

of many, and the conviction of all. Happy Spain again sees assembled those cortes which rendered the reigns of her Alphonsos and her Ferdinands so glorious; and the most virtuous of nations—forgetting wrongs, pardoning injuries—is solely employed in re-establishing a constitutional government, in preserving the purity of her holy religion, and in giving testimonies of gratitude and veneration to her king, now seated on his august throne amidst the national congress, after having taken a solemn oath, by which he is made greater than the son of Philip was by the conquest of oriental kingdoms. O magnanimous king! the noble and loyal Spaniards are sensible of the numerous evils from which you have saved them by this generous act—by which the genius of evil, prepared to light up the flame of discord among us, is crushed. All hope that every pernicious germ will be extinguished, and that eternal peace and concord will take root in their stead. Let the fears, jealousies, and distrusts, which criminal souls have excited in the heart of the best of kings, for ever disappear, and all unite in surrounding the throne with that fraternal alliance which secures order, produces plenty, maintains justice, and preserves peace. And permit me, Sire, the faithful organ of this congress, and of the nation it represents, to present to you the due homage of its fidelity, and of the honourable sentiments by which it is animated. As our illustrious ancestors always were the firmest support of the throne and the monarch, so the same Spain, always ready to give brilliant testimonies of loyalty and love to her kings, solemnly promises you, that her sons, who have displayed in war more sanguinary examples of fidelity than were known to past generations, will make sacrifices worthy of Spanish heroes, and the admiration of future ages.’

“His majesty replied in the following terms—

“I accept the expressions and sentiments of love and loyalty which the cortes manifests towards me through the organ of its president; and I hope, through its assistance, to see the nation I have the glory to govern, free and happy.’

“Immediately after, his majesty read with a clear, intelligible voice, and with all the dignity becoming his character, the following speech.—



“GENTLEMEN DEPUTIES,—At length has arrived the day, the object of my ardent wishes, on which I see myself surrounded by the representatives of the heroic and generous Spanish nation, and in which a solemn oath has completely identified my interests, and those of my family, with the interests of my people.—When excess of evils produced the clear manifestation of the voice of the nation, formerly obscured by lamentable circumstances which ought to be erased from our memories, I immediately determined to embrace the desired system, and to take the oath to the political constitution of the monarchy, sanctioned by the general and extraordinary cortes in the year 1812. Then did the crown, as well as the nation, receive its legitimate rights; my resolution being no less spontaneous and free, than conformable to my own interests and those of the Spanish people, whose happiness has never ceased to be the object of my sincerest wishes. My heart, thus indissolubly united with the hearts of my subjects, who are also my children, the future presents to me only agreeable images of confidence, love, and prosperity.—With what satisfaction must the grand spectacle be contemplated, hitherto unexampled in history, of a unanimous nation, which has passed from one political state to another without convulsion or violence, subjecting her enthusiasm to the guidance of reason, under circumstances which have covered with mourning, and inundated with tears, other less fortunate countries!—The general attention of Europe is now directed to the proceedings of the congress which represents this highly favoured nation. From it are expected prudent indulgence for the past, and enlightened firmness for the future; and that at the moment which confirms the happiness of the present and succeeding generations, the errors of the preceding epoch may be buried in oblivion. It is also hoped, that multiplied examples will be displayed, of justice, beneficence, and generosity: virtues which always distinguished Spaniards; which the Constitution recommends; and which, having been religiously observed during the effervescence among the people, ought to be still more strictly practised in the congress of their representatives, invested with the circumspect and tranquil character of legislators.—It is now time to undertake the examination



of the state of the nation, and to commence those labours indispensable for the application of remedies suitable to the evils produced by ancient causes, and augmented, both by the invasion of the enemy, and by the erroneous system of the succeeding period.—The account of the public revenue, which the secretary of state, to whom that department belongs, will present, will shew its diminution and embarrassment, and will excite the zeal of the cortes to seek and select, among the resources still possessed by the nation, those best suited for meeting the engagements and indispensable charges of the state. This inquiry will serve more and more to confirm the opinion, that it is essential and urgent to establish public credit on the immutable basis of justice and good faith, and the scrupulous observance and fulfilment of all engagements which give satisfaction and tranquillity to creditors and capitalists, native and foreign, and relief to the treasury. I fulfil one of the most sacred duties which the royal dignity and the love of my people impose on me, in earnestly recommending this important object to the consideration of the cortes.—The administration of justice, without which no society can exist, has hitherto depended almost exclusively on the honour and probity of the judges; but now, made subject to known and established principles, it affords to the citizens new and stronger grounds of security: and still greater improvements are to be expected, when our codes, carefully improved, shall attain that simplicity and perfection which the knowledge and experience of the age in which we live are capable of giving.—In the interior administration, difficulties are experienced, which proceed from old abuses, aggravated during these latter times. The persevering application of the government, and the zeal with which its agents, and the provincial authorities, labour to establish the simple and beneficent municipal system adopted by the Constitution, are lessening the obstacles, and will, in time, perfect a department of the state which has an essential influence over the public welfare and prosperity.—The army and the navy call more particularly for my attention and solicitude. It will be one of my first cares, to promote their organization, and establish them in the manner most convenient for the



