

indemnification for the produce of the sale of bulls, and that of the annates. Lastly, the king of Spain, by the same compact, engages that for the subsistence of the nuncio at his court, an annual sum of fifty thousand crowns shall be paid from the revenue of the bull of the crusade*, which on this occasion was rendered perpetual.

It is manifest that the compact of 1753 has greatly diminished the contributions which Spain pays to the holy see. The produce, however of marriage dispensations still remains in the possession of the latter, and may be estimated at fifteen hundred thousand livres (62500*l.*) a year.

Since that period, the court of Madrid has continued warmly to defend the rights of sovereign authority against the

* We shall speak of this when we come to treat of the taxes.

pretensions of the holy see. It is not forgotten in what manner it received the admonition of Clement XIII. to the infant of Parma. The council of Castile collected all the copies and commanded the same to be done by all the letters, bulls and briefs which should be found contrary to the royal rights or to the measures taken by government, renewing the ancient law which denounced pain of death and confiscation against any notary or other persons who should dare to notify them.

On this occasion the council of Castile, of which the count d'Aranda was then president, collected every public act by which the kings of Spain, from the time of Charles V. had endeavoured to prevent the admission of the bull *in Cæna Domini*, so far as it was prejudicial to the sovereignty and jurisdiction of the temporal tribunals, and commanded all archbishops and bishops of the kingdom to pre-

prevent its publication and enforcement in their several dioceses.

To these proofs of the vigilance of the catholic kings to maintain the independance of royal authority, I shall add that Spain, like France, has the resource of its appeals from abuses. In the course of the last year a Spanish work appeared, written professedly on this subject, and intitled, *Maximas sobre recursos de fuerza y proteccion*. The clergy, and especially the holy office, the ancient and now almost forgotten constitutions of which the author had printed at the end of his work, endeavoured to prevent its publication; but the council of Castile and the minister openly protected the author, and enabled him to triumph over every opposition.

It was at the same period also that the powers and privileges of the nuncio in Spain were confined within narrow limits. In the reign of Charles V. they had

had already received some diminution. The council of 1528 began by establishing that the auditor of the nunciature should be a Spaniard.

In 1564 the council of Castile restrained the power of the nuncio, and sent him back his credentials that he might get them altered conformable to the restriction.

In 1640, the office of nuncio experienced new vicissitudes. A regulation appeared which established its form and proceedings, and to which was added, a list of all the favours which might be conferred by his authority.

The nuncios however, frequently abused the pious veneration of the Spaniards to extend their power. They sometimes arrived with bulls which authorized them to be the collectors of the produce of the *spolios y vacantes*, and to oppose the intervention of the secular

lar tribunals in the *recursos por fuerza* or appeals as from abuses. In 1641, a nuncio appeared in Spain furnished with such a bull; but the council of Castile, which, like the parliament of Paris, has ever zealously supported royal authority, examined and annulled the bull.

Under the present reigning family, the nuncios have made other attempts in which they have failed. Sometimes, when absent, they have named by their own authority sub-delegates to supply their places. In 1739, the nuncio being dangerously ill, appointed the inquisitor general to exercise his functions; Philip V. was offended at the nomination, annulled it, and obliged the sovereign pontiff to create the bishop of Avila nuncio *per interim*.

Lastly, in 1771, the court of Madrid obtained from pope Clement XIV. a brief which gave a new form to the nunciature, and substituted to the audi-

tor of the nuncio who is the only judge of this tribunal a rota modelled by that of Rome, and composed of six ecclesiastics named by the sovereign pontiff, but upon the presentation of the king of Spain; which was exclusively insuring these places to the subjects of the monarchy. This brief stated also, that the audiences of the nuncio should always be in Spain, but that for the future they should have no jurisdiction.

It must besides be observed that Spain has long since adopted, with respect to the independance of the sovereign power, maxims very similar to the four famous articles which were sanctioned by the assembly of the clergy of France in 1682, and which every subject the moment a public employment is conferred upon him is obliged to swear he will observe and maintain.

