

Such was the Treaty of Cordova, which was signed by Iturbide, "as the depository of the will of the Mexican people," and by O'Donoju, as the representative of Spain; on the 24th of August, 1821. The best excuse for the concessions made by the latter is, as stated by Iturbide,* the fact, that he had no alternative. He must have signed the treaty, or become a prisoner, or returned at once to Spain, in which case his countrymen would have been compromised, and his Government deprived of those advantages, which the Mexicans were still willing to concede. Under these circumstances, it is not easy to point out what O'Donoju could have done for Spain better than what he did; although the advantages were, at first, most apparent upon the Creole side. Iturbide obtained, in virtue of the treaty of Cordova, immediate possession of the Capital, which he entered in triumph on the 27th of September, 1821, and, on the following day, the Provisional Junta was installed, the establishment of which was provided for by the fifth Article of the plan of Iguala. This Junta, which was composed of thirty-six persons, elected a Regency, consisting of five individuals, of which Iturbide was made President: he was at the same time created Generalissimo, and Lord High Admiral, and assigned a yearly salary of one hundred and twenty thousand dollars.

* *Vide* Statement, page 21.

Up to this time Iturbide's plans had been completely successful. He seemed to have carried the nation along with him, and, in every thing that could tend to promote a separation from Spain, not a single dissenting voice had been heard. But, from the moment that the future organization of the Government came under discussion, this apparent unanimity was at an end. One of the first duties of the Provisional Junta was to prepare a plan for assembling a National Congress; and this, at Iturbide's suggestion, was done in such a way as to pledge the Deputies to the adoption of the plan of Iguala in all its parts, by obliging them to swear to observe it, before they could take their seats in the Congress. Many of the old Insurgents thought that this was restricting too much the powers of the people, who ought to be allowed to approve, or reject, through the medium of their representatives, what had been done in their name, but without their authority. Guadalupe Victoria was one of the advocates of this opinion, and was driven again into banishment by the persecution which it drew upon him. Generals Bravo and Guerrero were likewise of the same mode of thinking, as, indeed, were a host of others; and thus, although Iturbide succeeded in carrying his point, and in compelling the deputies to take the oath proposed, the seeds of discontent were sown before the sessions of the Congress commenced.

On the 24th February, 1822, the first Mexican

Cortes met, and three distinct parties were soon organized amongst the members. The Bourbonists, who wished to adhere to the plan of Iguala altogether, and to have a Constitutional monarchy, with a Prince of the House of Bourbon at its head. The Republicans, who denied the right of the army to pledge the nation by the plan of Iguala at all, and wished for a Central or Federal Republic: and the Iturbidists, who adopted the plan of Iguala, with the exception of the article in favour of the Bourbons, in lieu of whom they wished to place Iturbide himself upon the throne.

Upon the merits of the respective creeds of these parties, I shall make no comments: each probably thought that it had good reasons for adopting that which it did adopt, and each, certainly, hoped to derive considerable advantages from the triumph of its own.

The Bourbonists soon ceased to exist as a party, the Cortes of Madrid having, by a Decree dated the 13th of February, 1822, declared the Treaty of Cordova "to be illegal, null and void, in as far as the Spanish Government and its subjects were concerned," thereby precluding the possibility of the acceptance of the crown of Mexico by a junior member of the Royal Family. The struggle was thenceforward confined to the Iturbidists and the Republicans, between whom a violent contest was long carried on,—the Congress accusing the Regency, and its President, of wasteful expenditure, and Iturbide as

loudly accusing the Congress of an intention to destroy "the most meritorious part of the community"—the army, by not providing funds for its support. These bickerings were increased by the introduction of a project in the Congress, for reducing the troops of the line, from sixty, to twenty thousand men, and supplying the deficiency by calling out an auxiliary force of thirty thousand militia. This measure was most strenuously opposed by Iturbide, but was, nevertheless, carried by a large majority, in the beginning of April. From that moment his friends saw that his influence was on the wane, and that if they wished ever to see him upon the throne, the attempt must be made before the memory of his former services was lost. Their measures were concerted accordingly. No men of rank were employed in carrying them into execution, but recourse was had to the Sergeants, and non-commissioned officers of the garrison, who were, in general, much attached to Iturbide's person. These men, headed by one Pio Marcha, the first sergeant of the Infantry regiment No. 1, and seconded by a crowd of the leperos, (lazzaroni) by whom the streets of Mexico are infested, assembled before Iturbide's house on the night of the 18th of May, 1822, and proclaimed him emperor, under the title of Augustin the First, amidst shouts and *Vivas*, and firing, which lasted through the whole of the night. The old and stale manœuvre of pretending to yield, reluctantly, to the will of the people, was repeated upon this oc-

