

read with pleasure, in toto, by persons unacquainted with Mexico.

I have, therefore, preferred making a selection of the passages which throw most light upon the feelings of the country, and the effect produced by the introduction of the Constitution, to attempting a translation, which would have been too long to be inserted in the body of my work, and would hardly have been thought worthy of attention in the Appendix.

The Audiencia assigns as a reason for its interference :

Paragraph 3.—That the laws which recommended to the especial care of the Courts of Audience the preservation of their respective districts, have not been abolished by the Constitution ; and that it is consequently the duty of the Tribunal to point out the effects with which the late change of institutions has been attended.—It then proceeds :—

8.—In these moments of calamity, the great Charter of the Spanish people, dear and respectable as it is to all its individuals, is not, and cannot be, carried into effect in New Spain.

9.—The article which concedes the liberty of the press, was only acted upon during two months, nor can it be so at present, without endangering the safety of the state.

2. The laws respecting elections of Ayuntamientos,—deputies, and members of Provincial Deputations, have likewise not been observed.

3. The regulations by which the security of the persons and goods of the citizens of towns is confided to the Alcaldes, and Municipal bodies, are also necessarily suspended.

10.—Such, Sire, have been in this country the consequences of the wisest Constitution of the world, and such it was to be foreseen that they would be.

11.—Your Majesty, in giving to Spain a Constitution, freed her from despotism and anarchy. Such was the object of the liberty of the press,—the elections, and other popular forms adopted in that Constitution ; and this object was attained in the Peninsula, because the general desires of the people were in unison with those principles of justice which the Constitution sanctioned. Here, the result was exactly the reverse, because patriotism and public virtues were wanting ; and because, if

the will of the people, corrupted as it now is, prevails, the Independence of the country will be established also, in favour of which the great majority of the natives is undoubtedly decided.

12.—This last assertion may, perhaps, require some proofs, but, unfortunately, it is but too easy to adduce them.

No rebellion can prosper without it be countenanced by public opinion ;—on this account, the French made no progress in Spain ; but here, without any other protection or assistance, the rebels have sustained themselves for three years against the heroic valour and fidelity of the troops of the country, against the forces which have been sent from Spain, and against the efforts of many loyal Americans, and of all the European residents.

13.—This fact alone proves that the general wish here is the same as that which has been manifested in various other parts of America. It is confirmed by the spontaneous breaking out of the Revolution in the different Provinces, without any sort of compulsion being necessary in order to induce them to declare against the government ; (although force has been hitherto applied in vain, in order to oblige them to return to their obedience,) by the conspiracies and disturbances in the Capital ; and by the result of the elections, in particular, which were celebrated by the rebels, (as well they might be,) since they themselves could not have selected persons more after their own hearts.

14.—The Audiencia does not deny that many Americans of all classes, besides the troops, have given proofs of exalted loyalty ; and it admits that, in many instances, it was impossible for defenceless towns and villages to attempt any resistance against an armed banditti ; but it is not the less true that the majority of the people, and almost all the towns, are in favour of the rebellion ; and that whereas, in Spain, although some few traitors have sided with the French, not a single village has declared in their favour ; here, on the contrary, although many individuals have embraced the just cause, Provinces, towns, and villages, have all shown a disinclination to support it.

18.—Your Majesty has heard that the rebellion by which this, and other countries of America, are devastated, “ was

caused by Napoleon,—by the Council of Castile,—by the Junta of Seville, which, by means of its commissioners, threw all Mexico into confusion,—by the arrest of the Viceroy Iturrigaray,—by the fear of falling under the dominion of the French, or by the desire to continue subject to Spain.” At other times, it has been said that the number of strangers admitted by Spain into her colonies has occasioned the loss of her sovereignty there; and that the improvement of the natives, has both taught them their rights, and made them impatient to recover them.—Others again have urged,—“the natural propensity of the Creoles to idle change;—their desire to obtain their share of honours, public employments, and full liberty,—their wish, in every thing, to vie with the Europeans,—the terrible inequality of their present lot,—the small proportion of American representatives,—the injustice with which the inhabitants have been treated, and their determination to put an end to a system of oppression, which began with the Conquest.”

19.—The result will have convinced your Majesty of the fallacy of these assertions, each of which was, usually, accompanied by the recommendation of some particular measure, which was to serve as a remedy for the evil. The remedy has been tried,—one concession after another has been made; but the evil remains, and will remain, exactly in *statu quo*.

