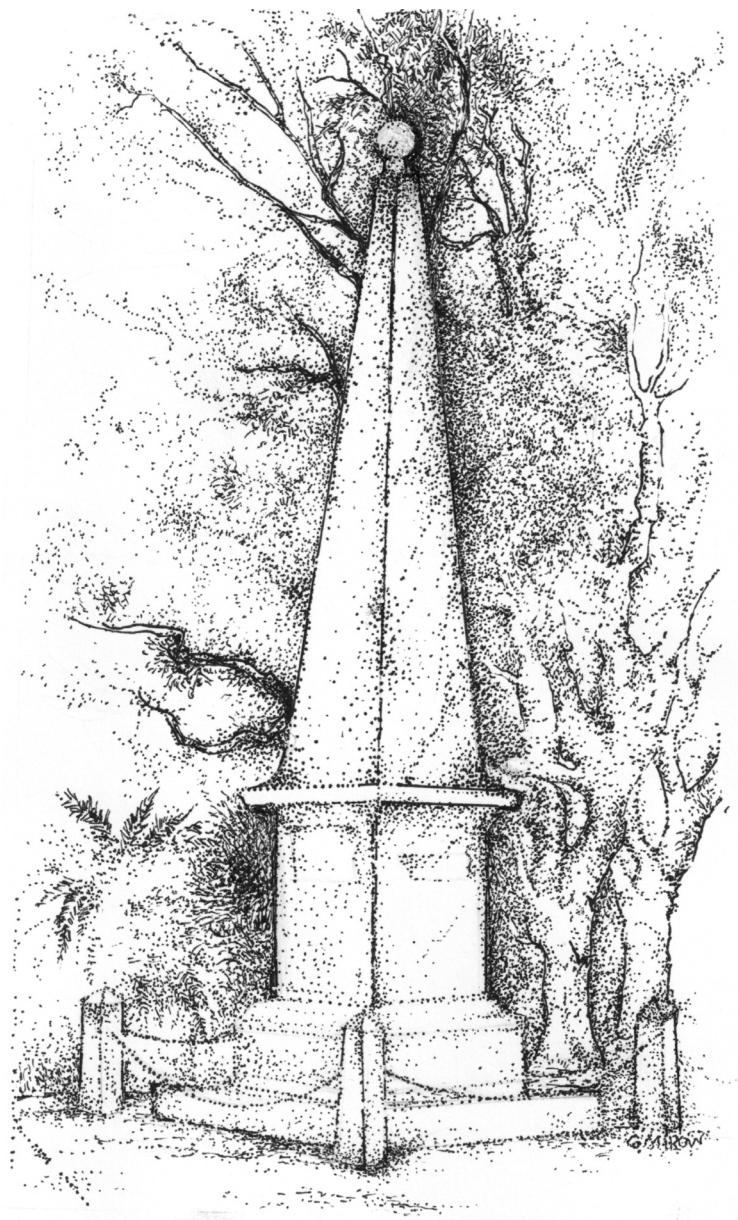


# Florida's First Constitution



Monument to the Constitution of Cádiz, St. Augustine, Florida.  
Drawing by Gregory Mirow.

# Florida's First Constitution

---

The Constitution of Cádiz

*Introduction, Translation, and Text*

M.C. Mirow

CAROLINA ACADEMIC PRESS  
Durham, North Carolina

Copyright © 2012  
M.C. Mirow  
All Rights Reserved

**Library of Congress Cataloging-in-Publication Data**

Mirow, Matthew C. (Matthew Campbell), 1962-  
Florida's first constitution, the Constitution of Cádiz : introduction,  
translation, and text / M.C. Mirow.

p. cm.

Includes bibliographical references and index.

ISBN 978-1-61163-189-0 (alk. paper)

1. Spain. Constitución (1812) 2. Spain. Constitución (1812). English.
3. Constitutions--Spain. 4. Constitutional history--Spain. I. Title.

