The Napoleon Series

Three Spanish Royal Decrees Pertaining to the Creation of a Spanish Government during the French Occupation

By Christopher Coffey

After Napoleon’s forces invaded Spain in early 1808 and kidnapped King Ferdinand 7th and his Father King Charles 4th, Spain was left without a governing body. Spain was predominantly occupied. There was no active central government and cities relied on their local Juntas. On 25 June 1809, the first centralized government to arise from the ashes was the Supreme Junta Central Government, which was ordered by Royal Decree, 25 September 1808, which also discussed the invasion of Madrid by French forces. On 29 January 1810, the Supreme Junta Central Government was dissolved and the Council of Regency was established as per the 24 February 1810 Royal Decree (below). The Council of Regency was comprised of predominantly liberal members that wanted to limit the authority of the King and give power to the people.

A Royal Decree dated 28 September 1809 Creating the New Supreme Council and Tribunal of Spain and the Indies

![Royal Decree Image]
de todos y cada uno de los antiguos Tribunales ocasionados, y especialmente de los Consejos de Castilla, León, Aragón, y de los de la Audiencia del Rey, y de los de las Comunidades Autónomas. El Consejo General de España y de las Indias se trataba entonces de un órgano autónomo, independiente de los ministerios, y que estaba integrado por miembros nombrados por el rey, que debía elaborar y aprobar la política exterior de España. El Consejo tenía el poder de nombrar y deporar a los ministros, y de dictar decretos y disposiciones nghiêm.

A este fin era necesario el Consejo General de España y de las Indias, que era el órgano político más importante del país, y que estaba integrado por miembros nombrados por el rey, que debía elaborar y aprobar la política exterior de España. El Consejo tenía el poder de nombrar y deporar a los ministros, y de dictar decretos y disposiciones nghiêm. En este sentido, el Consejo General de España y de las Indias era un órgano autónomo, independiente de los ministerios, y que estaba integrado por miembros nombrados por el rey, que debía elaborar y aprobar la política exterior de España. El Consejo tenía el poder de nombrar y deporar a los ministros, y de dictar decretos y disposiciones厳しい.

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Supremo de España e Indias, que he tenido á bien crear, en los casos y cosas tocantes á la autoridad que le concedo, obedeciendo y haciendo obedecer exactamente y con prontitud sus órdenes y determinaciones, sin permitir su contravención en manera alguna. Fecho en el Real Palacio del Alcázar de Sevilla a veinte y nueve de Setiembre de mill seiscientos y nueve.

Yo el Rey.

Por la Junta Sup.

A cargo de lo suyo presient.

Por mandado el Rey mi vi

Cteban Vasssh.

Para que en los Dominios de Indias se tengan entendidos, guarden y cumplan los Reales Decretos insertos en que V. M. ha tenido á bien crear el Consejo Supremo de España e Indias.
A Royal Decree dated 28 September 1809 Naming the Ministers of the New Supreme Council and Tribunal

28 September 1809

A Royal Letter in the name of King Ferdinand VII addressed to all Civil, Military, Judicial, and Ecclesiastical authorities in the Monarchy’s domains signed by the President of the Supreme Central Governing Assembly of Spain and the Indies on the 28th of September 1809 at the Royal Fortress of Seville, wherein two Royal Decrees are inserted, both dated on the 25th of June 1809.

The first Royal Decree creates the new Supreme Council and Tribunal of Spain and the Indies replacing the suppressed Tribunals, especially the Councils of Castille, the Indies, Hacienda, and the Orders. The functions of the new Supreme Council supplant those of the annulled tribunals, councils, and assemblies located in Madrid which the French invaders have used to legitimate their occupation. Likewise, the Supreme Council has declared abusive and illegitimate, all the provisions of government, grace and justice which the suppressed tribunals have issued since December 4, 1808 when the French invaded and took control of the public institutions of Madrid; moreover, declaring as criminals of the State those who published said provisions. The decree elaborated in detail the nomination of the personnel who will make up the new government staff with their corresponding ranks and salaries.

