The Five Constitutions of the Republic of Mexico.

by

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CHAPTER I

THE ORIGIN OF MEXICO'S CONSTITUTIONAL SYSTEM.

The history and the progress of Mexico, in her century long struggle toward the establishment of constitutional government, is the subject of this thesis. In order to gain a background for this study, we must go back to the period of Mexico's dependence on Spain and determine the extent of Spain's contribution for this system.

"During the three centuries of the Spanish colonial empire," says Bourne, "the language, the religion, the culture and the political institutions of Castile were transplanted in the New World." (1) The historical foundation of Mexico's political constitution, today, is the organization which controlled the Spanish colonies in America. The king was the common executive sovereign who united the legal relations and exercised authority both in Spain and the Spanish dominions. The laws of Spanish America were made by the king through the Council of the Indies. This Council was a body, possessing executive as well as judicial powers, who met in Madrid and made laws there in Spain for the colonies. They did not act without knowledge of the Indies for all means available were used to get information concerning them. It was even thought best to have

(1) Bourne "Spain in America" p. 220.
men who had been in the Indies and had come into first hand
connection with them so their advice was based upon experi-
tence. (2) "Its jurisdiction extended over half the world,
being absolute on land and sea. By it viceroys were made
and unmade and also presidents and governors; and in
ecclesiastical rule, patriarchs, archbishops, bishops and
lesser spiritual dignitaries." (3) Besides this, they
served as the final court of appeals. The laws and decrees
of the Council of the Indies related to all subjects in re-
gard to governing the subjects of Spanish America. Not all
these laws were codified in a written form. They approach-
ed the system of a written constitution in the literary work
called the "Reconipiliacion de Leyes de los Reinos de las
Indias". This work aimed to embody all laws for the Spanish
colonies, as they were enacted from time to time, and lasted
until the downfall of Spanish rule in America.

The colonial period did not produce in Mexico
either democracy or republican government, as we know it.
Only in the colonial town was there any degree of self-
government. As a whole the Indies were governed by the
king through his council, in Spain; by this council the
management of affairs was given over to single officers and
councils, in America. This form of government, revised at
different times, was in force during the entire colonial
period of Spanish America.

(2) Bourne "Sp. in AM." p. 226.
The revolution against Spain in Mexico came as a result not only of politics and revolutionary ferment in Europe but also as a result of the breakdown of the old regime in America. In the first place there was the general dissatisfaction with the local aristocracy. The government was pre-eminently monarchical, the king governed through his agent, the viceroy, who upheld the same autocratic policy. The viceroys were, for the most part, Spanish nobles or court politicians who took the position for selfish purposes in order to make their fortune, they lived like kings and exploited the conquered territory for the "Church, Crown and Viceroys". "Foreigners were excluded from the country, education monopolized by the clergy, and the best land, the most profitable commerce and the most influential government offices were held by the native Spaniards." (4) Political thought for the Mexicans was stifled.

Trade and commerce were hampered in Mexico because of taxation and monopoly. Certain industries, as for example, the raising of silk worms and cultivation of the vine, which are known to be adapted to Mexico, were prohibited and Mexico was compelled to buy from Spain. (5) The taxation system was extremely bad, there was a continuous demand for heavier taxes and they were collected in a most annoying manner. A large amount of the funds were sent to Spain, as many of the large estates in Mexico were owned by

(4) Terry "Handbook of Mexico" p. 46.
men in Spain. Then too, commerce was burdened by the im-
port and export taxes, the freight taxes were high. These
burdensome taxes, which did not improve the condition of the
Mexicans, led to dissatisfaction.

The church was another source of irritation; it
also reserved all of its highest offices for the Spaniards. It had control of a large amount of real estate but payed no taxes. The education in Mexico was monopolized by the
clergy and antiquated for present needs. New ideas were
being fermented in the minds of the people during the latter
part of the eighteenth century. "The intellectual stagna-
tion bred by long years of the 'Index Expurgatorius', which
forbade all questionable literature, and the moral laxity
caused by the practice of fawning before an absolute auto-
cracy for privileges thus failing to establish the practice
of equal rights for all men, these were the essential causes
of the alienation between colonial and peninsular Spaniards
which was moving rapidly towards a breaking point." (6)

"The French Revolution and the changes made by
the movements of Napoleon I, including the removal of the
Bourbon from the throne of Spain, reduced the prestige of
Spanish rule in Mexico, and seriously lessened the power
of viceroys. This was intensified when the emperor placed
his brother on the Spanish throne, thus giving a heavy
shock to the doctrine of the 'divine right of kings' and

the immutability of established order, and raising hopes that changes in the interests of liberty and right were to be expected and welcomed, and, if need be, fought for, by those who appreciated the sentiment, 'who would be free must strike the blow'. The spirit of liberty became infectious, and was strengthened by the constitution granted by the new Cortes of Spain in 1812, which abolished the inquisition and gave to Mexico more freedom that she had known since the conquest." (7) As substitute representatives of Spain, seven Mexicans who were then residing in Spain sat in this Cortes and made certain demands for the people of Spanish America. (8)

This constitution of March 18, 1812, formulated by the Cortes in which were American delegates, became a famous document and a model for most of the revolutionary countries of Europe who soon overthrew the powers of absolutism. The constitution was divided into ten titles, and the following is a summary of the provisions: Title I declared "The Spanish Nation is a union of all the Spaniards of both hemispheres". The sovereignty resides essentially in the nation and the qualities constituting a Spaniard and his obligations were given. Title II defined the territory of Spain; established the Roman Catholic religion as the only true one and prohibited the

(7) Butler "Sketches of Mexico" pp. 244-5 (See "Mexico in Transition" by William Butler, D.D. p.65)
(8) Bancroft "History of Mexico" Vol. 4 pp. 441-2
exercise of any other; form of government a limited hereditary monarchy with powers divided into legislative, executive and judicial; and defined what constituted citizenship. Title III formed the Cortes in one chamber composed of deputies from both hemispheres, representation should be proportionate to the population, the basis the same everywhere. The election of deputies was to be by three successive orders of voting. Qualifications of a citizen in order to vote were given also the sessions, faculties, formation of laws, their promulgation, the permanent deputation and the extraordinary sessions of the Cortes. Title IV treated of the king and his powers. Title V established the courts their powers and administration of justice. Title VI discussed the interior government of the provinces and cities. The old ayuntamientos were suppressed, and were to be superseded by others popularly chosen. The duties of the ayuntamientos were enumerated as also those of the "diputaciones provinciales". Title VII, VIII and IX referred to taxes, military administration and public instruction. "Every Spaniard has the liberty to write, print and publish his political ideas, without the necessity of a license, revision or approval before publishing, except the restrictions and responsibility that the laws establish." Title X treated of the "observance of the constitution". (9)

This constitution of 1812 was promulgated in Mexico on September 28, 1812, and was received with delight.

(9) Constitution of 1812—"Mexico-Coleccion de las Leyes Fundamentales". pp. 36-91.
by the people who immediately took oath to it in hopes that it would do away with the old despotism. Even at this time, however, the spirit of independence had developed to such an extent that the constitution was now behind the desires of the Mexican revolutionists. The provision concerning the freedom of the press became a method for promulgating revolutionary ideas and it was soon formally withdrawn. (10)

Almost three centuries of misgovernment and gross exploitation failed to kill the will to cooperate of the Mexican people. And from this will to cooperate emerged a new idea of patriotism and a desire for independence. The idea grew swiftly. Correspondence clubs were established and plans for an uprising were formulated. Miguel Hidalgo y Costilla, a Creole and a parish priest of the village of Dolores became the leading spirit in Mexico's war for independence. "From the moment Hidalgo took part in the Queretaro conspiracy he dominated all by his will and consciousness; his purpose was dictated by his love for a fatherland that existed not but in this love." The military leaders grouped instinctively round Hidalgo and when he started for San Miguel the "rural crowds abandoned their plows and their huts, and followed him as their Messiah." (11) He was killed in 1811 and the command of the army was taken over by Jose Maria Morelos y Pavon, also a priest "who had great ascendancy among the mountaineers." (12)

(12) Ibid p. 147.
A congress, of the independents, commenced its sessions at Chilpancingo in September, 1813. This congress declared Mexico independent and formed an executive power. From Chilpancingo the congress removed its sessions to Apatzingan, where they presented to the people a constitution, formed on a democratic basis, on the 23rd of October, 1814. (13) Only in the camp of the army did the constitution ever have vital force but it was an expression of the growing movement and another step forward.

The constitution consisting of 242 articles is divided under two heads. The first is called the "principles or elements of the constitution" and the second "the form of government". It provided for the Roman Catholic religion as the sole religion of the land. The sovereignty resided in the people and was to be exercised through a national congress. The country, divided into seventeen provinces, was to be represented in this congress and be governed by it and two other bodies to be called the Supreme Government and the Supreme Court. The congress was to have one member from each province. Members were to be thirty years old and none might be near relatives of others. Elections were to be indirect, and participated in by all persons over eighteen years of age. Electors were to be chosen by each parish, and parish electors were to choose partido (district) electors, thus making

the final choice doubly indirect. The executive officers of congress, the president and vice-president, were to be selected by lot by the seventeen deputies for the brief term of three months. The congress was also to appoint the members of the Supreme Government and the Supreme Court, and of a special court erected upon the old Spanish idea of fixing official responsibility, called a court of residencia. Its functions were to be like those of the colonial visator-general, but it was to be composed of seven judges, not one only. Congress was also to have intervention in international affairs through its power to name foreign representatives. It was the law maker and the law promulgator. The Supreme government, or executive (not those of the congress) was to be composed of three persons, alternating in office every four months. They were to be equals in the presidency, and be chosen for a period of three years. Officers of finance were to be managed on the familiar Spanish model, by an intendent general with an intendant for each province. The Supreme court, of five members, was to be renovated by the retirement of its members successively at yearly periods, new judges being chosen by congress. It was specified that the congress should provide opportunity for suitable national representation on a population basis; when such representation should become possible, the congress must surrender its powers to the peoples chosen representatives." (14)

This constitution of Apatzingan seems to be a combination of various elements; there is the element of the French ideals of equality and nationality, a Spanish element in using their system of finance as a model and especially in official responsibility. The Mexicans rather feared a representative form of government and attempted to limit it by indirect elections, by a system of inhibitions they sought to keep any one man from controlling the state. This was typically Spanish. There were weaknesses assuredly, due to the lack of political training of their leaders and the faults of the instruments they used as models. However, it showed that the leaders were not seeking personal gain but were endeavoring to receive the ultimate good of the nation. It surpassed the Spanish constitution of 1812 in its declaration of personal rights but it still denied the freedom of conscience. The constitution of 1814 laid great stress on Catholicism, showing that the first fathers of the Republic held on to their religious creed at all costs. (15) Copies of the constitution were ordered by the viceroy to be burned, likewise those of the declaration of independence. (16)

The revolutionists in Spain in 1820 proclaimed the constitution of 1812 and Ferdinand VII was compelled to give it his support. When the news reached Mexico,

government officials immediately took oath to support it. This constitution, by abolishing the Inquisition, dissolving the convents, giving freedom of the press and also signing the tithes of the secular clergy in order to carry on the affairs of the liberal government, alarmed the Mexican clergy who saw that their privileges and rights were menaced.

The prominent clergymen then met to see what could be done and were obliged to acknowledge that the only remedy would be to accept the idea of independence or separation from Spain, an idea which they had previous-ly fought and opposed. They began to organize for a campaign and for their leader they chose Augustin de Iturbide, who published his "Plan de Iguala" on February 24, 1821.

This famous plan provided: That Roman Catholicism was to be the only religion tolerated in the new state; that Mexico was to be absolutely independent; a monarchy was to be established regulated by a constitution. Until an European emperor could be selected the government authority was to reside in a junta which would provide for the organization of a congress. The new government was to be supported by the army of the "Three Guarantees". All the inhabitants of Mexico were citizens and the equality of all races was recognized. (17)

(17) Plan of Iguala "Mexico-Coleccion de las Leyes Fundamentales" pp. 7-9.
The campaign, under the leadership of Iturbide and the army of the "Las Tres Garantías", who were to preserve the Roman Catholic religion, secure the independence from Spain and unite the Spaniards and Mexicans in Mexico, was successful. (18)

The Spanish viceroy, O'Donoju, met Iturbide at Cordoba and on August 24, 1821, signed the "Treaty of Cordoba" on behalf of his government. This treaty embodied the Plan de Iguala, but in addition it provided that the Mexicans should designate their emperor if there was occasion for it. The Spanish troops were to be sent out of the country as soon as possible and on September 27, 1821, the Mexican army, led by Iturbide, entered the City of Mexico. The first congress of the Mexican nation convened on the 24th of February, 1822. It was comprised of members of three parties who, although they had taken an oath to support the Plan de Iguala, disagreed on the way the government was to be established for carrying it into effect. When news from Spain arrived, refusing to recognize the legality of the treaty of Cordoba, Iturbide was named emperor in July and was crowned "Emperor of Mexico". His reign was short for the people were demanding a republic, and this popular dissatisfaction terminated in the disposition of the emperor. Iturbide finding himself without support abdicated and the Empire fell into ruin.

CHAPTER II.

THE POLITICAL FACTS CONTROLLING
CONSTITUTIONAL CHANGE.

It has been the unhappy destiny of Spanish American states to experience frequently violent political turmoil and civil war. Mexico, the greatest in population and wealth, of all these states, has probably suffered as much as any of its Latin neighbors in this regard. All new states find it hard to establish a permanent political equilibrium. Spanish America emerged from two and a half centuries of complete political subordination into a political independency for which by experience they were certainly not prepared. Furthermore, the very structure of society was illy adapted to the type of government which destiny bequeathed to them. A lawless peasantry, an autocratic and indolent church, an undisciplined land-holding aristocracy untrained even in governing its localities was truly a poor basis upon which to establish a government dedicated to the proposition that "all men are created equal". Yet this was just what came to pass in Mexico and in those other states to the south. The result was an almost continuous fight for power that certain principles of government might prevail -- or so the leaders said. National constitutional reorganization was attempted four times in Mexico after
more than ten times that many military uprisings. The purpose of this chapter is to pass in brief review some of the political facts back of constitutional change.

**Early Political Protest.**

The first Mexican assembly consisted of members of three distinct parties: the Bourbonists, who wished to erect a constitutional monarch with a prince of the regal family of Spain to accept the throne; the Republicans who stood against all monarchical plans, and ignored the Plan of Iguala and wished to establish a federal republic; and the Iturbidists, who wanted to make Iturbide emperor. With the Spanish rejection of the treaty of Cordoba the Bourbonists adhered to the Republican party and with the abdication of Iturbide these two parties became legally nullified. (1) Therefore, the Republicans were triumphant and their political ideals of a republic were realized. (2)

The Republicans soon divided into two parties; the Centralists and Federalists. The Centralist party had for its leaders such important politicians as Alaman, Father Mier and Santa Maria. It was formed of the Masons of the Scottish rite, and the old monarchists. The Federalist party was a group of all the conservative elements.

(1) Iturbide was shot at Padilla in July, 1824.


Bancroft - "History of Mexico" Vol. IV. pp. 760-761
of the country and they wanted a federal system of government. (3)

In the new congress the majority of the members chosen were Federalists, the monarchists being wholly excluded and the monarchs lost the preponderance they had had in the previous congress. The congress proceeded at once to carry out the wish of the people according to electoral returns. Ramos Arizpe, the "president" of the constitution committee presented the draught of an organization law to remain in force until the constitution could be promulgated. This was called the "Constituent Act" of the Mexican Confederation and was adopted on the 31st of January 1824. (4) The constitution of 'Los Estados Unidos Mexicanos' was published on October 4, 1824. It confirmed the federal systems already established, declared the Roman Catholic religion to be alone recognized, various states were to be the component parts of the federation and the supreme government was divided into the legislative, executive and judicial branches. (5)

The constitutional career of Mexico was now begun. The presidential elections resulted in the choice of General Victoria as president and Nicholas Bravo as vice-president. They assumed their offices on the 10th of October, 1824.

Bancroft "History of Mexico" Vol. V. pp. 495.
(4) Act of the Mexican Confederation Br.St.P. Vol.13,pp.695-700
At this time there was no established political system but political clubs were soon organized under the forms of masonic lodges of the York rite. (7) Freemasonry had played an active part in the struggle for independence but now there was no evident schism. They now divided into Escoeres and lodges of Scottish rituals who were the conservatives and centralists and the Yorkinos or York rite masons who were the liberals. The latter arose during the revolution and established branches in the various states where all political affairs were discussed. Both societies were strongly represented in the newspapers. These party discussions, in the main, inspired by the personal ambition of the disputants were carried on secretly in the lodges and not openly in congress, they absorbed everyone's attention. The result of this personal warfare was soon displayed in the neglect of popular interests. (8)

The Triumph of Centralization.

The constitution of 1824 was in force eleven years, however there were internal disturbances during this period. In 1838, by a revolution, General Santa Auna was made president. He immediately went into temporary retirement and left Gomez Farias, vice-president, as

(7) The real founder was the clergyman, Jose Maria Alpuache, Bancroft, "History of Mexico" Vol. V. p. 33
executive head. Farias was a liberal and he inaugurated some much-needed governmental reforms. He abolished special class privileges whereby the clergy and army gained great advantages. Immediately the church party took up the movement against the federal partisans and the reactionary element restored Santa Anna in power in 1834. He dissolved the congress on the 31st of May and set aside the reforms they had passed. He broke openly with the federalists. He also disbanded state legislatures and became president-dictator. (9)

The new congress that met in January, 1835, was largely a military-clerical coalition, Santa Anna having no control over the congress retired again. Pronunciamientos, favoring a central system of government, were sent to congress. (10) The latter declared itself invested with powers to reform the constitution of 1824, and on October 3, 1835, actually established centralism by decree. The same congress formed a new constitution. This organic law was composed of seven separate laws and the constitution became known under the title of the "Siete Leyes". It was promulgated on December 20, 1836. (11)

(10) Bancroft "Hist.of Mexico" Vol. 5; pp. 130-2;139-142.
(10) "Plan of Toluca, May 29th,1835". Niles Register, Vol.46; p. 342.
(11) Sierra "Mexico - Its Social Evolution" pp. 144-5 Bancroft "The Mexican Nation" Vol. 5; pp. 190-1
This new constitution undoubtedly came from the friends of Santa Anna and its adoption by the various states came as the result of a premeditated plan. The quiet people desired the tranquility of the country with a government strong enough to prevent the recurrence of civil war which ruined commerce and industry; the aristocracy and clergy desired a government that would secure their privileges and wealth. But this constitution failed to satisfy anyone. The radicals denounced its conservatism and the reactionaries its radicalism. It displeased the clergy because it left certain principles which the later caused the loss of their wealth and influence. The army was dissatisfied. Those who had remained faithful to the constitution of 1824 led insurrections against its imposition and the grounds of party separation were made more conspicuous. Every Federalist became an opponent of the new government, and the result was that Mexico for the succeeding decade, was without an effective constitution. Power rested on the most successful military leader. (12)

Conservative Control -- the "Organic Bases".

On the 8th of August, 1841, General Paredes in the city of Guadalajara declared for the calling of a congress to reform the constitution of 1836 and proclaimed...

(12) Annual Register Vol. 77; p. 511
for a dictatorship by whom was meant Santa Anna. On the 31st of the same month Valencia, in the city of Mexico, declared in favor of the pronunciamiento. Santa Anna had gone to the fortress of Perote and on September 9th openly adhered to the plan of Guadalajara, as modified by Valencia. General-in-chief Santa Anna entered Tacubaya on September 25th and here was issued the political plan called the "Bases of Tacubaya". (13)

This plan proposed that the supreme powers established by the Constitution of 1836 should cease except the judiciary. The commander-in-chief of the Mexican army was to choose a council composed of two representatives from each state, who were to elect a provisional president. This president was to call a new congress within two months and their session was to follow within the next six months, their purpose was to form a constitution. The provisional president was to have all necessary powers to reorganize public administration assisted by four ministers and two individuals selected by each department. (14)

In October, 1841, Santa Anna entered Mexico City in triumph and was selected as provisional president. He issued the convocation for a congress in December, which greatly to the disappointment of Santa Anna, resulted in

(13) Mexican Col. Ley. Fund, p. 219; Bancroft "History of Mexico" Vol. 5; pp. 228-230-1
(14) "Plan of Tacubaya" Mexican Col. Ley. Fund, p. 219
a Federalist victory. Santa Anna wanted a centralized system of government and in his address at the opening of congress he said, "Though I have declared it as my opinion, that the Republic should continue, one and indivisible, I do not deny the expediency of enacting laws with the object that the Departments may find within themselves all the elements of power and all the powers requisite for their welfare. The important point is to check in moderate pretensions, and to secure by means of the laws, the impossibility of the return either of despotism or anarchy. Great is the improvement of which the conditions of the Mexican Republic is susceptible, by the adoption of a middle course, to which the experience of two eras necessarily leads us.......... From them, gentlemen, a constitution is a manner suitable to their wants and becoming to your wisdom." (15)

The deputies presented two different plans of a constitution which embodied both the central and federal systems, but they were rejected. Santa Anna, as was his custom, when affairs did not go to suit him, retired from political control. Nicholas Bravo assumed nominal charge. He was a centralist and not in accord with congress. A movement was started against the congress, in the central provinces and was seconded by the cabinet and clergy and (15) Speech of President of Mexico on Opening of Legislature Assembly. Br. St. P. Vol. 31; p. 1044.
the congress was dissolved. (16)

A junta of notables, all centralists, were appointed and installed January, 1843. They promulgated a new constitution for Mexico on June 13th, 1843, which was called the "Bases Organicas" of the Republic. It was an anti-reformist constitution in as much as the fueros were maintained, but no anti-liberal one, for it guaranteed the individual rights, the independency of the powers, the responsibility of office holders and rid their petty mitigated centralism of the complex and useless mechanism of the constitution of 1836. (17) The electoral franchise was limited to an income of not less than two hundred pesos; the central government was to appoint the chief official of the departments; and one third of the senators were to be chosen by the national government. This constitutional government has been called a constitutional despotism and was inaugurated by Santa Anna, who had returned from retirement. (18)

Civil War and Reaction.

Santa Anna governed directly or by proxy until 1844 when he was banished from the country as a result of a popular revolution led by General Paredes who had pronounced against the existing government. By May, 1845,

(16) Bancroft "History of Mexico" Vol. 5; pp. 253-5
Priestly "The Mexican Nation" p. 295

(17) Useless mechanism refers to Poder Conservador of the constitution of 1836. Sierra "Mexico - Its Social Evolution Vol. 1; p. 206

(18) Bancroft "History of Mexico" Vol. 5; p. 256
the Santanists had resolved to set aside the then existing government and issued a pronunciamiento in which "Santa Anna was proclaimed leader of the great enterprise". The preamble set forth that none of the constitution set up, since the suppression of that of 1824, had benefitted the country. (19) The new military revolt came as a reaction against monarchism and General Salas convoked a congress and issued a decree on August 22, 1846, restoring the federal form of government with the constitution of 1824. By it the existence of departmental assemblies and the council of the governments was to cease. The governors of the new states were to be named by the then existing supreme executive power. (20)

Santa Anna was notified of the conditions in Mexico and accordingly returned to his native land encouraged by the United States. (21) Congress, all liberals, met and elected Santa Anna president and Gormez Farias vice president. (22) On the 21st of May, 1847, Santa Anna proclaimed the 'Acta Constitutiva y de Reformas' as sanctioned by the extraordinary constituent congress on the 18th

(21) Polks 2nd Annual Message, Dec. 8, 1846. Richardson's "Message and Papers of the President" Vol. 6; p. 2342.
of May. This reestablished the federal constitution of 1824 with the reforms now adopted in thirty articles.

(23) This work of the constituent congress of 1847 survived the war with the United States and lasted until the revolution of Ayutla.

The Liberal Uprising of the Fifties.

In 1853 Santa Anna was chosen dictator by the clergy and privileged classes and he fancied himself as able to regulate even the thoughts of men with his army. A revolution was pending, however, and in March, 1854, an obscure military chief, Colonel Florencio Villareal, proclaimed at Ayulata the famous political "plan de Ayutla". It was ratified on the 11th with slight modifications and a few amendments by Generals Alvarez, Moreno and Colonel Comonfort, who were at Acapulco. Their program was composed of articles demanding that Santa Anna's power should cease. When a majority of the people of the nation had accepted the plan, the commander-in-chief was to convoque an assembly of representatives, from each state, to choose a president ad interim. Within fifteen days that president was to convoque a constituent congress to constitute the nation as a representative popular republic. (24)

A year and a half after the proclamation at Ayutla and after many bloody struggles, Santa Anna left Mexico. A great and difficult situation lay ahead of the revolutionists who had achieved the triumph. This was the forming of a constitution.

Sierra says, "legally, the congress ensuing from the triumph of the Ayutla revolution was the nation's official representation; the reality was another; the rural nation did not vote; the urban and industrial one obeyed the hints of their foremen or abstained, and the conservative party also took no part in the elections. The new assembly represented in reality only a minority not only of the citizens capable of taking an interest in political affairs, but of public opinion. The opinion of the thinking group was divided among the moderates, the military and the clergy. The new generations were, in general, passionate reformers and as they with the veterans of pure federalism formed the most active part of society, it was this that made the congress. A few moderate partisans of a restoration of the 1824 constitution, a group of radical reformers amid which there were floating some fragments of the great federal vessel shipwrecked in 1834 and 1853, and an oscillating majority generally voting with the exaltados, but never denying government their votes in difficult cases, such were the elements that composed the Constituent Assembly; they
The draught of the new constitution was read for the first time June 16, and the considerations of its various clauses were begun. The articles declaring the rights of man, rested on the views formulated by conspicuous philosophers and on principles taken from other constitutions. Equality is the great law in the Republic, therefore the constitution suppressed the fueros. Thus the privileges which had been claimed by the military clergy were abolished. The abhorrence of the people for a dictator pervaded the whole constitution. The executive became a mere agent of the legislative power, except in naming and removing Secretaries of State, diplomatic agents and superior finance officials. The legislative power was deposited in unitarian congress, which had all sorts of faculties. Those powers not specifically conceded by the constitution to the federal officers were allotted to the states. (26)

After a long and animated discussion the fundamental Code was signed, February 5, 1857, and its support sworn to by each member. On the same day President Comonfort took oath "to recognize, observe, and cause to be

observed, the political constitution of Mexican republic, which the congress has issued on this day". The new constitution was promulgated on February 12, as also the electoral law which had been adopted by congress on the 3rd day of February. (27)

A clause, advocated by the Liberal party, re-organizing religious freedom was proposed during the discussion of the constitution, but the Conservative and clerical influence was sufficient to prevent its adoption. (28) It was a step forward, however, as the Catholic religion was not recognized as the sole religion of the country. This became the subject of a bitter controversy about the time for the public recognition of the new constitution, September 16, 1857. The clergy protested, threatened and the archbishop of Mexico declared that all who took the oath would be excommunicated. (29) However, the constitution was recognized gradually, throughout the republic.

In conformity with the new constitution a popular election was held and Comonfort was chosen president. He was "vacillating in politics" and doubts arose regarding his political course. A conspiracy was formed

(27) Bancroft "History of Mexico" Vol. 5, p. 695.
Text of the constitution and the electoral law, F. Zarco "Historia del Congress" Vol. 2, pp.993-1031.
(28) Bancroft "History of Mexico" Vol. 5, p. 695.
(29) Am. Histor; R., Vol. 15, p. 536 "Contest for the Laws of Reform in Mexico" by John W. Foster.
to overthrow the constitution and on December 17, 1857,
at Tacubaya, a pronunciamiento against the liberal insti-
tutions was issued by General Zuloaga. The plan declared
that the constitution of 1857 should be annulled and
Comonfort should be recognized as head of the government
with power to convoké a congress to frame another consti-
tution. (30)

Comonfort accepted the plan, but it was soon
apparent that the revolution was going farther than he
had desired and that he had become the tool of the re-
actionaries. Zuloaga seized the capitol and prepared
to establish a government along the old lines. But the
liberals under the leadership of Benito Juarez took up
their headquarters at Vera Cruz and appealed to the
Mexican people to indiante the constitution. (31) This
civil strife continued for three years during which
Juarez issued an anti-clerical decree called the "Laws
of Reform". The Constitutionalists were at last success-
ful and Juarez re-entered Mexico on the 10th of January,
1861. (32)

The Maximilian Interlude.

The reactionary leaders were not crushed, how-
ever, and the liberals were kept from putting their

(30) Bancroft "History of Mexico" Vol. 5, p. 723.
(31) Ibid., pp. 726-30; The Mexican Yearbook 1920-21; p. 60
(32) Sierra "Mexico-Its Social Evolution" Tomo 1st, Vol. 1
p. 327.
principles into practice because of European intervention. Napoleon III was encouraged in his design to set up a monarchy in Mexico by Mexican reactionaries. With the force of bayonets the Archduke Maximilian of Austria was crowned emperor and the mass of the people who were tired of war yielded to the effort for a peaceful rule.

(33)

In 1865 Maximilian issued the provisional constitution of the empire, "according to which the emperor represented the national sovereignty, and exercised it in all its branches, the form of government being monarchial, and hereditary, with a catholic prince." (34) He had a liberal policy, seeking to conciliate the factions and was making an effort to reach the people but his projects were not acted upon and civil strife resulted. The liberals succeeded and Maximilian was shot and with him the second empire of Mexico died.

"During the struggle the people of Mexico had come to identify the liberal constitution and the Laws of Reform with the existence of the nation and the preservation of liberty." (35) This created a sentiment of patriotism and loyalty as also a hatred for "the church, the invasion and the reactionary party." So with the

(33) Bancroft "History of Mexico" Vol.6,pp. 323-4.
(34) Ibid, p. 171.
restoration of the republic in 1867, the constitution of 1857 again became the organic law. This fundamental code was amended at various times from 1873 until the drafting of the 1917 constitution. The important amendments embodied the "Laws of Reform", which completely separated the church and state, made marriage a civil contract and declared men free to labor, worship, and be educated as they might choose. By the reform of November 13, 1874, the legislative power was divided into two chambers. (36) 

Diaz and Conservative Supremacy.

The reign of Diaz, except for four years, lasted from 1876 to 1910. At the beginning of the period, the fortunes of Mexico were at their lowest ebb. Peonage was as widely spread as it had ever been under the colonial system. Self-government did not exist. Diaz raised his government from one of disrepute to one of universal respect among the nations. The establishment of order and the maintenance of peace were effected in three ways. "First, by keeping firm control of the army, starting point of nearly all revolutionary movements, and by preventing the church from becoming active in politics; second, by the complete centralization of government; and third by the organization of an effective mounted police." (37)

(36) Speech of President on Opening of Congress, Sept. 16,1875, Br.St.P. Vol. 76, p. 591. "For the first time under the political regime established in 1875 the legislative power of the Union comes to exercise its functions composed of two chambers."

(37) The Mexican Yearbook, pp. 64-5
The material prosperity of Mexico under Diaz was not unaccompanied by certain evils and never from the time Diaz came into power had the spirit of revolt ceased to burn in the hearts of the growing middle class. Any movement was repressed but the spirit lived on. An anti-reelectionist party was formed in 1909 which nominated Madero for president on a radical platform. This insured the support of the common people. The reelectionists were a political faction, however, known as the Cientificos, which was composed of the pro-clerical and the rich conservative class in general. (38) Diaz had Madero arrested and himself proclaimed as president. Madero escaped to the United States and on October 5, 1910, issued the "plan de San Luis Potosi". This called the people to revolt in defense of a free ballot, non-relection, and the restoration of the lands of the common people. The people enthusiastically rallied to his support and he became president November 6, 1911. But he fulfilled none of the pledges of his plan, and the people, disillusioned, prepared to fight, not for a man but for economic reorganization. (39)

The Radical Revolution.

Under Madero and Huerta the constitution had scarcely been observed and the Constitutionalists fought to restore the document. The condition of the country, especially from 1914 to 1916 was indescribably bad. Between the so-called revolutionists and the Carranza forces, there was probably enacted the greatest destruction of property that Mexico has ever known. (40) The Carranza government was recognized by foreign powers and the program of the new administration was one of reform including many radical social and political changes. These included the genuine ending of the economic and political power of the church, the breaking up of the great haciendas, the restoration of foreign holdings, favorable labor legislation and the establishment of a genuine representative government. (41)

To make these effective, a general election was called for a new constitutional assembly to revise the organic law of the republic. Opponents of the Carranza government were not allowed to take part in the election or to be delegates. The assembly convened at Queretaro, and instead of amending the existing constitution, a new document was drafted. It was radically anti-clerical.

(40) The Mexican Yearbook, pp. 73-4.
Mexican Yearbook, p. 74.
anti-foreign, anti-monopolistic and pro-labor. It is probably the longest national constitution in existence. It merely outlines the plan of government and draws up an entire legal and social program. It represents the ideas and reflects the temper of Mexico. The constitution embodies many of the ideas animating the Mexican revolution which began by expelling Diaz. (42)

CHAPTER III.
THE RIGHTS OF MAN.

Rousseau's revolutionary theories, Thomas Jefferson's immortal program for actual and successful political revolution, and the French Assembly's "Rights of Man" were the common property of the enlightened subjects of Spain in Mexico.

Revolutionary ideas in Spanish America were crystallized about such revolutionary programs. The war against Spanish authority which resulted was waged to make men free. It was inevitable that in any effort to create a written charter of government attention would be given to safeguarding, by words at least, the inherent rights of the individual. By one of the ironies of fate the passing years have forced constitution-makers in Mexico to enlarge the bill of rights to save the people set free.

FOREWORD

1824.

The constitution of 1824 lacks any portion especially devoted to enumerating the rights of man. It mentions the freedom of the press as follows: an exclusive power of congress was to protect and regulate the political liberty of the press, in such a manner
that its exercise may never be suspended, much less abolished, in any of the states or territories of the confederation, and "the articles of this constitution which establish the liberty of press, .........., shall never be altered." (1) It fails to recognize the freedom of conscience in terms very similar to those of the Spanish code of 1812, for the constitution says, "The religion of the Mexican nation is, and shall be perpetually, the Apostolic Roman Catholic", (2) The qualifications of a native, foreigner or alien are not explained. To make effective the rights of individuals there is no more explained than the responsibility of all public functionaries.

1836.

The code of 1836 is more explicit in regard to the enumeration of the rights of individuals. It prescribes the rights and duties of Mexicans and other inhabitants of the Republic. In a way, it recognizes the liberty of conscience, because it does not especially decide what religion ought to be followed, giving to the Mexican the obligation of "professing the religion of their country." (3)

1843.

The "Bases Organicas" of 1843 as an imitation of the "Seven Laws" of 1836 consists of the same

(1) 1824--Title III, Sec. 5, Art. 50 (3); Art. 171.
(2) 1824 Title I, Art. 3.
(3) 1836, Law I, Art. 3, (1).
enumeration of the rights of individuals. It sustained exclusively the Roman Catholic religion thereby failing to recognize the freedom of conscience.

1857.

The constitution of 1857 and the reforms of 1873 treat the rights of individuals. The following liberties are explicitly recognized and protected: "personal"; of conscience; of work; of teaching or instruction; of expression of ideas; of writing and printing; of association; of petition; of residence and journey; and of possessing and carrying arms. Equality is sanctioned. (4)

1917.

The present constitution of Mexico, "framed at a time when the most advanced theories of socialism and even communism were predominant, bears unmistakable marks of these doctrines." (5) The constitution contains an elaborate presentation of personal guarantees. The constitution of 1824, containing no bill of rights, will not be considered in the following comparisons.

PERSONAL GUARANTEES

1836

By the constitution of 1836 the following are the rights of "Mexicans"; a "Mexican" is not to

(4) Gamboa "Leyes Constitucionales de Mexico" Sig. XIX, p. 87.
(5) "Mexican Yearbook, 1920-'21", Robert G. Clelland, p.112
be arrested unless by order of a competent judge with the exception of persons taken in flagranti who must be taken before the judge; not to be detained longer than three days without being delivered over to the judicial authority, nor by the latter longer than ten days without an order assigning the motives for his imprisonment; not to be deprived of his property except when it may be required for use of public utility; not to have his house or papers searched, unless "literally prescribed by the laws"; not to be tried or sentenced by any commission or any other tribunal than those established by the constitution; not to be impeded in the removal of his person and property to another country; and to be at liberty to publish and circulate his political opinions, without being subject to any previous censorship. (6)

1843.

In addition to all the rights enumerated in 1836 the constitution of 1843 has the following: no one is a slave in the territory of the nation, and those already introduced are to be considered free, remaining under the protection of the laws; in any kind of suit in which corporal punishment is not involved, the criminal may be freed on bond; no one may be constrained by force or compulsion to confess the

deed for which he is being tried; and no person shall be penalized or punished other than as established or authorized by the legislative power; but manuscripts discussing the religious dogma or sacred scriptures are subject to disposition of the laws and in no case will a person be permitted to write about "private life". (7)

The 1857 constitution marks a great advance in rights of man and personal guarantees. Regarding personal liberty it states that: "In the republic all are born free"; all slaves who set foot on national territory gain their freedom and are protected by law; no person shall be compelled to undertake personal labor without due compensation or without his consent; no person may be tried before a special tribunal; in no case shall a law have a retroactive effect; treaties shall never be concluded for the extradition of political offenders; no person may be molested in his person, family, domicile, papers or possessions, except by a written order by a competent authority; no person may be arrested for debts of a civil character; no person shall be placed in prison except for an offence deserving corporal punishment; detention is limited to three days; in any criminal trial the accused has the

(7) 1843 Chap. II, Art. 9 (1-14).
the right to the guarantees of being made acquainted with the motive of the trial, that his preparatory declaration shall be placed in hands of the judge within forty-eight hours, that he be confronted by witnesses who testify against him, given access to the data upon which the charge is founded and that he be heard in his own defence; the punishments of torture, excessive fines and confiscation of property are forever abolished, and no criminal trial shall be at more than three instances and no person shall be tried twice for the same offence. (8)

Regarding liberty of work the constitution states that every man is free to embrace such profession, industry or labor as may be convenient to him, so long as it is useful and honest, and its "results are profitable"; and there shall be no monopolies or privileges of any kind, nor any prohibition under the title of protection, of any industry. (9)

Regarding liberty of teaching or instruction; "education is free. The law shall determine what professions shall have a title to exercise it, and the conditions under which it is carried out." (10)

Regarding liberty of expression of ideas, of writing and printing; the expression of ideas shall not

(8) 1857 Title I, Sec. 1, Art. 2, 5, 13, 20, 22, 24.
(9) 1857 Title I, Sec. 1, Art. 4, 28.
(10) 1857 Title I, Sec. 1, Art. 3.
be the object of any inquisition, except in cases where
morality or the rights of others are concerned, or where
any crime, offence or disturbance of public order is
provoked; the liberty to write and publish writings or any
subject is inviolable. (11)

Regarding liberty of association: No one shall
be denied the right of peaceful association; but the
citizens alone have the right to take part in political
meetings. (12)

Regarding the liberty of petition: That right
is inviolable, must always have the authors name; petition
for political matters are reserved for use of citizens. (13)

Regarding liberty of residence and journey:
Every man has the right to enter and leave the republic
and to change his residence without necessity of pass-
port or other similar requisite. (14)

Regarding liberty of possessing and carrying
arms: Every man has the right to possess and bear arms
for his own security and lawful defence. (15)

No titles of nobility, prerogatives nor hered-
ditary honors shall be recognized and property may not
be kept in possession without the owners consent. (16)

(11) 1857 Title I, Sec. 1, Art. 6,7
(12) 1857 Title I, Sec. 1, Art. 9
(13) 1857 Title I, Sec. 1, Art. 8
(14) 1857 Title I, Sec. 1, Art. 11
(15) 1857 Title I, Sec. 1, Art. 10
(16) 1857 Title I, Sec. 1, Art. 12,27
Regarding freedom of conscience: Congress cannot pass laws establishing or prohibiting any religion. This last was added in the amendment of 1873. (17) 1917.

The very first chapter of the constitution of 1917 has to do with the "rights of man". They cover a tremendous range of subjects and embrace individual privileges and the rights and duties of corporations. "On paper at least, Mexicans have guaranteed to them every personal right and judicial safeguard that they are entitled to demand." (18) Everything guaranteed in the 1857 constitution is contained in the present one. But 1917 goes far beyond 1857. It contains in that portion devoted to enumerating personal rights, liberties and guarantees, a curiously out-of-place, elaborate, and profoundly important series of socio-economic clauses, some of them prohibitory in nature, and all of them designed to guard against capitalistic exploitations.

For instance: Control of all telegraphic and radio-telegraphic services is vested in the federal government, and the right to issue bank bills is placed in a

(17) 1857 Title I, Sec. Art. 1(a) and 4(a) of amendment of 1873.
single institution under federal control. "The cornering
of necessities for the purpose of bringing about a rise
in prices" is forbidden, also, in general, any combination
or agreement in restraint of trade, the labor associations
being exempted from this limitation. (19)

But it is the famous article 28 that may be called
the "heart" of the document. This article nationalizes the
natural resources of the nation. "The ownership of the
lands and waters comprehended within the limits of the
national territory belongs originally to the nation which
had, and has, the right to transfer the dominion of them
to private persons, so constituting private ownership".

"The nation shall have at all times the rights
to impose on private ownership the measures which the
public interest may dictate, such as regulating the develop-
ment of the national resources coming within the scope
of appropriation, to effect the equitable distribution of
the public wealth and to guard their conservation ..... 

"The nation possesses direct control over all
the minerals or substances in the veins, strata, masses
or beds constituting deposits, the nature of which may
be distinct from the composition of the soil, such as the
minerals from which are extracted metals or metalloids
that are used in industry; the deposits of precious stones,

(19) 1917 Chap. 1 Art. 28
salt and rubber, and the saline deposits formed directly by the waters; the products derived from the decomposition of rocks when their exploitation necessitates subterranean labor; the phosphates that may be utilized for fertilization; the solid mineral combustibles, the petroleum, and all the solid liquid and gaseous carbides of hydrogen."

(20)

This is what is called the nationalization of natural resources. The oil field and the mines of Mexico are the two principal temptations for foreign investment. Little encouragement for foreign capital can be found in the further extracts from the article:

"Only Mexicans by birth or naturalization and Mexican companies have the right to acquire ownership in lands, waters, and their appurtenances, or to obtain concessions to develop mines, waters, or mineral fuels in the republic of Mexico. The nation may grant the same right to foreigners, provided they agree before the Department of Foreign Affairs to be considered Mexicans in respect to such property, and accordingly not to invoke the protection of their governments in respect to the same, under penalty, in case of breach, of forfeiture to the nation of the property so acquired. Within a zone of one hundred kilometers from the frontiers, and of fifty kilometers from the seacoast, no foreigner shall under any condition..."

(20) Constitution of 1857, Chap. I., Art. 27.
acquire ownership of lands and waters." (21)

OF MEXICANS

1836.

The constitution of 1836 says that Mexicans are those born in the republic, their father being a Mexican by birth or naturalization; those born in a foreign country, their father being a Mexican by birth; who when they become of age, living in the republic give their intention of becoming Mexicans and actually carrying into effect within one year; those born in a foreign country, their father being a Mexican by naturalization, if they fulfill the same conditions as above; those born in the republic, their father a foreigner, who gives the notice referred to; those not born in the republic, but who were established therein when the nation became independent and have continued to reside here; and, foreigners who have obtained letters of naturalization. (22)

The obligations of Mexican's are: to profess the religion of the country, observe the constitution and obey the laws; to contribute towards the expenses of the state as established by law; and to defend their country when the laws or authorities "in the name of the laws" call upon them. (23)

(21) 1917 Chap. I, Art. 27. Outlook, Mar. 14, 1917—Mexico's Constitution, pp. 453-4: The U.S. government advised its citizens that their treaty rights did not permit them to sign away the claims of their citizenship.
(22) 1836 Law I, Art. 1
(23) 1836 Law I, Art. 3
The quality of a Mexican is forfeited by absen-
ting himself from Mexican territory longer than two years, without applying for a license; by enlisting under a foreign banner; by accepting employment under another government; for the crime of high treason against the independence of the country for conspiracy against President of Nation; for being an incendiary, a prisoner or an assassin; and for any other crime which the laws may impose this penalty. (24)

1843.

Mexicans are defined in the same way in the constitution of 1843 as they were in the one of 1836.

It is the duty of Mexicans to contribute to the defense and maintenance of the nation. (25)

The Mexican shall lose his status if naturalized in a foreign country; if he shall serve under the flag of another nation; and if he accepts employment or decoration of another nation without the consent of congress. (26)

1857.

By the 1857 constitution, Mexicans are those born of a Mexican father; foreigners who become naturalized; and foreigners who may acquire real property in the republic, or who may have Mexican children, on the under-

(24) 1836 Law I, Art. 5
(25) 1843 Law I, Chap. 3, Art. 14
(26) 1843 Title I, Chap. 3, Art. 16
standing always that the desire to their own nationality is not manifested. (27)

The obligations of every Mexican is the same as in the preceding constitution, but no mention is made concerning a Mexican losing his status.

1917.

By the 1917 constitution, a Mexican shall be such either by birth or by naturalization. Explicit definitions are given for these two classes. (28)

It shall be the duty of every Mexican to compel the attendance at either private or public schools of their children or wards under fifteen years of age; to attend on such days and at such hours as the town council shall in each case prescribe, to receive civic instruction and military training; to enlist and serve in the national guard; and to contribute toward the expenses of the Federation, State and municipality in which he resides. (29)

OF MEXICAN CITIZENS

1836.

According to the constitution of 1836, citizens of the Mexican republic are all those who are Mexicans as defined if they possess an annual income of at least $100 dollars; and those who have obtained special letters of citizenship from congress. (30)

(27) 1857 Title I, Sec. 2, Art. 30
(28) 1917 Title I, Chap. 2, Art. 30
(29) 1917 Title I, Chap. 2, Art. 31
(30) 1836 Law I, Art. 7.
The rights of a Mexican citizen are to vote at popular elections, and to be eligible for office. (31)

The obligations of a Mexican citizen are to register at the polls of his municipality; to vote at popular elections; and to fulfill the duties of municipal and popular offices to which he may have been nominated. (32)

The particular rights of a Mexican are suspended during his minority; for his being in the station of a domestic servant; for a criminal suit, from the date of arrest until the passing of the final sentence; and for not knowing how to read and write; from the year 1846 thenceforward. (33)

The rights of a citizen are forfeited altogether in those cases in which the quality of a Mexican is forfeited; by a judicial sentence imposing a degrading penalty; by fraudulent bankruptcy proved; by being proved a defaulter in the management of public moneys; by being a vagrant; and by being a clergymen of the religion of the state. (34)

1843.

By the constitution of 1843, those Mexicans shall be citizens who have reached eighteen years of age,

(31) 1836 Law I Art. 8
(32) 1836 Law I Art. 9
(33) 1836 Law I Art. 10
(34) 1836 Law I Art. 11
if married and twenty-one if single, and who shall have an annual income of two hundred dollars. The constitutional congress may regulate, according to the situation in the several departments, the income which is to be required in each one of these before rights of citizenship are conferred. After the year 1850 those who attain the age of citizenship shall, besides the property qualification set forth, also be able to read and write. (35)

The rights, the obligations, the suspension of these rights and the forfeiture of citizenship are the same as in the constitution of 1843.

1857.

Citizens of the republic, according to the 1857 constitution, are all those having the quality of Mexicans who have completed eighteen years of age if married, or twenty-one years if not, and possessing an honest means of livelihood. (36)

The prerogatives of citizens are to vote at popular elections; to be eligible for any elective office; to assemble for the discussion of political problems; to serve the army or national guard; and to exercise the right of petition. (37)

(35) 1843 Title I Chap. 3 Art. 18
(36) 1857 Title I, Sec. 4, Art. 34
(37) 1857 Title I, Sec. 4, Art. 35
His obligations are to register in the municipal register; to enlist in the national guard; to vote at popular elections; and to repay the expenses incurred in popular elections of the federation. (38)

The quality of a citizen is lost by naturalization in a foreign country and by taking official service with another country. (39)

The qualifications for Mexican citizenship and his prerogatives are the same in the constitution of 1917 as in the preceding one.

The changes in the obligations are: the one paying for popular elections is omitted; and these are added, to fill the elective federal or state offices to which he may be chosen and to serve on the town council and perform all electoral and jury service. (40)

In addition to the ways in which citizenship may be lost of the constitution of 1857, the following is given: by compromising themselves in any way before ministers of any religious creed or before any other person not to observe the constitution or laws arising thereunder. (41)

The rights or prerogatives of citizenship may be suspended for the following reasons: through failure to

(38) 1857 Title I, Sec. 4, Art. 36
(39) 1857 Title I, Sec. 4, Art. 37
(40) 1857 Chap. IV, Sec. 4, Art. 36
(41) 1917 Chap. IV, Art. 37
expressed in the said regulations being the only exceptions to this Law.

(2) Proscribe any Mexican, or impose any penalty, direct or indirect. It belongs only to the Law to designate generally the punishments for offences.

(3) Deprive any person of his property, directly or indirectly, whether of an individual or an ecclesiastical or secular body.

It only belongs to the Law, in this particular, to establish generally contributions or taxes.

(4) Pass any Law, which is not purely declaratory, of a retrospective effect, or which applies, directly or indirectly, to cases previous to its publication.

(5) Deprive, or even suspend, Mexicans from their rights, declared in the Constitutional Laws.

(6) Assume to itself, or delegate to others, by way of extraordinary faculties, two or the three powers, Legislative, Executive and Judicial.

46. Any Law or Decree prepared in express contravention of the preceding Article is null.

Faculties of the Chambers and Prerogatives of Their Members

47. No criminal accusation for common offences can be brought against the President of the Republic, from the day of his appointment until a year after his Presidency has expired; nor against the Senators, from the day of their election until two months after their office is terminated; nor against the members of the High Court of Justice and Military Tribunal, the Secretaries of State, the Councillors, and the Governors of Departments; except before the Chamber of Deputies. If the accused should be a Deputy, within the period of his deputation or two months afterwards, or should the Congress be in recess, the accusation shall be made before the Senate.

48. For official offences, during the period fixed in the preceding Article, of the President of the Republic, for those of the Secretaries of State, the Magistrates of the High Court of Justice, and Military Tribunal, the Councillors, the Governors of Departments, and the Departmental Councils; for any transgression of Article 3, paragraph 5, of the 2nd Constitutional Law, of Article 3 of the 4th Law, and of Article 15 of the 6th Law, in its three parts; the Chamber of Deputies, before which the accusation must be made, shall declare whether or not there exist grounds for the same. Should the declaration be in
the affirmative, they shall appoint two of their members to support the accusation in the Senate. The latter proceedings being instituted, and the accusers and defenders having been heard, the Senate shall pass sentence, without its being able to impose any other penalty than that of destitution of the office or employment held by the accused, or of his perpetual or temporary disqualification from obtaining any other; but if, in the opinion of the Senate, it should result from the proceedings that he be deserving of heavier punishment, the cause shall be sent to the respective Tribunal, in order that it may be instituted according to Law.

49. For common offences, the accusation being made, the respective Chambers shall declare, whether or not there exist grounds for proceeding; should the declaration be in the affirmative, the criminal shall be placed at the disposal of the Competent Tribunal for trial.

The affirmative resolution shall only require the confirmation of the other Chamber, should the accused be the President of the Republic.

50. The affirmative declaration, as well for official as for common offences, suspends the accused from the exercise of his functions, and the rights of a citizen.

All the other requisites of those judgements and restrictions relative to the accuser, the accused, and the mode of proceeding shall be specified in the Regulations of Congress.

51. Either of the Chambers can, without the intervention of the other:

(1) Pass resolutions, not governmental, relative to the locality of their Sittings, the better arrangement of their Department, and the Offices annexed, the number, appointment, and salary of their officers, and to everything relative to the regulation of the Chambers, which is purely internal.

(2) Communicate with each other, and with the Government, by writing, or by means of Deputations chosen from among themselves.

52. It exclusively belongs to the Chamber of Deputies, besides what has been specified in this Law:

(1) To watch over, by means of an Inspecting Committee, composed of five individuals from its body, the exact fulfillment of their duties by the Officers of the General Accountant's Office and of the General Offices of the Revenue. A 2nd Law shall detail the mode and terms in which the Inspecting Committee shall discharge their duty, according to the attributes which may be assigned to them therein.
CHAPTER IV

THE EXECUTIVE POWER OF THE MEXICAN REPUBLIC

For a century the center of the many whirlpools of civil war which have swept over Mexico has been the presidency. That office has been associated in the minds of Mexicans with supreme power. It takes no imagination for the student of Mexican history to realize that the unuttered watch-word of many great leaders in Mexico has been: "give me the presidency and you can have the other offices, for I will control those offices and therefore you and the state". In a sense the importance of the presidency in the Mexican scheme of things political was inherited. For two and a half centuries a viceroy acting as an autocratic monarch for an autocratic monarch directed, or tried to direct and govern, without the help of any representative congress or assembly, the people, the army, the church, and the aristocracy. Centralization and dictatorial power -- based, of course, upon an elaborate system of law, made in Spain -- was the rule. When separation came from Spain, the inevitable happened. The new constitutions either reproduced the powers of the viceroy for the president or sought to strip off those powers which in the opinions of some, made the viceroys oppressors. But
two things are clear through Mexican national history; namely, that extensive efforts have been made to protect the country against an autocratic executive, and that, to date, these efforts have been far from successful. The more autocratic the president, the more peace and prosperity the nation has enjoyed.

The question of executive authority was one of grave consideration for the framers of the constitution of 1824. Should the authority be deposited in one person or in three? Since Iturbide's fall, the power had been vested in a triumvirate in order to keep one man from usurping the government. The convention finally decided in favor of a single individual for the national executive, for it was believed that with laws of congress he could be prevented from doing harm. (1)

From that date (1824) to the present, the executive power of the Mexican republic has been vested in a single individual called the "President".

The qualifications for the office of President varied in different constitutions. The constitution of 1824 was liberal in its qualifications. Naturally, only a male could qualify for the office as

(1) Bancroft "History of Mexico" Vol. 25; p. 16
the women were then politically not in operation. The President had to be by birth a Mexican citizen, thirty-five years of age and a resident in the country. (2) 1836.

The constitution of 1836 shows the extreme conservation of the times. Besides the qualifications of 1824 this law required that to be eligible for election the person must be in possession of a capital, physical or moral, producing to the individual the annual sum of four thousand dollars; to have held one of the superior offices, civil or military; and to have not been condemned by legal process for any crime. The age requirement was raised from thirty-five to forty years. (3) 1843.

The requirements for the presidency in the Organic Bases of 1843 was much less conservative than that of 1836. It had no requirements concerning capital or previous offices. The only addition to the qualifications of 1824 was that he shall belong to the "secular estate." (4) 1857.

The constitution of 1857 has the same qualifications identically as those of 1843 with the exception of the age limit, which was put back again to thirty-five years, (2) Constitution of 1824, Title IV, Sec. I, Art. 76. (3) Constitution of 1836, Law IV, Art. 14. (4) Constitution of 1843, Chap. V, "Art. 84.
as in the constitution of 1836. (5)

1917.

Of the 1917 constitution the qualifications are essentially the same, only more specific. In addition to himself being a Mexican by birth, he must be the son of Mexican parents by birth. He shall not have taken part, directly or indirectly, in any uprising, riot or military coup. (6)

METHODS OF SELECTING THE PRESIDENT

1824.

The mode of electing the President according to the first constitution of the republic was given in detail. The outstanding features are given in the following manner:

On the first day of September, preceding the year in which the new President takes his office, two individuals shall be elected by the legislatures of each state; one of these persons at least must be a resident of the state by which he is elected. (7) A committee named by the chamber of deputies, composed of one deputy from each state, (8) passes upon the validity of the reports received from each state (9)

(5) Constitution of 1857, Chap. III, Sec. 2, Art. 77
(6) Constitution of 1917, Chap. III, Art. 82
(7) Constitution of 1824, Title IV, Sec. 1, Art. 79
(8) Constitution of 1824, Title IV, Sec. 1, Art. 81
(9) Constitution of 1824, Title IV, Sec. 1, Art. 82
and the chamber then declares the elections (10). Persons having an absolute majority shall be president. (11)

In case of an equality of votes of two candidates, or if no one should have an absolute majority, the chamber of deputies shall choose the President. This choice shall be made from among the candidates having the greatest number of votes from the state legislatures. (12)

1836.

The fourth law of the Siete Leyes declares that the President be elected as follows:

On the 16th day of August preceding the renovation, the President in council of ministers, the senate and supreme court shall each select three individuals. From these the chamber of deputies shall select three candidates and these shall be sent to the departmental council.

The assemblies shall elect one out of the three on October 15th and the person receiving the greatest number of votes shall be declared President by the general congress.

In case of an equality of votes they shall determine the election by lot. (13)

(10) Constitution of 1824, Title IV, Sec. 1, Art. 83
(11) Constitution of 1824, Title IV, Sec. 1, Art. 84
(12) Constitution of 1824, Title IV, Sec. 1, Art. 85 and 89
(13) Constitution of 1836, Law IV, Art. 2
1843.

The method of electing the President in this constitution of 1843 was not contained in the chapter on the president as had been the form in the previous constitutions. In this one the electoral process is given in the chapter of elective power.

The method adopted was that on the 1st day of November preceding the change of presidents, each departmental assembly shall nominate a candidate for president. (14) On the following 2nd of January the two chambers together shall count the votes and the person having an absolute majority of votes is President. (15)

In case of an equality of votes or no absolute majority the chambers shall elect. (16)

1857.

The constitution of 1857 merely states that the election of the president shall be indirect in the first degree and by secret ballot, in accordance with the disposition of the electoral law. (17)

An article on the exclusive faculties of the chamber of deputies as amended by Law of November 18, 1874, states that the house of deputies is to establish itself as an electoral college, in order to exercise the faculties designated by law with regard to the nomination

(14) Constitution of 1843, Chap. VIII, Art. 158
(15) Constitution of 1843, Chap. VIII, Art. 160
(17) Constitution of 1857, Title III, Sec. 2, Art. 76
of President of the republic. (18)

1917.

The present constitution has the same provisions as that of the constitution of 1857 in the method of electing the president, except the organic law of 1917 declares that the election shall be direct instead of indirect. (19)

DURATION OF OFFICE

1824.

The term of office for the president according to the Constitution of 1824 is four years. (20) He shall not be reelected until the fourth year after his functions shall have ceased. (21)

1836.

The anti-liberal constitution of 1836 which was centralistic in form vested in the president the right to hold his office for eight years. (22) He had the privilege of reelection. (23)

1843.

The constitution of 1843 also establishing the centralized form of government makes the term of office for the president five years. (24)

(18) Constitution of 1857, Title III, Sec. 2, Art. 72
(19) Constitution of 1917, Chap. III, Art. 81
(20) Constitution of 1824, Title IV, Sec. 2, Art. 95
(21) Constitution of 1824, Title IV, Sec. 1, Art. 77
(22) Constitution of 1836, Law IV, Art. 1
(23) Constitution of 1836, Law IV, Art. 5
(24) Constitution of 1843, Chap. V, Art. 83
The restoration to the federal form of government reduced the term of office to four years. (25)

By an amendment of May 5, 1878, the president shall not be reelected until four years after his functions shall have ceased. This same article was reformed on October 21, 1887, and stated that the president may be reelected for the immediate constitutional term, but then must wait four years after his functions shall have ceased. By reform of December 20, 1890, this article was reduced to its original form. (26)

The constitution of 1917 fixed the term of office at four years and forbids reelection to the presidency. (27)

DUTIES OF THE PRESIDENT

In general the duties of the president according to the constitution of 1824 were to promulgate the laws and issue ordinances. He was to appoint or remove the secretaries of state; to appoint diplomatic agents with the approbation of the Senate or Council of government and to appoint to posts in the army and navy. He

(25) Constitution of 1857, Title III, Sec. 2, Art. 78
(26) Constitution of 1857, Title III, Sec. 2, Art. 78 as amended.
(27) Constitution of 1919, Title IV, Sec. 4, Art. 110.
was to dispose of the armed force by land and sea, in
peace or war, with the advise of the Congress, and also
declare war, which had previously been decreed by the
general Congress.

