

and so formidable had the Guerillas become, that it is confidently affirmed, Joseph Buonaparte himself feared to sleep absent from Madrid, even with the strongest guard.

Dismissing military affairs, I now turn to the labours of the cortes, who, surrounded by an hostile force, and amid the roaring of the enemy's cannon, were proceeding, with dignified wisdom, to form a code of laws for the future liberties of their country. The difficulties felt by this body were of the most serious complexion. The chief pecuniary resources of the Spaniards, in the early stages of the contest, were drawn from their South American possessions; but, owing to the spirit of independence which had begun to manifest itself in the colonies, this source of revenue was nearly dried up, and the internal supplies of Spain were

taken in the regeneration of Spain. I then withdrew, being first reminded of my engagement. At dinner, besides Mina, his secretary, and staff, the company consisted of several officers of various ranks. Like the unaffected manners of the distinguished host, the repast, though abundant, was plain, and did not last more than three quarters of an hour; after which, coffee and liqueurs were served in another room. When about to retire, the general introduced me to a literary character, well acquainted with the history and antiquities of the city, whom he had invited for the purpose of shewing me the public buildings and other establishments. The reception of Mina in France, when in 1814 he fled from the persecution of Ferdinand, was highly creditable to the ministers of Louis the Eighteenth. Though closely watched by the police, from his arrival till he departed in March, 1820, he was allowed a liberal pension during his stay at Paris. It has been remarked, that this brave and independent patriot ought to have been invited to fix his residence in England; for although, by his exertions in the war against Napoleon, he was peculiarly entitled to protection from the Bourbons, he had much stronger claims on the British cabinet. Whatever the general's feelings with regard to England may have been formerly, I have every reason to believe he now joins in the opinion so universally entertained in Spain, that England is the cause of all those evils which have oppressed that country within the last six years; since, according to this opinion, it was by the connivance and support of our ministers, that the constitution was abrogated in 1814. Unlike too many of his countrymen, Mina makes a proper distinction between the ministers and people of England. I have a particular right to say so; and I take this opportunity of expressing my thanks for his hospitable kindnesses to me while at Pamplona, where he has succeeded in conciliating the esteem of all ranks, (except the *Serviles*;) by his justice and moderation as captain-general of Navarre."

reduced, by the presence of the enemy, to insignificance. Much good, however, was effected by the cortes: a constitution was formed,* founded upon the declaration, that

* The new Spanish constitution, and the reforms adopted by the cortes of 1812, are minutely detailed in a pamphlet lately published by Count Toreno, and is an essential service rendered to his country. The following particulars embrace the prominent features of the Spanish code of that period, and is precisely the same as that re-established by the patriots of 1820.—“The sovereignty resides essentially in the nation.—The cortes consists of only one chamber, which is formed of the deputies of the people. The deputies are elected by all the citizens: one deputy for every 70,000 souls, in the Peninsula, islands, and colonies.—The elections are made in the electoral juntas, as parishes, districts, and provinces. The citizens of all the parishes choose electors, who nominate 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 to meet every year on the 1st of March, without waiting any instrument from the king for their convocation.—The session to continue at least three months every year.—The session may be prolonged by their own vote of two-thirds of their members for another month.—The deputies to be renewed entirely every second year. Deputies cannot be elected to sit in two consecutive cortes.—The deputies swear to protect the constitution, and to be faithful to the nation; but no reference is made to the king in this oath.—No foreigner can be a deputy, not even after having received letters of naturalization.—The king to open the cortes with a speech, and to come without guards. The cortes cannot deliberate in his presence. Debates public; members inviolable for their opinions; members cannot ask or accept rewards, honours, or pensions, from the king.—The approbation of the cortes 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 naval force.—They regulate the system of general education, and approve that formed for the Prince of Asturias. They enforce the responsibility of the secretaries of state, and of all the public functionaries. They give instructions to, and form regulations for, the army, navy, and militia, in all their branches.—Half the number, plus one, a quorum.—Bills to be read three times: the king cannot refuse his assent by a simple negative; he must state his reasons for withholding it. 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 if then lost, it may be brought forward a third time in the next succeeding session; and if it then pass, it becomes law without the king's assent, and without being referred to him at all.—All deputies are paid a certain salary by the provinces they represent.—Before the close of a session, the cortes

“Spain belongs to the Spanish people, and is not the patrimony of any family.” Among the excellent laws established, were—the abolition of torture; a recognition of the liberty of the press; the abrogation of feudal jurisdictions; the application of church property to the necessities of the state; the prohibition of the African slave-trade; the total abolition of the Holy Inquisition; and the admission of representatives from the South American provinces into the cortes.