nation; combining, as far as possible, the advantages of forces so important, with that economy which is indispensable, and relying on the patriotism and good-will of the people, and the wisdom of their representatives, to whom I shall always have recourse with entire confidence.—It is to be expected, that the re-establishment of the constitutional system, and the flattering prospect which that event presents for the future, may, by removing the pretexts of which malignity has been able to take advantage in the ultramarine provinces, smooth the path to the pacification of those which are in a state of agitation or disturbance, and render unnecessary the employment of any other means. The examples of moderation, and the love of order, given by peninsular Spain, the just pride belonging to so worthy and generous a nation, and the wise laws which are promulgated, conformable to the Constitution, will contribute to this object, to the oblivion of past evils, and will draw closer all Spaniards around my throne, sacrificing to the love of their common country, all the recollections which might break or weaken those fraternal ties by which they ought to be united.—In our relations with foreign countries, the most perfect harmony in general prevails; with the exception of some few differences, which, though they have not disturbed the existing peace, have given rise to discussions which cannot be terminated without the concurrence and intervention of the cortes of the kingdom. Such are the differences pending with the United States of America respecting the Floridas, and the marking out the boundaries of Louisiana. Contests likewise exist, occasioned by the occupation of Monte Video, and other Spanish possessions on the left bank of the river Plata; but though a complication of various circumstances has hitherto prevented the adjustment of these differences, I hope that the justice and moderation of the principles which guide our diplomatic operations, will produce a result suitable to the nation, and conformable to the pacific system, the preservation of which is now the general and decided maxim of European policy. The regency of Algiers has given indications of a wish to renew its old system of restlessness and aggression. To avoid the consequences which may arise from this want



of respect to existing stipulations, the defensive treaty entered into in the year 1816 with the King of the Netherlands, stipulated the union of the respective maritime forces in the Mediterranean, destined to maintain and secure the freedom of navigation and commerce.—Thus, as it is the duty of the cortes to consolidate general happiness, through the medium of wise and just laws, and hereby to protect religion, the rights of the crown, and of the citizens; so also it belongs to my office, to watch over the execution and fulfilment of those laws, and especially of the fundamental law of the monarchy, in which the hopes and wishes of the Spanish people are centred. This will be my most grateful and most constant duty. To the establishment, and to the entire and inviolable preservation, of the Constitution, the power which that Constitution grants to the royal authority will be devoted; and in that will also consist my duty, my delight, and my glory. To fulfil and bring to perfection this great and salutary enterprise, after humbly imploring the aid and guidance of the Author of all good, I require the active co-operation of the cortes, whose zeal, intelligence, patriotism, and love to my royal person, lead me to hope, that they will concur in all the necessary measures for the attainment of such important ends, thus justifying the confidence of the heroic nation by which they have been elected.

“The president replied:—‘The cortes has heard, with singular satisfaction, the wise address in which your majesty has expressed your noble and generous sentiments, and described the state of the nation. The cortes presents to your majesty its most respectful thanks, for the ardent zeal with which you promote the general prosperity; and promises to co-operate with your majesty’s intelligence, and to contribute, by all possible means, to the attainment of the important objects for which it has been convoked.’

“As the unrestrained joy of the deputies, spectators, and multitude, convinced me,” says our authority, in continuation, “that this was a day of general oblivion and amnesty, I also endeavoured to forget the melancholy transactions of the last six years. From the moment of the king’s entrance, until he retired, the queen kept her eyes



riveted on his person: she appeared, in fact, to feel, that fortune could not confer a greater blessing, than in thus enabling her to be present, when her husband had so effectually recovered the lost affections of his people.

