

Spain also, like Italy, was to be despoiled of its works of art. Joseph gave orders that a selection of the best pictures should be sent to the Napoleon Museum at Paris, as a pledge of the union of the two nations. This robbery did not excite so much indignation as a decree, directing that the bones of Cortes and Cervantes, and other famous Spaniards who were buried in or near Madrid, should be translated with public solemnities to the church of St. Isidro. The Spaniards observed, that though it was known in what churches some of these illustrious men had been interred, their graves could not be ascertained; and they asked whence the money was to come for this translation, when the Intruder could pay none of his servants, and wanted funds for things of the utmost necessity? "But the decree, like many others, was intended for the gazette, and for nothing else. Nevertheless," they continued, viewing the subject with natural and honourable feeling, "it excites our indignation that they should affect this veneration for our ancestors, who omit no means for debasing Spain, and subjecting her to the infamy of a foreign yoke."

But the most remarkable of the Intruder's acts, was his promise of convoking the Cortes. "It was long," his partizans said, "since the Junta had amused the nation with vain hopes of this benefit, for which Spain was to be indebted to her new sovereign." The object of the intrusive Government at this time, in calling a Cortes of its own, must have been, to take off the attention of the Spaniards in those parts of the country which the French occupied, from the national Cortes; and that this intention, having been thus announced, should never have been carried into effect, is proof how well the unhappy men, who were ostensibly at the head of Joseph Buonaparte's councils, knew the insecurity of the puppet whom they served. Almost the last paper which issued from the royal press at

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Seville, had been an edict, declaring in what manner the Cortes should be chosen. Upon this subject the central Junta had asked the advice of the Spanish universities, and public bodies. Great difficulties had been apprehended from the obscurity in which the forms of the old Cortes were involved, as well as from the difference in the different kingdoms, which had each their own. It was well remarked by the university of Seville, that these things were matters of historical research, not of practical importance; there was now neither time nor necessity for the inquiry; the present business was to convene representatives, according to the general principles of representation, and leave them, after they had saved the country, to determine the peculiar forms of the general Spanish Cortes.

Mode of  
election.

The plan which the Junta adopted was formed with reference to established forms, to present circumstances, and to the future convenience of election. Cities which had sent deputies to the last Cortes, were each to send one to this, and each superior Junta one also. The provinces one for every 50,000 heads, according to the census of 1797; wherever the excess above that number amounted to one half, an additional deputy was to be chosen; any smaller excess was not accounted. The mode of election was so regulated, as to render undue influence or interference impossible. Parochial Juntas were to be formed, composed of every housekeeper above the age of five-and-twenty, excepting such as had been found guilty upon any criminal charge; who had suffered any corporal punishment, or infamous sentence; bankrupts, public debtors, the insane, and the deaf and dumb. Naturalized strangers also were excluded, whatever might have been the privilege of their naturalization. The secular clergy were included. As soon as the *Justicia* received instructions from the corregidor, or alcalde mayor of the

district (*Partido*,) a parochial meeting was to be held, and the Sunday following appointed for the business of the primary election.

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The Spanish government did well in connecting this with religious ceremonies. The business of the day was to commence with the Mass of the Holy Ghost; after which the parish priest was to preach upon the state of the country, and the importance of choosing proper representatives, upon whom so much depended. Then adjourning to the place appointed, the magistrate should first make inquiry whether any means had been used to influence the electors; any person for whom such means had been employed, being rendered ineligible, and his agents or injudicious friends deprived of their vote: any person calumniating another, in hope of impeding his election, was punished with the same disabilities. The parishioners then, one by one, were to advance to the table at which the parochial officers and the priests presided, and there name an elector for the parish: the twelve persons who obtained a majority of names should go apart and fix upon one. It was not required that they should be unanimous, only that the person appointed should have more than six votes; and it was compulsory upon him to perform the duty to which he was elected. The primary election being thus completed, the parochial Junta was to return to the church in procession, their deputy walking between the alcalde and the priest; Te Deum was to be performed, and the day concluded with public rejoicings.

Within eight days afterward, the parochial electors should assemble in the principal town of the district, and form a Junta, over which the corregidor and the ecclesiastic of highest rank in the place presided. The testimonials of the electors were to be scrutinised; the same religious ceremonies to take place, and twelve persons chosen in the same manner, to appoint one

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or more electors for the district, according to its extent. They might choose them out of their own number: but any persons born in the district, and resident in it, were eligible. The business was to be transacted in the consistory, a record of its proceedings deposited among the archives, and a copy sent to every parish, and to the capital of the province, where the final election took place.