Notwithstanding the calumnies to which the cortes have been exposed, their public acts, no less than the persevering assiduity with which they conducted the affairs of Spain in times of unexampled difficulty and danger—labouring to introduce reforms analogous to the new code which their wisdom had framed—will always furnish an unanswerable reply to the assertions of their enemies: and, many as are the brilliant eras in Spanish history, posterity will surely regard that in which so much heroism and constancy were displayed, as most worthy of its applause and imitation. Although the circumstances which induced the reigning family to forfeit every claim to the crown were overlooked by the partisans of tyranny, they have not hesitated to

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.—No actual deputy can be a member of the council of state. The king’s ministers have no seats in the house.—When any vacancy arises in the council of state, the cortes present to the king three names, of which he must take one to fill the vacant place.—The king must hear the decision of the council on all important affairs of the government.—The king cannot give or refuse his assent to bills, nor declare war, nor make peace, nor negotiate treaties, without the consent of the council of state.—It belongs to the council to propose 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 council proposes thus, in triple lists, names for succession to all situations in civil and criminal tribunals. Presentations are made in this way, also to all bishoprics, and other ecclesiastical dignities.—The distribution of honours and distinctions is made according to fixed laws.—The king cannot make any offensive alliance, or commercial treaty, without the consent of the cortes, as well as the approbation of the council.”

assert, that there had been no *legitimate* government in Spain, except that appointed by Charles the Fourth or his son; yet it is worthy of attention, to compare the conduct of both parties:—the sovereign and heir-apparent tamely resigning their rights to the throne; while the provisional government and cortes were making the most strenuous efforts for its preservation in their family. The latter assembly is also represented as having been illegally constituted. This charge, like every other made against them, has been ably refuted by many writers; and the wisdom and moderation with which they exercised their legislative functions, afford the best possible title to legitimacy. There is not an argument which is brought against the authority of the Spanish cortes, to prove its illegality, that might not be adduced, with additional force, against the British patriots of 1688, who changed the dynasty, and placed William the Third upon the throne. Had the cortes retained the inquisition, suffered the church property to remain in the hands of an indolent and overgrown hierarchy, or taken no steps to remove those monstrous abuses which had sprung up with, and been tolerated by, the old government, then, indeed, might there have been some ground for the obloquy with which that celebrated body of patriots have been assailed. Having, by the most unwearied exertions, and the co-operation of their allies, re-conquered the Peninsula, and laid the foundation of that reform which was effected to a considerable extent, both the government and people of Spain looked forward to the liberation of the king, with the exultation of men who felt they had performed a sacred duty. Proud of the victory they had achieved, they looked for his return as the termination of all their sufferings; and, since the best blood of Spain had been shed to secure his crown, they had certainly a right to calculate on his gratitude, and even to consider it as the best guarantee of their future felicity. These pleasing anticipations, so well warranted by their generous and unexampled efforts, were most grievously disappointed, as will appear in the subsequent narrative.

If the reforms above alluded to form the highest panegyric of the national representatives, the popularity and

adoption of their famous code by Naples and Piedmont, where so many others might have been chosen, is a presumption that it is regarded as the best written constitution of our day. An able apologist for this code, thus reasons on the subject:—"To say," observes he, "that it is exempt from defects, would be giving to those who drew it up a degree of credit which no set of men ever merited; but, after admitting all that calumny or envy have advanced, on one side, and an over-strained admiration, which produces a similar effect, on the other, it would be the height of injustice to say, that the Spanish code is not drawn up in unison with the spirit of the age—according as much liberty to the people as the existing circumstances of Europe, at the time of its being drawn up, would admit; and curtailing the power of the prince within bounds, which, if they have not been found sufficiently limited, appeared at least to promise all the effects that the friends of constitutional liberty could desire. In addition to the minor imperfections discovered in the Spanish code, the want of a second chamber is that which seems to have excited most attention. All writers who have touched upon Peninsular affairs during the last three years, do not fail to point out this as a defect. But, had they sufficiently reflected on the state of the aristocracy—its incongruous divisions, confusion of classes, impossibility of drawing a line between them, and, above all, its backwardness on the score of general information—they would have paused before promulgating a single word calculated to shake the faith of the Spanish people in a code so essential to their civil and political salvation."*