casion, as detailed by Iturbide himself;* and was kept up during the whole of the next day, when the Congress was employed in discussing the strange title to a crown, which the Commander-in-chief stated himself to have derived from the acclamations of a mob; while Iturbide, after filling the galleries with his partizans in arms, endeavoured, like the prince of hypocrites, as he proved himself upon this occasion, to obtain a hearing for those who were adverse to his nomination. The discussion ended, of course, by the approbation of a step, which it was not in the power of Congress to oppose; and Iturbide was proclaimed Emperor, with the sanction of the National Assembly. The choice was ratified by the Provinces, without opposition; and had the new Sovereign been able to moderate his impatience of restraint, and allowed his authority to be confined within the constitutional bounds, which the Congress was inclined to prescribe for it, there is little doubt that he would have been, at this day, in peaceable possession of the throne, to which his own abilities, and a concurrence of favourable circumstances, had raised him. But the struggle for power, far from being terminated by his elevation, seemed only to have become more implacable. The Emperor demanded privileges inconsistent with any balance of power;—a Veto upon all the articles of the Constitution then under discussion, and the right of ap-

* Vide Statement, pages 38, 39, and 40.

pointing and removing, at pleasure, the members of the Supreme Tribunal of Justice. He recommended, likewise, the establishment of a Military Tribunal in the Capital, with powers but little inferior to those exercised by the Spanish Commandants during the Revolution; and when these proposals were rejected, (as they were with great firmness, by the Congress,) he arrested, on the night of the 26th August, 1822, fourteen of the Deputies, who had advocated, during the discussion, principles but little in unison with the views of the Government.

This bold measure was followed by a series of reclamations and remonstrances on the part of the Congress, which produced no other effect than that of widening the breach between the Emperor and the National Assembly, until, at last, it became evident that the two could not exist together. Iturbide terminated the dispute, as Cromwell had done, under similar circumstances, before him, by sending an officer to the Hall of Congress, with a simple notification that the Assembly had ceased to exist, and an order to dissolve it by force, should any attempt at resistance be made. But no compulsion was required: the Deputies, many of whom were prepared beforehand for what was about to occur, dissolved their sessions at once, and the doors of the edifice in which they met, were closed by the officer whom Iturbide had commissioned to make known to them his will. This took place on the 30th October, 1822,

and, on the same day, a new Legislative Assembly was created by the Emperor, which was called the *Instituent Junta*, and consisted of forty-five members, selected by Iturbide himself, from amongst those whom he had found most inclined to comply with his wishes in the preceding Congress.

This body never possessed any sort of influence in the country, and, with the exception of a decree for raising a forced loan of two millions and a half of dollars, and for applying to the immediate exigencies of the State, two millions in specie, which had been sent to Veracruz by different merchants, but were detained at Perote, its records are hardly distinguished by a single public act.

Iturbide's popularity did not long survive his assumption of arbitrary power. Before the end of November, an insurrection broke out in the Northern Provinces, which was headed by General Garza. It was, however, suppressed by the Imperial troops, who remained faithful to their new Sovereign. But the army was his only reliance, and, unfortunately for him, a schism soon afterwards took place between two of his most confidential officers.

The motives which first induced General Sántānā, the Governor of Veracruz, to turn his arms against the Emperor, are said to have been of a private nature; but of this it is impossible now to judge. All that is known to the public is, that, at the close of 1822, this young officer published an address to the nation, in which he reproached the Emperor

with having broken his Coronation oath, by dissolving the Congress, and declared his own determination, and that of the garrison under his command, to re-assemble the Congress, and to support whatever form of Government that assembly might please to adopt.

To repress this dangerous spirit, Iturbide detached General Ēchāvāri, a Spaniard, in whom he placed unlimited confidence, with a corps of troops sufficiently strong to invest Veracruz, and thus to compel Sántānā to submission. But that officer had been joined, in the interim, by Guadalupe Victoria, to whom he yielded the chief command, in the expectation that his name, and the known strictness of his principles, would inspire all those with confidence who were inclined to favour the establishment of a Republic. Nor was he deceived: Victoria's character proved a powerful attraction; and Ēchāvāri himself, after a few trifling actions in the vicinity of Puente del Rey, finding that public opinion was declaring itself every where against the Emperor, determined upon making common cause with the Garrison of Veracruz, and induced his whole army to follow his example.

