

the throne the proofs of his innocence, or at least to plead his long services, and the important offices he had held, which seemed to recommend him to the indulgence of the monarch. He went several times to the grand inquisitor with offers to prove his submission to the holy office ; he protested the purity of his faith and offered to retract the expressions which might have escaped him to the prejudice of religion. His offers and protestations were coldly received. He thence concluded that legal but secret measures were taking for his justification ; and the mysterious silence of the holy office appeared to him no bad omen.

During his stay of almost a year at Madrid, he was particularly circumspect in his whole conduct, hoping thus to avert the storm which however soon after broke over his head.

The 14th of November, 1776, a grandee of Spain in quality of *Alguasil Mayor*
of

of the inquisition, accompanied by some officers of justice, arrested him in his house, and conveyed him to the prison of the holy office. From that moment he was lost to his wife, children, relations, and friends. Until the day his sentence was pronounced they were ignorant of the part of the world he was in, whether he were dead or alive, and had given over all hopes of ever seeing him more.

At the same time his wife, who was at Carolina, where she had remained during the absence of her husband, saw the officers of the inquisition arrive and seize all his property, books, and papers; whilst another detachment did the same at his house in Seville.

These proceedings produced different sensations in the minds of different men. The rivals of M. Olavidé, the enemies which envy and ambition had excited against him and some devotees, constant in their zeal for the cause of religion, con-

sidered it as a triumph. Several of his more rigid countrymen thought it a just chastisement for the imprudencies attributed to him; for in fact, said they, he might have had other judges, and not have escaped unpunished. Consternation was however the most general sentiment. Each began to tremble for himself, fearing least he should find in his most intimate connexions both spies and accusers. How might it afterwards be possible to enjoy the sweet communications of confidence and friendship? What man was prudent enough and sufficiently sure of himself to concert all his actions, weigh his expressions, and never to furnish matter of accusation for a secret enemy, a corrupted servant, a friend, or even a son led astray by his scruples? The holy office is perhaps more just than severe; but its proceeding is dreadful. How can an accused person disculpate himself when he neither knows his crime nor accusers? And how is it possible to avert the thunderbolt which is prepared in silence and in
the

the obscurity of its inaccessible labyrinth?

Such were the reasonings dictated by terror during the imprisonment of M. Olavidé. After passing from a profound calm to the agitations of a tempest, dangers will ever appear greater. The most intrepid minds are shaken by unexpected strokes; the apparent supineness of the inquisition, had re-established security, but its sudden revival terrified every one. The first impression was besides rendered more lasting by other circumstances. The monks thought the time of regaining their lost power was arrived. Scarcely was M. Olavidé arrested before it was known that a mission of capuchins at Seville had abandoned themselves to the excess of their zeal, and loudly exclaimed against the profane theatres to which he had given encouragement in that city. At the same time the inquisitions of the provinces partook of the triumph of that capital, and made an essay of their returning power. The inquisition of Ca-

diz

diz renewed a ceremony which had been neglected for half a century, and which is annually repeated at Madrid, that of solemnly reading all the decrees of the holy office, the bulls upon which its power is founded, and all the anathemas fulminated against heresy and irreligion. This ceremony was accompanied with every thing that could strike awe into the multitude. An edict was published which enjoined all the faithful of above ten years of age to be present at it, under pain of excommunication. It seemed as if the holy office wished to make a mockery of the alarm of the public.

The prosecution however of M. Olavidé was carried on with the utmost secrecy. His fate was decided after a rigorous imprisonment of a year and seven days, during which he had not the consolation of having even one of his servants suffered to approach him.

On the 21st of November, 1778, an assembly was held in the hall of the inquisition, to which forty persons of different orders were invited, among whom were several grandees of Spain, general officers, priests, and monks.

The sitting lasted three hours and a half. The criminal appeared cloathed in yellow, carrying in his hand a green taper, and accompanied by two ministers of the holy office. All the proceedings were read. The most interesting part was the circumstantial relation he himself had given in of his whole life. In this he confessed that in his travels he had frequented the society of atheists, namely, Voltaire and Rousseau, with whom he had discussed questions concerning religion, though without suffering himself to be seduced by their arguments; that notwithstanding, he had returned to Spain with many prejudices against the clergy, and persuaded that the privileges and opinions of the church of Rome were repugnant to
the

the prosperity of states; that since he had been placed over the colonies of the Sierra Morena, he had openly and without reflection, avowed his opinion concerning the obstacles which retarded their progress, the infallibility of the pope, and the tribunal of the inquisition; but that none of his expressions had the meaning attributed to them by those who heard him.

