

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

man are the basis and the object of social institutions. Wherefore it is declared, that all the laws and the authorities of the country must respect and sustain the guarantees established by the present constitution.

ARTICLE 2. *All are born free in the republic.* Slaves that set foot upon the national territory recover by that single act their liberty, and have the right to the protection of the laws.

ARTICLE 3. *Education is free.* The law shall determine what professions need license for their exercise, and with what requisites relative thereto.

ARTICLE 4. Every man is free to adopt such profession or industrial pursuit as he may prefer, the same being useful and honorable, and to enjoy the products thereof. Neither shall any one be hindered in the exercise of such profession or industrial pursuit unless by judicial sentence, when the same prejudices the rights of a third person, or by executive order, dictated in terms prescribed by law, in case the same offends the rights of society.

ARTICLE 5. No one shall be forced to give his personal labor without just remuneration, and without his full consent. The law shall not authorize any contract having for its object the loss or the irrevocable sacrifice of the liberty of man, whether the same be for labor, education, or religious vows. Neither shall the law authorize agreements by which a man stipulates his own proscription or exile.

ARTICLE 6. *The expression of opinions* shall not be the object of any inquisition, judicial or administrative, except when the same is an attack upon morals, assails the rights of third parties, incites to any crime or offence, or disturbs public order.

ARTICLE 7. *The liberty of writing and publishing works* on whatsoever subjects is inviolable. No law nor authority shall establish previous censorship, nor exact bonds from the authors or printers, nor limit the liberty of the press, which has no limits but with regard to private life, to morals, and the public peace. The crimes of the press shall be judged by one jury that shall determine the fact, and by another that shall apply the law and fix the penalty.

ARTICLE 8. *The right of petition* is inviolable, exercised in

writing, and in a manner respectful and pacific; but in political matters it can only be exercised by citizens of the republic. To all petitions shall be returned the written opinion of the authority to whom they may have been directed, upon whom the obligation is imposed of making known the result to the petitioner.

ARTICLE 9. To none shall be limited *the right to associate or reunite peacefully* for whatsoever lawful object; but only the citizens of the republic can assemble in order to take part in the political affairs of the country. No armed assembly has the right of deliberation.

ARTICLE 10. All men have the right to possess and carry arms for their security and legitimate defence. The law shall determine what shall be prohibited, and the penalty to be incurred for carrying them.

ARTICLE 11. *All men have the right of entering and leaving the republic*, of travelling through its territory, and of changing their residence without the necessity of letters of security, passports, salvo conducta, or other similar requisite. The exercise of this right shall not prejudice the legitimate faculties of the judicial or administrative authority in cases of criminal or civil responsibility.

ARTICLE 12. *There are not, nor shall there be*, recognized in the republic, *titles of nobility, nor prerogatives, nor hereditary honors.* Solely the people, legitimately represented, may decree recompenses in honor of those that have given or are rendering eminent services to their country or to humanity.

ARTICLE 13. In the Mexican republic *no one shall be judged by special laws, nor by special tribunals.* No person or corporation can have *fueros*, nor enjoy emoluments that are not in compensation for a public service, and that are established by law. Martial law shall exist solely for crimes and offences that have exact connexion with military discipline. The law shall prescribe with clearness the cases included in this exception.

ARTICLE 14. *No retroactive law shall be passed.* No one shall be judged or sentenced except under laws of date anterior to the fact and exactly applicable to the case, and by a tribunal which shall have been previously established by law.

ARTICLE 15. Treaties shall never be made for the extradition of political offenders, nor for that of those criminals under the common law, who shall have been held in the country where the offence was committed in the condition of slaves; nor shall conventions or treaties be made by which in any manner are altered the rights and guarantees which this constitution secures to the man and to the citizen.

ARTICLE 16. *No one may be molested in his person, family, domicile, papers, or possessions*, except in virtue of a written order from a competent authority, based upon legal cause for the proceeding. In case of high crimes, all persons may apprehend the offenders and their accomplices, putting them without delay at the disposal of the nearest authorities.

ARTICLE 17. No one can be arrested for debts of a character purely civil. No one may exercise violence in reclaiming his rights. Tribunals are established for administering justice; this shall be gratuitous, judicial costs are therefore abolished.

ARTICLE 18. Imprisonment shall only take place for offences which merit personal punishment. In whatever stage of the proceedings it shall appear that the accused may not be liable to this penalty, he shall be put at liberty under bail. In no case shall the imprisonment be prolonged for default of payment of fees, or whatever other furnishing of money.

