

ARTICLE 99. It also belongs to the supreme court of justice to decide regarding cases of jurisdiction among the federal courts, between these and those of the States, and between those of one State and those of another.

ARTICLE 100. In the rest of the cases comprehended in article 97, the supreme court of justice shall be a court of appeal, or rather of last resort, according to the graduation which the law may make in the jurisdiction of the circuit and district courts.

ARTICLE 101. The tribunals of the federation shall decide all questions that may arise: First. Under the laws or acts of whatever authority which violate individual guarantees. Second. Under the laws or acts of the federal authorities which invade or restrict the sovereignty of the States. Third. Under the laws or acts of the States which invade the exercise of the federal authority.

ARTICLE 102. All the decisions of which mention is made in the preceding article shall take place on the petition of the party aggrieved, and by means of formal judicial proceedings, as shall be prescribed by law. The sentence shall be always such as to affect private individuals only, and is intended as merely a protection in the special cases to which the process refers, without embracing any general declaration regarding the law or act in question.

TITLE IV.

Of the responsibility of public functionaries.

ARTICLE 103. The deputies to the congress of the union, the members of the supreme court of justice, and the secretaries of state, shall be held responsible for ordinary offences which they may commit during their term of office, as well as the crimes, faults, or omissions of which they may be guilty in the exercise of their trust.

The governors of the States are also responsible for infractions of the constitution and of federal law.

So is also the president of the republic; but during the term of his office he can only be accused in case of the offences of

treason, express violation of the constitution, attack upon the electoral franchise, and grave crimes against public order.

ARTICLE 104. In case of ordinary crime, congress, sitting as a grand jury, shall declare, by an absolute majority of votes, if there is cause of proceeding against the accused, or not. If the latter, no further proceeding shall take place; if the former, the accused shall immediately be deprived of his office and subjected to the action of the ordinary tribunals.

ARTICLE 105. Official offences shall be cognizable by congress as a jury of accusation, and the supreme court of justice as a jury of sentence. The jury of accusation has for its object to declare, by an absolute majority of votes, if the accused is culpable or not. If the declaration is favorable, the functionary shall continue in the exercise of his trust; if it is condemnatory, the accused shall be immediately deprived of his office and placed at the disposition of the supreme court of justice. This in full court, and sitting as a jury of sentence, in the presence of the offender, the attorney general, and the accuser, if such there should be, shall proceed to apply, by an absolute majority of votes, the penalty which the law may have prescribed.

ARTICLE 106. After the sentence is pronounced of responsibility for official crime, no exercise of the pardoning power can be extended to the offender.

ARTICLE 107. Responsibility for official crimes or errors only maintains during the period of occupation of office and one year thereafter.

ARTICLE 108. With reference to the requirements of civil war there shall be no privileged class, nor exemption for any public functionary.

TITLE V.

Of the States of the federation.

ARTICLE 109. *The States shall adopt for their interior regulation the form of popular representative republican government.*

ARTICLE 110. The States may arrange among themselves, by friendly agreements, their respective limits, but such arrange-

ments shall not go into effect without the approbation of the congress of the union.

ARTICLE 111. The States cannot in any case: First. Form alliances, treaties, or coalitions with other States, nor with foreign powers, excepting the coalitions which may be formed among the frontier States for offensive or defensive war against the Indians. Second. Grant letters of marque or reprisal. Third. Coin money, or emit paper money, or sealed paper.

ARTICLE 112. Neither may they, without the consent of the congress of the union: First. Establish tonnage duty, or any other port duty, nor impose contributions or duties upon importations or exportations. Second. Have at any time permanent troops or vessels-of-war. Third. Make war by itself upon any foreign power, except in case of invasion or such imminent peril as admits of no delay. In these cases immediate notice shall be given to the president of the republic.

ARTICLE 113. Each State has the obligation of delivering, without delay, the criminals of other States to the authorities that claim them.

