

in arms, as they would the other Insurgents, without any regard to their sacred character.

123.—This decree was attacked by the clergy of Mexico, and by the author of the *Juguétillo* (No. 3.); and

129.—Public opinion was so completely corrupted by their artifices, that, in the mobs of the 29th and 30th of November, assembled under the plea of celebrating the election of the electors for the Constitutional Ayuntamiento of Mexico, there were Vivas in honour of the Creoles, of the Insurgents, and of Morelos; intermingled with cries of “Death to the Government,—to the King,—to Ferdinand VII.” There were Vivas, too, for the authors of the *Pensador* and *Juguétillo*, and for the “Defender of the Mexican clergy.” (Dr. Don Julio Garcia de Torres.)

136.—It thus became evident that no laws, however excellent in themselves, are applicable under all circumstances: and that the liberty of the press, which was intended to disseminate that general information which might have remedied the calamities of the country, only increased them by increasing the general corruption. The political writings of the day produced upon the natives the same effect that spirituous liquors cause amongst savages; nor could any restrictions or modifications prevent a law, most beneficent in itself, from being converted into an engine of destruction, by the protection which it afforded to those, whose only aim it was to prepare for a general explosion by inflaming the blackest passions of the multitude.

137.—Such was the unanimous opinion of the sixteen members of this court.

142.—In conformity to it the Viceroy suspended the liberty of the press:—a measure which was too unfavourable to the interests of the rebels, not to be received by them with loud disapprobation.

146.—The *Indulto*, granted almost by anticipation to traitors, has produced effects almost similar to the consequences of the liberty of the press.

147.—Even were the general opinion not what it is, men would find their interest to write seditious papers,—knowing that they will be well received, and better paid,—and to join the Insurgents afterwards, knowing that the *Indulto* will secure to

them the enjoyment of whatever they may plunder while amongst them.

152.—The *Consulado*, which comprehends the majority of European residents, demanded passports for all its members in the event of the liberty of the press being re-established.

154.—But if it be impossible to execute, at present, the article of the Constitution which relates to this point; it is still more so to carry into effect those respecting popular elections.—The experiment, nevertheless, was made. In a country where a hundred persons cannot meet without some disturbance, seven millions of men were called together, with all the air and outward pomp of absolute sovereignty, in virtue of a law which could never have been intended to apply to such extraordinary circumstances.

157–8.—In the elections for Mexico a thousand intrigues and informalities occurred, which ought to have invalidated the whole proceeding.

159.—The result, however, was, that not a single European, or an American distinguished by his patriotism,* was returned as elector. On the contrary, men were chosen who were well known for their attachment to the Independent cause;—men who had opposed all loan or donative to the Mother-country; men who had voted for the Independent Juntas in 1808, or signed the representation of the clergy alluded to in Par. 41.

160.—The rebels had good reason to celebrate these elections, as they did, with salvos of artillery, and *Te Deums*, for they proved, (as they have themselves said,) “that Mexico, and the whole kingdom, were in their favour, and that resistance would be no longer possible, since the power was in the hands of Creoles, who would force the *Audiencia* to be silent, or hang the *Oidores* and all the *Gachupines* together.”

171.—The Viceroy’s attempt to calm the agitation of the public by conciliatory measures proved utterly fruitless.

172.—The elections were just what was to be expected from the character of the electors. The two *Alcaldes*, the two *Syndics*, and sixteen *Regidores*, of whom the *Ayuntamiento*

* Patriotism is, of course, used by the *Audiencia* to express devotion to the cause of *Spain*; as *Patriotas* were Royalist volunteers.

of Mexico was composed, were all men either justly suspected, or notoriously addicted to the Independent cause, and even in actual correspondence with Insurgent chiefs.

174.—The result of the Parochial elections for the ultimate election of Deputies to the Cortes, was equally unfortunate. Out of 591 electors, every one was taken from the class of the disaffected.

176.—The Junta, which was composed, at last, of twenty-eight electors, (nineteen of the forty-one Partidos having sent no representatives,) contained only five Europeans, who came here to be the laughing-stock of the people: and of fourteen Deputies, and four Suplentes,—the Europeans and American patriots only obtained the sterile honour of a seat as Suplente.

181.—Such is the example held out to the other cities of this country, by the most excellent, noble, loyal and imperial city of Mexico!

