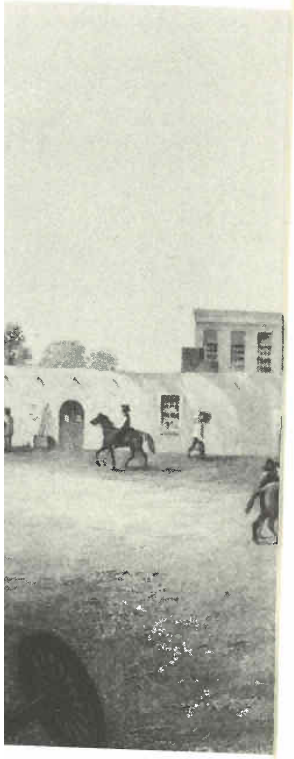

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The Mexican Frontier, 1821–1846

The American Southwest Under Mexico

David J. Weber
Southern Methodist University

HISTORIES OF THE AMERICAN FRONTIER

Ray Allen Billington, General Editor
Howard R. Lamar, Coeditor

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The New Politics

> It is unquestionable that the lack of a government which can respond directly to the needs of Texas . . . has been, is, and will continue to be the chief source of our sufferings.—Ayuntamiento of San Antonio, *December 1832*

> The old monastic order is destroyed and nothing seems to have replaced it, except anarchy. The official power is weak and flutters irresolutely in the hands of its holders. Doubtless a new political order will arise out of this chaos but while waiting for it the country is badly administered, society is without ties, without guarantees, and the people are wretched.—A French visitor to California, Abel du Petit-Thouars, *1837*

Throughout the eighteenth century, pobladores on Mexico's far northern frontier had little voice in governing themselves. Like Spain's subjects everywhere, they had lived under the enlightened and paternalistic despotism of the Bourbon monarchs, who did not encumber themselves with constitutions or popular participation in government. No representative parliament met regularly in Spain; no legislatures met in her colonies. Local government had decayed and appointed officials held offices that had once been filled by elections. Outsiders, rather than local people, occupied key posts even in such remote areas as the northern frontier of New Spain.

Independence from Spain ushered in a new political order for Mexico. Like other Mexicans, frontiersmen gained a voice in national affairs for the first time; representative government began to function on the provincial level and enjoyed a new vitality at the municipal level; and the

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frontier upper class gained access to offices that had previously been closed to them or had not existed. In short, the new politics provided opportunities for local autonomy and home rule such as frontiersmen had never known. At the same time, the new politics raised expectations—ones that a succession of volatile and perennially bankrupt governments in Mexico City could not fulfill.

The old political order died a decade before Mexico won independence in 1821. An extraordinary crisis in Spain provided impetus for profound political change in 1808, when French forces overran much of Iberia and Napoleon virtually kidnapped the legitimate monarchs, Charles IV and his ambitious son, Ferdinand VII. Resistance to the French invaders centered in the Spanish *Cortes,* a parliament that had languished under the Bourbon dynasty. Dominated by a group of young liberals, the revitalized Cortes not only led the resistance against the French, but also boldly restructured Spanish government at all levels in the absence of the legitimate king. The Cortes abolished feudal institutions, such as the Inquisition, and turned absolutist Spain into what one historian has termed "one of the most radical constitutional monarchies in Europe."[1]

Meeting between 1810 and 1814 at the port city of Cádiz in southern Spain, the Cortes passed a series of acts that reached into the most remote corners of the empire and would affect Mexico long after independence. The heart of this liberal legislation took the form of the 1812 Constitution of Cádiz, a blending of the Spanish Catholic tradition of natural rights and contractual law with secular rights doctrines that arose out of the Enlightenment.[2] Based on the premise that sovereignty resided with the nation and not solely with the monarch, the 1812 Constitution made the king more responsible to the Cortes and provided for greater representative government at all levels. At the municipal level it established guidelines for *ayuntamientos,* or town councils. The new regulations transformed ayuntamientos from closed corporations to popularly elected bodies and extended their jurisdictions to include nearby communities. Members were to be chosen through regular elections and lifetime positions on town councils were abolished.[3] At the provincial level the Constitution endorsed a relatively new institution, a legislature of elected representatives termed the *diputación.* At the national level, provinces throughout the empire were to send an elected delegate to represent them in the Cortes itself. The 1812 Constitution also increased the number of persons eligible to participate in political life by conferring citizenship upon all Spanish subjects, including Indians, and excluding only such types as domestic servants, the unemployed, debtors, criminals, certain blacks, and women.

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The changes mandated by the liberal Cortes had just begun to be implemented in Mexico when the repressive and absolutist Ferdinand VII regained the throne in 1814, suspended the Constitution, disbanded the Cortes, and annulled its acts. Ferdinand proved both inept and unpopular, however, and in 1820 a segment of the Spanish military, in concert with liberal politicians, revolted and forced him to restore the Constitution of 1812 and the Cortes for both Spain and her American provinces.[4] Prior to independence, a new political order based on the Constitution of 1812 began to emerge in Mexico. In a variety of ways its effects reached the remote northern frontier and continued to be felt long after independence.

Municipal governments began to appear in towns where they had not existed before, and previously established town councils were revitalized. In New Mexico, where ayuntamientos had ceased to function by 1811, at least six full-fledged ayuntamientos had been formed by 1814 in compliance with the new regulations. Following Ferdinand's orders, the New Mexicans dismantled those councils in 1815, but convoked them again in 1820 when the Constitution of Cádiz was restored. By the time of independence, most New Mexico towns, including Pueblo Indian communities, had elected ayuntamientos. To conform with acts of the Cortes, Governor Facundo Melgares had ordered that Pueblo Indians be regarded "as Spaniards in all things, exercising especially their rights to vote and to stand as candidates for office."[5] Meanwhile, strife-torn Texas did not restructure its municipal governments in the mid-1810s, but in 1820 both San Antonio and Goliad held elections to reform their ayuntamientos under the new regulations.[6] California followed suit in 1822, expanding the membership of the ayuntamientos of San Jose and Los Angeles. Other sizeable non-Indian communities in California, such as Santa Barbara and Monterey, were not subject to civil government because they were essentially military posts.[7]

Provincial assemblies, or diputaciones, formed more slowly on the frontier than did ayuntamientos. The Constitution of 1812 authorized only six assemblies for all of Mexico. These were to correspond to six large autonomous provinces, including both the *Provincias Internas del Occidente* and *Oriente*, which embraced Sonora, New Mexico, and Texas, as well as much of the rest of the north. New Mexico and Texas elected a representative to the diputación of the Western Internal Provinces in 1814, but the return of Ferdinand made the election meaningless. Not until after independence did each frontier province form its own diputación.[8]

Following decades of exclusion from the decision-making process, the extraordinary idea of electing a representative to a provincial assembly must have seemed revolutionary to some frontiersmen. Even more re-

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markable, perhaps, was the call that the Cortes issued to the New World provinces to send delegates to Cádiz to participate in the Cortes. The Cortes went so far as to specify that delegates be natives of the province they represent. Neither California nor Texas could take advantage of the opportunity. The viceroy ruled that the Californias were not entitled to representation, and Texas could neither afford to send a delegate, nor did a suitable candidate emerge. According to one Spanish officer, the *tejanos* could not find a native son who met the necessary qualifications of "integrity, talent, and education."[9] To some extent, though, Texans were represented by Miguel Ramos Arizpe, a remarkable liberal from the neighboring province of Coahuila whose views not only influenced the Cortes, but won him a six year prison term upon the return of the repressive Ferdinand.[10]