It was his duty to convoke the legislative body
in an extraordinary session when two-thirds of the mem-
ers of the council deemed it necessary. He was to pro-
vide for the administration of justice, conclude concordats
with the Apostolic Sec. and direct diplomatic negotiations
with the approbation of the general congress. (28)

1836

The attributes of the president, according to
the constitution of 1836, again emphasized the effort to
centralize the government. He had the exclusive right of
appointing his ministers, and of naming -- "in concert with
the council" -- the governors of the departments, out of a
list of three, furnished by the departmental council. Also
he was expected to provide for all that "may conduct to the
good of the Departments". All other duties of the presi-
dent in this constitution are the same or very similar to
those in the instrument of 1824. (29)

1843

The constitution of 1843 carried out the same prin-
ciples as the previous one in respect to presidential duties.
In addition, it was the duty of the executive to impose fines
(28) Constitution of 1824, Title IV, Section 4, Article 110.
not to exceed $500 upon those who disobey his orders or fail to show proper respect as provided for by law; (30) and to increase or decrease the police force of the departments as necessity demands. (31)

Also the progress of the country and the wish for the growth of the country is shown in the articles granting exclusive rights to inventors, and those who introduce or perfect some art or industry useful to the country. (32)

1857

The duties of the president under the constitution of 1857 are like those of the president under the 1827 constitution. No change at all came until an amendment was added on June 2, 1882 which permitted the president to grant exclusive privileges for a limited time and in accordance with the law, to discoverers, inventors, or perfector in any branch of industry. (33)

1917

The duties are the same as in the constitution of 1857.

(30) Constitution of 1843 Chapter V, Article 89, part ll.
(31) Constitution of 1843 Chapter V, Article 89, part 30.
(32) Constitution of 1843, Chapter V, article 89, part 27.
(33) Constitution of 1857 Title III, Section, 2, Article 85, part 16 as amended.
Prerogatives of President.

1824

Of the prerogatives of the president, the constitution of 1824 give the following: He shall propose such laws or reforms as are conducive to the general welfare, through the medium of the chamber of deputies. (34) The president, also, shall have power, for once, to make observations within ten days, on laws passed by Congress. (35)

The president, while in office, shall not be accused but before one of the chambers and then only for specified offences. (36) For these specified offences, accusations shall be brought within one year from the period of the cessation of his functions. (37)

1836

In addition to the above prerogatives this constitution gives the president the right to send to the chambers, orators to explain and support the opinions of the government. (39)

1843

In the constitution of 1843 one article alone is devoted to the prerogatives of the president. It is, that

(34) Constitution of 1824, Title IV, Section 3, Article 105
(35) Constitution of 1824, Title IV, Section 3, Article 106
(36) Constitution of 1824, Title IV, Section 3, Article 107
(See specified offences Article 38.)
(37) Constitution of 1824 Title IV, Section 3, Article 108
(38) Constitution of 1836, Law IV, Article 15, (7)
(39) Constitution of 1843, Chapter V, Article 90
he cannot be accused or tried for any crime during his administration nor for the following year except for treason against the national independence and the republican form of government. Neither can he be accused for common offences for the same length of time. (39)

1857

The constitution of 1857, being a short constitution, gives only the necessary articles for the establishment and duties of the executive power. A prerogative of the president is the right to initiate legislation.

1917

The present constitution of Mexico is like the constitution of 1857 in respect to the prerogatives of the president.

Restrictions of the President.

1824

In the first constitution considerable precautions were taken against the possible encroachments on the part of the executive. The substance of these restrictions were as follows: The president shall not command land or sea forces in person without the previous consent of congress; he shall not deprive any person of (39) Constitution of 1843, Chapter V, Article 90
his liberty except for "the welfare of the confederation" and then the individual arrested must be placed at the disposal of a tribunal within forty-eight hours; he shall seize property only for the public good and with the approval of the senate. The party interested being always indemnified; he shall not impede the elections and he shall not leave the Republic while in office, nor for one year afterwards, without the consent of congress. (40)

1836

The preceding restrictions were also imposed in the Constitution of 1836. Bitter experience encouraged this sort of thing. Additions of importance are the following:

The president shall not alienate, cede, or give in exchange, any part of the national territory; he shall not surrender or alienate national property without the consent of congress.

He shall not impose directly or indirectly, any kind of taxes, general or special. And further he shall not prevent or disturb the sittings of the Conservative Power, or prohibit the execution of its resolutions. (41)

1843

The restrictions concerning the president, taking command of the forces, transferring any part of territory

(40) Constitution of 1824, Title IV, Section 4, Article 112
(41) Constitution of 1836, Law IV, Article 18
and leaving the Republic, of the previous constitutions are the only ones contained in this one of 1843. The new restrictions in 1843 are as follows: The president shall not depart more than six leagues from the place of residence of the supreme powers without the permission of congress; he shall not exercise any of his powers without the ratification of the cabinet officers of the department concerned. (42)

1857

The only reference, in the constitution of 1857 to restrictions on the national executive are the following: The president may not remove himself from the place in which the federal powers reside, nor discontinue the exercise of his functions, except from serious causes and with the authorization of congress, or, during its recess, of the permanent deputation. (43)

1917

One article alone in the existing constitution gives the restrictions. It is that the president shall not absent himself from the national territory without the permission of the congress.

(42) Constitution of 1843, Chapter V, Article 89
(43) Constitution of 1857, Title III, Section 2, article 84
Vice-President.

The constitution of 1824 followed the United States plan and created the office of vice-president on whom shall devolve all powers of the president, in the event of his moral or physical incapacity. The same qualifications and method of election as for president. (44) He shall be president of the council of government. (45)

There is no office of vice-president in the constitution of 1836. Instead the president of the council shall govern during the temporary absence of the president of the Republic. (46) In every case of a vacancy a president, ad interim, shall be chosen. He is elected by the Chamber of Deputies choosing three individuals, who possess president qualifications; and these are transmitted to the senate who elects. (47) He who acts as president ad interim or as the president's substitute, shall enjoy the same prerogatives as the president. (48)

As far as the vice-presidency is concerned, the constitution of 1843 is a repetition of 1836.

(44) Constitution of 1824, Title IV, Section 1, article 75.
(45) Constitution of 1824, Title IV, Section 1, article 115.
(47) Constitution of 1836, Law IV, article 11.
(48) Constitution of 1836, Law IV, article 16.
According to the Constitution of 1857, in the temporary absence of the president of the Republic, and during the imperious vacancy while seeking reelection, the authority shall be exercised by the president of the Supreme Court. (49) If the absence be permanent a new election shall proceed. (50)

This is greatly modified by the amendments of October 3, 1882. In the temporary absence of the president, the executive power shall be exercised by the citizen, who, during the month anterior to the occurrence of such vacancy, has been president or vice-president of the senate or during its recess by the president or vice-president of the Permanent Commission. (51) In the case of permanent absence a new election shall occur.

The office of vice-president was created by a decree of 1904.

In the constitution of 1917, the substitute for the president, of occasion requires, is chosen by the congress or in its recess by the Permanent Committee. If disability should occur within the two years of the

(50) Constitution of 1857, Title III, Section 2, article 79 *
(51) Constitution of 1857, Title III, Section 2, article 80.
* as amended.
respective term a call for presidential elections shall be made. (52)

The office of vice-president does not exist in Mexico today because it has proven unsatisfactory. Its trial under Diaz to provide mechanism for a legitimate succession made it lastingly unpopular.

The Council of Government

1824

During the recess of the congress, a council of government shall be formed, composed of one half of the members of the senate, one for each state. It is their duty to watch over the observance of the constitution and laws. To give suggestions to the president to the better execution of the constitution. To convene, either of itself, or on proposition of the president, an extraordinary session of congress. To give consent and approve certain acts of the president and to give its opinions on matters which the president may submit to it. (53)

1836

By the constitution of 1836 this council shall be composed of thirteen councillors, of whom two shall be ecclesiastics, two military and the rest of the other

(52) Constitution of 1917, Article 84-85.
(53) Constitution of 1824, Title IV, Section 5, article 113-116.
of society. These members are elected by the president from a list of 39 individuals drawn up by the congress.

The qualifications are the same as those in order to be a deputy and the office of councillor shall be perpetual. Their duties consist of exercising all those expressed in this constitutional law. To give the government their opinion in all cases and subjects on which required of them and to name from among their members the one who shall fill the office of secretary. (54)

1843

The constitution of 1843 also has a council of government. This council shall be composed of seventeen voting members named by the president. In order to be a councillor it is necessary to be a citizen thirty-five years of age and to have served for at least ten years in public office.

The Councillors cannot be deputies nor senators. Supernumerary councillors shall be those who have been president of the republic, the well deserving of the country, those who have been secretaries of the cabinet for more than one year, the retired ministers of the supreme civil and military courts and the retired superior officers (54) Constitution of 1836, Law IV, Articles 21-27.
of state who have completed forty years of service. (55)

The constitutions of 1857 and 1917 do not contain such a council of government. It might be noted that the Councils of 1836 and 1843 were in session the entire year while the council of 1824 was formed and functioned only during the recess of the congress. This corresponds to the permanent deputation of the other constitutions under the head of the legislative power.

The Ministry

1824

For the dispatch of the business of government there shall be a number of "secretaries," according to the first constitution. This number shall be fixed by a law of the general congress. All decrees and orders of the president shall be signed by the secretary of state of the department to which the matter relates, without this, they shall not be obeyed. The secretaries shall be responsible for all acts which they sanction. They shall make a report to each chamber of congress on the opening of the session. (56)

1836

By the "Siete Leyes" of 1836, the discharging

(55) Constitution of 1843, Chapter V, Articles 104-114.
(56) Constitution of 1824, Title IV, Section 6, Articles 117-122.
of the affairs of government shall be by "four ministers." Interior, foreign affairs, finance, and war and marine. These individuals are to be chosen exclusively by the president. Every important affair of government shall be determined by the president in council with the ministers. The duties of ministers are similar to those of the secretaries in 1824. It belongs to each minister, however, to administer all the affairs belonging to his department, having previously agreed thereupon with the president of the Republic. (57)

1843

The ministry and their functions are the same in the constitution of 1843 as in the preceding one. The ministers have the right to attend the sessions of congress whenever the president so orders it or either chamber so desires. They must give information when asked for except when the revelation of some secret would complicate affairs of state. The president after hearing the opinions expressed by the ministers in cabinet meetings is free to decide what seems best to him. (58)

1857

In the 1857 constitution the conduct of administrative affairs of the Federation is entrusted to "secretaries."

(57) Constitution of 1836, Law IV, Article 28-34.
(58) Constitution of 1843, Chapter V, Articles 93-103.
The number shall be fixed by a law. Such persons are to attend to the matters which may be given to the charge of each department. All decrees and orders issued by the president must be signed by the secretary of the department concerned and the secretaries shall give an account to congress of the state of their respective branches. (59)

1917

Practically the same provisions concerning a ministry contained in the constitution of 1857 are set forth by the present (1917) constitution of Mexico.

(59) Constitution of 1857, Title III, Section 2, Articles 86-89.
CHAPTER V

THE NATIONAL LEGISLATURE

There is a special interest attached to the historical evolution of the Mexican national legislature because it was here that Mexico has most to learn politically and least to forget. For three centuries Mexican laws were made in Spain. Mexico had many distinguished and learned lawyers but practically no lawmakers. Law-making by representative chambers elected by at least some of the people introduced a profoundly significant factor in Mexican political life. After 1824 it was no longer possible to lay the blame for vicious laws on a distant council. What went on in Congress was the source of much of the revolutionary turmoil that Mexico was to pass through for the first century of its existence. What schemes did the constitution makers of Mexico follow in fashioning the supreme legislative chambers?

The legislative power of the Republic of Mexico in the first federal constitution was vested in a general congress. This was true of all the following constitutions and except for the constitution of 1857, the congress was divided in two chambers: one of deputies, the other of senators. The constitution of 1857 was
amended by a law of November 13, 1874, which also adopted the two chamber form. The general features of this Power are presented.

Deputies -- Their Qualifications, Election, Term and Apportionment.

1824

The qualifications for a deputy in the national congress follows: He shall be at least twenty-five years old and have resided two consecutive years in the state electing him. (1) Aliens with eight years residence and possessing property valued at $8000 or an occupation yielding $1000 yearly, could be chosen. (2) Natives of other Spanish colonies needed only three years residence. (3)

Those persons not eligible are the president, and vice-president, members of supreme court, secretaries of state, and those officially employed under them. Neither could governors of states or territories, military commanders, archbishops, bishops, vicars, generals, judges of circuit, and commissaries general of finance and war, for the states or territories in which they functioned. (4)

To become deputies such officials had to resign their offices six months previously to the elections. (5)

(1) Constitution of 1824, Title III, Section 2, article 19.
(2) Constitution of 1824, Title III, Section 2, article 20.
(3) Constitution of 1824, Title III, Section 2, article 21.
(4) Constitution of 1824, Title III, Section 2, article 25.
(5) Constitution of 1824, Title III, Section 2, article 24.
The chamber of deputies shall be elected wholly every two years, by the citizens of the states. (6) The qualifications of the electors shall be constitutionally prescribed by the "legislatures of the states," which shall regulate the elections according to the "principles established by this constitution." (7)

The general basis for apportionment of representation shall be one deputy for every 80,000 inhabitants, as well as for every fraction exceeding 40,000. (8)

1836

The third law of the Siete Leyes makes the qualifications for a deputy to be a Mexican by birth and in actual exercise of his rights, and a native or inhabitant of state electing him. He shall be 30 years of age and must have at least $1500 as a yearly income. The persons not eligible as deputies were the same as in the former constitution. (9)

One half of this chamber was to be renewed every two years, (10) and the apportionment was one deputy for every 150,000 and every fraction of 80,000. (11)

(6) Constitution of 1824, Title III, Section 2, Article 8.
(7) Constitution of 1824, Title III, Section 2, Article 9.
(8) Constitution of 1824, Title III, Section 2, Article 10-11.
Each of the entire number of departments (territorial divisions) shall be divided into two sections proportionally equal in population. One section shall nominate the deputies for the department for the first term of two years and the other for the following term, and so on in turn. A special law shall establish the days, mode, and form of these elections, as well as the number and qualifications of the electors. (12.)

1843

By the constitution of 1843 deputies for congress had to be a native of the department which elects him or a resident therein for at least three years. Other qualifications were the same except he must possess an income of $1200. Individuals constitutionally disqualified were the same as in the other constitutions. (13)

The term and renewal of the deputies were the same as in the Siete Leyes. They were elected by the departments in proportion of one deputy for each 70,000 inhabitants and for each fraction above 35,000 inhabitants. (14.)

In a separate chapter of this constitution the number and qualifications of electors are given. This electoral college elects the deputies. (15)

§12) Constitution of 1836, Law III, Article 364
(13) Constitution of 1843, Chapter IV, Articles 26-27
(14) Constitution of 1843, Chapter IV, Articles 26-27
(15) Constitution of 1843, Chapter VIII, Article 149.
The exercise of the legislative power in the Constitution of 1857 is vested in one assembly, which is designated as the congress of the union. The qualifications, election, term and apportionment for a representative of this congress continued the same for the members of the chamber of deputies when, in 1874, the legislative power was divided in two chambers.

To be a deputy it was necessary to be a Mexican citizen in the exercise of his rights, of twenty years of age, an inhabitant or near neighbor of the state or territory for which nominated and not to belong to the "ecclesiastical condition." (16)

The constitution states that the deputies shall be elected as a whole every two years. (17) The election shall be "indirect in the first degree" and by secret ballot, as determined by the electoral law. (18) A deputy shall be nominated for every 40,000 inhabitants, or for any fraction exceeding 20,000. (19)

The chamber of deputies, in the constitution of 1917, is composed of representatives of the people,

(16) Constitution of 1857, Title III, Section 1, Article 56.
(17) Constitution of 1857, Title III, Section 1, Article 52.
(18) Constitution of 1857, Title III, Section 1, Article 55.
(19) Constitution of 1857, Title III, Section 1, Article 53.
chosen every two years, at the rate of one for each 60,000 inhabitants or fraction thereof exceeding 20,000. (20)

These deputies are chosen by direct vote in accordance with the electoral law. (21) In addition to the qualifications required in the preceding constitution, they must have no connection with any military forces in the area which they represent, nor any connection with the executive secretariats, the Supreme Court, nor the State governments. (22)

Senators -- Their Qualifications, Election, Term and Number.

1824

To be a senator, by the constitution of 1824, it is required that an individual shall possess the qualifications prescribed for a deputy, in addition to which he must have attained the age of thirty years previous to his election. Those who are not eligible for deputies cannot be elected senators. (23)

The senate shall be composed of two senators from each state, elected by an absolute majority of votes in the state legislatures. The term is four years, one half being renewed every two years. (24)

(20) Constitution of 1917, Title III, Chapter 2, Sec. 1, Art. 51952
(21) Constitution of 1917, Title III, Chap. 2, Sec. 1, Art. 54
(22) Constitution of 1917, Title III, Chap. 2, Sec. 1, Art. 55
(23) Constitution of 1824, Title III, Section 3, Article 28-29
The number of senators, according to the 1836 constitution, is twenty four. (25) Eight of these are renewable every two years, the term therefore, would be six years. (26)

The requisites to be a senator were the same as those for a deputy except that a senator must have completed thirty five years of age and possess an income of $2500 annually. (27)

The manner of electing senators shall be as follows: The chamber of deputies, the government in council of ministers, and the Supreme Court of Justice shall each select a number of individuals equal to that of the new senators to be elected. From these lists the departmental councils make the choice of senators. (28)

The senate, as established by the constitution of 1843, was composed of sixty-three members. (29) One-third was chosen by the three suppressed powers: deputies, president, and supreme court; and the rest, by the

The three above mentioned elective authorities were to nominate only those who had distinguished themselves in their civil, military or ecclesiastical career. (31) Departmental assemblies should elect their quota, choosing five from each one of the following classes: farmers, miners, proprietors, merchants and manufacturers. Election of the rest would fall upon persons who had held some distinguished office. (32)

The term was two years and the qualifications the same as for 1836, except instead of an annual income of $2500, it was at this time reduced to $2000, however, those elected to make up the quota from the five classes must possess landed property worth at least $40,000. (33)

1857

The chamber of senators was created by an amendment to the constitution on November 13, 1874.

The senate will be composed of two senators from each state and two for the federal district. The elections of senators will be indirect in the first degree, in accordance with the terms of the electoral

(30) Constitution of 1843, Chapter IV, Article 32
(31) Constitution of 1843, Chapter IV, Article 39
(32) Constitution of 1843, Chapter IV, Article 40
(33) Constitution of 1843, Chapter IV, Article 42.
law. The senate will be renewed by one-half of its members every two years. The same qualifications are necessary as in the case of a deputy, except that of age, which must be at least thirty years. (34)

1917

The only change in the constitution of 1917 from that of 1857 is that in order to be senator, he must be at least thirty-five years of age and they are chosen in direct election. (35)

Quorum, Privileges and Extra-Legislative Functions.

1824

Each chamber shall decide upon the elections of its respective members. (36) The quorum is fixed at one-half of the total number of members. (37)

Either of the chambers may act as a grand jury upon accusations against the president, supreme judges, secretaries of state and the governors of states for infractions of the constitution and laws. (38) It belongs exclusively to the chamber of deputies to act as a grand jury when the president or his ministers are

(34) Constitution of 1857, Title III, Section 1, Article 58 as reformed.
(35) Constitution of 1917, Title III, Chap. II, Sec. 1, Articles 56-59
(36) Constitution of 1824, Title III, Sec. 4, Article 35
(37) Constitution of 1824, Title III, Sec. 4, Article 36
(38) Constitution of 1824, Title III, Section 4, Article 38
accused of interfering with the senate or council of government. Also in cases against the vice-president, while in office. (39) If two-thirds of the votes sustain the impeachment, the accused is suspended from office and placed at the disposal of a competent tribunal. (40)

It is the privilege of any deputy or senator to present written propositions or laws to his respective chamber. Members of either chamber are made inviolable. No criminal accusation shall be brought against them until two months after their functions shall have ceased, except before their respective chambers. (41)

1836

By the constitution of 1836, the quorum is the same as in 1824. But instead of either chamber bringing impeachment proceeding against the persons enumerated in the 1824 constitution, the accusations shall be made only before the chamber of deputies and the senate shall pass the sentence. No other penalty can be imposed by them than that of suspension from office. If heavier is deserved the cause shall be sent to the respective

(39) Constitution of 1824, Title III, Section 4, article 39
(40) Constitution of 1824, Title III, Section 4, article 40
(41) Constitution of 1824, Title III, Section 4, Article 41
The privileges of either chamber shall be to establish their internal regulations and communicate with each other by writing or by means of deputations. "Members are inviolable."

It belongs exclusively to the chamber of deputies to watch over, by means of an inspecting committee, the officers of the general accountant's office and of the general offices of the revenue; to nominate the chiefs and other officers of the general accountant's office, and to confirm the appointments for chiefs of the revenue offices.

To the senate belongs exclusively the powers to give or withhold their consent to issuance of Conciliary decrees, Bulls, and Edicts and to approve the nominations made by the president.

1843

The number constituting a quorum remains the same in this constitution of 1843. Also the exclusive rights of the chamber of deputies and senators are practically the same. Either chamber may initiate impeachment charges.

(43) Constitution of 1836, Law III, Article 51.
(44) Constitution of 1836, Law III, Article 52.
By the 1857 constitution congress may not open its sessions, without the agreement of more than a half of the whole body. (46) When the chamber of senators was established the quorum for it was two-thirds of the total number. (47)

The deputies and senators are inviolable, still, for opinions expressed in discharge of their duties and each chamber shall confirm the elections of its members. (48)

In official offences the chamber of deputies, both in the constitution as adopted and as reformed, shall act as a judicial tribunal for the purpose of hearing the accusation, and the chamber of senators as a judicial tribunal for passing sentence. Authorization is by a majority. (49)

The exclusive faculties of the chamber of deputies are, besides, those of the previous constitution concerning the inspection of the department of exchequer, to establish itself as an electoral college in regard to nomination of president of Republic and judges of supreme court also receive and decide upon their resignations.

(46) Constitution of 1857, Title III, Section 1, article 61.
(47) Constitution of 1857, Title III, Section 1, article 61, reformed.
(48) Constitution of 1857, Title III, Section 1, article 59-60
(49) Constitution of 1857, Title IV, Article 105.
Besides confirming appointments made by the executive the exclusive powers of the senate shall be, to approve treaties and conventions, to authorize executive to permit national troops to leave the republic or allow passage of foreign troops. To name a provisional governor for a state when the occasion arises from a list of three nominated by the president. To solve the political questions which may arise between the powers of the state. (50) 1917

The constitution of 1917 contains practically the same articles, concerning a quorum, privileges and extra-legislative functions of the legislative powers, as the constitution of 1857.

The senate acting as a grand jury shall try all cases of impeachment after accusations have been made by the house of deputies. The vote for authorizing impeachment is, by this constitution, raised to a two-thirds majority. (51)

Of the Sessions.
1824

By the constitution of 1824, the congress shall be required to meet every year on the first of January, closing its sessions on the fifteenth of April. It may (50) Constitution of 1857, Title III, Section 1, Article 72 (30) letra a - as reformed. (51) Constitution of 1917, Title IV, Article III.
be prorogued for thirty open days. Extraordinary sessions may be held and shall be composed of the same members as of the ordinary session of the same year. The president of the Republic shall open the session with a speech and also close it in the same way. (52)

1836

Of the session, in the constitution of 1836, there shall be two. One opening on the first of January and the other on the first of July of every year. That of the first may be closed on the thirty-first of March; and that of the second shall last until the subjects upon which they are exclusively occupied be concluded. The exclusive subjects shall be the examination and approval of the estimate and expenses of the following year and of the accounts of the finance department relative to the last year but one preceding. (53)

For the closing of the session a decree in due form shall be passed in both chambers and sanctioned by the president. (54) Although the congress shall have closed its sessions the chamber of senators shall continue to sit when there are any laws which await upon their revision. (55)

(52) Constitution of 1824, Title III, Sec. 7, Art. 67-72
The constitution of 1843 is the same in this particular subject as the previous one.

The constitution of 1857 provides for two regular sessions of congress. The first session shall commence on the sixteenth of September and terminate on the fifteenth of December. The second session, unable to be prorogued, shall commence the first of April and continue until the last day of May. (56) By a decree of 1874 the article was modified by decreeing that the first session might be prorogued for thirty working days. (57)

The legislative branch by the constitution of 1917 was weakened. Only one regular session of congress was provided for which is to meet on the first of September of every year. It shall last the period necessary to deal with matters mentioned but may not be extended beyond the thirty-first of December. (58)

Powers of Congress

Thirty-one articles are given in the first

(56) Constitution of 1857, Title III, Section 1, article 62
(57) Constitution of 1857, Title III, Sec. 1, art. 62 as reformed.
(58) Constitution of 1917, Title III, Section 1, Articles 65-66.
constitution of Mexico about the powers of the congress.

The powers, in general, of this constitution and the succeeding four constitutions are: To prepare all laws necessary for public administration; to approve the annual budget and to levy taxes necessary to cover the amount; to raise and maintain the army and navy of the nation and to regulate their organization and service; to declare war; to regulate the manner of issuing letters of marque; to authorize the executive to contract debts on the credit of the nation; to "recognize the public debt" and determine the manner of paying it; to enact tariff laws; to appoint or dismiss officers of public departments and fix their salaries; to regulate the currency and weights and measures for the nation; and to grant pardons.

General features peculiar to the constitution of 1824 are articles concerning promotion of learning, encouragement of general prosperity and the protection and regulation of the liberty of the press. These are given under the powers of the Congress, for this constitution contains no bill of rights. (59)

Other powers are: to admit new states into the union, erect territories into states, and fix the limits of the states. (60) to select a place for residence of

(59) Constitution of 1824, Title III, Section 5, Article 50; (1), (2), (3).
(60) Constitution of 1824, Title III, Section 5, Article 50; (4), (5), (6), (7).
the supreme powers and to change such residence when deemed necessary; (61) to establish regulations for organization and discipline of local militia within the states, reserving to each state the nomination of its officers and power to instruct them; (62) to approve treaties of peace and alliances; to grant or deny permission for foreign troops to enter the republic and for national troops to leave it; to give instructions and approve the concordats with the Apostolic See; to open ports and establish custom houses; to grant rewards for important services to the country; to establish a general rule of naturalization; to issue uniform bankrupt laws; to issue laws for regulation of "interior administration of territory;" and to dictate such laws for states as will not interfere with their interior administration. (63)

1836

The centralizing constitution of 1836 is a repetition as far as congressional powers are concerned - of those provisions already enumerated as common to Mexican constitutions, with the following additions: The making of concordats with the Apostolic See; the approving of treaties; the opening of ports; the granting or refusing (61) Constitution of 1824, Title III, Section 5, article 50; (28), (29).
(62) Constitution of 1824, Title III, Section 5, article 50; (19)
(63) Constitution of 1824, Title III, Section 5, article 50; (13), (20), (21), (22), (12), (14), (24), (30), (31).
entrance of foreign troops and departure of national troops; and the preparing general rules for naturalization and citizenship; the approving of the legislative dispositions of the departmental councils; the increasing or diminishing by aggregation or division of the departments which form the republic. (64) In 1836, the general congress was forbidden to deprive Mexicans of their property or of their rights as declared by constitutional law; nor could it give any law retroactive force, nor assume to itself, or delegate to others, by way of extraordinary faculties, two or three powers, legislative, executive of judicial. (65)

1843

The constitution of 1843 contains all the powers of the constitution of 1836 except two, one concerning the opening of ports and the other in regard to naturalization. In addition an article is given to increase the powers of the executive according to article 198, in case only of foreign invasion or sedition so serious that the usual means of repressing them be insufficient. This resolution shall be taken by two-thirds of each chamber. (66)

(64) Constitution of 1836, Law III, Article 44 (21), (16)
(65) Constitution of 1836, Law III, Article 45
(66) Constitution of 1843, Chapter IV, Article 66 (18)
The constitution of 1857 reinstates the federal form of government. From it are omitted certain features of the constitutions of 1836 and 1843, and several features omitted in them but contained in the constitution of 1824 are again inserted. These are: admitting states and territories, settling their limits; altering the place of residence of supreme powers and issuing regulations, etc., about the national guard of state militia and to grant rewards for eminent services to the country.

Powers concerning approving of treaties concluded by the executive and permitting or refusing entrance of foreign troops and departure of national troops from limits of republic are the same as have been in all the preceding constitutions. Again an article appearing in '36 but dropped in '43, is made about naturalization, colonization and citizenship.

Additional powers are: to legislate for entire republic in all matters regarding mining, commerce and banking institutions. (67) To dictate laws upon matters relating to ways of communication, generally, and to posts and telegraphs. (68) To fix the rules which shall

(67) Constitution of 1857, Title III, Section 1, Article 72 (10)
(68) Constitution of 1857, Title III, Section 1, Article 72 (22)
govern the occupation and alienation of uncultivated
lands, and to fix their price. (69)

1917

The powers of congress in the 1917 constitution
are like those of the constitution of 1857 with the ex-
ception of these important changes; The approval of
treaties and the permitting or refusing the entrance of
foreign troops, etc., became the exclusive power of the
senate; and the general congress had the power to enact
laws governing emigration, immigration and public health
of the republic; to make rules for the regulating of
diplomatic and consular services; to elect the justices
of the Supreme Court and lower federal courts; to es-
tablish professional schools, museums, libraries and
other institutions of learning; to elect the president
when the popular elections result in no choice, and to
accept his resignation. (70)

Origin and Formation of Laws.

1824

By the constitution of 1824, laws and decrees
may be proposed in either chamber, excepting those rela-
ting to taxes or imposts which must originate in the
chamber of deputies. The president of the Republic and
(69) Constitution of 1857, Title III, Section 1, Article
72 (24)
(70) Constitution of 1917, Title III, Chapter II, Section
3, Article 73; (16), (20-30)
the legislatures of the states shall have the right to initiate laws or decrees. (71)

All bills shall be successively discussed in the two chambers, and bills rejected by the chamber in which they originated shall not be proposed again until the ordinary session of the next year. Bills approved by an absolute majority of each chamber shall go to the president of the Republic, who, if he approves, shall sign and publish them, if not, he shall return them within ten days, to the chamber in which they originated, with his observations. (72)

If a bill shall be returned by the president, it shall be discussed in both chambers a second time, if approved by two-thirds of the members present it shall pass again to the president, who shall sign and publish. If not approved by the two-thirds, it shall not be proposed before the succeeding year. If the law shall not be returned by the president, in the allotted time, it will be understood to have been sanctioned. (73)

If the bill on the first reading in the chamber of revision shall be rejected, it shall be returned to the chamber in which it originated. If, on examination, it is approved by a two-thirds vote, it shall pass to the other

(71) Constitution of 1824, Title III, Section 6, Article 51, 52
(72) Constitution of 1824, Title III, Section 6, Articles 53, 54, 55
(73) Constitution of 1824, Title III, Section 6, Articles 56, 57
chamber, and can only be rejected by a two-thirds vote. If rejected a second time, bills will be considered as absolutely rejected. (74)

When amendments are made the same forms shall be observed as are usual when bills pass to the president. An absolute majority of members composing each chamber shall be necessary to the forming of a law or decree. (75)

1836

In the constitution of 1836, every law must emanate from the chamber of deputies. Revision of it shall belong alone to the senate. (76)

The initiative in lawmaking belongs: first, to the supreme executive power and to the deputies, on all matters; second, to the Supreme Court, on matters relative to the administration of their department; and, third, to the departmental councils, on matters relating to imports, public education, industry, commerce, municipal administration, and constitutional changes. (77)

The bills of the Executive and Judicial powers must be taken into consideration, as also those on which the majority of the councils may be agreed upon; all others shall be considered if the chamber so resolves after hearing

(74) Constitution of 1824, Title III, Section 6, articles 58, 61
(75) Constitution of 1824, Title III, Section 6, articles 62, 66
(76) Constitution of 1836, Law III, Article 25
the report of the committee of petitions. This committee shall be one of nine deputies elected every year. (78)

Bills approved shall be sent to the senate with all the documents on the subject. The senate cannot make any alterations and shall confine itself to the formula of "approved" or "disapproved." (79) Further process in the formation of a law is similar to that of the constitution of 1824.

1843

The origin and formation of laws is the same in the "Organic Bases" of 1843 as in the "Siete Leyes" of 1836. By this constitution the senate may make amendments, the deputies may consider only that part amended. (80)

1857

The constitution of 1857 before amended gave the president, the chamber of deputies and the state legislatures the right of initiation in lawmaking. Bills presented by the legislatures and by the president passed into a committee. Those presented by deputies shall be subjected to procedure respecting debates. (81)

(79) Constitution of 1836, Law III, Article 31, 32
(80) Constitution of 1843, Chapter IV, Article 61
(81) Constitution of 1857, Title III, Section 1, Article 65, 66.
There was only one chamber at this time and a bill was subjected to the following procedure: first the report of the commission, then one or two discussions. When the discussion is concluded, a copy of the proceedings shall be sent to the executive, and in six days he shall state his opinion either for or against. If the opinion shall be agreeable it shall proceed to the voting; if not agreeable, the bill shall be returned to the committee and it shall be examined anew. This report will permit a new discussion and concluding it, the bill shall proceed to the voting.

By the amendment of 1874 the senators were given the right to initiate laws. The formation of these could be commenced in either chamber with the exception of bills relating to loans, taxes, or recruiting of soldiers which must first be discussed in the chamber of deputies. The procedure for the formation of a law shall be the same as in the constitution of 1824. Instead of a two-thirds vote to pass over the president's veto this amendment only requires a majority. (82)

1917

The origin and formation of laws are the same now as in the constitution of 1857 as amended, with the (82) Constitution of 1857, Title III, Section 1, Article 71, as amended.
exception of a two-thirds vote instead of a majority to pass over the president's veto. This veto power of the president is similar to the executive control of legislation in the United States.

1824

No provision was made in the first constitution for any permanent congressional deputation or standing committee.

1836

The permanent deputation was created in Mexico's constitution of 1836. That instrument states that it shall be composed of four deputies and three senators, who at the end of the first ordinary session of each term of two years, shall be nominated by their respective chambers. The powers of this deputation shall be:

To convolve an extraordinary session of congress, when the president shall so determine or the deputation shall think necessary; to summon congress to continue its ordinary session; to summon the senate to a particular session for stated objects; to grant or withhold permission to members of congress to absent themselves from the capitol, the chambers being in recess; and, to watch over, during such recess, the infractions of the consti-
The deputation of the constitution of 1843 shall be composed of four individuals elected by the senate and five chosen by the chamber of deputies. Their powers shall be practically the same as those of the 1836 instrument. (84)

By the constitution of 1857 the permanent commission shall be composed of a deputy for each state and territory. The powers shall be: To give its consent, as to the disposition of the National Guard in accordance with article 72; to sanction by itself alone, or by the petition of the president, the summoning of an extraordinary session of congress; to approve when necessary, appointments referred to in article 85; to receive the oath of the president and ministers of Supreme Court; and, to pass opinions upon any matters upon which resolutions may be required, in order that the legislature which follows may take them up from that point. (85)

(83) Constitution of 1836, Law III, Articles 57, 58.
(84) Constitution of 1843, Chapter IV, Article 80.
(85) Constitution of 1857, Title III, Section 1, articles 73, 74.
Amended Nov. 13, 1874.

The permanent commission shall be composed of twenty-nine members; fifteen of whom shall be deputies and fourteen senators, appointed by respective chambers. The powers are the same with this exception concerning the summoning of congress, as amended it reads: To sanction with the agreement of the executive, the summoning of congress, or of either chamber by itself, in extraordinary session; a vote of two-thirds of members present being necessary. The summons shall indicate the objects of the extraordinary session. (86)

1917

The permanent committee of the constitution of 1917 is exactly like the one in the constitution of 1857.

Amending the Constitutions

1824

In regard to amending the constitution of 1824 the following articles are given: The Legislatures of the States may propose such modifications, as they think proper, but the general congress shall not take them into consideration, previously to the year 1830; in the amendments of the constitution, "all the forms required in the formation of laws shall be observed with the ex-

(86) Constitution of 1857, Title III, Section 1, Articles 73, 74 as amended.
ception of the right of making observations thereupon, conceded to the president; and the articles establishing "the liberty and independence of the Mexican nation, its religion, form of government, liberty of the press and division of supreme power of confederation, and of the states, shall never be altered." (87)

1836

The constitution of 1836 declares that during the six years which shall follow the publication of this constitution, no amendment shall be made in any of its articles. In proposing amendments after that term, "it shall be indispensable to observe the forms" required in other powers of this constitution. (88)

1843

By the constitution of 1843, amendment or reforms in this constitution may be made at any time. Laws dealing with this matter shall be treated as other laws with the exception that they must be passed in every instance by a two-thirds majority in both houses. (89)

1857

The present constitution, 1857, may be added or reformed. In order that such amendments may become

(87) Constitution of 1824, Title VII, Article 166-171.
(88) Constitution of 1836, Law VII, Articles 1, 2.
part of the constitution it is necessary that they be
passed by a two-thirds majority in the congress, and that
they be approved by the majority of the State Legisla-
tures. (90)

1917

The constitution of 1917 makes the same provi-
sions, identically, concerning the amendments to the con-
stitution as the charter of 1857. (91)

(90) Constitution of 1857, Title VII, Article 127.
(91) Constitution of 1917, Title VIII, Article 135.
CHAPTER VI

THE COURTS

The Spanish-Americans are a litigating people. The Mexicans are no exception. In fact, in Mexico was organized the first European law court in the mainland of America. The indigenous population of Southern Mexico was enjoying a high degree of civilization - including extensive law courts and juridical procedure - when Spanish Conquest overwhelmed Tenochtitlan. When Spain conquered the Aztec and Maya peoples she automatically brought to them the doubtful blessings of European jurisprudence and law. At the time - in the early 16th century - the Spanish people were probably farther along in juridical organization and systematation than any people in Europe. The grand principles of the Roman law, modified by Gothic and Arabic survivals, had grown into a splendidly integrated system. The "Siete Paotitas, the "Leyes de Toro," and other collections and codes indicate the relatively high advancement of Spain in this field at the dawn of Spanish-American history.

The colonial period witnessed the steady spread and establishment of Spanish legal processes. Beginning with the Alcalde's inferior court and ending before the great Audiencia of Mexico -- if the importance of the
case merited such an appeal -- the people of New Spain learned the theory and practice of the law. During the colonial period there were, strictly speaking, two audiencia districts in the present Mexico (4 in the viceroyalty of New Spain); namely, Mexico City and Guadalajara. The supreme courts were not only juridical bodies but executive bodies as well. They were appointive by the Crown -- through the Council of the Indies -- and the viceroy or captain-general, or president was part of the audiencia.

The advent of a free Mexico meant an entire reconstituting of the court system -- or at least, in the choice of personnel, the limitations or juridical authority, and the matter of jurisdiction. How was the perplexing problem solved? Frankly, it has not been yet solved, but vast progress has been made, and the constitutional schemes tried are as follows:

<table>
<thead>
<tr>
<th>Members of the Supreme Court</th>
<th>Number, qualifications, Term and Selection</th>
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1824

The supreme court, in the constitution of 1824, was composed of eleven judges and an attorney general. The members must be natives of Mexico, at least thirty-five years of age, and must be acquainted with the practice of the courts of law of the legislatures of the states. They shall hold their office permanently, and shall be
elected by the states, in the same manner and with the same formalities as the president of the republic. (1)

1836

By the constitution of 1836, the number, qualifications and term of the members of the supreme court are like those of the constitution of 1824. In addition a member must have not been condemned for any crime, by legal process and to have been at least ten years in the exercise of the law profession. The age qualification was raised from thirty-five to forty years. Election shall take place in the same manner and form as that of the president of the republic. (2)

1843

By the "Organic Bases" of 1843 the supreme court shall still be composed of eleven members and a fiscal. A law shall determine the form of election and length of term. Qualifications are the same as those of 1836.

1857

The supreme court, according to the constitution of 1857, was composed of eleven judges, four supernumeraries, a state prosecutor and an attorney-general. The qualifications were like those of the preceding constitutions;

(1) Constitution of 1824, Title V, Section 2, articles 124-125.
(2) Constitution of 1836, Law V, Articles 2-5
the term shall be six years; and the election shall be indirect in accordance with the electoral law. (3)

1917

The present Mexican constitution decrees that the supreme court shall consist of eleven members; "its sittings shall be in banco and its hearings shall be public, except in the cases where public interest or morality shall otherwise require." All decisions rendered shall be by a majority vote. (4)

In addition to the qualifications of the justices of the supreme court in the constitution of 1857, the members, by the constitution of 1917, shall have resided in the country for the last five years, with the exception of absence due to public service for a period not exceeding six months. They shall be graduates of some law school. (5)

Two salient changes have been made in the constitution of 1917. In the first place, after the year 1923, the members of the supreme court shall hold office for life, subject to good behavior. Secondly, they shall not be chosen by popular ballot as provided in the constitution of 1857, but shall be elected by congress from a list of

(3) Constitution of 1857, Title III, Section 3, Articles 91-93
(4) Constitution of 1917, Title III, Chapter 4, Articles 98-100.
(5) Constitution of 1917, Title III, Chapter 4, Articles 95; (3), (5).
candidates, one name being submitted by each state legislature. (6)

Powers and Attributes.

1824

In the 1824 constitution the duties of this court are: to take cognizance of the differences which may arise between the separate states of the federation or between the authorization of one state and the subjects of another; to settle disputes respecting the construction of the acts of the supreme government; to decide on the jurisdiction of separate tribunals of the union; and to judge in the trial of cases affecting the president, vice-president, senators, deputies, envoys and consuls or any of the higher officers of the supreme government. (7)

1836

The attributes and powers of the supreme court, in the 1836 constitution, are enlarged over those of the preceding constitution. Important additions are: to take cognizance of civil and criminal causes against the Supreme Conservative Power; to take cognizance of appeals for protection and redress interposed by the archbishops and bishops of the republic; to originate laws relative to the

(6) Constitution of 1917, Title III, Chapter IV, Article 96.
(7) Constitution of 1824, Title V, Section 3, Article 137.
administration of justice; and to name the ministers and fiscals of the superior departmental courts. The supreme court, in associating with itself general officers shall constitute itself a court martial for the purpose of taking cognizance of all matters and causes of special military jurisdiction. (8)

Restrictions imposed upon the supreme court are:

It shall not make any regulations which might alter or interpret the laws; it shall not take any cognizance whatsoever of national matters of a governmental or administrative nature; nor in matters of disputes in departmental courts; and no member shall be permitted to hold any government commission, nor to be an advocate in lawsuits, or assessors or arbitrators. (9)

1843

The important addition, in the constitution of 1843, to the powers of the supreme court was the power "to interpret the law for the benefit of the tribunals and to establish their constitutionality." (10)

1857

In the constitution of 1857, the supreme court, as a court of first instance, shall have jurisdiction in

(9) Constitution of 1836, Law V, Article 16.
(10) Constitution of 1843, Chapter VI, Article 118; (14)
cases where the republic is a party and in cases of disputes which may arise between one state and another. It shall settle questions relating to jurisdiction which may arise between the tribunals of the nation. In other cases enumerated as under the jurisdiction of the tribunals of the federation, the supreme court shall be a court of appeal or of last instance. (11)

1917

By the constitution of 1917, the attributes of the supreme court are essentially the same as in the charter of 1857.

The System of Lower Courts.

1824

The constitution of 1824 besides vesting its judicial power in a supreme court also vested it in the tribunals of the circuit, and in the courts of the district.

1836

The judicial power of the lower courts, in the constitution of 1836, was exercised by the "superior tribunals of the departments, by those of the finance department which shall be established by a special law and by the courts of the first instance. (13)

(11) Constitution of 1857, Title III, Sec. 3, Art. 98-100
(12) Constitution of 1824, Title V, Section 1, Article 123.
were established also under this constitution special Ecclesiastical and Military Courts.

1843

In the administration of justice, the constitution of 1843 preserves the same system of lower courts as was created in 1836. Provision is made for establishing by law, courts in the third instance, and that circuit judges of first instance may be constituted for the trial of robbers. (14)

1857

District and circuit courts make up the system of lower courts in the 1857 constitution.

1917

The instrument of 1917 is like the one of 1857 in regard to the system of lower courts.

Territorial Jurisdiction of the Lower Courts.

1824

By the constitution of 1824, the number of the tribunals of circuit and their respective jurisdiction shall be regulated by law. (15) Of the district courts, a tribunal shall be established in a certain number of districts created by a division of the United Mexican States. (16)

(14) Constitution of 1843, Chapter IX, Article 192
(15) Constitution of 1824, Title V, Sec. 5, Art. 142
(16) Constitution of 1824, Title V, Sec. 6, Art. 143.
The constitution of 1836 decrees that, in every capital of a department there shall be established a superior tribunal. The powers of all these tribunals shall be equal, but they shall be independent of each other in the execution of their functions. (17) In the chief district towns of each department there shall be established inferior judges, with their corresponding courts. (18)

The jurisdiction of the superior courts of the department and the lower judges shall be determined by law, according to the "Organic Bases" of 1843.

By the 1857 constitution, circuit and district courts shall be established and organized by law. (19)

This instrument does not mention any division or sub-division of the country into judicial districts. It expressly infers that such districting has been made or will be made - presumably by statute of the supreme congress of Mexico.

(18) Constitution of 1836, Law V, Article 25
(19) Constitution of 1857, Title III, Section 3, Article 96.

1824

By the 1824 constitution the circuit tribunals shall be composed of a law judge and an attorney, both selected by the president of the republic, from among three individuals proposed by the supreme court. To be a judge of the circuit, it is necessary that he be thirty years of age, and a citizen of the confederation. (20)

To be a judge of district, it is necessary that he be twenty-five years of age, and a citizen of the Mexican states. These judges shall be selected by the president, from among three individuals proposed by the supreme court. (21)

1836

Added qualifications for a judge of the superior tribunals of the departments, of the constitution of 1836, over those of the circuit court of 1824, are: To have not been condemned by legal process for any crime; to be a lawyer, and to have actually exercised that profession during at least six years. (22) The members of the

(20) Constitution of 1824, Title V, Section 5, Articles 140-141.
(21) Constitution of 1824, Title V, Section 6, Article 144.
superior departmental courts shall be named by the national supreme court. (23)

The qualifications for a judge of the first instance are the same as for a judge of the superior tribunals with the exceptions that he must be at least twenty-six years of age and to have been a lawyer at least four years. (24) These judges are named by the superior tribunals of their territory and confirmed by the supreme court. (25)

These judges shall hold their offices for life and shall not be removed except for offences legally proved, and by a sentence pronounced thereupon. (26)

1843

By the constitution of 1843, there shall be in the departments, superior courts of justice and lower judges. (27)

1857

In the constitution of 1857, the only reference to the lower courts is that the circuit and district courts "shall be established and organized by law." (28)

(23) Constitution of 1836, Law V, Article 12; (17)
(25) Constitution of 1836, Law V, 22; (8)
(27) Constitution of 1843, Chapter VII, Article 146.
(28) Constitution of 1857, Title III, Section 3, Article 96.
The constitution of 1917 decrees that all circuit and district judges shall be appointed by the supreme court of justice; they shall have such qualifications as by law required, shall serve four years and from and after the year 1923 they may only be removed for malfeasance and after impeachment proceedings, unless the circuit and district judges be promoted to the next higher grade. (29)

Attributes of the Lower Courts.

The constitution of 1824 says that the tribunals of circuit shall take cognizance of admiralty causes; prizes by sea and land; contraband; crimes committed on the high seas, offences against the United Mexican States; charges against consuls; and civil causes exceeding five hundred dollars in amount, in which the confederation is interested. (30)

The district courts shall take cognizance, without appeal of all civil causes, in which the confederation may be interested, of all those causes from which an appeal lies to the tribunals of circuit. (31)

In the 1836 constitution, the superior tribunals

(29) Constitution of 1917, Title III, Chapter IV, Articles 94 & 97.
(30) Constitution of 1824, Title V, Section 5, Article 142.
(31) Constitution of 1824, Title V, Section 6, Article 143.
of the departments were, as a few of their many functions, to take cognizance: In the first and second instance of ordinary criminal causes and those of responsibility and civil matters in which the inferior judges are defendants; in second and third instance of civil and criminal causes belonging to their respective territory; and of appeals for protection and redress, made by Ecclesiastical judges of their territories, provided they be not archbishops or bishops. (32)

The courts of the inferior judges of the first instance are established for the hearing of civil and criminal causes in the first instance. (33)

1843

The constitution of 1843 states that all matters which are initiated in the lower courts of the department shall be settled within its territories in all instances. A law shall determine the manner of providing for the second and third instances in the departments which cannot establish superior tribunals. (34)

1857

By the 1857 constitution the tribunals of the

(34) Constitution of 1843, Chapter VII, Article 146.
federation settle all questions which arise out of laws or acts which may be in violation of individual guarantees; impugn or restrict the sovereignty of the state; and encroach upon the domain of the federal authority. (35)

Except for the cases enumerated in the constitution as belonging to the supreme court as a court of first instance, the supreme court shall be a court of last instance, according to the manner in which the attributes of the circuit and district courts are settled by law. (36)

1917

The constitution of 1917 in regard to the powers of the lower courts is essentially the same as the constitution 14 1857.

A special feature in the existing constitution is the development of the writ of amparo. (37) William H. Burgess describes this writ as "combining the functions of habeas corpus, mandamus, sequestration, injunction, and writ of prohibition." Herbert Ingram Priestley says, that, it is applicable in both civil and criminal actions, and is not subject to legislative or executive interference, except in case of suspension of constitutional guarantees. (38)

(35) Constitution of 1857, Title III, Section 3, Article 101
(36) Constitution of 1857, Title III, Section 3, Article 100
(37) Constitution of 1917, Chapter IV, Article 107.
CHAPTER VII

THE STATES

When Spain's control in America was broken and Mexico emerged as an independent nation a struggle was inevitable in the new state over any scheme to establish national cohesion. The march of events proved that this struggle was to be between advocates of centralization (political unitarians) and advocates of federalism. The experience of the colonial period pointed the way to a highly centralized government for free Mexico. During more than two centuries this region had been a centralized state, a viceroyalty - really, a monarchy - dominated from the capitol. Local government, whatever it might have been fact, was in theory an incident of the viceroy's power. All local legislation, for instance, emanated from executives and councils politically creatures of the viceroy. Even in the system of courts, Mexico's capitol predominated. Appeals led to the audiencia of Mexico. Therefore, it is not unreasonable to conclude that, historically, the country seemed better fitted for centralization than for federalism.

But the march of events has taken the state toward federalism rather than toward centralization. During approximately 100 years of independent existence the republic has been a federated state, in form, at least, for some 90
years. What is the explanation? While no answer can be
conclusive, the historical investigator seems justified
in advancing the following reasons for the triumph of
federalism in "Mexico:

1. Ethnologically, "Mexico is not nor has it
ever been a unit. The Spanish conquerors found it
divided into many Indian states. The few centuries
of Spanish control frankly acknowledged this differ-
ence in the drawing of lines of local government
for gobiernos, provinces, and audiencias.

2. The revolution was destructive of the Spanish
system and suspicions of viceroyal traditions. Because
the old system was centralized was just one more reason
why the new system should not be centralized.

3. The Creole aristocracy was by no means unified
in the nationalism by 1824. They thought locally and
were particularistic in spirit. Furthermore, actuali-
ties even during the colonial periods, indicated that
while in theory the local government was but part of
the viceroyal plan, in fact, much of it was autonomous
because of geographical remoteness.

4. The example of the United States as a success-
ful federated republic powerfully influenced the course
of politics in Mexico.
Sub-Divisions of the Republic

1824

According to the 1824 constitution, the confederation is composed of states and territories. The number enumerated in the constitution consisted of eighteen states and four territories. (1)

1836

The constitution of 1836 declared that the Republic shall be divided into departments, conformably with the Eighth of the Organic Bases. The departments shall be divided into districts and the districts into cantons. The constitutional congress shall make the division of the territory into departments, by a constitutional law. (2)

1843

By the 1843 constitution the territory of the republic is divided into departments and these into districts, cantons and municipalities. The number of departments and their limits shall be definitely arranged by law, continuing now as they exist. (3)

1857

The national territory, in the 1857 constitution,

(1) Constitution of 1824, Title II, Article 5
(2) Constitution of 1836, Law VI, Articles 2 &3
(3) Constitution of 1843, Title I, Articles 4 & 3.
is composed of the "integral parts of the Federation and the adjacent islands in both seas." These 25 states and one territory are named and their limits arranged in the constitution. A federal district is established. (4)

1917

By the constitution of 1917 the national territory comprises the integral parts of the federation and the adjacent islands in both oceans." The integral parts of the confederation are twenty-eight states, two territories and a federal district which includes the capital. The states and territories of the federation shall keep their present boundaries and areas, provided no boundary question shall exist between them. These shall be arranged or settled as provided by this constitution. (5)

The Plan of State Government.

1824.

The state governments, in the constitution of 1824, were divided into three branches upon exactly the same plan as the federal government. The legislative power was to reside in a legislature, composed of members popularly elected, the number, and term to be regulated

(4) Constitution of 1857, Title II, Section 2, article 42-49.
(5) Constitution of 1915, Title II, Chapter II, article 42-46.
by the state constitutions. The person or persons, to whom the executive power of each state was to be confided, should only exercise it a limited time to be fixed by its constitution. The judicial power of each state, was to be exercised by the tribunals appointed by its particular constitution. (6) 1836

The 1836 constitution decrees that the internal government of the departments shall be vested in the governors, subject to the control of the general government. The governors were to be appointed by the general government from a list of three individuals proposed by each departmental council. (7) 1843

The constitution of 1843 is like that of 1836 in regard to the persons and councils in whom the local powers are vested. 1857

The 1857 constitution declared that the states shall adopt for their internal regulations a system of government republican, representative and popular. (8)

This article was amended and in addition declared that the states may establish in their respective constitutions

(6) Constitution of 1824, Title VI, Section 1, art. 157-160
rules for the election of governors similar to those laid down with reference to the president of the republic. (9)

1917

The states shall adopt for their internal government, by the 1917 constitution, the popular, representative, republican form of government; they shall have as the basis of their territorial division and political and administrative organization the free municipality. (10)

Duties and Qualifications of State Governors and Councils.

1824

According to the 1824 constitution, it is the duty of each state: To organize its government and interior administration, conformably to this constitution; to publish, through the medium of its governor, its respective constitution and laws; to keep and cause to be kept all these laws; to protect its inhabitants, in the exercise of liberty, of writing and printing their political ideas, subject to the general laws; to deliver up criminals of other states; to deliver up fugitives; to contribute to the redemption of the debts acknowledged by general congress; to transmit annually a report of conditions, to general congress; and also transmit an authentic copy of its constitution and laws. (11)

(9) Constitution of 1857, Title V, article 109 as reformed.
(10) Constitution of 1917, Title V, Article 115.
(11) Constitution of 1824, Title VI, Section 2, Article 161.
The constitution of 1836 gives an elaborate account of the qualifications, duties of the governor and of the duties of the departmental council and the qualification for its members.

In order to be a governor it is required: To be a Mexican by birth, a citizen in the enjoyment of his rights; to be full 30 years of age; possess an annual income of $2000; and to be of the "secular class." In case of absence of the governor the senior member of the departmental council, not being an ecclesiastic, shall take charge of the government; in cases of temporary vacancy, a governor ad interim shall be appointed in same way as the permanent governor is appointed. (12)

It is the duty of the governor: To provide for preservation of public order within the department; to dispose of the armed force granted by law; to observe and cause to be observed the laws of both the general and state government; to send to the government a report and all resolution of the departmental council; to appoint prefects, approve the appointment of sub-prefects and confirm that of justices of the peace; and to watch over the revenue offices of the department. (13)

In each department there shall be a council called

the departmental council, composed of seven members. They shall be chosen by the same electors who name the deputies for congress. The council shall be renewed in full every four years. To be a member requires the same qualifications as are required for a deputy. (14)

The departmental councils are authorized in brief: To propose laws relating to taxes, public education, industry, commerce, municipal administration, and modifications to the constitution; to promote, through the medium of the governor, everything that may tend to the prosperity of the department in all its branches and to the welfare of its population; to call upon the supreme conservative power to declare when the president of the republic shall be required to reconstruct the ministry; to elect the president, members of the supreme conservative power, senators, and members of the supreme court, agreeably to constitutional laws; and to arrange and forward annually to the general government the statistical accounts of the department, with such remarks as may be for the improvement of the department. (15)

1843

The constitution of 1843 carries on the same system and form as the preceding constitution.

Changes and additions in qualifications for governor

are: to be more than thirty-five years of age; to be a
native or resident of the department; to have an income of
$1000; and shall have served for five years in public office.
(16)

The duties of the governor are like those of 1836.
In addition he has a veto power in the departmental assembly
and to impose fines upon those who failed in respect to him
and in the cases and in the manner provided by the laws. (17)

The departmental assembly is composed of not more
than eleven nor less than seven voting members. The powers
of the assemblies are essentially like those of 1836. (18)

1857

The constitution of 1857 is very brief in regard
to the state government. The states are to provide for the
election of their governors in the constitutions. The gov-
ernors shall be obliged to publish and see to the fulfillment
of the federal laws and each state shall be obliged to give
up criminals belonging to other states. In each state of the
federation, entire faith and confidence shall be given to
the public acts, registrations and judicial proceedings of
all the others. (19)

Under the title of general dispositions the following

(16) Constitution of 1843, Chapter VII, Article 137
(17) Constitution of 1843, Chapter VII, Article 141 & 142.
(18) Constitution of 1843, Chapter VII, Article 131-134
article is given: The faculties not specially conceded by this constitution to federal officials shall be understood to be reserved to the states. (20)

1917

By the constitution of 1917, every state governor shall be a Mexican citizen by birth and a native thereof, or resident therein, not less than five years immediately prior to the day of election. The term shall be four years and governor shall not be re-elected. The state governors are bound to publish and enforce the federal laws. The federal executive and the state governors shall have command over all public forces of the municipalities wherein they may permanently or temporarily reside. (21)

The number of representatives in state legislatures shall be in proportion to the inhabitants of each State, but in no case shall the number of representatives be less than fifteen. Every state shall be bound to deliver fugitives from justice from other states or from foreign nations. The federal congress and the state legislatures shall forthwith enact laws against alcoholism. (22) Full faith and credit shall be given in each state of the federation to the public acts, records and judicial proceedings of all the other states. (23)

(20) Constitution of 1857, Title VI, Article 117.
(21) Constitution of 1917, Title V, Article 115 & 120.
(22) Constitution of 1917, Title V, Articles 115 & 117.
(23) Constitution of 1917, Title V, Article 121.
Restrictions on State Power

1824

The 1824 constitution says that it shall not be unlawful for a state, without the consent of the general congress; to establish a tonnage, or other port of duty; to impose contributions, or duties upon imports or exports, not already sanctioned by law; to maintain at any time, a standing army or ships of war; nor to treat, or contract, with other states, should the matter relate to limits. And a state may not treat with any foreign power; or declare war, unless for its defence, in case of actual invasion, or other imminent danger, not admitting of delay; which must be reported immediately to the president of the Republic. (24)

1836

The restrictions upon governors and department councils are: They shall impose no contributions except in terms expressed in this law; they shall take no measures for levying an armed force except when expressly empowered so to do by the laws of when general government may direct; they shall make use of no other privileges but those granted by this law; and, no individual of the departmental council shall be allowed to resign his duties, except for legal reasons, to be sanctioned by the council, with the consent
(24) Constitution of 1824, Title VI, Section 3, Article 162.
of the governor. (25)

1843

No restrictions are enumerated in the "Organic Bases" of 1843.

1857

The restrictions upon the states in the 1857 constitution are like those of the 1824 constitution, with the additions that states may not: Issue letters of marque or reprisal; coin money, issue paper money or stamped paper; nor conclude alliances, treaties or coalitions with other states or with foreign powers. (26)

1917

The restriction upon the states in the constitution of 1917 are the same as those in the first constitution of the republic.

Cities and Towns -- Their Officials; How Selected and Term.

1824

The first constitution of 1824 does not give any information concerning the minor localities or their regulations and government.

1836

By the constitution of 1836, in every chief city of a district there shall be a Prefect named by the governor, and confirmed by the general government; his time of office shall be four years, and he can be re-elected. (27)

(26) Constitution of 1857, Title V, Article 111, 112.
In every chief town of a district, there shall be a Sub-Prefect, named by the Prefect, with the approba-
tion of the Governor; he shall act for two years. (28)

There shall be Municipalities in the capitals of the Departments; in all the places in which they existed in 1808; in the sea ports, provided their population exceeds 4000; and in all towns of 8000 persons. In towns of inferior population, there shall be justices of the peace. The Municipalities shall be elected by the people, on the terms to be provided for by a special law. The number of the Alcaldes, Municipal officers and Recorders shall be fixed by the respective Departmental Councils, conjointly with the Governor. The Justices of the Peace who are also charged with the police, shall be proposed by the Sub-Prefect, be nominated by the Prefect, and approved by the governor. They shall act for one year. (29)

1843

The 1843 constitution merely states that one of the powers of the departmental councils is to make the political division of the territory of the department, to establish municipal corporations and functionaries, to publish their respective ordinances, and direct the municipal, urban and rural police. (30)

(30) Constitution of 1843, Chapter VII, Article 134 (10)
The constitution of 1857 does not provide for the government of the minor localities of the states.

