

# CONSTITUTION

19 March 1812

The General and Extraordinary Cortes of the Spanish Nation, well-convinced, after the most minute examination and mature deliberation, that the ancient fundamental laws of this Monarchy, aided by every precaution and authority which can enable and ensure their being permanently established and thoroughly carried into effect, are perfectly calculated to fulfill the grand object of promoting the glory, prosperity, and welfare of the Spanish Nation; decrees the following political constitution for the well-governing and right administration of the state.

## Chapter I—Of the Spanish Nation and Spaniards

- Article 1 The Spanish nation is the re-union of all the Spaniards of both hemispheres.
- Article 2 The Spanish nation is free and independent, and neither is nor can be the property of any family or person.
- Article 3 Sovereignty belongs to the nation; consequently it exclusively possesses the right of establishing its fundamental laws.
- Article 4 The nation is obliged, by wise and just laws, to protect the liberty, property, and all other legitimate rights of every individual which composes it.
- Article 5 Of those who are Spaniards, and lawfully considered as such:
1. All free-men, born and raised in the Spanish dominions, and their sons;
  2. Foreigners who may have obtained letters of naturalization from the Cortes;
  3. Those who, without it, have resided ten years in any village in Spain, and acquired thereby a right of vicinity;
  4. The slaves who receive their freedom in the Spanish dominions.
- Article 6 The love of their country is the first and absolute duties of every Spaniard, as well as to be just and honest.
- Article 7 Every Spaniard is obliged to be faithful to the Constitution, to obey the laws, and to respect the established authorities.
- Article 8 It is also the duty of every Spaniard, without exception, to bear arms in defense of the country when called on by the laws.
- Article 9 Also, every Spaniard, without exception, is obliged to contribute, in proportion to his means, to the finances of the state....

## Chapter II—Of the Spanish Territory, Religion, Government, and Rights of Citizenship

- Article 12 The religion of the Spanish nation is, and ever shall be, the Catholic, Apostolic, Roman, and only true faith; the state shall, by wise and just laws, protect it and prevent the exercise of any other.
- Article 13 The object of governments is the welfare of nations, since end of political societies is the happiness of the individuals who compose them.
- Article 14 The government of the Spanish nation is a conservative hereditary monarchy.
- Article 15 The power of making laws is invested the Cortes, with the King.
- Article 16 The power of executing the laws is in the King.
- Article 17 The power of applying the laws, in civil and criminal causes, exists in the tribunals established by law....
- Article 23 Only those who are citizens can obtain municipal employments and vote for them.
- Article 24 The right of Spanish citizenship is forfeited for ever:
1. By naturalization in another country;
  2. By accepting an employment or situation from another Government;
  3. By being sentenced to receive a corporeal or infamous punishment (unless it be remitted);
  4. By residing abroad five years successively, without permission from the government.

- Article 25 The exercise of the same right is suspended:
1. In consequence of judicial interdiction for physical or moral incapacity;
  2. By becoming a bankrupt in any trade or debtor to the public treasury;
  3. By being in the situation of a domestic servant;
  4. For holding no office, or having no employ nor known means of living;
  5. By being under trial for a criminal offence;
  6. From 1830, those who exercise of the rights of citizenship must be able to read and write.
- Article 26 Only for the causes expressed in the two preceding articles, and none others, can the rights of a citizen be lost or suspended.