Afterward were produced the depositions of seventy-eight witnesses, who accused him of having frequently spoken the language of deists, uttered blasphemy, and ridiculed the priests. To several of these charges he pleaded guilty, and denied others, asserting that in all these cases his words had never expressed his true sentiments; that his object had sometimes only been to animate the industry of the settlers confided to his care, among whom the exterior practices of religion were frequently nothing more than pretexts for idleness; and that when he declaimed against the ill consequences

sequences of celibacy his view had merely been to encourage population, so necessary to the prosperity of his country.

This defence appeared neither respectful nor satisfactory. It was alledged against him as a crime that he had used every means of eluding the justice of the holy office, had intercepted letters to engage the witnesses brought against him to retract; and these circumstances were all proved by writings under his own hand.

In short, the tribunal adjudged him attainted and convicted of every charge made against him; and in consequence pronounced his sentence, which declared him heretic in form. He interrupted the reading by denying that he deserved so harsh an appellation. This was, during the final and terrible sitting, the last effort of his firmness. He fainted on the bench on which he sat, and as soon as he recovered himself, the reading

ing

ing of the sentence was continued. It confiscated all his property, declared him incapable of holding any employment, exiled him to twenty leagues from Madrid, from every place of royal residence, from Seville, the theatre of his fallen authority, and from Lima his country; it condemned him to be shut up eight years in a monastery, where he was to peruse such works of piety as should be put into his hands, to do penance, and to go to confession once a month. He afterwards made his solemn abjuration, and with all the ceremony prescribed by the canons was absolved from the censures he had incurred.

All who were present declare that he shewed the most unequivocal marks of resignation and repentance, and that it was impossible to refuse him their compassion.

It has been asserted that the personal clemency of the monarch, and (who will believe it) that of the grand inquisitor,

tor, mitigated the rigour of his sentence ; that some of his judges were of opinion he ought to suffer death, and several of them that a public punishment should be inflicted upon him ; it is even said, that one of these rigorous sentences was supported by a person near the monarch, whose fanatical zeal for the cause of God, made him believe the scandal ought to be repaired by a public example. It was however difficult to learn the rest of the secret particulars of this affair. Curiosity and indiscretion were restrained by fear. A conjecture, an expression, might be misinterpreted and embitter the life of the author. The greatest security seemed to be in silence. People were in a situation something like that described by Tacitus in the life of Agricola : *Adempto perquisitiones et loquendi audiendique commercio.*

It must however be observed in favour of the Spanish government, that this crisis did not continue long. The
mind

mind became more easy by reflecting upon the benevolence and equity of the sovereign, and the wisdom of his ministers, particularly of one who at that time was called near his person. Even the peculiar circumstances of the victim who had just been sacrificed contributed to dissipate public terror. His talents and success had excited envy before he had drawn upon himself the animadversion of the holy office; and the people, become more calm, hoped to make their obscurity a rampart against the rigours of the tribunal. What followed proved that they were but momentary, and that milder principles reigned in the privy council of the king.

It is true the sentence of M. Olavidé was begun to be carried into execution. He was confined in a convent of la Mancha. But soon afterwards, complaining of the ill state of his health, he obtained permission to go and drink the mineral waters in the neighbourhood; finding but little benefit from them, liberty was
given

given him to go to others in Catalonia, which he hoped would prove more efficacious. Had his sentence been intended to be executed in all the severity with which it had been pronounced, means would not have been wanting to have hindered him from taking advantage of the proximity of the frontiers. He easily deceived the vigilance of his keepers, and bidding a final adieu to his country, which still was dear to him, escaped to France where he was preceded by his reputation, and received as a martyr to intolerance. He has taken the title of count de Pilos and leads an agreeable life, seeking in the society of men of letters, the conversation of the friends he has acquired, and the moderate enjoyment of the pleasures of the capital, consolation for his loss of power and patronage; and what is still more difficult to him, for that banishment which for ever separates him from his fellow-citizens. The court of Spain, it is said, has reclaimed him, but that of France, without pretending that the latter king-

dom may with impunity become the asylum of those who are proscribed by a nation in alliance with it, has amicably represented to the cabinet of Madrid, that the crimes of M. Olavide were not of a nature like to those of which polished states had mutually agreed to give up the perpetrators. It is added, that the court of Madrid, whose severity is far from being implacable, and which it is imagined had yielded only to the impulse of a persecuting sentiment not its own, has forborne to insist farther on its demand.

