

Translated for the Boston Gazette.

By the politeness of a gentleman, who came passenger in the Arcturus, we are favored with a copy of Joseph Napoleon's Constitution for Spain and the Indies. The publication of the whole of this voluminous production would exceed our limits; but we are assured the following articles are the most material, and all that are necessary for a view of the divisions and powers of the new government.

CONSTITUTION.

In the name of God omnipotent:—Don JOSEPH NAPOLEON, by the Grace of God, King of Spain and the Indies:

Having been present at the national junta assembled in Bayonne, by order of our very dear and much beloved brother, NAPOLEON, Emperor of the French and King of Italy, Protector of the confederation of the Rhine, &c. &c. &c.

We have decreed, and do decree the present constitution to be preserved as the fundamental law of our States, and as the foundation of the compact which unites our people to us and us to our people.

CHAPTER 1st.

Art. 1. The Catholic, Apostolic, and Roman religion shall be, in Spain, and in all the Spanish possessions, the religion of the King and the nation; and no other shall be tolerated.

CHAP. 2d.

Of the succession to the Crown.

Art. 2. The crown of Spain and the Indies, shall be hereditary in our direct descendants, natural and legitimate, from male to male, in order of primogeniture, and to the perpetual exclusion of females.

In failure of our male descendants, natural and legitimate, the crown of Spain and the Indies, shall return to our very dear and much beloved brother Napoleon, Emperor of France and King of Italy, and to his male heirs and descendants, natural, legitimate, or adopted.

In failure of male descendants, natural, legitimate, or adopted of our said very dear and much beloved brother Napoleon, the crown shall pass to the male descendants, natural and legitimate of the Prince Louis Napoleon, King of Holland.

In failure of the male descendants, natural and legitimate of the Prince Louis Napoleon, to the male descendants, natural and legitimate of the Prince Jerome Napoleon, King of Westphalia.

CHAP. 3d.

Of the Regency.

Art. 8. The King shall be a minor until he shall have completed the age of eighteen years. During his minority, there shall be a Regent of the Kingdom.

Art. 9. The Regent shall have attained at least the age of twenty-five years.

Art. 10. The Regent shall be designated by the former King, from among the infants who have attained the age determined by the preceding article.

Art. 11. In failure of such designation by the former King, the Regency shall fall to the infant most distant from the throne in hereditary order, who shall have attained the age of twenty-five years.

Art. 15. From the revenues appropriated for the Crown, one fourth part shall be taken for the revenue of the Regency.

CHAP. 4th.

Of the Revenue of the Crown.

Art. 21. The patrimony of the crown shall be composed of the palaces of Madrid, the Escorial, St. Ildefonso, Aranjuez, Pardo, and all the others which until now have belonged to the crown, with their appurtenances and dependencies of whatever nature.

The rents of these estates shall be paid into the treasury of the crown; and if they do not amount to the annual sum of one million of dollars, they shall be augmented by other estates, until their product or rents shall complete this sum.

Art. 22. There shall be paid from the national treasury into that of the crown, a sum annually of two millions of dollars by twelfth parts or monthly payments.

Art. 23. The Infants of Spain as soon as they shall arrive at the age of twelve years, shall receive for their support an annual rent, as follows:—The heir apparent, two hundred thousand dollars—Each of the Infants, one hundred thousand dollars—Each of the Infants, fifty thousand dollars. The national treasurer shall deliver these sums to the treasurer of the crown.

Art. 24. The Queen shall receive for the dowry, four hundred thousand dollars, to be paid from the treasury of the crown.

CHAP. 7th.

Of the Senate.

Art. 2. The senate shall be composed:—1st. On the Infants of Spain, who shall have attained the age of eighteen years. 2d. Of twenty-four individuals appointed by the King from among the Ministers, Captains General of the army and navy, Ambassadors, the

Councillors of State, and those of the royal council.

Art. 33. No person can be appointed Senator, who has not attained the age of forty years.

Art. 34. The office of Senator shall be for life.

Art. 39. The duty of the Senate shall be to attend to the preservation of individual liberty, and the liberty of the press.

Art. 45. A Junta of five Senators, named by the Senate, shall be charged with watching over the liberty of the press.

Art. 46. The authors, printers and book-sellers, who think they have cause of complaint for prevention in the impression or sale of a work, can have recourse directly, and by means of petition to the Senatorial Junta for the liberty of the press.

Art. 47. When this Junta shall have satisfied themselves that the publication of the work will not prejudice the State, they shall request the minister who gave the order to revoke it.

Art. 48. If after three consecutive requisitions, made in the space of one month, it should not be revoked, the Junta shall call a meeting of the Senate: which if there be cause shall make the following declaration.

"There are strong presumptions that the liberty of the press has been infringed."

The President shall place this deliberation in the hands of the King.

CHAP. 8th.

Of the Council of State.

Art. 52. There shall be a council of State, over which the King shall preside; which shall be composed of thirty individuals at the least, and of seventy at the most, and shall be divided into six sections, to wit: section of justice and ecclesiastic negotiations; section of the interior, or general police; sections of ways and means; section of war; section of the marine and section of the Indies. Every section shall have a president and four individuals at least.