By the constitution of 1917, the states shall have as the basis of their territorial division and political and administrative organization the free municipality. Each municipality shall be administered by a town council chosen by direct vote of the people, and no authority shall intervene between the municipality and the state government. (31)

Duties of City and Town Officials.

The constitutions of 1824, 1843, and 1857 having no articles on this subject, only those of 1836 and 1917 are compared.

The duties of the officers of the cities and towns are fully discussed in the 1836 constitution.

The duty of the Prefect are: To protect public order and maintain tranquillity within his district, with entire submission to the governor; to observe and cause to be observed, the orders of the Government of his own Department; and to watch over the duties of the Municipalities. (32)

(31) Constitution of 1917, Title V, Article 115, (1)
The duties of the Sub-Prefect of a town are the same as those of a Prefect of a district, being subordinate to him, and through him to the governor. (33)

It is the duty of the Municipalities to protect the public health, to look after, prisons and hospitals; to watch over the grammar schools which are supported from public funds; to attend to construction and repair of bridges and to the receipt and expenditure of municipal revenues; to promote the improvement of agriculture, industry and commerce; and aid the Alcaldes in maintenance of public tranquility. The Alcaldes shall exercise in their towns the office of "Consiliators." (34)

The Justices of the Peace shall exercise in their own towns the same rights and privileges as are already laid down for the Alcaldes and those given to the Municipalities. (35)

A secondary law shall "fix all that relates to these offices and officers." (36)

1917

The municipalities, in the constitution of 1917, shall freely administer their own revenues which shall be derived from the taxes fixed by the state legislatures. The municipalities shall be regarded as enjoying corporate existence for all legal purposes. (37)

(37) Constitution of 1917, Title V, Article 115 (2), (3)
CHAPTER VIII
THE CHURCH

The Church, since its establishment in Mexico in the 16th century, has been the source of more blessings and more trouble than any other institution of the country. Priests of the Church led in ending the Spanish regime. These priests and the thousands of devout churchmen who followed them were radical reformers. Hidalgo and Morelos, however, were as far removed from Ituobide and Santa Anna in revolutionary idealism as Trotsky is from the Grand Duke Nicholas. But once the control of Spain was broken the Church became the sheet-anchor of conservatism and not the breeding place of revolution.

It was inevitable that the constitutions of Mexico should take into account the Church, because the church was nearly co-extensive with the state. The signing of the Treaty of Cordova left the whole question of religion and religious rights in Mexico unsettled. The King was no longer secular head of the Mexican Church nor did royal receipts and the Laws of the Indies still apply. Beginning in 1824 the fundamental national laws of Mexico have had to take cognizance of the following clerical problems of state:

1. Would free Mexico become legally tolerant of other faiths than Roman Catholicism?

2. Would the Church still receive official sanction and support from the state for its work?
3. Would the Church be allowed to continue in control of its immense estates, and if so, on what terms?

4. Would the church be allowed the exclusive right to perform certain duties (marriage, etc.)?

5. Would priests of the Church have no political privileges, or equal privileges or superior privileges?

The result of the deliberation of constitutional congresses are set forth—positively and negatively—in the five great charters of Mexican liberties, as follows:

1824

Article 3 of the constitution of 1824, declared "the religion of the Mexican nation is, and shall be perpetually the Apostolical Roman Catholic. The nation protects it by wise and just laws, and prohibits the exercise of any other." (1)

1836

The constitution of 1836 was the culmination of a struggle by the military-clerical reactionaries to do away with the federal constitution of 1824. According to the 1836 constitution the obligations of Mexicans were to profess the religion of their country. Foreigners legally (1) Constitution of 1824, Title I, Article 3.
arriving in the Republic were obliged to "respect the religion of the country." (2)

1843

With the 1843 constitution the Roman Catholic religion was exclusively sustained. Article 6 declared that "the nation professes and protects the Apostolic Catholic religion, excluding all others." (3)

1857

No state religion was established, by the constitution of 1857, in fact the constitution was entirely silent upon the question of religion.

It proclaimed freedom from religious vows. (4) No corporation, civil or ecclesiastical, whatever its character may be, will have legal capacity to acquire real estate as property or to be managed by itself (5). In order to be eligible as a deputy or as president of the Republic he must not belong to the clergy. No special ecclesiastical courts were allowed. The Federal powers alone had the right to intervene, in accordance with the laws, in all matters of religious worship and external discipline. (6)

The following are in brief the additions and amendments to the said constitution concerning the church: complete

(2) Constitution of 1836, Law I, Article 3; 12.
(3) Constitution of 1843, Chapter I, Article 6.
(4) Constitution of 1857, Title I, Section I, Article 5.
(5) Constitution of 1857, Title I, Section I, Article 27.
(6) Constitution of 1857, Title VI, Article 123.
separation and independence of church and state; the suppression of the monasteries and religious communities; marriage by civil contract became the only legal basis; and the simple promise to speak the truth shall take the place of a religious oath. (7)

1917

Altho the separation of church and state had been completed in 1874, the new constitution provides abundant written law for controlling ecclesiastical activities within the church.

The 3rd article of the constitution provides for the freedom of education from clerical influence and direction. "No religious corporation, no minister of any creed, may establish or direct schools of primary instruction. " "Education is free; that given in public institutions shall be secular, as likewise instruction given in private schools, primary, elementary and superior." (8) In other words both Catholic schools and instruction by priests and nuns are prohibited.

All church property shall pass at once to the nation. All churches, schools and hospitals owned by the church shall be confiscated. "In no case shall institutions of this character be under the patronage direction, administration charge or supervision of religious corporations, nor (7) Constitution of 1857, The first amendment of 1873. (8) Constitution of 1917, Title I, Chapter I, Article 3.
of ministers of any religious creed or of their dependents, even though either the former or the latter shall not be in active service." (9)

The following are a few statements from Article 130, concerning clerical reform:

"The power of intervention in religious worship belongs to the federal authorities."

"Congress may not enact laws establishing or prohibiting any religion whatever."

"The law does not recognize any juridical personality in the religious groups known as churches."

"The ministers of religious creeds will be considered as persons who exercise a profession."

"The legislatures of the states will have the exclusive power to determine, according to local necessity, the maximum number of ministers."

"Only a Mexican by birth may be a minister of any religious creed in Mexico."

Ministers are forbidden to inherit property, to assemble for political purposes, to take part in political meetings and to vote. (10)

The spirit which largely influenced the occupation and conquest of Mexico by the Spaniards was their devotion

(9) Constitution of 1917, Title I, Chapter I, Article 27 (II & III)
(10) Constitution of 1917, Title VII, Article 130.
to the church. The plan of Iguala announced that it was "animated by no other desire than to preserve the holy religion, which we all profess," and, it established the first of the solid bases of the government, "the Apostolic Roman Catholic religion, without the tolerance of any other." (11) From 1821 to 1857 through all the revolutions and many changes of government every rational constitution contained a similar provision. (12)

"The movement which brought about the separation of church and state and which so completely changed the political and social order of this devoted Catholic country did not begin with a definitely framed program, but was an evolution of ideas developed in the long series of revolutions and violent changes of government which for so many years after its independence distracted the country, and in which the clergy so often played an important part." (13)

The church possessed a vast amount of wealth and real estate and was exempt from taxation even on its secular property. Not content with these privileges it insisted upon controlling the government and all rulers were soon driven from power, who did not concur with its purposes. The moderate and radical parties united to oppose this domination. The first step toward the realization of the

reform was the Law of Juarez and the Law Lerdo.

The draught of the new constitution of 1857 contained an article which treated of religious freedom. But during the discussions of congress on the various clauses of the constitution the archbishop remonstrated against this article asking that only Roman Catholic worship should be permitted. The debate was long and before a large crowd of spectators. It was referred back to the committee for a report in some other form and the question was therefore left to the future. (14) The constitution contained laws recognizing no religious vows or obligations but it did not specifically recognize the freedom of worship or the equality of all creeds.

The church party and conservatives bitterly opposed the constitution and its promulgation was followed by four years of almost constant civil war. The contest known as the "War of Reform" resulted in the issuance of the Laws of Reform, which were incorporated into the constitution in 1873.

The citizens of Mexico are preponderantly religious. The anti-clericalism of the last half century has been "directed against social and economical abuses which characterize the Church of Mexico, rather than against religion as a dominant social force. This does, however, prohibit the normal functioning of the church as a spiritual guide to the

(14) Bancroft, V. 5, p. 695.
(15) Mexican Year Book - Govt. of Mexico by 1ergert Ingram Priestley, p. 109.
people except by governmental tolerance, which is too prone to be variable from administration administration. " (15) (15) Mexican Year Book - Govt. of Mexico by Herbert Ingram Priestley, p. 409.
CHAPTER IX

CONSTITUTIONAL CHARACTERISTICS

The Federal Experiment - 1824

The Mexican constitution of 1824 was modeled upon the United States Constitution. The legislative and executive branches of government were modeled closely after those of the United States. The chief departures from the provisions of the American document were the establishment of the Roman Catholic religion; in establishing a special committee, composed of one senator from each state to exercise various functions of congress when that body was not in session, and in giving congress power of interpreting the constitution instead of the courts. We note the absence of any article or clauses to establish trial by jury and publicity in administering justice. (1)

The framers of the first constitution of the Republic of Mexico passed over the parts of the American constitution granting to the people a bill or rights, a few guarantees are interspersed through the document. "Traditional influence was jointly responsible for this with the fact that the charter was never submitted to the people, nor was there existent a 'people', which could discuss and amend the document or ratify it when it might be considered (1) Bamboa: Leyes Constitutionales de Mex, Sig. XIX, p. 12-13
adapted to the needs of the nation."

The Sietes Leyes - Centralization:

The constitution of 1836 changed the form of government from a federal Republic to a centralistic system. The most notable provision of this set of laws was the creation of a new body known as the Poder Conservator.

This Supreme Conservative Power was intrusted to five individuals of whom one was to be renewed every two years. Each member was to be selected by the Senate from a list of three individuals who had the majority of votes in the elections of the Departmental Councils. The qualifications necessary to be members of the Supreme Power were as follows: To be a Mexican by birth; forty years of age and possess an annual income of $3000; and to have held the office of President or vice-president of the Republic, of Senate, Deputy, Secretary of State or magistrate of the Supreme Court of Justice.

The main attributes of this Supreme Power were the following: To annul a law, within two months after it has been sanctioned, when it is in manifest opposition to the Constitution of laws and either the supreme executive power, or the high court of justice, or members of the legislative power in a representation signed by at least eighteen of that body, shall demand such declaration; to declare nullity of acts of executive and sentences of supreme court; to declare the physical or moral incapability of the president.

of the Republic; to oblige the president to remove all of his ministers; to suspend the sessions of Congress and suspend the High Court of Justice; to give or withhold their sanction of reforms of these seven constitutional laws; and to declare at the instigation of the Legislative Power, what is the wish of the Nation, in any extraordinary case in which it may be desirable to know it. For a resolution to pass, a majority of votes were required and every declaration or resolution of this power was to be obeyed instantly, a formal disobedience would be held to be a crime of high treason. This Supreme Power was "not responsible for their proceedings, except to God and to public opinion." (3)

By this document of 1836 the Departments had no liberties, the legislative branch no initiative; but the worst feature of all was that of subjecting the Chief Executive to the Poder Conservador, a body somehow superhuman, which might depose him, suspend Congress, annul laws, or reverse judicial sentences. It was responsible only to a Deity, which it barely recognized. It demanded immediate submission to its commands on all hands, under penalty of rebellion and the commission of the crime of "sese nation." (4)

(3) Constitution of 1836, Law II.
The Bases Organicas - Constitutional Despotism.

The Bases Organicas, the fundamental charter of 1843, was notably different from the "Siete Leyes" of 1836 only because it cut out the Poder Conservador. It adapted the highly centralized form of government and if not copied, was an imitation of the 1836 constitution. The Departments were more immediately subject to the central power than before.

This constitution created a "constitutional despotism." There was to be a popular representative government, but every voter must have an annual income of 200 pesos, so the common laborers were nearly all deprived of the franchise. The elections were subjected to a filtering process so the central power had ample opportunity to influence it. The powers of the executive had a check on the other branches of government, for the congress was made a nullity through the large veto power given the president, the judiciary depended on him, and his cabinet had no independent prerogatives. "The new constitution was, therefore, in several respects more obnoxious and anti-liberal than that of 1836." (5) Liberal Reaction - 1857

The federal constitution of 1857 was distinguished from the previous federal constitution of 1824 by the liberal character of its provisions in its so-called "Bill of

Rights."

The Constitution made the executive power a mere agent of the legislative power. With the exception of the faculty of appointing and removing the ministers and other office holders of the Union, with some exceptions, all of its other faculties were dependent on the authorization or ratification of congress. The Congress was given a wide scope of faculties and the states were allotted all those not specified in the constitution. So it was that a federalacy was established without a federal chamber, a senate, only a unitarian congress. (6)

A final provision concerning the inviolability of the Constitution, is an example of the perturbed course of political life in Mexico and an evidence of the uncertainty with which its framers looked upon their own work. The article states: "This constitution shall not lose force....even if its observance be interrupted by rebellion. In case through public disorder a government contrary to its provisions is established, as soon as the people recover their liberty its observance shall be re-established, and those who have figured in the rebel government or those who have taken part in the rebellion itself, shall be judged by this constitution and by laws issued in conformity with it." (7)

The reforms incorporated into the constitution suppressed the fueros and attacked the church tenure of real estate. Corporations were also forbidden the acquisition of landed property. The Reforms were that element which transformed the conditions of society and permitted the realization of the fundamental principles of the code.

(8)

Radical Reform - 1917

The long rambling document of 1917, the existing constitution, is well worth studying, inasmuch as it represents the ideas of radical Mexico. It prohibits all religious instruction in all schools, public and private and only Mexican-born ministers can preach.

The congress was reduced to a four months' session each year, extra sessions being called at the pleasure of the executive. By this and other provisions the legislative branch became inferior to the executive, reversing the rule of the previous constitution. There were many reforms of advanced democratic character in judicial procedure and administration, by it was introduced the principle of free justice without court costs. (9)

The provisions which drew the most attention from

   p. 253.
abroad and threatened to involve Mexico in international complications were those for regulating foreign capital. The government was given the power to expel any foreigner whose presence he may deem expedient. Few safeguards were taken against the concession of great oil and mining properties to foreigners, all natural resources being declared public property. (10)

The socialistic influences which were active among the Mexican revolutionaries since the time of Madero resulted in the incorporation of the theory of social reorganization in the constitution. It was in fact, an attempt to institute a regime of state socialism. It has been stated that the constitution represents rather a great scheme of social renovation than a workable plan of government.

And so it is that in the section relating to "Labor and Social Welfare" that the fifth constitution of the Mexican Republic makes its most radical departures. Since the time of independence from Spain, the masses have been submerged and the government has been controlled by the privileged few. This constitution of 1917 makes a desperate effort to remedy this evil of social cleavage. These provisions are said to be dangerous because of the lack of discrimination in details and because they are theoretical rather than practical. Many of the provisions are admirable, (10) Ibid, p. 440.
Some of the provisions of this radical labor code are as follows: Eight hours is the maximum days work, seven the maximum for night work and a working week is fixed at six days; a maximum working day for children between twelve and sixteen is six hours; a minimum wage is set at the level of subsistence for the head of a family; double pay for overtime; workmen engaged in industrial or commercial enterprises are to have the right to share in the profits through special commissions appointed in each municipality; dangerous and unsanitary work is prohibited for women and for children under sixteen years; expectant mothers may suspend physical work during three months preceding parturition and the month following they shall be given a period of rest with pay; mothers nursing infants shall have two half hour rest periods daily; employers are to provide comfortable, sanitary houses, pay wages in cash, establish schools, dispensaries, markets and places of amusement; accidents must be averted, and compensation made for those that may occur; workingmen and employers shall have the right to unite for the defense of their respective interests, by forming syndicates, unions, etc.; both employers and employees shall have the right to strike or suspend work; the differences between capital and labor shall be submitted to a Board of Conciliation and Arbitration made up of an equal number of representatives of
the government; strikes might only be considered as lawless when the majority of the workmen engaged therein resort to acts of violence; lockouts might only be considered lawful when the excess of production shall render it necessary to shut down in order to maintain prices reasonably above the cost of production; and workingmen’s insurance and labor bureaus shall be provided for.

This entire part of the Mexican Constitution reads as if it had been written by a group of social reformers. It is a question whether the whole thing properly belongs in a constitution but it cannot be denied that it embodies many of the ideas prevalent in the Mexican Revolution of 1910, and in theory at least the constitution is among one of the most democratic instruments in existence.

(11) Constitution of 1917. Title VI, Article 123.

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APPENDIX
Federal Constitution of the United Mexican States; sanctioned by the General Constituent Congress, the 4th of October, 1824

The Supreme Executive Power, provisionally named by the Sovereign General Congress of the Nation, to all who may see and understand these Presents, be it known: that the said Sovereign Congress has decreed and sanctioned the following:

Federal Constitution of the United Mexican States.

In the Name of the All-powerful God, Author and Supreme Legislator of Society.

The General Constituent Congress of the Mexican Nation, in fulfillment of the duties which have been committed to its charge, by its Constituents; for the purpose of fixing its Political Independence, establishing and securing its Liberty, and promoting its Prosperity and Glory, decrees as follows:—

Constitution of the United Mexican States.

Title I

Of the Mexican Nation, its Territory and Religion

1. The Mexican Nation is forever Free and Independent of Spain and of all Foreign Authority.

2. Its Territory comprehends what was formerly called the Viceroyalty of New Spain, the Captain Generalship of Yucatan, the Commanderies formerly called the Interior Provinces of the East and West, and Upper and Lower California, with the lands annexed and Islands adjacent in both Seas. The limits of the Confederation shall be defined by a Constitutional Law, as soon as circumstances permit.

3. The Religion of the Mexican Nation is, and shall be perpetually Apostolical Roman Catholic. The Nation protects it by wise and just Laws, and prohibits the exercise of any other.
Title II

Of the Form of the National Government, its Integral Parts, and the Division of the Supreme Power.

4. The Mexican Nation adopts for its Government, the form of a Representative, Popular, and Federal Republic.

5. The Confederation is composed of the following States and Territories, viz.; The States of Chiapas, Chihuahua, Coahuila, and Tejas, Durango, Guanajuato, Mexico, Michoacan, New Leon, Cajeca, Puebla de los Angeles, Queritaro, San Luis Potosi, Sonora and Sinaloa, Tabasco, Tamaulipes, Veracruz, Jalisco, Yucatan, Zacatecas; the Territories of Upper and Lower California, Colima, and Sante Fe in New Mexico. A Constitutional Law shall fix the character of Tlaxcala.

6. The Supreme Power of the Confederation is divided, for its exercise, into the Legislative, the Executive, and the Judicial.

Title III

Of the Legislative Power.

Section I - Of its nature, and the mode of exercising it.

7. The Legislative Power of the Confederation is vested in a general Congress. It is divided into two Chambers, one of Deputies, the other of Senators.

Section II - Of the Chamber of Deputies

8. The Chamber of Deputies shall be composed of Representatives, elected wholly every two years, by the citizens of the States.

9. The qualifications of the Electors shall be constitutionally prescribed by the Legislatures of the States, which shall regulate the elections conformably to the principles established by this Constitution.

10. The general basis for the nomination of the Deputies shall be the Population.
11. One Deputy shall be named for every 80,000 souls, or for a fraction exceeding 40,000. Each State, however, whether containing the required population or not, shall name one Deputy.

12. A Census of the whole Confederation shall be taken within five, and be renewed every ten years and by it the number of Deputies from each State shall be regulated. In the meantime, the basis laid down in the preceding Article shall be observed, agreeably to the Census established previous to the election of Deputies for the present Congress.

13. There shall be elected, at the same time, in each State, the requisite number of Deputies, and Deputies' Substitutes, in the ratio of one for every three Proprietaries, or for a fraction amounting to two. Each State, however, whether containing three Proprietaries or not, shall elect one substitute.

14. A territory possessing more than 40,000 inhabitants shall name one Proprietary Deputy, and a Substitute, who shall have a voice and vote in the formation of Laws and Decrees.

15. A territory not, however, possessing the said Population, shall name one Proprietary Deputy, and a Substitute, who shall have a voice upon all questions. The election of Deputies for the territories shall be regulated by a particular Law.

16. The Deputies shall be named throughout the States of the Confederation, on the first Sunday of October preceding the renewal of the Chambers; otherwise the nomination shall be void.

17. Upon the close of the Election of Deputies, each Electoral Junta shall transmit, through its President, to the Council of Government a Report of the result of the Election, duly attested; and shall deliver to the Representative an official letter of Nomination, which shall serve as his Credential.

18. The President of the Council of Government shall dispose of the Reports to which the preceding article refers, agreeably to the Regulations of the Council.
19. To be a Deputy it is required,—
(1) That he shall have attained, at the time of
Election, the age of 25 years.
(2) That he shall have resided in the State, in
which he was elected, two complete years, or have been
born in it, although he reside in another.

20. Aliens, to be eligible as Deputies, must have
resided at least eight years, and possess real estate
worth 8,000 Dollars in some part of the Republic, or be in
the exercise of some pursuit of the annual value of 1000
Dollars.

21. Are excepted from the preceding Article:
(1) Persons born in any other part of America, which,
in 1810, was dependent on Spain, and which has not united
with, or is not dependent on any other Nation, are eligible,
after a residence of three complete years in the Territory
of the Confederation, under the conditions required in
Article 19.
(2) Soldiers not born in the Territory of the Republic
but whose valour has contributed to the independence of the
Country, shall be eligible, after a residence of eight com-
plete years in the Country, under the conditions required in
Article 19.

22. In the Elections, residence shall be preferred to
birth in the choice of Deputies.

23. Are not eligible as Deputies,—
(1) Those who are deprived of, or suspended from, the
rights of Citizenship.
(2) The President and Vice-President of the Confede-
ration.
(3) The Members of the Supreme Court of Justice.
(4) The Secretaries of State, and those officially
employed under them.
(5) The Officers of the Treasury, whose duties extend
throughout the Confederation.
(6) The Governors of States or Territories, Comman-
dants-General, Archbishops and Bishops, Governors of Arch-
bishopricks and Bishopricks, Provisors and Vicars-General,
Judges of Circuit, and Commissaries-General of Finance and
War, for the States or Territories in which they exercise
their duty and ministry.

24. None of the Persons described in the preceding Arti-
cle shall be elected as Deputies, unless their functions
shall have wholly ceased six months previously to the Elec-
tions.
Section III - Of the Chamber of Senators

25. The Senate shall be composed of two Senators from each State, elected by an absolute majority of votes of its Legislatures, one of whom shall be renewed every two years.

26. The Senators having the least number of votes shall be renewed at the end of the first two years; the renewals shall afterwards take place according to seniority of election.

27. When a vacancy occurs in the Senate, in consequence of death, expulsion, or other cause, it shall be filled up by the Legislature of the respective State, if assembled, or as soon as it shall have met.

28. To be a Senator, it is required that the individual shall possess the qualifications prescribed in the preceding section for a Deputy, in addition to which he must have attained the age of 30 years previous to the election.

29. Those who are not eligible for Deputies cannot be elected Senators.

30. In the election of Senators, the same preference shall be given as is expressed in Article 22.

31. When the same individual shall be elected both a Senator and a Deputy, the first election in point of time shall be preferred.

32. The periodical election of Senators shall take place on the same day throughout the States, which shall be the first day of September preceding the renewal of the half of the Chamber.

33. Upon the close of the election of Senators, the Legislatures shall transmit, by means of their Presidents to the President of the Council of Government a report of the result of the election, duly attested; and they shall give to the Senators respectively, an Official Letter of Nomination, which shall serve as their Credential. The President of the Council of Government shall dispose of these Reports as stated in the 18th Article.

Section IV - Of the Functions of both Chambers and the Privileges of Individual Members.

34. Each Chamber shall observe in its Preparatory Juntes
and in all that relates to its interior government, the Regulations adopted by the present Congress, without prejudice to the reforms which the two Chambers may hereafter think proper to establish.

35. Each Chamber shall decide upon the elections of its respective Members, and shall settle all disputes arising therefrom.

36. The Chambers cannot open their sessions without the concurrence of more than one half of the total number of their Members, who shall meet on the day appointed by the regulations for their interior proceedings, and shall compel the attendance of the respective Absentees, by enforcing the penalties prescribed by Law.

37. The Chambers shall communicate with each other, and with the Executive Power, through their respective Secretaries, or by means of a Deputation.

38. Either of the Chambers shall act as a Grand Jury, upon Accusations:

(1) Against the President of the Confederation, for acts of Treason against the National Independence, or the established Form of Government, and for Bribery or Corruption, committed whilst in office.

(2) Against the President, for acts evidently calculated to impede the Election of President, Senators, and Deputies, or their appearance in the Chamber, at the time appointed by the Constitution, or for obstructing the Chambers in the lawful exercise of their functions.

(3) Against members of the Supreme Court of Justice, and the Secretaries of State, for offenses committed whilst in office.

(4) Against the Governors of States, for infractions of the Federal Constitution, Laws of the Union, or Orders of the President of the Confederation, which are not manifestly contrary to the Constitution and General Laws of the Union; also for the publication of any Laws or Decrees of the Legislatures of their respective states which may be contrary to the said Constitution and Laws.

39. It belongs exclusively to the Chamber of Deputies, to act as a Grand Jury when the President, or his Ministers, shall be accused for acts of interference with the Senate, or Council of Government, in the discharge of their duties. The Chamber of Deputies shall also act as a Grand Jury, in cases of Accusation against the Vice-President, for offences committed by him whilst in office.

40. The Chamber, before which the Accusations mentioned
in the two preceding Articles, shall be brought, shall form themselves into a Grand Jury, and if it be decided, by the votes of two-thirds of the Members present, that the Accusations afford grounds for further proceeding, the Accused shall be suspended from employment, and placed at the disposal of the Competent Tribunal.

41. Any Deputy or Senator may present written Propositions, or Projects of Laws, or Decrees, to the Chamber to which he belongs.

42. The Deputies and Senators shall not be attacked for their opinions, nor be made responsible in any way, for what they may have uttered, in the discharge of their Duty.

43. No criminal Accusation shall be brought against Senators or Deputies, from the day of their Election, until two months after their functions shall have ceased, except before their respective Chambers; and the Chamber of Senators acting as a Grand Jury, shall decide whether or not there are sufficient grounds for proceeding against the Accused.

44. If the Chamber acting as a Grand Jury, in the case referred to in the preceding Article, shall declare, by a vote of two-thirds of the Members present, that there are grounds for proceeding, the Accused shall be suspended from his functions, and placed at the disposal of the Competent Tribunal.

45. The Compensation to Deputies and Senators, shall be fixed by Law, and shall be paid by the General Treasury of the Confederation.

46. Each Chamber, and also the Junta to which the 36th Article refers, may issue such orders as they may deem expedient, to carry into effect the Resolutions which they pass, in virtue of the functions intrusted to them respectively by Articles 35, 36, 39, 40, 44, and 45 of the Constitution, and the President of the United States shall cause them to be executed, without objecting to them.

Section V - Of the Powers of the General Congress.

47. No Resolution of the General Congress shall have any other character, than that of a Law or Decree.

48. The Resolutions of the General Congress shall be signed by the President, previous to their having the force of Laws or Decrees, excepting in the cases mentioned in this Constitution.
49. The Laws and Decrees which emanate from the General Congress, shall have for object:

(1) To uphold the National Independence, and provide for the preservation and security of the Nation, in its Foreign Relations.

(2) To preserve the Federal Union of the States, and the peace and public order of the interior of the Confederation.

(3) To maintain the independence of the states, in respect of their Interior Government, agreeably to the Constituent Act, and this Constitution.

(4) To uphold the Rights and Privileges which the States have hitherto respectively possessed.

50. The exclusive powers of the General Congress are:

(1) To promote learning, securing to Authors, for a limited time, an exclusive property in their respective works; to establish Colleges for the Marine, Artillery, and Engineers; erecting one or more Establishments, in which the natural, political, and moral sciences, and noble arts and languages may be taught, without prejudice to the rights possessed by the Legislatures of the different States, in respect of Public Education.

(2) To encourage the general prosperity, by decreeing the making of Roads and Canals, or their improvement, without interfering with those carried on by the respective States, to establish Posts, and Post-offices, and to secure, for a limited time, to the Persons inventing, improving or introducing any branch of industry, an exclusive property in such inventions, improvements or introductions.

(5) To protect and regulate the Political Liberty of the Press, in such manner that its exercise may never be suspended, much less abolished, in any of the States or Territories of the Confederation.

(4) To admit New States into the Federal Union, or to incorporate Territories with the Nation.

(5) To regulate, definitely, the limits of the States, and to settle the disputes which may arise between them respecting the demarcation of their respective Districts.

(6) To erect Territories into States, or to incorporate them with those already existing.

(7) To unite two or more States, on the petition of their Legislatures, in order that they may form only one; or to erect a new State within the limits of those which already exist, with the consent of a majority of three-fourths of the Members present of both Chambers, and the Ratification of a like number of the Legislatures of the States of the Confederation.

(8) To create the necessary funds, to cover the General Expenses, to regulate their collection, to designate their
application, and to render an account of the same, annually, to the Government.

(9) To contract Debts on the credit of the Confederation, and to assign Funds for their discharge.

(10) To recognize the Public Debt of the Nation, and to establish the mode of consolidating and redeeming it.

(11) To regulate Commerce with Foreign Nations, and between the different States of the Confederation, and the Tribes of Indians.

(12) To give instructions for the conclusion of Concordates, with the Apostolic See, to approve them previous to their Ratification, and to regulate the Church Prefecture throughout the Confederation.

(13) To approve of Treaties of Peace, Alliance, Friendship, Confederacy, Armed Neutrality, and any others, which the President of The United Mexican States may conclude with Foreign Powers.

(14) To open Ports of every description, establishing Custom-houses where necessary.

(15) To regulate and render uniform the weight, standard, value, die and denomination of Monies throughout the Confederation, and to adopt a general system of Weights and Measures.

(16) To declare War, on a view of the grounds presented by the President of The United Mexican States.

(17) To grant Licenses for Privateering, and to declare the legality or illegality of Prizes by sea and land.

(18) To decree the armed force by sea and land, and to fix the contingent of men to be furnished by each State, and to issue Orders and Regulations for its organization and employment.

(19) To establish Regulations for the Organization, arming and disciplining the Local Militia of the States, reserving to each State the nomination of its respective officers, and the power to instruct them conformably to the discipline prescribed by the said Regulations.

(20) To grant or refuse permission to Foreign Troops to enter the Territory of the Confederation.

(21) To grant or refuse permission to the Squadrons of Foreign Nations to remain in the Mexican Ports for a longer period than one month.

(22) To grant or refuse permission for the marching of the National Troops out of the limits of the Republic.

(23) To appoint or dismiss the Officers of the Public Departments of the Confederation, and to fix, augment, or diminish their Salaries, Retirements or Pensions.

(24) To grant Rewards and recompenses to those Bodies or Individuals, who may have rendered important services to
the Republic, and to decree posthumous honors to the mem-
ory of celebrated characters.

(25) To grant Amnesty or pardon for crimes of
which persons have been convicted by the Tribunals of the
Confederation, according to the forms required by the Laws.
(26) To establish a general rule of Naturalization.
(27) To issue uniform Laws respecting Bankrupts
throughout the States.
(28) To select a place for the residence of the Su-
preme Powers of the Confederation, and to exercise the
functions of the Legislative Power of a State in that Dis-

(29) To change such residence, whenever it may be
deemed necessary.
(30) To issue Laws and Decrees for the regulation of
the Interior Administration of the Territories.
(31) To dictate all Laws and Decrees that may be nec-
essary for carrying into execution the objects mentioned
in Article 49, without interfering with the Interior Adminis-
tration of the States.

Section VI - Of the Formation of Laws.

51. Laws and Decrees may be proposed in either Chamber
excepting only those relating to Taxes or Imposts, which
must originate in the Chamber of Deputies.

52. Shall be considered as initiatives of Law or Decree.
(1) Propositions which the President of the United
Mexican States may urgently recommend to the Chamber of
Deputies for the general benefit of the Public.
(2) Propositions, or Projects of Law or Decree, which
the Legislatures of the States may direct to either Chamber.

53. All Projects of Law or Decree, without exception,
shall be successively discussed in the Two Chambers; the
forms, intervals, and manner of proceeding, in the discuss-
ions and Votes prescribed by the Regulations, being uniformly
observed in both.

54. Projects of Law or Decree, rejected by the Chamber
in which they originated, before passing to a second reading,
shall not again be proposed in it, during the Session of the
same year, nor until the Ordinary Session of the next year.

55. When Projects of Law or Decree, after discussion,
shall be approved by an absolute Majority of the Members of
each Chamber, they shall pass to the President of The United
Mexican States, who, if he approves thereof, shall sign and
publish them; if he do not approve, he shall return them
within ten open days, to the Chamber in which they originated
with his observations thereon.
56. Projects of Law or Decree, returned by the President, agreeably to the preceding Article, shall be a second time discussed in both Chambers, and if approved by two-thirds of the members present, shall pass again to the President, who shall then, without further objection, sign and publish them; but if not approved by two-thirds of both Chambers, they shall not be proposed again, before the succeeding year.

57. If the President does not return any Project of Law or Decree, within the time appointed in Article 55, he shall be understood to have sanctioned it, and shall publish it; unless Congress shall, within the appointed time, have closed or suspended its Session, in which case it shall be returned on the first day of the next Meeting of Congress.

58. Projects of Law or Decree, wholly rejected, on the first reading, by the Chamber of Revision, shall be returned with observations, to the Chamber in which they originated. If, on re-examination, they be approved by two-thirds of the members present, they shall pass a second time to the Chamber which rejected them, where they shall not be definitely rejected, unless by the Votes of two-thirds of the Members present.

59. Projects of Law or Decree, which, on a second revision shall be approved by two-thirds of the Members of the Chamber in which they originated, and not rejected by two-thirds of the Members of the Chamber of Revision, shall pass to the President, who shall sign and circulate them, or return them to the Chamber in which they originated, within ten open days, with his observations thereon.

60. Projects of Law or Decree, which, according to the preceding Article, the President shall return to the Chamber, in which they originated, shall be again taken into consideration; and, if approved by two-thirds of the Members present, and not rejected by the Chamber of Revision by a like majority, they shall be returned to the President, who shall publish them. But if not approved by the Vote of two-thirds of the Chamber in which they originated, or if negatived by a like number in the Chamber of Revision, they shall not be proposed again until the next Ordinary Session.

61. If rejected a second time by the Chamber of Revision, according to Article 55, the Projects shall be considered as absolutely rejected, and shall not be proposed again until the following year.

62. When Amendments are made by the Chamber of Revision
to Projects of Law or Decree, the same forms shall be observed as are usual when Projects pass to the President.

63. The rejection of the Chamber of Revision, for the first time, of a part of a Project of Law or Decree, shall render it subject to the same forms as when it is wholly rejected by it.

64. The same forms shall be observed with respect to the interpretation, modification, or revocation of Laws and Decrees as are requisite in their formation.

65. When a Resolution shall be communicated from the General Congress to the President of the Republic the same shall be signed by the Presidents of both Chambers, and by a Secretary of each.

66. An absolute majority of Members composing each Chamber is necessary to the forming a Law or Decree.

Section VII - Of the Time, Duration, and Place of Meeting, of the General Congress.

67. The General Congress shall meet on the first day of January in every year, in a place to be designated by a Law. The forms and ceremonies to be observed, at its opening and installation, shall be prescribed in the Regulations for its Internal proceedings.

68. The President of the Confederation shall open the Congress with a Speech, touching the importance of the occasion on which the Chambers are assembled; and the President of the Congress shall reply to him in suitable terms.

69. The Ordinary Sittings of the Congress shall be daily, with the exception of the days of Solomn Festivals; and their labors shall not be suspended for more than two days at a time, without the consent of both Chambers.

70. The Chambers shall meet in the same place, and shall not remove to another, without first agreeing on the time and manner of so doing, and fixing a date for their re-assembling. If the two Chambers agree as to the expediency of removing, but differ as to the time, manner, or place, it shall be referred to the President of the States, who shall decide the question.

71. The Congress shall close its session, annually, on the 15th day of April, with the same formalities as are prescribed for its opening. It may be prorogued when deemed expedient, or when proposed by the President of the Confederation, for 30 open days.
72. When an extraordinary Session of the General Congress be held, it shall be composed of the Deputies and Senators of the Ordinary Session for the same year, and shall be occupied exclusively with the subject or subjects mentioned in the Act for its Convocation; but should they not be terminated before the day on which the ordinary Session meets, the former shall be closed, leaving the Points in question for the decision of the Ordinary Congress of the year.

73. The Resolutions which the Congress may adopt, with respect to the removal, suspension, or prorogations of its sittings according to the three preceding Articles shall be communicated to the President, who shall carry them into effect, without objection.

Title IV

Section I — Of the persons in whom it is vested, and of their Election.

74. Supreme Executive power of Confederation is vested in an individual called President of United Mexican States.

75. Also Vice-President on whom shall devolve all powers and prerogatives of the President in event of his moral or physical incapacity.

76. Necessary qualifications for office of President and Vice-President are: to be, by birth, a Mexican Citizen, 35 years of age at time of election, and resident in the country.

77. President shall not be re-elected until the fourth year after his functions shall have ceased.

78. Persons elected as President or Vice-President shall fill those offices in preference to any other.

79. On the first day of September, preceding the year in which the new President is to enter on the exercise of his functions, two individuals shall be elected, by an absolute majority of votes of Legislature of each State, of whom one, at least, shall be a resident of the State by which he is elected.
80. Upon the close of the elections, the Legislatures shall transmit to the President of the Council of Government, a report of the results of the election, duly attested, in order that it may pass through the forms provided by the Regulations of the Council.

81. On the 6th of January following, the Reports, to which the preceding article refers, provided those of three-fourths of the Legislatures of the States shall have been received, shall be opened and read in the presence of the two Chambers.

82. The Reports being read, the Senators shall retire and a Commission named by the Chamber of Deputies, composed of one from each State whose Representatives are present, shall examine them and communicate the result.

83. The Chamber shall then declare the Elections and the number of the votes.

84. The person who shall have an absolute majority of the votes of the Legislatures, shall be the President.

85. If two have the required majority, he who has also a majority of votes, shall be the President, and the other, the Vice-President. In case of an equality of votes, the Chamber of Deputies shall select the President, the other becoming the Vice-President.

86. If no person shall have an absolute majority of votes of the Legislature, the Chamber of Deputies shall elect the President and Vice-President, choosing in each election, one of the two who have the greatest number of suffrages.

87. When more than two individuals shall have a respective majority, and an equal number of votes, the Chamber shall elect from amongst them the President or Vice-President, as the case might be.

88. If only one shall have the respective majority, and two or more shall have an equal number of suffrages, but greater than the others, the Chamber shall elect from amongst those who have the highest numbers.

89. If all shall have an equal number of votes, or one shall have a greater number, and the rest an equal number, the Chamber shall elect the President and Vice-President from amongst them.
90. If, upon examinations of the Elections made by the Legislatures, there shall be an equality of Votes, they shall be examined a second time, and if there should still be the same result, the lot shall decide the question.

91. In contests between three or more, having an equal number of votes, the Electors shall be directed to reduce the number of candidates to two, or to one, in order that the Election may be contested with the other, who may have obtained a respective majority over the rest.

92. As a general rule, relative to the Election of President and Vice-President, recourse shall not be had to the lot until the votes shall have been counted a second time.

93. The decision upon the merits of the Elections made by the Legislatures, and upon those which the Chamber of Deputies may make of President or Vice-President, shall be given by the States, one vote being allowed to each State; and the decision of the Chamber shall be pronounced by an absolute majority of votes.

94. The decisions spoken of in the preceding Article shall not be pronounced, unless by the concurrence of one-half of the total number of the Members of the Chamber, and in the presence of the Deputies from three-fourths of the States.

Section II - Of the Duration of the Offices of President and Vice-President, of the Manner of supplying their vacancies, and of their Oath.

95. The President and Vice-President of the Confederation shall enter upon their functions on the first day of April, and their successors shall be named on the same day of every fourth year, by a New Constitutional Election.

96. If by accident the Elections of President and Vice-President shall not have taken place, and have been published by the first of April, or the persons newly elected shall not be ready to enter upon the exercise of their duties, the functions of the President and Vice-President shall nevertheless cease on that day, and the Supreme Executive power shall be vested in the meantime in a President, who shall be elected by the Chamber of Deputies, voting by States.
97. In case of the temporary indisposition or incapacity of President or Vice-President, their places shall be provided for as in the preceding Article; but should they both be incapacitated, at a time when the Congress is not assembled, the Supreme Executive power shall be vested in the President of the Supreme Court of Judicature and in two individuals elected by an absolute majority of the Council of Government. They shall not be members of the General Congress, but must possess the qualifications required for the office of President of the Confederation.

98. During the elections referred to in two preceding Articles the Supreme Executive Power shall be vested in the President of the Supreme Court of Judicature.

99. In case of the continued indisposition, or incapacity of the President and Vice-President, the Congress, and if the Congress be not assembled, the Council of Government, shall act respectively as provided for by Articles 96 and 97, and shall direct the legislatures to proceed to the election of a President and Vice-President, agreeably to the forms of the Constitution.

100. The Election made by the Legislatures, in consequence of the continued incapacity of the President and Vice-President, shall not prevent the Ordinary Elections, which are to take place every fourth year, on September first.

101. The new President and Vice-President elected every fourth year, shall present themselves in the Hall of the Supreme power of the Confederation, before the two Chambers on the first of April, and shall take an oath to the performance of their respective duties in the following form: - "I, ____, named President (or Vice-President) of United Mexican States, swear, by God and the Holy Evangelists, that I will exercise faithfully the charge which the said United States have confided to me; and that I will keep, and cause to be duly kept, the Constitution, and General Laws of the Confederation."

102. If neither the President nor Vice-President shall present himself to take the oath, as appointed in the preceding Article, the Congress being assembled, they shall take the oath before the Council of Government, as soon as either presents himself.

103. If the Vice-President shall take the oath prescribed in Article 101 previously to the President’s having done so, he shall take charge of the Government until
the President has gone through the same form.

104. The President and Vice-President, constitutionally named, according to the 99th article, and the individual named for provisionally exercising the duties of those offices, according to Articles 95 and 97, shall take the oath prescribed in Article 101, before the Chambers, if assembled, and, if not, before the Council of Government.

Section III - Of the Prerogatives of the President and Vice-President.

105. The President shall address to the Congress such Propositions or reforms of law as he may deem to be conducive to the General Welfare, through the medium of the Chamber of Deputies.

106. The President shall have power, for once, to make observations, within 10 open days, upon the Laws and Decrees which may be passed by the General Congress, suspending their publication until the determination of the same, thereupon, unless in the cases excepted by this Constitution.

107. The President, whilst in office, shall not be accused but before one of the Chambers, and then only for offences committed during period specified in Article 58.

108. Accusations against the President for the offences specified in Article 58, or for any other committed during the period of his office, shall be brought before one or other of the Chambers, within one year from the period of the cessation of his functions, after which year he shall not be accused for the said offences.

109. The Vice-President, during the four years of his administration, shall not be accused but before the Chamber of Deputies for any offence committed during that period.

Section IV - Of the Attributes of the President, and the Restrictions of his powers.

110. The Attributes of the President are as follows:
   (1) To publish, circulate, and cause to be observed the laws and Decrees of the General Congress.
   (2) To issue Regulations, Decrees, and orders, for the better fulfillment of the Constitution, Constituent Act, and General Laws.
(3) To put in force the Laws and Decrees, enacted to preserve the integrity of the Confederation, and to uphold its independence abroad and its union and liberty at home.

(4) To appoint and remove at pleasure the Secretaries of State.

(5) To watch over the collection, and direct the application of the General Contributions agreeably to the Laws.

(6) To appoint the principal Officers of the Treasury and Commissariat, Diplomatic Envoys and Consuls, and the Colonels and Superior Officers of the Permanent Army, Active Militia and Navy; subject to the approbation of the Senate, and, if that be not assembled, of the Council of Government.

(7) To appoint the other Officers of the Permanent Army, Navy, and Active Militia, and of the Confederation, agreeably to the laws.

(8) To select, from amongst three persons proposed by the Supreme Court of Justice, the Judges and Fiscals of Circuit and District.

(9) To grant retirements and leaves of absence, and to regulate the Pensions of the Military, according to law.

(10) To dispose of the permanent Armed Force by sea and land, and of the Active Militia, for the internal security and external defence of the Confederation.

(11) To dispose of the Local Militia for the same objects, but the sanction of the General Congress, and if that be not assembled, the Council of Government, shall be obtained, which shall declare the Force requisite, previously to its being employed out of its respective State or territory.

(12) To declare War in the name of The United Mexican States, previously decreed by the General Congress, and to grant Licenses for Privateering, agreeably to the laws.

(13) To conclude Concordates with the Apostolic See, in the manner designated in Clause 12 of Article 50.

(14) To direct Diplomatic Negotiations, conclude Treaties of Peace, Friendship, Alliance, Truce, Confederacy, Armed Neutrality, Commerce and others; but, previously to the Ratification of either of them, the approbation of the General Congress must be obtained.

(15) To receive Ministers and Envoys from Foreign Powers.

(16) To propose to the General Congress the proroga-
tions of its Ordinary Session for 30 open days.

(17) To convokes an Extraordinary Session of Congress, when he may deem it necessary, with the consent of two-thirds of the Members present of the Council of Government.

(18) To convokes also an Extraordinary Session of Congress, when the Council of Government, by a majority of two-thirds of the Members present shall deem it necessary.
(19) To see that prompt and complete Justice be administered by the Supreme Court, Tribunals, and Judges of the Confederation, and that their Sentences be executed according to Law.

(20) To suspend from employment for three months, and deprive of the half of their pay for the same time such Officers of the Confederation as shall violate its Orders and Decrees; and, in the cases in which it may be thought right to institute proceedings against such persons, the Accusation shall be submitted to the respective Tribunal.

(21) To conform or withhold Consular Decrees, Papal Bulla, Briefs and Rescripts, with the consent of the General Congress if they contain general dispositions, submitting them to the Senate, and in its recess to the Council of Government, if they relate to private or Governmental matters, and to the Supreme Court of Justice, if they concern disputed points.

111. The President shall use the following Form in the publication of Laws and Decrees: - "The President of the United Mexican States to the inhabitants of the Republic; be it known that the General Congress has decreed the following: - (The Decree). Wherefore. I command that it be printed, published, circulated and duly executed."

112. The restrictions of the Powers of the President are the following:

(1) The President shall not command the Land or Sea Forces in person without the previous consent of the General Congress, or during its recess, of a majority of two-thirds of the members present of the Council of Government, and when he is thus in command, the Vice-President shall take charge of the Government.

(2) The President shall not deprive any Person of his liberty, nor impose on him any penalty; but should the welfare and security of the Confederation require it, he may arrest, but within 48 hours, shall cause the arrested person to be placed at the disposal of the competent Tribunal, or Judge.

(3) The President shall not seize the property of any individual or corporation, nor disturb the possession of, use, or improvement of it; but if in any case it be necessary to appropriate property belonging to an individual or corporation, for a purpose of General acknowledged utility the approbation of the Senate, and in its recess, of the Council of Government, shall be obtained, the party interested being always indemnified by a jury of good men, chosen by itself and the Government.

(4) The President shall not impede the Elections, nor
commit the other acts mentioned in the 2nd clause of Article 38.

(5) The President and Vice-President, shall not quit the Territory of the Republic whilst in office, nor for one year afterwards, without the consent of Congress.

Section V - of the Council of Government.

113. During the recess of the General Congress, a Council of Government shall be formed, composed of one-third of the Members of the Senate, one for each State.

114. For the first two years, this Council shall be composed of the Members first named by their respective Legislatures, and afterwards of the Members, in order of seniority of election.

115. The Vice-President of the United Mexican States shall be President of the Council, which shall elect a temporary President, according to the Regulations, to act for him in case of his absence.

116. The attributes of this council are:

1. To watch over the observance of the Constitution, Constituent Act, and General Laws, doing what may be deemed expedient in relation to those objects.

2. To communicate to the President, such suggestions as may be thought conducive to the better execution of the Constitution, and Laws of the Union.

3. To convene either of itself, or on the proposition of the President, an Extraordinary Session of Congress; the votes of two-thirds of the Councillors present being necessary, in both cases, agreeably to the 17th and 18th Clauses of Article 110.

4. To give its consent to the employment of the Local Militia, in the cases contemplated in the 11th Clause of Article 110.

5. To approve the nomination of the Officers mentioned in the 6th Clause of Article 110.

6. To give its consent in the case specified in Article 112, Restriction 1st.

7. To name two individuals, in order that the President of the Supreme Court of Judicature may exercise, provisionally, the Supreme Executive Power, according to Article 97.

8. To administer the Oath, agreeably to Article 101, to the individuals of the Supreme Executive Power, in the cases provided for by this Constitution.

9. To give its opinion, on the matters which the President may submit to it, in virtue of the 21st Clause
of Article 110, and in other matters, upon which he may consult it.

Section VI - Of the Despatch of the Business of Government.

117. The number of Secretaries required for discharging the business of the Government of the Republic, shall be fixed by a Law of the General Congress.

118. All Regulations, Decrees, and Orders, of the President shall be signed by the Secretary of State of the Department to which the matter relates and without this requisite, they shall not be obeyed.

119. The Secretaries of State shall be responsible for the Acts of the President, which they sanction by their signatures, if such Acts be contrary to this Constitution, the Constituent Act, General Laws, and particular Constitutions of the States.

120. The Secretaries of State shall make a Report to each Chamber, of the state of their respective Departments, annually, on the opening of the Session.

121. The Secretaries of State must be Citizens of Mexico, by birth.

122. The Secretaries of State shall prepare a Regulation, for the better distribution and discharge of the duties of their respective Departments, which the Government shall submit to Congress, for its approbation.

Title V

Of the Judicial Power of the Confederation.

Section I - Of the Nature and Distribution of this Power.

123. The Judicial Power of the Confederation shall reside in a Supreme Court of Justice, in the Tribunals of Circuit and in the Courts of District.

Section II - Of the Supreme Court of Justice, and the Election, Duration of Office, and Oath of its Members.
124. The Supreme Court of Justice shall be composed of 11 Members, distributed in three Holls, and of one Fiscal; the General Congress having the power of augmenting or diminishing this number, as may be judged expedient.

125. No Person shall be elected a Member of the Supreme Court of Justice, unless he be acquainted with the practice of the Courts of Law of the Legislatures of the States; be 35 years of age; a Native Citizen of the Republic; or have been born in a Part of America, which before the year 1810 was dependent on Spain, and is now separated from it; and have resided five years in the Territory of the Republic.

126. The Members of the Supreme Court of Justice shall hold their office permanently, and shall not be removed, unless in conformity with the Laws.

127. The Members of the Supreme Court of Justice shall be elected on the same day, by an absolute majority of the votes of the Legislatures of the States.

128. At the close of the Elections, the Legislatures shall transmit to the President of the Council of Government, a List, duly attested, of the 12 individuals elected, distinguishing the one who is to execute the office of Fiscal.

129. The President of the Council, as soon as he shall have received the Lists of three-fourths of the Legislatures shall proceed according to the course prescribed by the Regulations of the Council.

130. On the day appointed by Congress, the Lists shall be opened and read, in the presence of the two Chambers, after which the Senators shall retire.

131. The Chamber of Deputies shall then name, by an absolute majority of votes, a commission, composed of one Deputy for each State, whose Representatives are present, to whom the Lists shall be referred, who shall revise them and report the result; the Chamber declaring the elections, and number of the votes.

132. The individual, or individuals who shall have more than one-half of the votes, computed by the total number of Legislatures, and not by their respective Members, shall be considered as elected, with no other formality than that of the declaration of the Chamber of Deputies.
133. If less than 12 individuals possess the majority of suffrages mentioned in the preceding Article, the same Chamber shall fill up the remainder from amongst those who have obtained the next greatest number of votes of the Legislatures, complying in every respect with the Regulations provided in the 1st Section of the 4th Title, which treats of the elections of the President and Vice-President.

134. If a Senator or Deputy shall be elected to the office of Member or Fiscal of the Supreme Court of Justice he shall prefer the Office to which such election shall have destined him.

135. When any Member or Members of the Supreme Court of Justice, are permanently incapacitated, the vacancy shall be filled up agreeably to the Provisions of this Section, the Government giving previous notice thereof to the Legislatures of the States.

136. The following oath shall be administered by the President of the Republic, to the Members of the Supreme Court of Justice, previously to their entering upon the exercise of their functions: — "Do you Swear by God our Lord to act faithfully and legally in the discharge of the Duties confided to you by the Nation? If you do so act, may God reward you, and if you do not, may He call you to account."

Section III - Of the Attributes of the Supreme Court of Justice.

137. The Attributes of the Supreme Court of Justice are:

(1) To take cognizance of disputes between any two States of the Confederation, in order that, by a just decision, the contention may be set at rest in a formal sentence; and of those between a State, and one or more neighboring States; or between individuals, upon claims to Lands under Grants from different States, without prejudice to the Right of the Parties to reclaim the concession from the Authority which granted it.

(2) To settle disputes which may arise respecting Contracts entered into with, or arrangements made by, the Supreme Government or its Agents.

(3) To consult upon the passing or withholding of Papal Bulls, Briefs, and Rescripts, expedited on disputed points.

(4) To adjust differences between the Tribunals of
the Confederation, and between them and the Tribunals of the States; and those between the Tribunals of the different States.

(5) To take cognizance:

1. Of Charges which may be brought against the President and Vice-President, agreeably to Articles 38, 39 and 40.

2. Of Criminal charges against Deputies and Senators, agreeably to Articles 43 and 44.

3. Of charges against Governors of States, in the cases mentioned in the 3rd Clause of Article 38, and agreeably to Article 40.

4. Of those against Secretaries of State, agreeably to Articles 38 and 40.

5. Of Civil and Criminal Charges against Envoys and Consuls of the Republic.

6. Of Admiralty Causes; Prizes by Sea and Land; and Contraband; of Crimes committed on the High Seas; of offences against the Nation of the United Mexican States, committed by officers of the Revenue and Justice, of the Confederation, and by Violators of the Constitution and General Laws, as established by Law.

138. The form and order in which the Supreme Court shall take cognizance of the cases comprehended in this Section shall be settled by a Law.

Section IV - Of the Form of Trial of Members of the Supreme Court of Justice.

159. In order to proceed against Members of the Supreme Court of Justice, the Chamber of Deputies, voting by States, shall, in the first month of the Ordinary Session of each two years, elect 24 individuals, who shall not be Members of the General Congress, but shall possess the qualifications required for Members of the Supreme Court. From amongst these individuals shall be drawn, by lot, a Fiscal, and a number of Judges, equal to that which compose the First Hall of the Court; and when it shall be necessary, the same Chamber shall proceed, and, in its recess, the Council of Government, to draw, in the same manner, the Judges of the other Halls.

Section V - Of the Tribunals of Circuit

140. The Tribunals of Circuit shall be composed of a Law Judge, and a Fiscal, both selected by the Supreme
Executive Power, from amongst three individuals proposed by the Supreme Court of Justice; and of two Associates; agreeably to the Laws.

141. To be a Judge of Circuit, it is necessary that he be 30 years of age, and a citizen of the Confederation.

142. These Tribunals shall take cognizance of Admiralty Causes; Prizes by Sea and Land; Contraband; Crimes committed on the High Seas; offences against The United Mexican States; charges against Consuls; and civil causes, exceeding $500.00 in amount, in which the Confederation is interested. The number of these Tribunals, their respective jurisdictions, and the manner, form, and order in which they, and others, under the superintendence of the Supreme Court of Justice, shall exercise their respective functions, shall be regulated by Law.

Section VI - Of the Courts of the District.

143. The United Mexican States shall be divided into a certain number of Districts, in each of which a Tribunal shall be established, with a Law Judge, which shall take cognizance, without appeal, of all Civil Causes, in which the Confederation may be interested, not exceeding $500.00 in amount, and in the first instance, of all those causes from which an appeal lies to the Tribunals of Circuit.

144. To be a Judge of District, it is necessary that he be 25 years of age, and a Citizen of The United Mexican States. These Judges shall be selected by the President, from amongst three individuals proposed by the Supreme Court of Justice.

Section VII - General Regulations for the Administration of Justice, in all the States and Territories of the Confederation.

145. Each State of the Confederation shall give entire faith and credit, to the Acts, Records, and Proceedings, of the Judges and Authorities of the other States. The General Congress shall render uniform, the Laws by which the said Acts, Records and Proceedings may be verified.

146. The pain of infamy shall not be withdrawn from a Delinquent, who has merited it according to the Laws.
147. The punishment of Confiscation of property is forever prohibited.

148. Judgements by Commission, and Retrospective Laws are forever prohibited.

149. No authority shall apply any kind of torture, whatever may be the nature and stage of the Process.

150. No Person shall be detained, unless there be an evidence, or circumstantial proff, of his guilt.

151. No Person shall be detained, on suspicion alone, more than sixty hours.

152. No Authority shall have the Power of ordering the inspection of Houses, Papers, or other effects, of the inhabitants of the Republic, excepting in cases mentioned in, and in the manner prescribed by, the Laws.

153. No inhabitant of the Republic shall be sworn, respecting his own acts, in Criminal matters.

154. The Military and Ecclesiastics shall continue subject to their present Authorities, according to the existing Laws.

155. No Action for Injuries, either Civil or Criminal, shall be commenced, until after legal means of reconciliation have been resorted to.

156. No Person shall be deprived of the right of terminating his differences by Arbitration, in any stage of the Proceedings.

Title VI

Of the States of the Confederation.

Section I - Of the Local Government of the States.

157. The Government of each State shall be divided, for its exercise, into three Powers, the Legislative, Executive, and Judicial, and two or more of these cannot be united in a Corporation or Person nor the Legislative in one individual.

158. The Legislative Power of each State shall reside in a Legislature, composed of the number of Members which
its particular Constitution shall prescribe, popularly elected, and renewable in the time and manner therein pointed out.

159. The Person or Persons, to whom the Executive Power of each State is confided, shall not exercise the same but for a limited time, to be fixed by its respective Constitution.

160. The Judicial Power of each State, shall be exercised by the Tribunals appointed by its particular Constitution; and all Civil and Criminal Causes, of which these Tribunals shall take Cognizance, shall be determined by them, and their Sentence carried into effect without appeal.

Section II - Of the Duties of the States.

161. It is the duty of each State:
(1) To organize its Government and interior Administration conformably to this Constitution, and the Constituent Act.
(2) To publish, through the medium of its Governors, its respective Constitution, Laws and Decrees.
(3) To keep, and cause to be kept, the Constitution, and General Laws of the Union, and the Treaties made, or which may hereafter be made, by the Supreme Authority of the Confederation, with any Foreign Power.
(4) To protect its inhabitants, in the exercise of the liberty, which they enjoy, of writing, printing and publishing their political ideas, without the necessity of a license, revision, or approval, before publication; subject, however, to the General Laws in this respect.
(5) To deliver up Criminals of other States, immediately, to the Authority claiming them.
(6) To deliver up Fugitives from other States to the Person Authorized to demand them, or else compel them to make reparation to the injured party.
(7) To contribute to the Consolidation, and redemption, of the Debts acknowledged by the General Congress.
(8) To transmit, Annually, to each of the Chambers of the General Congress, a circumstantial and comprehensive Account: of the Receipts and Disbursements of all the Treasuries, in its respective District, distinguishing their origin; of the state of each branch of industry, agricultural and manufacture; of the new branches of industry, which may be introduced and encouraged, describing the mode of carrying them into execution; and of its respective population, and the means of protecting or increasing it.
(9) To transmit to the Two Chambers, and, in their recess, to the Council of Government, and also to the Supreme Executive Power, an authentic copy of its Constitution, Laws and Decrees.

Section III - Of the Restrictions of the Powers of the States.

162. It shall not be lawful for a State:-
(1) To establish a Tonnage, or other Port Duty, without the consent of the General Congress.
(2) To impose contributions, or Duties upon Imports, or Exports, not already sanctioned by Law, without the consent of the General Congress.
(3) To maintain, at any time, a standing Army, or ships of War, without the consent of the General Congress.
(4) To treat with any Foreign Power; or declare War, unless for its defence, in case of actual invasion, or other imminent danger, not admitting of delay; which must be reported immediately to the President of the Republic.
(5) To treat or contract, with other States of the Confederation, without the previous consent, or subsequent sanction, of the General Congress; should the matter relate to Limits.

