

the Mexican people to work so elaborate a machine; and he contended that independent sovereignty of the several states would certainly give rise to internal dissensions, and that the government would be too weak to repel foreign aggressions.

Others also spoke in the same sense. "It shocked my poor notions," said C. M. Bustamante, who was also a delegate, "that a nation made up of people who were united by nature, religion, language, and even prejudices, should be obliged to divide themselves up into fractions in order to be happy."¹

The federal idea, however, prevailed; and this point being settled, the details of the Constitution were agreed to after considerable delay but without any very serious discussion except on the point whether the executive head of the nation should consist of one person or three. The final decision was in favor of a single President, chiefly, says Bustamante, "because the Anglo-Americans had a President, and they were at that time the type we imitated because we did not know them as we do now."²

The Constitution as finally adopted and signed October 4, 1824, was curiously compounded of the Constitution of the United States—omitting the first ten amendments—and the Spanish (Cadiz) Constitution of 1812.³ There was to be a President elected every four years; a Senate composed of two members from each state; and a House of Deputies consisting of one member for every 80,000 inhabitants or major fraction thereof—each state to have at least one member, no matter how small its population. The powers of Congress were closely analogous to those of the Congress of the United States; and the President possessed the same power of suspensive veto.

¹ Bustamante, *Cuadro Hist.*, VI, 199. Padre Mier's speech is given in full in the same volume, 200-216.

² *Ibid.*, 270.

³ See "Spanish Source of the Mexican Constitution," by James Q. Dealey, in *Tex. Hist. Quar.*, III, 161-169, and "A Comparative Study of the Constitutions of the United States of Mexico and the United States of America," by Wm. H. Burges, in *Amer. Law Review*, XXXIX, 711-726. The text of the Mexican Constitution is in Dublan y Lozano, I, 719.

The principal differences were significant. At the very beginning of the Mexican Constitution the doctrine of religious intolerance was proclaimed. "*La religion de la nacion mexicana es y será perpétuamente la católica, apostólica, romana. La nacion la protege por leyes sábias y justas, y prohíbe el ejercicio de cualquiera otra,*" were the plain and positive words of the text. And not only did the Constitution promise to protect the national religion by "wise and just laws" and prohibit the exercise of any other, but by the express language of the final article these provisions were put beyond the reach of amendment.

The President, besides the ordinary executive duties, which were defined with some particularity, was expressly authorized to arrest any person when the safety of the nation required it, provided such person were placed, within forty-eight hours, "at the disposition" of a court of competent jurisdiction.

A council of government, composed of one senator from each state, was to sit whenever Congress was not in session. Its principal duties were to watch the President and see that the laws were strictly enforced, and to confirm presidential appointments.

The several states of which the nation was to be composed were enumerated—Coahuila and Texas together constituting a single state. Each unit of the federation was required to adopt a Constitution complying with certain specified requirements and to do and refrain from doing certain things.

Finally came the immensely significant provision that the General Congress alone had the power to "resolve doubts which may occur about the meaning or understanding of the articles of this Constitution." The interpretation of the Constitution was not to be a matter for the courts to determine, but for the fluctuating majority of the Congress.

On the subject of slavery, the Constitution itself was silent, but an act of the constituent Congress passed July 13, 1824, had prohibited the slave trade.¹ The wording of this

¹ Dublan y Lozano, I, 710. "*Queda para siempre prohibido en el territorio de los Estados Unidos Mexicanos el comercio y tráfico de esclavos, procedentes de cualquiera potencia . . . Los esclavos que se introdujeren contra el tenor del artículo anterior, quedan libres con solo el hecho de pisar el territorio mexicano.*"

statute gave rise later on to doubts as to whether the introduction of slaves by their owners, when the slaves were not for sale, was unlawful; and it was generally considered that only *trading* was prohibited.¹

The country having thus secured its independence and established a form of government, the recognition by other powers was all that was needed to enable Mexico to take its place among the nations of the earth. There were, however, great difficulties in the way.

The principal continental powers of Europe were steadily opposed to recognizing the independence of any of the former colonies of Spain. Their policy ever since the fall of Napoleon had been reactionary in the extreme. Under the lead of Metternich, they had tried to create a coalition for the purpose of suppressing revolutionary disorders everywhere; and they did in fact all co-operate to put down risings in Piedmont and Naples. As late as 1823 France, acting as the agent of the continental powers, invaded Spain, deposed the liberal government, which had been in existence from the time of Riego's rebellion, and reinstalled Ferdinand as an absolute monarch.