“After the president’s reply, Ferdinand, accompanied by the queen, entered the same carriage, and were followed by the other members of their family. It was with extreme difficulty the procession moved on, so great was the pressure of a crowd that filled the streets through which it had to pass, and the avenues leading to them. In addition to the immense concourse that impeded their passage, the balconies and windows were filled by all the beauty of Madrid: innumerable banners waved from every side; garlands of flowers were thrown on the carriage as it passed; and nothing was heard but expressions of the most enthusiastic loyalty. Several bands of music went before the procession, playing patriotic marches. The first carriage reached the palace at half-past one; soon after which, the populace retired, and festivity was suspended till the evening, when a general illumination took place: the theatres were also thrown open to the public, and the streets continued to be crowded till midnight.

“Such was the reception of Ferdinand the Seventh and his family, when he swore to adhere to the Constitution; and thus ended one of the most impressive sights I ever beheld: it might be called the triumph of virtue, as well as of freedom; for the people seemed to entertain only one sentiment, that of securing their future happiness by identifying the interests of the sovereign with their own.

“The most perfect harmony reigned throughout this and the following days: it is true, that the ambassador of a neighbouring power is reported not only to have been rather dissatisfied, but to have manifested even his displeasure, by attempting to break through a barrier placed in a street leading into that through which the procession passed. An assassination had also been perpetrated the preceding night on one of the body-guard; but, except as mere matters of historical fact, such isolated incidents do not deserve to be noticed, amidst the unequivocal acclamations of a hundred and fifty thousand human beings.



“ If I have dwelt somewhat in detail on the events of the 9th, it is because a knowledge of all those circumstances, however trivial, which attend the first efforts of a people who have recovered their liberties, is necessary for those who would form an accurate opinion of their motives and character.”

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## CHAPTER IX.

The Laws and Decrees of the first Cortes put in Force—Partial Opposition to the new Order of Things—Recapitulation of some prominent Points of the Constitution—Legislative Labours of the Cortes—Law relating to the *Persians*—Against Conspirators—Of the Militia—Landed Property—Individual Liberty—Liberty of the Press—Monasteries, and Religious Orders—Popular Clubs—Finances—Retrenchments—Opposition to the Law for secularizing the Clergy—Close of the Session—The King’s Speech to the Cortes—Disbandment of the Army of the Isle of Leon—Riego dissatisfied, but yields to the Government—The King replaces some Officers—Remonstrances from the Ministers—Perturbed State of the Capital—New Ministers—Riego recalled—Appointment of popular Generals to Command—Appearance of an anti-constitutional Pamphlet—Discovery of the Author—Popular Clamour against the King—The King complains to the Cortes—His Majesty’s Speech on opening the Cortes of 1821—The Ministry again changed—Report on the State of the Kingdom—Increase of the Army—Fresh Disturbances—Measures of Precaution—Assassination of Vinuesa—Morillo appointed to command at Madrid—Seignorial Rights abolished—Other Proceedings of the Cortes.

FROM the moment that the Constitutionals finally triumphed over the faction of the *Serviles*, the government were busily engaged in putting in force those laws and decrees which had been adopted by the former cortes, and which had remained a dead letter, upon the resumption of the monarchical authority by Ferdinand. All privileges and seignorial jurisdictions were abolished; and the militia was ordered to be re-organized, pursuant to the injunctions of the Constitution, by which it was enjoined, that the officers should be elected by a majority of the corps, receive their commissions from the municipality, and swear to defend the Catholic Religion, the Constitution, and the King. The



further profession of monastic vows was suspended; and the persons who had been banished on account of their attachment to King Joseph, were, under certain restrictions, permitted to return: it is said that their number was not less than six thousand. The archbishops, bishops, and curates, were ordered to read and explain the Constitution in their churches. Any person (*Decree of the 26th of March*) who should refuse to swear fidelity to it, or, in swearing it, should do so with reservations contrary to its spirit, was declared unworthy to be considered as a Spaniard, and disqualified to bear any honour, or exercise any office, in the monarchy: in case of ecclesiastics thus offending, their revenues were to be confiscated.

