

THE HISTORY OF THE NATIONAL PARLIAMENT



Juan Antonio Lavalleja

On the 26th of July 1828 General Juan Antonio Lavalleja, the leader of the group of the Thirty three patriots that had started the liberation campaign on the 19th of April 1825 to end up successfully achieving the independence of the country and the removal of all submission ties to the Empire of Brazil, called on the people to elect an assembly that would act as a legislative body.



A fan made to commemorate the Swearing of Allegiance to the 1830 Constitution

While the future members of the legislature were being elected in all towns and villages of the Banda Oriental (which would later become the República Oriental del Uruguay) and the previous formalities for the establishment of that assembly were being completed, a major political event occurred: on the 4th of October 1828 the Argentinian and Brazilian governments subscribed an agreement, the Preliminary Peace Convention, that ended the war between these two States and at the same time acknowledged the independence of our country.



The Swearing of Allegiance to the Constitution

Our country should then constitute itself formally as an independent state and should start by giving itself a Constitution. Consequently, the legislature elect had to be given the status and capacity of a constituent assembly and became The General Constituent and Legislative Assembly of the State. Deputy governor Luis Eduardo Pérez convened the assembly, that met for the first time in the “Town of San José” –as the records go- on the 22nd of November 1828.

The Uruguayan Parliament, then a unicameral parliament, was established and started meeting on that day. Those first assuming in their capacity of both legislators and constituent assembly members were the Honourable Deputies, whose names are as follows:

Pedro Berro, Silvestre Blanco, Cristóbal Echevarriarza, José Ellauri, Jaime Zudáñez, Ramón Massini, Luis Lamas and Eufemio

Masculino, representing “Montevideo and the areas surrounding the fortified town”, Gabriel A. Pereira, Alejandro Chucarro, Lorenzo Fernández and Atanasio Lapido, representing the Department of Canelones, Manuel Calleros, Feliciano Rodríguez and José Vázquez Ledesma, representing the Department of San José, Joaquín Suárez, Juan Pablo Laguna, Lázaro Gadea, Santiago Sayago and Luis B. Cavia, representing the Department of Soriano, Antonino Domingo Costa and Manuel Haedo, representing the Department of Sandú, and José Ramírez, representing the Department of Durazno, Juan Francisco Gira, José Antonio Zuvillaga, José Trápani and José L. Osorio, representing Maldonado, and Cipriano Payán, representing Cerro Largo.

That meeting was a preparatory one and the future President of the Republic Gabriel Antonio Pereira presided over it. At the meeting held on the following day, the 23rd of November, Silvestre Blanco was elected as the permanent Speaker of the Assembly and became then the first President of the Uruguayan Parliament.



Gabriel A. Pereira

Twenty-eight members attended the first meeting. But the body had to have forty members, according to the provisions of a decree dated July 26th 1828. The twelve remaining members joined the Assembly between November 26th, 1828 and January 1st, 1829. Those members were Francisco J. Muñoz, representing Canelones, Manuel Pagola, representing Durazno, Joaquín Antonio Núñez, representing Maldonado, José Basilio Pereira de la Luz, representing Cerro Largo, Miguel Barreiro, Juan Benito Blanco and Pablo Zufriateguy, representing Colonia, Solano García, Nicolás Guerra and Manuel Calleros representing Paysandú or “Sandú”, and Julián Alvarez and Manuel G. Barreiro, representing San José.

Later, due to the resignation of some of the members or to the fact that some others had assumed the position of Ministers for the temporary Executive Power, Francisco Antonio Vidal and Roque Graseras became members for Canelones, Pedro Pablo de la Sierra and Santiago Vázquez, for Maldonado, Francisco Llambí and Agustín Urtubey, for Colonia, Francisco Solano Antuña and Lorenzo Justiniano Pérez, for Montevideo, Francisco García Cortina, for Soriano, and Juan María Pérez and Tomás Diago, for San José.

The Assembly met successively in four places. From November 22nd to December 3, 1828, in San José; from December 17th, 1828 to February 8, 1829, in Canelones; from February 16 to April 22, 1829, at the



church of La Aguada in Montevideo; and from the 28th of April, 1829 until its dissolution on October 22nd, 1830, at the “Town Hall of the City of San Felipe y Santiago de Montevideo”, as appears on the records, that is, the Cabildo building, where the Legislative Power met until August 1925.

