Documentos Interesantes relativos á

CARACAS.

Interesting Documents relating to

LONDRES 1812

INTERESTING

OFFICIAL DOCUMENTS

RELATING TO

The United Provinces

OF

VENEZUELA,

VIZ.

PRELIMINARY REMARKS,

THE ACT OF INDEPENDENCE,

PROCLAMATION, MANIFESTO TO THE WORLD OF THE CAUSES WHICH HAVE IMPELLED THE SAID PROVINCES TO SEPARATE FROM THE MOTHER COUNTRY;

TOGETHER WITH

THE CONSTITUTION FRAMED FOR THE ADMINISTRATION OF THEIR GOVERNMENT.

IN SPANISH AND ENGLISH.

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OBSERVACIONES PRELIMINARES.

NINGUN periodo en la historia de las naciones ha sido señalado con acontecimientos tan grandes é interesantes, como el actual. Antiguos y enteros Imperios han sido disueltos, y han perdido su existencia politica, mientras se ven brotar de sus cenizas nuevos Estados, que levantan sus triunfantes penachos sobre sus debiles y abatidos vecinos. Se han verificado revoluciones tan importantes como inesperadas, reforma ha sido el grito general, y los grandes y mejor entendidos intereses del genero humano han despertado un fervor, han inspirado un zelo ilustrado, que no se habia conocido hasta ahora. En Europa, se han visto naciones enteras combatir animosamente por la extirpacion de abusos envejecidos: aquellos mismos que mas acostumbrados estaban á arrastrar las cadenas del despotismo, se han acordado de sus derechos largo tiempo olvidados, y se han reconocido todavia hombres. Mientras los sentimientos publicos tomaban esta direccion en Europa, mientras el suspiro de la libertad se hacia oir en las mas distantes regiones, ¿era de esperar que la America Española, cuyos habitantes habian sido tanto tiempo hollados y esclavizados, y donde mas que en otra parte alguna era indispensable una reforma, fuese la unica que permaneciese tranquila, la unica que resignada con su triste destino viese indolentemente, que quando los Gobiernos de la Peninsula se ocupaban en mejorar la condicion del Español Europeo, á ella sola se cerraba toda perspectiva de mejor suerte, que sus clamores eran desechados, y que aun se le imponia una degradacion todavia mayor, que la que habia sufrido baxo el regimen corrompido de los Ministros de Carlos IV? Aquellos vastos é interesantes estable-

PRELIMINARY REMARKS

NO period of the history of nations, like the present, has been marked by events, so great and interesting. Old and entire empires have been dissolved, and have lost their political being, whilst new ones have sprung up out of their ashes, and raised their triumphant crests, over their weaker and fallen neighbours. Revolutions, both signal and unexpected, have taken place, reform has been the watch-word, and the great and bettered interests of mankind, have awakened a fervour, and inspired an enlightened zeal, hitherto unknown. In Europe, whole nations have been seen to struggle for redress of grievances, even those who have been longest accustomed to clank the galling chains of Despotism, have pondered on their long forgotten rights, and have felt that they were yet men. Whilst such was the sense of feeling in Europe, and similar was the sigh that re-echoed to the most distant poles, could it be expected that Spanish America, those regions so long trampled upon, and enslaved, where a reform was in short the most wanting, would alone stand still, and bear with her former hardships; that she would calmly behold, whilst the governments of Spain, were busied in meliorating their own condition, that she was yet debarred from all relief, her claims unheard, and that she was even left in a more degraded state, than under the corrupt administration of the late ministers of Charles IV. As was natural, these vast

cimientos sintieron, como era natural, el choque eléctrico, y como los cuerpos politicos, á manera de los humanos, estan destinados a llegar por fin á la epoca de la razon, vino el dia en que penetrados los Americanos de la justicia de sus demandas, la reclama ron con el tono de dignidad que les convenia; pero sin otro fruto que el de poner á la luz lo poco que debian prometerse de la liberalidad del Gobierno Español.

Importante como es á la humanidad entera, la gran question que se ha estado agitando por tres años entre la España y sus colonias, lo es doblemente para la Inglaterra en el estado de obstruccion en que se halla el comercio. Sin embargo las prensas Británicas no han hecho "hasta ahora" otra cosa, que estampar sobre las revoluciones Americanas una señal de reprobacion, presentándornos solamente miras superficiales y hechos alterados, y esto casi siempre con el colorido de la preocupacion ó de la malignidad: de modo que aun las causas y la tendencia de las revoluciones han sido groseramente desconocidas ó desfiguradas. Qüestion es esta sin embargo, que el estadista ocupado en asegurar la salud de los Pueblos, ó promover los grandes intereses de los Estados, no debe mirar con indiferencia. Si hay alguna que merezca un exámen atento y desapasionado, es sin duda la que presentan los adjuntos documentos autenticos, que nos atrevemos á ofrecer al publico con la segura esperanza de que senvirán á lo menos para la mas completa y correcta inteligencia de la materia.

Limitados como estamos á unas pocas páginas de observaciones preliminares, no nos es posible discutir plenamente una qüestion tan complicada, ni dar una idea adeqüada de todas las circumstancias que han acompañado á la primera expresion delos sentimientos publicos, en las varias provincias de las Americas Españolas, acerca de su dependencia de la metrópoli; pero basta poner la vista en la maravillosa coincidencia de sucesos que han ocurrido en todas, para hacerse cargo de la generalidad de ideas, y para conocer que todos aquellos pueblos eran igualmente sensibles al estado de abatimiento en que se hallaban sepultados, y cuya pronta reforma era el deber esencial delas primeras autoridades dela nacion. Añadiremos sin embargo, algunas pocas consideracions que servirán para ilustrar el asunto.

and interesting settlements equally felt the electric shock, for political, like human bodies, seem naturally destined to ise from irrational to rational life; and confident of the justice of their demands, they asked redress, but it was denied.

Important as is the great queston that for three years has been agitating between Spain and her Colonies, and doubly so to England, in her present cramped state of trade; by the public prints it has been nevertheless branded with censure and reprobation; they have presented us with nothing but superficial views of disguised facts, often treacherously exaggerated, oftener cloathed in the language of unwarrantable anticipation and unfounded prejudice; nay the causes and circumstances appear rather to have been completely misunderstood. This is nevertheless a question addressed to the statesman busied in the welfare, and charged with the great interests of mankind; it is one that well deserves the test of dispassionate enquiry, and deliberate contemplation, and it is hoped that the following authentic statements will aid to its more correct, and more general comprehension.

Confined as we are to a few pages of preliminary remarks, it would not be possible fully to discuss so complicated a question, or to give an adequate idea of all the circumstances attending the first expressions of public feeling in every division of Spanish America, respecting their relative situation of dependent colonies; but from there being a co-incidence in all, it is proved, that the same sentiments are general, and that every section was sensible of the abject state to which all were sunk, which it became the duty of the first magistracy of the nation to reform. We will, however, subjoin a few illustrative considerations.

La primera qüestion y la mas importante que se ofrece al tratarlo es, si los establecimientos Españoles al tiempo de la primera invasion de España por los exercitos Franceses, y de la disolucion de la monarquia, requerian, ó no, por la situacion en que se hallaban, la reforma de su régimen administravivo; si la solicitaron, y si les fue concedida. Demasiado notorio es al publico Europeo el estado de miseria y degradacion á que se les habia reducido: nuestros Escritores nacionales y los de la nacion Francesa han tocado demasiadas veces esta materia, para que nos sea necesario detenernos en ella; baste decir que el pueblo gemia baxo la doble opresion de la Corona y del monopolio; gravosas é irracionales restriciones agoviaban á todas las clases, y sofocaban en ellas toda especie de actividad y de industria; las leyes, extraviadas de su benéfico objeto, no servian ya para el castigo del culpable, ni para la proteccion del inocente; actos de la mas barbara arbitrariedad se veian á cada paso y por todas partes; los nativos carecian de una equitativa participacion en los empleos de confianza ó de lucro;* prevalecia un sistema de gobierno tan ignominióso á los códigos de España, y de las Indias, como contrario á los mas esenciales derechos del genero humano, y opuesto á los dictados de la justicia y de la razon: en una palabra, la condicion de los Americanos apenas podia considerarse baxo otro aspecto, que como un vasallage feudal dela España. ¿Quien ignora los vacios inmensos que existian en todos los ramos de industria, ocasionados por la grosera ignorancia de los mas comunes inventos, destinados á

* Como una prueba de la poca parte que los Españoles Americanos tenian en los oficios de distincion de su propio pais, añadimos la siguiente lista de las pesonas que han estado alli empleadas desde la conquista.

	Europeos.	*Americanos.*
Arzobispos y Obispos	72	278
Vireyes	166	4
Capitanes Generales y Gobernadores	588	14
	1456	296

Vease el Censor Extraordinario, Cadiz Enero 26, 1810.

The first and most material question that occurs in treating the subject, is, whether or not, the Spanish Settlements at the time of the entry of the French into Spain, and of the dissolution of the Monarchy, from their situation, required redress and a reform of government; and next, whether they asked it, and were denied. Too much is already known to the European public, and the degraded state of the colonies has been the too frequent theme of our own writers, as well as those of the French, to make it necessary here to give any picture of the state of these said colonies, or of the manner in which they were governed; suffice it to say, that the people were oppressed by the crown, and by monopolies; the commonalty and peasantry groaned under burdensome and unreasonable restrictions, destructive of all enterprize; the laws did not inflict punishment on the guilty, nor afford protection to the innocent; arbitrary acts were common; the natives were debarred* from a fair participation in offices of trust and emolument; a system of government prevailed, disgraceful to the Statute books of Spain and the Indies, opposed to the common rights of mankind, and hostile to the dictates of truth and reason;† the Americans in short, could be considered in no other state than in that of feudal vassallage to Spain. Who is there unapprized of those chasms which existed in the branches of industry, occasioned by wanton ignorance, by which great masses of labour were

* As a proof how little the Spanish Americans shared in the offices of distinction in their own country, we add the following statement of persons who have been in command there, since its settlement:

	Europeans.	*Americans.*
Archbishops and Bishops	702	278
Viceroys	166	4
Captains General and Presidents	588	14
	1456	296

Vide El Censor Extraordinario.—Cadiz, Jan. 26, 1812.

† The Viceroys held in their own hands, the Executive, Legislative, and Military Powers

simplificar ó disminuir los esfuerzos del hombre? Quien no ha visto en la mayor parte de los reglamentos coloniales de España un sistema de monopolio, dictado por el injusto principio de preferencia á los pocos, y tan hostil á la fecundidad de las artes, como á las primeras bases de la sociedad?* Quien no ha visto en ellos un plan seguido y completo de degradacion, que se extendia aun á la prohibicion delas escuelas mas necesarias?† Estos son hechos que no pueden contradecirse por los mas descarados panegiristas del poder arbitrario, ni paliarse por las especiosas producciones de las prensas de Cadiz, empeñadas en probar las ventajas de la dependencia y del monopolio.

Que los Americanos han hecho repetidos esfuerzos para obtener algunas reformas, y entre otras, alguna parte en la administracion de sus intereses internos, es una cosa suficientemente probada no solo por los primeros reclamos de las respectivas municipalidades y Juntas, sino tambien por los diarios de las Cortes de Cadiz. Las demandas de aquellos pueblos fueron definidas y presentadas al Gobierno Español en 11 proposiciones el 16 de Noviembre de 1810; estas se repitieron el 31 de Diciembre del mismo año, y se insistió de nuevo sobre ellas el 1º de Agosto de 1811, en la bien conocida Representacion de la Diputacion Americana á las Cortes de España: pero nunca se les ha prestado la atencion á que eran acreedoras. Un estado de insensibilidad y letargo parecio haberse seguido á las violentas convulsiones de una revolucion calamitosa, que hacia al Gobierno de España sordo á los gritos y reclamaciones de una parte benemerita de la Monarquia. Faltaba en aquel Gobierno un principio saludable y

* Los Vireyes tenian en sus manos los poderes Executivo, legislativo y militar.

† Es un hecho que no obstante las instancias de la municipalidad, universidad, y todos los cuerpos representativos, no se permitió en Caracas enseñar matematicas, tener imprenta, escuela de pilotage, ni clase de derecho público, ni se toleró que hubiese universidad en Merida, una de las Provincias de Venezuela. En Buenos Ayres y en otras partes han existido ignales restriciones.

suspended,; who is there that has not beheld a system of monopoly, generated by a false principle of preference to few, but hostile to productive labour, and destructive to the basis of society; a systematic plan of debasement extending even to the prohibition of the necessary schools;* these are all facts which the most unblushing advocates for arbitrary power cannot deny, nor can they ever be palliated by the ingenious and specious pieces written in Cadiz to prove the utility and advantages of dependence and monopoly.

That repeated efforts were made for a reform of government, and to obtain the right of legislating locally for themselves in their own concerns, is proved, not only by the applications of the respective American municipalities and Juntas, but also by the Journals of the Cortes and their Debates. The claims of the Americans, were defined and laid before the Spanish Government, in eleven propositions on the 16th November, 1810, they were repeated on the 31st December, and again on the 1st of August, 1811, in the well known *Representacion de la Deputacion Americana á las Cortes de España*, but were never attended to. A torpor seemed to have succeeded to distress, and to the violent convulsions of a calamitous revolution, which appeared to render the government deaf to the just cries and appeals of a well deserving moiety of the nation; there was wanting a healing and cementing principle of benevolence, nor

* It is a fact that notwithstanding the remonstrances of the municipality, the university, and all the representative bodies, in Caracas, it was not allowed to teach mathematics, to have a printing-press, a school for the tuition of navigation, or the study of jus publicum; and that in Merida, one of the provinces of Venezuela, an university was not tolerated. In Buenos Ayres, and in other parts, similar restrictions existed.

conciliador, y no aparece hasta el dia entre sus actos una medida calculada para curar los males, ó reunir los partidos.

Si los primeros Gobiernos de España hubiéran poseido talentos, miras imparciales, y sobre todo, virtudes proporcionadas al poder de que estuvieron revestidos en las primeras epocas de la revolucion, era tal el entusiasmo de que se habian penetrado los Americanos, que podian haber sido unidos á la metropoli con los vinculos de la mas cordial fraternidad, y haberle conferido beneficios tan importantes, como requeria la humanidad, como dictaban la prudencia y la politica, y como por un principio de gratitud no habiera dexado de producirlos el goce mismo de sus derechos. Pero desgraciadamente para unos y otros, y todavia mas para la causa comun, no se hizo ningun caso ni de lo que importaba la España transalantica, ni de lo que la era debido. Habia llegado á los ojos de la justicia y de la razon el momento de colocarse ambos Continentes sobre un pie de ignaldad, y con todo no se ofrecian reformas en el sistema gubernativo de las colonias; no se presentaba perspectiva alguna de consuelo; el antiguo odio á la ilustracion y á la prosperidad era todavia el sentimiento habitual de la administracion Española. Mutua desconfianra y animosidad prevalecian; y un espiritu inextinguible de resentimiento se encendió por fin. El Gobierno de España parecia enteramente destituido de aquellos ilustrados principios, que no ven el bien particular sino como una conseqüencia del general: la exclusion de aquellos beneficios que pertenecen á todos, y no á una porcion particular de la sociedad, se habia hecho y continuaba siendo fundamental y sistematica. Los clamores de los Americanos se dirigian a remover males extensos, inveterados, intolerables; lo que era en ellos un derecho, era al mismo tiempo una medida de politica nacional; y si quando comenzaron aquellas demandas á discutirse, la salud general hubiera sido el objeto de las autoridades Españolas, el conformárse á las reglas de la mas liberal filantropia les hubiera proporcionado medio de perpetuar la union entre las dos grandes porciones de la Monarquia, y de aumentar al mismo tiempo la fuerza total.

is there up to the present day, a proper measure of redress or of conciliation, on record.

Had the early governments of Spain, possessed talents, and disinterested views and virtues, suited to their power, in the first stages of the revolution, such was the enthusiastic spirit which pervaded the breast of every American, that they might have had them united as brothers, and besides have conferred upon them the most important blessings, such as humanity dictated, such as prudence and policy urged, and such as their own rights entitled them to. Unfortunately for both nations, and still more so for the common cause, the long neglected claims of the Americans remained unheard; in the eye of reason and justice that period had arrived, in which both continents were to be placed on an equal footing; yet no redress or reform was offered, every avenue to a fair restoration was closed, and there appears to have been a decided opposition to every revival of light, and to every restitution of happiness and equality. Mutual distrust and animosity gradually were engendered, an inextinguishable spirit of resentment at length flamed, and there appeared nothing left in the governments of Spain, of those enlightened principles which are always directed to the general, and not particular interests; an apathy followed, joined to a systematic exclusion from those diffused enjoyments which belonged to the whole, and not to the detached portions of a nation. The claims of the Americans tended to remove extensive, inveterate, and galling ills; this besides a right, became a measure of national policy, and when first agitated, if the welfare of the people had been really the object of the rulers in Spain, by merely following the dictates of an enlarged philanthropy, we repeat, that they might have associated their American brehren, by which they would have given force to those parts, they have now disjointed.

No podemos detenernos á considerar los diferentes periodos de hostilidad, de agresion mutua, y de completa enemistad, que se han seguido posteriormente; pero aparecerán con suficiente claridad en las declaraciones oficiales de aquellos departamentos, que han sido reducidos al extremo de una absoluta separacion, y quiza no tenemos todavia en Ingles una colection de documentos que baxo este respecto nos ofrezca tantos datos como la presente. Venezuela ha sido la primera en romper las cadenas que la ligaban á la Madre Patria, y al cabo de dos años empleados en vanos esfuerzos para obtener reformas y desagravios, despues de haber sufrido quantos oprobios é indignidades pudiéron acumularse sobre ella, ha proclamado por fin aquel sagrado è incontestable derecho que tiene todo pueblo para adoptar las medidas mas conducentes á su bien estar interno, y mas eficaces para repeler los ataques del enemigo exterior.

La urgencia delas causas que la han compelido a esta medida extrema aperce en el Manifiesto que dirige al mundo imparcial; y la justicia de las miras de sus representantes, dirigidas á la salud de sus constituentes, se echa tambien de ver en la Constitucion formada para la formacion y administracion de las leyes, como en el resultado de sus declaraciones solennes. Es esta una era nueva, en que los habitantes de Venezuela han visto por la primera vez definidos sus derechos y aseguradas sus libertades; un periodo importante y extraordinario, en que sus mandatarios y jueces se han hecho responsables á ellos solos por su futura conducta; pero aunque es inmensa la transicion de su anterior abatimiento al estado de dignidad en que hoy comparecen, se verá el mismo tiempo que los naturales de la America Española estan generalmente tan bien preparados para gozar de los bienes á que aspiran, como los de la nacion que desea prolongar su tirania sobre ellos; y en los documentos que componen este volumen, no se hallarán ni principios menos grandes, ni conseqüencias menos justas, que en las mas celebres medidas de las Cortes, cuya liberalidad y filantropia es harto inferior á la de los

It is not in our power to enter into the different stages of open hostility, mutual aggression, and growing enmity, that have since been followed up; they are better seen from the official declarations of those sections, which have been driven to the extreme of separation; and perhaps no collection of documents is more explanatory thereof, than the following. Venezuela has been the first to break entirely the fetters which bound her to the mother country, and after three years expended in vain efforts of redress, and after bearing with every degradation and indignity that could be heaped upon her, she has asserted that undoubted right, which every people has, to interpose and to adopt such measures, as are most conducive to their own internal welfare, and the most effective to repel foreign attack.

That imperious causes have compelled her to this step, to this last alternative, is seen by the manifesto she addresses to the impartial world, and that the exertions of the representatives of the people are directed to the well-being of their constituents, is also evinced, by the constitution, framed for the administration of law, as well as from the results of their other solemn deliberations. It is indeed, an æra, new to the inhabitants of Venezuela, to see their rights defined, and their liberties secured; it is a period novel and extraordinary, to behold their rulers and judges become answerable to them alone for their conduct; but though the transition from the abject state in which they lately drooped, to the dignified one in which they now stand, is great, it will nevertheless be found, that the natives of Spanish America, are generally as well prepared to share and enjoy the blessings at which they have aimed, as those of the nation, which seeks to prolong its sway over them; and the documents composing this volume, will be found as well constructed, as well argued, and in every sense as sound, as any of the boasted measures of the Cortes, and they exceed them in liberality and philanthropy. To every mind, pure and unpreju-

Americanos. Todo espiritu recto y despreocupado verá las ocurrencias de Venezuela como honestos y equitativos resultados de los deseos del pueblo, dirigidos á la comun seguridad y bien estar; ni los que animados por el interes de la politica Española, se empeñan en acumular pretestos para perpetuar la dependencia, pueden ofrecer una sola razon de necesidad ó justicia, capaz de sufrir un exámen desapasionado, á menos que se pretenda ser preferible la miseria y envilecimiento de los pueblos, á su libertady prosperidad.

Al adoptar la resolucion de hacerse independiente, sabia sin duda Venezuela, que iba á provocar toda la colera de sus enemigos, y de quantos estaban interesados en la perpetuidad de su dependencia; pero es de esperar de la ilustracion y liberalidad de este pais que tan mezquinos sentimientos no tendran cabida en sus habitantes, y que no faltan entre ellos hombres que miren con el placer mas vivo y puro los progresos de la libertad general, y la extension de la felicidad del genero humano. Ha sido un principio generalmente reconocido en Europa, y de que se gloria en especial la nacion Inglesa, que hay en el pueblo derechos cuyo inestimable goze debe inspirar á sus poseedores la mas rezelosa vigilancia para asegurarlos contra las asechanzas del poder, y para reparar las brechas que el mas perfecto sistema de gobierno, por una conseqüencia de la naturaleza de todas las instituciones humanas, no puede menos de sufrir con el curso del tiempo. ¿Y se pretenderá que á solos los habitantes de las Américas deben rehusarse tales derechos, y por conseqüencia el de velar sobre su integridad? Se les exîgirá que para la distribucion de justicia hayan de atravesar un oceano de dos mil leguas, y que en momentos tan críticos como el actual, subsistan desnudos de todas las atribuciones de los seres políticos, y dependan de otra nacion, que un enemigo poderoso amenaza aniquilar? Se querrá enfin que las colonias Españolas, como una nave sin timon, queden expuestas á los rudos embates de la mas furiosa tempestad política, y prontas á ser la presa de la primera nacion ambiciosa que tenga bastante fuerza para apoderarse de ellas?

diced, the occurrences of Venezuela, will appear as the fair and honest result of a wish on the part of the people to insure to themselves the greatest security and happiness; nor can any opposite allegations of national policy, for a longer dependence, without redress, be urged, that will bear the test of candour and of reason, unless it can be proved, that a country becomes more interesting by being debased, than when rendered free and prosperous.

In adopting the resolution of becoming independent, Venezuela was no doubt aware, that she was about to provoke all the thunder of her enemies, of those who are interested in the continuation of her subjection; but, it is hoped, that this is a country too liberal, and too enlightened for such narrow sentiments here to exist, and that it contains men, who feel the warm effusions of pleasure, to see advanced the cause of general liberty, and the extension of human happiness. In Europe, it has ever been an avowed maxim, and particularly the boast of the English nation, that on the part of the people there is a right, and that it requires all the watchful jealousy which the inestimable enjoyments of that right can inspire, to guard against the rapid encroachments of power, and to repair the breaches, which even the most perfect systems of government, like all other human institutions, may, in the course of time, sustain. And can it be argued, that the people of Spanish America are alone debarred of that right? Can it be supposed, that for the distribution of justice, they are to traverse an ocean of two thousand leagues, that in moments so critical they are to depend, as political nothings, on a nation, herself threatened with destruction from a powerful foe; and like a vessel deprived of her helm, left to be buffeted by the rude tempests ready to assail them, and be exposed to become the prey of the first ambitious nation that may have the strength to effect their conquest?

El espiritu imparcial, que exàmine atentamente los dos lados de la qüestion, necesita de pocas pruebas para conocer con evidencia, que las ideas que se esparcieron en las colonias sobre la desesperada situacion de la España á la entrada de los Franceses en la Andalucia, y el temor de ser arrastrados á caer en manos de los usurpadores, fueron las causas principales de la resolucion tomada por los Americanos de no confiar mas tiempo su seguridad á la administracion de los Europeos, y de poner sus negocios al cuidado de Juntas ó Asambleas Provinciales, formadas al exemplo y por los mismos medios que las de España. Que habia motibo para desconfiar de los Vireyes y capitanes Generales lo han probado los sucesos posteriores, pues no han tenido reparo en proclamar la doctrina de que la America debe correr igual suerte que la Peninsula, y que si la una es conquistada, debe someterse la otra al mismo señor. Los xefes coloniales estaban preparados para esta ocurrencia, y habiendo sido escogidos por el Principe de Paz, nada era mas natural que el que volviesen á sus antiguas miras. ¿Era pues razonable, era justo esperar, que despues de tan larga y funesta experiencia, reposasen tranquilas las colonias sobre las virtudes ó los talentos de tales xefes; ó era prudente el dexarlas á la merced de unos hombres, cuyo único interes era la conservacion de sus empleos, garantida por los Franceses; y por los partidarios Españoles de estos?

Los mayores escritores politicos de nuestro pais han establecido como principio invariable, que las sociedades deben gobernarse por si mismas. Segun Locke, todo gobierno legitimo se deriva del consentimiento del pueblo, porque siendo los hombres naturalmente iguales, no tiene ninguno de ellos derecho de injuriar á los otros en la vida, salud, libertad ó propiedades, y ninguno de quantos componen la sociedad civil está obligado ó sugeto al capricho de otros, sino solamente á leyes fixas y conocidas, hechas para el beneficio de todos: no deben establecerse impuestos, sin el consentimiento de la mayoridad, expresado por el pueblo mismo ó por sus apoderados: los Reyes y Principes, los Magistrados y Funcionarios de todas clases, no exercen otra au-

To the impartial mind, and to him who has carefully examined both sides of the question, much argument will not be necessary, to make it evident, that the ideas which circulated in the Settlements of the hopeless state of Spain, at the time the French entered Andalusia; to which was added the dread of falling into the hands of the same usurpers, were the chief causes of the Americans resolving no longer to trust to the administration of their European governors, conceiving their own affairs more secure when confided to their own assemblies or Juntas, whom they created after the manner of the Provinces of Spain. That they had cause to suspect the whole of the viceroys and governors, has been proved by posterior events; they all proclaimed the doctrine, that America ought to share the same fate as the Peninsula, and that when the one was conquered, the other was to submit; in short, the commanders abroad were prepared for this alternative, they had been previously chosen by the Prince of Peace, and were ready to be moulded to the views on which he had acted. Was it therefore natural, was it reasonable, after their own dear-bought experience, for these distant colonies to have confidence in such chiefs; was it prudent to leave themselves to the mercy of men, who had no other interest in the country, than to prolong the continuation of their command, which had been secured to them by the French, and their Spanish partizans.

The greatest political writers of our own country have established, as an invariable principle, that "Societies ought to be self-governed;" and it has been stated as the sentiments of Locke, "that all legitimate government is derived from the consent of the people, that men are naturally equal, and that no one has a right to injure another in his life, health, liberty, or possessions, and that no man, in civil society, ought to be subject to the arbitrary will of others, but only to known and established laws, made by general consent, for the common benefit. That no taxes are to be levied on the people, without the consent of the majority, given by themselves, or by their deputies. That the ruling power ought to govern by declared

toridad legitima, que la que les ha sido delegada por la nacion; y por tanto, quando esta autoridad no se emplea en el pro comunal, tiene el pueblo el derecho de reasumirla, sean quales fueren las manos en que estuviere colocada."

Estos inenagenables derechos son los que ha exercido Venezuela: sus habitantes han tomado la resolucion de administrar por si mismos sus intereses, y no depender mas tiempo de gobernantes, que contaban con entregarlos á la Francia;* y las páginas de la historia no podran menos de recordar con aprobacion, el uso que en tales circumstancias ha hecho aquel pueblo de sus derechos: derechos, cuya exîstencia ha sido reconida por los Españoles mas ilustrados, y entre otros por Don Gaspar Jovellanos, quien en el famoso dictamen presentado á la Junta Central el 7 de Octubre de 1808, dice expresamente: "que quando un pueblo descubre la sociedad de que es miembro en inminente peligro, y conoce que los administradores de aquella autoridad que debe gobernarle y defenderle estan sobornados y esclavizados, entra naturalmente en la necesidad de defenderse á si mismo, y de consiguiente adquiere un legitimo aunque extraordinario derecho de insurreccion." ¿Se dira pues que tales máxîmas, solo son fundadas para los Españoles Europeos, y no para los Americanos?

Nuestro inimitable Locke nota justamente,† "que las revoluciones no son nunca ocasionadas por pequeños vicios en el manejo de los negocios públicos." Grandes desaciertos en los que administran, muchas leyes injustas y perniciosas, y todos los deslices de la fragilidad humana son todavia poca parte para que el pueblo se amotine ó murmure; pero si una larga serie de abusos, prevaricaciones y artificios, que todos llevan un mismo camino, hacen visible al pueblo un designio, de manera que todos resientan el peso que los oprime, y vean el término á que son conducidos, no será de extrañar que se levanten y depositen el poder en manos que les asegurn los objetos para que fué instituido el

* Leanse las ordenes de Joseph Napoleon á los diferentes gobiernos de America.

† Tratado sobre el Gobierno civil, Lib. 3, §. 225.

" and received laws, and not by extemporary dictates, and unde-
" termined resolutions. That kings and princes, magistrates,
" and rulers of every class, have no just authority but what is
" delegated to them by the people; and which when not employ-
" ed for their benefit, the people have always a right to resume
" in whatever hands it may be placed."

It is of these sacred rights that the people of Venezuela have availed themselves, they resolved to administer their own concerns, to be no longer dependent on governors who were ready to deliver them up to the French,* and in the eye of reason, and in the pages of impartial history, they will be found to have acted correctly. They have made use of that right which the most enlightened Spaniards have acknowledged to exist, and Don Gaspar Jovellanos, in the famous opinion which he laid before the Central Junta on the 7th Oct. 1808, expressly says, " that when
" a people discovers the imminent danger of the society of which
" it is member, and knows that the administrators of the autho-
" rity who ought to govern and defend it, are suborned and en-
" slaved, it naturally enters into the necessity of defending itself,
" and of consequence acquires an extraordinary and legitimate
" right of insurrection." And can it be argued, that these are maxims only formed for the Spaniards of Europe, and that they do not extend to the Americans.?

Our own inimitable Locke justly remarks,† " that revolu-
" tions happen not upon every little mismanagement of public
" affairs. Great mistakes in the ruling part, many wrong and
" inconvenient laws, and all the slips of human frailty, will be
" borne by the people without muting or murmer. But if a
" long train of abuses, prevarications, and artifices, all tending
" the same way, make the design visible to the people, and
" they cannot but feel what they lie under, and see whither they
" are going, it is not to be wondered, that they should then
" rouze themselves, and endeavour to put the rule into such

* Vide the orders from Joseph Napoleon to the different governments of America.

† Treatise on Civil Government, Book 3, §. 225.

Gobierno, y sin los quales los nombres antiguos y las formas especiosas estan tan lexos de valer algo, que mas bien deben tenerse por mucho peores que el estado de naturaleza ó de pura anarquia, pues no son ni menos grandes ni menos inminentes los males, al paso que el remedio es mucho mas distante y difícil.

Montesquieu estableció tambien como una maxîma, si nó como una ley inmutable, que " las naciones solo pueden salvarse por la restauracion de sus principios perdidos." El unico modo de efectuarlo que quedaba á los Americanos, era el de tener gobernantes de su propia eleccion, y responsables á ellos por su conducta: con tales condiciones hubieran accedido gustosos á formar una parte igual y constitutiva de la nacion Española. Solo, pues, el importante fin de su seguridad, y el de libertarse de los males de una orfandad politica, induxeron el pueblo de Venezuela á colocar su confianza en un cuerpo de Representantes de su propia eleccion. El suceso feliz de sus trabajos aparece en las declaraciones del pueblo mismo, y en el contraste de lo que era el pais, y de lo que ya comienza á ser. La futura seguridad de los habitantes está vinculada en el zelo de los miembros que fervorosamente se han consagrado al nuevo órden de cosas, y que impelidos por el estimulo de la regeneracion, parecen competirse en las laudables tareas de dirigir é ilustrar la opinion publica, y en promover el bien general. El sentimiento poderoso del interes comun, y el zelo patriótico difundido por todas las clases, ha producido la mutacion, ha excitado la energia del pueblo. Calloso debe ser á las mas dulces y puras sensaciones, de que es susceptible el corazon del hombre social, el que puede contemplar sin placer esta difusion general de luz y patriotismo, que empieza á resplandecer de un extremo al otro del continente Colombiano, y brilla sobre un pueblo sepultado pocos meses há en las mas profundas tinieblas.

Que un pueblo capaz de dirigir al mundo los sentimientos contenidos en los adjuntos documentos, habiendo logrado salir del obscuro reyno del vasallage feudal, quiera baxar otra vez de la cumbre de la dignidad y felicidad civil, á la miseria y deshonra que acompañan al Gobierno despotico, parece una de las

" hands which may secure to them the ends for which govern-
" ment was at first erected; and without which, ancient names
" and specious forms, are so far from being better, that they
" are much worse than the state of nature, or pure anarchy, the
" inconveniencies being as great, and as near, but the remedy
" further off, and more difficult."

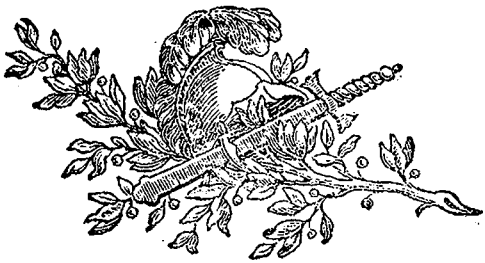
Montesquieu also established as a maxim, if not an immutable law, "that nations can be saved only by the recovery of their lost principles," and to effect this, the only mode left to the Americans was, to have governors of their own choice, answerable to them alone for their conduct; and under such circumstances they have always been ambitious of forming an equal and component part of the Spanish Nation. It was therefore for their own security and in order to get out of the orphan state in which they were plunged, that the people of Venezuela, resolved to place their confidence in a body of Representatives of their own choice, and that their labours have advanced the public happiness, is evinced by the expressions of the people themselves, by the contrasted state of what the country was, and what it now is; and that there is security for the future, may be anticipated from the ardour of numbers who enthusiastically have devoted tsemselves to the new order of things, and who actuated by the stimulus of regeneration, appear to contend who shall be foremost to guide and improve the public mind, and who shall be most active in the defence and promotion of the public good. A sense of common interests, and the general effect of patriotic feeling has produced the change, has called forth the energies of the people; and he must be callous to the glowings of humanity who can contemplate without pleasure, this great effusion of enlightened patriotic spirit, which already gleams from one extreme to the other of the Columbian Continent, and irradiates a people, heretofore buried in the deepest gloom.

That a people, capable of addressing to the world such sentiments, as are contained in the documents comprising this volume, and that after emerging from the dark reign of feudal

grandes quimeras que pueden ocurrir á los visionarios politicos. ¿Qué dirémos pues de los planes que hay en pié con el objeto de remachar sus grillos? A la Inglaterra, colocada como se halla en el mas eminente grado de prosperidad y poder, son particularmente interesantes los progresos de las sociedades en economia, legislacion y civilizacion; pero es un deber en su Gobierno promover el bien estar de unos paises que han dado tantas pruebas de afecto hacia ella, que le proporcionan consumo para el quarto del total de sus manufacturas, y que le prometen mas ricos retornos que ninguna otra nacion. El exemplo que dá Venezuela al resto de la America Española es como la Aurora de un dia sereno. ¡Oxala que ninguna ocurrencia siniestra retarde ó impida los progresos de una causa, que tiene por objeto esparcir los beneficios de una regeneracion civil hasta los ultimos confines de aquella hermosa porcion de la tierra!

vassallage, they will ever again descend from the summit of felicity and dignity to which they have attained, to the wretchedness and dishonour attendant on despotic government, appears the wild chimera of political visionaries. What then are we to judge of the plans on foot, to rivet again their chains? Placed as England is, on the elevated political pinnacle on which she now stands, it interests her to view the progress of societies in economy, legislation, and civilization, and it becomes a sacred duty to promote the well being of a country well affected towards her; which besides, affords a consumption of one fourth of the whole of her manufactures, and offers in payment, richer returns than any other nation. The period, in short, which Venezuela presents to the rest of Spanish America, is, as the dawn of a mild and serene day, and it is sincerely to be hoped, that no untoward events, will, in any way, retard or impede her progress in a cause that has for object, to spread the blessings and benefits of regeneration and civil freedom, to the utmost confines of that interesting division of the globe.

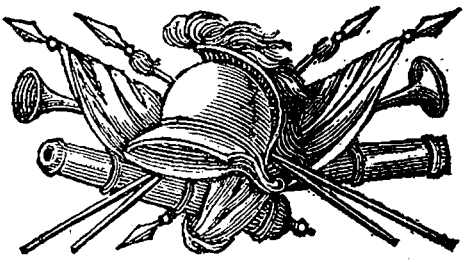
N. B. The English reader is requested in *page* 57, *line* 26, for *Good Friday*, to read *Holy Thursday*, and also to bear in mind, that as the documents composing this volume are official, it was necessary to render the version as literal as possible. Any accidental typographical errors that may occur, it is hoped will be attributed to the hurry of publication.



ACTA.

En el Nombre de Dios Todopoderoso,

NOSOTROS los Representantes de las Provincias unidas de CARACAS, CUMANA, BARINAS, MARGARITA, BARCELONA, MERIDA, y TRUXILLO, que forman la Confederacion Americana de Venezuela en el Continente Meridional, reunidos en Congreso, y considerando la plena y absoluta posesion de nuestros derechos, que recobramos justa y legitimamente desde el 19 de Abril de 1810, en conseqüencia de la Jornada de Bayona, y la ocupacion del Trono Español, por la conquista y sucesion de otra nueva Dinastia, constituida sin nuestro consentimiento: queremos antes de usar de los derechos de que nos tuvò privados la fuerza, por mas de tres siglos, y nos ha restituido el orden politico de los acontecimientos humanos, patentizar al Universo las razones, que han emanado de estos mismos acontecimentos, y autorizan el libre uso que vamos à hacer de nuestra Soberania.



ACT OF INDEPENDENCE.

In the Name of the All-powerful God,

WE the Representatives of the united Provinces of CARACAS, CUMANA, VARINAS, MARGARITA, BARCELONA, MERIDA, and TRUXILLO, forming the American Confederation of Venezuela, in the South Continent, in Congress assembled, considering the full and absolute possession of our Rights, which we recovered justly and legally from the 19th of April, 1810, in consequence of the occurrences in Bayona, and the occupation of the Spanish Throne by conquest, and the succession of a new Dynasty, constituted without our consent: are desirous, before we make use of those Rights, of which we have been deprived by force for more than three ages, but now restored to us by the political order of human events, to make known to the world the reasons which have emanated from these same occurrences, and which authorise us in the free use we are now about to make of our own Sovereignty.

No queremos, sin embargo, empezar alegando los derechos que tiene todo pais conquistado, para recuperar suestado de Propriedad è Independencia: olvidamos generosamente la larga serie de males, agravios y privaciones, que el derecho funesto de conquista ha causado indistintamente á todos los descendientes de los Descubridores, Conquistadores y Pobladores de estos países, hechos de peor condicion, por la misma razon que debia favorecerlos; y corriendo un velo sobre los trescientos años de dominacion Española en Amèrica, solo presentarèmos los hechos autenticos y notorios, que han devido desprender y han desprendido de derecho á un mundo de otro, en el trastorno, desórden y conquista que tiene yá disuelta la nacion Española.

Este desorden ha aumentado los males de la America, inutilizandole los recursos y reclamaciones, y autorizando la impunidad de los Gobernantes de España, para insultar y oprimir esta parte de la nacion, dexandola sin el amparo y garantia de las Leyes.

Es contrario al orden, imposible al Gobierno de España, y funesto à la America, el que teniendo esta un territorio infinitamente mas extenso, y una Poblacion incomparablemente mas numerosa, dependa y estè sugeta á un angulo Peninsular del Continente Europeo.

Las Sesiones y Abdicaciones de Bayona; las Jornadas del Escorial, y de Aranjuez, y las Ordenes del lugar Teniente, Duque de Berg, à la America, debieron poner en uso los derechos que hasta entonces ha-

We do not wish, nevertheless, to begin by alledging the rights inherent in every conquered country, to recover its state of property and independence; we generously forget the long series of ills, injuries, and privations, which the sad right of conquest has indistinctly caused, to all the descendants of the Discoverers, Conquerors, and Settlers of these Countries, plunged into a worse state by the very same cause that ought to have favoured them; and, drawing a veil over the 300 years of Spanish dominion in America, we will now only present to view the authentic and well-known facts, which ought to have wrested from one world, the right over the other, by the inversion, disorder, and conquest, that have already dissolved the Spanish Nation.

This disorder has increased the ills of America, by rendering void its claims and remonstrances, enabling the Governors of Spain to insult and oppress this part of the Nation, thus leaving it without the succour and guarantee of the Laws.

It is contrary to order, impossible to the Government of Spain, and fatal to the welfare of America, that the latter, possessed of a range of country infinitely more extensive, and a population incomparably more numerous, should depend and be subject to a Peninsular Corner of the European Continent.

The Cessions and Abdications at Bayona, the Revolutions of the Escurial and Aranjuez, and the Orders of the Royal Substitute, the Duke of Berg, sent to America, suffice to give virtue to the rights, which

bian sacrificado los Americanos, á la unidad é integridad de la nacion Española.

Venezuela antes que nadie reconociò, y conservò generosamente esta integridad por no abandonar la causa de sus hermanos, mientras tuvo la menor apariencia de salvacion.

La America volvió á existir de nuevo, desde que pudo y debiò tomar á su cargo su suerte y conservacion; como la España pudo reconocer, ò no, los derechos de un Rey que habia apreciado mas su existencia que la dignidad de la nacion que gobernaba.

Quantos Borbones concurrieron à las invalidas estipulaciones de Bayona, abandonando el territorio Español, contra la voluntad de los Pueblos, faltaron, despreciaron, y hollaron el deber sagrado, que contraxeron con los Españoles de ambos mundos, quando con su sangre y sus tesoros, los colocaron en el Trono á despecho de la casa de Austria; por esta conducta, quedaron inhabiles, é incapáces de gobernar á un Pueblo libre, á quien entregaron como un rebaño de Esclavos.

Los intrusos Gobiernos que se abrogaron la Representacion nacional, aprovecharon perfidamente las disposiciones, que la buena fé, la distancia, la opresion, y la ignorancia, daban á los Americanos contra la nueva Dinastia, que se introduxo en España por la fuerza; y contra sus mismos principios, sostuvieron entre nosotros la ilusion a favor de Fernando, para devorarnos y vexarnos impunemente

till then the Americans had sacrificed to the unity and integrity of the Spanish Nation.

Venezuela was the first to acknowledge, and generously to preserve, this integrity; not to abandon the cause of its brothers, as long as the same retained the least hope of salvation.

America was called into a new existence, since she could, and ought, to take upon herself the charge of her own fate and preservation; as Spain might acknowledge, or not, the rights of a King, who had preferred his own existence to the dignity of the Nation over which he governed.

All the Bourbons concurred to the invalid stipulations of Bayona, abandoning the country of Spain, against the will of the People;---they violated, disdained, and trampled on the sacred duty they had contracted with the Spaniards of both Worlds, when with their blood and treasure they had placed them on the Throne, in despite of the House of Austria. By such a conduct, they were left disqualified and incapable of governing a Free People, whom they delivered up like a flock of Slaves.

The intrusive Governments that arrogated to themselves the National Representation, took advantage of the dispositions which the good faith, distance, oppression, and ignorance, created in the Americans, against the new Dynasty that had entered Spain by means of force; and, contrary to their own principles, they sustained amongst us the illusion in favour of Ferdinand, in order to devour and harass us with

quando mas nos prometian la libertad, la igualdad y la fraternidad, en discursos pomposos y frases estudiadas, para encubrir el lazo de una representacion amañada, inútil y degradante.

Luego que se disolvieron, substituyeron y destruyeron entre si las varias formas de Gobierno de España, y que la ley imperiosa de la necesidad, dictò á Venezuela el conservarse a si misma, para ventilar y conservar los derechos de su Rey, y ofrecer un asilo á sus hermanos de Europa, contra los males que les amenazaban, se desconociò toda su anterior conducta, se variaron los principios, y se llamó insurreccion, perfidia é ingratitud, á lo mismo que sirvió de norma á los Gobiernos de España, por que ya se les cerraba la puerta al monopolio de administracion, que querian perpetuar a nombre de un Rey imaginario.

A pesar de nuestras protestas, de nuestra moderacion, de nuestra generosidad, y de la inviolabilidad de nuestros principios, contra la voluntad de nuestros hermanos de Europa, se nos declara en estado de rebelion; se nos bloquea; se nos hostiliza; se nos envian agentes á amotinarnos unos contra otros, y se procura desacreditarnos entre todas las naciones de Europa, implorando sus auxilios para oprimirnos.

Sin hacer el menor aprecio de nuestras razones, sin presentarlas al imparcial juicio del mundo, y sin otros

impunity: at most, they promised to us liberty, equality, and fraternity, conveyed in pompous discourses and studied phrases, for the purpose of covering the snare laid by a cunning, useless, and degrading Representation.

As soon as they were dissolved, and had substituted and destroyed amongst themselves the various forms of the Government of Spain; and as soon as the imperious law of necessity had dictated to Venezuela the urgency of preserving itself, in order to guard and maintain the rights of her King, and to offer an asylum to her European brethren against the ills that threatened them; their former conduct was divulged: they varied their principles, and gave the appellations of insurrection, perfidy, and ingratitude, to the same acts that had served as models for the Governments of Spain; because then was closed to them the gate to the monopoly of administration, which they meant to perpetuate under the name of an imaginary King.

Notwithstanding our protests, our moderation, generosity, and the inviolability of our principles, contrary to the wishes of our brethren in Europe, we were declared in a state of rebellion; we were blockaded; war was declared against us; agents were sent amongst us, to excite us one against the other, endeavouring to take away our credit with the other Nations of Europe, by imploring their assistance to oppress us.

Without taking the least notice of our reasons, without presenting them to the impartial judgment of

jueces que nuestros enemigos, se nos condena á una dolorosa incomunicacion con nuestros hermanos; y para añadir el desprecio á la calumnia se nos nombran apoderados contra nuestra expresa voluntad, para que en sus Cortes dispongan arbitrariamente de nuestros intereses, baxo el influxo y la fuerza de nuestros enemigos.

Para sofocar y anonadar los efectos de nuestra representacion, quando se vieron obligados á concedernosla, nos sometieron á una tarifa mezquina y diminúta, y sugetaron á la voz pasiva de los Ayuntamientos, degradados por el despotismo de los Gobernadores, la forma de la eleccion: lo que era un insulto á nuestra sencillez y buena fé, mas bien que una consideracion á nuestra incontestable importancia politica.

Sordos siempre á los gritos de nuestra Justicia, han procurado los Gobiernos de España, desacreditar todos nuestros esfuerzos, declarando criminales, y sellando con la infamia, el cadalso y la confiscacion, todas las tentativas, que en diversas epocas, han hecho algunos Americanos, para la felicidad de su pais, como lo fue, la que ultimamente nos dictó la propia seguridad, para no ser envueltos en el desorden, que presentiamos, y conducidos á la horrorosa suerte, que vamos ya à apartar de nosotros para siempre: con esta atroz politica, han logrado hacer à nuestros hermanos, insensibles à nuestras desgracias, armarlos contra nosotros, borrar de ellos las dulces impresiones de la

the world, and without any other judges than our own enemies, we are condemned to a mournful incommunication with our brethren; and, to add contempt to calumny, empowered agents are named for us, against our own express will, that in their Cortes they may arbitrarily dispose of our interests, under the influence and force of our enemies.

In order to crush and suppress the effects of our Representation, when they were obliged to grant it to us, we were submitted to a paltry and diminutive scale; and the form of election was subjected to the passive voice of the Municipal Bodies, degraded by the despotism of the Governors: which amounted to an insult to our plain dealing and good faith, more than a consideration of our incontestible political importance.

Always deaf to the cries of justice on our part, the Governments of Spain have endeavoured to discredit all our efforts, by declaring as criminal, and stamping with infamy, and rewarding with the scaffold and confiscation, every attempt, which at different periods some Americans have made, for the felicity of their country: as was that which lately our own security dictated to us, that we might not be driven into a state of disorder which we foresaw, and hurried to that horrid fate which we are about to remove for ever from before us By means of such atrocious policy, they have succeeded in making our brethren insensible to our misfortunes; in arming them against us; in erasing from their bosoms the sweet impressions of

amistad, y de la consanguinidad, y convertir en enemigos, una parte de neustra gran familia.

