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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



assumed the reins of Government on the 4th March, 1813; and I entreat your Excellency to allow me to do this through your Excellency, in order that his Majesty may be enabled to take at once those measures which are necessary for the salvation of his Majesty's dominions here, in which rebellion has increased fearfully, in consequence of the road opened by the Constitution for the execution of its criminal projects.

This Constitution was sworn, and in part established, when I took the command of the country:—nothing could be more discouraging than the aspect of affairs; for the rebels, flushed with the advantages which they had already obtained, threatened the Capital, and were actually in possession of Oaxaca,—Acapulco,—a great part of the Western coast,—the capital of Texas, through which they drew supplies from the North Americans,—in short, of the largest portion of New Spain, as well as of innumerable towns, Haciendas, Mines, and roads.

Under such circumstances my situation was most critical. Compelled to make head against the attacks of an enemy disseminated over eight hundred leagues of country, and protected by the great majority of its inhabitants, with a very small military force at my disposal, and without hopes of succour from the Peninsula; surrounded by concealed enemies, who, under the shelter of the new Institutions, aided, directed, and encouraged the rebels, from this, and all the other principal towns in the kingdom, without my being able to counteract them, on account of the Constitution, and the decrees of the Cortes, which tied my hands;—deprived, too, of the support and assistance, which I might have derived from the principal Corporations, all of which had been filled by the popular elections with men interested in the ruin of the Spanish Government in this hemisphere,—I suffered the most cruel mental anguish, and despaired, at times, of being able to preserve for our beloved Sovereign this precious part of the possessions of the crown.

In vain I represented to the Regency, by every possible opportunity, that Mexico would be irrecoverably lost, unless a different system were adopted, and the Constitution suspended; my complaints were neither attended to, nor answered, and I was only charged publicly to adhere strictly to the new prin-

ciples, which every day deprived me of the few means that I had left for curbing the Insurrection.

Happily, my military operations were so fortunate, that I succeeded in destroying the rebel Curate Morelos, whose success at one time seemed to menace the ruin of Spanish dominion here. I recovered Oaxaca, with the port and fortress of Acapulco, and succeeded in driving out of Texas the rebels, with their Anglo-American Allies; a number of the Insurgent chiefs were taken; some of their principal bands dispersed, whose vicinity to the Capital threatened us with a scarcity, by impeding the introduction of supplies; and the roads so far cleared, that but small escorts were required in order to keep up the communications with the Interior. If that with Vera Cruz be not yet established, it is principally the fault of the Governor of that district, who, notwithstanding my being responsible for the measures of the Government, has more than once alleged direct orders from the Regency as an excuse for disregarding mine, and thus deprived our operations of all unity of plan. This want of subordination in the local authorities has tended greatly to increase the general disorder, and to render fruitless, for want of co-operation, the prodigious efforts of the troops.

This, and other causes which I shall have the honour of pointing out to your Excellency as I proceed, have counterbalanced the decisive advantages which we have obtained in the field; and I am compelled to confess that, notwithstanding our victories, but little has been done against the spirit of the rebellion, the focus of which is in the great towns, and more particularly in this capital. On one side, the elections,—the fanatical elections,—destroyed, in a moment, the fruits of the labour, the efforts, the combinations of months;—and, on the other, the want of power to chastise those, who constantly corresponded with the rebels, and informed them of all the military preparations of the Government, prevented the execution of our plans. For your Excellency must take as the corner-stone of my whole argument the fact, that the great majority of the natives of this country is most decidedly in favour of the Insurrection, and of Independence; without their frequent invocation of the respectable name of our Sovereign, being any thing more than a



veil, with which they endeavour to conceal their criminal projects, as your Excellency may perceive by thousands of papers which have been taken from the Insurgents, some of the most essential of which I will forward by the first opportunity.

This fact being once admitted, nothing could be more favourable to the ideas of the disaffected than the Constitution, since, besides securing the impunity of the traitors, either by paralyzing the Viceroy, and preventing him from acting with energy and decision, or by taking advantage of the new judicial system, which affords but too many openings for criminals to elude the arm of the law, the elections have afforded them the means of throwing the whole power into the hands of the factious, and of reducing the Government to the circle of its immediate dependents, by depriving it of the confidence which it might have reposed in certain corporations, and compelling it rather to defend itself against their attacks, than to look to them for support. Such is the reason of the attachment which the Americans have displayed towards the new institutions: they have discovered that, under their safeguard, they advanced rapidly, and without any sort of risk, towards the great object of their wishes, the Independence of the country, and the proscription of all the Europeans, whom they detest.