But this was the last effort of which the coalition was capable. The powers failed to agree over Greece, and they were still less capable of agreeing over the Spanish colonies. Russia, Austria, and Prussia, constituting the Holy Alliance, would have been willing to give some material aid if England had consented, but when England first held aloof and then positively refused to help they contented themselves with empty protests.

The theory of the Holy Alliance was that the rights of each legitimate sovereign ought to be upheld by every other; and, as a corollary, that no revolting colony should ever be recognized as independent until the mother country had itself set the example. This theory was very acceptable to the British Tories, and especially to those who could remember the time when England herself was engaged in a war with revolting colonies; but it was antiquated nonsense to the

¹ *Pol. Sci. Quar.*, XIII, 398.

English Liberals no less than to the people of the United States. John Quincy Adams and Sir James Mackintosh expounded on several occasions the doctrine which is now a commonplace of international law—namely, that every country may recognize the independence of a revolted colony without violation of neutrality or just offence to the mother country, provided only that an independent government, able to sustain itself and maintain order, really exists.

The propriety of recognizing the former Spanish colonies began to be discussed in the United States as early as 1817. Henry Clay in particular made himself their champion, but he was not able to hasten the deliberate procedure which Monroe and his cabinet believed to be essential to the honor of the country.

“It is by success,” said a memorable state paper, “that the colonists acquire new claims on other powers, which it may comport neither with their interest nor duty to disregard. Several of the colonies having declared their independence and enjoyed it for some years, and the authority of Spain being shaken in others, it seems probable that, if the parties be left to themselves, the most permanent political changes will be effected. It therefore seems to be incumbent on the United States to watch the movement in its subsequent steps with particular attention, with a view to pursue such course as a just regard for all those considerations which they are bound to respect may dictate.”¹

For five years the government of the United States followed in the path thus outlined. It honestly tried to preserve neutrality—“to leave the parties to themselves”—and it diligently collected information as to the strength and stability of the new governments. In message after message Monroe reiterated his determination to maintain neutrality and to recognize the independence of the Spanish colonies when, but only when, the fact of independence was convincingly established. It was not until March 8, 1822, that the President thought the time had come to recommend to Congress that steps should be taken to enable

¹ Rush to Rodney and Graham, commissioners, etc., 18 July, 1817; *State Dept. MSS.*

him to appoint diplomatic representatives to the former Spanish colonies. As Congress was much in advance of the President on this subject, the measure recommended was passed without serious delay, and became a law May 4, 1822.¹

Up to this point, the action of the United States had far outstripped that of other nations, but, in respect to Mexico at least, a series of delays now began which it is not easy to explain. For some reason Monroe shrank from the performance of a positive act of recognition, and it was not until nearly a year after Congress had authorized the appointment of a minister that he attempted to fill the place. His first choice was Andrew Jackson, but Jackson, in a rather cool note, declined the post.² Almost another year passed, and then the nomination of Ninian Edwards, who had been governor of Illinois and a senator from that State, was sent in to the Senate. Edwards was confirmed, but before leaving for his post resigned the office on grounds entirely unconnected with Mexico.³ Monroe's next choice was Joel R. Poinsett, of South Carolina; but, owing to the exigencies of the presidential campaign, his actual appointment was delayed.⁴ It was not until Adams was inaugurated that the credentials and instructions of the new minister were prepared, and it was not until the first of June, 1825, that he was officially received by the President of the Mexican republic.⁵

¹ 3 Stat. at Large, 678.

² Jackson to Adams, March 15, 1823, in volume of instructions entitled, "Joel R. Poinsett, Mexico"; *State Dept. MSS.*

³ Edwards's *History of Illinois*, 134.

⁴ On July 8, 1824, Calhoun, then Secretary of War, wrote to Poinsett as follows: "You have seen Gov. Edwards's resignation. The place is not filled. Would you accept of it? If you would, the President will confer it on you." Southard, the Secretary of the Navy, also wrote to him on July 17, to the same effect. Poinsett, however, was unwilling at that time to resign his seat in Congress, because it already seemed likely that the presidential election might be thrown into the House of Representatives, in which case the vote of South Carolina would be important; and if he resigned, the views of his successor on the subject of the presidential succession could not be foretold.—(*Poinsett MSS.*)

⁵ Adams was inaugurated March 4, 1825. Poinsett's credentials are dated March 14, and his very voluminous instructions March 26, 1825.