Quando nosotros fieles à nuestras promesas, sacrificabamos nuestra seguridad y dignidad civil, por no abandonar les derechos que generosamente conservamos à Fernando de Borbon, hemos visto, que à las relaciones de la fuerza que le ligaban con el Emperador de los Franceses, ha añadido los vinculos de sangre y amistad, por los que hasta los Gobiernos de España, han declarado ya su resolucion, de no reconocerle sino condicionalmente.

En esta dolorosa alternativa hemos permanecido tres años en una indecision y ambigüedad politica, tan funesta y peligrosa, que ella sola bastaria à autorizar la resolucion que la fé de nuestras promesas, y los vinculos de la fraternidad, nos habian hecho diferir; hasta que la necesidad nos ha obligado à ir mas allà de lo que nos propusimos, impelidos por la conducta hostil, y desnaturalizada de los Gobiernos de España, que nos ha relevado del juramento condicional, con que hemos sido llamados à la augusta representacion que exercemos.

Mas nosotros que nos gloriamos de fundar nuestro proceder en mejores principios, y que no queremos establecer nuestra felicidad sobre la desgracia de nuestros semejantes, miramos, y declaramos como amigos nuestros, compañeros de nuestra suerte, y partícipes de nuestra felicidad, à los que unidos con nosotros por los vinculos de la sangre, la lengua, y la religion, han sufrido los mismos males en el anterior

friendship, of consanguinity; and converting into enemies a part of our own great family.

At a time that we, faithful to our promises, were sacrificing our security and civil dignity, not to abandon the rights which we generously preserved to Ferdinand of Bourbon, we have seen that, to the relations of force which bound him to the Emperor of the French, he has added the ties of blood and friendship; in consequence of which, even the Governments of Spain have already declared their resolution only to acknowledge him conditionally*.

In this mournful alternative we have remained three years, in a state of political indecision and ambiguity, so fatal and dangerous, that this alone would suffice to authorise the resolution, which the faith of our promises and the bonds of fraternity had caused us to defer, till necessity has obliged us to go beyond what we at first proposed, impelled by the hostile and unnatural conduct of the Governments of Spain, which have disburdened us of our conditional oath, by which circumstance, we are called to the august representation we now exercise

But we, who glory in grounding our proceedings on better principles, and not wishing to establish our felicity on the misfortunes of our fellow-beings, do consider and declare as friends, companions of our fate, and participators of our felicity, those who, united to us by the ties of blood, language, and re-

* He was at one time supposed to be married to a relation of Buonaparte.

orden; siempre que reconociendo nuestra *absoluta independencia* de el, y de toda otra denominacion extraña, nos ayuden á sostenerla con su vida, su fortuna y su opinion, declarandolos y reconociendolos, (como á todas las demas Naciones) en guerra enemigos, y en paz amigos, hermanos, y compatriotas.

En atencion á todas estas solidas, publicas, e incontesables razones de politica, que tanto persuaden la necesidad de recobrar la dignidad natural, que el orden de los sucesos, nos ha restituido: en uso de los imprescriptibles derechos que tienen los Pueblos, para destruir todo pacto, convenio ó asociacion que no llena los fines para que fueron instituidos los Gobiernos, creemos que no podemos ni debemos conservar los lazos que nos ligaban al Gobierno de Eepaña, y que como todos los Pueblos del mundo, estamos libres y autorizados, para no depender de otra autoridad que la nuestra, y tomar entre las Potencias de la tierra, el puesto igual que el SER SUPREMO, y la naturaleza nos asignan, y á que nos llama la sucesion de los acontecimientos humanos, y nuestro propio bien y utilidad.

Sin embargo de que conocemos las dificultades que trae consigo, y las obligaciones que nos impone el rango que vamos a ocupar en el orden politico del mundo, y la influencia poderosa de las formas y habitudes à que hemos estado, á nuestro pesar, acostumbrados; tambien conocemos que la vergonzosa sumision á ellas, quando podemos sacudirlas, seria mas ignominioso para nosotros, y mas funesto para

ligion, have suffered the same evils in the anterior order of things, provided they acknowledge our *absolute independence* of the same, and of any other foreign power whatever; that they aid us to sustain it with their lives, fortune, and sentiments; declaring and acknowledging them (as well as to every other nation,) in war enemies, and in peace friends, brothers, and co-patriots.

In consequence of all these solid, public, and incontestible reasons of policy, which so powerfully urge the necessity of recovering our natural dignity, restored to us by the order of events; and in compliance with the imprescriptible rights enjoyed by nations, to destroy every pact, agreement, or association, which does not answer the purposes for which governments were established; we believe that we cannot, nor ought not, to preserve the bonds which hitherto kept us united to the Government of Spain; and that, like all the other nations of the world, we are free, and authorised not to depend on any other authority than our own, and to take amongst the powers of the earth the place of equality which the Supreme Being and Nature assign to us, and to which we are called by the succession of human events, and urged by our own good and utility.

Notwithstanding we are aware of the difficulties that attend, and the obligations imposed upon us, by the rank we are about to take in the political order of the world; as well as the powerful influence of forms and habitudes, to which unfortunately we have been

nuestra posteridad, que nuestra larga y penosa servidnmbre, y que es ya de nuestro indispensable deber proveer ànuestra conservacion, seguridad, y felicidad, variando esencialmente todas las formas de nuestra anterior constitucion.

Por tanto, creyendo con todas estas razones satisfecho el respeto que debemos à las opiniones del genero humano, y à la dignidad de las demas Naciones, en cuyo numero vamos à entrar, y con cuya comunicacion y amistad contamos: nosotros los Representantes de las Provincias unidas de Venezuela, poniendo por testigo al Ser Supremo de la justicia de nuestro proceder, y de la rectitud de nuestras intenciones; implorando sus divinos y celestiales auxilios, y ratificandole, en el momento en que nacemos à la dignidad, que su providencia nos restituye el deseo de vivir, y morir libres, creyendo y defendiendo la Santa Catolica, y Apostolica Religion de Jesu-Christo: Nosotros, pues à nombre y con la voluntad, y autoridad que tenemos del virtuoso pueblo de Venèzuela, declaramos solemnemente al mundo, que sus Provincias unidas, son y deben ser, desde hoy de hecho y de derecho Estados libres, Soberanos é independientes, y que estan absueltos de toda submision y dependencia de la corona de España, ó de los que se dicen, ó dixeren apoderados ò representantes, y que como tal Estado libre è independiente, tiene un pleno poder, para darse la forma de Gobierno, que sea conforme à la voluntad general de sus pueblos, declarar la guerra, hacer la paz, formar alianzas, arreglar tratados de

accustomed: we at the same time know, that the shameful submission to them, when we can throw them off, would be still more ignominious for us, and more fatal to our posterity, than our long and painful slavery; and that it now becomes an indispensable duty to provide for our own preservation, security, and felicity, by essentially varying all the forms of our former constitution.

In consequence whereof, considering, by the reasons thus alledged, that we have satisfied the respect which we owe to the opinions of the human race, and the dignity of other nations, in the number of whom we are about to enter, and on whose communication and friendship we rely: We, the Representatives of the United Provinces of Venezuela, calling on the SUPREME BEING to witness the justice of our proceedings and the rectitude of our intentions, do implore his divine and celestial help; and ratifying, at the moment in which we are born to the dignity which his Providence restores to us, the desire we have of living and dying free, and of believing and defending the holy Catholic and Apostolic Religion of Jesus Christ. We, therefore, in the name and by the will and authority which we hold from the virtuous People of Venezuela, DO declare solemnly to the world, that its united Provinces are, and ought to be, from this day, by act and right, Free, Sovereign, and Independent States; and that they are absolved from every submission and dependence on the Throne of Spain, or on those who do, or may call

comercio, limite y navegacion, hacer y executar todos los demas actos que hacen y executan las Naciones libres, é independientes. Y para hacer valida, firme y subsistente esta nuestra solemne declaracion, damos y empeñamos mutuamente unas Provincias á otras, nuestras vidas, nuestras fortunas, y el sagrado de nuestro honor nacional. Dada en el Palacio Federal y de Caracas, firmada de nuestra mano, sellada con el gran sello Provisional de la confederacion, refrendada por el Secretario del Congreso, á cinco dias del mes de Julio del año de mil ochocientos once, el primero de nuestra independencia.—Por la Provincia de Caracas.—Ysidoro Antonio Lopez Mendez, Diputado de la Ciudad de Caracas.—Juan German Roscio, por el partido de la Villa de Calabozo.—Felipe Fermin Paul, por el partido de San Sebastian.—Francisco Xavier Uztariz, por el partido de San Sebastian—Nicolas de Castro, Diputado de Caracas.—Juan Antonio Rodriguez Dominguez, Presidente, Diputado de Nutrias en Barinas.—Luis Ygnacio Mendoza, Vice Presidente, Diputado de Obispos en Barinas.—Fernando de Peñalver, Diputado de Valencia.—Gabriel Perez de Pagola, Diputado de Ospino.—Salvador Delgado, Diputado de Nirgua.—El Marques del Toro, Diputado de la Ciudad del Tocuyo.—Juan Antonio Diaz Argote, Diputado de la Villa de Cura.—Gabriel de Ponte, Diputado de Caracas.—Juan José Maya, Diputado de San Felipe.—Luis José de Cazorla, Diputado de Valencia.—Dr. José Vicente Unda, Diputado de

themselves its Agents and Representatives; and that a free and independent State, thus constituted, has full power to take that form of Government which may be conformable to the general will of the People. to declare war, make peace, form alliances, regulate treaties of commerce, limits, and navigation; and to do and transact every act, in like manner as other free and independent States. And that this, our solemn Declaration, may be held valid, firm, and durable, we hereby mutually bind each Province to the other, and pledge our lives, fortunes, and the sacred tie of our national honour. Done in the Federal Palace of Caracas; signed by our own hands, sealed with the great Provisional Seal of the Confederation, and countersigned by the Secretary of Congress, this 5th day of July, 1811, the first of our Independence.—For the Province of Caracas, Isidoro Antonio Lopez Mendez, Deputy of the City of Caracas.—Juan German Roscio, for the district of the Town of Calabozo.—Felipe Fermin Paul, for the district of San Sebastian.—Francisco Xavier Uztariz, for the district of San Sebastian.—Nicolas De Castro, Deputy for Caracas.—Juan Antonio Rodriguez Dominguez, President, and Deputy for Nutrias in Barinas.—Luis Ignacio Mendoza, Vice-President, Deputy of Obispos in Barinas.—Fernando de Peñalver, Deputy for Valencia.—Gabriel Perez de Pagola, Deputy of Ospino.—Salvador Delgado, Deputy for Nirgua.—The Marquis del Toro, Deputy for the City of Tocuyo.—Juan Antonio Dias Argote, Deputy for the Town of Cura.—

Guanare.—Francisco Xavier Yanes, Diputado de Araure.—Fernando Toro, Diputado de Caracas.—Martin Tovar Ponte, Diputado de San Sebastian.—Juan Toro, Diputado de Valencia.—José Angel de Alamo, Diputado de Barquisimeto.—Francisco Hernandez, Diputado de San Carlos.—Lino de Clemente, Diputado de Caracas.—Por la Provincia de Cumaná, Francisco Xavier de Mayz, Diputado de la Capital.—José Gabriel de Alcalá, Diputado de idem.—Juan Bermudez, Diputado del Sur.—Mariano de la Cova, Diputado del Norte.—Por la de Barcelona—Francisco Miranda, Diputado del Pao.—Francisco Policarpo Ortiz, Diputado de San Diego.—Por la de Barinas.—Juan Nepomuceno de Quintana, Diputado de Achaguas.—Ygnacio Fernandez, Diputado de la Capital de Barinas.—Ygnacio Ramon Briceño, representante de Pedraza.—José de Sata y Bussy, Diputado de San Fernando de Apure.—José Luis Cabrera, Diputado de Guanarito.—Ramon Ygnacio Mendez, Diputado de Guasdualito.—Manual Palacio, Diputado de Mijagual.—Por la de Margarita.—Manual Placido Maneyro.—Por la de Merida.—Antonio Nicholas Briceño, Diputado de Merida.—Manuel Vicente de Maya, Diputado de la Grita.—Por la de Truxillo. Juan Pablo Pacheco.—Por la Villa de Aragua Provincia de Barcelona.—José Maria Ramirez. Refrendado: Hay un sello. Francisco Isnardy, Secretario.

Gabriel de Ponte, Deputy for Caracas.—Juan Jozé Maya, Deputy of San Felipe.—Luis Jozé de Cazorla, Deputy of Valencia.—Dr. Jozé Vicente Unda, Deputy of Guanare.—Francisco Xavier Yanes, Deputy of Araure.—Fernando Toro, Deputy of Caracas.—Martin Tovar Ponte, Deputy of San Sebastian.—Juan Toro, Deputy of Valencia.—José Angel de Alamo, Deputy for Barquisimeto.—Francisco Hernandez, Deputy for San Carlos.—Lino De Clemente, Deputy of Caracas.——For the Province of Cumanà—Francisco Xavier de Mayz, Deputy for the Capital.—Jozé Gabriel de Alcalà, Deputy for ditto.—Juan Bermudez, Deputy for the South.—Mariano de la Cova, Deputy for the North.—For Barcelona—Francisco Miranda, Deputy of Pao.—Francisco Policarpo Ortiz, Deputy for San Diego.—For Barinas—Juan Nepomuceno de Quintana, Deputy for Achaguas.—Ignacio Fernandez, Deputy for the Capital of Barinas.—Ignacio Ramon Briceño, Representative of Pedraza.—Jozé de Sata y Bussy, Deputy for San Fernando de Apure.—Jozé Luis Cabrera, Deputy for Guanarito.—Ramon Ignacio Mendez, Deputy for Guasdualito.—Manuel Palacio, Deputy for Mijagual.—For Margarita—Manuel Placido Maneyro.—For Merida.—Antonio Nicolas Briceño, Deputy for Merida.—Manuel Vicente de Maya, Deputy for La Grita—For Truxillo Juan Pablo Pacheco—For the Town of Aragua, in the Province of Barcelona.—Jozé Maria Ramirez. (Seal.) Legalised.—Francisco Isnardy, Secretary.

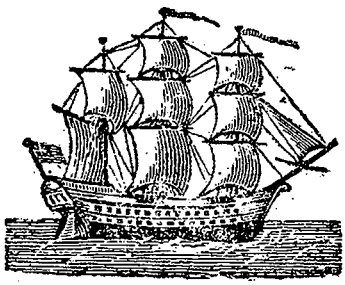
Decreto del Supremo Poder Executivo.

Palacio Federal de Caracas, 8 *de Julio de* 1811.

Por la Confederacion de Venezuela, el Poder Executivo ordena que la Acta antecedente sea Publicada, Executada, y Autorizada con el Sello del Estado y Confederacion.

CRISTOVAL DE MENDOZA, *Presidente en turno.*
JUAN DE ESCALONA.
BALTAZAR PADRON.
MIGUEL JOSE SANZ, *Secretario de Estado.*
CARLOS MACHADO, *Chanciller Mayor.*
JOSE TOMAS SANTANA, *Secretario de Decretos.*

Aqui el Sello.



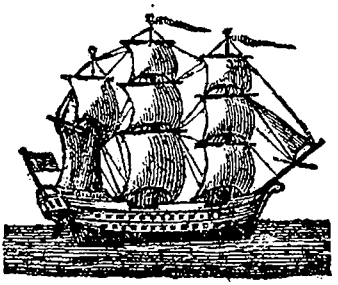
Decree of the Supreme Executive Power.

Federal Palace of Caracas, July 8, 1811.

For the Confederation of Venezuela, the Executive Power ordains, that the antecedent Act be published, executed, and authorised by the Seal of the State and Confederation.

CHRISTOVAL DE MENDOZA, *President.*
JUAN DE ESCALONA,
BALTAZUR PADRON,
MIGUEL JOSE SANZ, *Secretary of State,*
CARLOS MACHADO, *Chancellor,*
JOZE THOMAS SANTANA, *Secretary of Decrees.*

(L.S.)



ARTICULOS,

COMPREHENDIDOS EN LA

Declaracion de la Sesion Legislativa

DE 1° DE JULIO, DE 1811,

SANCIONADA Y PUBLICADA.

ART. XXV.

TODOS los extrangeros de qualquiera nacion, serán recibidos en la Provincia de Caracas.

XXVI.

LAS personas y las propiedades de los extrangeros, gozarán de la misma seguridad que las de los demas ciudadanos, con tal que reconozcan la Soberanía é independencia, y respeten la Religion Cathólica, única en este pais.

XXVII.

LOS extrangeros que residan en la Provincia de Caracas, habiendose naturalizado, y siendo propietarios gozarán de todos los derechos de ciudadanos.

ARTICLES

COMPREHENDED IN THE

Declaration of the Legislative Session,

OF THE 1st. JULY, 1811.

SANCTIONED AND PUBLISHED.

ART XXV.

ALL foreigners of whatever nation, will be received in the province of Caracas.

XXVI.

THE persons and properties of foreigners, shall enjoy the same security as those of the other citizens, provided they acknowledge the Sovereignty and independence, and respect the catholic religion, the only one in this country.

XXVII.

THE foreingers who reside in the province of Caracas, being naturalized, and having the necessary property shall enjoy all the rights of citizens.

ADVERTENCIA.

LA inmensidad de terrenos que hay en la Provincia de Caracas: la abundancia de aguas perennes que los fertilizan: la diversidad de frutos y su preciosidad, ofrecen al hombre laborioso las mas grandes utilidades en la agricultura. La situacion geografica de una grande extension de costas al frente de las Antillas y demas Islas, y el gran consumo de los Estados de Venezuela, confederados con los de Cundinamarca ò Santa Fé, franquean y facilitan su comercio, haciendole el mas ventajoso del Universo. El carácter de los habitantes inclinados á la paz: la suavidad de sus costumbres: la urbanidad de su trato: el afecto que profesan á los extrangeros: y últimamente la benignidad del clima, y una perpetua primavera, convidan al hombre á fixarse en la Provincia de Caracas como agricultor, artesano ó comerciante. El Gobierno interesado en proteger á todos, dará tierras al que quiera cultivarlas, y asegurará en sus respectivas profesiones á los que se dediquen al comercio, á la industria y á las artes. Solo perseguirá y expulsará á los genios turbulentos y ociosos que ponen su conato en turbar la tranquilidad y sosiego de los que trabajan y viven ocupados. El hombre laborioso y pacífico, obtiene en Venezuela toda la proteccion del Gobierno, y la estimacion del Pueblo.

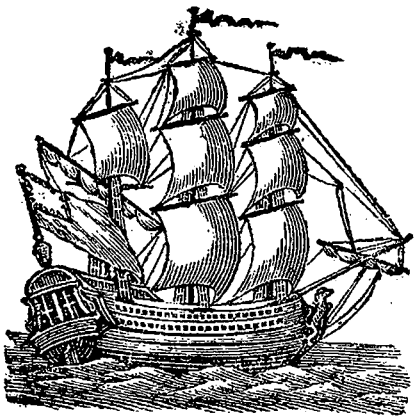
OBSERVATION.

THE immense quantity of lands in the province of Caracas, the abundance of perpetual streams which fertilize them; the diversity of productions and their richness, offer to the industrious man the greatest advantages in agriculture. The geographical situation of a great extent of coast opposite the Antilles and other Islands, the great consumption of the States of Venezuela, confederated with those of Cundinamarca or Santa-Fé, open and facilitate a commerce the most advantageous in the universe. The peaceable character of the inhabitants; the mildness of their behaviour, the regard they shew to foreigners; and lastly the mildness of the climate, it being a perpetual spring, invite persons to settle in the province of Caracas, as cultivators, artisans or merchants. The Government interested in protecting all, will give lands to any person who may wish to cultivate them: and will secure, in their respective professions, all those who dedicate themselves to commerce, industry and the arts; it will alone prosecute and expel the turbulent and the idle, who apply themselves to disturbing the tranquility and peace of those who live occupied. The industrious and peaceable man will enjoy in Venezuela the protection of government and the estimation of the people.

Ademas se advierte que aunque el comercio de negros está prohibido en Venezuela, no comprehende la prohibicion à los extrangeros que vengan con sus esclavos à establecerse con ellos, precisamente destinados à la agricultura, ó dedicados à algun arte ó profession útil y ventajosa al Estado.

Miguel Jose Sanz,

Sec°. de Estado.



And it is also to be observed that notwithstanding the importation of negroes is prohibited in Venezuela, this does not include the foreigners who may come with their slàves, to make agricultural establishments, or to pursue any art or profession useful and advantageous to the state.

Michael Joseph Sanz,

SECY. OF STATE.

MANIFIESTO

QUÆ HACE AL MUNDO

LA CONFEDERACION DE VENEZUELA,

EN LA AMERICA MERIDIONAL,

De las razones en que ha fundado su Absoluta Independencia de la España, y de qualquiera otra denominacion extrangera.

Formado, y mandado publicar por acuerdo del Congreso General de sus Provincias-Unidas

Nunc quid agenum sit considerate

LA América condenada por mas de tres siglos á no tener otra exîstencia que la de servir á aumentar la preponderancia politica de la España, sin la menor influencia ni participacion en su grandeza, hubiera llegado por el órden de unos sucesos en que no ha tenido otra parte que el sufrimiento, á ser el garante y la victima del desórden, corrupcion y conquista que ha desorganizado á la nacion conquistadora, si el instinto de la propia seguridad no hubiese dictado

MANIFEST

MADE TO THE WORLD BY THE

CONFEDERATION OF VENEZUELA,

IN SOUTH AMERICA,

Of the reasons on which she has founded her Absolute Independence of Spain, and of every other Foreign Power whatever.

Done and ordered to be Published by the General Congress of the United Provinces.

Nunc quid sit agendum considerate

SPANISH America, condemned for more than three centuries, to have no other existence than to serve to increase the political preponderance of Spain, without the least influence or participation in her greatness; would eventually have arrived by the order of events, in which she has had no other part than sufferance, to be the sure sacrifice and victim of that same disorder, corruption, and conquest, which have disorganized the nation that first conquered her; if the instinct of self-security had not dictated to the

á los Americanos, que habia llegado el momento de obrar, para coger el fruto de trescientos años de inaccion, y de paciencia

Si el descubrimiento del nuevo mundo fué uno de los acontecimientos mas interesantes á la especie humana, no lo será menos la regeneracion de este mismo mundo degradado desde entónces por la opresion y la servidumbre. La América levantandose del polvo y las cadenas, y sin pasar por las gradaciones politicas de las Naciones, va á conquistar por su turno al antiguo mundo, sin inundarlo, esclavizarlo, ni embrutecerlo. La revolucion mas útil al género humano, será la de la América, quando constituida y gobernada por sí misma, abra los brazos para recibir á los pueblos de la Europa, hollados por la politica, ahuyentados por la guerra, y acosados por el furor de todas las pasiones; sedientos entónces de paz y de tranquilidad, atravesarán el oceano los habitantes del otro hemisferio, sin la ferocidad ni la perfidia de los heroes del siglo 16: como amigos, y no como tiranos: como menesterosos, y no como señores: no para destruir, sino para edificar: no como tigres, sino como hombres que horrorizados de nuestras antiguas desgracias, y enseñados con las suyas, no convertirán su razon en un instinto malefico, ni querrán que nuestros anales sean ya los anales de la sangre y la perversidad. Entonces la navegacion, la geografia, la astronomia, la industria y el comercio, perfeccionados por el descubrimento de la América, para su mal, se convertirán en otros tantos medios de acelerar, con-

Americans, that the moment of acting had arrived, and that it was time to reap the fruits of three hundred years of inaction and patience.

If the discovery of the new world was one of the most interesting occurrences to the human race, no less so will be the regeneration of this same world, degraded from that period by oppression and servitude. America, raising herself from the dust, and freed of her chains, yet without passing through the political gradations of other nations, will, in her turn, triumph over the old world, without inundating it in blood, without enslaving or brutifying it. A revolution the most useful to the human race, will be that of America, when constituted and governed by her own self, she shall open her arms to receive the people of Europe; those who are trampled upon by policy, fleeing from the ills of war, and persecuted by the fury of the passions. In search of peace and tranqulllity, the inhabitants of the other hemisphere, will then cross the ocean, not with the perfidy of the heroes of the 16th century; but, as friends, and not as tyrants; as men in need, not as lords; not to destroy, but to build; not as tygers, but as men, who horror-struck with our former misfortunes, and self-taught by their own, will not convert their reason into a malignant spirit, nor wish that our annals be again those of blood, and wretchedness. Then shall navigation, geography, astronomy, industry, and trade, perfected by the discovery of America, though ruinous to her, be converted into so many means to

solidar, y perfeccionar la felicidad de ambos mundos.

No es este un sueño agradable, sinó un homenage que hace la razon á la Providencia. Escrito estaba en sus inefables designios que no debia gemir la mitad de la especie humana baxo la tirania de la otra mitad, ni habia de llegar el dia del ultimo juicio, sin que una parte de sus criaturas gozáse de todos sus derechos. Todo preparaba esta època de felicidad y de consuelo. En Europa, el choque y la fermentacion de las opiniones, el trastorno y desprecio de las leyes, la profanacion de los derechos que ligaban el Estado, el luxo de las Cortes, la miseria de los campos, el abandono de los talleres, el triunfo del vicio, y la opresion de la virtud: en Amèrica, el aumento de la poblacion, las necessidades creadas fuera de ella, el desarollo de la Agricultura en un suelo nuevo y vigoroso, el gérmen de la industria baxo un clima benéfico, los elementos de las ciencias en una organazion privilegiada, la disposicion para un comercio rico y prospero, y la robustez de una adolescencia politica, todo, todo aceleraba los progresos del mal en un mundo, y los progresos del bien en el otro.

Tal era la ventajosa alternativa que la América esclava presentaba al traves del océano à su Señora la España, quando agoviada por el peso de todos los males, y minada por todos los principios destructores de las sociedades, le pedia que la quitase las cadenas para poder volar à su socorro. Triunfaron, por des-

accelerate, consolidate, and perfect the felicity of both worlds.

This is not a flattering dream but an homage, made by reason to providence. It was written in her ineffable designs, that one half of the human race should not groan under the tyranny of the other, nor could it be supposed that the great fiat of the world's dissolution, could arrive before one part of its creatures had enjoyed all their inherent rights. Every thing has been long preparing for this epoch of felicity and consolation. In Europe, the shock and fermentation of opinions, the inversion and contempt of the laws, the profanation of the bonds that hold together states, the luxury of courts, the sterility of the fields, the cessation of industry, the triumph of vice, and the oppression of virtue; whilst in America, the increase of population, of foreign wants dependant on her, the development of agriculture in a new and vigorous soil, the germ of industry under a beneficent clime, the elements of science under a priviledged organization, the means of a rich and prosperous trade, and the robustness of a political adelescence, all, all accelerated the progress of evil in one world, and that of good in the other.

Such was the advantageous alternative, that enslaved America presented on the other side the ocean, to her mistress Spain, when cast down by the weight of every evil, and undermined by every destructive principle of society, she called upon her to ease her of her chains, that she might fly to her succour. Un-

gracia, las preocupàtiones: el genio del mal y del desórden se apoderó de los gobiernos: el orgullo resentido occupó el lugar del cálculo y de la prudencia: la ambicion triunfó de la liberalidad: y substituyendo el dolo y la perfidia à la generosidad y la buena fé, se volvieron contra nosotros las armas de que usamos, quando impelidos de nuestra fidelidad y sencillez, enseñamos a la España el camino de resistir y triunfar de sus enemigos, baxo las banderas de un Rey presuntivo, inhábil para reynar, y sin otros derechos que sus desgracias y la generosa compasion de sus pueblos.

Venezuela fué la primera que juró à la España los auxilios generosos que ella creia homenage necesario: Venezuela fué la primera que derramó en su afliccion el bálsamo consolador de la amistad y la fraternidad sobre sus heridas: Venezuela fué la primera que conoció los desórdenes que amenazaban la destruccion de la España: fué la primera que proveyó á su propia conservacion, sin romper los vinculos que la ligaban con ella: fué la primera que sintió los efectos de su ambiciosa ingratitud: fué la primera hostilizada por sus hermanos; y va à ser la primera que recobre su independencia y dignidad civil en el nuevo mundo. Para justificar esta medida de necesidad y de justicia, cree de su deber presentar al Universo las razones que se la han dictado, para no comprometer su decoro y sus principios, quando va á ocupar el alto rango que la Providencia le restituye.

fortunately, prejudice triumphed; the genius of evil and of disorder seized on the governments; goaded pride usurped the seat of cool prudence, ambition triumphed over liberality, and substituting deceit and perfidy, for generosity and good faith, they turned against us those very arms which we ourselves used at the time, when impelled by our fidelity and plain dealing, we taught Spain herself the way of resisting her enemies, under the banners of a presumtive king, unfit to reign, and without other titles than the generous compassion of the people, and his own misfortunes.

Venezuela was the first to pledge to Spain, the generous aid which she considered as a necessary homage: Venezuela was the first in her affliction, to pour the consoling balm of friendship and fraternity into her wounds: Venezuela was the first to know the disorders that threatened the destruction of Spain: she was the first to provide for her own safety, without breaking the bonds that held her to the mother country: the first to perceive the effects of her ambitious ingratitude: she was the first on whom war was made by her brethren: and she is the first to recover her independence and civil dignity in the new world. In order to justify this measure of necessity and justice, she considers it a duty incumbent on her, to present to the universe, the reasons which have urged her to the same, that her honour and principles may not be doubted or endangered, when she comes to fill the high rank which providence restores to her.

Quantos sepan nuestra resolucion, saben tambien qual ha sido nuestra suerte ántes del trastorno que disolvió nuestros pactos con la España, aun quando ellos hubiesen sido legítimos y equitativos. Superfluo es presentar á la Europa imparcial, las desgracias y vexaciones que ella misma ha lamentado quando no nos era permitido á nosotros hacerlo: ni hay tampoco para que inculcarle la injusticia de nuestra dependencia y degradacion quando todas las naciones han mirado como un insulto á la equidad politica, el que la España despoblada, corrompida y sumergida en la inaccion y la pereza por un gobierno despótico, tubiese usurpados exclusivamente á la industria y actividad del Continente, los preciosos é incalculables recnrsos de un mundo constituido en el feudo y monopolio de una pequeña porcion del otro.

Los intereses de la Europa no pueden estar en contraposicion con la libertad de la quarta parte del mundo que se descubre ahora á la felicidad de las otras tres; solo una Peninsula Meridional puede oponer los intereses de su Gobierno á los de su nacion, paro amotinar el antiguo hemisferio contra el nuevo, ya que se vé en la impotencia de oprimirlo por mas tiempo. Contra estos conatos, mas funestos á nuestro decoro que á nuestra prosperidad, es, que vamos á oponer las razones que desde el 15 de Julio de 1808 han arrancado de nosotros las resoluciones del 19 de Abril de 1810, y 5 de Julio de 1811, cuyas tres épocas formarán el primer periódo de los fastos de Vene-

All those who are aware of our resolution, likewise know, what has been our fate previous to the late inversion of things, which alone dissolved our engagements with Spain, even granted that these were legal and equitable. It were superfluous to present a fresh to impartial Europe, the misfortunes and vexations she herself has so often lamented, at a time that we ourselves were not allowed to do so; neither is it necessary to aver the injustice of our dependance and degradation, when every nation has viewed as an insult to political equity, that Spain, unpeopled, corrupted, and sunk in a state of inaction and sloth by a despotic government, should have exclusively usurped from the industry and activity of the rest of the continent, the precious and incalculable resources of a world, constituted in the fief and monopoly of a small portion of the other.

The interest of Europe cannot clash with the liberty of a quarter of the globe, that now shews itself to the felicity of the other three; none but a South Penisula can oppose the interests of its government, to those of its nation, in order to raise the old hemisphere against the new one, now that the impossibility of oppressing it any longer, is discovered. In opposition to these endeavours, more fatal to our reputation than to our prosperity, it is, that we are about to display the reasons, which from the 15th July 1808, have wrested from us the resolutions of the 19th of April, 1810, and of the 5th July 1811; which three epochs will form the first period of the glories of regenerated

zuela regenerada, quando el buril imparcial de la historia traze las primeras lineas de la existencia politica de la America del Sur.

Esparcidas en nuestros manifiestos y nuestros papeles publicos casi todas las razones de nuestra resolucion, todos nuestros designios, y todos los justos y decorosos medios que hemos empleado para realizarlos, parecia que debia bastar la comparacion exâcta é imparcial de nuestra conducta con la de los gobiernos de España en estos últimos tiempos; para justificar, no solo nuestra moderacion, no solo nuestras medidas de seguridad, no solo nuestra independencia, sinó hasta la declaracion de una enemistad irreconciliable con los que directa, ó indirectamente, hubiesen contribuido al desnaturalizado sistema adoptado contra nosotros. Nada tendriamos, á la verdad, que hacer, si la buena fé fúese el movil del partido de la opresion contra la libertad; pero por ultima analisis de nuestras desgracias, no podemos salir de la condicion de siervos, sin pasar por la calumniosa nota de ingratos, rebeldes y desagradecidos. Oigan, pues, y juzguen los que no hayan tenido parte en nuestras desgracias, ni quièran tenerla ahora en nuestras disputas, para aumentar la parcialidad de nuestros enemigos; y no pierdan de vista el acta solemne de nuestra justa, necesaria y modesta emancipacion.

Caracas supo las escandalosas escenas del Escorial y Aranjuez, quando ya presentia quales éran sus derechos, y el estado en que los ponian aquellos grandes

Venezuela, when the impartial pen of history shall record the first lines of the political existence of South America.

Testified as were in our minifests and public papers, almost all the reasons that influenced our resolution as well as our designs; and all the just and decorous means which we have employed to realize them; it might be supposed, that the exact and impartial comparison of our conduct with that of the governments of Spain, in these latter times, would of itself suffice to justify not only our moderation, not only our measures of security, not only our independence, but even also the declaration of an irreconcilable enmity against those who directly, or indirectly, have contributed to the unnatural system now adopted against us. Nothing in truth should we have to do, if good faith had been the spring of action, used by the party of oppression against liberty; but as the last analysis of our misfortunes, we cannot extricate ourselves from the condition of slaves, without being branded with the calumny of being ingrates, rebels, and unthankful. Let those therefore listen and judge us, who have no part in our misfortunes, and who are now desirous of having none in our disputes, in order not to augment the prejudices of our enemies; and let them not lose sight of the solemn act of our just, necessary, and modest emancipation.

Caracas learnt the scandalous scenes that passed in El Escurial and Aranjuez, at a time that she already perceived what were her rights, and the state in which

sucesos; pero el hábito de obedecer por una parte, la apatia que infunde el despotismo por otra, y la fidelidad y buena fé por último, fueron superiores à toda combinacion por el momento; y ni aun despues que presentados en esta Capital los despachos del Lugarteniente Murat, vacilaron las autoridades sobre su aceptacion, ni fué capaz el Pueblo de Caracas de pensar en otra cosa que en ser fiel, conseqüente y generoso, sin preveer los males à que iba á exponerlo esta noble y bizarra conducta. Sin otro cálculo que el honor, rehusó Venezuela seguir la voz de los mismos Próceres de España, quando los unos apoyando las órdenes del Lugar-teniente del Reyno, exîgian de nosotros el reconocimiento del nuevo Rey; y los otros, declarándo y publicando, que la España habia empezado á exîstir de nuevo desde el abandono de sus autoridades, desde las cesiones de los Borbones é introduccion de otra dinastía, recobraban su absoluta independencia y libertad, y daban este exemplo á las Américas para que ellas recuperasen los mismos derechos que alli se proclamaban;* mas luego que el primer paso que dimos á nuestra seguridad, advirtió á la Junta Central que habia èn nosotros algo mas que hábitos y preocupaciones, se empezó á variar el lenguage de la liberalidad y la franqueza: adoptó la

* Varios impresos que salieron en el primer impetu de la revolucion de España. El Conde de Floridablanca contextando por la Junta Central al Consejo de Castilla. Manifiesto de la misna Junta. Y la universidad de Sevilla respondiendo la consulta de esta.

these were placed by those great occurrences; but the habit of obedience on the one hand, the apathy produced by despotism on the other; and in short, fidelity and good faith, were at the moment superior to every combination; and after the dispatches of the kingly substitute Murat,* had reached the capital, the authorities did not even waver respecting their reception, it was not possible for the people to think of any thing else, than of being faithful, consistent, and generous, without foreseeing the ills to which this noble and gallant conduct would expose them. Without any other view than that of honour, Venezuela refused to follow the opinion of the leading men of Spain, some of whom in support of the orders of the French Regent of the kingdom, exacted from us allegiance to the new king: others declaring and publishing, that Spain had received a new existance since the abandonment of her authorities, since the cessions of the Bourbons, and the introduction of the new dynasty; that they had recovered their absolute independence and liberty, and that they offered this example to the Americans, that they might recover the same rights there proclaimed:† but as soon as the first step we

* Alluding to various printed pieces that appeared on the first blaze of the revolution of Spain: such as Count Floridablanca, in answer to the Council of Castile, on the part of the Central Junta, manifest of said Junta, and the university of Seville in answer to the consultations of the latter.

† It will be recollected that on the abdication of kings Charles and Ferdinand, Murat was sent on to govern Spain as substitute to Joseph Napoleon.

perfidia el talisman de Fernando, inventado por la buena fé: se sofocó, aunque con maña y suavidad, el proyecto sencillo y legal de Caracas, para imitar la conducta representiva de los gobiernos de España:* y se empezó á entablar un nuevo género de despotismo, baxo el nombre facticio de un Rey reconocido por generosidad, y destinado á nuestro mal y desastre, por los que usurpaban la Soberania.

Nuevos Gobernadores y Jueces imbuidos del nuevo sistema proyectado contra la América, decididos à sostenerlo á costa nuestra, y prevenidos de instrucciones para el último resultado de la politica del otro hemisferio, fueron las consequencias de la sorpresa que causó á la Junta Central nuestra inaudita é inesperada generosidad. La abigüedad, la asechanza y la concusion, fueron todos los resortes de su caduca y perecedera administracion: como veian tan expuesto su Imperio, parecia que querian ganar en un dia, lo que habia enriquecido á sus antecesores en muchos años: y como su autoridad estaba respaldada por la de sus comitentes, de nada trataban mas que de sosenerse unos á otros, á la sombra de nuestra ilusion y buena fé. Ninguna ley contraria á estos planes era

* Proyecto del ano de 1808, para hacer una Junta de Gobierno y conservacion como las de España.

had taken for our security, had convinced the Central Junta that there was in us, something more than habits and prejudices, they began to vary the language of liberality and sincerity; they perfidiously adopted the talisman of Ferdinand, at first invented by good faith; they suppressed, but with cunning and sweetness, the plain and legal project of Caracas to imitate the representative conduct of the governments of Spain, * and they began to set on foot a new species of despotism, under the factitious name of a king, acknowledged only from a principle of generosity, and destined to effect our ill and disaster, by those who had usurped the sovereign power.

Fresh governors and judges, initiated in the new system projected against America, decided to sustain it at our expence, and provided with instructions for even the last political change that might occur in the other hemisphere, were the consequences resulting from the surprise, which our unheard of and unexpected generosity caused to the Central Junta. Ambiguity, artifice, and disorder, were all the springs set in motion by this tottering and short lived administration: as they saw their empire exposed, it was evident they wished to gain in one day, what had enriched their ancestors in many years; and as their authority was backed by that of their parasites, all their endeavours

* The project agitated in 1808 to form a Junta, intended for the administration of governments and public safety, like those of Spain.

ya válida y substitente; y todo arbitrio que favoreciêse el nuevo órden de francmazoneria política, habia de tener fuerza de ley, por mas opuesto que fuese á los principios de justicia y équidad. Despues de declarar el Capitain General Emparan á la Audiencia, que no habia en Caracas otra ley ni otra voluntad que la suya, bien manifiesta en varios excesos y violencias, tales como colocar en la plaza de Oydor al Fiscal de lo civil y criminal: sorprehender y abrir los pliegos que dirigia D. Pedro Gonzales Ortega á la Junta Central: arrojar á éste empleado, al Capitan D. Francisco Rodriguez, y al Asesor del Consulado D. Miguél Jozé Sanz, fuera de estas Provincias, confinados á Cadiz y Puerto Rico: encadenar y condenar al trabajo de obras públicas, sin forma ni figura de juicio, una muchedumbre de hombres buenos arrancados de sus hogáres con el pretexto de vagos: revocar y suspender las determinaciones de la Andiencia, quando no eran conformes á su capricho y arbitrariedad: despues de haber hecho nombrar un Síndico contra la voluntad del Ayuntamiento: despues de haber hecho recibir á su Asesor sin títulos ni autoridad: despues de sostener á todo trance su ignorancia y su orgullo: despues de mil disputas escandalosas con la Audiencia y el Ayuntamiento: despues de reconciliarse, al fin con estos despotas todos los togados para hacerse mas impunes

were directed to uphold each other, under the shadow of our illusion and good faith. No statute contrary to these plans was valid and effective, and every measure that favoured the new order of political freemasonry, was to have the force of law, however opposed to the principles of justice and equity. After the declaration of the Captain General Emparan, made to the *Audiencia*, that in Caracas there was no other law nor will but his own; and this fully manifested in several arbitrary acts and excesses, such as placing on the seat of the *oidor*, the fiscal in civil and criminal cases; intercepting and opening the dispatches sent to the Central Junta, by Don Pedro Gonsales Ortega; sending out of those provinces this same functionary, as well as Captain Don Francisco Rodriguez, and the assessor of the board of trade, Don Miguel Jozé Sanz, all embarked for Cadiz and Puerto Rico; as well as condemning to the labour of the public works, without either form or appearance of trial, a considerable multitude of good men, snatched from their homes under the pretence of vagrants; revoking and suspending the resolutions of the *Audiencia*, when not conformable to his caprice and absolute will: after naming a recorder without the consent of the municipal body, creating and causing the assessor to be received without title or authority, after supporting his ignorance and pride to the utmost lengths: after many scandalous disputes between the *Audiencia* and the municipal body, and after all the law characters being reconciled to these

é inexpugnables contra nosotros, se convinieron en organizar y llevar á cabo el proyecto, á la sombra de la falacia, del espionage, y la ambigüedad.*

Baxo estos auspicios, se ócultaban las derrotas y desgracias de las armas en España: se forjaban y divulgaban triunfos pomposos é imaginarios contra los Franceses en la Peninsula, y en el Danubio: se hacian iluminar las calles: quemar la pólvora: tocar las campanas: y prostituir la Religion, cantando *Te Deum* y acciones de gracias, como para insultar la Providencia en la perpetuidad de nuestros males. Para no dexarnos tiempo de analizar nuestra suerte, ni de descubrir los lazos que se nos tendian, se figuraban conspiraciones, se inventaban partidos y facciones, se calumniaba á todo el que no se prestaba á iniciarse en los misterios de la perfidia, se inventaban esquadras y emisarios Franceses en nuestros mares y nuestro seno, se limitaban y constreñian nuestras relaciones con las Colonias vecinas, se ponian travas á nuestro comercio; todo con el fin de tenernos en una continua agitacion, para que no fixàsemos la atencion en nuestros verdaderos intereses.

* De todo esto hay testimonios autenticos en nuestros archivos; y apesar de la vigilancia con que se saquearon estos por los parciales de los antiguos mandones, existe en Cumanà una orden del gobierno Español, para promover la discordia entre los nobles y parientes de las familias Americanas: los hay escritos, y notorios de la corrupcion, juego y libertinage que promovia Guevara para desmoralizar al pais: y nadie olvidará las colusiones y sobornos que publicaban los Oydores; y constan de su residencia.

despots, in order that they might be more secure and inexpugnable against us, it was agreed to organize and carry into effect, under the shadow of fallacy, the projects of espionage and ambiguity.*

Under these auspices the defeats and misfortunes of the Spanish armies were concealed; pompous and imaginary triumphs over the French, in the Peninsula and on the Danube, were forged and announced; they caused the streets to be illuminated; gunpowder was wasted; the bells chimed; and religion was prostituted by Te Deums, and acts of thanks being sung, as if to insult Providence in the perpetuity of our evils. In order to leave us no time to analyze our own fate, or discover the snares laid for us, conspiracies were invented, parties and factions were imagined, every one was calumniated who did not consent to be initiated in the mysteries of perfidy; fleets and emissaries from the French were figured, as being in our seas and amongst us; our relations with the neighbouring colonies were circumscribed and restricted; our trade was newly fettered; and the whole, to the end of keeping us in a state of continual

* Of all this there remains authentic testimony in our archives; notwithstanding the vigilance with which these were examined by the friends of the late authorities, there exists in Cumanà an order of the Spanish government to excite discord amongst the nobles and relations of the American families. There are besides, many written and well known documents of corruption, gambling, and libertinism, promoted by Guevara, to demoralize the country; and no one can ever forget the collusions and subornings publickly used by the oidores, and proved in the place of their residence.

Alarmado ya nuestro sufrimiento, y despierta nuestra vigilancia, empezamas á desconfiar de los Gobiernos de España y sus agentes: al traves de sus intrigas y maquinaciones, descubriamos todo el horroroso por venir que nos amenazaba: el genio de la verdad elevado sobre la densa atmosfera de la opresion y la calumnia, nos señalaba con el dedo de la imparcialidad la verdadera suerte de la Peninsula, el desórden de su gobierno, la energía de sus habitantes, el formidable poder de sus enemigos, y la ninguna esperanza de su salvacion. Encerrados en nuestras casas, rodeados de espías, amenazados de infamia y deportacion, apenas podíamos lamentar nuestra situacion, ni hacer otra cosa que murmurar en secreto contra nuestros vigilantes y astutos enemigos. La consonancia de nuestros suspiros, exhalados en la amargura y la opresion, uniformó nuestros sentimientos, y reunió nuestras opiniones: encerrados en las quatro paredes de su casa, é incomunicados entre sí, apenas huvo un ciudadano de Caracas que no pensase que habia llegado el momento de ser libre para siempre, ó de sancionar irrevocablemente una nueva y horrorosa servidumbre.

Todos empezaron á descubrir la nulidad de los actos de Bayona, la invalidacion de los derechos de Fernando, y de todos los Borbones que concurrieron à aquellas ilegítimas estipulaciones: la ignominia con que habian

agitation, that we might not fix our attention on our real interests.

Our forbearance once alarmed, and our vigilance awakened, we began to lose confidence in the governments of Spain and their agents; through the veil of their intrigues and machinations, we discovered the horrid futurity that threatened us: the genius of truth, raised above the dense atmosphere of oppression and calumny, pointed out to us with the finger of impartiality, the true fate of Spain, the disorders of her government, the energy of her inhabitants, the formidable power of her enemies, and the groundless hopes of her salvation. Shut up in our own houses, surrounded by spies, threatened by infamy and banishment, scarcely were we able to bewail our own situation, or to do more than secretly to complain against our vigilant and cunning enemies. The consonance of our blended sighs, exhaled in the moments of bitterness and oppression, at length gave uniformity to our sentiments, and united our opinions. Shut up within the walls of our own houses, and debarred from all communication with our fellow-citizens, scarcely was there one individual of Caracas, who did not think, that the moment of being for ever free had arrived, or else that, of irrevocably sanctioning a new and horrid slavery.

Every one began to discover the nullity of the acts of Bayonne, the invalidity of the rights of Ferdinand, and of all the Bourbons who were parties to the said stipulations; the ignominy with which they had de-

entregado como esclavos á los que los habian colocado en el trono contra las pretensiones de la Casa de Austria: la connivencia de los intrusos mandatarios de España, à los planes de la nueva dinastía: la suerte que estos planes preparaban á la América: y la necesidad de tomar un partido que pusiese á cubierto al Nuevo Mundo de los males que le acarreaba el estado de sus relaciones con el antiguo. Veian sumirse sus tesoros en la sima insondable del desórden de la Peninsula: lloraban la sangre de los Américanos, mezclada en la lid con la de los enemigos de la América, para sostener la esclavitud de su Patria: penetraban, apesar de la vigilancia de los tiranos, hasta la misma España; y nada veian mas que desórden, corrupcion, facciones, derrotas, infortunios, traiciones, exercitos dispersos, provincias ocupadas, falanges enemigas, y un gobierno imbecil y tumultuario, formado de tan raros elementos.