KKT2064.51812.M57 2012

342.4602'3--dc23

2012010133

CAROLINA ACADEMIC PRESS  
700 Kent Street  
Durham, North Carolina 27701  
Telephone (919) 489-7486  
Fax (919) 493-5668

[www.cap-press.com](http://www.cap-press.com)

Printed in the United States of America

*To Angela*



# Contents

Acknowledgments	xi
<b>Introduction</b>	3
Spain Resists Napoleon and France	3
Americans in Cádiz and in Drafting the Constitution	5
The Promulgation of the Constitution of Cádiz	6
Important Features of the Constitution of Cádiz	10
<b>Constitution of Cádiz of 1812</b>	15
Title I. Of the Spanish Nation and of Spaniards.	15
Chapter I. Of the Spanish Nation.	15
Chapter II. Of Spaniards.	16
Title II. Of the Territory of the Spains, Its Religion and Government, and of Spanish Citizens.	16
Chapter I. Of the Territory of the Spains.	16
Chapter II. Of Religion.	17
Chapter III. Of the Government.	17
Chapter IV. Of Spanish Citizens.	17
Title III. Of the Cortes.	19
Chapter I. Of the Manner of Forming the Cortes.	19
Chapter II. Of the Election of the Deputies of the Cortes.	19
Chapter III. Of the Electoral Meetings of the Parish.	19
Chapter IV. Of the Electoral Meetings of the District.	22
Chapter V. Of the Electoral Meetings of the Province.	24
Chapter VI. Of the Meeting of the Cortes.	28
Chapter VII. Of the Powers of the Cortes.	31
Chapter VIII. Of the Enactment of Laws and of the Royal Sanction.	32
Chapter IX. Of the Promulgation of Laws.	34

Chapter X. Of the Permanent Deputation of the Cortes.	35
Chapter XI. Of the Extraordinary Cortes.	35
Title IV. Of the King.	36
Chapter I. Of the Inviolability of the King and of His Authority.	36
Chapter II. Of the Succession to the Crown.	39
Chapter III. Of the Minority of the King and of the Regency.	40
Chapter IV. Of the Royal Family and of the Recognition of the Prince of Asturias.	42
Chapter V. Of the Payment to the Royal Family.	43
Chapter VI. Of the Secretaries of State and of Office.	43
Chapter VII. Of the Council of State.	44
Title V. On the Courts and on the Civil and Criminal Administration of Justice.	45
Chapter I. On the Courts.	45
Chapter II. Of the Administration of Civil Justice.	50
Chapter III. Of the Administration of Criminal Justice.	50
Title VI. Of the Internal Government of the Provinces and of the Towns.	52
Chapter I. Of City Councils.	52
Chapter II. Of the Political Government of the Provinces and of the Provincial Deputations.	54
Title VII. On Taxes.	57
Single Chapter.	57
Title VIII. On National Military Forces.	58
Chapter I. On the Troops of Continuous Service.	58
Chapter II. On National Militias.	59
Title IX. On Public Education.	59
Single Chapter.	59
Title X. On the Observation of the Constitution and the Manner of Proceeding to Make Changes to It.	60
Single Chapter.	60
<b>Constitución de Cádiz de 1812</b>	69
Título I. De la Nación Española y de los Españoles.	69
Capítulo I. De la Nación española.	69
Capítulo II. De los españoles.	70
Título II. Del Territorio de las Españas, su Religión y Gobierno y de los Ciudadanos Españoles.	70

