commissary.

With reference to the other prisoners made at Queretaro, the number of which is large, although they should be equally subject, agreeably to the provisions of the law, to suffer the penalty of death upon the mere identification of their persons, because of the two circumstances of their having been apprehended in the act of transgressing said law and engaged in an act of war also attach to them; nevertheless, the citizen President, making use of his ample faculties, and desirous, in the name of the people and as their representative, of showing an act of clemency and mercy, has decided in council to grant them an exemption from the penalty of death, commuting it in the following manner:

1. Those who appear in the list referred to as colonels shall suffer the punishment of imprisonment for six years in a castle or place which the government may designate; lieutenant colonels for five years, commanders for four years, and captains for two years.

2. The lieutenants and sub-lieutenants of Mexican birth shall be subject for two years to the vigilance of the authorities of the places which they may elect as their residence, so long as they do not give cause by their bad conduct to their being placed in close confinement within that period. They shall at once be furnished with a pass to enable them to proceed to the place of residence which they may elect, where they will report to the authority of the same. They shall be permitted to change their residence when convenient to them to do so on previously giving notice thereof to the authority of the place in which they are, in order that it may give them a pass with which to present themselves to the authority of the new residence which they may elect, in order to remain there in the same manner under its vigilance.

3. Those who appear on the list as lieutenants and sub-lieutenants, of foreign birth, shall remain prisoners until the government, after due examination of their antecedents, shall determine whether they shall remain prisoners for two years, like the captains, or whether it shall issue passports to them to quit the territory of the republic.

4. To those of the class of troops of foreign birth, already sent by you to this city, the government will direct here that passports be issued them to quit the territory of the republic. This same order is given separately, with reference to the rank and file, and even with reference to the chiefs and officers of foreign birth, captured in former battles, who are now in Zacatecas, Guadalajara, Puebla, and other places.

5. Among the prisoners who appear in the list as civil employés, Samuel Bache, who figures as private physician to Maximilian, will be at once set at liberty, and with regard to Joaquin Martinez, Luis P. Blasio, Manuel Castillo y Cos, and Demetrio Ortiz, they shall remain in the manner provided for the lieutenants and sub-lieutenants of foreign birth, subject for two years to the vigilance of the authorities of the places wherein they may desire to reside, unless you may possess antecedents respecting any one or any of them involving circumstances of aggravating crimes, in which case you will be pleased immediately to give notice thereof to the government, that it may determine what is proper to be done.

6. All those embraced in the foregoing classes, after the conclusion of their terms of imprisonment, or of the time they are to remain subject to the vigilance of the authorities, shall be deprived of the rights of Mexican citizens until they obtain express rehabilitation (reconstruction) from the general government.

Agreeably to these instructions, you will be pleased to issue the proper orders for their fulfilment.

Independence and liberty! San Luis Potosi, June 6, 1867.

MEJIA.

The Citizen GENERAL OF DIVISION,
Commanding in Chief the Army of the North, Queretaro.

WASHINGTON, July 3, 1867.

A true copy: IGNO. MARISCAL, Secretary.

No. 21.

No. 1.]

[Telegram.—From Queretaro to San Luis Potosi, June 2, 1867, at 8.55 p. m.]

To the Citizen Minister SEBASTIAN LERDO DE TEJADA:

General Diaz recommends that as soon as an answer is received from the supreme government to the petition of Baron Magnus, you forward it to San Juan del Rio by express, that it may be transmitted to him.

The term for the defence of Maximilian will begin to run at four or five this evening; so the attorney has informed me.

ESCOBEDO.

WASHINGTON, July 3, 1867.

A true copy:

IGNO. MARISCAL, Secretary.

No. 22.

No. 2.]

[Telegram.—From Queretaro to San Luis Potosi, June 2, 1867, at 9.10 p. m.]

To the Citizen Minister SEBASTIAN LERDO DE TEJADA:

I have received the telegram that General Porfirio Diaz sent me, dated in Queretaro, May 25, and I beg you to thank his excellency for his kindness in affording me an opportunity to hasten to the call of a prince in distress.

The Mexican authorities have unfortunately detained me, and I could not leave the city till to-day with the lawyers for the defence. That the defence may be complete I will thank you to request his excellency to suspend judgment for a sufficient time for the lawyers to arrive and fulfil their mission.