Tal era la impresion uniforme y general que advertian en el rostro de todos los Venezolanos los agentes de la opresion, destacados á sostener á toda costa la infame causa de sus constituyentes: cada palabra producia una proscripcion: cada discurso costaba una deportacion á su autor: y cada esfuerzo ó tentativa para hacer en América lo mismo que en España, sino hacia derramar la sangre de los Américanos, era, sin duda, una causa suficiente para la

livered up as slaves, those, who had placed them on the throne, in opposition to the pretensions of the house of Austria; the connivance of the intrusive mandataries of Spain, to the plans of the new dinasty; the fate that these same plans prepared for America, and the necessity of taking some resolve, that might shield the new world from the calamities that were about to result from its relations with the old one. All saw their treasures buried in the unfathomable abyss of the disorders of the Peninsula, they wept for the blood of Americans spilt in the same struggle with that of the enemies of America; in order to sustain the slavery of their own country; notwithstanding the vigilance of their tyrants, they saw into the interior of Spain herself, where they beheld nothing but disorder, corruption, factions, defeats, misfortunes, treacheries, dispersed armies, whole provinces in the power of the enemy, the ready phalanxes of the latter, and at the head of all, a weak and tumultuary government, formed out of such rare elements.

Such was the general and uniform impression noticed on the faces of all the people of Venezuela by the agents of oppression, sent out to support, at every hazard, the infamous cause of their constituents; every word produced a proscription, every discourse cost banishment to its author, and every effort or attempt to do the same in America, as had been done in Spain, if it did not cause the blood of Americans to flow, it it was at least sufficient for the ruin, infamy, and

ruina, infamia, y desolacion de muchas familias. * Tan errado cálculo no pudo ménos que multiplicar, los choques, aumentar con ellos la reaccion popular, preparar el combustible, y disponerlo con la menor chispa á un incendio que consumiése y borrase hasta los vestigios de tan dura y penosa condicion. La España menesterosa y desolada, pendiente su suerte de la generosidad Américana, y casi en el momento de ser borrada del catálago de las naciones, parecia que, trasladada al siglo 16 y 17, empezaba á conquistar de nuevo á la América con armas mas terribles que el hierro y el plomo: cada dia se señalaba por una nueva prueba de la suerte que nos amenazaba; colocados en la horrorosa disyuntiva de ser vendidos á una nacion extraña, ó tener que gemir para siempre en una nueva é irrevocable servidumbre, solo aguardabamos el momento felíz que diese impulso a nuestra opinion, y reuniese nuestras fuerzas para expresarla y sostenerla.

Entre los ayes y las imprecaciones de la exâsperacion general, resonó en nuestros oidos, la irrupcion de los Franceses en las Andalucias, la disolucion de la Junta Central, à impulsos de la execracion pública, y la abortiva institucion de otro nuevo Proteo-Gubernativo, baxo el nombre de Regencia. Anunciabase ésta con ideas mas liberales; y presintiendo

* Deportacion de varios Oficiales de concepto, y ciudadanos de rango y probidad, decretada en 20 de Marzo de 1810, por Emparan.

desolation of many families.* Such a wrong calculation could not fail to multiply the convulsions, to augment, by means of them, the popular re-action, to prepare the combustible, and dispose it in such a manner, that with the least spark it would create a blaze, that would consume, and even efface every vestige of so hard and melancholy a condition. Spain, needy and desolate, her fate dependent on the generosity of America, and almost in the act of being blotted out from the list of nations, appeared as if transported back to the 16th and 17th ages, she again began to conquer America, with arms more terrible than iron and lead; every day gave rise to a new proof, of the fate that awaited us; such a one as would place us in the sad alternative of being sold to a foreign power, or obliged for ever to groan under a fresh and irrevocable servitude; whilst we alone, were expectant on the happy moment, that might give impulse to our opinion, and unite our strength to express, and to sustain it.

Amidst the sighs and imprecations of general exasperation, the irruption of the French into Andalusia, the dissolution of the Central Junta, brought about by the effects of public execration, and the abortive institution of another Protean government, under the name of Regency, reached our ears. This was announced under ideas more liberal, and on

* Vide Act of proscription of several officers of distinction, and citizens of rank and probity, decreed on the 20th March, 1810, by Emparan.

ya los esfuerzos de los Américanos para hacer valer los vicios y nulidades de tan raro Gobierno, procuraron reforzar la ilusion con promesas brillantes, teorias estériles de reformas, y anuncios de que ya no estaba nuestra suerte en las manos de los Virreyes, de los Ministros, ni de los Gobernadores; al mismo tiempo que todos estos agentes recibian las mas estrechas órdenes para velar sobre nuestra conducta, sobre nuestras opiniones, y no permitir que estas saliesen de la esfera trazada por la eloqüencia que doraba los hierros preparados en la capciosa y amañada carta de emancipacion.

En qualquiera otra época hubiera esta deslumbrado á los Americanos; pero ya habia trabajado demasiado la Junta de Sevilla y la Central, á favor de nuestro desengaño, y lo que se combinó, meditó, y pulió para conquistarnos de nuevo con frases é hiperboles, sirvió solo para redoblar nuestra vigilancia, reunir nuestras opiniones y formar una firme é incontrastable resolucion de perecer ántes que ser por mas tiempo víctimas de la cábala y la perfidia. El dia en que la Religion celebra los mas augustos misterios de la redencion del género humano, era el que tenia señalado la Providencia para dar principio à la redencion politica de la América. El Jueves Santo, 19 de Abril, se desplomó en Venezuela el coloso del despotismo, se proclamó el imperio de las leyes, y se expulsaron los tiranos con

perceiving the efforts of the Americans to avail themselves of the vices and nullities of so rare a government, they endeavoured to strengthen the illusion by brilliant promises, by theories barren of reform, and by announcing to us, that our fate was no longer in the hands of viceroys, ministers, or governors; at the same time, that all these agents received the most strict orders to watch over our conduct, over our opinions, and not to suffer these to exceed the limits, traced by the eloquence that gilded over the chains, prepared in the captious and cunning letter of emancipation.

At any other period whatever, this would have sufficed to deceive the Americans; but the Junta of Seville, as well as the Central one, had already done too much in order to take the bandage from our eyes; and what was then combined, meditated, and polished, to subject us again, with phrases and hyperboles, only served to redouble our vigilance, to collect our opinions, and to form a firm and unshaken resolution to perish, rather than to remain any longer the victims of cabal aud perfidy. The day, on which religion celebrates the most august mystery of the redemption of the human race, was that designated by Providence to be the commencement of the political redemption of America. On Good Friday, the 19th of April, it was, that the Colossus of despotism was cast down in Venezuela, the empire of the laws proclaimed, and the tyrants expelled, with all the felicity, moderation, and tranquillity, that they themselves

toda la felicidad, moderacion y tranquilidad que ellos mismos han confesado, y ha llenado de admiracion y afecto hácia nosotros á todo el mundo imparcial.

Quien no hubiera creido que un Pueblo que logra recrobar sus derechos, y librarse de sus opresores, no hubiera en su furor salvado quantas barreras podian ponerlo directa, ó indirectamente, al alcance de la influencia de los Gobiernos que habian hasta entónces sostenido su desgracia y opresion? Venezuela fiel á sus promesas, no hace mas que asegurar su suerte para cumplirlas; y si con una mano firme y generosa deponia á los agentes de su miseria y su esclavitud, colocaba con la otra el nombre de Fernando VII á la frente de su nuevo gobierno, juraba conservar sus derechos, prometia reconocer la unidad é integridad política de la Nacion Española, abrazaba á sus hermanos de Europa, les ofrecia un asilo en sus infortunios y calamidades, detestaba á los enemigos del nombre Español, procuraba la alianza generosa de la Nacion Inglesa, y se prestaba á tomar parte en la felicidad y en la desgracia de la nacion de quien pudo y debió separarse para siempre.

Mas no era esto lo que exîgia de nosotros la Regencia. Quando nos declaraba libres en la teoria de sus planes, nos sujetaba en la práctica á una representacion diminuta é insignificante, creyendo que á quien nada se le debia, estaba en el caso de contentarse con lo que le diesen sus señores. Baxo tan liberal cál-

have confessed; so much so, as even to have filled with admiration and friendship for us, the rest of the impartial world.

Who but would have thought that a nation, recovering its rights, and freeing itself from its oppressors, in its blind fury, would have broken down every barrier that might place it directly, or indirectly within the reach of the influence of those very governments, that had hitherto sustained its misfortunes and oppression. Venezuela, faithful to her promises, does no more than insure her own security in order to comply with them; and if with one strong and generous hand, she deposed the agents of her misery and her slavery, with the other, she placed the name of Ferdinand the 7th at the head of her new government, swore to maintain his rights, promised to acknowledge the unity and integrity of the Spanish nation, opened her arms to her European brethren, offered them an asylum in their misfortunes and calamities, equally hated the enemies of the Spanish name, sought the generous alliance of England, and prepared to take part in the felicity or misfortune of the nation from whom she could, and ought to have eternally separated.

But it was not this, that the Regency exacted from us. When the latter declared us free in the theory of their plans, they subjected us in practice to a small and insignificant representation, believing that those to whom nothing was due, would be content to receive whatever was granted to them by their

culo, queria la Regencia mantener nuestra ilusion, y pagarnos en discursos, promesas é inscripciones, nuestra larga servidumbre, y la sangre y los tesoros que derramabamos en España. Bien conociamos nosotros lo poco que debiamos esperar de la política de los intrusos apoderados de Fernando: no ignorabamos, que si no debiamos depender de los Virreyes, Ministros y Gobernadores, con mayor razon no podiamos estar sujetos á un Rey cautivo y sin derechos ni autoridad, ni á un gobierno nulo é ilegítimo, ni á una nacion incapaz de tener derecho sobre otra, ni á un angulo peninsular de la Europa, ocupado casi todo por una fuerza extraña; pero queriendo conquistar nuestra libertad á fuerza de generosidad, de moderacion, y de civismo, reconocimos los imaginarios derechos del hijo de Maria Luisa, respetamos la desgracia de la Nacion, y dando parte de nuestra resolucion á la misma Regencia que desconociamos, le ofrecimos no separarnos de la España siempre que hubiese en ella un gobierno legal, establecido por la voluntad de la Nacion, y en el que tuviese la América la parte que le da la justicia, la necesidad, y la importancia política de su territorio.

Si los trescientos años de nuestra anterior servidumbre, no hubieran bastado para autorizar nuestra emancipacion, habria sobrada causa en la conducta de los gobiernos que se arrogaron la Soberanía de una nacion conquistada, que jamas pudo tener la menor propriedad en la América, declarada parte integrante

masters. Under a calculation so liberal, the Regency was desirous of keeping up our illusion, to pay us with words, promises, and inscriptions for our long slavery, and for the blood and treasure we had expended in Spain. Fully were we aware, how little we had to expect from the policy and the intrusive agents of Ferdinand; we were not ignorant that if we were not to be dependent on viceroys, ministers, and governors, with greater reason we could not be subject either to a king, a captive and without the rights of authority, nor to a government, null and illegitimate, nor to a nation incapable of holding sway over another, nor to a peninsular corner of Europe, nearly wholly occupied by a foreign force. Nevertheless, desirous of effecting our own freedom, by the means of generosity, moderation, and civism, we acknowledged the imaginary rights of the son of Maria Louisa, we respected the misfortunes of the nation, and giving official notice to the same Regency we disowned, we offered not to separate from Spain, as long as she maintained a legal government, established by the will of the nation, and in which America had that part, given to her by justice, necessity, and the political importance of her territory.

If the three hundred years of our former servitude, have not sufficed to authorize our emancipation, there would be sufficient cause in the conduct of the governments, which arrogated to themselves the sovereignty of a conquered nation, which never could have any property in America, declared an integral part of the

de ella; quando se quiso envolverla en la conquista. Si los Gobernantes de España hubiesen estado pagados por sus enemigos, no habrian podido hacer mas contra la felicidad de la nacion vinculada en su extrecha union y buena correspodencia con la América. Con el mayor desprecio á nuestra importancia, y á la justicia de nuestros reclamos, quando no pudieron negarnos una apariencia de representacion, la sugetaron á la influencia despótica de sus Agentes sobre los Ayuntamientos, á quienes se cometió la eleccion; y al paso que en España se concedia hasta á las Provincias ocupadas por los Franceses, y á las Islas Canarias y Baleares un Representante á cada 50 mil almas, elégido libremente por el Pueblo, apenas bastaba en América un millon para tener derecho á un representante, nombrado por el Virrey ó Capitan General baxo la firma del Ayuntamiento.

Mientras que nosotros fuertes con el testimonio de nuestra justicia, y con la moderacion de nuestro proceder, esperabamos que si no triunfaban las razones que alegamos á la Regencia para demostrarle la necesidad de nuestra resolucion; se respetarian, al ménos, las generosas disposiciones con que nos prestabamos á no ser enemigos de nuestros oprimidos y desgraciados hermanos; quiso el nuevo gobierno de Caracas no limitar estas disposiciones á estériles raciocinios, y el mundo despreocupado é imparcial, conocerá que Venezuela ha consumido todo el tiempo que ha pasado, desde el 19 de Abril de 1810, hasta el 5 de Julio de

same, whilst they attempted again to involve it in conquest. If the governors of Spain had been paid by her enemies, they could not have done more against the felicity of the nation, bound in its close union and good correspondence with America. With the greatest contempt of our importance, and of the justice of our claims, when they could not deny us the appearance of a representation, they subjected it to the despotic influence of their agents over the municipalities to whom the election was committed; and whilst in Spain, at the same time that they allowed even for the provinces in possession of the French, as well as the Canaries and Balearic islands, a representative for each fifty thousand souls, freely elected by the people; in America, scarcely a million sufficed to have the right of one representative, named by the Viceroy or Captain General, under the signature of the municipality.

At the same time that we, strong in the testimony of our own justice, and the moderation of our proceedings, hoped, that if the reasons we alledged to the Regency to convince them of the necesity of our resolution did not triumph; at least, that the generous dispositions with which we offered not to become the enemy of our oppressed and unfortunate brethren, would be successful, dispositions which the new government of Caracas was desirous should not be limited to barren phrases; and the imprejudiced and impartial world will know, that Venezuela has passed all that time, which intervened between the 19th of

1811, en una amarga y penosa alternativa de ingratitudes, insultos y hostilidades, por parte de la España, y de generosidad, moderacion y sufrimiento, por la nuestra. Esta época es la mas interesante de la historia de nuestra revolucion, como que sus acaecimientos ofrecen un contraste tan favorable á nuestra causa, que no ha podido ménos que ganarnos el imparcial juicio de las naciones que no tienen un interes en desacreditar nuestros esfuerzos.

Antes de las resultas de nuestra transformacion política, llegaban cada dia à nuestras manos nuevos motivos para hacer, por cada uno de ellos, lo que hicimos despues de tres siglos de miseria y degradacion. En todos los Buques que llegaban de España, venian nuevos agentes à reforzar con nuevas instrucciones á los que sostenian la causa de la ambicion y la perfidia: con el mismo objeto se negaba el permiso de regresar á España á los militares y demas empleados Europeos; aunque lo pidiesen para hacer la guerra contra los Franceses: se expedian órdenes* para que socolor de no atender sino á la guerra, se embruteciése mas la España y la América, se cerrasen las escuelas, no se habláse de derechos ni premios, ni se hiciése mas que enviar à España dinero, hombres Américanos, víveres, frutos preciosos, sumision y obediencia.

Las gazetas no hablaban mas que de triunfos, victorias, donativos, y reconocimientos arrancados por

* El 30 de Abril de 1810.

April, 1810, to the 5th of July, 1811, in a bitter and painful alternative of acts of ingratitude, insults and hostilities on the part of Spain, and of generosity, moderation, and forbearance on ours. This period is the most interesting of the history of our revolution, so much so, that its events present a contrast so favourable to our cause, that it cannot have failed to gain over for us, the impartial judgement of those nations, that have no interest to disparage our efforts.

Previous to the result of our political transformation, every day we received fresh motives sufficiently strong, for each to have caused us to do what we have done, after three ages of misery and degradation. In every vessel that arrived from Spain, new agents came out to strengthen with fresh instructions, those who sustained the cause of ambition and perfidy. For the very same purpose, refusal was sent out for the officers, and other Europeans to return to Spain, notwithstanding they asked it to fight against the French; fresh orders were issued,* for the schools to be closed, to the end, that under the pretence of attending only to the war, both Spain and America might be sunk deeper into a state of ignorance, it was ordained that rights and premiums should not be heard of, and that nothing was to be done, but sending to Spain, money, American men, provisions, colonial productions, submission, and obedience.

The public prints were filled with nothing but triumphs, victories, donations and acknowledgements,

* On the 30th April, 1810.

el despotismo en los Pueblos que no sabian aun nuestra resolucion; y baxo las mas severas conminaciones se restablecia la inquisicion política con todos sus horrores, contra los que leyesen, tubiésen ó recibiésen otros papeles, no solo estrangeros, sino aun Españoles que no fuesen de la fabrica de la Regencia.* Contra las mismas órdenes expedidas de antemano para alucinar la América, se salvaban todos los tramites en las consultas para empleados ultramarinos, cuyo mérito consistia solo en haber jurado sostener el sistema tramado por los Regentes: con el último escandalo y descaro se declaró nula condenó al fuego, y se proscribieron los autores y promovedores de una órden que favorecia nuestro comercio y alentaba nuestra agricultura; al paso que se nos exîgian auxîlios de todas clases, sin producir la menor cuenta de su destino é inversion: en desprecio de la fé pública se mandaron abrir sin excepcion alguna todas las correspondencias de estos paises, atentado desconocido hasta en el despotismo de Godoy, y adoptado solo para hacer mas tiranico el espionage contra la America. En una palabra, empezaban á realizarse practicamente los planes trazados para perpetuar nuestra servidumbre.

Entre tanto Venezuela, libre y señora de sí misma, en nada pensaba ménos que en imitar la detestable conducta de la Regencia y sus agentes: contenta con

* Ibid.

wrested by despotism from the people who were not yet informed of our resolution; and under the most severe threats of punishment, a political inquisition with all its horrors, was established against those who should read, possess, or receive other papers, not only foreign, but even Spanish, that were not out of the Regency's manufacture.* Contrary to the very orders previously issued to deceive the country, every bound was overleaped in the selection of ultramarine functionaries, whose merit alone consisted in having sworn to maintain the system contrived by the Regency; in the most scandalous and barefaced manner the order which favoured our trade, and encouraged our agriculture, was declared null, condemned to be burnt, and its authors and promoters proscribed; aid of every kind was exacted from us, without any account of its destination or expenditure being sent to us; in contempt of every shadow of public faith, and without any exception whatever, all correspondence from these countries was ordered to be opened; an excess unknown even under the despotism of Godoy, and only adopted to cause the espionage over America to be more tyranical. In short, the plans plotted to perpetuate our servitude, now began practically to be realized.

In the mean time Venezuela, free, and mistress of herself, of nothing thought less than to imitate the detestable conduct of the Regency and its agents;

* Date as above.

haber asegurado su suerte contra la ambicion de un Gobierno intruso é ilegitimo, y ponerla á cubierto de unos planes demasiado complicados y tenebrosos, no hacia mas que acreditar con hechos positivos sus deseos de paz, amistad, correspondencia y cooperacion con sus hermanos de Europa Quantos se hallavan entre nosotros fueron mirados como tales, y los dos tercios de los empleos politicos, civiles y militares de alta y mediana gerarquia quedaron ó se pusieron en manos de los Europeos, sin otra precaucion que una franqueza y buena fé harto funesta à nuestros intereses: nuestras caxas se abrieron generosamente para auxîliar con luxo, y transportar comoda y profusamente á nuestros tiranos: los Comandantes de los Correos Carmen, Fortuna y Araucana, fueron acogidos en nuestros puertos, y auxîliados con nuestros caudales para seguir y concluir sus respectivas comisiones: y aun los desacatos y delitos del de la Fortuna se sometieron al juicio del Gobierno Español. Aunque la Junta Gubernativa de Caracas presentó las razones de precaucion que la obligaban á no aventurar á la voracidad del Gobierno los fondos públicos que pudieran servir al socorro de la nacion; exhortó y dexó expédita la generosidad de los pueblos para que usasen de sus caudales conforme á los impulsos de su sensibilidad, públicando en sus Gazetas el plañidero manifiesto con que la Regencia pintaba moribunda á la nacion para pedir auxilio; al paso que la hacia parecer vigorosa, organizada y triunfante en

content with having sucured her fate against the ambition of an intrusive and illegitimate government, and shielded it against plans too dark and complicated, was satisfied in shewing by positive acts, her desire of peace, friendship, correspondence, and co-operation with her European brothers. All those who were amongst us, were considered as such, and two-thirds of the political, civil and military employments, both of the high and middle classes, remained, or were placed in the hands of Europeans, without any further precaution, but with a sincerity and good faith, that nearly proved fatal to our interests.

Our chests were generously opened, to aid with every luxury, to the end, that our tyrants in their passage from us, might enjoy every convenience and profusion; the captains of the packets, Carmen, Fortuna, and Araucana, were received into our ports, and assisted with money, to enable them to proceed on their voyage, and fulfil their respective commissions; and even the disrespect and crimes of the commander of the Fortuna, were referred to the judgement of the Spanish government. Notwithstanding the governmental Junta of Caracas, manifested the reasons of precaution, which obliged them not to expose to the voracity of the government, the public funds, which were destined to succour the nation, they exhorted and left room for the generosity of the people, to use their fortunes conformably to the impulse of their own sensibility, by publishing in the newspapers, the mournful manifest, in which the Regency pourtray-

los Periódicos destinados á alucinarnos: los Comisionados de la Regencia para Quito, Santa Fé y el Perú, fueron hospedados amistosamente, tratados como amigos, y socorridos á su satisfaccion sus urgencias pecuniarias. Pero gastamos mas bien el tiempo en analizar la conducta tenebrosa y suspicaz de nuestros enemigos, puesto que todos sus esfuerzos no han sido bastantes para desnivelar la imperiosa y triunfante impresion de la nuestra.

No eran solo los mandones de nuestro territorio los que estaban autorizados para sostener la horrorosa trama de sus constituyentes: era omnimoda y universal la mision de todos los que inundaron la América desde los funestos y ominosos reynados de las Juntas de Sevilla, Central y Regencia, y con un sistema de francmazoneria política baxo un pacto machiavelico, estaban todos de acuerdo en substituirse, reemplazarse y auxiliarse mutuamente en los planes combinados contra la felicidad y exístencia política del Nuevo Mundo. La Isla de Puerto Rico se constituyó, desde luego, la guarida de todos los agentes de la Regencia: el astillero de todas las expediciones: el quartel general de todas las fuerzas anti-Américanas: el taller de todas las imposturas, calumnias, triunfos y amenazas de los Regentes: el refugio de todos los malvados: y el surgidero de una nueva compañia de Filibustiers, para que no faltase ninguna de las calamidades del siglo 16 á la nueva

ed the agonizing state of the nation, in order to implore aid; at the same time, that they represented it vigorous, organized and triumphant in the public prints, destined to deceive us. The commissioners of the Regency bound to Quito, Santa Fè, and Peru, were hospitably received, treated as friends, and their pecuniary wants supplied, to their own satisfaction. —But we lose time, in thus analyzing the dark and cunning conduct of our enemies, as all their endeavours have not sufficed to warp the imperious and triumphing impression of ours.

The arrogant mandataries of our country, were not, however, the only ones, authorized to support the horrid plot of their constituents; the same uniform and universal mission, was brought out by all those who inundated America, from the sad and ominous reigns of the Junta of Seville, the Central one, and the Regency; and under the system of political freemasonry, founded on the machiavelic pact, they all accorded in mutually substituting, replacing, and assisting each other, in the plans combined against the felicity and political existence of the new world. The island of Puerto Rico, was immediately made the haunt of all the agents of the Regency, the place of equipment for all the expeditions, the head quarters of all the anti-American forces, the workshop of all the impostures, calumnies, triumphs, and threats of the Regents; the refuge of all the wicked, the rendezvous port of a new set of Filibustiers, in order that there might not be wanting any of the calamities of the

conquista de la América en el 19. Oprimidos los Américanos de Puerto-Rico con las bayonetas, cañones, grilletes y horcas, que rodeaban al Baxá Melendez y sus satélites, tenian que añadir á sus males y desgracias la dolorosa necesidad de contribuir á los nuestros, Tal es la suerte de los Américanos condenados, no solo á ser presidiarios, sino comitres unos de otros.

Aun es mucho mas dura é insultante la conducta que observa la España con la América, comparada con la que aparece respecto de la Francia. Es bien notorio que la nueva dinastia que resiste aun alguna parte de la nacion, ha tenido partidarios muy decididos en muchos de los que se miraban como sus Proceres por su rango, empleos, luces, y conocimientos;* pero todavia no se ha visto uno de los que tanto apetecen la libertad, independencia, y regeneracion de la Peninsula, que haya disculpado siquiera la conducta de las Provincias Americanas, que adoptando los mismos principios de fidelidad, é integridad nacional, hayan querido conservarse á sí mismas independientes de unos gobiernos intrusos, ilegitimos, imbeciles y tumultuarios, como han sido todos los que se han llamado hasta ahora apoderados del Rey, ó Representantes de la Nacion. Irrita ver tanta liberalidad, tanto civismo, y tanto desprendimiento en las Cortes

Morla, Azanza, Ofarill, Urquijo, Mazarredo, y otros muchos de todas clases y profesiones.

sixteenth century, to the new conquest of America, in the nineteenth. The Americans of Puerto Rico, oppressed by the bayonets, cannons, fetters and gibbets which surrounded the bashaw Melendez, and his satellites, had to add to their own evils and misfortunes, the painful necessity of contributing to ours. Such is the fate of the Americans, condemned not only to be galley slaves, but to be the drivers of each other.

The conduct observed by Spain to America, is harder and more insulting, when compared with that she appears to exercise with regard to France. It is well known, that the new dynasty, still resisted by part of the nation, has had decided partizans in many of those, who considered themselves the first national dignataries, for their rank, offices, talents, and knowledge;* but still there has not appeared one of those who so much desire the liberty, independence, and regeneration of the Peninsula, who has raised his voice in favour of the American provinces; which adopting the same principles of fidelity and national integrity, have of their own accord, been ambitious of preserving themselves independent of such intrusive, illegitimate, weak, and tumultuary governments, as have been all those, which have hitherto called themselves the agents of the King, or representatives of the nation. It is vexing to see so much liberality, so much civism, and so much disinterest in

* Morla, Azanza, Ofarill, Urquijo, Mazarredo, and many others of every class and profession.

con respecto á la España desorganizada, exhausta, y casi conquistada; y tanta mezquindad, tanta suspicacia, tanta preocupacion y tanto orgullo con la América, pacifica, fiel, generosa, decidida á auxiliar á sus hermanos, y la única que puede no dejar ilusorios, en lo esencial, los planes teoricos y brillantes que tanto valor dán el Congreso Español. Quantas trayciones, entregas; asesinatos, perfidias, y concusiones se han visto en la revolucion de España, han pasado como desgracias inseparables de las circunstancias; pero á ninguna de las Provincias rendidas, ó contentas con la dominacion Francesa, se le ha tratado como á Venezuela: habrá sido su conducta analizada y caracterizada conforme á las razones, motivos, y circunstancias que la dictaron: se habrá juzgado esta conforme al derecho de la guerra, y se habrá publicado el juicio de la Nacion conforme á los datos que se hayan tenido presentes; pero ninguna de ellas ha sido hasta ahora declarada traydora, rebelde, y desnaturalizada como Venezuela, y para ninguna de ellas se ha creado una comision pública de amotinadores diplomaticos, para armar Españoles contra Españoles, encender la guerra civil, é incendiar todo lo que no se puede poseer ó dilapidar á nombre de Fernando VII. La América sola es la que está condenada á sufrir, la inaudíta condicion de ser hostilizada, destruida, y esclavizada con los mismos auxílios, que ella destinaba para la libertad y felicidad comun de la Nacion, de

the Cortes, with regard to Spain, disorganized, exhausted, and nearly conquered; and at the same time, so much meanness, so much suspicion, prejudice, and pride, towards America; tranquil, faithful, generous, decided to aid her bretheren; when it is she alone who can give reality, (in the most essential point at least) to the theoretical and brilliant plans, which make the Spanish congress so exalted. How many treasons, surrenders, assassinations, perfidies, and convulsions, have not appeared in the revolution of Spain; these have passed by as the inseparable misfortunes of circumstances, yet not one of the provinces surrendered, or satisfied with the dominion of the French, has been treated like Venezuela; their conduct must however have been analyzed and characterized according to reasons, motives, and circumstances that dictated it; this must have been judged in conformity to the rights of war, and the sentiments of the nation must have been pronounced, according to the statements laid before it; but not one of them has yet been declared traiterous, in rebellion, and unnaturalized as was Venezuela; for none of them has been created a public commission of diplomatic mutineers, to arm Spaniard against Spaniard, to fan the flame of civil war, and to burn and delapidate all that cannot be held in the name of Ferdinand the seventh. America alone, is condemned to endure the unheard of condition, of being warred upon, destroyed, and enslaved, with the very aids, she destined for the liberty and common felicity of the nation,

que se le hizo creer fué parte por algunos momentos.

Parece que la independencia de la América causa mas furor á la España que la oppression estrangera que la amenaza, al ver que contra ella se emplean con preferencia recursos qun no han merecido aun las Provincias que han aclamado al nuevo Rey. El talento incendiaro y agitador de un Ministro del Consejo de Indias, no podia tener mas digno empleo que el de conquistar de nuevo á Venezuela con las armas de los Alfingers, y Weslers * á nombre de un Rey colocado en el trono, contra las pretensiones de la familia del que arrendó estos paises a los Factores Alemanes. Baxo este nombre se rompen contra nosotros todos los diques de la iniquidad, y se renuevan los horrores de la conquista, cuya memoria procuramos borrar generosamente de nuesta posteridad: baxo este nombre se nos trata con mas dureza que á los mismos que lo han abandonado ántes que nosotros: y baxo este nombre se quiere continuar el sistema de dominacion Española en América, que ha sido un fenomeno politico, aun de los tiempos de la realidad, energia, y vigor de la Monarquia Española. ¿Y podra darse alguna ley que nos obligue a conservarle, y sufrir á nombre suyo el torrente de amarguras que descargan sobre nosotros los que se dicen sus apoderados en la Peninsula? Por medio de ellos ha logrado su nombre los tesoros, la obediencia y reconocimiento

* Primeros tiranos de Venezuela, autorizados por Carlos V. y promovedores de la guerra civil entre sus primitivos habitantes.

of which she was led to believe, for a few moments, that she constituted part.

It appears that the independence of America, creates more irritation to Spain, than the foreign oppression that threatens her; for against her, are preferably employed, measures that have not even been used against the very provinces, that have proclaimed the new king. The incendiary and turbulent talent of a minister of the council of the Indies, could not have a more dignified employment, than that of again conquering Venezuela, with the same arms as those of the Alfingers and the Weslers,* in the name of a king placed on the throne, against the pretensions of the family of him, who let out these provinces to the German factors. Under this name, all the sluices of iniquity are opened upon us, and the horrors of the conquest are renewed, the remembrance of which, we had generously endeavoured to blot out from our posterity; under this name, we are treated with more severity, than those who abandoned it before we did; and under this name, it is attempted to continue the system of Spanish dominion in America, which has been held as a political phenomenon, even in the times of the reality, energy, and vigour of the Spanish monarchy. And can their be found, any law that obliges us to preserve it, and to suffer in its name, the torrent of distresses heaped upon us, by those who call themselves its agents in the Peninsula? By their

* The first tyrants of Venezuela, authorized by Charles V, and the promoters of civil war amongst its primitive inhabitants.

de las Américas; por medio pues de su flagiciosa conducta en el exercicio de sus poderes ha perdido el nombre de Fernando toda consideracion entre nosotros, y debe ser abandonado para siempre.*

No contento el tirano de Borriquen* con hacerse Soberano para declararnos la guerra, insultarnos y calumniarnos en sus insubstanciales, rastreros y aduladores periodicos: no satisfecho con haberse constituido el carcelero gratuito de los Emisarios de paz y confederacion, que le envió su compañero Miyares desde el Castillo de Zapáras de Maracaybo, porque trastornaban los planes que ya tenia recibidos y aceptados de la Regencia y el nuevo Rey de España, en cambio de la Capitanía General de Venezuela que compró barata á los Regentes: no creyendo bien recompensados tan relevantes méritos con el honor de haber servido fielmente á sus *Reyes;* robó con la última impudencia mas de cien mil pesos de los caudales públicos de Caracas, que se habian embarcado en la Fragata Fernando VII para comprar armamento y ropa militar en Londres, baxo seguros de aquella plaza; y para no dejar insulto por hacer, alegó que

* Ex qua persona quis lucrum capit, factum præstare tenetur.

† Nombre primitivo de la Isla de Puerto Rico.

means, this very name obtained the treasure, the obedience and acknowledgement of America; and by means of their flagitious conduct afterwards, in the exercise of their powers, the name of Ferdinand has lost every consideration amongst us, and consequently ought to be abandoned for ever.*

The tyrant of Borriquen,† not content with creating himself into a sovereign, to declare war against us, and with insulting and calumniating us in his flimsy, mean, and flattering prints; not satisfied with constituting himself into the gratuitous jail-keeper, of the emissaries of peace and confederation, sent to him by his comrade Miyares, from the castle of Zapàras de Maracaybo; because they overturned the plans he had received and accepted from the Regency, and the new king of Spain, in exchange for the Captain Generalship of Venezuela, purchased at a cheap rate from the Regents; not considering such superior merit sufficiently rewarded, with the honour of faithfully serving his *kings*, in the most barefaced manner, plundered more than one hundred thousand dollars of the public funds, belonging to Caracas, that had been embarked on board the ship Ferdinand the seventh, in order to purchase stores and military clothing in London, where the insurance was effected, and in order that his insult might be the more com-

* Ex qua persona quis lucrum capit, ejus factum præstare tenetur.

† The primitive name of the island of Puerto Rico.

el gobierno Español podria malversarlos, que la Inglaterra podria apropriarselos desconociendo nuestra resolucion, y que en ninguna parte debian ni podian estar mas seguros que en sus manos, negociados por medio de sus socios de comercio, como en efecto lo fueron en Filadelfia, para dar cuentas del capital quando conquistase Puerto Rico á Venezuela, se rindiése esta á la Regencia, ó volviése Fernando VII á reynar en España: tales parecen los plazos que se impuso á si mismo el Gobernador de Puerto Rico para dar cuenta de tan atroz y escandalosa depredacion; pero no es esto solo lo que ha hecho este digno agente de la Regencia en favor de los designios de sus comitentes.

Aun apesar de tanto insulto, de tanto robo, y de tanta ingratitud, permanecia Venezuela en su resolucion de no variar los principios que se propuso por norma de su conducta: el acto sublime de su representacion nacional, se publicó á nombre de Fernando VII: baxo su autoridad fantástica se sostenian todos los actos de nuestro gobierno y administracion, que ninguna necesidad tenia ya de otro orígen que el del Pueblo que la habia constituido: por las leyes y los codigos de la España, se juzgó una horrible y sanguinaria conspiracion de los Europeos, y se infringieron estas para perdonarles la vida, por no manchar con la sangre de nuestros pérfidos hermanos, la fi[lan-

plete, he alleged, that the Spanish government might waste and misapply them, that England might appropriate them to herself, disowning our resolution; so that in no place they could, or ought to be more secure than in his hands, negociated by means of his partners in trade, as in fact they were, in Philadelphia, adding that account of the capital thereof, was to be given in, when Puerto Rico had conquered Venezuela, when the latter should deliver herself up to the Regency, or when Ferdinand VII. should return to reign in Spain. Such were the periods, it appears, that the governor of Puerto Rico imposed upon himself, to render in account of so atrocious and scandalous a depredation; but this is not all that this worthy agent of the Regency has done, in favour of the designs of his constituents.

Notwithstanding so much insult, robbery, and ingratitude, Venezuela maintained her resolution not to vary the principles she had traced out for her conduct, the sublime act of her national representation was proclaimed in the name of Ferdinand VII. under his fantastical authority, all the acts of our government and administration were sustained, though they required no other origin than the people who had constituted them; by the laws and regulations of Spain was judged a horrible and sanguinary conspiracy of the Europeans, which were even infringed to save their lives, in order that the philanthropic memory of our revolution might not be stained with the blood of our perfidious brethren; under the name of

tropica memoria de nuestra revolucion: baxo el nombre de Fernando, é interponiendo los vinculos de la fraternidad y la patria, se procuró ilustrar y reducir á los mandones de Coro y Maracaybo, que tenian separados perfidamente de nuestros intereses á nuestros hermanos del Occidente: baxo los auspicios del interes reciproco triunfamos de la opresion de Barcelona: y baxo estos mismos reconquistarémos á Guayana arrancada dos veces de nuestra confederacion, como lo está Maracaybo, contra el voto general de sus vecinos.

Parecia que ya no quedaba nada que hacer para la reconciliacion de la España, ó para la entera y absoluta separacion de la América de un sistema de generosidad tan ruinoso y funesto como despreciado y mal correspondido; pero Venezuela quiso agotar todos los medios que estuviesen á su alcance, para que la justicia y la necesidad, no le dexasen otro partido de salud que el de la independencia que debió declarar desde el 19 de Abril de 1810. Despues de haber remitido á la sensibilidad, y no á la venganza las horrorosas escenas de Quito, Pore y la Paz: despues de haberse visto apoyada nuestra causa, con la uniformidad de sentimentos de Buenos Ayres, Santa Fé, la Florida, Mexico, Guatemala y Chile; despues de haber obtenido una garantia indirecta por parte de la Inglaterra: despues de lograr reunir á su causa á Barcelona, Merida y Truxillo: despues de oir alabar su conducta por los hombres imparciales de la Europa: despues de ver triunfar sus principios

Ferdinand, and by the interposition of the bonds of fraternity and patriotism, endeavours were made to inform and reduce the imperious mandataries of Coro and Maracaybo, who perfidiously kept separated from our interests, our brethren of the West; under the auspices of reciprocal interest, we triumphed over the oppressive acts of Barcelona, and under the same, we will reconquer Guayana, twice snatched from our confederation, as was Maracaybo, against the general wishes of its inhabitants.

It would have seemed, that nothing was now left to be done for the reconciliation of Spain, or for the entire and absolute separation of America from such a system of generosity, equally as ruinous and calamitous, as contemptible and ungrateful: but Venezuela was desirous of draining every means left within her reach, in order that justice and necessity should leave her no other safe alternative than that of independence, which ought to have been declared from the 15th of July 1808, or from the 19th of April 1810. After appealing to sensibility, and not to vengeance, in the horrid scenes that occurred at Quito, Pore, and La Paz: after beholding our own cause supported by the uniformity of opinions in Buenos Ayres, Santa Fé, the Floridas, Mexico, Guatemala, and Chili; after obtaining an indirect guarantee on the part of England; after hearing our conduct applauded by impartial men in Europe; after seeing the same principles triumph from the Orinoko, as far as El Magdalena; and from Cape Codera, as far as the

desde el Orinoco hasta el Magdalena; y desde el Cabo Codera hasta los Andes, tiene que endurar nuevos insultos, ántes que tomar el partido doloroso de romper para siempre con sus hermanos.

Sin haber hecho Caracas otra cosa que imitar á muchas Provincias de España, y usar de los mismos derechos que habia declarado en favor de ella y de toda la América, el Consejo de Regencia: sin haber tenido en esta conducta otros designios que los que le inspiraba la suprema ley de la necesidad para no ser envueltos en una suerte desconosida, y relevar á los Regentes del trabajo de atender al gobierno de paises tan extensos como remotos, quando ellos protestaban no atender sino á la guerra: sin haber roto la unidad é integridad política con la España: sin haber desconocido, como podia y debia, los caducos derechos de Fernando; lexos de aplaudir por conveniencia, ya que no por generosidad, tan justa, necesaria y modesta resolucion; y sin dignarse contestar siquiera, ó sometar al juicio de la nacion nuestras quexas y reclamaciones, se la declara en estado de guerra, se anuncia á sus habitantes como rebeldes, y desnaturalizados: se corta toda comunicacion con sus hermanos: se priva de nuestro comercio á la Inglaterra: se aprueba los excesos de Melendez, y se le autoriza para cometer quanto le sugiriese la malignidad de corazon, por mas opuesto que fuese á la razon y justicia, como lo demuestra la órden de 4 de Septiembre de 1810, desconocida por su monstruosidad aun entre los despótas de Constantinopla y del Indostan; y por no

Andes; we have still to endure fresh insults, before we fly to the painful extreme of breaking with our brethren for ever.

Caracas, without having done more than imitate many of the provinces of Spain; and used the same rights which the Council of Regency declared in her favour, as well as that of all America; without having had in this conduct, other designs than those inspired by the supreme law of necessity not to be involved in an unknown fate, and to relieve the Regents of the trouble of attending to the government of countries, as well extensive as remote, at the same time that they protested that they would attend to nothing but the war; without having torn asunder her unity and political integrity with Spain; without having disowned, as was possible and proper, the lame rights of Ferdinand; far from applauding for convenience, if not from sentiments of generosity, so just, necessary, and modest a resolution, and without answering even, or submitting to the judgment of the nation our complaints and claims, is declared in a state of war, her inhabitants are proclaimed rebels, and unnaturalized; every communication is cut off with her brethren; England is deprived of her trade, the excesses of Melendez are approved, and he is authorized to commit whatever his malignity of heart may suggest to him, however opposed to reason and justice, as is proved by the order of the 4th of Sept. 1810, unheard of for its enormity, even amongst the despots of Constantinople or Indostan; and not to

faltar un apice á los tramites de la conquista, se envia baxo el nombre de pacificador un nuevo Encomendero, que con muchas mas prerrogativas que los conquistadores y pobladores, se apostase en Puerto Rico para amenazar, robar, piratear, alucinar y amotinar á unos contra otros, á nombre de Fernando VII.

Hasta entónces habian sido mas lentos los progresos del sistema de snbversion, anarquía y depredacion que se propuso la Regencia luego que supo los movimientos de Caracas; pero trasladado ya el foco principal de la guerra civil mas cerca de nosotros, adquirieron mas intensidad los subalternos, y se multiplicaron los incendios de las pasiones, y los esfuerzos de los partidos que capitaneaban los Caudillos asalariados por Cortabarria y Melendez. De aqui la energía incendiaria que adquirió la efémera sedicion de Occidente: de aqui la discordia soplada de nuevo por Miyares, hinchado y ensobervecido con la imaginaria Capitanía General de Venezuela: de aqui la sangre Américana derramada á nuestro pesar en las arenas de Coro: de aqui los robos y asesinatos cometidos en nuestras costas por los piratas de la Regencia: de aqui el miserable bloqueo destinado á seducir y commover nuestras poblaciones litorales: de aqui los insultos hechos al pavellon Ingles: de aqui la decadencia de nuestro comercio: de aqui las conjuraciones de los Valles de Aragua y Cumaná: de aqui la horrorosa perfidia de Guayana, y la deportacion insultante de sus Proceres á las mazmorras de Puerto Rico:

deviate in the least from the plots of the conquest, a new *Encomendero* is sent out under the name of a pacificator, who, with more prerogatives than the conquerors and settlers themselves was to take his post in Puerto Rico, and thence to threaten, rob, pirate, deceive, excite civil disturbances, and all in the name of Ferdinand VII.

Till then the progress of the system of subversion, anarchy, and depredation, which the Regency proposed to itself on hearing of the movements of Caracas, had been but slow, but the principal focus of the civil war, being transferred nearer to us, the subaltern agents acquired more strength; the flames of the passions were multiplied, as well as the efforts of the parties directed by the chiefs hired by Cortavarria and Melendez. Hence originated the incendiary energy acquired by the ephemeral sedition of the West; hence the discord newly fanned by Miyares, rendered vain and arrogant by the imaginary and promised Captain-generalship of Venezuela; hence the American blood, in spite of ourselves, spilt on the sands of Coro; hence the robberies and assassinations committed on our coasts by the pirates of the Regency; hence that miserable blockade, intended to seduce and rise up our shore settlements; hence the insults committed on the English flag; hence the falling off of our trade; hence the conspiracies of the vallies of Aragua and Cumanà; hence the horrid perfidy in Guyana, and the insulting deportation of its leading characters to

de aqui los generosos é imparciales oficios de reconciliacion, interpuestos sinceramente por un Representante del Gobierno Britanico en las Antillas, y despreciados por el pseudo pacificador:* de aqui, finalmente, todos los males, todas las atrocidades, y todos los crímenes que son y serán eternamente inseparables de los nombres de Cortabarria y Melendez en Venezuela, y que han impelido à su gobierno á ir mas allá de lo que se propuso al tomar á su cargo la suerte de los que lo honraron con su confianza.

La mision de Cortabarria en el siglo 19, comparado el estado de la España que la decretó, y el de la América á quien se dirigia, demuestra hasta que punto ciega el prestigio de la ambicion á los que fundan en el embrutecimiento de los Pueblos todo el origen de su autoridad. Con este solo hecho habria bastante para autorizar nuestra conducta. El espiritu de Carlos V, la memoria de Cortes y Pizarro, y los manes de Montezuma y Atahualpa se reproducen involuntariamente en nuestra imaginacion, al ver renovados los Adelantados, Pesquisidores, y Encomenderos en un pais, que contando trescientos años de sumision y sacrificios, habia prometido continuarlos, sin otra condicion que la de ser libre, para que la

* Oficio del Exemo. Sr. Almirante Cochrane, en la Secretaria de Estado.

the Moorish dungeons of Puerto Rico;* hence the generous and impartial offices of reconciliation, sincerely interposed by a representative of the British government in the Antilles, and rejected by the pseudo-pacificator;† hence, in short, all the evils, all the atrocities, and all the crimes, which are, and ever will be, inseparable to the names of Cortavarria and Melendez in Venezuela, and which have impelled her government to go beyond what was proposed, when it took upon itself the fate of those who honoured it with their confidence.

The mission of Cortavarria in the 19th century, and the state of Spain who decreed it, compared with America, against whom it is directed, evinces, to what an extreme the illusion of ambition blinds those, who on the depravation of the people, found all the origin of their authority. This act alone sufficed to authorize our conduct. The spirit of Charles V. the memory of Cortes and Pizarro, and the manes of Montezuma and Atahuaipa, are involuntarily reproduced to our imagination, when we see the *Adelantados*, *Pesquisidores*, and *Encomendoros* ‡ renewed in a country, which having endured 300 years of submission and sacrifices, had promised to continue in allegiance on the only condition of being free, in or-

* These are dungeons constructed like those of Tunis and Algiers.

† The official dispatch of Admiral Cochrane in the Secretary of State's Office.

‡ Offices peculiar to the first settlement of America.

servidumbre no mancillase el merito de la fidelidad. La plenipotencia escandalosa de un hombre autorizado por en Gobierno intruso é ilegitimo, para que con el nombre insultante de Pacificador despotizase, amotinase, robase, y (para colmo del ultrage) perdonase á un Pueblo noble, inocente, pacifico, generoso y dueño de sus derechos, solo puede creerse en el delirio impotente de un gobierno que tiraniza á una nacion desorganizada y aturdida con la horrorosa tempestad que descarga sobre ella; pero como los males de este desórden, y los abusos de aquella usurpacion podrian creerse no imputables á Fernando reconocido ya en Venezuela quando estaba impedido de remediar tanto insulto, tanto atentado, y tanta violencia cometida en su nombre, creemos necesario remontar al orígen de sus derechos, para descender á la nulidad é invalidacion del generoso juramento con que los hemos reconocido condicionalmente; aunque tengamos que violar, á nuestro pesar, el espontaneo silencio que nos hemos impuesto sobre todo lo que sea anterior á las jornadas del Escorial y de Aranjuez.

Es constante que la América no pertenece, ni puede pertenecer al territorio Espanol; pero tambien lo es que los derechos que justa ó injustamente tenian á ella los Borbones, aun que fuesen hereditarios, no podian ser enagenados sin el consentimiento de los pueblos, y

der that the circumstances of slavery, might not blemish the merit of fidelity. The scandalous plenitude of power confided to a man, authorized by an intrusive and illegitimate government, that under the insulting name of pacificator, he might despotize, excite, rob, and (to crown the insult) that he might offer pardon to a people, noble, innocent, tranquil, generous, and masters of their own rights; could only be credited in the impotent delirium of a government that tyranises over a nation disorganized and stunned by the horrid tempest that overtakes her; but as the ills of this disorder, and the abuses of such an usurpation might be considered as not imputable to Ferdinand, already acknowledged in Venezuela, at the same time that he was unable to remedy so much insult, such excesses, and so much violence committed in his name, we consider it necessary to remount to the origin of these same rights, that we may then descend to the nullity and invalidity of the generous oath by which we conditionally acknowledged him; notwithstanding we have, in spite of ourselves, to violate the spontaneous silence we had imposed upon us, respecting every thing that was anterior to the transactions of El Escurial and Aranjuez.