Title VII

Of the Observance, Interpretation, and Reform, of the Constitution, and Constituent Act.

163. All Public Functionaries, without exception, previously to entering upon the execution of their duties, shall take an oath to observe this Constitution, and the Constituent Act.

164. Congress shall pass such Laws and Decrees as it may deem effectual, to ensure the punishment of those who violate this Constitution, or the Constituent Act.

165. All doubts which arise, as to the interpretation of the Articles of this Constitution, and the Constituent Act shall alone be decided by the General Congress.

166. The Legislatures of the States may propose such modifications, as they think proper, of particular Articles of this Constitution, and of the Constituent Act, but the General Congress shall not take them into consideration,
The Congress of the present year shall confine itself to an examination of the Modifications, which may be proper to be submitted to the consideration of the next Congress, and its Report shall be communicated to the President, who shall publish, and circulate it without comment.

The next Congress shall take into consideration, in the Ordinary Session of its first year, the modifications submitted for its deliberation, for the purpose of effecting the necessary reforms; but the same Congress which examines the modifications of the States, according to the preceding Article, shall not decree the reforms.

The reforms, or additions, which may be proposed, in the years subsequent to that of 1830, shall be taken into consideration by Congress, in the second of each two years; and if provided with the necessary qualifications prescribed in the preceding Article, it shall publish its Resolutions, in order that the next ensuing Congress may take them into consideration.

In the reforms, or additions to this Constitution, or to the Constituent Act, besides the Regulations prescribed in the preceding Articles, all the forms required in the formation of Laws shall be observed with the exception of the right of making observations thereupon, conceded to the President in Article 106.

The Articles of this Constitution, and of the Constituent Act, which establish the Liberty and Independence of the Mexican Nation, its Religion, Form of Government, Liberty of the Press, and Division of the Supreme Power of the Confederation, and of the States, shall never be altered.

Given in Mexico, the 4th day of October, in the Year of Our Lord 1824: 4th of Independence, 3rd of Liberty and 2nd of the Confederation.

(Signature of Deputies)

Therefore, we commend all Tribunals, Justices, Chiefs, Governors and other Authorities, as well Civil as Military, and Ecclesiastical, of whatever Class and Dignity, to keep and cause to be kept, fulfilled and executed in every
respect, the present Constitution, as a Fundamental Law of the Nation. They will cause it to be understood, for its fulfillment, and order it to be printed, published, and circulated.

Mexico, the 4th day of October, 1824.

Gaudalupe Victoria, President
Nicolas Bravo
Miguel Dominguez

Ad Juan Guzman
In the name of Almighty God, Trinity and Unity by whom men are destined to form societies and preserve those which they form: the Representatives of the Mexican Nation delegated by the same to constitute it in the manner which they may deem most conducive to its felicity, being assembled for that purpose in General Congress, have resolved to decree, and do hereby decree, the following Constitutional Laws:

Law I - Rights and Obligations of Mexicans, and Inhabitants of the Republic.

1. Mexicans are:
   (1) Those born in the territory of the Republic, their father being a Mexican by birth or naturalization.
   (2) Those born in a foreign country, their father being a Mexican by birth; if when they become their own master, and are established in the Republic, they give notice of their intention to become Mexicans, and actually carry such determination into effect within a year after they have given such notice.
   (3) Those born in a foreign country, their father being a Mexican by naturalization, who has not forfeited this quality; if they fulfill the condition of the preceding paragraph.
   (4) Those born in the territory of the Republic, their father being a foreigner who shall have resided therein until they have become their own master, and shall have then given the notice referred to.
   (5) Those not born in the Republic, but who were established therein when the Nation declared its independence swore obedience to that Act, and have continued to reside here.
   (6) Those born in a foreign country, who, having lawfully entered the Republic since its Independence, may have obtained letters of naturalization, according to the conditions prescribed by law.

2. The Rights of Mexicans are:
   (1) Not to be arrested, unless by the order of a
a competent judge given in writing and signed, nor to be imprisoned unless by the command of the Authorities em-
powered by Law to do so. The case of persons taken in
flagranti is excepted, in which anyone may be apprehended;
and anyone may apprehend any such person, taking him forth-
with before the judge or other public Authority.

(2) Not to be detained longer than three days, by
any Political Authority whatever, without being delivered
over at the expiration thereof, with the grounds of his
arrest, to the Judicial Authority; nor by the latter Author-
ity longer than 10 days, without an order assigning the
motives for his imprisonment. Both the aforesaid Author-
ities shall be responsible for any abuse they may commit
of the foregoing rights.

(3) Not to be deprived of his property, nor of the
free use and benefit thereof, wholly or partially. When
any object of general and public utility may require the
contrary, the disposition may be effected, provided that the
said object be approved of, by the President and his four
Ministers in the Capital, or by the Government and the De-
partmental Council in the Departments, and that the owner,
whether of an ecclesiastical or a secular corporation, or
a private individual, shall have been previously indemni-
fied, on the appraisement of two experienced persons, one
whereof to be named by the party interested, and of an um-
pire appointed according to law, should there be need of
his assistance. The said approval may be questioned by
the party interested before the Supreme Court of Justice,
in the capital, and before the respective Superior Tribunal
in the departments. The objection shall suspend the exe-
cution until sentence be pronounced.

(4) Not to have his house or papers searched, unless
in those cases and with the requisites literally prescribed
by the Laws.

(5) Not to be tried or sentenced by a Commission, or
by any other Tribunals than those established by the Consti-
tution, nor by other Laws than those decreed previously to
the fact under judgement.

(6) Not to be impeded in the removal of his person
and property to another country whenever he may please;
provided that he leave no engagement of any kind unsatis-
fied in the Republic, and that he pay on the removal of
his property the quota which may be fixed by law.

(7) To be at liberty to publish and circulate his
political opinions, without their being subject to any pre-
vious censorship. For any abuse of this right, the person
guilty of it shall be punished, be he whoever he may;
and both with regard to this, and every other right, the
abuse thereof shall be considered as any common offence;
but with respect to the penalties, the Judges cannot ex-
ceed those imposed by the Laws of the Press, until others
have been enacted upon the subject.

3. The Obligations of Mexicans are:
   (1) To profess the Religion of their country, observe the Constitution and the Laws, and obey the Authorities.
   (2) To contribute towards the expenses of the State with such sums as may be established by the Laws which include them in their provisions.
   (3) To defend their country, and give their aid in the support and maintenance of public order, when the Laws, or the Authorities in the name of the Laws, call upon them.

4. Mexicans shall enjoy all other civil rights, and shall be liable to all other obligations of the same nature which the Laws may hereafter establish.

5. The quality of a Mexican is forfeited:
   (1) By absconding himself from the Mexican territory longer than two years, without applying during that time for a license from the Government.
   (2) By remaining in a foreign country longer than two years after the expiration of his license, without having applied for its prolongation.
   (3) By enlisting under a foreign banner.
   (4) By accepting employment under another Government.
   (5) By accepting honors from another Government, without permission from that of Mexico.
   (6) For the crime of high treason against the independence of his country; for conspiracy against the life of the Supreme Magistrate of the Nation; for being an incendiary, a poisoner, or an assassin; and for any other crime for which the Laws may impose this penalty.

6. He who forfeits the quality of a Mexican can obtain the restoration of his rights from the Congress, in the cases and on the conditions which the Laws may establish.

7. Citizens of the Mexican Republic are:
   (1) All those comprehended in the first five paragraphs of Article 1, who possess an annual income of at least $100.00 arising from a fixed or moveable capital, or from any trade or personal exertion, honorable or useful to society.
   (2) Those who may have obtained special letters of citizenship from the General Congress, with the requisites which may be established by Law.

8. The rights of a Mexican Citizen, besides those de-
scribed in Article 2 and mentioned in Article 4, are:

(1) To vote at the nomination of all employments made by direct popular election.

(2) To be eligible for the said employments, provided that he unites in his person the qualifications which the Law may require in each case.

9. The particular obligations of a Mexican citizen are:

(1) To enrol himself on the register of his municipality.

(2) To attend the popular elections, provided he is not prevented by some physical or moral cause.

(3) To fulfill the duties of municipal and popular offices to which he may have been nominated; unless there exists some legal exception or sufficient impediment to prevent his doing so, admitted by the Authority to whom the Law refers the question.

10. The particular rights of a citizen are suspended

(1) During his minority.

(2) For his being in the station of a domestic servant.

(3) For a criminal suit, from the date of the order of arrest until the passing of the final sentence. Should such sentence be an acquittal, the party accused shall be considered in the enjoyment of his rights, the same as if no such order of arrest had been issued; so that on that account no sort of prejudice shall result to him.

(4) For not knowing how to read and write, from the year 1846 thenceforward.

11. The rights of a citizen are forfeited altogether:

(1) In those cases in which the quality of a Mexican is forfeited.

(2) By a judicial sentence imposing a degrading penalty.

(3) By fraudulent bankruptcy proved.

(4) By being a proved defaulter in the administration and management of any of the Public Monies.

(5) By being a vagrant, of vicious pursuits, or by not following a trade of honest mode of living.

(6) By being a Clergyman of the Religion of the State, and consequently unable to fulfill the obligations of a citizen.

12. Foreigners legally arriving in the Republic, shall enjoy all natural rights, besides those which may be stipulated by Treaty in favor of the subjects of their respective nation; and they are obliged to respect the re-
ligion, and to subject themselves to the Laws, of the
country, in the cases in which such laws may affect them.

13. A Foreigner cannot acquire landed property in
the Republic, unless he has been naturalized therein,
have married a Mexican, and conformed to all the other
conditions which the Law relative to such acquisition may
prescribe. Neither can he transport his moveable pro-
erty to another country, save with the requisites, and
paying the quota, which the Laws may direct.

The acquisitions of colonists shall be subject
to the special Regulation for Colonization.

14. The rights of an inhabitant are acquired, by
an uninterrupted residence of two years in any town; he
stating during that term to the Municipal Authority his
intention to reside, and establishing a house, and en-
gaging in some traffic or useful trade.

15. The rights of an inhabitant are forfeited, by
removing to another place, by shutting up his house, and
by closing his traffic or business, and setting up in a
shbode.

Law II - Organization of Supreme Conservative Power.

1. There shall be a Supreme Conservative Power, in-
trusted to five individuals; of whom one shall be renewed
every two years, the person to retire being decided by
lot in the 1st, 2nd, 3rd and 4th periods, the person or
persons who may have been named as substituted not enter-
ing into the question. From the 5th period thereforwrd
the senior meber shall retire.

2. The lot mentioned in the foregoing Article, shall
be drawn by the Senate on the 1st day of August imme-
diately preceding the renewal; and should that body be in
recess, the Council of Government shall see it accomplish-
ished.

3. The ordinary biennial, as well as the ulterior ex-
traordinary Elections, shall take place in the following
manner.

(1) Each of the Departmental Councils shall elect
the number of individuals who are to be nominated for that
time.

(2) The said elections shall invariably be made by
all the Councils on the same day; the ordinary biennial
elections on the 1st of October of the year immediately
preceding the renewal; the extraordinary elections for
the 1st general election of the 5, and of the substitute
by vacancy, on the day which the Supreme Executive Power
shall fix.

(5) The extraordinary election, on a vacancy occurring,
shall only take place when the said event shall happen
more than six months before the periodical renewals;
should it not occur, the election shall be deferred until
the 1st of October, when all the vacancies shall be filled
up.

(4) The election being made by an absolute majority
of votes, the Councils shall transmit, in a letter to the
Secretary's office of the Chamber of Deputies, a record
of election, sealed and certified, by the post immediately
following.

(5) The omission of the election on the day appointed
and of the transmission of record thereof, as prescribed
by the foregoing paragraph, shall be held to be a case of
responsibility against the Departmental Councils, accord-
ing to what the Law on the matter may determine.

(6) On the 15th day of November, immediately previous
to the ordinary biennial renewal, and within 40 days after
any extraordinary election, the Chamber of Deputies shall
open the letters, and forthwith make a list of those who
have been nominated; and from such list it shall elect by
an absolute majority of voices three individuals for each
vacancy.

(7) On the day following the election of the three
or threes, the Chamber of Deputies shall forward the List,
together with all the other documents of the election, to
the Chamber of Senators; and this body, on the same day
shall elect one from each ternary, shall publish the elec-
tion, and shall communicate the same to the Supreme Exe-
cutive Power, in order that said Power may apprise the
person or persons of their election, to the end that they
may enter upon the duties of their office.

4. The individual who has concluded his term may be
re-elected; but in such case, he is at liberty to accept
or refuse the employment.

5. Three substitutes resident in the capital shall
be elected, who shall possess all the qualifications which
this Law requires for principals, and with the same forms;
each ordinary biennial election renewing the said sub-
stitutes in totality.

6. The said substitutes shall begin to occupy the
place of the principals who cause a vacancy, in the same
order in which they were elected; and whilst discharging
the duties, they shall enjoy the same salary and the same prerogatives as the said principals.

7. They shall only supply temporary vacancies, or serve until the election to the vacancy is made.

8. The election to this employment shall be preferred to all others except the Presidency of the Republic; and it cannot be renounced, either before or after the election, except only on account of physical incapability, recognized by the General Congress.

9. The Members of the Supreme Executive Power shall take oath before the General Congress, both Chambers being united, under the following formula:

"Do you swear to observe, and cause to be observed, the Constitution of the Republic, maintaining the Constitutional equilibrium between the Social Powers, upholding or re-establishing Constitutional order whenever it may be disturbed, and availing yourself of the power and means which the Constitution places in your hands for that purpose?"

After the affirmative answer of the Member elected, the Secretary shall add the ordinary formula:

"Should you so act, may God reward you; and if not, may it be required of you."

If the Congress should not be assembled, they shall swear provisionally before their own Body; but they shall repeat the oath as soon as the sittings of the Legislative Body open.

10. Each Member of said Supreme Power shall enjoy during his office, the annual salary of $6,000.00. His style shall be that of Excellency.

11. To be a Member of the Supreme Conservative Power, it is requisite:

(1) To be a Mexican by birth, and in the actual enjoyment of the rights of citizenship.

(2) To be 40 years of age complete on the day of election, and possess a capital (physical or moral) which produces to him an income of at least $3,000.00 a year.

(3) To have held one of the following offices: President or Vice-President of the Republic, Senator, Deputy, Secretary of State, or Magistrate of the Supreme Court of Justice.

12. The attributes of this Supreme Power, are the following:

(1) To declare the nullity of a Law or Decree, within
two months after it has been sanctioned, when it is in manifest opposition to an Article of the Constitution or the Laws, and either the Supreme Executive Power, or the High Court of Justice, or the Members of the Legislative Power, in a representation signed by at least 18 of that Body, shall demand such Declaration.

(2) To declare at the instigation of the Legislature or the Supreme Court of Justice, the nullity of the acts of the Executive Power, when in opposition to the Constitution or the Laws; the said Declaration to be made within four months, counted from the day on which the said Acts are communicated to the respective Authorities.

(3) To declare, within the same period, the nullity of the acts of the Supreme Court of Justice, at the instigation either of the other two Powers; but only in the case of the usurpation of powers. If the Declaration should be in the affirmative, the data shall be sent to the respective Tribunals, in order that, without the necessity of any other requisite, it may commence legal proceedings, and pass such sentence as the case may demand.

(4) To declare, at the instigation of the General Congress, the physical or moral incapability of the President of the Republic, should such event happen.

(5) To suspend the High Court of Justice, at the instigation of either of the other two Supreme Powers, should it disavow either of those Powers, or endeavor to disturb public order.

(6) To suspend for the space of two months (and no longer) the Sessions of the General Congress, or to resolve upon calling in the substitutes for an equal length of time, when advantageous to the public welfare, and at the instigation of the Supreme Executive Power.

(7) To reestablish constitutionally any of the said three Powers, or all three, when they may have been dissolved by revolution.

(8) To declare at the instigation of the Legislative Power, the measure being first proposed by either of the other two Powers, - what is the wish of the Nation, in any extraordinary case in which it may be desirable to know it.

(9) To declare, at the instigation of a majority of the Departmental Councils, when the President of the Republic is in a situation to renew all the Ministers, for the good of the Nation.

(10) To give or withhold their sanction to the reforms of the Constitution which the Congress may decree; the preliminary steps having been gone through in the manner and according to the forms which the respective Constitutional Laws prescribe.
(11) To investigate the elections of Senators.
(12) To appoint, on the 1st day of every year, 18 lawyers, chosen from among those having no judicial power, who are to judge the Ministers of the High Court of Justice, and of the Military Tribunal, and in the cases appointed, and with the constitutional requisites for such cases.

13. For any resolution of this Supreme Power it is indispensably requisite that there should be an absolute conformity of at least three of its members.

14. Every Declaration that the Supreme Conservative Power shall make, and every resolution that they shall take, which is not specified in Article 12, and even if such Declaration and Resolution should be among those specified, and that they make or take it of their own pleasure, but without the instigation which is respectively required for each in the said Article, is null and of no value.

15. Every Declaration and Resolution of the said Supreme Conservative Power, issued according to the preceding provisions, and particularly quoted, ought to be obeyed instantly, and without reservation, by all persons to whom the said orders are addressed, and their execution belongs.

A formal disobedience thereto shall be held to be a crime of high treason.

16. The members of this Supreme Power, during the term of their being in office, and for the two years immediately following, cannot be elected to the Presidency of the Republic, or obtain any employment that does not fall to them by strict rotation, or be named to any commission, nor can they solicit from the Government any kind of favor for themselves or for others.

17. This Supreme Power is not responsible for their proceedings, except to God and to public opinion, and the individuals thereof can in no case be judged or called to account for their opinions.

18. Should any of them commit any offence, the accusation shall be made before the General Congress, both Chambers united; which body, by an absolute majority of votes, shall decide whether there exist grounds for proceedings being instituted against the accused; and should such be the case, the suit shall be followed up and terminated by the Supreme Court of Justice, after the civil cases in which they may be engaged shall have been tried.
19. This Supreme Power shall generally reside in the capital, but in case the public security or their own safety should require their removal to any other place in the Republic, they can resolve and carry into effect such removal for a limited period.

20. On the 1st day of every term of two years, the Supreme Conservative Power shall elect from among themselves a President and a Secretary; re-electing, if they think proper, those who have just filled the said offices.

21. All the Communications to it from the other Powers shall be addressed to the Secretary.

22. Every discussion and act of voting of this Power shall be secret, the latter being effected by means of black and white balls.

23. Although a proper Chamber shall be appropriated to their use in the National Palace, they shall have no fixed days, hours, or place for their Sittings, and the President shall summon them when convenient, by means of notes addressed to his colleagues, wherein he shall specify the above particulars.

Law III - Of the Legislative Power, and of everything relating to the formation of the Laws.

1. The exercise of the Legislative Power is deposited in the General Congress of the Nation, to be composed of two Chambers.

Chamber of Deputies

2. The basis for the election of Deputies is the Population. There shall be a Deputy elected for every 150,000 inhabitants, and for every fraction of 50,000. The Departments which have not the latter number shall nevertheless elect a Deputy. A number of substitutes equal to that of the members shall also be elected.

3. One half of this Chamber shall be renewed every two years. The entire number of Departments shall be divided into two Sections proportionally equal in population. One section shall nominate the Deputies of the Department for the first term of two years, and the other for the following term and so on in turn.

4. The elections of Deputies shall take place in the
Departments on the 1st Sunday in October of the year before the renewal; and the new members shall commence the discharge of their duties in January of the following year. A special law shall establish the days, mode and form of these elections, as well as the number and qualifications of the electors.

5. The elections of Deputies shall be examined by the Senate; the intervention of this Chamber being limited to their decision, whether or not the qualifications required by this Law are to be found in the individual elected, and whether in the Electoral Councils there was any informality which invalidated the election.

In the case of such invalidity in the electoral body, orders shall be issued to have the error corrected; the election shall be repeated, and in the event of the invalidity being in the member himself and not in the substitute, the latter shall be sent up instead of the former.

In every case of lasting disqualification in the member the substitute shall be summoned in his stead.

6. To become a Deputy it is requisite:
(1) To be a Mexican by birth, or a native of any part of America, now independent, that in 1810 was subject to Spain, and to have been in the Republic at the time of the Emancipation.
(2) To be a Mexican citizen in the actual exercise of his rights, and to have been a native or an inhabitant of the Department which elects him.
(3) To have, on the day of election, completed 30 years of age.
(4) To possess a capital (physical or moral) which produces to him at least $1500.00 annually.

7. The President of the Republic, and the members of the Supreme Conservative Power, while in office, and for one year afterwards; the Members of the High Court of Justice, and of the Military Tribunal, the Secretaries of State and the officials of their Department; the Employees of the General Revenue, the Governors of the Departments, while in office, and for six months afterwards; the Very Reverend the Archbishops and Bishops, Governors of Mitre, Provisors, Vicars General; the Judges, Commissaries and Commandants General of the Departments over which their jurisdiction, employment, or office extends; cannot be elected Deputies.
Chamber of Senators

8. This Chamber shall be composed of 24 Senators, nominated after the following manner.

In every case of election, the Chamber of Deputies, the Government in a Council of Ministers, and the High Court of Justice, shall each elect by an absolute majority of votes, a number of individuals equal to that of the new Senators to be elected.

The three lists thus made shall be verified by the respective Secretaries, and be then sent to the Departmental Councils.

Each of these Councils shall elect from those, and those only, included in the Lists, the proper number of Senators to be appointed, and shall transmit the specificatory List of their election to the Supreme Conservative Power.

This power shall examine them and pronounce upon the election, confining themselves to what Article 5 prescribes; and they shall declare to be Senators those who may have obtained the majority of the votes of the Councils, in the order of their majority, the lot deciding between those having an equal number.

9. The Senate shall be renewed by a third part every two years; the eight first on the list go out at the end of the first term of two years, the eight in the center at the end of the second; and the eight of the longest standing at the end of the third thenceforward.

10. The elections which the Chamber of Deputies, the Government, and the Supreme Court of Justice have to make, conformably to Article 8, must take place precisely on the 3rd of June, of the year immediately preceding the partial renewal.

On the 15th of the following August, the Departmental Councils shall make their election; and the investigation and declaration of the Supreme Conservative Power shall be verified on the 1st of October of the same year, and the Executive Government shall immediately communicate to the elected their nomination.

11. The vacancy of a Senator shall be filled up by election made in the manner which Article 8 prescribes; the person elected shall enter upon the vacant place, and shall continue for the time which his predecessor ought to have remained.

12. To be a Senator it is requisite:

(1) To be a citizen in the actual exercise of his rights.
(2) To be a Mexican by birth.
(3) To have, on the day of election, completed 35 years of age.
(4) To possess, a capital, (physical or moral) which produces to the individual at least $2500.00 annually.

13. The President of the Republic, whilst in office and for one year afterwards; the Members of the Supreme Conservative Power, those of the Supreme Court of Justice and of the Military Tribunal; the Secretaries of State, and the officials of their Departments; the Employees of the General Revenue, and the Governors of Departments, whilst in office, and for six months afterwards; cannot be Senators.

Of the Sessions

14. The session of the General Congress shall open on the 1st of January and the 1st of July of every year. That of the first period may be closed on the 31st of March; and that of the 2nd shall last until the subjects upon which they are exclusively occupied be concluded. The exclusive object of said 2nd period of session, shall be the examination and approval of the Estimate of the Expenses of the following year, and of the Accounts of the Department of Finance relative to the last year but one preceding.

15. The Sittings shall be daily, excepting only the days of ecclesiastical and civil solemnity, which a secondary law shall point out.

16. The Regulations of the Congress shall specify the hour at which the Sittings are to begin every day, the time which each Sitting ought to last, and all the other preparatory requisites of each ordinary and extraordinary Session, and of the discussions and mode of voting.

17. At the voting of any law or decree, more than the half of the entire number of Members who compose the Chamber must be present; and every question shall be decided by the majority of those who shall be present, except in the cases when the Law requires a greater number.

18. For the closing of the Session, as well ordinary as extraordinary, a Decree in due form shall be issued, which shall be passed in both Chambers, and sanctioned and published by the Executive.

19. Should the Congress not resolve to close the first period of the Ordinary Session on the 31st of March, or
should the President of the Republic, with the consent of the Council, demand its prolongation, a Decree of prolongation shall be previously issued and published.

In the said Decree, the subjects of which alone the Congress shall have to treat during that prolongation shall be specifically, but not the time of its duration, which shall be as long as may be necessary, in the months of April, May and June, for the conclusion of the said subjects.

20. The President of the Republic, with the consent of the Council, and when the Congress is in recess, can have it summoned to an Extraordinary Session by the permanent Deputation, and shall appoint the subjects which they are to discuss, without their being able during such session to treat of other matters.

The permanent Deputation shall have the same power, provided the summons be agreed to by the Executive, which cannot refuse its consent thereto, unless by the advice of the Supreme Conservative Power.

21. The consideration of the subjects mentioned in Articles 14, 19, and 20, shall not impede any other matter which may unexpectedly occur from being treated of, provided that it is very pressing and of general interest, in the opinion of the Executive and of the majority of the two Chambers. Neither shall it prevent the accusations, and other matters of business, which have to be laid before the Chambers, from being discussed.

22. Although the General Congress shall have closed its Session, the Chamber of Senators shall continue to sit when there are any Laws which await their revision.

23. When the suspension mentioned in paragraph 6 of Article 12, Law II, upon the Attributes of the Conservative Power, occurs the Permanent Deputation must summon the Congress to continue their interrupted Sittings at the Expiration of the two months, and the Congress shall meet for that purpose with or without the summons.

24. The President also on such occasions, and with the same requisites as those of the preceding Article, shall increase by substitutes the number of the Chamber of Deputies, for two months only at the most.

Of the Formation of the Laws.

25. Every Law must necessarily emanate from the Chamber of Deputies; the revision of it belongs alone to the Senate.
26. The initiative of the Law belongs:
   (1) To the Supreme Executive Power, and to the Deputies, on all matters.
   (2) To the Supreme Court of Justice, on matters relative to the Administration of their Department.
   (3) To the Departmental Councils, on matters relating to Imposts, public education, industry, commerce, municipal administration, and Constitutional changes.

27. The Supreme Executive Power and the High Court of Justice may, each in their sphere, originate Laws explanatory of other Laws, and the Deputies may originate similar projects when 15 are united to propose them.

28. When the Supreme Executive Power or the Deputies originate Laws, on matters respecting which Article 26 concedes the right of proposal to the Supreme Court of Justice and Departmental Councils, the respective opinion of the former and of the majority of the latter shall be heard, before the project of Law is taken into consideration.

29. The Projects of Law of the Executive and Judicial Powers must be taken into consideration, as also those on which the majority of the Departmental Councils may be agreed upon. All others may be taken into consideration, or not, as the Chamber may resolve, after hearing the report of the Committee of 9 Deputies, all of whom shall be elected every year, and shall be called the Committee of Petitions.

30. Any private citizen shall be able to entrust his projects of Law, either directly to a Deputy to adopt them, if he likes, or to the corporations of the capitals, which, if they consider them useful, shall transmit them, with their opinion, to the Respective Departmental Council; and if the latter approves of them they shall be proposed as Laws.

31. Any project being approved of, in its totality and in each of its Articles, in the Chamber of Deputies, shall be sent to the Senate for revision, with all the documents upon the subject.

32. The Chamber of Senators, in the revision of a project of a Law or Decree, cannot make any alterations or modifications therein, and shall confine itself to the formula of "approved" or "disapproved", but, on returning it to the Chamber of Deputies, a circumstantial abstract of the discussion thereon shall be sent to it, in order that the said Chamber may be aware of the parts which have
appeared to be faulty, or of the alterations which the Senate may deem proper.

33. If the Chamber of Deputies, two-thirds of the members being present, should insist upon the project of Law or Decree, returned by the Senate, being carried into effect, the latter Chamber, to which it shall be returned for a second revision, cannot disapprove of it without the concurrent vote of two-thirds of the Senators present; if those who disapprove do not reach this number, it shall, in that case, be considered as approved.

34. Every project of Law or Decree, approved by both Chambers on the first or second revision, shall be forwarded for the sanction of the President of the Republic; and if it be for a Constitutional alteration, for that of the Supreme Conservative Power.

35. If the Law or Decree has had only a first discussion in the Chambers, and it should not appear expedient to the President of the Republic, he can return it, within 15 working days, to the Chamber of Deputies, with the observations upon it agreed upon in the Council; this term having expired without his doing so, the Law shall be considered to be sanctioned, and shall be published.

36. If the Project of Law or Decree shall have gone through a second revision in the Chambers, and be returned, as in the case of Article 33, the President of the Republic can (he and his council judging it to be expedient) refuse to sanction the same, without the necessity of making observations; and shall give notice to the Congress of his resolution.

37. The Law or Decree returned, with observations upon it by the President of the Republic, shall undergo a fresh examination in both Chambers; and, if two-thirds of one and of the other should insist upon the passing thereof, it shall be sent a second time to the President, who cannot any longer refuse its sanction and publication; but, if the said requisite be wanting in either of the Chambers, the project shall be held as rejected.

38. The project of Law or Decree rejected or not sanctioned, in conformity with Articles 33, 36, and 37, cannot be again pressed in Congress, nor discussed there, until the Chamber of Deputies be renewed by one-half of its members, as prescribed by Article 3. With respect to the alterations of the Constitution which the Supreme Conservative Power shall not sanction, — the Chamber of
Deputies having been renewed by one-half — if the majority of the Departmental Councils shall insist on their being proposed, and two-thirds of the members present of both Chambers shall approve of them, they shall not be again submitted for sanction, but shall be published without it.

39. The Law being sanctioned, the President of the Republic shall cause it to be published in the accustomed manner, in the capital thereof, and in all the capitals of the departments and towns and places; circulating it for that purpose, to the Governors, and through them to the other subaltern Authorities. All these functionaries shall be responsible, if they do not publish the Law within the third day after receiving it.

40. This publication is not requisite for the Decrees, the cognizance of which concerns particular persons or Corporations; but they shall always be published in the Government newspapers.

41. The formula for publishing the Laws and Decrees shall be the following:
"The President of the Mexican Republic to the inhabitants thereof, makes known, that the General Congress has decreed the following (here insert the text): Wherefore, I order that it be printed, published, and circulated, and that it receive due fulfillment."

42. The Law being published at any place, comes into force there from the moment of its publication, unless the Law itself fixes an ulterior period for its observance. No prospective Law shall come into force before this requisite.

43. Every resolution of the General Congress shall have the character of a Law or Decree.
The first named belongs to those which may treat of matters of general interest, within the attributes of the Legislative Power.
The second to those within the same orbit, but relating only to particular times, places, corporations, establishments or persons.

44. It exclusively belongs to the General Congress:
(1) To dictate the Laws to which the public administration has to conform, in all and each of its branches; and to explain and interpret them, and dispense with their observance.
(2) To approve, reject, or reform the legislative dispositions of the Departmental Councils.
(3) To decree annually the expenses for the following year, and the revenues by which they are to be covered. Every tax ceases with the year, in the event of its not having been prolonged to the following year.

(4) To examine and approve every year the general account of the appropriation of the revenues of the last year but one, which the Minister of Finance presented in the preceding year, and the examination and explanation of which are to be detailed in a second Law.

(5) To decree the number of the permanent land and sea forces which there ought to be in the Republic; and every year that of the active militia which there ought to be in the following year; without prejudice to the augmentation or diminution of the same during that period, if the case should require it.

(6) To authorize the Executive to contract debts on the credit of the Nation, and to designate the securities for their liquidation.

(7) to recognize the National debt, and to decree the mode and means for redeeming it.

(8) To approve all classes of Treaties which the Executive may negotiate with Foreign Powers, and the Concordats with the Apostolic See.

(9) To declare war, approve Treaties of Peace, and prepare regulations for granting letters of Marque.

(10) To prepare for the Government general bases and regulations for the opening of all kinds of Ports, the establishment of custom Houses, and the formation of Commercial Tariffs.

(11) To determine the weight, standard, pattern, and denomination of the coin, and to adopt the general system of weights and measures which it may think proper.

(12) To grant or refuse the entrance of foreign troops into the Territory of the Republic, and the departure of National Troops from the Country.

(13) To grant general amnesties, in the cases and in the manner which the Law may prescribe.

(14) To create or suppress all kinds of public employments, increase or diminish the salaries thereof, and fix general rules for granting retirements and pensions.

(15) To prepare general rules for the concession of letters of naturalization and citizenship, and to grant the latter in conformity thereto.

(16) To increase or diminish by aggregation or division, the Departments which form the Republic.

45. The General Congress cannot:

(1) Dictate a Law or Decree, without the proposals, intervals, revisions, and other requisites enacted by this Law, and pointed out by the regulations of Congress; those
expressed in the said regulations being the only exceptions to this Law.

(2) Proscribe any Mexican, or impose any penalty, direct or indirect. It belongs only to the Law to designate generally the punishments for offences.

(3) Deprive any person of his property, directly or indirectly, whether of an individual or an ecclesiastical or secular body. It only belongs to the Law, in this particular, to establish generally contributions or taxes.

(4) Pass any Law, which is not purely declaratory, of a retrospective effect, or which applies, directly or indirectly, to cases previous to its publication.

(5) Deprive, or even suspend, Mexicans from their rights, declared in the Constitutional Laws.

(6) Assume to itself, or delegate to others, by way of extraordinary faculties, two or the three powers, Legislative, Executive and Judicial.

46. Any Law or Decree prepared in express contravention of the preceding Article is null.

Faculties of the Chambers and Prerogatives of Their Members

47. No criminal accusation for common offences can be brought against the President of the Republic, from the day of his appointment until a year after his presidency has expired; nor against the Senators, from the day of their election until two months after their office is terminated; nor against the members of the High Court of Justice and Military Tribunal, the Secretaries of State, the Councillors, and the Governors of Departments; except before the Chamber of Deputies. If the accused should be a Deputy, within the period of his deputation or two months afterwards, or should the Congress be in recess, the accusation shall be made before the Senate.

48. For official offences, during the period fixed in the preceding Article, of the President of the Republic, for those of the Secretaries of State, the Magistrates of the High Court of Justice, and Military Tribunal, the Councillors, the Governors of Departments, and the Departmental Councils; for any transgression of Article 3, paragraph 5, of the 2nd Constitutional Law, of Article 3 of the 4th Law, and of Article 15 of the 6th Law, in its three parts; the Chamber of Deputies, before which the accusation must be made, shall declare whether or not there exist grounds for the same. Should the declaration be in
the affirmative, they shall appoint two of their members to support the accusation in the Senate. The latter proceedings being instituted, and the accusers and defenders having been heard, the Senate shall pass sentence, without its being able to impose any other penalty than that of desistance of the office or employment held by the accused, or of his perpetual or temporary disqualification from obtaining any other; but if, in the opinion of the Senate, it should result from the proceedings that he be deserving of heavier punishment, the cause shall be sent to the respective Tribunal, in order that it may be instituted according to Law.

49. For common offences, the accusation being made, the respective Chambers shall declare, whether or not there exist grounds for proceeding; should the declaration be in the affirmative, the criminal shall be placed at the disposal of the Competent Tribunal for trial.

The affirmative resolution shall only require the confirmation of the other Chamber, should the accused be the President of the Republic.

50. The affirmative declaration, as well for official as for common offences, suspends the accused from the exercise of his functions, and the rights of a citizen.

All the other requisites of these judgments and restrictions relative to the accuser, the accused, and the mode of proceeding shall be specified in the Regulations of Congress.

51. Either of the Chambers can, without the intervention of the other:

(1) Pass resolutions, not governmental, relative to the locality of their Sittings, the better arrangement of their Department, and the Offices annexed, the number, appointment, and salary of their officers, and to everything relative to the regulation of the Chambers, which is purely internal.

(2) Communicate with each other, and with the Government, by writing, or by means of Deputations chosen from among themselves.

52. It exclusively belongs to the Chamber of Deputies, besides what has been specified in this Law:

(1) To watch over, by means of an Inspecting Committee, composed of five individuals from its body, the exact fulfillment of their duties by the Officers of the General Accountant's Office and of the General Offices of the Revenue. A 2nd Law shall detail the mode and terms in which the Inspecting Committee shall discharge their duty, according to the attributes which may be assigned to them therein.
(2) To nominate the Chiefs and the other Officers of the General Accountant's Office.
(3) To confirm the appointments which the Government shall make of the Chiefs of the General offices of the Revenue, established or to be established.

53. It exclusively belongs to the Chamber of Senators:
   (1) To give their consent to be issued, or to withhold, the conciliatory Decrees, Bulls, and Pontifical Edicts, containing general provisions of importance to the Nation.
   (2) To take cognizance, during the recess of the General Congress, of the accusations mentioned in Article 47; and to give or withhold in cases of emergency the permission mentioned in the 12th paragraph of Article 44, when summoned for that purpose by the Permanent Deputation.
   (3) To approve the nomination which the Executive Power may make, of Diplomatic Envoys, and Consuls, and of Colonels, and other high officers of the permanent army, navy and active militia.

54. The salary of the Senators shall be higher than that of the Deputies, and the quotas of both shall be fixed by a supplementary Law.

55. The Deputies and Senators shall be inviolable for their opinions expressed in the discharge of their duties, and at no time and by no Authority shall they be blamed or molested on account of them.

56. The Deputies and Senators, in addition to what the Regulations of the Congress prohibit them from doing, cannot:
   (1) Renounce their employment, without showing good, just, and proper cause, sanctioned by their respective Chambers.
   (2) Accept for themselves, or solicit for others, during the time of their employment, and for a year afterwards, any commission or employment of emolument from the Government, nor even any step, except that which may be their right by regular rotation.
   (3) Obtain for themselves, or solicit for others, during the time specified in the above paragraph, any pension or honor from the Government.

Of the Permanent Deputation

57. The Permanent Deputation shall be composed of four Deputies and three Senators, which, at the end of the 1st ordinary Session of each term of two years, shall be nominated by their respective Chambers.
52. To this Deputation it belongs:

(1) To summon the Congress to an extraordinary Session when the President of the Republic shall so determine, or the Deputation shall think it necessary, conformably to Article 21.

(2) To summon the Congress to continue its ordinary Session, when interrupted, as mentioned in Article 25.

(3) To summon the Senate to a particular Session, in the cases and for the objects stated in the 2nd paragraph of Article 53.

(4) To grant or withhold their permission to the Members of the Congress to absent themselves from the capital, the Chambers being in recess.

(5) To watch over, during such recess, the infractions of the Constitution.

Law IV - Organization of the Supreme Executive Power.

1. The exercise of the Executive power is deposited in a Supreme Magistrate, who shall be denominated President of the Republic. He shall continue in office for eight years, and be elected in the following manner:

2. On the 16th day of August of the year preceding the renovation, the President of the Republic, in conjunction with the Council and Ministers, the Senate and the High Court of Justice, shall each select three individuals, and on the same day they shall transmit the lists of the same directly to the Chamber of Deputies.

This body, on the day following, shall select three individuals from those specified in the said lists, and shall forward the list of the three so selected to the Departmental Councils.

These Councils shall elect an individual out of the three contained in the list which they have received, the election taking place on the 15th day of October of the year anterior to the renovation; and they shall transmit an attested proof of the record of election by the next post to the office of the Secretary of the Chamber of Deputies; the omission of complying with the provisions of this paragraph being considered a case of responsibility against the Departmental Councils.

On the 15th day of the following December, the two Chambers shall meet for the purpose of opening the records which they may have received; they shall name a Special Commission of five individuals to examine them, to pronounce upon the elections (solely with reference to their validity or nullity,) to arrange the votes, and present
the suitable report.

The said report being discussed and approved of in the United General Congress, the person shall be declared to be the President who shall have obtained the greatest number of votes; and, in case of an equality, the person whom the lot shall determine; the lot and everything relating thereto taking place in the same sitting.

3. The records specified in preceding Article shall be null if executed on any other days than those assigned therein; and solely in the event of any social revolution rendering the meeting of Congress, or of the Majority of the Departmental Councils impossible, the Congress, with the consent of two-thirds of the Members present of each Chamber, shall designate other days; such resolution being considered as extraordinary, and for that once only.

4. A Decree declaratory of the election shall be issued, which shall be solemnly published by the Government, and shall be communicated to the party concerned, in order that he may present himself to take the oath, and be put in possession, on the 2nd of the following January.

5. The President who has finished his term can be re-elected; provided that he be proposed in the three lists mentioned in the 1st paragraph of Article 2; that he be selected as one of the three chosen by the Chamber of Deputies mentioned in paragraph (2) of the same Article, and that he obtain the votes of three-fourths of the Departmental Councils.

6. The office of President of the Republic cannot be declined, except in the case of re-election, and even then only on account of just grounds, and subject to the confirmation of the General Congress.

7. If the individual elected be absent, the Congress, taking the distance into consideration, shall appoint the day on which he is to present himself.

8. The President of the Council shall govern during the temporary absence of the President of the Republic. He shall also take the Government upon himself, during the interval which may occur between the period of the cessation of the late and the presentation of the new President.

9. The duties of the President of the Republic terminate on the 1st of January of the year of the renovation.
10. In case of the vacancy, by death or legal destitution, of the President of the Republic, the elections shall go forward in the same manner as that stated in Article 2, the Congress designating by Special Decree the day on which each is to take place.

If the death or destitution should happen in the last year of his office, the elections mentioned in the following Article shall take place, and the person elected shall discharge the duties until possession be taken by the President, who shall be elected in the time and manner designated in Article 2 of this Law.

11. In every case of vacancy, and whilst the election and possession of the President in proprietary right, whether elected ordinarily or extraordinarily, takes place, a President, ad interim, shall be nominated in the following manner:

The Chamber of Deputies shall elect three individuals possessing all the qualifications required by this law for that employment, and shall transmit the said list of the three to the Senate.

The latter Chamber on the following day shall elect from the said list, the individual who is to act as President, ad interim, and shall give notice of the same to the Chamber of Deputies; and the decree of nomination shall be communicated to the Government for publication, as well as to the party concerned, the day on which he is to present himself to be sworn in being appointed at the same time.

12. The proprietary President, or the President, ad interim, in order to take possession of his office, shall, in presence of General Congress, the two Chambers being assembled together, make oath according to the following formula:

"I, ______, named President of the Mexican Republic, swear by God and the Holy Gospels that I will observe and cause to be observed with exactitude the Constitution and Laws of the Nation."

The Internal Regulations of the Congress shall detail all the ceremonies of this act.

13. When incapacity, physical or moral, shall befall the President, the invitation spoken of in paragraph 4 of Article 12 of the 2nd Constitutional Law, shall be voted by two-thirds of the Members present of the Chamber of Deputies, and confirmed by the absolute majority of the individuals composing the Senate.

14. In order to be elected President of the Republic
it is requisite:
(1) To be a Mexican born, and in the actual exercise of the rights of a citizen.
(2) To be 40 years of age complete on the day of election.
(3) To be in possession of a capital, physical or moral, producing to the individual the annual sum of $4000.00.
(4) To have held one of the Superior offices, civil or military.
(5) To have not been condemned by legal process for any crime, or malversation with regard to public property.
(6) To be resident within the Republic at the time of election.

15. The prerogatives of the President of the Republic are:
(1) To give or refuse his sanction to the laws and Decrees of the General Congress, in the cases not excepted in the 3rd Constitutional Law.
(2) To submit to the General Congress, Project of Law or Decrees, upon all points on which he is empowered to make them, and which it cannot decline to take into consideration.
(3) That he cannot be criminally accused during his Presidency, and for a year afterwards, of any kind of crime committed before or during his tenure of that office, except in the terms prescribed in Articles 47 and 48, of the 3rd Constitutional Law.
(4) That he cannot be criminally accused of political offences committed before or during his Presidency, after the expiration of a year from the cessation of his functions.
(5) That he cannot be proceeded against, without the previous declaration of both Chambers prescribed in the last paragraph of Article 49 of the 3rd Constitutional Law.
(6) To appoint freely the Secretaries of State, and to have the power always of removing them, as he may judge expedient.
(7) To select and send to the Chambers, Orators to explain and support the opinions of the Government, in all cases the importance of which makes this measure advisable, in his opinion and that of his council.

16. He who acts as President ad interim, or as the President's substitute, shall enjoy the same prerogatives. In this case, however, the term allowed for the enjoyment of the 3rd, 4th and 5th prerogatives shall only extend to
two months, subsequently to the termination of their functions.

17. The Attributes of the President of the Republic are:

(1) To issue, in accordance with the General Laws respectively, all Decrees and Orders for the better administration of Public Affairs, the observance of the Constitution and Laws, and, in concert with the Council, the Regulations for the fulfillment of them.

(2) To originate all the Laws and Decrees which he may, in concert with the Council, deem expedient for the good government of the Nation.

(3) To make, in concert with the Council, such observations as he may think fit, upon the Laws and Decrees communicated to him by the Congress for promulgation, provided it be not in the cases excepted in the 3rd Constitutional Law.

(4) To publish, circulate, and cause to be observed the Constitutional Laws and Decrees of the Congress.

(5) To resolve, in concert with the Council, the propositions spoken of in paragraphs 1 and 6 of Article 12 of the 2nd Constitutional Law.

(6) To demand of the Congress the prorogation of their ordinary session.

(7) To resolve that the Permanent Deputation convokes the Congress to extraordinary Sessions, and to point out, in concert with the Council, the matters therein to be discussed.

(8) To negative, in concert with the Supreme Conserv- vative Power, the convocation made by the Permanent Deputation for which power is given to it by Article 20, 2nd part, of the 3rd Constitutional Law.

(9) To see that the Contributions are duly levied, and to direct their application in accordance with the laws.

(10) To name the members of the Council, in the terms prescribed by this law.

(11) To name the Governors of the Departments, out of a list of three, furnished by the Departmental Council, and in concert with the Council.

(12) To remove Diplomatic Functionaries and Consuls, whenever he may deem it expedient.

(13) To appoint Diplomatic Functionaries and Consuls, and the Colonels and other Superior Officers of the Standing Army, and of the Navy, and Active Militia, and the principal Officers of the higher Departments of Finance at present established, or to be established, subject, with regard to the first, to the approbation of the Senate, and to the last to that of the Chamber of Deputies, as is
prescribed in Articles 50, and 53 of 3rd Constitutional Law.

(14) To nominate to all the other military employments and public offices, under the conditions prescribed by the Laws.

(15) To have a voice in the nomination of the Judges and individuals employed in the Tribunals of Justice, conformably with the regulations of the 5th Constitutional Law.

(16) To grant Retirements, Leave of Absence, and Pensions, agreeably to the Laws.

(17) To have the disposal of the armed Force, naval and military, for internal security and external defence.

(18) To declare War in the name of the Nation, with the previous consent of the Congress; and to grant letters of Marque, conformably with the Laws.

(19) To conclude concordats with the Apostolic See, conformably with the bases given by the Congress.

(20) To direct diplomatic Negotiations, and to conclude Treaties of peace, amity, alliance, truce and armed neutrality, submitting them to the approbation of the Congress previous to ratification.

(21) To receive Ministers and other Foreign Envoys.

(22) To urge the Ministers of Justice to a prompt administration of it, and to afford them all necessary aid towards carrying their sentences and judicial decisions into effect.

(23) To suspend for the space of three months, and even to deprive of the half of their pay, for the same period, Functionaries named by him, who have been guilty of infractions of his orders and decrees; and, in the case wherein he may deem it expedient to proceed against them legally he shall submit to the proper Tribunal the facts of the case.

(24) To sanction or suspend the execution of the decrees of Councils, Pontifical Bulls, Briefs and Rescripts with the consent of the Senate, if they contain general provisions; consulting the Supreme Court of Justice, if they turn on points of a controversial nature, and the Council, if they relate to private affairs, or to such as are purely administrative.

In every case of suspension of such nature, he shall address to the Supreme Pontiff, within two months, at furthest, an explanation of the motives thereof in order that his Holiness, thus informed may take the steps which may seem good to him.

(25) To nominate, after the ratification of a Concordat with the Apostolic See and in accordance with what shall be therein agreed upon, to all Bishoprics, Ecclesiastical Dignities, and Benefices in the patronage of the
Nation, with the consent of the Council.

(26) To grant or refuse, in concert with the Council and in conformity with the laws, pardons which may be applied for, having first heard the tribunal in whose decision the sentence shall have originated and the Supreme Court of Justice; the execution of the sentence being suspended during their deliberations.

(27) To take care that legal exactitude be observed in the coining of money.

(28) To provide for all that may conduce to the good government of the Departments.

(29) To contract debts on the National Credit, with the previous authorization of the Congress.

(30) To open ports or close them; to establish or suppress custom Houses; to frame the Tariffs of Commerce, in strict conformity with the bases previously fixed by the Congress.

(31) To grant, in concert with the Council, Letters of Naturalization, under the regulations prescribed by the laws.

(32) To grant passports to Mexicans for the purpose of going to Foreign Countries and to extend the term of their leave of absence.

(33) To grant or refuse to Foreigners entrance into the Republic, and to expel therefrom those not naturalized who may render themselves objects of suspicion.

(34) To grant, in concert with the Council, exclusive Privileges, upon the terms established by Law.

18. The President of the Republic cannot:

(1) Command in person the Naval and Military Forces, without consent of the General Congress, or, during its recess, that of the Senate, by the vote of two-thirds of the Senators present.

During his command of the Forces, all his participation in the government shall cease, and he shall remain subject to the government as a General.

(2) Deprive anyone of his liberty, nor, of his own act, impose any penalty. Nevertheless, when the public good and security require it, he shall have power to arrest those who are subjects of suspicion, but he must place them at the disposal of the competent Tribunal or Judge within 30 days at the farthest.

(3) Take possession of the property of any individual or corporate body, except in the case and under the provisions detailed in paragraph 3 of Article 2 of the 1st Constitutional Law.

(4) Leave the territory of the Republic during his Presidency, nor for a year afterwards, without permission of Congress.
(5) Alienate, cede, or give in exchange, any City, Town, Place, or part of the National Territory.

(6) Surrender or alienate National Property without the consent of Congress.

(7) Impose, directly or indirectly, any kind of contributions, general or special.

(8) Cause to be executed the acts prohibited in paragraphs 4, 5, 6, and 7 of Article 2 of the 1st Constitutional Law, and in Paragraph 5 of Article 45 of the 3rd Law.

(9) Stop or put off the elections established by the Constitutional Laws.

(10) Prevent or disturb the sittings of the Conservative Power, or prohibit the execution of its Resolutions.

19. Every act contrary to the foregoing Article is null, and renders responsible the Secretary of the Department which authorizes it.

20. The secondary Laws shall assign the Salary with which this Supreme Magistrate shall be indemnified, and all the ceremonials which shall be observed with regard to him.

Of the Council of Government

21. This council shall be composed of 13 Councillors, of whom two shall be Ecclesiastics, two Military, and the rest of the other classes of society; and they shall be elected in the following manner:

The Congress for the time being shall draw up a List of 39 individuals, and shall present it to the President of the Republic, who, the next day, shall select from it and name the 13 Councillors.

In every case of vacancy occurring hereafter, the Senate shall propose a list of three to the President of the Republic, in order that he may elect a successor to the vacant place.

22. The election of the 13 Councillors spoken of in the foregoing Article, having taken place, the President of the Republic shall send a list of them to the Congress, who, on the same day, shall name the one out of them who shall preside over the Council, and the one who is to supply his place when absent.

This election hereafter shall be made by the Chamber of Deputies every two years, on the 10th day of January, and shall be communicated to the President of the Republic in order that he may publish it.
The President, whose office has just ceased, may be re-elected.

23. The office of Councillor shall be perpetual, and cannot be resigned but for just cause, recognized as such by the President of the Republic, and with the assent of the same Council.

24. To be a Councillor it is necessary to be a Mexican born, and to possess the same qualifications as are required for Deputies by Article 6 of the 3rd Constitutional Law.

25. The Duties and Privileges of the Council are:
   (1) To exercise all those expressed in this Law, and in the other Constitutional Laws.
   (2) To give the Government their opinion, in all cases and on all subjects on which it is required of them.
   (3) To name from among their Members the one who shall fill the office of Secretary, and that of his substitute when he shall be absent.

   This election shall take place on the 10th day of January every two years, and those who go out of office may be re-elected.

26. The Members of the Council shall be responsible only for the opinions they give contrary to express Law; each individually, if it be a case of Constitutional Law, or of bribery or subornation.

   Their responsibility cannot be made effective, except in the manner and in the terms prescribed in the 3rd Constitutional Law.

27. A secondary Law shall regulate in detail all the functions of the Council, the manner of executing them, and the whole of its internal government, and shall assign the Salaries to be given to its Functionaries.

Of the Ministry

28. For the dispatch of the affairs of Government, there shall be four Ministers: one of the Interior, one of Foreign Affairs, one of Finance, and one of War and Marine.

29. The Ministers shall be chosen exclusively by the President of the Republic, and shall be Mexicans by Birth, citizens in the actual exercise of their rights, and who have not been condemned by legal process for crimes, or
for malversation in regard to public property.

30. Every important affair of Government shall be determined by the President of the Republic in Council with the Ministers, who shall sign their determination in a book kept for that purpose, specifying him or them who dissent.

31. To each Minister it belongs:
   (1) To administer all the affairs belonging to his Department, having previously agreed thereupon with the President of the Republic.
   (2) To authorize, by his signature, all the Regulations, Decrees, and Orders of the President to which he agrees, and which relate to matters belonging to his Department.
   (3) To present to both Chambers a Report, specifying the condition of the various branches of public administration belonging to his Department.

This Report shall be presented by the Minister of Finance in July of every year; and by the three others in January.

32. Each Minister shall be responsible for the non-execution of the Laws whose fulfillment belongs to his Department; and for the acts of the President which he may authorize by his signature, and which are contrary to the Laws, particularly those of the constitution.

The responsibility of the Ministers can only be made effective in the manner and in the terms prescribed in the 3rd Constitutional Law.

33. The Government shall draw up Regulations for the better execution of the Secretary Departments, and shall present them to the Congress for its approbation.

34. The salaries of the Ministers shall be regulated by a secondary Law, they retaining, in the interim, such as have been hitherto enjoyed by them.

Law V - Of the Judicial Power of the Mexican Republic

1. The Judicial power of the Republic shall be exercised by a Supreme Court of Justice, by the Superior Tribunals of the Departments, by those of the Finance Department which shall be established by a special Law, and by the Courts of First Instance.
2. The Supreme Court of Justice shall be composed of 11 Judges and a Fiscal.

3. It represents the judicial power, in everything pertaining to it, and in those duties which cannot be discharged by the entire Body: it has to take care that the Tribunals and the Courts of the Departments are duly filled by the Magistrates and Judges who shall compose them, and that full and prompt justice be rendered therein.

4. In order to be elected a Member of the Supreme Court it is necessary:
   (1) To be a Mexican by birth.
   (2) To be a citizen in the exercise of his rights.
   (3) To be 40 years of age, complete.
   (4) To have not been condemned for any crime by legal process.
   (5) To be a Lawyer, and to have been at least 10 years in the exercise of that profession.

   The qualification of a Mexican by birth is not necessary; first, for the sons of a native Mexican who, happening to have been born out of the Republic, shall have established themselves in it subsequently to becoming legally their own masters; secondly, for those who may have been born in any of those parts of America which previously to 1810 belonged to Spain, and have separated from her, provided always, that they resided in the Republic before the establishment of its independence; thirdly, for those who, being natives of a Province which once formed part of the Republic, may have been theretofore settled in it.

5. The election of the Members of the Supreme Court, in the case of future vacancies, shall take place in the same manner and exact form as that of the President of the Republic.

6. The election being decided, the Decree declaring it shall be drawn up on the same day, and shall be published by the Government and communicated to the Tribunal and to the person elected, in order that the latter may present himself to be sworn in and take possession.

7. The newly-elected Member shall take the oath before the Chamber of Deputies; during its recess, before the Senate; and during the recess of both, before the permanent Committee. Its form shall be:

"Do you swear to God our Lord to keep and cause to be kept the Constitutional Laws, to administer justice well and completely, and duly to discharge all the functions of your office? If you do thus, may God reward you; and
if not, may he require it of you."

8. If a Deputy, Senator, or Councillor be elected a Minister or Fiscal of the Supreme Court of Justice, the latter election shall supersede the former.

9. The Members of the Supreme Court of Justice shall not be tried in civil and criminal causes concerning themselves, except in the manner and before the Tribunals established in the 2nd and 3rd Constitutional Laws.

10. Every two years, and within the first six days of January, the President of the Republic, in conjunction with the Council and Ministers, the Senate and the High Court of Justice, shall each draw up a list of nine individuals, resident in the capital, and possessing the same qualifications as are required for Members of the said Supreme Court, in order that, as substitutes, they may supply the place of absent Magistrates.

11. These lists shall be immediately forwarded to the Chamber of Deputies, which shall name from among the individuals comprised therein the nine who shall discharge the duties of substitutes.

12. It is the province of the Supreme Court of Justice:

(1) To take cognizance of civil and criminal causes instituted against the Members of the Supreme Conservative Power, in the terms and with the provisions laid down in Article 18 of the 2nd Constitutional Law.

(2) To take cognizance, of criminal causes instituted against the President of the Republic, the Deputies and Senators, Secretaries of State, Councillors, and Governors of Departments, under the provisions laid down in the 3rd Constitutional Law.

(3) To take cognizance, in the first instance, of civil cause in which, whether as plaintiffs or defendants, the President of the Republic, and the Secretaries of the State are concerned, and in those in which Deputies, Senators, and Councillors are defendants.

(4) To take cognizance, in the third instance, of causes brought against Governors and Chief Magistrates of Departments, and in the same instance in criminal causes instituted against them for common delinquencies.

(5) To decide questions of disputed competency which may arise between the Tribunals of different Departments, or Special Courts.

(6) To take cognizance of judicial disputes which may arise regarding contracts or negotiations, concluded
by the Supreme Government, or by its express order.
(7) To take cognizance of causes involving the re-
responsibility of the Magistrates of the Superior Depart-
mental Tribunals.
(8) To take cognizance, in all instances, of crim-
inal causes concerning the Diplomatic Functionaries and
Consuls of the Republic and of the civil actions in which
they are defendants.
(9) To take cognizance of Admiralty cases, of
prizes taken by sea and on land, of crimes committed on
the high seas and of offences against the Mexican Nation,
according to the terms to be prescribed by a Law.
(10) To take cognizance of criminal actions which
may be brought against those Functionaries who are imme-
diately subordinate to the same Supreme Court, for omiss-
ions, transgressions, or abuses of the duties of their
appointments.
(11) To take cognizance of appeals of nullity which
may be interposed against sentences pronounced, in the
last instance, by the Superior Tribunals of 3rd Instance
of the Departments.
(12) To take cognizance of appeals for protection
and redress interposed by the Very Reverend the Archbishops
and the Reverend Bishops of the Republic.
(13) To originate Laws relative to the administra-
tion of justice, according to the provisions of the 3rd
Constitutional Law, and more particularly those which
have for their object the regulation of all the Tribunals
of the Nation.
(14) To deliver their opinions upon all Laws origin-
ated by the Supreme Government, or by the Deputies in the
same branch of the administration of justice.
(15) To entertain the doubts presented by the other
Tribunals and Courts upon the interpretation of any Law,
and, finding them to be well founded, to forward them to
the Chamber of Deputies, pronouncing their opinion, and
soliciting a declaration in conformity therewith.
(16) To name all the subordinate officers and de-
pendents of the said Supreme Court.
(17) To name the ministers and Fiscals of the Super-
ior Departmental Courts, according to the following form:
The Superior Departmental Tribunals shall make lists
of all candidates for the said offices, and of those who
in their opinion are duly qualified for them; they will
then forward the Lists to the Governor of the Department,
who, assisted by the Council of the same, shall be at
liberty to exclude those candidates whom he may judge to
be unworthy of the public confidence of the Department,
and, having done so, he shall return the lists to the said
Tribunals. They shall then make another list, comprising those who still remain eligible after the exclusion, and describing, successively and circumstantially, the aptitude and merits of each. This list being forwarded to the Supreme Government, the latter may, in concert with the Council, reject those who in their judgment do not merit the good opinion and confidence of the Nation; and having lastly forwarded it to the Supreme Court of Justice, the said Supreme Court shall proceed to nominate the candidates from amongst those against whom no objection shall have been made.

(18) To confirm the appointments of the Permanent Judges of the 1st Instance, made by the Superior Departmental Tribunals.

(19) To support or oppose petitions for pardon, made in favor of delinquents.

(20) To take cognizance of all matters of controversy appertaining to the ecclesiastical patronage belonging to the Nation.

(21) To have a voice in the expediting or suspension of Pontifical Bulls, Briefs or Rescripts, issued in matters in litigation.

(22) To hear and decide upon the appeals interposed in the capital of the Republic, respecting the qualification offered for the taking possession of the property of strangers, in the cases treated of in paragraph 5 of Article 2 of the 1st Constitutional Law.