20.—Some other cause must, therefore, be assigned for the calamities which afflict New Spain, and it is as easy to point it out, as it is to affirm that it is the only one:—a King, who, although himself a sage, thought that he might disregard the practice of every other nation, abandoned this province to its fate, by withdrawing the Colonial (Presidial) garrison. From that moment it might have been foreseen that it would aspire to Independence as soon as it felt its own strength.—Such has been always the desire of colonies situated at a distance from the centre of government:—they have invariably preferred their own advantage, to the laws of justice.

(It is unnecessary to follow the *exposé* through the following paragraphs, in which the Audiencia attempts to prove that a colony can *never* cancel its debt of gratitude to the Mother-country, and that in Mexico those with whom the first idea of

Independence originated, were mere adventurers, who embarked in the cause as the only mode of retrieving their ruined fortunes.)

24.—The invasion of the Peninsula, the abdication of the Sovereign, and the occupation of Madrid by foreign troops, offered some prospect of an approaching Independence, which could not but be flattering to a Viceroy, who had but little else to hope.

25.—It is impossible not to shed tears on reflecting that the exalted patriotism displayed throughout New Spain upon that occasion, should have been so soon directed into a different channel. The Spanish monarchy will never possess more loyal citizens than all its inhabitants then were;—they loved, they adored their King,—and the vehement effusion of their sentiments was the best proof of their sincerity.

26.—But fate decreed that, at that moment, a few restless spirits, (“*hombres discolos, o’ preocupados,*”) should dream of Independence, (the very name and idea of which had been, till then, happily unknown to their countrymen,) and that their projects should be countenanced by a body, respectable in itself, amongst whose members many connived at proposals which could have no other object. The worst, too, was, that these schemes were, to a certain point, favoured by measures on the part of the Government, which, if they had not been cut short, would have been of themselves sufficient to revolutionise the country.

27.—Thus, the extraordinary pretensions of the Ayuntamiento of Mexico, with regard to the new appointment of Government officers, and the oaths to be taken by them, as well as the creation of Provisional Juntas in the capital, and in other parts of the kingdom,—pretensions favoured by the tortuous and inconsistent policy of the Viceroy,—had a direct tendency towards the establishment of the Independence.

28.—If your Majesty calls to mind the events which took place in this city between the 29th of July and the 15th of September of 1808, it will be evident how much was done, in so short a time, in order to separate it from the Mother-country. This Tribunal had the honour of informing the Regency, at the

time, of the reasons which induced it to oppose, at all hazards, the dangerous Juntas which were celebrated here on the 9th and 31st of August,—1st and 9th of September.

31.—It was in these days that a pamphlet was published by Fray Melchor de Talamantes (of Lima)—entitled “The National Congress of the Kingdom of New Spain,”—dedicated to the Ayuntamiento of Mexico, in which the Viceroy was solicited to assemble the Mexican Cortes, in spite of the opposition of the Audiencia, which might be neutralized by the opinion of the Ayuntamiento, and of twelve respectable lawyers.

33.—The project is avowed in the Insurgent paper, entitled, *El Ilustrador Nacional*, published in Sultepec, the 18th of April, 1812, in which, referring to the origin of the Civil War, it is said, “What could America do in order to check the progress of these evils, including the chance of seeing, by some intrigue or caprice of the Spanish Mandarins, this beautiful portion of the monarchy, subjected to the dominion of France?”—“To declare its Independence was its only resource; and to create a National Congress, wise, just, disinterested, and calculated to inspire the people with confidence in its measures:—this project was submitted to the Viceroy, Don José Iturrigaray, on conditions as reasonable, as they were advantageous to the Peninsula; but it was discovered by some evil-intentioned Gachupines,* who, in violation of all laws and justice, forestalled the measure, by seizing the person of the Viceroy, and imprisoning all those who had been privy to his plans.”

34.—It was on this account that Don Carlos Bustamante, editor of the *Juguetillo*, who, after publishing this seditious paper in the capital, while the liberty of the press was established, has now joined the Insurgents,—calls the night of the 15th September,—“*Noche infausta*,” “an unpropitious night!” and such it was to men like him, whose schemes of Independence it deranged.