It is an evident fact, that America does not belong, to the territory of Spain, and it is moreover also true, that the rights which the Bourbons, justly or unjustly, had to it, notwithstanding they were hereditary, could not be disposed of without the consent

particularmente de los de América, que al elegir entre la dinastía Francesa y Austriaca, pudieron hacer én el siglo 17 lo que han hecho en el 19. La Bula de Alexandro VI, y los justos títulos que alegó la casa de Austria en el codigo Américano, no tuvieron otro orígen que el derecho de conquista, cedido parcialmente á los conquistadores y pobladores por la ayuda que prestaban á la Corona para extender su dominacion en América. Prescindiendo de la despoblacion del territorio, del exterminio de los naturales, y de la emigracion que sufrió la supuesta Metrópoli, parece que acabado el furor de conquista: satisfecha la sed de oro: declarado el equilibrio continental á favor de la España con la ventajosa adquisicion de la América: destruido y aniquilado el gobierno feudal desde el reynado de los Borbones en España: y sofocado todo derecho que no tubiese orígen en las concesiones ó rescriptos del Principe, quedaron suspensos de los suyos los conquistadores y pobladores. Demostrada que sea la caducidad é invalidacion de los que se arrogaron los Borbones, deben revivir los títulos con que poseyeron estos paises los Américanos descendientes de los conquistadores; no en perjuicio de los naturales y primitivos proprietarios, sino para igualarlos en el goce de la libertad, propriedad é independencia que han adquirido, con mas derecho que los

of the people, and particularly of those of America, who, on the election between the French and Austrian dynasties, might have done in the 17th century, what they have now done in the 19th. The bull of Alexander IV. and the just titles which the house of Austria alledged in the American code, had no other origin, than the right of conquest, partially ceded to the conquerors and settlers, for the aid they had rendered to the crown in order to extend its dominion in America. Without taking into consideration the depopulation of the country, the extermination of the natives, and the emigration which the supposed mother country sustained, it appears, that when the fury of conquest had ceased; when the thirst for gold was satisfied; when the continental equilibrium was declared in favour of Spain, by the advantageous acquisition of America; the feudal government destroyed and rooted up from the time of the reign of the Bourbons in Spain, and every right extinct that did not originate in the new concessions or mandates of the prince, the conquerors and settlers then became absolved of theirs. As soon as the lameness and invalidity of the rights arrogated to themselves by the Bourbons, is demonstrated; the titles by which the Americans, descendents of the conquerors, possessed these countries, revive; not in detriment to the natives and primitive proprietors, but to equalise them in the enjoyment of liberty, property, and in-

Borbones, y qualquiera otro á quien ellos hayan cedido la América, sin consentimiento de los Américanos, señores naturales de ella.

Que la América no pertenece al territorio Español, es un principio de derecho natural, y una ley del derecho positivo. Ninguno de los títulos justos ó injustos que exîsten de su servidumbre, puede aplicarse á los Españoles de Europa; y toda la liberalidad de Alexandro VI. no pudo hacer otra cosa que declarar á los Reyes Austriacos promovedores de la fé, para hallar un derecho preternatural con que hacerlos Señores de la América. Ni el título de Metrópoli, ni la prerrogativa de Madre Patria pudo ser jamas un orígen de Señorío para la Península de España: el primero lo perdió desde que salió de ella y renunció sus derechos el Monarca tolerado por los Américanos: y la segunda fué siempre un abuso escandaloso de voces, como el de llamar felicidad á nuestra esclavitud, protectores de Indios á los Fiscales, é hijos á los Américanos sin derecho ni dignidad civil. Por el solo hecho de pasar los hombres de un pais á otro para poblarlo, no adquieren propriedad los que no abandonan sus hogares, ni se exponen á las fatigas inseparables de la emigracion; los que conquistan y adquieren la posesion del pais con su trabajo, industria, cultivo y enlace con los naturales de él, son los que tienen un derecho preferente á conservarlo y transmitirlo á su posteridad nacida en aquel territorio; y si el suelo donde nace el hombre fuese un orígen de

dependence, which they always held by a right stronger than that of the Bourbons, or of any others to whom they may have ceded America, without the consent of the Americans, its natural owners.

That America does not belong to the territory of Spain, is a principle of natural, and a law of positive right. No title, just or unjust, which exists of her slavery, can apply to the Spaniards of Europe; and all the liberality of Alexander VI, could not do more, than declare the Austrian kings promoters of the faith, in order to find out for them a preternatural right, whereby to make them Lords of America. Neither the pre-eminence of the parent state, nor the prerogative of the mother country, could at any time ground the origin of Lordship on the part of Spain. The first was lost, from the time that the monarch, aknowledged by the Americans, left the country and renounced his rights, and the second always amounted to nothing more than a scandalous abuse of words; as was that of calling our slavery, felicity: that of saying the *fiscals* were the protectors of the Indians; and that the sons of Americans were divested of every right and civil dignity. By the mere act of men passing from one country to another to settle it, those who do not leave their homes, acquire no property, nor do they expose themselves to the hardships inseparable to emigration. Those who conquer and obtain possession of a country by means of their labour, industry, cultivation, and connection with the natives thereof, are they who have a preferable

la Soberanía, ó un título de adquisicion, seria la voluntad general de los pueblos, y la suerte del género humano, una cosa apegada á la tierra como los árboles, montes, rios y lagos.

Jamas pudo ser tampoco un título de propiedad para el resto de un pueblo, el haber pasado á otro una parte de él para poblarlo; por este derecho pertenecería la España á los Fenicios ó sus descendientes, y á los Cartagineses donde quiera que se hallasen;* y todas las naciones de la Europa tendrian que mudar de domicilio para restablecer el raro derecho territorial, tan precario como las necesidades y el capricho de los hombres. El abuso moral de la maternidad de la España con respecto á la América, es aun todavia mas insignificante: bien sabido es, que en el órden natural es del deber del padre emancipar al hijo, quando saliendo de la minoridad puede hacer uso de sus fuerzas y su razon para proveer á su subsistencia; y que es del derecho del hijo hacerlo, quando la crueldad ó disipacion del padre ó tutor, comprometen su suerte, ó exponen su partrimonio á ser presa de un codicioso ó un usurpador: comparense baxo estos principios los trescientos años de nuestra filiacion con la España; y aun quando se probase

* En esta paridad no se entra en las disputas de historia primitiva.

right to preserve it and transmit it to their posterity born therein; for if the country where one is born, were considered as an origin of sovereignty, or a title of acquisition, the general will of nations, and the fate of the human race, would then be riveted to the soil, in like manner as are the trees, mountains, rivers and lakes.

Neither could it ever be considered as a title of property to the rest of a nation, for one part thereof to have past over to another country to settle it; for by a right of this nature, Spain herself would belong to the Phœnicians, their descendants, or to the Carthagenians, wherever they may be found*; even the whole of the nations of Europe, would have to change their abodes to make room and re-establish so singular a territorial right; home would then become as precarious as are the wants and caprices of men. The moral abuse of the maternity of Spain, with regard to America, is still more insignificant, for it is well known, that in the natural order of things, it is the duty of the father to emancipate his son, as soon as getting out of his minority, he is able to use his strength and reason to provide for his own subsistence; and also, that it is the duty of the son to emancipate himself, whenever the cruelty or extravagance of the father or tutor endanger his well-being, or expose his patrimony to be the prey of a miser or an usurper. Under these principles, let a

* In this comparison, no notice is taken of the disputes respecting primitive history.

que ella fué nuestra madre, restaria aun por probar que nosotros somos todavia sus hijos menores ó pupilos.

Quando la España ha revocado en duda los derechos de los Borbones y de qualquiera otra dinastia, única fuente, aunque no muy clara, del dominio Español en América, parecia que estaban los Américanos relevados de alegar razones para destruir unos principios caducos ya en su orígen; mas como puede hacerse cargo á Venezuela del juramento condicional con que reconoció á Fernando VII el Cuerpo Representativo que ha declarado su independencia de toda Soberanía extraña, no quiere este augusto Cuerpo dexar nada al escrupulo de las conciencias, á los prestigios de la ignorancia, y á la malicia de la ambicion resentida, con que desacreditar, calumniar y debilitar una resolucion tomada con la madurez y detenimiento proprios de su importancia y trascendencia.

Sabido es que el juramento promisorio de que tratamos, no es otra cosa que un vinculo accesorio, que supone siempre la validacion y legitimidad del contrato que por él se ratifica: quando en el contrato no hay ningun vicio que lo haga nulo ó ilegitimo, basta esto para creer que Dios invocado por el juramento, no rehusará ser testigo y garante del cumplimiento de nuestras promesas; por que la obligacion de cumplirlas, está fundada sobre una maxîma

comparison be made of the three hundred years of our filiation to Spain; and even when it should be proved that she was our mother, it would still remain to be proved, that we are yet her minors or pupils.

At any period, when Spain has entertained any doubt of the rights of the Bourbons, or of any other dynasty, the only source, and that not very clear, of the Spanish dominion in America; it appeared as if the Americans were excluded from alleging any reasons that might destroy such claims, doubtful from their very origin; but as Venezuela may be hereafter reproached for the conditional oath by which the representative body that now declares its independence of every other foreign power, previously acknowledged Ferdinand VIIth; this same august body feels anxious that no handle should be left for the scruples of conscience, for the illusions of ignorance, and for the malice of wounded ambition, whereby to discredit, calumniate, and weaken a resolution, taken with a maturity and deliberation suitable to its magnitude and importance.

It is well known, that the promissory oath in question, is no more than an accessory bond, which always pre-supposes the validity and legitimacy of the contract ratified by the same. When in the contract, there is no vice which may render it null and illegitimate, it is, that we believe, that God invoked by an oath, will not then refuse to witness and guarantee the fulfilment of our promises, be-

evidente de la ley natural, instituida por el divino Autor. Jamas podrá Dios ser garante de nada que no sea obligatorio en el órden natural, ni puede suponerse que acepte contrato alguno que se oponga á las leyes que él mismo ha establecido para la felicidad del genero humano. Seria insultar su sabiduria, creer que puede prestarse á nuestros votos quando nos pluga interponer su divino nombre en un contrato que choque contra nuestra libertad, único orígen de la moralidad de nuestras acciones: semejante suposicion indicaria que Dios tenia algun interes en multiplicar nuestros deberes, en perjuicio de la libertad natural, por medio de estos compromisos. Aun quando el juramento añadiese nueva obligacion á la del contrato solemnizado por él, siempre seria la nulidad del uno inseperable de la nulidad del otro; y si el que viola un contrato jurado es criminal y digno de castigo, es porque ha quebrantado la buena fé, único lazo de la sociedad; sin que el perjurio haga otra cosa que aumentar el delito, y agravar la pena. La ley natural que nos obliga á cumplir nuestras promesas, y la divina que nos prohibe invocar el nombre de Dios en vano, no alteran en nada la naturaleza de las obligaciones contraidas baxo los efectos simultaneos é inseperables de ambas leyes, de modo que la infraccion de la una, supone siempre la infraccion de la otra. Para nuestro mismo bien tomamos á Dios

cause the obligation to comply with them, is founded on an evident maxim of the natural law, instituted by the Divine Author. God can at no time guarantee any thing, that is not binding in the natural order of things, nor can it be supposed he will accept of any contract, opposed to those very laws he himself has established; for the felicity of the human race. It would be to insult his wisdom, to believe, that he is capable of listening to our vows, when we implore his divine concurrence to a contract, that clashes with our own liberty, the only origin of the morality of our actions; such a supposition would indicate, that God had an interest in multiplying our duties, in prejudice to natural liberty, by means of such agreements. Even when the oath were to add any new obligation to that of the contract thereby confirmed, the nullity of the one, would at all times be inseparable to the nullity of the other; and if he who violates a sworn contract, is criminal and worthy of punishment, it is, because he has violated good faith, the only bond of society; without the perjury doing more than serving to increase the crime, and to aggravate the punishment. That natural law which obliges us to fulfil our promises, and that divine one which forbids us to invoke the name of God in vain, do not in any manner alter the nature of the obligations contracted under the simultaneous and inseparable effects of both laws; so that the infraction of the one, supposes the infraction of the other. For our own good, we call on God to wit-

por testigo de nuestras promesas, y quando creemos que puede salir garante de ellas, y vengar su violacion, es solo porque nada tiene en si el contrato capaz de hacerlo invalido, ilicito, indigno, ó contrario á la eterna justicia del arbitro supremo, á quien lo sometemos. Baxo estos principios debe analizarse el juramento condicional con que el Congreso de Venezuela ha prometido conservar los derechos que legitimamente tuviese Fernando VII; sin atribuirle ninguno que siendo contrario á la libertad de sus Pueblos, invalídase por lo mismo el contrato, y anuláse el juramento.

Hemos visto, al fin, que á impulsos de la conducta de los gobiernos de España, han llegado los Venezolanos à conocer la nulidad en que cayeron los tolerados derechos de Fernando por las jornadas del Escorial y Aranjuez, y los de toda su casa por las cesiones y abdicaciones de Bayona: de la demostracion de esta verdad, nace comó un corolario la nulidad de un juramento que, ademas de condicional, no pudo jamas subsistir mas allá del contrato á que fué añadido como vinculo accesorio. Conservar los derechos de Fernando, fué lo único que prometió Caracas el 19 de Abril, quando ignoraba aun si los habia perdido *; y quando aunque los conservase con respecto à la España, quedaba todavia por de-

* Judicio caret juramentum incautum. Div. Tom. 22. p. 89. art. 3. Si vero sit quidem possibile fieri; sed fieri non debeat, vel quia est per se malum, vel quia est boni impeditivum, tunc juramento deest justitia, et ideo non est servandum. Quest. cit. art. 7.

ness our promises, and when we believe that he can guarantee them and avenge their violation, it is alone, because the contract has nothing in itself capable of rendering it invalid, illicit, unworthy of, or contrary to, the eternal justice of the Supreme Arbiter, to whom we submit it. Under these principles it is that we are to analyze the conditional oath by which the Congress of Venezuela has promised to preserve the rights legally held by Ferdinand VII. without attributing to it any other, which, being contrary to the liberty of the people, would of consequence invalidate the contract, and annul the oath.

We have at length seen, that, impelled by the conduct of the governments of Spain, the people of Venezuela became sensible of the circumstances, by which the tolerated rights of Ferdinand VII. were rendered void in consequence of the transactions of El Escurial and Aranjuez; as well as those of all his house, by the cessions and abdications made at Bayonne; and from the demonstration of this truth, follows, as a corollary, the invalidity of an oath, which, besides being conditional, could not subsist beyond the contract to which it was added, as an accessory bond. To preserve the rights of Ferdinand, was all that Caracas promised on the 19th of April, at a time she was ignorant he had lost them*;

*Judicio caret juramentum incautum. Div. Tom. 22 p. 89. art. 3. Si vero sit quidem possibile fieri; sed fieri non debeat, vel quia est per se malum, vel quia est boni impeditivum, tunc juramento deest justitia, et ideo non est servandum. Quest. cit. art. 7.

mostrar si podia ceder por ellos la América á otra dinastia, sin su consentimiento. Las noticias que apesar de la opresion y suspicacia de los intrusos gobiernos de España, ha adquirido Venezuela de la conducta de los Borbones, y los efectos funestos que iba á tener en América esta conducta, han formado un cuerpo de pruebas irrefragables, de que no teniendo Fernando ningun derecho, debió caducar, y caducó la conservaduria que le prometio Venezuela, y el juramento que solemnizó esta promesa †. De la primera parte del aserto, es conseqüencia legítima la nulidad de la segunda.

Ni el Escorial, ni Aranjuez, ni Bayona, fueron los primeros teatros de las transacciones que despojaron á los Borbones de sus derechos sobre la América. Ya se habian quebrantado en Basilea y en la Corte de España, las leyes fundamentales de la dominacion Española en estos paises *. Carlos IV. cedió contra una de ellas † la Isla de Santo Domingo á la Francia, y enagenò la Luisiana en obsequio de esta Nacion extrangera; y estas inauditas

† Jurabis in veritate, et in judicio, et in justitia. Jerem. Cap. 4.

‡ Tratado de Basilea de 15 de Julio de 1795.

§ Ley 1. tit. 1. de la Recopil. de Indias.

and even if he retained them, with regard to Spain, it remains to be proved, whether, by virtue of the same, he was able to cede America to another dynasty, without her own consent. The advices, which in spite of the oppression and cunning of the intrusive governments of Spain, Venezuela was enabled to obtain of the conduct of the Bourbons, and the fatal effects the same was about to entail on America, have constituted a body of irrefragable proofs, evincing, that as Ferdinand no longer retained any rights, the preservation thereof, which Venezuela promised, as well as the oath by which she confirmed this promise, consequently are, and ought to be done away.* Of the first part of the position, the nullity of the second, becomes a legitimate consequence.

But neither the Escurial, Aranjuez, or Bayona, were the first theatres of the transactions, which deprived the Bourbons of their rights to America. Already in Basil and in the court of Spain, the fundamental laws of the Spanish dominion in these countries, had been broken through.† Charles IV, contrary to one of them,ceded the island of St. Domingo to France,‡ and disposed of Louisiana to the same foreign power, which unheard of, and scandalous in-

* Jurabis in veritate, et in judicio, et in justicia. Jerem. Cap. 4.

† The treaty of Basil made on the 15th July 1795, and by which Godoy obtained the title of Prince of Peace.

‡ Law 1, Tit. 1, of the Recopil de Indias.

y escandalosas infracciones autorizaron á los Americanos contra quienes se cometieron, y á toda la posteridad del pueblo Colombiano para separarse de la obediencia y juramento que tenia prestado á la corona de Castilla, como tuvo derecho para protestar contra el peligro inminente que amenazaba á la integridad de la monarquía en ambos mundos, la introduccion de las tropas Francesas en España ántes de la jornada de Bayona; llamadas sin duda por alguna de las facciones Borbonicas, para usurpar la soberanía nacional á favór de un intruso, de un estrangero, ó de un traydor; pero estando estos sucesos del lado de allá de la linea que hemos demarcado á nuestras razones, bolveremos á pasarla para entrar en las que han autorizado nuestra conducta desde el año de 1808.

Todos conocen el suceso del Escorial en 1807; pero quizá habrá quien ignore los efectos naturales de semejante suceso. No es nuestro animo entrar á averiguar el origen de la discordia introducida en la casa y familia de Carlos IV.; atrybuyensela reciprocamente la Inglaterra y la Francia; y ambos gobiernos tienen acusadores y defensores: tampoco es de nuestro proposito el casamiento ajustado entre Fernando y la entenada de Bonaparte: la paz de Tilsit: las conferencias de Erfubrt: el tratado secreto de S. Cloud: y la emigracion de la casa de Braganza al Brazil. Lo cierto y lo propio de nosotros, es que por la jornada del Escorial, quedó Fernando septimo declarado traydor contra su padre Carlos IV. Cien

fractions, authorized the Americans, against whom they were committed, as well as the whole of the Columbian people, to separate from the obedience and lay aside the oath, by which they had bound themselves to the crown of Castile, in like manner, as they were entitled to protest against the eminent danger, which threatened the integrity of the monarchy in both worlds, by the introduction of French troops into Spain, previous to the transactions of Bayona; invited there, no doubt, by one of the Bourbon factions, in order to usurp the national sovereignty in favour of an intruder, a foreigner, or a traitor; but as these events are prior to the period we have fixed for our discussion, we will return to treat of those which have authorized our conduct, since the year 1808.

Every one is aware of the occurrences which happened at the Escurial, in 1807, but perhaps every one is not acquainted with the natural effects of these events. It is not our intention here to enter into the discovery of the origin of the discord that existed in the family of Charles IV. let England and France attribute it to themselves, both governments have their accusers and defenders; neither is it to our purpose to notice the marriage agreed on between Ferdinand and the daughter-in law of Buonaparte, the peace of Tilsit, the conferences at Erfuhrt, the secret treaty of St. Cloud, and the emigration of the house of Braganza to the Brazils. What most materially concerns us, is, that by the transactions of

plumas y cien prensas publicaron á un tiempo por ambos mundos su perfidia, y el perdon que á sus ruegos le concedió su padre; pero este perdon como atributo de la soberanía y de la autoridad paterna, relevó al hijo únicamente de la pena corporal; el Rey su padre no tuvo facultad para dispensarle la infamia y la inhabilidad que las leyes constitucionales de España imponen al traydor, no solo para obtener la dignidad Real, pero ni aun el último de los cargos y empleos civiles. Fernando no pudo ser jamas Rey de España, ni de las Indias.

A esta condicion quedó reducido el heredero de la Corona, hasta el mes de Marzo de 1808, que hallandose la Corte en Aranjuez, se reduxo por los parciales de Fernando á insurreccion y motin, el proyecto frustrado en el Escorial. La exâsperacion publica contra el ministerio de Godoy, sirvió de pretexto á la faccion de Fernando, para convertir indirectamente en provecho de la nacion lo que se cálculó, tal vez, baxo otros designios. El haber usado de la fuerza contra su padre: el no haberse valido de la suplica y el convencimiento: el haber amotinado el pueblo: el haberlo reunido al frente del palacio para sorprehenderlo, arrastrar al ministro, y forzar al Rey á abdicar la corona; lejos de darle derecho á ella, no hizo mas que aumentar su crimen, agravar su traicion, y consumar su inhabilidad para subir á un tro-

El Escurial, Ferdinand VII. was declared a traitor against his father, Charles IV. A hundred pens, and a hundred presses published at the same time in both worlds, his perfidy, and the pardon which at his prayer, was granted to him by his father, but this pardon as an attribute of the sovereignty and of paternal authority, only absolved the son from corporal punishment; the king his father, had no power to free him from the infamy and inability which the constitutional laws of Spain impose on the traitor, not only to hinder him from obtaining the royal dignity, but even the lowest office or civil employment. Ferdinand, therefore, never could be king of Spain, or of the Indies.

To this condition the heir of the crown remained reduced, till the month of March, 1808, when, whilst the court was at Aranjuez, the project frustrated at the Escurial was converted into insurrection and open mutiny, by the friends of Ferdinand. The public exasperation against the ministry of Godoy, served as a pretext to the faction of Ferdinand, and as a plea indirectly to convert into the good of the nation, what was perhaps calculated under other designs. The fact of using force against his father; his not rather recurring to supplication and convincing arguments; his having excited mutiny on the part of the people; his having assembled them in front of the palace in order to surprise it, to insult the minister, and force the king to abdicate his crown; far from giving him any

no desocupado por la violencia, la perfidia y las facciones. Carlos IV. ultrajado, desobedecido y amenazado con la fuerza, no tubo otro partido favorable á su decoro y su venganza, que emigrar á Francia para implorar la proteccion de Bonaparte, á favor de su dignidad real ofendida. Baxo la nulidad de la renuncia de Aranjuez, se juntan en Bayona todos los Borbones, atraidos contra la voluntad de los pueblos, á cuya salud prefirieron sus resentimientos particulares: aprovechóse de ellos el Emperador de los Franceses, y quando tuvo baxo sus armas y su influxo á toda la familia de Fernando, con varios proceres Españoles y suplentes por Diputados en Cortes, hizo que aquel restituyese la corona á su padre, y que este la rénunciase en el Emperador, para trasladarla en seguida á su hermano José Bonaparte.

Ignoraba todo esto, ó sabialo muy por encima Venezuela, quando llegaron á Caracas los emisarios del nuevo Rey. La inocencia de Fernándo en contraposicion de la insolencia y despotismo del favorito Godoy, fué el movil de su conducta, y la norma de la de las autoridades vacilantes el 15 Julio de 1808; y entre la alternativa de entregarse á una Potencia extraña, ó de ser fiel á un Rey que aparecia desgra-

title to it; only tended to increase his crime, to aggravate his treachery, and complete his inability to ascend the throne, vacated by means of violence, perfidy, and factions. Charles IV. outraged, disobeyed, and threatened with force, had no other alternative left him, suitable to his decorum, and favourable to his vengeance; than to emigrate to France to implore the protection of Buonaparte, in favour of his offended royal dignity. Under the nullity of the abdications of Aranjuez, all the Bourbons assemble in Bayona, carried there against the will of the people, to whose safety they preferred their own particular resentments; the Emperor of the French, took advantage of them, and when he held under his controul, and within his influence, the whole family of Ferdinand, as well as several of the first Spanish dignitaries and substitutes for deputies in the Cortes; he caused the son to restore the crown to his father, and the latter then to make it over to him the Emperor, in order that he might afterwards confer it on his brother Joseph Napoleon.

Venezuela was ignorant of all this, or at least only knew it partially, when the emissaries of the new king reached Caracas. The innocence of Ferdinand, compared with the insolence and despotism of the favourite Godoy, impelled and directed her conduct, when the local authorities wavered on the 15th of July, 1808; and being left to choose between the alternative of delivering herself up to a foreign

ciado y perseguido, triunfó la ignorancia de los sucesos del verdadero interes de la patria, y fué reconocido Fernando, creyendo que mantenida por este medio la unidad de la nacion, se salvaria de la opresion que la amenazaba, y se rescataria un Rey de cuyas virtudes, sabiduria y derechos estabamos falsamente procupados. Ménos que esto necesitaban los que contaban con nuestra buena fé para oprîmirnos: Fernando inhabil para obtener la corona, imposibilitado de ceñirla, anunciado ya sin derechos á la sucesion por los Proceres de España, incapaz de gobernar la América, y baxo las cadenas y el influxo de una Potencia enemiga, se volvió desde entónces, por la ilusion, un Principe legítimo, pero desgraciado, se fingió un deber el reconocerlo, se volvieron sus herederos y apoderados, quantos tuvieron audacia para decirlo, y aprovechando la innata fidelidad de los Españoles de ambos mundos, empezaron á tiranizarlos nuevamente los intrusos gobiernos que se apropiaron la Soberanía del pueblo á nombre de un Rey quimerico; y hasta la Junta mercantil de Cadiz, quiso exercer dominio sobre la América.

power, or of remaining faithful to a king, who appeared unfortunate and persecuted, the ignorance of events triumphed over the true interests of the country, and Ferdinand was acknowledged, under a belief that, by this means, the unity of the nation being maintained, she would be saved from the threatened oppression, and a king be ransomed, of whose virtues, wisdom and rights, we were falsely prepossessed. But less was requisite to oppress us, on the part of those who relied on our good faith. Ferdinand, disqualified and unable to obtain the crown; previously announced by the leaders of Spain as dispossessed of his rights to the succession; incapable of governing in America, held in bondage, and under the influence of a foreign power; from that time, became by illusion, a legitimate but unfortunate prince; it was feigned a duty to acknowledge him; as many as had the audacity to call themselves such, became his self-created heirs and representatives, and taking advantage of the innate fidelity of the Spaniards of both worlds, and forming themselves into intrusive governments, they appropriated to themselves the sovereignty of the people, in the name of a chimerical king, began to exercise new tyrannies, and even of the commercial Junta of Cadiz sought to extend her control over America.

Tales han sido los antecedentes y las conseqüencias de un juramento, que dictado por la sencillez y la generosidad, y conservado condicionalmente por la buena fé, quiere ahora oponerse para perpetuar los males que la costosa experiencia de tres años, nos ha demostrado como inseparables de tan funesto y ruinoso compromiso. Enseñados como lo estamos por la serie de males, insultos, vexaciones, é ingratitudes que hemos patentizado, desde el 15 de Julio de 1808, hasta el 5 de Julio de 1811; tiempo es ya de qué abandonemos un talisman, que inventado por la ignorancia, y adoptado por la fidelidad, está desde entonces amontonando sobre nosotros todos los males de la ambigüedad, la suspícacia y la discordia. Derechos de Fernando y representacion legítima de ellos, por parte de los intrusos gobiernos de España: fidelidad y obligaciones de compasion y gratitud, por la nuestra, son los dos resortes favoritos que se juegan alternativamente para sostener nuestra ilusion, devórar nuestra sustancia, prolongar nuestra degradacion, multiplicar nuestros males, y prepararnos á recibir pasiva é ignominiosamente la suerte que nos destinen los que tan buena nos la están haciendo por tres siglos. Fernando VII. es la contraseña universal de la tirania en España y en América.

Apenas se conoció la vigilante desconfianza que habian producido entre nosotros las inconseqüencias, artes y falsias de los rápidos y raros gobiernos que

Such have been the antecedents and consequences of an oath, which dictated by candour and generosity, and conditionally maintained by good faith, is now brought against us, in order to perpetuate those evils, which the dear bought experience of three years has proved to be inseparable to so fatal and ruinous an engagement. Taught, as we are, by a series of evils, insults, hardships and ingratitude, during an interval from the 15th of July, 1808, till the 5th of July, 1811, and such as we have already fully manifested; it becomes full time that we should abandon a talisman invented by ignorance, and adopted by a misguided fidelity, for ever since it was, it has not failed to heap upon us all the evils attendant on an ambiguous state, and on suspicion and discord. The rights of Ferdinand, and the legitimate representation of them on the part of the intrusive governments of Spain, fidelity and the obligations of compassion and gratitude on ours, are the two favourite springs alternately played to sustain our illusion, to devour our substance, prolong our degradation, multiply our evils, and to prepare us ignominiously to receive that passive fate, prepared for us by those, who have dealt with us so kindly for three centuries. Ferdinand the Seventh, is the universal watch-word for tyranny in Spain, as well as America.

No sooner was that vigilant and suspicious fear, produced amongst us by the contradictory acts, the arts and falsehoods of the strange and short-lived go-

se están sucediendo en España desde la Junta de Sevilla, se apeló á una aparente liberalidad, para cubrir de flores el lazo que no veíamos quando estabamos cubiertos con el velo de la sencillez, rasgado all fin por la desconfianza. Con este fin se aceleraron y congregaron tumultuariamente las Cortes que deseaba la nacion, que resistia el gobierno comercial de Cadiz, y que se creyeron al fin necesarias para contener el torrente de la libertad y la justicia, que rompia por todas partes los diques de la opresion y la iniquidad en el nuevo mundo; pero aun todavia se creyó que el habito de obedecer, reconocer y depender seria en nosotros snperior al desengaño que á tanta costa acababamns de adquirir. Increible parece por que especie de prestigio funesto para la España, se cree que la parte de la nacion que pasa el oceano, ó nace entre los trópicos, adquire una constitucion para la servidumbre, incapaz de ceder á los conatos de la libertad. Tan notorios como fatales son los efectos de esta arraigada preocupacion, convertida al fin en provecho de la América. Tal vez sin ella no hubiera perdido la España el rango de nácion; y la América no tendria que pasar para adquirirlo, por los amargos trámites de una guerra civil, mas ominosa para sus promovedores que para nosotros mismos.

vernments, which have succeeded one another in Spain, since the Junta of Seville, there made known, than they recurred to a system of apparent liberality towards us, in order to cover with flowers the very snare we had not perceived whilst shrowded by the veil of candour, at length rent asunder by mistrust. For this purpose, were accelerated and tumultuously assembled the Cortes, so desired by the nation, yet opposed by the commercial government of Cadiz, but which were at length considered necessary, in order to restrain the torrent of liberty and justice, which in every quarter burst the mounds of oppression and iniquity in the new world: still it was supposed that the habit of obedience, submisssion, and dependence, would, in us, be superior to the conviction, which at so great an expence, we had just obtained. It appears incredible by what kind of deception, fatal to Spain, it is believed, that the part of the nation which passes the ocean, or is born under the tropics, acquires a constitution suitable to servitude, and incapable of ceding to the efforts of liberty. As notorious to the world, as they are fatal, are the effects of this strong rooted prejudice, at length converted into the good of America. Perhaps without it, Spain would not have lost the rank of a nation, and America, in obtaining it, would not have had to have passed through the bitter ordeal of a civil war, more ominous still for its promoters, than for ourselves.

Harto demostrados estan un nuestros papeles pùblicos, * los vicios de que adolecen las Cortes con respecto á la América, y el ilegítimo é insultante arbitrio adoptado por ellas para darnos una representacion que resistiriamos aun que fuesemos, como vociferó la Regencia, partes integrantes de la nacion, y no tuviesemos otra quexa que alegar contra su gobierno, sino la escandalosa usurpacion que hace de nuestros derechos, quando mas necesita de nuestros auxilios. A su noticia habrán llegado, sin duda, las razones que dimos á su perfido enviado† quando frustradas las misiones anteriores, inutilizadas las quantiosas remesas de gazetas llenas de triunfos, reformas, heróicidades y lamentos, y conocida la eficacia de los bloqueos, Pacificadores, esquadras y expediciones, se creyó que era necesario deslumbrar el amor propio de los Americanos, sentando baxo el Solio de las Cortes á los que ellos no habian nombrado, ni podian nombrar los que los crearon suplentes con los de las Provincias ocupadas, sometidas y contentas con la dominicion Francesa. Por si estuviese ya usado este resorte pueril, tan fecundo para la España, se previnó al enviado, que se esco-

* Gazetas de Caracas de 4 de Enero, y siguientes.

† Conducta execrable y notoria de Montenegro, desnaturalizado por el Gobierno Español.

Our public prints have already sufficiently well manifested the defects, under which the Cortes laboured respecting America, and the illegal and insulting measures by them adopted, to give us therein, a representation which we could not but oppose, even though we were, as the Regency had loudly boasted us to be, integral parts of the nation, and had no other complaints to allege against their government, than the scandalous usurpation of our rights, at a moment they most required our aid. They will have been informed, no doubt, of the reasons we gave their perfidious envoy,* at a time that the former missions being frustrated, the great shipments of newspapers, filled with triumphs, reforms, heroic acts, and lamentations, being rendered useless, and the inefficacy of blockades, pacificators, squadrons, and expeditions, made known; it was thought necessary to dazzle the self love of the Americans, by seating near the throne of the Cortes, members whom the latter had never named, nor who could be chosen by those who created them into their substitutes, as in like manner they did others for the provinces in possession of the French, and submitted to, and content with their dominion. In case this puerile measure, of which Spain has been prolific,

* Caracas Gazettes of the 4th of January and the following ones. See also the remonstrance of the American Deputation to the Cortes, dated August 1, 1810.

Montenegro, execrable and notorious for his conduct, and unnaturalized by the Spanish government.

gió Américano y Caraqueño para aumentar la ilusion: que en caso de que prevaleciese la energía caracterizada de rebelion, contra la perfidia bautizada con el nombre de fraternidad, se atizase la hoguera de las pasiones encendida en Coro y Maracaybo; y que la discordia sacudiendo de nuevo las vivoras de su cabeza, conduxese de la mano al Heraldo de las Cortes con el estandarte de la rebelion, por los alucinados distritos de Venezuela que no hubiesen podido triunfar de sus tiranos.

Forjabanse, empero, nuevos ardides, para que el doblez y la astucia preparasen el camino á las huestes sanguinarias de los caudillos de Coro, Maracaybo, y Puerto-Rico: convencidas las Cortes de que la conducta de Fernando, sus vinculos de afinidad con el Emperador de los Franceses, y el influxo de este sobre todos los Borbones constituidos ya baxo su tutela, empezaban á debilitar las capciosas impresiones que habia producido en los Américanos la fidelidad sostenida á la sombra de la ilusion, se empezaron á abrir contrafuegos para precaver el incendio prendido por ellas mismas, y limitarlo á lo preciso y necesario para sus vastos, complicados, y remotos designios. Para esto se escribió el elocüente manifiesto que asestaron las Cortes en 9 de Enero de este año á la América, con una locucion digna de mejor objeto: baxo la brillantez del discurso, se descubria

should not have its due effect, the envoy was directed, (and an American and a native of Caracas, in order to add to the illusion, was for this purpose selected) that in case the energy of the country, now defined rebellion, should prevail against perfidy to which the name of fraternity was given, he was to add fuel to the flame of the passions, already kindled in Coro and Maracaybo, and that discord, again raising her serpent head, was to lead the herald of the Cortes by the hand under the standard of rebellion, through the deceived districts of Venezuela, which had not been able to triumph over their tyrants.

New artifices were still forged, in order that duplicity and cunning, might prepare the road to the sanguinary armies of the chiefs of Coro, Maracaybo, and Puerto Rico; and when the Cortes were convinced that the conduct of Ferdinand, his bonds of affinity with the Emperor of the French, and the influence of the latter over all the Bourbons already placed under his tutelage, began to weaken the insidious impressions, which fidelity, sustained by illusion, had produced in the Americans; preventatives were placed, in order to stop the flame thus enkindled, and limit it to what was yet necessary for their vast, complicated, and remote designs. For this purpose, was written the eloquent manifest which the Cortes aimed on the 9th of January, 1811, against America, worded in a style worthy of a better object, but under the brilliancy of diction, the back ground

el fondo de la perspectiva presentada para alucinarnos. Temiendo que nos anticipasemos á protestar todas estas nulidades, se empezó á calcular sobre lo que se sabía, para no aventurar lo que se ocultaba. Fernando desgraciado, fué el pretexto que atraxó á sus pseudo-representantes, los tesoros, la sumision, y la esclavitud de la América, despues de la jornada de Bayona; y Fernando seducido engañado y prostituido á los designios del Emperador de los Franceses, es ya lo último á que apelan para apagar la llama de la libertad que Venezuela ha prendido en el continente Meridional. En uno de nuestros Periodicos * hemos descubierto el verdadero espiritu del manifiesto en qüestion, reducido al siguiente raciocinio que puede mirarse como su exâcto comentario " La América se " vé amenazada de ser víctima de una Nacion ex- " traña, ó de continuar esclava nuestra; para reco- " brar sus derechos y no depender de nadie, ha creido " necesario no romper violentamente los vinculos que " la ligaban á estos pueblos; Fernando ha sido la " señal de reunion que ha adoptado el nuevo mundo, " y hemos seguido nosotros; él está sospechado de " connivencia con el Emperador de los Franceses, y " si nos abandonamos ciegamente á reconocerlo, da- " mos un pretexto á los Americanos, que nos crean " aun sus Representantes para negarnos abiertamente.

* Mercurio Venezolano de Febrero de 1811.

of the perspective, designed to deceive us, was discovered. Fearing that we should be beforehand to protest against the whole of these nullities, they began to calculate on what was already known, not to risque what was yet hidden. The misfortunes of Ferdinand, were the pretexts that had obtained for his pseudo-representatives, the treasures, submission and slavery of America, after the events of Bayona; and Ferdinand seduced, deceived and prostituted to the designs of the Emperor of the French, is now the last resourse to which they fly, to extinguish the flames of liberty, which Venezuela had kindled in the South Continent. In one of our periodical works,* we have discovered the true spirit of the manifest in question, reduced to the following reasoning, which may be considered as an exact commentary:—"America is threatened to be-"come the victim of a foreign power, or to continue "to be our slave; but in order to recover her rights, "and throw off all dependency whatever, she has con-"sidered it necessary not violently to break the ties "which held her bound to this country. Ferdi-"nand has been the signal of re-union which the new "world has adopted, and we have followed; he is "suspected of connivance with the Emperor of the "French, and if we give ourselves up blindly to "acknowledge him, we afford the Americans a "pretext for believing us still his representatives

* Mercurio Venezolano for Feb. 1811.

"esta representacion: puesto que ya empiezan á "traslucirse en algunos puntos de América estos "designios, manifestemos de antemano nuestra in- "tencion de no reconocer á Fernando, sino con cier- "tas condiciones; estas no se verificarán jamas; y "mientras que Fernando, ni de hecho ni de derecho "es nuestro Rey, lo seremos nosotros de la América, "y este pais tan codiciado de nosotros, y tan dificil "de mantener en la esclavitud, no se nos irá tan "pronto de las manos."

Este reluciente aparato de liberalidad es ahora el muelle real y visible de la complicada maquina destinada á conmover la América; al paso que entre las quatro paredes de las Cortes se desatiende nuestra justicia, se eluden nuestros esfuerzos, se desprecian nuestras resoluciones, se sostienen á nuestros enemigos, se sofoca la voz de nuestros imaginarios representantes, se renueva para ellos la Inquisicion* al paso que se publica la libertad de Imprenta, y se controvierte si la Regencia pudo declararnos libres, y parte intregante de la nacion: † Quando un Americano digno de este nombre levanta la voz contra los

* Hay noticias positivas de que el Sr. Mexia, Suplente de Santa Fe, ha sido encerrado en la Inquisicion por su liberalidad de ideas.

† El Conciso. Los Diarios de Cortes; y quantos papeles vienen de España.

" and openly denying us this character, and as these " designs already begin to be understood in some " parts of America, let us previously manifest our " intention, not to acknowledge Ferdinand but " under certain conditions; these will never be " carried into effect, and whilst Ferdinand neither in " fact, or right, is our king, we shall be enabled to " reign over America, which country so much " coveted by us, and so difficult to maintain in " slavery, will not then so easily slip through our " fingers."*

This resplendent appearance of liberality, is now the real and visible spring, of the complicated machine destined to stir up, and excite commotions in America; at the same time, that within the walls of the Cortes, justice to us is overlooked, our efforts are eluded, our resolutions contemned, our enemies upheld, the voices of our imaginary representatives suppressed, the inquisition is renewed † against them, at the same time that the liberty of the press is proclaimed, and it is controversially discussed, whether the Regency could or not, declare us free, and an integral part of the nation.‡ When an American, worthy of that name,

* These are expressions put into the mouth of a Spaniard, and illustrative of the opinions agitated in the Cortes respecting the allegiance to Ferdinand.

† El Sr. Mexia, was at one time in danger of being put into the inquisition, for his liberal sentiments.

‡ Vide El Conciso, The Diarios of Cadiz, and all the papers that came from Spain.

abusos de la Regencia en Puerto-Rico, se procuraron acallar teoricamente los justos, energicos, é imperiosos reclamos que lo distinguen de los satelites del despotismo, y con un decreto breve, amañado, é insignificante, se procura salir del conflicto de la justicia contra la iniquidad. Melendez, nombrado Rey de Puerto Rico por la Regencia, queda por un Decreto de las Cortes con la investidura equivalente de Gobernador, nombres sinonimos en América:* por que ya parecia demasiado monstruoso que hubiese dos Reyes en una pequeña Isla de las Antillas Españolas. Cortabarria solo bastaba para eludir los efectos del decreto dictado solo por un involuntario sentimiento de decencia. Así fué, que quando se declaraba iniqua, arbitraria, y tiranica la investidura concedida por la Regencia á Melendez, y se ampliaba la revocacion á todos los paises de América que se hallasen en el mismo caso que Puerto-Rico, nada se decia del Plenipotenciario Cortabarria, autorizado por la misma Regencia contra Venezuela, con las facultades mas raras y escandalosas de que hay memoria en los fastos del despotismo orgánico.

Despues del Decreto de las Cortes es que se han sentido mas los efectos de la discordia, promovida, sostenida, y calculada desde el fatal observatorio de Puerto-Rico: despues del decreto de las Cortes han sido asesinados inhumanamente los pescadores y cos-

* Representacion de Don Ramon Power a las Cortes, contra la orden de la Regencia de 4 de Septiembre de 1810.

raises his voice against the abuses of the Regency, in Puerto Rico: endeavours are made to silence his just, energetic, and imperious claims, which distinguish him from the satellites of despotism, and by means of a decree, short, cunning, and insignificant, they strive to get out of the conflict of justice against iniquity. Melendez, named king of Puerto Rico by the Regency, by a decree of the Cortes is left with the equivalent investiture of governor, synonimous names in America;* because it now appeared, too monstrous to have two kings, in a small island of the Spanish Antilles. Cortavarria alone, was sufficient to elude the effects of a decree, only dictated by an involuntary sentiment of decency. Thus it happened, that when the investiture, granted by the Regency to Melendez was declared iniquitous, arbitrary, and tyrannical, and a revocation was extended to all the countries of America, then situated as was Puerto Rico, nothing was said of the plenipotentiary Cortavarria, authorized by the same Regency against Venezuela, with powers, the most uncommon and scandalous, ever remembered in the annals of organical despotism.

It was after this decree of the Cortes, that the effects of that discord, promoted, sustained, and aimed from the fatal observatory of Puerto Rico, were more severely felt; it was after this decree, that the fishermen and coasters were inhumanly assassinated in Ocumàre, by the pirates of Cortavarria; after the publication of the same, Cumanà and Barcelona

* Remonstrances of Don Ramon Power to the Cortes, against the order of the Regency of the 10th of Sept. 1810.

taneros en Ocumáre, por los Piratas de Cortabarria: despues del decreto de las Cortes, han sido bloqueadas, amenazadas é intimadas, Cumaná y Barcelona: despues del decreto de las Cortes se ha organizado y tramado una nueva y sanguinaria conjuracion contra Venezuela, por el vil Emisario introducido pérfidamente en el seno pacífico de su patria para devorarla, se ha alucinado á la clase mas sencilla y laboriosa de los alienigenas de Venezuela, se han sacrificado á la justicia y la tranquilidad los caudillos conducidos, á nuestro pesar, al cadalso: por las sugestiones del Pacificador de las Cortes, despues del decreto de estas, se ha turbado é interrumpido en Valencia, la unidad política de nuestra constitucion: se ha procurado seducir, en vano, á otras Ciudades de lo interior: y se ha hecho una falsa intimacion á Carora por los facciosos de Occidente, para que en un mismo dia quedase sumergida Venezuela en la sangre, el llanto y la desolacion, asaltada hostilmente por quantos puntos han estado al alcance de los agitadores, que tiene esparcidos contra nosotros el mismo gobierno que expidió el decreto á favor de Puerto-Rico, y de toda la América. El nombre de Fernando VII, es el pretexto con que va á devorarse el nuevo mundo; si el exemplo de Venezuela no hace que se distingan, de hoy mas, las banderas de la libertad clara y decidida, de las de la fidelidad maliciosa y simulada.

El amargo deber de vindicarnos nos llevaria mas

were blockaded, threatened, and summoned; a new and sanguinary conspiracy, against Venezuela, was plotted and organized, by a vile emissary, who perfidiously entered the pacific bosom of his country, in order to devour it; deceptions were successively practised on the most innocent and laborious classes of the imported colonists * of Venezuela; and in spite of our endeavours, the chief instigators were lead to the block, as a sacrifice to justice and tranquility. By the suggestions of the Pacificator of the Cortes, and posterior to their said decree, the political unity of our constitution was interrupted in Valencia; attempts were in vain made to seduce other cities of the interior; a false summons was sent to Carora by the factious leaders of the West, in order that on the same day, Venezuela might be deluged in blood, and sunk in affliction and desolation; be hostilely assaulted from every point within the reach of the conspirators, who were scattered amongst us by the same government, which issued the decree in favour of Puerto Rico and of all America. The name of Ferdinand VII. is the pretext under which the new world is about to be laid waste, if the example of Venezuela does not henceforward cause the banners of an unshaken and decided liberty, to be distinguished from those of a malicious and dissembled fidelity.

The bitter duty of vindicating ourselves would still carry us further, if we did not dread splitting

* These are principally emigrants from the Canary Islands, employed in tillage, remarkable for their sobriety and industry.

allá, si no temiésemos caer en el escollo de los gobiernos de España, substituyendo el resentimiento á la justicia; quando podemos oponer tres siglos de agravios contra ella, por tres años de esfuerzos lícitos, generosos, y filantrópicos, empleados en vano para obtener lo que jamas pudimos enagenar. Si fuesen la hiel y el veneno los agentes de esta nuestra solemne, veraz, y sencilla manifestacion, hubieramos empezado á destruir los derechos de Fernando por la ilegitimidad de su origen, declarada en Bayona por su madre, y publicada en los periódicos Franceses y Españoles: haríamos valer los defectos personales de Fernando, su ineptitud para reynar, su debil y degradada conducta en las Cortes de Bayona, su nula é insignificante educacion, y las ningunas señales que dió para fundar las gigantescas esperanzas de los gobiernos de España, que no tuvieron otro origen que la ilusion de la América, ni otro apoyo que el interes político de la Inglaterra, muy distante de los derechos de los Borbones. La opinion pública de España, y la experiencia de la revolucion del Reyno, nos suministrarian bastantes pruebas de la conducta de la madre, y de las qualidades del hijo, sin recurrir al manifiesto del Ministro Azanza,* y á las memorias secretas de Maria Luisa; pero la decencia es la norma de nuestra condncta: á ella estamos prontos á sacrificar nuestras

* Publicado despues de la jornada de Bayona, y circulado en esta Capital, apesar de la anterior opresion.

on the same rocks as the government of Spain, by substituting resentment for justice; at the same time that we can charge her with three centuries of injuries, backed by three years of lawful, generous and philanthropic efforts, in vain expended to obtain what it was never in our power to dispose of. Had gall and poison been the chief agents of this our solemn, true and candid manifest, we should have began by destroying the rights of Ferdinand, in consequence of the illegitimacy of his origin, declared by his mother in Bayona, and published in the French and Spanish papers; we should have proved the personal defects of Ferdinand, his ineptitude to reign, his weak and degraded conduct in the Cortes of Bayona, his inefficient and insignificant education, and the want of proofs which he never gave to found the gigantic hopes of the governments of Spain, which had no other origin than the illusion of America, nor any other support than the political interest of England, much opposed to the rights of the Bourbons. The public opinion of Spain, and the experience of the revolution of the kingdom, furnish us with sufficient proofs of the conduct of the mother, and the qualities of the son, without recurring to the manifest of Minister Azanza* and the secret memoirs of Maria Louisa; but decency is the guide of our conduct, to her we are ready to sacrifice our

* Published after the transactions of Bayona, and circulated in Caracas, notwithstanding the former oppression.

mejores razones; hartas son las alegadas para demostrar la justicia, necesidad y utilidad de nuestra resolucion, á cuyo apoyo solo faltan los exemplos con que vamos á sellar el juicio de nuestra independencia.