Since this event the inquisition has in one case justified the apprehensions it had excited. Toleration, or which is the same thing, humanity, shuddered at the torments inflicted upon a poor woman, who, having been convicted of *sorcery* and *witchcraft*, was burned at Seville, in 1780, in consequence of the sentence of that tribunal.

Except in these instances its authority has been exercised only at long intervals upon some individuals, who, having used irreligious expressions, were pardoned upon retraction, after having been enjoined a trifling penance.

I was at Madrid in 1784, when a circumstance happened which proves that this tribunal, notwithstanding the terror its forms have ever inspired, is sometimes less severe than many secular courts of justice.

A beggar who generally took his stand at the door of a church, had employed his leisure in inventing and selling a species of powder to which he attributed miraculous effects. It was composed of ingredients the particulars of which would make the reader blush. The beggar had drawn up some singular formularies to be repeated at the time of taking the powder; and required, to give it its effect, that those who took it should put themselves into certain postures

more easily imagined than described. His composition was one of those amorous philtres in which our ignorant ancestors had so much faith ; his, he pretended, had the power of restoring a disgusted lover, and of softening the heart of a cruel fair one. Whatever flatters our passions has some claim to our credulity. The impostor wanted not for customers in that class over which the marvellous has so much empire ; and a few accidental successes gave reputation to his nostrum. He associated himself with some common women who distributed it. His powders, however, as it will easily be believed, were often employed without effect. Most of the persons whom he deceived, less irritated than ashamed, kept profound silence ; but at length others made complaints which were soon carried to the holy office. The beggar was arrested and led with his accomplices to the inquisition, where they were prosecuted in form. The impudent empiric avowed every thing ; he explained the composition of his powder and

and gave up his receipt and formularies. The result was one of the most singular proceedings which ever came before a tribunal. The day of vengeance arrived. The judges, criminals, and a crowd of spectators of both sexes assembled in the church of the dominican nuns at Madrid. Divine service was begun, but afterwards interrupted to read the strange proceedings. The temple of the most high was not supposed to be profaned by a recital of the obscenities contained in the summary. Such were the laws of the holy office, and these were not dispensed with in favour of some women of quality, who hid their confusion behind their fans. Even the nuns, less attached to their scruples than to the privileges of their church, lost no part of the ceremony, and their modest ears were insulted with the shameful relation. The sentence was pronounced and executed after mass was over.

The beggar was declared attainted and convicted of forcery, profanation and imposture, and condemned to perpetual imprisonment after having been whipped in the principal quarters of the city. Two women, his accomplices, were treated with more indulgence.

The three criminals soon left the church ; they were mounted upon asses, and each clothed in a *sambenito* covered with painted devils and other symbolical figures. They wore on their heads the fatal pyramidical bonnet called *coroza*, which resembles, perhaps, too much the pontifical mitre of our prelates. The man was naked down to his waist, and exposed to the eyes of the public a plumpness which could be attributed to nothing but the sale of his powders. The procession was headed by the marquis of Cogolludo, the eldest son of the duke of Medina Celi, who in quality of Alguasil Mayor presided at the ceremony. He was followed by several grandees of
Spain

Spain, associates of the holy office, and other officers of the tribunal. The windows were filled, and the streets thronged with curious spectators. The triumphant entry of a hero, returning to his country after having saved it, could not have been more pompous than the ceremony of which a vile criminal was the object; and this spectacle, by which curiosity was so much excited, unlike to others of the same kind, offered nothing which might wound sensibility. Never was a sentence so well deserved executed with greater mildness. The criminal stopped from time to time, and scarcely did the executioner touch his shoulders with the whip, when some charitable hand presented him with a glass of Spanish wine to enable him to finish his career. It were to be wished that the holy office had never exercised greater severity.