It was not possible for the Assembly to meet in the city of Montevideo until late April 1829, because Montevideo was still under the power the Brazilian troops and was just then released. The Uruguayan forces and the government entered Montevideo and took the Fort – the government premises located at Plaza Zabala square – on May 1st, 1829. This is commemorated with the name of a short street in the Old City, that connects 25 de Mayo street with that square, and by which marched the patriots returning to the government house, from where they had been away since January 1817.



This Assembly fulfilled its duty as a constituent assembly very conscientiously, so much so that it approved the Constitution on September 1st 1829 (although the Constitution did not come into force until solemnly and publicly sworn allegiance to by civil, military and church authorities, as well as by all the citizens, on July 18th, 1830). However, the

Assembly did not neglect its duty as a legislative body and passed many laws that contributed to the gradual organisation of the State, and, essentially, added to the brand-new constitution.



Drum used in war

Thus, the Law on Freedom of Speech, of June 4th, 1829, the law that was called “Provisional Rules and Regulations for the Administration of Justice”, of August 12th, 1829, the Organic Law of December 18th, 1829 for the Police Forces, the law establishing the organisation of the State’s permanent army, of March 9th, 1830, the Electoral Law, of April 1st 1830, the Organic Law for the national militia, of April 29th, 1830, and the law that separated the Uruguayan church from the diocese of Buenos Aires on July 17th, 1830.

The Founding Charter approved that year established the structure of a Legislative Power consisting of four bodies: the General Assembly, or the meeting of the two Chambers together, that had competence in the case of disagreement between the two houses with respect to the approval of laws and in a few other cases expressly stated in the Constitution; the Chamber of Senators, made up of one Senator from each territorial Department and indirectly elected by the people; the Chamber of Representatives, directly elected according to departmental

constituencies and in a proportion of one legislator “per three thousand people or fraction not lower than two thousand”, which would have twenty-nine members in the first two legislative periods, and such number should be adjusted according to a general census to be carried out then, and again every eight years; and the “Permanent Committee”, made up of two Senators and five Representatives, which would be in charge while the General Assembly and the Chambers were in recess, and with the duties of preserving the observance of the Constitution and the laws, and of giving or refusing its consent to the Executive whenever needed or required by it.

Both Chambers had, in general, identical competence in legislative matters, but the Senate had some specific powers of its own in matters referring to the exercise of some functions by the Executive.

This structure of the Parliament, with some important modifications as to membership and way of election of the four bodies, has remained basically the same up to the present Constitution (which is in force since 1967 and was subject to some amendments approved by the plebiscite held on the 8th of December 1996).

Senators were then in office for a 6-year term and the body was partially renewed by thirds every two years. Representatives or Deputies – as they are usually called – were three years in office.

The number of legislators grew progressively, according to the creation of new territorial Departments, which were originally only nine and became nineteen as they are today by the decade of the 1880s. Besides, the population census provided for by the Constitution was not taken (just in 1908 a census was taken), and that led to a raise in the number of Representatives, since the population of the Republic had increased considerably since 1830.

The work conducted by the Legislative Power during the XIX century was extraordinary. It must be considered that, despite the difficulties and the situations of unrest characteristic of that period, in the midst of international conflicts, civil wars and interruptions of the normal institutional conditions, abundant essential legislation was created in a country lacking for it when born to independent life.

The juridical order of the new Nation had no foundations, because the law of other states had traditionally applied on a territory that had been successively under the domination of the colonial metropolis and of foreign invaders. Stress must therefore be laid upon the fact that all these achievements were accomplished by a Lower House with very few members and by a Senate that had initially only nine members.

The difficulties mentioned above prevented the Parliament from working uninterruptedly through the XIX century. Periods of interruption of the normal conditions, some of them shorter than others, were the following: from the 11th of November 1838 to the 27th of February 1829, from the 14th of February 1846 to the 14th of February 1852 – the period of the so-called Great War (“Guerra Grande”), in which Montevideo was



Manuel Oribe

under the siege of the forces led by General Manuel Oribe, and it was impossible to hold elections to renew the Legislature that had been elected on November 1842 -, from the 23rd of September 1853 to the 11th of March 1854, from the 20th of February 1865 to the 14th of February 1868, from the 10th of March 1876 to the 14th of February 1879 and finally, from the 1st of February 1898 to the 14th of February 1899.

