

indeed overcome him through her love and sweetness. But let her not dominate him with her intellect nor with her learning.

Let women be women, always; but may men become worthier and better men.

Merida, January 13, 1916

FRANCISCA GARCÍA ORTIZ

## 6

### The Revolution's Achievements

The Constitutionalist led by Carranza—a coalition of dissident elites, members of the middle class, and various groups of country people and workers—set about to rewrite the Constitution of 1857 and to rebuild the war-torn nation. They favored minimal changes to the constitution, mostly to ensure access to politics and government, and had no intention of implementing profound reforms. Nonetheless, with Villa and Zapata still in the field, and a radical group within the Constitutionalist led by Obregón pushing for far-reaching concessions to workers and small farmers, the constitutional convention swerved to the left and ultimately produced the most radical document of its kind up to that time. The Constitution of 1917 notwithstanding, laws were enforced on the state and local levels, and there was considerable corruption and arbitrariness even in the process of reform.

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#### CONSTITUTIONAL CONVENTION

#### *The Constitution of 1917: Article 27*

1917

*Article 27 included the most far-reaching reforms of the Revolution. It touched on landownership, the Roman Catholic Church, and the rights of foreigners, all of which had been the subjects of unresolved debates during the nineteenth century. Most important, the article established that*

From "Political Constitution of the United States of Mexico: Article 27" in United States Senate, Committee on Foreign Relations, *Investigation of Mexican Affairs* (Washington, D.C.: Government Printing Office, 1920), 2:3126-29.

*landownership was originally vested in the nation and that the nation could expropriate land for the public good.*

ART. 27. The ownership of lands and waters within the limits of the national territory is vested originally in the nation, which has had and has the right to transmit title thereof to private persons, thereby constituting private property.

Private property shall not be expropriated except for cause of public utility and by means of indemnification.

The nation shall have at all times the right to impose on private property such limitations as the public interest may demand as well as the right to regulate the development of natural resources, which are susceptible of appropriation, in order to conserve them and equitably to distribute the public wealth. For this purpose necessary measures shall be taken to divide large landed estates; to develop small landed holdings; to establish new centers of rural population with such lands and waters as may be indispensable to them; to encourage agriculture and to prevent the destruction of natural resources and to protect property from damage detrimental to society. Settlements, hamlets situated on private property, and communes which lack lands or water or do not possess them in sufficient quantities for their needs shall have the right to be provided with them from the adjoining properties, always having due regard for small landed holdings. Wherefore, all grants of lands made up to the present time under the [agrarian] decree of January 6, 1915, are confirmed. Private property acquired for the said purposes shall be considered as taken for public use. In the nation is vested direct ownership of all minerals or substances which in veins, masses, or beds constitute deposits whose nature is different from the components of the land, such as minerals from which metals and metaloids used for industrial purposes are extracted; beds of precious stones, rock salt, and salt lakes formed directly by marine waters, products derived from the decomposition of rocks, when their exploitation requires underground work; phosphates which may be used for fertilizers; solid mineral fuels; petroleum and all hydrocarbons—solid, liquid, or gaseous.

In the nation is likewise vested the ownership of the waters of territorial seas to the extent and in the terms fixed by the law of nations; those of lakes and inlets of bays; those of interior lakes of natural formation which are directly connected with flowing waters; those of principal rivers or tributaries from the points at which their courses become

permanently identifiable to their mouths, whether they flow to the sea or cross two or more States; those of intermittent streams which traverse two or more States in their main body; the waters of rivers, streams, or ravines, when they bound the national territory or that of the States; waters extracted from mines; and the beds and banks of the lakes and streams hereinbefore mentioned, to the extent fixed by law. Any other stream of water not comprised within the foregoing enumeration shall be considered as an integral part of the private property through which it flows; but the development of the waters when they pass from one landed property to another shall be considered of public utility and shall be subject to the provisions prescribed by the States.

