

## CHAPTER IX.

The new government—Constitution of Cúcuta—Division of the country into departments—Renewal of the Cabildos—Civil laws—Justice—Congress—The Executive Power.

WHEN the Spaniards had abandoned the American territory, Bolívar, supreme master of all the country, abdicated the dictatorship; but perhaps in divesting himself of this power, he only made himself more certain of exercising it. He afterwards employed himself in forming a government for the provinces of Caracas, and New Grenada, and in cementing their unions in order to make but one republic under the name of Colombia.

A congress at San-Toma (Guyana) had already, on the 17th of December 1819, formed one upon the model of that of the United States; but this was designed only for the province of Venezuela.

A fresh congress was therefore assembled at Cúcuta, on the 18th of July 1821, and the reunion of the two provinces of New Grenada, and of Venezuela was here decreed. The first however preserved its ancient supremacy, because the seat of government was fixed at Santa-Fé,

although it was ultimately resolved that it should be established at Cucuta, in bestowing on that town the name of Bolivar.

Venezuela, the birth place of the chief of the republic, possessed all the appointments.

On the 30th of August 1821, the constitution of Colombia was proclaimed at Cucuta. It is composed of ten chapters, and one hundred and ninety articles, of which the following are the principal :\*

The government of Colombia is that of a popular representation.

In each parish there is an assembly of the people, which meets every four years on the last Sunday in the month of July.

The right of voting belongs to every Colombian, who has attained twenty one years of age, who can read and write, and who possesses the sum of one hundred piastres.

The members of this assembly name the electors of the cantons, who must be twenty-five years of age, possess land of the value of five hundred piastres, or an income of three hundred piastres.

These electors of the canton, form the provincial assembly which meets every four years on the first of October. Their office is to elect the president and vice-president of the republic,

\* Cuerpo de Leyes de la republica de Colombia.

the senators of the department, and the representative or representatives of the province. The electors exercise their functions for four years.

The legislative power is confided to a congress divided into two chambers, that of the senate and that of the representatives.

The requisite qualifications of a senator, are, his being a native Creole of thirty years of age, his possessing a property of four thousand dollars in land or an annual revenue of five hundred dollars, or his exercising a learned profession ; or, if the candidate be a foreigner, he must have resided in the country twelve years, and must possess landed property to the value of sixteen thousand dollars.

Four senators are named for each department ; the duration of their functions is, for two of them, eight years, and for the other two, only four years. The differences are to be decided by lot, so that, according to the law, one half of the senate may be renewed every four years.

The impeachment of the public functionaries belongs exclusively to the senate.

The chamber of representatives is composed of deputies elected in the ratio of one for 30,000 souls ; but there are some provinces where this number is not necessary. When the number of one hundred representatives is completed, the

elections are to be continued, if permitted by the increase of the population, at the rate of one deputy for 40,000, or even for 50,000 souls, until the chamber be increased to one hundred and fifty deputies.

To be a deputy the person must be twenty-five years of age, and a landed proprietor to the amount of two thousand dollars, or 500 dollars of income, or a professor; a residence of two years in the country before the time of election, or of eight years, if not born in Colombia is also required, and in the latter case the qualification is increased to ten thousand dollars of landed property.

The chamber of representatives has an exclusive right of impeaching before the senate, the president, vice president, and ministers of the republic.

Publicity of discussion, the exclusion of all the principal public officers from the legislative functions, and the inviolability of the members during the existence of their term of election, with an allowance\* for their expenses, are articles common to both chambers.

The principal business of the legislative body is to fix the expenses of the state; to

\* The representatives receive nine dollars per day, during the whole time of the sessions, besides one dollar per day for their travelling expenses from their residence to the place where the congress meets.

levy taxes ; to decree the necessary loans, the value of the current coin, the creation or suppression of public employments, with the amount of the salaries ; the raising and organization of the armies ; to declare war and peace, and the limits of territory ; and, in fine, to establish the courts of justice, and to grant the dictatorship to the executive power.

A president and vice president, whose functions last for four years, and who cannot be elected more than once, compose the executive power, the former receives thirty thousand, and the latter sixteen thousand dollars per annum ; in case of death, their functions are to be exercised by the president of the senate.

The president, who is not permitted to leave the territory of the republic, assembles the congress and commands the armies ; he has the power of opposing his veto to any law projected for the first time, but when a majority of two thirds of the legislative body has accepted it, he is forced to give his consent ; he has the right in concert with the judges to commute all capital punishments.

His council is composed of the vice president, and the minister of the high court of justice, with the ministers of foreign affairs, of the interior, of the finances, of the navy, and of war, whose duty it is to give the congress, either verbally or in writing, every explanation that may be required

of them. The salary of these secretaries of state is six thousand dollars.