### **Chapter III—Of the Cortes**

- Article 27 The Cortes is the union of all deputies who represent the nation, named by the citizens in the manner hereafter to be explained.
- Article 28 The basis of national representation is the same in both hemispheres....
- Article 31 For every seventy thousand souls of population, consisting of those expressed in Article 29, shall be sent one deputy to the Cortes.
- Article 34 For the election of deputies to the Cortes, juntas shall be held in the parishes, cities, and provinces.
- Article 35 The parish electoral juntas shall be composed of all the citizens resident within the bounds of the respective parishes, among whom shall be included the secular clergy....
- Article 38 In the parish juntas, for every two hundred resident citizens or electors shall be chosen one parochial elector....
- Article 57 Immediately on the conclusion of the election, the junta shall dissolve. Any other business which it may attempt to transact shall be null, void, and illegal.
- Article 59 The electoral juntas of hundreds shall be composed of the parochial electors, who shall unite in the principal town of the hundred to nominate the elector or electors, who are to resort to the capital of the province to elect the deputies to the Cortes....
- Article 78 The electoral juntas of provinces shall be composed of all the electors of hundreds within it, who shall assemble in the capital to elect the proportion of deputies who are to assist at the Cortes as representatives of the nation.
- Article 91 The following are the qualifications requisite for a deputy of the Cortes: He must be a citizen, of above twenty-five years of age, in the full exercise of his rights; either a layman or secular priest, a native of the province or one at least who possesses property, and has resided in it above seven years; but he may belong to the junta or not.
- Article 92 To be a member of the Cortes it is also necessary to possess a sufficient real and personal property....
- Article 106 The sessions of the Cortes shall be of three months continuance each year, beginning on 1 March and continuing the three months succeeding.
- Article 107 On two occasions, alone the Cortes may prorogue their meeting for one month:
1. On petition from the King;
  2. If it should appear requisite to themselves; by a majority of two-thirds of the deputies.
- Article 108 An entire new deputation shall be chosen every two years....
- Article 124 The Cortes cannot deliberate in the presence of the King.
- Article 125 When the secretaries of state have propositions to present to the Cortes on behalf of the King, they shall assist at the discussion at the time and in the manner the Cortes may determine and deliver their sentiments; but they shall not be present at the vote.

Article 126 The sessions of the Cortes shall be public; and only under circumstances which particularly require it shall a secret sitting be held....

Article 131 The powers and duties of the Cortes are:

1. To propose and decree the laws and interpret and repeal them, when it shall be necessary;
2. To administer the oath to the King and Prince of Asturias, and to the Regency, according to the forms directed in their proper places;
3. To resolve any doubt which may occur as to the act or right of succession to the Crown;
4. To elect a Regency or Regent, in the cases pointed out by the constitution, and prescribe the restrictions with which the Regency or Regent are to exercise the royal authority;
5. Publicly to acknowledge the Prince of Asturias;
6. To appoint a tutor to a minor King, when it may be directed by the constitution;
7. To approve, before their ratification, the treaties of offence, alliance, subsidy, and particularly those of commerce;
8. To grant or deny the admission of foreign troops into the Kingdom;
9. To decree the creation or suppression of places in the tribunals established by the constitution; and also the creation or suppression of public offices;
10. To fix, by proposals from the King, the proportion of sea and land forces for the year; determining the standing force in time of peace and augmentation in war;
11. To issue codes of established instructions to the army, navy and national militia for their direction under all circumstances;
12. To fix the expenses of the public service;
13. To establish the annual contributions and imposts;
14. To borrow money, in cases of emergency, on the credit of the nation;
15. To approve the division of the proportion of contributions to be levied on each province;
16. To examine and approve the returns of the receipts of the public monies;
17. To establish customhouses and the rates of duties;
18. To make the necessary dispositions for the administration, preservation, and expenditure of the public funds;
19. To determine the value, weight, standard, impression, and denomination of the circulating medium;
20. To adopt the system of weights and measures which may appear to them most just and convenient;
21. To promote and encourage all descriptions of industry and remove the obstacles which may check them;
22. To establish a general plan of public education throughout the whole monarchy, and approve that which is pursued for the instruction of the Prince of Asturias;
23. To approve the regulations for the general health and police of the Kingdom;
24. To protect the political liberty of the press;
25. To make the responsibility of the secretary of state and other public officers effective;
26. Lastly, it belongs to the Cortes to give or refuse its consent to all those acts and circumstances in which, according to the constitution, it may be necessary....

Article 142 The King possesses authority to sanction or reject the laws.

Article 143 The King shall give his assent according to this form, under his sign manual: "This may be published as law".

