

besieged by the government of Mexico, declaring and fomenting the civil war against that government, with which the United States are in friendly relations, under an assumed authority from the United States ; and while he claimed to be under the protection and shield of their flag, he prevented the act of surrender of Vera Cruz, after the terms of that surrender had been agreed to and accepted by both parties ; and this under the declaration that he was acting under the authority of the United States.' In this view of the subject, this department not only does not disallow nor censure, but it approves the proceedings of the United States consul and of Commander Roe, at Vera Cruz."

A copy of this memorandum was sent to Captain Roe, personally, by Mr. Seward, thus becoming a direct message of approval.

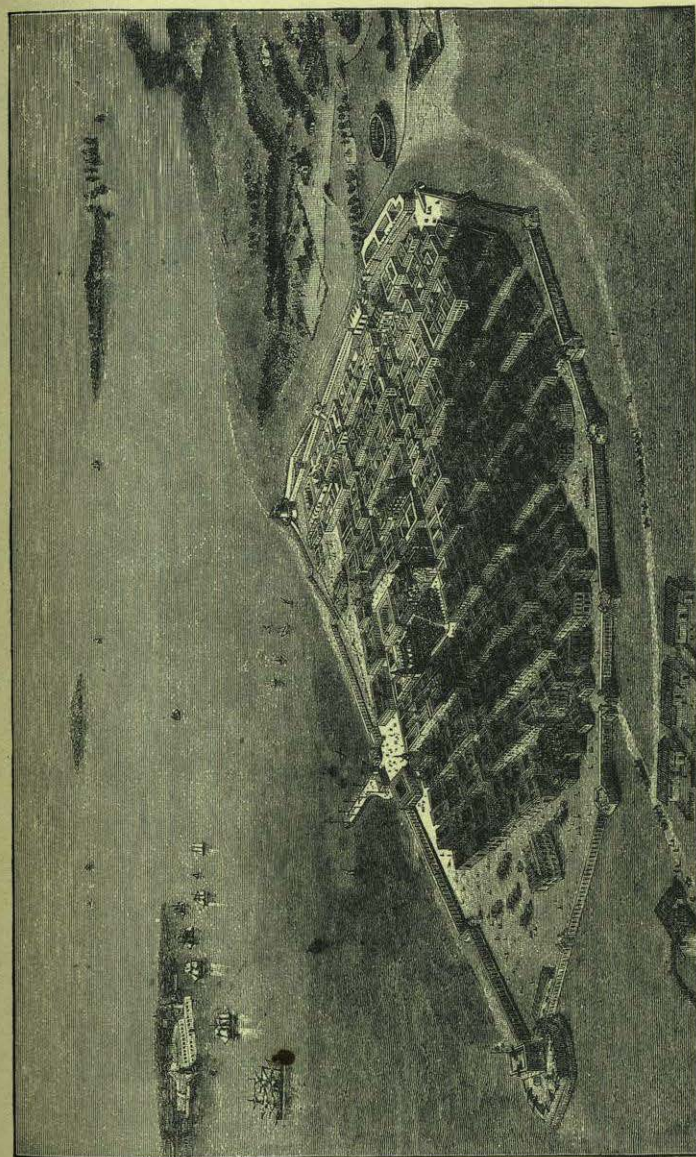
CHAPTER IV.

DURING the few days that were needed for the "Tacony" to fly to Pensacola, take in coal and provisions, and return to her station, the great drama of Mexican affairs was swiftly drawing to a close. As the curtain was about to fall on the tragic finale, the telegraph and the mail were busy in conveying requests, petitions, and answers between the various high parties, so deeply interested both in the personal welfare of the young ex-Archduke of Austria, and the standing among nations of the struggling, bleeding Republic south of the Rio Grande.