ARTICLE 19. No detention shall exceed the term of three days, except upon proof of sufficient reason for imprisonment, in conformity with the requisites required by law. The sole lapse of this time shall render responsible the authority that orders or consents to it, and the agents, officers, or jailors that execute it. All maltreatment in the apprehension or confinement of prisoners, all hardship which shall be inflicted without legal motive, and all taxes or contributions in the prisons, are abuses which shall be corrected by the laws and severely punished by the authorities.

ARTICLE 20. In all criminal trials, the accused shall have the following guarantees: First. That of being informed of the motive of the proceeding and the name of the accuser, if there should be one. Second. That of taking his preparatory declara-

tion within forty-eight hours, computed from the time of the order for his arrest from the judge. Third. That of being confronted with the witnesses against him. Fourth. That he shall be furnished with the facts and averments contained in the accusation, in order to prepare his defence. Fifth. That of being heard in defence by himself or by counsel, or by both, according as he may desire. In case of having no one to defend him, he shall be presented with a list of the official counsel, that he may select the one, or the ones he may desire.

ARTICLE 21. The application of punishment, properly such, belongs to the judicial authority. Political or administrative authorities can only impose, as corrections, fines not exceeding five hundred dollars, and confinement not exceeding one month, in cases and manner expressly determined by law.

ARTICLE 22. *There shall be forever prohibited penalties of mutilation, and of infamy, branding, flogging, the bastinado, torture of whatever species, excessive fines, confiscation of property, or whatever other unsuitable or unusual punishment.*

ARTICLE 23. In order to abolish *the penalty of death*, the administrative power is charged with establishing, without delay, a penitentiary system. Until then *it shall be abolished for political offences*, and shall not be used in other than cases of high treason during foreign war, highway robbery, arson, parricide, murder with malice premeditated or for gain, high military offences, and for piracy, as defined by law.

ARTICLE 24. No criminal proceeding may have more than three instances. No one shall be tried twice for the same offence, whether he be absolved or condemned by the judgment. The practice of exempting from the regular course of proceedings shall be abolished.

ARTICLE 25. *Sealed correspondence circulating by the mails shall be inviolable.* The violation of this guarantee is an offence which the law shall severely chastise.

ARTICLE 26. In time of peace, no military authority may exact quarters, transportation, or other service, real or personal, without the consent of the proprietor. In time of war it may only be taken in the manner prescribed by law.

ARTICLE 27. Private property shall not be taken without the consent of the owner, except in cases of public utility and with previous indemnification. The law shall determine the authority that may make the appropriation in such cases, and the requisites for its exercise. *No corporation, civil or ecclesiastical*, whatever may be its character, denomination, or object, shall have legal power to *acquire in proprietorship*, or to *administer for itself real estate*, with the sole exception of edifices destined exclusively and directly to the purpose or object of the institution.

ARTICLE 28. *Monopolies shall not be established*, nor places for the sale of privileged goods, nor prohibitions in the character of so-called protections to industry, excepting solely those relative to the coining of money, to the mails, and to those privileges which, for a limited time, are conceded by the law to the inventors or perfectors of any improvement.

ARTICLE 29. In cases of invasion, grave disturbance of the public peace, or whatever cause which may put society in great peril or conflict, solely the President of the republic in concurrence with the council of ministers, and with the approbation of the congress of the union, and in the recess of this, of the permanent deputation, may suspend the guarantees established by this constitution, with exception of those that assure the life of man; but such suspension shall be only for a limited time, by means of general provisions, and of such a character as not to favor a determined individual purpose. If the suspension take place during the session of congress, this shall grant such authorization as they shall esteem necessary to enable the executive to confront the circumstances. If it shall take place during recess, the permanent deputation shall, without delay, convoke the congress for its advice and action.

*Section second.—Of Mexicans.*

ARTICLE 30. *They are Mexicans*: First. Who are born within or without the republic, of Mexican fathers. Second. Strangers that are naturalized in conformity with the laws of the federation. Third. Strangers who acquire real estate in the re-

public, or have Mexican sons; providing always, they do not manifest their resolution to preserve their nationality.

ARTICLE 31. It is obligatory upon all Mexicans: First. To defend the independence, the territory, the honor, the rights, and the interests of their country. Second. To contribute towards public expenses, as well of the federation as of the State and municipality where they may reside, in an equitable and proportional manner, as shall be prescribed by the laws.

ARTICLE 32. *Mexicans shall be preferred to strangers under equality of circumstances for all public employments, trusts, or commissions* named by the authorities, when the quality of citizenship shall not be indispensable.