ARTICLE 114. *The governors of the States are obliged to publish and cause to be obeyed the federal laws.*

ARTICLE 115. In each State of the federation entire faith and credit shall be given to the public acts, registers, and judicial proceedings of all the others. Congress may, by means of general laws, prescribe the manner of proving these acts, registers, and proceedings, and their effects.

ARTICLE 116. *The powers of the union shall protect the States against all invasion or exterior violence.* In case of internal disorder or rebellion they shall give equal protection, providing always that it be applied for by the legislature of the State, or by the governor, if the legislature is not in session.

TITLE VI.

General provisions.

ARTICLE 117. The powers which are not expressly conceded

by this constitution to the federal authorities are understood to be reserved to the States.

ARTICLE 118. No person can at the same time hold two federal elective offices, but if elected to two, he may select between them.

ARTICLE 119. No payment of money shall be made that is not embraced in the fiscal estimates or determined by previous law.

ARTICLE 120. The president of the republic, the members of the supreme court of justice, the deputies, and other public officers of the federation popularly chosen, shall receive a compensation for their services, which shall be determined by law, and paid by the national treasury. This compensation cannot be renounced, and any law that augments or diminishes it shall not have effect during the period for which the functionary holds the office.

ARTICLE 121. *All public functionaries, without any exception, before taking possession of their offices, shall swear to observe and protect the constitution and the laws that emanate from it.*

ARTICLE 122. In time of peace no military authority can exercise more functions than are in exact connexion with military discipline. There shall be fixed and permanent military authority in the castles, ports, and storehouses which belong immediately to the federal government, or in encampments, barracks, or depots which may be established without the towns for the station of troops.

ARTICLE 123. *It belongs exclusively to the federal powers to exercise in matters of religious belief and discipline the intervention which may be prescribed by the laws.*

ARTICLE 124. From the first day of June, 1858, *alcabalas and interior custom-houses shall be abolished in all the republic.*

ARTICLE 125. The forts, quarters, storehouses, and other buildings of the government of the union shall be under the immediate inspection of the federal authorities.

ARTICLE 126. *This constitution, the laws of the congress of the union which emanate from it, and all treaties made or that may be made by the president of the republic with the approbation of congress, shall be the supreme law of all the union.* The judges

of each State in giving their decisions shall do so in conformity with said constitution, laws, and treaties, anything to the contrary that there may be in the laws or constitution of the States notwithstanding.

TITLE VII.

Of the alterations of the constitution.

ARTICLE 127. The present constitution may be added to or altered. In order that additions or alterations may become part of the constitution, it is necessary that such additions or alterations shall be approved of by the congress of the union by the vote of two-thirds of those present, and that they should also be approved by a majority of the legislatures of the States.

The congress of the union shall take account of the votes of the legislatures and the declaration that the addition or alteration had been approved.

TITLE VIII.

Of the inviolability of the constitution.

ARTICLE 128. *This constitution shall not lose its force and vigor even if its observance be interrupted by any rebellion. In case that, by means of such an event, a government shall have been established contrary to the principles which it sanctions, immediately upon the people recovering their liberty its observance shall be re-established, and according to its provisions and the laws which have been framed in virtue of it, they shall be judged, as well those who have figured in the government emanating from the rebellion as those who have coöperated with it.*

Temporary article.

This constitution shall be published immediately, and shall be sworn to with the greatest solemnity in all the republic, but with the exception of the dispositions relative to the election of the supreme powers of the federation, and of the States, it shall

not commence to have force until the 16th day of September, (1857), next ensuing, when the first constitutional congress is to be installed. Until then the president of the republic and the supreme court of justice, who are to continue in exercise of their functions until the inauguration of the individuals constitutionally elected, shall govern themselves in the discharge of their obligations and powers by the precepts of this constitution.

Dated in the hall of sessions of Congress, at Mexico, the 5th day of February, one thousand eight hundred and fifty-seven, and thirty-seventh of independence.

VALENTINE GOMEZ FARIAS,

Deputy for the State of Jalisco, President.

LEON GUZMAN,

Deputy for the State of Mexico, Vice-President.