We have seen that as early as April 6th, Count Wydenbruck had requested the good offices of the American Department of State to secure respect for the person of his emperor's brother. These had been rendered ; a special and able courier being found in Mr. Frederick Hotze, late a lieutenant-colonel in the Mexican corps of Austrian volunteers, who, in refusing to accept the post of chief of staff to the sanguinary General Marquez (the "Tiger"), had drawn upon himself the displeasure of Maximilian, and had retired to the United States. Well acquainted with Mexico and with Mexicans, and

anxious to save the imperial family in Vienna a terrible grief, this gentleman had offered his services to take a despatch by the shortest route to President Juarez, guaranteeing the secrecy of its contents. Later, on June 1st, Mr. Campbell, then in New Orleans, was ordered to proceed in person immediately to San Luis Potosi, the temporary seat of the Juarist government, in the hope that his presence might not only prevent any act of violence toward the captive prince, but would also ensure his release. Any good effects that might have resulted from such a step were lost by Mr. Campbell's declining to proceed to Mexico, and resigning his post when it was too late to appoint his successor.

Couriers were despatched at different times, bearing to President Juarez messages from Washington of requests for clemency, based upon appeals from various courts of Europe for the assistance of the American government. Queen Victoria and Emperor Napoleon both asked that intercessions should be made, and the substance of their requests was immediately communicated to the Mexican government through Mr. Romero. While the deliberations of the council of war, consisting of six captains and a lieutenant-colonel, sitting in the Teatro Iturbide at Querétaro, were not generally known, it was felt by an instinct common to all that their illustrious prisoner would receive but short thrift. The extraordinary activity of that drum-head court



VERA CRUZ—BIRD'S-EYE VIEW.

and the rapidity of their counsels were, however, not sufficiently well known, and it was not until June 20th that the Austrian Minister in Washington received from Count Beust the telegram instructing him to "request Mr. Seward to let Juarez know, and, if possible, Prince Maximilian, that the Emperor of Austria is ready to re-establish Maximilian in all his rights of succession as Archduke of Austria, after his release and his renunciation of all his projects in Mexico."* Señor Romero was instantly told of this, and presumably lost no time in informing Juarez. But it was then too late. Such an overture made sooner would at least have refuted some of the arguments made against the release of the Prince. These arguments are perhaps best set forth in a letter from Mr. Romero to Hon. Hiram Barney, of New York, under date of May 31, 1867, in answer to personal letters from him in connection with that all-absorbing topic. The following extract will serve to illustrate :

"I have perused with interest your remarks about the way in which we ought to treat the enemies of Mexico. I do not know what disposition President Juarez will make of Maximilian, but I am afraid that if he is allowed to go back to Europe with impunity, he will be a constant menace to the peace of Mexico. He will keep on styling himself to our

* Before accepting the Mexican throne the Archduke had to abdicate his eventual right to that of Austria.

shame,—*Emperor of Mexico* ; all dissatisfied Mexicans will keep up an active correspondence with him about his supposed popularity there, and even may induce him to return at some future time, as they did with Iturbide ; such of them as can afford it will go over to Austria and form a Mexican court for Maximilian at Miramar, and he will have enough of them to organize a legitimate *Mexican government* there, as the ex-king of the Two Sicilies did at Rome, after he was expelled from Naples ; some European powers will keep recognizing him as the Emperor of Mexico, as Spain did with the ex-king of the Two Sicilies ; whenever we may be likely to have complications with any European nation, the first step taken by the interested party will be to intrigue with Maximilian, and to threaten us with giving *aid to our lawful sovereign to recover his authority from the hands of the usurpers*, if we decline to accept their terms.

"Besides, if Maximilian is pardoned and allowed to go home, nobody in Europe, I am sure, will give us credit for magnanimity, as weak nations are not supposed to be magnanimous ; but, on the contrary, it will be said that we did so through fear of public opinion in Europe, and because we would not dare to treat harshly *our sovereign*.

"I do not mean by this to say that Maximilian must necessarily be shot ; what I mean is that his power to do any further mischief in Mexico must be utterly destroyed before he is allowed to depart."