Art. 53. The heir apparent can assist at the sessions of the Council of state, when he arrives at the age of fifteen.

Art. 59. The Council of State in the business of its department shall have no more than an advising voice.

CHAP. 9th.

Of the Assembly, [Cortes.]

Art. 61. There shall be an assembly or junta of the nation composed of one hundred and seventy-two individuals, divided into three estates, to wit: the estate of the Clergy; that of the Nobility; that of the people. The estate of the Clergy shall be seated on the right of the throne, that of the Nobility on the left, and in front that of the people.

Art. 62. The estate of the Clergy shall be composed of twenty five Archbishops and Bishops.

Art. 63. The estate of the Nobility shall be composed of twenty five Nobles, who shall be distinguished by the title of Grandees of the Assembly, (Grandes de Cortes.)

Art. 64. The estate of the people shall be composed: 1st, of seventy-two deputies from the provinces of Spain and the Indies; 2d, of thirty deputies from the principalities of Spain and the adjacent Isles; 3d, of fifteen merchants or traders; 4th, of fifteen deputies from the universities, learned persons, or distinguished by their personal merit in the sciences or arts.

Art. 65. The archbishops and bishops who compose the estate of the clergy, shall be raised to the class of members of the assembly by a parchment, sealed with the grand seal of state; and cannot be deprived of the exercise of their functions but in virtue of a sentence given by the competent tribunals, and in legal form.

Art. 66. The nobles, to be raised to the class of grandees of assembly, shall enjoy an annual income of twenty thousand dollars at least, or shall have done great and important services in the civil or military line. They cannot be deprived of the exercise of their functions but in virtue of a sentence given by the competent tribunals, and in legal form.

Art. 67. The deputies from the provinces of Spain and the adjacent Isles, shall be named for their places, at the rate of one deputy for three hundred thousand inhabitants. For this purpose the provinces shall be divided into districts of election, which shall have the necessary population to entitle them to the election of a deputy.

Art. 69. The assemblies for election cannot be held but by virtue of a royal order of convocation, in which shall be expressed the object and place of their meeting, and the time of opening and closing the assembly.

Art. 71. The deputies from the thirty principal cities of the kingdom shall be named by the body of magistrates of each of them.

Art. 73. The fifteen merchants or traders shall be elected from the members of the chambers of commerce, and from those in the best credit and richest of the kingdom; and they shall be appointed by the King from among those who shall be comprehended in a list of fifteen individuals, formed by each of the tribunals and chambers of commerce.

The tribunal and chamber of commerce shall unite in every city, in order to form in company their list of presentation.

Art. 74.—The deputies from the universities shall be appointed by the king from those comprehended in a list, list of fifteen candidates presented by the royal council, and 2nd, of seven candidates, presented by each of the universities of the kingdom.

Art. 76.—The assembly of Cortes shall be convened by the King. They cannot be deferred, prorogued or dissolved but by his order.

They shall meet at least once every three years.

Art. 77.—The president of the assembly shall be appointed by the king from among three candidates, which the said assembly shall propose by a plurality of votes.

Art. 80.—The sessions of the assembly shall not be public, and its resolves shall be made verbally, or by scrutiny, from a plurality of votes.

Art. 81.—The opinions and resolves of the assembly shall not be divulged or printed. Every publication by means of printing or edict, made by the assembly of the Cortes or by any of its individual members, shall be considered as an act of rebellion.

Art. 82.—A law shall determine every three years, the quota of rents and annual expenses of the state; and this law shall be presented by the orators of the council of state, for the deliberation and approbation of the assembly.

The variations which shall be made in the civil or penal code, in the system of impost or coins shall be presented in the same manner, for the deliberation and approbation of the assembly.

CHAP. 10th.

Of the kingdoms and Spanish provinces in America and Asia.

Art. 87.—The kingdoms and Spanish provinces of America and Asia shall enjoy the same rights as the metropolis.

Art. 89.—A reciprocal commerce is permitted between the kingdoms and provinces and the metropolis.

Art. 90.—No particular privilege of exportation or importation shall be given in the said kingdoms and provinces.

Art. 92.—Their deputies shall be in number, twenty-two, viz.—two from New Spain; two from Peru; two from the New Kingdom of Granada; two from Buenos Ayres; two from the Philippines; one from Cuba; one from Porto Rico; one from Venezuela; one from Caracas; one from Quito; one from Chili; one from Guano; one from Gaudalajara; one from Yucatan; one from the internal western provinces of New Spain; and one from the eastern provinces.

Art. 94.—The deputies shall exercise their functions for the space of eight years.

CHAP. 11th.

Of the Judicial Order.

Art. 93.—Justice shall be administered in the name of the King, by tribunals which he himself shall establish.

Art. 99.—The king shall appoint all the judges.

Art. 100.—No judge can be deprived of his office but by approbation of the King.

Art. 106.—At the first session of the Cortes, the question shall be debated, whether the trial by jury may be established.