Es necesario que los partidarios de la esclavitud del nuevo mundo proscriban ó falsifiquen la historia, ese monumento inalterable de los derechos y usurpaciones del genero humano, para sostener que la América no pudo estar sujeta á la alternativa de todas las naciones. Aun quando hubiesen sido incontestables los derechos de los Borbones, é indestructible el juramento que hemos desvanecido, bastaria solo la injusticia, la fuerza, y el engaño con que se nos arrancó, para que fuese nulo é invalido, desde que empezó á conocerse que era opuesto á nuestra libertad, gravoso á nuestros derechos, perjudicial á nuestros intereses, y funesto á nuestra tranquilidad. Tal es la naturaleza del juramento prestado á los conquistadores, ó á los herederos de estos, mientras tienen oprimidos los pueblos con la fuerza que les proporcionó la conquista. De otro modo no hubiera jamas recobrado su libertad la España juramentada á los Cartagineses, Romanos, Godos, Arabes, y casi á los Franceses, en el mismo tiempo que deconocia los derechos de la América para no depender de nadie, desde que pudo hacerlo, como la España y las demas Naciones. Superfluo seria recordar á nuestros enemi-

best reasons. Sufficient has already been alleged to prove the justice, necessity and utility of our resolution, to the support of which nothing is wanting, but the examples by which we will strive to justify our independence.

It were necessary for the partizans of slavery in the new world, either to destroy, or to falsify history, that unchangeable monument of the rights and usurpations of the human race, before they could maintain that America was not liable to the same changes that all other nations have experienced. Even when the rights of the Bourbons had been incontestible, and indelible the oath, which we have proved not to exist; the injustice, force and deceit, with which the same was snatched from us, would suffice to render it void and of no effect, as soon as it was discovered to be opposed to our liberty, grievious to our rights, prejudicial to our interests, and fatal to our tranquility. Such is the nature of the oath made to the conquerors, and to their heirs, at the same time that the crown holds them in oppression by means of that same additional strength it obtained by the resources of their conquest. In this manner it was, that Spain herself recovered her rights after she had sworn allegiance to the Carthagenians, Romans, Goths, Arabs, and almost to the French; nevertheless she yet disowns the rights of America, no longer to depend on any nation from the time she is capable of throwing off its yoke, and following the example both of Spain, and of other nations. It would be

gos lo que ellos mismos saben, y en lo que ellos mismos han fundado el derecho sagrado de su libertad é independencia, digna, por cierto de no ser mancillada con la esclavitud de la mayor parte de la nacion situada del otro lado del oceano; pero no son ellos, por desgracia, los únicos á quien necesitamos convencer con exemplos palpables, de la justicia, y semejanza comun que tiene nuestra independencia con la de todas las naciones que la han perdido, y han vuelto á recobrarla. Cebados los prestigios de la servidumbre en la sencillez de los Américanos, y sostenidos por el abuso mas criminal que puede hacer la supersticion del dogma y la religion, dictada para la libertad, felicidad, y salvacion de los pueblos; preciso es tranquilizar la piedad alucinada, ilustrar la ignorancia sorprehendida, y estimular la apatia alhagada con la tranquilidad de los calabozos; para que todos sepan que los gobiernos no tienen, no han tenido, ni puedan tener otra duracion que la utilidad y felicidad del genero humano; que los Reyes no son de una naturaleza privilegiada, ni de un órden superior á los demas hombres; que su autoridod emana de la voluntad de los pueblos, dirigida y sostenida por la Providencia de Dios que dexa nuestras acciones al libre alvedrio: que su omnipotencia no interviene á favor de tal ó tal forma de gobierno; y que ni la religion; ni sus Mi-

superfluous to remind our enemies of what they already know, and in what they have themselves founded the sacred right of their own liberty and independence; epochs so memorable, that they were worthy of not being tarnished with the slavery of the greatest part of the nation, situated on the other side of the ocean. But unfortunately, it is not they alone whom it is requisite to convince by palpable examples, of the justice and common resemblance our independence bears with that of all other nations which had lost, and again recovered it. The illusions of slavery, kept alive by the candour of the Americans, and sustained by the most criminal abuse* that can be made by superstition of the established belief and religion, which one would suppose were only dictated for the liberty, felicity and salvation of the people; renders it necessary to tranquilize the deceived piety of some, to instruct their unwary ignorance, and stimulate their apathy, that had slumbered since the unusual tranquility of the new order of things; it is, in short, time to inculcate, that governments never had, nor can have, any other duration than the utility and felicity of the human race, that kings are not of any priviledged nature, nor of an order superior to other men; that their authority emanates from the will of the people, directed

* The excommunications denounced against the people of Caracas for changing their government.

nistros anatematizan, ni pueden anatematizar los esfuerzos que hace una nacion para ser independiente en el órden político, y depender solo de Dios y de su Vicario en el órden moral, y religioso.

El Pueblo de Dios gobernado por el mismo, y dirigido por milagros, portentos y beneficios, que tal vez no se repetirán jamas, ofrece una prueba del derecho de insurreccion de los pueblos, que nada dexará que desear á la piedad ortodoxa de los amantes del órden pùblico. Sugetos los Hebreos á Faraon, y ligados á su obediencia por la fuerza, se reunen á Moyses, y baxo su direcion, triunfan de sus enemigos, y recobran su independencia, sin que el mismo Dios, ni su Caudillo Profeta y Legislador Moyses les increpase su conducta, ni los sujetase á ninguna maldicion ni anatema: subyugados despues por la fuerza de Nabucodonosor primero, baxo la direccion de Olofernes, envia el mismo Dios á Judith que rescatase la independencia de su pueblo con la muerte del General Babilonio. Baxo Antioco Epifanes, levantaron Matatias y sus hijos el estandarte de la independencia; y Dios bendixó y ayudó sus esfuerzos hasta conseguir la entera libertad de su pueblo contra la opresion de aquel Rey impio, y

and supported by the Providence of God, who leaves our actions to our own free will; that his omnipotence does not interfere in favour of this or that form of government, and that neither religion or its ministers can anathematize the efforts of a nation struggling to be free and independent in the political order of things, and resolved to depend only on God, and on his vicar in a moral and religious sense.

The very people of God governed by himself, and directed by such miracles, portentuous signs and favours, as perhaps will never again be repeated, offer a proof of the rights of insurrection on the part of the people, sufficiently satisfactory to the orthodox piety of the friends of public order. The Israelites, subject to Pharaoh, and bound to his obedience by force, collect round Moses, and under his direction triumph over their enemies, and recover their independence, without either God, or his chief prophet and legislator Moses, blaming them for their conduct, or subjecting them to the least malediction or anathema. This same people being afterwards subjected by the forces of Nebuchadnezzar the First, under the direction Holofernes, God himself sends Judith to obtain their independence, by the death of the Babylonian General. Under Antiochus Epiphanes, Mathathias and his sons raised the standard of independence, and God blessed and aided his efforts till he obtained the entire liberty of his people, against the oppression of that same impious king and his suc-

sus sucesores. * No solo contra los Reyes extrangeros que los oprimian usaron los Israelitas del derecho de insurreccion, quebrantando la obediencia á que los ligaba la fuerza; contra los que el mismo Dios les habia dado dentro de su patria y familia, les vemos reclamar este derecho imprescriptible, siempre que lo exîgia su libertad, su utilidad, y el sagrado de los pactos con que el mismo Dios los sugetó á los que eligiô para gobernar los. David obtiene el reconocimiento de los Hebreos á favor de su dinastia, y su hijo Salomón lo ratificó á favor de su posteridad; pero apenas muere este Rey que habia oprimido á sus vasallos con pechos y contribuciones, para sostener el fausto de su Corte, y el luxo y suntuosidad de sus placeres, queda solo reconocido su hijo Roboam por las tribus de Judá y Benjamin: las otras diez, usando de sus derechos, recobran su independencia política; y en fuero de ella depositan su soveranía en Jeroboam, hijo de Nabath. La dureza momentanea y pasagera del Reynado de Solomón bastó á los Hebreos para anular la obediencia prestada á su dinastía, y colocar á otra en el trono, sin aguardar á que Dios les hubiese dicho que ya su suerte no dependia de los Reyes de Judá, ni de los Ministros, Sacerdotes y Caudillos de Solomon. ¿Y será de peor condicion el pueblo cristiano de Venezuela, para que declarado libre por el gobierno de España, despues de trescientos

* Machab. Lib. 1. Cap. 2.

cessors.* Not only against the foreign kings who oppressed them, did the Israelites make use of the right of insurrection, by breaking through the obedience to which they were bound by force; but even against those whom God had given them in their own country, and of their own nation, do we behold them claim this inprescriptible right, whenever their liberty and their advantage required it, or when the sacred character of those pacts, by which God himself bound them to those he chose as their governors, had been profaned. David obtains the allegiance of the Israelites in favour of his dynasty, and his son Solomon ratified it in favour of his posterity, but scarcely was this king dead, who had oppressed his subjects by exactions and contributions to support the splendour of his court, and the luxury and sumptuousness of his pleasures, than the tribes of Judah and Benjamin alone acknowledged his son, and the other ten, availing themselves of their rights, recover their political independence, and in exercise thereof, deposit their sovereignty in Jeroboam, son of Nabath. The momentaneous and passing hardships of the reign of Solomon, sufficed for the Israelites to annul their obedience sworn to his line, and to place another on the throne, without waiting for God to tell them, that their fate no longer depended on the kings of Judah, nor on the ministers, priests, or chiefs of Solomon. And shall the christian people

* Machab. Lib. 1 cap. 2.

años de cautiverio, pechos, vexaciones é injusticias, no pueda hacer lo que el mismo Dios de Israel que adora, permitió en otro tiempo á su pueblo, sin indignarse, ni argüirlo en su furor? Su dedo divino es el norte de nuestra conducta, y á sus eternos juicios quedará sometida nuestra resolucion.

Si la independencia del pueblo Hebreo no fué un pecado contra la ley escrita; no podrá serlo la del pueblo Cristiano contra la ley de gracia. Jamas ha excomulgado la Silla Apostolica á ninguna nacion que se ha levantado contra la tirania de los Reyes ó los gobiernos que violaban el pacto social. Los Suizos, los Holandeses, los Franceses y los Américanos del Norte proclamaron su independencia, trastornaron su constitucion, y variaron la forma de su gobierno; sin haber incurrido en otras censuras que las que pudo haber fulminado la Iglesia por los atentados contra el dogma, la disciplina ó la piedad, y sin que estas trascendiesen á la política, ni al órden civil de los pueblos. Ligados estaban los Suizos con juramento á la Alemania, como lo estaban los Holandeses á la España, los Franceses á Luis XVI, y los Américanos á Jorge III, pero ni ellos, ni los demas Príncipes que favorecieron su independencia, fueron excomulgados por el Papa. El abuelo de Fernando VII, uno de los Reyes mas piadosos y

of Venezuela be still in a worse plight, and after being declared free by the government of Spain, after 300 years of captivity, exactions, hardships and injustice, shall they not be allowed to do what the God of Israel, whom they equally adore, formerly permitted to his people, without being spurned, and without vengeance being deprecated upon them? It is his divine hand that guides our conduct, and to his eternal judgements our resolution shall be submitted.

If the independence of the Hebrew people was not a sin against the written law, that of a Christian people cannot be such against the law of grace. At no time has the Apostolical see excommunicated any nation that has risen up against the tyranny of those kings or governments, which had violated the social compact. The Swiss, Dutch, French, and North Americans, proclaimed their independence, overturned their constitution, and varied their forms of government, without having incurred any other spiritual censures than those which the church might have fulminated for the infringements on the belief, discipline or piety, but without their being connected with political measures, or alluding to the civil transactions of the people. The Swiss were bound by oath to Germany; as were also the Dutch to Spain; the French to Louis XVI. and the Americans to George III, yet neither they, nor the other princes who favoured their independence, were excommunicated by the Pope. The grand-father of Ferdinand VII. one of

católicos que han ocupado el trono de España, protegió con su sobrino Luis XVI la independencia de la América del Norte; sin temer las censuras eclesiasticas, ni la colera del cielo; y ahora que el órden de los sucesos la presenta con mas justicia á la América del Sur, quieren los que se dicen apoderados de su nieto, abusar de la Religion que tanto respetó Carlos III, para continuar en la mas atroz é inaudita de las usurpaciones—— ¡Dios justo, Dios omnipotente, Dios piadoso! ¿Hasta quando ha de disputar el fanátismo, el imperio á la sagrada Religion, que enviaste á la sencilla América para tu gloria y su felicidad?

Los sucesos que se han acumulado en la Europa para terminar la servidumbre de la América, han entrado, sin duda, en los altos designios de la Providencia. Al traves de dos mil leguas de oceano, no hemos hecho otra cosa, en tres anos que han transcurrido desde que debimos ser libres é independientes, hasta que resolvimos serlo, que pasar por los amargos trámites de las asechanzas, las conjuraciones, los insultos, las hostilidades y las depredaciones de los mismos á quienes convidabamos á participar de los bienes de nuestra regeneracion, y para cuya felicidad queriamos abrir las puertas del nuevo mundo, esclavizado á la comunicacion del viejo, devastado é incendiado por la guerra, la hambre y la desolacion. Tres distintas oligarquias nos han declarado la guerra,

the most pious and catholic kings that ever filled the throne of Spain, together with his nephew Louis XVI. protected the independence of North Ameriea, without dreading ecclesiastical censures, or the anger of heaven; and now that the order of events more justly places it within the reach of South America, those who call themselves the authorized agents of his grandson, wish to abuse that same religion, so much respected even by Charles III. in order to prolong the most atrocious and unheard of usurpations.—Just, omnipotent, and merciful God! Till when will fanaticism dispute the empire of that sacred religion, which thou sent to the uncorrupted regions of America, for thy glory and her felicity?

The events which have accumulated in Europe, to terminate the servitude of America, have, beyond doubt, entered into the high designs of Providence. Placed at a transatlantic distance of two thousand leagues, we have done nothing, in the three years which have elapsed since we ought to be free and independent, till the period when we resolved to be so, than pass through the bitter trials of stratagems, conspiracies, insults, hostilities and depredations, on the part of that same nation whom we invite to partake of the goods of our regeneration, and for whose felicity we wished to open the gates of the new world, heretofore closed to all communication with the old one; now wasted and inflamed by war, hunger, and desolation. Three distinct oligarchies have declared war against us, have contemned

han despreciado nuestros reclamos, han amotinado á nuestros hermanos, han sembrado la desconfianza y el rencor entre nuestra gran familia, han tramado tres horribles conjuraciones contra nuestra libertad, han interrumpido nuestro comercio, han desalentado nuestra agricultura, han denigrado nuestra conducta, y han concitado contra nosotros las fuerzas de la Europa, implorando, en vano, su auxîlio para oprimirnos. Una misma bandera, una misma lengua, una misma religion, y unas mismas leyes, han confundido, hasta ahora, el partido de la libertad con el de la tiranía: Fernando VII libertador, ha peleado contra Fernando VII opresor; y sino hubiesmos resuelto abandonar un nombre sinonimo del crímen y la virtud, seria al fin esclavizada la América, con lo mismo que sirve á la independencia de la España.

De tal naturaleza han sido los imperiosos desengaños que han impelido á Venezuela, á separar para siempre su suerte, de un nombre tan ominoso y fatal. Colocada por él en la irrevocable disyuntiva de ser esclava ó enemiga de sus hermanos, ha querido comprar la libertad á costa de la amistad; sin impedir los medios de reconciliacion que desea. Razones muy poderosas, intereses muy sagrados, meditaciones muy serias, reflexîones muy profundas, discuciones muy largas, debâtes muy sostenidos, combinaciones muy analizadas, sucesos muy imperiosos, riesgos muy urgentes, y una opinion pública bien pronunciada y sostenida, han sido los datos que han

our claims, have excited civil dissensions amongst us, have sown the seeds of discord and mistrust in our great family, have plotted three horrible conspiracies against our liberty, have interrupted our trade, have suppressed our agriculture, have traduced our conduct, and have sought to raise against us an European power, by vainly imploring its aid to oppress us. The same flag, the same language, the same religion, and the same laws, have, till now, confounded the party of liberty, with that of tyranny; Ferdinand VII. as liberator, has been opposed to Ferdinand VII. as oppressor; and if we had not resolved to abandon a name, at the same time synonimous with crime and virtue, America would at length be enslaved by the same force that is wielded for the independence of Spain.

Such has been the nature of the imperious impulse of conviction, tending to open our eyes, and to impel Venezuela eternally to separate from a name so ominous and so fatal. By it, placed in the irrevocable alternative, of being the slave, or the enemy of her brethren, she has preferred purchasing her own freedom, at the expence of friendship, without obstructing the means of that reconciliation she desired. Reasons the most powerful, interests the most sacred, meditations the most serious, considerations the most profound, long discussions, contested debates, combinations well analysed, imperious events, most urgent dangers, and the public opinion clearly pronounced and firmly sustained, have been the pre-

precedido á la declaracion solemne que el cinco de Julio hizo el Congreso General de Venezuela de la independencia absoluta de esta parte de la América Meridional: independencia deseada y aclamada por el pueblo de la Capital, sancionada por los Poderes de la Confederacion, reconocida por los Representantes de las provincias, jurada y aplaudida por el Gefe de la Iglesia Venezolana, y sostenida con las vidas, las fortunas, y honor de todos los ciudadanos.

¡Hombres libres, compañeros de nuestra suerte! Vosotros que habeis sabido purgar vuestra alma del temor ó la esperanza; "dirigid desde la elevacion "en que os colocan vuestras virtudes una mirada "imparcial y desinteresada sobre el quadro que "acaba de trazaros Venezuela. Ella os constituye "arbitros de sus diferencias con la España, y jueces "de sus nuevos destinos. Si os han afectado nuestros "males, y os intresa nuestra felicidad, reunid á los "nuestros, vuestros esfurzos, para que el prestigio "de la ambicion no triunfe mas de la liberalidad y "la justicia. A vosotros toca el desengaño que "una funesta rivalidad imposibilita á la América, "con respecto á la España. Contened el vértigo "que se ha apoderado de sus gobiernos: demostradle "los bienes reciprocos de nuestra regeneracion: descubridle la alhagueña perspectiva que no les deja "ver en América el monopolio que tiene metalizados "sus corazones: decidle lo que les amenaza en "Europa, y á lo que pueden aspirar en un mundo "nuevo, pacifico, sencillo, y colmado ya de todas las

cursors of that solemn declaration, made on the 5th of July, by the General Congress of Venezuela, of the absolute independence of this part of South America; an act, sighed for and applauded by the people of the capital, sanctioned by the powers of the Confederation, acknowledged by the Representatives of the provinces, sworn to and propitiously hailed by the chief of the church of Venezuela, and to be maintained with the lives, fortunes, and honours of all the Citizens.

Free men, companions of our fate! Ye who have known how to divest your hearts of fear or of hope; direct, from the elevation on which your virtues have placed you, an impartial and disinterested look, on the portrait which Venezuela has just traced out for you. She constitutes you the arbitrators of her differences with Spain, and judges of her new destinies. If you have been affected by our evils, and are interested in our felicity, unite with us your efforts, that the artifices of ambition may not any longer triumph over liberality and justice. To you belong the offices of conviction towards Spain, which an unfortunate rivality places beyond the reach of America. Contain the giddiness which has seized upon her governments; point out to them the reciprocal benefits of our regeneration; unfold to them the soothing prospect which they are debarred from beholding in America, by the monopoly that has hardened their hearts; tell them what threatens them in Europe, and what they may expect in the new world,

" bendiciones de la libertad: y juradle, por último,
" á nuestro nombre: que Venezuela espera con los
" brazos abiertos á sus hermanos, para partir con
" ellos su felicidad; sin otro sacrificio que el de las
" preocupaciones, el orgullo y la ambicion, que
" han hecho infelices por tres siglos á ambas Es-
" pañas."

Palacio Federal de Caracas 30
de Julio de 1811.

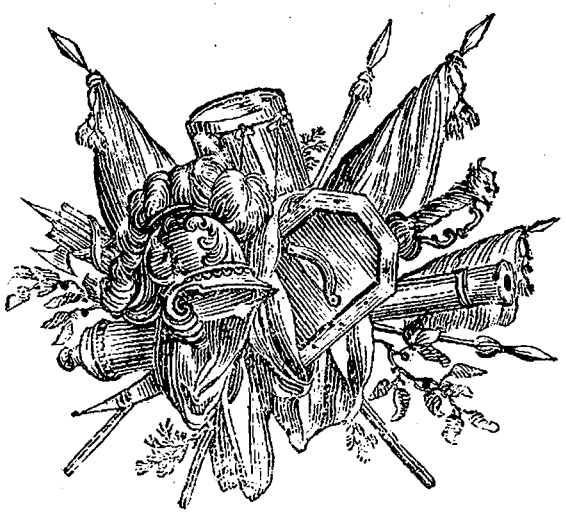
JUAN ANTONIO RODRIGUEZ DOMINGUEZ,
Presidente.

FRANCISCO ISNARDY,
Secretario.

tranquil, uncorrupted, and already crowned with all the benedictions of liberty; swear to them, in short, in our name, that Venezuela awaits her brethren with open arms to share her happiness with them, without asking any other sacrifice than that of prejudice, pride and ambition, which have, for three ages, produced the united misery of both countries.

Federal Palace of Caracas, this
30th of July, 1811.

JUAN ANTONIO RODRIGUEZ DOMINGUEZ, Pres^{t}.
FRANCISCO ISNARDY, Sec^{y}.



CONSTITUCION FEDERAL,

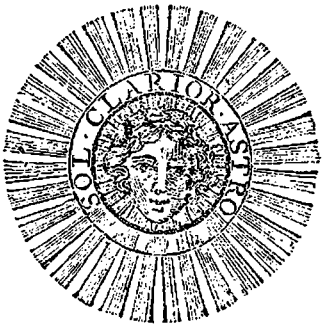
PARA LOS

ESTADOS DE VENEZUELA,

Hecha por los Representantes de Margarita, de Mérida, de Cumaná, de Barínas, de Barcelona, de Truxillo, y de Carácas, reunidos en Congreso General.

EN EL NOMBRE DE DIOS TODO PODEROSO,

NOS el Pueblo de los Estados de Venezuela, usando de nuestra Soberanía, y deseando establecer entre nosotros la mejor administracion de justicia, procurar el bien general, asegurar la tranquilidad interior, proveer en comun à la defensa exterior, sostener nuestra Libertad é Independencia política, conservar pura é ilesa la sagrada religion de nuestros



FEDERAL CONSTITUTION,

FOR THE

STATES OF VENEZUELA,

Made by the Representatives for Margarita, Merida, Cumanà, Varinas, Barcelona, Truxillo, and Caracas, in GENERAL CONGRESS *Assembled.*

IN THE NAME OF THE ALL POWERFUL GOD.

WE the people of the States of Venezuela, acting from our own Sovereignty, and anxious to establish amongst ourselves the best possible administration of justice, to provide for the general good, to secure the tranquillity of the interiour, to make provision in common for our exteriour defence, to sustain our political liberty and independence, to preserve pure

mayores, asegurar perpetuamente a nuestra posteridad el goce de estos bienes, y estrecharnos mutuamente con la mas inalterable union, y sincera amistad, hemos resuelto confederarnos solemnemente para formar y establecer la siguiente Constitucion, por la qual se han de gobernar y administrar estos Estados.

PRELIMINAR.

Bases del Pacto Federativo que ha de constituir la Autoridad general de la Confederacion

En todo lo que por el Pacto Federal no estuviere expresamente delegado á la Autoridad general de la Confederacion, conservará cada una de las Provincias que la componen, su Soberanía, Libertad, é Independencia: en uso de ellas, tendrán el derecho exclusivo de arreglar su Gobierno y Administracion territorial, baxo las leyes que crean convenientes, con tal que no sean de las comprehendidas en esta Constitucion, ni se opongan, ó perjudiquen à los Pactos Federativos que por ella se establecen. Del mismo derecho gozarán todos aquellos territorios que por division del actual, ó por agregacion á él, vengan á ser parte de esta Confederacion quando el Congreso General reunido les declare la representacion de tales, ó la obtengan por aquella via, y

and untouched, the sacred religion of our ancestors, to secure and perpetuate to our posterity, the enjoyment of these goods, and to mutually bind ourselves together, by the most unalterable union and sincere friendship, HAVE resolved solemnly to confederate together, in order to form and establish the following constitution, by which the said States are in future to be governed and administered.

PRELIMINARY.

Bases of the Federate Compact, which is to constitute the general authority of the Confederation.—

In whatever case, that by the Federal Compact, is not expressly delegated to the general authority of the Confederation, each one of the provinces composing the same, shall preserve its sovereignty, liberty, and independence; and in the exercise thereof, they shall have the exclusive right of regulating their own territorial government and administration, under such laws as they shall deem fit, provided they are not such as are comprehended in this constitution, and are not opposed or prejudicial to the Federate Compacts, thereby established. The same rights shall be enjoyed by all those districts which by division of the present union, or by posteriour aggregation thereto, shall hereafter form part of this confederation, whenever the general Congress assembled shall declare them entitled to such representation, or they obtain the

forma que él establezca para las occurrencias de esta clase quando no se halle reunido.

Hacer efectiva la mutua garantia y seguridad que se prestan entre sí los Estados, para conservar su libertad civil, su independencia política, y su culto religioso, es la primera, y la mas sagrada de las facultades de la Confederacion, en quien reside exclusivamente la Representacion Nacional. Por ella está encargada de las relaciones estrangeras,—de la defensa comun y general de los Estados Confederados,—de conservar la paz pública contra las commociones internas, ó los ataques exteriores,—de arreglar el comercio exterior, y él de los Estados entre sí,—de levantar y mantener Exercitos, quando sean necesarios para mantener la libertad, integridad, é independencia de la Nacion,—de construir, y equipar Baxeles de guerra,—de celebrar y concluir tratados y alianzas con las demas Naciones,—de declararles la guerra, y hacer la paz,—de imponer las contribuciones indispensables para estos fines, ú otros convenientes à la seguridad, tranquilidad, y felicidad comun, con plena y absoluta autoridad para establecer las Leyes generales de la union, juzgar, y hacer executar quanto por ellas quede resuelto y determinado.

El exercicio de esta autoridad confiada à la Confederacion, no podrá jamàs hallarse reunido en sus diversas funciones. El Poder Supremo debe estar dividido en Legislativo, Executivo, y Judicial, y confiado á distintos Cuerpos independientes entre sí, en

same by that means, or form, which the latter may establish for similar cases, when not assembled.

To render effective the mutual guarantee and security entered into by the States amongst themselves, to preserve their civil liberty, their political independence, and their religious worship, is the first and most sacred of the powers of the Confederation, in whom exclusively resides, the national Representation. By the same it is charged with all foreign relations—with the common and general defence of the Confederate States—with the preservation of public peace, from internal commotions, or exteriour attacks—the regulating of exteriour trade and of the States amongst themselves—the raising and maintaining armies, whenever they may be necessary to preserve the liberty, integrity, and independence of the nation—to build and equip vessels of war—to make and confirm treaties and alliances with other nations—to declare war and make peace—to impose the necessary taxes for these purposes, or to adopt other measures that may tend to the security, tranquility, and common felicity, together with the full and absolute power to enact general laws for the union, to judge and to cause to be fulfilled, whatever by the same may be resolved and decreed

The exercise of this authority confided to the Confederation, can at no time be united in its different functions. The Supreme power is to be divided into Legislative, Executive, and Judicial, and confided to distinct bodies, independent of each other, as well as

sus respectivas facultades. Los individuos que fueren nombrados para exercerlas, se sugetarán inviolablemente al modo, y reglas que en esta Constitucion se les prescriben para el cumplimiento, y desempeño de sus destinos.

CAPITULO PRIMERO.

De la Religion.

1. La Religion Católica, Apostólica, Romana, es tambien la del Estado, y la única, y exclusiva de los habitantes de Venezuela. Su proteccion, conservacion, pureza, é inviolabilidad será uno de los primeros deberes de la Representacion nacional, que no permitirá jamás en todo el territorio de la Confederacion, ningun otro culto público, ni privado, ni doctrina contraria á la de Jesu-Christo.

2. Las relaciones que en conseqüencia del nuevo órden político deben entablarse entre Venezuela, y la Silla Apostólica, serán tambien peculiares á la Confederacion, como igualmente las que deban promoverse con los actuales Prelados Diocesanos, mientras no se logre el acceso directo à la autoridad Pontificia.

in their respective faculties. The persons who may be named to exercise them, shall inviolably subject themselves to the manner and rules, which in this Constitution may be prescribed to them, for the administration and fulfilment of their charges.

CHAPTER I,

OF RELIGION.

1. The Catholic, Apostolic, and Roman religion, is also that of the State, and the only and exclusive one of the inhabitants of Venezuela. Its protection, conservation, purity, and inviolability, shall be one of the first duties of the national Representation, who shall not, at any time, allow within the limits of the Confederation, any public, or private, worship or doctrine, contrary to that of Jesus Christ.

2. The relations, which in consequence of the new political order, are to be entered upon between Venezuela and the Apostolical see, shall also be vested in the Confederation, as well as those which may be agitated with the present diocesan prelates, in the mean time that direct intercourse cannot be had with the Pontifical authority.

CAPITULO SEGUNDO.

Del Poder Legislativo.

SECCION PRIMERA.

Division, límites, y funciones de este Poder.

3. El Congreso general de Venezuela, estará dividido en una Cámara de Representantes, y un Senado, á cuyos dos Cuerpos se confia todo el Poder legislativo, establecido por la presente Constitucion.

4. En qualquiera de los dos podrán tener principio las leyes; y cada uno respectivamente podrá proponer al otro reparos, alteraciones, ó adicciones, ó rehusar á la ley propuesta, su consentimiento por una negativa absoluta.

5. Solo las leyes sobre contribuciones, tasas é impuestos, están exceptuadas de esta regla. Estas no pueden tener principio sino en la Cámara de Representantes; quedando al Senado el derecho ordinario de adicionarlas, alterarlas, ó rehusarlas.

6. Quando el proyecto de ley haya sido admitido conforme á las reglas de debate que se hayan prescripto estas Cámaras, sufrirá tres discuciones en sesiones distintas con el intervalo do un dia á lo menos entre cada una, sin lo qual no podrá pasárse á deliberar sobre él.

7. Las proposiciones urgentes están exceptuadas de estos trámites; pero para ello debe discutirse, y de-

CHAP. II,

OF THE LEGISLATIVE POWER.

Sec. 1st.—Divisions, Limits, and Functions of this Power.

3. The General Congress of Venezuela shall be divided into a House of Representatives, and a Senate, to which two bodies is confided, all the legislative power, established by the present Constitution.

4. In either of them any law may originate, and each respectively may propose to the other, amendments, alterations, or additions, or refuse its consent to the law proposed, by an absolute negative.

5. The laws relating to contributions, taxes, and imposts, are excepted from this law. These can only originate in the house of Representatives, the ordinary right of adding thereto, altering or refusing them, being left to the Senate.

6. When the proposal of a law or bill has been admitted, conformably to the rules of debate prescribed to themselves by the two Houses, it shall undergo three different discussions in distinct sessions, with the interval of a day at least between each, without which, it shall not be lawful to pass the House.

7. Urgent bills are excepted from these forms, but in order that this point may be established, the urgency

clararse previamente la urgencia en cada una de las Cámaras.

8. Ninguna proposicion rechazada por una de ellas podrá repetirse hasta despues de un nño; pero podrán hacerse otras que contengan parte de las rechazadas.

9. Ningun proyecto de ley, ó proposicion constitucionalmente aceptado, discutido, y deliberado en ambas Camaras, podrá tenerse por Ley del Estado, hasta que presentado al Cuerpo Executivo sea firmado por él. Si no lo hiciere, enviará el proyecto con sus reparos á la Camara, donde hubiere tenido su iniciativa; y en esta se tomará razon integra de los reparos en el registro de sus sesiones, y se pasará à exâminar de nuevo la materia; que resultando segunda vez aprobada por la pluralidad de dos terceras partes, pasará baxo iguales tramites à la otra Camara, y obtenidâ en ella igual aprobacion, tendrá desde entónces el proyecto fuerza de Ley. En todos estos casos se expresarán los votos de las Camaras por *si* ò *no*, quedando registrados los nombres de los que votaron en *pro*, ó en *Contra*.

10. Si el Cuerpo Executivo no volviese el proyecto á la Camara de su orîgen dentro del término de diez dias contados desde su recibo, con exclusion de los feriados, tendrá fuerza de Ley, y deberá ser promulgada como tal constitucionalmente; pero si por emplazamiento, suspension, ó receso del Congreso, no pudiese volver à él el proyecto àntes del termino se-

is to be discussed, and previously declared in each of the two houses.

8. No bill rejected by one of them, can be repeated till after the lapse of one year, but others may be made containing part of those rejected.

9. No project, law, or bill, constitutionally accepted, discussed, and passed in both houses, shall be considered as a law of the State, till it has been presented to the Executive body, and by it signed. If the latter should withhold its assent, the projected bill with such amendments, as the Executive may suggest, shall be returned to the house where it originated, wherein due note shall be taken of such amendments on the journals, they proceeding afresh to examine the case, which if again approved by a plurality of two thirds, the same shall, under similar forms, pass on to the other house, wherein the same approbation being obtained, the bill from that instant shall have the full force of a law. In all these cases, the votes of the houses shall be expressed by *yea* and *nay*, and a register kept of the names of those who voted *for* or *against* the bill.

10. If the Executive should not return the bill to the house whence it originated, in the term of ten days after its receipt, exclusive of holidays, the same shall have the full force of law, and shall be constitutionally promulgated as such; but if in consequence of summons, suspension, or recess of Congress, the bill cannot have been returned before the period fixed, it shall remain without effect, unless the Execu-

ñalado, quedará sin efecto, a ménos que el Poder Executivo no resuelva aprobarlo sin reparos, ó adiciones; pero en caso de ponerlas, podrá presentarse el proyecto con ellas á las Camaras en la inmediata Asamblea siguiente á la expiracion del plazo.

11. Las demas resoluciones, decretos, dictamenes, y actas de las Camaras (excepto las de emplazamiento) deberán tambien pasarse al Poder Executivo para su conformidad ántes de tener efecto. En el caso de que este no se conforme, volverán a seguir los tramites preseriptos para las leyes; y siendo de nuevo confirmados como ellas, deberán llevarse á execucion. Las leyes, decretos, dictamenes, actas, y resoluciones urgentes están tambien sujetas á esta regla; pero el Poder Executivo debe poner sus reparos sobre la urgencia y sobre lo substancial de la misma ley simultaneamente dentro de dos dias despues de su recibo, y no haciendolo se tendrán como aprobadas por él.

12. La fórmula de redaccion con que han de pasar las leyes, actos, decretos y resoluciones de una á otra Cámara, y al Poder Executivo, será un preambulo que contenga: el dia de la sesion en que se discutió en cada Cámara la materia: la fecha de las respectivas resoluciones, inclusa la de urgencia quando la haya; y la exposicion de las razones y fundamentos que han motivado le resolucion. Quando se omita algunos de estos requisitos, deberá volverse el acto

tive Power shall resolve on approving the same, without any alterations or additions, but in case these should be added, the bill, together with the additions thereto, shall be laid before the houses, in the next session subsequent to the period expired.

11. All other resolutions, decrees, opinions, and acts of both houses, (excepting those of summons) shall likewise be refered to the Executive Power in order to receive its assent, before they can be carried into full effect. In case the latter should refuse such assent, they shall again pass through the forms prescribed for the enaction of laws, and being in like manner newly confirmed, they are to be carried into execution. The laws, decrees, opinions, acts, and resolutions, which may be held as urgent, are also to be subject to this rule, but the Executive Power is in this case, to state its objections respecting the urgency, as well as the substance of any law, within the space of two days after its receipt, in default of which, the same shall be considered as approved by it.

12. The form of the draft or sketch under which the laws, acts, decrees and resolutions are to pass from one house to the other, as well as to the Executive, shall be a preamble therein contained, with a minute of the day of the session on which the subject was discussed in each house, the date of the respective resolutions, a statement of the urgency in case there is any, as well as an exposition of the reasons and foundations which have given rise to the

dentro de dos dias à la Cámara donde se note la omision, ó à la del origen si hubiere ocurrido en ambas.

13. Estos requísitos no acompañarán á la ley en su promulgacion: ella saldrá entonces redactada clara, sencilla, precisa y uniformemente, sin otra cosa que un membrete que explique su contenido con la nominacion de ley, acto, ò decreto, y lo dispositivo de la misma ley, baxo la fórmula de estilo siguiente: *El Senado, y la Cámara de Representantes de los Estados-Unidos de Venezuela, juntos en Congreso decretaron:* y en seguida la parte dispositiva de la ley, acto, ó decreto. Estas fórmulas podrán variarse si las circunstancias y la conformidad de los pueblos que se agreguen à esta confederacion, lo creyesen necesario.

Seccion segunda.

Eleccion de da Cámara de Representantes.

14. Los que compongan la Cámara de Representantes deben ser nombrados por los electores populares de cada Provincia para servir por quatro años este encargo; y el número total respectivo se renovará cada dos por mitad, sin qne ninguno de ellos pueda ser reelegido inmediatamente.

resolution. Whenever any of these requisites are omitted, the act shall be returned within two days to the house wherein the omission has been noted, or to that where the same originated, if it has occurred in both.

13. These requisites shall not accompany the law in its promulgation, it shall then be drawn out in a clear, simple, precise and uniform manner, without any thing more than a plain heading, explanatory of its contents, with the name of the law, act, or decree, the dispositive part of the same law being preceded by the following words, "*The Senate and House of Representatives of the United States of Venezuela, in Congress assembled, have decreed, &c.*" then is to follow the decretive part of the same. These forms can be varied, if circumstances and the assent of the provinces that may hereafter be annexed to this confederation, should make it requisite.

SECTION II.

Election of the House of Representatives.

14. Those who compose the House of Representatives, are to be named by the popular electors of each province, to serve in this charge during the space of four years; and the total number respectively, shall be renewed every two years, in the proportion of one half, without any being allowed to be re-elected immediately.

15. Nadie podrá ser elegido ántes de la edad de veinticinco años: si no ha sido por cinco inmediatamente ántes de la eleccion ciudadano de la Confederacion de Venezuela; y si no goza en ella una propiedad de qualquiera clase.

16. La condicion de domicilio y residencia requerida aquí para los Representantes, no excluye à los que hayan estado ausentes en servicio del Estado, ni à los que hayan permanecido fuera de él con permiso del Gobierno en asuntos propios, con tal que su ausencia no haya pasado de tres años; ni à los naturales del territorio de Venezuela, que habiendo estado fuera de él, se hubiesen restituido y hallado presentes à la declaratoria de su absoluta Independencia, y la hubiesen reconocido y jurado.

17. La poblacion de las Provincias será la que determine el número de los Representantes que les corresponda, en razon de uno por cada veinte mil almas de todas condiciones, sexôs y edades. Por ahora servirá para el cómputo el censo civil practicado últimamente, que en lo sucesivo se renovará cada cinco años; y si hechas las divisiones de veinte mil, resultare algun residuo que pase de diez mil, habrá por él un Representante mas.

18. Esta proporcion de uno por veinte mil, continuará siendo la regla de la representacion, hasta que el número de los Representantes llegue à sesenta; y aunque se aumentase la poblacion, no se aumentará por eso el número, sino se elevará la proporcion hasta

15. No one can be elected under the age of 25, and if he has not been for five years immediately previous to his election, a citizen of the Confederation of Venezuela, nor unless he enjoys property of some nature therein.

16. The requisite of previous residence above required for the Representatives, does not exclude those who may have been absent in the service of the State, nor those who may have been abroad under permission of the government, on their own affairs, if their absence has not exceeded three years, nor the natives of Venezuela, who having been out of the country before, had returned, and were present at the declaration of absolute independence, and have acknowledged and sworn to the same.

17. The population of the provinces shall determine the number of the Representatives belonging to each, at the rate of one for each twenty thousand souls of all classes, sexes, and ages. For the present, the civil census lately made, shall serve for the calculation, but in future, the same shall be renewed every five years, and if after the divisions of twenty thousand have been made, there should result any residue exceeding ten thousand, a Representative shall be elected for the same.

18. This proportion of one for every twenty thousand, shall remain as the law for the representation, till the number of the Representatives reaches seventy, when notwithstanding the population may have increased, the number shall nevertheless not be en-

que corresponda un Representante à cada treinta mil almas. En este estado continuarà la proporcion de uno por treinta mil, hasta que lleguen à ciento los Representantes; y entónces como en el caso anterior, se elevarà la proporcion à quarenta mil por uno, hasta que lleguen à docientos por el aumento progresivo de la poblacion, en cuyo caso se procederá de modo que la regla de proporcion no suba de uno por cincuenta mil almas.

19. Quando por muerte, renuncia, ú otra causa vacàre alguna plaza de Representante, entrará à servirla el que en las últimas elecciones hubiese obtenido la segunda mayoría de votos, y se considerará nombrado por el tiempo que falte al primero. Si este fuese ménos de un año, no se le contará como obstáculo para poder ser elegido en las inmediatas elecciones.

20. Estas se executarán con uniformidad en todo el territorio de la Confederacion, procediendo para ello del modo siguiente:

21. El dia primero de Noviembre de cada dos años, se reunirán los sufragantes en todas las parroquias del Estado, para elegir libre y espontaneamente los electores parroquiales que han de nombrar el Representante ó Representantes que correspondan aquel biennio à su Provincia.

larged, but the proportion shall be raised, till a Representative shall be found to correspond to each thirty thousand souls. In this state is the proportion of one for every thirty thousand to continue, till the number of Representatives reaches one hundred, and then as in the former case, the proportion shall be raised to forty thousand for one, till the number, by the progressive increase of population, has reached two hundred, in which case it shall be regulated in such manner, that the rule of proportion does not give more than one for each fifty thousand souls.

19. When, in consequence of death, resignation, or any other cause, the seat of a Representative shall be vacated, it shall be filled by the person who in the last election had obtained the second majority of votes, and he shall be considered as elected to serve during all the time that remained for the first, and if he should have served less than a year, it shall not be held as an obstacle to his obtaining a seat at the next election.

20. The elections shall be conducted with the same uniformity throughout the whole territory of the Confederation, and in the following manner.

21. The first day of November of every two years, the voters shall collect in all the parishes of the State, in order to choose freely and voluntarily the parochial electors, who are to name the Representative or Representatives, which for the next two succeeding years, correspond to the province.

22. A cada mil almas de poblacion, y à cada Parroquia, aunque no llegue à este número, se dará un elector; luego que estén nombrados se disolverá la Congregacion parroquial: y los Electoros se hallarán reunidos indefectiblemente el quince de Noviembre en la Ciudad ó Villa que fuere cabeza del Partido capitular, para nombrar los Representantes.

23. El resultado de la Congregacion electoral, se remitirá por ahora inmediatamente al Gobierno provincial; y quando este se reforme popularmente, al Presidente del Senado, ó primera Cámara del Cuerpo legislativo de ella, que en todas deberá hallarse reunido en los primeros dias de Diciembre.

24. El Gefe del Gobierno actual, ô el Presidente del Senado quando lo haya, abrirá à presencia de la Legislatura provincial que se hallará reunida, las votaciones que se remitan de los Partidos para contar los votos. Se tendrán por elegidos para Representantes los que hayan reunido à su favor la mayoría del número total de los Electores nombrados; y en caso de igualdad de mayoría entre dos ó mas personas, elegirá entre ellos la Legislatura; pero si ninguna llegase à reunir la mitad, la Legislatura entónces escogerá de los que hayan tenido mas votos, un número triple, ó doble si fuere preciso de los Representantes que toquen à su Provincia, para elegir

22. Each thousand souls, or each parish, notwithstanding it does not reach that amount of population, shall have one elector, and the nomination of these being effected, the parochial meeting shall be dissolved, and the electors shall without fail, be collected on the 15th of November, in the city or chief town of the district, in order there to name the Representatives.

23. The results of the electoral meetings shall be immediately referred, for the present, to the Provincial government, and when this is popularly reformed, to the President of the Senate, or of the first House of the Legislative body of the same, which in every province is to be in session at the beginning of December.

24. The chief of the present government, or the President of the Senate, when this is established, shall open in the presence of the Provincial legislature for that purpose assembled, the results of the polls which may have been forwarded from the districts, in order to count the votes. Those shall be considered as elected to serve as Representatives, who may have united in themselves the greatest number of the electors chosen, and in case the majorities should be equal between two or more persons, the legislature shall choose between them; but if no one should be found to have received half of the votes, the legislature shall then choose amongst those who may have the greatest number, a third or double quantity of Representatives more than necessary to

entre estos los que deban serlo. Para esta eleccion podrá atenderse à qualquiera especie de mayoria, añadiendo á los votos de la Legislatura los que cada uno hubiese obtenido desde las Congregaciones electorales de las cabezas de partido. En caso de igualdad en la última eleccion de la Legislatura, decidirá el voto del Presidente.

25. Mientras no se organizan constitucional y uniformemente las Legislaturas de las Provincias, podrán hacer sus Gobiernos actuales lo prevenido anteriormente, juntandose en un lugar determinado todos sus miembros en union de las Municipalidades de la Capital, y doce personas de arraigo conocido elegidas previamente por las mismas Municipalidades.

26. Todo hombre libre tendrà derecho de sufragio en las Congregaciones Parroquiales, si á esta calidad añade la de ser Ciudadano de Venezuela, residente en la Parroquia ó Pueblo donde sufraga: si fuere mayor de veintiun años, siendo soltero, ó menor siendo casado, y velado, y si poseyere un caudal libre del valor de seiscientos pesos en las Capitales de Provincia siendo soltero, y de quatrocientos siendo casado, aunque pertenezcan á la muger, ó de quatrocientos en las demas poblaciones en el primer caso, y docientos en el segundo: ó si tubiere grado, ú aprobacion pública en una ciencia, ó arte liberal, ó mecanica: ó si fuere propietario, ó arrendador de tierras, para sementeras, ó ganado con tal que sus

serve for the province, in order again to make amongst them the definitive choice. For this election any kind of majority may suffice, by adding to the votes of the Legislature those which each may have obtained from the electoral meetings of the chief towns. In case of a parity of votes in the definitive election of the Legislature, the vote of the President shall decide.

25. In the mean time that the Legislatures of the provinces are not organized constitutionally and with uniformity, their present governments are to proceed in the regulations above specified, by assembling in a place determined; all their members in union with those of the municipalities of the capital, and twelve persons of known property, previously elected by the said municipalities.

26. Every free man shall have the right of voting in the parochial meetings, if to this quality he adds that of being a citizen of Venezuela, and resident in the parish or town where he votes: further, if he is aged 21 years and unmarried, and if married and settled, even if he should be under that age, and possessed of a free property to the value of six hundred dollars in the chief towns of the province when unmarried, and of four hundred dollars married, although the same belongs to the wife, or of four hundred in the other towns in the first case, and two hundred in the second. Also if he holds any office or public testimony of the exercise of any science, or liberal and mechanic art, or if he is the

productos sean los asignados para los respectivos casos de soltero, ú casado.

27. Seran excluidos de este derecho los dementes, los sordomudos, los fallidos, los deudores á caudales publicos con plazo cumplido, los estrangeros, los transeuntes, los vagos publicos y notorios, los que hayan sufrido infamia no purgada por la Ley, los que tengan causa criminal de gravedad abierta, y los que siendo casados no vivan con sus mugeres, sin motivo legal.

28. Ademas de las qualidades referidas para los sufragantes parroquiales, deben los que han de tener voto en las Congregaciones electorales, ser vecinos del partido Capitular donde votaren, y poseer una propiedad libre de seis mil pesos en la Capital de Caracas, siendo solteros, y de quatro mil siendo casados, cuya propiedad será en las demas Capitales, Ciudades, y Villas, de quatro mil siendo soltero, y tres mil siendo casado.

