

**EXPOSITION OF THE ILLEGAL
ACTS OF EX-PRESIDENT
BALMACEDA, WHICH CAUSED
THE CIVIL WAR IN CHILE (NOT
COMPLETE P.4-40)**

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(not complete p.4-40) by Pedro Montt

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PEDRO MONTT

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EXPOSITION
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THE ILLEGAL ACTS
OF
EX-PRESIDENT BALMACEDA
WHICH
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BY
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Confidential Agent of the Constitutional Government.

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1891.

struggle and the manner in which it is being conducted by the opposing parties, will do our cause the full justice of their approval, bearing in mind that the right is always fearfully handicapped, at the inception of a struggle for liberty, by the fact that despotic authority is in possession of the capital, and is looked upon by foreign nations as the *de facto* government, and its opposers as insurgents and rebels.

A brief review of the causes which have led to the present civil struggle in our country will show that our Constitutional Government is no less the government *de jure* than was that of the Continental Congress in the revolt against the tyranny of George III in the last century, and is entitled to no less sympathy and approval.

II.

CHILE UNTIL 1890.

As is well known, the Republic of Chile is situated at the southern extremity of the South American continent.

After achieving her independence from Spain, Chile organized a republican government, and in 1833 adopted the Constitution which, up to the present year, continued to exist. Under the guarantees of this Constitution, she established and maintained internal tranquility, and was proud to march along the broad road of modern progress.

The population, which in 1833 did not exceed 800,000, is to-day more than 3,000,000. The public revenues have increased from \$1,000,000 to \$56,000,000, owing to the increase of national wealth, and not through excessive taxation. Education, public and private, has been successfully promoted, and is now popular with the masses. Railroad and telegraph

lines run through the land, extending their benefits to the towns and cities of the Republic, and by ocean cables Chile is in communication with the whole world. Her people find remunerative employment in commerce, mining, agriculture, and the useful arts, in all of which foreigners of all nations participate, enjoying the same rights and privileges as do the citizens of the country. Absolute toleration is accorded to all religious denominations, and the observance of the Constitution and laws, by the magistrates and people, was the guarantee of public order, internal tranquility and progress.

Under the Constitution of 1833, popular government was established. The executive power is vested in a President, who is elected every five years. The legislative power resides in two houses, both elected by the people, and whose members received no remuneration. The judges of the courts hold their offices for life or good behavior, and, in the exercise of their functions, are independent of the other departments of the Government.

The President appoints the ministers, without the concurrence of the Senate (as is necessary in the United States) or other body, and they can be members of either House, and when not members can assist at its sessions, taking part in its discussions, but not voting.

The fundamental dispositions that govern the relations between the President and Congress, are the following :

1. The budget or appropriations for carrying on the Government, and for other public uses, are voted annually by Congress, and no monies can be taken from the Treasury without this annual law.

2. The taxes are fixed annually by Congress, and the President is prohibited from ordering the collection or re-

ceiving any taxes or imposts, if not authorized by Congress, for a period not exceeding eighteen months.

3. The forces of the army and navy are fixed by Congress annually, and without this law no army or navy can legally exist in Chile.

4. Troops cannot be quartered in the place where Congress is in session, or within thirty miles of it, without the special permission of Congress, granted by law every year.

5. The President cannot be impeached during the term of his office, and no order of the President should be obeyed without the signature of a Cabinet Minister who assumes the responsibility, and is impeachable by the House of Representatives before the Senate.

These fundamental principles were observed in Chile, without interruption, from 1833 to 1890, a space of fifty-seven years. The power which they confer on Congress to participate in the administration of the government, and the irresponsibility of the President, on the one hand, and the privilege they accord the ministry to join in the debates of Congress, and their responsibility, on the other, brought about the result that no ministry can carry on the government, or exercise their functions without the acquiescence or confidence of the legislative body.