CHAP. 12th.

Of the Administration of Revenue.

Art. 117.—The system of contributions shall be equal throughout the kingdom.

Art. 118.—All the privileges which actually exist, given to companies or individuals, are suppressed.

Art. 119.—The national treasury shall be distinct from the treasury of the crown.

Art. 121.—The King shall appoint the national treasurer.

Art. 125.—The appointment to all the offices shall belong to the King or to the authorities to whom it is confided by the laws and regulations.

CHAP. 13th.

General dispositions.

Art. 124.—There shall be an alliance of offensive and defensive perpetually, as well by sea as by land, between France and Spain. A special treaty shall determine the proportion which each power shall contribute in case of war, by sea or land.

Art. 130.—The torture is abolished.

Art. 134.—If the government should have notice that any conspiracy is forming against the state, the minister of police shall give an order of arrest and imprisonment against the individuals as authors or accomplices.

The whole consists of a 146 articles, and is dated in Bayonne, July 6th 1808, signed by Joseph, countersigned by the Secretary of State, Marino Luis de Urquijo, and afterwards signed by the junta assembled for this purpose, consisting of ninety-one members. The Cortes consists of 172 members; their

approbation of the laws is given by a plurality of votes. Of this assembly only 72 deputies are chosen by the people, the remainder being appointed by the King or officers immediately under his direction.

FOREIGN INTELLIGENCE.

New-York, September 14.

The ship Susan left Liverpool on the 26th July, capt. Delano, has furnished the Editor of the *Mercantile Advertiser*, with a file of London papers to the 21th July, inclusive, a Liverpool paper of the 25th; Lloyd's Lists to the 19th and Price Current to the 15th. The news from London is 13 days later than our former advices from that quarter, but is of very little moment. We have copied the principal articles from papers of the latest date, and shall continue our selections to-morrow.

The June Packet from New York arrived at Falmouth on the 18th of July.

LONDON, July 16.

Accounts were received yesterday from Italy, which state that the Pope, summoning the Cardinals to an extraordinary meeting, laid before them a long exposition of the treatment which he had received from Bonaparte, of the manner in which he had conducted himself, and of the difficulties and afflictions by which he was overwhelmed,—that feeling himself no longer able to bear the fatigues of the Papal Office, he had come to the resolution of resigning it. The Conclave after the resignation immediately proceeded to a new election, and sensible of the little utility that would accrue to the cause of religion, by choosing one from among those present, who were only so many prisoners in the hands of Bonaparte, they elected to the Papal throne the Cardinal Archbishop of Palermo.

A gentleman from Paris confirms the statement of several letters received from the continent, that an embargo had been laid on all American vessels in the ports of France, and that in many instances the French had proceeded to condemnation.

Mr. Freere is said to be appointed British minister to the Supreme Junta of Seville, and is soon to embark for Cadiz.

A new decree, enforcing further restrictions on the commerce of America with France, had likewise appeared.

The women have resolved to get in the harvest in the province of Andalusia, that the men might join Patriotic bands. The harvest is the most abundant that has been for several seasons. Upwards of 100 women actually dressed themselves in soldiers' clothes, and offered their service to the Patriots; but their sex was discovered.

The Expedition from Cork has at length sailed.

Late on Friday evening, sir John Moore, with the troops under his command, arrived in the Downs, sir John immediately landed and proceeded to London. The troops meanwhile are proceeding to Spithead, where they are to be reviewed, and proceed immediately to Gibraltar. That is to be the general rendezvous, and from thence troops will sail to those points where their efforts may be deemed most likely to be useful to the Spanish Patriots. The whole British force to be sent will amount to about 40,000 men. Sir Hugh Dalrymple is mentioned as the commander in chief. Sir John Moore, sir Arthur Wellesly, and gen. Spencer, are to be under him.

A report is prevalent on the continent, and has excited great sensation in Holland, that Bonaparte had announced his purpose of removing his brother Louis to Naples, and of annexing the Dutch provinces to France. The statement has acquired increased credit, from an order issued in the Dutch army, for the dismissal of all officers who are not natives of Holland.

The Pope continued at Rome early in the last month, when he was occupied in the beatification of three Female Saints, of the 16th century. Bonaparte it is said, has, in compliment to the intercession of Russia and Austria, consented that His Holiness shall remain in the Vatican as Bishop of Rome, with a revenue of 3,000,000 of florins.

A letter has been received from Bordeaux of the 4th, which mentions that the division of general Dupont, had been compelled to surrender at discretion to the Spanish patriots. Want of provisions is assigned as the cause.

Another letter from off Cadiz, dated 20th ult. says—"The news to day is, that Dupont is endeavoring to retreat, & that the Spaniards have already taken 3000 of his men."

JULY 22.

La Gloire has brought to England several French-prisoners and some passengers.—One of the latter gives a very clear and distinct account of the situation of affairs at Lisbon, up to the 26th of June, inclusive, on which day he was fortunate enough to escape on board the British squadron, where he remained till the departure of La Gloire. In the course of the fortnight preceding the 7th, there had