Of the northernmost provinces, only New Mexico succeeded in sending a native son, Pedro Bautista Pino, to represent it in Cádiz. One of fifteen delegates from Mexico to serve in the Cortes between 1810 and 1813, Pino had the greatest distance to travel and was not seated until August 1812, after the Constitution had been published. The most enduring result of his journey was the publication of a small book in which he provided the Cortes and posterity with a succinct if somewhat polemical description of New Mexico and its problems. In 1820, *nuevomexicanos* elected Pino again to serve as delegate to the Cortes, but he got only as far as Vera Cruz. Expected funds did not materialize and he had to retrace a journey of over 1500 miles. Perhaps that explains why New Mexicans came to regard Pino's missions as fruitless and immortalize them in a schoolchildren's verse: *"Don Pedro Pino Fué; Don Pedro Pino vino* [Don Pedro Pino went away; Don Pedro Pino came back]."[11]

Although they were often halting and erratic, as in Pino's case, the first steps toward local autonomy and representative government on the frontier had been taken in the last decade of Spanish rule. The break with Spain and the coming to power of Agustín de Iturbide brought no sharp change in direction. Instead, the pace accelerated.

In an effort to maintain liberal support and avoid political chaos, Iturbide declared that those portions of the 1812 Constitution that did not run counter to the interests of independent Mexico would remain in force until a new constitution could be adopted. To provide continuity, Iturbide permitted those officials who had served under Spain to continue to exercise their usual functions.[12] Since a new constitution did not appear during Iturbide's year and a half in power, independent Mexico continued to be governed by the liberal legislation of the Cortes of Cádiz, including laws regulating ayuntamientos and provincial assemblies.

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diputaciones to be formed in Mexico and the Iturbide government endorsed that idea in late 1821. As a result, assemblies proliferated. Throughout Mexico, local *políticos* sought greater home rule for their provinces. The Constitution of 1812 had authorized six diputaciones for all of Mexico; by November 1822 the number had tripled and a year later it rose to twenty-three.[13]

The frontier provinces joined this rush toward greater local autonomy with New Mexico leading the way. In January 1822, electors from fourteen municipal districts (*alcaldías*), including El Paso, met in Santa Fe and chose seven representatives, or *vocales*, to serve in the diputación. In a characteristic display of frontier independence, Governor Facundo Melgares had apparently called for this election even though he lacked authorization from Mexico City. The Iturbide administration regarded the newly formed New Mexico diputación as illegal, but the New Mexico vocales continued to meet for a year and a half, apparently unaware that their diputación lacked legitimacy until Congress formally sanctioned its existence. This seems to be the only case in all of Mexico of a province forming an assembly on its own initiative and subsequently gaining congressional approval.[14] Californians elected members of an assembly later that year, in November. They might have done so earlier, but Governor Pablo Vicente de Sola delayed in calling elections because he viewed the *californios* as unfit for self-government.[15] In October 1823, nearly a year after California acted, a diputación was installed in Texas, too late for it to have an impact on that province as subsequent events would reveal.[16]

Even as regional leaders on the frontier and elsewhere sought greater political autonomy for their provinces, the autocratic Iturbide began to centralize power in Mexico City. In May 1822, when it became clear that no member of a European royal family would accept the throne of Mexico, Iturbide arranged to have himself proclaimed emperor. In October 1822, in his new incarnation as Agustín I, the former Spanish army officer dissolved the nation's infant Congress. Among the delegates to that Congress was Francisco Pérez Serrano y Aguirre of New Mexico, who must have found representative government disillusioning. It had taken don Francisco six months to travel to Mexico City from the time of his election, longer than the time that he served in the short-lived Congress. He had better fortune, however, than the delegate from Alta California, former Governor Sola, who reached Mexico City well after Iturbide had abolished Congress.[17]

Provinces throughout Mexico reacted swiftly to Iturbide's seizure of power. During the first months of 1823 most provinces swore to uphold the Plan of Casa Mata, which called for an end to Iturbide's empire and

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demanded the establishment of a new congress composed of liberal delegates. Most provinces also severed relations with the central government and conducted their affairs as if they were autonomous states.[18] Left in control of little more than Mexico City, Iturbide abdicated on March 19, 1823, and went into exile. The following year, unaware of a decree that threatened him with execution if he returned to Mexico, Iturbide returned and was promptly executed.

Leadership in these efforts to topple Iturbide had come from provincial diputaciones, but frontier residents played no active role in the tumultuous events of 1823. Distance alone probably relegated frontier politicians to a minor role on the national stage, and probably also contributed to their cautious attitude toward matters about which they knew very little. In New Mexico, for example, Governor José Antonio Vizcarra, an Iturbide appointee, called the New Mexico assembly into session on March 26, 1823 to discuss an invitation to support the Plan of Casa Mata. Unaware that Iturbide had abdicated a week earlier, the New Mexico assembly resolved to support the emperor and not to "soil its hands with the vile stain of infidelity." Two months went by before officials in the isolated province learned that the Plan of Casa Mata had triumphed. Then they could do little more than offer an awkward explanation and swear allegiance to the new government.[19] Meanwhile, *tejanos* had taken a similar cautious stance. A provincial diputación had not yet been formed in Texas, but political, military, and religious leaders remained loyal to Iturbide until mid-April 1823, long after the rest of the Provincias Internas del Oriente had abandoned his government.[20]

Having toppled Iturbide, the provinces turned to reorganizing the government along federalist-liberal lines—permitting considerable regional autonomy and leaving the central government relatively weak (Mexican federalists should not be confused with those *American federalists* who advocated a strong central government following United States independence). Delegates from throughout Mexico met in the autumn of 1823 and on January 31, 1824 approved a national charter, the *Acta Constitutiva*. Nine months later, that document became a part of Mexico's first constitution, the Federal Constitution of the United States of Mexico, endorsed on October 4, 1824. Among the signatories were José Rafael Alarid of New Mexico and the widely read, patriotic, and progressive forty-two-year-old Erasmo Seguín of Texas. (California's delegate, former governor Sola, was apparently denied a seat.)[21]

The Constitution of 1824 remained in force until 1835 with no amendments—a period in Mexican history sometimes known as the federalist era, or the First Federal Republic. In many ways Mexico's 1824 Constitution emulated the United States Constitution, but it also contained