Experience has convinced me of this truth. The Municipalities, the Provincial Deputations, and the Cortes themselves, in as far as the Provinces of Ultramar are concerned, are composed of nothing but Insurgents; and some of so decided and criminal a character, that, notwithstanding the restrictions imposed upon me by the decrees of the Cortes, I have been compelled to arrest them, even at the risk of exciting a popular disturbance, fomented by those in whose hands the power is now deposited. At this very moment, two of the most noted Insurgents are on their way to the Peninsula as Deputies to the Cortes, now happily abolished,—Don José Maria Alcalá, and the Licenciado Don Manuel Cortasar. I cannot describe the bitterness of spirit with which I have seen two such pernicious individuals set out to prescribe laws to our noble Spaniards, and to exercise in the capital their share of an authority, which they will only use in order to prepare, and accelerate the ruin of America. At any other time, the data now in my possession

would have authorized me to secure the persons of these men, and to proceed afterwards to adduce the proofs of their guilt: but as this was a necessary preliminary under the new system, I have been compelled to allow of the departure of criminals, who, under our old and more judicious order of things, would, certainly, not thus have triumphed over justice and the law.

Every measure which the Cortes have taken with regard to these countries, seems to have had no other object than to precipitate their ruin; and as the Insurgents here are in continual and close communication with their Deputies in the Peninsula, they receive information of every decree relative to America, and claim its immediate observance, in terms which have not even left me the option of suspending the execution of those which I regarded as most prejudicial.

In this singular, and most embarrassing situation, I had no means of saving my honour but by giving in my resignation, which I have frequently tendered: nor can I account for its not having been accepted, since I was not only known to be disaffected to the principles of the Constitution, but, in spite of express and repeated orders actually suspended, and refused to execute some of its provisions, which I saw must produce a positive dissolution of all government in this country.

Such was my conduct with regard to the liberty of the press, the appointment of the Jueces de Letras, the maintenance of a body destined to watch over the public security in the interior of the capital; and the declaration, that the authority of the Viceroy was superior to that of the Political Chiefs, and the Deputations of the several Provinces.

In the course of the two months, during which the liberty of the press was established under my immediate predecessor, it caused so general an irritation in the public mind, and produced such an extraordinary number of seditious, incendiary, and insulting papers, that an insurrection was on the point of breaking out in this Capital; the violence of the mob being first displayed on the celebration of the election of the new Municipality, which was, in fact, the first triumph of the rebels. On this occasion, the populace was infuriated by treasonable addresses, and led on by the example of a number of disaffected who mingled with the crowd. The streets were filled with bands



of men who, at nightfall, carried lighted torches. There were Vivas in favour of Morelos, Independence, and the new Electors, all Americans, all men whose fidelity was suspected, and many of them positive rebels! Death was denounced against all Europeans, and their Governments. The doors of the cathedral were forced, and the mob had even the insolence to present itself before the palace, and to demand the artillery. The liberty of the press was suppressed in consequence of this event; and I refused to re-establish it, notwithstanding a second order from the Regency, directing me to carry the Constitutional law into effect, in spite of what had taken place.

The appointment of Jueces de Letras was likewise carried into effect against the express stipulations of a law, which reserved this faculty to the Regency. Had I not done this, the administration of justice, in a town of 150,000 inhabitants, would have been entrusted to two Constitutional Alcaldes, Civilians, and notoriously addicted to the Independent party.—By a necessary consequence, crimes would have remained unpunished, and the good exposed to the risk of falling victims to a conspiracy; and although the measure was disapproved of by the Ayuntamiento, which made representations against it both here, and at the Court, I have supported it with firmness, and explained to the Regency the absolute necessity of its adoption.

In order to maintain tranquillity in this populous capital, and to prevent, more particularly, the secret communications which were kept up with the Insurgents, by watching over the conventicles and private meetings of concealed traitors, a tribunal of police was established, which, under the superintendence of one of the members of the Audiencia, took cognizance of all cases of this description. On the receipt of the new law for the regulation of tribunals, this establishment was done away with, and the disaffected were on the point of seeing themselves at liberty to pursue their schemes without let or hindrance, the whole police of the town being confided to the two Constitutional Alcaldes. In this dilemma, the impossibility of leaving such a field open to the machinations of the disaffected, induced me to conciliate obedience to the law, with a proper regard for the public security, by allowing all the old *employés* in the police to retain their situations, under the orders of a

person of distinction and confidence, who performed some of the duties of the situation as a commissioner, without any judicial authority.—His duties were to give passports to those who wished to leave the Capital,—to examine those who entered it,—to watch over clandestine Juntas, or meetings, and to arrest all suspicious persons, delivering them over to the competent judge within forty-eight hours after their detention, as provided by the law.—The Ayuntamiento could not brook a measure that threatened to derange those agreeable prospects, which the exclusive direction of the police opened to its bad faith;—and it took advantage of the letter of the Constitutional law, to protest, in a very high tone, against the new regulation,—not from any real zeal in support of the law, but because, by retaining in its own hands the police, and the investigation of crimes, in which not a few of its own members were implicated, it would have been easy for them to continue, without fear of interruption, their perfidious intrigues, and to prevent their friends and colleagues from being detected in similar crimes.—This measure I likewise sustained with equal firmness, and I represented to the Regency the impossibility of providing for the security and preservation of the country, while every day some new legal disqualification was added to those, which had already compelled me to abandon so many of those interesting and delicate points, for which I was nevertheless held responsible.