The British government followed in the footsteps of the United States, but at a considerable distance. So long as Castlereagh lived no steps were taken looking to a recognition of Mexican independence, although as early as 1817 Brougham had questioned the ministry as to the affairs of Montevideo and incidentally as to the condition of the other Spanish-American colonies.¹ It was not until Canning entered the Foreign Office in September, 1822—six months after the President of the United States had publicly committed himself to the policy of recognition—that any steps looking to that end were taken by Great Britain.

Canning's determination to take up the cause of the revolted colonies was not adopted from any theoretical love of struggling nationalities or from any liking for revolutionary principles. He had joined a cabinet of which a majority were "Ultra Tories . . . unqualified by liberal opinions upon any subject whatever,"² and he himself was absolutely opposed to internal reform. His decision was based solely upon two very practical considerations—fear of France and the urgency of British merchants. He himself boasted that his action had been part of a successful effort to oppose the ambitions of the French government—"I resolved that if France had Spain, it should not be Spain with the Indies"—but, although the successful French war in Spain in 1823 unquestionably stimulated his action, the insistent demands of British traders were the real determining factors.

Ever since the outbreaks in the several Spanish colonies the former rigid restrictions against foreign commerce had disappeared of themselves and a very large trade with both the United States and Great Britain had sprung up. It was asserted by Canning, and apparently not denied by Spain, that there was a "complete understanding" that this trade was not to be molested.³ Nevertheless, after 1814 British as well as American ships were seized on the one hand by the Spanish authorities and on the other by the pirat-

¹ Hansard, 1 ser., XXXV, 1196 *et seq.*

² Stapleton's *Political Life of Canning*, I, 127.

³ *Ibid.*, I, 168; II, 11.

ical privateers that sailed under various South American flags.¹ Petition after petition was presented to Parliament by British merchants urging that something should be done to put a stop to an intolerable state of affairs. Brougham and Mackintosh in the House of Commons, and Lansdowne in the House of Lords, following in Clay's footsteps, called public attention to the tyranny of Spain and the indomitable resolution of the colonists.

In the latter part of 1823 Canning fairly entered upon the path of recognition. Following the precedents set six years before by the United States, he sent commercial agents and commissioners to the Spanish colonies to collect information; and at last, in 1824, though opposed by some of his colleagues and by the King, he committed the ministry to the principle of recognition by the issuance of full powers to a British agent to negotiate a treaty with Buenos Ayres. Like instructions for a treaty with Mexico were signed on January 3, 1825, and Henry George Ward was received as chargé by the Mexican government on May 31 of the same year. England thus anticipated by one day the presentation of the credentials of the American minister to Mexico.

Spain, still laboring under self-delusions and still bent on wasting the remnant of her strength in carrying on a hopeless and barbarous war, was violent in her remonstrances against the course of the United States and Great Britain. She could see no ground upon which they could sanction causeless rebellions or recognize "the momentary triumph of violence over justice," and she asserted her determination never to abandon her legitimate rights.

These impotent expressions of anger failed to stir either the American or the British governments. Adams in 1822 and Canning in 1824, in almost identical terms, replied that the act of recognition involved no question as to the rights of the parties, and that therefore Spain had no legitimate

¹ "We have been made to feel sensibly the progress of this contest. Our vessels have been seized and condemned, our citizens made captives, and our lawful commerce, even at a distance from the theatre of the war, been interrupted."—(Rush to Rodney and Graham, July 18, 1817; *State Dept. MSS.*)

grounds of complaint. There the matter rested, for in neither case was Spain prepared to make the recognition of her former colonies a *casus belli*.¹

The other governments of Europe, still under reactionary influences, preferred to follow the lead of Spain rather than the lead of England, and recognition was in many cases long delayed. Ultimately, however, it was conceded. Treaties were entered into with several of the German states, Denmark, and the Netherlands in 1827, and with France after Louis Philippe came to the throne in 1830.² Spain herself yielded when Ferdinand VII was dead and the young Isabella reigned in his place.³

Among the most reluctant sovereigns to face the fact of successful rebellion was the Pope. By an encyclical dated September 24, 1824, addressed to the bishops and archbishops in America, Leo XII, lamenting the impunity of the wicked, the increasing plague of books that brought authority into contempt, the existence of secret societies, and the disturbance of public peace, instructed the American prelates that a happy issue out of all these afflictions could only be found by preaching the supreme duty of obedience to legitimate authority and the pre-eminent and distinguished qualities of Ferdinand of Spain, "who prefers, before all else, religion and the happiness of his subjects."⁴

¹ The correspondence here referred to will be found cited in Paxson's *Independence of the South American Republics*, 174, 244, 252.