35.—But these projects were soon revived under the government of a Viceroy, whose authority, although afterwards con-

* *Malos, necios, y atolondrados, Gachupines.* Evil-intentioned, ignorant, and perverse Gachupines.

firmed, was, at first, thought dubious:* advantage was taken of the inexperience of the Archbishop to induce him to prepare a vast force to resist Napoleon, as if it were possible for the armies of the tyrant to reach our coast, while Spain was in alliance with England. He was taught, too, to dread a design, on the part of the Europeans, to remove him, as they had done his predecessor; and to carry his suspicions so far that he planted cannons before the palace to defend himself against those who never dreamt of attacking him. Nor was this all: under the plea of taking precautions against the emissaries of France, the Viceroy's confidential advisers designated, under this odious name, all their own rivals, or opponents, marking out in particular a number of European Spaniards; and this conduct prepared the Indians, and mixed Castes, who had hitherto remained indifferent, to take an interest in the controversy, and to believe, one day, that the Gachupines were resolved to betray the kingdom to Napoleon. Thus was destroyed that moral force, which, since the discovery of these countries, had maintained their tranquillity; and with it was lost that, which it was most our interest to preserve. Information was received, both of the conspiracy of Valladolid, and of the machinations of Hidalgo himself, but no attention was paid to it; and people were thus taught, that, in Mexico, they might attempt every thing with impunity, since, whether they failed, or were successful, they were sure of pardon.

36.—The Audiencia succeeded to the Viceroyalty *ad interim*, and did, what in it lay, to remedy the evil; but its roots had already struck too deep: it was too late.

37.—Under these circumstances, the Viceroy appointed in 1810 arrived, and so opportunely that, but for him, all must have been lost. Hidalgo had already raised the standard of rebellion. This man, without honour or religious principle, had nevertheless sufficient knowledge of mankind to calculate not only upon the assistance of the troops whom he had seduced, but (as he himself said a little before,) upon the powerful

* The Archbishop to whom the reins of Government were confided after the arrest of Iturrigaray.

UNIVERSIDAD DE NUEVO LEÓN
BIBLIOTECA UNIVERSITARIA
"ALFONSO REYES"
Aprob. 1625 MONTERREY, MEXICO

aid of the ambition, the vices, and the ignorance of his countrymen. His war-cry was the proscription of the Europeans, who had been lulled into security by habitual confidence, and still more by the testimony of their own consciences: he was joined instantly by a host of curates, friars, and lawyers, all men of desperate fortunes, and all determined to seek in the public ruin the impunity of their own crimes. The great mass too of Indians, and mixed castes, which had taken no part till then in the affairs of the state, was roused at once into open rebellion against the Government; stimulated by the desire of indulging their vicious passions, concealed by the plea that the Europeans, against whom their enmity was directed, were agents of Napoleon, as stated in Paragraph thirty-five. In consequence of this, Hidalgo had in a few days whole towns and provinces at his devotion, and advanced upon the Capital with an army infinitely more numerous than that by which it was defended.

38.—The prudence and firmness of the Viceroy saved the state. The rebels were repulsed at Las Cruces, and defeated at Aculco, by a General, whose consummate skill converted into invincible soldiers men, who, under any other direction but his, would have turned against their General and their country. The same General drove them from Guanaxuato, and destroyed at last Hidalgo's whole force at the Puente de Calderon, while their chief expiated his crimes by the death which he had so well deserved in the Northern Provinces.

39.—But still the rebellion continues, has continued, and will continue, with no other change than the mere chances of war; and even should the force of the Cura Morelos, which is now the only formidable one, be destroyed, yet the day is far distant when we can hope to see security and order restored.

40.—Many wonder at the ferocious spirit that characterized Hidalgo's rebellion, exemplified in the Alhondiga of Guanaxuato, and in the ravines of Valladolid, Guadalajara, Tehuacán, and Sultepec.

41.—But Hidalgo knew perfectly all the peculiarities of his situation, and turned them to account. Without the riches of the Europeans, he could not pay his own debts, much less undertake an expensive war: without these same riches as a bait,

he could not gratify that thirst for plunder which possessed the immense legions by which he was followed. Besides, it was as difficult to establish independence while the Europeans remained in power, as it was to prevent these vile and cruel traitors from giving loose to their rage against those who had from the first opposed its establishment.

42.—The flame which Hidalgo lighted in the little town of Dolores spread through the country with the rapidity of atmospheric pestilence. The clergy were the first to declare in favour of a liberty, unjust, premature, and the forerunner of a thousand calamities: they profaned the pulpit and the confessional by making them vehicles for disseminating doctrines subversive of all true religion and all submission to the constituted authorities. They even put themselves at the head of the rebellion, fancying that their sacred character would shield them from punishment, as, from the mistaken piety of our monarchs, has been but too often the case.