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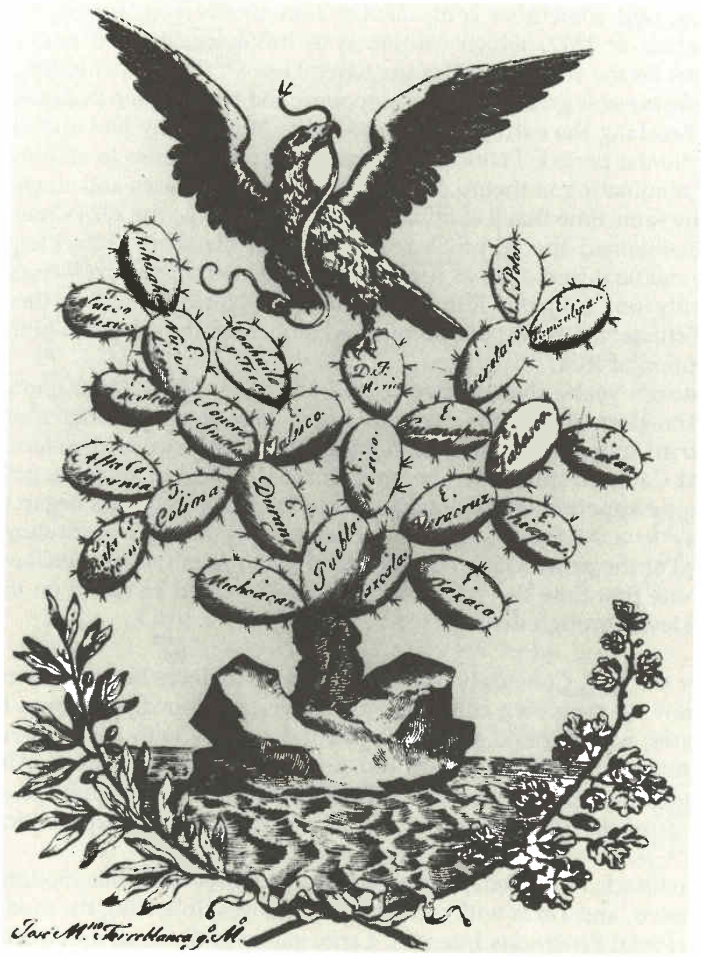

Mexican federalism. The theoretical autonomy and equality of Mexico's states and territories, united under the protective wings of the Mexican eagle and the Constitution of 1824, is illustrated graphically in this 1828 engraving (Vito Alessio Robles, *Coahuila y Texas desde la consumación de la independencia . . .* [2 vols.; Mexico, 1945–46] II, frontispiece).

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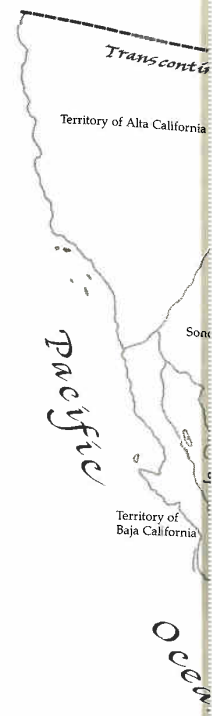
important and sometimes contradictory ingredients from the Spanish Constitution of 1812, which continued to influence Mexican political structures on the state as well as the federal level.[22] The Constitution of 1824 made possible greater regional autonomy and participation in national affairs, breaking the extraordinary power that Mexico City had enjoyed in the colonial period. Politically it gave new opportunities to all Mexicans by eliminating in theory distinctions between all races and classes. But at the same time that it eliminated class distinctions, the 1824 Constitution maintained special privileges or *fueros* for members of the clergy and the military, and even as it guaranteed freedom of speech it recognized only one religion, Roman Catholicism. Notwithstanding these contradictions, a renewal of optimism accompanied the adoption of the Constitution of 1824.[23]

In a dozen years, then, between 1812 and 1824, Mexico had undergone a transformation from a political appendage of an absolutist monarchy to an independent federal republic. In accordance with reforms begun at Cádiz, frontiersmen became citizens instead of subjects; government by appointment of outsiders from the privileged class began to give way to a system of limited elections; representative institutions appeared at the provincial level; municipal government was revitalized; and for the first time the voices of frontiersmen could be heard on the national level through their elected delegates.

Under the 1824 Constitution, most Mexican provinces became states. They drew up their own constitutions, converted their diputaciones to legislatures, and became sovereign political entities with control over their internal affairs. Federalism did not bring those benefits to Alta California, Sonora, New Mexico, or Texas. Indeed, at first it appeared as though those frontier provinces would not exist as separate political entities.

The architects of the federalist system tried to link California, Sonora, New Mexico, and Texas with other large provinces, following the model of the colonial Provincias Internas. Large states in the underpopulated north, it was hoped, would maintain a demographic balance with the smaller, more populous states in the interior of the Republic.[24] Hence, the original draft of the Acta Constitutiva in 1823 had divided the Far North into three oversized states: the *Estado Interno del Occidente,* composed of Sonora, Sinaloa, and both Californias; the *Estado Interno del Norte,* which combined New Mexico with Chihuahua and Durango; and the *Estado Interno del Oriente,* which joined Texas to Coahuila, Nuevo León, and Tamaulipas (then called Nuevo Santander).[25]

Even before the Acta Constitutiva was approved on January 31, 1824 fragmentation had begun. Although some wished to maintain the four



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Under the 1824 Constitution, the provinces in the Far North either entered the union as territories (the Californias and New Mexico) or as portions of larger states (Sonora y Sinaloa and Coahuila y Texas).

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large states, and even to enlarge them, regional forces prevailed on the frontier as they did throughout Mexico.[26] First, Congress put the Californias directly under its control as territories, rather than states, and reduced the Estado del Occidente to the provinces of Sonora and Sinaloa. Second, Congress permitted Tamaulipas to separate from the Estado del Oriente.

On May 7, 1824, following the adoption of the Acta, Congress permitted Nuevo León to break away from the Estado del Oriente, leaving Texas and Coahuila joined together as a single state. Texas, Congress decreed, would remain united with Coahuila until it could qualify for statehood on its own.[27]

The Texas representative in Congress, Erasmo Seguín, made some effort to separate Texas from Coahuila, a move that he might not have favored privately. Seguín recognized that by itself Texas lacked sufficient resources and population to support a state government, much less fight off hostile Indians, or control westward-moving Anglo-Americans. Indeed, even in combination, Texas and Coahuila constituted Mexico's poorest state according to a congressional study. Despite the vulnerable position of Texas, Seguín publicly opposed union with more populous Coahuila, which he predicted would dominate his province, and he argued that Texas would benefit most from territorial status because the federal government had an obligation to aid the territories. But Seguín could not or would not outmaneuver the influential and more experienced delegate from Coahuila, Miguel Ramos Arizpe, who wanted his underpopulated province linked to Texas lest Coahuila itself be reduced to territorial status. Ramos Arizpe, who had ably represented his province in the Cortes a decade earlier, had considered the alternative of Coahuila joining with a neighboring state other than Texas, but feared that his province would then be the weaker partner. He preferred instead to have Coahuila as the dominant partner in a relationship with Texas. In an effort to dissuade the Texans from choosing territorial status, Ramos Arizpe wrote to the ayuntamiento of San Antonio, warning that if Texas became a territory it would lose control of its public lands to the federal government. His argument worked. The San Antonio ayuntamiento approved the tie with Coahuila and Seguín stopped pressing the matter. The decision stood despite strenuous objections of some Texas leaders who nearly came to blows over the issue.[28]

Like the states of Occidente and Oriente, the immense Estado Interno del Norte also split apart in a matter of months. At the outset, the three provinces of New Mexico, Chihuahua, and Durango could not agree on the location for a capital. Congress had assigned the honor to the centrally located city of Chihuahua, but Durango objected. New Mexicans

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in turn protested the pretensions of Durango, pointing out not only its considerable distance from Santa Fe, but also noting the "short distance" between New Mexico and its menacing neighbor, the United States.[29] This was neither the first nor the last time that New Mexico políticos tried to use their exposed position on the frontier to their advantage. The problem was resolved when Durango's representative in Congress gained separate statehood for his province on May 22, 1824.[30] That left only Chihuahua and New Mexico in the Estado Interno del Norte. At that point New Mexico's representative, José Rafael Alarid, asked that New Mexico be separated from Chihuahua. Congress granted his request in a decree of July 6, 1824, making New Mexico a territory and Chihuahua a state. In the process, El Paso, historically part of New Mexico, was transferred to Chihuahua.[31]