29. Tambien se conceden los mismos derechos á los Empleados públicos con sueldo del Estado, con tal que este sea de trecientos pesos anuales para votar en las Congregaciones parroquiales, y de mil para los Electores capitulares. Pero todos ellos estan inhabiles para ser miembros de las Camaras de Representantes, y senadores mientras no renuncien al exer-

owner of, or renter of seed lands, or cattle, provided the produce amounts to the respective sums stipulated for married and single persons.

27. Those excluded from this right, are the lunatic, deaf and dumb, bankrupts, debtors to public property after the expiration of the periods fixed for payment, foreigners, persons without fixed residence, public and notorious vagrants, persons who may have been subject to any infamy not wiped away by law, those under criminal prosecution, and married persons not cohabiting with their wives without legal motives.

28. Besides the above stated qualities requisite for the parish voters, those who are entitled to vote in the electoral meetings, are to be residents of the district where they give suffrage, and to possess a free property to the value of six thousand dollars in the capital of Caracas, if unmarried; and of four thousand if married, which amount of property in the other capitals, cities and towns, shall be four thousand for unmarried persons, and three thousand for those married.

29. The same rights are also granted to public functionaries enjoying salaries from the State, provided these are equal to three hundred dollars per year; all such shall vote in the parochial meetings, and in the electoral ones, if their salaries reach one thousand. All such are nevertheless disqualified from being members of the Houses of Representatives and Senate, as long as they retain the exercise

cicio de sus empleos, y al goce de sus respectivos sueldos por todo el tiempo que dure la representacion.

30. Es un derecho exclusivo y propio de las respectivas Municipalidades, el convocar conforme à la Constitucion las Asambleas primarias y electorales, y todas las demas que resolviere el Gobierno de su Provincia.

31. Qualquiera de sus miembros, ó de los Jueces, y personas notables de los Pueblos de su distrito podràn ser autorizados por ellas presidir y concluir las Asambleas parroquiales; pero las Electorales las presidirá uno de los Alcaldes, y las autorizarà el Escrivano municipal.

32. Si hubiese por parte de las Municipalidades omision en hacer oportunamente estas convocatorias, podràn los Ciudadanos reunirse espontaneamente en los dias señalados por la Constitucion para ellas, y hacer con órden, tranquilidad, y moderacion lo que no hubiese hecho el Cuerpo Municipal, hasta comunicar despues de disueltas las Congregaciones, el resultado al Gobierno Provincial respectivo.

33. El uso de esta facultad, tanto por parte de las Municipalidades, como de los Ciudadanos, fuera de los casos y tiempos prevenidos en esta Constitucion, será un atentado contra la seguridad pública, y una traicion à las leyes del Estado; y nunca pasaràn las funciones de estas Congregaciones del nombramiento de Electores, ó Representantes del Congreso General, ó Legislatura Provincial respectiva, sin tratar en

of their functions, and enjoy their respective salaries during the time of their representation.

30. It is the exclusive and sole right of the respective municipalities to convene, in conformity to the constitution, primary and electoral meetings, and all others which may be resolved on by the government of each province.

31. Any one of its members, a judge, or a distinguished personage in the towns, can by them be authorized to preside in, and to close the parochial meetings, but electoral meetings shall be presided by a justice of the peace, and the acts thereof shall be legalized by the municipal notary.

32. If there should be any omission on the part of the muncipalities, to convene these meetings in due time, the citizens can, in that case, assemble on the days assigned by the constitution for that purpose, and do what the municipality has not done; but with order, tranquility and moderation; they are moreover authorized to communicate the results of the meetings after their dissolution, to the respective Provincial governments.

33. The use of this faculty, as well on the part of the Municipalities, as on that of the citizens, excepting in the cases and times fixed by the constitution, shall be held as a transgression against the public security, and a treason against the laws of the State; nor shall the functions of these meetings exceed the nomination of electors, that of Representatives to the General Congress, or to the respective provincial Le-

manera alguna de otra cosa que no prevenga la Constitucion.

34. Las calificaciones de propiedad serán peculiares à las respectivas Municipalidades que llevarán permanentemente un registro civil de los Ciudadanos aptos para votar en las Congregaciones parroquiales, y electorales de su partido, en la forma que estableciere la respectiva Constitucion Provincial.

35. La falta actual que hay del registro civil ordenado por el articulo anterior para establecer las calificaciones de los Ciudadanos, podrà suplirse autorizando los Cabildos á los mismos que nombren para presidir las Asambleas primarias, ó parroquiales para formar un censo en cada Parroquia con vista del último formado para el actual Congreso, y del Eclesiastico autorizado por el Cura, ó su Teniente, y quatro vecinos honrados, padres de familia, y propietarios del Pueblo, que baxo juramento testifiquen tener los comprehendidos en el censo las calidades requeridas para ser sufragantes, ó electores.

36. Obtenida por este medio la poblacion total de la Parroquia, se sabrà el Elector, ó Electores que le correspondan, y se formará una lista por ella de los Ciudadanos que resulten con dèrecho á sufragio,

gislature, nor shall they be allowed to transact any other business that is not assigned them by the Constitution.

34. The qualifications of property shall be left in charge of the respective Municipalities, who shall at all times keep a civil register of the Citizens authorized to vote in the parochial meetings, as well as of those capable of being returned as electors for the district, under the form that may be established by the respective Provincial Constitutions.

35. The want at present experienced of a civil Register ordained by the above article, in order to establish the qualifications of the citizens, may be supplied by an authority conferred by the municipal bodies on those they may name to preside in the primary or parochial meetings, establishing a census in each parish founded on the late one drawn up for the present Congress, or it may be done by the Ecclesiastical body authorized by the Curate or his deputy, together with four respectable citizens, housekeepers, and landholders in the same town, who under oath, shall testify that those comprehended in the list, possess the qualities requisite for voters, or for electors.

36. The total population of the parish being by this means established, the number of electors that may correspond to the same will be ascertained; a list is also to be made out of the citizens found therein with the right of vote, as well as another of those

y otra de los que estén habiles para ser Electores en la Congregacion capitular.

37. Estas tres listas se llevaràn por el comisionado á la Asamblea primaria ó parroquial, para que los sufragantes con conocimiento de ella procedan á nombrar de los de la última lista el Elector, ó Electores que correspondan á aquella Parroquia.

38. Verificado esto se presentarà todo ello por el comisionado al Cuerpo Municipal del partido, para que sirva á formar el registro civil provisional, mientras por el Congreso no se establezca otra formula.

39. El acto de eleccion parroquial y electoral serà público, como es propio de un Pueblo libre y virtuoso, y en él se procederá del modo siguiente.

40. Los Electores primarios, ò sufragantes parroquiales llevarán sus votos en persona por escrito, ó de palabra al Alcalde de quartel, ó Juez que se nombráre dentro del término de ocho dias, desde aquel en que se abriese la eleccion; y en el primero de Noviembre se procederá al escrutinio ante el mismo Juez con seis personas respetables de la Parroquia, á cuyas puertas se fixará la votacion, y su resultado.

41. En las Congregaciones electorales dará su voto cada Elector en un billete firmado, ó en secreto á la voz al Presidente de la Congregacion que lo hará escribir en el acto por el Secretario à presencia de dos testigos. Reunidos los votos en secreto, se prac-

who may be qualified to serve as electors at the meetings held for that purpose.

37. These three lists are to be carried by the commissioner to the primary or parochial meetings, that the voters in conformity thereto, may proceed to name out of the last list the elector or electors corresponding to that parish.

38. This being done, the whole shall be laid before the Municipal body by the commissioner, that the same may serve to form a provincial civil Register, in the mean time, and till Congress shall establish another form.

39. The parochial and electoral elections shall be public, as becomes a free and virtuous people, and conducted in the following manner.

40. The primary electors or parish voters shall carry their written or verbal votes in person to the magistrate of the district, or to the judge who may be named within the term of eight days from that on which the polling is opened, and on the first of November the votes shall be added up in presence of the said judge, and six respectable persons of the parish, and a statement of the votes and results be fixed on the doors of the parish church.

41. In the electoral meetings each elector shall give his vote on a signed ticket or verbally to the President of the meeting, who shall cause the same to be entered down on the list by the Secretary, in presence of two witnesses. The votes being thus privately collected, the additions thereof shall be

ticará en público el escrutinio, formando lista por órden alfabetico, y se leerán luego en voz alta los votos con el nombre de cada Elector.

42. Las dudas, ó dificultades que se susciten en las Asambleas primarias ù electorales sobre qualidades ó formas, se decidirán en las primeras por el Presidente y sus asociados, y en las segundas por la misma Congregacion; pero de ambas podrá apelarse en último recurso á la Legislatura provincial, sin que entre tanto se suspenda por eso el efecto de la eleccion respectiva.

43. La Camara de Representantes al principiar sus Sesiones elegirá para el tiempo que duraren estas, un Presidente y Vice-Presidente de sus miembros que podrá mudar en caso de prorroga, ó convocacion extraordinaria; tambien nombrará fuera de su seno el Secretario, y demas Oficiales que juzgue necesarios para el desempeño de sus trabajos, siendo de su autoridad la asignacion de sueldos, ó gratificaciones de los referidos empleados.

44. Todos los empleados de la Confederacion están sujetos á la inspeccion de la Camara de Representantes en el desempeño de sus funciones, y por ella serán acusados ante el Senado de todos los casos de traicion, colusion, ó malversacion, y este admitirá, oirá, rechazará, y juzgará estas acusaciones, sin que puedan someterse à su juicio por otro órgano que el

made in public, and a list in alphabetical order made out, when the votes shall be read aloud, with the names of each elector

42. The doubts or difficulties that may arise in the primary or electoral meetings respecting qualifications or forms, in the first shall be decided by the president and his associate judges, and in the second by the meeting itself; but from both there can be a definitive appeal to the provincial Legislature, without in the mean time, the effect of the respective elections being suspended.

43. The House of Representatives on opening the session shall elect for the time of its duration, a president and vice-president out of its own members, who can be changed in case of prorogation or extraordinary summons: it shall also name out of the house a secretary and the other officers it may judge necessary to perform the various duties; it being in like manner authorized to fix the salaries and emoluments which the said functionaries are to receive.

44. All persons employed under the Confederation are subject to the inspection of the House of Representatives in the discharge of their duties, and by the same they are to be accused before the Senate in all cases of treason, collusion, or malversation; and the latter shall admit, hear, examine and judge such accusations, without their being able to be submitted to their judgment through any other organ than

de la Cámara, á quien toca exclusivamente este derecho.

SECCION TERCERA.

Eleccion de los Senadores.

45. El Senado de la Confederacion lo compondrá por ahora un número de individuos, cuya proporcion no pasará de la tercera, ni será ménos de la quinta parte del número de los Representantes: quando estos pasen de ciento, estará la proporcion de aquellos entre la quarta, y la quinta: y quando de docientos, entre la quinta, y la sexta.

46. Este cálculo indica al presente que debe haber de cada Provincia un Senador por cada setenta mil almas de todas condiciones, sexôs, y edades con arreglo á los censos que rigen; pero siempre nombrará uno la que no llegue al número señalado, y otro la que deducida la quota ó quotas de setenta mil, tenga un residuo de treinta mil almas.

47. El término de las funciones de Senador será el de seis años, y cada dos se renovará el Cuerpo por terceras partes, siendo los primeros á quienes toque este turno á los dos años de la primera reunion, los de las Provincias que hubieren dado mayor número, y así sucesivamente, de modo que ninguno pase de los seis años asignados.

that of the said House, to whom exclusively this right belongs.

SECTION III

Election of Senators.

45. The Senate of the Confederation shall, for the present, be composed of a number of individuals, whose proportion shall not exceed a third, and shall not be less than a fifth part of the number of Representatives; that is, when the latter exceed one hundred, their proportion shall then be between the fourth and fifth part, and when two hundred, between that of a fifth and sixth.

46. This calculation at present indicates, that for each province there is to be one Senator for every twenty thousand souls of all conditions, classes and ages, according to the census of the country now in force; but each province shall nevertheless name one, although its population does not reach the amount specified; as well as the others, which after deducting the quota or quotas of seventy thousand, may have left a residuum of thirty thousand souls.

47. The time limited for the functions of a Senator shall be six years, and every two years the body shall be renewed, in the proportion of two thirds; this change devolving in the first instance, on those provinces which may have sent up the greatest number, and thus successively, in such manner that none exceed the six years to which they are limited.

48. La eleccion originaria y sucesiva en los años de turno, se hará por la Legislatura provincial, segun la forma que ellas se prescriban; pero con las condiciones de que:

49. Para ser Senador ha de tener el elegido treinta años de edad: diez años de ciudanano avecindado en el territorio de Venezuela inmediatamente antes de la eleccion con las excepciones comprehendidas en el paragrafo diesyseis, y ha de gozar en él una propiedad de seis mil pesos.

50. El Senado elegirá fuera de su seno un Secretario, y los demas Oficiales y empleados que necesite, siendo privativa al mismo Cuerpo la asignacion de sueldos, acensos, y gratificaciones de estos empleados, y tambien un Presidente y Vice, como previene el parrafo 43 para los Representantes.

51. Quando vacare alguna plaza de Senador por muerte, renuncia, ú otra causa durante el receso de la Legislatura provincial á que corresponda la vacante, el Poder Executivo de ella podrá nombrar interinamente quien la sirva hasta la proxîma reunion de la Legislatura, en que habrá de proveerse en propiedad.

SECCION QUARTA.

Funciones y facultades del Senado.

52. El Senado tiene todo el poder natural, é incidente de una Corte de Justicia para admitir, oir,

48. The first election, and those which may be made in the successive years in rotation, shall be conducted by the provincial Legislature, in the manner which they themselves may prescribe, but with the following conditions.

49. The Senator elect shall be aged thirty years, have been ten years a citizen and resident in the territory of Venezuela immediately preceding his election, with the exception stated in article 16, and he shall possess therein a clear property worth six thousand dollars.

50. The Senate shall elect out of the House a Secretary, and the other functionaries required, and shall be allowed to assign salaries, advancement, and emoluments for them. as well as a President and Vice president, as stated in article 43, for the house of Representatives.

51 When by death, resignation, or any other cause, the place of a Senator should be vacated, and this during the recess of the provincial Legislature to whom it belongs to fill up the vacancy, the Executive power of the same, shall be authorized to name a temporary substitute to serve till the next meeting of the Legislature, when a fresh member shall be provided.

SECTION IV.

Functions and faculties of the Senate.

52. The Senate has all the natural and incidental power belonging to a Court of Justice, to admit,

juzgar, y sentenciar á qualesquiera de los empleados principales en servicio de la Confederacion, acusados por la Camara de Representantes de felonía, mala conducta, usurpacion ó corrupcion en el uso de sus funciones, arreglandose á la evidencia, y à la justicia en estos procedimientos, y prestando para ello un juramento especial sobre los Evangelios antes de empezar la actuacion.

53. Tambien podrá juzgar, y sentenciar à qualquiera otro de los empleados inferiores, quando instruido de sus faltas, ó delitos advierta omision en sus respectivos Gefes para hacerlo, precediendo siempre la acusacion de la Camara.

54. Inmediatamente pasará al acusado copia legal de la acusacion, y le señalará tiempo, y lugar para evaquar el juicio, sirviendose para esto del Ministro, ó comisionado que tenga á bien elegir, y teniendo consideracion á la distancia en que resida el acusado, y á la naturaleza del juicio que va á sufrir.

55. Luego que haya tenido su efecto la citacion, y emplazamiento del Senado compareciendo en fuezra de ella el acusado, se le oiràn libremente las pruebas y testigos que presentáre, y la defensa que hiciere por sí, ó por Letrado; pero si por renuencia, ú omision dexáre de comparecer, exâminará el Senado los cargos, y pruebas, que haya contra él, y pronunciará un juicio tan válido y efectivo, como si el

hear, judge, and sentence any of the principal functionaries in the service of the Confederation, who may have been accused by the House of Representatives, of felony, misbehaviour, usurpation or corruption in the use of their functions, abiding therein by the evidence produced, and according to justice in such proceedings, having previously taken a special oath on the holy Evangels before the case is opened.

53. The Senate has also power to judge and sentence any other of the inferior functionaries, when having taken cognizance of their defaults or crimes, there has been noted any omission on the part of their chiefs to do it, but the accusation must, in the first instance, proceed from the lower House.

54. They shall immediately transmit legal copy of the indictment to the accused, fixing a period and place for his appearance and to make answer; such minister or commissioner being used for this purpose, as the House may judge proper, and consideration being also had to the distance at which the accused may reside, and the nature of the judgment he is about to undergo.

55. As soon as the citation and summons of the Senate to the accused have been made, and he has by virtue thereof appeared, the witnesses he may bring forward shall be freely heard, and the proofs examined, as well as the defence he may make, either personally or by council; but if by default or omission he should fail to appear, the Senate shall then proceed to examine the charges and proofs there

acusado hubiese comparecido, y respuesto á la acusacion.

56. En estos juicios, si no hubiese Letrado en el Cuerpo del Senado, deberá este citar para que dirija el juicio, á alguno de los Ministros de la Alta Corte de Justicia, ú á otro Letrado de crédito que merezca su confianza, á los quales solo se concederá voto consultivo en la materia.

57. Para que pueden tener efecto, y validacion, las sentencias pronunciadas por el Senado en estos juicios, han de concurrir precisamente á ellas las dos terceras partes de los votos de los Senadores que se hallaren presentes en el número necesario para formar sesion constitucionalmente.

58. Estas sentencias no tendrán otro efecto que el de deponer al acusado de su empleo, en fuerza de la verdad conocida por averiguacion previa, declarandolo incapaz de obtener cargo honorífico, ò lucrativo en la Confederacion, sin que esto lo releve de ser ulteriormente perseguido, juzgado, y sentenciado por los competentes Tribunales de Justicia.

SECCION QUINTA.

Funciones económicas, y prerogativas comunes á ambas Cámaras

59. La calificacion de elecciones, calidades, y admision de sus respectivos miembros, será del resorte

may be against him, and shall pronounce judgment as valid and effective, as if the accused had appeared and answered to his indictment.

56. In these cases, if there is no counsellor in the body of the Senate, the latter is in that case to call in one of the members of the high Court of Justice to direct the proceedings, or any other counsellor of respectability, who may possess their confidence, but to any such in the matter, a consultive voice only is to be granted.

57. In order that judgments pronounced by the Senate in such cases should have their due effect and validity, there shall necessarily be a concurrence of two third parts of the votes of the Senators, of whom there shall be present a sufficient number to render the session constitutional.

58. These judgments shall have no other effect than to deprive the accused of his place, in consequence of the facts that may be established by the examination, declaring him incapable of again receiving any honourable or lucrative charge under the Confederation; but without this exempting him from being ulteriorly prosecuted, judged and sentenced by the competent courts of justice.

SECTION V.

Economical and prerogative functions common to both Houses.

59. The qualifications for elections, the requisites, and admission of their respective members, shall

privativo de cada Cámara, como igualmente la resolucion de las dudas que sobre esto puedan ocurrir. Del mismo modo podrán fixar el número constitucional para las sesiones, que nunca podrá ser ménos de las dos terceras partes ; y en todo caso el número exîstente, aunque sea menor, podrá compeler á los que falten á reunirse baxo las penas que ellas estableciéren.

60. El Presidente de cada una de las Cámaras será siempre el conducto por donde se verifiquen tanto estas medidas coactivas, como las demas convocaciones extraordinarias que constitucionalmente exîjan las circunstancias.

61. El proceder de cada Cámara en sus sesiones, debates, y deliberaciones, será establecido por ellas mismas, y baxo estas reglas podrá castigar á qualquiera de sus miembros que las infrija, ò que de otra manera se haga culpable con las penas que establezca, hasta expelerlos de su seno, quando reunidas las dos terceras partes de sus miembros, lo decida la unanimidad de los dos tercios presentes.

62. Las Camaras gozarán en el lugar de sus sesiones el derecho exclusivo de Policía, y tendrán á sus órdenes inmediatas una guardia nacional capaz de mantener el decoro de su representacion, y el sosiego, órden, y libertad de sus resoluciones.

63. En uso de este derecho podrán tambien castigar con arresto que no exceda de treinta dias á

devolve as a particular privilege on each House, as well as the solution of any doubts that may arise respecting the same. In the same manner they are authorized to fix what number of members present, may render the session constitutional and form a quorum; and in all cases the number met, notwithstanding it is the smallest, may compel those who have not joined, under the penalties they may think fit to establish.

60. The President of each House shall always be the channel through which all these coactive measures are executed, as well as all other extraordinary summons that circumstances may require.

61. The mode of proceeding in both Houses in their sessions, debates, and resolutions, shall be established by themselves, and under such rules they are authorized to punish any of their members who may infringe them, or who may in any other manner incur blame, or make himself liable to the penalties agreed on, even to the expelling him from amongst themselves, whenever (the two third parts of the whole members being present) it should be so unanimously decided by two thirds of those in Session.

62. Both Houses shall enjoy the exclusive right of police within the places of their own sessions, and they shall have at their immediate orders a national guard, capable of maintaining the decorum of their representation, quiet, order, and the freedom of their resolutions.

63. In the exercise of this right, they may also punish with arrest, not to exceed thirty days, any

qualquiera individuo que desordenada y vilipendiosamente faltàse al respeto èn su presencia, ò que amenazàre de qualesquier modo atentar contra el Cuerpo, ò contra la persona, ò bienes de alguno de sus individuos durante las sesiones, ó yendo y viniendo á ellas por qualquiera cosa que hubiese dicho, ò hecho en los debates, ó que embarazàse, ó perturbase sus deliberaciones, molestando y deteniendo á los Oficiales, ò empleados de las Cámaras en la execucion de sus órdenes, ó que asaltàse y detuviese qualquier testigo, ú otra persona citada, y esperada por qualquiera de las dos Cámaras, ó que pusièse en libertad á qualquiera persona detenida por ellas, conociendo, y constandole ser tal.

64. El proceder de cadá Cámara constará solemnemente de un Registro diario en que se asienten sus debates y resoluciones; de estas se promulgarán las que no deban permanecer ocultas, segun el acuerdo de cada una; y siempre que lo reclame la quinta parte de los miembros presentes, deberán expresarse nominalmente los votos de sus individuos sobre toda mocion, ó deliberacion.

65. Ninguna de las dos Cámaras, mientras se hallen reunidas, podrá suspender sus sesiones mas de tres dias, sin el consentimiento de la otra, ni emplazarse ó citarse para otro lugar distinto de aquel en que residieren las dos sin el mismo consentimiento.

individual whatever, who in a disorderly manner, or out of contempt, should behave disrespectfully in their presence, or threaten in any manner to do any act against the House, or the person or property of any of the members during the session, or in going to, or coming from, the same, for any thing they may have said or done in the debates, or who may hinder or disturb their deliberations, or obstruct or detain the officers or functionaries of the houses in the execution of their orders; who may assault or detain any witness or person cited and waited for by either of the houses, or who may set at liberty any person detained by them, knowing and fully convinced they were such.

64. The proceedings of each house shall be formally entered on daily registers, on which shall be transcribed the debates and resolutions; these shall be published, which are not intended to be kept secret, according to the opinion of each house; and whenever it is claimed by a fifth part of the numbers present, the names of each individual, as they have voted on any motion or resolution, are to be expressed at full length.

65. Neither of the Houses, whilst in session, shall be allowed to adjourn for more than three days, without the consent of the other, nor be summoned or cited to meet in any other place than that destined for the meeting of both, without the same consent being previously obtained.

66. Los Representantes y Senadores recibirán por sus servicios la indemnizacion que la ley les señale sobre los fondos comunes de la Confederacion, computandose por el Congreso el tiempo que deben haber invertido en venir de sus domicilios al lugar de la reunion, y restituirse á ellos concluidas las sesiones.

SECCION SEXTA.

Tiempo, lugar, y duracion de las sesiones Legislativas de ambas Cámaras.

67. El dia quince de Enero de cada año se verificará la apertura del Congreso en la ciudad Federal que está señalada por ley particular, y que nunca podrá ser la capital de ninguna Provincia, y sus sesiones no podràn exceder del término ordinario de un mes; pero si se creyese necesario prorrogarlas extraordinariamente, deberá preceder una resolucion expresa del Congreso, señalando un término definido que no podrá exceder tampoco de otro mes prorrogable del mismo modo; y si ántes de concluirse qualquiera de estos determinados periodos hubiere dado evasion á los negocios que llamaron su atencion, podrá terminar desde luego sus sesiones.

68. Durante estas, podrà tambien disolverse, y emplazarse para otro tiempo y lugar, expresa y previamente designados; y el Poder Executivo no podrá tener otra intervencion en estas resoluciones, sino

66. The Representative members, as well as the Senators, shall receive for their services that remuneration which the law may assign them out of the public funds of the Confederation, allowances being also granted by Congress, for the time and distance of coming from their homes to the place of Session, as well as for returning when the House breaks up.

SECTION VI.

Time, Place, and Duration of the Legislative Sessions of both Houses.

67. On the 15th day of January, in every year, the Congress shall be opened in the Federal city,* which is fixed by a particular law, and which can never be the capital of any Province, and its sessions shall not exceed the ordinary term of one month; but if it should be thought necessary extraordinarily to prorogue the House, an express resolution is to precede naming a definitive period, which is not to exceed a month; when another prorogation may take place in the same manner; and if before any of these periods the business brought before the House is finished, the Session may then be ended.

68. During the Sessions, the Houses may be dissolved and summoned for another time and place expressly and previously fixed upon; and the Executive Power shall have no other intervention in these resolutions, excepting that of naming, in case of dis-

* By a late law of Congress, Valencia has been made the Federal city, and the delegates were assembled there, at the time of the late earthquake at Caracas.

la de fixar, en caso de discordia entre ambas Cámaras, sobre el tiempo y lugar, un término que no exceda el mayor de la disputa para la reunion en el mismo lugar en que se encontràren entónces.

69. La inmunidad personal de los Representantes y Senadores, en todos los casos, excepto los prevenidos en el párrafo sesenta y uno, y los de traicion ó perturbacion de la paz pública, se reduce á no poder ser aprisionados durante el tiempo que desempeñan sus funciones legislativas, y el que gastarán en venir á ellas ó restituirse á sus domicilios, y no poder ser responsables de sus discursos ú opiniones en otro lugar que en la Cámara en que los hubiesen expresado.

70. Ninguno de ellos durante el tiempo para que ha sido elegido, y aunque no esté en exercicio de sus funciones, podrà aceptar empleos, ni cargo alguno civil que haya sido creado, ó aumentado en sueldos, ó emolumentos durante el tiempo de su autoridad legislativa.

SECCION SEPTIMA.

Atribuciones especiales del Poder Legislativo.

71. El Congreso tendrà pleno poder y autoridad de levantar y mantener exercitos para la defensa comun, y disminuirlos oportunamente,—de construir, equipar, y mantener una marina nacional,—de for-

agreement between the Houses, respecting the time and place, a term that does not exceed the greatest period agitated in the disputes for assembling in the same place.

69. The personal immunity of the Representatives of the People and Senators, in every case, excepting such as are specified in Article 61, and those of treason and disturbance of the public peace, is confined to their not being liable to arrest, during the time they hold their Legislative functions, and that which they may expend in going to or coming from their homes to attend the sittings, and their not being answerable for their sentiments and opinions, but in the House where the same have been expressed.

70. None of them, during the time for which they have been elected, and notwithstanding they are not in the immediate exercise of their functions, shall be allowed to accept of any office or civil charge, that may have been created or increased in salary, or attended with remuneration, and this during the time of their legislative authority.

SECTION VII.

Special Attributes of the Legislative Power.

71. The Congress shall have full power and authority to raise and maintain armies for the common defence, and to diminish them, as may be deemed necessary; to build, equip, and maintain a national

mar reglamentos y ordenanzas para el gobierno, administracion y disciplina de las referidas tropas de tierra, y mar,—de hacer reunir las milicias de todas las Provincias, ó parte de ellas, quando lo exija la execucion de las leyes de la union, y sea necesario contener las insurrecciones, y repeler las invasiones, —de disponer la organizacion, armamento y disciplina de las referidas milicias, y la administracion y gobierno de la parte de ella que estuviere empleada en servicio del Estado, reservando á las Provincias la nominacion de sus respectivos Oficiales, en la forma que prescribieren sus constituciones particulares, y la facultad de dirigir, citar, y executar por símismas la enseñanza de la disciplina ordenada por el Congreso,—de establecer, y percibir toda suerte de impuestos, derechos, y contribuciones que sean necesarias para sostener los exercitos, y esquadras, siempre que lo exijan la defensa, y seguridad comun, y el bien general del Estado, con tal que las referidas contribuciones se impongan, y perciban uniformemente en todo el territorio de la Confederacion,—de contraher deudas por medio de empréstito de dinero sobre el crédito del Estado,—de reglar el comercio con las naciones extrangeras, determinando la qüota de sus contribuciones, y la recaudacion, é inversion de sus productos en las exigencias comunes, y para reglar el de las Provincias entresí,—de disponer abosolutamente del ramo del tabaco, mò, y

navy; to form regulations and laws for the Government; administration and discipline of the said land and sea forces; to call out the militia of all the provinces, or part of them, when the execution of the laws of the union, and the necessity of repressing insurrections and repelling invasions, may make it requisite; to regulate the organization, arming, and discipline of the said militia, as well as the government and administration of that part thereof, employed in the service of the State; the nomination of the respective officers being left to the provinces, to be done in the manner prescribed by their particular constitutions, as well as the power of directing, assembling, and teaching the discipline ordained by Congress---to establish and collect all kinds of taxes, duties, and contributions, that may be necessary to maintain armies and squadrons, whenever the defence, common security, and general good of the State, may require it; provided that the said contributions are uniformly imposed and levied throughout the whole Confederation—to contract debts by means of loans of money on the credit of the State—to regulate trade with foreign nations, determining the proportions of contributions to be exacted from the commercial bodies, as well as the repayment or expenditure of the proceeds of the same, in cases of need, and also to regulate the trade of the Provinces between themselves—to dispose, in an absolute manner, of the monopoly of raw and

chimó, derechos de importacion y exportacion, reglando, y dirigiendo en todas la inversion de los gastos, y la recoleccion de los productos que han de entrar por ahora en la Tesorería nacional, como renta privilegiada de la Confederacion, y la mas propia para servir á la defensa, y seguridad comun,—de acuñar, y batir moneda, determinar su valor, y el de las extrangeras, introducir la de papel si fuere necesario, y fixar uniformemente los pesos, y medidas en toda la extension de la Confederacion,—de arreglar, y establecer las postas, y correos generales del Estado, y asignar la contribucion para ellas, y para designar los grandes caminos, dexando al cargo, y deliberacion de las Provincias las ramificaciones secundarias que faciliten la comunicacion de sus pueblos interiores entre sí, y con las vias generales, —de declarar la guerra y hacer la paz, conceder en todo tiempo patentes de corso y de represalias, y establecer reglamentos para las presas de tierra, y de mar; sea para conocer, y decidir sobre su legalidad, como para determinar el modo con que deben dividirse, y emplearse,—de hacer leyes sobre el modo de juzgar, y castigar las piraterías, y todos los atentados cometidos en alta mar contra el derecho de gentes,—de constituir Tribunales inferiores, que conozcan de los asuntos propios de la Confederacion en todo el territorio del Estado, baxo la autoridad,

prepared tobacco,* import and export duties, and to regulate and direct the expenditure and the collection of the revenue that is to enter into the national treasury, as a privileged income belonging to the Confederation, and the most proper to serve for its defence and common security—to coin and stamp money—determine its value, as well as that of foreign monies; introduce paper money, if necessary, and to fix uniformly the weights and measures throughout the whole extent of the Confederation; to regulate and establish posts, and general mails, throughout the State, and assign the expences of postage, as well as to trace the main roads, leaving to the charge and resolutions of the provinces, the cross roads, neccessary for the communication of the inland towns and general conveyances—to declare war, and make peace, to grant at all times letters of marque and reprisal, to establish regulations for captures by sea and land, as well to examine and decide on their legality, as to determine in what manner they are to be divided and laid out—to make laws respecting the manner of judging and punishing piracies, and all crimes committed on the high seas, against the rights of nations—to institute inferiour tribunals, to take cognizance of all matters belonging to the Confederation, throughout the whole of the State, under the

* Mó and chimó, in the original, means a juice or essence extracted from tobacco, and used by the inhabitants, instead of chewing. It is carried in a small box, and being an extract, enters into the general monopoly to which tobacco is subject,

y jurisdiccion del Supremo Tribunal de Justicia, y detallar los Agentes subalternos del Poder Executivo en el mismo territorio que no expresáre esta Constitucion,—de establecer una forma permanente, y uniforme de naturalizacion en todas las Provincias de la union, y leyes sobre las bancarrotas,—de formar las relativas al castigo de los falsificadores de efectos públicos, y de la moneda corriente del Estado,—de exercer un derecho exclusivo de legislacion en todos los casos, sobre toda suerte de objetos del resorte legislativo, federal, ò provincial en el lugar donde, por el consentimiento de los Representantes de los Pueblos que componen, y se unieren á la Confederacion, se determinare fixar en último resorte la residencia del Gobierno federal,—de examinar todas las leyes que formásen las Legislaturas provinciales, y exponer su dictámen sobre si se oponen ò no á la autoridad de la Confederacion; y de hacer todas las leyes y ordenanzas que sean necesarias y propias á poner en execucion los poderes antecedentes, y todos los otros concedidos por esta Constitucion al Gobierno de los Estados-Unidos.

authority and jurisdiction of the Supreme court of Justice, and to name the subaltern agents, of the Executive power, in those parts not expressed in this Constitution—to establish a permanent and uniform manner of naturalization, in all the provinces of the union, as well as bankrupt laws—to make laws for the punishment of forgers of public deeds, and of the current money of the State—to exercise an exclusive right of legislating in all cases, respecting all kinds of matters, relating to legislative, federal, or provincial concerns, in that place where by consent of the Representatives of the people, who at present compose, or may be hereafter united to the Confederation, it may be determined ultimately, to fix the residence of the Federal government, to examine all the laws which may be made by provincial Legislatures, and to state, whether they are, or are not, opposed to the authority of the Confederation, and to make all the laws and regulations, which may be necessary and proper, to carry into execution, the preceding power, as well as all the others granted by this Constitution, to the government of the United States.

CAPITULO TERCERO.

Del Poder Executivo.

Seccion primera.

De su naturaleza, qualidades, y duracion.

72. El Poder Executivo constitucional de la Confederacion residirà en la Ciudad federal depositado en tres individuos elegidos popularmente, y los que lo fueren deberán tener las qualiqades siguientes.

73. Han de ser nacidos en el continente Colombiano ó sus islas (llamado àntes América Española) y han de haber residido en el territorio de la union diez años inmediatamente ántes de ser elegidos con las excepciones prevenidas en el paragrafo diesiseis, sobre residencia y domicilio para los Representantes, debiendo ademas gozar alguna propiedad de qualquiera clase en bienes libres.

74. No están excluidos de la eleccion los nacidos en la Península Española é Islas Canarias, que hallandose en Venezuela al tiempo de su Independencia política, la reconocieron, juraron, y contribuyeron à sostenerla, y que tengan ademas la propiedad y años de residencia prescriptas en el anterior §.

75. La duracion de sus funciones será de quatro años, y al cabo de ellos serán reemplazados los tres

CHAP. III,

OF THE EXECUTIVE POWER.

Sec. 1st.—Of its Nature, Qualities, and Duration.

72. The Executive constitutional power shall reside in the Federal city, lodged in three individuals popularly elected, and those who are thus chosen, are to have the following qualities.

73. They shall have been born on the Columbian Continent, or in the islands formerly designated Spanish America, and they shall have resided in the territory of the union, ten years, immediately preceding their election, with the exceptions stipulated in Article 16, respecting the residence requisite for Representatives, and they shall be possessed of some free property.

74. Natives of Spain and of the Canary islands, are not excluded from this election, provided they were in Venezuela, at the time of declaring her political Independence, that they acknowledged, swore allegiance thereto, and helped to sustain it, and who are besides, possessed of the property, and can prove the number of years of residence prescribed in the above article.

75. The duration of their functions, shall be for four years, at the expiration of which the three in-

individuos del Poder Executivo en la misma forma que ellos fueron elegidos.

Seccion segunda.

Eleccion Del Poder Executivo.

76. Luego que se hallen reunidas el dia quince de Noviembre cada quatro años las Congregaciones electorales que para la eleccion de Representantes designa el paragrafo veintidos, y hayan hecho la de estos, procederán el dia siguiente á dar su voto los mismos Electores por escrito ú de palabra, para los individuos que han de componer el Poder Executivo federal.

77. Cada Elector nombrará tres personas, de las quales una, quando ménos, ha de ser habitante de otra Provincia distinta de la en que vota.

78. Concluida la votacion, verificado el cálculo y escrutinio, y publicado en voz alta como en la eleccion de Representantes, se formarán con distincion las listas de las personas en quienes se hubiere votado para miembros del Poder Executivo con expresion del número de votos que cada uno hubiese obtenido.

79. Estas listas se firmarán, y certificarán por el Presidente, Electores, y Secretario de las respectivas Congregaciones, y se remitirán cerradas, y selladas al Presidente que fuere del Senado de la Confederacion.

dividuals composing the Executive Power, shall be replaced in the same manner they were elected.

SECTION II.

Election of the Executive Power.

76. As soon as the electoral meetings have assembled, on the 15th November, every four years, as stipulated by the 22d article, for the nomination of Representatives, and that this has been effected, the following day, the same electors shall proceed to give their votes in writing, or verbally, for the persons who are to compose the Federal Executive Power.

77. Each elector shall name three persons, of whom one at least, shall be a resident of another province, and not of that in which he votes.

78. The voting being ended, and the examination and results thereof being calculated, and publicly read, in the same manner as in the election of the Representatives, the lists shall then be made out, particularizing the persons who may have voted for the members of the Executive Power, with a statement of the number of votes, each has obtained.

79. These lists shall be signed, and certified by the President, Electors, and Secretary of the respective meetings, and shall be then remitted inclosed and sealed, to the President, for the time being of the Senate of the Confederation.

80. Luego que este las haya recibido, las abrirá todas à presencia del Senado, y Camara de Representantes, que á este fin se hallarán reunidos en una sala para contar los votos.

81. Las tres personas que hubieren reunido mayor número de votos para miembros del Poder Executivo lo serán, si el tal número compusiese las tres mayorias del número total de los Electores presentes en todas las Congregaciones del Estado; si ninguno hubiese obtenido esta mayoria, se tomarán entónces las nueve personas que hubiesen reunido mayor número de votos, y de ellos escogerá tres por cedulas la Camara de Representantes para componer el Poder Executivo que lo serán aquellas, que obtuvieren una mayoría de la mitad de los miembros de la Camara que se hallaren presentes à la eleccion.

82. Si ninguno obtuviese esta mayoria escogerá el Senado por cedulas tres de entre las seis personas que hubiesen sacado mas votos en la Camara, y quedarán elegidos los que reunan mayor número en el Senado. Todas estas operaciones de las Camaras se haran tambien quando no los tres, sino uno ú dos, sean los que no hayan obtenido la mayoría absoluta, escogiendose en tales casos el número doble ó triple que está designado para los tres, en su proporcion respectiva.

83. El ascendiente y descendiente en linea recta, los hermanos, el tio, y el sobrino, los primos her-

80. When he has received the same, he shall open the whole of them in the presence of the Senate, and of the House of Representatives, who shall be assembled together to count the votes.

81. Those persons who may have received the greatest number of votes to be members of the Executive Power, shall be considered as elected, if that same number constitutes the three majorities, of the total of the electors present in the whole meetings of the State, but if no person shall have received this decided majority, the nine persons shall then be taken, who may have obtained the greatest number of votes, of whom by ballot, the House of Representatives shall choose three to compose the Executive Power, and those shall be held as duly elected, who have in their favour, a majority of one half of the members of the House present at the election.

82. If no one has obtained this majority, the Senate shall choose by ballot three of the six persons who may have obtained most votes in the House, and those shall be considered as elected who may have got most votes in the Senate. All these operations of the Houses shall be complied with in all cases in which either one, two, or the whole three may not have obtained an absolute majority, but in the first and second instance, a double or triple number is to be chosen to that designated for the whole three, and so in proportion.

83. A descendant in a direct line, brothers, an uncle, nephew, cousins, and those allied to each

manos, y los aliados por afinidad en los referidos grados, no podrán ser à un mismo tiempo miembros del Poder Executivo: en caso de resultar electos dos parientes en los grados insinuados quedará excluido el que hubiere obtenido menor número de votos; y en caso de igualdad decidirá la suerte la exclusion.

84. El que obtenga en el càlculo de ambas Camaras la mayoría mas inmediata á las tres requeridas para los miembros del Poder Executivo, se tendrá por elegido para Lugar-teniente de este en las ausencias, enfermedades, muerte, renuncia, ò deposicion de alguno de los miembros; y si resultasen dos con igualdad de votos, sorteará la Camara el que haya de quedar en este caso.

85. Quando por alguno de las causas indicadas faltáse alguno de los miembros del Poder Executivo, y entráse en su lugar el Teniente de que habla el paragrafo anterior, se entenderá nombrado desde luego para reemplazarle el que hubiese obtenido en las elecciones la inmediata mayoría de votos, que valdrá del mismo modo á los demas en las faltas, y reemplazos succesivos.

Seccion tercera.

Atribuciones del Poder Executivo.

86. El Poder Executivo tendrá en toda la Confederacion el mando supremo de las armas de mar, y tierra, y de las milicias nacionales quando se hallen en servicio de la Nacion.

other by affinity in the above mentioned degrees, cannot at the same time be members of the Executive Power; and in case of the election of two relations in the degrees above stated, he shall be excluded who has obtained the lowest number of votes, and in case of an equality, lots shall decide the exclusion.

84. In summing up the votes of both Houses, the person who shall have obtained the majority next to the three requisite to form the Executive Power, shall be considered as elected as a substitute in case of absence, sickness, death, resignation, or removal of any of the members, and if two should obtain a parity of votes, the House shall cast lots which is to serve in the above cases.

85. When for the causes above stated, any of the members of the Executive Power should be wanting, and the substitution as stipulated in the above article should take the place, it shall be understood that he is legally elected as substitute, who has obtained in the elections the next majority of votes, which shall be equally valid for those who may follow, in case of successive vacancies.

SECTION III.

Attributes of the Executive Power.

86. The Executive Power throughout the whole Confederation, shall have the supreme command of the land and sea forces, and of the national militia when in the service of the State.

87. Podra pedir, y deberán darle los principales oficiales del resorte Executivo en todos sus ramos, quantos informes necesitáre por escrito, ó de palabra relativos á la buena administracion general del Estado, y desempeño de la confianza respectiva que depositáre en los empleados públicos de todas clases.

88. En favor, y amparo de la humanidad podrá perdonar, y mitigar la pena aunque sea capital en los crímenes de Estado, y no en otros; pero debe consultar al Poder Judicial expresandole las razones de conveniencia política que le inducen á ello, y solo podrá tener efecto el perdon, ò commutacion quando sea favorable el dictámen de los Jueces que hayan actuado en el proceso.

89. Solo en el caso de injusticia evidente y notoria, que irrogue perjuicio irreparable, podrá rechazar, y dexar sin efecto las sentencias que le pase el Poder Judicial; pero quando por solo su dictámen crea que estas son contrarias á la ley, deberá pasar en consulta sus reparos al Senado, quando esté reunido, ó á la comision que él dexarà autorizada en su receso para ocurrir à estos casos.

90. El Senado ó sus Delegados en estas consultas, servirán de Jueces, y pronunciarán sobre ellas definitivamente, declarando si tiene lugar ó no la negativa del Poder Executivo à el cumplimiento de la

87. It is authorized to ask, and all the principal officers of the State in every branch are obliged to give, every information the former may require, in writing or verbally, relating generally to the good administration of the State, and to the discharge of the respective trusts lodged with the public functionaries of every class.

88. In favour of, and in behalf of humanity, it shall have power to pardon and mitigate the punishment, notwithstanding it be capital, of State crimes, but not in others; but previously consulting the Judicial power, who is to be made acquainted with the motives of political convenience, which induce the Executive to do it; and the pardon or change of punishment are only to take place, when the same are in conformity to the opinions of the Judges, who have sat on the trial.

89. Only in cases of evident and notorious injustice, such as may be attended with irreparable injury, is the Executive allowed to reject and over-rule the opinion of the Judicial power; but when the former is persuaded that these opinions are contrary to law, the objections are to be stated by way of consultation to the Senate, when assembled, or to the Commissioners, which the latter may, at its recess, have left authorized to act in similar cases.

90. The Senate or its delegates in these consultations, shall be as judges, and pronounce thereon definitively, declaring whether or not the negative of the Executive is to counteract the fulfilment of the

sentencia que deberá executarse en el segundo caso inmediatamente, y en el primero devolverse al Poder Judicial para que asociado con dos miembros mas elegidos por el Senado ó su comision, se vea la causa, y reforme dicha sentencia.

91. Pero si la sentencia hubiese recaido sobre acusacion hecha por la Camara de Representantes, solo podrá el Poder Executivo suspenderla hasta la proxima reunion del Congreso, á quien solo compete en estos casos el perdon, ó relaxamiento de la pena.

92. Quando una urgente utilidad, y seguridad pública lo exijan, podrá el Poder Executivo decretar, y publicar indultos generales durante el receso del Congreso.

93. Con previo aviso, consejo, y consentimiento del Senado, sancionado por el voto de las dos terceras partes de los Senadores, que se hallaren presentes en número constitucional, podrà el Poder Executivo concluir tratados, y negociaciones con las otras Potencias, ò Estados extraños à esta Confederacion.

94. Baxo las mismas condiciones, y requisitos nombrará los Embajadores, Enviados, Consules, y Ministros, los Jueces de la Alta Corte de Justicia, y todos los demas Oficiales, y Empleados en el Gobierno del Estado, que no estén expresamente indicados en la Constitucion, ó por alguna Ley establecida, ò que se establezca por el Congreso.

sentence, which in the latter case is to be immediately executed; and in the first it is to be referred back to the Judiciary, who with the addition of two members elected by the Senate, or by their commission, is to reconsider the case, and reform the said sentence.

91. But if the sentence shall have followed an accusation made by the House of Representatives, the Executive Power, in that case, can only suspend it till the next meeting of Congress, to whom then alone belongs the pardon or the relaxation of the punishment.

92. When any urgent advantage or the public security demands it; the Executive may decree and publish general indults during the recess of Congress.

93. By previous notice being given, and by the counsel and consent of the Senate, sanctioned by the vote of two-third parts of the Senators, assembled in sufficient number to form a constitutional sitting, the Executive may enter into treaties and negociations with other Powers and States not belonging to this Confederation.

94. Under the same conditions and requisites, it is also authorized to name Ambassadors, Envoys, Consuls, Ministers, Judges of the high court of Justice, and all the other officers and functionaries in the government of the State, who may not be expressly indicated in the Constitution, or by some established law, or by one that may in future be established by Congress.

95. Por leyes particulares podrá este descargar al Poder Executivo y al Senado del improbo trabajo de nombrar todos los subalternos del Gobierno, cometiendo su nombramiento á solo el Poder Executivo, á las Cortes de Justicia, ó á los Gefes de los varios ramos de administracion segun lo estimáre conveniente.

96. Tambien necesitará el Poder Executivo del previo aviso, consejo, y consentimiento del Senado para conceder grados militares, y otras recompensas honorificas, compatibles con la naturaleza del Gobierno, aunque sea por acciones de guerra, ú otros servicios importantes; y si estas recompensas fuésen pecuniarias deberà preceder el consentimiento de la Cámara de Representantes para su concesion.

97. Pero durante el receso del Senado, podrá el Poder Executivo proveer por sí solo los empleos que vacasen, concediendolos como én comision hasta la Sesion siguiente, si ántes no se reuniése por acaso el Senado.

98. Por sí solo podrà el Poder Executivo elegir, y nombrar los sujetos que han de servir las Secretarias que el Poder Legislativo haya creido necesarias para el despacho de todos los ramos del Gobierno federal, y nombrará tambien los Oficiales, y empleados en ellas, quando sean ciudadanos de la Confederacion; pero no siendolo deberà consultar y seguir el dictámen, y deliberacion del Senado en semejantes nombramientos.

95. By particular laws, the latter may relieve the Executive and the Senate of the troublesome task of nominating the whole of the subaltern officers of government, by confiding this charge only to the Executive, to the courts of Justice, or to the heads of the different branches of administration, as may appear most convenient

96. The Executive Power must likewise first obtain the advice, counsel and consent of the Senate, in order to grant military grades, and other honorable remunerations, compatible with the nature of government, notwithstanding they are to reward warlike acts, or important services, and if these compensations are pecuniary, the consent of the House of Representatives must be previously given.