Laws shall be formed for improving the condition of Mexican laborers, providing premiums for those who distinguish themselves in whatever science or art, stimulating industry, and founding colleges and practical schools of art and industry.

*Section third.—Of strangers.*

ARTICLE 33. *Those are strangers* who do not possess the qualifications determined in article 30. They are entitled to the guarantees established by section first, title first, of the present constitution, except that in all cases the government has the right to expel those who are pernicious to society.

It is obligatory upon them to contribute towards public expenses in the manner that may be prescribed by the laws, and to obey and respect the institutions, laws, and authorities of the country, submitting to the judgments and sentences of the tribunals, without power to seek other protection than that which the laws concede to Mexican citizens.

*Section fourth.—Of Mexican citizens.*

ARTICLE 34. *Those are citizens of the republic* who, having the quality of Mexicans, have also the following requisites: First. Eighteen years of age if married, or twenty-one if not married. Second. An honest means of livelihood.

ARTICLE 35. The prerogatives of citizens are: First. To vote

at popular elections. Second. To be voted for, for any office subject to popular election, and of being selected for any other employment or commission, having the requisite qualifications established by law. Third. To associate to discuss the political business of the country. Fourth. To take arms in the army or in the national guard, in defence of the republic and its institutions. Fifth. To exercise in all cases the right of petition.

ARTICLE 36. It is obligatory upon citizens of the republic: First. To be registered in the poll-list of his municipality, stating the property of which he is possessed, and the industry, profession, or labor by which he subsists. Second. To enlist in the national guard. Third. To vote at popular elections in the district to which he belongs. Fourth. To assist in the conduct of popular elections; which services, however, shall be subject to remuneration.

ARTICLE 37. The character of citizen is lost: First. By naturalization in a foreign country. Second. *By serving officially the government of another country, accepting its decorations, titles, or employments*, without previous permission from the federal congress, excepting literary, scientific, or benevolent titles, which may be accepted freely.

ARTICLE 38. The law shall prescribe the cases and the form in which may be lost or suspended the rights of citizenship, and the manner in which they may be regained.

## TITLE II.

*Section first.—Of the national sovereignty and the form of government.*

ARTICLE 39. *The national sovereignty resides essentially and originally in the people. All public power springs from the people and is instituted for their benefit. The people have at all times the inalienable right of altering or modifying their form of government.*

ARTICLE 40. *The Mexican people voluntarily constitute themselves a democratic, federal, representative republic, formed of States free and sovereign* in all that concerns their interior gov-

ernment, but united in a federation established according to the principles of this fundamental law.

ARTICLE 41. The people exercise their sovereignty by means of federal officers in cases belonging to the federation, and through those of the States in all that relates to the internal affairs of the States, in the manner respectively established by this federal constitution, and by the constitutions of the States, which latter shall never conflict with the federal compact.

*Section second.—Of the integral parts of the federation and of the national territory.*

ARTICLE 42. The national territory comprises the integral parts of the federation, and the adjacent islands in both seas.

ARTICLE 43. The integral parts of the federation are: The States of Aguas Calientes, Colima, Chiapas, Chihuahua, Durango, Guanajuato, Guerrero, Jalisco, Mexico, Michoacan, Nuevo Leon y Coahuila, Oajaca, Puebla, Queretaro, San Luis Potosi, Sinaloa, Sonora, Tabasco, Tamaulipas, Tlaxcala, Valle de Mexico, Vera Cruz, Yucatan, Zacatecos, and the Territory of Lower California.

ARTICLE 44. The States of Aguas Calientes, Chiapas, Chihuahua, Durango, Guerrero, Mexico, Puebla, Queretaro, Sinaloa, Sonora, Tamaulipas, and the Territory of Lower California, preserve the limits which they now have.

ARTICLE 45. The States of Colima and Tlaxcala preserve in their new character of States the limits which they had as territories of the federation.

ARTICLE 46. The State of the Valley of Mexico is formed of the territory actually composing the federal district, but the erection into a State shall only have effect when the supreme federal authorities shall be removed to another place.

ARTICLE 47. The State of Neuvo Leon y Coahuila comprises the territory which heretofore composed the two States of which it is now formed, except the part of the hacienda of Bonanza, which is reincorporated in Zacatecas, in the same terms as were established before its incorporation with Coahuila.

ARTICLE 48. The States of Guanajuato, Jalisco, Michoacan, Oajaca, San Luis Potosi, Tabasco, Vera Cruz, Yucatan, and Zac-