There still exists in Spain, however, a very great abuse arising from religion

ill understood; this is the extreme riches of the monks and clergy. Next to the ecclesiastical principalities of Germany, the richest catholic prelacies are found in Spain. The archbishoprics of Toledo, Seville, St. Jago, Valencia, and Saragossa, have larger revenues than any in France. There are monasteries, and particularly some of the Carthusians, the property of which extends to the greatest part of the district in which they are situated; and these religious foundations, while they depopulate and impoverish the neighbouring country, increase poverty and idleness by indiscriminate charity. Of this Galicia in particular is an example. Two thirds of the province are in the hands of the monks and the clergy. The consequence is that Galicia, although singularly favoured by Nature, which has abundantly provided it with every necessary of life, is perhaps the part of Spain in which knowledge and industry have made the least progress.

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The government, however, which becomes more and more enlightened, is endeavouring to lessen the consequences of such a situation. In the first place the wise choice of prelates prevents in them that display of offensive luxury which, by irritating indigence, diminishes the respect due to religion. Their constant residence in their dioceses produces at least the advantage of making them expend their revenues in the country by which they are paid. All the prelates employ a great part of their income in alms. Several of them, particularly the archbishops of Toledo and Valencia, consecrate a portion to the encouragement of industry, and this is not the only manner in which the riches of the clergy contribute to the good of the state. It will be seen, when we come to treat of the taxes, that they pay considerable contributions. Besides these, the court of Madrid has obtained from the holy see, the power of charging all the great benefices with the

the payment of pensions even to a third of their produce; and by a brief in 1783, this power was extended to all the simple benefices, which produce upwards of two hundred ducats, or about five hundred and fifty livres.

The Spaniards saw, perhaps, more clearly than other states, which pretend to more philosophy, the absurdity of having religious orders, and suffering the heads of them to reside out of the kingdom.

In consequence of this, the Carthufian monasteries in Spain were, in 1784, delivered from their dependance upon the grand Chartreuse; and when I left Madrid there was but two monastic orders, which had their principals or generals at Rome; and the death of these two was only waited for to detach them entirely from this dangerous connexion.

The

The severity with which the court of Madrid treated the society of Jesus, the continued vigour with which it pursued the Jesuits, even to their extinction, in the court of Rome and the tranquillity of the nation, whilst these measures were carrying into execution, prove that Spain crouches not so much as it is commonly believed beneath the yoke of superstition, and the absolute empire of monks. It is not by groundless assertions, but by recent and incontestible facts, that we have endeavoured to combat the favourite prejudice of modern Europe, which surely can no longer exist, if such plain and convincing arguments are properly weighed.

In Spain there is but one religious institution which philosophy mourns to see that nation subjected to, an institution of which I am far from undertaking the apology, though I shall refrain from all violent declamations against it, as the greater part of my readers would learn nothing from them, and the remainder would be offended

at their asperity. It is not by invectives that a nation can be cured of its prejudices. This species of intolerance, perhaps more intractable than that which is now almost every where vanquished by reason and humanity, only increases the evil, and irritates those who unhappily labour under its influence. I shall therefore more particularly refrain from all appearance of prejudice whilst speaking of religious intolerance, and of one of its most dreadful institutions. It may easily be perceived that I have the holy office in view, that tribunal to which every odious epithet has for so long a time been given, and which has still, in Spain, two powerful supporters, policy and religion.

Its defenders alledge that the authority of the sovereign finds in the holy office a means of making itself respected, since by chaining the consciences of the subjects it provides another security for their obedience, and prevents, in religious worship and opinion, those
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variations and incertitudes which have but too frequently disturbed the peace of society. They assert that religion gains by it the preservation of its unity and purity, and attribute to the inquisition the tranquillity Spain has in this respect constantly enjoyed, whilst the other Christian states of Europe have been a prey to all the bitterness of religious quarrels, and the turbulent zeal of innovators.

The antagonists of the inquisition maintain on the contrary, that it has constantly excluded light and information from the kingdom, that it has fed superstition and fanaticism, and kept the mind in a fervile subjection fit only to repress those vigorous efforts of genius by which great works of every kind are produced; that while it contracts the heart by fear, it prevents the sweet effusions of confidence and friendship, destroys the most intimate connexions which constitute their charms, and for

two whole centuries has condemned Spain to ignorance and barbarism.

These are undoubtedly very serious accusations. An account of the present state of this tribunal will prove how far they are well founded.

