

8. To appoint one of three candidates proposed to him, to all vacancies in the Supreme Tribunal of Justice, or as Judges and Fiscals of a district.
9. To assign military pensions, &c. in conformity to the laws.
10. To dispose of the armed force of the country, both by sea and by land, for the better security of the Federation.
11. To call out the Militia for the same purpose, the force required being previously determined by the Congress, or by the Council of State, should the Congress not be sitting.
12. To declare War in virtue of a previous decree of the Congress, and grant letters of marque.
13. To frame a concordat with the Holy See, under the restrictions prescribed by Article 50.
14. To direct all diplomatic intercourse with foreign countries, and to conclude Treaties of Peace, Amity, Alliance, &c.; the ratification of any such Treaty being preceded by the consent of the Congress.
15. To receive the Ministers and Envoys of Foreign Powers.
16. To demand of the Congress the prolongation of its Ordinary sessions, for the term of thirty days.
17. To convoke the Congress in an Extraordinary session, in case he should deem it expedient, with the concurrence of two-thirds of the Members of the Council of State.
18. To convoke the Congress in like manner,

when two-thirds of the Council are of opinion that it is expedient.

19. To watch over the due administration of justice, and to see the sentences of the Supreme Court, and other tribunals of the Federation carried into execution.

20. To suspend for three months, and deprive of the half of their salaries, any of the Government officers guilty of disobedience, or infraction of the laws.

21. To concede, or deny, his "*Pase*," (or Exequatur) to all decrees of Councils, Pontifical bulls, Briefs, and Rescripts, with the consent of the General Congress, if they contain general regulations; and with that of the Senate, the Council of State, or the Supreme Court of Justice, in cases of a more private, and individual character. (Article 110).

The restrictions upon the powers of the President are the following:—

1. He cannot take the command of the forces in person, without the consent of the Congress, or of a majority of two-thirds in the Council of State. When thus employed, the Vice-President takes charge of the Government.

2. He cannot deprive any one of liberty; but in cases where the interest of the Federation requires it, he may arrest any individual, placing him, within a term of forty-eight hours, at the disposal of the competent tribunal.

3. He cannot seize or embargo the property of



any individual, or corporation, unless in virtue of a decree of the Congress.

4. He cannot in any way impede or interfere with the elections.

5. Neither the President, nor the Vice-President, can quit the territories of the Republic, without the permission of the Congress, during the term of their service, and for one year after it has expired. (Article 112.)

The Council of Government or State, exists only during the intervals between the sessions of the Congress, and is composed of one half of the Senate, or one Senator from each State, with the Vice-President of the Republic at its head. (Articles 113, 114, 115.)

Its principal duties are:—

To watch over the observance of the Federal Act, and general laws of the Union.

To make such observations to the President as it may deem conducive to their better execution.

To convoke, by its own act, or at the suggestion of the President, the Congress, in an extraordinary session, for which, however, in both cases, the concurrence of two-thirds of the Members of the Council is required.

To give its consent to calling out the local militia in the cases prescribed by Article 110.

To approve the appointment of government officers, as provided by the same article.

To name two individuals, who, in conjunction

with the President of the Supreme Court of Justice, may exercise the Executive Power, in the event of the demise, absence, or incapacity, (physical or moral,) of the President, and Vice-President. (*Vide* Article 97.)

To swear in the Members of the Executive thus constituted.

To give an opinion in all cases upon which the President may consult it, either in virtue of the twenty-first Facultad, (subdivision) of the 10th Article, or any other. (Article 110.)

For the dispatch of business, the Government is divided into Departments, at the head of each of which is a Secretary of State, who becomes responsible for all the acts in his department, to which his signature is affixed. (Articles 117, 118, 119.)

The Secretaries of State are bound to present to Congress a report of the state of their different departments at the commencement of the annual sessions, which report includes the budget for the ensuing year. (Article 120.)

They must be Mexican citizens by birth. (Article 121.)

The Judicial Power is lodged in a Supreme Tribunal of Justice; and in inferior Courts of Departments, and Districts, the number of which is determined by the Congress. (Article 123.)

The Supreme Court is composed of eleven Judges, and one Fiscal, or Attorney-general. (Article 124.)

Its Members must be Mexicans born, and thirty-



five years of age. They are elected by the Legislatures of the States in the same manner, and with the same formalities, as the President, and cannot be removed, unless in cases specified by law. (Articles 125—136.)