For the State of Aguas Calientes, MANUEL BUENROSTRO.

For the State of Chiapas, FRANCISCO ROBLES, MATIAS CASTELLANOS.

For the State of Chihuahua, JOSE E. MUÑOZ, PEDRO IGNACIO IRIGOYEN.

For the State of Coahuila, SIMON DE LA GARZA Y MELO.

For the State of Durango, MARCELINO CASTAÑEDA, FRANCISCO ZARCO.

For the federal district, FRANCISCO DE P. CONDEJAS, JOSE MARIA DEL RIO, PONCIANO ARRIAGA, J. M. DEL CASTELLO VELASCO, MANUEL MORALES PUENTE.

For the State of Guanajuato, IGNACIO SIERRA, ANTONIO LEMUS, JOSE DE LA LUZ ROSAS, JUAN MORALES, ANTONIO AGUADO, FRANCISCO P. MONTAÑEZ, FRANCISCO GUERRERO, BLAS BALCARCEL.

For the State of Guerrero, FRANCISCO IBARRA.

For the State of Jalisco, ESPIRIDION MORENO, MARIANO FARANDA, JESUS ANAYA Y HERMOSILLO, ALBINO ARANDA, IGNACIO LOUIS VALLARTA, BENITO GOMEZ FARIAS, JESUS D. ROJAS, IGNACIO OCHOA SANCHEZ, GUILLERMO LANGLOIS, JOAQUIN M. DEGOLLADO.

For the State of Mexico, ANTONIO ESCUDERO, JOSE L. REVIL-

LA, JULIAN ESTRADA, I. DE LA PEÑA Y BARRAGAN, ESTEBAN PAEZ, RAFAEL MARIA VILLAGRAN, F. FERNANDEZ DE ALFARO, JUSTINO FERNANDEZ, EULOGIO BARRERA, M. ROMERO RUBIO, MANUEL DE LA PEÑA Y RAMIREZ, MANUEL FERNANDO SOTO.

For the State of Michoacan, SANTOS DEGOLLADO, SABAS ITURBIDE, FRANCISCO G. ANAYA, RAMON I. ALCARAZ, FRANCISCO DIAS BARRIGA, LUIS GUTIERREZ CORREA, MARIANO RAMIREZ, MATEO ECHAIZ.

For the State of Nuevo Leon, MANUEL P. DE LLANO.

For the State of Oajaca, MARIANO ZAVALA, G. LARAZABAL, IGNACIO MARISCAL, JUAN N. CERQUEDA, FELIX ROMERO, M. E. GOYTIA.

For the State of Puebla, MIGUEL MARIA ARRIJOJA, FERNANDO M. ORTEGA, GUILLERMO PRIETO, J. MARIANO VIADAS, FRANCISCO BANUET, MANUEL M. VARGAS, F. L. ESTRADO, JUAN N. IBARRA, JUAN N. DE LA PARRA.

For the State of Queretaro, IGNACIO REYES.

For the State of San Luis Potosi, FRANCISCO J. VILLALOBOS, PABLO TELLEZ.

For the State of Sinaloa, IGNACIO RAMIREZ.

For the State of Sonora, BENITO QUINTANA.

For the State of Tabasco, GREGORIO PAYRO.

For the State of Tamaulipas, LUIS GARCIA DE ARELLANO.

For the State of Tlaxcala, JOSE MARIANO SANCHEZ.

For the State of Vera Cruz, JOSE DE EMPARAN, JOSE MARIA MATA, RAFAEL GONZALEZ PAEZ, MARIANO VEGA.

For the State of Yucatan, BENITO QUIJANO, FRANCISCO INIESTRA, PEDRO DE BARANDA, PEDRO CONTRERAS ELIZALDE.

For the Territory of Tehuantepec, JOAQUIN GARCIA GRANADOS.

For the State of Zacatecas, MIGUEL AUZA, AGUSTIN LOPEZ DE NAVA, BASILIO PEREZ GALLARDO.

For the Territory of Lower California, MATEO RAMIREZ.

