

The special commission, over which Don Vilella presided, assumed these data as facts, and proceeded to suborn witnesses in proof. "But the most palpable dereliction of law and justice connected with the prosecution," says the historian, "was a circular, addressed to various members of the cortes, many of whom had signed the representation delivered by Rosales to the king at Valencia. Twenty-one members of the cortes were *honoured* with this communication; and seventeen had the baseness to designate a number of their colleagues as friendly to a Spanish republic. Yet such was the paucity of evidence against the denounced patriots, that a second and a third commission were not hardy enough to pronounce sentence against the accused. The interposition of royal, shall I say of *legitimate*, authority, decided the question of guilt. A royal order, dated the 15th of December, 1815, decreed the punishment of nearly seventy individuals, composing what might be considered the soul of the liberal party in Spain. Independently of this list," says Mr. Blaquiere, "I have collected the names of four hundred and fifty individuals, of all ranks and professions, sentenced by the three commissions; (for three of them were appointed in succession before the end of the year 1815;) of these, sixty were sent to the presidios, and distributed amongst the prisons of the Peninsula, forty-three exiled, one hundred and sixty-five mulcted and to pay costs, twenty-six deprived of their places, and one hundred and sixty admonished. The punishment of those who were known to be rich, was generally commuted for a large fine. It must be noted, that the adherents of King Joseph were dealt with as rigorously as those who had been concerned in forming and supporting the constitutional code. By the Valencian decree alone, above 30,000 families were proscribed, and robbed of their civil rights!"

The historians of this period of calamity observe, that, in addition to the regents, secretaries of state, and deputies, arrested by order of the court, the royal decree embraced a great number of generals, civilians, lawyers, and others, who had eminently distinguished themselves by their talents and activity during the struggle against the French. Sen-

tence of imprisonment for four, six, eight, and ten years, was passed in the most summary manner; and those who had the good fortune to escape, were either outlawed, or condemned to death. Amongst the latter, were Count Toreno, Mina, and Florez Estrada. Some respect, indeed, was paid to the age, high rank, and extreme popularity, of the regents; and Ferdinand satisfied himself by merely confining them to their native places, where they were ordered to remain during the royal pleasure. Augustin Arguelles, and Canga Arguelles, were each condemned to eight years' confinement; the former at Ceuta, and the latter in the castle of Peniscola, in Valencia. Numerous other deputies, who had rendered themselves obnoxious by their patriotic exertions, shared a similar fate, being shut up in strong fortresses, or transported to the African coast. The mode adopted for carrying the royal sentences into execution, was as objectionable, as the nature of the punishments was cruel and unjust. On this topic, the following detail is derived from unquestionable authority. The preamble of the royal order enjoined, that the greatest secrecy should be observed in preparing the vehicles and other means of transporting the prisoners to their respective destinations: every thing was to be in readiness by a certain night, when, having chosen the "most silent hour," the officers of justice were to proceed to the different prisons, cause the persons comprised in the decree to dress with all possible haste, and hurry them off before the dawn, so as that the inhabitants of Madrid might remain in total ignorance of the event until the next day. The whole of the culprits were to be at their places of confinement within twenty days; and those who discovered any opposition to the king's orders were prosecuted with the utmost rigour. It was likewise ordered, that none of the unfortunate prisoners should remove from the places of their exile, without special permission from his majesty; and whoever of them attempted to make their escape, were to suffer the penalty of death. It was also finally announced, that neither sickness, nor any other cause, was to be admitted as a plea for disobedience to the terms of the royal mandate. As an aggravation of this despotic cruelty, a special decree

passed under the sign-manual, addressed to the governor of Ceuta, which directed that Arguelles, and three other deputies, the companions of his exile, should not be permitted the use of pen, ink, and paper; that they should not be allowed to see their family or friends; nor were they to be suffered to receive any written communication whatever from them. For the utmost observance of all these restrictions, the governor was made responsible at his peril.

While Ferdinand was pursuing this career of cruelty and oppression, the people opened their eyes to the misplaced confidence they had reposed in his character: they beheld not his iron rule with apathy, but were forced to submit to it from necessity. The army had been modelled according to the wishes and views of his abandoned advisers: every officer of influence, who was known or suspected to be favourable to constitutional liberty, had been removed or shut up in prison, and others appointed, whose support of the measures of the court could be calculated upon with tolerable certainty.