Alarid's action incensed some members of the New Mexico diputación, for he had not consulted them, but he correctly explained that distance militated against consultation. A simple territorial government, he argued, would cost less than an elaborate state government, and New Mexico needed all of its limited revenue to pay for schools, to protect itself against the United States, and "to tame and settle the multitude of barbarous nations that surround it." Chihuahua, he said, lacked sufficient resources to alleviate New Mexico's poverty. Salvation, he optimistically believed, lay with the "infinite resources" of the central government. To substantiate his argument, Alarid reported that Texas, too, was seeking territorial status and that California had already achieved it.[32]

The political maneuvering ended, then, with the provinces on the northern edge of Mexico entering the United States of Mexico without full statehood. Texas entered the republic linked to Coahuila, to form the Estado de Coahuila y Texas; Sonora remained tied to Sinaloa as the Estado de Occidente. The two provinces most distant from Mexico City, Alta California and New Mexico, entered the union as territories. Only three other regions of Mexico held that status in 1824: Baja California, Colima, and Tlascala.[33]

These new arrangements were inherently unstable. Pressures from local interests began to build almost immediately to separate Texas from Coahuila and Sonora from Sinaloa, while in New Mexico and Alta California groups began to demand greater political autonomy. But so long as the 1824 Constitution was in force, only Sonora gained autonomy. In 1830 Congress permitted the Estado de Occidente to dissolve, making Sonora and Sinaloa separate states. Today's southern Arizona, from the present border up to the Gila River, constituted the northern edge of the new state. The lands beyond the Gila, as contemporaries recognized, remained in control of the "wild tribes."[34]

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From the very beginning, when the state legislature infuriated them by abolishing their diputación, *tejanos* entered into an adversary relationship with Coahuila. When General Manuel Mier y Terán inspected Texas in 1828, he reported that "between the Mexicans and the foreigners there is a most evident unity of opinion on one point, namely the separation of Texas from Coahuila."[35] Texans deplored the failure of the state government to address the unusual needs of the frontier and the great distance that isolated them from the state capital in Saltillo, described by one visitor as "ridiculously placed. . . . The distance from Saltillo to Nacogdoches in the north is about three hundred leagues, whereas lands lying fifteen leagues to the south of Saltillo no longer belong to Coahuila y Texas."[36] Mier y Terán termed the arrangement a "monstrosity," and the ayuntamiento of San Antonio, in a memorial of 1832, blamed the lack of a responsive state government for the "paralysis" of Texas.[37] An official inspector who visited Texas in 1832, Tadeo Ortiz, concluded: "I am certain that all of the ills of Texas date from its annexation to the State of Coahuila."[38]

Those who knew Texas well agreed that it should be separated from Coahuila, but no consensus existed as to the form separation should take. Many advocated statehood, especially by the 1830s, but the population of Texas still seemed too small to support a state government. Others advocated territorial status, which would shift the burden of supporting local government to Mexico City and keep taxes down, but the federal government had done a poor job of administering the other territories. In the end, local opinion did not matter. Congress failed to approve a bill in 1828 to make Texas a state, or bills in 1833–34 to make it a territory.[39]

During its first years under the 1824 Constitution, all of Texas from the Nueces to the Sabine constituted a single "Department of Béxar" of the State of Coahuila y Texas, with a political chief, or *jefe político* in San Antonio responsible to the governor in Saltillo.[40] The need for more effective administration of the rapidly growing population of East Texas prompted the state to create the District of Nacogdoches in 1831, and then to divide all of Texas into three departments in 1834: Béxar, Brazos, and Nacogdoches, with their respective capitals at San Antonio, San Felipe de Austin, and Nacogdoches. These divisions increased local autonomy to some extent because each department was governed by its own jefe político.[41] The most important decisions, however, remained the prerogative of officials in Saltillo and discontent generated by that arrangement became one of the many burrs under the saddle that led Texas to throw off Mexican rule in 1836.[42]

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From the local level to Mexico

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sought greater autonomy. Under the 1824 Constitution, territorial government fell under the direct control of Congress. Whatever advantages that might have offered, it also ran contrary to the basic federalist ideal of regional autonomy. In the preamble to the Constitution, for example, Lorenzo de Zavala, the liberal from Yucatán, and others had recognized the "enormous differences of climate, temperature, and their consequent influence" on Mexico's many regions. The preamble contrasted "the baked soil of Veracruz and the frozen mountains of New Mexico" and asked, "can you demand that the inhabitants of California and Sonora have the same institutions as Yucatán and Tamaulipas?"[43] Under the 1824 Constitution, the answer for the territories of Alta California and New Mexico was "yes."

The territories not only came directly under congressional supervision, but remarkably they also lacked regulations for internal government. The 1824 Constitution left the details of internal administration, such as regulations for municipal government, to individual states.[44] In the case of the territories, however, Congress itself had responsibility for drawing up a plan for internal government. Congress came close. A committee of the lower house approved one plan in 1828, but no plan won approval of the entire Congress throughout the dozen years the Constitution of 1824 remained in effect.[45]

As a result, the internal governments of Alta California and New Mexico continued to operate under the laws of the Spanish Cortes, sprinkled with regulations of the Mexican republic. The diputaciones and the ayuntamientos, for example, functioned well into the 1830s under regulations of 1812 and 1813.[46] Instead of calling itself the "diputación provincial," the assembly became the "diputación territorial." Instead of sending a delegate to the Cortes in Spain, the territories regularly sent representatives to the Congress in Mexico City.

This arrangement worked poorly. Local institutions, especially the diputaciones, lacked sufficient authority to function effectively, in the view of frontiersmen, and were reduced to advisory bodies. Moreover, frontier officials could never be certain which Spanish regulations were still in force or if they conflicted with the new laws of the Republic. Each side in a controversy could usually find a law to support its position. New Mexico officials, for example, began in the mid-1820s to reapportion uncultivated lands of Pueblo Indians in compliance with a law of November 9, 1812. When Pueblos from Pecos challenged them, officials had to ask the central government for clarification of the law and several years went by before the question was resolved (in favor of the Indians).[47]

From the local level to Mexico City, officials deplored the ambiguities

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of the laws and the failure of Congress to clarify the situation. Melquiades Antonio Ortega of New Mexico, for example, lamented in 1831 that "the old Spanish laws are seen [still] in force, many of them incompatible with our present federal system."[48] He urged Congress to attend to the matter. His sentiments were echoed by *californios*, such as Juan Bandini and Carlos Carrillo who represented California in Congress,[49] and by a series of cabinet ministers who regularly issued warnings that the matter was "more urgent by the day," and that a solution was "absolutely indispensable." As the Secretary of Internal and Foreign Affairs explained to Congress in 1829, "the laws of the Spanish Cortes . . . present many difficulties, doubts, and perhaps errors in their application, because they were made for other countries, for another kind of government, and for other circumstances very different from ours."[50] Overlapping and contradictory laws caused problems throughout the young republic,[51] but they led to an unusual degree of confusion in the two isolated frontier territories where the government could not arbitrate disputes effectively.