13. The Supreme Court of Justice, in associating with itself General Officers, shall constitute itself a Court Martial, for the purpose of taking cognizance of all matters and causes of special military jurisdiction, in the terms which shall be provided for by a Law, on the following bases:

(1) In criminal cases which are purely military, military members only shall decide in this Court Martial.

(2) In civil matters, civilians only shall take cognizance and decide.

(3) In criminal cases of a common and mixed nature, both shall take cognizance conjointly, as well as in those instituted against Commandant Generals for offences committed by them in the exercise of their jurisdiction.

14. In this Court-Martial there shall be seven purely military members and 1 Fiscal, with four substitutes for the former and one for the latter. The election of all of them shall take place in the same manner as that of the Ministers of the Supreme Court of Justice, and they shall in the same manner enjoy the privileges specified in Arti-
Article 9. Their qualifications shall be the 1st, 2nd, 3rd, and 4th prescribed in Article 4 of this law, it being also understood that they be Generals of Division or of Brigade.

15. The necessary conditions of being employed by their Government in matters of service, shall be the same as those required by Article 16 of this Law, 4th restriction, in order to enable the members of the Supreme Court of Justice to hold any commission.

16. The restrictions upon the Supreme Court of Justice and its members are as follow:

1. It shall not have the power to make of itself any regulation, not even in matters belonging to the administration of justice, nor to introduce any measures containing general dispositions which may alter or interpret the Laws.

2. It shall not have the power to take any cognizance whatever of national matters of a Governmental or administrative nature.

3. It shall not have the power to take any cognizance in matters of dispute pending in the Departmental Courts, or which appertain to the jurisdiction of their respective Territories.

4. No minister or Fiscal of the Supreme Court shall be permitted to hold any Government commission. When the Government, for special reasons which affect the public good, shall deem it expedient to nominate any such Magistrate as Secretary of State, or to a Diplomatic Mission, or other office of the kind, it shall have power to do so in concert with the Council and with the consent of the Senate.

5. The Ministers and Fiscals of the Supreme Court shall not be permitted to be Advocates or Attorneys in lawsuits, or Assessors, nor Arbiters of right, or Arbitrators.

17. The Supreme Court of Justice shall frame regulations for their internal Government and the discharge of all their duties; they shall proceed immediately to put them in execution, and shall forward them to the Congress for its correction or approval.

18. In every capital of a Department there shall be established a superior Tribunal, organized in the manner to be prescribed by a Law.
19. The powers of all these Tribunals shall be equal, and they shall be independent of each other in the execution of their functions.

20. To be elected a Minister of the said Tribunals it is requisite:
(1) To be a Mexican born, or to be in one or other of the categories expressed in paragraph 2 of Article 4 of this Law.
(2) To be a citizen in the enjoyment of his rights.
(3) To have completed 30 years of age.
(4) To have not been condemned by legal process for any crime.
(5) To be a lawyer, and to have actually exercised that profession during at least 6 years.

21. The Chief Judges and Fiscals of the Tribunals, on taking possession of their offices, shall take the oath prescribed in Article 7 before the Governor and Council of the Department.

22. The functions of these Tribunals are as follows:
(1) To take cognizance, in the 2nd and 3rd Instance, of the civil and criminal causes belonging to their respective Territories, and, in the 1st and 2nd Instance, of the Civil suits of the Governors of those Departments whose capitals are the nearest to them, and in the civil and criminal causes of their Superior Magistrates.
(2) To take cognizance, in the 1st and 2nd Instance, of ordinary criminal causes, and those of responsibility, and civil matters in which the Inferior Judges of their Territory are Defendants. In the same Instances also of those which are brought against their own officers and immediate dependents, for omissions, abuses, or transgressions committed in the discharge of their duties; and in the 3rd Instance, of the Affairs which arise, or suits which are instituted in the like cases, in those Departments whose capital is the nearest to them.
(3) To take cognizance of appeals of nullity from sentences given by Judges of the 1st Instance in written judgements, and, when the appeal has been disallowed, to oral sentences which involve immediate execution.
(4) To take cognizance of appeals for protection and redress, made by the Ecclesiastical Judges of their Territories, provided they be not Archbishops and Bishops.
(5) To decide questions of competency of jurisdiction which arise among their Inferior Judges.
(6) To declare, in the cases of criminals who have claimed the right of sanctuary, those cases in which the Ecclesiastical jurisdiction shall be called upon to de-
liver them up.

(7) To determine the qualifications of the Lawyers nominated to fill up the vacancies which occur in the same Tribunals; performing this duty strictly in conjunction with the Governors and respective Departmental Councils, in the manner prescribed in paragraph 17 of Article 12 of this Law.

(8) To name the Judges of 1st Instance of their Territories upon the previous intervention of the Governors and Councils of the respective Departments. This intervention shall take place in the mode laid down in the said paragraph 17 of Article 12 of this Law; notice being immediately given to the Supreme Court, in order to the confirmation of the appointment made by the Tribunal.

(9) To name their inferior Functionaries and Dependents respectively.

23. The restrictions of these Tribunals and of their ministers are the following:

(1) They shall not have the power of making any Regulations, not even on matters concerning the administration of justice, nor to introduce measures containing general dispositions which may alter or interpret those of the Laws.

(2) They shall not have the power to take any cognizance of the Governmental or administrative matters of their Departments.

24. No Minister or Fiscal of these Courts shall be permitted to act as Advocate or Attorney in lawsuits, Assessor or Arbiter of right, or Arbitrator, nor to hold any Government commission in his respective territory.

Of the Inferior Judges of the First Instance

25. In the chief district towns of each Department there shall be established Inferior Judges, with their corresponding Courts, for the hearing of civil and criminal causes in the 1st Instance.

There shall likewise be the same in the Chief places of cantons, (cabeceras de partido) to be designated by the Departmental Councils, in concert with the Governors, provided that the population of the whole canton be not under 20,000 souls.

26. To be a Judge of the 1st Instance it is requisite:

(1) To be a Mexican born, or to be in one or other of the categories expressed in paragraph 2 of Article 4 of
this Law.

(2) To be a citizen in the exercise of his rights.
(3) To have not been condemned for any crime by legal process.
(4) To be 26 years of age complete.
(5) To be a Lawyer, and to have exercised that profession at least four years.

27. The Judges of the 1st Instance may not act as Advocates or Attorneys in lawsuits, nor as Arbiters of right, or Arbitrators.

28. They shall limit themselves solely to the cognizance of judicial matters.

29. In these matters the Alcaldes of the townships shall exercise such powers as the Laws may establish.

General Provisions, relative to the Administration of Justice in Civil and Criminal Matters.

30. There shall be no other special Courts but the Ecclesiastical and Military.

31. The Ministers and Fiscals of the Supreme Court shall hold their offices for life, and may not be suspended or removed, except in accordance with the provisions of the 2nd and 3rd Constitutional Laws.

32. In like manner, the Ministers of the Superior Tribunals of the Departments and the Professional Judges of the 1st Instance shall be permanent, and shall not be removed, except for offences legally proved, and by a sentence pronounced thereupon.

33. All the Magistrates and Judges shall enjoy the salary which shall be assigned to them by a Law.

34. In every cause, whatever be its importance or nature, there shall be no more than three Instances. A Law shall fix the number of Instances which every cause may go through, in order that its execution be absolute, according to its nature, speciality, and circumstances.

35. The Ministers who shall have pronounced judgment in any one Instance, shall not have the power to do so in any other Instance.
36. Any misconduct by collusion, bribery, or fraud, is ground of action on the part of the public against the Magistrates or Judges who commit it.

37. Any failure in the observance of the essential forms regulating a suit, renders it null in Civil Causes, and entails personal responsibility on the Judges. A Law shall fix the steps which, as essential, must not be omitted in any Cause.

38. In criminal Causes such omission is ground of responsibility to the Judge who commits it.

39. All litigants have the right of terminating at any time their civil suits, or their criminal suits in cases of injury purely personal, through the medium of arbitrating Judges, whose sentences shall be executed according to the Laws.

40. In order to institute any civil suit, or any criminal suit in cases of injury purely personal, the conciliatory mode must first be tried. The Law shall regulate the form to be observed in such proceedings, the cases in which it shall not take place, and whatever else relates to this matter.

41. The written warrant signed by the Judge which must precede caption, according to paragraph 1 of Article 2 of the first Constitutional Law, shall be shown to the individual concerned when arrested; he and all are to obey, fulfill and aid in the execution of such warrants, and all resistance or attempt to obstruct or elude them are grave misdemeanors, and punishable according to the circumstances.

42. In case of resistance or of well-grounded apprehension of escape, force may be resorted to.

45. To proceed to caption it is requisite, first, that a summary information should precede it, from which it shall be proved that an act has taken place, deserving according to the laws of being visited with corporal punishment. Second, that it be proved, likewise, that some person or sufficient presumption exists for believing that the accused committed the criminal act.

44. To proceed to simple detention, it is sufficient that there exist some legal presumption or ground of suspicion in the view of the Judge against the party, and for a determinate offence. A Law shall establish the penalties necessary for restraining the arbitrary exercise of
the Judge's power in such matters.

45. No prisoner shall suffer any detention of his property, except where his arrest shall have arisen from an offence involving his pecuniary responsibility, and then only to the amount necessary for covering the said responsibility.

46. When, in the course of the suit, and by the particular evidence produced, it shall appear that the accused is not liable to corporal punishment, he shall be set at liberty, under the conditions and circumstances to be determined by a law.

47. Within three days after the imprisonment or detention, the preparatory declaration of the accused shall be taken. In this act the cause of the proceeding and the name of the accuser, if there be one, shall be included; and this declaration, as well as the others which may be presented in the cause, shall be received without oath on the part of the accused, so far as respects his own acts.

48. At the time of the declaration of the accused, and of the charge being made against him, he shall be made acquainted with the documents, witnesses, and other evidence to be brought against him, and from the time of the accomplishment of this, the proceedings shall continue without any reserve towards the accused.

49. Torture shall never be resorted to for the verification of any description of offence.

50. The penalty of confiscation of property shall not be imposed.

51. Every punishment, as well as every offence, is entirely personal to the delinquent, and shall never extend to his family.

Law VI - Division of the territory of the Republic; and internal Government of its Townships.

1. The Republic shall be divided into Departments, conformably with the 8th of the Organic Bases. The Departments shall be divided into Districts, and the Districts into Cantons (Partidos).
2. The 1st Constitutional Congress, in the months of April, May, and June, of the 2nd year of their Session, shall make the division of the Territory into Departments, by a Law which shall be constitutional.

3. The Departmental Councils, during the remainder of that year, shall make the division of their several Departments into Districts, and the division of districts into Cantons, reporting the same to the Government, and the latter communicating the said information to the Congress for its approbation. Whilst the divisions treated of in the 2 preceding Articles are in progress, the Territory of the Republic shall be provisionally divided by a secondary Law.

4. The internal Government of the Departments shall be vested in the Governors, subject to the control of the General Government.

5. The Governors shall be selected by the General Government from three individuals proposed by the Departmental Councils; but without this obligation in the case of the frontier Departments, and with power to reject for once, all of the three individuals proposed in the case of the frontier Departments. The Governors shall continue for eight years, with the power of being re-elected.

6. In order to be a Governor, it is required:

(1) To be a Mexican by birth, or to have been born in some part of America which, previous to 1810, was a dependency on Spain, and has since separated itself from that Country, provided always that the individual resided in the Republic at the time of its becoming independent.

(2) To be a citizen in the enjoyment of the rights of citizenship.

(3) To be a native or inhabitant of the Department.

(4) To be full 30 years of age.

(5) To possess a real or professional capital, producing at least an annual income of $2,000.00.

(6) To be of the secular class.

7. It appertains to the Governors:

(1) To provide for the preservation of public order within the Department.

(2) To dispose of the armed force granted by Law for that purpose.

(3) To observe, and cause to be observed, the Decrees and orders of the General Government; and the resolutions of the Departmental Council, which shall have received the approbation of the Congress, in the cases
wherein it is so required by Law.

(4) To forward to the Government, together with his Report, all the resolutions of the Departmental Council.

(5) To appoint the Prefects, and approve of the appointment of the Sub-Prefects of the Department. To confirm that of the Justices of the Peace, and to remove any of these functionaries, having previously heard the opinion of the Departmental Council touching such removal.

(6) To name the civil servants of the Department, whose appointment is not reserved to some other Authority.

(7) To suspend for as long as three months, and to deprive even of half their salary, for the same period, the civil servants of the Department.

(8) To suspend the Municipalities of the Department, with the consent of the Departmental Council. In the case of their making use of either of the two preceding attributes, they shall immediately report the same to the General Government, in order that it may, according to its power, determine whatever may be thought expedient with regard to the suspension.

(9) To resolve the doubts which may occur respecting the elections of Municipalities, and accept or not the resignation of members of the same.

(10) To exercise, in concert with the Departmental Council, with a casting voice in case of equality of votes, the power of rejection mentioned in Article 12, paragraph 17, and Article 22, paragraph 8, of the 5th Constitutional Law.

(11) To enjoin the Tribunals and Judges to administer justice with the greatest promptitude and impartiality, reporting to the respective Superior the irregularities of the inferior Authorities.

(12) To watch over the Revenue Offices of the Department, in the manner to be hereafter provided for by Law.

8. In cases of temporary vacancy there shall be appointed a Governor ad interim, in the same manner as the permanent Governor is appointed, and with the like qualifications. If the vacancy be of short duration, the Senior member of the Departmental Council, not being an Ecclesiastic, shall take charge of the Government, the same being observed during the interval which may elapse from the time of the vacancy occurring in the Government until the appointment of the Governor ad interim.

9. In each Department there shall be a Council called the Departmental Council, composed of seven members.
10. These shall be chosen by the same electors who name the Deputies for the Congress, the election taking place the day immediately following that of the election of the Deputies. There shall also be elected seven supplementary members, in the same manner as the permanent members are elected.

11. The Departmental Council shall be renewed in full every 4 years, and commence its functions on the 1st day of January.

12. The election of these Councils shall take place on the close of the preceding elections, with the approbation of the Governor, but subject to the ulterior decision of the Senate, to which body a report thereof shall be immediately made, without prejudice, however, to the duties of those elected.

13. In order to be a member of the Departmental Council, the same qualifications are required as for a Deputy.

14. The Departmental Councils are authorized:

(1) To propose Laws relating to taxes, public education, industry, commerce, municipal administration, and modifications of the constitution, in conformity with Article 26 of the 3rd Constitutional Law.

(2) To draw up the opinions mentioned in Article 28 of the same Law.

(3) To establish Elementary Schools in all towns of their respective Department, endowing them with ample funds from the Municipal Revenues, where there are such, or by imposing moderate contributions where there are none.

(4) To regulate the opening and repair of the interior roads of the Department, establishing moderate tolls to defray their expenses.

(5) To introduce all regulations conducive to the maintenance and improvement of public schools and charitable institutions, and such as may tend to promote agriculture, industry, and commerce; but if the adoption of them should in any manner oppress the inhabitants of the Departments, they shall not be put into execution without the previous consent of Congress.

(6) To promote, through the medium of the Governor, everything that may tend to the prosperity of the Department in all its branches, and to the welfare of its population.

(7) To frame, in conjunction with the Governor, the Municipal Regulations of the Corporations, and those corresponding to the internal police of the Department.
regulations, and the rules given in conformity with paragraphs 3 and 4, as also the Regulations which, according to paragraph 5, do not require to be previously approved of, may be put immediately in force, subject always to what Congress shall afterwards ordain.

(3) To examine and approve the Accounts to be rendered of the receipts and expenditures of money arising from Municipal Revenues.

(9) To consult the Government in all cases in which the latter may require such consultation.

(10) To call upon the Supreme Conservative Power to declare when the President of the Republic shall be required to reconstruct the Ministry, as a measure beneficial to the Nation.

(11) To elect the President of the Republic, the members of the Supreme Conservative Power, the Senators, and the Members of the Supreme Court of Justice and of the Court Martial, agreeably to the various provisions of the respective Constitutional Laws.

(12) To propose to the General Government three individuals for the appointment of Governor.

(13) To exercise, jointly with the latter, the right of rejection referred to in Articles 12 and 22 of the 5th Constitutional Law, as regards the appointment of Magistrates and Judges.

(14) To arrange and forward annually to the General Government the statistical accounts of the Department, with such remarks as may be deemed expedient for the advantage and improvement of the Department.

15. Restrictions upon Governors and Departmental Councils.

(1) They shall impose no contributions, either under pretence of Municipal or any other Dues, except in the terms expressed in this Law, nor shall they apply them to other purposes than such as are herein declared.

(2) They shall take no measured for levying an armed force, except when expressly empowered so to do by the Laws, or in such cases as the General Government may direct.

(3) They shall make use of no other privileges but those granted by this Law; and any infraction of this, or of the two former paragraphs of this Article, shall be visited with the most severe responsibility.

(4) No individual of the Departmental Councils shall be allowed to resign his duties, except for legal reasons, to be sanctioned by the Council, with the consent of the Governor.
16. In every chief city of a district there shall be a Prefect named by the Governor, and confirmed by the General Government; his time of office shall be for 4 years, and he can be re-elected.

17. In order to be a Prefect, it is required:
   (1) That he be a Mexican citizen, in the full enjoyment of his rights in that condition.
   (2) That he be a native or resident of the Department.
   (3) That he be upwards of 50 years of age.
   (4) That he possess a physical or moral capital producing him at least $1,000.00 per annum.

18. It appertains to the Prefect:
   (1) To protect public order and maintain tranquility within his district, with entire submission to the Governors.
   (2) To observe and cause to be observed, the orders of the Government of his own Department.
   (3) To watch over the duties of the Municipalities, and generally over all that relates to the police.

19. In every chief town of a District, there shall be a Sub-prefect, named by the Prefect, with the approval of the Governor; he shall act for two years, and may be re-elected.

20. In order to be a Sub-Prefect, it is required:
   (1) To be a Mexican citizen, in the full enjoyment of his rights as such.
   (2) To be a resident of the town.
   (3) To be upwards of 25 years of age.
   (4) To possess a physical or moral capital that shall produce him at least $500.00 a year.

21. The duties of a Sub-Prefect of a Town are the same as those of the Prefect of the district, being subordinate to him, and through him to the Governor.

22. There shall be Municipalities in the capitals of Departments; in all the places in which they existed in 1808; in the sea ports, provided their population exceeds 4,000 souls; and in all towns comprising 8,000 souls. In towns of inferior population, there shall be Justices of the Peace, entrusted also with the police, and in such numbers as shall be designated by the Departmental Councils, conjointly with the respective Governors.

23. The Municipalities shall be elected by the people on the terms to be provided for by a special Law. The
number of Alcades, Municipal Officers, and Recorders shall be fixed by the respective Departmental Councils, conjointly with the Governor. The number of the first shall not exceed six, that of the second, 12, and of the last, two.

24. In order to be a Member of the Municipality, it is required:
   (1) To be a Mexican citizen, in the full enjoyment of his rights of citizenship.
   (2) To be a resident of the same town.
   (3) To be upwards of 25 years of age.
   (4) To possess a physical or moral capital that shall produce him at least $500.00 per annum.

25. It appertains to the Municipalities to promote the salubrity and convenience of the public, to look after the prisons, hospitals, and charitable institutions which have no peculiar endowments; to watch over the grammar schools which are supported from the public funds; to attend to the construction and repair of bridges and roads and to the receipt and expenditure of all Municipal Revenues, to promote the improvement of agriculture, industry and commerce, and aid the Alcades towards the maintenance of public tranquility in their neighborhood, with entire regard to the Laws and other regulations.

26. The Alcades shall exercise in their towns the office of Conciliators: they shall decide in cases of verbal suits; take the most effectual measures, in cases of contention which do not allow time for application to the corresponding judge; direct, under similar circumstances, the first steps in criminal matters; enforce the orders sent to them by the tribunals or corresponding judges, and watch over tranquility and public order, subject in this respect to the Sub-Prefects, and through them to the Superior Authorities.

27. The Justices of the Peace, who are also charged with the police, shall be proposed by the Sub-Prefect, be nominated by the Prefect, and approved by the Governor. They shall act for one year, and may be re-elected.

28. In order to be a Justice of the Peace, it is required:
   (1) To be a Mexican citizen, in the full enjoyment of his rights as such.
   (2) To be a resident of the town.
   (3) To be upwards of 25 years of age.
29. The Justices of the Peace shall exercise in their own towns the same rights and privileges as are already laid down for the Alcades, and those given to the Municipalities, subject in the latter to the Sub-Prefects, and through them to their respective superior Authorities.

In places where the population is less than 1000, the functions of the Justices of the Peace shall be limited to keep public order, to attend to the police of the place, and to decide in civil and criminal cases, which, from their urgency, do not afford time for application to the respective neighboring Authorities.

30. The offices of Sub-Prefects, Alcades, and Justices of the Peace, who are entrusted with the police, and the Municipal Officers and Recorders shall have no salaries attached. They cannot be resigned without a legal cause, such cause, to be approved of by the Governor, or in the cases of re-election.

31. A secondary Law shall fix all that relates to the exercise of the duties of Prefect, Sub-Prefect, Justice of the Peace, Alcalde, Municipal Officer, and Recorder; the manner of providing for the vacancies; the indemnification to be given to the Governors, Members of the Departmental Councils, and Prefects; and the immunities which other Officers shall enjoy.

Law VII - Alteration of the Constitutional Laws.

1. During the six years which shall follow the publication of this Constitution, no amendment shall be made in any of its Articles.

2. In proposing Amendments after that term, it shall be indispensable to observe the forms required by Article 12, paragraph (10), of the 2nd Constitutional Law; by Article 26, paragraphs (1) and (3), and Articles 28, 29, and 38 of the 3rd Constitutional Law, and by Article 17, paragraph (2), of the 4th Law.

3. In the Bills proposing any Amendment, as in those for other Laws, the Chamber of Deputies may not only alter the wording, but also add and modify, in order to make the Project perfect.

4. The Projects of Amendments, in the cases referred to in Articles 38 of the 3rd Constitutional Law, shall be subject to what the Article provides.
5. It belongs only to the Constitutional Congress to resolve any doubts upon the Articles of the Constitution.

6. Every public functionary, on entering upon the duties of his office, shall swear to observe the Constitutional Laws, and to cause them to be observed; and he shall be responsible for the infractions which he may commit, or shall not prevent.

Temporary Articles

1. The day following that appointed for the election of Deputies, the election for the Departmental Councils shall take place. These elections, where there is no retiring Council, shall be verified by the Municipality of the Capital, subject to what may be determined by the Senate.

2. The Congress shall name the days of election referred to in Article 8 of the 3rd Constitutional Law, and in Article 2 of the 4th Law; and the Government shall also appoint the day for the election referred to in Article 3, paragraphs 1 and 2, of the 2nd Constitutional Law.

3. A commission of 19 members named by a majority of votes in Congress, shall discharge for the first time the electoral duties which should solely devolve on the Chamber of Deputies, according to Article 3, paragraph (6), of the 2nd Constitutional Law, and Article 8, paragraph (1) of the 3rd Law; and also those functions which, by the 4th Law, and by Articles 5, 10, 11, and 14 of the 5th Constitutional Law, should belong only to the Senate.

4. The Congress in a body shall discharge the electoral functions, which by Article 3, paragraph (6), of the 2nd Constitutional Law, belong only to the Senate; those which belong to the Supreme Conservative Power by Article 8, paragraphs 3 and 4 of the 3rd Law, and those which appertain solely to the Chamber of Deputies, according to Article 2 of the 4th, and Articles 5, 10, 11, and 14 of the 5th Constitutional Law.

5. The nomination referred to in Article 12, paragraph 12, of the 2nd Constitutional Law, shall be made for the first time by the Supreme Conservative Power, within a month from the period of installation, the election of the President and Secretary, which are prescribed by Article
20 of the 2nd Constitutional Law, shall take place.

6. The 1st Constitutional Congress shall meet on the day named in the Decree of Convocation, and shall close the first period of its Session on the 30th of June, 1837.

7. In the organization of the Superior Tribunals of the Departments, the rights of the present Magistrates shall be respected for this time only, in the terms of a Law to be passed for that purpose; which same Law shall also determine the manner in which they are to be elected, keeping as much as possible within the limits of the Constitution.

8. The periods of service fixed by the Constitutional Laws for all Functionaries about to be elected according to the present provisions, shall be taken to commence from the 1st of January, 1837, whatever may be the day on which they begin to exercise their functions.

Mexico, 29th of December, 1836.

Atenogenes Castillero, Representative for the Department of Puebla - President.
Bases of Political Organization of the Mexican Republic.

Chapter I

Of the Mexican Nation, her Territory, form of Government and Religion.

1. The Mexican nation, in use of her prerogatives and rights, as independent, free and sovereign, has adopted for its government the form of Representative Popular Republic.

2. The territory of the republic as it was composed before, viceroyalty of New Spain, captaincy-general of Yucatan, commands of the old interior Provinces of Oriente and Occidentes, Lower and Upper California and the Chiapas, with the joining land and the adjacent islands in both seas.

3. The Number of Departments and their limits shall be definitely arranged by law, continuing now as they exist. The Californias and New Mexico are to be administered with more immediate subjection to the supreme authorities than the rest of the Departments, if it seems necessary to Congress, who will give laws for administration. The same shall be true at several points of the coast that would demand it for particular circumstances.

4. The territory of the republic is divided into Departments, and these into districts, Cantons and Municipalities. The points whose government is to be framed according to the second part of the preceding article, are named therein.

5. The sum of all the public power resides essentially in the nation and for exercising it is divided into legislative, executive and judicial powers. Two or more powers are not be to united in a corporation or person alone, nor is the legislative power to be deposited in one individual.

6. The nation professes and protects the Apostolic Roman Catholic religion, excluding all others.

Translated by Katharine Reding
The Inhabitants of the Republic.

7. Inhabitants are all those who reside in what is sanctioned by the territory.

8. The obligations of the inhabitants of the republic are to observe the constitution and the laws, and to obey the authorities.

9. Rights of the inhabitants of the republic:
   (1) No one is a slave in the territory of the nation, and those already introduced are to be considered free, remaining under the protection of the laws.
   (2) No one can be molested for his opinions; all have the right of printing and circulating them, without the necessity of previous qualification or censor. Security shall not be demanded of authors, editors or printers.
   (3) Manuscripts discussing the religious dogma or the Sacred Scriptures, are subject to the disposition of the laws in force; in no case will he be permitted to write about the private life.
   (4) In all judgements for crimes of the press, lay-judges shall intervene, they have the qualification of accusation and sentence.
   (5) No one shall be apprehended except by mandate of some functionary to whom the law of authority is given for them, except in case in flagranti, in which anyone may be apprehended, taking the person apprehended immediately before the Judge.
   (6) No one shall be detained except by the mandate of competent authority, given in writing and signed, and only when there is sufficient indication against him for suspecting him as author of the crime may he be prosecuted. If these indications are legally confirmed so that it is believed by the merits given that the person detained committed the criminal act, he shall be imprisoned.
   (7) No one will be held more than three days by the political authority without being delivered with the evidence to the judge of that district, nor can the latter retain him in his power more than five without declaring him justly imprisoned. If said judge shall have confirmed the arrest, or shall have received the criminal before the end of his three days detention, indictment must be sworn within that period of time so that he be not held more than eight. Failure to observe these conditions makes the detention arbitrary and places the responsibility upon the authority which effects it, and upon the official who leaves this crime without punishment.
(8) No one can be tried nor sentenced in civil or criminal suits by others than judges of their own jurisdiction, nor by laws made nor tribunals established before the act or crime of which it is a question. The military and ecclesiastical officials will continue to be subject to the same authorities to which they are at present, according to the laws now in force.

(9) In any kind of suit in which corporal punishment is not involved, the criminal may be freed on bond.

(10) No one may be constrained by force or compulsion to confess the deed for which he is being tried.

(11) No house may be investigated, nor papers examined except in the cases and with the requirements textually provided in the law.

(12) No person shall be mulcted other than as established or authorized by the legislative power, or by the departmental assemblies under the authorization conferred upon them by the said power.

(13) The right of property is inviolable, whether it belong to private individuals or to corporations, and no person can be deprived of his property nor interfered with in the free use and enjoyment of that which is legally his, whether it be real or personal property, stocks, or perquisites, or in the exercise of a profession or industry which is legally his. When some consideration of public utility demands that he be so deprived, he shall be given adequate indemnification in the manner provided by law.

(14) No Mexican shall be hindered from transferring his property or his person to any other country provided he do not leave behind any unsatisfied obligation, and shall have paid the taxes established by the law.

10. Foreigners shall enjoy the rights granted them under the laws and the treaties with their respective countries.

Chapter III

Concerning Mexican and Mexican Citizens and the Rights and Obligations of each.

11. Mexicans are defined as follows:

(1) All persons born in any part of the republic and all those born of a Mexican father outside of the republic.

(2) Those who, although not born in the republic, were resident therein in the year 1821 and have not renounced their Mexican citizenship. All those being natives of
Central American when it belonged to the Mexican nation, were resident within the territory of the latter, and have since continued so to reside.

(3) Foreigners who have obtained or may obtain naturalization papers according to law.

12. Those born within the territory of the republic of a foreign father, and those born outside the republic of Mexican father who are not in the service of the republic, in order to enjoy the rights of Mexicans must declare their wish to that effect. The law will indicate the manner of making this declaration and the age at which it must be made.

13. Foreigners married to Mexican women, or who are employed in the service of the republic or in its industrial establishments, or who shall acquire real property within the republic, shall be given naturalization papers without other formality if they so request.

14. It is the duty of Mexicans to contribute to the defense and the maintenance of the nation.

15. It is the right of Mexicans exclusively to hold employment and commissions under any authority, provided for the exercise thereof citizenship be not required: where technical skill is involved, Mexicans shall receive preference over foreigners, other things being equal.

16. The Mexican shall lose his status:
   (1) If naturalized in a foreign country.
   (2) If he shall serve under the flag of another nation without license from the government.
   (3) If he accept an employment or decoration from another government without the permission of congress.

17. The Mexican who loses his status may be rehabilitated by Congress.

18. Those Mexicans shall be citizens who shall have reached eighteen years of age, if married, and twenty-one if single, and who shall have an annual income of two hundred pesos or more derived from real estate, industry or from his honest personal labor. The constitutional congresses may regulate, according to the situation in the several departments, the income which is to be required in each one of these before rights of citizenship are conferred. After the year 1850 those who attain the age of citizenship shall, besides the property qualification set
forfeits above also be able to read and write.

19. The rights of Mexican citizens include that of voting at the popular elections, when they possess the necessary legal requirements, and that of being appointed or elected to public positions.

20. The obligations of a citizen are:
   (1) To register in the voting list of his municipality.
   (2) To vote in the popular elections.
   (3) To fulfill the duties of any office to which he may be elected, provided he do not have any physical or moral impediments or legal exception.

21. The rights of citizenship are suspended for the following reasons.
   (1) If the citizen enter domestic service.
   (2) If he fall under legal interdiction.
   (3) If he be made the subject of criminal lawsuit from the time of his arrest or indictment until sentence is pronounced, if he be acquitted.
   (4) If he be an habitual drunkard, gambler, vagrant or if he keep illegal gambling houses.
   (5) If he do not assume the duties of an office to which he has been elected, when he has no just cause for so doing, in which case his suspension shall last during the period of said office.

22. The rights of citizenship are lost as follows:
   (1) If he be sentenced to a penalty involving degradation.
   (2) If he go through fraudulent bankruptcy.
   (3) For malversation of funds or for debts fraudulently contracted in the administration of any public moneys.
   (4) Because of his religious convictions.

23. For a citizen to be suspended under 2, 4, or 5, of article 21 or deprived of his citizenship under 3 of article 22, a declaration by competent authority and in the manner provided by law, is necessary.

24. A citizen who has lost his civic rights may be rehabilitated by Congress.

Chapter IV
Legislative Powers.
25. Legislative power shall reside in a Congress divided into two chambers, one of deputies and one of senators, and in the President of the Republic.

Chamber of Deputies.

26. This chamber shall be composed of deputies elected by the departments in the proportion of one deputy for each 70,000 inhabitants; the department whose population is less than 70,000 shall, nevertheless, elect one deputy.

27. A deputy shall be named also for each fraction above 35,000 inhabitants, and there shall be one alternate for each deputy.

28. Requirements for Deputies:
   (1) To be a native of the department which elects him or a resident therein for at least three years.
   (2) To be in the possession of his civic rights.
   (3) To be at least 30 years old on the date of election.
   (4) To have a net annual income of 1,200 pesos.

29. The following may not be elected deputies from any department: the President of the Republic, the Cabinet Officers and sub-secretaries, the magistrates of the supreme courts, both civil and military; the very reverend Archbishops and the reverend Bishops, abbots and canons, ecclesiastical judges and vicars-general; the governors and commander-generals cannot be deputies for the departments wherein their authority lies.

30. One half of the chamber of deputies shall be elected every two years; at the end of the first biennium those deputies shall retire who receive the lesser number of votes in each department. If the number of representatives is uneven, at the end of the first biennium the larger portion shall withdraw, and so alternately the larger and the smaller portions. The departments which elect but a single deputy shall reelect every two years.

Chamber of Senators.

31. This chamber shall be composed of sixty three members.

32. The thirds of the senators shall be elected by the departmental assembly, the other third by the chamber of deputies, the president of the republic and the supreme
civil court, in the form set down hereinafter.

33. Each departmental assembly shall elect 45 members at the first election, and thereafter the number necessary to make up the third who are to be re-elected.

34. The returns of the elections mentioned in the preceding article shall be sent in duplicate for the first election to the council of representatives, and thereafter to the chamber of senators or the permanent deputation.

35. At the first election, the council of representatives and thereafter the chamber of senators shall count the votes given by the departmental assemblies, and shall declare elected senators who have received the largest number of votes, until the number to be elected is complete. In the case of a tie, lots shall be cast.

36. For the election of that third of the senators which are to be elected by the chamber of deputies, the president of the republic and the supreme court, each one of these authorities shall elect a number equal to the total to be elected, and shall send the list to the chamber of senators or to the permanent deputation.

37. This chamber shall choose among those provisionally elected a requisite number, after having declared elected senators, the ones who have received the votes of all three of the above mentioned elective authorities.

38. For this first time, the president of the republic shall, in final election and not provisionally, name the third of the senators which in the future must be elected according to article 32 and with the requisites contained in the following article.

39. The chamber of deputies, the president of the republic and the supreme court of justice shall nominate for senators only those who have distinguished themselves by their services and merits in their civil, military or ecclesiastical career.

40. The departmental assemblies shall elect their quota of senators, choosing five persons from each one of the following classes: farmers, miners, proprietors, merchants, and manufacturers. The election of the rest will fall upon persons who have held some one of the following offices: president or vice-president of the republic, secretary of the cabinet for more than one year, ambassador, governor of the old state or department for more
than one year, senator to the general congress, deputy
to the same in two legislatures, or former councillor of
the government, whether bishop or general of a division.

41. On counting the votes of the departmental assem-
blies, the votes of each class mentioned in the foregoing
article will be kept separately.

42. In order to be a senator, it is necessary; to be
a Mexican by birth or be included in the second part of
article 11, a citizen in full possession of his rights, of
35 years of age, and he must have a fixed annual income
or salary not less than 2000 pesos, with the exception of
those elected to make up the quota of farmers, miners,
proprietors or merchants, and manufacturers; these must
possess, moreover, landed property of a value not less than
40,000 pesos.

43. The chamber of senators shall be renewed every
two years, there being elected by the chamber of deputies,
by the President of the Republic, by the supreme court of
justice and by the departmental assemblies the number which
belong respectively to them.

44. For the first replacement, the third first to leave
shall be determined by casting lots; for the second, lots
shall likewise be case to choose between the two thirds who
remained in the first, and for all successive renewals,
those shall leave who have been in office the longest.

45. In all replacements of the chamber of senators,
it shall be done in such a way that the two thirds elected
by the departmental assemblies be complete, likewise the
third named by the supreme authorities; furthermore the
class regulations of article 40 must be observed.

46. Any vacancy occurring in the senate will be filled
by appointment by the proper authorities; and if these be
the departmental assemblies, they shall do it according
to the class to which former senator belonged. The new
appointee will complete the term of the one whom he is
replacing.

Concerning the Sessions.

47. Congress will have two sessions during the year;
each one will last three months, the first beginning the
first of January, the second the first of July.

48. Extra sessions will be convoked only when very
urgent business demands it.

49. The second session will be concerned exclusively with the examination and approval of the budgets for the coming year, with determining the taxes to meet the expenses, and with the examination of the bill of the foregoing year which the minister will present.

50. Notwithstanding the fact that the general congress may adjourn, the senate will continue for a period not exceeding 30 days if there are laws pending.

51. Congress may prorogue the usual sessions of the second period for the time necessary.

52. Congress and the chambers may, in adjourned sessions as well as in extra sessions, assume its usual electoral, economic and legal functions.

Legislation.

53. The right of proposing laws concerning all matters belongs to the President of the Republic, to the deputies and to the departmental assemblies, and to the supreme court of justice in those matters relative to that branch of administration.

54. The bills of the executive and judicial powers must not fail to receive due consideration, nor those introduced by the departmental assembly in matters pertaining to its department, nor those on which the majority of assemblies agree.

55. All bills will be introduced into the chamber of deputies.

56. Those bills passed by the chamber of deputies will come before the senate for revision.

57. If the senate approve them, morify or extend them in any way, they shall return to the chamber into which they were first presented.

58. For the discussion of any law or decree in any chamber, there will be required the presence of one more than half of its members; for passing the same, an absolute majority will be necessary. A bill presented for the second time must pass the first chamber by a two-thirds majority, and if, in the chamber which made the revision, there be not two-thirds who wish to make further changes,
the bill is to be considered passed.

59. After a bill or decree has passed both houses, it will proceed to the President of the Republic for his proclamation.

60. The President of the Republic will proclaim all laws in due form within six days of his authorization. The other political authorities will publish them within three days after receiving them. It will be sufficient that decrees, the knowledge of which is necessary to certain officials, be published in the government newspapers.

61. When the senate amends or changes a part of a bill, the chamber of deputies may consider only that part so amended or changed, without being able to alter in any way the articles approved by the senate.

62. Rejected proposals or bills cannot be reintroduced the same year except by another than the original source.

63. In the interpretation, modification or abrogation of the laws or decrees, the same requisites will be observed as in their formation.

64. All resolutions of congress will have the force of laws or decrees.

Concerning the attributes and restrictions of Congress.

65. The laws and decrees will be published according to the following formula:

Names, (name and surname of the president) President of the Mexican Republic, to its inhabitants, be it known: That the National Congress has decreed and the chief executive sanctioned the following: (here the text). Accordingly I order that it be printed, published, circulated and duly observed.

66. The powers of congress are:

(1) To dictate the laws which regulate public administration in all of its branches, to derogate them, interpret them and suspend them.

(2) To make an annual budget of expense for the following year and to raise the taxes to cover that amount.

(3) To examine and approve the general expenditure of the previous year as reported by the minister of fin-
ence.

(4) To classify the sources of income for the general expenses of the nation and those of the departments.

(5) To determine the size of the permanent forces of the army and navy and of the active militia; to fix the proportion of men from each department, and to give regulations and ordinances for its service and organization.

(6) To set each year the maximum of military service which the executive can demand.

(7) To acknowledge and classify the national debt and to determine the manner and means of paying it.

(8) To authorize the executive to contract debts on the credit of the nation, determining the bases and designating guarantees.

(9) To approve any treaty which the executive makes with foreign powers.

(10) To approve for its ratification the concordates made with the Apostolic See and to regulate the exercise of its patronage in the nation.

(11) To declare war at the instigation of the President, to approve the contracts and treaties of peace, and to regulate the granting of letters of marque.

(12) To equip ports for foreign commerce and coasting trade, and to give to the government the basis and general regulations for the formation of tariff rates.

(13) To determine the weight, standard, type and denomination of coins and to authorize a general system of weights and measures.

(14) To grant or deny permission for foreign troops to enter the republic, and for national troops to leave it.

(15) To grant general pardons and amnesties when the public weal demand it.

(16) To create or suppress all kinds of public posts, to increase and decrease their endowments, and to fix the general rules for the granting of pensions.

(17) To reject the decrees made by the departmental assemblies when they be contrary to the constitution or the laws, and in the cases provided in this constitution.

(18) To increase the powers of the executive according to article 198; in cases only of foreign invasion or sedition so serious that the usual means of repressing them be insufficient. This resolution shall be taken by two-thirds of each chamber.

(19) To give exceptional laws for the political organization of any or all departments at the instigation of the President of the Republic.

67. Congress can not:
(1) Derogate nor suspend the laws prohibiting the introduction of merchandise and commodities detrimental to national industry without the previous consent of two-thirds of the departmental assemblies.

(2) Proscribe any Mexican, nor impose upon him directly or indirectly any kind of penalty. It belongs to the law to designate only in a general way the penalties for crime.

(3) Give to any law retroactive force.

(4) Suspend or lessen private guarantees, unless it come under the cases treated in article 198.

Economic powers of both Chambers and those pertaining to each separately.

68. Each Chamber has the right, without the intervention of the other, to determine its several offices, to appoint the employees to whom the president shall forward his dispatches and fix their number and remuneration. All that each house resolves for itself in these matters shall have the force of the law. It belongs to them also to arrange their order of business, to pass upon the election of its members and settle any questions which may arise about them, and to determine anything which may have relation to the discharge of their duties.

69. It belongs exclusively to the chamber of deputies:

(1) To watch over the exchequer by means of a committee of inspection from its membership.

(2) To appoint the heads and employees of the public exchequer to whom the president of the republic shall issue his dispatches.

70. It belongs to the chamber of senators to approve the nominations of plenipotentiaries, ministers and other diplomatic and consular officials, and the supreme officers of the army and navy, from colonel up inclusively, and to discharge the duties designated in articles 36, and 37.

71. All pertaining to preliminary committees, ceremony, order of business and other points relative to the discharge of duties entrusted to the two houses, will be determined in the interior regulation of congress.

72. Until the congress shall establish its regulation, it shall be governed by that of December 23, 1824.
73. The deputies and senators enjoy immunity as to their opinions and votes given in the discharge of their duties, and cannot at any time nor by any authority be molested on this ground.

74. The deputies and senators cannot be proceeded against in criminal or civil cases during their incumbency and for two months thereafter, except in the manner laid down by the constitution and the laws.

75. The senators and deputies may not obtain provisional employment nor promotion from the government except in strict accordance with the scale; but they may obtain temporary commissions or employments with the consent of the chamber to which they belong and their own consent, in which case they shall cease to discharge their regular duties during such temporary employment.

76. Each one of the chambers shall examine any accusations brought against its members in order to determine whether or not there be just ground for prosecution.

77. Either one of the two chambers may investigate as a grand jury, in order to determine whether or not there is ground for prosecution, any accusations brought either for official or other crimes, against cabinet officers, judges of the supreme courts, both civil and military, councillors of state and governors of departments.

78. The two chambers in joint session shall form a court with the object above expressed in any accusation against the president of the republic for official crimes specified in article 90, and for any offenses charged against the ministry as a whole or against the supreme courts civil or military.

79. The two chambers shall assemble jointly to count the votes and declare the election of the president of the republic and the magistrates of the supreme civil court at the time and in the manner arranged by them, and shall decide the opening and closing of the sessions.

Permanent deputation.

80. The day before the closing of any regular session of congress the chamber of senators shall elect four
individuals and the chamber of deputies five.

81. The individuals mentioned in the preceding article shall form the permanent deputation which will continue until the opening of the next session.

82. The duty of the permanent deputation shall be to summon congress to extraordinary session when the government so orders; to receive the election reports of the president of the republic, senators and ministers of the supreme civil court, to summon either chamber when there is need for it to exercise its functions under the law, and to put into effect the economies which the regulation directs.

Chapter V

Executive Powers.

83. The supreme executive power is vested in a magistrate who shall be called the president of the republic. His term of office shall be five years.

84. The requirements for the presidency are as follows:

(1) He shall be a Mexican by birth, a citizen in the possession of his civil rights, above 40 years old and shall reside in the territory of the republic at the time of his election.

(2) He shall belong to the secular estate.

85. The president is head of the general administration of the republic and to him are entrusted public peace and order and national security.

86. The duties of the president:

(1) To obey the constitution and the laws and to cause them to be obeyed by all classes of persons without distinction.

(2) To see that the courts are given all necessary aid for the carrying out of their sentences and judicial decrees.

87. Duties of the president in detail:

(1) To publish and circulate the laws and decrees of the national congress and the senate.

(2) To appoint and remove at will the cabinet officers.

(3) To appoint with the approval of the senate,
ministers and other diplomatic agents and consuls of the republic and to remove the same at pleasure.

(4) To issue the necessary orders and to formulate regulations for the execution of the laws without altering or modifying the said laws.

(5) To summon congress to extraordinary session and to indicate the matter which may be treated at such sessions.

(6) To appoint public employees and functionaries whose appointment is not specifically entrusted to other authorities, and in the manner provided by law.

(7) To issue orders to all public employees when this duty is not specifically entrusted by law to other authorities.

(8) To suspend for a period of not exceeding three months employees of the government who disobey his orders and to deprive them of half of their salaries. If he believes that suit should be brought against them or that they should be suspended for a third time, he shall hand them over to the appropriate judge and supply him with the evidence in the case.

(9) To see that prompt justice is administered by the courts and judges by admonishing them when necessary and asking of them legitimate reports upon whatever matters he esteems necessary, in order that responsibility for neglect shall be established.

(10) To cause inspection to be made in the manner provided by the law in the courts and tribunals whenever it may be reported that they are proceeding with venality or that in them has been done anything prejudicial to the administration of justice: to cause them to give preference to cases in which the public good is involved and to demand of them the reports at any time that he believes necessary.

(11) To impose fines not to exceed five hundred pesos upon those who disobey his orders, or fail to show him proper respect as provided by law.

(12) To grant pensions and retiring allowances, licenses and so forth in accord with the law.

(13) To observe legal specifications in the coining of money.

(14) To attend to the collection and expenditure of public income, distributing the same according to law.

(15) To establish the tariff in conformity with the schedules decreed by congress.

(16) To direct diplomatic negotiations, and make treaties of peace, friendship, alliance, truth, armed neutrality and all other conventions with foreign nations, submitting the same to congress for its approval before ratification.
(17) To receive ministers and other foreign envoys and agents.
(18) To ratify concordats with the apostolic see, submitting them first to congress for its approval.
(19) To authorize or refuse circulation to conciliar deoeees, bulls, breves and pontifical rescripts. This authority he shall use with the approval of congress when the aforesaid bear upon general matters; with that of the Council (Audiencia del consejo), if they bear upon private matters; and with that of the civil court if upon disputed points (of law?). The aforesaid power is not extended to brevses dealing with the decrees of the ecclesiastical court at Rome (penitentiaria) which as they are concerned with questions of conscience are not subject to presentation.
(20) To make within 30 days, in conjunction with the Audiencia del consejo, rejection of bills passed by the chambers, deferring their publication in the meantime; this period shall begin to be reckoned from the day on which said bills were received. If the rejected bill shall be repassed, the government may with the Council (Audiencia del consejo) suspend it until the next session of congress, advising them in the meantime of its suspension. If it be repassed by two-thirds vote of both chambers, the government shall publish it. When the thirty days aforesaid shall come to an end after the adjournment of congress, the government shall report to the permanent deputation whatever action he may take. If this period expires without any of the aforesaid being done, executive sanction shall be considered granted and the law decreed shall be published without delay.
(21) To declare war in the name of the nation and to grant letters of marque.
(22) To direct the armed forces of the army and navy according to the purpose of each.
(23) To grant naturalization papers.
(24) To expel from the republic harmful unnaturalized foreigners.
(25) To accept the resignations of the ministers of the supreme civil and military courts, of the members of the council, and of the governors of departments.
(26) To grant pardons for capital punishment in the cases and according to the conditions of the law.
(27) To grant exclusive rights according to the law to inventors, and those who introduce or perfect some art or industry useful to the nation.
(28) To make certain dispensations on account of age or literary courses, according to the terms and under the circumstances prescribed by law.
(29) To name speakers from the council who shall at-
tend the sessions of the chambers when it seems fitting, to explain or defend the opinions of the government.

(30) To increase or decrease the police force of the departments, as necessity demands.

88. In addition to the above mentioned cases, the president must listen to the opinion of the council in the matters referred to in sections 4, 5, and 18, of the foregoing article.

89. The president is not able:

(1) To dispatch the forces of the army or navy without the permission of congress. The president will lay down the exercise of his powers while he is commanding the troops and will be considered only as general in chief.

(2) To leave the territory of the Republic during his administration and for a year after that, without the consent of congress.

(3) To depart more than six leagues from the place of residence of the supreme powers without the permission of the legislative bodies.

(4) To transfer, yield, barter or mortgage any part whatsoever of territory of the republic.

(5) To exercise any of his powers without the ratification of the cabinet officer of the department concerned.

90. The prerogatives of the president are: he cannot be accused or tried for any crime during his administration nor for the year following except for treason against the national independence and the republican form of government. Neither can he be accused for common offences for the same length of time.

91. In temporary absences of the president of the republic, the executive power will be vested in the president of the council. If the absence be more than 15 days, the senate will then elect the person who should replace him, which person must possess the requisite qualifications for said position. If the absence be permanent, and do not occur the year of the election, special election will then be held according to the manner prescribed in article 158 ff. and the person so elected will complete the term of the defaulting president.

92. The president pro tem will enjoy the same prerogatives, honors considerations as the rightful president, with the limitation that the time mentioned in article 90 be reduced two months. A law will fix the salary of the president and that of his substitute.
Concerning the Ministry.

93. The dispatch of all affairs of government will be in charge of four ministers, who will be called as follows: (1) minister of foreign relations, government and policy; (2) minister of justice, ecclesiastical affairs, public instruction and industry; (3) minister of the treasury; and (4) minister of war and navy.

94. In order to be a minister, it is necessary to be Mexican by birth or to conform to the provisions of the second part of article 11, and to be fully qualified citizen.

95. The duties of each of the ministers are:

(1) To act with the president in all affairs pertaining to his branch of government.

(2) To present annually to the chambers before the 15th of January, a detailed report of the condition of affairs in his branch of public administration, and to propose the reforms he esteems necessary.

The minister of the treasury will present his report July 8th and with it a general account of the expenses of the previous year, the budget for the following and the plans for raising revenue to cover it.

96. All the affairs of government will be drawn up by the minister of the branch to which they belong, and no other minister can authorize actions in other than his own department.

The orders which are not in accordance with this law, and those of the president which appear without due authorization, will not be obeyed nor complied with.

97. All the officials of the Republic without any exception whatsoever, will obey explicitly the orders dispatched by the officials of the cabinet, being delivered in the form prescribed by this constitution.

98. The ministers have the right to attend the sessions of the chambers whenever the President so orders it; they are moreover under obligation to do this when either one of the chambers so desires, and must report by word of mouth or by writing all the information which may be asked of them by these bodies, except when the revelation of some secret would compromise affairs of state.

99. The minister will draw up a set of regulations, specifying the affairs which belong to each branch, and will present it to congress for approval in its first
session. This set of regulations cannot be reformed nor changed without consent of congress.

100. The ministers will be responsible before the constitution and the laws for the acts of the president which bear their signatures.

101. The ministers shall assemble when the President so disposes, or when any one of the ministers may ask it. All will sign the results of the meeting in the record and note will be made of those dissenting.

102. Those who agree to resolutions passed in cabinet meeting will be responsible for them, especially the minister who authorized them.

103. The president, after hearing the opinions expressed by the ministers in cabinet meeting, is free to decide what seems best to him.

Concerning the Council of Government.

104. There shall be a council of government composed of seventeen voting members named by the president.

105. In order to be councillor, it is necessary to be a citizen in the full enjoyment of his rights, to have attained thirty-five years, and to have served without reproach for at least ten years in public office. The number of councillors will be chosen in such a way that there will be at least three persons who, by their experience, shall be versed in the affairs peculiar to each branch of ministry.

106. The president of the council shall be named at the beginning of each year by the president of the republic from among the members who are Mexicans by birth, of secular estate, from the representation by threes of the said Council.

107. The position of councillor is permanent and can be lost only by a sentence pronounced which imposes this forfeit.

108. The councillors cannot be deputies nor senators.

109. The councillors will be responsible before the constitution and the laws for their opinion.
110. The council will formulate their own regulations and submit them to congress for approval.

111. It is the duty of the council to express an opinion to the government in all matters specified in this constitution and in other matters on which it may be consulted.

112. It is the privilege of the council to propose to the government all measures and regulations which seem to be for the public welfare in all the branches of administration.

113. Supernumerary councillors shall be those who have been president of the republic, the well deserving of the country, those who have been secretaries of the cabinet for more than one year, the retired ministers of the supreme civil and military courts, the retired superior officers of state who have complete forty years of service.

114. These will fill the vacancies and temporary absences of the regular members of the council by order of priority; they shall have a vote in all the serious matters in which the government does not wish to hear the opinion of the full council (sic) or when the council itself desires the attention of all its members.

Chapter VI
Concerning Judicial Power

115. The judicial power is vested in a supreme court of justice, in the higher tribunals and lower judges of the Departments, and in others which the laws may establish. The special tribunals of the exchequer, commerce and mining shall continue while the law does not otherwise dispose.

116. The supreme court of justice shall be composed of 11 magistrates and an attorney-general. The law shall determine the number of substitutes, their qualifications, the form of election and the length of their term.

117. In order to be a magistrate of the supreme court of justice it is requisite:
   (1) To be a citizen in the full enjoyment of his rights.
   (2) To have attained the age of 40 years.
   (3) To be a lawyer full qualified according to law, to have practised his profession for 10 years on the bench, or 15 in the court room.
(4) Not to have been condemned in any legal process for any crime or delinquency which involves any degrading penalty.

Powers of the Supreme Court of Justice.

118. The powers of the supreme court of justice are:
(1) To try in all instances criminal suits brought against public functionaries whom congress or the chambers may have indicted, and all civil suits of the same.
(2) To try all instance of civil and criminal suits in which the functionaries above mentioned take part, provided the defendant solicit it in any stage of the trial, even in the act of summons for sentence.
(3) To try all instances of civil and criminal suits brought against the ministers and other diplomatic agents and consuls of the republic.
(4) To try all instances of disputes brought to trial concerning contracts authorized by the supreme government.
(5) To try any case of one department against another or of private citizens against a department when they come to actual litigation.
(6) To try also all instances of disputable matters pertaining to the patronage of the nation.
(7) To try all cases of admiralty, prizes by sea and land, and crimes committed on the high seas.
(8) To try the cases of liability of magistrates of the superior tribunals of the departments.
(9) To try the criminal suits which may be brought against the immediate subalterns of the supreme court on account of errors, excesses or abuses committed in the discharge of duty.
(10) To adjust the disagreements which may arise between the tribunals and courts of the several departments or jurisdictions.
(11) To try in third instance the civil matters brought against the governors, and the civil and criminal suits of the superior magistrates of the departments.
(12) To decide appeals for nullification which may be brought against sentences pronounced in final instance by the superior courts of the Departments. But if the party appealing prefer, he may bring his appeal before the tribunal of the nearest department provided it be collegiate. (Colegiado)
(13) To decide appeals from the ecclesiastical courts to the secular courts, but if the appellant prefer, this may be introduced before a tribunal of the same department, provided it be collegiate, or before the nearest depart-
mental court that is so.
(14) To interpret the law for the benefit of the tribunals and to establish their constitutionality.
(15) To appoint all the servants and subalterns of the said court who shall receive their orders from the president of the republic.

119. Powers that are denied to the supreme court:
(1) To make any regulation even concerning matters pertaining to the administration of justice which shall alter existing laws.
(2) To interfere in any way with governmental or economic affairs of the nation or of the department.

120. It is denied to the magistrates of the supreme
(1) To hold any commission whatsoever in the government without the consent of the senate.
(2) To be agents of the court, nor assessors, nor practice law except in their own defense.

121. The civil cases of the magistrates of the supreme court of justice shall be tried by the court mentioned in articles 124 ff.

Military Court

122. There shall be one military court composed of generals in active service and lawyers appointed by the president of the republic from three candidates proposed by the senate. These magistrates shall be permanent.

123. The organization of the military court and its method of procedure in the several classes of cases which may come before it shall be the subject of a special law.

Tribunal to Judge the Magistrates of the Supreme Court of Justice.

124. To judge the magistrates of the supreme courts, military and civil, a tribunal shall be chosen in this form. Each biennium, on the second day of the session of Congress, all the lawyers in the two chambers shall be polled. The chamber of deputies shall draw by lots twelve individuals and those drawn shall constitute the tribunal which shall try the cases mentioned.
125. This number shall be divided into three bodies in the form decreed by congress.

126. The accused and accuser may each challenge pre-emptorily one judge of each body.

127. The vacancy caused by pre-emptory challenge shall be filled with a judge from the next body, and vacancies resulting in the last shall be filled by lot from the lawyers belonging to the chamber provided they have not intervened in the bringing of the case.

128. If the requisite number of lawyers set forth in the preceding article shall not be found in the chamber, said chamber shall elect from among its other members those whom it deems wisest to complete the total number of judges; ecclesiastics, however, shall not be elected.

129. If the number of lawyers of both chambers shall not reach 20, it shall be completed with other individuals of the chambers half chosen from each chamber if the number lacking be even, and if not, the greater number from the chamber of deputies and the lesser from the senate, and if but a single one is lacking, he shall be elected from the chamber of deputies.

130. Those who are appointed judges shall not vote in a jury.

Chapter VII
Government of the Departments

131. Each department shall have an assembly composed of a number of voting members, nor exceeding 11 nor less than 7, the number for the time going to be determined by the existing departmental assemblies. There shall be an equal number of alternates.

132. To be a member of a departmental assembly it is necessary to have attained the age of 25 years and to possess the other qualifications necessary for deputies to congress and not have any of the disabilities for the same.

133. The aforesaid councillors shall hold their position four years and shall be re-elected half every two years, retiring at the end of the first biennium those named last (los segundos nombrados?) and subsequently the oldest mem-
bers in point of service shall retire at the end of each biennium. If the number be uneven, the smaller portion shall withdraw first and subsequently the larger and so on alternately.

134. The powers of the departmental assemblies are:

(1) To provide means for meeting their ordinary expenses or extraordinary ones which they may decree according to their powers, with the approval of congress, which shall be put into effect immediately that they are decreed. The president of the republic may, however, put off the application of such means, reporting such action without delay to congress.

(2) To direct the expenditure and accounting of the departmental treasury.

(3) To appoint the necessary employees for the collection and distribution of departmental funds, to assign them their quota, and to regulate the duties of the employees.

(4) To create funds for educational institutions, public welfare, and charity under the provisions of article 1 of this chapter.

(5) To make the necessary and legal regulations for the acquisition, confiscation or transfer of property within the department. Concerning the alienation of land, the present laws and the laws of colonization shall remain in force.

(6) To have charge of the construction and improvement of the roads of the department of their upkeep, establishing along them toll bridges and gates in order to cover the expense of the same; nothing herein contained is to be interpreted contrary to the laws governing highways in general.

(7) To encourage public instruction in all of its branches by creating and endowing literary establishments, and conforming to the provisions of congress concerning preparatory studies, courses, examinations and degrees.

(8) To establish and regulate beneficent, penal or charitable institutions.

(9) To provide the contingent which the department must supply to the army.

(10) To make the political division of the territory of the department, to establish municipal corporations and functionaries, to publish their respective ordinances and direct the municipal, urban and rural police.

(11) To attend to the public health and make the necessary regulations to preserve it.

(12) To encourage agriculture, industry and the other sources of wealth, within its powers.

(13) To approve the plans of municipal taxation and the annual budgets of the municipalities.
(14) To establish and organize the superior and inferior courts, respecting the tenure in office of the present magistrates and judges, regulating the exercise of their functions without changing the order of procedure now provided by the law.

(15) To introduce bills into congress under the power given them by article 53.

(16) To advise with the governor all matters in which the latter requests it and on those provided herein and by the law.

(17) To propose to the supreme government a list of all the persons whom it may deem suitable, which list shall consist of at least five names, from which list the governor is to be chosen. In the frontier departments the governor shall not have to be confined to this list, and the same will take place in some other department, and in an unusual case, when the president propose it and congress approve it.

(18) To elect according to this constitution the president of the republic, members of the supreme court of justice and senators.

(19) To determine the strength of the police force for the department, and regulate its service, which shall consist of maintaining order, caring for public security, and aiding in the execution of the orders of the political and judicial authorities.

135. The duties of the departmental assemblies are:

1. To formulate annually a statistical report of the department, and send it to the supreme government with the suggestions it deems fitting for the welfare and progress of the department.