In fact, this tribunal is at present far from being so dreadful as in other countries it is generally believed. Its forms

are, however, terrifying even to those who are persuaded of its equity. Prosecutions are carried on with the greatest secrecy; the advocate granted to criminals to make their defence, cannot speak to or see them but in the presence of the inquisitors. But the most odious proceeding of all is, that when the depositions received against any person accused are communicated to him, the names of the accusers are carefully concealed*. It is to be regretted, that a country in which the laws are daily improved, and where every department of

* The institutions according to which the holy office regulates its proceedings are of the year 1561. These were become very scarce, but have been reprinted among the proofs and illustrations of a book which appeared in 1785, under the title of *Maximas sobre recursos de fuerza*. We imagine the reader will not be displeas'd at finding a translation of them at the end of this work. The perusal of them may perhaps rectify some of his ideas of the holy office, by informing him of all the precautions they prescribe, that the accused may not be condemn'd but upon the fullest conviction.

government becomes more and more enlightened, should still continue in one of its tribunals a mode of proceeding, the inconveniencies of which have been perceived by every modern system of jurisprudence, and which besides is not essential to the end of its institution. When the holy office shall publicly prosecute criminals, and name and confront their accusers, when it shall allow them every means of proving their innocence, will its laws be less observed? or will the sacred interests committed to its care be less attended to? The apologists for its present constitution will undoubtedly object, that the certainty accusers have of the secrecy of their depositions encourages others to give farther information, which without such a precaution might never be obtained; that most informers would be restrained by a false shame, the fear of exposing themselves to the indignation of the public and the resentment of the accused, or by some other motives. But would its zeal for the cause of God make
it

it apprehend a diminution of the number of its justifiers? I will not do it so much injury as to believe this. Purity of faith and respect for true religion ought certainly to be vigilantly maintained; and an enemy to either merits to be punished. But can we imagine that gratitude to benefactors, filial affection, domestic fidelity, and the charitable indulgence we owe to our fellow creatures are less estimable virtues in the sight of the Supreme Being? And would his cause be betrayed, if less praise-worthy motives should prevent some accusations. Besides, have not other tribunals different means of discovering the guilty? Are not those which are charged with the prosecution of offenders sufficient to take cognizance of offences, and legally to inflict punishment on those whose crimes materially affect the interest of religion and society? And do criminals of this description often escape the hands of justice? With respect to such as would remain undiscovered, without the evidence of witnesses,

nesses whose indignation their actions might have excited, what can religion gain by their discovery? Their public punishment only makes a whole nation acquainted with the scandal which otherwise might have been confined to a few individuals. May not those whose crimes have, if I may use the expression, none but God for witness, be without any ill consequence left to his vengeance, certainly much more just and less easy to elude than that of men?

In whatever light these reflections may be considered, I repeat that, the forms of procedure excepted, the inquisition may at present be esteemed as a model of equity and mildness. It takes every possible means of verifying the depositions it receives.

Let it not be said that the resentment of a secret enemy is sufficient to provoke its rigours. It condemns not upon the evidence of one accuser, nor without

out

out discussing the proofs of the accusations. Serious and repeated crimes are necessary to incur its censures; which, with a little circumspection in words and conduct relative to religion, are easily to be escaped, and men may live as little molested in Spain as in any other country in Europe. The indiscrete zeal of some of the commissaries of the inquisition, disturbs, indeed, in some places, the quiet of the inhabitants, by entering their houses to confiscate pictures esteemed too licentious, or prohibited books; but this zeal is mostly repressed, either by the court or the grand inquisitor, who, in the present reign, has always been a learned and prudent prelate.

I was informed at Cadiz, that some French merchants, having received a consignment of leather from one of our manufactories, were much alarmed at seeing the officers of the inquisition enter their houses. These desired to see the leather newly arrived, and having observed

observed that it bore the image of the holy virgin, which was the mark of the manufacture, exclaimed against the profanation. They remarked that the leather being intended to make shoes, the image of the Mother of Christ ran the hazard of being trodden under foot, and therefore confiscated it. The affair was referred to the supreme tribunal at Madrid. The merchants, much alarmed, had recourse to the court, by means of their ambassador. The court and the tribunal received the complaint in the manner it merited. The officers of the inquisition were enjoined not to molest strangers under such trifling pretexts, and the merchants recovered their leather without farther trouble.

On other occasions, still more recent, the minister and the grand inquisitor himself, have protected the inhabitants against the cavils of the subalterns of the holy office. In a city of Andalusia they attempted to give disturbance to a French house, because they
were

were Protestants; and when it was observed to them that the English and other northern nations were tolerated in Spain, notwithstanding they were heretics, they answered, that the Catholic religion was the only one in France. The cause, however, of this persecuted house was no sooner brought before the court than it was gained.