By the 1830s, the frustrated frontiersmen tired of waiting for Congress. Some New Mexicans drew up a plan for statehood in 1831, proposing to name the territory the State of Hidalgo. Although the plan won the endorsement of many municipalities, the territorial assembly tabled it. The *californios* never went quite that far, although they too considered a name change when Juan Bandini proposed that California be known as the Territory of Montezuma.[52] In 1834, the independent-minded California diputación drew up regulations for its own operation and submitted them to Congress for approval. This document, the first pamphlet printed in California, fell short of serving as an organic law for territorial government and apparently never won congressional approval.[53]

Thus, the federalist promise of increased local autonomy was never fully kept in the Far North, where Texas remained tied to Coahuila, and New Mexico and Alta California retained a confusing territorial status.

The frontier provinces not only failed to enjoy the same degree of home rule as the states of central Mexico, but autonomy varied from one frontier province to another, depending upon local conditions. Considerable differences in local government existed even between Alta California and New Mexico, although both came under the territorial system.

The more populous and mature Territory of New Mexico proved more fertile for representative government than did California, which had been dominated by a military regime under Spain. Liberal legislation, originating in the Spanish Cortes, prohibited a single official from serv-

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ing simultaneously as *jefe militar* and *jefe político* under ordinary circumstances.[54] New Mexico, which had established the precedent of civilians serving as governors in the Spanish period, moved quickly toward separating the two offices in the 1820s, although the exigencies of frontier life required that governors hold both positions from time to time, as New Mexico leaders recognized.[55] In California, on the other hand, it remained the norm for officers to hold both military and civil commands during the federalist era.[56] Some of these officers showed scant respect for civilian rule and used their power to thwart the development of representative institutions.[57] Bautista Alvarado, one of two civilians to serve as governor in Mexican California (1836–42), later recalled that "with military authority the governors of California might carry the entire legal code about in their own mouths."[58] Two of California's representatives to Congress, Carlos Carrillo and Juan Bandini, sought unsuccessfully to divide the two commands and end what one padre termed California's "military despotism." The issue was of such importance that it contributed to insurrection in California in 1831 and in 1836.[59]

In contrast to New Mexico, where the diputación met regularly, California's diputación was nearly defunct. The California legislators met only two years out of the six between 1825 and 1831.[60] In addition to difficulties imposed by the absence of clear laws regarding the administration of the territories and the great distances that representatives had to travel along the extended coastline to attend meetings, the failure of the California diputación to meet regularly resulted from active opposition by military officers. Lt. Col. Nicolás Gutiérrez, who occupied the governor's office from 1835 to 1836, reportedly articulated the military viewpoint by remarking that he "had no need of diputados of pen and voice while he had plenty of diputados of sword and gun."[61]

New Mexico had ayuntamientos functioning in its major towns and many of its Indian Pueblos by the early 1820s, but California was much slower to embrace municipal government by civilians. Town councils had existed at Los Angeles, San Jose, and Santa Cruz in the Spanish period, but remained powerless and immature because military officers, called *comisionados,* supervised all details of town government. These officers yielded power to civilians with reluctance in the 1820s and hindered the development of municipal government. The hostility of some officers to civilian control at the local level was unmistakable, as when Lt. Col. Manuel Victoria, who served as governor in 1831, urged the abolition of all ayuntamientos in California in favor of military rule.[62]

As a result of military recalcitrance and the slow growth of the civilian population, town councils formed more slowly in Alta California than in New Mexico. By 1830 ayuntamientos existed in only four communities:

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Los Angeles and San Jose (both restructured in 1822) and Santa Barbara and Monterey (both formed in 1826). Yerba Buena, which eventually grew into the city of San Francisco, did not become a pueblo until 1834.[63] The decaying presidial community of San Diego was not granted the status of a town until 1835, when the government responded to a petition from local residents who complained about the "oppression" of military government and asked for the same rights enjoyed by other citizens of the republic.[64] Also, in contrast to New Mexico, communities of Hispanicized Indians in California did not enjoy self-government because they came under the nearly complete domination of the Franciscan mission system until the mid-1830s.

A substantial difference also existed in the kind of representation that New Mexico and Alta California had in Congress. The 1824 Constitution did not allow territories a voice in the Senate, but it did permit one elected representative to serve in the chamber of deputies (*cámara de diputados*), the lower house of Congress. Representatives from territories with fewer than 40,000 residents, however, could not vote.[65] Under this rule, New Mexico could send a voting representative to the chamber of deputies, but the diputado sent from less populous California was limited to speaking on issues.

This restriction on their deputy might have contributed to the doubts that many *californios* had about the wisdom of spending territorial revenue to send a representative to Congress, and *californios* did not regularly elect a delegate in the 1820s.[66] The two who did represent them in that decade did so poorly. Through no fault of his own, Spanish-born Capt. José de la Guerra y Noriega of Santa Barbara fell victim to fierce anti-Spanish sentiment in 1828. Although he had not set foot in Spain since age thirteen, he was denied his seat in the Chamber and had to flee central Mexico incognito. Congress accepted the credentials of his Mexican-born successor, José Joaquín Maitorena, but overdoses of alcohol limited Lieutenant Maitorena's effectiveness. Not until the 1830s did California regularly send effective representatives to Congress.[67]

New Mexicans, on the other hand, sent elected deputies to Congress at regular two-year intervals during all of these years. This constituted a major expense for the territory and frequently for the diputado when the territorial treasury could not afford to pay his salary or bills.[68] Having a voting representative in Congress, however, seems to have paid back dividends for the territory as well as for the diputado. For example, *nuevomexicanos* had better luck than the *californios* at having one of their own appointed to the governorship and the influence of their diputados on these choices seems clear. Santiago Abreú, who served as diputado in 1825–26, went on to become governor in 1832–33. José Antonio Chaves,

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diputado for the 1827–28 term, returned home with the governorship from 1829 to 1832. Rafael Sarracino, diputado in 1831–32, may have had something to do with the appointment of his brother, Francisco, to the governorship in 1833.

If variations existed between the internal governments of California and New Mexico, both of which were territories, the differences in government were even greater between the territories and Sonora and Texas, both of which were governed by state laws. It is difficult to generalize about the particulars of government throughout the frontier in the federalist era, but the overall pattern seems clear. The federalists retained and refined the philosophy and institutions of representative regional government of the Cortes of Cádiz. As a result, frontiersmen enjoyed more autonomy than ever before. They did not have the same degree of autonomy, however, as most other Mexican states, nor as much as they might reasonably have expected under a federalist regime.

The federalist system, with the liberal-leaning 1824 Constitution as its cornerstone, crumbled and fell apart in the mid-1830s. After the dust had cleared, a conservative, centralist regime emerged that was destined to last to 1846.[69]

The liberals had faced extraordinary problems that would have destabilized any regime. With little prior experience at self-government, they sought to restructure economic, political, and social institutions in the face of disruption: recurring international crises with Spain; interference in internal political and economic affairs by England and the United States; an economy in shambles; and an intransigent political opposition that did not want to see the traditional order altered. To bolster their positions, both the liberals and their conservative opponents had turned to military strongmen for help and the military responded with a vengeance. The orderly transfer of power from one elected official to another was dealt a death blow in 1828 when the legally elected administration of Manuel Gómez Pedraza was overthrown by the supporters of Vicente Guerrero, who in turn was ousted by his own vice-president Anastasio Bustamante. A pattern of military intervention and coup and counter coup, which would endure for a half century, had been established and Mexican politics quickly won a reputation for volatility. "The political character of this country," Stephen Austin wrote in 1835, "seems to partake of its geological features—all is volcanic."[70]

With a literate population of perhaps no more than five percent, few understood why the volcanoes smoked or knew the difference between liberals and conservatives. But most did understand, as one historian has suggested, that day-to-day life had worsened "with the disappear-

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ance of the strong and well-organized colonial administrative system."[71] Little wonder, then, that conservatives who sought to restore the highly centralized Spanish system of the late colonial period would have their day.