Here the electors of the district were to assemble. A Junta should have been previously constituted, consisting of the president of the superior Junta of the province; the archbishop or bishop, regent, intendant, and corregidor of the city, and a secretary. It was presumed that these persons would all be members of the provincial Junta; if not, they were called to this duty by virtue of their rank, and an equal number of members of the Junta added; this proviso being intended to secure for the provincial Junta that influence to which their services entitled them, for which their experience qualified them, and of which it might not have been easy to deprive them, even if it had been thought desirable. The board thus appointed, was to see that the primary and secondary elections were made throughout the province. After the same observances and scrutinies as on the former occasions, the final election was to be made. The person proposed must be a native of the province, but it was not necessary that his property should be there: nobles, plebeians, and secular priests, were equally eligible; no other qualification was required, than that he should be above five-and-twenty, of good repute, and not actually the salaried servant of any individual or body.

In this final election, the first step was to elect three persons successively. A simple majority was not sufficient here; more than half the electors must vote for the same person, and the voting be repeated till this should be the case: three having

thus been chosen, their names were to be placed in an urn, and he whose lot was drawn was the deputy to the Cortes. A fourth was then to be elected, whose name, in like manner, was submitted to the lot with the two which had been left undrawn, and this was repeated till the number of deputies for the province was made up. Supplementary deputies were then to be chosen, in readiness for any vacancy by death; the supplementaries were in the proportion of one to three. The number of provincial deputies amounted to 208; that of the supplementaries to 68.

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The provincial Juntas were to choose their members according to the rules of the final elections; observing also the same general principle, that the person chosen must be a native of the province. The form appointed for the city elections was, that where the *regidores* were proprietaries, or held their office during life by the king's appointment, the people should elect an equal number of electors, in the manner of the municipal elections. These electors, with the *regidores*, the syndic, and the officers who are called the *Personero y Diputado del Comun*, were to meet in the consistory, where the *corregidor* should preside, and there choose three persons out of their own body, the final decision being by lot. All the elections were to be made with open doors.

Twenty-six members were added for the Spanish possessions in America and the Philippines. But during the long interval which must elapse before these representatives could reach Europe, supplementaries for their respective provinces were to be chosen from natives resident in Spain; and a circular notice was issued, requiring that all American or Asiatic Spaniards then in the country would send in their names, ages, employments, places of birth and of abode. This being done, and lists made out accordingly, a Junta was to be formed, consisting of the

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members of the central Junta, who should at the time be acting as deputies for the colonies, or four ministers of the council of the Indies appointed by the Junta, and of four distinguished natives of the colonies, to be chosen by the other members: this Junta was to direct and superintend the election. Twelve electors for each province were to be chosen by lot from among the natives of that province then resident in Cadiz; but if it so happened that they did not amount to eighteen, that number was to be filled up by individuals of the other provinces. The twelve then chosen were to choose their deputies, in the manner of the final provincial election, first by nomination, and then by lot.

The archbishops, bishops, and grandees, were to meet in an upper house: it was required that the grandees should be the heads of their respective families, and above the age of 25; and those nobles and prelates who had submitted to the French government were excluded.

Such was the plan which the commission of the central Junta decided upon, and which the Junta adopted. The commission was composed of five members, the Archbishop of Laodicea, Jovellanos, Castanedo, Caro and Riquelme; but the two latter members being appointed to the executive committee, their places were supplied by the Count de Ayamans, and D. Martin de Garay. D. Manuel Abella, and D. Pedro Polo de Alcocer, were secretaries to the commission. The details were formed, and the official instructions drawn up by Garay. In their general principles the commissioners had been chiefly guided, as was expected and desired, by Jovellanos, the best and wisest of the Spaniards.