On the 1st of February, 1823, an act was signed, called the Act of Casa-Mata, consisting of eleven articles, by which the armies pledged themselves to effect the re-establishment of the National Representative Assembly, and to support it against all attacks.

This act was the signal for revolt throughout the country: it was adopted by all the Provinces in rapid succession, and by most of the Military Commandants. Amongst others, by the Marquis of Vibanco, then commanding a large body of troops at La Puebla, and by Generals Guerrero and Bravo, who left the Capital in order to proclaim the new system upon their old scene of action in the West. General Nęgrętę likewise joined the Republican army, and defection soon became so general, that Iturbide, either terrified by the storm which he had so unexpectedly conjured up, or really anxious to avoid the effusion of blood, determined to attempt no resistance.

On the 8th March, 1823, he called together all the members of the old Congress then in the Capital, and tendered his abdication, which was not accepted, because there were not at the time members enough present to form a house. On the 19th of March, he repeated the offer, and stated his intention to quit the country, lest his presence in Mexico should serve as a pretext for further dissensions. The Congress, in reply, refused to accept the abdication, which would imply (they said) a legal right to the Crown; whereas his election had been compulsory, and consequently null: but they willingly allowed him to quit the kingdom with his family, and assigned to him a yearly income of twenty-five thousand dollars (about five thousand pounds) for his support.

Iturbide was allowed to choose his own escort to the coast, and selected General Bravo for the purpose, by whom he was accompanied to Antigua, (near Veracruz), where a ship was freighted by the Government to convey him to Leghorn. He embarked on the 11th of May, 1823. A new Executive was immediately appointed by the Congress, which was composed of Generals Victoria, Bravo, and Negrete, by whom the affairs of the country were conducted, until a new Congress was assembled, (in August, 1823), which, in October 1824, definitively sanctioned the present Federal Constitution.

Many persons have attributed Iturbide's conduct, during the latter part of his career, to pusillanimity; but this is a charge which is repelled by the whole tenor of his earlier life. I am myself inclined to ascribe it partly, to a wish not to occasion a Civil war, and partly, to a lurking hope that a little time would prove as fatal to the popularity of his rivals, as it had been to his own; and that the eyes of his countrymen would then be directed towards himself, as the only means of preserving them from anarchy. Such, at least, appears to have been the impression with which he returned to Mexico in 1824, when he was outlawed by the Congress, and shot, upon landing on the coast, by General Garza; a measure, the severity of which, after the services which Iturbide had rendered to the country, can only be excused by the impossibility of avoiding, in any other way,

a civil war. His partizans in the Interior were still numerous, particularly on the Western coast, and had he once succeeded in penetrating into the country, with such men as Victoria and Bravo to oppose him, it is difficult to say how long the contest might have been protracted, or where the effusion of blood would have stopped.

Iturbide's family now resides in the United States, upon a provision assigned to it by the Mexican Congress. The partizans of the father were entirely personal, and his son has few, or no adherents: he is not, however, yet allowed to return to the territories of the Republic.

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BOOK III.

The form of government adopted by the Representatives of Mexico, when left by the resignation of Iturbide, at liberty to make a free and unbiased choice, was that of a Federal Republic, each member of which manages its own internal concerns, while the whole are cemented into one body politic, by certain general obligations, and laws, contained in the Federal Constitution of the 31st October 1824. This instrument, after declaring the absolute Independence of the country, (Article 1) adopting the Roman Catholic religion (Article 2) and recognizing as component parts of the Federation, (given alphabetically,) the nineteen States of Chiapas, Chi-

hahnd, Cöbblin and Tzäke, Dürrig, Galtz
hän, Mexico, Michöcän (Valledid), New Iöän
Oüjäl, Püch de los Ängel, Gochän, San Jüä
Pööl, Söndä and Sänäl, Püch, las Püch
lplä, Värerik, Xällic (Gandhätjüä), Yüchän
and Nöcöcök, as well as the Värerik of Old and
New Chälöcän, Collä, New Mexico, and the
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B O O K III.

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SECTION I.

