

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.

Many persons have attributed Iturbide's conduct during the latter part of his career, to partiality; 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,

BOOK III.

The form of government adopted by the Representatives of Mexico, when left by the resignation of Iturbide, a 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 connected into one body, either by certain general obligations and laws, contained in the Federal Constitution of the 24th October, 1824.

This instrument, after declaring the absolute independence of the country, (Article 1) adopting the Roman Catholic religion, (Article 3) and recognizing, as component parts, of the Federation, (given alphabetically) the western States of Chiapas, Chi-



...and ... (Article 1) ...

BOOK III.

SECTION I.

PRESENT FORM OF GOVERNMENT.—HOW COMPOSED.

THE form of government adopted by the Representatives of Mexico, when left by the resignation of Iturbide, at liberty to make a free and unbiassed 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 4th October, 1824.

This instrument, after declaring the absolute Independence of the country, (Article 1) adopting the Roman Catholic religion, (Article 3) and recognizing, as component parts of the Federation, (given alphabetically,) the nineteen States of Chiāpās, Chī-



hūahuā, Cōhāhūilā and Tēxās, Dūrāngō, Guāñā-jūātō, Mexico, Mīchōācān (Valladolid,) New León, 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, Cōlimā, 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.



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