The conservative ascendency in national politics got underway in 1834 when President Antonio López de Santa Anna ousted leading liberals from his government largely because they had proposed reforms that threatened the privileged position of two powerful and conservative institutions, the Church and the military. Fearful that the conservatives would overthrow his government, Santa Anna switched sides and joined them. With his newfound allies, he formed a congress which met in 1835 and began to restructure the government on centralist principles. In October 1835 Congress dissolved the state legislatures, placed the state governors under the direct control of the central government by making them presidential appointees, and adopted the "bases for the new constitution." Over the next year Congress hotly debated seven new constitutional measures which finally went into effect on December 30, 1836, officially replacing the 1824 Constitution.[72]

The 1836 Constitution, also known as the "Seven Laws" or the "Seven Plagues" depending on one's side of the political spectrum, remained in force only briefly. Mexican politics deteriorated further, entering an era in which the nation "constantly teetered between simple chaos and unmitigated anarchy. . . . Between May 1833 and August 1855 the presidency changed hands thirty-six times, the average term being about seven and a half months."[73] Growing opposition to the Constitution of 1836 finally coalesced around a new national charter, the Bases of Tacubaya, adopted on September 28, 1841. The Tacubaya plan abrogated the 1836 Constitution and paved the way for still another constitution, popularly known as the Bases Orgánicas, published on June 14, 1843. Even more conservative and centralized than its predecessors, the Bases Orgánicas endured through the three chaotic years preceding war with the United States—characterized as "the most turbulent period of Mexican history."[74]

On August 22, 1846, shortly after the outbreak of war, troubled politicians in Mexico City abolished the Bases and temporarily restored the Constitution of 1824.[75] That return to federalism had no effect on the northern frontier. American naval forces had already seized Monterey in Alta California in July, and on August 18, just four days before the restoration of the 1824 Constitution, the American Army of the West had marched into Santa Fe. The centralist era lasted just over a decade, from 1835 to 1846, but it would have profound repercussions on the frontier.

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The centralists reorganized the frontier in important ways. The 1836 Constitution and its successors converted all states and territories of the republic into "departments." This included both Alta and Baja California, which were combined as the single Department of the Californias, and the Department of New Mexico. The conservatives also granted Texas its long-sought autonomy, elevating it in 1836 to the status of a single department, separate from Coahuila. For *tejanos*, who had successfully seceded earlier in the year from the republic and carved a new nation out of the northeastern edge of the frontier, the gesture came too late. Although the central government refused to recognize Texas's independence as an accomplished fact and looked toward the "reestablishment of order" in that rebellious area, Texas remained independent from 1836 until its annexation by the United States in 1845.[76] Thus, the centralist era saw the settled area of Mexico's Far North reduced to Alta California, New Mexico, and southern Arizona.

The centralists proceeded to restructure departmental governments throughout the nation in an effort to provide a clear chain of command from the national to the local levels. Centralization of power, they hoped, would avoid some of the centrifugal excesses of federalism and forge a more unified nation. Therefore, regulations for the internal government of the new departments called for authority to reside in the office of the governor—now called a *gobernador* instead of a jefe político—named by and responsible to the president. Each department was divided into districts (*distritos*) headed by a prefect (*prefecto*) directly responsible to the governor. Districts, in turn, were to be divided into *partidos* headed by subprefects responsible to the prefects. Finally, below partidos came urban centers and town government. By 1836, any frontier community of importance had formed an ayuntamiento. The centralists abolished most of these institutions of representative government, permitting ayuntamientos to function only in the capitals of departments, in inland towns over 8,000 and coastal towns over 4,000, or in places where an ayuntamiento had existed prior to 1808.[77]

No town on the frontier was large enough to qualify for an ayuntamiento on the basis of population, but San Antonio, Santa Fe, and Monterey met the requirements as departmental capitals. Los Angeles, San Jose, and Santa Cruz qualified because they apparently had ayuntamientos prior to 1808.[78] Towns that did not qualify for an ayuntamiento under the centralist regulations were to be governed by an appointed *juez de paz*, or justice of the peace, responsible to the subprefect.

The centralists also abolished the once-independent and popularly elected state legislatures and replaced them with smaller, less powerful bodies. The legislative branches of departmental governments were usually

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seven-member juntas, chosen through indirect elections and with circumscribed powers.[79] Congress, for example, retained the right to review their enactments and budgets. These departmental legislatures were called *juntas departamentales* under the 1836 Constitution, and *asambleas departamentales* under the 1843 charter, but their responsibilities and powers remained essentially the same.[80]

The conservatives not only sought to centralize government, but to put it in the hands of the propertied classes—the group that they perceived as most able to manage the affairs of state. Both the 1836 and 1843 constitutions limited the right to vote and to hold office to adult males of means. The 1836 Constitution, for example, conferred full citizenship only on those Mexicans who had an income of at least 100 pesos a year. All Mexican citizens or noncitizens possessed certain rights and protections under the law, but only those who met minimum income requirements could vote or hold office. The prerequisites for serving on an ayuntamiento, for example, included an annual income of at least 500 pesos per year; a deputy to Congress or member of a departmental assembly had to make 1500 pesos annually; minimum for a governor was 2,000 pesos. The 1843 Constitution set similar standards, but raised the annual income requirement for the privilege of citizenship to 200 pesos a year.[81] These restrictions, coupled with the continuation of a system of indirect elections, effectively excluded all but frontier oligarchs from positions of political power—and even excluded some of them.

The most immediate and stunning impact of the shift from liberalism to conservatism and from federalism to centralism was a series of revolts. Not only Texas, but Alta California, New Mexico, and several other departments as well, declared against the central government between 1836 and 1838. Although some frontier leaders, such as Mariano Guadalupe Vallejo of California, sympathized with the point of view that the central government needed to exert greater control over the beleaguered frontier provinces, prevailing opinion among the frontier políticos ran in favor of greater home rule.[82] Many would have agreed with California's last Mexican governor, Pío Pico, who declared that he "would die of hunger . . . rather than abandon my [federalist] principles."[83] The revolts of 1836–38 are of such significance and their causes so profound, that they form the subject of a single chapter later in this study.

All of the frontier provinces except Texas eventually returned to the fold and began to restructure their governments, following the centralist directives. In 1837 New Mexico was divided into two districts, each district having two partidos. In 1839, following a period of revolt and civil wars, the Californias were divided into three districts, one embracing all of Baja California and the more populous Alta California compris-

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ing two districts.[84] At the same time, ayuntamientos stopped functioning nearly everywhere except in Santa Fe and justices of the peace took their place. Here and there a few *alcaldes*, officials who had held some executive and legislative as well as judicial powers under Spain, continued to hold court. The centralist system was not set in concrete. Further restructuring occurred in the 1840s. New Mexico, for example, was divided into three districts instead of two in 1844 and the number of alcaldes began to increase in both New Mexico and California.[85] Experiments with the system continued even as war loomed with the United States.

For Alta California and New Mexico, perhaps the most important effect of the departmental system was that it perpetuated the major weakness of the territorial system: it did not provide frontier departments with sufficient autonomy. Under the conservatives, however, this happened by design and not through oversight as it had under the federalists.