All through the seventy-two years elapsed between 1828 and the beginning of the XX century – during approximately fourteen of which the parliament could not work -, as a unicameral parliament in the first two years and as a bicameral one since the first constitutional Legislature, elected in the ballots of the 1st and the 8th of August 1830 and established on the 24th of October 1830, the Legislative Power of the Republic of Uruguay carried on a work of enormous importance for the creation of juridical order and the promotion of progress and development in the country. Its presence marked the continuity of the country’s constitutional life and embodied the most genuine expression and representation of the people’s strive for freedom.

This work went on, with renewed impulses, until a new Constitution was written by the National Constituent Assembly, elected on the 30th of July 1916 – when secret ballots were held for the first time in our country. This new Constitution is known as the 1918 Constitution and entered into force on the 1st of March 1919, after having been approved at a plebiscite on the 25th of November 1917.

In the first two decades of the XX century a series of laws were enacted which brought Uruguay to the status of a country advanced in social and political matters, and in the field of the organisation of the State. Thus, the Organic Law for the Economic and Administrative Councils (local governments), of the 1st of July 1903, the law abolishing the death penalty, of the 23rd of September 1907, the divorce law, of the 26th of October 1907, the one creating the Municipal Executive Governments, of the 18th of December 1908, the law establishing the double-voting

system (primary elections held simultaneously at the national election) and a larger electoral representation of minorities, of the 11th of July 1910, the law creating new Ministries and reorganising their competence, of the 4th of March 1911, the law creating the State Insurance Bank, of the 27th of December 1911, the one nationalising the Mortgage Bank, of the 8th of June 1912, and the one establishing woman's right to divorce of her own free will, of the 9th of September 1913, among many others which would take very long to enumerate.

If we add to all this legislation the Codes that had entered into force between 1865 and 1889, that is the Code of Commerce, the Rural Code, the Code of Civil Judicial Procedure, the Code of Criminal Legal Process and the Criminal Law Code, wrote by the most eminent jurists, such as Eduardo Acevedo, Tristán Narvaja and Joaquín Requena, among others, *there is no doubt that, after the 1830 Constitution had been in force for eighty-seven years, Uruguay ranked among the most advanced nations in the world with regard to its legislation.

Besides, it must be pointed out that the 1830 Constitution law-making procedure was not modified in essence in the subsequent amendments.

According to this procedure, it is required that both Chambers discuss and approve the laws – the initiative resting with any legislator or with the Executive Power. In case of disagreement between the two Chambers, it is the General Assembly's responsibility to decide. Once a draft law has been approved by the Parliament, it is sent to the Executive for it to give its approval or veto. The veto of the Executive can be overruled by the General Assembly by a special majority vote.

The 1918 Constitution did not modify either the structure or the organisation of the Legislative Power. The Senate continued to have one member from each territorial Department and continued to be elected indirectly by Electoral Colleges elected directly by the people. But the constitutional laws of the 22nd of October 1930 and of the 27th of October of 1932 provided that "its members shall be elected directly by the people by a simple majority of votes, in a simultaneous double-voting system, and under the electoral guaranties established in Chapter II"

The new Constitution did not fix the number of members of the Lower Chamber, and fixing such number remained a competence of the law. However, the constitutional reference to the election of a Representative for "every three thousand people or a fraction no lower than two thousand" was removed. Accordingly, the law of the 22nd of October 1925, supplementary to the Elections law, provided in its section 1 that "the Chamber of Representatives shall have one hundred and twenty-three members".

As far as parliamentary control over the Executive is concerned, the 1918 Constitution conferred the Parliament important powers that did not exist in the previous Constitution or were very difficult to implement. Thus, it was established that all legislators should have the right to request from the Government's Ministers any such information or reports as they might deem necessary for the fulfilment of their duties and both Houses were empowered to appoint parliamentary investigation committees.

Besides, calling Ministers to the floor for interrogation, that according to the 1830 Constitution had to be approved by a majority of votes, was made much easier, since it came to be decided by a one-third vote. That is to say that a power that was almost impossible to exercise for it required the consent of the majority – that were supporters of the government – became a power capable of being exercised by the minority, which is the one that must control the Executive.

It must be remembered that Section 9 of the 1918 Constitution established that suffrage - until then deprived of guaranties – should be based upon compulsory registration in the Civic Roll, secret ballot, integral proportional representation and the prohibition to policemen and the military from any political activity except voting.



This extremely important provision was supplemented with efficacy by two remarkable laws. The law creating the National Civic Registry, of the 9th of January 1924, which also created the Electoral Council, a completely independent body which keeps the Civic Registry and organises and arbitrates elections; and the Elections Law, of the 16th of January 1925.