* The reasons adduced for discontinuing the old practice of assembling the cortes by *estamentos*, or separate branches of clergy, grandees, and deputies chosen by the people, as in Sicily, are fully detailed in the preliminary discourse prefixed to the constitutional code, and seem quite conclusive on the subject: for it is proved, that the intervention of the two first classes was purely of feudal origin; and that, even when they appeared in cortes, they came rather as counsellors than representatives. On the other hand, the unequal distribution of the nobility, in the present day, was regarded as an insurmountable barrier to the *estamentos*. The indeterminate condition of the nobles; the great numbers in one province, while scarcely any are to be found in another; the

CHAPTER III.

Buonaparte makes Peace with, and liberates, Ferdinand—Loyalty of the People—State of Parties—Ferdinand writes to the Cortes—They refuse to sanction the Treaty—Affectionate Answer of the Cardinal de Bourbon to the King—A Decree passed for prohibiting his Majesty from exercising the royal Authority, until he had sworn to maintain the Constitution—Another for prescribing the King's Route to Madrid—The King commences his Journey—His suspicious Conduct—Surrounded at Valencia by Priests and Courtiers—Declares the Cortes to be illegal—Dissolves them—Arrival at Madrid—The Reign of Terror commences—Instances of extreme Cruelty.

THE opening of the year 1814 seemed to have realized all the hopes of the Spanish nation. On the 25th of August in the preceding year, Marshal Soult finally abandoned the blockade of the Isle of Leon, with a view of concentrating his forces in the north with those of the other French armies, which were now in a perilous situation, in consequence of the disasters they had sustained from the brilliant victories of Lord Wellington. The capital was abandoned by the French, and the cortes and regency, released from their insulated situation, were triumphantly established at Madrid in the month of January.

When, during the disastrous campaign of 1813, Napoleon had determined to negotiate with Ferdinand,* a treaty was

endless divisions and subdivisions of classes; the opposition which by far the largest portion would have made to the establishment of an upper chamber, if confined to the grandees; and, above all, that disrepute into which nearly the whole had fallen—their ignorance, prejudices, and consequent disposition to destroy rather than preserve liberty; these, and various other reasons, formed an insuperable bar to a second chamber. According to the opinion of Count Toreno, himself a noble, all the dignity and independence of the peerage, in the eyes of a Spanish grandee, are not to be put in competition with that of having free ingress to the royal palace, or being placed on the king's domestic establishment. Accustomed to regard the employments of the household as the climax of worldly honours, and the greatest gift of fortune, possessing numerous entails, they did not esteem an hereditary magistracy, however elevated, as equal to the most insignificant office of the court.

* Mr. Blaquiere relates a circumstance, which I have never seen recorded by any other writer; and which, perhaps, is quite new to

concluded at Valençay, on the 11th of December, by which the latter was recognized as the legitimate King of Spain, and stipulating other things for the security of all those individuals who had been the adherents of King Joseph, whose confiscated property was to be restored.