JOSE MARIA CORTES Y ESPARZA, for the State of Guanajuato, *Deputy Secretary.*

ISIDORO OLVERA, for the State of Mexico, *Deputy Secretary.*

JUAN DE DIOS ARIAS, for the State of Puebla, *Deputy Secretary.*

J. A. GAMBOA, for the State of Oajaca, *Deputy Secretary.*

Wherefore, I order that it be printed, published, circulated, and that it be fully complied with in the terms which it prescribes.

Palace of the National Government, at Mexico, February 12, 1857.

IGNATIO COMONFORT.

The Citizen IGNATIO DE LA LLAVE,

Secretary of State and of the Department of Government.

I communicate it to you for its publication and fulfilment. God and liberty.

LLAVE.

MEXICO, *February 12, 1857.*

On the 1st of December, General Comonfort, having been duly elected, in the presence of the assembled Congress in the city of Mexico, took the oath to support the Constitution, and was duly inaugurated President.

On the 17th of December, General Zuloaga, acting in the interest of the Church party, and of Comonfort in his attempted revolutionary coup d'état and dictatorship, pronounced against the Constitution.

On the 11th of January, the same Zuloaga, instigated by the same clergy, with his famed "Zuloaga Brigade," denounced and abandoned Comonfort; and in less than a month from his inauguration, he was driven from the Capital. The military arm of the Church had transferred the supreme authority of the Republic, from the constitutionally elected President to a General, in violation of the provision of the Constitution, which devolved the vacant office upon the Chief-Justice of the Supreme Court. But the Church and the army had possession of the capital. Comonfort was flying in one direction to a foreign land, and Juarez, Chief-Justice, with the loyal members of the

Cabinet, were hastening in another, to a place of safety, to conserve and re-establish the Constitutional Government.

On the 22d of January, Zuloaga convoked in the city of Mexico a junta of twenty-eight persons of his own choice, who in return nominated him as President of the Republic.

The following is a synopsis of the plan of Tacubaya proclaimed by Zuloaga :

1. The inviolability of all church property and church revenues, and the reestablishment of former exactions.
2. The reestablishment of the *fueros* or special rights of the church and the army. (Under the *fueros*, the military and clergy are responsible only to their own tribunals.)
3. The restoration of the Roman Catholic religion as the sole and exclusive religion of Mexico.
4. The censorship of the press.
5. The maintenance of a high tariff, the restoration of the oppressive system of *alcavala*, or interior duties, and the continuance of special monopolies.
6. The exclusive system with regard to foreign immigration, confining it solely to immigrants from Catholic countries.
7. The overthrow of the constitution of 1857, and the establishment of an irresponsible central dictatorship, subservient solely to the church.
8. If possible, the restoration of a monarchy in Mexico, or the establishment of a European protectorship.

Juarez, with his associates, proceeded to Guanajuato, and there organized and established the government, which during the long war of the Intervention, they so nobly sustained, and which is to-day restored in the Capitol.

PART VIII.

THE MONROE DOCTRINE.

IN view of the facts and considerations which have been presented in this volume, it would seem eminently desirable to recall the origin and history of the Monroe Doctrine, so far as they may serve to indicate the true future "Policy" which the circumstances of the Government of the United States and of Mexico, demand. The interests to be protected, belong not only to the two Republics, but to the Continent and to the hemisphere.

HISTORICAL SKETCH.

In 1803, the Government of Spain ceded to France Louisiana and the Floridas, and the territory West of the Mississippi. The United States, under the administration of President Jefferson, purchased the cession.

In the President's letter to Mr. Livingston, our then Minister in France, April 18th, 1802, he says :

"The cession of Louisiana and the Floridas by Spain to France, works most sorely on the United States. On this subject, the Secretary of State has written to you fully, yet I cannot forbear recurring to it personally, so deep is the impression it makes on my mind. It completely reverses all the political relations of the United States, and will form a new epoch in our political course. Of all nations of any consideration, France is the one which hitherto has offered the fewest points on which we could