The third branch of the executive power, but the least effective, though the most necessary, is the high court of justice participating of the French council of state and court of cassation.

The high court of justice is composed of five members, viz. three judges, and two fiscals, who must possess the three indispensable qualities of being electors, counsellors of law, and of being thirty years of age.

The high court of justice decides respecting the claims of foreigners, and pronounces upon the difficulties or errors which may have arisen in the inferior tribunals. Notwithstanding the importance of these functions, the members are appointed by the senate, upon the presentation of the president, after the names of the candidates have been canvassed by the chamber of representatives. The duration of their employment is guaranteed to them, *as long as their conduct gives satisfaction*, a condition which leaves open a vast field to the arbitrary will of the senate. Other inferior courts will be established throughout the republic to facilitate the administration of justice; the members will be nominated by the president.

The territory of the republic has been divided into seven departments, each containing a certain number of provinces subdivided into cantons.

The following is a list of them, to which have been added the computed state of the population of each province and department, the number of senators elected for each department, and the places in which the commissioners reside.

NAMES of the departments.	NAMES of the provinces.	Popula- tion of each prov.	Popula- tion of each dep.	NUMBER of senators elected by each dep.	NUMBER of representa- tives elected by each prov	PLACES of residence of the com- missioners.
Oronooko.	Guyana.	45,000	175,000	4	2	Cumana.
	Cumana.	70,000			2	
	Barcelona.	45,000			2	
	Marguerita.	15,000			1	
Venezuela.	Caracas.	350,000	430,000	4	12	Caracas.
	Varinat.	80,000			3	
Sulia.	Coro.	30,000	162,100	4	1	Maracaibo.
	Trujillo.	33,100			1	
	Merida.	50,000			2	
	Maracaibo.	48,000			2	
Bogota.	Tunja.	200,000	444,000	4	7	Tunja.
	Socorro.	100,000			3	
	Pamplona.	75,000			3	
	Casanare.	19,000			1	
Cundinamarca.	Bogota.	172,000	371,000	4	6	Bogota.
	Antioquia.	101,000			3	
	Mariquita.	45,000			2	
	Neiba.	50,000			2	
Cauca.	Papayan.	171,000	193,200	4	6	Papayan.
	Choco.	22,000			1	
Magdalena.	Carthagena.	170,000	239,500	4	6	Carthagena.
	Santa Martha.	62,500			2	
	Riohacha.	7,000			1	
Panama.		50,000				
Veragua.		30,000				
Quito.		150,000				
Guiljos and Macos.		25,000				
Cuenca.		78,000				
Jaen.		13,000				
Malinas		36,000				
Lora		48,000				
Gusyaquil.		90,000				

According to this table the population of Colombia should be 2,644,600 souls,\* but another author† reckons them only at 2,500,000. It is difficult to give any exact calculation on this point,

\* Consequently less considerable than that of Egypt, although the country is more extensive.

† See note the 2nd.

for who is able to reckon the tribes that have been ranged, without their consent, in the number of Colombians, and who, by turns monarchical Spaniards, or republican Colombians, live equally independent of both these powers?

Another division called maritime has also been established, and the coasts have been divided into four departments.

The first comprehends Guyana, Cumana, Barcelona, and the island of Marguerita.

The second, the coasts of Caracas, Coro and Maracaïbo.

The third, Riohacha, Santa-Martha and Carthagena.

The fourth, the coasts of Atrato as far as those of Veragua.

Nothing has been determined respecting the coasts of the Pacific Ocean.

A commandant-general and an auditor of marine govern each province.

The administration of each department is committed to a commissioner named by the president; the salary of the commissioners is six thousand dollars per annum, and their functions cease at the end of three years. A practitioner in the law is attached to them as an assessor.

Each province has a governor, who is under the orders of the commissioner, and whose powers cease at the same time as his own.

The cantons are under the direction of civil



judges or sub-prefects (formerly called corregidores). The cantons are subdivided into cabildos or municipalities, of which the alcaldes are the representatives.

There are two alcaldes in each chief town of a canton, and two inferior ones in each parish; their duties consist in maintaining good order and tranquillity. They are charged with the superintendance of the primary schools, and the hospitals; with the repairs of roads and prisons; with the cleanliness of the towns, and with the distribution of encouragement to commerce and industry.

It is recommended to them, by the forty-eighth article of the law upon the organization of the departments, to be *obedient to the civil judges, and to all other superior authorities.*

Three years ago, the cabildos were filled by men inimical to the new system, but it has now been decided that the primary assemblies of the year 1822, should renew every appointment, and that henceforth these bodies should themselves proceed as formerly, to nominate their successors.