There was, however, a difference of opinion in the commission upon three points of considerable importance. Riquelme and Caro would have had only one house of assembly; Jovel-

lanos referred to the English constitution, as the best model, and one to which, in this point, the Spaniards, with sufficient conformity to their ancient customs, might assimilate their own. He proposed also, that certain qualifications of property, situation, and acquirements, should be required of the deputies. Riquelme opposed this restriction; and Jovellanos yielded to the majority of his colleagues with less repugnance, knowing how well the great body of the people had deserved of their country. Riquelme insisted that the Cortes should not assemble without deputies from the colonies; the other members would have omitted them in the first assembly, in consequence of the long and indefinite time which must elapse before they could be chosen in their respective provinces, and arrive in Spain. The plan which was adopted obviated this difficulty. The inadequate number of colonial deputies is less objectionable than it may at first appear, when the probable number of persons from whom the supplementaries were to be chosen is considered; especially as it was not pretended that the manner in which the first Cortes was convoked should be binding as a precedent. "The government," said Jovellanos, "fearful of arrogating to itself a right which belongs to the nation alone, leaves it to the wisdom and prudence of the nation to determine in what form its will may most completely be represented in future."

The last act of the Junta had been to consign to the Regency the charge of seeing the Cortes assembled, according to these rules. In this final decree, provision was made for choosing deputies to represent the provinces occupied by the enemy; they were to be chosen in the same manner as the colonial deputies. Here also the important point of the *veto* was determined. If the Regency refused its assent to a measure which had passed both houses, the measure was to be re-considered; and unless re-passed by a majority of two-thirds in each house,

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 XXXIV. Cortes ; but if both houses, by such a majority, ratified their  
 1810. former determination, three days were then allowed to the  
 Regency, and if within that time the royal sanction was not  
 given, the law was to be promulgated without it. The Junta  
 endeavoured to confine the Cortes within its proper limits, by  
 declaring that the executive power appertained wholly to the  
 Regency, and the legislative to the representative body ; and lest  
 any party should arise, who should aim at making the Cortes  
 permanent, or unnecessarily extending its duration, “ by which  
 means,” the Junta said, “ the constitution of the kingdom might  
 be overthrown,” the Regency was empowered to fix any time  
 for the dissolution of the assembly, provided it were not before  
 the expiration of six months.

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This decree, which developed the principles of the central  
 Junta, and completed their labours, the Regency did not think  
 proper to make public ; one of the many acts of injustice which  
 the Junta suffered after their compulsory resignation. The  
 council of Castille, or rather the *Consejo-reunido*, in which such  
 of its members were incorporated as had followed the legitimate  
 Government into Andalusia, hinted, in a memorial full of ca-  
 lumnies against the ex-Junta, that the Cortes ought not to be  
 convoked ; their opinion was doubtless of great weight with the  
 Regency ; and as the Regents did not conceive themselves bound to  
 follow the course which the preceding Government had marked  
 out, they suppressed the edict, and issued in its stead an address,  
 breathing the same spirit as all the proclamations of the Spanish  
 Government, but putting off the meeting of the Cortes. “ The  
 council of Regency,” they said, “ could well have wished that your  
 representatives had been at this time in Cortes assembled, and that  
 the nation itself might thus have regulated its own destinies.  
 The means which are necessary for our deliverance would

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quickly appear at its energetic and powerful voice. But this means of preservation has been too long delayed; and evils gathering upon each other, with the rapidity of a whirlwind, do not permit that it should be accomplished at the time and place appointed. The Isle of Leon, where the national congress ought to assemble, is at this time besieged by the enemy; from this isle we see their fires, we hear their artillery, we hear their insolent threats, and witness their ravages. Their rash endeavours, beyond a doubt, will fail against these intrenchments, where the watch tower is erected which presents to all good patriots a beacon in the midst of the tempest. But the Isle of Leon, thus threatened by the enemy, cannot be at present a proper place for the celebration of our Cortes; and necessity compels us to delay it till the present crisis shall be past, and place and time suitable for so august an assembly can be assigned. Meantime, none of the measures and forms established and decreed for the convocation are to be suspended for a moment. The elections are to proceed, and the members who are chosen must hold themselves ready to perform their functions; the intention of the Government being, that the Cortes shall meet as soon as the circumstances of the war permit."

Notwithstanding this language, it is possible that Spain was indebted for its Cortes more to the annunciation from Seville that the Intruder was about to convoke one, than to the inclination of its own rulers. The central Junta had delayed it not from intentional procrastination, but from their sense of the difficulty of the task, and from the deliberation which so peculiarly characterizes the Spaniards. They had overcome the difficulties, and framed a plan of representation, which preserved a due respect to old venerable forms, and was well adapted to the existing circumstances of the country; this having been done, as soon as it was ascertained that Cadiz might defy the enemy there

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