182.—Between it, and the plan proposed in the name of the Insurgent Junta by one of its leaders, Dr. Cos, suggesting that the Europeans should resign the supreme authority, there is no other difference than that, what the rebels have merely established in theory, Mexico has put into practice. Nor can your Majesty entertain a doubt as to the persons to whom all Civil, Military, and Ecclesiastical employments would be confided, did it depend upon those, by whom the late elections have been made, to confer them.

183.—Not having been able as yet to attain that Independence for which they have so long sighed, (la suspirada Independencia,) they have shown the spirit by which they are animated, in excluding, by a species of Ostracism, from all elective charges, those patriotic citizens, who, if attention had been paid to the spirit of the Constitution, would have been more peculiarly called upon to fill them.

188.—The Constitution intended that the choice of the people in the elections should be determined by the love of their country.* In lieu of this, a love of Independence and

* I must again observe, that it is a body composed entirely of old Spaniards that writes, and consequently that the words "patriotism, and love of their country," mean love of the Peninsula, and not of Mexico.

anarchy has prevailed; and on this account the Ayuntamiento is composed of vile creatures, either positively committed in the rebellion, or at least, undistinguished by any pretensions to patriotism

193.—It is with deep concern that the undersigned American members of the tribunal observe, that out of 652 appointments made by the people in Mexico in different elections, not one has fallen upon an European!

194.—In like manner the European Oidores declare, that not one of the many Americans of known virtues and patriotism, who are the honour of this capital, was thought worthy of one of these appointments.

198.—The establishment of the Provincial Juntas only serves to impede the measures, which, in the present state of things, Government must often take; and, in common with all others, the election of the individuals who are to compose them, must be attended with the four following serious inconveniences:—First, The extreme difficulty of legally qualifying a real citizen.—Second, The more than probability that all Americans of real merit, and all Europeans, will be excluded.—Third, The well-founded fear that the choice of the people will fall upon men of suspicious character, or decided enemies to their country; and Fourth, The extreme and unavoidable danger of general meetings of the inhabitants.

214.—The change in the administration of justice has not been less disadvantageous. Since the establishment of the Jueces de Letras, in lieu of the old Alcaldes de Corte, y de Barrio,—all the impeachments on suspicion of treason, or disaffection, which the committee of public security so often brought before the Viceroy, or the criminal court, have ceased.

215.—This would be a happy event, if there were no delinquents; but, unfortunately, the activity of our magistrates has been paralyzed at the very moment when there are more traitors than ever. The sentinels in Mexico are fired at in the very centre of the town, nor can a soldier leave the gates without being lassoed.

232.—The sum of all that has been stated here is, that an error in policy, and the misfortunes of the Mother-country,

first caused the idea of Independence to be conceived here: That this idea began to develop itself in 1808, in the claim preferred by the Ayuntamiento of Mexico, and countenanced by certain individuals,—to exercise sovereign authority; That this claim was preferred, and could be preferred, with no other object,—as is confessed by the rebels in their official papers:—That the Europeans checked the progress of these machinations, by deposing the Viceroy, who protected them, from whence proceeded the infernal hatred conceived by the rebels against them,—a hatred, of which they have given evidence, by the murders, and other atrocities, committed in the very outset of the rebellion, and which admit of no other explanation. That the second great error, was the not sending out instantly a Viceroy of energy, activity, and experience; in lieu of which, a weak and unjust government was allowed to exhaust the remains of that moral force, which had, till then, maintained the tranquillity of the country; and thus to afford room for the revival of the former projects:—That if the wisdom of the first Regency gave to Mexico a Viceroy of a very different character, it was no longer time to prevent an explosion, although it rendered its consequences less fatal:—That, as a necessary consequence, the rebels were forced to seek impunity for their crimes in a Revolution, the cause of which has constantly been the ambition of the few, and the immorality of the many:—That the Clergy have turned against the State that propensity to disorder, which has always characterized these natives, and have done so with impunity:—That a rebellion, founded upon such principles, and favoured by such powerful assistance, could not fail to make great progress, and must continue to do so, until recourse is had to the only measures capable of correcting it. That generosity and mildness will rather increase than diminish the evil; because they will be attributed to fear, or to weakness, on which account permanent Indultos, and forgetfulness of offences, have rather fed than quenched the flame:—That the most liberal institutions are thrown away upon such men as these; and that, as a necessary consequence of the above, the sacred Constitution itself is so likewise, it not being possible to execute some of its articles, while others have been necessarily infringed.