In fine, though we should admit that bigotry is more prevalent in the provinces than in the capital, no great inconveniencies can ever arise from it; because the sentences of the provincial tribunals have no force until they have obtained the sanction of that of Madrid, which, on that account, bears the name of *Suprema*. Besides, the court scrutinizes more strictly than ever the proceedings of the holy office, and certainly not with an intention of increasing its severity.

It was enacted, in 1784, that when the office should have finished the prosecution

secution of any grandee of Spain, any of his majesty's ministers, any officers in the army, member of a tribunal, or any person in place, the whole proceedings should be laid before the king to be revised and examined: By this law the principal persons in the kingdom have obtained an additional security against the arbitrary rigours of the holy office. It is to be regretted, that it was calculated to defend those who cannot want protection rather than those whose obscurity frequently renders their complaints ineffectual, and who consequently are exposed to be unjustly treated with more impunity. But the people are almost every where oppressed, or forgotten, by the laws, because they have no part in framing them.

The holy office to this day receives a certain tax from each vessel that arrives in any of the ports of Spain, in consequence of the examination it is authorized to make, in order to see that the vessel contains nothing that may be offen-

offensive to religion. The search has for a long time been neglected, but the duty is still paid to the office. Were this the only complaint against the inquisition, we should easily be reconciled to it.

I shall conclude what I have to say, concerning this tribunal, with a very sincere wish, unaccompanied by any sentiment of asperity, that the kings of Spain may believe themselves sufficiently assured of the obedience of their subjects, the vigilance of their temporal courts of judicature, and the pious zeal of Spanish prelates, to be convinced the holy office is entirely unnecessary.

Before I quit the subject, I shall take notice of a political body, which many strangers confound with the inquisition, but which has no other relation with it than their common epithet.

This

This is the holy hermandad, much spoken of in Spanish novels; it is no more than a confraternity, in different parts of the kingdom of Castile, whose only object is to watch over the safety of the country by pursuing and apprehending those who disturb the public peace. It is subordinate to the council of Castile, from which it receives its regulations. One of the strictest is that which prevents its jurisdiction from extending to cities. The principal detachments from it are at Toledo, Ciudad Rodrigo and Talavera.

In following the plan I had laid down for myself, I have begun with the interior administration of Spain, and the council of Castile, which naturally leads to the administration of justice, to legislation, and by these to the tribunal of the holy office. I shall next take a view of the different councils of the monarchy: which will enable the reader to form a proper idea of the constitution of the kingdom.

The council of finances, like the council of Castile, is divided into several chambers :

The *Sala*, or chamber *de Gobierno*, charged with the administration of finances.

The chamber *de Justicia*, which judges processes, and has cognizance of every thing relating to the farmers of the revenue, contractors and smugglers. It is also the tribunal for those whose causes are referred to the council of finance.

The *Sala de Millones*, for every thing that relates to taxes and imposts.

The *Sala de la Unica contribucion*, of which I shall speak more fully hereafter, the business of which is to compile a universal register of Spain.

Lastly, the *Contaduria Mayor*, or chamber of accounts, which examines the accounts of the treasurers of the army
and

and navy, all leases and contracts between the king and his subjects, and the accounts of state creditors; but its decisions must receive the sanction of the justice chamber of the council of finance.

This must not be confounded with the *Contaduria de Valores*, a particular office, the functions of which are to keep an account of all the rents in the kingdom, and the favours and privileges granted by the king to cities and communities.

The royal treasure is kept by two general treasurers, members of the council of finances, who are alternately in office for a year, under the inspection of the council; three general directors of rents who attend to their receipts, and have under them the collectors, and commissioners of duties, and their numerous fiscal agents.

In 1714, Philip V. substituted the immediate receipt instead of the farm for

all interior as well as custom-house revenues. But at the end of two years, the old method was again adopted; the council of finances left the collection of duties upon merchandize to commiffioners, but again farmed out the interior taxes. This form existed until 1742. The people suffered by it with the impatience excited by evils, which proceed not immediately from the power to which they are obliged to be fubject. The farmers were oppreffive in order to extort from them exact accounts of their property, and tax it accordingly.

Representations were made to Philip the Fifth, which ftated all the irregularities in the collection. The representation of 1734, may be found in the *Economica politica de Zabala*; and in the institute of Don Martin de Loynaz, 1747. It is neceffary to read thefe to be convinced, that wherever there are men there are abufes alfo, and to be lefs fenfible of thofe to which we are witneffes or victims.