They take cognizance of all differences between two or more States of the Federation, or between individuals of different States, respecting grants of land; Government contracts; controversies between the inferior tribunals of the Federation, or between these and the tribunals of the States; all impeachments against the President, or Vice-President; the Secretaries of State, or Governors of States, or the Diplomatic Agents, and Consuls, of the Republic. They likewise decide all Admiralty cases: questions of prize money, or contraband, crimes committed upon the high seas; treason against the nation; and infractions of the Constitution, or general laws. (Articles 137 and 138.)

They may themselves be called to account by a tribunal constituted for the purpose, by the Chamber of Deputies. (Article 139.)

The tribunals of Departments and Districts are composed the first of a Judge and a Fiscal, the second of a Judge alone, from whom an appeal lies to the Supreme Tribunal, in all cases which exceed the value of five hundred dollars.

The Judges, in both cases, are named by the President from a list of three candidates submitted to him by the Supreme Tribunal. (Articles 140—144.)

The penalty of infamy can only attach to the person of the culprit. (Article 146.)

Confiscation of property, judgments by special commission, retroactive laws, and the torture in any shape, or under any pretence, are abolished for ever. (Articles 147, 148, 149.)

No one can be imprisoned without strong grounds of suspicion, nor detained above sixty hours, without proofs of guilt. (Articles 150, 151.)

No house can be entered, or papers examined, belonging to any inhabitant of the Republic, unless in cases expressly provided for by law, and then only in the manner prescribed by it. (Article 152.)

No inhabitant of the Republic shall be forced to give evidence on oath, calculated to criminate himself. (Article 153.)

No one shall be deprived of the right to terminate a suit by Arbitration, in any stage of the proceedings, nor shall be allowed to commence an action without having had recourse, previously, to the Judgment of Conciliation.\* (Articles 155 and 156.)

\* This Judgment of Conciliation was one of the few, the very few, really good and useful provisions of the Spanish Constitution. It prohibited any two parties from commencing a law-suit, until they were provided with a certificate from a Constitutional Alcalde, (not a lawyer) stating that a judgment by Arbitration or Conciliation, had been tried before him in vain.



GENERAL PRINCIPLES WITH REGARD TO THE  
STATES OF THE FEDERATION.

1. The Government of each State shall be divided in a manner similar to that of the Federation. (Article 157.)

The State Legislatures shall determine the time, for which all public offices within the State, shall be held by their respective constitutions; (Article 159;) as likewise the mode in which justice shall be administered in all civil and criminal cases, in which the supreme jurisdiction belongs to the State Tribunals. (Article 160.)

2. The obligations of the States are, to organize their Governments and system of internal administration, in conformity to the Federal Act.

3. To observe and enforce the general laws of the Union, and the Treaties concluded by the Supreme Government with Foreign Powers.

4. To protect their inhabitants, respectively, in the full enjoyment of the liberty of writing, printing, and publishing, their political opinions, without the necessity of any previous license, revision, or approbation.

5. To deliver up criminals reclaimed by other States.

7. To contribute towards the liquidation of the debts recognized by the National Congress.

8. To transmit, annually, to each of the two

Chambers of the General Congress, a circumstantial account of the Receipts and Expenditure of their respective treasuries; with the origin of each, and a note, containing a description of the agricultural and manufacturing industry of each State; the new branches of industry that might be introduced, and the best mode of doing so, with a census of the population.

9. To transmit likewise copies of all the decrees, and laws, of their respective Congresses. (Article 161.)

No State has liberty, without the consent of the General Congress,

To establish any tonnage or harbour dues.

To lay any tax upon importations or exportations.

To maintain troops, or vessels of war.

To enter into any transaction with Foreign Powers, or declare war; though hostilities may be commenced in cases of actual invasion.

To enter into any transaction with other States of the Federation, respecting boundaries, or cession of territory. (Article 162.)

MODE OF EFFECTING CHANGES IN THE CON-  
STITUTIONAL ACT.

The General Congress alone has the power of determining any question that may arise with regard to the interpretation of any article of the Constitutional Act. (Article 165.)



The Congresses of the States may make what representations they think proper against any particular Articles of the Constitution; but these cannot be taken into consideration by the General Congress before the year 1830. (Article 166).

The Congress of that year must confine itself to qualifying, (or reporting upon) those representations which it thinks ought to be submitted to the consideration of the ensuing Congress; and this report shall be communicated to the President, who shall publish and circulate it without observation. (Article 167).

The ensuing Congress, in the first year of its ordinary sessions, shall discuss the report submitted to its deliberation; and make such reforms as it deems expedient; but no change can ever be made by the same Congress which declares its expediency. (Article 168).