These two laws, plus the supplementary Elections law mentioned above, created a practically invulnerable system of guaranties for the exercise of suffrage. This system has

prevented ever since any possibility of electoral fraud in Uruguay and, for the most part, still remains in force.

Last, it must be remembered also that the law of the 16th of December 1932 conferred women the right of suffrage.



Project by F. G. Calleja



Project by V. Dubugras and E. Krug



Project by J. Giuria and A. Maini



Project by A. Koch



Project by Meano

It must not be forgotten that it was during the period in which the 1918 Constitution was in force that the House of Parliament, the “Legislative Palace”, was inaugurated, on the 25th of August 1925, when the centennial of the declaration of independence was being celebrated. During the solemn meeting held for the purpose of the inauguration, Dr. Duvimioso Terra, the President of the General Assembly, took the floor on behalf of the Legislative Power.



José Batlle y Ordóñez

This remarkable building, unanimously considered the most important in the country, is an architectural treasure in neo-classic style. Its corner stone had been laid on the 18th of July 1906 by José Batlle y Ordóñez, who was then the President of the Republic.

The original project had been made by the Italian architect Vittore Meano. But upon his death, his project was partially modified by the Uruguayan architect Jacobo Vázquez Varela and the Italian architect Antonio Banchini. However, completion of the

magnificent work was given an impetus when it was assigned in 1913 to another important Italian architect, Gaetano Moretti, who is responsible for the beauty and majesty of the building, particularly evident in its splendid main Hall.

In 1933 Parliament stopped functioning for a period, due to the coup d'état of the 31st of March of that year, and the de facto situation lasted till the 17th of May 1934, since on the following day a new legislature, elected according to the recently approved 1934 Constitution, took office.

Something similar happened in the year 1942, when another coup d'état took place on the 21st of February. Parliamentary activity resumed then the 15th of February 1943, when the new legislature was established and a new Constitution, known as the 1942 Constitution, entered into force.

The 1934 Constitution modified significantly membership of the

two Chambers. The Senate would have thirty-one members, thirty Senators plus the Vice-President of the Republic – a position that did not exist before –, who would preside over the Senate and have the right to vote. Senate members did not represent proportionately the number of votes, but had fifteen benches corresponding to the ballot-sheet candidate list having got the majority of votes within the party having got the majority of votes, from which also the presiding officer came, while the other fifteen benches corresponded to the ballot-sheet list having got the majority of votes within the runner-up party.

The Chamber of Representatives would have ninety-nine members, elected according to an integral proportional representation system. Neither the number of Representatives nor the way in which they are elected, nor the number of Senators, have been modified in the subsequent constitutional amendments (1942, 1952, 1967 and 1997).

A very important innovation introduced by the 1934 Constitution, but never applied in practice, except for one special occasion in 1969, was the mechanism of parliamentary censure on ministers. This power was conferred on the General Assembly, with the President of the Republic (Head of State) having, however, under certain conditions pertaining to a rationalised parliamentarist system, the counterbalancing power of dissolving the Chambers and calling immediately to new parliamentary elections, so that the people might, ultimately, by electing a new General Assembly that would determine either the fall or the ratification of the previously censured ministerial cabinet, settle the dispute between the two political Powers.

The other powers of control by the Legislative Power over the Executive were not modified then and have not been modified to the present day.

The 1942 Constitution did not modify the system established for the Legislative Power by the preceding Constitution, except in the way of assigning and apportioning the thirty benches in the Senate, which would no longer correspond to the majority party and the largest minority party. The integral proportional representation system, that already applied for the other Chamber, was also chosen for the Senate and is the one that still applies today.

In 1951 an initiative was put forward for a new amendment to the Constitution intending to replace the position of President of the Republic by a nine-member Executive, to be called the National Government Council.

The proposed amendment, which also contained other innovations, was approved at the plebiscite of the 16th of

December 1952. It entered into force, partially, on the 15th of February 1952 and, entirely, on the 1st of March of the same year.

The 1952 Constitution did not modify the provisions regarding the organisation and functioning of the Legislative Power. It must be pointed out, however, that the General Assembly was conferred the important power of appointing the members of the Electoral Council and the Court for Administrative Disputes – a judicial body in charge of controlling the lawfulness of the acts of the Administration, that was created directly by the new Constitution – as well as of the Supreme Court of Justice and of the Council for the Control of the State's Accounts - in charge of controlling the lawfulness of the financial actions conducted by the state bodies – a competence it already had pursuant to the 1934 Constitution.