In the cases to which the two foregoing paragraphs refer, the ownership of the nation is inalienable and may not be lost by prescription; concessions shall be granted by the Federal Government to provide parties or civil or commercial corporations organized under the laws of Mexico, only on condition that said resources be regularly developed, and on the further condition that the legal provisions be observed.

Legal capacity to acquire ownership of lands and waters of the nation shall be governed by the following provisions:

I. Only Mexicans by birth or naturalization and Mexican companies have the right to acquire ownership in lands, waters, and their appurtenances, or to obtain concessions to develop mines, waters, or mineral fuels in the Republic of Mexico. The nation may grant the same right to foreigners, provided they agree before the department of foreign affairs to be considered Mexicans in respect to such property, and accordingly not to invoke the protection of their Governments in respect to the same, under penalty, in case of breach, of forfeiture to the nation of property so acquired. Within a zone of 100 kilometers from the frontiers, and of 50 kilometers from the seacoast no foreigner shall under any conditions acquire direct ownership of lands and waters.

II. The religious associations known as churches, irrespective of creed, shall in no case have legal capacity to acquire, hold, or administer real property or loans made on such real property; all such real property or loans as may be at present held by the said religious associations either on their own behalf or through third parties shall vest in the nation. . . . Places of public worship are the property of the nation, as represented by the Federal Government, which shall determine which of them may continue to be devoted to their present purposes. . . .

IV. Commercial stock companies may not acquire, hold, or administer rural properties. Companies of this nature which may be organized to develop any manufacturing, mining, petroleum, or other industry,

excepting only agricultural industries, may acquire, hold, or administer lands only in an area absolutely necessary for their establishments or adequate to serve the purposes indicated, which the executive of the union or of the State in each case shall determine.

V. The banks duly organized under the laws governing institutions of credit may make mortgage loans on rural and urban property in accordance with the provisions of the said laws, but they may not own or administer more real property than that absolutely necessary for their direct purposes; and they may furthermore hold temporarily for the brief term fixed by law such real property as may be judicially adjudicated to them in execution proceedings.

VI. Properties held in common by coowners, hamlets situated on private property, pueblos, tribal congregations and other settlements which, as a matter of fact or law, conserve their communal character, shall have legal capacity to enjoy in common the waters, woods and lands belonging to them, or which may have been or shall be restored to them according to the law of January 6, 1915, until such time as the manner of making the division exclusively of the lands shall be determined by law.

VII. Excepting the corporations to which Clauses III, IV, V and VI hereof refer no other civil corporation may hold or administer on its own behalf real estate or mortgage loans derived therefrom, with the single exception of buildings designed directly and immediately for the purposes of the institution. The States, the Federal district and the Territories as well as the municipalities throughout the Republic shall enjoy full legal capacity to acquire and hold all real estate necessary for public services.

The Federal and State laws shall determine within their respective jurisdictions those cases in which the occupation of private property is to be considered of public utility; and in accordance with the said laws the administrative authorities shall make the corresponding declaration. The amount fixed as compensation for the expropriated property shall be based on the sum at which the said property shall be valued for fiscal purposes in the . . . revenue offices, whether this value be that manifested by the owner or merely impliedly accepted by reason of the payment of his taxes on such a basis, to which basis there shall be added 10 per cent. . . .

During the next constitutional term the Congress and the State legislatures shall enact laws within their respective jurisdictions for the purpose of carrying out the division of large landed estates subject to the following conditions:

(a) In each State and Territory there shall be fixed the maximum area of land which any one individual or legally organized corporation may own.

(b) The excess of the area fixed shall be subdivided by the owner within the period set by the laws of the respective locality; and these subdivisions shall be offered for sale on such conditions as the respective governments shall approve, in accordance with the said laws.

(c) If the owner shall refuse to make the subdivision, this shall be carried out by the local government by means of expropriation proceedings.

(d) The value of the subdivisions shall be paid in annual amounts sufficient to amortize the principal and interest within a period of not less than 20 years, during which the person acquiring them may not alienate them. The rate of interest shall not exceed 5 per cent per annum.