In addition to the rules prescribed in the preceding Articles, all the forms usually observed in the enactment of laws must be adhered to in the case of each change in, or addition to, the present act. (Article 170).

The Articles of this Constitution, which establish the liberty and independence of Mexico as a nation, its religion, and form of government, the liberty of the press, and the division of the Supreme Powers of the Federation, can never be varied. (Article 171 and last.)

Mexico, Oct. 4, 1824.

## REMARKS.

The principles of the system, some account of which has been given in the preceding pages, are too generally understood to require comment.

It is certainly well adapted, by the subdivision of the governing powers, to a country of such vast extent as to render the transmission of orders, from any central point, difficult, and uncertain: and thus, although in other respects Monarchical institutions might have been better suited to the habits, and previous education of the Mexicans, I am inclined to think that, both in the institution of local governments, and in the advantages which these Governments have derived from the immediate example of the United States, the adoption of the Federal system will be found to have been productive of many good effects. It has given to Mexico the benefit of our own experience in the science of government, as well as of that of the Americans, and substituted at once good practical securities for the liberty of the subject, in lieu of vague theories, and still more vague discussions, upon his abstract rights.

Most of the Articles of the Federal Act are transcripts of corresponding articles in the Constitution of the United States. There is, however, an occasional mixture of the old Spanish leaven, which displays itself more particularly in the establishment of the Roman Catholic and Apostolic faith "to the



exclusion of all others" (Article 3), and in the excessive precautions which it has been thought necessary to take against the possibility of encroachment on the part of the President.

The first of these is the natural consequence of a long apprenticeship, served under the most bigoted nation in the universe: the second arises from the circumstance of an Iturbide having been first placed at the head of affairs. In 1824, when the Federal Act was framed, the sceptre was but just wrested from his hands, and, for a long time, it seemed doubtful whether the Congress would resolve to entrust the Executive power to a single individual again. *Three* were appointed during the Interregnum, to exercise the functions of President; but the inconveniences of a Government thus constituted were felt in time, and the absolute necessity of a change reconciled the Chambers to the risk.

Of Religion I shall have occasion to speak more at large in the third Section of this book; it only remains therefore, for me here to call the attention of my readers to the laudable anxiety which the Mexican Constitutional act displays, for the general improvement of the country, by disseminating the blessings of education, opening roads, establishing copyrights, patents, and the liberty of the press, founding colleges, promoting naturalization, and throwing open the ports to foreign trade, abolishing the torture, arbitrary imprisonment, confiscation of property, special commissions, retroactive laws,

and all the abuses of absolute power, and protecting the houses and persons of all the inhabitants of the republic, against the undue exercise of authority in any shape.

In a more advanced stage of society, many of these enactments might have been dispensed with; but in a country that had so recently thrown off the yoke, they were necessary, in order to inspire confidence in the system, and to teach the people to value their new rights in proportion to the extent of the grievances, from which they were exempted by them.

It cannot be denied that many of the provisions of the Federal Act, have already produced a good practical effect, and tended greatly to rouse the country into useful activity.

Proofs of the attention which is already paid to the education of the rising generation, will be found in Books V. and VI. of this sketch; and this is the first great step towards a better order of things.

Statistical enquiries, too, are prosecuted with eagerness in all parts of the country, in order to furnish materials for the annual reports required, both by the General Congress, and by the Legislatures of the States. In these, a mass of curious information is already collected, and every day tends to throw more light upon the resources of the country; while the precautions taken against too hasty a change of system, (Articles 165, 166, and 167,)



embolden monied men to invest their capitals, once more, in those branches of industry which were formerly most productive.

It is to be regretted, that the non-introduction of the Trial by Jury, the want of publicity in the administration of justice, and of a little more tolerance in religious matters, should cramp this rising spirit, and check the progress which must otherwise be made,

But I am inclined to consider these defects, as perhaps unavoidable sacrifices to the prejudices of the day, and to look to time, and to the action of the system itself, as the best mode of removing them.

## SECTION II.

## THE NAVY AND ARMY OF MEXICO IN 1827.

*The Navy.*

WHEN the Spanish troops, after being driven from the Capital and the Continent, occupied the Castle of St. John of Ulloa, which is situated upon a sand bank nearly opposite the town of Veracruz, the necessity of driving them from this last stronghold, and the impossibility of effecting it without a naval force, induced the Government to purchase six gun-boats and two sloops of war in the United States, which, with one brig, and two launches, on the Pacific side, constituted, in 1823, the whole Navy of the Republic.