² *Dublan y Lozano*, II, 136, 184, 190, 491.

³ *Ibid.*, III, 389. Treaty of Dec. 28, 1836. This tardy action was doubtless hastened by the friendly insistence of the United States, which had for years been urging upon Spain the expediency of recognizing the independence of the revolted colonies. See *Amer. State Papers, For. Rel.*, VI, 1006; H. R. Doc. 351, 25 Cong., 2 sess., 533-553, 668-698, etc.

⁴ "*Persuasum profecto est Nobis hoc gravissimum negotium ad felicem exitum, Deo adiuvante, vos perducturos fore cito, si apud Gregem Vestrum clarescere faciatis praesentes, eximiasque virtutes charissimi in Christo Filii Nostri Ferdinandi Hispaniarum Regis Catholici, qui nihil Religione, et subditorum suorum felicitate potius habet, sique ante oculos omnium, eo quo par est zelo, posueritis illustria et nullo unquam tempore interitura exemplo eorum Hispanorum in Europa existentium, qui fortunas, vitamque suam nihil estimarunt, ut verae Religionis ac Legitimae Potestati semper fidelissimos ostenderent.*" "The encyclical," said Tornel, "afforded the Mexican clergy a brilliant opportunity of showing their patriotism, of which, however, they failed to avail themselves."—(*Breve Reseña*, 60.)

But at last even the Holy See itself relented. After Spain had consented by treaty to recognize the independence of Mexico, a Mexican envoy, who had been knocking at the Vatican gates for several years in vain, was officially and graciously received in 1837 by Pope Gregory XVI, who promised to send an *internuncio* in return.¹

¹ Rivera, *Historia de Jalapa*, III, 320.

CHAPTER III

THE PEOPLE OF MEXICO

THE nation which had thus acquired an acknowledged independence occupied a territory covering almost one million seven hundred thousand square miles,¹ and inhabited by some seven millions of people.² The area of this imperial domain was nearly fourteen times larger than that of Great Britain. It was more than eight times the area of France; nearly nine times that of Spain; and was approximately equal to the then area of the United States.³

With respect to the number of their population, the United States and Mexico had probably been much on an equality near the beginning of the century. But while the Mexican population had very slowly increased—the natural growth

¹ The exact area was not then known, or indeed ascertainable, for the boundaries between Mexico and its southern neighbors, Guatemala and British Honduras, had never been fixed. The northern limits were in like manner quite unknown until they were settled by the Florida treaty in 1819. The exact area of modern Mexico *plus* her lost provinces, as given by the United States government authorities, is 1,697,916 square miles.—(Romero's *Mexico*, 5, 8.) Humboldt, in giving the boundaries of New Spain, took into account only those portions of the continent which the Spaniards occupied, and his estimate amounted to only 900,000 square miles.

² The statistics of the Mexican population were extremely vague. Humboldt, basing his calculations on an imperfect official census of 1793, concluded that the total number of inhabitants in 1803 was *not less* than 5,837,100.—(*Essai Politique*, I, 53–65.) Another estimate, made in 1810, gave a total of 6,122,354.—(Bancroft, *History of Mexico*, III, 736.) Poinsett in 1822, using Humboldt's figures and his calculations of the rate of natural increase, and allowing for the destruction caused by twelve years of civil war, estimated the population at about 6,500,000.—(*Notes on Mexico*, 110.) From precisely the same data Ward in 1827 concluded that the population must amount to 8,000,000 (*Mexico*, I, 21); but as the official estimates only showed a population in 1839 of 7,016,300 (Dublan y Lozano, V, 154) it is probable that Ward's figures were much too high.

³ This must be understood as excluding the "Oregon Country," then jointly occupied by the United States and Great Britain, and as assuming the north-eastern boundary to be that subsequently fixed. The area of the territory so bounded was 1,817,888 square miles.—(*The National Domain*, 12, 29.)