(e) The owner shall be bound to receive special bonds to guarantee the payment of the property expropriated. With this end in view the Congress shall issue a law authorizing the States to issue bonds to meet their agrarian obligations.

(f) The local laws will govern the extent of family estate, determining what property will constitute the same on the basis of its inalienability; it shall not be subject to attachment nor to any charge.

All contracts and concessions made by former governments from and after the year 1876 which shall have resulted in the monopoly of lands, waters, and natural resources of the nation by a single individual or corporation, are declared subject to revision, and the executive is authorized to declare those null and void which seriously prejudice the public interest.

## CONSTITUTIONAL CONVENTION

*The Constitution of 1917: The Labor Provisions  
of Article 123*

1917

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*Article 123 was, perhaps, the most radical provision of the Constitution of 1917, for it redressed the treatment of workers in terms of both the conditions of their labor and their equality before the law. Note that section VII provides for equal pay for equal work regardless of sex or nationality. Section XVII establishes the right of workers to strike.*

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ART. 123.—The Congress and the State legislatures shall make laws relative to labor, with due regard for the needs of each region of the Republic and in conformity with the following principles, and these principles and laws shall govern the labor of skilled and unskilled workmen, employees, domestic servants and artisans, and in general every contract of labor.

I. Eight hours shall be the maximum limit of a day's work.

II. The maximum limit of night work shall be seven hours. Unhealthy and dangerous occupations are forbidden to all women and to children under 16 years of age. Night work in factories is likewise forbidden to women and to children under 16 years of age, nor shall they be employed in commercial establishments after 10 o'clock at night.

III. The maximum limit of a day's work for children over 12 and under 16 years of age shall be six hours. The work of children under 12 years of age can not be made the object of a contract.

IV. Every workman shall enjoy at least one day's rest for every six days' work.

V. Women shall not perform any physical work requiring considerable physical effort during the three months immediately preceding parturition; during the month following parturition they shall necessarily

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From "Political Constitution of the United States of Mexico: Title VI.—Of Labor and Social Welfare," in United States Senate, Committee on Foreign Relations, *Investigation of Mexican Affairs* (Washington, D.C.: Government Printing Office, 1920), 2:3146-47.

enjoy a period of rest and shall receive their salaries or wages in full and retain their employment and the rights they may have acquired under their contracts. During the period of lactation they shall enjoy two extraordinary daily periods of rest of one-half hour each in order to nurse their children.

VI. The minimum wage to be received by a workman shall be that considered sufficient, according to the conditions prevailing in the respective region of the country to satisfy the normal needs of the life of the workman, his education, and his lawful pleasures, considering him as the head of a family. In all agricultural, commercial, manufacturing, or mining enterprises the workmen shall have the right to participate in the profits in the manner fixed in Clause IX of this article.

VII. The same compensation shall be paid for the same work without regard to sex or nationality.

VIII. The minimum wage shall be exempt from attachment, set-off, or discount.

IX. The determination of the minimum wage and of the rate of profit-sharing described in clause VI shall be made by special commissions to be appointed in each municipality and to be subordinated to the central board of conciliation to be established in each state.

X. All wages shall be paid in legal currency and shall not be paid in merchandise orders, counters, or any other representative token with which it is sought to substitute money.

XI. When owing to special circumstances it becomes necessary to increase the working hours there shall be paid as wages for the overtime 100 per cent more than those fixed for regular time. In no case shall the overtime exceed three hours nor continue for more than three consecutive days; and no women of whatever age nor boys under 16 years of age may engage in overtime work.

XII. In every agricultural, industrial, mining, or similar class of work employers are bound to furnish their workmen comfortable and sanitary dwelling places, for which they may charge rents not exceeding one-half of 1 per cent per month of the assessed value of the properties. They shall likewise establish schools, dispensaries, and other services necessary to the community. If the factories are located within inhabited places and more than 100 persons are employed therein, the first of the above-mentioned conditions shall be complied with.