The experience of the multimember government was not considered satisfactory and in the year 1966 an initiative bill for a new constitutional amendment was introduced with the purpose of restoring the single-member Presidency of the Republic, within a framework very similar to that of the 1942 Constitution. The draft constitution was submitted to plebiscite and approved on the 27th of November 1966, and came into force on the 15th of February 1967.

The 1967 Constitution, which is in force at present with some amendments introduced at the plebiscite of the 8th of December 1966 and entered into force on the 14th of January 1997, altered neither the structure nor the competence of the Parliament in our country.

However, due to the need for centralisation and strengthening of the Executive Power's conduction of the economic and financial policies, its scope of action regarding exclusive legislative initiative was broadened. The Executive did already have exclusive initiative in drafting and proposing budget bills. Since 1967 the exclusive initiative of the Executive Power is required for other laws in matters concerning the functioning of the economy .

The Executive was also given, with some restrictions as to subject and time, the power to send to the Parliament draft laws for urgent consideration, which must be dealt with and voted on by the two Chambers within fixed and relatively short terms, or else they are declared approved on



the due date. But the Chambers retain their power to reject expressly such draft laws, like in the case of any other legislative bills, and are also entitled, by a majority vote, to override the status of urgent consideration and proceed according to the ordinary parliamentary procedure.

Since the introduction of this innovation the Executive has used it moderately. Few bills have been submitted to Parliament under such heading and yet fewer have been approved by using such law-making procedure.

It cannot go unmentioned that there was a coup d'état in Uruguay on the 27th of June 1973 and that the Parliament was closed from that day to the 14th of February 1985. It was the longest break in the history of Parliament.

Obviously, at the end of a de facto period of almost twelve years, with the resulting breaking up of the constitutionally based juridical order and basic rights of tens of thousands of citizens damaged, it was necessary to undertake a difficult and pressing task of reorganisation of the juridical system, of reinstatement of the violated rights and of reparation of the damages undergone by the victims of such an abnormal situation.

That task was fulfilled in an honourable and efficient way by the 42nd term of the Legislature, that established itself on the 15th of February 1985. It was this Parliament that approved a series of fair and wise laws for the purpose of reconstructing the juridical order of the Republic and repairing in as much as possible the damages mentioned above.

In that respect, in a non thorough enumeration, it must be remembered that the Validation Law (for decree-laws passed by the de facto regime), the Amnesty Law (for prisoners of conscience), the emergency Law on Education, the Organic Law for the Judiciary and the Law of Reparation for those dismissed by the de facto regime, were all of them enacted in 1985. All these laws were approved despite the extremely intense parliamentary

activity all through that year, which included the discussion of the National Budget Law and the approval of the complex Law of rescheduling of domestic indebtedness (arisen from the serious economic crisis occurred by the end of 1982).

But of course the 42nd Parliament did not exhaust its fruitful task during the first year of its term. It also approved later some laws that were very important for the country's economy, such as the Law on Duty-free Areas (Law 15921 of December 17, 1978) and the Forestry Law (Law 15939 of December 28, 1987). This Parliament also had the time to enact the new Code of Judicial Procedure, the so-called General Code of Procedure (Law 15982 of October 18, 1988), which up-dated the very old 1878 Code of Civil Procedure, as well as to replace over five hundred sections of the old Code of Commerce by the modern Law on Commercial Partnerships (Law 16060 of September 4, 1989).

The important task of updating the coded legislation of the country went on during the 43rd term of the Legislature, when Law 16603 of October 19, 1994 was approved for the update of the Civil Code. Its very long series of sections was reordered, modifying provisions were inserted and, for purging purposes, concepts or provisions that had been abrogated either expressly or tacitly were removed. Among the latter, of special significance were those corresponding to the great Law on Women's Civil Rights of the 18th of September 1946, that had modified the Code in many essential respects but still left inconvenient doubts about the validity and force of many of its sections.

Finally, the 44th Parliament approved a new Criminal Procedure Code, Law 16893 of the 16th of December 1997, with the purpose of rendering the rules that have traditionally governed criminal lawsuits in our country fairer and more agile.



A lot more could be said about the accomplishments of the Uruguayan Parliament. What has been mentioned should suffice,

however, as a testimony of its meaning and significance for the country and of its remarkable contribution to the construction of the de jure state and the democratic society that is a distinctive feature of this Nation.