Article 144 The King shall refuse his consent in the following manner, under his sign manual: "It may be returned to the Cortes"; accompanied by an exposition of the reasons which induced his dissent.

- Article 145 The King shall be allowed thirty days for the exercise of this prerogative and if, at the expiration of that period, he shall have neither sanctioned nor rejected it, assent shall be understood as given, and granted accordingly....
- Article 147 If the King refuse his consent, the same question shall not be agitated in the Cortes that year, but may be in the year succeeding.
- Article 148 If the same Bill shall be brought before the Cortes; and regularly passed the succeeding year, it shall be presented to the King and either refused or sanctioned, according as His Majesty may think fit; and in case of dissent, it shall not be brought forward again the same year.
- Article 149 If it be brought forward a third year, and approved by the Cortes, it shall be understood to have obtained His Majesty's assent, which, on being presented, it shall receive accordingly....
- Article 157 Before the prorogation of the Cortes, a deputation shall be elected, consisting of seven members...
- Article 159 The permanent deputation shall sit from the dissolution of one Cortes until the meeting of the other.
- Article 160 The duties of the permanent deputation are:
1. To observe whether the constitution and laws are duly acted upon and obeyed, advising the succeeding Cortes of the infractions they may have observed;
  2. To convoke the Extraordinary Cortes, in the cases prescribed by the constitution;
  3. To execute the functions directed in Article 111 and 112;
  4. To notify to the supplementary deputies when they are to attend from incapacity of the originals; or, should circumstances occur to render it absolutely impossible, in either the original or supplementary, to assist, issue the requisite instructions and directions for a new election....
- Article 162 The permanent deputation shall convoke the Extraordinary Cortes, fixing the day, in the three following cases:
1. When the Crown falls vacant;
  2. When, by any means, the King becomes incapable of governing or wishes to abdicate the throne in favor of his successor; the deputation being previously authorized to resort to such measures as may be deemed necessary to establish proof of his incapacity;
  3. When, in consequence of critical or important circumstances, it may appear to the King requisite, and he advises the deputation to that effect....

#### **Chapter IV—Of the King**

- Article 168 The King's person is sacred and inviolable; neither is he responsible for anything.
- Article 169 The King shall be styled His Catholic Majesty.
- Article 170 The exclusive power of enforcing and rendering the laws effective resides in the King, whose authority extends to whatever may conduce to the interior good regulation and exterior security and defense of the state, consistent with the laws and the constitution.
- Article 171 In addition to the prerogative of sanctioning and promulgating the laws, the King possesses many other rights and powers; such as:
1. Publishing such decrees, directions, and instructions as may appear likely to contribute to the due execution of the laws;
  2. Taking care that justice may be promptly and effectually administered throughout the Kingdom;
  3. To declare war and make and ratify peace; laying, afterwards, authentic documents of the same before the Cortes;
  4. To nominate, by and with the assistance of the Council of State, all civil and criminal magistrates;
  5. To appoint all civil and military officers;

6. To present, by and with the advice of the Council of State, to all dioceses, ecclesiastical benefices, and dignities;
7. To bestow honors and distinctions on all classes, within the limits of the laws;
8. To command the navy and army, and appoint the generals;
9. To dispose of the forces, distributing them according to his judgment;
10. To nominate ambassadors, ministers, and consuls, and direct the commercial and diplomatic relations with other states;
11. To regulate the coinage of money, on which shall be impressed his image and name;
12. To decree the application of funds to answer the demands of each branch of the public administration;
13. To pardon criminals, consistently with the laws;
14. To submit for the consideration of the Cortes such laws or reforms as may appear to him beneficial to the nation, in order to their being deliberated on, according to the prescribed form;
15. To detain or permit to be published, with the consent of the Cortes, the decrees of the councils or pontifical bulls; advising, with the Council of State, as to their influence upon affairs of state or of material consequences; and should they appear of doubtful tendency, turning them over to the supreme tribunal of justice to be proceeded upon according to law;
16. To appoint and grant liberal allowances to the different secretaries of state.