XIII. Furthermore, there shall be set aside in these labor centers, whenever their population exceeds 200 inhabitants, a space of land not less than 5,000 square meters for the establishment of public markets, and the construction of buildings designed for municipal service and

places of amusement. No saloons or gambling houses shall be permitted in such labor centers.

XIV. Employers shall be liable for labor accidents and occupational diseases arising from work; therefore employers shall pay the proper indemnity, according to whether death or merely temporary or permanent disability has ensued, in accordance with the provisions of law. This liability shall remain in force even though the employer contract for the work through an agent.

XV. Employers shall be bound to observe in the installation of their establishments all the provisions of law regarding hygiene and sanitation and to adopt adequate measures to prevent accidents due to the use of machinery, tools, and working materials, as well as to organize work in such a manner as to assure the greatest guaranties possible for the health and lives of workmen compatible with the nature of the work, under penalties which the law shall determine.

XVI. Workmen and employers shall have the right to unite for the defense of their respective interests, by forming syndicates, unions, etc.

XVII. The law shall recognize the right of workmen and employers to strike and to suspend work.

XVIII. Strikes shall be lawful when by the employment of peaceful means they shall aim to bring about a balance between the various factors of production and to harmonize the rights of capital and labor. . . .

XIX. Lockouts shall only be lawful when the excess of production shall render it necessary to shut down in order to maintain prices reasonably above the cost of production, subject to the approval of the board of conciliation and arbitration.

XX. Differences or disputes between capital and labor shall be submitted for settlement to a board of conciliation and arbitration to consist of an equal number of representatives of the workmen and of the employers and of one representative of the Government. . . .

XXIII. Claims of workmen for salaries or wages accrued during the past year and other indemnity claims shall be preferred over any other claims in cases of bankruptcy or execution proceedings.

XXIV. Debts contracted by workmen in favor of their employers or their employers' associates, subordinates, or agents, may only be charged against the workmen themselves, and in no case and for no reason collected from the members of his family. Nor shall such debts be paid by the taking of more than the entire wages of the workman for any one month.

XXV. No fee shall be charged for finding work for workmen by municipal offices, employment bureaus, or other public or private agencies.

## ROSALIE EVANS

### *Letters from Mexico*

1920-1923

*Rosalie Caden was a young American woman who accompanied her parents to Mexico in 1896. There she met and married Harry Evans, an Englishman, whose father had earned considerable wealth under the Díaz regime. Originally a banker, Evans bought a run-down estate, the Hacienda San Pedro Coxtocan, in Puebla. The Evanses rebuilt the property and made it into a showplace. Revolutionaries ransacked the hacienda in 1910, forcing the owners to reside in Mexico City for the next three years. From 1913 to 1917, they split their time between the United States and England. In 1917, while on a business trip to Mexico, Harry took ill and died. Early in 1918, Rosalie returned to Mexico to recover and restore her property. For the next five years, she defended her hacienda against local politicians who coveted it. She was murdered there in 1923. Hers is a story of the dark side of the Revolution, with corruption underlying a veneer of reform. The selections here are from her last three years in Mexico.*

MEXICO CITY,  
JUNE 30, 1920.

I am only just back from the hacienda. The creatures stopped the threshing again by throwing a piece of iron in the motor. Really, I must have told you that, no? Well, I heard an awful uproar and men all gesticulating and pointing to the broken machine. I never thought I would be sorry for an engine, but it had seventeen teeth lying on the ground and the main shaft smashed. Well, I had to go to Puebla again, the third time, but I finally got it straightened and I did not have to pay. I have not finished the threshing yet, but simply could not stay away any longer, for many things need my attention here.

I have to ship three more cars of wheat and put in a new partition of water . . . and I am trying to make Lozano draw up the document. The most important business is the water. I thought the Indians were up to

From Rosalie Evans, *The Rosalie Evans Letters from Mexico* (Indianapolis: Bobbs-Merrill, 1926), 134-37, 194-98.