A. V. MAGNUS.

WASHINGTON, July 3, 1867.

A true copy:

IGNO. MARISCAL, Secretary.

No. 23.
No. 3.]

[Telegram.—From San Luis Potosi, June 2, 1867, at 10.45 p. m.]

To General MARIANO ESCOBEDO :

About ten to-night I received a telegraphic despatch from you with the recommendation of General Diaz to notify him of what is done in relation to the petition of Baron Magnus. The President being indisposed has retired, so I cannot consult him till to-morrow, when I will give you an answer.

S. LERDO DE TEJADA.

WASHINGTON, July 3, 1867.

A true copy :

IGNO. MARISCAL, Secretary.

No. 24.

No. 4.

[Telegram.—From San Luis Potosi, June 3, 1867, at 10.15 p. m.]

To General MARIANO ESCOBEDO :

In order to decide upon the messages received last night in relation to Baron Magnus, the President wishes to know if the message of the baron was sent yesterday or before, and from what place. Do you know if he is waiting for the answer, or is he on the road, and where is he to be found at present? and if the term for Maximilian's defence, which you said would begin to run at four or five in the afternoon, is the first term allowed by the law, or is it a second term by virtue of a legal extension?

I will wait for your answer, so that the President may decide.

S. LERDO DE TEJADA.

WASHINGTON, July 3, 1867.

A true copy :

IGNO. MARISCAL, Secretary.

No. 25.

No. 5.]

[Telegram from Queretaro to San Luis Potosi, June 3, 1867, at 5.15 p. m.]

To the Chief Minister LERDO DE TEJADA :

I received a message to-day from Mr. Magnus, forwarded at 7 last night from Tepeji, in which he tells me he is continuing his journey; and Mr. Riva Palacio, in another sent to a person in this city, assures him that to-morrow he will be here with Mr. Magnus and other persons who are accompanying him.

The term of Maximilian's defence, which ends at six this evening, is the first granted by the law. I say this in reply to your telegram of to-day.

ESCOBEDO.

Additional.—The term for Mejia's defence ended yesterday. Maximilian's will begin and end at six to-day, and then Miramon's will come on. Extension has not been granted to any of them.

ESCOBEDO.

WASHINGTON, July 3, 1867.

A true copy :

IGNO. MARISCAL, Secretary.

No. 26.

No. 6.]

[Telegram from San Luis Potosi, June 3, 1867, at 9.15 p. m.]

To General MARIANO ESCOBEDO :

I have received your message of this evening, informing me that you have notice that Baron Magnus and the lawyers accompanying him will reach this city to-morrow; that the term granted by law for the defence of the Archduke Maximilian will finish this evening, and then the term for the defence of Miramon will begin. You were informed by the minister of war, on the 28th of May, that if Maximilian's defenders did not arrive within the term granted by law for the defence, you could grant him a new term, in accordance with his petition, to begin to run anew from the term fixed by law, so that he might make a defence. Conformably to that resolution the citizen President of the republic instructs me to say to you that, as the term for the defence of Miguel Miramon will continue through to-morrow, and as he is one of the parties on trial, and Baron Magnus and the persons with him are expected to-morrow, on the conclusion of the term for the defence of Miramon you may grant a new term allowed by law; and in such case this new term shall be common to the other parties, that they may profit by it for their defence.

Communicate this to Baron Magnus in reply to his message, which I received last night.

LERDO DE TEJADA.

WASHINGTON, July 3, 1867.

A true copy :

IGNO. MARISCAL, Secretary.

Mr. Romero to Mr. Seward.

[Translation.]

WASHINGTON, July 7, 1867.

Mr. Romero respectfully salutes Mr. Seward, and has the honor to state to him that, according to the recommendations he made to him on the 4th instant, that he should send to the Department of State the rest of the documents he should receive respecting the persons captured at Queretaro, he transmits to-day a copy of No. 48 of the newspaper La Sombra de Zaragoza, published at San Luis Potosi the 19th June last past, which he has just received, in which are

comprehended the documents that the government of Mexico has thought proper to publish at this time respecting the trial of three of those persons. These documents include several of those which Mr. Romero sent to Mr. Seward with his informal note of 3d instant. In a private letter, dated at San Luis Potosi, the 21st June aforesaid, it is said to Mr. Romero that very soon the government of the republic would publish a volume which would contain, besides the documents referred to, the record of the proceedings instituted against those who have been tried, the defences, and other documents and proceedings having relation with the same business.

