Seville to Cadiz. Hither, too, flocked all the stragglers of the philosophical party; and on the dissolution of that dull, dilatory knot of ill-assorted men, who, under the veil of dignified gravity, had for a time concealed their unfitness to direct the nation, the Spanish speculatists found themselves in the midst of a population highly disposed to listen to their doctrines, to approve their views, and constitute them the organs of the new laws which were to remodel the kingdom.

The majority of the first Cortes being composed of liberals, the project of a constitution was immediately set on foot, and a committee of the ablest members appointed to draw up the fundamental code of the monarchy. Such a task, at all times arduous, was, in the present circumstances of the country, beset with peculiar difficulties. Encouraged by the absence of the king, placed beyond any check from the privileged classes, and the weight of the landed property of the country, it is not surprising that the framers of the constitution allowed their zeal to carry them too far, especially when it is considered that the Spanish people were almost entirely unaccustomed to the exercise of civil rights. The government was wholly remodelled, so that from being the most absolute monarchy in Europe, it became the most strictly limited of all limited monarchies. As this constitution, with the exception of a few alterations, is nearly the same as that which is now in force, our introducing it in this place will serve to give greater clearness to the subsequent narrative of events. It was drawn up by 184 members of Cortes, on the l8th March 1812. On the 20th of the same month the regency, which consisted of Cardinal Bourbon and two other apparently incapable individuals, took the oath to maintain it. This constitution was acknowledged by the allies of Spain, namely, Great Britain, Sweden, Denmark, Prussia, Russia, and other states.

By one of the first articles in the code, the sovereignty is declared to reside essentially in the nation, which, being free and independent, neither is nor can be the patrimony of any person or family. All Spaniards, without distinction, are subject to taxation. “ The religion of the Spanish nation is, and shall be for ever, the Catholic, Aposto lic, and Roman, which is the only true religion.” “ The nation,” it is added, “ protects it by wise and just laws, and forbids the exercise of any other whatever.” The government of the Spanish nation is stated to be “ a limited hereditary monarchy.” The power of making laws is vested “ in the Cortes, jointly with the king.” In describing the class of Spaniards who enjoy the privileges of citizenship, per sons “ reputed of AÏrican origin, either by the father or the mother’s side,” are excluded. A similar exclusion is given to Spaniards who obtain naturalization in another country, or who, without leave, absent themselves five years from Spain. The only basis for the number of *re­presentatives* in the Cortes is *population,* to be taken from the census of 1797, till one more correct can be made. For every seventy thousand souls there is to be one deputy in the Cortes. The returns of the members are made by three successive elections. Every parish appoints electors for the district to which it belongs. These repair to the chief town of the district to choose another set of electors, who, lastly, meeting in the capital of the province, make the final appointment to the Cortes. The Cortes are triennial. No member can be elected for two successive representations. No debate can be carried on in the presence of the king ; his ministers may attend and speak, but are not allowed to vote. There is a permanent deputation, or committee of the Cortes, composed of seven members, appointed by the whole body, before a prorogation or dissolution, whose duty

is to watch over the executive, and report any infringement of the constitution to the next Cortes. It also belongs to them to convoke an extraordinary meeting of the Cortes in the cases prescribed by the constitution.@@1

The powers of the Cortes are chiefly these : 1*st*, To move and pass the laws, and to interpret and alter them when necessary ; *2d,* to administer the constitutional oaths to the king, the prince of Asturias, &c. ; 3*d*, to determine any doubt or fact relative to the succession ; 4*th* to elect a re gency, and define its power ; 5*th,* to make the public re cognition of the prince of Asturias ; 6*th*, to appoint guardians to the king while a minor ; *7th,* to approve or reject treaties previous to ratification ; 8*th*, to allow or refuse the admission of foreign troops into the kingdom ; 9*th*, to decree the creation or suppression of offices in the tribunals established by the constitution, as well as of places of public trust; 10*th*, to fix, every year, by the king’s proposal, the land and sea forces ; 11*th*, to regulate the military code in all its branches ; 12*th*, to fix the expenses of the government; 13*th,* to impose taxes, contract loans, and direct every thing relating to the revenue ; 1*4th,* to establish a plan of public instruction, and direct the education of the prince of Asturias ; 15*th*, to protect the *political* liberty of the press ; 16*th*, to enforce the responsibility of the secretaries of state, and other persons in office.

Laws may be proposed, in writing, by any one of the de puties. Two days after the motion, the bill is to be read a second time. It is then determined whether the subject is to be debated, or to be referre<1 to a committee. Four days after the bill has been voted worthy of discussion, it is read a third time, and a day is appointed for the debate. A majority of votes decides the fate of the bill ; the mem­bers present on these occasions must exceed half of their total number by one.@@2

The powers of the king are, 1. To suspend the passing of a law, by withholding his sanction. He can exercise this power against any decree of the Cortes for two consecutive sessions ; but is compelled to give his assent if the same law is passed by three Cortes successively. 2. The executive power resides exclusively in the king, and extends to whatever relates to the preservation of public order in the interior, and to the external security of the state, ac cording to the constitution and the laws. The privileges and duties of the executive are thus detailed in the consti tution. The king may issue decrees, regulations, and instructions, for the more effectually enforcing of the laws ; it is his duty to watch over the administration of justice ; he declares war and makes peace, under the control of the Cortes; he appoints judges to all the civil and criminal courts, on the presentation of the council of state; all civil and military employments are of the king’s appointment ; he presents to all bishoprics, ecclesiastical dignities, and benefices which may be in the gift of the crown, all by the advice of the council of state ; the king is the fountain of honour ; the army and the navy are at his command, and he has the appointment of generals and admirals ; he has the right of coinage, and the privilege of impressing his bust on the metallic currency of the realm ; the king can propose new laws, or amendments to those in existence. It belongs also to him to circulate or withhold the pope’s rescripts and bulls. He can choose and dismiss his own ministers.

The following checks are imposed on the king’s authority by the constitution.

1. The king cannot prevent the meeting of the Cortes at the periods fixed by the constitution, neither can he dis

@@@, The Cortes were separated into two bodies in 1836, and the election was made direct, not indirect.

@@@t Some alteration in the powers of the sovereign was made in 1836. when this constitution was adopted. It was then decided, that the crown should have an absolute veto in the enactment of laws, and should likewise have the power of convoking, proroguing, and dissolving the Cortes; but in the latter case to be under the obligation of assembling others within a given time.