It would have been strange, indeed, if such a total change in the government should have taken place without producing dissatisfaction—offending the opinions, and interfering with the interests, of considerable classes of the people, and producing, in consequence, a proportionate opposition to its progress. That this repugnance was not greater, and more extensive, than in reality it appears to have been, can only be accounted for by the fact, that the oppression and imbecility of the late government had, at length, thoroughly disgusted all parties and classes in the nation. This, and every other period of the popular struggles, however, formed a striking contrast to the conduct of their neighbours the French, during the season of their political convulsions; where the subdued parties entered into diabolical conspiracies for the overthrow of their opponents, and where the ruling power used its utmost authority to proscribe and exterminate its enemies. But it must be admitted, that some symptoms of reluctance did shew themselves. At Saragossa, a body of four or five hundred of the populace, supposed to be instigated by the clergy, attempted, amid cries of “The king for ever!” “Religion for ever!” to pull down what is termed the stone of the Constitution, and were guilty of some other excesses. The assemblage was dispersed only by the approach of a large military force; and severe measures were taken to punish those who were suspected of having been concerned in the design. The governor, the Marquis of Alazan, brother of



the celebrated Palafox, was recalled; the archbishop put under arrest in his palace; several of the clergy, and a considerable number of other individuals, were thrown into prison; and a commission was appointed to inquire into the whole affair. In Galicia also, a body of peasants, guerillas, and disbanded troops, collected together, and took the field, under a banner inscribed "Religion and the King!" but they were soon dispersed by three battalions under Espinosa, seconded by a body of the national militia. In these, and in some other instances of opposition to the new government, the clergy were the avowed instigators of the counter-revolutionary movement. They afford, however, but comparatively unimportant exceptions to the general tranquillity and good order which accompanied the establishment of the constitutional regimen.

In order that the reader may be enabled more perfectly to understand the nature of the change which had thus been effected in the Spanish government, I shall recapitulate a few of the principal features of the Constitution; some of the general outlines of which have been briefly noticed in a preceding part of the work. By the third article, the sovereignty is declared to reside essentially in the nation. The cortes consists only of one chamber, which is formed of the deputies of the people. The deputies are elected by all the citizens; one deputy for every seventy thousand souls in the state. The elections are made in the electoral juntas of parishes, districts, and provinces: the citizens of all the parishes choose the electors for the district; and these again name the electors who are to meet in the capital of the province to elect the deputies to the cortes. The cortes are to meet every year, on the 1st of March, without awaiting any instrument from the king for their convocation. The session is to continue at least three months every year, and may be prolonged for another month by a vote of two-thirds of the members. The deputies are to be renewed entirely every second year; and the same individuals cannot be elected to sit in two consecutive cortes. In their oath, they swear to protect the Constitution, and be faithful to the nation, without any mention of the king. No foreigner, not even one naturalized, can be a deputy.



The king is to come without guards, and open the sessions with a speech. No deliberation can take place in his presence. The debates are public; the members inviolable for their opinions, and cannot ask or accept rewards, pensions, or honours, from the king. The approbation of the cortes is necessary, before any offensive alliance can be formed, or commercial treaty made. They determine, on the proposal of the king, the strength of the army and navy; they regulate, too, the system of general education, and approve that formed for the Prince of Asturias; they enforce the responsibility of all the public functionaries; they give instructions and form regulations for the army, navy, and militia, in all their branches. The power of legislation lies altogether with them: the king, indeed, has a suspensive *veto*, but he cannot exercise it without stating his reasons; if he fail to do so within thirty days, his silence is construed into assent. A bill thus thrown out may be brought in again during the next session, and again rejected by the crown: if the bill is renewed and passed in a third session, it becomes law without the king's assent, and without any reference to him at all. All deputies are paid a certain salary by the provinces they represent. Half the number, plus one, constitutes a quorum. The king's ministers have no seats in the house. Before the close of a session, the cortes nominate a permanent deputation of their body, to watch over the strict observance of the Constitution, with instructions to report any infractions to the next cortes. This same commission has the power of summoning an extraordinary meeting of the cortes, when the crown shall become vacant, or the king incompetent, or when his majesty shall be desirous of convoking them.— It is evident from this summary, that political power resides wholly in the representative assembly. By the fourth title, indeed, the person of the king is declared inviolable, and he is said to be empowered to declare war, make peace, invest with honours, nominate to all employments, military, ecclesiastical, and civil, to propose laws, to pardon culprits, and appoint and dismiss his ministers. It is observable, however, that the exercise of most of these prerogatives is considerably fettered by the authority of the *council of*



*state.* This body is formed of forty members, chosen by the king from a list of an hundred and twenty proposed by the cortes; and the forty members thus chosen are paid a certain salary to be fixed by the cortes. No actual deputy can be a member of this council; and when a vacancy occurs in it, the cortes present to the king three names, of which he must take one to fill up the vacant place. The council is declared to be the sole council of the king; who is to take its advice in all the important affairs of his administration, and particularly in the points of giving or refusing his assent to bills, declaring war, or making treaties. It is not expressly stated, but we are led to infer, that the decision of the council, in these cases, is compulsory on the king. In another respect, the authority of the council is laid down more unequivocally: it is empowered to present to the king three persons for presentation to all ecclesiastical benefices, and to all situations in the judicature; and the nomination must be one of the three persons thus recommended. The distribution of honours and distinctions are made according to fixed laws, (*con arreglo à los leyes.*)