234.—In the Capital itself, the Viceroy has been forced to take precautions against revolt, and to fortify himself against the public spirit of the day, which has not only caused insurrections, but may repeat them, and consequently renders the presence of a considerable number of troops indispensable.

237-8.—By leaving crime unpunished, all moral force is lost, and society thrown into a state of disorganization: The general wish of the country fomented, or openly protects the projects of the Independent party: The august assembly of the Cortes is not only not recognized by the rebels, but its most beneficent acts are turned into ridicule by the malevolent colouring which is given to them; while its views are defeated by others, who assist the schemes of the Insurgents, by an apparent submission to the decrees of the Congress, in as far as this can be reconciled with their common object. The old system is abolished; the new one not yet established; (en el aire): the Constitution, sometimes an object of ridicule, sometimes used as an instrument,—all elective employments, the prey of factious, ambitious, and faithless men;—the government without consideration, or even the necessary authority. Such is the state to which three years have reduced this lovely country, once the envy of the world.

239.—But what shall be the remedy for such transcendent evils? The rebels propose, as the only means of saving the country, those which will only serve to secure their triumph.

242.—The contempt with which all conciliatory measures have been received is the best proof of their inefficiency.

244.—The Audiencia will not omit to point out the only plan which it regards as likely to produce a radical cure.

245.—No doubt can be entertained as to the origin of the evil, which is, undoubtedly, a spirit of Independence now generalized throughout New Spain: This is the real cause of the discord and jealousy which prevail, fomented by the constant opposition of the loyal and patriotic Spanish residents to these ideas of Independence: The struggle would be at an end if they were capable of compromising with their loyalty and devotion to the cause of the Mother-country.

246.—They must, therefore, be supported by powers, of which, however extraordinary, the history of ancient and

modern nations, under critical circumstances, affords many examples.

249.—The wisdom of the august Congress must prepare the way for the happiness which it is desirous to bestow upon this people, by removing, with a strong arm, the obstacles which their perversity has, hitherto, opposed to its introduction.

251.—Besides supplying a physical force sufficient to replace the moral force which has been lost, under circumstances of such extreme difficulty and distress, it is indispensably necessary to suspend all measures likely to diminish the new impulse that must be given to the Government, and, amongst others, the principal, and most beneficent of all,—the Constitution itself.

253.—The disaffected here have converted this Constitution into a mere tool for their perfidious designs: We repeat, once more, that sentiments of public good have no sort of influence over these men;—that gratitude is unknown to them, and that the majority, without a single political idea, have lent themselves with pleasure, and even with fury, to any and every change that afforded them the prospect of indulging their natural propensity to plunder and vice. The direction of a machine, moved by such springs as these, can neither be doubted, nor resisted:—Every thing must be sacrificed, therefore, or the application of the machine, for a time, given up.

254.—Yes, Sire;—Let those men, who, without faith or country, maintain in secret the same treasonable principles as the rebels themselves, declaim against the proposal; let them continue, under the mask of patriotism, to combat with arms only the more dangerous because they are more polished, that authority which the rebels openly defy; let them protest an attachment which they do not feel to the new institutions, and invoke the Constitution in order the better to destroy it, and their country together; let them endeavour, in fine, to ruin this tribunal, by undermining the credit of its members; still the Audiencia, firm alike in its loyalty and its principles, must state, with all respect to your Majesty, that, it being impossible to carry the Constitution into effect, in the midst of a permanent conspiracy, which is sapping the very foundations of the State, it appears to them absolutely necessary to suspend it as long as such a state of revolution and disorder continues.

255.—The sacrifice will be momentary: the return, the salvation of the present, and the felicity of future generations.

262.—The contest which the Viceroy is forced to sustain, compels him to exercise absolute authority in many parts of the kingdom. To invest him with powers to do so legally *in all*, would at once enable him to act with proper decision, as circumstances might require, and put an end to all uncertainty and murmurs. This, and a recommendation to carry into execution, as soon as possible, the Constitution,—but simultaneously, and in all its parts,—would put an end to a political chaos, the confusion of which is infinitely worse than the want of any rule at all.

263.—In this case the just and prudent observance of the law, which authorizes the Viceroy “to banish from the dominions of Ultramar those whose residence there might be injurious either to the service of God, or to the public peace and tranquillity,”—would save those rivers of Spanish blood, which are now flowing throughout New Spain.