2. To make a yearly estimate of the expenses of the department and send the same to the general congress in order that it may take them into consideration in revising the scheme of taxation necessary to provide therefor.

Concerning the Governors

136. There shall be one governor for each department appointed by the president of the republic from candidates presented by the departmental assemblies according to power 17 of article 135. He shall hold office for five years counting from the day on which he takes possession.

137. The requirements for the governorship are: that the candidate be a citizen in the exercise of his civil rights, more than 35 years of age, a native or resident of the department that he shall have an income of one thousand pesos and shall have served for five years in public office.
138. Temporary vacancies in the governorship shall be filled by the oldest secular member of the departmental assembly; a permanent vacancy shall be filled by a new election in the manner provided herein. The person so elected shall not hold office beyond the unexpired term of his predecessor.

139. Candidates for the governorship shall be proposed in the first ten days of February of the year in which the election is to take place.

140. The duties of the governors of departments are:
   (1) To have charge of the preservation of public order within the Department.
   (2) To publish the laws and decrees of the national congress and the decrees of the president of the republic within three days at the latest of the time of receiving them, and to see that they are enforced within the territory under their control.
   (3) To publish and cause to be enforced the decrees of the departmental assemblies.
   (4) To submit to the supreme government the decrees of the said departmental assemblies.

141. The governors constitute the only and necessary medium of communication with the supreme authorities of the republic; exception being made of cases of accusation or complaint against themselves and official correspondence with the supreme court of justice in judicial matters.

142. Powers of the governors of departments are:
   (1) To return within eight days to the departmental assemblies their decrees when these are considered by them to be contrary to these provisions or to the general law; if the departmental assemblies insist upon their decrees they also shall send them back to the governor within eight days for the action prescribed under power (17) of article 66, suspending their publication in the meantime.
   (2) To return definitely to the departmental assembly within eight days their decrees which do not come under the preceding article explaining to them the reasons which he may have for refusing approval; if the assembly reaffirm them, the governor must publish them.
   (3) To appoint the subordinate political authorities of the department.
   (4) To appoint the employees that may be designated and disburse the funds of the department. In these appointments he shall respect the tenure of office of the present incumbents.
   (5) To present candidates in groups of three to the
president of the republic with the approval of the de-
partmental assembly for the appointment of superior magis-
trates, judges and assessors; giving heed in all cases
to the reports from the higher tribunals.

(6) To exercise with respect to the employees of the
department the same authority delegated to the president
of the republic by power (8) of article 87, and impose
fines upon those who fail in respect to him in the cases
and in the manner provided by the laws.

(7) To see that prompt justice is rendered within
the department in the same manner as the president within
the republic.

(8) To be president ex officio of the departmental
assembly with the power of veto, and with a vote in case of
tie, except where the vote constitutes an exercise of
the electoral power.

(9) To make use of the police power for the attain-
ment of the purposes for which it was created.

(10) To be director of the public treasury of the
department, and to exercise over the general treasury the
authority which is conferred upon him by law.

(11) To grant permission for the establishment of
public literary or charitable associations, and to revive
their statutes, correcting therein anything that may be
contrary to law or to public welfare.

143. The governors shall be supplied with whatever
assistance from the army that they may need for the pre-
servation of order in their department.

144. The secondary laws, and the decrees issued by
the departmental assemblies in the exercise of the powers
which are granted to them herein, shall designate the
powers and duties of the governors in accordance with the
foregoing provisions.

145. The governors in civil suits shall be judged in
first and second instance by the superior courts of their
departments or by those of that department whose capital
is nearest according to the preference of the interested
party.

Administration of justice within the department.

146. There shall be in the departments superior
courts of justice and lower judges. All matters which
are initiated in the lower courts of the department shall
be settled within its territory in all instances. A law
shall determine the manner of providing for the second and third instances in the departments which cannot establish superior tribunals.

Chapter VIII

Elective Power.

147. All the towns of the republic shall be divided into divisions of 500 inhabitants to hold primary assemblies. The citizens will elect by ballot an elector for every 500 inhabitants. In towns smaller than 500, assemblies shall be held nevertheless, and an elector nominated.

148. The primary electors shall appoint the secondary electors who go to make up the electoral college of the department, there being a secondary elector for every 20 of the primary ones who compose the assembly.

149. The electoral college named according to the foregoing article, shall elect the deputies to congress and the members of the various departmental assemblies.

150. In order to be a primary or secondary elector, one must be a citizen in full exercise of his rights, 25 years of age, resident of the district from which he is elected, and must not exercise in it any disputable authority. The primary electors must be residents of the division (i.e. of five hundred) in which they are named, and the secondary electors of the district. The primary electors must moreover, have an annual income of not less than five hundred pesos, proceeding from real estate, industry, or honest work. The constitutional congresses may arrange according to the need of the departments, the income which is necessary in each to be secondary elector.

151. The political authorities shall cause the elections to be held on the day set by law.

152. The members of the militia shall vote in the division of their barracks, and not present themselves armed nor in a body.

153. The electoral assemblies shall pass upon the eligibility of those elected to see that they comply with the requirements set by law.

154. In case of a tie, they shall cast lots.
155. Every six years census shall be taken of the population of the Departments and the number of representatives shall be computed according to that.

156. The primary elections shall be held every two years the second Sunday of August; the secondary elections the first Sunday of September, and that of the electoral college to name deputies to Congress and the members of the departmental assemblies, the first Sunday of October and the following Monday.

157. The Departmental assemblies shall investigate the qualifications of the members elected to see that they are eligible. All other investigations concerning the validity of these elections shall be left to the Chamber of Deputies according to article 68; this does not prevent however, those elected from taking office immediately.

158. November first of the year preceding the change of presidents each departmental assembly shall nominate by a majority vote a candidate for president who meets the necessary requirements; in case of a tie, election shall proceed according to article 154.

159. A duplicate record of this election shall be remitted in sealed envelope duly attested to the chamber of deputies, and in its recess, to the permanent depuration.

160. January second of the year of the presidential inauguration, the two chambers shall meet together and open the sealed documents, count the votes, classify the elections according to articles 164 and 168; and declare president the one who receives an absolute majority of votes.

161. If there be no absolute majority, the chambers shall elect the president from the two highest. If there be more than two having an equal number of votes, all more than the other candidates, the president shall be elected from these.

162. If there be no respective majority, and among those of lesser votes there be two or three who have an equal number, all more than the remaining, the chambers shall choose from among these one to run against the highest one. All these acts shall be executed in a single session.

163. The elections mentioned in the foregoing articles
shall be made by an absolute majority of votes; in case of a tie, the vote shall be repeated; in case of a tie again result, lots shall be cast.

164. The acts specified for the election of president shall be null and void if executed on other than the appointed days, unless the session has been continuous, or it has been impossible to finish in one day. Only in the case of interference from some social disturbance, or the meeting of congress or that of the greater number of departmental assemblies, congress by a two-thirds vote in each chamber, shall set other days valid for the single time only.

165. The president shall complete his term of office on the first of February of the same year, and on the same day the newly elected president shall take his place, or, if he be lacking, his substitute according to this constitution.

166. The vacancies which may occur in the supreme court of justice shall be filled by election of the departmental assemblies, the count being made by the chambers in the manner prescribed for president.

167. The elections of senators corresponding to the third which are replaced every two years, shall be held by the departmental assemblies, the chamber of deputies, the president of the republic, and the supreme court of justice on the first of October of the year preceding the replacement. The election and computation which the senate must make according to articles 37 and 35, shall be hold the first of the following December. The new senators and deputies shall enter upon their charge the first of the following January.

168. No election may be considered null and void except for one of the following reasons: first, lack of qualifications demanded by the constitution in the candidate; second, intervention or violence of an armed force in the elections; third, lack of absolute majority of those who have the right to vote in the elections other than the primary; fourth, error or fraud in the counting of the votes.

169. The commission of councillor takes precedence over that of deputy and senator; that of senator over that of deputy; that of senator elected by the departmental assemblies over the one appointed by the first authorities; and that of deputy from the district over that of him who
might be deputy by birth.

170. The governors of the departments shall be elected any time during the month of March and they shall take office the fifteenth of the following May.

171. The decrees dispatched by congress and the senate in the exercise of their electoral functions according to this constitution are not open to change by the government.

172. The senate shall set the days on which elections shall be held to fill the vacancy of the president of the republic, senators and ministers of the supreme court of justice.

173. The elections of deputies, senators, president of the republic and members of the departmental assemblies shall be held this year on the day appointed by these provisions. The first congress shall open its session the first of January next. The council of government shall open its session the same day, being named for the purpose by the provisional president of the republic; the constitutional president will enter upon his duties the first of the next February; and in the first 10 days the same month the appointment of the governors of departments will be made. The new assemblies of departments shall begin the first of January. In order to facilitate the primary and secondary elections for the first time, the law of November 1856 shall be observed in all points not contrary to this constitution.

174. If in any one of the departments the primary and secondary elections of the departments are not held on the days designated herein, congress, if it be in session, and if not, the permanent deputation shall appoint a day on which they shall be held, and for the first time it shall be done by the government.

Chapter IX

General regulations concerning the administration of Justice.

175. The prisons shall be arranged in such a way that the place of detention and the prison shall be separate.

176. No one shall be compelled to testify against himself under oath in a criminal case.

177. The judges shall make a preliminary examination
of the prisoner within three days after his arrest, and shall indicate to him the name of his accuser if there be one, the reason for his arrest, and the evidence against him.

178. Upon the taking the declaration of the criminal, the process shall be read entire, and if he do not know the witnesses, he shall be given all necessary data to that end.

179. The penalty of confiscation of property is forbidden, but when the charge involves pecuniary responsibility, sufficient of the criminals property may be attached to cover such responsibility.

180. The stigma of infamy is not transcendental (apparently means that it is not necessarily inherent in arrest)

181. The penalty of death shall be imposed without adding any physical torture beyond the taking of life.

182. Any failure to observe the essential legal processes in a trial shall be upon the responsibility of the judge, and in civil cases the case shall be annulled and retried. The law will indicate the processes that are essential in each case.

183. In no case of whatever nature or importance can there be more than three instances. The law shall establish the number of instances which there must be in every case in order that the sentence may be valid.

184. The magistrates and judges who have functioned in one instance cannot do so in another.

185. Litigants have the right to discontinue their civil suits, and criminal suits based upon purely personal injuries, by means of judges of arbitration, whose sentences shall be executed in conformity with the law.

186. In order to bring any civil or criminal suits based upon injuries purely personal, an attempt at reconciliation must first be made, in the form and with the exception which the law provides.

187. The civil, criminal and commercial codes shall be one and the same for the whole nation, except that congress may in divers places establish certain variations based upon particular and local circumstances.
188. The magistrates of the higher courts (jueces letrados) shall hold office permanently.

189. The magistrates and judges may not be suspended except in the cases included under part (7) of article 42 or under article 191, or by judicial act; nor deprived of their offices except by a valid sentence imposing this punishment.

190. If the president of the republic, as a result of the use of powers (9) and (10) under article 87, or upon well founded complaints against any magistrates or judges, shall believe that they should be held responsible therefor, he shall collect all the necessary evidence, and having heard the opinion of his council, shall turn the whole over to the proper judge, meanwhile suspending the accused from his office. The aforesaid shall not be understood to apply to the magistrates of the supreme civil or military courts.

191. The general congress by its own accord or at the instigation of the President of the Republic may decree the same inspections for the supreme court of justice and the military court as are provided in power (10) of article 87 in regard to the superior tribunals and inferior courts; and if from the inspection it result that account be asked of one or more of the officials, the data pertaining thereto should be delivered to the section of the grand jury of either of the chambers.

192. Congress may establish for a limited time special courts, either fixed or circuit, to pursue and punish bands of robbers, with the provision that these trials be of first instance, and that the confirmation of the sentences be made by courts of second and third instance of the territory where judgement is pronounced.

193. A general law shall fix the manner of procedure of these tribunals and may also shorten the procedure of the second and third instances, without, however, in any case whatever permitting privileged evidence or depriving the criminal of the recourses granted by law for his defense.

194. General attorneys shall be placed near the tribunals to attend to affairs of state and other matters which may be of public interest.

195. In crimes of printing, the printer is not necessarily involved; but he will be responsible if he do not
assure himself in legal form, stating the responsibility of the editor or writer, or if he print writing against the private life, unless said writings be concerned with crimes or transgressions of any public functionaries in regard to the discharge of his duties.

196. A law shall determine the cases of abuse of the liberty of the press, shall designate the penalties and call them to trial, the only possible abuses being the following: against religion, against morality and good custom; provocation to sedition and disobedience of authorities, attacks on the independence and form of government which this constitution establish, and slander of public functionaries in their official conduct.

197. All prevarication by bribery, extortion or fraud is occasion for public action against any public functionary who commit it.

198. If in times of crisis, the safety of the nation demand in all the republic or in any part of it the suspension of the formalities prescribed in this constitution for the apprehension and detention of the delinquents, congress may so order it for a definite period of time.

Chapter X
Concerning the Public Treasury

199. The public treasury shall be divided into the general and the departmental. In the first session of the first congress the law shall be made distributing the incomes in the two divisions so that that of the departments be equivalent to their expenditures including in these expenses the salaries of their respective deputies.

200. A law which the government shall introduce in the first session of the first congress shall arrange the general treasury and shall establish a plan and determine the means to amortize the public debt and to name the funds with which to do this.

Chapter XI
Concerning the Observance and Amendment of this Constitution.

201. Every public functionary before taking office or before continuing in it shall swear to comply with that
ordered in this constitution. The government shall administer oath to all the authorities.

202. At any time amendments or reforms may be made in this constitution. Laws dealing with this matter shall be treated as other laws with the exception that they must be passed in every instance by two-thirds majority in both house. The executive shall hold in these cases power (20) of article 87.

Let this be communicated to the supreme provisional executive power for consideration. Sala of the honorable committee on legislation in Mexico June, 12th, 1843.

(Signatures follow)

I, Antonio Lopez of Santa Anna, provisional president of the republic, sanction this constitution formulated by the national committee on legislation, in accord with the decrees of December 19 and 23 of 1842, by virtue of the power which the nation has conferred upon me, today, the 12th of June, 1843.
The Restoration of the Federal Form of Government by the Federal Constitution of 1824 according to the decree of August 22, 1846

with the following additions.

1. Every Mexican by birth or by naturalization is a citizen of the United States of Mexico, who has reached the age of twenty years, who has an honest mode of livelihood, and who has not been condemned by legal process for any defaming crime.

2. It is the right of the citizens to vote in the popular elections, to exercise the right of petition, to assemble for the purpose of discussing public affairs, to belong to the National Guard, all conforming to the laws.

3. The rights of citizenship shall be suspended for habitual drunkenness or for being a professional gambler or for vagrancy; for being a clergyman, and for legal interdiction; the quality of citizenship is forfeited through being subjected to criminal prosecution, and for declining, without legitimate excuse, to serve in the public offices for which he may have been nominated.

4. A law shall determine the exercise of these rights, the manner of examining those possessing the quality of citizenship and the convenient forms for declaring them suspended or forfeited. The citizen who has lost these political rights, may be reinstated by the General Congress.

5. In order to insure the rights of man the Constitution shall sanction them, a law shall establish the guaranties of liberty, security, property and equality enjoyed by all the inhabitants of the Republic, and shall establish the means of making them effective.

6. The States of the Confederation are those expressed in the federal Constitution and those formed afterwards conforming to it. A new State has been established by the
name of Guerrero, composed of the districts of Acapulco, Chilapa, Teco and, Tlapa and the Municipality of Coyucan, the first three having belonged to the State of Mexico, the fourth to Puebla, and the fifth to Michoacan, after the Legislatures of these three States had given their consent inside of three months.

The City of Mexico shall be the federal District, having a vote in the election for president and naming two Senators.

7. For each fifty thousand souls, or for a fraction exceeding twenty five thousand a deputy to the general Congress shall be elected. In order to be one he is only required to be 25 years of age, to be in the exercise of his rights of citizenship and not be found, to the time of the election included in the exceptions of Article 23 of the Constitution.

8. In addition to the senators which each state may elect, there shall be an equal number elected by the senate, the supreme court and the chamber of deputies, voting by delegations. The persons named by all three votes shall be elected, and the chamber of deputies voting by persons, shall name the rest from among the candidates. The older half of these senators shall belong also to the council.

9. The senate shall be renewed by thirds every two years, alternating by year those elected by the states and those elected according to the foregoing article.

10. In order to be a Senator it is requisite to be thirty years of age, and to have the other qualities required for a deputy, and besides to have been constitutional president or vice-president of the Republic; or for more than six months secretary of state, or governor of a state; or a member of the Chambers; or for two terms a member of a legislature; or for more than five years a diplomatic agent; or a minister of the supreme court of justice; or for six years a judge or magistrate; or superior Head of the Estate; or an effective general.
11. The exclusive power of the General Congress will be to give the bases for colonization and to dictate the laws conforming to those which the Powers of the Union have discharged by their Constitutional powers.

12. It belongs exclusively to the Chamber of Deputies to act as a Grand Jury, determining, by a majority vote whether there is or is not any grand for proceeding against the high functionaries, to whom the Constitution or the laws concede the power.

13. If the finding be an accusation for a common crime, the proceedings shall pass to the Supreme Court; for an official offence, the Senate shall act as Jury of sentence, and will be limited to declaring whether the accused is or is not guilty. For this declaration it shall require a three-fifths vote of the members present, and this being made the Supreme Court shall name the penalty, according to the law.

14. In no case may a project of law be approved with less than an absolute majority of votes of the members present in each one of the chambers.

15. The articles of the constitution are repealed which established the office of Vice-president, and the temporary absence of the president shall be filled according to the terms already specified in case both functionaries be absent.

16. The president is responsible for any crime, he may commit during his administration; he is also responsible for official misdemeanors excepted by the constitution, provided that the act of which they consist be not authorized by the signature of the responsible secretory.

17. The secretaries of state are responsible for all the infractions of the law that are committed, whether it consists of an act of commission or one of pure omission.

18. The elections of deputies and senators, president of the republic and ministers of the supreme court shall be fixed by general laws; the direct election may be adopted for all but that of the senate which is specified in article 8 of this law. But it is forbidden to name in the indirect election as primary or secondary elector, any citizen with a political post, civil, ecclesiastical or military jurisdiction, or any priest, who would represent the territory in which they discharge their duties.
19. The law establishes and organizes also the Courts of first and second instance that have to observe the affairs reserved to the judicial power of the Confederation.

20. Concerning the matters committed to the power of the Union, no state has powers other than those expressly stated by the constitution, nor is there any legal way of interfering with them except in accordance with the general powers established by the same.

21. The powers of the Union are all based upon the constitution and must be limited to the exercise of the rights expressly stated therein, without others being tacitly understood through lack of precise restriction.

22. Any law of the states which may conflict with the constitution or the general laws shall be declared null and void by congress, but this declaration can be initiated only in the senate.

23. If, within a month after the publication of a law of the general congress, it may be recalled unconstitutional either by the president and his cabinet, or ten deputies, or six senators or three legislatures, the Supreme Court, before which the recall must be made, shall submit the law to the legislatures which, within three months and on the same day, shall vote on the validity of said law.

The vote shall be again submitted to the Supreme Court, and this body shall publish the result the law being annulled if the majority or the legislatures so resolve.

24. In the case of the two proceeding articles, the general congress and the legislatures in their turn may decide only if the law, whose validity is in question, is or is not unconstitutional; and in every affirmative declaration, the letter of the annulled law shall be quoted and the text of the constitution or general law to which it is opposed.

25. The courts of the Federation shall protect any inhabitant of the Republic in the exercise and preservation of the rights which this constitution and constitutional laws grant him, against any attack of the legislative
and executive powers, either of the Federation or of the States; these courts are limited to giving their protection in the particular case involved in the process, without making any general declaration in regard to the law or act which may cause it.

26. No law may exact from printers any previous bond for the free exercise of their art, nor make them responsible for what they may publish, provided that they make evident in legal form the responsibility of the editor. In all cases, except that of libel, the delinquencies of printing shall be judged by lay judges and are punishable only by fine or seclusion.

27. The laws of which articles 4, 5, and 18 of this "acta" speak: the freedom of the press, the organization of the National Guard, and all those laws which form by-laws to the general decrees of the constitution and of this "acta", are constitutional laws and cannot be altered nor repealed without there mediating a period of six months between the presentation of the proposal and its discussion in the Chamber which introduced it.

28. At any time the articles of the constitutional record, of the federal constitution or of this "acta" may be amended, provided that the amendments pass by two thirds majority of both Chambers or by the majority of two different and successive congresses. The amendments which may be proposed limiting in any way the extension of the powers of the states, must have also the approval of the majority of the legislatures. In all such cases the delay mentioned in the foregoing article must be observed.

29. In no case may alteration be made in the principles which establish the independence of the nation, its form of popular, representative, federal, republican government and the division thereof, be it of the general powers or of that of the states.
30. After this bill of reforms is published, all public powers must be in accord with it. The general legislative power will continue to reside in the present congress until the meeting of the Chambers. The states will continue to abide by their individual constitutions and will renew their powers according to them.
Federal Constitution of the Mexican United States sanctioned by the General Constituent Congress the 5th of February, 1857

Ignacio Comonfort, substitute President of the Mexican Republic, to the people, communicates:

That the extraordinary constituent Congress has decreed the following:

"In the name of God and with the authority of the Mexican people.

The representatives of the different States, of the District and Territories which compose the Republic of Mexico, called by the plan proclaimed in Ayutla the 1st of March, 1854, amended in Acapulco the 11th day of the same month and year, and by the summons issued the 17th of October, 1855, to constitute the nation under the form of a popular, representative, democratic republic, exercising the powers with which they are invested, comply with the requirements of their high office, decreeing the following political Constitution of the Mexican Republic on the indestructible basis of its legitimate independence, proclaimed the 16th day of September, 1810, and completed the 27th of September 1821."

Title I

Section 1 - Of the Rights of Man

1. The Mexican people recognize the rights of man are the foundation and object of social institutions. It is consequently declared that all the laws and all the authorities of the country shall respect and sustain the guarantees stipulated by the present Constitution.
2. In the Republic all are born free. All slaves who set foot on the national territory, by that fact alone, gain their freedom, and have a right to the protection of the law.

3. Education is free. The law shall determine what professions shall have a title to exercise it, and the conditions under which it shall be carried out.

4. Every man is free to embrace such profession, industry, or labor as may be convenient to him, so long as it is useful and honest, and its results are profitable. No impediment may be offered to such profession or industry, unless by judicial decision when the rights of third parties are injuriously affected, or by State regulation, dictated in the terms fixed by law, when it may be an offence against society.

5. No person shall be compelled to undertake personal labor without lawful compensation or without his full consent. The State shall not give effect to any contract or agreement which shall involve the diminution, loss or irrevocable, sacrifice of the liberty of man, whether in the cause of labor, education, or religion. Moreover, no agreement shall be permitted whereby a man shall consent to his own proscription or exile from the country.

6. The expression of ideas shall not be the object of any inquisition, whether judicial or administrative, except in cases where morality or the rights of others are concerned, or where any crime, offence, or disturbance of public order is provoked.

7. The liberty to write and publish writings on any subject is inviolable. No law or authority shall have the power to establish censorship, to exact security from authors or printers, or to curtail the liberty of the press, which shall have no restrictions other than those imposed by privacy, morality and the public peace. The crimes of the press shall be judged by one jury which attests the fact, and by another jury which applies the law and designates the punishment.

8. The right of petition, exercised in writing and in a peaceful and respectful manner, is inviolable; but in political matters may only be made use of by citizens of the Republic. The written consent of the authority to whom the petition is addressed must in all cases be
affixed to it, and such authority shall be under the obligation of making known the result to the petitioner.

9. No one shall be denied the right of peaceable association or meeting for any lawful object; but the citizens of the Republic alone have the right to take part in meetings having reference to the politics of the country. No armed meeting has the right to deliberate.

10. Every man has the right to possess and bear arms for his own security and lawful defence. The law shall indicate those which may be prohibited, and the penalties to be inflicted upon those who carry them.

11. Every man has the right to enter and leave the Republic to travel in its territory, and to change his residence, without necessity for letter of security, passport, safe-conduct, or other similar requisite. The exercise of this right shall not be detrimental to the legitimate powers of the judicial or administrative authorities in cases of criminal or civil responsibility.

12. There shall be recognized in the Republic neither titles of nobility, prerogatives nor hereditary honors. The people alone, lawfully represented, shall have the power to decree recompenses in favor of those who have rendered, or may render, eminent services to the country or in the cause of humanity.

13. No person may be tried in the Republic in accordance with private laws, or before special Tribunals. No person or corporation shall possess any jurisdictional powers or enjoy emoluments, unless as compensation for public services as fixed by law. Military Tribunals shall exist solely for offences and misdemeanors arising strictly in connection with military discipline. The law shall fix, with the greatest exactitude, these exceptional cases.

14. In no case shall a law have a retroactive effect. No person shall be tried or sentences before the Tribunal which has previously established the law, except under laws passed anterior to the fact, and exactly applicable to it.

15. Treaties shall never be concluded for the extradition of political offenders, nor of those delinquents of a common order who were held, in the country in which the offence was committed, in the condition of slavery. Further treaties or Conventions shall not be concluded if they shall in any way alter the rights and guarantees established for men and citizens by this constitution.
16. No individual may be molested in his person, family, domicile, papers or possessions, except by virtue of a written order, issued by the competent authority, and which gives the grounds and shows the legal case for the proceeding. In case of flagrante delicto, any person may apprehend the guilty party or his accomplices, but shall place them without delay at the disposition of the nearest authority.

17. No person may be arrested for debts of a purely civil character. No person may use violence in claiming his own. The Tribunals shall always be used in order to obtain justice. This shall be gratuitous, all judicial costs being consequently abolished.

18. No person shall be placed in prison except for an offence deserving corporal punishment. At any stage of the proceedings where it may appear that the accused has not incurred such a punishment, he shall be set at liberty on bail. In no case shall imprisonment or detention be prolonged for default in payments of salaries or any other administration of money.

19. No detention shall exceed a period of three days, unless justified by a warrant of committal to prison and the other requisites established by law. The lapse of the above period alone throws all responsibility upon the authority who orders or consents to such detention, and upon the agents, ministers, alcaides, or prison officials who carry it out. All maltreatment, either at the arrest or during confinement in prison, any interference which may not be justified by a legal motive, all taxes or contributions levied in the prisons, constitute an abuse which the laws must correct, and for which the authorities must be severely punished.

20. In any criminal trial, the accused has the right to the following guarantees:

1. That he be made acquainted with the motive of the trial and the name of the prosecutor, if there be one;

2. That his preparatory declarations shall be placed, within 48 hours, in the hands of the Judge before whom he is to be tried;

3. That he be confronted by the witnesses who testify against him;

4. That he be given access to the data upon which the charge is founded, in order to prepare his defence.

5. That he be heard in his own defence, or by means of some person in whom he reposes confidence; or in both ways, according to his wishes. In the event of his being
unable to put forward any one in his defence, he shall be supplied with a list of official lawyers for defence ("Defensores de oficio"), from which he may select one or more, as he pleases.

21. Penalties, strictly such, shall only be applied by the judicial authority. The political and administrative authorities may only impose them as a correction, and only to the extent of 500 pesos in the matter of fines or of one month's imprisonment, in such cases and in the manner expressly determined by law.

22. The punishments of mutilation and infamy, branding flogging, cudgelling, torture of every description, excessive fines, or confiscation of property, remain forever abolished, as also any other obsolete or transmittible penalties.

23. In order to provide for the total abolution of the death penalty, it shall rest with the administrative power to establish, with as little delay as possible, the penitential regimen. In the meantime it remains abolished as regards political offences, and shall not be extended to any cases except treason to the country in time of foreign war, highway robbery, incendiarism, parricide, homicide coupled with treachery, premeditation, or advantage, serious crimes against military law, and piracy as defined by law.

24. No criminal trial shall be at more than three instances. No person shall be tried twice for the same offence, whether the trial results in acquittal or condemnation. The practice of remission of instance ("absolver de la instancia") remains abolished.

25. Correspondence which circulates through the post under cover is free of all registration. The violation of this guarantee is an offence which will be severely punished by law.

26. In time of peace no soldier may demand lodging, baggage or other service, actual or personal, without the consent of the owner. In time of war, such requisition may be made only as determined by law.

27. The property of any person may not be kept in possession without the owner's consent, except by reason of public utility, and with previous indemnification. The law shall determine what authority shall have the power of expropriation, and the steps necessary for its verification.
No corporation, civil or ecclesiastical, whatever may be its character, denomination or object, shall be legally capable to acquire proprietorship or administration of real property, with the single exception of such buildings as are destined immediately and directly for the uses and purposes of such institution.

28. There shall be no monopolies or privileges of any kind, nor any prohibition, under the title of protection, of any industry. The only exceptions are as regards coinage of money, postal services, and the privileges conceded by law for a limited period to inventors or perfectors of any improvements.

29. In cases of invasion, serious disturbance of public peace, or any other matters which may be productive of great social danger or conflict, the President of the Republic, in agreement with the Council of Ministers, and with the approval of the Congress of the Union, or during the recess of the latter, the Permanent Deputation, shall alone have the power to suspend the guarantees stipulated by this Constitution, with the exception of those securing human life. Such suspension must, however, be only for a limited period and be carried out by means of general preparations, and shall not be restricted to a particular individual.

If the suspension should endure until the meeting of Congress, the latter shall decree the authorizations which it may consider necessary to enable the Executive to meet the situation. If the suspension shall require confirmation during the recess the Permanent Deputation shall convolve Congress without delay, in order to obtain its agreement.

Section II - Of Mexicans

30. Mexicans are--

(1) All those who are born of a Mexican father within or without the territory of the Republic;
(2) Foreigners who are naturalized in accordance with the laws of the Federation;
(3) Foreigners who may acquire real property in the Republic, or who may have Mexican children, on the understanding always that the desire to retain their own nationality is not manifested.

31. The obligations of every Mexican are--

(1) To defend the independence, territory, honor, rights and interests of his country.
(2) To contribute to the public expenditure, whether
of the Federation, the State, or the Municipality in which he resides, in the proportional and equitable manner prescribed by law.

32. Mexicans will be preferred to foreigners, other things being equal, for all employments, offices, or commissions, the nominations for which rest with the authorities, and in which the quality of citizen is not indispensable. Laws shall be put into force for the improvement of the condition of the working classes, for the rewarding of those who distinguish themselves in any science or art, for stimulating labor, and for founding colleges and schools for the practice of arts and trades.

Section III - Of Foreigners.

33. Foreigners are those who do not possess the qualities described in Article 30. They have a right to the guarantees stipulated in Title I, Section I, of this Constitution, except that the Government reserves the right in any case to expel a dangerous foreigner. They shall be obliged to contribute to public expenditure in the manner prescribed by law, and to obey and respect the institutions, laws, and authorities of the country, submitting themselves to the decisions and sentences passed by the Tribunals without being able to have recourse to any proceedings other than those conferred by law upon Mexicans.

Section IV - Of Mexican Citizens.

34. Citizens of the Republic are all those who, having the quality of Mexicans, possess besides the following qualifications:
   (1) To have completed 18 years of age; if married or 21 years if not;
   (2) To possess honest means of livelihood.

35. The privileges of the citizens are:
   (1) To vote at popular elections;
   (2) To be eligible to receive votes for all offices filled by popular election, and for nomination to any other employment or commission, if holding the qualifications established by law;
   (3) To form Associations for the discussion of the political affairs of the country;
   (4) To bear arms in the army or National Guard for the defence of the country and its institutions;
   (5) To exercise in all matters the right of petition.
36. The obligations of a citizen of the Republic
are:

(1) To inscribe himself in the municipal register,
showing the property he holds, or the industry, profession,
or labor by which he lives;
(2) To enrol himself in the National Guard;
(3) To give his vote in popular elections in the pro-
per district;
(4) To repay the expenses incurred in popular elec-
tions of the Federation, which in no case shall be gratui-
tious.

37. The quality of a citizen is lost—

(1) By naturalization in a foreign country;
(2) By taking official service with another country,
or by accepting foreign decorations, titles, or offices,
without the previous sanction of the Federal Congress.
Exceptions to this rule are literary, scientific, and human-
itarian titles, which may be freely accepted.

38. The law shall fix the cases and the manner in
which the rights of citizenship are lost, and shall de-
terminate the mode of regaining them.

Title II

Section I - Of the National Sovereignty, and the
Form of Government.

39. The national sovereignty resides essentially and
originally with the people. All public power springs from
the people, and is instituted for their benefit. The
people at all times hold the inalienable right to alter
or modify the form of government.

40. By their own will the Mexican people have con-
stituted themselves as representative, democratic, and
federal Republic, composed of States, each free and so-
vereign in all that relates to its internal affairs, but
united in a federation established in accordance with the
principles of the present fundamental law.

41. The people exercise their sovereignty through the
Authorities of the Union in the cases within the competence
of the latter, and through those of the States in those
matters which touch upon internal affairs, in both cases
in accordance with the limits respectively established by
this federal Constitution and by the special enactments
of the States; the latter, however, in no case contravening
the stipulations of the federal agreement.
Section II - Of the Integral Parts of the Federation, and the National Territory.

42. The national territory is composed of the integral parts of the Federation and the adjacent islands in both seas.

43. The integral parts of the Federation are: the States of Aguascalientes, Colima, Chihuahua, Durango, Guanajuato, Guerrero, Jalisco, Mexico, Michoacan, Nuevoleon and Coahuila, Oaxaca, Puebla, Queretaro, San Luis Potosi, Sinaloa, Sonora, Tabasco, Tamaulipas, Tlaxcala, Valle de Mexico, Vera Cruz, Yucatan, Zacatecas, and the Territory of Lower California.

44. The States of Aguascalientes, Chihuahua, Durango, Guerrero, Mexico, Puebla, Queretaro, Sinaloa, Sonora, Tamaulipas, and the Territory of Lower California, preserve their present actual limits.

45. The States of Colima and Tlaxcala preserve, in their new character of States, the limits they held as Territories of the Federation.

46. The state of Valle de Mexico shall be formed of territory actually including the federal district; but its erection into a separate State shall only be effected when the Supreme Federal Powers transfer themselves elsewhere.

47. The State of Nuevoleon and Coahuila shall comprise the territory belonging to the two separate States which they at present form. The Bonanza Estate shall, however, be separated and reincorporated with Zacatecas, with the same limits as it held previous to its incorporation with Coahuila.

48. The States of Guanajuato, Jalisco, Michoacan, Oaxaca, San Luis Potosi, Tabasco, Vera Cruz, Yucatan, and Zacatecas, recover the extensions and limits held by them on the 31st of December, 1852, with the alterations established by the Article following.

49. The town of Conotepec, which has belonged to Guanajuato, shall be incorporated in Michoacan. The Municipality of Ahualulco, which has belonged to Zacatecas, shall be incorporated in San Luis Potosi. The Municipalities of Ojo Caliente and San Francisco de los Adames, belonging to San Luis, and the towns of Nueva Tlaxcala and San Andres del Taul, belonging to Jalisco, shall be incorporated in Zacatecas. The department of Tuxpam will continue to form part of Vera Cruz. The canton of Huimanguillo, belonging
to Vera Cruz, will be incorporated in Tabasco.

Title III
Of the Division of Powers

50. The Supreme Power of the Federation is divided in its exercise into the Legislative, the Executive and the Judicial. Two or more of these powers shall never be united in the same person or corporation nor shall the Legislative Power every reside with only one individual.

Section I - Of the Legislative Power

51. The exercise of the Supreme Legislative Power is vested in one assembly, which is designated as the Congress of the Union.

A - Of the Election and Installation of Congress.

52. The Congress of the Union shall be composed of representatives, elected as a whole every two years by the Mexican citizens.

53. A Deputy shall be nominated for every 40,000 inhabitants, or for any fraction thereof exceeding 20,000. If the population of a territory should be less than the number fixed by this Article, it shall, nevertheless, nominate a Deputy.

54. For each Deputy in his own right a substitute Deputy ("suplente") shall be nominated.

55. The election of Deputies shall be indirect in the first degree and by secret ballot, as determined by the electoral law.

56. To be Deputy it is necessary to be a Mexican citizen in the exercise of his rights, of 25 years of age complete on the first day of the Session, an inhabitant or near neighbor of the State or territory for which nominated, and not to belong to the ecclesiastical condition. Eligibility on the score of being an inhabitant or neighbor of the State for which nominated shall not be lost by reason of absence in discharge of any public duty, to which a person may have been called by public election.
57. The position of Deputy is incompatible with any commission or employment under the Union carrying with it the enjoyment of salary.

58. The Deputies, in their own right, from the day of their election to the day upon which they cease to hold such positions may not accept any employment in the appointment of the Federal Executive, carrying salary with it, without the previous permission of Congress. The same rule is applicable to Substitute Deputies when in the exercise of their functions.

59. The Deputies are inviolable as regards their opinions expressed while in discharge of their duties, and shall in no case be recriminated therewith.

60. The Congress shall confirm the elections of its members, and solve any doubts that arise in connection with them.

61. Congress may not open its sessions, nor exercise there functions, without the agreement of more than a half of the whole body of its members; but those present of the day of meeting fixed by law should compel the attendance of absentees under the penalties established by that law.

62. Congress shall each year hold two periods of Ordinary Sessions; the first, shall commence on the 16th of September and terminate on the 15th of December, and the second, unable to be prorogued, shall commence on the 1st of April and terminate on the last day of May.

63. At the opening of the Sessions of Congress the President of the Union shall assist, and deliver a speech showing the condition of the country. The President of the Congress shall reply in suitable terms.

64. Every Resolution of Congress shall take no other character than that of a Law or a Decree. The Laws will be communicated to the Executive signed by the President and two Secretaries, and the Decrees by the two Secretaries alone.

B - Of the Initiation and Formation of Laws

65. The right to initiate laws rests with;
(1) The President of the Union.
(2) The Deputies to Federal Congress.
(3) The State Legislatures.

66. The Bills presented by the President of the Republic, by the State Legislatures, or by deputations from the latter, shall pass forthwith into Committee. Those presented by Deputies shall be subjected to the procedure prescribed by the Regulations respecting debates.

67. Every project of law that may be rejected by the Congress shall not be returned for presentation in the Sessions of the same year.

68. The second period of the Session shall be given up by preference, to the examination and voting of the Estimates for the financial year following, to decreeing contributions to cover such expenditures, and to the revision of the accounts of the previous year, all to be presented by the Executive.

69. The Executive shall present to Congress, on the last day but one of the first Sessional period, the Estimates of expenditure for the year next following, and the accounts of the previous year. They shall then both be passed on to a Committee, of five representatives, nominated on the above mentioned day, whose duty it shall be to examine both documents and present the report upon them at the second Session of the second period.

70. The initiation or formation of law shall be subjected to the following procedure:
(1) Report of commission.
(2) One or two discussions, in the last they shall make clear the successive fraction.
(3) The first discussion shall take place on the day that the president of the Congress designates, consistent with regulations.
(4) When discussion is concluded a copy of the proceedings shall be sent to the Executive, so that at the end of six days he shall state his opinion or state that he will not use this faculty.
(5) If the opinion of the Executive shall be agreeable, it shall proceed without more discussion, to the voting of the law.
(6) If said opinion disagrees in whole or in part, the bill shall be returned to the commission so that with the present observations of the Executive power, the business shall be examined anew.
(7) The new report will permit a new discussion, and
concluding this, it shall proceed to the voting.

(3) It shall be sanctioned by the absolute majority of the deputies present.

71. In the case of a notorious urgency, it shall be authorized by the vote of two-thirds of the deputies present, the Congress can curtail or dispense the established proceedings of Article 70.

C - Of the Faculties of Congress.

72. Congress has the faculty—

(1) To admit new States or Territories into the Federal Union, incorporating them with the nation;

(2) To erect Territories or States when there may be a population of 30,000 inhabitants, and the elements necessary to a political existence;

(3) To form new States within the limits of those already in existence, provided the locality has 30,000 inhabitants, proving to have the necessary elements in order to provide for political existence. To attend in every case to the legislatures of each Territory discussed, and accordingly only having effect if the majority of the legislatures of the States ratify it.

(4) To settle definitely the limits of the States, and to terminate the differences which may arise among them with regard to the demarcation of their respective territories, except in cases where such differences may be of a contentious character.

(5) To alter the place of residence of the Supreme Powers of the Federation;

(6) To regulate the internal affairs of the Federal District and Territories upon the basis of popular election by the citizens of the political, municipal, and judicial authorities, and to designate the revenue necessary to cover local requirements.

(7) To approve the Budget of expenses of the Federation which shall be presented annually to the Executive and to impose contributions necessary to provide for such expenses;

(8) To fix the basis upon which the Executive may issue loans on the national credit, to approve such loans, and to guarantee and regulate the payment of the National Debt;

(9) To establish a Customs Tariff as regards foreign commerce, and to remove, upon general grounds, all burdensome restrictions upon the trade between State and State;

(10) To establish the general basis of commercial legislation;
(11) To create and suppress public employments under the Federation, and to fix, increase, or diminish the emoluments attaching to them;

(12) To confirm the appointments made by the Executive of Ministers, Diplomatic Agents and Consuls, of the higher officials of the Treasury, and of Colonels and officers above that rank of the army, and the chief officers of the navy.

(13) To approve the treaties, and political Conventions or Agreements concluded by the Executive;

(14) To declare war in view of the data furnished by the Executive;

(15) To regulate the manner of issuing letters of marque; to dictate Laws under which awards, for or against, must be made respecting captures or seizures by land or sea; and to issue Laws relative to maritime law in time of peace or war;

(16) To permit or refuse the entrance of foreign troops into the territory of the Federation, and to consent to the stationing of squadrons of other Powers, for a period exceeding one month, in the waters of the Republic;

(17) To permit the departure of national troops from the limits of the Republic.

(18) To raise and maintain the army and navy of the Union, and to regulate their organization and service;

(19) To issue regulations for the organization, arming, and discipline of the National Guard, giving to the citizens who form it the power to nominate their Chiefs and officers, and to the States the faculty of instructing it conformably with the discipline prescribed by the said Regulations;

(20) To give its assent in order that the Executive may dispose of the National Guard beyond the limits of the States or Territories to which it may belong, and to fix the necessary force;

(21) To dictate laws on the subjects of naturalization, colonization, and citizenship;

(22) To dictate laws upon matters relating to ways of communication generally, and to posts and telegraphs;

(23) To establish mints, to fix the conditions upon which they will be conducted, and to determine the value of foreign weights and measures, of which a general system should be adopted.

(24) To fix the rules which shall govern the occupation and alienation of uncultivated lands, and to fix their price;

(25) To grant pardons for such offences as are taken cognizance of by the Tribunals of the Federation.

(26) To grant rewards and compensations for eminent services to the country or in the cause of humanity, and
privileges for a limited time to the inventors or persons perfecting something.

(27) To prorogue for 30 working days the first period of its ordinary Session;

(28) To regulate its internal affairs, and to take the steps necessary to compel the attendance of absent Deputies, and to correct the mistakes or omissions of those present;

(29) To freely nominate and remove the persons employed in its Secretariat and those of the Exchequer Department, which shall be organized in accordance with law;

(30) To prepare all laws which may be necessary and proper to render effective the foregoing faculties, as well as all others conceded by this Constitution to the Powers of the Union.

D - Of the Permanent Commission.

73. During the recess of the Congress of the Union, there shall be a Permanent Commission, composed of a Deputy for each State and Territory, appointed by Congress on the eve of the closing of its Sessions.

74. The attributes of the Permanent Commission are the following:

(1) To give its consent as to the disposition of the National Guard in accordance with Article 72, paragraph (20);

(2) To sanction by itself alone, or by the petition of the executive, the summoning of Congress in Extra-ordinary Session.

(3) To approve, when necessary, the appointments referred to in Article 85, paragraph (5);

(4) To receive the oath of the President of the Republic and of the Ministers of the Supreme Court of Justice in the cases provided by this Constitution;

(5) To pass opinions upon any matters upon which resolutions may be required, in order that the Legislature which follows may take them up from that point.

Section II - Of the Executive Power.

75. The exercise of the Supreme Executive Power of the Union reposes in one individual, who shall be styled "President of the Mexican United States."
76. The election of President shall be indirect in the first degree and by secret ballot, in accordance with the dispositions of the electoral law.

77. To be President it is necessary to be a Mexican citizen by birth, in exercise of his rights, of 35 years complete at the time of the election, to be unconnected with the ecclesiastical condition, and to have residence in the country at the time of coming forward for election.

78. The President shall enter upon the exercise of his functions on the first of December, and shall continue in it for four years.

79. In the temporary absence of the President of the Republic, and during the imperious vacancy, while seeking re-election, the authority shall be exercised by the president of the Supreme Court of Justice.

80. If the absence of the President be permanent, a new election shall proceed according to the arrangement in Article 76, and the one newly elected shall exercise his powers until the last day of November of the fourth year following his election.

81. The office of President of the Union may only be resigned for serious reasons, and must be authorized by Congress, before which the resignation shall be presented.

82. If, from any cause whatever, the election of the President should not have taken place and been published by the 1st of December, and the substitute must be confirmed, or the person elected may not be ready to enter upon the discharge of his duties, the former president shall cease to hold office, and the Supreme Executive Power shall, ad interim, be deposited upon the President of the Supreme Court of Justice.

83. The President, on taking office, will take the oath before Congress or, in the recess of the latter, before the Permanent Deputation, in the following form:

"I swear to discharge, loyally and patriotically, the office of the President of the Mexican United States in conformity with the Constitution, endeavoring in everything to preserve the welfare and prosperity of the Union."

84. The President may not remove himself from the place in which the Federal Powers reside, nor discontinue
the exercise of his functions, except from serious causes and with the authorization of Congress, or, during its recess, of the Permanent Deputation.

85. The obligations and faculties of the President are as follows:

1. To promulgate and execute the laws passed by the Congress of the Union, making provisions in the administrative sphere for their exact observance;

2. To freely appoint and remove the Secretaries of State, to remove the Diplomatic Agents and the superior officials of the Department of the Treasury, and to freely appoint and remove other officials of the Union whose appointment or removal may not be determined in any other way by the Constitution or the laws;

3. To appoint Ministers, Diplomatic Agents, and Consuls-General, with the approval of Congress, or, in its recess, of the Permanent Deputation;

4. To appoint, with the approval of Congress, the Colonels and other superior officers of the national army and navy, and the higher officers of the Treasury;

5. To appoint all other officers of the army and navy in accordance with law;

6. To order the disposition of the permanent armed forces by land and sea, for the internal security and external defence of the Federation;

7. To order the disposition of the National Guard, with the same objects, in the terms laid down in Article 22, (20).

8. To declare war in the name of the Mexican United States, a law to that effect having been previously passed by the Congress of the Union;

9. To issue letters of marque ("patentes de coorso") subject to the rules fixed by Congress;

10. To direct diplomatic negotiations, and conclude Treaties with foreign Powers, submitting them to the Federal Congress for ratification;

11. To receive the Ministers and other Envoys of foreign Powers;

12. To convocate Congress in Extraordinary Session when the Permanent Deputation agrees thereto;

13. To furnish the assistance required by the Judicial Power for the due exercise of its functions;

14. To establish all kinds of posts and maritime and frontier custom-houses, and to designate the locality of all such;

15. To grant, according to law, pardons to criminals sentenced for offences by the Federal Tribunals,
86. For the conduct of the affairs of the Federation of an administrative order there shall be Secretaries in such number as may be fixed by Congress by a law; such Secretaries to attend to the matters which may be given to the charge of each Department.

87. To be a Secretary of State it is necessary to be a Mexican citizen by birth, in the exercise of his rights, and of 25 years of age complete.

88. All regulations, decrees, and orders issued by the President must be signed by the Secretary of State of that branch of the Administration concerned in the matter in hand. Without such signature they shall not be observed.

89. The Secretaries of State, on the opening of the first Sessional period, shall give an account to Congress of the state of their respective branches.

Section III - Of the Judicial Power.

90. The exercise of the Judicial Power of the Federation shall reside with a Supreme Court of Justice, and with District and Circuit Courts.

91. The Supreme Court of Justice shall be composed of 11 Judges, 4 supernumeraries, a State Prosecutor, and an Attorney-General.

92. Each member of the Supreme Court of Justice may remain in his office for a period of six years. His election shall be indirect in the first degree in accordance with the electoral law.

93. To be elected a member of the Supreme Court of Justice it is necessary to be well versed in legal science in the judgement of the electors, of more than 35 years of age, and a Mexican citizen by birth, and in exercise of his rights.

94. The members of the Supreme Court of Justice, on taking up their duties, shall take before Congress, or during the recess of the latter, before the Permanent Deputation, the following oath:

"I swear to discharge, loyally and patriotically, the duties of Magistrate of the Supreme Court of Justice,
which office has been conferred by the people, conformably with the Constitution, endeavoring in everything to preserve the welfare and prosperity of the Union."

95. The office of member of the Supreme Court of Justice may only be resigned for serious reasons, authorized by Congress, before which the resignation shall be presented. During the recess this authorization shall be given by the Permanent Deputation.

96. Circuit and District Courts shall be established and organized by law.

97. The Tribunals of the Federation shall take cognizance—

(1) Of all controversies which may arise with respect to the fulfillment and application of the Federal laws;
(2) Of all matters relating to maritime law;
(3) Of all matters in which the Federation is a party;
(4) Of controversies which arise between two or more States;
(5) Of those which arise between one State and one or more neighbors of another;
(6) Of those of a civil or criminal order which arise out of Treaties concluded with foreign Powers;
(7) Of all cases relating to Diplomatic Agents and Consuls.

98. The Supreme Court of Justice, as a Court of First Instance, shall take cognizance of all disputes which may arise between one State and another, and all those, likewise, to which the Union is a party.

99. It also belongs to the Supreme Court of Justice to settle questions relating to jurisdiction which may arise between the Tribunals of the Federation, between the latter and those of the States, and between those of one State and those of another.

100. In the other cases comprehended under Article 97 the Supreme Court of Justice shall be a court of Appeal or of Last Instance, according to the manner in which the attributes of the Circuit and District Courts are settled by law.

101. The Tribunals of the Federation settle all questions which arise out of—

(1) Laws or acts of any authority whatsoever which
may be in violation of individual guarantees;

(2) Laws or acts of the Federal authority which im-
pugn or restrict the sovereignty of the States;

(3) Laws or acts of the State authorities which en-
creach upon the domain of the Federal authority.

102. All trials of matters treated of under the pre-
ceeding Article shall be commenced by a petition by the
aggrieved party, in the judicial manner and form as or-
dained by law. The sentence shall always be of such a
character as to affect particular individuals only, and
shall be confined to protecting and sheltering them in
the special matters upon which the proceedings turn,
without making any general declaration respecting the law
or act which may be the motive thereof.

Title IV

Of the Responsibility of Public Functionaries.

103. Deputies of the Congress of the Union, the
members of the Supreme Court of Justice, and the Secre-
taries of State are responsible for ordinary offences
committed by them during their period of office, and for
offences, faults, or omissions committed in the exercise
of their functions. Governors of States are equally lia-
ble for infractions of the Constitution and the Federal
laws. The same liability attaches to the President of the
Republic; but, during his period of office, he may only
be impeached for the offences of treason against the coun-
try, direct violation of the Constitution, attacks on
electoral liberty, and serious offences of an ordinary
kind.

104. If the offence be an ordinary one, the Congress,
sitting as a grand jury, shall declare, by an absolute
majority of votes, whether there is or is not a case
against the accused. If in the negative, no ulterior pro-
ceedings can be taken. If in the affirmative, the ac-
cused shall, by that fact, be suspended from his office
and subjected to the action of the ordinary Courts.

105. In official offences, the Congress shall act
as a Judicial Tribunal for the purpose of hearing the
accusation ("Jurado de Acusacion"), and the Supreme Court
of Justice as a Judicial Tribunal for the purpose of
passing sentence ("Jurado de Sentencia").
The Judicial Tribunal for the purpose of hearing the accusation shall have for its object to declare, by an absolute majority of votes, whether or not the accused be guilty. If the declaration be favorable, the official shall continue in the exercise of his duties. If the decision be condemnatory, he shall be immediately suspended from his office and placed at the disposal of the Supreme Court of Justice. The latter, in a complete tribunal, and acting as a Court of Sentence, having heard the accused and the attorney of the accuser, if there be one, shall proceed, also by an absolute majority of votes, to pronounce the penalty designated by law.

106 Sentence having been passed for an official offence, the grace of pardon may not be conceded to the convicted person.

107. Responsibility for official faults and offences shall only exist during the period of office of the functionary concerned and for one year thereafter.

108. In civil suits there shall be no immunity for any public functionary.

Title V

Of the States of the Federation

109. The States shall adopt for their internal regulation a system of government Republican, representative, and popular.

110. The States may settle among themselves, by friendly arrangement, their respective boundaries; but such arrangements shall not be carried into effect without the approval of the Congress of the Union.

111. The States may not in any case—

(1) Conclude alliances, Treaties, or coalitions with other States or with foreign Powers. The coalition of the frontier States for offensive and defensive measures against the Indians is excepted from this rule;

(2) Issue letters of marque or reprisals;

(3) Coin money, issue paper money or stamped paper.

112. Neither may they, without the consent of the Congress of the Union—

(1) Establish tonnage or other port dues, nor im-
pose contributions or duties upon imports and exports;
(2) Maintain at any time permanent troops or ships of war;
(3) Make war by themselves upon any foreign Power.

Cases of invasion or of danger so imminent as to admit of
no delay are excepted. In these cases immediate notice
shall be given to the President of the Republic.

113. Each State shall be obliged to hand over without
delay to the authority making the claim, the criminals
belonging to other States.

114. Governors of States shall be obliged to publish
and see to the fulfillment of the Federal laws.

115. In each State of the Federation entire faith and
confidence shall be given to the public acts, registrations
and judicial proceedings of all the others. Congress may,
by general laws, prescribe the manner in which such acts,
registrations and proceedings may be proved, and the ef-
fect of the same.

116. The Powers of the Union have the duty of protect-
ing the States against all invasion or external violence.
In case of internal disorder or rebellion the same pro-
tection shall be afforded on requisition being made by the
Legislature of the State, or by the Executive, if the for-
mer be not in Session.

Title VI
General Dispositions

117. The faculties not especially conceded by this
Constitution to Federal officials shall be understood
to be reserved to the States.

118. No person shall discharge, at one and the
same time, any two offices of the Union filled by popular
election, but the person may select from two offices that
one which he would prefer to discharge.

119. No payments shall be made unless included in
the Estimates or approved by a posterior law.

120. The President of the Republic, the members of
the Supreme Court of Justice, the Deputies, and other
public officers of the Federation receiving their appointments at the hands of the people, shall receive such compensation for their services as may be determined by law, such compensation to be paid by the Federal Treasury. This compensation may not be renounced, and any law augmenting or diminishing it shall not have effect in the period during which any particular officer may be in charge.

121. Every public officer, without exception, shall, before taking possession of his office, take oath to preserve the Constitution and the laws emanating from it.

122. In time of peace no military authority shall exercise any functions except those which may be directly connected with the preservation of military discipline. Permanent military commands shall only exist in the fortresses, forts and magazines immediately dependent upon the Government of the Union, or in the camps, barracks, or depots which may be established outside the towns for the stationing of troops.

123. The Federal Powers alone have the right to intervene, in accordance with the Laws, in all matters of religious worship and external discipline.

124. Excise and custom-house duties within the interior of the whole Republic, remaining by June 1st, 1858, shall be abolished.

125. The forts, barracks, magazines, depots, and other buildings required by the Government of the Union shall be under the immediate inspection of the Federal Powers.

126. This Constitution and the Laws of Congress of the Union which emanate therefrom, and all Treaties made or to be made by the President of the Republic with the approval of Congress, shall be the supreme law all over the Union. The Judges of each State shall conform themselves to the said Constitution, Laws, and Treaties, notwithstanding any disposition to the contrary there may be in the Constitution or laws of the States.

Title VII
Of the Reform of the Constitution

127. The present Constitution may be added to or
reformed. In order that such additions or reforms may become part of the Constitution it is necessary that the Congress of the Union, by a vote of two-thirds of the members present, agree to them, and that they be approved by the majority of the State Legislatures. The Congress of the Union shall attend to the counting of the votes of the Legislatures, and shall declare whether the additions or reforms have been approved.

Title VIII

Of the Inviolability of the Constitution

128. This Constitution shall not lose force or vigor, even when its observance may be interrupted by any rebellion. In the event of a Government contrary to the principles sanctioned herein being established as a consequence of a public disturbance, the observance of this Constitution shall be re-established as soon as the people recover their liberty, and those who have figured in the government established during such rebellion, as well as those who have taken part in the rebellion itself, shall be tried in accordance with the Constitution, and with the laws it may be necessary to issue in virtue thereof.

Transitory Article: This Constitution shall be published as soon as possible, and shall be solemnly sworn to through the whole Republic. With the exception of the dispositions relative to the election of the Supreme Federal Powers and those of the States, it shall not, however, come into force until the 16th day of September next, when the first Constitutional Congress shall be installed. From this time forward, and until the persons duly and constitutionally elected shall take office, the President of the Republic and the Supreme Court of Justice shall continue in the exercise of their duties, and shall conform themselves, in the discharge of their faculties and obligations, with the principles of the Constitution.

Given in the Hall of Sessions of Congress, at Mexico, February 5th, 1857, the 37th year of Independence.

Valentin Gomez Farias, President.
Leon Guzman, Vice-President.
(Here follows the signature of 89 Deputies)

Jose Maria Cortes y Esparza, Secretary
Isidoro Olvera, Secretary
Juan de Dios Arias, Secretary
J. A. Gamboa, Secretary

Wherefore it is ordered that it be printed, published, circulated and fulfilled in the prescribed manner.

Palace of National Government, Mexico, February 12th, 1857.

Ignacio Comonfort.

Communicated for publication and fulfillment.

God and Liberty!

Mexico, February 12, 1857.

Slave, Secretary of State.
Amendments to the Constitution of 1857.

First Mexican Decree amending the Constitution of the Republic
September 25, 1873

The following are additions and amendments to the said constitution:

1. The State and the church are mutually independent. Congress cannot pass laws establishing or prohibiting any religion.

2. Marriage is a civil contract. This and the other acts of the civil life of individuals are under the exclusive supervision of the civil officials and authorities, in the manner provided for by the laws, and will have the force and validity which said laws confer upon them.

3. No religious institution can acquire real estate or capital, secured by mortgage thereupon, with the single exception provided in the 27th article of the constitution.

4. The simple promise to speak the truth and comply with the obligations which are undertaken shall take the place of the religious oath, with its effects and penalties.

5. No one can be compelled to give personal service without just compensation and without his full consent. The state cannot permit any contract, compact, or agreement to be executed which may have for its object the diminution, loss or irrevocable sacrifice of personal liberty, whether by reason of labor, education, or religious vow. The law, therefore, does not recognize monastic orders, nor can it permit their establishment, under whatever name or object, they may claim it to be formed. Neither can it allow any compact by which an individual agrees to his own proscription or banishment.
Second Reform of Article 51 and the corresponding ones of the Constitution
March 13th, 1874

51. The Legislative Power of the Nation resides with a General Congress composed of two chambers, one of Deputies, the other of Senators.

52. The Chamber of Deputies shall be composed of representatives of the nation, elected as a whole every two years by the Mexican citizens.

57. The position of Deputy or Senator is incompatible with any commission or employment under the Union carrying with it the enjoyment of salary.

58. Deputies and Senators, in their own right, from the day of their election to the day upon which they cease to hold such positions, may not accept any commission or employment in the appointment of the Federal Executive, carrying salary with it, without the previous permission of the Chamber concerned. The same rule is applicable to Substitute Deputies and Senators when in exercise of their functions.

1) The Senate shall be composed of two Senators for each State, and two for the Federal District. The election of Senators will be indirect in the first degree. The Legislature of each State shall declare duly elected he who may have obtained an absolute majority of the votes cast, or shall elect themselves, among those who have obtained a relative majority, in accordance with the terms of the electoral law. For each Senator, in his own right, a substitute will be elected.

2) The Senate will be renewed by one-half of its members retiring every two years. The Senators appointed in the second place will cease to be such at the end of the first biennial period, and will succeed to the places of the older members.

3) To be a Senator, the same qualifications are necessary as in the case of a Deputy, except that of age, which must be 30 years complete on the day upon which the Sessions are opened.

59. The Deputies and Senators are inviolable as regards their opinions expressed while in discharge of their duties, and shall in no case be recriminated therewith.

60. Each Chamber shall confirm the elections of its members, and solve any doubts that arise in connection with them.
61. The Chambers may not open their sessions nor exercise their functions without the agreement of two-thirds of the total number of Senators, and of more than a majority of the whole body of Deputies, but those present on the day of meeting fixed by law should compel the attendance of absentees under the penalties established by that law.