It does not come strictly within the province of the historian to criticise or express opinions, but rather to present facts in all lights so that individual inferences may be drawn. The execution of the Austrian ex-Archduke by the nation he had so deeply, though perhaps at first unwittingly, wronged, was a subject of most mournful interest to Mexicans and to Americans. It has been said that he sacrificed himself by his blindness in attempting to establish a monarchy in spite of timely warnings of the perils he would encounter in accepting a crown at the hands of an unauthorized faction which did not and could not truly represent the mind and will of the Mexican people at large. In general terms, this is undoubtedly true, but a more immediate and tangible cause of mercy not being shown him may perhaps be found in his terrible edict of October 3, 1865, by which Republican officers captured were executed as bandits. One of the first victims of this decree was General Don José Maria Arteaga, who had been twice governor of the state of Querétaro; when captured he was in chief command of the Liberal army in Michoacan, but was shot as a robber, together with General Salazar and other officers of high rank. Colonel Don Ramon Mendez, who carried out the decree in their case, was promoted to the rank of general and chief commander in the department of Michoacan.

This was not war, and these facts could not be

obliterated from the minds of the patriots whose fathers, brothers, sons, had been slain; and the relentless feelings engendered became a potent factor in deciding the Prince's fate. In the diary of the Princess Salm-Salm we read that that lady fell on her knees before Juarez and pleaded for Maximilian's life. He had tears in his eyes, but answered in a low, sad voice: "I am grieved, madam, to see you thus on your knees before me; but if all the kings and queens of 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."

It seems more than probable that the infliction of the extreme penalty was a foregone conclusion on the part of President Juarez and his Cabinet, who were, of necessity, swayed by their views of the needs of Mexico, and who, according to their lights, looked farther into futurity than others upon whose shoulders rested a lighter responsibility. Prime-Minister Lerdo de Tejada, in answer to Mr. Campbell's letter asking that humane treatment should be accorded the Prince, wrote at some length, and in his letter, dated April 22d, occurs the following remarkable passage:

"After the withdrawal of the French forces, the Archduke Maximilian persisted in his useless attempt to shed more Mexican blood. With the exception of two or three cities which he holds by force,

he has seen the whole Republic rise up against him. Notwithstanding this he wants to continue his work of ruin and desolation by an aimless war, surrounded by men well known for their robberies and assassinations, and the deepest-dyed in crime of any in the Republic. When such persons are captured it is not reasonable to suppose they could be considered as simple prisoners of war, for they are responsible to the law of nations and amenable to the laws of the Republic.

"The government, which has given numerous proofs of its humanitarian principles and of its sentiments of generosity, has also the obligation to consider, according to the circumstances of the case, what is required by the principles of justice and its duties to the Mexican people."

There were still other reasons that must have swayed the officers of the Mexican Republic. The journals of that country seemed to dwell with great pleasure upon any incident or circumstance that could be perverted into a proof that the government of the United States sought an undue influence over their administration. In this the papers but represented the feelings of a large class of Mexicans, and it may readily be apprehended that the danger of flying in the face of such apparently deep-rooted convictions was enough to turn the scale in the mind of even such a strong man as Benito Juarez. Such thoughts and expressions

were certainly without color of reason, as can be seen by the simple perusal of the correspondence between the two governments. In the interview with Mr. Romero, in which Mr. Seward announced that the emperors of Austria and France and the queen of England had severally appealed to the United States to endeavor to avert the execution of Maximilian, he concluded in these words:

"The United States have already expressed themselves on that subject with frankness and profound respect to the government of President Juarez. To reiterate its opinions and wishes in a formal manner in compliance with the wishes expressed by the sovereigns of France and Great Britain, would perhaps embarrass the government of President Juarez, and might tend to defeat the humane purposes entertained. At the same time Mr. Seward, assuming that the question may still remain an open one, is desirous that President Juarez should be informed of the interest in the person of Prince Maximilian thus expressed by the last-named European powers.

"Mr. Seward also thinks it proper to say that he apprehends no possible contingency in which any European power will attempt either invasion or intervention hereafter in Mexico, or in any other republican nation on the American continent. For this reason he does not think that Mexico has to apprehend any attempt at retaliation by European

powers as a consequence of whatsoever extreme decision the Mexican government may make ; but at the same time Mr. Seward also thinks that a universal sentiment, favorable, conciliatory, and friendly towards the republic of Mexico and the other American republics, would be likely to follow from such an exercise of clemency and magnanimity as the United States have thought proper to recommend.