The feelings of the cortes towards Ferdinand were well expressed in their ministerial paper, the *Conciso*, at the period when Ferdinand's return was expected to have taken place in virtue of his treaty with Napoleon.—“There is not a good Spaniard who does not desire the return of the unfortunate Ferdinand: but he wishes it for the good of his country, and not to expose it to greater evils than those it has already suffered. Ferdinand must return in the way in which Spaniards wish it, and not as Buonaparte means it. He must come to make us happy, and not to be the cause (though the innocent one) of new calamities. Happy will be the day on which Ferdinand, restored to his loyal subjects, may be thus addressed,—‘Here is your throne, preserved by the loyalty of your subjects; here is your crown, ransomed by the blood of Spaniards; here is your sceptre, which Spanish constancy replaces in your hands; here is your royal robe, tinged with the blood of thousands of victims, who have fallen that you might preserve it. Read our history: inform yourself of all that Spaniards have done for you; never forget that to the Spanish people you owe every thing! Never forget that you are come to be the chief of a nation, the monarch of subjects, who have

the British public. I transcribe his words: “I have been confidently informed,” says he, “that there was at this period a party in the cortes who wished to transfer the crown of Spain to the head of Lord Wellington; and that his fears lest such an event should take place greatly influenced the conduct of the French emperor. It was also said, that, had it not been for his anxiety to conciliate the people of Spain, Napoleon would, in conformity with the last arrangements at Bayonne, have restored Charles the Fourth instead of his son. Referring to the first point, it would have been a novel incident in the history of our time, to see a French and an English general wielding sceptres at the two extremities of Europe: but, perhaps, such a coincidence would have been highly favourable to its interests; particularly if Lord Wellington had used his power in Spain as Bernadotte has that with which he is entrusted in Sweden.”

abolished the vestiges of despotism! It is the law which orders: the king is the executive magistrate.' But, that such a day of jubilee may arrive, King Ferdinand must return absolutely free; neither influenced by the tyrant of France, nor by Spaniards ignorant of the state of Spain, or who view our institutions with repugnance."

The Spanish cortes were divided into two parties, both, indeed, hostile to France, and so far favourable to national independence; but unfortunately differing from each other upon the use that should be made of the final expulsion of the invader. These were the *Liberales*, who resolved to avail themselves of this favourable opportunity to engraft upon the monarchical constitution of Spain the principles of freedom; and the royalists, denominated the *Serviles*, who were desirous that the power of the monarch, with the privileges of the clergy and nobility, should remain in full force, as before the French invasion. The liberalists were most active and respectable. The royalists, however, were much aided by the extensive influence of the clergy, who found little difficulty in persuading a portion of the bigoted people, that whatever measures might be proposed to limit the exorbitant power of the church, were an insult to the Deity, and destructive of the Catholic religion. It was in the middle classes of the people principally, and especially among those whom education had led to read and think on political subjects, that the new order of things found the most ardent supporters.

Such was the general state of Spain, while Buonaparte was negotiating his treaty with Ferdinand. When that treaty was brought to a close, the young Spanish monarch despatched it to Madrid by the Duke de San Carlos, together with a proposition from the French for a suspension of hostilities between the two countries; and to these communications he urged the immediate attention of the regency. As it was contrary to the uniform policy of the regency, and in direct opposition to the decree of the cortes promulgated on the 1st of January, 1811, declaring that they would not acknowledge any stipulations entered into between the royal family and Napoleon, while the former continued in France; a copy of the above decree was im-

mediately sent to Ferdinand, in reply to his letter, announcing what had taken place; and the treaty was returned without being ratified. The answer was composed by the venerable Cardinal de Bourbon, who was president of the regency, and breathed sentiments of the most profound respect and loyalty. "In the midst of those transports," said he, "to which the proximity of such a blessing gives rise, the regency already think they hear the voice of your majesty; that you have arrived amongst your faithful subjects; and that we have placed in your hands that power, of which we have been only the depositaries, and whose weight is oppressive to all, except the monarch himself, who, though in exile, has re-established the cortes, given liberty to an enslaved people, and precipitated from the throne of Spain the ferocious monster of despotism. The highest praise is due to your majesty for this noble action; and Europe already pays you the tribute of applause which has been so well merited."

This is the language of men who have been stigmatized with the selfish design of engrossing and retaining in their own hands the power of the state. The accusation, however, could only proceed from interested individuals, who were anxious to find an apology for their own baseness in their attempts to bring Spain again under the yoke of an absolute monarch. The letter concluded by an intimation to the king, that an authorized minister had been appointed by the regency to appear at any congress which might be assembled for the purpose of concluding a general peace; and that the treaty ought to be ratified, not by them, but by the king himself, either at Madrid, or wherever he should be established, when constitutionally invested with the functions of royalty.