62. Congress shall each year hold two periods of ordinary Sessions; the first, which may be prorogued for 30 working days, shall commence on the 16th of September and terminate on the 15th of December, and the second, which may be prorogued for 15 working days, shall commence on the 1st of April and terminate on the last day of May.

64. Every Resolution of Congress shall take the character of a Law or a Decree. The Laws and Decrees will be communicated to the Executive, signed by the Presidents of both Chambers, and by a Secretary of each, and shall be promulgated in the following form:

"The Congress of the United States of Mexico decree--"

65. The right to initiate Laws or Decrees rests with:
(1) The President of the Union.
(2) The Deputies and Senators of the Union.
(3) The State Legislatures.

66. The Bills presented by the President of the Republic, by the State Legislatures, or by deputations from the latter shall pass forthwith into Committee. Those presented by the Deputies or Senators shall be subjected to the procedure prescribed by the Regulations respecting debates.

67. Every project of Law or Decree which may be rejected by the Chamber in which it originated shall not, before being passed on for revision, be returned for presentation in the Sessions of the same year.

69. The Executive shall present to the Chamber of Deputies, on the last day but one of the first Sessional period, the Estimates for expenditure for the year next following, and the accounts of the previous year. These shall then be both passed on to a Committee of five representatives, nominated on the above mentioned day, whose duty it shall be to examine them and report upon them at the second sitting of the second Sessional period.

70. The formation of Laws and Decrees may be commenced indifferently in either of the two Chambers, with
the exception of Bills which relate to loans, taxes or contributions, or to the recruiting of soldiers, all of which must be discussed, in the first instance, in the Chamber of Deputies.

71. Every project of Law or Decree, not being a Resolution of one chamber exclusively, shall be successively discussed in both, the regulations respecting debates being observed as regards the form, intervals, and methods of procedure in the discussions and voting.

(1) A Bill having been approved in the Chamber in which it originated, shall pass for discussion to the other. If it be approved there it shall proceed to the Executive, who, if he have no observations to make on it, shall immediately publish it.

(2) Any Bill which is not returned with observations to the Chamber in which it originated within 10 working days shall be held to be approved by the Executive. This period, however, shall not obtain when the Sessions of Congress are over or suspended, in which case the date of the return of Bills shall be the first working day in the next session.

(3) A project of Law or Decree rejected, in whole or in part, by the Executive should be returned, with his observations thereon, to the Chamber in which it originated. There it should be discussed anew, and, if confirmed by an absolute majority of votes, passed on once more to the revising Chamber. If it should then be sanctioned, also by an absolute majority, the project becomes a Law or Decree and shall be returned to the Executive for promulgation. The votings for Law or Decree will be nominal.

(4) If any project of Law or Decree should be totally rejected by the revising chamber, it shall return to its place of origin with the observations made upon it. If, upon a fresh-examination, it should be approved by an absolute majority of the members present, it shall be returned to the Chamber which rejected it, there to be again considered, and, if approved by the same majority, passed on to the Executive, as provided in Section (1). If, however, it should be again rejected by the other Chamber it may not be presented afresh until the Sessions following.

(5) If a project of Law or Decree should be rejected in part, or modified, or added to, by the revising Chamber, the new discussion in the Chamber of its origin shall be strictly confined to the part rejected, or to the reforms or additions, as the case may be. The articles which have been approved may not be altered in any manner. If the additions or reforms made by the revising Chamber are approved by an absolute majority of votes in the Chamber of
its origin, the project shall be passed on to the Executive in the manner provided in section (1). But if, on the other hand, the additions or reforms made by the revising Chamber should be rejected by a majority of votes in the Chamber of origin of the project, such additions or reforms shall be returned to the other Chamber in order that the new reasons brought forward may be taken into consideration. If, in this second revision, the before mentioned additions or reforms are again rejected by an absolute majority of those present, so much of the project as has been approved by both Chambers shall be passed on to the Executive in accordance with section (1). If, however, the revising Chamber insists, by an absolute majority of votes present, upon the said additions or reforms, the whole project may not be again brought forward until the Sessions following, unless both Chambers agree by absolute majorities to put forward the Law or Decree so far as regards the Articles approved, and to reserve until the Sessions following the examination of, and decision upon, the additions and reforms.

(6) In the interpretation, reform, or abrogation of Laws or Decrees the same procedure will be observed as in their formation.

(7) Both Chambers shall hold their meetings in the same place, and shall not remove elsewhere unless a previous agreement be come to as to the removal, and the time and mode of authorizing it; the same place being designated for the reunion of both. If, however, the two Chambers should differ either as to time, mode, or place, the Executive shall terminate the difference by selecting one of the two extremes in question. Neither Chamber may suspend its Session for a longer period than three days without the consent of the other.

(8) Whenever General Congress shall meet in Extraordinary Session, it shall occupy itself exclusively with the object or objects for which it has been convoked. If such meetings are not concluded on the day upon which the ordinary Session commences, the latter shall be postponed and the questions then pending continued.

The Executive of the Union may make no observations upon the Resolutions of Congress when the latter prorogues its Session, or exercises the functions of the electoral body, or jury powers.

72. ---

(3) To form new states within the limits of those already in existence, under the following conditions:
(a) That the locality or localities which it is proposed to erect into a state contain a population of 120,000 inhabitants, at least.
(b) That proofs are laid before Congress that they possess the elements necessary to a political existence;
(c) That a hearing be given to the Legislatures of the States whose territory is affected by the proposal, as to the convenience or inconvenience of the erection of the new State. This information must be brought forward within six months, counting from the day upon which the communication relative to the matter is transmitted;
(d) That the Executive of the Federation be also heard, such hearing to be given within six days counting from the day upon which a request to that effect is made;
(e) That the erection of the new State be voted by two-thirds of the Deputies and Senators present in the two Chambers respectively;
(f) That the Resolution of Congress be confirmed by a majority in the Legislatures of the States upon a copy of the proceedings being brought before them, it being always understood that the Legislatures of the States whose territory is affected by the proposal have given their assent;
(g) If the legislatures of the States concerned have not given their assent, the confirmation already made by certain of the States must be given effect to by two-thirds of the Legislatures of the remainder.

(30)

(a) The following are the exclusive faculties of the Chamber of Deputies:

(I) To establish itself as an electoral college, in order to exercise the faculties designated by law with regard to the nomination of the Constitutional President of the Republic, the Magistrates of the Supreme Court, and the Senators of the Federal District;

(II) To receive and decide upon the resignations tendered by the President of the Republic or the Magistrates of the Supreme Court of Justice. It shall have equal competency as regards the leave of absence requested by the President;

(III) To watch over the careful discharge of the functions of the Department of the Exchequer, by means of a Committee of Inspection formed of members of its own body;

(IV) To appoint the chief officials and other officers of that Department;

(V) To establish itself as a Judicial Tribunal to hear the accusation of the high functionaries referred to in Article 103 of the Constitution;

(VI) To examine the accounts annually presented by the Executive, to approve the annual Budget of expenses, and to indicate the contributions which, in its opinion,
ought to be decreed in order to meet such expenses.

(b) The exclusive faculties of the Senate are:

(I) To approve the Treaties and diplomatic conventions concluded by the Executive with foreign Powers;

(II) To confirm the appointments made by the President of the Republic, of Ministers, Diplomatic Agents, and Consuls-General, of the higher officials of the Treasury, of Colonels, and other chief officers of the national army and navy, in accordance with the dispositions of the law;

(III) To authorize the Executive to permit the national troops to depart out of the limits of the Republic, and to allow the passage of foreign troops through the national territory, and the stationing of the squadrons of other Powers, for a period exceeding one month, in the waters of the Republic;

(IV) To give its assent in order that the Executive may dispose of the national guard beyond the limits of the States or Territories to which it may belong, and to fix the necessary force;

(V) To declare, when the constitutional Legislative and Executive authorities of a State have been displaced, that the necessity arises for the appointment of a provisional Governor, who shall convene the elections conformably with the constitutional laws of such State. The appointment of Governor shall be made by the Federal Executive with the approval of the Senate, or, during the recess of the latter, with that of the Permanent Commission. The said functional may not be elected Governor at the elections held by virtue of the mandate issued by him to that effect.

(VI) To solve the political questions which may arise between the powers of a State, either when these may be in conflict with the Senate or when the said questions may be the ground for interruption of constitutional order, and an armed conflict is threatened. In such cases the Senate will dictate its Resolution, which shall be in harmony with the general Constitution of the Republic as well as with that of the State concerned.

The exercise of this faculty as well as that which precedes it shall be regulated by law.

(VII) To erect itself into a Judicial Tribunal for the purpose of passing sentences, in conformity with Article 105 of the Constitution.

(c) Each of the Chambers may, without the intervention of the other:

(I) Dictate resolutions relative to its internal economy.

(II) Confer by itself or with the Executive of the Union by means of Committees of its own members;
(III) Appoint the staff of its Secretariat, and make internal regulations for the same;
(IV) Issue mandates for extraordinary elections, with the object of filling vacancies among its own members.

73. During the recess of Congress there shall be a Permanent Commission, composed of 29 members; 15 of whom shall be Deputies and 14 Senators, appointed by the respective chambers on the eve of the closing of the Session.

74. ---
(2) To sanction, with the agreement of the Executive, or upon his representation, the summoning of Congress, or of either Chamber by itself, in Extraordinary Session, a vote of two-thirds of members present being necessary in both cases. The summons shall indicate the object or objects of the Extraordinary Session.

103. Senators, Deputies, the members of the Supreme Court of Justice, and the Secretaries of State are responsible for ordinary offences committed by them during their period of office, and for offences, faults, or omissions committed in the exercise of their functions. Governors of States are equally liable for infractions of the Constitution and the Federal laws. The same liability attaches to the President of the Republic; but, during his period of office, he may only be impeached for the offences of treason against the country, direct violation of the Constitution, attacks on electoral liberty, and serious offences of an ordinary kind.

The high officers of the Fédération shall not enjoy Constitutional privileges in regard to trials for official offences, faults, or omissions done by them in the discharge of any public office, employment, or commission which they may have accepted during the period when, in conformity with the laws, they had the right to such privileges. The same rule shall apply to ordinary offences committed during such period of office, employment or commission. When the high official concerned shall have returned to his regular duties, the case shall be opened by proceedings being instituted in accordance with Article 104 of the Constitution.

104. If the offence be an ordinary one, the Chamber of Representatives, sitting as a grand jury, shall decree, by an absolute majority of votes, whether there is or is not a case against the accused. If in the negative, no ulterior proceedings may be taken. If, on the other hand, an affirmative decision be arrived at, the accused shall,
by that fact, be suspended from his office and subjected
to the action of the ordinary Courts.

105. In official offences the Chamber of Deputies
shall act as a Judicial Tribunal for the purpose of hearing
the accusation, and the Chamber of Senators as a Judicial
Tribunal for the purpose of passing sentence.
The former proceeding shall have for its object to de-
clare, by an absolute majority of votes, whether or no the
accused be guilty. If the declaration be favorable, the
official shall continue in the exercise of his duties.
If the decision be condemned, he shall be immediately
suspended from his office and placed at the disposal of the
Chamber of Senators. The latter acting as a Court of Sen-
tence, having heard the accused and the accuser, if there
be one, shall proceed, also by an absolute majority of
votes, to pronounce the penalty designated by law.

Third reform of Articles 78, and 109
May 5, 1878

78. The President shall enter upon the exercise of
his functions on the 1st of December, and shall continue
in it for four years; he can not be reelected for the
immediate period nor occupy the Presidency for any motive,
unless four years have elapsed since he ceased in the ex-
ercise of his functions.

109. The States in their respective Constitutions
shall determine the conditions under which the reelection
of their Governors will be forbidden.

Fourth Reform, Article 124
May 17, 1882.

124. By December 1st, 1884, at the latest, the tolls
and excises shall be abolished in the District and Terri-
tory of the Federation and in the States that have not
suppressed them before.
Fifth Reform of Article 72, part 26, and adding Article 85, part 16.
June 2nd, 1882.

72. ---

(26) To grant rewards and compensations for eminent services to the country or in the cause of humanity.

85. ---

(16) To grant exclusive privileges, for a limited time and in accordance with the law relating thereto, to discoverers, inventors, or perfectors in any branch of industry.

Sixth Reform of Articles 79, 80, 82
Oct. 5, 1882

79. In the temporary absence of the President of the Republic, or during the vacancy in that office caused by his seeking re-election, the Executive Power of the Union shall be exercised by the citizen who, during the months anterior to the occurrence of such absence or vacancy, has been in the discharge of the office of President or Vice-President of the Senate, or during the recess of the latter, by the President or Vice-President of the Permanent Commission.

(1) The President or Vice-President of the Senate, or of the Permanent Commission, may not be reelected to discharge the office above mentioned except after the lapse of one year from the date of his last tenure.

(2) If the Sessional period of the Senate or of the Permanent Commission commence in the second fortnight of the month, the place of the absent President of the Republic will be supplied by the President or Vice-President who has performed his duties in the Senate or Permanent Commission during the first fortnight of the same month.

(3) The Senate and Permanent Commission will each renew its President and Vice-President on the last day of each month. For this office the Permanent Commission will alternately elect two Deputies and two Senators, montly by month.

(4) When the absence of the President of the Republic is permanent, the functionary who may be substituted constitutionally for his shall issue, within a period of 15 days certain, the summons to proceed to a new election;
which election shall be carried out within the space of three months, and in accordance with the dispositions of Article 76 of this Constitution. The President ad interim shall not be capable of being elected to fill the permanent office at the election which takes place during his temporary discharge of the office;

(5) If, in consequence of death or of any other reason, it may not be possible to replace the President of the Republic by the functionaries who would take office in the ordinary course, and in accordance with the present dispositions, a substitute shall be found in the person of the citizen who was in the exercise of the duties of President or Vice-President of the Senate, or of the Permanent Commission, during the month previous to the period of office of the aforesaid functionaries;

(6) When the permanent absence of the President of the Republic shall occur during the last six months of the constitutional period, the official who has been appointed his substitute shall continue in the office to the end of such period;

(7) To be President or Vice-President of the Senate or of the Permanent Commission it is necessary to be Mexican by birth;

(8) If the absence of the President of the Republic should occur when the before-mentioned officers are in discharge of their functions in the Senate or Permanent Commission in Extraordinary Session, the President of the Commission shall take over the duties of substitute in the manner prescribed in this Article;

(9) The Vice-President of the Senate or of the Permanent Commission will enter upon the discharge of the duties conferred on him by this Article in the permanent absence of the President of the Senate or of the Permanent Commission, and during the temporary absence of the said President, only so long as the occasion requires.

(10) The newly-elected President shall enter upon the exercise of his functions, at the latest, within 60 days from his election. In the event of the Chamber of Deputies not being in Session, it will be convoked in Extraordinary Session, in order that the computation of votes may be proceeded with within the place mentioned.

80. In the Permanent absence of the President, the one newly elected shall compute his Presidential period from the 1st of December of the year anterior to his election, except when he may have taken over charge as described in Article 78.

82. If, from any cause whatever, the election of the
President should not have taken place and been published by the 1st of December, or the person elected may not be ready to enter upon the discharge of his duties, the former President shall, nevertheless, cease to hold office, and the Supreme Executive Power shall, ad interim, be deposited with the functionary upon whom the office would devolve under the provisions of the amended Article 79 of this Constitution.

Seventh Reform of Article 7
May 15th, 1883

7. The liberty to write and publish writings on any subject is inviolable. No law or authority shall have the power to establish censorship, to exact security from authors or printers, or to curtail the liberty of the press, which shall know no restrictions other than those imposed by privacy, morality, and the public peace. Offences committed through the press shall be adjudged in accordance with penal legislation by competent Tribunals of the Federation or of the States, or of those of the Federal District and the Territory of Lower California.

Eighth Reform of Article 72, part 10
Dec. 14th, 1883.

72. ----
(10) To issue obligatory codes throughout the whole of the Republic with regard to mining and commerce; banking institutions being included under the latter term.

Ninth Reform of Article 97, part 1
May 29th, 1824

97. ----
(1) Of all controversies which may arise with respect to the fulfillment and application of the Federal Laws, except when such application affects the interests of private individuals only. The latter class of cases shall be taken cognizance of by the Local Courts and Tribunals of an inferior order in the States, the Federal District, and the Territory of Lower California.
Tenth Reform of Article 124
Nov. 26, 1884.

124. By December 1st 1886, at the latest, the tolls and excises shall be abolished in the Federal District and Territories of the Federation and in the States where they are not yet suppressed.

Eleventh Reform of Article 43
Dec. 12, 1884.

43. The integral parts of the Federation are: the States of Aguascalientes, Campeche, Coahuila, Colima, Chiapas, Chihuahua, Durango, Guanajuato, Guerrero, Hidalgo, Jalisco, Mexico, Michoacan, Morelos, Nuevo Leon, Oaxaca, Puebla, Queritaro, San Luis Potosi, Sinaloa, Sonora, Tabasco, Tamaulipas, Tlaxcala, Valle de Mexico, Veracruz, Yucatan, Zacatecas, the Territory of Lower California and the Tepic, formed of the seventh canton of the State of Jalisco.

Twelfth Reform of Article 124
Nov. 22, 1886.

124. The States may not impose any duty upon the simple transit of merchandise in the interior. The Government of the Union alone has the right to decree transit dues; but only in the case of foreign goods which traverse the country by international or interoceanic routes, without staying longer than is absolutely necessary for their transit and dispatch to foreign countries.

The entry into, or dispatch from, the country of any sort of merchandise shall never be prohibited, directly or indirectly, except for police purposes; nor shall articles of national production be burdened in any way on their being exported abroad or from one State to another.

Exemption from duties shall be general wherever conceded, and may not be decreed in favor of products of a particular origin.

The quota of duty upon a particular class of merchandise shall be the same, whatever the origin of the goods, unless a greater charge be assigned to it than that accorded to similar benefits by the political entity
National merchandise may not be restricted to any particular route, nor to inspection or registration on the road. No fiscal documents shall be necessary for interior circulation.

Foreign goods shall not be burdened with a quota greater than that, the recovery of which has been agreed to, by the Federal law.

Thirteenth Reform of Articles 78, 109
October 21, 1887

78. The President shall enter upon office on December 1st and will continue therein four years, being re-eligible for the next constitutional term; but he will be incapable to exercise Presidency by a new election unless four years have elapsed since the day he left office.

109. The States shall adopt for their internal regulation a system of Government Republican, representative and popular, and may establish in their respective Constitutions rules for the election of Governors similar to those laid down in Article 78 with reference to the President of the Republic.

Fourteenth Reform to Article 78
Dec. 20, 1890

Restored to the original form

78. The President shall enter upon the exercise of his functions on the 1st of December, and shall continue in it for four years.

Fifteenth Reform: Addition to Article 72, Second Reform to Articles 79, 80 and 82 and reformed Article 83.

April 24, 1896

72. ---

(31) Congress shall have the faculty to nominate, both Chambers meeting, a President of the Republic either with the character of substitute or that of provision, in the absolute or temporary absences of the Constitutional President. Likewise they shall have to replace in the respective cases and in the same way.
(32) Congress shall have the faculty to qualify and decide the solicitation of license eventually tendered by the President of the Republic.

79. --

(1) In the absolute absence of the President, excepting when it is due to resignation, and in the temporary ones, excepting when due to license, the Executive Power shall be exercised forthwith by the Secretary of Foreign Relations, and if there be no such present or he shall be hindered, by the Home Secretary.

(2) The Congress of the Union shall meet in extraordinary session on the following day, in the hall of the Chamber of Deputies, with the attendance of half of the total number of individuals of both Chambers; the board acting in the capacity of the Chamber of Deputies. If by the absence of a quorum or some other cause the session is not confirmed, those present shall daily compel the attendance of those absent, according to the law, in order that the session may be celebrated as soon as possible.

(3) In this session the substitute President shall be elected by an absolute majority of those present and by nominal and public voting, without being able to discuss any proposition, nor to do anything else than to receive the vote, to examine them and declare who is elected.

(4) If no candidate shall receive the absolute majority of votes, the election shall be repeated between the having the greatest number and shall agree on the election of the one who obtains the said majority. If the competitors having had an equal number of votes and if the repeated vote results in a tie, the lot shall decide who shall be elected.

(5) If more than two candidates have an equal number of votes, they shall have the vote cast among them; but if at the same time, there be another candidate with a greater number of votes, he shall be considered as first candidate and the second shall be chosen from among those who have an equal number of votes.

(6) If Congress is not holding sessions it shall meet, needing no convocation edict, on the fourteenth day after that of the absence under the direction of the board of the Permanent Commission then officiating.

(7) In case of a permanent vacancy caused by the resignation of the president, Congress shall meet in the prescribed manner to name a substitute, and the resignation may not have effect until the nomination be made and the substitute sworn into office.
(8) In the case of temporary absences, whatever be their cause, Congress shall name a provisional president, observing the same procedure as prescribed for cases of permanent vacancy. If the president ask leave of absence he shall propose on so doing, the citizen who is to replace him and after this is granted he may not leave until the temporary president take the oath of office; moreover, it is the right of the president to make use of the leave or not, as he will, and he may shorten its duration. The substitute shall perform his duties only during the temporary absence.

The petition for leave shall be addressed to the Chamber of deputies, which shall give it immediately to the consideration of a committee, summoning at the same time the senate to special session on the following day, at which time the committee shall present its report before both bodies.

The proposition with which this report shall conclude, in case it is favorable, shall comprise in a single article of decree, which shall be passed by a single balloting, the granting of the leave and the approval of the nomination.

(9) If, on the day set by the constitution, the president elected by the people does not enter upon the administration of his office, Congress shall immediately name a provisional president.

If the cause of the delay be temporary, the provisional president shall give up the charge when the cause for delay ceases to exist and the president-elect presents himself to discharge his office. But if the cause be such that it prevent the president-elect from assuming his duties during the four years, Congress, after naming the provisional president, shall convene without delay to special elections. The provisional president shall surrender the charge as soon as the new president-elect takes the oath of office. This president shall complete the constitutional term. If the lack of an executive, proceed from the election not being held December 1st, a provisional president shall also be appointed who will assume the presidency while the election is being held and the president-elect makes the oath of office.

(10) The absence of the substitute president or of the provisional president shall also be filled in the prescribed manner, excepting in the second, the case that the constitutional president, temporarily absent, return to the exercise of his duties.
30. If the President's absence shall become an absolute one, the substitute named by Congress will continue to the end of the Constitutional term.

32. To be a substitute President as well as to be a provisional one it is indispensable to fulfill the requisites established by article 77 of the Constitution.

33. The President when entering upon his functions will protest before Congress under the following formula:

"I protest loyally and patristically to discharge the functions of the President of the Mexican United States; to guard and to make others guard without any reservation, the Constitution of 1857 with all the amendments and reform, the laws of reform and others that have emanated from them, seeing in all to the welfare and prosperity of the Union."

This requisite shall not be exacted from the Secretary of State eventually intrusted in a provisional manner with the Executive Power.

Sixteenth Reform to 3rd part of Article 111, four additions and 4th reform to Article 124. May 1, 1896

111. The states shall not be allowed:

(3) To coin money, emit paper money, stamps or marked paper;
(4) To impose transit duties on persons or goods crossing their territory;
(5) To prohibit or directly or indirectly lay duty on entrance into, or departure out of, their territory of any national or foreign merchandise;
(6) To assess the circulation or consumption of national or foreign commodities with imposts or duties whose exaction is effectuated by local custom houses, requires inspection or examination of packs, or needs coats accompanying the goods;
(7) To issue or enact fiscal laws or dispositions implying differences of imposts or examinations by reason of the origin of national or foreign merchandise, whether the difference be established in view of the similar production of the locality or between analogous productions of distinct origin.

124. It is the exclusive faculty of the Federacy to impose the goods imported or exported, or passing by transit
through the national territory as also to regulate and even to forbid, for motives of security or police, the circulation in the interior of the Republic of all sorts of goods whatever their origin may be, but for the Federacy itself it will not be lawful to establish or dictate, in the Federal District and Territories, the imposts and laws expressed in the paragraphs (6) and (7) of Article 131.

Seventeenth Reform of Article 91, 96
May 22, 1900

91. The Supreme Court of Justice shall be composed of 15 Judges and shall function in Pleno Tribunal or in Courts that shall be established by law.

96. The law shall establish and organize the Circuit Courts, the District Judges and the Public Judge of the Federation.
Chapter I - Of Personal Guarantees

1. Every person in the United States of Mexico shall enjoy all guarantees granted by this Constitution; these shall neither be abridged nor suspended except in such cases and under such conditions as are herein provided.

2. Slavery is forbidden in the United States of Mexico. Slaves who enter the national territory, shall by this act alone, recover their freedom, and enjoy the protection of the law.

3. Instruction is free; that given in public institutions of learning shall be secular. Primary instruction, whether higher or lower, given in private institutions shall be likewise secular.

No religious corporation nor minister of any religious creed shall establish or direct schools of primary instruction.

Private primary schools may be established only subject to official supervision.

Primary instruction in public institutions shall be gratuitous.

4. No person shall be prevented from engaging in any profession, industrial or commercial pursuit or occupation of his liking, provided it be lawful. The exercise of this liberty shall only be forbidden by judicial order when the rights of third persons are infringed, or by executive order, issued under the conditions prescribed by law, when the rights of society are violated. No one shall be deprived of the fruit of his labor except by judicial decree.

Each State shall determine by law what professions shall require licences, the requisites to be complied with in obtaining the same, and the authorities empowered to issue them.

5. No one shall be compelled to render personal services without due compensation and without his full consent, excepting labor imposed as a penalty by judicial decree, which shall conform to the provisions of Clauses (1) and (2) of Article 125.

Only the following public services shall be obligatory subject to the conditions set forth in the respective laws:
military service, jury service, service in municipal and other public elective office, whether this election be direct or indirect, and service in connection with elections, which shall be obligatory and without compensation.

The State shall not permit any contract, covenant or agreement to be carried out having for its object the abridgement, loss or irrevocable sacrifice of the liberty of man, whether by reason of labor, education or religious vows. The law, therefore, does not permit the establishment of monastic orders, of whatever denomination, or for whatever purpose contemplated.

Nor shall any person legally agree to his own proscription or exile, or to the temporary or permanent renunciation of the exercise of any profession or industrial or commercial pursuit.

A contract for labor shall only be binding to render the services agreed upon for the time fixed by law and shall not exceed one year to the prejudice of the party rendering the service; nor shall it in any case whatever embrace the waiver, loss or abridgement of any political or civil right.

In the event of a breach of such contract on the part of the party pledging himself to render the service, the said party shall only be liable civilly for damages arising from such breach, and in no event shall coercion against his person be employed.

6. The expression of ideas shall not be the subject of any judicial or executive investigation, unless it offend good morals, impair the rights of third parties, incite to crime or cause a breach of the peace.

7. Freedom of writing and publishing writings on any subject is inviolable. No law or authority shall have the right to establish censorship, require bond from authors or printers, nor restrict the liberty of the press, which shall be limited only by the respect due to private life, morals and public peace. Under no circumstances shall a printing press be sequestrated as the corpus delicti.

The organic laws shall prescribe whatever provisions may be necessary to prevent the imprisonment, under pretext of a denunciation of offences of the press, of the vendors, newsboys, workmen and other employees of the establishment publishing the writing denounced, unless their responsibility be previously established.

8. Public officials and employees shall respect the exercise of the right of petition, provided it be in writing and in a peaceful and respectful manner; but this
right may be exercised in political matters solely by citizens.

To every petition there shall be given an answer in writing by the official to whom it may be addressed, and the said official shall be bound to inform the petitioner of the decision taken within a brief period.

9. The right peaceably to assemble or to come together for any lawful purpose shall not be abridged; but only citizens shall be permitted to exercise this right for the purpose of taking part in the political affairs of the country. No armed assembly shall have the right to deliberate.

No meeting or assembly shall be deemed unlawful, nor may be dissolved, which shall have for its purpose the petitioning of any authority or the presentation of any protest against any act, provided no insults be proffered against the said authority, nor violence resorted to, nor threats used to intimidate or to compel the said authority to render a favorable decision.

10. The inhabitants of the United States of Mexico are entitled to have arms of any kind in their possession for their protection and legitimate defence, excepting such as are expressly prohibited by law and such as the nation may reserve for the exclusive use of the army, navy and national guard; but they shall not bear such arms within inhabited places, except subject to the police regulations thereof.

11. Everyone has the right to enter and leave the Republic, to travel through its territory and change his residence without necessity of a letter of security, passport, safe-conduct or any other similar requirement. The exercise of this right shall be subordinated to the powers of the judiciary, in the event of civil or criminal responsibility, and to those of the executive, in so far as relates to the limitations imposed by law in regard to emigration, immigration, and the public health of the country, or in regard to undesirable foreigners resident in the country.

12. No titles of nobility, prerogatives or hereditary honors shall be granted in the United States of Mexico, nor shall any effect be given to those granted by other countries.

13. No one shall be tried according to private laws or by special tribunals. No person or corporation shall have privileges nor enjoy emoluments which are not in
compensation for public services and established by law. Military jurisdiction shall be recognized for the trial of criminal cases having direct connection with military discipline, but the military tribunals shall in no case and for no reason extend their jurisdiction over persons not belonging to the Army. Whenever a civilian shall be implicated in any military crime or offence, the cause shall be heard by the corresponding civil authorities.

14. No law shall be given retroactive effect to the prejudice of any person whatsoever. No person shall be deprived of life, liberty, property, possessions or rights without due process of law instituted before a duly created court, in which the essential elements of procedure are observed and in accordance with previously existing laws.

In criminal cases no penalty shall be imposed by mere analogy or even by a priori evidence, but the penalty shall be decreed by a law in every respect applicable to the crime in question.

In civil suits the final judgement shall be according to the letter or the juridical interpretation of the law; in the absence of the latter, the General legal principles shall govern.

15. No treaty shall be authorized for the extradition of political offenders, or of offenders of the common class, who have been slaves in the country where the offence was committed. Nor shall any agreement or Treaty be entered into which abridges or modifies the guarantees and rights which this constitution grants to the individual and to the citizen.

16. No one shall be molested in his person, family, domicile, papers or possessions, except by virtue of an order in writing of the competent authority setting forth the legal ground and justification for the action taken. No order of arrest or detention shall be issued against any person other than by competent judicial authority, nor unless preceded by a charge, accusation or complaint for a specific offence punishable by imprisonment, supported by an affidavit of a credible party or by such other evidence as shall make the guilt of the accused probable; in cases in flagrante delicto any person may arrest the offender and his accomplices, placing them without delay at the disposition of the nearest authorities. Only in urgent cases instituted by the public attorney without previous complaint or indictment, and when there is no judicial authority available, may the administrative authorities, on their strictest accountability, order the detention of the accused, placing him at the disposition of
the judicial authorities. Every search warrant, which may only be issued by the judicial authority and which must be in writing, shall specify the place to be searched, the person or persons to be arrested and the objects sought, to which the proceeding shall be strictly limited; at the conclusion of which, a detailed written statement shall be drawn up in the presence of two witnesses proposed by the occupants of the place to be searched, or in his absence or refusal, by the official making the search.

Administrative officials may enter private houses solely for the purpose of determining that the sanitary and police regulations have been complied with; they may likewise demand the exhibition of books and documents necessary to prove that the fiscal regulations have been obeyed, subject to the respective laws and to the formalities prescribed for cases of search.

17. No one shall be imprisoned for debts of a purely civil character. No one shall take the law into his own hands nor resort to violence in the enforcement of his rights. The courts shall be open for the administration of justice at such times and under such conditions as the law may establish; their services shall be gratuitous and all judicial costs are accordingly prohibited.

18. Detention shall be exercised only for offences meriting corporal punishment. The place of detention shall be different and completely separated from that set apart for the serving of sentences.

The Federal and State Governments shall organize in their respective territories the penal system—penal colonies or prisons—on the basis of labor as a means of regeneration.

19. No detention shall exceed three days except for reasons specified in the formal order for commitment, which shall set forth the event charged, the substance thereof, the time, place and circumstances of its commission, and the facts disclosed in the preliminary examination; these facts must always be sufficient to establish the corpus delicti and the probably guilt of the accused. All authorities ordering any detention or consenting thereto, as well as all agents, subordinates, wardens or gaolers executing the same, shall be liable for any breach of this provision.

The trial shall take place only for the offence or offences set forth in the formal order of commitment. If it shall develop in the course of trial that another offence different from that charged has been committed, a separate accusation must be brought. This, however, shall
not prevent the joinder of both causes of action, if deemed advisable.

Any maltreatment during apprehension or confinement; any molestation inflicted without legal justification; any exaction or contribution levied in prison are abuses which the law shall correct and the authorities repress.

20. In every criminal trial the accused shall enjoy the following guarantees:

(1) He shall be set at liberty on demand and upon giving a bond up to 10,000 pesos, according to his status and the gravity of the offence charged, provided, however, that the said offence shall not be punishable with more than five years imprisonment; he shall be set at liberty without any further requisite than the placing of the stipulated sum at the disposal of the proper authorities or the giving of an adequate mortgage bond or personal security.

(2) He may not be forced to be a witness against himself; wherefore denial of access or other means looking towards this end is hereby strictly prohibited.

(3) He shall be publicly notified, within 48 hours after being turned over to the judicial authorities, of the name of his accuser and of the nature of and cause for the accusation, so that he may be familiar with the offence with which he is charged, may make reply thereto and make his preliminary statement.

(4) He shall be confronted with the witnesses against him, who shall testify in his presence if they are to be found in the place where the trial is being held, so that he may cross-examine them in his defence.

(5) All witnesses which he shall offer shall be heard in his defence, as well as all evidence received, for which he shall be given such time as the law may prescribe; he shall furthermore be assisted in securing the presence of any person or persons whose testimony he may request, provided they are to be found at the place of trial.

(6) He shall be entitled to a public trial by a judge or jury of citizens who can read and write and are also citizens of the place and district where the offence shall have been committed, provided the penalty for such offence be greater than one year’s imprisonment. The accused shall always be entitled to trial by jury for all offences committed by means of the press against the public peace or against the safety, domestic or foreign, of the Republic.

(7) He shall be furnished with all information of record needed for his defence.

(8) He shall be tried within four months, if charged
with an offence the maximum penalty for which does not exceed two years imprisonment, and within one year, if the maximum penalty be greater.

(9) He shall be heard in his own defence, either personally or by counsel, or by both, as he may desire. In case he shall have no one to defend him, a list of official counsel shall be submitted to him in order that he may choose one or more to act in his defence. If the accused shall not desire to name any counsel for his defence, after having been called upon to do so at the time of his preliminary examination, the court shall appoint counsel to defend him. The accused may name his counsel immediately on arrest, and shall be entitled to have him present at every stage of the trial; but he shall be bound to make him appear as often as required by the Court.

(10) In no event may imprisonment or detention be extended through failure to pay counsel fees or through any other pecuniary charge, by virtue of any civil liability or other similar cause. Nor shall detention be extended beyond the time set by law as the maximum for the offence charged.

The period of detention shall be reckoned as a part of the final sentence.

21. The imposition of all penalties is an exclusive attribute of the judiciary. The prosecution of offences belongs to the Public Prosecutor and to the judicial police, who shall be under the immediate command and authority of the Public Prosecutor. The punishment of violations of municipal and police regulations belongs to the administrative authorities, and shall consist only of a fine or of imprisonment not exceeding thirty-six hours. Should the offender fail to pay the fine this shall be substituted by the corresponding period of arrest, which shall in no case exceed fifteen days.

Should the offender be a workman or unskilled laborer, he shall not be punished with a fine greater than the amount of his weekly wage or salary.

22. Punishments by mutilation and infamy, by branding, flogging, beating with sticks, torture of any kind, excessive fines, confiscation of property and any other penalties, unusual or working corruption of the blood are prohibited.

Attachment proceedings of the whole or part of the property of any person made under judicial authority to cover any civil liability arising out of the commission of any offence, or by reason of the imposition of any tax or fine, shall not be deemed a confiscation of property.

Capital punishment is likewise forbidden for all
political offences; in the case of offences other than polit-ical it shall only be imposed for high treason committed during a foreign war, parricide, murder with malice afore- thought, arson, abduction, highway robbery, piracy and grave military offences.

23. No criminal case shall have more than three in- stances. No one, whether acquitted or convicted, shall be tried again for the same offence. The practice of discharging in one instance is abolished.

24. Everyone is free to embrace the religion of his choice and to practice all ceremonies, devotions or ob- servances of his respective creed, either in places of public worship or at home, provided they do not constitute an offence punishable by law.

Every religious act of public worship shall be per- formed strictly within the places of public worship, which shall at all times be under Governmental supervision.

25. Sealed correspondence sent through the mails shall be free from search, and its violation shall be punishable by law.

26. No member of the army shall in time of peace be quartered in private dwellings, without the consent of the owner; nor shall he demand any other exaction. In time of war the military may demand lodging, equipment, provisions and other assistance, in the manner provided by the corresponding martial law.

27. The ownership of lands and waters comprised with- in the limits of the national territory is vested original- ly in the nation which has had, and has, the right to transmit title thereof to private persons, thereby constit- tuting private property.

Private property shall not be expropriated except for reasons of public utility and by means of indemni- fication.

The nation shall have at all times the right to im- pose on private property such limitations as the public interest may demand as well as the right to regulate the development of natural resources, which are susceptible of appropriation, in order to conserve them and equitably to distribute the public wealth. For this purpose neces- sary measures shall be taken to divide large landed estates; to develop small landed holdings; to establish new centers of rural population with such lands and waters as may be indispensable to them; to encourage agriculture and to prevent the destruction of natural resources, and to pro- tect property from damage detrimental to society. Settle-
ments, hamlets, situated on private property and communities which lack lands or water or do not possess them in sufficient quantities for their needs shall have the right to be provided with them, from the adjoining properties, always having due regard for small landed holdings. Therefore, all grants of land made up to the present time under the decree of the 6th of January, 1915, are confirmed. Private property acquired for the said purposes shall be considered as taken for public utility.

In the nation is vested direct ownership of all minerals or substances which in veins, layers, masses, or beds constitute deposits whose nature is different from the components of the land, such as minerals from which metals and metalloids used for industrial purposes are extracted; beds of precious stones, rock salt and salt lakes found directly by marine waters, products derived from the decomposition of rocks, when their exploitation requires underground work; phosphates which may be used for fertilisers; solid mineral fuels; petroleum and all hydro-carbons, solid, liquid or gaseous.

In the nation is likewise vested the ownership of the waters of territorial seas to the extent and in the terms fixed by the law of nations; those of lakes and inlets of bays; those of interior lakes of natural formation which are directly connected with flowing waters; those of principal rivers or tributaries from the points at which there is a permanent current of water in their beds to their mouths, whether they flow to the sea or cross two or more States; those of intermittent streams which traverse two or more States in their main body; the waters of rivers, streams or ravines, when they bound the national territory or that of the States; waters extracted from mines; and the beds and banks of the lakes and streams hereinbefore mentioned, to the extent fixed by law. Any other stream of water not comprised within the foregoing enumeration shall be considered as an integral part of the private property through which it flows; but the development of the waters when they pass from one landed property to another shall be considered of public utility and shall be subject to the provisions prescribed by the States.

In the cases to which the two foregoing paragraphs refer, the ownership of the nation is inalienable and may not be lost by prescription; concessions shall be granted by the Federal Government to private parties or civil or commercial corporations organized under the laws of Mexico, only on condition that said resources be regularly developed and on the further condition that the legal provisions be observed.

Legal capacity to acquire ownership of lands and waters of the nation shall be governed by the following
provisions:

(1) Only Mexicans by birth or naturalization and Mexican companies have the right to acquire ownership in lands, waters and their appurtenances, or to obtain concessions to develop mines, waters or mineral fuels in the Republic of Mexico. The nation may grant the same right to foreigners, provided they agree before the Department of Foreign Affairs to be considered Mexicans in respect to such property, and accordingly not to invoke the protection of their Governments in respect to the same, under penalty, in case of breach, of forfeiture to the nation of property so acquired. Within a zone of 100 kilom. from the frontiers, and 50 kilom. from the sea coast no foreigners shall under any conditions acquire direct ownership of lands and waters.

(2) The religious institutions known as churches, irrespective of creed, shall in no case have legal capacity to acquire, hold or administer real property or loans made on such real property; all such real property of loans as may be at present held by the said religious institutions either on their own behalf or through third parties, shall vest in the nation, and anyone shall have the right to denounce property so held. Presumptive proof shall be sufficient to declare the denunciation well-founded. Places of public worship are the property of the nation, as represented by the Federal Government, which shall determine which of them may continue to be devoted to their present purposes. Episcopal residences, rectories, seminaries, orphan asylums or collegiate establishments of religious institutions, convents or any other buildings built or designed for the administration, propaganda, or teaching of the tenets of any religious creed shall forthwith vest, as of full right, directly in the nation, to be used exclusively for the public services of the Federation or of the States, within their respective jurisdictions. All places of public worship which shall later be erected shall be the property of the nation.

(3) Public and private charitable institutions for the sick and needy, for scientific research, or for the diffusion of knowledge, mutual aid societies or organizations formed for any other lawful purpose shall in no case acquire, hold or administer loans made on real property, unless the mortgage terms do not exceed ten years. In no case shall institutions of this character be under the patronage, direction, administration, charge of supervision of religious corporations or institutions, nor of ministers of any religious creed or of their dependents, even though either the former or the latter shall not be in active service.
(4) Commercial stock companies shall not acquire, hold, or administer rural properties. Companies of this nature which may be organized to develop any manufacturing, mining, petroleum or other industry, excepting only agricultural industries, may acquire, hold or administer lands only in an area absolutely necessary for their establishments or adequate to serve the purposes indicated, which the Executive of the Union or of the respective State in each case shall determine.

(5) Banks duly organized under the laws governing institutions of credit may make mortgage loans on rural and urban property in accordance with the provisions of the said laws, but they may not own nor administer more real property than that absolutely necessary for their direct purposes; and they may furthermore hold temporarily for the brief term fixed by law such real property as may be judicially adjudicated to them in execution proceedings.

(6) Properties held in common by co-owners, hamlets situated on private property, pueblos, tribal congregations, and other settlements which, as a matter of fact or law, conserve their communal character, shall have legal capacity to enjoy in common the waters, woods and lands belonging to them according to the law of the 6th January, 1825, until such time as the manner of making the division of the lands shall be determined by law.

(7) Excepting the corporations to which Clauses 5, 4, 5 and 6 hereof refer, no other civil corporation may hold or administer on its own behalf real estate or mortgage loans derived therefrom, with the single exception of buildings designed directly and immediately for the purposes of the institution. The States, the Federal District and the Territories, as well as the municipalities throughout the Republic, shall enjoy full legal capacity to acquire and hold all real estate necessary for public services.

The Federal and State laws shall determine within their respective jurisdictions those cases in which the occupation of private property shall be considered of public utility; and in accordance with the said laws the administrative authorities shall make the corresponding declaration. The amount fixed as compensation for the expropriated property shall be based on the sum at which the said territory shall be valued for fiscal purposes in the cadastral or revenue offices, whether this value be that manifested by the owner or merely impliedly accepted by reason of the payment of his taxes on such basis, to which there shall be added 10 per cent. The increased value which the property in question may have acquired through improvements made subsequent to the date of the fixing of the fiscal value shall be the only matter subject to expert opinion and to judicial determination. The
same procedure shall be observed in respect to objects whose value is not recorded in the revenue offices.

All proceedings, findings, decisions and all operations of demarcation, concession, composition, judgement, compromise, alienation, or auction which may have deprived properties held in common by co-owners, hamlets situated on private property, settlements, congregations, tribes and other settlement organizations still existing since the law of the 25th of June, 1856, of the whole or a part of their lands, woods and waters, are declared null and void; all findings, resolutions and operations which may subsequently take place and produce the same effects shall likewise be null and void. Consequently all lands, forests and waters of which the above-mentioned settlements may have been deprived shall be restored to them according to the Decree of the 6th of January, 1915, which shall remain in force as a constitutional law. In case the adjudication of lands, by way of restitution, be not legal in the terms of the said decree, which adjudication shall have been requested by any of the above entities, those lands shall nevertheless be given to them by way of grant, and they shall in no event fail to receive such as they may need. Only such lands, title to which may have been acquired in the divisions made by virtue of the said law of the 25th of June, 1856, or such as may be held in disputed ownership for more than 10 years are excepted from the provision of nullity, provided their area does not exceed 50 hectares. Any excess over this area shall be returned to the commune and the owner shall be indemnified. All laws of restitution enacted by virtue of this provision shall be immediately carried into effect by the administrative authorities. Only members of the commune shall have the right to the lands destined to be divided, and the rights of these lands shall be inalienable so long as they remain individed; the same provision shall govern the right of ownership after the division has been made. The exercise of the rights pertaining to the nation by virtue of this article shall follow judicial process; but as a part of this process and by order of the proper tribunals, which order shall be issued within the maximum period of one month, the administrative authorities shall proceed without delay to the occupation, administration, auction, or sale of the lands and waters in question, together with all their appurtenances, and in no case may the acts of the said authorities be set aside until final sentence is handed down.

During the next constitutional term, the Congress and the State Legislatures shall enact laws within their respective jurisdictions, for the purpose of carrying out the division of large landed estates, subject to the following conditions:

*1 hectare equals 2.47 acres*
(a) In each State and Territory there shall be fixed the maximum area of land which any one individual or legally organized corporation may own.

(b) The excess of the area thus fixed shall be subdivided by the owner within the period set by the laws of the respective locality; and these subdivisions shall be offered for sale on such conditions as the respective Governments shall approve, in accordance with the said laws.

(c) If the owner shall refuse to make the subdivision, this shall be carried out by the local Government, by means of expropriation proceedings.

(d) The value of the subdivisions shall be paid in annual amounts sufficient to amortize the principal and interest within a period of not less than 20 years, during which the person acquiring them may not alienate them. The rate of interest shall not exceed 5 per cent per annum.

(e) The owner shall be bound to receive bonds of a special issue to guarantee the payment of the property expropriated with this end in view, the Congress shall issue a law authorizing the States to issue bonds to meet their agrarian obligations.

(f) The local laws shall govern the extent of the family patrimony, and determine what property shall constitute the same on the basis of its alienability; it shall not be subject to attachment nor to any change whatever.

All contracts and concessions made by former Governments from and after the year 1876 which shall have resulted in the monopoly of lands, waters and natural resources of the nation by a single individual or corporation, are declared subject to revision, and the executive is authorized to declare those null and void which seriously prejudice the public interest.

28. There shall be no private nor Governmental monopolies of any kind whatsoever in the United States of Mexico; nor exemption from taxation; nor any prohibition even under cover of protection to industry, excepting only those relating to the coinage of money, to the postal, telegraphic and radio-telegraphic services, to the issuance of bills by a single banking institution to be controlled by the Federal Government, and to the privileges which for a limited period the law may concede to authors and artists for the reproduction of their work; and lastly, to those granted inventors or improvers of inventions for the exclusive use of their inventions.

The law will accordingly severely punish and the authorities diligently prosecute any accumulating or corner-
ing by one or more persons of necessaries for the purpose of bringing about a rise in price; any act or measure which shall stifle or endeavor to stifle free competition in any production, industry, trade or public service; any agreement or combination of any kind entered into by producers, manufacturers, merchants, common carriers or other public or quasi-public service, to stifle competition and to compel the consumer to pay exorbitant prices; and in general whatever constitutes an unfair and exclusive advantage in favor of one or more specified person or persons to the detriment of the public in general or of any special class of society.

Associations of labor organized to protect their own interests shall not be deemed a monopoly. Nor shall co-operative associations or unions of producers be deemed monopolies, when, in defence of their own interests or of the general public, they sell directly in foreign markets national or industrial products which are the principal source of wealth of the region in which they are produced, provided they be not necessaries, and provided further that such associations be under the supervision or protection of the Federal Government or of that of the States, and provided further that authorization be in each case obtained from the respective legislative bodies. These legislative bodies may, either on their own initiative or on the recommendation of the executive, revoke, whenever the public interest shall demand, the authorization granted for the establishment of the associations in question.

29. In cases of invasion, grave disturbance of the public peace, or any other emergency which may place society in grave danger or conflict, the President of the Republic of Mexico, and no one else, with the concurrence of the Council of Ministers, and with the approval of the Congress, or if the latter shall be in recess, of the Permanent Committee, shall have power to suspend throughout the whole Republic or in any portion thereof, such guarantees as shall be a hindrance in meeting the situation promptly and readily; but such suspension shall in no case be confined to a particular individual, but shall be made by means of a general decree and only for a limited period. If the suspension occur while the Congress is in session, this body shall grant such powers as in its judgement the executive may need to meet the situation; if the suspension occur while the Congress is in recess, the Congress shall be convoked forthwith for the granting of such powers.
Chapter II - Of Mexicans

30. A Mexican shall be such either by birth or by naturalization.

(1) Mexicans by birth are those born of Mexican parents, within or without the Republic, provided in the latter case the parents be also Mexicans by birth. Persons born within the Republic of foreign parentage shall likewise be considered Mexicans by birth, who within one year after they come of age shall declare to the Department of Foreign Affairs that they elect Mexican citizenship, and who shall furthermore prove to the said Department that they have resided within the country during the six years immediately prior to the said declaration.

(2) Mexicans by naturalization are:-

(a) The children of foreign parentage born in the country who shall elect Mexican citizenship in the manner prescribed in the foregoing clause, and in whom the residence qualification required in the said section does not concur.

(b) Those persons who shall have resided in the country for five consecutive years, have an honest means of livelihood, and shall have obtained naturalization from the said Department of Foreign Affairs.

(c) Those of mixed Indian and Latin descent who may have established residence in the Republic, and shall have manifested their intention to acquire Mexican citizenship.

In the cases stipulated in these sections, the law shall determine the manner of proving the requisites therein demanded.

31. It shall be the duty of every Mexican:-

(1) To compel the attendance at either private or public schools of their children or wards, when under 15 years of age, in order that they may receive primary instruction and military training for such periods as the law of public instruction in each State shall determine.

(2) To attend on such days and at such hours as the town councils shall in each case prescribe, to receive such civic instruction and military training as shall fit them to exercise their civic rights, shall make them skillful in the handling of arms and familiar with military discipline.

(3) To enlist and serve in the national guard, pursuant to the respective organic law for the purpose of preserving and defending the independence, territory, honor rights and interests of the country, as well as domestic peace and order.
(4) To contribute in the proportional and equitable manner provided by law toward the public expenses of the Federation, the State and the municipality in which he resides.

32. Mexicans shall be preferred under equal circumstances to foreigners for all kinds of concessions and for all public employments, offices or commissions, when citizenship is not indispensable. No foreigner shall serve in the army nor in the police corps nor in any other department of public safety during times of peace.

Only Mexicans by birth may belong to the national navy or fill any office or commission therein. The same requisite shall be required for captains, pilots, masters and chief engineers of Mexican merchant ships, as well as for two-thirds of the members of the crew.

Chapter III - Of Aliens.

33. Aliens are those who do not possess the qualifications prescribed by Article 30. They shall be entitled to the guarantees granted by Chapter I, Title I, of the present Constitution; but the Executive shall have the exclusive right to expel from the Republic forthwith, and without judicial process, any foreigner whose presence he may deem expedient.

No foreigner shall meddle in any way whatsoever in the political affairs of the country.

Chapter IV - Of Mexican Citizens

34. Mexican citizenship shall be enjoyed by those Mexicans who have the following qualifications:
(1) Are over 21 years of age, if unmarried, and over 18, if married.
(2) Have an honest means of livelihood.

35. The prerogatives of a citizen are:
(1) To vote at popular elections.
(2) To be eligible for any elective office and be qualified for any other office or commission, provided they have the other qualifications required by law.
(3) To assemble for the purpose of discussing the political affairs of the country.
(4) To serve in the army or national guard for the
defence of the Republic and its institutions, as by law determined.

(5) To exercise the right of petition in any matter whatsoever.

36. The following are the obligations of every Mexican citizen:

(1) To register in the polls of the municipality, setting forth any property he may own and his professional or industrial pursuit, or occupation; and also to register in the electoral registration lists, as by law determined.

(2) To enlist in the national guard.

(3) To vote at popular elections in the electoral district to which he belongs.

(4) To fill the elective Federal or State offices to which he may be chosen, which service shall in no way be gratuitous.

(5) To serve on the town council of the municipality wherein he resides and to perform all electoral and jury service.

37. Citizenship shall be lost:

(1) By naturalization in a foreign country.

(2) By officially serving the Government of another country, or accepting its decorations, titles or employment without previous permission of the Federal Congress, excepting literary, scientific and humanitarian titles which may be accepted freely.

(3) By compromising themselves in any way before ministers of any religious creed or before any other person not to observe the present Constitution, or the laws arising thereunder.

38. The rights or prerogatives of citizenship shall be suspended for the following reasons:

(1) Through failure to comply, without sufficient cause, with any of the obligations imposed by Article 36. This suspension shall last for one year and shall be in addition to any other penalties prescribed by law for the same offence.

(2) Through being subjected to criminal prosecution for an offence punishable with imprisonment, such suspension to be reckoned from the date of the formal order of commitment.

(3) Throughout the term of imprisonment.

(4) Through vagrancy or habitual drunkenness, declared in the manner provided by law.

(5) Through being a fugitive from justice, the suspension to be reckoned from the date of the order of arrest until the prescription of the criminal action.
Title II

Chapter I - Of the National Sovereignty and Form of Government.

39. The national sovereignty is vested essentially and originally in the people. All public power emanates from the people, and is instituted for their benefit. The people have at all times the inalienable right to alter or modify the form of their government.

40. It is the will of the Mexican people to constitute themselves into a democratic, federal, representative republic, consisting of States, free and sovereign in all that concerns their internal affairs, but united in a federation according to the principles of this fundamental law.

41. The people exercise their sovereignty through the federal powers in the matters belonging to the Union, and through those of the States in the matters relating to the internal administration of the latter, in the manner respectively established by the Constitutions, both Federal and State. The Constitutions of the States shall in no case contravene the stipulations of the Federal pact.

Chapter II - Of the Integral Parts of the Federation and the National Territory.

42. The national territory comprises the integral parts of the Federation and the adjacent islands in both oceans. It likewise comprises the Island of Guadalupe, those of Revillagigedo, and that of "La Pasion", situated in the Pacific Ocean.

43. The integral parts of the Federation are: The States of Aguascalientes, Campeche, Coahuila, Colima, Chihuahua, Durango, Guanajuato, Guerrero, Hidalgo, Jalisco, Mexico, Michoacan, Morelos, Nayarit, Nuevo Leon, Oaxaca, Puebla, Queretaro, San Luis Potosi, Sinaloa,
Sonora, Tabasco, Tamaulipas, Tlaxcala, Veracruz, Yucatán, Zacatecas, the Federal district, the Territory of Lower California, and the Territory of Quintana Roo.

44. The Federal District shall embrace its present territory; in the event of the removal of the Federal Powers to some other place it shall be created into the State of the Valley of Mexico, with such boundaries and areas as the Federal Congress shall assign to it.

45. The States and Territories of the Federation shall keep their present boundaries and areas, provided no boundary question exist between them.

46. The States having pending boundary questions shall arrange or settle them as provided by this Constitution.

47. The State of Nayarit shall have the territorial area and boundaries at present comprising the Territory of Tecpín.

48. The islands in both oceans embraced within the national territory shall depend directly on the Federal Government, excepting those over which the States have up to the present time exercised jurisdiction.

Title III

Chapter I - Of the Division of Powers.

49. The supreme power of the Federation is divided for its exercise into legislative, executive and judicial. Two or more of these powers shall never be united in one person or corporation, nor shall the legislative power be vested in one individual except in the case of extraordinary powers granted to the executive, in accordance with the provisions of Article 29.

Chapter II - Of the Legislative Power.

50. The legislative Power of the United States of Mexico is vested in a General Congress which shall consist of a House of Representatives and a Senate.

Section 1: of the Election and Installation of the Congress.

51. The House of Representatives shall consist of
representatives of the nation, all of whom shall be elected every two years by the citizens of Mexico.

52. One representative shall be chosen for each 60,000 inhabitants or for any fraction thereof exceeding 20,000 on the basis of the general census of the Federal District and of each state and territory. Any State or Territory in which the population shall be less than that fixed by this Article shall, nevertheless, elect one representative.

53. There shall be elected an alternate for each representative.

54. The election of representatives shall be direct, in accordance with the provisions of the electoral law.

55. Representatives shall have the following qualifications:
   (1) They shall be Mexican citizens by birth and in the enjoyment of their rights.
   (2) They shall be over 25 years of age on the day of election.
   (3) They shall be natives of the States or Territories respectively electing them, or domiciled and actually resident therein for six months immediately prior to the election. The domicile shall not be lost through absence in the discharge of any elective office.
   (4) They shall not be in active service in the Federal Army, not have any command in the police corps or rural constabulary in the districts where the elections respectively take place, for at least 90 days immediately prior to the election.
   (5) They shall not hold the office of secretary nor assistant secretary of any executive department nor of justice of the Supreme Court, unless they shall have resigned therefrom 90 days immediately prior to the day of election.
   (6) They shall not be ministers of any religious creed.

56. The Senate shall consist of two Senators from each State and two from the Federal District, chosen in direct election.

Each State Legislature shall certify to the election of the candidate who shall have obtained a majority of the total number of votes cast.

57. There shall be elected an alternate for each Senator.

58. Each Senator shall serve four years. The Senate shall be renewed by half every two years.
59. The qualifications necessary to be a Senator shall be the same as those necessary to be a representative, excepting that of age, which shall be over 35 on the day of election.

60. Each House shall be the judge of the election of its members and shall decide all questions arising therefrom.
Its decisions shall be final.

61. Representatives and Senators are inviolable for opinions expressed by them in the discharge of their duties, and shall never be called to account for them.

62. Representatives and Senators shall be disqualified during the term for which they have been elected from holding any Federal or State Commission or office for which any emolument is received without previous permission of the respective House; in the event of their accepting such commission or office they shall forthwith lose their representative character for such time as they shall hold such appointive office. The same provision shall apply to alternate representatives and Senators, when in active service. The violation of this provision shall be punished by forfeiture of the office of representative or Senator.

63. The Houses shall not open their Sessions nor exercise their functions without a quorum, in the Senate of two-thirds and in the House of Representatives of a majority of the total membership; but the members present of either House shall meet on the day appointed by law and compel the attendance of the absentees within the next 30 days, and they shall warn them that failure to comply with this provision shall be taken to be a refusal of office, and the corresponding alternates, shall be summoned forthwith; the latter shall have a similar period within which to present themselves, and on their failure to do so the seats shall be declared vacant and new elections called.

Representatives or Senators who shall be absent during 10 consecutive days without proper cause or without leave of the President of the respective House, notice of which shall be duly communicated to the House, shall be understood as waiving their right to attend until the next session, and their alternates shall be summoned without delay.

If there shall be no quorum to organize either of the Houses, or to continue their labors, once organized, the alternates shall be ordered to present themselves as
soon as possible for the purpose of taking office until the expiration of the 30 days hereinbefore mentioned.

64. No Representative or Senator who shall fail to attend any daily session without proper cause or without previous permission of the Respective House, shall be entitled to the compensation corresponding to the day on which he shall have been absent.

65. The Congress shall meet on the 1st day of September of each year in regular session for the consideration of the following matters:

1) To audit the accounts of the previous year which shall be submitted to the House of Representatives not later than 10 days after the opening of the session. The audit shall not be confined to determining whether the expenditures do or do not conform with the respective items in the budget, but shall comprise an examination of the exactness of, and authorization for, payments made thereunder, and of any liability arising from such payments.

No other secret items shall be permitted than those which the budget may consider necessary as such; these amounts shall be paid out by the secretaries of executive departments under written orders of the President.

2) To examine, discuss and approve the budget for the next fiscal year, and to lay such taxes as may be needed to meet the expenditures.

3) To study, discuss and vote on all bills presented and to discuss all other matters incumbent upon the Congress by virtue of this Constitution.

66. The regular session of the Congress shall last the period necessary to deal with all of the matters mentioned in the foregoing Article, but it may not be extended beyond the 31st day of December of the same year. Should both Houses fail to agree as to adjournment prior to the above date, the matter shall be decided by the executive.

67. The Congress shall meet in extraordinary session whenever so summoned by the President, but in such event it shall consider only the matter or matters submitted to it by the President, who shall enumerate it or them in the respective call. The President shall have power to convene in extraordinary session only one of the Houses when the matter to be referred to it pertains to its exclusive jurisdiction.
68. Both Houses shall hold their meetings in the same place and shall not move to another without having first agreed upon the moving and the time and manner of accomplishing it, as well as upon the place of meeting, which shall be the same for both Houses. If both Houses agree to change their meeting-place, but disagree as to time, manner and place, the President shall settle the question by choosing one of the two proposals. Neither House may suspend its sessions for more than three days without the consent of the other.