California and New Mexico received less autonomy under the conservatives than did other departments, just as they had played a subordinate role to the states when they were territories. The 1843 Constitution singled out the Californias and New Mexico as needing special management because of their vulnerable situation on the frontier and granted Congress the right to intervene in their internal affairs when necessary.[86] Similarly, both the constitutions of 1836 and 1843 set up special procedures for appointing governors for frontier departments. Ordinarily a departmental assembly was to furnish a short list of candidates from which the central government would make a choice. Under the centralist constitutions, however, the central government had no obligation to appoint a governor from the lists provided by frontier departments.[87] This, of course, gave Mexico City a greater degree of control over the frontier departments and may have represented a lack of faith in the locals to govern themselves as well as a recognition that the frontier required special treatment. Authorities had learned from General José de Figueroa, when he served as governor of California in 1833, that none of the *californios* were "even tolerably qualified for the office" of governor; similar reports probably reached Mexico City from other frontier provinces.[88]

Under these circumstances, military men who were not native to the frontier continued to be appointed to governorships and to win opprobrium for their lack of knowledge and scant sympathy for local conditions. In 1846, on the eve of war with the United States, Donaciano Vigil of New Mexico penned a vigorous protest against the policy of naming outsiders to positions of civil or military leadership and reviewed the terms of two governors sent by the centralists, Colonel Albino Pérez and

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General Mariano Martínez. Vigil credited Pérez (1835–37) with "good intentions," but condemned "his lack of practical knowledge of the character, interests and traditional customs of New Mexicans, causing him to make mistakes which brought us days so bitter. . . ." Vigil dismissed Martínez as distinguishing himself "for his great ignorance of our situation and relations with neighboring heathen tribes."[89] In California the centralist appointees who served as governor in these years, Col. Mariano Chico (1836), Lt. Col. Nicolás Gutiérrez (1836), and Gen. Manuel Micheltorena (1842–45), failed to win the hearts of the *californios* and, like Pérez of New Mexico, were overthrown.[90]

Resentment toward the central government mounted as frontiersmen saw key decisions, which affected every part of their lives, being made by outsiders or by políticos in a faraway capital. Did the central government know enough about local conditions to meet the special needs of the frontier? It appeared not. The requirements that set a minimum income for office holders, for example, showed little understanding of economic conditions on the frontier. New Mexicans found it difficult to find qualified people to fill all the positions in the departmental assembly, and one visitor to the Californias, Capt. Andrés Castillero, noted that no one "has the capital indicated by law, in order to become governor, senator or deputy" under the 1836 Constitution and that "some allowances should be made."[91]

The central government also displayed insensitivity to frontier economic realities when it increased the number of salaried officials under the departmental system. The new laws put prefects, subprefects, and even members of the assembly on departmental payrolls and the always impecunious local treasuries fell deeper into debt. At times the New Mexico assembly did not meet for lack of funds and some of New Mexico's leading citizens went so far as to urge that the department be converted back to territorial status because it could not afford departmental government.[92] The *californios* simply dismantled the expensive system. In 1843, with the departmental treasury containing all of four *reales*—about fifty cents—Governor Manuel Micheltorena convoked the departmental junta, which effected a savings by temporarily abolishing the offices of the prefect and subprefect, eliminating several judgeships, and reducing salaries of other officials.[93]

In fact if not in theory, the departmental system designed by the centralists resembled the territorial structure of the federalists. Even the departmental assemblies, although they showed occasional sparks of independence, resembled the territorial diputaciones in that they remained small (seven members) and weak. Manuel Castañares, who represented the Californias in Congress in 1844, described the powers of these assem-

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Thus, like federalism before it, centralism served the frontier poorly. Neither centralists nor federalists granted frontiersmen sufficient autonomy to deal effectively with local problems. Both the federalists and the centralists sought to maintain control over the frontier and reserved for the central government the right to make key decisions, but failed to implement them. Nowhere was that failure clearer than in the case of the judicial system, which some contemporaries regarded as the foundation of good government.[95]

Under Spain, the judiciary had functioned poorly on the frontier, with no level of justice higher than local courts, presided over by alcaldes empowered to treat only minor civil and criminal cases. Cases involving large sums of money, important issues, or the appeal of an alcalde's decision required a journey of extraordinary length to a higher court in Guadalajara or Mexico City. The high cost of travel—both in time and money—put appellate courts out of the reach of most pobladores, and the cost of justice often exceeded its rewards even for the well-to-do. The poor quality of local courts aggravated the situation. Local alcaldes often knew little of the law and some were corrupt. In California and Texas military officers often rendered legal decisions and earned a reputation as capricious and "absolutely ignorant of the simplest ideas of law."[96] Under independent Mexico, change began, but more in theory than in practice.

In the federalist era a series of new laws addressed the judicial problems that afflicted the frontier. An 1812 act of the Cortes of Cádiz, reenacted in 1833, required that judges learned in the law (*jueces letrados*) be available for residents of even the most remote communities.[97] The 1824 Constitution and subsequent acts provided that in New Mexico and Alta California district courts be established to hear cases involving large sums of money or serious crimes, or to take appeals beyond the local alcalde.[98] Beyond the district courts, appeals could be taken to circuit courts located near the edge of the frontier—New Mexico, for example, became part of a circuit which included Durango and Chihuahua under an 1826 law.[99] Thus, only the most serious case would need to be appealed all the way to Mexico City. Moreover, federalist legislation profoundly altered the legal system by creating an independent judiciary, separate from other branches of government. Whereas the Spanish system had blended the three traditional branches of government—executive, legislative, and judicial—the federalists specifically separated them and prohibited one person or one body from holding more than one of these

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powers.[100] Following the liberal model of the Cortes of Cádiz, federalist laws also prohibited military officers from hearing civil cases, as had commonly occurred on the frontier. The 1824 Constitution also maintained one of the contradictions endorsed by the Cádiz liberals. While maintaining the equality of all citizens before the law, the Constitution preserved the privilege, or *fuero,* of the military and the clergy to be exempt from civil courts and to be tried by their own tribunals. This fuero remained intact through most of the Mexican period.[101]

Despite its good intentions, the central government simply lacked the means to implement the new judicial system throughout the republic. Significant reforms reached as far north as the State of Chihuahua, but did not make serious inroads in the territories of Alta California and New Mexico.[102] Instead, a litany of complaints drifted back to Mexico City from the territories in the 1820s and early 1830s: the district courts required by law had not been established; the frontier still lacked trained lawyers (those who came stayed too briefly to have an effect); and marginally literate alcaldes with no training in the law continued to preside over the courts.[103] As Pablo Montoya of New Mexico modestly explained, all of the alcaldes "with the exception of myself and one other . . . lack the necesary knowledge of the method of holding a trial."[104] Chihuahua-born attorney Antonio Barreiro thought that the scarcity of literate and trained judges was so serious that it threatened the very ability of "free institutions" to function on the frontier.[105]

Thus, the independent and efficient judiciary that the federalists sought to establish never became a reality on the northern frontier. Alcaldes continued to exercise executive and legislative as well as judicial power. One visitor to California described the alcalde as a combination of "a mayor and a justice of the peace,"[106] and he might have added a city councilman as well because alcaldes also served on the town councils. For lack of higher courts in the territories, the governors continued to serve as "a sort of court of appeals," according to Barreiro, and military officials continued to hear cases in California.[107] In short, although Mexican legislation created a new judiciary on paper, a modified Spanish system remained in force in practice in the territories of Alta California and New Mexico throughout the federalist era.[108]

Texas shared many of the problems that plagued the frontier territories, even though it was part of the State of Coahuila: lack of trained judges and legal advisors, and extraordinary distance to the nearest appellate court in Saltillo, the state capital. The ayuntamiento of San Antonio explained the problem plainly in 1832: "the judicial branch [of government] has never been properly organized, and it can be said with good reason that in regard to this branch that there is not, nor has there

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been government in Texas."[109] A judicial reform act approved by the state legislature on April 17, 1834, established an appellate circuit court in Texas, increased the number of local courts, and provided for trial by jury in both civil and criminal cases. Although many liberals had favored a jury system for Mexico, only a few states adopted the idea, Coahuila-Texas being one of them.[110] The 1834 reform act might have improved the administration of justice substantially in Texas, had it not become lost in the events leading to the Texas revolt.