97. But during the recess of the Senate, the Executive Power is authorized to fill the offices that may become vacant, granting them as it were by commission, till the next session, if the Senate does not assemble before that period.

98. The Executive Power is authorized by itself, to elect and name the persons who are to serve in the State offices, which the Legislative Power may have considered necessary for the dispatch of all the branches of the Federal government; as well as to nominate the clerks and functionaries for the same, provided they are citizens belonging to the Confederation, but if not, it is to consult and follow the opinion and resolution of the Senate in such appointments.

99. Como conseqüencia de esta facultad podrá removerlos tambien de sus destinos quando lo juzgue conveniente; pero si esta remocion la hiciere no por faltas, ò crímenes indecorosos, sino por ineptitud, incapacidad ú otros defectos compatibles con la inocencia é integridad, deberá entónces recomendar al Congreso el merito anterior de estos Empleados, para que sean recompensados é indemnizados competentemente en otros destinos, con utilidad de la Nacion.

SECCION QUARTA.

Deberes del Poder Executivo.

100. El Poder Executivo conformandose á las leyes y resoluciones que en las varias ocurrencias le comunique el Congreso, proveerá con todos los recursos del resorte de su autoridad, á la seguridad interior y exterior del Estado, dirigiendo para esto proclamas á los pueblos de lo interior, intimaciones, órdenes, y todo quanto crea conveniente.

101. Aunque por una conseqüencia de estos principios puede hacer una guerra defensiva para repeler qualquier ataque imprevisto, no podrá continuarla sin el consentimiento del Congreso, que convocará inmediatamente, si no se hallare reunido, y nunca podrá sin este consentimiento hacer la guerra fuera del territorio de la Confederacion.

99. As a consequence of this faculty, it can also remove them from their situations when it may think proper, but if such removal does not take place in consequence of faults and misdemeanours, but from a want of talent and ability, or from any other defect, not incompatible with their innocence and integrity, it ought then to recommend the former merit of these functionaries to Congress, that they may be remunerated and competently indemnified with other situations in the service of the nation.

SECTION IV.

Duties of the Executive Power.

100. The Executive Power, in conformity to the laws and resolutions which on various occasions may be communicated to it by Congress, will provide by every means within the reach of its authority, for the interior and exterior security of the State, directing for this purpose proclamations to the towns of the interior, as well as notifications, orders, and whatever may be thought necessary.

101. Notwithstanding by a consequence of these principles, the Executive is authorized to undertake a defensive war, in order to repel any sudden attack; it cannot continue the same without the consent of Congress, which shall be assembled, if not then sitting, and without this previous consent, the former has not power to wage war out of the territory of the Confederation.

102. Todos los años presentará al Congreso en sus dos Cámaras, una razon circunstanciada del estado de la nacion en sus rentas, gastos y recursos, indicandole las reformas que deban hacerse en los ramos de la administracion pública, y todo lo demas que en general deba tomarse en consideracion por las Cámaras, sin presentarle nunca proyectos de ley, formados ò redactados como tales.

103. En todo tiempo dará tambien á las Cámaras las cuentas, informes, é ilustraciones que por ellas se le pidan, pudiendo reservar las que por entónces no sean de publicar, y en igual caso podrá reservar tambien del conocimiento de la Cámara de Representantes, aquellas negociaciones ò tratados secretos que hubiere entablado con aviso, consejo, y consentimiento del Senado.

104. En toda ocurrencia extraordinaria deberá convocar al Congreso, ò á una de sus Cámaras; y en caso de diferencia entre ellas sobre la época de su emplazamiento, podrá fixarles un término para su reunion, como se previene en el paragrafo 68.

105. Será uno de sus principales deberes velar sobre la exàcta, fiel, é inviolable execucion de las leyes; y para esto y qualquiera otra medida del resorte de su autoridad, podrá delegarla en los oficiales y empleados del Estado que estimáre conveniente al mejor desempeño de esta importante obligacion.

102. Every year it shall lay before both Houses of Congress, a particular statement of the situation of the country, with regard to revenue, expences and resources, pointing out the reforms that ought to be made in the branches of public administration, as well as every thing else that ought to come under the consideration of the two Houses, but without presenting the projected forms of a law, drawn up and worded as such.

103. It shall also be held at all times bound to lay before the Houses, the accounts, information and explanations, which the latter may require, reserving only those which for the moment are not to be published; and in similar cases the Executive may withold from the knowledge of the House of Representatives, those secret treaties or negociations it may have entered into with the advice, counsel and consent of the Senate.

104. In all extraordinary occurrences, the Executive is to convene Congress, or at least one of the Houses, and in case of any difference between them respecting the period of their summons, it can then fix the time of assembling, as stipulated in article 68.

105. It shall be one of its principal duties to watch over the exact, faithful and inviolable execution of the laws, and for this as well as every other measure devolving on its authority, it may delegate the same to the officers and functionaries of the State, the most suitable to fulfil so important an obligation.

106. Para los mismos fines, y arreglandose á la forma que prescribiére el Congreso, podrá el Poder Executivo comisionar cerca de los Tribunales y Cortes de justicia de la Confederacion, Agentes ó Delegados para requerirlas sobre la observancia de las formas legales y exâcta aplicacion de las leyes ántes de terminarse los juicios, comunicando al Congreso las reformas que crea necesarias, segun el informe de estos comisionados.

107. El Poder Executivo como gefe permanente del Estado, será el que reciba á nombre suyo los Embaxadores y demas Enviados, y Ministros públicos de las naciones extrangeras.

SECCION QUINTA.

Disposiciones generales relativas al Poder Executivo.

108. Los Poderes Executivos provinciales, ó los Gefes encargados del gobierno de las Provincias, serán en ella los Agentes naturales é inmediatos del Poder Executivo federal, para todo aquello que por el Congreso general no estuviere cometido á Empleados particulares en los ramos de Marina, Exercito, y Hacienda Nacional en los puertos y plazas de las Provincias.

109. Inmediatamente que el Poder Executivo, ó alguno de sus miembros sean acusados y convencidos ante el Senado de traicion, venalidad ó usurpacion, serán desde luego destituidos de sus funciones, y su-

106. For the same purposes, and in conformity to the manner which may be prescribed by Congress, the Executive Power may commission agents or delegates near the tribunals and courts of justice, to remonstrate with them respecting the observance of the legal forms, and the exact application of the laws, before the suits are closed; communicating to Congress the reforms that may be considered necessary, from the reports of these commissioners.

107. The Executive Power, as chief of the State, shall be authorized to receive in its name, the ambassadors, envoys, and public ministers of foreign nations.

SECTION V.

General dispositions relative to the Executive Power.

108. The provincial Executive Powers, or the chiefs charged with the government of the provinces, shall in each be the natural and immediate agents of the Federal Executive Power, respecting every thing that by the general Congress, has not been particularly given in charge to the officers employed in the navy, army, and the branches of the national finance in the ports or principal places of the provinces.

109. As soon as ever the Executive Power, or any one of the members thereof, shall be accused before the Senate, and convicted of treason, venality or usurpation; they shall be immediately divested of

jetos à las conseqüencias de este juicio que se expresan en el paragrafo 58.

CAPITULO QUARTO.

Del Poder Judicial.

SECCION PRIMERA.

Naturaleza, eleccion, y duracion de este Poder.

110. El Poder Judicial de la Confederacion estará depositado en una Corte Suprema de justicia, residente en la ciudad federal, y los demas Tribunales subalternos y juzgados inferiores que el Congrèso estableciere temporalmentc en el territorio de la union.

111. Los Ministros de la Corte Suprema de justicia, y los de las demas Cortes subalternas, serán nombrados por El Poder Executivo en la forma prescripta en el paragrafo 94.

112. El Congreso señalará y determinará el número de Ministros que deben componer las Cortes de Justicia, con tal que los elegidos sean de edad de treinta años para la Suprema, y de veinticinco para las demas, y tengan las calidades de vecindad, concepto, probidad, y sean Abogados recibidos en el Estado.

their functions, and subjected to the consequences of the judgment, stipulated in article 58.

CHAP. IV.

OF THE JUDICIAL POWER.

Sec. 1st.—Nature, Election, and Duration of this Power.

110. The Judicial Power of the Confederation shall be lodged in a Supreme Court of Justice, resident in the Federal city, and in the other inferior tribunals and judicatures, which Congress may establish, for the present, in the territory of the union.

111. The ministers of the Supreme Court of Justice, and those of the inferior ones, shall be named by the Executive Power, in the manner prescribed in article 94.

112. The Congress shall point out and determine the number of ministers, who are to compose the Courts of Justice, provided those elected be of the age of thirty years for the Supreme court, and twenty-five for the others, and that they possess the qualities of residence, respectability, probity, and are lawyers received in the State.

113. Todos ellos conservarán sus empleos por el tiempo que no se hagan incapaces de continuar en ellos por su mala conducta.

114. En periodos fixos determinados por la ley, recibirán por este servicio los sueldos que se les asignáren, y que no podrán ser en manera alguna disminuidos, mientras permaneciéren en sus respectivas funciones.

Seccion segunda.

Atribuciones del Poder Judicial.

115. El Poder Judicial de la Confederacion, estará circunscripto à los casos cometidos por ella; y son, —todos los asuntos contenciosos, civiles, ó criminales que se deriven del contenido de esta Constitucion,— los tratados ò negociaciones hechas baxo su autoridad,—todo lo concerniente à Embaxadores, Ministros, Cónsules,—los asuntos pertenecientes à Almirantazgo, y jurisdiccion marìtima,—las diferencias en que el Estado federal tenga ò sea parte,—las que se susciten entre dos ó mas Provincias,—entre una Provincia, y uno ò muchos ciudadanos de otra,— entre ciudadanos de una misma Provincia que disputáren tierras concedidas por diferentes Provincias,— entre una Provincia, ò ciudadanos de ella, y otros Estados, ciudadanos, ò vasallos extrangeros.

116. En estos casos exercerá su autoridad la Suprema Corte de justicia por apelacion, segun las reg-

113. The whole of them shall preserve their offices till their bad conduct may render them incapable of retaining them

114. At fixed periods determined by law, they shall receive for this service, the salaries that may be assigned them; and which cannot in any manner be diminished, as long as they fulfil their respective functions.

SECTION II.

Attributes of the Judicial Power.

115. The Judicial Power of the Confederation shall be circumscribed to the matters confided thereto by the latter; viz. all the litigious, civil or criminal questions, which may arise from the contents of this Constitution—the treaties and negociations carried into effect under its authority—every thing concerning ambassadors, ministers, and consuls—matters belonging to the Admiralty and maritime jurisdiction—the differences in which the Federal State may have, or form part—those which may arise between two or more provinces—between a province, and one or more citizens of another—between citizens of the same province, who may dispute lands granted by different provinces—between one province, or citizens thereof, and other States, citizens, or foreign vassals.

116. In these cases, the Supreme Court of Justice shall exercise its authority by appeal, according

las y excepciones que le prescribiere el Congreso; pero en todos los concernientes à Embaxadores, Ministros, y Cónsules, y en los que alguna Provincia fuere parte interesada, la exercerá exclusiva y originalmente.

117. Todos los juicios criminales ordinarios que no se deriven del derecho de acusacion concedido à la Cámara de Representantes por el paragrafo quarenta y quatro, se terminarán por jurados luego que se establezca en Venezuela este sistema de legislacion criminal, cuya actuacion se hará en la misma Provincia en que se hubiese cometido el delito; pero quando el crímen sea fuera de los límites de la Confederacion contra el derecho de gentes, determinará el Congreso por una ley particular el lugar en que haya de sèguirse el juicio.

118. La Suprema Corte de justicia tendrá el derecho exclusivo de exâminar, aprobar y expedir titulos à todos los Abogados de la Confederacion que acrediten sus estudios con testimonio de su respectivo Gobierno; y los que los obtengan en esta forma, estarán autorizados para abogar en toda ella, aun donde haya colegios de Abogados, cuyos privilegios exclusivos para actuacion, quedan derogados, y tendrán opcion à los empleos y comisiones propias de esta profesion; siendo presentados los referidos títulos al Poder Executivo de la union, ántes de exercerla,

to the rules and exceptions prescribed by Congress, but in those in which a province bears an interested part, the same shall in that case, exercise its own original and exclusive authority.

117. All the ordinary criminal cases, which may not belong to the right of accusation granted to the House of Representatives by the 44th article, shall be tried by juries, as soon as this criminal system of legislation may be established in Venezuela; the proceedings whereof shall take place in the same province in which the crime was committed; but when it has occurred out of the limits of the Confederation, and is against the law of nations, the Congress by a particular law, shall determine the place in which the trial is to take place.

118. The Supreme Court of Justice shall have the exclusive right of examining, approving and granting diplomas to all the attornies of the Confederation, who may have proved under the testimony of their respective governments, that they have performed the necessary courses of studies; and those who may in this manner obtain them, shall be authorized to practice throughout the whole of the same, even where there may be colleges of lawyers, whose exclusive privileges to practice are hereby annulled; and they shall also have the right of being elected to any of the offices and commissions belonging to their profession, the above titles being previously presented to the Executive Power of the union, before the said right is exercised, in order to

para que les ponga el correspondiente pase; lo que igualmente se practicará con los Abogados que habiendo sido recibidos fuera de Venezuela, quieran abogar en ella.

CAPITULO QUINTO.

SECCION PRIMERA.

De las Provincias.

Límites de la autoridad de cada una.

119. Ninguna provincia particular puede exercer acto alguno que corresponda á las atribuciones concedidas al Congreso, y al Poder Executivo de la Confederacion, ni hacer ley que comprometa los contratos generales de ella.

120. Por consiguiente ni dos, ni mas Provincias pueden formar alianzas, ó Confederaciones entre si, concluir tratados particulares sin el consentimiento del Congreso; y para obtenerlo deben especificarle el fin, términos, y duracion de estos tratados, ó convenciones particulares.

121. Tampoco pueden sin los mismos requisitos y consentimiento, levantar, ni mantener tropas, ó baxeles de guerra en tiempo de paz, ni entablar, ó concluir pactos, estipulaciones, ni convenios con ninguna potencia extrangera.

receive the necessary warrant; which form shall also be observed by those lawyers who having been received out of Venezuela, may there wish to practice their profession.

CHAP. V.

Sec. 1st.—Of the Provinces, Limits of the Authority of each.

119. No particular province shall be allowed to exercise any act which may belong to the attributes granted to Congress, and to the Executive Power of the Confederation; nor to make any law that may affect the general contracts of the same.

120. Consequently, neither two nor more provinces shall be allowed to form alliances, or Confederations amongst themselves; nor to conclude particular agreements without the consent of Congress, and in order to obtain the same, they are to specify thereto the object, terms, and duration of all such agreements, or particular conventions.

121. Neither can they without the same requisites and consent of Congress, raise or maintain troops, or vessels of war in time of peace, nor set on foot or conclude contracts, stipulations, or agreements with any foreign power.

122. De los mismos requisitos, y anuencia necesitan para poder establecer derechos de tonelada, importacion, y exportacion al comercio extrangero en sus respectivos Puertos, y al comercio interior, y de cabotage entre sí; pues que las leyes generales de la union deben procurar uniformarlo en la libertad de toda suerte de trabas funestas á su prosperidad.

123. Sin los mismos requisitos, y consentimiento no podrán emprehender otra guerra que la puramente defensiva en un ataque repentino, ó riesgo inminente, é inevitable de ser atacadas, dando inmediatamente parte de estas ocurrencias al Gobierno federal para que provea à ellas oportunamente.

124. Para que las leyes particulares de las Provincias no pueden nunca entorpecer la marcha de las federales, se someterán siempre al juicio del Congreso ántes de tener fuerza, y valor de tales en sus respectivos departamentos, pudiendose entre tanto llevar á execucion, mientras las revee el Congreso.

SECCION SEGUNDA.

Correspondencia reciproca entre sí.

125. Los actos públicos de todas clases, y las sentencias judiciales sancionadas por los Poderes Magistrados y Jueces de una Provincia, tendrán entera

122. It shall not be lawful for them, without the same previous requisites and consent, to establish tonnage, import and export duties, on foreign trade in their respective ports, or on the interior and coasting trade: for it is the duty of the general laws of the union, to endeavour to render the same uniform in the freedom of every kind of restraints, that may affect the prosperity of each

123. Without the same requisites and consent, it shall not be lawful for them to undertake any war, that is not purely defensive, and in case of a sudden attack, imminent danger, or the certain dread of some assault; giving immediate notice to the Federal government of all similar occurrences, in order that it may make timely provision against the same.

124. In order that the particular laws of the provinces, may in no wise counteract those enacted by the Confederation, they shall at all times be previously submitted to the judgment of the Congress, before they have their full force and effect, in their respective departments; it being however lawful to carry them into execution, in the mean time that they are revised by Congress.

SECTION II.

Reciprocal Correspondence between each.

125. All public acts of every kind, as well as judicial sentences, sanctioned by the authorities, magistrates, and judges of one province, shall re-

fé, y credito en todas las demas comforme à las leyes generales que el Congreso estableciere para el uniforme, é invariable efecto de estos actos, y documentos.

126. Todo hombre libre de una Provincia, sin nota de vago ò reato judicial, gozará en las demas de todos los derechos de ciudadano libre de ellas; y los habitantes de la una, tendrán libre y franca la entrada y salida en las otras, y gozarán en ellas de todas las ventajas y beneficios de su industria, comercio é instruccion, sujetandose à las leyes, impuestos y restricciones del territorio en que se hallàren, con tal que estas leyes no se dirijan à impedir la traslacion de una propiedad introducida en una Provincia, para qualquiera de las otras que quisiere el proprietario.

127. Las Provincias à requerimiento de sus respectivos Poderes Executivos, se entregarán recîprocamente qualesquiera de los reos acusados de crímen de Estado, hurto, homicidio, ú otros graves, refugiados en ellas, para que sean juzgados por la autoridad provincial à que corresponda.

Seccion tercera.

Aumento sucesivo de la Confederacion.

128. Luego que libres de la opresion que sufren las Provincias de Coro, Maracaybo y Guayana, puedan y quieran unirse à la Confederacion, serán ad-

ceive full credit and belief in all the others, in conformity to the general laws, which Congress may establish for the uniform, and invariable effects which are to accompany similar documents.

126. Every free man of one province, who may not be known as a vagrant, or marked by some public criminality, shall in all the others, enjoy all the rights of a free citizen thereof; and the inhabitants of one, shall have free ingress and egress from the rest, and shall enjoy therein all the advantages and benefits of their industry, commerce and tuition, subjecting themselves to the laws, imposts, and restrictions of the district in which they may be; provided that these same laws are not opposed to the transfer of any property, introduced into one province, for any of the others, the owners thereof may wish.

127. The provinces at the requisition of the respective Executive Powers, shall reciprocally deliver up to each other, all persons accused of State crimes, robbery, murder or other capital offences, who may have taken refuge therein, that they may be tried by the provincial authority to whom the same belongs.

SECTION III.

Successive increase of the Confederation.

128. As soon as the province of Coro, Maracaybo, and Guayana, freed from the opression under which they now labour, are able and desirous of being

mitidas à ella, sin que la violenta separacion en que à su pesar y el nuestro han permanecido, pueda alterar pára con ellas los principios de igualdad, justicia y fraternidad, de que gozarán desde luego como todas las demas Provincias de la union.

129. Del mismo modo, y baxo los mismos principios serán tambien admitidas é incorporadas qualesquiera otras del continente Colombiano (ántes América Española) que quieran unirse baxo las condiciones y garantías necesarias para fortificar la union con el aumento y enlace de sus partes integrantes.

130. Aunque el conocimiento, exâmen, y resolucion de estas materias y qualesquiera otras que tengan relacion con ellas, es del exclusivo resorte del Congreso, durante el tiempo de su seceso podrá el Poder Executivo promover, y executar quanto convenga á los progresos de la Union, baxo las reglas que para ello le prescribiére el Congreso.

131. A este toca tambien conocer exclusivamente de la formacion, ó establecimiento de nuevas Provincias en la Confederacion, ya sea por division del territorio de otra, ó por la reunion de dos, ó mas, ó de partes de cada una de ellas; pero nunca quedará concluido el establecimiento sin el acuerdo y consen-

united to the confederation, they shall be admitted to the same, without the forced separation, in which in spite of themselves and us, they have been kept, making any difference in the principles of equality, justice, and fraternity, which they shall enjoy from that time, the same as the other provinces of the union.

129. In like manner and under the same principles, shall be admitted and incorporated, any other of the provinces of the Columbian continent, (before Spanish America) which may be desirious of uniting therewith, under the necessary conditions and guarantees, in order to strengthen the union, by the addition and connexion of their integral parts.

130. Notwithstanding the cognizance, examination, and determination of these matters, or any others that may have any relation thereto, exclusively belongs to the authority of Congress, during the time of its recess, the Executive Power is authorized to promote, and do every thing that may contribute to the progress of the union, under the regulations which may be prescribed by Congress.

131. It also exclusively belongs to the latter, to regulate the formation or establishment, of new provinces in the Confederation, whether it be by a division of the territory of one, or by the union of two, or more, or of parts of any of them; but the establishment thereof shall not be considered as definitively settled, till the accord and consent of the

timiento del Congreso, y de las Provincias interesadas en la reunion, ó division.

132. El Congreso será igualmente arbitro para disponer de todo territorio, y propriedad del Estado, baxo las leyes, reglamentos, y ordenanzas que para ello expidiere, con tal que en ellas no se altere, ni interprete parte alguna de esta Constitucion, de modo que dañe á los derechos generales de la Union, ó á los particulares de las Provicias.

Seccion quarta.

Mntua garatìa de las Provincias entre sí.

133. El Gobierno de la Union asegura, y garantiza á las Provincias la forma del Gobierno Republicano que cada una de ellas adoptáre para la administracion de sus negocios domesticos: sin aprobar Constitucion alguna Provincial que se oponga à los principios liberales, y francos de representacion admitidos en esta, ni consentir que en tiempo alguno se establezca otra forma de Gobierno en toda la Confederacion.

134. Tambien afianza á las mismas Provincias su libertad, é independencia reciprocas en la parte de su Soberanía que se han reservado; y siendo justo,

Congress is obtained, as well as of the provinces interested in the annexation or division.

132. Congress shall also have the power to dispose of all lands and property belonging to the State, under the laws, regulations, and ordinances which it may form for the same; provided that no part of this Constitution is altered or interpreted so as to injure the general rights of the Union, or the particular ones of the provinces.

SECTION IV.

Mutual guarantee of the provinces to each other.

133. The government of the Union secures and guarantees to the provinces, the form of that Republican government, which each may adopt for the administration of its domestic concerns; but without approving of any provincial Constitution which may be opposed to the liberal and free principles of representation herein contained, and without at any time consenting that any other form of government be established throughout the whole of the Confederation.

134. It also confirms to the said provinces, their reciprocal liberty and independence, in that part of their sovereignty which they have reserved to themselves; and when just and necessary, it will protect and aid each one of them against all invasions or domestic violence, with the plenitude of power and force which may be confided to it, for the preser-

y necesario protegerá y auxîliará á cada una de ellas contra toda invasion, ó violencia doméstica, con la plenitud de poder y fuerza que se le confia para la conservacion de la paz y seguridad general; siempre que fuere requerido para ello por la Legislatura provincial, ó por el Poder Executivo quando el Legislativo no estuviere reunido, ni pudiere ser convocado.

CAPITULO SEXTO.

Revision, y reforma de la Constitucion.

135. En todos los casos en que las dos terceras partes de cada una de las Cámaras del Congreso, ó de las Legislaturas provinciales se propusieren, y aprobaren original, y reciprocamente algunas reformas, ó alterciones que crean necesarias en esta Constitucion, se tendrán estas por validas, y harán desde entònces parte de la misma Constitucion.

136. Ya provenga la reforma del Congreso, ò de las Legislaturas, permanecerán los artículos sometidos à la reforma en toda su fuerza y vigor, hasta que uno de los Cuerpos autorizado para ella, haya aprobado y sancionado lo propuesto por el otro en la forma prevenida en el paragrafo anterior.

vation of the general peace and security, whenever the same may be required of it by the Provincial Legislature, or by the Executive Power, in case the former is not assembled, and cannot be convened.

CHAP. VI.

Revisal and reform of the Constitution.

135. In all cases wherein two-thirds of each of the Houses of Congress, or of the Provincial Legislatures, shall propose, and originally, and reciprocally approve, of any reforms or alterations which they may consider necessary to this Constitution, the same shall then be held as valid, and thenceforward form part thereof.

136. Whether the reform originates with the Congress, or with the Legislatures, the articles submitted to a reform, shall remain in their full force and vigour, till one of the bodies authorized to that effect, shall have approved of, and sanctioned the alteration proposed by the other, in the manner prescribed in the preceding article.

CAPITULO SEPTIMO.

Sancion ò ratificacion de la Constitucion.

137. El pueblo de cada Provincia por medio de convenciones particulares, reunidas expresamente para el caso, ó por el órgano de sus Electores capitulares, autorizados determinadamente al intento, ó por la voz de los Sufragantes parroquiales que hayan formado las Asambleas primarias para la eleccion de Representantes, expresará solemnemente su voluntad libre y espontanea de aceptar, rechazar, ó modificar en todo, ò en parte esta Constitucion.

138. Leida la presente Constitucion á las Corporaciones que hubiere hecho formar cada Gobierno provincial, segun el artículo anterior, para su aprobacion, y verificada está con las modificaciones ò alteraciones que ocurrieren por pluralidad, se jurará su observancia solemnemente, y se procederá dentro de tercèro diá á nombrar los funcionarios que les correspondan de los poderes que forman la Representacion nacional, cuya eleccion se hará en todo caso por los Electores que van designados.

139. El resultado de ambas operaciones se comunicará por las respectivas Municipalidades al Gobierno de su Provincia, para que presentandolo al Congreso quando se reuna, se resuelva por él lo conveniente.

CHAP. VII.

Sanction or ratification of the Constitution.

137. The people of each province, by means of particular meetings, expressly convened for the purpose, or through the organ of their district electors, conclusively authorized to that effect, or by the voice of their parochial voters, who may have formed the primary meetings for the election of Representatives, shall solemnly express their free and spontaneous will, to accept, reject, or to modify the whole, or part of this Constitution.

138. The present Constitution, in order to receive their approbation, being read to the Corporations each provincial government may have caused to be formed, in conformity to the preceding article; the same being obtained; together with the modifications and alterations which may occur by a plurality of votes; the observance thereof shall be solemnly sworn; and within the third day, they shall proceed to name their respective functionaries to fill the powers created by the national Representation, which choice shall in all cases, be made by the electors already pointed out.

139. The results of both operations, shall by the respective Municipalities, be communicated to the government of the corresponding province, in order

140. Las Provincias que se incorporen de nuevo á la Confederacion, lleñaràn en su oportunidad estas mismas formalidades; aunque el no hacerlo ahora por causas poderosas ó insuperables, no será obstáculo para reunirse en el momento en que sus Gobiernos lo pidan por Comisionados ò Delegados al Congreso, quando esté reunido, ò al Poder Executivo durante el receso.

CAPITULO OCTAVO.

Derechos del hombre que se reconocerán y respetarán en toda la extension del ESTADO.

SECCION PRIMERA.

Soberanía del Pueblo.

141. Despues de constituidos los hombres en sociedad, han renunciado à aquella libertad ilimitada y licenciosa á que fácilmente los conducian sus pasiones, propria solo del estado salvage. El establecimiento de la sociedad presupone la renuncia de estos derechos funestos, la adquisicion de otros mas dulces y pacificos, y la sujecion á ciertos deberes mutuos.

142. El pacto social asegura á cada individuo el goce y posesion de sus bienes, sin lesion del derecho que los demas tengan á los suyos.

that the same being laid before Congress, when assembled, the latter may decide thereon.

140. The Provinces which may be newly incorporated to the Confederation, shall at a proper time, comply with these formalities; and notwithstanding they may not for the present, urged by powerful and insuperable causes, have fulfilled the same, it shall not nevertheless be an obstacle against future annexation, whenever their governments may demand the same, by commissioners or delegates to Congress, when assembled, or to the Executive Power, during its recess.

CHAP. VIII.

Rights of man, which are to be acknowledged and respected throughout the whole extent of the State.

SECTION III.

Sovereignty of the People.

141. After men have been constituted into society, they have renounced that unlimited and licentious liberty to which they were easily lead by their passions, it being only adapted to a savage state. The establishment of society pre-supposes the renunciation of these fatal rights, the acquisition of others more sweet and pacific, as well as a subjection to certain mutual duties.

142. The social compact secures to each individual, the enjoyment and possession of his property, without detriment to the right which others may have to theirs.

143. Una sociedad de hombres reunidos baxo unas mismas leyes, costumbres, y gobierno, forma una soberanía.

144. La soberanía de un pais, ò supremo poder de reglar, y dirigir equitativamente los intereses de la comunidad, reside pues esencial y originalmente en la masa general de sus habitantes, y se exercita por medio de Apoderados ò Representantes de estos, nombrados y establecidos conforme á la Constitucion.

145. Ningun individuo, ninguna familia, ninguna porcion ò reunion de ciudadanos, ninguna corporacion particular, ningun pueblo, ciudad, ò partido, puede atribuirse la soberanía de la sociedad, que es imprescriptible, inagenable é indivisible en su esencia y orígen, ni persona alguna podrà exercer qualquiera funcion pública del gobierno, si no la ha obtenido por la Constitucion.

146. Los Magistrados y oficiales del Gobierno, investidos de qualquiera especie de autoridad, sea en el Departamento Legislativo, en el Executivo, ó en el Judicial, son de consiguiente meros Agentes y Representantes del pueblo en las funciones que exercen, y en todo tiempo responsables à los hombres ò habitantes de su conducta pública por vias legítimas y constitucionales.

147. Todos los ciudadanos tienen derecho indistintamente à los empleos públicos, del modo, en las formas, y con las condiciones prescriptas por la ley, no siendo aquellos la propiedad exclusiva de alguna clase de hombres en particular; y ningun hombre,

143. A society of men, united under the same laws, customs, and government, form a sovereignty.

144. The sovereignty of a country, or the supreme power of regulating and equitably directing the interests of the community, therefore essentially, and originally, resides in the general mass of its inhabitants, and is exercised by means of their empowered agents or representatives, named and established in conformity to the Constitution.

145. No individual, no family, no portion or reunion of citizens, no particular corporation, no town, city, or district, shall attribute to itself the sovereignty of the society, which is imprescriptible, unalienable, and indivisible in its essence and origin; and no person whatever shall exercise any public function of government, unless he has obtained it by the Constitution.

146. The magistrates and officers of government, invested with any species of authority, either in the Legislative, Executive, or Judicial departments, are of consequence, mere agents and representatives of the people in the functions they exercise, and are at all times responsible to them for their public conduct, through the legal and constitutional channels.

147. Every citizen, without distinction, has a right to the public employments, in the manner and under the forms and conditions prescribed by law; the same not being the exclusive property of any particular class of men; and no man, corporation, or society of men, shall have any other title, whereby

corporacion ó asociacion de hombres, tendrá otro título para obtener ventajas y consideraciones particulares, distintas de las de los otros en la opcion à los empleos que forman una carrera públiea : sino el que proviene de los servicios hechos al Estado.

148. No siendo estos títulos ni servicios en manera alguna hereditarios por la naturaleza, ni transmisibles à los hijos, descendientes, ú otras relaciones de sangre, la idea de un hombre nacido magistrado, legislador, juez, militar, ò empleado de qualquiera suerte, es absurda, y contraria â la naturaleza.

149. La ley es la expresion libre de la voluntad general, ò de la mayoría de los ciudadanos, indicada por el órgano de sus Representantes legalmente constituidos. Ella se funda sobre la justicia, y la utilidad comun, y ha de proteger la libertad pública é individnal contra toda opresion ò violencia.

150. Los actos exercidos contra qualquiera persona fuera de los casos, y contra las formas que la ley determina, son iniquos, y si por ellos se usurpa la autoridad constitucional, ó la libertad del pueblo, serán tiránicos.

Seccion segunda.

Derechos del hombre en sociedad.

151. El objeto de la sociedad, es la felicidad comun; y los Gobiernos han sido instituidos para asegurar al hombre en ella, protegiendo la mejora y perfeccion de sus facultades físicas y morales, au-

to obtain advantages or particular considerations, distinct from others, in the choice of offices, which may constitute a public career, excepting those which may arise from services to the State.

148. These same titles being however in no wise hereditary by nature, or transmissible to the sons, descendants, or to other relations by blood, the idea of a man being born a magistrate, legislator, judge, soldier, or functionary of any kind, is absurd, and contrary to nature.

149. The law is the free expression of the general will, or of the majority of the citizens, indicated through the organ of their Representatives legally constituted. It is also founded on justice and common utility, and is to protect public and individual liberty, against oppression and violence.

150. All acts exercised against any person, out of the cases and contrary to the forms which the law determines, are iniquitous; and if by the same they usurp the constitutional authority or the liberty of the people, they shall be deemed tyrannical.

SECTION II.

Rights of Man in Society.

151. The object of society, is the felicity of all; and governments have been instituted to secure man in the same, by protecting the amelioration of his physical and moral faculties, increasing the sphere of

mentando la esfera de sus goces, y procurandole el mas justo y honesto exercicio de sus derechos.

152. Estos derechos son la libertad, la igualdad, la propiedad, y la seguridad.

153. La libertad es la facultad de hacer todo lo que no daña á los derechos de otros individuos, ni al cuerpo de la sociedad, cuyos limites solo pueden determinarse por la ley, por que de otra suerte serian arbitrarios, y ruinosos á la misma libertad.

154. La igualdad consiste en que la ley sea una misma para todos los Ciudadanos, sea que castigue, ò que proteja. Ella no reconoce distincion de nacimiento, ni herencia de poderes.

155. La propiedad es el derecho que cada uno tiene de gozar y disponer de los bienes que haya adquirido con su trabajo, é industria.

156. La seguridad existe en la garantìa, y proteccion que da la sociedad á cada uno de sus miembros sobre la conservacion de su persona, de sus derechos, y de sus propiedades.

157. No se puede impedir lo que no està prohibidio por la ley, y ninguno podrá ser obligado á hacer lo que ella no prescribe.

158. Tampoco podrán los Ciudadanos ser reconvenidos en juicio, acusados, presos, ni detenidos, sino en los casos, y en las formas determinadas por la ley; y el que provocáre, solicitáre, expidiére, subscribiére, executáre, ó hiciére executar órdenes, y actos arbitrarios, deberà ser castigado; pero todo Ciudadano

his enjoyments, and obtaining for him, the most just, and honest exercise of his rights.

152. These rights are, liberty, equality, right of property and security.

153. Liberty, is the faculty of doing every thing that does not injure the rights of other individuals, or the body of society, whose limits can only be determined by law, for otherwise they would become arbitrary, and ruinous to liberty itself.

154. Equality, consists, in that the law is the same for all citizens; it is what punishes and what protects; it neither knows the distinction of birth, nor the inheritance of power.

155. Property, is the right which each enjoys of disposing of the goods, which he may have obtained by his labour and industry.

156. Security, exists in the guarantee and protection which society gives to each of its members, with regard to the preservation of their persons, rights, and properties.

157. It shall not be lawful to hinder any thing not prohibited by law, and no one shall be obliged to do any thing, that is not thereby prescribed.

158. Neither can the citizens be recriminated, accused, held in custody, nor detained, excepting in the cases and manner determined by law; and he who may incite, solicit, issue, subscribe, execute, or cause to be executed, arbitrary orders or acts, shall be punished; but every citizen who may be called upon,

que fuese llamado, ò aprehendido en virtud de la ley, debe obedecer al instante, pues se hace culpable por la resistencia.

159. Todo hombre debe presumirse inocente hasta que no haya sido declarado culpable con arreglo á las leyes; y si entretanto se juzga indispensable asegurar su persona; qualquier rigor que no sea para esto sumamente necesario, debe ser reprimido.

160 Ninguno podrá ser juzgado, ni condenado al sufrimiento de alguna pena en materias criminales, sino despues que haya sido oido legalmente. Toda persona en semejantes casos tendrá derecho para pedir el motivo de la acusacion intentada contra ella, y conocer de su naturaleza para ser confrontada con sus acusadores, y testigos contrarios, para producir otros en su favor, y quantas pruebas puedan serle favorables dentro de términos regulares, por sí, por su poder, ò por defensor de su eleccion; y ninguna será compelida, ni forzada en ninguna causa à dar testimonio contra sí misma, como tampoco los acendientes, y decendientes, ni los colaterales, hasta el quarto grado civil de consanguinidad, y segunda de afinidad.

161. El Congreso, con la brevedad posible, establecerà por una ley detalladamente el juicio por jurados para los casos criminales y civiles, á que comunmente se aplica en otras naciones, con todas las formas propias de este procedimiento, y harà entónces las declaraciones que aqui correspondan en favor de la libertad

or apprehended by virtue of the law, ought instantly to obey, for he becomes culpable by resistance.

159. Every person shall be presumed innocent, till he has been declared guilty in conformity to the laws; and if in the mean time it should be thought necessary to secure him personally, all severity that may not be essentially necessary to this end, is to be suppressed.

160. No person shall be judged, or condemned, to the sufferance of any punishment in criminal matters, till after he has been legally heard. Every one in similar cases, shall have the right of demanding the motive of the accusation attempted against him, and to have knowledge of its nature; to be confronted against his accusers and opponent witnesses; to produce others in his favour, as well as every other proof that may be favourable to his cause, within proper periods, either by means of himself, by powers, or by an attorney of his own choice; but no person shall be compelled or forced in any cause, to give testimony against himself, nor against direct or collateral relations to the fourth civil grade of consanguinity, and the second of affinity.

161. Congress shall, with all possible brevity, establish by law and at full length, the trial by juries, for criminal and civil cases to which the same is commonly applied by other nations; together with all the forms of proceeding therein; and it shall, at the same time, make the declarations belonging to this place, in favour of liberty and personal security.

y seguridad personal, para que sean parte de esta; y se observen en todo el Estado.

162. Toda persona tiene derecho á estar segura de que no sufrirá pesquiza alguna, registro, averiguacion, capturas, ò embargos irregulares, é indebidos de su persona, su casa, y sus bienes; y qualquiera órden de los Magistrados para registrar lúgares sospechosos sin probabilidad de algun hecho grave que lo exija, ni expres adesignacion de los referidos lugares, ó para apoderarse de alguna, ó algunas personas, y de sus propriedades, sin nombrarlas, ni indicar los motivos del procedimiento, ni que haya precedido testimonio, ó deposicion jurada de personas creibles, será contraria á aquel derecho, peligrosa á la libertad, y no deberá expedirse.

163 La casa de todo Ciudadano es un asilo inviolable. Ninguno tiene derecho de entrar en ella, sino en los casos de incendio, inundacion ó reclamacion que provenga del interior de la misma casa, ò quando lo exija algun procedimiento criminal conforme á las leyes, baxo la responsabilidad de las autoridades constituidas que expidieren los decretos: las visitas domiciliarias, y execuciones civiles solo podrán hacerse de dia, en virtud de la ley, y con respecto à la persona y objetos, expresamente indicados en la acta que ordenáre la visita, ó la execucion.

164. Quando se acordáren por la pública autoridad semejantes actos, se limitaràn estos á la persona, y objetos expresamente indicados en el decreto, en que se ordena la visita y execucion, el qual no po-

that they may form part of this Constitution, and be observed throughout the whole State.

162. Every person has the right of being secure of not suffering any search, inquest, examination, or irregular and unlawful seizure of his person, house, or property; and any order of a magistrate to examine suspicious places, (without the probability of some grievous act requiring the same) and not expressly designating the said places; or for the seizure of one or more persons, or their property, without naming the same, and indicating the motives of such procedure, together with the previous testimony, and sworn deposition of creditable persons, shall be held as contrary to the above right, dangerous to liberty, and unlawful to issue.

163. The house of every citizen is an inviolable sanctuary. No one has any right to enter therein, excepting in cases of fire, inundation, or on aid being demanded therefrom; or when any criminal proceedings take place in conformity to the laws, and under the responsibility of the Constitutional authorities which may have issued the decrees. Domiciliary searches and civil executions can only take place during day, by virtue of the law, and with respect to the person and objects expressly named in the act, ordaining such search or execution.

164 When, by public authority, similar acts are granted, the same shall be limited to the person and objects, expressly pointed out in the decree, ordaining the said search and execution; which shall not how-

drá extenderse al registro, y exámen de los papeles particulares, pues estos deben mirarse como inviolables; igualmente que las correspondencias epistolares de todos los Ciudadanos que no podrán ser interceptadas por ninguna autoridad, ni tales documentos probarán nada en juicio, sino es que se exhiban por la misma persona à qnien se hubiesen dirigido por su autor, y nunca por otra tercera, ni por el reprobado medio de la interceptacion. Se exceptuan los delitos de alta traicion contra el Estado, el de falsedad y demas que se cometen, y executan precisamente por la escritura, en cuyos casos se procederá al registro, exàmen y aprehension de tales documentos con arreglo á lo dispuesto por las leyes.

165. Todo individuo de la sociedad teniendo derecho á ser protegido por ella en el góce de su vida, de su libertad, y de sus propiedades con arreglo á las leyes, està obligado de consiguiente à contribuir por su parte para las expensas do esta proteccion, y à prestar sus servicios personales, ó un equivalente de ellos quando sea necesario; pero ninguno podrà ser privado de la menor porcion de su propiedad, ni esta podrá aplicarse à usos públicos, sin su propio consentimiento, ó el de los Cuerpos Legislativos representantes del Pueblo; y quando alguna pública necesidad legalmente comprobada exîgiere que la propiedad de algun Cindadano se aplique á usos semejantes, deberá recibir por ella una justa indemnizacion.

166. Ningun subsidio, carga, impuesto, tasa ó contribucion podrá establecerse, ni cobrarse, baxo qual-

ever, be extended to the inquest and examination of individual papers; these shall be held inviolable, in like manner as the epistolary correspondences of all citizens, which it shall not be lawful for any authority to intercept, nor shall the same be valid in a court of justice, unless produced by the person to whom they have been forwarded by their author, but never by a third person, or when obtained by the reprobated means of interception. Crimes of high treason against the State, are however, excepted; as well as forgery and others, which may be committed by writing; in which cases, the search, examination, and seizure of any such documents, shall take place according to the dispositions of the law.

165. Every individual of society holding the right to be protected by the same in the enjoyment of his life, liberty, and property, according to the laws, is of consequence bound to contribute on his part to the expences of this protection, and to lend his personal services, or an equivalent for the same, whenever it may be necessary; but no person shall be deprived of the smallest portion of his property, nor can the same be applied to public uses without his own consent, or that of the Legislative bodies representing the people, and when any public necessity legally proved, should require that the property of any citizen be applied to similar uses, he is to receive therefore a just indemnity.

166. No subsidy, charge, impost, tax or contribution, can be established or levied, under any

quiera pretexto que sea, sin el consentimiento del Pueblo expresado por el órgano de sus Representantes. Todas las contribuciones tienen por objeto la utilidad general, y los Ciudadanos el derecho de vigilar sobre su inversion, y de hacerse dar cuenta de ellas por el referido conducto.

167. Ningun género de trabajo, de cultura, de industria, ó de comercio serán prohibidos à los ciudadanos, excepto aquellos que ahora forman la subsistencia del Estado, que despues oportunamente se libertarán quando el Congreso lo juzgue útil, y conveniente à la causa pública.

168. La libertad de reclamar cada ciudadano sus derechos ante los depositarios de la autoridad pública, con la moderacion, y respeto debidos, en ningun caso podrà impedirse, ni limitarse. Todos, por el contrario, deberán hallar un remedio pronto, y seguro, con arreglo à las leyes, de las injurias, y daños que sufrieren en sus personas, en sus propiedades, en su honor, y estimacion.

169. Todos los extrangeros, de qualquiera nacion que sean, se recibiràn en el Estado. Sus personas, y propiedades gozarán de la misma seguridad que las de los demas ciudadanos, siempre que respeten la Religion Católica, única del Pais, y que reconozcan la independencia de estos pueblos, su soberania, y las autoridades constituidas por la voluntad general de sus habitantes.

170. Ninguna ley criminal, ni civil podrà tener efecto retroactivo, y qualquiera que se haga para juzgar, ó castigar acciones cometidas antes que ella

pretext whatever, without the consent of the people expressed through the organ of their Representatives. All contributions have for object the general utility, and the citizens have the right of watching over their expenditure, and to cause account thereof to be laid before them, through the same channel.

167. No kind of labour, culture, industry, or trade, shall be prohibited to the citizens, excepting those which at present form the subsistence of the State, but which shall hereafter be opened when Congress may judge it useful and conducive to the public cause.

168. The liberty of each citizen claiming his rights before the depositaries of the public authority, with due moderation and respect, can in no case be hindered or withheld. All, on the contrary, ought to find a ready and sure remedy, in conformity to the laws, for the injuries and damages they may sustain in their persons, properties, honour, and good opinion.

169. All foreigners, of whatever nation they may be of, shall be received into the State. Their persons and properties shall enjoy the same security as those of the other citizens, provided they respect the Catholic religion, the only one tolerated; that they acknowledge the independence of this country, its sovereignty, and the authorities constituted by the general will of the inhabitants.

170. No law, criminal or civil, shall have a retroactive effect, and any that may be enacted, in order to judge and punish acts committed before the ex-

exista será tenida por injusta. opresiva, é inconforme con los principios fundamentales de un Gobierno libre.

171. Nunca se exîgiràn cauciones excesivas, ni se impondràn penas pecuniarias desproporcionadas con los delitos, ni se condenarán los hombres á castigos crueles, ridículos, y desusados. Las leyes sanguinarias deben disminuirse, como que su freqüente aplicacion es inconducente à la salud del Estado, y no ménos injusta que impolìtica, siendo el verdadero designio de los castigos, corregir, y no exterminar el género humano.

172. Todo tratamiento que agrave la pena determinada por la ley, es un delito.

173. El uso de la tortura, queda abolido perpetuamente.

174. Toda persona que fuere legalmente detenida, ó presa, deberá ponerse en libertad luego que dé caucion, ò fianza suficiente, excepto en los casos en que haya pruebas evidentes, ó grande presuncion de delitos capitales. Si la prision proviene de deudas, y no hubiere evidencia, ó vehemente presuncion de fraude, tampoco deberá permanecer en ella, luego que sus bienes se hayan puesto á la disposicion de sus respectivos acreedores, conforme à las leyes.

175. Ninguna sentencia pronunciada por traicion contra el Estado, ó qualquiera otro delito arrastrará infamia à los hijos, y descendientes del reo.

176 Ningun ciudadano de las Provincias del Estado, excepto los que estvuieren empleados en el ex-

istence of the same, shall be held as unjust, oppressive, and incompatible with the fundamental principles of a free government.

171. It shall never be lawful to demand excesssive securities, nor shall pecuniary fines be exacted, disproportioned to the crimes, or persons be condemned to cruel, ridiculous, or unusual punishments. Sanguinary laws ought to be diminished, as their frequent application is injurious to the State, and not less unjust than impolitic; for the true object of punishments, is to correct, rather than destroy the human race.

172. All treatment that may render more grievous the punishment determined by law, shall be held as a crime.

173. The use of the torture, is for ever abolished.

174. Every person who may be legally detained or held in custody, shall be set free, as soon as he has given sufficient security; excepting in the cases in which there are evident proofs, or great presumption of capital crimes. If the arrest arises from debt, and there is no evident proof, or great presumption of fraud, the prisoner shall not be detained as soon as his property has been delivered up to his creditors, in conformity to the laws.

175. No sentence pronounced for treason against the State, or for any other crime, shall entail infamy on the children or desendants of the criminal.

176. No citizen of the provinces of the State, excepting those employed in the army, navy, or militia

ercito, en la marina, ó en las milicias, que se ha lláren en actual servicio, deberá sugetarse à las leyes militares, ni sufrir castigos provenidos de ellas.

177. Los militares, en tiempo de paz, no podrán aquartelarse, ni tomar alojamiento en las casas de los demas ciudadanos particulares sin el consentimiento de sus dueños, ni en tiempo de guerra, sino por órden de los Magistrados civiles, conforme á las leyes.

178. Una milicia bien reglada, é instruida, compuesta de los ciudadanos, es la defensa natural mas conveniente, y mas segura á un Estado libre. No deberá haber por tanto tropas veteranas en tiempo de paz, sino las rigorosamente precisas para la seguridad del pais, con el consentimiento del Congreso.