I shall not here repeat what is every where to be found in the history of the establishment of the holy office. It was contemporary with our religious wars, with all the outrages which fanaticism has produced in most of the states of Christendom; and under this point of view no nation can reproach the Spaniards.

But, since that period, manners are happily become more civilized, and if by the revolution the primitive constitution of the Spanish inquisition has not been changed, the rigours of it have at least been softened, and are become less frequent. *Auto de fés* are not, the same pompous solemnities as formerly, when by their apparatus, under the pretence of ho-

honouring religion, they insulted humanity; when the whole nation ran to them, as to a triumph, when the sovereign and all his court were present, believing they thus performed the most meritorious act in the eyes of the Deity, and enjoyed the torments of the victims delivered up to the executioner, and the maledictions of the people; when all the particulars of these barbarous rejoicings were related in books written expressly to describe the part taken in them, and the pleasure received from them by the spectator. After the *auto de fé* in 1680, a work was published, giving the most circumstantial relation of that terrible solemnity. The author seems to have taken as much pleasure in his narration as he could have done in describing a public festivity. "He is about," he says, "to relate, with an interesting exactness, all the circumstances of that triumph so glorious to the faith, with a list of the nobility present, and a summary of

“ the sentences passed upon the criminals.”

In his dedication he stiles Charles II. “ the protector of the church ; the pillar of the faith ; the captain-general of the militia of God ; the Christian Jupiter ; who chastises heretics, as Jupiter formerly did the Titans.”

The censors afterwards approve in the most distinguished manner, a work, which say they, “ for the majesty of its subject, ought not only to be read in Spain, but by the whole world.”

The examiner surpasses the censors. “ The author,” according to him, “ has answered the public expectation in a moment when curiosity made the spectacle the object of every wish, and when the pious impatience of all true believers complained of delay.” He is above all eulogium, by having

having given, with a scrupulous attention, all the particulars of this wonderful ceremony, thereby proving, "that in all that regards so solemn a tribunal, the most trifling circumstances are of the greatest importance." Had not he succeeded so well, he would have been excusable; "for such sublime and heroic actions are not to be described by words; he was therefore permitted to print this work for the consolation of pious persons, the satisfaction of the absent, and the example of posterity."

In the course of this truly singular narrative, the author frequently celebrates the pious zeal of the monarch who was himself present at the ceremony.

"This prince," says he, "having given it to be understood, that he should be *very glad* to be present at the celebration of an auto-general, the council (the inquisition) thought

“ it would be shewing him a mark of
 “ respect to afford him an opportunity
 “ to imitate the example of his august
 “ father Philip IV.” Madrid there-
 fore was made the place of exhibition
 instead of Toledo, as at first intended.
 The grand inquisitor went in conse-
 quence to kiss his majesty’s hand, “ af-
 “ furing him that he would take the
 “ most speedy measures for the accom-
 “ plishment of a work which was so
 “ agreeable to him.”

The author, at the conclusion, thus
 magnifies the merit which Charles II. ac-
 quired by honouring with his presence the
 whole ceremony, except the last tor-
 ments of the criminals.

“ It was a great consolation,” says
 he, “ to the zealous, a subject of con-
 “ fusion to the indifferent, and of af-
 “ tonishment for all the spectators, to
 “ be witnesses of a constancy worthy of
 “ being admired for ages to come.
 “ From eight o’clock in the morning
 “ his

“ his majesty remained in his balcony,
“ without manifesting the least uneasi-
“ nefs from the heat, or the prodigious
“ concourse of people, or appearing
“ wearied by so long a ceremony. His
“ zeal and devotion were so superior to
“ the fatigue, that he did not even
“ withdraw for a quarter of an hour to
“ taste refreshment; and at the end of
“ the ceremony he asked, if there were
“ any thing else to be done, and if he
“ might retire.”

The Spaniards of the present age are far from that cool cruelty which shuts the heart against pity; and are at liberty to compassionate the unhappy victims which suffer the severities of the holy office.

These have, however, been very rare in the present century, in which there has not been one general auto de fé similar to that of 1680.