44.—Such were the circumstances under which our new political institutions were announced here, towards the establishment of which this tribunal has contributed by every means in its power. The result has proved how vain were the hopes that this change of system would produce any beneficial effect. Morelos, at the very moment of the publication of the Constitution, in return for this benefit, sacked the town of Orizava: every European who has since fallen into the hands of the rebels has been put to death, even at the very gates of the capital; nor has there been one example of a single individual belonging to the rebel armies having recognized your Majesty's authority, or laid down his arms out of respect for the Constitution. Yet they affirm in the twentieth Number of the *Correo Americano del sur*, of the 8th of July, 1813, that the Constitution has been violated; that it is for this that they are in arms; and that upon its strict observance depends the peace of America.

45.—But the effrontery with which they change their ground, in order to excuse their conduct, is scandalous.

46.—Your Majesty may judge of what they think of the Constitution by what they say of its authors.

47.—In the *Correo*, Number twenty-one, they affirm, "that

the Cortes of Cadiz are composed of men so impious and immoral, that the very natives of Geneva (aun los Ginebrinos) would be ashamed of owning them as associates. They have abolished a tribunal which will one day judge them, and they are preparing to give a death-blow to Religious Orders, and to the treasures of the Church, at the same time."

49.—In the *Correo*, Number twenty-four, of the fifth of August, they return to the charge, and say, that "the Government of Cadiz is a barbarous, factious, and impious Government, more the enemy of Ferdinand than the French themselves."

51.—Your Majesty must not think that these Proteuses think more highly of the Constitution than those by whom it was framed; they wish, indeed, as well they may, that it should be established in those towns which they do not occupy, because of the assistance which it affords them in their projects; but far from adopting or desiring it for themselves, one of their principal chiefs, José Osorno, stated in a proclamation of the 26th of last December, "that he and all his followers would perish, or succeed in giving to Mexico a constitution which should ensure the happiness of her sons."

55.—The rebels have never desired a constitution from Spain, although it came down from Heaven: as to Independence, they repeat the term because it was used by Hidalgo, whose disciples they are; but this only proves that some men, better informed than the rest, invoke it because it suits their views. They know the difficulty of establishing it, in despite of the most constant nation in the world: they know, too, that the heterogeneous classes of which the population of New Spain consists, could never form a regular government. Their own interest is their only motive, as was proved by Hidalgo, when he fled to the United States with six millions of dollars.

57.—Nor has the Constitution been productive of better effects in those provinces, which, being occupied by our troops, are unable to follow their own vehement desires in favour of Independence. To them it is an *Ægis*, beneath which they not only conceal the perversity of their own wishes, but turn against their country the remedies that were intended to heal its wounds.

72.—Thus, when notwithstanding the opinion expressed against the measure by the Bishops of Puebla, Valladolid, Guadalajara, Monterey, Merida, and Mexico, together with the Intendants of Mexico, Oaxaca, San Luis Potosi, Guanajuato, and Zacatecas, the liberty of the press was established; it left traces which more than justify the necessity of suspending it, in order to deprive the rebels of its support. In two months it completely perverted the public opinion, as it was foreseen that it must and would do.

74.—The military character of our chiefs was decried, and the Revolution indirectly defended by the use made of the name of Ferdinand, until the rebels threw off the mask, and declared in the letter addressed by the Revolutionary Junta to the *Cura Morelos*, "that Ferdinand was for them a supposititious being, whose name appeared to advantage in their projects, without any fear that he would ever claim the crown."

84.—The *Pensador*, equally bold and ignorant, ventured to assert "that the Viceroy had been here absolute sovereigns; that no civilized nation had ever been so ill governed as this; that despots and bad government were the real cause of the insurrection, and not the *Cura Hidalgo*; that the Spanish system had been a most pernicious one; that the door to preferment had been shut upon every native; and that an armistice ought to be concluded until the justice of their complaints could be inquired into."—Vide Nos. 5, 6.

(The *Audiencia* attempts to disprove the reality of these complaints by quoting the *Reales Cédulas* of the 12th March, 1697, the 21st February, 1725, and the 11th September, 1766; by which equality was conceded to the *Creoles* in all employments. It quotes likewise the order of the 23d August, 1796, respecting free trade; the encouragement given to silk manufactures, &c. and attributes to the natural indolence and imbecility of the natives the fact of their not having turned any of these beneficent provisions to account.)—Vide Paragraphs 84—122.

122.—Nor was the abuse of the liberty of the press confined to this. On the 25th of June, a decree had been published, directing military commandants to treat all ecclesiastics taken