From Texas to California, then, the federalists failed to establish a satisfactory judicial system. The centralists recognized the problem and addressed it with sweeping legislation, but the results were modest. Under the 1836 Constitution and subsequent acts, the centralists sought: to extend the number of justices at the local level and increase their efficiency; to create appellate courts in New Mexico and Alta California—courts of the first instance (*juzgados de primera instancia*) and superior courts (*tribunales superiores*); and to grant judicial functions to governors and prefects.[111] These reforms brought some improvements, but a considerable gap remained between the good intentions expressed by legislation and its implementation on the frontier. By the mid-1840s, after a decade of sometimes vacillating centralist policies, appellate courts had begun to operate on the frontier, but on an irregular basis. The frontier still lacked a sufficient number of *jueces de letras* to fill judicial positions, and in California military officers continued to administer justice when civil courts failed to function.[112]

The centralists' failure to revamp the judicial system probably strengthened the authority of local alcaldes.[113] Whatever their limitations, alcaldes often represented the only justice on the frontier. Indeed, for lack of learned judges, the senior alcalde in a district might also double as the Judge of the Court of First Instance. Until the end of the Mexican period, then, minor civil and criminal cases continued to be heard by alcaldes who had no formal training in the law and who largely followed traditional procedures dating back to the Spanish era. Under the centralist regulations, for example, alcaldes treated disputes either through a process of nonbinding arbitration or through a process of binding verbal decisions. With either method, the alcalde could receive advice from two *hombres buenos*, arbitrators chosen by each party to the dispute. One contemporary described the use of hombres buenos as "the nearest approximation that is made to trial by jury," but no jury system such as Anglo-Americans knew operated on the frontier.[114]

Whatever improvements occurred in the administration of justice under independent Mexico, they remained insufficient to please either the frontiersmen or the growing number of foreigners who came to the

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region to do business. Josiah Gregg, an American merchant who traded in Santa Fe in the 1830s and early 1840s, echoed the sentiments of many of his countrymen when he wrote that "little or rather no attention is paid to any code of laws; in fact, there is scarcely one alcalde in a dozen who knows what a law is, or who ever saw a lawbook."[115] The Englishman, Sir George Simpson, who was in California in 1842, succinctly expressed the sentiments of many foreigners: "the judicial system is rotten to the core."[116]

Throughout Mexico, as contemporaries agreed, the administration of justice remained chaotic in the decades following independence. Lack of a "clear and precise legal code," one Mexican liberal complained, made the judicial process "long and costly" and confirmed the adage that "a bad agreement is worth more than a good lawsuit."[117] But it seems fair to conclude that if guarantees of life and property were weak in central Mexico, they were all the weaker on the northern frontier with its distance from appellate courts, shortage of attorneys and judges trained in the law, and welter of confusing and contradictory laws.

The judicial system provides just one example of the failure of the new politics, whether under liberal or conservative administrations, to deal effectively with frontier problems. One result of that failure was a growing discontent among frontier políticos who condemned the central government for neglecting them. "Hopes and promises are only what it [New Mexico] has received . . . from its mother country," Mariano Chávez, President of the New Mexico Assembly, wrote in 1844.[118] Mariano Guadalupe Vallejo of California deplored not only government neglect but, he added, "when the paternal government of the Mexican Republic remembered us, it did so in such a way as to fill us with dismay."[119]

The neglect and insensitivity that Chávez and other frontier leaders experienced seemed a result of the failure of the central government to put its own political house in order. From California to Texas, frontiersmen recognized that political turmoil in Mexico City since independence had prevented the central government from addressing problems on the frontier. As one New Mexican bitterly complained, "Mexico has never been able to protect us because, unfortunately, of continuous revolts . . . opportunism has smashed the union to pieces."[120]

Although frontier politicians continued to request help from the central government, they also continued to seek greater local autonomy until the end of the Mexican era. In mid-1845, for example, the California assembly asked for a return to the federalist system and the 1824 Constitution.[121] Failing to achieve autonomy through legal means, frontier políticos often accomplished it extralegally by simply ignoring or dis-

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obeying federal regulations. They neglected to send in annual reports required by law, or to seek congressional approval for local rules and regulations, or to pay assessments, or to enforce national tariff regulations.[122] The gap between law and practice probably widened during the Mexican era as pobladores grew more disaffected with the central government and implicitly questioned the legitimacy of laws, institutions, and politicians who upheld them.

The tendency of frontier officials to bend or break unpopular national laws, coupled with the kaleidoscopic changes of laws and governments in Mexico City, confirmed the prejudices of many foreigners that Mexicans lacked the capacity to govern themselves. "The government of California," wrote one American visitor in the 1840s, "has been, like all Mexican governments, very lax and inefficient . . . and infinitely worse than none."[123] Mexico's political turmoil convinced many foreigners, and frontiersmen as well, that "nothing more is wanted but just equal laws & a good government; yes any government that can be permanent & combine the confindence [sic] & goodwill of those who think."[124] If Mexico could not effectively govern her Far North, it became very clear by the 1840s that some other government would.

After a quarter-century of Mexican rule, then, the new politics had brought profound change to the frontier in the form of more representative institutions and greater political autonomy than had existed under Spain, but instability and unresponsiveness also characterized the new politics. Results had not kept pace with heightened expectations. As a result, the specter of separatism, which had first worried Spanish officials in the late colonial period, grew more menacing under independent Mexico as frontiersmen questioned the legitimacy of political leaders and institutions and wondered if political ties to Mexico benefited them. The message reached politicians in Mexico City from a variety of sources in unequivocal language. Manuel Castañares, for example, urged the government to reorganize the judicial system in the Californias because "without a doubt that would contribute to the growth of a spirit of nationality that would keep California united to the republic, in opposition to the ideas that have been ingeniously introduced to separate from the nation this interesting and rich portion of the territory."[125]

By 1846 the northern frontier was woven less firmly into the political fabric of the young nation than ever before. Texas had revolted a decade before and its annexation by the United States in 1845 would contribute to an international war. In Alta California and New Mexico disaffection with Mexico had grown to serious proportions, noticeable even to the casual visitor. But the forces that fed frontier separatism during these years were not just political. Thoughtful frontiersmen had also witnessed

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a weakening of economic, military, cultural, and religious ties to Mexico following independence from Spain. The military and the Church in particular, those twin bastions of Spanish institutional strength in the Far North during the Spanish era, became caught up in the new politics and lost much of their effectiveness on the frontier in the decades following Mexican independence, as we shall see.

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