REPRESENTATIVES, and the Senate, (Article 3)
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huāhuā, Cōhāhūilā and Tēxās, Dūrāngō, Guānā-jūātō, Mexico, Michōācān (Valladolid,) New Lēōn, Oājācā, Pueblā de los Āngēlēs, Quērētārō, Sān Lūis Pōtōsī, Sōnōrā and Sinālōā, Tābāscō, las Tāmāulipās, Vērācrūz, Xāliscō (Guādālājārā) Yūcātān, and Zācātēcās, as well as the *Territories* of Old and New California, Cōlīmā, New Mexico, and Tlāscālā, (Article 5,) proceeds to divide the Powers of the Supreme Government into three branches, Legislative, Executive, and Judiciary, (Article 6).

The Legislative Power is vested in a Congress, which is divided into two Chambers, the House of Representatives, and the Senate, (Article 7).

The House of Representatives is composed of members elected for a term of two years, by the citizens of the States. The basis of this election is the population, one member being returned for each eighty thousand inhabitants, as well as for each fraction that exceeds forty thousand,* (Articles 8, 10, 11).

A Deputy must be twenty-five years of age, and have resided two years in the State by which he is elected, (Article 19). If not a Mexican by birth, he must have been eight years a resident in the Republic, and possess landed property to the amount of eight thousand dollars, or some trade or profession that produces one thousand annually, (Article 20). An exception is made in favour of the natives

* Thus a State with a population of two hundred and five thousand, would return the same number of deputies as one with two hundred and forty thousand.

of the former Colonies of Spain, from whom a residence of three years only is required, and of all military men, whom eight years of service during the War of Independence, entitle to all the privileges of a Mexican born, (Article 21).

The President, and Vice-President, of the Federation, the Members of the Supreme Court of Justice, the Secretaries of State, and those employed in their departments, the Governors of States and Territories, Military Commandants, Archbishops, Bishops, Vicars-general, Judges of Districts, and Commissaries-general of Finance, or War, are not eligible, as Deputies, for the States, or Territories, in which they exercise their functions; and to become so, must have given up their several employments six months before the election takes place, (Articles 23, 24).

The Senate is composed of two Senators for each State, elected by a plurality of votes in the State Legislature, or Congress. The last of the two named is replaced by a new appointment at the end of two years: the first retains his seat for four. Both must be thirty years of age, and must possess all the qualifications requisite for a Deputy, (Articles 25, 26, 28, and 29).

The Congress thus constituted meets every year on the 1st of January, (Article 67,) and closes its sessions on the 15th of April; unless, either in its own opinion, or in that of the President, it be necessary to prolong them for thirty days more, (Article 71).

In the interval between the Ordinary sessions an Extraordinary Congress may be convoked, (composed always of the existing Chambers,) either by the President, or by the Council of Government, should two-thirds of its members agree upon its expediency, (Article 110).

The Congress cannot open its sessions without the presence of more than half the total number of its members, (Article 36).

Either of the Chambers can resolve itself into a Grand Jury, qualified to take cognizance of all accusations against the President, (for the crime of treason in attempting to subvert the form of Government established, or for any act manifestly tending to impede the free election of Senators and Deputies;) or against the Members of the Supreme Tribunal of Justice, the Secretaries of State, and the Governors of the different States, for infractions of the Constitution, by the publication of laws contrary to the general laws of the Union, (Article 38).

Should an impeachment be decided upon by two-thirds of the Members of the Chamber, before which the accusation is preferred, the person accused is, *ipso facto*, suspended from his employment, and placed at the disposal of the competent tribunal, (Article 42).

Both Deputies and Senators are inviolable, and cannot, at any time, be called to account for their opinions. (Article 42.)

A yearly salary of two thousand dollars is assigned to them, (Article 45).

The concurrence of both Chambers is required for the transmission of any legal enactment to the President. If he approves it, it is immediately published with his signature, when it acquires the force of law. If disapproved of by the President, it is sent back to the Chambers with his observations. Should it be again sanctioned by a majority of *two-thirds* of the members of *both*, the President must sign and publish it, without farther remonstrance. If not approved by this majority, the project cannot be again taken into consideration until the following year. The objections of the President must always be stated within a term of ten days, without which the law is conceived to have received his sanction, and must be promulgated.

Laws of every kind may originate, without distinction, in either Chamber, with the exception of those on taxes or contributions, which must be proposed in the Chamber of Deputies, (Articles 51—57.)

In the formation of a law, the presence of a majority of Members in both Chambers is required, (Article 66.)