69. The President of the Republic shall attend at the opening of the sessions of the Congress, whether regular or extraordinary, and shall submit a report in writing; this report shall, in the former case, relate to the general state of the Union; and in the latter, it shall explain to the Congress or to the House addressed the reasons or causes which rendered the call necessary and the matters requiring immediate attention.

70. Every measure of the Congress shall be in the form of a Law or decree. The laws or decrees shall be communicated to the Executive after having been signed by the Presidents of both Houses and by one of the secretaries of each. When promulgated, the enacting clause shall read as follows:
"The Congress of the United States of Mexico decrees (text of the law or decree)."

Section 2: Of the Origin and Formation of the Laws.

71. The right to originate legislation pertains:
(1) To the President of the Republic.
(2) To the Representatives and Senators of the Congress.
(3) To the State Legislatures.

Bills submitted by the President of the Republic, by State Legislatures or by delegations of the States shall be at once referred to the committee. Those introduced by representatives or senators shall be subject to the rules of procedure.

72. Bills, action on which shall not pertain exclusively to one of the Houses, shall be discussed first by one and then by the other, according to the rules of procedure as to the form, time of presentation and other details relative to discussions and votes.

(1) After a Bill has been approved in the House where it originated, it shall be sent to the other House for consideration. If passed by the latter it shall be trans-
mitted to the President, who, if he has no observations to make thereon, shall immediately promulgate it.

(2) Bills not returned by the Executive within ten working days with his observations to the House in which they originated, shall be considered approved, unless during the said ten days the Congress shall have adjourned or suspended its sessions, in which event they shall be returned on the first working day after the Congress shall have reconvened.

(3) Bills rejected in whole or in part by the Executive shall be returned with his observations to the House where they originated. They shall be discussed anew by this House, and if confirmed by a two-thirds majority vote of the total membership, shall be sent to the other House for reconsideration. If approved by it, also by the same majority vote, the Bill shall become a law and shall be returned to the Executive for promulgation.

The voting in both Houses shall be by yeas and nays.

(4) Bills totally rejected by the House not originating them shall be returned with the proper observations to the House of origin. If examined anew and approved by a majority of the members present, they shall be returned to the House rejecting them, which shall once again take them under consideration, and if approved by it, likewise by the same majority vote, they shall be sent to the Executive for the purposes of clause (1); but if the said House fail to approve them, they shall not be reintroduced in the same session.

(5) Bills rejected in part or modified or amended by the House of revision shall be discussed anew in the House of origin, but the discussion shall be confined to the portion rejected or to the amendments or additions, without the approved articles being altered in any respect. If the additions or amendments made by the House of revision be approved by a majority vote of the members present in the House of origin, the Bill shall be transmitted to the Executive for the purposes of clause (1); but if the amendments or additions by the House of revision be rejected by a majority vote of the House of origin, they shall be returned to the former House in order that the reasons set forth by the latter may be taken into consideration. If in this second revision the said additions or amendments are rejected by a majority vote of the members present the portion of the Bill which has been approved by both Houses shall be sent to the Executive for the purposes of clause (1). If the House of revision insist by a majority vote of the members present upon the additions or amendments, no action shall be taken on the whole Bill until the next session; unless both Houses agree, by a majority vote of the members present, to the promulgation of the law.
without the articles objected to, which shall be left till the next session, when they shall be then discussed and voted upon.

(6) The same formalities as are required for the enactment of laws shall be observed for their interpretation, amendment or repeal.

(7) No bill rejected in the House of Origin before passing to the other House shall be re-introduced during the session of that year.

(8) Legislative measures may be originated in either House excepting Bills dealing with loans, taxes or impost, or with the raising of troops which must have their origin in the House of Representatives.

(9) Whenever a Bill shall be presented to one House it shall be first discussed there unless one month shall have elapsed since it was referred to the committee and not reported, in which event an identical Bill may be presented and discussed in the other House.

(10) The President shall not make any observations touching the resolutions of the Congress or of either House when acting as an electoral body or as a grand jury, nor when the House of Representatives shall declare that there are grounds to impeach any high Federal authority for official offences.

Nor shall he make any observations touching the order for a call issued by the Permanent Committee as provided in Article 82.

Section 3 : Of the Powers of the Congress.

73. The Congress shall have power:

(1) To admit new States or Territories into the Federal Union.

(2) To grant statehood to Territories which have a population of 60,000 inhabitants and the necessary means to provide for their political existence.

(3) To form new States within the boundaries of existing ones, provided the following requisites are complied with:

(a) That the section or sections aspiring to statehood have a population of 120,000 inhabitants at least.

(b) That proof be given to the Congress that it has sufficient means to provide for its political existence.

(c) That the Legislatures of the States affected be heard as to the advisability or inadvisability of granting such statehood, which opinion shall be given within six months, reckoned from the day on which the respective communication is forwarded.

(d) That the opinion of the Executive of the Federal
Government be also heard on the subject; this opinion shall
be given within seven days after the date on which it was
requested.

(e) That the creation of the new State be voted
favorably by two-thirds of the representatives and sena-
tors present in their respective Houses.

(f) That the resolution of the Congress be ratified
by a majority of the State Legislatures, upon examination
of a copy of the record of the case, provided that the Le-
gislatures of the States to which the section belongs shall
have given their consent.

(g) That the ratification referred to in the fore-
going clause be given by two-thirds of the Legislatures of
the other States, if the Legislatures of the States to
which the section belongs have not given their consent.

(4) To settle finally the limits of the States, ter-
minating the differences which may arise between them re-
relative to the demarcation of their respective territories
except when the differences be of a litigious nature.

(5) To change the residence of the supreme power of
the Federation.

(6) To legislate in all matters relating to the
Federal District and the Territories, as hereinafter pro-
vided:

(a) The Federal District and the Territories shall
be divided into municipalities, each of which shall have
the area and population sufficient for its own support
and for its contribution toward the common expenses.
(b) Each municipality shall be governed by a town
council elected by direct vote of the people.
(c) The Federal District and each of the Terri-
tories shall be administered by Governors under the direct
orders of the President of the Republic. The Governor
of the Federal District shall despatch with the President,
and the Governor of each Territory shall despatch with
the President through the duly constituted channels. The
Governor of the Federal District and the Governor of each
Territory shall be appointed by the President and may be
removed by him at will.
(d) The Superior Judges and those of First Instance
of the Federal District as well as of the Territories shall
be named by the Congress, acting in each case as an elect-
oral college. In the temporary or permanent absences of
the said Superior Judges these shall be replaced by ap-
pointment of the Congress, and in recess by temporary ap-
pointments of the Permanent Committee. The organic law
shall determine the manner of filling temporary vacancies
in the case of Judges, and shall designate the authority
before whom they shall be called to account for any dere-
liction, excepting the provisions of this constitution.
with regard to the responsibility of officials. From and after the year 1925 the Superior Judges and those of First Instance to which this Clause refers may only be removed from office for bad conduct and after impeachment, unless they shall have been promoted to the next higher grade. From and after the said date the compensation enjoyed by said officials shall not be diminished during their term of office.

(e) The office of the Public Attorney ("Ministerio Publico") of the Federal District and of the Territories shall be in charge of an Attorney-General, who shall reside in the City of Mexico, and of such Public Attorney or Attorneys as the law may determine; the said Attorney-General shall be under the direct orders of the President of the Republic, who shall appoint and remove him at will.

(7) To lay the taxes necessary to meet the expen dures of the budget.

(8) To establish the bases upon which the executive may make loans on the credit of the nation; to approve the said loans and to acknowledge and order the payment of the national debt.

(9) To enact tariff laws on foreign commerce and to prevent restrictions from being imposed on interstate commerce.

(10) To legislate for the entire Republic in all matters relating to mining, commerce and institutions of credit, and to establish the sole bank of issue, as provided in Article 28 of this Constitution.

(11) To create or abolish Federal Offices, and to fix, increase or decrease the compensations assigned thereto.

(12) To declare War, upon examination of the facts submitted by the Executive.

(13) To regulate the manner in which letters of Marque may be issued; to enact laws according to which prizes on sea and land shall be adjudged valid or invalid; and to frame the admiralty law for times of peace and war.

(14) To raise and maintain the army and navy of the union, and to regulate their organization and service.

(15) To make rules for the organization and discipline of the national guard, reserving for the citizens who compose it the right of appointing their respective commanders and officers, and to the States the power of instructing it in conformity with the discipline prescribed by the said regulations.

(16) To enact laws on citizenship, naturalization, colonization, emigration, immigration and public health for the Republic.

(a) The Public Health Service shall depend directly upon the President of the Republic, without the interven-
tion of any executive department, and its general pro-
visions shall be binding throughout the Republic.

(b) In the event of epidemics of a grave or
dangerous nature, of the invasion of diseases from abroad,
the Public Health Service shall put into force without
delay the necessary preventive measures, subject to their
subsequent sanction by the President of the Republic.

(c) The sanitary authorities shall have executive
faculties and their determinations shall be obeyed by the
administrative authorities of the country.

(d) All measures which the Public Health Service
shall have put into effect in its campaign against al-
coholism and the sale of substances injurious to man and
tending to degenerate the race shall be subsequently re-
vised by the Congress, in such cases as fall within the
jurisdiction of the latter.

(17) To enact laws on general means of communica-
tion, post roads and post offices and to enact laws as
to the use and development of the waters subject to the
Federal jurisdiction.

(18) To establish mints, regulate the value and
kinds of the national coin, fix the value of foreign mon-
cys, and adopt a general system of weights and measures.

(19) To make rules for the occupation and alien-
ation of public lands and the prices thereof.

(20) To enact laws as to the organization of the
diplomatic and consular services;

(21) To define the crimes and offences against the
nation and to fix the penalties therefor,

(22) To grant pardons for offences subject to Fe-
deral jurisdiction.

(23) To make rules for its internal government and
to enact the necessary provisions to compel the atten-
dance of absent representatives and senators and to pun-
ish the acts of commission or omission of those present.

(24) To issue the organic law of the office of the
Comptroller of the Treasury.

(25) To sit as an electoral college and to name the
Justices of the Supreme Court, and the Superior and In-
fierior Judges of the Federal District and Territories.

(26) To accept the resignation of the Justices of
the Supreme Court, of the Superior and Inferior Judges of
the Federal District and of the Territories, and to name
the substitutes in their absence and to appoint their
successors.

(27) To establish professional schools of scienti-
ﬁc research and ﬁne arts, vocational, agricultural and
trade schools, museums, libraries, observatories, and
other institutions of higher learning, until such time as
these establishments can be supported by private funds.
These powers shall not pertain exclusively to the Federal
Government.
(28) To sit as an electoral college and choose the person to assume the office of President of the Republic, either as a substitute President or as a President ad interim in the term established by Articles 84 and 85 of this Constitution.

(29) To accept the resignation of the President of the Republic.

(30) To audit the accounts which shall be submitted annually by the Executive; this audit shall comprise not only the checking of the items disbursed under the Budget but the exactness of and authorization for the expenditures in each case.

(31) To make all laws necessary for carrying into execution the foregoing powers and all other powers vested by this constitution in the several branches of the Government.

74. The House of Representatives shall have the following exclusive powers:

(1) To sit as an electoral college to exercise the powers conferred by law as to the election of the President.

(2) To watch by means of a committee appointed from among its own members over the faithful performance by the Comptroller of the Treasury in the discharge of his duties.

(3) To appoint all the higher officers and other employees of the office of the Comptroller of the Treasury.

(4) To approve the annual budget, after a discussion as to what taxes must in its judgment be imposed to meet the necessary expenditures.

(5) To take cognizance of all charges brought against the public officials, as herein provided, for official offenses, and should the circumstances so warrant to impeach them before the Senate; and further to act as a grand jury to decide whether there is or is not good ground for proceedings against any official enjoying constitutional privileges, whenever accused of offenses of the common order.

(6) To exercise such other powers as may be expressly vested in it by this Constitution.

75. The House of Representatives, in passing the budget, shall not fail to assign a definite compensation to every office created by law, and if for any reason such compensation shall not be assigned, the amount fixed in the preceding budget or in the law creating the office shall be presumed to be assigned.

76. The Senate shall have the following exclusive powers:

(1) To approve the treaties and diplomatic conventions concluded by the Executive with Foreign Powers.
(2) To confirm the nominations made by the President of Diplomatic Ministers or Agents, Consuls-General, higher officials of the Treasury, colonels and other superior officers of the army and navy, in the manner and form by law provided.

(3) To authorize the Executive to allow national troops to go beyond the limits of the Republic, or to permit foreign troops to pass through the national territory, and to consent to the presence of fleets of another nation for more than one month in Mexican waters.

(4) To consent to the Executive disposing of the national guard outside of the limits of its respective States or Territories, and to fix the amount of the force to be used.

(5) To declare, when all the constitutional powers of any state have disappeared, that the occasion has arisen to give to the said State a provisional Governor, who shall call for elections to be held according to the constitution and laws of the said State. The appointment of such a governor shall be made by the Senate with the approval of two-thirds of its members present or during recess by the Permanent Committee by the same two-thirds majority, from among three names submitted by the President. The official thus selected shall not be chosen constitutional Governor in the elections to be held under the call which he shall issue. This provision shall govern whenever the State Constitutions do not provide for the contingency.

(6) To sit as a grand jury to take cognizance of such official offences of functionaries as are expressly prescribed by this Constitution.

(7) To exercise such other powers as may be expressly vested in it by this Constitution.

(8) To adjust all political questions arising between the powers of a State whenever one of them shall appeal to the Senate or whenever by virtue of such differences a clash of arms has arisen to interrupt the constitutional order. In this event the Senate shall decide in accordance with the Federal Constitution and the Constitution of the State involved.

The exercise of this power and of the foregoing shall be regulated by law.

77. Each House may, without the intervention of the other:

(1) Pass resolutions upon matters exclusively relating to its own interior government.

(2) Communicate with the other House and with the Executive through Committees appointed from among its members.
(3) Appoint the employees in the office of its secretary, and make all rules and regulations for the said office.

(4) Issue a call for extraordinary elections to fill any vacancies which may occur in its membership.

Section 4: Of the Permanent Committee

78. During the recess of the Congress there shall be a Permanent Committee consisting of twenty-nine members fifteen of whom shall be representatives and fourteen Senators, appointed by the respective Houses on the eve of the day of Adjournment.

79. In addition to the powers expressly vested in it by this constitution, the Permanent Committee shall have the following powers:

(1) To give its consent to the use of the national guard as provided in Article 76, Clause (4).

(2) To administer the oath of office, should the occasion arise, to the President, to the Justices of the Supreme Court, to the Superior Judges, of the Federal District and Territories, on such occasions as the latter officials may happen to be in the City of Mexico.

(3) To report on all pending matters, so that they may be considered in the next session.

(4) To call extraordinary sessions in the case of official offences, or offences of the common order committed by Secretaries of Executive Departments or Justices of the Supreme Court, and official offences committed by State Governors, provided the case shall have been already instituted by the Committee of the Grand Jury, in which event no other business of the Congress shall be considered, nor shall the sessions be prolonged beyond the time necessary for a decision.

Chapter III - Of the Executive Power

80. The exercise of the Supreme Executive Power of the Union is vested in a single individual, who shall be called "President of the United States of Mexico."

81. The election of the President shall be direct, in accordance with the terms of the electoral law.

82. The President of the Republic shall have the following qualifications:
(1) He shall be a Mexican citizen by birth, in the full enjoyment of his rights, and he must be the son of Mexican parents by birth.

(2) He shall be over 35 years of age at the time of election.

(3) He shall have resided in the country during the entire year prior to the election.

(4) He shall not belong to the ecclesiastical state nor be a minister of any religious creed.

(5) In the event of belonging to the army, he shall have retired from active service 90 days immediately prior to the election.

(6) He shall not be a secretary or assistant secretary of any Executive Department unless he shall have resigned from office 90 days prior to the election.

(7) He shall not have taken part, directly or indirectly, in any uprising, riot or military coup.

83. The President shall enter upon the duties of his office on the 1st day of December, shall serve four years and shall never be re-elected. The citizen who shall replace the Constitutional President in the event of his permanent disability shall not be elected President for the ensuing term.

Nor shall the person designated as Acting President during the temporary disabilities of the Constitutional President be re-elected President for the ensuing term.

84. In the event of the permanent disability of the President of the Republic, if this shall occur within the first two years of the respective term, the Congress, if in session, shall forthwith act as an electoral college, and with the attendance of at least two-thirds of its total membership shall choose a President by secret ballot and by a majority vote, and the same Congress shall issue the call for Presidential elections and shall endeavor to have the date set for this event as far as possible coincide with the date for the next election of representatives and senators to Congress.

Should the disability of the President occur while Congress is in recess, the Permanent Committee shall forthwith designate a President ad interim who shall call Congress together in extraordinary session, in order that it may in turn issue the call for Presidential elections in the manner provided in the foregoing paragraph.

Should the disability of the President occur in the last two years of the respective term, the Congress, if in session, shall choose the substitute to conclude the period of the Presidential term; if Congress shall not be in session the Permanent Committee shall choose a President ad interim and shall summon Congress in extraordinary
session, in order that it may act as an electoral college and proceed to the election of the substitute President. The President ad interim may be chosen by Congress as substitute President.

The citizen designated as President ad interim for the purpose of calling elections, in the event of the disability of the President within the first two years of the respective term, shall not be chosen in the elections held to fill such vacancy and for which he was designated.

85. If the President-elect shall fail to present himself at the beginning of any constitutional term, or the election not have been held and the result made known by the 1st of December, the outgoing President shall nevertheless vacate office and the President ad interim chosen by the Congress, or in its recess, by the Permanent Committee, shall forthwith assume the executive power. All action taken hereunder shall be governed by the provision of foregoing Article.

In case of a temporary disability of the President, the Congress, or the Permanent Committee, if the Congress shall not be in session, shall designate an Acting President during such disability. If a temporary disability shall become permanent, the action prescribed in the preceding Article shall be taken.

In the event of a leave of absence granted to the President of the Republic the person acting in his stead shall not be disqualified from being elected in the ensuing period, provided he shall not have been in office during the holding of elections.

86. The President shall not resign office except for grave cause, upon which the Congress shall pass, to which body the resignation shall be tendered.

87. The President, before entering upon the discharge of the duties of his office, shall make the following affirmation before the Congress, or in its recess before the Permanent Committee:

"I do solemnly affirm that I will defend and enforce the Constitution of the United States of Mexico, and the laws arising thereunder, and that I will faithfully and conscientiously perform the duties of President of the United States of Mexico, to which I have been chosen by the people, having ever in mind the welfare and prosperity of the nation; if I shall fail to do so, may the nation call me to account."

88. The President shall not absent himself from the national territory without the permission of the Congress.
89. The President shall have the following powers and duties:

1. To promulgate and execute the laws enacted by the Congress, providing, within the executive sphere, for their faithful observance.

2. To appoint and remove at will the Secretaries of Executive Departments, the Attorney-General of the Republic, the Governor of the Federal District, the Governor of Territories; the Attorney-General of the Federal District and Territories; and to appoint and remove at will all other federal employees whose appointment or removal is not otherwise provided for by law or in this Constitution.

3. To appoint, with the approval of the Senate, all ministers, diplomatic agents and consuls-general.

4. To appoint, with approval of Senate, the colonels and other superior officers of the army and navy and the superior officers of the Treasury.

5. To appoint all other officers of the national army and navy as by law provided.

6. To dispose of the permanent land and sea forces for the domestic safety and foreign defense of the Union.

7. To dispose of the National Guard for the same purposes, as provided by Article 76, Clause (4).

8. To declare war in the name of the United States of Mexico, after the passage of the corresponding resolution by the Congress of the Union.

9. To grant letters of marque, upon the terms and conditions fixed by the Congress.

10. To conduct diplomatic negotiations and to make treaties with foreign Powers, submitting them for ratification to the Congress.

11. To call Congress, or either of the Houses, in extraordinary session, whenever in his judgment it may be advisable.

12. To afford the judiciary the assistance necessary for the expeditious exercise of its functions.

13. To open all kinds of ports, establish maritime and frontier custom houses and designate their location.

14. To grant, according to law, pardons to criminals sentenced for offences within the jurisdiction of the Federal Tribunals, and to all persons sentenced for offences of the common order in the Federal District and Territory.

15. To grant exclusive privileges for a limited time, and according to the respective laws, to discoverers, inventors or improvers in any branch of industry.

16. Whenever the Senate shall not be in session, the President may temporarily make the nominations enumerated in Clauses (3) and (4) hereof, but these nominations
shall be submitted to the Senate so soon as it recon-
venes.

(17) To exercise such other rights and duties as
are expressly conferred upon him by this Constitution.

90. For the transaction of administrative matters of
the Federal Government, there shall be the number of
Secretaries of Executive Departments which the Congress
may by law establish, which law shall likewise assign
among the various departments the several matter with
which each shall be charged.

91. No person shall be appointed Secretary of an
Executive Department who is not a Mexican citizen by
birth, in the enjoyment of his rights and who has not
attained the age of thirty years.

92. All regulations, decrees and orders of the
President shall be signed by the Secretary of the Execu-
tive Department to which the matter pertains. They shall
not be binding without this requisite. All regulations,
decrees and orders of the President touching the Govern-
ment of the Federal District and the Administrative De-
partments shall be transmitted directly by the President
to the Government of the District and to the chief of
the respective department.

93. The Secretaries of the Executive Departments shall
on the opening of each regular session report to the Con-
gress as to the state of their respective departments.
Either House may summon a Secretary of an Executive De-
partment to inform it, whenever a Bill or other matter
pertaining to his department is under discussion or con-
sideration.

Chapter IV - Of the Judicial Power.

94. The Judicial Power of the Federation is vested in
a Supreme Court and in Circuit and District Courts, whose
number and powers shall be fixed by law. The Supreme Court
of Justice shall consist of eleven members; its sittings
shall be in banco and its hearings shall be public; ex-
cept in the cases where public interest or morality shall
otherwise require. It shall meet at such times and under
such conditions as by law prescribed. No sittings of the
Court shall be held without the attendance of at least two-
thirds of its total membership, and all decisions rendered
shall be by a majority vote.
The Justices of the Supreme Court chosen to this office in the forthcoming elections shall serve two years; those elected at the conclusion of this first term shall serve four years, and from and after the year 1923 the Justices of the Supreme Court, the Circuit and District Judges may only be removed for malfeasance and after impeachment proceedings unless the Circuit and District Judges be promoted to the next higher grade.

The same provision shall govern, in so far as it be applicable to the terms of two and four years respectively, to which this article refers.

95. The Justices of the Supreme Court shall have the following qualifications:

(1) They shall be Mexican citizens by birth, in the full enjoyment of their civil and political rights.

(2) They shall be over 35 years of age at the time of election.

(3) They shall be graduates in law of some institution or corporation authorized by law to confer such degrees.

(4) They shall be of good repute and not have been convicted of any offence punishable with more than one year's imprisonment; but conviction of larceny, deceit, forgery, embezzlement or any other offence seriously impairing their good name in the public mind shall disqualify them for office, whatever may have been the penalty imposed.

(5) They shall have resided in the country for the last five years, except in the case of absence due to public service abroad for a period not exceeding six months.

96. The members of the Supreme Court of Justice shall be chosen by the Congress, acting as an electoral college; the presence of at least two-thirds of the total number of representatives and senators shall be necessary for such action. The election shall be by secret ballot and by a majority vote, and shall be held as among the candidates previously proposed, one being nominated by each State legislature, as provided in the respective State laws.

Should no candidate receive a majority on the first ballot, the balloting shall be repeated between the two candidates receiving the highest number of votes.

97. All Circuit and District Judges shall be appointed by the Supreme Court of Justice; they shall have such qualifications as by law required, shall serve four years and shall not be removed except by impeachment proceedings or for incapacity to discharge their duties, in accordance
with the law.

The Supreme Court of Justice may remove the District Judges from one district to another, or it may fix their seats in another locality, as it may deem most advantageous to the public business. A similar procedure shall be observed in the case of Circuit Judges.

The Supreme Court of Justice may likewise appoint auxiliary Circuit and District Judges to assist in the labors of such courts as have an excessive amount of business in order that the Administration of justice may be speedy, it shall also name one or more special commissioners, whenever it shall deem it advisable or on the request of the President or of either House or of any State Governor solely for the purpose of inquiring into the behavior of any judge of Federal Justice or into any fact or facts which amount to a violation of any individual rights or to the subversion of the popular will or any other offence punishable by Federal Statute.

The Circuit and District Courts shall be assigned among the several Justices of the Supreme Court who shall visit them periodically, shall observe the conduct of their Judges, listen to any complaint presented against them, and perform all such other acts as the law may require. The Supreme Court shall appoint and remove at will its clerk of the Court and other employees on the roster established by law. The Circuit and District Judges shall likewise appoint and remove at will their respective clerks and employees.

The Supreme Court shall choose each year one of its members to act as Chief Justice, with the right of re-election.

Each Justice of the Supreme Court on assuming office shall make an affirmation before Congress, or if this is in recess, before the Permanent Committee, as follows:

The presiding officer shall say: "Do you promise to perform faithfully and conscientiously the duties of Justice of the Supreme Court with which you have been charged, and to defend and enforce the Constitution of the United States of Mexico and the laws arising thereunder, having ever in mind the welfare and prosperity of the nation?" To which the Justice shall reply, "I do." On which the presiding officer shall answer: "If you fail to do so, may the nation call you to account."

The Circuit and District Judges shall make the affirmation of office before the Supreme Court or before such other authority as the law may determine.

98. No temporary disability of a Justice of the Supreme Court not exceeding one month shall be filled, provided there be otherwise a quorum. In the absence of a quorum the Congress, or in its recess the Permanent
Committee, shall name a substitute selected from among
the candidates submitted by the States for the election
of the Justice in question and not chosen, to serve dur-
ing such disability. If the disability does not exceed
two months, the Congress, or during its recess the Perma-
ment Committee shall choose at will a temporary Justice.
In the event of the death, resignation or disquali-
fication of any Justice of the Supreme Court, a new
election shall be held by the Congress to fill this va-
cancy as provided in Article 96.
If the Congress shall not be in session, the Per-
manent Committee shall make a temporary appointment until
such time as the Congress shall convene and proceed to
the corresponding election.

99. The resignation of a Justice of the Supreme Court
shall only be accepted for grave cause, approved by the
Congress, to whom the resignation shall be tendered. In
the recesses of the Congress the power to act on this
matter belongs to the Permanent Committee.

100. The Supreme Court shall grant all leaves of
absence of its members, when they do not exceed one
month; such as do exceed this period shall be granted
by the House of Representatives, or during its recess by
the Permanent Committee.

101. No Justice of the Supreme Court, Circuit or
District Judge, nor clerk of any of these Courts shall
under any circumstances accept any state, Federal or
private commission or office excepting honorary titles
from scientific, literary or charitable associations.
The violation of this provision shall work a forfeiture
of office.

102. The office of the Public Attorney shall be or-
organized in accordance with the law, and its officers
shall be appointed and removed at will by the Executive.
They shall be under the direction of an Attorney-General,
who shall possess the same qualifications as are required
for the office of Justice of the Supreme Court.

The Public Attorneys shall be charged with the judi-
cial prosecution of all Federal offences; they shall ac-
cordingly sue out all orders of arrest, assemble and offer
all evidence as to the responsibility of the accused, see
that the trials are conducted in due order so that the
administration of justice may be speedy, pray the imposi-
tion of sentence, and in general take part in all matters
required by law.

The Attorney-General of the Republic shall personally
intervene in matters to which the Federal Government is a
party, in cases affecting ministers, Diplomatic Agents and Consuls-General, and in all controversies between two or more states of the Union, between the Federal Government and a State or between the several powers of a State. The Attorney-General may either personally or through one of the Public Attorneys take part in all other cases in which the Public Attorneys are called upon to act.

The Attorney-General shall be the legal adviser of the Government, and both he and the Public Attorneys under his orders shall faithfully obey the law and shall be liable for all breaches or for any violations which they may incur in the discharge of their duties.

103. The Federal Tribunals shall take cognizance of:

(1) All controversies arising out of laws or acts of the authorities which shall infringe any personal guarantees.

(2) All controversies arising out of laws or acts of the Federal authorities which limit or encroach upon the sovereignty of the States.

(3) All controversies arising out of laws or acts of the State authorities which invade the sphere of the Federal authorities.

104. The Federal Tribunals shall have jurisdiction over:

(1) All controversies of a civil or criminal nature arising out of the application and enforcement of the Federal laws, or out of treaties concluded with foreign Powers. Whenever such controversies affect only private rights, the regular local courts of the States, the Federal District and Territories shall, at the election of the plaintiff, assume jurisdiction. Appeal may be had from all judgments of first instance to the next higher Tribunal of the same Court in which the case was first heard. Appeal may be taken from sentences of second instance to the Supreme Court of Justice, which appeal shall be prepared, submitted, and prosecuted, in accordance with the procedure provided by law.

(2) All cases pertaining to admiralty law.

(3) All cases to which the Federation may be a party.

(4) All cases arising between two or more States, or between any State and the Federal Government, as well as those arising between the courts of the Federal District and those of the Federal Government or of a State.

(5) All civil or criminal cases that may arise out of treaties with foreign Powers.

(6) All cases concerning Diplomatic Agents or Consuls.

105. The Supreme Court of Justice shall have exclusive
legal interpretation, when it includes persons, actions, defences, or things which have not been the object of the suit, or finally when all these have not been included either through omission or express refusal.

When the writ of "amparo" is sought against mesne judgements, in accordance with the provisions of the foregoing clause, these rules shall be observed, as far as applicable.

(5) In penal suits, the authorities responsible for the violation shall stay the execution of final judgement against which the writ of "amparo" has been sought; for this purpose the petitioner shall, within the period set by law, give notice, under oath, to the said authorities of the interposition of this recuse, accompanying it with two copies of the petition, one of which shall be delivered to the opposing party and the other filed.

(6) The execution of a final judgement in civil suits shall only be stayed when the petitioner shall give bond to cover damages occasioned thereby, unless the other party shall give a counter-bond (1) to guarantee that the normal conditions and relations previously existing be restored, and (2) to pay the corresponding damages, in the event of the granting of the "amparo" shall be communicated as provided in the foregoing clause.

(7) If a writ of "amparo" be sought against a final judgement, a certified copy of such portion or of the record as the petitioner may desire shall be requested from the authority responsible for the violation; to this there shall be added such portions as the other party may desire and a clear and succinct statement by the said authority of the justification of the act protested; note shall be made of this on the record.

(8) When a writ of "amparo" is sought against a final judgement the petition shall be brought before the Supreme Court; this petition together with the copy required by Clause (7), shall be either presented to the Supreme Court or sent through the authority responsible for the violation or through the District Court of the corresponding State. The Supreme Court shall render judgement without any other formality or procedure than the petition, the document presented by the other party and that of the Attorney-General or the Public Attorney he may name in his stead, and shall comprise no other legal question than that contained in the complaint.

(9) When the acts of an authority other than the judicial are involved or the facts of the judiciary exercised outside of the suit or after the termination thereof, or acts committed during the suit whose execution is of impossible reparation, or which affect persons not parties to the suit, the writ of "amparo" shall be sought.
jurisdiction in all controversies arising between two or more States, between the powers of Government of any State as to the constitutionality of their acts, or between one or more States and the Federal Government, and in all cases to which the Federal Government may be a party.

106. The Supreme Court of Justice shall likewise have exclusive jurisdiction to determine all questions of jurisdiction between the Federal Tribunals, between these and those of the States, or between those of one State and those of another.

107. All controversies mentioned in Article 103 shall be prosecuted by the injured party in accordance with the judicial forms and procedure which the law shall establish, subject to the following conditions:

(1) The judgement shall always be so drawn as to affect exclusively private individuals, and shall confine itself to affording them redress in the special case to which the complaint refers; but it shall make no general statement as to the law or the act that may have formed the basis for the complaint.

(2) In civil or penal suits, excepting those mentioned in Clause (9) hereof, the writ of "amparo" shall issue only against final judgments when no other ordinary recourse is available by which these judgements may be modified or amended, if the violation of the law shall have occurred in the judgement, or if, although committed during the course of the trial, objection was duly noted and protest entered against the denial of reparation, and provided further that if committed in first instance it shall have been invoked in second instance as a violation of the law.

Notwithstanding the foregoing provision, the Supreme Court may in penal cases waive any defects in the petition when there has been a manifest violation of the law which has left the petitioner without recourse, or when he has been tried by a law not strictly applicable to the case, provided failure to take advantage of this violation has been merely an oversight.

(3) In civil or penal suits the writ of amparo shall issue only if substantial portions of the rules of procedure have been violated, and provided further that the said violation shall deprive the petitioner of means of defense.

(4) In addition to the case mentioned in the foregoing paragraph the writ of "amparo" shall issue only on a final judgement in a civil suit provided the requirements set forth in Clause (2) hereof have been complied with - when the judgement shall be contrary to the letter of the law applicable to the case or contrary to its
before the District Court within whose jurisdiction is located the place where the act protested was committed or attempted; the procedure in this case shall be confined to the report of the authority and to a hearing, the call for which shall be issued in the same order of the Court as that calling for the report. This hearing shall be held at as early a date as possible, the testimony of both parties offered, arguments heard which shall not exceed one hour for each side, and finally the judgment which shall be pronounced at the same hearing. The judgement of the District Court shall be final, if the interested parties do not appeal to the Supreme Court within the period set by law and in the manner prescribed by Clause (8).

In case of a violation of the guarantees of Article 16, 19, and 20, recourse shall be had through the Appellate Court of the Court committing the breach or to the corresponding District Court. An appeal against the decision of any of these courts may be taken to the Supreme Court.

If the District Judge shall not reside in the same locality as the official guilty of the violation, the Judge before whom the petition of "amparo" shall be submitted shall be determined by law; this Judge shall be authorized to suspend temporarily the execution of the act protested, in accordance with the terms established by law.

(10) Any official failing to suspend the execution of the act protested, when in duty bound to do so, or when he admits an insufficient or improper bond, shall be turned over to the proper authorities; the civil and penal liability of the official shall in these cases be a joint liability with the person offering the bond and his surety.

(11) If after the granting of an "amparo" the guilty official shall persist in the act or acts against which the petition of "amparo" was filed, or shall seek to render of no effect the judgement of the Federal authority, he shall be forthwith removed from office and turned over for trial to the corresponding District Court.

(12) Wardens and gaolers who fail to receive a duly certified copy of the formal order of commitment within the seventy-two hours granted by Article 19, reckoned from the time the accused is placed at the disposal of the Court shall bring this fact to the attention of the Court immediately upon expiration of this period; and if the proper order be not received within the next three hours the accused shall be set at liberty.

Any official who shall violate this provision and the Article referred to in the foregoing paragraph shall be
immediately turned over to the proper Authorities. Any official or agent thereof who, after an arrest has been made, shall fail to place the accused at the disposition of the Court within the next twenty-four hours shall himself be turned over to the proper authority.

If the detention be effected outside the locality in which the Court is situated, there shall be added to the period mentioned in the preceding sentence the time necessary to travel from the said locality to that where the detention took place.

Title IV

Of the Responsibility of Officials

108. Senators and representatives of Congress, Justices of the Supreme Court, Secretaries of Executive Departments and the Attorney-General of the Republic shall be liable for all common offences committed during their term of offices, as well as for all official offences or acts of commission or omission which they may commit in the discharge of their duties.

Governors of States and members of State Legislatures shall be liable for violation of the Constitution and the Federal laws.

The President of the Republic may only be impeached during his term of office for high treason and common offences of a serious character.

109. If the offence belongs to the common order the House of Representatives, acting as a grand jury, shall determine by a majority vote of its total membership whether there is or is not any ground for proceeding against the accused.

If the finding be favorable to the accused, no further action shall be taken; but such finding shall not be a bar to the prosecution of the charge as soon as the constitutional privilege shall cease, since the finding of the House does not in any way determine the merits of the charge.

If the finding be adverse the accused shall pro facto be removed from office and be placed at the disposition of the ordinary courts of justice, except in the case of the President of the Republic, who may only be impeached before the Senate, as in the case of an official offence.

110. The States shall have the power to fix among themselves, by friendly agreements, their respective boundaries, but these agreements shall not be carried
into effect without the approval of Congress.

111. The Senate acting as a grand jury shall try all cases of impeachment, but it may not institute such proceedings without a previous accusation brought by the House of Representatives.

If the Senate should, after hearing the accused and conducting such proceedings as it may deem advisable, determine by a majority vote of two-thirds of its total membership that the accused is guilty, the latter shall be forthwith removed from office by virtue of such decision, or be disqualified from holding any other office for such time as the law may determine.

When the same offense is punishable with an additional penalty, the accused shall be placed at the disposition of the regular authorities, who shall judge and sentence him in accordance with the law.

In all cases embraced by this article and in those included by the proceeding both the decisions of the Grand Jury and the findings of the House of Representatives shall be final.

Any person shall have the right to denounce before the House of Representatives offenses of a common order or of an official character committed by high Federal functionaries; and whenever the said House of Representatives shall determine that there exist good grounds for impeachment proceedings before the Senate, it shall name a committee from among its own members to sustain the charges brought.

The Congress shall as soon as possible enact a law as to the responsibility of all Federal officials and employees which shall fix as official offenses all acts of commission or omission, which may prejudice the public interest and efficient administration, even though such acts may not be heretofore have been considered offenses. These officials shall be tried by a jury in the same manner as provided for trials by jury in Article 20.

112. No pardon shall be granted the offender in cases of impeachment.

113. The responsibility for official breaches and offenses may only be enforced during such time as the functionary shall remain in office and for one year thereafter.

114. In civil cases no privilege or immunity in favor of any public functionary shall be recognized.
Title V

Of the States of the Federation

115. The States shall adopt for their internal government the popular, representative, republican form of government; they shall have as the basis of their territorial division and political and administrative organization the free municipality, in accordance with the following provisions:

1. Each municipality shall be administered by a town council chosen by direct vote of the people, and no authority shall intervene between the municipality and the State Government.

2. The municipalities shall freely administer their own revenues which shall be derived from the taxes fixed by the State Legislatures which shall at all times be sufficient to meet their needs.

3. The municipalities shall be regarded as enjoying corporate existence for all legal purposes.

The Federal Executive and the State Governors shall have command over all public forces of the municipalities wherein they may permanently or temporarily reside.

Constitutional State Governors shall not be re-elected nor shall their term of office exceed four years.

The prohibitions of Article 83 are applicable to substitute or ad interim governors.

The number of Representatives in the State Legislatures shall be in proportion to the inhabitants of each State, but in no case shall the number of representatives in any State Legislature be less than fifteen.

Each electoral district of the States shall choose a Representative and an alternate to the State Legislature.

Every State Governor shall be a Mexican citizen by birth and a native thereof, or resident therein not less than five years immediately prior to the day of election.

116. The Powers of the Union are bound to protect the States against all invasion or external violence. In case of insurrection or internal disturbance they shall give them the same protection, provided the Legislature of the State, or the Executive thereof if the Legislature is not in session, shall so request.

117.

1. Enter into alliances, treaties or coalitions with another State or with foreign powers.

2. Grant letters of marque or reprisal.
(3) Coin money, issue paper money, stamps or stamped paper.
(4) Levy taxes on persons or property passing through its territory.
(5) Prohibit or tax, directly or indirectly, the entry into its territory, or the withdrawal therefrom, of any merchandise, foreign or domestic.
(6) Burden the circulation or consumption of domestic or foreign merchandise with taxes or duties to be collected by local custom houses or subject the said merchandise to inspection or require it to be accompanied by documents.
(7) Enact or maintain in force laws or fiscal regulations discriminating, by taxation or otherwise, between merchandise, foreign or domestic, on account of its origin, whether this discrimination be established with regard to similar local products or to similar products of foreign origin.
(8) Issue bonds of the public debt payable in foreign coin or outside the Federal territory; contract loans, directly or indirectly, with any foreign government, or assume any obligation in favor of any foreign corporation or individual, requiring the issuance of certificates or bonds payable to bearer or negotiable by endorsement.

The Federal Congress and the State Legislatures shall forthwith enact laws against alcoholism.

118. No State shall, without the consent of the Congress:
(1) Establish tonnage dues or other port charges, or impose taxes or other duties upon imports or exports.
(2) Keep at any time permanent troops or vessels of war.

Make war on its own behalf on any foreign Power, except in cases of invasion or of such imminent peril as to admit of no delay. In such event the State shall give notice immediately to the President of the Republic.

119. Every State shall be bound to deliver without delay to the demanding authorities the fugitives from justice from other States or from foreign nations.

In such cases the writ of the Court granting the extradition shall operate as a sufficient warrant for the detention of the accused for one month, in the case of extradition from one State to another, and for two months in case of international extradition.

120. The State Governors are bound to publish and enforce the Federal laws.
121. Full faith and credit shall be given in each State of the Federation to the public acts, records and judicial proceedings of all the other States. The Congress shall by general laws prescribe the manner of proving the said acts, records and proceedings and the effect thereof.

(1) The laws of a State shall only be binding within its own confines, and shall therefore have no extra-territorial force.

(2) Moveable and immovable property shall be governed by the lex situs.

(3) Judgements of a State Court as to property and property rights situated in another State shall only be binding when expressly so provided by the law of the latter State.

Judgements relating to personal rights shall only be binding in another State provided the person shall have expressly or impliedly by reason of domicile submitted to the jurisdiction of the Court rendering such judgement, and provided further that personal service shall have been secured.

(4) All acts of civil status performed in accordance with the laws of one State shall be binding in all other States.

(5) All professional licences issued by the authorities of one State in accordance with the laws shall be valid in all other States.

122. The powers of the Union are bound to protect the States against all invasion or external violence. In case of insurrection or internal disturbance they shall give them the same protection, provided the Legislature of the State, or the Executive, thereof if the Legislature is not in session, shall so request.

Title VI
Of Labor and Social Welfare

123. The Congress and the State Legislatures shall make laws relative to labor with regard for the needs of each region of the Republic, and in conformity with the following principles, and these principles and laws shall govern the labor of skilled and unskilled workmen, employees, domestic servants and artisans, and in general every contract of labor:

(1) Eight hours shall be the maximum limit of a day's work.

(2) The maximum limit of night work shall be seven
hours. Unhealthy and dangerous occupations are forbidden to all women and to children under 16 years of age. Night work in factories is likewise forbidden to women and to children under 16 years of age; nor shall they be employed in commercial establishments after ten o'clock at night.

(3) The maximum limit of a day's work for children over 12 and under 16 years of age shall be six hours. The work of children under 12 years of age shall not be made the subject of contract.

(4) Every workman shall enjoy at least one day's rest for every six day's work.

(5) Women shall not perform any physical work requiring considerable physical effort during the three months immediately preceding parurition, during the month following parurition they shall necessarily enjoy a period of rest and shall receive their salaries or wages in full and retain their employment and the rights they may have acquired under their contracts. During the period of lactation they shall enjoy two extraordinary daily periods of rest of one-half hour each, in order to nurse their children.

(6) The minimum wage to be received by a workman shall be that considered sufficient, according to the conditions prevailing in the respective region of the country, to satisfy the normal needs of the life of the workman, his education and his lawful pleasures, considering him as the head of a family. In all agricultural, commercial, manufacturing or mining enterprises the workmen shall have the right to participate in the profits in the manner fixed in Clause (9) of this Article.

(7) The same compensation shall be paid for the same work, without regard to sex or nationality.

(8) The minimum wage shall be exempt from attachment, set off or discount.

(9) The determination of the minimum wage and of the rate of profit sharing described in Clause (6) shall be made by special commissions to be appointed in each municipality and to be subordinated to the Central Board of Conciliation to be established in each State.

(10) All wages shall be paid in legal currency and shall not be paid in merchandise, orders, counters or any other representative token with which it is sought to substitute money.

(11) When, owing to special circumstances, it becomes necessary to increase the working house, there shall be paid as wages for the overtime 100 per cent more than those fixed for regular time. In no case shall the overtime exceed three hours nor continue for more than three consecutive days; and no women of whatever age nor boys
under 16 years of age may engage in overtime work.

(12) In every agricultural, industrial, mining or other class of work employers are bound to furnish their workmen comfortable and sanitary dwelling-places, for which they may charge rents not exceeding one-half of one percent per month of the assessed value of the properties. They shall likewise establish schools, dispensaries and other services necessary to the community. If the factories are located within inhabited places and more than 100 persons are employed therein, the first of the above-mentioned conditions shall be complied with.

(13) Furthermore, there shall be set aside in these labor centers, whenever their population exceeds 200 inhabitants, a space of land not less than 5,000 square metres for the establishment of public markets, and the construction of buildings designed for municipal services and places of amusement. No saloons nor gambling houses shall be permitted in such labor centers.

(14) Employers shall be liable for labor accidents and occupational diseases, arising from work; therefore, employers shall pay the proper indemnity, according to whether death or merely temporary or permanent disability has ensued, in accordance with the provisions of law. This liability shall remain in force even though the employer contract for the work through an agent.

(15) Employers shall be bound to observe in the installation of their establishments all the provisions of law regarding hygiene and sanitation, and to adopt adequate measures to prevent accidents due to the use of machinery, tools and working materials, as well as to organize work in such a manner as to assure the greatest guarantees possible for the health and lives of workmen compatible with the nature of the work, under penalties which the law shall determine.

(16) Workmen and employers shall have the right to unite for the defence of their respective interests, by forming syndicates, unions, etc.

(17) The law shall recognize the right of workmen and employers to strike and to lock-out.

(18) Strikes shall be lawful when by the employment of peaceful means they shall aim to bring about a balance between the various factors of production, and to harmonize the rights of capital and labor. In the case of public services, the workmen shall be obliged to give notice ten days in advance to the Board of Conciliation and Arbitration of the day set for the suspension of work. Strikes shall only be considered unlawful when the majority of the strikers shall resort to acts of violence against persons or property, or in case of war when the strikers belong to establishments and services dependent on the Government. Employees of military manufacturing establishments of the
Federal Government shall not be included in the provisions of this Clause, inasmuch as they are a dependancy of the national army.

(19) Lock-outs shall only be lawful when the excess of production shall render it necessary to shut down in order to maintain prices reasonably above the cost of production, subject to the approval of the Board of Conciliation and Arbitration.

(20) Differences or disputes between capital and labor shall be submitted for settlement to a board of conciliation and arbitration to consist of an equal number of representatives of the workmen and of the employers and of one representative of the Government.

(21) If the employer shall refuse to submit his differences to arbitration or to accept the award rendered by the Board, the labor contract shall be considered as terminated, and the employer shall be bound to indemnify the workman by the payment to him of three month's wages, in addition to the liability which he may have incurred by reason of the dispute. If the workman reject the award the contract will be held to have terminated.

(22) An employer who discharges a workman without proper cause or for having joined a union or syndicate or for having taken part in a lawful strike shall be bound, at the option of the workman, either to perform the contract or to indemnify him by the payment of three month's wages. He shall incur the same liability if the workman shall leave his service on account of the lack of good faith on the part of the employer or of maltreatment either as to his own person or of that of his wife, parents, children or brothers or sisters. The employer cannot evade this liability when the maltreatment is inflicted by subordinates or agents acting with his consent or knowledge.

(23) Claims for workmen for salaries or wages accrued during the past year and other indemnity claims shall be preferred over any other claims in cases of bankruptcy or composition.

(24) Debts contracted by workmen in favor of their employers or their employer's associates, subordinates or agents, may only be charged against the workmen themselves, and in no case, and for no reason, collected from the members of his family. Nor shall such debts be paid by the taking of more than the entire wages of the workman for any one month.

(25) No fee shall be charged for finding work for workmen by municipal offices, employment bureaus or other public or private agencies.

(26) Every contract of labor between a Mexican citizen and a foreign principal shall be legalized before the competent municipal authority and vised by the Con-
sul of the nation to which the workman is undertaking to go, on the understanding that, in addition to the usual clauses, special and clear provisions shall be inserted for the payment by the foreign principal making the contract of the cost to the laborer of repatriation.

(27) The following stipulations shall be null and void, and shall not bind the contracting parties, even though embodied in the contract:

(a) Stipulations providing for inhuman day's work on account of its notorious excessiveness, in view of the nature of the work.

(b) Stipulations providing for a wage rate which in the judgement of the Board of Conciliation and Arbitration is not remunerative.

(c) Stipulations providing for a term of more than one week before the payment of wages.

(d) Stipulations providing for the assigning of places of amusement, eating places, cafes, taverns, saloons or shops for the payment of wages, when employees of such establishments are not involved.

(e) Stipulations involving a direct or indirect obligation to purchase articles of consumption in specified shops or places.

(f) Stipulations permitting the retention of wages by way of fines.

(g) Stipulations constituting a waiver on the part of the workman of the indemnities to which he may become entitled by reason of labor accidents or occupational diseases, damages for breach of contract, or for discharge from work.

(h) All other stipulations implying the waiver of any right vested in the workman by labor laws.

(28) The law shall decide what property constitutes the family patrimony. These goods shall be inalienable, and shall not be mortgaged nor attached, and may be bequeathed with simplified formalities in the succession proceedings.

(29) Institutions of popular insurance established for old age, sickness, life, unemployment, accident and others of a similar character, are considered of social utility; the Federal and State Governments shall therefore encourage the organization of institutions of this character in order to instil and inculcate popular habits of thrift.

(30) Co-operative associations for the construction of cheap and sanitary dwelling houses for workmen shall likewise be considered of social utility whenever those properties are designed to be acquired in ownership by the workmen within specified periods.
Title VII
Of General Provisions

124. All powers not expressly vested by this Constitution in the Federal authorities are understood to be reserved to the States.

125. No person shall hold at the same time two Federal offices or one Federal and one State elective office; if elected to two, he shall choose between them.

126. No payment shall be made which is not included in the budget or authorized by a law subsequent to the same.

127. The President of the Republic, the Justices of the Supreme Court, representatives and senators and other public officials of the Federation who are chosen by popular election shall receive a compensation for their services, which shall be paid by the Federal Treasury and determined by law. This compensation may not be waived, and any law increasing or decreasing it shall have no effect during the period for which the functionary holds office.

128. Every public official, without exception, shall, before entering on the discharge of his duties, make an affirmation to maintain this Constitution and the laws arising thereunder.

129. In time of peace no military authorities shall exercise other functions than those bearing direct relation to military discipline. No permanent military posts shall be established other than in castles, forts and arsenals depending directly upon the Federal Government, or in camps, barracks, or depots, established outside of inhabited places for the stationing of troops.

130. The Federal authorities shall have power to exercise in matters of religious worship and outward ecclesiastical forms such intervention as by law authorized; all other officials shall act as auxiliaries to the Federal authorities.

The Congress shall not enact any law establishing or forbidding any religion whatsoever.

Marriage is a civil contract. Marriage and all other acts relating to the civil status of individuals shall appertain to the exclusive jurisdiction of the civil
authorities in the manner and form provided by law, and
they shall have the force and validity given them by said
laws.

A simple promise to tell the truth and to comply
with obligations contracted shall subject the promiser,
in the event of a breach, to the penalties established
therefore by law.

The law recognizes no juridical personality in the
religion institutions known as churches.

Ministers of religious creeds shall be considered
as persons exercising a profession, and shall be directly
subject to the laws enacted on the matter.

The State Legislatures shall have the exclusive power
determining the maximum number of ministers of religi-
ous creeds, according to the needs of each locality. Only
a Mexican by birth may be a minister of any religious creed
in Mexico.

No ministers of religious creeds shall, either in
public or private meetings, or in acts of worship or re-
ligious propaganda, criticise the fundamental laws of the
country, the authorities in particular or the Government
in general; they shall have no vote, nor be eligible to
office, nor shall they be entitled to assemble for poli-
tical purposes.

Before dedicating new temples of worship for public
use, permission shall be obtained from the Department of
the Interior ("Gobernación"); the opinion of the "Gobernador
of the respective State shall be previously heard on the
subject. Every place of worship shall have a person
charged with its care and maintenance, who shall be legally
responsible for the faithful performance of the laws
on religious observances within the said place of worship,
and for all the objects used for purposes of worship.

The caretaker of each place of public worship, to-
gether with ten citizens of the place, shall promptly
advise the municipal authorities as to the person charged
with the care of the said place of worship. The outgoing
minister shall in every instance give notice of any change
for which purpose he shall be accompanied by the incoming
minister and ten other citizens of the place. The munici-
pal authorities, under penalty of dismissal and fine, not
exceeding 1,000 pesos for each breach, shall be responsible
for the exact performance of this provision; they shall keep
a register of the places of worship and another of the
caretakers thereof, subject to the same penalty as above
provided. The municipal authorities shall likewise give
notice to the Department of the Interior through the State
Governor of any permission to open to the public use a
new place of worship, as well as of any change in the care-
takers. Gifts of personality may be received in the inter-
ior of places of public worship.

Under no conditions shall studies carried on in institutions devoted to the professional training of ministers of religious creeds be given credit or granted any other dispensation of privilege which shall have for its purpose the accrediting of the said studies in official institutions. Any authority violating this provision shall be punished criminally, and all such dispensation of privilege be null and void, and shall invalidate wholly and entirely the professional degree toward the obtaining of which the infraction of this provision may in any way have contributed.

No periodical publication which either by reason of its programme, its title or merely by its general tendencies, is of a religious character, shall comment upon any political affairs of the nation, nor publish any information regarding the acts of the authorities of the country or of private individuals, in so far as the latter have to do with public affairs.

Every kind of political association whose name shall bear any word or any indication relating to any religious belief is hereby strictly forbidden. No assemblies of any political character shall be held within places of public worship.

No minister of any religious creed may inherit, either on his own behalf or by means of a trustee or otherwise, any real property occupied by any association of religious propaganda or religious or charitable purpose. Ministers of religious creeds are incapable legally of inheriting by will from ministers of the same religious creed or from any private individual to whom they are not related by blood within the fourth degree.

All real and personal property pertaining to the clergy or to religious institutions shall be governed, in so far as their acquisition by private parties is concerned, in conformity with Article 72 of this Constitution.

No trial by jury shall ever be granted for the infraction of any of the preceding provisions.

131. The Federal Government shall have the exclusive power to levy duties on merchandise imported, exported or passing in transit through the national territory, as well as to regulate at all times, and if necessary to forbid for the sake of public safety or for police reasons, the circulation in the interior of the Republic of all kinds of goods, regardless of their origin; but the Federal Government shall have no power to establish or decree in the Federal District and Territories the taxes and laws to which Clauses (6) and (7) of Article 117 refer.
132. All forts, barracks, warehouses, and other real property, destined by the Federal Government for public service or common use, shall be under the jurisdiction of the Federal authorities, in accordance with the law which the Congress shall issue on the subject; any of these establishments which may subsequently be acquired within the territory of any State shall likewise be subject to Federal jurisdiction, provided consent thereto shall have been obtained from the respective State Legislature.

133. This Constitution and the laws of the United States of Mexico which shall be made in pursuance hereof and all treaties made or which shall be made under the authority of the President of the Republic, with the approval of the Congress, shall be the supreme law of the land. And the Judges in every State shall be bound by this Constitution and by these laws and treaties, anything in the Constitution or laws of any State to the contrary notwithstanding.

134. Bids shall be called for on all contracts which the Government may have occasion to enter into for the execution of any public works; these bids shall be submitted under seal and shall only be opened publicly.

Title VIII

Of the Amendments to the Constitution

135. The present Constitution may be added to or amended. No amendment or addition shall become a part of the Constitution until agreed to by the Congress of the Union by a two-thirds vote of the members present and approved by a majority of the State Legislatures. The Congress shall count the votes of the Legislatures and make the declaration that the amendment or additions have been adopted.

Title IX

Of the Inviolability of the Constitution

136. This Constitution shall not lose its force or vigor, even though its observance be interrupted by rebellion. In case that through any public disturbance a Government contrary to the principles which it sanc-
tions be established, its force shall be restored as soon as the people shall regain their liberty, and those who have participated in the Government emanating from the rebellion or have cooperated with it shall be tried in accordance with its provisions and with the laws arising under it.

Transitory Articles

1. This Constitution shall be published at once and a solemn affirmation made to defend and enforce it throughout the Republic; but its provisions, except those relating to the election of the supreme powers, Federal and State, shall not go into effect until the 1st day of May, 1917, at which time the Constitutional Congress shall be solemnly convened and the oath of office taken by the citizens chosen at the forthcoming elections to discharge the duties of President of the Republic.

The provisions of clause (5) of Article 82 shall not be applicable in the elections to be called in accordance with Article 2 of the Transitory Articles, nor shall active service in the army act as a disqualification for the office of representative or senator, provided the candidate shall not have active command of troops in the respective electoral district.

Nor shall the Secretaries nor assistant secretaries of Executive Departments be disqualified from election to the next Federal Congress, provided they shall definitely resign from office on or before the day on which the respective call is issued.

2. The person charged with the executive power of the nation shall immediately, upon the publication of this Constitution, call for elections to fill the Federal offices; he shall see that these elections be held so that Congress may be constituted within a reasonable time, in order that it may count the votes case in the Presidential elections and make known the name of the person who has been elected President of the Republic; this shall be done in order that the provisions of the foregoing article may be complied with.

3. The next Constitutional term shall be computed, in the case of senators and representatives, from the 1st of September last, and in the case of the President of the Republic, from the 1st of December, 1916.
4. Senators who in the coming election shall be classified as "even" shall serve only two years, in order that the Senate may be renewed by half every two years.

5. The Congress shall in the month of May next choose the Justices of the Supreme Court in order that this Tribunal may be constituted on the 1st day of June, 1917.

In these elections, Article 96 shall not govern in so far as the candidates proposed by the State Legislatures are concerned; but those chosen shall be designated for the first term of two years prescribed by Article 94.

6. The Congress shall meet in extraordinary session on the 15th day of April, 1917, to act as an electoral college, for the computing of the ballots and the determination of the election of President of the Republic, at which time it shall make known the results; it shall likewise enact the organic law of the Circuit and District Courts, the organic law of the Tribunals of the Federal District and Territories, in order that the Supreme Court of Justice may immediately appoint the Inferior and Superior District and Circuit Judges; at the same session the Congress shall choose the Superior Judges and Judges of the First Instance of the Federal District and Territories, and shall also enact all laws submitted by the Executive. The Circuit and District Judges and the Superior and Inferior Judges of the Federal District and Territories shall take office not later than the 1st day of July, 1917, as such time such as shall have been temporarily appointed by the person now charged with the executive power of the nation shall cease to act.

7. For this occasion only, the votes for the office of senator shall be counted by the Board of the First Electoral District of each State or of the Federal District which shall be instituted for the counting of the votes of representatives. This Board shall issue the respective credentials to the senators-elect.

8. The Supreme Court shall decide all pending petitions of "amparo", in accordance with the laws at present in force.

9. The First Chief of the Constitutionalist Army, charged with the executive power of the nation, is hereby authorized to issue the electoral law according to which, on this occasion, the elections to fill the various Federal offices shall be held.
10. All persons who shall have taken part in the Government emanating from the rebellion against the legitimate Government of the Republic, or who may have given aid to the said rebellion and later taken up arms or held any office or commission of the factions which have opposed the Constitutionalist Government, shall be tried in accordance with the laws at present in force, unless they shall have been previously pardoned by the said Constitutionalist Government.

11. Until such time as the Congress of the Union and the State Legislatures shall legislate on the agrarian and labor problems the bases established by this Constitution for the said laws shall be put into force throughout the Republic.

12. All Mexicans who shall have fought in the ranks of the Constitutionalist Army and their children and widows, and all other persons who shall have rendered service to the cause of the revolution, or to public instruction, shall be preferred in the acquisition of lots to which Article 27 refers, and shall be entitled to such rebates as the law shall determine.

13. All debts contracted by working men on account of work up to the date of this Constitution with masters, their subordinates and agents, are hereby declared wholly and entirely discharged.

14. The Departments of Justice and of Public Instruction and of Fine Arts are hereby abolished.

15. The citizen at present charged with the executive power is hereby authorized to issue the law of civil responsibility applicable to all promoters, accomplices and abettors of the offences committed against the constitutional order in the month of February, 1913, and against the Constitutionalist Government.

16. The Constitutional Congress in the regular period of sessions to begin on the 1st day of September of the present year, shall issue all the organic laws of the Constitution which may not have been already issued in the extraordinary session to which Transitory Article number 6 refers; and it shall give preference to the laws relating to personal guarantees and to Articles 30, 32, 33, 35, 36, 38, 107 and the latter part of Article 111 of this Constitution.
Signed at Querétaro de Arteaga the 31st of January 1917

(L.S) Luis Manuel Rojas, Pres.
(L.S) C. Aguilar,
    First Vice-President
    General of Division
(L.S) Salvador Gonzales Torres,
    Second Vice-President
    General of Brigade

Signature of Deputies:-