During the siege of St. John, which lasted till November, 1825, this force was gradually increased; until, in January 1827, it consisted of one ship of the line, (formerly the Spanish Asia, now the Congress) two frigates, (the *Libertad* and *Tepēyac*,) the corvette, *Morelos*; brigs of war, *Guerrero*, *Victoria*, *Bravo*, and *Constante*; the schooner *Hermon*, four



gun-boats, four large launches, and two pilot-boats, used in the conveyance of the Government correspondence with California.

The expense of the whole, with that of the naval departments, stores, pay of officers and men, repairs, &c., is estimated at 1,309,045 dollars, and this it will probably never exceed, as Mexico, both from the thinness of the population upon her coasts, and from the natural difficulties of the access to the Interior, is neither able, nor called upon, to undertake the defence of her territory at a distance from her own shores.

Her squadron, (such as it is) is under the orders of Commodore Porter; who, ignorant probably of the very superior force assembled by the Spaniards at the Havana, under Admiral Laborde, threatened to blockade that port, and, by destroying the trade of the island of Cuba, to compel the Spanish Government to come to some understanding with its former Colonies.

The fallacy of these expectations was soon demonstrated, and Porter, unable to keep the sea a moment before Laborde's fleet, which consists of six really fine frigates, and two ships of the line, besides some smaller vessels, was forced to take refuge in Key West, from whence he did not for some time extricate himself.

The attempt upon the Havana was injudicious, as, with so feeble a force, it could hardly, under any circumstances, have led to any decisive result. As

it is, it has only served to introduce a system of privateering, which will increase the irritation of the Mother country, and probably lead to reprisals upon the Mexican coasts, without producing any one good effect.

A little time will, however, convince the Mexicans that a few light vessels, to check smuggling, and keep up the communication between the different points of the coast, is all that they require; and the country will then be saved a very considerable, and a very useless expense.

#### *The Army.*

The Republic of Mexico is divided into eighteen *Comandancias Generales*, or districts, each under the orders of a Military Commandant, who receives his instructions, not from the Government of the State in which he resides, but from the Minister of War.

The army for the present year consists of 58,955 men, of whom 32,161 are actually under arms; the remainder are ready to be called out should their services be required.

The troops of the line are composed of Twelve Battalions of Infantry, each of 823 men (full war complement 1,223); Twelve Regiments of Cavalry, each of 559 men, (war complement 815); and three Brigades of Artillery of 1,767 men in all.