There is a strong similarity between the general provisions of this charter and those of the French constitution, as determined by the national assembly in 1790. In both cases, the king was reduced to a mere executive officer of the will of the representatives of the people: the name of monarchy, indeed, was preserved, but the government was essentially republican, and, in fact, more exclusively popular in its nature than most of the republics upon record.

On the same day on which the cortes were assembled, the supreme junta resigned its functions; and the former immediately commenced their legislative labours.

Fifteen committees were nominated for the prosecution of the labours pertaining to the several departments. On the 15th of July, a report was read from the minister of war. From this it appeared, that the army consisted of 53,705 infantry, and 7850 cavalry; both, for the most part, in a very deplorable state with respect to arms and clothing. The arsenals were almost empty. The number of officers, notwithstanding the reductions which had taken place, was quite out of proportion with the rest of the troops. The



infantry had hardly received any clothing since 1814. More than 38,000,000 reals of pay were due to the cavalry, and twice as much to the infantry. The expense of the whole army was estimated at 352,607,000 reals. With respect to the colonies, no exact statement of the military force in those parts was given; but it was asserted, that, since 1814, 42,177 troops had been sent out to America. The picture presented by the report of the minister of marine was yet more discouraging. The minister of finance, on his part, shewed, that if the existing public debt were consolidated, the interest of it alone would go near to absorb all the receipts of the treasury.

Such were the circumstances under which the cortes commenced its administration. Circumscribed as are our limits, it is impossible that we can give the proceedings of this memorable session with that particularity of detail which the very interesting nature of the discussions that took place would otherwise prescribe. We must content ourselves with a simple enumeration of some of the most important results of their deliberations.

One of the earliest subjects of consideration with the cortes, was the degree of punishment to which it might be expedient to subject the *Persians*. The persons thus designated, were the sixty-nine deputies, who, in 1814, had taken part with the king for the overthrow of the Constitution, and who were thus called from the first word in their protestation, beginning, "The Persians, when they made laws," &c. It was at length decreed, that these individuals should be declared to be for ever disqualified for the exercise of any office, civil or military; and the ecclesiastics were further punished by the confiscation of their temporalities. On the other hand, the *Afrancesados*, or *Josephinos*, who had been banished by the king, as having joined or consorted with the French in the late war, were restored to all their rights as citizens.

A law was passed, declaring that all persons conspiring to change the constitution of the monarchy, as it existed, or to throw the legislative, judicial, and executive powers into the hands of one man, or one body, should be punished by death, as traitors. The same penalty and character was



extended to all persons seeking to establish another religion in Spain. Any Spaniard seeking either by words or writings to dissuade the people from the observance of the Constitution, should be banished for eight years to one of the neighbouring islands of the Peninsula. In case of a public functionary, or of an ecclesiastic, so expressing himself in his sermons, charges, or official pieces, the offender is to be imprisoned for eight years, and then banished for ever. Thus the leaders of the revolution seem to have prepared betimes for the opposition of the clergy.

The militia was put on a new footing. Every Spaniard, between the ages of eighteen and fifty years, was made liable to serve in the militia, with the exception of certain professions, and of persons who lived solely by their daily labour.

The late re-establishment of the Jesuits was declared illegal.

All existing entails of landed property were abolished, and all future entails of the same nature forbidden. This was a most important measure, in an economical as well as a political point of view: the power of accumulating property by substitution, had been carried in Spain to an extent most injurious to its agriculture; and it was even calculated, that the greater part of the territory of the Peninsula was thus bound up in *mayorazgos*.

Individual liberty was secured by a law, which forbade the detention of any person beyond four-and-twenty hours, unless it is shewn, by a summary instruction, that an offence punishable by corporal infliction or durance has been committed, and that there are sufficient grounds for suspecting that the person arrested is guilty of the said offence.

The press formed the subject of another decree not less important. By this, every Spaniard was allowed to print and publish his opinions without being subjected to any previous censure. An exception was made in the case of works relating to religion; which were not allowed to appear, without the sanction of the ordinary, or judge of the ecclesiastical courts. The juries who are to judge of offences of this nature, are named by the municipal body of the capital of the province.