“ Mr. Seward requests Mr. Romero, if compatible with his convictions of duty, to make these sentiments known in a private and confidential manner to the republic of Mexico.”

Nothing could be more delicately and courteously put, and it would seem difficult to torture the correspondence, of which that is a fair sample, into any such desire as was popularly attributed to the Department of State. And yet that such was the case seemed very apparent, and by portions of the American as well as the Mexican press. The following extracts from *La Centinela*, published in Monterey, are of interest as an indication of the feelings of the Mexican people regarding the disposition of the Prince and the relations of the two countries :

“ The interference of the government of the United States to save the life of Maximilian, and above all the terms used and the mode employed by Minister Seward in the negotiation, have imperilled the situation of Maximilian, and have made it

almost impossible to exercise towards him an act of generosity which, although it would have thrown censure on our government, would have excited the admiration and provoked the eulogies of the world and of posterity. To-day the pardon of the Archduke of Austria could not be granted without incurring universal censure, there being very few who would believe that we were influenced solely by the noble sentiments of humanity and magnanimity. These same friends of Maximilian and enemies of the government of the republic would comment on this act in a manner most unfavorable to our dignity. They have always endeavored to produce the belief that the Mexican people, and, to the nations of Europe, that the republican government is in a state of traitorous dependence upon the United States ; and with the known bad faith of those men try to throw in our face our obsequious docility, or worse—that we but obey (for certainly such was the order of Seward) the brusque commands of the American minister, Mr. Campbell. . . .

. . . “ At the beginning we were vacillating between the reign of justice and benignity and pardon in regard to the Archduke ; but on reflecting on the matter, and in view of the impolitic (or impolite) letter of Mr. Seward, and considering the proof of obstinacy given by the Archduke himself, in his strong desire that in no way the only government which the nation has recognized should be

respected and obeyed, endeavoring in the document which we inserted in our last number,* that even after his death the strife between the Mexicans should continue, and this even after the genuine will of Mexico has evidently been made clear to him, we consider that the execution of this Prince has been made indispensable under every aspect, because it is very likely that, according to his tenacity and obstinacy, he might make another attempt and risk the peace of the Republic."

It may be said, and with reason, that such utterances were based upon prejudice and ignorance of the true character of documents referred to. The histories of the most enlightened nations do not fail to teem with instances of equally popular and erroneous convictions having for the time being the force of truth. It seems possible in this way that the magnanimous, single-minded, courteously expressed suggestions of clemency offered by the American Department of State may have been productive of sufficient evil to undo the good.

To return to our double-ender.

A few days and nights of steady, unremitting work sufficed to prepare her for another cruise, and at daylight of the 17th of June she quietly left Pen-

* Referring to Maximilian's last decree, dated June 10, 1867, in view of his possible death, appointing a regency of three persons, Don Theodosio Lares, Don José M. de Lacunza, and General Leonardo Marquez, to carry on the Empire.

sacola bay, and steamed away under full power. It did not seem probable that the town of Vera Cruz could still be holding out after negotiations for surrender had reached the stage described previous to her departure; but in view of Bureau's strange sense of duty or unblushing diversion of custom-house receipts, it was deemed best for her to return. Great was the surprise on board, when, after sighting the ships at Sacrificios anchorage, on the afternoon of the 20th, the Imperial flag was made out still flying over the defences of the town.

As the gun-boat rapidly approached, the old familiar objects became distinct. The same ships were there,—the "Jason," "Barracouta," "Phlégéon," "Elizabeth," and "Uloa." The U. S. S. "Yucca" was also present, but was despatched before long to Tampico, with peremptory orders to Lieutenant-Commander Maxwell, commanding the U. S. S. "Yantic," to bring that vessel immediately to Vera Cruz, as there was urgent need for an increased force there, while at Tampico all was quiet. The thrilling sounds of cannonading and musketry testified to the inability of the different parties to come to an agreement. There was evidently needed a *main de fer sous gant de velours* to give an impetus to negotiations.

It was soon learned that an arrangement had been reached on the 19th between the Imperial Commissary and General Benavides for the surrender of the