Article 172 The restrictions upon the regal authority are as follows:

1. The King, under no pretext whatsoever can prevent the meeting of the Cortes at the times or under the circumstances directed by the constitution, nor suspend nor dissolve them; nor, in any way whatsoever, check nor embarrass their deliberations. Those who are guilty of advising him to, or assisting him in any of these acts, shall be punished as traitors;
2. The King shall not leave the Kingdom without the consent of the Cortes; and, in case of so doing, shall be considered to have abdicated the throne;
3. The King cannot renounce, yield, deliver up, or make over to any other person, the royal authority, or any of its prerogatives;
4. If, under any pretence whatsoever, he may wish to abdicate the throne in favor of the lawful heir, he cannot do it without the consent of the Cortes; he cannot grant, yield up, or exchange any city, town, village, or part of the Spanish territory, however, small it may be;
5. He cannot make any offensive or defensive alliance, or special treaty of alliance or commerce, with any foreign power without the consent of the Cortes;
6. Neither can he bind himself by any treaty to subsidize a foreign state without their consent;
7. He cannot cede or make over the national property without consent of the Cortes;
8. He cannot, without a previous decree of the Cortes, directly or indirectly impose contributions, or make loans, under any name or for any object whatsoever;
9. Neither can he grant any exclusive privilege to any person or corporation;
10. He cannot dispossess any corporation or individual of their property; neither can he disturb them in the enjoyment or direction and profit of it; and if, in case of necessity, for the general advantage of the public good, it should be required to convert that of an individual for a particular object, it cannot be done without a full indemnification by just valuation of respectable persons;
11. The King cannot punish in any manner whatsoever, or deprive any individual of his liberty under any pretence; the secretary of state who signs and the judge who executes the order shall be responsible to the nation; and, in such case, punished as criminals against civil liberty;

12. Only in case of treason or any attempt against the security of the state can the King give directions for personal arrests; and even then the offender must be delivered up to a competent tribunal within forty-eight hours;
13. Before marriage, the King shall advise the Cortes to obtain their consent; in default of which he shall be understood to have abdicated the throne....

Article 174 The Kingdom of Spain is indivisible. From the period of the promulgation of this, the Crown shall descend, in regular order, by right of primogeniture and representation through the legitimate heirs, male and female, of the lines to be hereafter pointed out....

Article 181 The Cortes shall exclude from the succession any person or persons who may be incapable of governing or who, by any act or deed, may have deserved to forfeit their right to the same.

Article 182 In case of the extinction of the lines before mentioned, the Cortes shall make such nomination as may appear to them best calculated to ensure the national prosperity; following, as much as possible, the rules established for the succession....

#### **Chapter IX—Of Public Education**

Article 366 Introductory schools shall be established in every town throughout the kingdom, in which children shall be taught to read, write, and cypher, the catechism of the Roman Catholic Religion, and a brief exposition of natural and civil duties and obligations.

Article 367 Measures shall also be immediately taken to found a competent number of universities and other establishments for the promotion of literature and the fine arts.

Article 368 The plan of general instruction shall be the same throughout the Kingdom; the constitution of the monarchy shall be expounded in all the universities, and in the literary establishments where divinity and politics are taught.

Article 369 A committee shall be formed of persons of known judgment and learning, to which, under the authority of the government, shall be entrusted the direction and inspection of public education.

Article 370 The Cortes, by means of special decrees and plans, shall regulate the important object of public education.

Article 371 Every Spaniard possesses liberty to write, print, and publish his political ideas, without any previous license, permission, or revision, under the restrictions and responsibility established by law....

“The Political Constitution of the Spanish Monarchy,” *Cobbett’s Weekly Political Register* 26 (2 July 1814):24–32,  
“The Political Constitution of the Spanish Monarchy,” *Cobbett’s Weekly Political Register* 26 (23 July 1814):124–128,  
“The Spanish Constitution,” *Cobbett’s Weekly Political Register* 26 (20 August 1814):254–256