But the most serious and important point of all, was the establishment of the political superiority of the Viceroy throughout the kingdom, and the immediate dependence of the Provincial Deputations upon him. The most complete division and anarchy menaced these dominions, had I not fixed a central point in their common Chief; for without regarding the decrees of the Cortes respecting the powers of the Viceroy, every Political Chief believed himself endowed with independent powers in his province, and every Provincial Deputation, absolute in its own district, and without any obligation to contribute, by order of the Viceroy, towards the common support of the army. It was impossible in this way to attempt any farther resistance, or to prevent the provinces from falling into the hands of the Insurgents in detail.



The discussion began to grow warm, and it was insinuated that the Viceroy was nothing more than a mere Captain-General of a province, not entitled, as such, to dispose, in any way, of the revenues of the State, which belonged exclusively to the Real Hacienda; and this error, originating in our new laws, and fomented by the factious, to whom nothing could have been more advantageous than such a division of power, was about to precipitate us into an abyss of misfortunes. I had foreseen these evils, and the point to which the Provincial Juntas would carry their pretensions; but the scandalous occurrences which took place in Yucatan, where the Provincial Deputation, after disembarassing itself of the authority of the Captain-General, decreed, and actually carried into effect, a project of free trade, by throwing open all the ports to Foreigners, without taking into account its dependence, in all financial matters, upon this Viceroyalty,—confirmed my suspicions, and made me accelerate the declaration of the paramount authority of the Viceroy throughout the kingdom, and of the submission due to him by all the Deputations, supported by the opinion of a number of ministers, and lawyers, as will appear by the inclosed copy of the decree.

(Refusal of the Junta of Monterey, capital of New Leon, to acknowledge Don Joaquin Arredondo, as Military Commandant, and Gefe Politico, of the Internal Provinces, or to furnish him with necessary supplies.)

Such is the vacillating and depressed state to which I have seen myself reduced here:—without power, without authority, without representation, or dignity,—deprived of that assistance which the Audiencia has always afforded by its *Dictámenes*, and *Acuerdos*, to my predecessors;—subjected, in some measure, to the legal opinions of a Fiscal, and Auditor, and consequently unable to consult any one but them on the most critical occasions;—without a sufficient number of troops to extinguish the rebellion at once;—without money, or reliance upon the public corporations;—struggling, at the same time, with the armed bands of the rebels, and the machinations of secret traitors;—trying to restrain the insolent disobedience of the one, and the hardened fanaticism of the others; in the midst of a confusion of ideas with regard to the government, with

which the good and the bad were equally infected;—resisting the fury of that political mania, the contagion of which seemed to have spread to all classes, drawing alike the merchant, the artizan, the clergyman, and the husbandman, out of their proper spheres, and making them politicians, or rather political dreamers, (*feblicitantes*;)—trying, in every way, to conciliate the reciprocal hatred of the Europeans and the Americans; and witnessing, every hour, the danger with which the country was threatened by the effects of an ill-timed liberty, and a monstrous rebellion;—I leave it to your Excellency to imagine what must have been the anguish which I have often endured.

Happily I now see some end to the evils which have afflicted us: all will cease as soon as His Majesty deigns to turn his eyes to this much wounded portion of his kingdom. My unshaken loyalty has long sighed for the day, which has at length arrived, and henceforward no one shall venture with impunity to refuse obedience, while I am at the head of this Government, to the orders of the Sovereign of Spain, Ferdinand the desired!

But the disaffected are all in favour of the Constitution; not that they ever really and sincerely intend to adopt it, or to submit to the Mother-country on any terms, but because it affords them the means of attaining what they desire without risk, and with more facility than they could expect.

On this account they will doubtless be active on the present occasion, in fomenting discord, and encouraging rebellion, under the mask of liberty and patriotism, or of hatred to despotism and tyranny; words, of which a use has been made, of late, too dangerous to be tolerated any longer.

Some even of the Europeans have wrong views upon this subject, and will not see the danger to which they expose themselves by lending their countenance to ideas which can only lead from disaffection to rebellion: and it is the more necessary on this account to ascertain the depth to which the roots of the new system have struck, and to take advantage of this critical moment, in order to fix for ever the authority of His Majesty in this country, by changing the alimentary system altogether, and employing tonics, and actual cautery, to exterminate the cancer, by which the patient is consumed.

The insurrection is so deeply impressed and rooted in the