

pects: free even from the slight flaw above mentioned, as existing in that exercised by Señor Peña. And not only is it constitutional; it is furthermore strictly *national*. The political principles and views entertained by the *moderados* (that is, by the party to whose efforts the existence of this government, or of any general government in this country at the present time, is due) do, most unquestionably, constitute the real, genuine political sentiment of this country; that is to say, of a vast majority of those who ever take any part whatever, or any interest whatever, in public affairs; or who ever bestow a thought upon them, or are capable of so doing. This sentiment consists in an honest and firm attachment to republican principles; and, independently of that attachment, in a steady conviction that the republican form of government is not only desirable in itself, but that even if it were not so, still it is the only one practicable here. Another of its elements is a strong and decided aversion to monarchy, both in itself and on account of its impracticability, even if it were desirable. *A third is a perfect devotion to their distinct nationality, and a most vehement aversion to its becoming merged in or blended with ours, no matter what the terms of their incorporation with us might be.* I have no doubt that this sentiment would be reversed, upon experience of the results with which such a change would be attended, *if it took place peaceably.* But, for the present, it is decided and overpowering.

As for the *puros*, although they number among them some men of philosophic temper, enlarged views, and genuine patriotism, the party consists chiefly of persons of a different stamp, in all respects: persons who have everything to gain and nothing to lose by political change and commotion; and who, whenever they have enjoyed the opportunity, have given very substantial proofs that they are actuated by motives quite the reverse of a devotion to the public weal.

Besides these, the portion of the inhabitants to whom our permanence here would be agreeable, whether under the name of conquest, or occupation, or annexation, are *foreigners*; persons who, with very few exceptions, have no sympathies of any kind with the *country*, (that is to say, with those who love it as their native land, as the birth place and the country, by every rightful title of their mothers and fathers, of their children and grandchildren,) or with anything whatever—*here*, at least—save their own individual gains and pecuniary interests. To this class belong some “American citizens,” so called, native and naturalized, who, having proved their love for the land of their birth or adoption, and their devotion to liberty, by abandoning her and the security which she affords, to come and establish themselves in a land of anarchy and military despotism—in a word, a land where all the evils are rife which can possibly arise from misrule, in every shape that unbounded political profligacy can give to it—deem it nothing but fair that the country thus abandoned by them should, at the expense of those of her children who are content to live at home, insure their foreign gains, and secure to their persons and their property an exemption from the natural, the inevitable, and—to those who elect to live in such a country, above all, when born or admitted to the right

of living in one like ours—the *proper* consequences of dwelling in such an abode. These persons—who, a few months ago, were exceedingly shocked at the imbecility evinced by the armistice, and highly indignant at the sacrifice of their country’s glory involved in that measure—are now still more ardent advocates of the premature occupation of the whole Mexican republic, than they then were of the instant occupation of its capital. A few hundred millions of taxes upon their beloved countrymen at home, and a few decades of their lives sacrificed in the prosecution of the war, would, in the estimation of these patriots, be a very cheap mode of purchasing for them the pecuniary advantages with which such a proceeding would be attended, and the comfort of living under “the star-spangled banner,” in the land of the Montezumas.

Exercising the right of opinion, which belongs to every American citizen upon questions concerning the welfare and the character of our country, and involving the prevalence of right over wrong, so far as the struggle constantly going on between them can be influenced by her, I became years ago deeply impressed with the necessity that she should clearly and distinctly define her position in regard to this class of persons, and this whole subject. I have made some endeavors to bring this about, and I shall make more. Her character loudly calls for it; her character for simple, naked *justice*, and nothing beyond it, towards those who are weaker than herself. This is certain. It is a plain truth; and it is one *not hid under a bushel*. It is known to, and widely talked of by, hundreds, doubtless thousands, of perfectly disinterested and impartial foreigners, who have witnessed the cases in which this necessity has proved itself: men no less impartial than were the New England shipmasters, who—chancing to be at Nootka, towards the close of the last century, when the events occurred out of which the adventurer, Meares (a British half-pay officer, and engaged in smuggling voyages, in the pay of Portuguese capitalists) concocted his story of wrongs, and losses, and damages afterwards—bore testimony to the truth which they knew, and to the falsehood of his tale; although that falsehood did not prevent it from enriching its inventor with a huge international robbery, under the name of “indemnity,” exacted for losses which he had never sustained, after it had proved the occasion of wasting, in preparations for war, three millions sterling of the honest fruits of the industry of Meares’ fellow subjects, who had been content to live at home toiling for their bread; and after it had brought England and Spain to the verge of a conflict that would have deluged Europe and America with blood, beggared and orphaned thousands of innocent families, and introduced corruption and debasement into tens of thousands of hearts that might otherwise have remained honest and pure.