In 1714, some monks, whose monastery (of Corella in Arragon) was in the neighbourhood of a convent of nuns, were convicted of having abused the ascendancy they had gained over their minds, by making them guilty of disorders which they concealed under the veil of religion. This double crime of sacrilege and seduction would anywhere else have been punished in an exemplary manner, by temporal tribunals. It excited the animadversion of the holy office, which condemned to death those who were most culpable, and, according to custom, delivered them over to the secular power.

Eleven years after, the inquisition exercised another act of severity, which I will not undertake equally to justify. A family of Moors was discovered at Granada, peaceably employed in the manufacture of silks, in which they excelled. The ancient laws, supposed to have become obsolete, were for this time renewed with all their rigour,
and

and the unhappy Moors were burnt alive.

In 1756, seven persons from among the lower class of people were taken from the prisons of Madrid to hear their sentences pronounced, according to custom, in the church of the Dominican nuns of that capital. One of them, a schoolmaster, who had been falsely accused, was acquitted. The three false witnesses who had deposed against him, one of whom was his wife, were banished for eight years, and condemned to receive two hundred lashes, which were never inflicted. Another really received the lashes, and was the only person then corporally punished, because, as the sentence declared he was *heretic, apostate, inclined to Judaism, was unsettled in his faith, and attached to every sect.* The only crime of one of the seven, who was from Tolouse, consisted the name of *Free-Mason*; his sentence was perpetual banishment, and confiscation of his property. Unhappily for him and the

the judges of the holy office, he had no property. Were the free-masons every where treated with the same severity, their innocent and peaceable society might in its turn become a dangerous sect. The experience of eighteen centuries has sufficiently taught the Christian world that the most efficacious mode of propagating and inflaming the zeal of sectaries, is to persecute them.

In 1763, a particular auto de fé was celebrated at Ilerena, when some heretics were delivered to the flames. The obscurity of these victims prevented their punishment from becoming generally public; and the universal terror which the name alone of the inquisition inspired, seemed to be less prevalent. The king, the year before, had restrained the powers of this tribunal. The grand inquisitor having, against the express will of his majesty, published a bull which proscribed a French book, was exiled to a convent thirteen leagues from Madrid. Whilst in exile he endeavoured

to excuse himself by alledging the immemorial usage, which gave to the holy office the exclusive right of prohibiting dangerous books. At the end of a few weeks he obtained his pardon; but the king, after having taken the advice of his ministers and the council of Castile, in January 1762, issued an ordinance, which established a new regulation relative to the admission of bulls, and stated :

That for the future the grand inquisitor should not be allowed to publish edicts, except when they were sent to him from his majesty.

That when he should receive briefs, by which books were to be prohibited, he should conform to the laws of the country, and publish the prohibition, not supporting himself by the brief, but by his own authority.

That none of these edicts should be published without first being seen and approved by the king.

Finally,

Finally, That the holy office should, before it condemned a book, summon the author before the tribunal, to hear what he might have to say in his defence.

This little triumph of reason and sovereign authority was indeed but short. The year following, the influence of the king's confessor produced a revocation of the edict; but the count de Aranda, in whom vigour of character excludes not that address which seems to be most frequently the concomitant of weak minds, having gained over a mixed council, composed of magistrates and bishops, and which had been established upon the occasion of the expulsion of the Jesuits, revived the order of 1762. This was not the only effort of that wise minister, to circumscribe the power of the holy office; he had long meditated the depriving it of the right to seize the property of the criminals it condemned; a dreadful power, against which it is allowable
boldly

boldly to declaim, even in Spain, because to manifest indignation at the avidity that dares to conceal itself under the sacred veil of religion, and which directs and sharpens the sword of justice, is at once to serve the cause of God and man; besides, that in all places where reason and charity can be heard, the accused ought to be spared the anticipated suffering of seeing their heirs in their judges. The count de Aranda was again upon the point of triumphing over this odious practice; but it was objected, that it furnished a part of the salaries of the officers of the tribunal; and that to supply the failure of this property, it would be necessary to create a fund of upwards of six hundred thousand livres (25000l.) This consideration suspended the revocation which was ready to be pronounced. It is thus that in all governments the best intentions are counteracted by circumstances, and that abuses are perpetuated, because they are connected with something which either means or courage are wanting to attack.

