

of Santa Anna to the Capital, under a compromise with the clerical and monarchical party, who had so long before announced their purpose to erect a monarchy, and invite a Foreign Prince to the throne! the same party that subsequently, in 1863, welcomed the foreign invaders at Puebla, with all the pomp the Mexican Hierachy could display.

Defection of Santa Anna. Santa Anna, whose professions and oath we have above recorded, on the 24th of March, 1847, accepted a welcome from those whom, six months before, he pronounced enemies of his country, and is inaugurated their President with all the honors—a Mass and Te Deum in the Cathedral.

English view of Santa Anna. The London Chronicle of June 15, 1847, said of this event, "This is the third time Santa Anna has held in his hand the destinies of his country, and three times he has shown himself unequal to the task. The events of the year 1847 have been but a repetition of those of 1835 and 1841; at each of the three periods he has brought ruin upon Mexico, and his fall will now, it is to be hoped, prove irretrievable."

During his Dictatorship, he abolished the Institute of Sciences in Oajaca, for its liberal principles, and on July 1, 1854, he commissioned Señor Gutierrez Estrada "to negotiate in Europe for the establishment of a Monarchy in Mexico," with powers as follows:

"I confer upon him, by these presents, the full powers necessary to enter into arrangements and make the proper offers at the Courts of London, Paris, Madrid, and Vienna, to obtain from those Governments, or from any one of them, the establishment of a Monarchy, derived from any of the Royal Races of those powers, under qualifications and conditions to be established by special instructions."

PART VII.

THE CONSTITUTIONAL HISTORY OF MEXICO.

CHAPTER I.

PROGRESSIVE STEPS TOWARDS THE CONSTITUTION OF THE REPUBLIC.

The three stages of the Revolution. THE Mexican Revolution, as a whole, involved three great events or proceedings: 1. The throwing off the *yoke of Spain*, and the maintenance of an independent organic existence. 2. The overthrow of the ecclesiastical system *at home*, which like the pall of Egypt overshadowed the whole land. 3. The construction of a new government, on principles in harmony with the "rights of man," and the spirit of modern civilization. The latter implied a complete reconstruction of society in all the domain of government, of religious institutions, and of the entire fabric of civil, social, and educational life.

The first Congress. After the first really national Congress, and the Constitution of 1824, the work of reorganization was embarrassed and hampered by the perpetual opposition of the Church party. They left no measures untried to defeat the designs and efforts of the Republican party to establish order and law, under the protection of a free Constitutional government. And yet every outbreak and every outrage was overruled for the furtherance of both civil and religious freedom, on broader and firmer foundations. Every step in the way, every attempted re-

actionary movement turned out for the destruction of some lingering relic, or dangerous buttress of the old despotism.

Action and reaction. From 1824 to 1853, the country was rent and torn by a succession of conflicts, in which the distinctive principles of the two great parties were ever uppermost. The Church power was wielded with indefatigable and unscrupulous energy, to baffle the Republicans, and stay the progress of constitutional freedom. But its march was irresistible. There were pronunciamientos and "Plans," "Bases of Political organization," Centralized military dictatorships, and schemes at home and schemes abroad to destroy the Republic, to establish a monarchy, with a Foreign, a Bourbon Prince, upon the throne, to perpetuate the sway of the Priesthood, and entrench them, in their long-cherished immunities and monopolies. In all the plans of the church party, "The Roman Catholic Religion," to the exclusion of all others, was to be the Religion of the State, and the exercise of any and every other forbidden."

The plan of Tacubaya. There was the "plan of Tacubaya," in 1841, under the inspiration of Santa Anna, in conjunction with the Church party and officers of the army. One hundred and ninety-one individuals proclaimed the existing Constitution suspended, and displaced by another. A new Congress was called, a junta created, to be named by the General-in-chief of the army, (Santa Anna.) The junta was to elect the provisional President, who was to be "invested with all the powers necessary to reorganize the nation, and all the branches of the administration;" in other words, with supreme power. The General selected the junta, and the junta selected him. And this is a fair specimen of the reactionary movements of the "old regime."

CHAPTER II.

THE REVOLUTION OF AYUTLA—1853.

The triumph of Republicans. THE great final, triumphant step in the regeneration of Mexico, was irrevocably taken in 1853, by the "PLAN of AYUTLA," proclaimed by Generals Alvarez and Comonfort.

During the dictatorship of Santa Anna, the liberal party had made steady progress throughout the Republic. They aimed at radical reforms in the government, and were indefatigable in extending a knowledge of their principles and objects. The clergy, equally intent upon opposing both, made every possible effort to uphold the Dictator, in a course and policy which genuine Mexicans detested. As most other nations would have done, they repudiated the idea of inviting or imposing a *foreign monarchy* upon themselves, and looked upon Santa Anna as a traitor to his country, a violator of his oath, and recreant to the most natural and deep-seated instincts of a patriotic and loyal people.

The leaders. Generals Alvarez and Comonfort were the leaders, during this period, in the great movement of the Republicans against the Church party under Santa Anna. Alvarez, honored and trusted for his devoted patriotism and incorruptible integrity, was the most prominent in asserting and maintaining the reforms embodied in the "PLAN of AYUTLA," and was Commander-in-chief of the Republican forces, but from his advanced age and infirmities, was less conspicuous in the active service of the campaign.