The second Royal Decree specified the names of the Ministers nominated to make up the new Supreme Council and Tribunal with their respective honors and salaries.
A Royal Decree dated 24 February 1810 Creating the Regency Council

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24 February 1810

A Royal Letter addressed to all Civil, Military, Judicial, and Ecclesiastical authorities who exercise jurisdiction and representation in all Spanish territories signed in behalf of the Council of Regency by its president, Dn. Franciso Xavier de Castaños, in the name of King Ferdinand VII, wherein is inserted the Royal Decree dated 29th January 1810 emanated by the Supreme Assembly creating the Council of Regency.

On the premise of the ills afflicting the country, a change of government is imperative. To this end, the Supreme Governing Assembly of Spain and the Indies has the unique role in the establishment of the Regency Council as it is instituted by the national will and, thus, acknowledged and respected by the Provinces, the Military, the Allies, and the Americas, and which would represent the unity of the power of the Monarchy.

The Supreme Assembly thus resolved for the establishment of a Regency Council, which comprised of five members, to wit: 1. Dn. Pedro de Quevedo y Quintano, Bishop of Orense; 2. Dn. Francisco de Saavedra, Councilor and Secretary of State; 3. Dn. Francisco Xavier de Castaños, Captain General of the Royal Army; 4. Dn. Antonio de Escaño, Secretary of the Navy; and, 5. Dn. Esteban Fernandez de Leon, Council Minister of Spain and the Indies, representing the Americas.

The Supreme Assembly relinquished all its powers in favor of the Regency Council, which is slated for installation on the 2nd of February 1810 in the Royal island of Leon, when the Courts will convene, and determine the kind of government to be established. The members of the Regency Council sworn their oath of office in the presence of the Marques of Hormazas, the Secretary of State nominated to authorize the act of installation of the Regency Council.

Furthermore, in this Royal Letter, a reference is made of a Royal Decree dated 4th of February 1810 relieving Dn. Esteban Fernandez de Leon from his representation of the Americas more for not being a native of the Americas than for reasons of health, and the nomination in his stead of Dn. Miguel de Lardizabal more as a native of the Province of Tlaxcala than the majority of votes he garnered from the New Spain electing him to the Central Assembly.

The Royal Decree provides, likewise, the membership of the Regency Council of the representative from north America who will alternately occupy the post with the representative from south America.

In 1810, another body of government was created, the Cadiz Cortes, which was the first national assembly of Spain and had members from every colony plus the Catholic Church. It was named
so as during the French invasion Spain lost many of its strongholds for the Government and the last stop was Cadiz. Several attempts were made to capture Cadiz but it never fell. On 19 March 1812, the Cadiz Cortes created and disseminated one of the most important and controversial pieces of Spanish history, Spain’s first constitution, dubbed “La Pepa”. It severely limited the King’s power and greatly increased every Spaniards’ rights.

What they did not foresee was this document would be a major catalyst in the downfall of the Spanish Empire. When Napoleon forcefully put his brother Joseph on the Spanish throne it split the empire. Many politicians in Madrid and other areas tried to conform and work with the French rule. There were even coins minted in mainland Spain during this time that bore Joseph’s bust on the obverse; however, the coins minted in the colonies bore the bust of King Ferdinand 7th.

At the end of the war Napoleon freed King Ferdinand and before he was allowed to return to Spain as its King, he was forced by the governing body to agree to uphold the 1812 Constitution in whole. Ferdinand 7th reluctantly agreed and returned to power as King. In a short time after returning Ferdinand was counseled by many loyal nobles who also had lost power due to the constitution and was swayed to realize this constitution had taken away his God given rights and powers.

On 24 March 1814, King Ferdinand 7th officially abolished the constitution which had a short life considering much of the two years a large area of Spain was occupied by French forces and never fully enjoyed its freedoms. King Ferdinand 7th also arrested and imprisoned or exiled many of the liberal members of the occupation government for the harm they did to his monarchy. This was not the end of the liberals as the kept trying to implement the constitution for the rest of King Ferdinand 7th’s reign.

The real problem was the colonies had learned of freedom and self-rule while the King was disposed. This, along with the creation of the 1812 Constitution caused many revolts. Between 1810 and 1820, Spain lost almost all of its colonies due to the French Invasion, mismanagement, and revolts. A period of almost 5 years without a King crippled Spain’s economy not to mention the damage to mainland Spain by the war and occupation forces. Spain would never rise again to become a world power.

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