The

The count succeeded better in another attempt. Being president of the council of Castile, which, as well by its functions as inclinations, has always been the zealous defender of the rights of sovereignty, and gaining over, by the ascendancy given him by his character and talents, some powerful prelates, whose secret dislike to a tribunal, enriched by episcopal spoils, he took every means to increase, he obtained in 1770 a royal mandate which confined the jurisdiction of the inquisition to the cognizance of the crimes of heresy and apostacy, and forbade it to imprison the subjects of his majesty, unless these crimes were clearly proved.

This was greatly to contract its limits, and to reduce it to the only object which perhaps might have been the motive of its institution in an age when the innovators in matter of doctrine, insulted by their turbulent zeal both religion and morality; and though the edict gave offence to a few weak and fanatical people, it was

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celebrated and even magnified in foreign countries. The moment was supposed to be at hand when the hydra, which philosophy had long before condemned, was to be destroyed.

The resignation of the count de Aranda, which happened soon after, did not prevent similar measures from being pursued, because distinguished and enlightened persons were still at the head of administration, who, notwithstanding their zeal for religion, had imbibed the same principles. Security was re-established in the minds of men without banishing the respect due to religion and its ministers. This was insured by the goodness and moderation of the monarch, and the tolerating maxims of those in whom he principally confided. The time of rigour and cruelty seemed to be passed, and the holy office appeared to slumber, when in 1777 it suddenly shook off its supineness at the expence of an illustrious victim, and terror and false zeal were again routed through all

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Spain, and throughout the rest of Europe the indignation of every rational friend to the blessings of a wise toleration again excited.

Don Pablo Olavidé, born in Peru, had been raised by his distinguished abilities to one of the first employments in the state, that of intendant of the four kingdoms of Andalusia and assistant of Seville. His sage measures in this important post had excited admiration and gratitude, but envy was at the same time more active than either of these sentiments; when new opportunities presented to signalize his zeal. The king had conceived a project worthy of his beneficence, which was to clear and people that part of Sierra Morena which is crossed by the road from Madrid to Cadiz, a district formerly inhabited and cultivated, but lately overgrown with wood, and become a retreat for robbers and wild beasts. M. Olavidé was appointed to carry this plan into effect, and acquitted himself of his commission in the

the most distinguished manner; he however could not avoid the ordinary rock of all great enterprifes. He made himself enemies; and drew upon him the hatred of father Romuald, a German capuchin, who had brought into the Sierra Morena, a patent from the general of his order, by which he was declared prefect of all new missions, and from which he wished to arrogate to himself an unlimited authority in every thing which could be made to have the least connexion with religion. He met with opposition from the grand vicar, to whom the bishop of the diocese had delegated his powers in the Sierra Morena. He was still more opposed by M. Olavidé, who otherwise gave him a good reception, and received him into his intimacy. The disappointed ambition of the monk became furious. Some indiscreet expressions from M. Olavidé in an unguarded moment, because he was without suspicion, supplied him with an opportunity to gratify his revenge, which perhaps he disguised, even to himself,

under the name of zeal for religion. He fomented the discontents of some of the settlers who were his own countrymen, and made use of them to discredit the new establishment and its principal conductor. The memoirs he presented to the council of Castile, were full of the most serious charges against M. Olavidé. The council caused them to be examined by an impartial judge, and traced them back to their corrupted source.

M. Olavidé, however, who far from suspicion, still continued his operations with zeal, was suddenly ordered to court in the month of November, 1775, there to confer concerning different objects relative to his mission.

Whilst he resided at Madrid, in the most perfect security, he discovered by accident the treacherous conspiracy which was labouring to effect his destruction. He learned from intercepted letters, that father Romuald had planned his ruin to enrich himself with his spoils, and

and that he was not without a hope that the court itself would favour his detestable plot. The contents of these letters were communicated to the monarch, who ordered them to be examined by one of his tribunals.

But these were not the only weapons employed by the vindictive and ambitious monk. M. Olavidé was informed by some friends whom he still had in the Sierra Morena, that the preceding year father Romuald had accused him to the minister of foreign affairs, of being wanting in respect to divine worship and ecclesiastical discipline, in the new colonies, and of having in his possession prohibited books: and also that he had but a short time before accused him to the holy office.

However alarming this information might be, M. Olavidé confided in the rectitude of his own conscience. He still remained at Madrid, and solicited the ministers to convey to the foot of