This answer, alike respectful to the character of the prince, and correspondent to the just expectations of the country, was dated and transmitted on the 29th of January, 1814; and the cortes having been informed of the proceedings of the regency, adopted a resolution, that the council of state should suggest a suitable line of policy that ought to be adopted towards his majesty, should he enter Spain before the conclusion of a general peace. This delicate



subject passed under discussion; and, on the 2d of February, the decision of the council was formally made known, —*That Ferdinand the Seventh should not be permitted to exercise the royal authority, until he had solemnly sworn to maintain the Constitution of 1812.*

Of the succeeding events of this most important epoch, I find no account so correctly detailed, or so well expressed, as by the author of the 'Historical Review,' and shall therefore generally adopt his recital and arrangement, as the latest and best that has appeared before the British public.

The cortes having deliberated on the resolution of the council, in reference to the conduct to be observed towards the king, passed a decree, consisting of fourteen articles, in which it was enacted, that his majesty was not to be considered at liberty, and that, consequently, no oath of allegiance could be administered in his name, till he had himself sworn to preserve the new political code, as prescribed by Article 173; that the generals commanding on the frontiers should be charged to send couriers extraordinary to Madrid, advising the regency of the king's approach, in order that the necessary arrangements might be made for his reception; that the president should go forward to meet his majesty, and give an account of all that had been done during his absence; that no armed force was to enter Spain with the king; that the captain-general of the province should appoint an escort suitable to the royal dignity; that none of those who had espoused the cause of King Joseph should be allowed to pass the frontiers with his majesty; that the regency should indicate the route by which he should reach Madrid, and that he was to be accompanied by the president, who was to present a copy of the constitution to the king, in order that he might be prepared to swear with an entire knowledge of its contents; that, on reaching the capital, Ferdinand should proceed directly to the hall of the cortes, to take the oath, with all the solemnities required by the established regulations; that, after having sworn, he should go to the royal palace, accompanied by thirty members, and that the regency should be there, in readiness to transfer the executive authority to the hands of the constitutional monarch. Finally, that a proclamation should be issued,





FERDINAND THE SEVENTH,
King of Spain.

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to inform the people of all the occurrences attending this important consummation of their wishes.

Perhaps no monarch ever existed, who had so favourable an opportunity of endearing himself to his subjects, and rendering essential benefit to his country, as Ferdinand had at this juncture. While resistance to the invader, and a provident attention to the liberties of the kingdom, had necessarily occupied the chief attention of the cortes and regency, they had never failed to manifest the strongest sympathy for the misfortunes, and the most ardent attachment to the interests, of the king. In all their public appeals to the nation, in their addresses to the army, and in their official state papers, the name of the *beloved* Ferdinand was made the rallying point for new exertions and fresh sacrifices. As far as he was known to his subjects, he was highly revered; and the single circumstance of his having opposed, and suffered for his opposition to his father's favourite minister, acquired for him the credit and respect of a political martyr. From the period, however, of which I now speak, there has not been a public transaction of his life, that justifies the hopes that were formed of his government. Imbecility or treachery, bigotry or weakness, cruelty or superstition, have marked every measure of his administration, and impressed a conviction upon the Spanish nation, that if they are to enjoy the blessings of a constitutional monarchy, they must be indebted for it to their own inflexible courage and firmness.*

* Severe as this censure may appear, after making all possible allowances that charity itself can suggest, for weakness, and the circumstances in which the king was placed, it seems extremely difficult to palliate his public conduct. However, I am willing to give Ferdinand the benefit of the best apology I have ever seen offered on his behalf, which is copied at length; but it obviously bears the colouring of partiality. This statement is said to be written by a Spaniard of Madrid, a person thoroughly acquainted with every particular of the king's life, though entirely unconnected with the palace, and addressed to the author of the 'Historical Review.'—"Born with a weak and sickly constitution, Ferdinand's infancy was passed in a series of maladies. Many of his preceptors were men of merit: you know that Escoiquiz was his guide in ethics, moral philosophy, and history; while Father Scio, the author of an excellent translation of the Bible, and a man of great learning, superintended his religious and biblical studies;