Capítulo I. Del territorio de las Españas.	70
Capítulo II. De la religión.	71
Capítulo III. Del Gobierno.	71
Capítulo IV. De los ciudadanos españoles.	71
Título III. De las Cortes.	73
Capítulo I. Del modo de formarse las Cortes.	73
Capítulo II. Del nombramiento de diputados de Cortes.	73
Capítulo III. De las Juntas electorales de parroquia.	73
Capítulo IV. De las Juntas de partido.	76
Capítulo V. De las Juntas electorales de provincia.	78
Capítulo VI. De la celebración de las Cortes.	82
Capítulo VII. De las facultades de las Cortes.	85
Capítulo VIII. De la formación de las Leyes, y de la sanción real.	86
Capítulo IX. De la promulgación de las Leyes.	88
Capítulo X. De la Diputación Permanente de Cortes.	89
Capítulo XI. De las Cortes extraordinarias.	89
Título IV. Del Rey.	90
Capítulo I. De la inviolabilidad del Rey, y de su autoridad.	90
Capítulo II. De la sucesión a la Corona.	93
Capítulo III. De la menor edad del Rey, y de la Regencia.	94
Capítulo IV. De la familia real, y del reconocimiento del Príncipe de Asturias.	96
Capítulo V. De la dotación de la familia real.	97
Capítulo VI. De los Secretarios de Estado y del Despacho.	97
Capítulo VII. Del Consejo de Estado.	98
Título V. De los Tribunales y de la Administración de Justicia en lo Civil y Criminal.	100
Capítulo I. De los tribunales.	100
Capítulo II. De la Administración de Justicia en lo civil.	104
Capítulo III. De la Administración de Justicia en lo criminal.	104
Título VI. Del Gobierno Interior de las Provincias y de los Pueblos.	106
Capítulo I. De los Ayuntamientos.	106
Capítulo II. Del Gobierno político de las Provincias y de las Diputaciones Provinciales.	108

Título VII. De las Contribuciones.	111
Capítulo único.	111
Título VIII. De la Fuerza Militar Nacional.	113
Capítulo I. De las tropas de continuo servicio.	113
Capítulo II. De las milicias nacionales.	113
Título IX. De la Instrucción Pública.	113
Capítulo único.	113
Título X. De la Observancia de la Constitución y Modo de Proceder para Hacer Variaciones en ella.	114
Capítulo único.	114
Bibliography	121
Index	123

# Acknowledgments

I thank Dean R. Alexander Acosta of the Florida International University College of Law and Professor Alejandro Guzmán Brito of the Faculty of Law of the Pontifical Catholic University of Valparaíso, Chile, for their support of my work. Essential research for this project was conducted at the Latin American Collection of the Smathers Library, University of Florida, Gainesville. I am grateful to the University of Florida's Center for Latin American Studies for a research travel grant and to Richard Phillips who assisted my work there. A portion of the introduction was presented to the Max Planck Institute for European Legal History (Frankfurt, Germany). I thank its director, Thomas Duve, for his hospitality. I have also addressed this topic at a Mellon-LASA seminar on the Constitution of Cádiz of 1812 and its Impact in the Atlantic World and Beyond at the Pontifical Catholic University of Peru (Lima, Peru). I thank Natalia Sobrevilla of the University of Kent (U.K.), Claudia Rosas of the Pontifical Catholic University of Peru, and Scott Eastman of Creighton University for their hospitality in Lima, and the Latin American Studies Association and the Mellon Foundation for sponsoring my participation. Marisol Floren-Romero provided excellent bibliographic support and advice. In addition to the institutions listed above, I thank the Fulbright Commission of the United States, the MECESUP2 program of the Chilean Ministry of Education, the Centre Georges Chevrier (UMR 5605—Université de Bourgogne/CNRS) (Dijon, France), and the Escuela Libre de Derecho (Mexico City, Mexico). My family, Angela, Camila, and Andrea, deserve more thanks than I can express.

I worked from the Spanish text of the Constitution of Cádiz as found in the Biblioteca Virtual Miguel de Cervantes as Constitución de Cádiz de 1812, <http://www.cervantesvirtual.com> and corrected and checked it with the version found in Miguel Artola & Rafael Flaquer Montequi, II La Constitución de 1812 (Madrid: Iustel, 2008) and the fac-

simile edition found at <http://scholarship.rice.edu>. I thank Alejandro Gutiérrez and the Spanish Ministry of Culture for ensuring intellectual property rights to the Spanish text.