General Comonfort was, in character, political opinions, and associations, of the *moderate party*, but in this move-

ment allied himself with the Republicans, and by his activity and prestige contributed greatly to their success in the "PLAN of AYUTLA."

Defeat of the
Church party.

Santa Anna and the "Church Party" made a desperate struggle to defeat it. But the general indignation at the defection of the former, a pledged and sworn defender of the Republic, the justice and beneficence of the principles and objects proclaimed at Ayutla, together with the character of the patriotic leaders of the movement, and the numbers of their forces, overcame all opposition. It was a signal triumph. The Church power was overthrown; Santa Anna fled the country. On the 4th of October, 1855, a Republican assembly was convoked at Cuernavaca, about sixty miles south of Mexico. General Alvarez was elected President, who immediately called Juarez to his cabinet as Secretary of State for the Departments of Justice, Ecclesiastical Affairs, and Public Instruction. On the 17th of October, the President issued a proclamation for an election of delegates to a national Congress, to meet "*for the purpose of reconstituting the nation, under the form of a popular representative democratic republic.*"

Precarious
victory.

The state of parties, however, did not encourage the hope of a long continuance of this administration. The composition of the Cabinet of President Alvarez was of such heterogeneous elements, taken from the republican and from the moderate parties, as to interpose the most serious obstacles to the progress of radical reforms. Comonfort himself could not be relied upon to stand firm, in the face of the Church party, and of the remains of the army abandoned by Santa Anna. This was, however, greatly demoralized by partial dissolution and the onward sweep of the reform movement. Still

there was power enough and influence over it left, to occasion great uneasiness and uncertainty.

Policy of the
Republicans.

Juarez, Ocampo, and the Republican party were desirous to do away with the army, as containing elements of danger and disorder in the work of the reconstruction of the State. They promulgated everywhere the desire and the right to constitute a government "Of the People," "By the People," "For the People," unembarrassed by the presence and possible opposition of an unfriendly military power. Comonfort was inclined to retain, recruit, and reform the army, in which the whole Church party, of course, and the moderates generally, concurred.

Under these circumstances, it was next to impossible to bring about any measures favorable to the Republican party.

"THE JUAREZ LAW" FOR THE ADMINISTRATION OF JUSTICE.*

The law of
Juarez.

One of the first acts of President Alvarez was the proclamation, on the 22d of November, 1855, of the celebrated law "for the administration of justice," known as the "Law of Juarez." This law, although it embodied great and essential reforms in the administration of justice, was chiefly opposed because it abolished the *whole system of class legislation*, suppressed the military and ecclesiastical *fueros*—the privileged and special tribunals and charters of the clergy and the army—and established, for the first time in Mexico, *equality of the citizens before the law*. This was a terrible blow to the Church party, divesting them of a mighty power which these immunities and privileges enabled them to exercise over the two great controlling organizations of the Repub-

*See Appendix.

lic. Exempted from the common laws of the people, and vested with singular rights, charters, and franchises, they maintained a caste and a clique in the body politic as selfish and oppressive as it was odious; always evading the laws of the nation, and arrogating to themselves all the prerogatives of an exclusive aristocracy.

Approval of the Law. The law met with the approval of an immense majority throughout the Republic. But the Church party and the moderates became pledged to its overthrow. Comonfort, displeased with the law and its author, entered into a compromise with the Church party in opposition to it. Covertly or indirectly he incited various military revolts which broke out on the promulgation of the law, and, aided by all the party influence he could bring to bear, finally induced President Alvarez, in view of his age, infirmities, and the cares of the government, to resign the Presidency, and to nominate himself instead, as "President substitute" of the nation.

"The Law of Justice," however, continued in force, because, on the one hand Comonfort dared not at once to revoke it, and on the other, the constituent Congress shortly afterwards gave it its sanction."

Final adoption of the Constitution. After the success of the "Plan of Ayutla," the overthrow of the Church party, and the flight of Santa Anna, in 1855, the Constituent Congress, convoked by the proclamation of General Alvarez on the 17th of October, assembled on the 18th of February, 1856. It continued in session one year, framed and adopted the Constitution, which was sworn to on the 3d of February, 1857, and became from that time the supreme organic law of the Republic of Mexico. The government under it was officially recognized by the representatives of foreign powers.

The Constitution provided for the election of a new Congress, and of a President, whose term of office should begin on the 1st of December, 1857, and continue four years; and that in the event of the absence of the President, his office should devolve upon the Chief-Justice of the Supreme Court.

The following is the Constitution:

CHAPTER III.

THE CONSTITUTION OF 1857.

Ignacio Comonfort, President Substitute of the Mexican Republic, to the inhabitants of the same.

Be it known that the extraordinary constituent congress has decreed as follows:

In the name of God, and by the authority of the Mexican people—

The representatives of the different States, the district and territories that comprise the republic of Mexico, called by the plan proclaimed in Ayutla on the 1st of March, 1854, reformed in Acapulco on the 11th of the same month and year, and published by the convention of October 17, 1855, in order to constitute the nation under the democratic republican form, representative and popular, putting in exercise the powers with which they are vested, comply with their high charge by decreeing the following

CONSTITUTION

Of the Mexican republic, upon the indestructible base of its legitimate independence, proclaimed the 16th of September, 1810, and consummated on the 27th of September, 1821.

TITLE I.

Section first.—Of the rights of man.

ARTICLE 1. The Mexican people recognize that the rights of