Thus, under the guidance of the ablest and purest men of the country, a complete system of parliamentary government grew up, and was universally recognized as the law of the land, and to its excellence was due the exceptional tranquility and prosperity enjoyed by Chile, under which her foreign commerce for 1889 increased to \$120,000,000, while the most enlightened and progressive laws were incorporated in her statute books: for instance,

a law giving the right of suffrage to every male citizen 21 years old, without other specification than his ability to read and write. A municipal reform law, which resembled those in force in the United States, had been passed by the Houses, but was opposed by Mr. Balmaceda.

Eleven presidential periods have succeeded each other, regularly, under the Ægis of the Constitution of 1833, namely, that of General Prieto, two terms, from 1831 to 1841; General Bulnes, two terms, from 1841 to 1851; Don Manuel Montt from 1851 to 1861; Don Joaquin Perez from 1861 to 1871; Don Federico Errazuriz from 1871 to 1876; Don Anibal Pinto from 1876 to 1881; and Don Domingo Santa Maria from 1881 to 1886.

All these distinguished statesmen discharged their executive duties in strict conformity with the Constitution and laws of the Republic, rendering them willing homage, even in periods of dangerous popular excitement, which disturbed the country some thirty or forty years ago. They all retired from power at the expiration of their presidential terms, handing over intact to their successors the sacred deposit of the institutions and laws confided to their care.

It was left to the present claimant of the presidential office to break this long and honorable record.

Mr. Balmaceda was elected President with the support of the liberal party in 1886. He had distinguished himself as a member of the House of Representatives, and as Minister of State. He had, on all occasions, proclaimed the doctrine which had never in Chile been called in question, that Cabinets could not exist without the acquiescence of Congress, and that the acquiescence of Congress was essential to the continuance in power of a Chilian cabinet, just as a con-

firmation by the Senate is necessary to enable Cabinet officers to perform their functions in the United States.

During the first years of his administration, Mr. Balmaceda was discreet, conciliating, and attentive to the voice of public opinion, and succeeded in reuniting the liberal party, which, in the heat of the campaign, resulting in his election, had become divided. Thus, accepted by the entire liberal party, thereafter his administration was unopposed. In his messages to Congress in 1887 and 1888, which he read on its opening, he felicitated its members upon the satisfactory results of our parliamentary system of government, and upon the progress the country was making under it.

III.

COMMENCEMENT OF TROUBLES.

Up to this time, the political course of Balmaceda was consistent and patriotic. But, intoxicated by the exercise of power, he was loath to surrender it. As he could not hold office for a second term, he determined to enjoy all its substantial fruits, by forcing into the Presidential office a creature of his own selection, who would be merely a *locum tenens*, while he would be the real President of the Republic, and be able to elect himself for the succeeding term.

With far-casting diplomacy and intrigue, he put in operation all the influence of his office and administrative machinery to effect his purpose.

The intimate personal friend designed as his successor had none of the qualifications necessary for the Presidency, and his elevation was bitterly combatted by public opinion, and all the provinces; and both houses of Congress echoed the will of the people.

Notwithstanding the denial of the President of any unconstitutional designs, the Cabinet, at whose head was Mr. Demetrio Lastaria (who recently perished in the winter snows of the Andes escaping from the persecutions of Mr. Balmaceda), profoundly distrusted him and resigned. Congress was equally suspicious, and distrusted his professions of good faith. As a guarantee of it, he was induced, after various conferences with the leading men of the Republic, to appoint a Cabinet in accord with public sentiment, and in opposition to presidential intervention in the choice of a new President.

This Cabinet was constituted on the 23d of October 1889, and Congress manifested its satisfaction by passing the appropriation and army bills for the year 1890, as well as various laws for the general good.

But the people were not deceived by the President's professions, and entertained a profound distrust of his sincerity. These suspicions were speedily confirmed by Mr. Balmaceda's own friends, who openly declared that as soon as Congress had passed the appropriation bill the present Cabinet would be of no further use.

The ministry called the attention of the President to the general distrust, and besought him to assemble Congress in extraordinary session, in order to put an end to popular fears. Mr. Balmaceda accepted this advice with apparent pleasure, and authorized the ministers to declare in both Houses the President's solemn promise to call Congress to an extraordinary session in the month of April, 1890, when its members would have returned to the capital from their summer vacation; and further, that during that session a new electoral law, made necessary by a change in the Constitution the