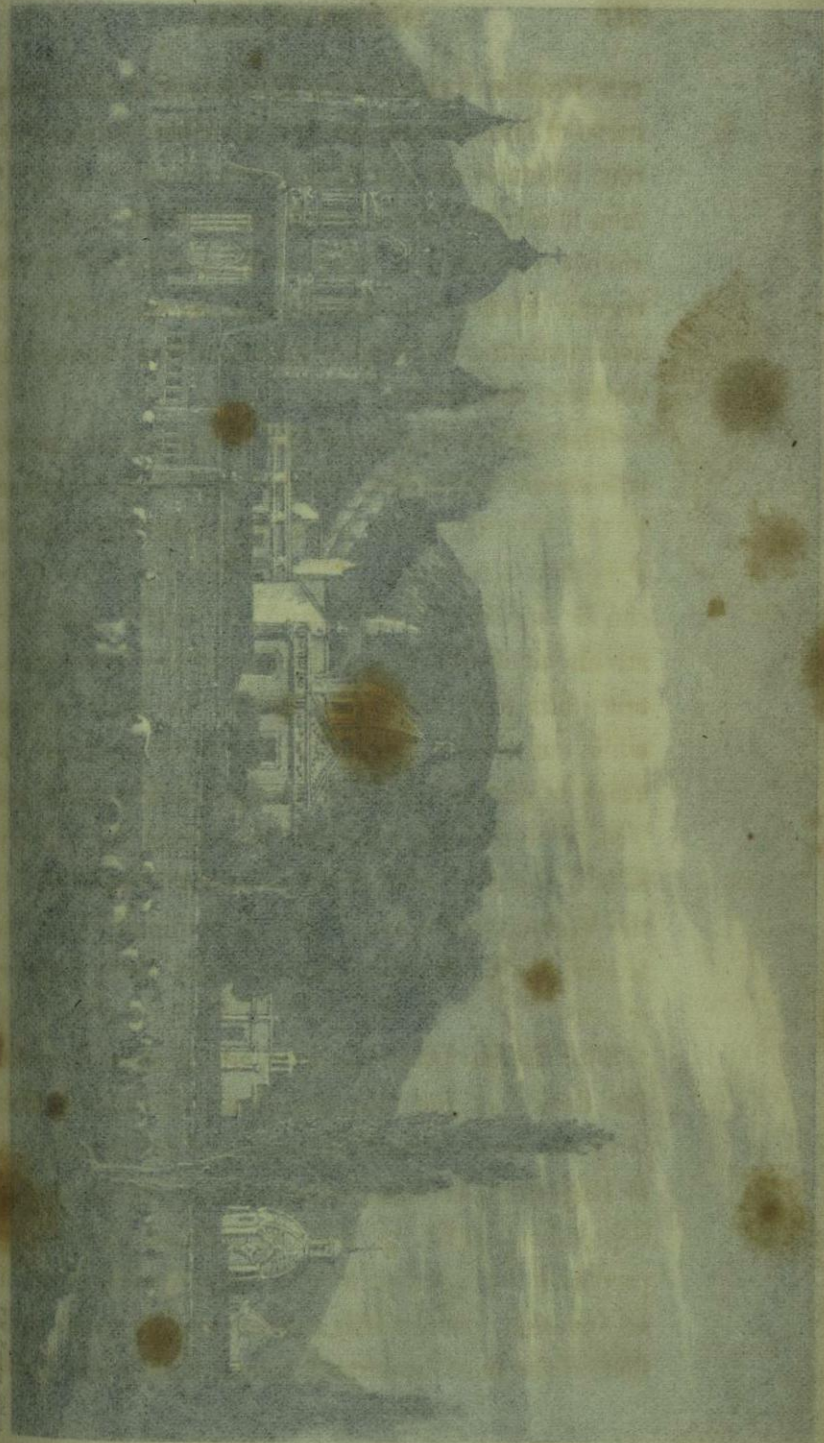
In addition to these, there are thirty-four Presidential Companies, consisting entirely of Cavalry, and employed, principally, in the protection of the North-



ern Frontier; and eleven *Compañías sueltas*, (local corps of infantry and cavalry) distributed upon different points of the coast; the first consists of 3,317 men in all; the second of 1,120. With those previously enumerated, they make a total of 22,788 regular troops, now under arms, as specified in the accompanying table, (No. 1,) taken from the official report of this year.

The *Milicia Activa*, or Militia on actual service, consists of 9,373 men, divided into four battalions in the Interior,—four upon the Coasts, and fifteen Presidial Companies. (*Vide* Table 2.) This force can be augmented, at pleasure, to 36,167 men, who are already enrolled, and disciplined to a certain extent, although allowed to retire to their homes, while not wanted: (*Vide* Table 1.) A similar regulation is adopted, though to a less extent, with the Troops of the line; so that as long as the country is not menaced with actual hostility from without, the War establishment, although nominally kept up, is attended with, (comparatively) but little positive expense.

The *Estado-Mayor-General*, which seems to unite the duties of the Quarter-master General's Office, with the more scientific branches of the department of Engineers, has been occupied, since its creation in September, 1823, in making military surveys,—preparing a general plan of defence, in the event of an invasion, determining, astronomically, the position of the most important points, laying the foun-









dation for a Military College, and establishing a general depôt of maps and charts. Some of the surveys are very interesting, particularly that of the Isthmus of Tēhūantēpēc, by Colonel Örbëgösö,) which proves the impossibility of opening a ship canal between the Atlantic and Pacific at that point, and those of parts of Veracruz, executed, principally, by General Tērān, and Colonel İbërrī. General Mörān, (better known, before the abolition of titles, as the Marques de Vibāncö, is at the head of the Estado-Mayor, and employs no small portion of his private fortune in promoting useful projects, and giving an impulse to every thing connected with this department.

The total number of officers employed, together with the estimate of the expenses of the War department, for the year ending June, 1828, will be found in the Table of General Expenditure, at the end of the Fourth section.

It amounts to 9,069,633 dollars, or, with the Navy, (both being under the same Ministry,) to 10,378,678 dollars,—about four-fifths of the whole annual expenditure of the Republic.

Nor is this merely a nominal outlay, for on the 1st of January of this year, not one dollar was due to any Regiment in the service:—It is, however, an enormous drain upon the country, and must undoubtedly, if continued, prove a serious obstacle to prosperity.

On the other hand, reduction has already been carried very far, and can now only be very gra-