269.—There is certainly no other mode of preserving the State from its approaching ruin. Unfortunate indeed will be the country, and this tribunal, should it have failed, in the opinion of the Cortes, in establishing the necessity of the measures proposed upon solid grounds. The unavoidable abuse of a Constitution, perfect in itself, will hasten the progress of this country towards Independence, which is not only the object, but the decided will of the majority of the inhabitants; and it will be in vain to oppose to this furious torrent the wishes of the real patriots, since we have to deal with men who will only submit to positive physical superiority: in the mean time, one excess leads, by a necessary consequence, to others, and confusion is now nearly at its height.

270.—Such, Sire, is a true picture of the state of affairs in New Spain: the decision of your Majesty will determine whether it is, or is not, any longer to exist as a country.

(Signed)

Mexico, 18th, Nov. 1813.

Thomas Gonzalez Calderon, José Mexia, Miguel Bataller,
Manuel del Campó y Rivas, Juan Antonio de la Riva,

Miguel Modet, Pedro de la Puente, Miguel Bachiller, Felipe Martinez, Manuel Martinez Mansilla, Ambrosio Lagarzurrieta.

NOTE OF EDITOR.—(DON CARLOS BUSTAMANTE.)

The Audiencia lost by the establishment of the Spanish Constitution, which was sworn in Mexico, the 30th October, 1812, the most lucrative part of its former privileges: The commissions, Conservadurias de Mayorazgos, the Judgment of Natives, the Assessorships of the Mines and Post-office, the Management of the Marquisate of the Valle de Oaxaca, the Auditorships of War, &c. its direct influence over the Viceroy by means of the Acuerdo, and its right of deciding in cases of appeal upon government measures. Hence its detestation of a system which it attacked under the pretence of zeal for the public welfare.

Hence, too, its hostility to Iturrigaray, whom it deposed, ignominiously, and whose condemnation to a fine of 284,241 dollars, under a sentence of Residencia, it ultimately effected.

NOTE OF ENGLISH EDITOR.

Bustamante is undoubtedly right in his opinion of the motives by which the Audiencia was actuated; but, at the same time, it must be confessed that this Tribunal appears to have had a very clear perception of the real state of Mexico. Its arguments with regard to the inapplicability of the Constitution to a country in a state of revolution, are unanswerable: it conceded too much, or too little: Spain had no choice but to retain her power, if she could, by the means which had enabled her, during three centuries, to support it, and to modify abuses, the existence of which she could not deny, when submission was restored; or to resign her authority at once into the hands of those, who would no longer acknowledge it, and to endeavour to make the best bargain she could for the cession of rights, which she could hardly hope to retain. The error lies in having thought that the first of these alternatives could be adopted with any prospect of success; and this error is the more inexcusable on the part of the Audiencia, from the conviction which it expresses, and appears to feel throughout the

present Representation, that the sense of the majority of the nation was decidedly in favour of Independence. To conceive that, when once this idea had taken root, it could ever be eradicated,—to hope that in a country where it had spread in an instant from the highest to the lowest classes, “like atmospheric plague,” and where its growth was fostered not only by every principle of reason and justice, but by feelings of personal interest and private animosity, the spirit could be stifled or crushed, was the height of folly; and dearly has Spain expiated it by the loss of those advantages, which, until within the last year, it was still in her power to secure.

C.

CONFIDENTIAL LETTER OF THE VICEROY CALLEJA, ADDRESSED TO THE MINISTER OF WAR, BUT CONTAINING A PRIVATE REPORT UPON THE MEXICAN REVOLUTION, FOR THE INFORMATION OF HIS MAJESTY FERDINAND VII.

MOST EXCELLENT SIR,

By a private letter from Jalapa, I have received a manuscript copy of the Decree of our most beloved and desired Sovereign, dated Valencia, May 4th, 1814, by which his Majesty declares to be null the Constitution promulgated by the General and Extraordinary Cortes, and reassumes the exercise of that Sovereign power, of which the Congress had despoiled him.

My loyalty as a vassal,—my attachment to the King as a grateful subject,—and my conviction as a good Spaniard,—filled my heart, upon this occasion, with the purest satisfaction; and I instantly ordered the inclosed proclamation to be published, by which I announced to the kingdom at large the happy tidings, and swore, as first Chief of these dominions, in the name of the Sovereign of Spain, Don Ferdinand VII. my ready and sincere obedience to his Royal will.

(Precautions taken against the introduction of any Agents, or Decrees of the Cortes, &c.)

I regard it as a duty to lay before his Majesty a rapid sketch of the state of these countries, and of my own conduct since I