The principal attributes of the Congress are:—

To maintain the Federal Union of the States, their independence of each other, and the perfect equality of their rights and obligations.

To promote general information by the establishment of copyrights, and the formation of colleges for the navy, the army, and the engineers.

To open roads and canals; to regulate posts, and

grant patents to the inventors or introducers of any useful discovery.

To protect and regulate the liberty of the press in such a manner that its exercise can never be suspended, or abolished, in any part of the Federation.

To incorporate into the Union new States, or Territories, fix their respective limits, raise Territories to the rank of States, and combine two or more States into one, at the request of their respective Legislatures, and with the consent of a majority of two-thirds in each, as well as in the general Congress.

To regulate the outlay of the country, and provide for it by taxes, imposts, and duties; to superintend the mode of collecting these, and to examine annually the Government accounts.

To borrow money on the credit of the Federation, and give security for its payment.

To regulate commerce with foreign nations, and between the several States, and with the Indian tribes.

To give instructions for the formation of a Concordat with the Holy See; to approve this Concordat for ratification, and to regulate the exercise of the right of Patronage throughout the Federation.

To approve all treaties of Peace, Alliance, &c. with Foreign powers.

To open ports to foreign trade, and establish custom-houses.

To fix the weight, standard, and value of money throughout the Federation, and to adopt one uniform system of weights and measures.

To declare war; grant letters of marque; determine prize-cases; designate the armed force of the country by sea and by land, fix the Contingent of each State, and make regulations for the government of the land and naval forces.

To permit or refuse the entry of Foreign troops into the territory, or of a Foreign squadron into the harbours of the Republic.

To create or suppress public offices, and increase or diminish the salaries attached to them.

To concede recompenses to Corporations or to individuals who have rendered services to the country, and to decree public honours to their memory.

To establish a general law with regard to naturalization, and bankruptcies.

To select a fit residence for the Supreme Powers of the Federation, and to exercise exclusive jurisdiction in the district around it.

To give laws and decrees for the internal administration of the Territories.

To make all laws which shall be necessary for the attainment of the objects comprised under the preceding Articles. (Articles 49, 50.)

The Supreme Executive Power is deposited in the hands of a President, (Article 74) assisted by a Vice-president, who, in cases of any moral or physical disqualification on the part of the President,

succeeds to all his prerogatives, and exercises his functions. (Article 75.)

None can be President, or Vice-president, but a Mexican born, thirty-five years of age, and residing in the country. (Article 76.)

The President cannot be re-elected until after the lapse of a term of four years. (Article 77.)

The election is made by the Congresses of the States, each of which, on the 1st day of September of the year immediately preceding the installation of a new President, names two individuals as candidates, one of whom, at least, is not to be a native of the State. A sealed certificate of this act is sent to the President of the Council of Government, which is opened in the presence of the Chambers on the 6th of the following January. A Commission of the Deputies, composed of one from each State, examines the validity of the certificates; and the Chamber then declares the individual upon whom the election has fallen. (Articles 79—84.)

Should two of the Candidates have an equal number of votes, or no one obtain a positive majority, the Chamber of Deputies names the President and Vice-president, confining its choice to the candidates who have obtained most votes. (Articles 85—89.)

If, in the House of Representatives, opinions are again divided, the question is determined by lot. (Article 90.)

The President may propose to the Congress, such

changes or modifications of laws, as he judges necessary. (Article 105.)

During a term of ten days, he may make observations upon the Laws, or Decrees communicated to him by the Congress, and suspend their publication. (Article 106.)

During his Presidency he is inviolable, and can only be accused before one of the Chambers, in the cases provided for by Article 38. (Article 107.)

The President has powers:—

1. To publish, circulate, and enforce the Laws and Decrees of the General Congress.
2. To issue decrees or regulations himself, for the better observance of the Constitution, and general laws.
3. To carry into execution all laws for preserving the integrity of the Federation, and maintaining its Independence and tranquillity.
4. To appoint and remove, at pleasure, the Secretaries of State.
5. To superintend the collection of the revenue, and its employment, as provided for by the Congress.
6. To appoint the chiefs of the different departments of finance; the Commissaries general, Diplomatic agents, Consuls, Colonels, and other superior officers of the army and militia, with the approbation of the Senate, or, when the Congress is not sitting, of the Council of Government.
7. To make all other Government appointments whatsoever, under certain legal restrictions.