As an American citizen, one who loves his country, loves her fair fame, loves the justice which he knows to be at her heart, I have long known and felt what is known to the world: that it is high time that her attention should be given to this subject; high time that all the rules and safe-guards which its nature demands should be established for herself, and by herself. Not by adopting

the vague practice of the irresponsible rulers of other countries, but in the same way that she has established a government for herself, by appealing to the principles which she cherishes, and which alone she recognizes as possessing authority over her, or over the relations between her and her citizens.

Among the questions involved in this deeply important topic, which it behooves her so to decide for herself, the first is, to what extent, even supposing no practical difficulties to be in the way, she can, compatibly with her principles, compatibly with the rule of right which she would insist upon the observance of towards herself by any nation, however great and imposing its power might be, and compatibly with justice to those of her citizens who are satisfied with the advantages secured to them at home—how far she can, consistently with all these obligations, undertake to follow into whatever foreign country he shall see fit to settle in, every adventurer who may chance to have been born within her limits, or who may have obtained the character of an American citizen; and there to supervise the administration of the law, scrutinize into the legality and the equity of the decisions of the tribunals, and require of the authorities generally, in all proceedings where such individuals are concerned, a conformity with the standard by which justice would have been meted out them in our country, had it not been their choice to live in another. And, this first point having been settled, the next thing to be considered by our country would be the practical difficulties attendant upon such a supervision and inseparable from it, however limited may be the extent to which it is carried; of which difficulties the greatest and most fearful is, the danger of injustice towards nations weaker than herself, through imposture practised upon her; imposture which has for its object to make her power, and the dread in which it is held, subservient to schemes of extortion more base and flagitious in themselves, and in their consequences more injurious to the great principles which hold society together, than aught that ever was perpetrated by banditti prowling upon the highway against helpless travellers falling into their power.

For forming a proper estimate of this danger, our country has abundant materials at home. In no land are the laws more humane, in none is the administration of the law more impartial. Corruption has never there approached the judgment seat. And yet there is not a day in the year, when her courts are open, that decisions are not rendered which not only disappoint the expectations of learned lawyers, but shock the popular sentiment of justice, and are considered by the whole neighborhood where they excite interest and awaken sympathy as inflicting grievous wrong. Nor is this confined to private controversies—to decisions upon questions between man and man. It extends to the penal branch likewise; to questions between the government and those who fall under the penalties of the law. Under one single chapter of our code of laws of the federal government, instances enough of this could be collected in any period of two or three years. I refer to the revenue laws. For cases under this head, in which—particu-

larly if considered merely in themselves, apart from the absolute necessity of general rules, and from the inevitable imperfection of all human institutions—the consequences to the offender would strike the public mind as rigorous and severe to a degree altogether incommensurate with the offence committed, it would not be necessary to go farther than the archives of the Department of State, or to look into more than a few bundles of the applications for pardons and remissions. This is *American* law, enforced upon American citizens *at home*, by tribunals whose bias is ever in favor of the accused, whose judges are never so much as suspected of corruption, and whose system of procedure is perfection itself, compared with that of many other nations. And yet, with all these advantages, such cases do happen; cases which no one can read, and then doubt that if we had been a feeble nation, and if the parties had been foreigners, those identical cases would have been made the ground of as many grievous tales of persecution and ruin without cause; particularly if those foreigners could have hoped, by such means, to become enriched by indemnities exacted from our government, and paid by the sweat of the brows of our countrymen.

Commerce must, I know, be protected, and this protection must be extended over it on the land as well as on the ocean. But there is no incompatibility between the efficient protection of commerce, honestly carried on, and the existence of safeguards which shall, to a great extent, if not entirely, protect our country from impostures alike fatal to her character for honesty and justice among the nations, and dangerous to her peace. Nor does the protection of commerce, the protection of commerce in the true and honest sense of the phrase, require that persons going abroad to seek their fortunes, either as mechanics, or as doctors, or as dentists, or as clerks, or in no definite capacity whatever, and without being in any manner connected with American commerce or American capital, should be permitted to usurp the title of American merchants, merely because after settling in the foreign land of their choice, to pursue callings having no relation to commerce, they may have found it for their interest to engage in buying and selling, either as brokers or as traders, or in stock-jobbing, or in speculation in any of its numberless forms. Such persons may amass wealth, real or fictitious. They may come to be reputed as rich men, either truly or falsely. But let their gains be what they may in amount, and let them be ever so real and substantial, and ever so honest as to the means by which they were acquired, still they constitute no part of that capital, the protection of which properly comes under the idea of protecting commerce. Whatever be the measure of protection to which such gains may be equitably entitled at the expense of the nation, and at the risk of involving the nation in controversies and in wars, just or unjust, the question as to that measure of protection is a totally different question from the one which relates to *commerce*; that is to say, to the portion of the capital of the nation embarked in commercial pursuits, and

to those of our fellow-citizens by means of whose agency it is so employed.