Colombia comprises two archbishoprics, that of Caracas, and that of Santa-Fè, both of which are vacant. Their suffragans are the ten bishoprics of Popayan, Carthagenà, Santa-Marta, Merida, Guyana, Antioquia, Quito, Cuenca, Maynas, and Panama, these three last have been

detached from the archbishopric of Lima, and it is intended to form them into an archbishopric at Quito.

The sees of Maynas, Cuenca, Santa-Martha, Antioquia, and Guyana are vacant. Those of Carthagena and Quito are being filled up\*.

The congress of Cucuta displayed an extraordinary activity, for they did not restrain themselves to the fundamental laws which have been noticed, but decreed a number of additional ones. They abolished the duties upon passports, as well as those paid by the washers of gold, and the tribute levied upon the Indians. They framed a very long regulation upon the direct contributions, with another upon the conscription ; gave the property of suppressed convents to the schools ; destroyed the inquisition, and consigned to the archbishops and bishops the judgment of the causes appertaining to that tribunal. Amongst their decrees may be remarked many against the moderalsists and the disaffected, whom they finally expelled from the territory of the republic. They abolished the duties of transport, and of excise upon the productions of the country, and reduced these imposts to a duty of two and a half per cent upon foreign commodities.

They promulgated a law upon the enfranchisement of slaves, which had at first been

\* See Note III.

solicited by the congress of Venezuela, and afterwards rejected by this province and that of Popayan, as being dangerous and pernicious to the prosperity of the state. They decreed the right of personal liberty and the liberty of the press; the confiscation of the property of emigrants, and the coining of platina and copper money. They granted a general licence for distillation, upon the payment of two piastres per month, and five dollars for each cantara of brandy; they also permitted the retailing of it upon paying two piastres per month.

Their most important law was that upon stamped paper, which they divided into four classes. That of the first pays twenty-four dollars; the second, eighteen; the third, twelve; and the fourth, six. All instruments, even petitions are written on this paper. Lastly, they enacted that the nation should have the right of reforming or remodelling the constitution within ten years, from the year 1821, during which period the republic of Colombia is to be governed by this prodigious number of decrees, regulations, and laws.

The executive power is more enlightened than the congress. It is often called upon to correct the numerous errors in the decrees of this first branch of the state; in other respects, a sufficient understanding prevails through the different members of the administration. Au-

bition not finding men at hand, capable of comprehending or supporting it, affects devotion to the cause, and does not separate itself from the mass of the nation.

A people familiarized with monarchical habits, might, perhaps, have been more easily advanced by means of a simpler form of government; thus notwithstanding the wisest intentions, the four or five persons that actually compose the government are but ill obeyed.

Many other reasons contribute also to the same result; amongst which may be reckoned the different castes, and the claims of a few generals, with whom, although their demands are sometimes exorbitant, it is necessary to preserve a friendly understanding, as they have it in their power to subvert the present established form of government.

The so much desired reunion of Caracas and New Grenada, has increased the public burdens, without augmenting the means of supporting these expenses.

The province of New Grenada, which contains very few blacks in comparison with the white population, voted for their enfranchisement; while Venezuela being overstocked with this mutinous people, demands that they should again be made slaves. Caracas complains that its services have been rewarded by placing the capital in a province formerly its rival. Santa-Fè ac-

knowledges that it has received the barren privilege of being, as formerly, the seat of government, while the employments and money are reserved for the intriguing people of Venezuela.

Guayaquil wished to be an hanseatic and independant town, and the riches it receives forms at present one of the greatest revenues of a republic which it could purchase.

Pasto, covered with mountains, desires to preserve the independance which Bolivar had recognized when he wished to escape from the hands of its ferocious inhabitants. Even the Indians demand leave to pay again their tribute, whilst others are hurt at having their name of Guagires changed into that of Colombians, without their consent; as if the republic had inherited them as a conquest made from Spain.

The blacks cry out for liberty, the mulattoes, for the extinction of prejudices; the Indian mulattoes, for the termination of the war; and the Indians, for the restoration of their privileges. A rupture threatens to divide each province.

In Venezuela, Montilla is the hope of the great white families. Paës at the head of his cavalry is the hero of the people of colour, and Sucre might desire to be something more than the mere creature of Bolivar, in the southern provinces which his ability has reduced.

Such are the difficulties which the government has to surmount, and which it combats with

considerable ability; but it is sometimes obliged to abandon the public revenues to the avidity of the principal chiefs, and to leave private fortunes to be plundered by their favorites. Besides which, far from accomplishing its wish of bringing the clergy into discredit, this order has increased in spite of government, for many enter into it, as into an inviolable asylum.

The different branches of government must necessarily languish in the midst of so many disorders, arising from the fury of a civil war, re-kindled from time to time in different places; at Maracaïbo, at Puerto-Cabello, at Santa-Martha, at Pasto, and in many parts of the plains of the Oronooko.