From the documents published up to this time the fact stands out in relief that the government of Mexico determined with all the clemency that was possible to it, in respect of the fate of the great number of persons captured at Queretaro.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

TRIAL OF MAXIMILIAN.

Documents about the trial of the Archduke Maximilian, of Don Miguel Miramon, and of Don Tomas Mejia, and the execution which took place at Queretaro, this day, 19th June, at seven o'clock in the morning.

[TRANSLATION.]

[Enclosure No. 1.—From the Sombra de Zaragoza, the official paper, of June 19, 1867.]

MEXICAN REPUBLIC—HEADQUARTERS ARMY OF OPERATIONS.

In reply to the note from your department of the 21st instant, I have the honor to say to you that in conformity with the direction of the citizen President of the republic, the trial of Ferdinand Maximilian of Hapsburg and his so-called generals, Don Miguel Miramon and Don Tomas Mejia, was forthwith proceeded on, observing in the judicial proceedings what is provided in the law of January 25, 1862, in articles No. 6 to No. 11, inclusive; sending to your department the list of chiefs and officers, prisoners, as directed at these headquarters.

Independence and liberty! Headquarters at Queretaro, May 27, 1867.

M. ESCOBEDO.

Citizen MINISTER OF WAR AND MARINE

Of the Republic of Mexico, San Luis Potosi.

[Enclosure No. 2.]

MEXICAN REPUBLIC—HEADQUARTERS OF THE EASTERN ARMY—SECTION OF GOVERNMENT.

CITIZEN MINISTER: The telegrams from San Juan del Rio have been received at these headquarters, addressed by General Escobedo, which, by numbers 1, 2, 3, and 4, I have the honor to send in copy, as well as the answer which I gave to them:

[Enclosure No. 3.]

[No. 1. Sent from San Juan del Rio, May 25, 1867.—Received at Guadalupe at ten minutes past 9 o'clock in the morning.]

General of Division PORFIRIO DIAZ:

At half past eight I receive by express the following telegram, which I have the honor to transmit, from the general-in-chief, Mariano Escobedo, and that of Maximilian.

A. ALCERRECA.

[Enclosure No. 4.]

[No. 2. Remitted from San Juan del Rio, May 25, 1867.—Received at Guadalupe Hidalgo at twelve minutes after 9 in the morning.]

The emperor Maximilian to Baron de Magnus, minister of Prussia in Mexico:

Have the kindness to come and see me as soon as possible, with the advocates Don Mariano Riva Palacio and Rafael Martinez de la Torre, or other you may think well of, to defend my cause, but I desire that it be done immediately, for I have no time to lose. Don't forget the necessary documents.

MAXIMILIAN.

[Enclosure No. 5.]

[No. 3. Sent from San Juan del Rio, May 25, 1867.—Received at Guadalupe Hidalgo at eighteen minutes past 9 in the morning.]

General of Division Don PORFIRIO DIAZ:

The general-in-chief charges me to say to you that you will please to communicate to him seasonably whatever may occur, and principally respecting the message from Maximilian.

A. ALCERRECA.

[Enclosure No. 6.]

[No. 4. Sent from San Juan del Rio, May 25, 1867.—Received at Guadalupe Hidalgo at four minutes past 1 o'clock, afternoon.]

General Don PORFIRIO DIAZ:

I send you the following message:

GENERAL DIAZ: If there is no obstacle to Marquez receiving the former message communicated from Maximilian, it is hoped you will permit it.

A. ALCERRECA.

[Enclosure No. 7.]

Citizen MINISTER OF WAR AND MARINE,

St. Luis Potosi:

Telegraph citizen A. Alcerreca:

Please transmit to General Escobedo the adjoined telegram:

P. DIAZ.

I received the telegram from Maximilian which you sent me, in which he shows that if there is no obstacle it might be sent to Mexico, and in reply I have the honor to say to you that I dare not do so without express order from the supreme government, it being too serious a matter.

PORFIRIO DIAZ.

General of Division D. M. ESCOBEDO.

Which I submit to your superior judgment, that the supreme government may determine what it thinks best.

Independence and the republic! Tacubaya, May 25, 1867.

PORFIRIO DIAZ.