It is in the power of our country to make herself the special object of esteem, confidence, and love, throughout our whole hemisphere; the common centre of affection to all the people who inhabit it; their common standard for all that is good and great. For this, nothing is requisite but that she should, in her deportment towards them, be true to herself, true to what is really her character. But, to make this known, and to correct the erroneous impressions in regard to it which have substituted themselves for those which caused her to be looked up to by all the republics of Spanish America at the time when they first took their place among nations, the safeguards to which I have adverted are indispensable. If they be not established, the title of American citizen, instead of being as it ought to be, and can easily be made to be, once more a passport to confidence and favor everywhere on our continent, will become more and more every day a sound of evil omen to all ears, the universally recognized token for justifying distrust, dread, and aversion towards him who bears it. Instead of the desire to increase their intercourse with us, and to welcome our citizens wherever they may present themselves, the wish which will be deepest at the heart of all Spanish America will be the wish that all communication with us might be forever at an end, and that it might never more hear of an American citizen.

To return to the character of the parties in this country—I mean what can be considered as national parties, in contradistinction to mere personal factions—the only one of which it remains to speak is the *monarchists*. This also counts some good men; some who have the welfare of their country at heart. But the result of all my inquiries is, to satisfy me that the party is *altogether impotent*, and that it never can, by any possibility, acquire the ascendancy here, or be otherwise than impotent, even to influence in any degree the destinies of this country, or the course of public affairs. It is, at this moment, busy in intrigues; but these intrigues excite no apprehension whatever that they can result in anything favorable to their object. They are incapable in themselves of producing even a transient effect upon the stability of the government, or to affect it in any manner. The *puros*, who are ever ripe for anything to compass their end, might, by their machinations on the same side, give a semblance of importance to the cry for a monarchy, should a *pronunciamento* of this complexion take place. If they should so act now, it would not be for the first time. They co-operated with Paredes—who, being truly and honestly (for he is an honest, though a very weak man) a monarchist, entertains views diametrically opposed to theirs—in overthrowing Herrera, who, but for his overthrow, would have prevented the war.

Having stated the character of the government from which the Mexican plenipotentiaries derived their authority to act, I will now add such facts as are requisite for estimating probabilities as to the future, and particularly with reference to the ratification.

Since the 8th of the present month, the *provisional* presidency

has again devolved upon Señor Peña. That day being the one which had been fixed for the commencement of the new presidential term, and for the inauguration of the president who should be *regularly* chosen by the electoral colleges, the choice of congress of a president *ad interim*, which took place in November, as above stated, could be made only for the period which expired on that day. But when the day came, the new congress had not met; and hence the coming into effect again of the *provisional presidency*. This, agreeably to the constitution, will continue in force until the new congress shall have met. Immediately upon this having taken place, the votes for the presidency given by the electoral colleges will be counted; and if no one shall have received a majority of all the electoral votes, a president *ad interim* will be elected by the chamber of deputies, voting by States.

Under the present constitution, a full congress consists of 63 senators, (*two* from each State, and half as many more elected by the Senate, the supreme court, and the chamber of deputies, voting by States, the suffrage of each of these three bodies being requisite to the election of a senator of this class,) and 139 deputies. In the senate it requires 32 members to make a quorum; in the chamber, it requires 70 deputies.

Under the elections which have taken place, twelve votes (by as many States) have been given for president. Of these, General Herrera has received five; Señor Ocampo, three; Señor Trias, two; and Santa Anna, two; these two having been given by States when the *puros* (or war-until-annexation party—the men of all others most inimical to Santa Anna, and whom he most dreads) obtained the ascendancy.

Nine votes for the presidency yet remain to be given. Of these, it is expected that General Herrera will receive five or six; and that the remainder will be divided amongst men of the same political complexion as himself; that is, of the *moderado* party. Should the number obtained by him be six, he will then be president. Otherwise, there will be no election; and congress must proceed to elect a president *ad interim*, to fill the post until, in pursuance of the decree issued by congress, the electoral colleges shall have again voted, and a majority of their votes shall have been received by some one individual. There is not the remotest possibility that Santa Anna, or any one except a *moderado*, should be elected to the presidency *ad interim*.

The political complexion of the new congress, thus far, is as follows: under the elections which have taken place, 22 senators and 65 deputies have been chosen; of whom 17 in the senate, and 55 in the chamber, are *moderados*. The elections are yet to be held in nine States, which send 18 senators and 69 deputies; of the latter of whom, fifty-six or seven are expected to be of the *moderado* party, and a corresponding proportion of the former.

It will be perceived that a sufficient number of senators are already elected to form a quorum for proceeding to the election of the special class of senators, and that the election of five more