179. Tampoco se impedirá à los ciudadanos el derecho de tener, y llevar armas lícitas, y permitidas para su defensa; y el Poder Militar en todos cásos se conservará en una exâcta subordinacion á la autoridad civil, y será dirigido por ella.

180. No habrá fuero alguno personal: solo la naturaleza de las materias determinará los Magistrados á que pertenezca su conocimiento; y los empleados de qualquier ramo, en los casos que ocurran sobre asuntos que no fueren propios de su profesion, y carrera, se sujetarán al juicio de los Magistrados, y Tribunales ordinarios, como los demas ciudadanos.

181. Serà libre el derecho de manifestar los pensamientos por medio de la imprenta; pero qualquiera que lo exerza se harà responsable á las leyes, si ataca, y perturba con sus opiniones la tranquilidad

then in actual service, shall be subjected to military law, nor suffer punishments inflicted by the same.

177. Soldiers in time of peace, shall not be allowed to quarter themselves, nor take up lodgings, in the houses of private citizens, without the consent of the owners; nor in time of war, but by order of the civil magistrates, conformably to the laws.

176. A well regulated and trained militia, composed of the citizens, is the most proper and natural defence, as well as the most secure, to a free State. For this reason, it shall not be lawful in time of peace, to keep up an establishment of regulars, greater than is absolutely necessary, for the security of the country, by the consent of Congress.

179. Neither shall it be unlawful, for the citizens to have and carry legal arms, such as are permitted for their own defence; and the military power shall, in all cases, mantain a strict subordination to the civil authority, and be directed by the same.

180. No personal privileges or immunities shall be allowed, the nature of the matter, shall alone determine the magistrates who take cognizance thereof: and the functionaries of every class, in the cases which do not touch their profession and employment, shall be subject to the ordinary magistrates and tribunals, the same as the other citizens.

181. The right of manifesting all ideas by means of the press, shall be free; but any person who may exercise the same, shall be answerable to the laws, if he attacks and disturbs by his opinions, the public

pública, el dogma, la moral cristiana, la propiedad, honor, y estimacion de algun ciudadano.

182. Las Legislaturas provinciales tendrán el derecho de peticion al Congreso, y no se impedirá á los habitantes el de reunirse ordenada y pacíficamente en sus respectivas Parroquias para consultarse, y tratar sobre sus intereses, dar instrucciones á sus Representantes en el Congreso, ò en la Provincia, ó dirigir peticiones al uno ó al otro Cuerpo legislativo, sobre raparacion de agravios, ó males que sufran en sus propios negocios.

183. Para todos estos casos deberá preceder necesariamente solicitud expresa por escrito de los padres de familia, y hombres buenos de la Parroquia, quando ménos en número de seis, pidiendo la reunion à la respectiva Municipalidad, y esta determinarà el dia, y comisionará algun Magistrado, ò persona respetable del partido para que presida la Junta, y despues de concluida, y extendida la acta, la remita á la Municipalidad que le dará la direccion conveniente.

184. A esas Juntas solo podràn concurrir los Ciudadanos sufragantes, ò Electores, y las Legislaturas no están absolutamente obligadas á conceder las peticiones, sino á tomarlas en consideracion para proceder en sus funciones del modo que pareciére mas conforme al bien general.

18 . El poder de suspender las leyes, ò de detener su execucion, nunca deberá exercitarse, sino por las Legislaturas respectivas, ó por autoridad dimanada de ellas paro solo aquellos casos particulares que hu-

tranquility, the belief, Christian morality, or the property, honour and good opinion of any citizen.

182. The provincial Legislatures, shall have the right of petitioning Congress, and it shall not be unlawful for the inhabitants to assemble, orderly and quietly, in their respective parishes, in order to consult and treat respecting their own concerns, to give instructions to their Representatives in Congress or in the province, or to direct petitions to one or other of the Legislative bodies, respecting the reform of grievances or ills, they may suffer in their affairs.

183. For cases of this nature, a previous petition ought necessarily to be made out, signed by the heads of families, and other respectable persons of the parish, to at least the number of six, praying the respective municipality, that the meeting may take place, and the latter shall determine the day, and commission a magistrate or some other respectable person of the parish, to preside in the meeting, which being closed and the act drawn up, he shall remit the same to the municipality, in order to forward it to its destination.

184. Voting citizens or electors, are alone allowed to concur in these meetings, and the legislatures are not absolutely obliged to accede to these petitions, but to take them into consideration, in order to proceed in their functions, in the manner which may appear most conformable to the general good.

185. The power of suspending the laws, or of stopping their execution, shall at no time be exercised,

bieren expresamente provisto fuera de los que expresa la Constitucion; y toda suspension, ó detencion que se haga en virtud de qualquiera autoridad sin el consentimiento de los Representantes del Pueblo, se rechazarà como un atentado á sus derechos.

186. El Poder Legislativo suplirà provisionalmente á todos los casos en que la Constitucion respectiva estuviere muda, y proveerá con oportunidad arreglandose á la misma Constitucion la adiccion ò reforma que pareciere necesario hacer en ella.

187. El derecho del Pueblo para participar en la Legislatura es la mejor seguridad, y el mas firme fundamento de un gobierno libre: por tanto es preciso que las elecciones sean libres y frequentes, y que los Ciudadanos en quienes concurren las calificaciones de moderadas propiedades, y demas que procuran un mayor interes á la comunidad, tengan derecho para sufragar, y elegir los miembros de la Legislatura á epocas señaladas y poco distantes, como previene la Constitucion.

188. Una dilatada continuacion en los principales funcionarios del Poder Executivo, és peligrosa à la libertad; y esta circunstancia reclama poderosamente una rotacion periodica entre los miembros del referido Departamento para asegurarla.

excepting by the respective Legislatures, or by some authority emanating from them for those particular cases only, which they may have expressly foreseen, to be exceptions to what is enacted by the Constitution; and all suspensions and obstruction to the execution thereof, which may take place without the consent of the Representatives of the people, shall be repelled as an infringement on their rights.

186. The Legislative Power shall in the mean time, act in all cases respecting which the Constitution may have been silent, and opportunely provide for the same; incorporating therein the additions or reforms, which it may have thought necessary to make in the Constitution.

187. The right of the people to participate in the Legislature, is the best security and the firmest foundation of a free government: in consequence whereof, it is necessary for the elections to be free and frequent; and that the citizens who may possess the qualifications of a moderate property, and who are besides desirous to promote the good of the community, should have the right of voting and electing the members of the legislature, at fixed periods, and not too long, as is enacted by the constitution.

188. A too long continuation in office on the part of the principal functionaries of the Executive Power, is dangerous to liberty; and this circumstance powerfully calls for a periodical rotation, between the members of the said department, in order to secure the same.

189. Los tres departamentos esenciales del Gobierno, á saber: el Legislativo, el Executivo, y el Judicial, es preciso que se conserven tan separados, é independientes el uno del otro, quanto lo exija la naturaleza de un Gobierno libre, ó quanto es conveniente con la cadena de conexion que liga toda la fabrica de la Constitucion en un modo indisoluble de amistad, y union.

190. La emigracion de unas Provincias á otras, será enteramente libre.

191. Los Gobiernos se han constituido para la felicidad comun, para la proteccion y seguridad de los Pueblos que los componen, y no para el benéficio, honor, ó privado interes de algun hombre, de alguna familia, ó de alguna clase de hombres en particular, que solo son una parte de la comunidad. El mejor de todos los Gobiernos será el que fuére mas propio para producir la mayor suma de bien, y de felicidad, y estuviere mas à cubierto del peligro de una mala administracion; y quantas veces se reconociere que un Gobierno es incapaz de llenar estos objetos, ó que fuere contrario á ellos la mayoría de la nacion, tiene indubitablemente el derecho inagenable, é imprescriptible de abolirlo, cambiarlo, ó reformarlo, del modo que juzgue mas propio para procurar el bien público. Para obtener esta indispensable mayoría, sin daño de la justicia ni de la libertad general, la Constitucion presenta y ordena los medios mas razonables, justos, y regulares en el

189. The three essential departments of governments, viz. the legislative, executive and judicial, must necessarily be kept as distinct and independent of each other, as the nature of a free government requires, and as much as is consistent with the great chain of connexion, which binds together the whole fabric of the constitution, by an indissoluble tie of friendship and union.

190. The emigration from one province to another, shall be perfectly free.

191. Governments have been instituted for the common felicity, for the protection and security of the people forming the same, and not for the benefit, honour, or private interest of any one person, family, or of any one particular class of men, who only constitute part of the community. The best of all governments is that which is the most proper to produce the greatest proportion of good, and of happiness, and is less exposed to the danger of bad administration; therefore as many times as a government may be found incapable of answering these ends, or that the majority of the nation is opposed to the same, it has undoubtedly an unalienable and inprescriptible right of abolishing, changing, or reforming it in the manner which may be conceived most conducive to the public good. In order to obtain this indispensible majority without any injury to justice, and to general liberty, the constitution presents, and ordains the most reasonable, just, and regular means in the chapter of the revisal thereof, and

capitúlo de la revisión, y las Provincias adoptarán otros semejantes, ó equivalentes en sus respectivas Constituciones.

SECCION TERCERA.

Deberes del hombre en la sociedad.

192. La declaración de los derechos contiene las obligaciones de los Legisladores; pero la conservacion de la sociedad pide que los que la componen, conozcan, y llenen igualmente las suyas.

193. Los derechos de los otros son el límite moral de los nuestros, y el principio de nuestros deberes relativamente à los demas individuos del Cuerpo social. Ellos reposan sobre dos principios que la naturaleza ha gravado en todos los corazones; á saber: *Haz siempre á los otros todo el bien que quisieras recibir de ellos. No hagas à otro, lo que no quisieras que se te hiciése.*

194. Son deberes de cada individuo para con la sociedad, vivir sometido à las leyes, obedecer, y respetar à los Magistrados y autoridades constituidas, que son sus órganos, mantener la libertad, y la igualdad de derechos; contribuir á los gastos públicos, y servir à la Patria quando ella lo exija, haciendole el sacrificio de sus bienes, y de su vida, si es necesario.

195. Ninguno es hombre de bien, ni buen ciudadano, si no observa las leyes fiel y religiosamente, si

the provinces will adopt other similar or equivalent ones, in their respective Constitutions.

SECTION III.

Duties of man in society.

192. The declaration of rights, contains the obligations of the Legislators, but the preservation of society demands, that those who constitute the same, equally know and fulfil theirs.

193. The rights of others, become the moral limits of ours, and the ground work of our duties relatively to the rest of the individuals forming the social body. They are founded on two principles, which nature has imprinted on the hearts of all, viz. 1st, *Do thou to others at all times, all the good thou wouldest wish to receive from them.* 2dly, *Do not thou to another, what thou wouldest not wish done to thee.*

194. It is the duty of every individual in society, to live in obedience to the laws, to obey and respect the magistrates and constituted authorites, who are his own organs; to maintain the liberty and the equality of rights; to contribute to the public expences, and to serve his country when requisite, making for the same the sacrifice of his property, and of his life, should it be necessary.

195. No one is a good man or a good citizen, who does not faithfully and religiously observe the

no es buen hijo, buen hermano, buen amigo, buen esposo, y buen padre de familia.

196. Qualquiera que traspasa las leyes abiertamente, ò que sin violarlas á las claras, las elude con astucia, ó con rodeos artificiosos y culpables, es enemigo de la sociedad, ofende los intereses de todos, y se hace indigno de la benevolencia y estimacion públicas.

Seccion quarta.

Deberes del Cuerpo social.

197. La Sociedad afianza á los individuos que la componen el goce de su vida, de su libertad, de sus propiedades, y demas derechos naturales; en esto consiste la garantia social que resulta de la accion reunida de los miembros del Cuerpo, y depositada en la Soberanía nacional.

198. Siendo instituidos los Gobiernos para el bien, y felicidad comun de los hombres, la Sociedad debe proporcionar auxilios á los indigentes, y desgraciados, y la instruccion à todos los Ciudadanos.

199. *Para precaver toda transgresion de los altos poderes que nos han sido confiados, declaramos: que todas y cada una de las cosas constituidas en la anterior declaracion de derechos, están exéntas y fuera del alcance del Poder general ordinario del Gobierno, y que conteniendo ó apoyandose sobre los indestructibles y sagrados principios de la naturaleza, toda ley contraria*

laws; and if he is not also a good son, a good brother, a good friend, a good husband, and a good father of his family.

196 Any person who openly breaks through the laws, or who without openly violating, eludes them by cunning and artful and culpable subterfuges, is an enemy to society, transgresses against the interests of all, and renders himself unworthy of the public benevolence and esteem.

SECTION IV.

Duties of the social Body.

197. Society secures to the individuals composing the same, the enjoyment of their lives, liberties, and properties, as well as all other natural rights; and in this consists the social guarantee resulting from the united concurrence of the members of the body, deposited in the national sovereignty.

198. Governments being instituted for the good and common felicity of all persons, society is bound to give aid to the indigent and unfortunate, as well as instruction to all needful citizens.

199. *In order to guard against every transgression that may arise from the high powers confided to us, we declare, that each and every one of the things constituted in the above declaration of rights, are exempt and beyond the reach of the general power invested in government, and being contained in, and founded on the indistructible and sacred principles of nature, every*

á ellas que se expida por la Legislatura federal, ò por las Provincias, será absolutamente nula y de ningun valor.

CAPITULO NONO.

Disposiciones generales.

200. Como la parte de ciudadanos que hasta hoy se ha denominado *Indios*, no ha conseguido el fruto apreciable de algunas leyes que la monarquía Española dictó à su favor, porque los encargados del gobierno en estos paises tenian olvidada su execucion; y como las basas del sistema de gobierno que en esta Constitucion ha adoptado Venezuela, no son otras que la de la justicia y la igualdad, encarga muy particularmente à los Gobiernos provinciales, que así como han de aplicar sus fatigas y cuidados para conseguir la ilustracion de todos los habitantes del Estado, proporcionarles escuelas, academias, y colegios en donde aprendan todos los que quieran los principios de Religion, de la sana moral, de la política, de las ciencias, y artes útiles y necesarias para el sostenimiento y prosperidad de los pueblos, procuren por todos los medios posibles atraher á los referidos ciudadanos naturales à estas casas de ilustracion y enseñanza, hacerles comprehender la íntima union

law contrary to the same which may be enacted by the Federal Legislature, or by the provinces, shall be absolutely null and of no effect.

CHAP. IX.

General Dispositions.

200. As that class of citizens, hitherto denominated *Indians*, has not till now, reaped the advantage of certain laws which the Spanish Monarchy dictated in their favour, in consequence of the functionaries of the government having forgotten their execution, and as the basis of the system of goverment, which Venezuela has adopted in this Constitution, is no other than that of justice and equality, the provincial governments are hereby most particularly enjoined, that in like manner as they are to apply their cares and endeavours, in order to obtain the instruction of all the inhabitants of the State, to provide for them schools, academies, and colleges, where all may learn the principles of religion, of sound morality, of policy, of science, and of the useful and necessary arts, such as are conducive to the maintainance and prosperity of the people; that they in like manner endeavour by every possible means to draw to the same houses of tuition, the said citizen-

que tienen con todos los demas ciudadanos, las consideraciones que como aquellos merecen del Gobierno, y los derechos de que gozan por solo el hecho de ser hombres iguales à todos los de su especie, à fin de conseguir por este medio sacarlos del abatimiento y rusticidad en que los ha mantenido el antiguo estado de las cosas, y que no permanezcan por mas tiempo aislados, y aun temerosos de tratar á los demas hombres; prohibiendo desde ahora, que puedan aplicarse involuntariamente á prestar sus servicios á los Tenientes, ó Curas de sus parroquias, ni á otra persona alguna, y permitiendoles el reparto en propiedad de las tierras que les estaban concedidas y de que están en posesion, para que á proporcion entre los padres de familia de cada pueblo, las dividan y dispongan de ellas como verdaderos señores, segun los términos y reglamentos que formen los Gobiernos provinciales

201. Se revocan por consiguiente, y quedan sin valor alguno las leyes que en el anterior gobierno concedieron ciertos tribunales, protéctores, y privilegios de menor edad á dichos naturales, las quales dirigiendose al parecer á protegerlos, les han perjudicado sobre manera, segun ha acreditado la experiencia.

natives, to cause them to comprehend the intimate union by which they are bound to the rest of the citizens, to teach them that they merit the same considerations from Government, to inculcate to them the rights which they enjoy, by the simple act of their being men equal to all others of the same kind; to the end, that by this means, they may be raised from the abject and ignorant state in which they have been kept by the ancient order of things, and that they may no longer remain isolated and fearful of dealing with other men; it being hereby prohibited for them henceforward to be employed against their own will, in the service of the curates of their parishes, or of any other person; they being also allowed to divide and lay out the grounds granted to them, and of which they hold possession; that the same may be proportionably parcelled out amongst the fathers of families of each town, for their own uses and purposes, and in conformity to the regulations which may be established by the provincial Governments.

201. Consequently, hereby are revoked, and rendered null and void, all the laws which under the former Government granted to the natives, certain tribunals, protectors, and the privilege of their always being considered as minors, which privileges, though apparently directed to protect, have nevertheless been extremely injurious to them, as experience has proved.

202. El comercio iniquo de negros prohibido por decreto de la Junta Suprema de Caracas, en 14 de Agosto de 1810, queda solemne y constitucionalmente abolido en todo el territorio de la union, sin que puedan de modo alguno introducirse esclavos de ninguna especie por via de especulacion mercantil.

203. Del mismo modo quedan revocadas y anuladas en todas sus partes, las leyes antiguas que imponian degradacion civil á una parte de la poblacion libre de Venezuela, conocida hasta ahora baxo la denominacion de *pardos:* estos quedan en posesion de su estimacion natural y civil, y restituidos à los imprescriptibles derechos que les corresponden como á los demas ciudadanos.

204. Quedan extinguidos todos los títulos concedidos por el anterior Gobierno, y ni el Congreso, ni las Legislaturas provinciales podrán conceder otro alguno de nobleza, honores, ò distinciones hereditarias, ni crear empleos, ú oficio alguno, cuyos sueldos ó emolumentos puedan durar mas tiempo que el de la buena conducta de los que los sirvan.

205. Qualquiera persona que exerza algun empleo de confianza ú honor, baxo la autoridad del Estado, no podrá aceptar regalo, título, ó emolumento de algun Rey, Principe, ó Estado extrangero, sin el consentimiento del Congreso.

206. El Presidente y miembros que fueren del Executivo: los Senadores, los Representantes, los militares y demas empleados civiles, ántes de entrar

202. The vile traffic of slaves, prohibited by decree of the Supreme Junta of Caracas, on the 14th of July 1810, is hereby solemnly and constitutionally abolished in the whole territory of the Union, without it being lawful in any manner to import slaves of any kind, for the purposes of mercantile speculation.

203. In the same manner are revoked and annulled, in every sense, the ancient laws which imposed a civil degradation on that part of the free population of Venezuela, hitherto known under the denomination of *persons of colour*; these shall all remain in the possession of their natural and civil rank and be restored to the imprescriptible rights belonging to them, in like manner as the rest of the citizens.

204. All titles granted by the former goverments are extinguished; and neither Congress, nor the Provincial Legislatures, shall grant any others, either of nobility, honours, or hereditary distinctions; nor create offices or places of any nature, whose salaries or emoluments, last longer than the good conduct of those who fill them.

205. Any person who may hold any office of confidence or honour, under the authority of the State, shall not be allowed to accept any present, title, or emolument, from any king, prince, or foreign power, without the consent of Congress.

206. The President and members of the Executive, Senators and Representatives, the military, and all civil functionaries, before they enter on the exer-

en el exercicio de sus funciones, deberán prestar juramento de fidelidad al Estado, de sostener y defender la Constitucion, de cumplir bien y fielmente los deberes de sus oficios, y de proteger y conservar pura é ilesa, en estos pueblos, la Religion católica, apostólica, romana, que ellos profesan.

207. El Poder Executivo prestará el juramento en manos del Presidente del Senado, à presencia de las dos Cámaras; y los Senadores y Representantes en manos del Presidente en turno del Executivo, y à presencia de los otros dos individuos que lo componen.

208. El Congreso determinará la fórmula del juramento, y ante que personas deban prestarlo los demas oficiales y empleados de la Confederacion.

209. El Pueblo de cada Provincia tendrá facultad para revocar la nominacion de sus Delegados en el Congreso, ó alguno de ellos en qualquiera tiempo del año, y para enviar otros en lugar de los primeros, por el que à estos faltare al tiempo de la revocacion.

210. El medio de inquirir y saber la voluntad general de los Pueblos, sobre estas revocaciones, será del resorte exclusivo y peculiar de las Legislaturas provinciales, segun lo que para ello establecieren sus respectivas Constituciones.

211. Se prohibe á todos los Ciudadanos asistir con armas á las Congregaciones parroquiales y electorales que prescribe la Constitucion, y à las reuniones pacificas de que habla el § 182 y siguiente,

cise of their functions, shall take oaths of fidelity to the State, and swear to maintain and defend the Constitution, to fulfil well and faithfully the duties of their offices, and to protect and preserve pure and untouched in this country, the Catholic, Apostolic, and Roman religion, which they themselves profess.

207. The Executive Power shall have the oath administered by the President of the Senate, in presence of the two Houses; and the Senators and Representatives, by the President for the time being of the Executive, and in the presence of the other two individuals composing the same.

208. Congress shall determine the form of the oath, and by whom it is to be administered, to the other officers and funtionaries of the Confederation.

209. The inhabitants of each province, shall be allowed to revoke the nomination of their Delegates to Congress, or any one of them, at any time of the year, as well as to send there others, in place of the first, for the time left them to serve.

210. The means of ascertaining the general will of the people, respecting these revocations, shall be through the exclusive and peculiar channel of the provincial Legislatures, and in conformity to what may be established by their respective Constitutions.

211. It is prohibited for all citizens to assist at the parochial and electoral meetings, prescribed by the Constitution, with arms, as well as at the peaceable meetings mentioned in article 182, and the following

baxo la pena de perder por diez años el derecho de votar, y de concurrir à ellas.

212. Qualquiera que fuere legítimamente convencido de haber comprado, ó vendido sufragios en las referidas Congregaciones, ó de haber procurado la eleccion de algun individuo con amenazas, intrigas, artificios, ú otro genero de seduccion, serà excluido de las mismas Asambleas, y del exercicio de toda funcion pública por espacio de veinte años; y en caso de reincidencia, la exclusion será perpetua, publicandose una y otra en el districto del Partido capitular, por una proclama de la Municipalidad que circularà en los papeles públicos.

213. Ni los sufragantes Parroquiales, ni los Electores capitulares recibirán recompensa alguna del Estado por concurrir à sus respectivas Congregaciones, y exercer en ellas lo que previene la Constitucion, aunque sea necesario á veces emplear algunos dias para concluir lo que ocurriére.

214. Los Ciudadanos solo podrán exercer sus derechos políticos en las Congregaciones parroquiales y electorales, y en los casos y formas prescriptas por la Constitucion.

215. Ningun individuo, ó asociacion particular podrá hacer peticiones à las autoridades constituidas en nombre del Pueblo, ni ménos abrogarse la calificacion de *Pueblo Soberano*; y el ciudadano, ó ciudadanos que contraviniéren à este paragrafo, hollando

one, under the penalty of losing for ten years, the right of voting, or assisting at the same.

212. Any person who may have been legally convicted, of having purchased or sold votes, in the said meetings, or of having obtained the election of any person, by means of threats, intrigue, artifices, or any kind of seduction, shall be excluded from the said meetings, and from the exercise of all public functions for the space of twenty years; and in case of the same occuring a second time, the exclusion shall be for ever; both being published throughout the chief district, by means of a proclamation of the municipality, which shall also circulate in the public papers.

213. Neither the parish voters, or the district electors, shall be allowed to receive any recompence from the state, for attending these meetings, in order to exercise therein what is prescribed by the Constitution; notwithstanding it may sometimes be necessary to expend some days to finish what may occur.

214. The citizens shall alone be allowed to exercise their political rights in the parish and district meetings, and in the cases and manner prescribed by the Constitution.

215. No individual, or any particular society, shall be allowed to lay petitions before the constituted authorities, in the name of the people; and much less to arrogate to themselves the title of *sovereign people*; and the citizen or citizens, who may transgress against this article, by disregarding the respect

el respeto y veneracion debidas á la representacion y voz del Pueblo, que solo se expresa por la voluntad general, ó por el organo de sus Representantes legìtimos en las Legislaturas, serán perseguidos, presos, y juzgados con arreglo á las leyes.

216. Toda reunion de gente armada, baxo qualquiera pretexto que se forme, si no emana de ordenes de las autoridades constituidas, es un atentado contra la seguridad pública, y debe dispersarse inmediatamente por la fuerza; y toda reunion de gente sin armas que no tenga el mismo orígen legítimo, se disolverá primero por ordenes verbales; y siendo necesario, se destruirá por las armas en caso de resistencia, ó de tenaz obstinacion.

217. Al Presidente y miembros del Poder Executivo, Senadores, Representantes, y demas empleados por el Gobierno de la Confederacion, se abonarán sus respectivos sueldos del tesoro comun de la union

218. No se extraherá de él cantidad alguna de numerario en plata, oro, papel, ú otra forma equivalente, sino para los objetos, é inversiones ordenadas por la ley, y anualmente se publicará por el Congreso un estado, y cuenta regular de las entradas y gastos de los fondos públicos, para conocimiento de todos, luego que el Poder Executivo verifique lo dispuesto en el §. 102.

219. Nunca se impondrá capitacion, ú otro impuesto directo sobre las personas de los Ciudadanos,

and veneration due to the representation and voice of the people, which can only be expressed by the general will, or through the organ of their legitimate Representatives in the Legislatures, shall be prosecuted, taken into custody, and judged according to the laws.

216. All assemblage of armed persons under whatsoever pretext they may be collected, unless by the authority of the constituted authorities, is an offence against the public security, and is to be immediately dispersed by means of force; and all assemblage of persons unarmed, which has not the same legal origin, shall in the first instance be dissolved by verbal orders, and if necessary, it shall be dispersed by force of arms, in case of resistance, or great obstinacy.

217. The President and Members of the Executive Power, as well as the Senators, Representatives, and all other Functionaries of the Confederation, shall receive their respective salaries out of the treasury of the union.

218. No quantity of money in silver, gold, paper, or any other equivalent form, shall be taken out of the same, excepting for the purposes and payments ordained by law: and the Congress shall annually publish a statement, and regular account of the receipts and expenditure of the public monies, for the information of all, as soon as the Executive has carried into effect what is stipulated by article 102.

219. No capitation tax or any direct impost, shall be levied on the persons of the citizens, but in confor-

sino en razon del número de poblacion de cada Provincia, segun lo indicáren los censos que el Congreso dispondrá se executen cada cinco años, en toda la extension del Estado.

220. No se dará preferencia à los puertos de una Provincia sobre los de otra, por reglamento alguno de comercio, ó de rentas, ni se concederán privilegios, ó derechos exclusivos á compañías de comercio, ó corporaciones industriales, ni se impondrán otras limitaciones á la libertad del comercio, y al exercicio de la agricultura y de la industría, sino las que previene expresamente la Constitucion.

221. Toda Ley prohibitiva sobre estos objetos, quando las circunstancias la hagan necesaria, deberá estimarse por pura, y esencialmente provisional; y para tener efecto por mas de un año, se deberà renovar con formalidad al cabo de este periodo, repitiendose lo mismo sucesivamente.

222. Mientras el Congreso no determináre una formula permanente de naturalizacion para los extrangeros, adquirirán estos el derecho de Ciudadanos, y aptitud para votar, elegir, y tomar asiento en la representacion nacional, si habiendo declarado su intencion de establecerse en el pais ante una Municipalidad, hechose inscribir en el registro civil de ella, y renunciado al derecho de ciudadano en su patria, adquirieren un domicilio y residencia en el territorio

mity to the quantity of population contained in each province, and according to the census which Congress will ordain to be taken every five years, throughout the whole extent of the state.

220. No preference shall be given to the ports of one province over those of another, either by any regulations of trade or finance; nor shall privileges or exclusive rights be granted to trading companies, or societies of industry; nor shall any restrictions be laid on the freedom of trade, or on the pursuits of agriculture and industry, excepting what are expressly stipulated by the Constitution.

221. All prohibitive laws respecting similar matters, whenever circumstances may render the same necessary, shall be held as purely and essentially provisional; and in order that the same may have effect more than one year, it shall be requisite to renew them with all the necessary formalities, at the end of that period, and in like manner successively.

222. In the mean time that Congress has not established a permanent form of naturalization for foreigners, the same shall obtain the right of citizens, as well as the power of voting, electing, and taking a seat in the house of the national Representatives, if, having declared their intention to establish themselves in the country before a municipality, and caused their names to be inscribed on the civil registers thereof, and having also renounced their right of citizenship to their own country, they have acquired the domiciliary rights and residence

del Estado, por el tiempo de siete años, y llenáren las demas condiciones prescriptas en la Constitucion, para exercer las funciones referidas.

223. En todos los actos públicos se usará de la Era Colombiana, y para evitar toda confusion en los computos al comparar esta época con la vulgar Cristiana, casi generalmente usada en todos los pueblos cultos, comenzará aquella á contarse desde el dia primero de Enero, del año de N. S. mil ochocientos once, que será el primero de nuestra Independencia.

224. El Congreso suplirá con providencias oportunas, á todas las partes de esta Constitucion que no puedan ponerse en execucion inmediatamente, y de un modo general, para evitar los perjuicios é inconvenientes que de otra suerte pudiéran resultar al Estado.

225. El que hallandose en una Provincia violáre sus leyes, será juzgado con arreglo á ellas por sus Magistrados provinciales; pero si infringiése las de la Union, lo será conforme à estas por los funcionarios de la misma Confederacion; y para que no sea necesario que en todas partes haya Tribunales de la Confederacion, ni que sean extrahidos de sus vecindarios los individuos comprehendidos en estos casos, el Congreso determinará por ley, los Tribunales, y la forma con que estos darán comisiones

within the State, during the period of seven years, and have besides fulfilled the other conditions prescribed by the Constitution, in order to exercise the functions above stated.

223. In all public acts the Columbian Era shall be used, and in order to avoid all mistakes in calculations, in comparing this period with the common Christian Era, generally used by civilized countries, the former shall date from the first day of January of the year of our Lord, one thousand eight hundred and eleven, which shall be the first of our Independence.

224. Congress shall be authorized by means of timely regulations, to provide for all parts of this Constitution which cannot be immediately carried into execution, and in a general manner in order to avoid the injuries and inconveniences which might otherwise result to the State.

225. Any person who being in any province should violate the laws, shall be judged in conformity thereto, by its provincial magistrates; but if he should transgress against those of the union, he shall be judged in conformity to the same, by the functionaries of the confederation; and in order that it may not be necessary to have tribunals belonging to the confederation in every place, and that the persons comprehended in these cases may not be taken out of their places of residence, Congress shall determine by law the said tribunals, and the forms under which

para exâminar y juzgar las ocurrencias en las mismas Provincias.

226. Nadie tendrá en la Confederacion de Venezuela otro título, ni tratamiento público que el de *ciudadano*, única denominacion de todos los hombres libres que componen la Nacion; pero á las Camaras representativas, al Poder Executivo, y á la Suprema Corte de Justicia se dará por todos los Ciudadanos, el mismo tratamiento con la adicion de *Honorable* para las primeras, *Respetable* para el segundo, y *Recto* para la tercera.

227. La presente Constitucion, las leyes que en conseqüencia se expidan para executarla, y todos los tratados que se concluyan baxo la autoridad del Gobierno de la Union, serán la ley suprema del Estado en toda la extension de la Confederacion, y las autoridades y habitantes de las Provincias, estarán obligados à obedecerlas, y observarlas religiosamente sin excusa, ni pretexto alguno; pero las leyes que se expediéren contra el tenor de ella, no tendràn ningun valor, sino quando hubiéren llenado las condiciones requeridas para una justa, y legítima revision, y sancion.

228. Entretanto que se verifica la composicion de un codigo civil y criminal, acordado por el Supremo Congreso en 8 de Marzo último, adaptable á la forma de Gobierno establecido en Venezuela, se declara en su fuerza y vigor, el codigo que hasta aquí

they shall issue commissions to examine and judge all cases in the respective provinces.

226. No person within the Confederation of Venezuela, shall enjoy any other title or address than that of *citizen*, the only denomination of all the free persons composing the nation; but the Houses of Representatives, the Executive Power, and the supreme Court of Justice, by all Citizens shall be addressed under the same names, with the addition of *Honourable* for the first, *Respectable* for the second, and *Upright* for the third.

227. The present Constitution, the laws that in consequence thereof may be enacted for its execution, as well as all the treaties which may be carried into effect under the government of the union, shall be held as the Supreme law of the State throughout the whole extent of the Confederation; and the authorites and inhabitants of the provinces, shall be bound to obey and religiously to observe the same, without fail or pretext; but the laws which may be enacted in opposition thereto, shall be considered as without effect, unless they have passed through the forms requisite for a just, and legal revisal and sanction.

228. In the mean time, and till the formation of a civil and criminal code is carried into effect, as decreed by the Supreme Congress on the 8th of March ult. adapted to the form of government established in Venezuela, it is hereby declared, that the code by

nos ha regido en todas las materias y puntos que, directa ó indirectamente, no se opongan á lo establecido en esta Constitucion.

Y por quanto el Supremo Legislador del Universo ha querido inspirar en nuestros corazones, la amistad y union mas sinceras entre nosotros mismos, y con los demas habitantes del Continente Colombiano, que quieran asociarsenos para defender nuestra Religion, nuestra Soberanía natural, y nuestra Independencia: por tanto nosotros, el referido Pueblo de Venezuela, habiendo ordenado con entera libertad la Constitucion precedente que contiene las reglas, principios, y objetos de nuestra Confederacion y alianza perpetua, tomandando à la misma Divinidad por testigo de la sinceridad de nuestras intenciones, é implorando su poderoso auxilio para gozar por siempre las bendiciones de la libertad, y de los imprescriptibles derechos que hemos merecido à su beneficencia generosa, nos obligamos, y comprometemos á observar, y cumplir inviolablemente todas y cada una de las cosas que en ella se comprehenden, desde que sea ratificada en la forma que en la misma se previene; protextando sin embargo alterar, y mudar en qualquier tiempo estas resoluciones, conforme á la mayoría de los Pueblos de Colombia que quieran reunirse en un Cuerpo nacional para la defensa y conservacion de su libertad, é Independencia política, modificandolas, corrigiendolas, y acomodandolas oportunamente y á pluralidad y de comun acuerdo entre nosotros mismos,

which we have hitherto been governed, shall retain its due and full force and vigour in all the points and matters which directly or indirectly may not be opposed to what is established by this Constitution.

And whereas the Supreme Legislator of the universe, has been pleased to inspire into our hearts, the most mutual and sincere friendship and union, as well amongst ourselves, as with the rest of the inhabitants of the Columbian Continent, who may wish to associate with us in order to defend our religion, our natural sovereignity, and our independence; therefore We, the said people of Venezuela, having freely ordained the preceding Constitution, containing the regulations, principles, and objects of our Confederation and perpetual alliance; and calling upon the same divinity to witness the sincerity of our intentions, and imploring his powerful aid to secure to us for ever, the blessings of liberty, and the imprescriptible rights we have, from his generous beneficense, obtained; do mutually bind ourselves and engage, to observe and inviolably to fulfil, all and each of the things therein contained, from the time the same is ratified in the manner stipulated therein; protesting nevertheless, to alter, and at any time to change these said resolutions, whenever, and in conformity to the majority of the people of Columbia, united in a national body for the defence and preservation of their liberty, and political independence, the same may be desired; modifying, correcting, and suiting the same opportunely according to a plurality, and

en todo lo que tubiére relaciones directas con los intereses generales de los referidos Pueblos, y fuére convenido por el órgano de sus legítimos Representantes reunidos en un Congreso general de la Colombia, ó de alguna parte considerable de ella, y sancionado por los comitentes; constituyendonos entretanto en esta union, todas y cada una de las Provincias que concurrieron á formarla, garantes las unas á las otras de la integridad de nuestros respectivos territorios y derechos esenciales, con nuestras vidas, nuestras fortunas, y nuestro honor; y confiamos, y recomendamos la inviolabilidad y conservacion de esta Constitucion á la fidelidad de los Cuerpos Legislativos, de los Poderes Executivos, Jueces, y Empleados de la Union y de las Provincias, y á la vigilancia y virtudes de los padres de familia, madres, esposas, y ciudadanos del Estado.

Dada en el Palacio Federal de Caracas, à veintiuno de Diciembre del año del Señor mil ochocientos once, primero de nuestra Independencia.

Juan Toro, *Presidente.*
Isidoro Ant. Lopez Mendez.
Juan José de Maya.
Nicolas de Castro.
Lino de Clemente.
José Maria Ramirez
Domingo de Alvarado.
Manuel Placido Maneyro

our own common consent, in every thing which may have a direct tendency to the general interests of the said people, and as agreed upon through the organ of their legal Representatives assembled in the general Congress of Columbia, or of any considerable part thereof, and sanctioned by its Constituents; constituting ourselves in the mean time, in this union, all and each one of the provinces concurring to form the same, guarantees each one to the other, of the integrity of our respective territories and essential rights, with our lives, our fortunes, and our honour; and we confide and recommend the inviolability and conservation of this Constitution to the fidelity of the Legislative bodies, of the Executive powers, judges and functionaries of the union, and of the provinces, as well as to the vigilance and virtues of all fathers of families, mothers, wives and citizens of the State.

Done in the Federal Palace of Caracas, this twenty-first day of December, in the year of our Lord one thousand eight hundred and eleven, and the first of our Independence.

Juan Toro, President.
Isidoro Antonio Lopez Mendez.
Juan Jozé de Maya.
Nicolas de Castro.
Lino de Clemente.
Jozé Maria Ramirez.
Domingo de Alvarado.
Manuel Placido Maneyro.

Mariano de la Cova.
Francisco Xavier de Maiz.
Antonio Nicolas Brizeño.
Francisco X. Yanes.
Manuel Palacio.
José de Sata y Bussy.
José Ignacio Brizeño.
José Gabriel de Alcalá.
Bartolome Blandin.
Francisco Policarpo Ortiz.
Martin Tovar.
Felipe Fermin Paul.
José Luis Cabrera.
Francisco Hernandez.
Francisco del Toro.
José Angel de Alamo.
Gabriel Perez de Pagola.
Francisco X. Ustariz.
Juan German Roscio.
Fernando Peñalver.

(L. S.)

Baxo los reparos que se expresan al pie de esta acta n.° 2, firmo esta Constitucion.

Francisco de Miranda, Vice-Presidente.

Mariano de la Cova.
Francisco Xavier de Maiz.
Antonio Nicolas Brizeño.
Francisco X. Yanes.
Manuel Palacio.
Jozé de Sata y Bussy.
Joze Ignacio Brizeño.
Jozé Gabriel de Alcalá.
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Jozé Luis Cabrera.
Francisco Hernandez.
Francisco del Toro.
Jozé Angel de Alamo.
Gabriel Perez de Pagola.
Francisco X. Ustariz.
Juan German Roscio.
Fernando Peñalver.

(L. S.)

Under the objections stated at the end of this act, No. 2, I sign this Constitution.

Francisco de Miranda, Vice President.

Subscribo á todo, ménos al artículo 180, reiterando mi protesta hecha en 5 del corriente.

Juan Nepomuceno Quintana

Subscribo á todo, ménos al artículo 180 que trata de abolir el fuero personal de los clerigos, sobre el que he protextado solemnemente, lo que se insertará á continuacion de esta Constitucion.

Manuel Vicente de Maya.

Subscribo en los mismos términos que el Sr. Maya, acompañandose la protexta que he entregado hoy.

Luis José Cazorla.

Subscribo á toda la Constitucion, ménos al capitulo del fuero.

Luis José de Rivas y Tovar.

Baxo mi protexta del acuerdo de diez y seis de los corrientes.

Salvador Delgado.

Subscribo á todo, excepto el desafuero.

José Vicente Unda.

I subscribe to the whole, with the exception of article 180; renewing my protest made on the 5th instant.

Juan Nepomuceno Quintana.

I subscribe to the whole, with the exception of article 180, which relates to the abolition of the personal immunity of the Clergy, respecting which I have solemnly protested, which act is to be inserted at the end of this Constitution.

Manuel Vicente Maya.

I subscribe, under the same exceptions, as Señor Maya, and under the accompanying protest delivered this day.

Luis Jozé Cazorla.

I subscribe to the whole of the Constitution, with the exception of the article respecting immunities.

Luis Jozé de Rivas y Tovar.

Under my protest as made on the 16th instant.

Salvador Delgado.

I subscribe to the whole, with the exception of the article which annuls immunities.

Jozé Vicente Unda.

Subscribo la presente Constitucion, con exclusion del artículo 180, y con arreglo á la protexta que hice en 5 del corriente, y acompaña la Constitucion; y en los mismos términos que corre la de Don Juan Quitana.

Luis Ignacio Mendoza.

Subscribo á todo lo sancionado en esta Constitucion, á excepcion del capítulo que habla del fuero eclesiastico, segun las protextas que he hecho en las actas del dia 5 del presente.

Juan Antonio Diaz Argote.

Francisco Isnárdi, Secretario.

ALOCUCION.

Venezolanos: Antes de cumplirse los dos primeros años de vuestra libertad, vais á fixar el destino de la patria, pronunciando sobre la Constitucion que os presentan vuestros Representantes.

Ni las revoluciones del otro hemisferio, ni las convulsiones de los grandes imperios que lo dividen, ni los intereses opuestos de la política Europea, han venido á detener la marcha pacifica y moderada que emprendisteis el memorable 19 de Abril, de 1810.

I subscribe to the present Constitution, with the exception of article 180, and in conformity to my protest made on the 5th instant, annexed to this Constitution, and in similar terms to those of Señor Quintana.

Luis Ignacio Mendoza.

I subscribe to the whole of what is sanctioned in this Constitution, excepting the article which treats of the ecclesiastical immunity, and in conformity to the protest made on the 5th instant.

Juan Antonio Diaz Argote.

Francisco Isnardi, Secretary.

ADDRESS.

Inhabitants of Venezuela! Two years have not evolved since you became free, and you are already about to fix the destiny of your country, by sanctioning the Constitution which your Representatives lay before you.

Neither the revolutions of the other hemisphere, nor the convulsions of the great empires into which it is divided, nor the clashing interests of European policy, have obstructed the pacific and temperate career on which you entered, on the memorable 19th of April 1810.

El interes general de la América, puesto en accion por vuestro glorioso exemplo, el patriotismo guiado por la filantropía, y la libertad ayudada de la justicia, han sido los agentes que han dirigido vuestra conducta para dar al mundo el primer exemplo de un pueblo libre, sin los horrores de la anarquía, ni los crímenes de las pasiones revolucionarias.

Eterno será en los fastos de la América, el corto periodo en que habeis hecho lo que ha costado à todas las naciones épocas funestas de sangre y desolacion; y si la consternada Europa no tuviese que admirar nada en vuestra Constitucion, confesará, al ménos, que son dignos de ella los que han sabido conseguirla sin devorarse, y sabrán sancionarla con la dignidad de hombres libres.

Llegó el momento, Venezolanos, en que tengais un gobierno, que en la exâtitud de sus elementos contenga la garantía de su duracion, y asegure con ella, vuestra union y felicidad.

Tal fué el deber que impusisteis á vuestros mandatarios el 2 de Marzo: à vosotros toca juzgar si lo han cumplido; y á ellos el aseguraros que sus fervorosos deseos, su infatigable constancia, y su buena fé, es lo único que puede hacerles esperar la aprobacion de unas tareas, emprendidas y consumadas solo para vuestro bien.

The general interest of America, roused and brought into action by your glorious example; patriotism guided by philanthropy, and liberty aided by justice, have been the agents which have directed your conduct, and enabled you to exhibit to the world, the first example of a nation, rendered free without the horrors of anarchy, or the crimes of revolutionary passions.

Eternal in the annals of America, shall be that short period, in which you have accomplished what has cost all other nations fatal ages of blood and desolation; and if astonished Europe should find nothing to admire in your Constitution, she will at least acknowledge, that those are worthy of being her own citizens, who have known how to obtain it without self-destruction, and are ready to sanction it with the dignity of freemen.

The period is at length arrived, Inhabitants of Venezuela, when you are possessed of a government, which, in the exact combination of its elements, contains the guarantee of its duration, and with it ensures your union and felicity.

Such was the duty you imposed on your constituted Representatives, on the 2d of March; to you it now belongs to judge whether they have fulfilled it, and to them it only remains to assure you, that their warmest wishes, their indefatigable constancy, and their good faith, are the only titles by which they hope to see approved, so weighty a task, undertaken and completed solely for your good.

Patriotas del 19 de Abril, que habeis permanecido incontrastables en los reveses de la fortuna, é inaccesibles á los choques de las facciones. Guerreros generosos, que habeis derramado vuestra sangre por la patria: ciudadanos que amais el órden y la tranquilidad, aceptad como prenda de tantos bienes, el gobierno que os ofrecen vuestros Representantes

El solo puede señalandoos vuestros derechos y vuestros deberes, proporcionaros la garantía social, y con ella la libertad, la paz, la abundancia, y la felicidad.

Independencia política, y felicidad social, fueron vuestros votos el 5 de Julio de 1811: independencia política y felicidad social, han sido los principios que han dirigido desde entonces á los que para llenar el destino á que los elevò vuestra confianza, han sacrificado su exîstencia á tan ardua como importante empresa.

Venezolanos: ciudadanos todos, ùnion y confianza es lo único que os pedimos en recompensa de los desvelos y sacrificios que nos ha merecido vuestra suerte: reunios todos en una sola familia por los intereses de una patria, y caiga un velo impenetrable sobre todo lo que sea anterior á la época augusta que vais à establecer.

Siglos enteros de gloria han pasado para la América, desde que resolvisteis ser libres, hasta que conseguisteis serlo por medio de la Constitucion, sin la qual aun no habiais expresado solemnemente al

Patriots of the 19th April, ye who have remained firm under adversity, and invulnerable to the assaults of factions! Generous warriors, who have spilt your blood for your country, and ye citizens, who love order and tranquility, accept, as the pledge of your future good, the government which your Representatives now offer you.

It alone, by pointing out to you your rights and duties, can obtain for you social security, and with it, liberty, peace, abundance, and felicity.

Political independence and social felicity, were what you aspired to on the 5th of July 1811; political independence and social felicity, have been the principles, which, from that period, have directed those, who, in order to fulfil the object to which your confidence raised them, have sacrificed their own existence, to so arduous and important an undertaking.

Inhabitants of Venezuela, citizens all, union and confidence is alone what we ask of you, in return for the labour and sacrifices we have expended in your behalf; unite all in one great family for the good of your country, and let the veil of oblivion be thrown over every thing, anterior to the august era, on which you are about to enter.

Memorable in the annals of America will be that period, which intervened from the time you resolved to be free, till you became so, by virtue of the present Constitution; without which you could not have solemnly declared your intention to the world,

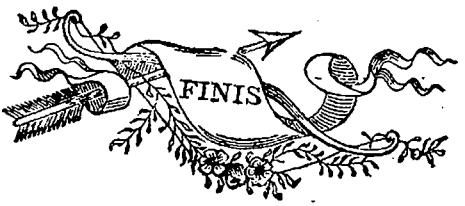
mundo vuestra voluntad, ni el modo de llevarla á efecto.

El término de la revolucion se acerca: apresuraos á llegar á él por medio de la Constitucion que os ofrecemos, si quereis sumir en la nada los proyectos de nuestros enemigos, y apartar para siempre de nosotros, los males que ellos nos han causado.

Pueblo soberano, oye la voz de tus mandatarios, el proyecto del contrato social que ellos te ofrecen, fué sugerido solo por el deseo de tu felicidad: tú solo debes sancionarlo: colòcate ántes entre lo pasado y lo futuro: consulta tu interes y tu gloria, y la patria quedará salvada.

Palacio Federal de Venezuela, veintitres de Diciembre de mil ochocientos once, primero de la Independencia.

Juan Toro, Presidente.
Francisco Isnardi, Secretario.



nor the means by which they were to be accomplished.

The end of the revolution is now at hand; hasten to reach it by means of the Constitution we offer you, if you are desirous of frustrating the projects of your enemies, and of for ever removing from you, the ills which they have hitherto heaped upon us

Sovereign People! listen to the voice of your Representatives; the social contract they now offer you, was only dictated by a regard for your welfare; to you alone it belongs to sanction it; reflect well on what is gone by, and what is yet to come; consult your own interest, and your own glory, and our country is safe.

Federal Palace of Venezuela, this 23d day of December, 1811, and first of our Independence.

Juan Toro, President.
Francisco Isnardy, Secretary.

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