In the midst of that gloom and dismay which surrounded the political horizon of Spain, not a single ray of hope darted across the dark profound, to enliven the dreariness, or encourage the efforts, of expiring freedom. The perfect indifference with which the representatives of foreign states witnessed a system of tyranny, that filled every humane and reflecting mind in Europe with horror and indignation, can be accounted for in no other way, than that the great powers of Europe favoured the wish of Ferdinand to restore the old despotism in all its extended fulness. If ever there was a case, in which amicable expostulation, if not open remonstrance, could not only be justified, but was even imperatively called for, it was one like the present, in which the persecution embraced the legislators and members of a government, whose *legitimacy* had been acknowledged, and alliance sought, by all the belligerent powers, except France. "Yet I have not," says Mr. Blaquiere, "after the most scrupulous inquiry, been able to ascertain, that any of the numerous diplomatists, accredited to the court of Madrid, offered a single word, or wrote one solitary line,

to stay the proceedings, or mitigate the sufferings of those selected for punishment, and who had been most active in opposing the French armies. No! not an effort was made to save the patriots, or prevent the irreparable disgrace which Ferdinand and his advisers were bringing so rapidly upon royalty."

It has before been observed, that the British ambassador particularly distinguished himself in paying his court to the king while he yet remained at Valencia, and before his Catholic majesty had signified his intention of rejecting the constitutional code: the British General Whittingham escorted him into his capital, at the head of the cavalry, when, it is said, no Spanish general could be found to perform that duty; and the splendid fetes that followed, given, in honour of the monarch and his court, by the English minister, sufficiently demonstrate with what zeal and sincerity our cabinet cultivated the good opinion of Ferdinand. Even while the scenes of oppression and cruelty above narrated were exhibiting, the worthless king was honoured by the Prince Regent of England, through the medium of Sir Henry Wellesley, with the order of the garter; while he himself received the highest and most honourable of the Spanish orders. It is hardly possible to speak of the policy of the European courts, in regard to Spain, in terms of too severe reprehension; but, of them all, that of England appears to have been the most extraordinary. The distinguished services we had rendered the nation in the recovery of independence; the close connection that subsisted between our government and the exiled patriots, while they directed the Spanish councils; and the generosity with which we had acted towards Ferdinand himself—gave us a right to speak to him in the language of strong remonstrance. Our omission of this obvious duty at once gave the infatuated king a right to conclude we were not displeased with his career of despotism, and would inspire him with confidence in the further prosecution of his perfidious measures; while it naturally created an unfriendly feeling among the Spanish people towards this country.

In justification of the hostile conduct of the continental powers, and of the apathy of England towards the new

constitution of Spain, it has been urged, that it emanated from an *illegitimate* source, and could not be acknowledged with a due regard to Ferdinand's regal authority. However this reasoning might have applied to Austria and Prussia, it could not be adopted by England or Russia, both which powers had recognized the constitutional code, and the authority of the rulers with whom it originated. In proof of this fact, it is only necessary to advert to historical documents.

By the abdications extorted at Bayonne in May 1808, from Charles and Ferdinand, the Spaniards who took up arms for the independence of their country were left without legitimate authority, and, indeed, without acknowledged leaders. This defect was the subject of triumph to their enemies, and of deep regret to their friends. In the midst of their enemies, and at the season of their utmost distress, the Emperor of Russia refused to acknowledge their title to be parties to any negotiation, and would call them by no other name than *the Insurgents of Spain*. But their disunion and want of chiefs were viewed with other eyes by Lord Wellesley, who, though he had wielded with a vigorous hand the force of an absolute monarchy, had too much wisdom not to discover that liberty alone was the source of union and obedience. By him, during his embassy to Spain, the calling together of the cortes appears to have been first proposed,* for the purpose of redressing grievances and reforming abuses, as well as that of providing for the public defence. That assembly, convoked by the regency, met, in September 1810, at Cadiz, then almost the only spot in the Spanish territory which was not occupied by a foreign force. The constitution was promulgated by their authority in March 1812, and was received as the fundamental law, wherever the French arms did not silence the public voice. Whatever may be thought of the wisdom of this constitution, it is impossible to conceive any authority more legitimate than that of those who framed it. They were not a revolutionary assem-

* See a despatch from Marquis Wellesley to Mr. Secretary Canning, dated Seville, 15th September, 1809.

bly. After conquest had destroyed all lawful authority in Spain, the cortes were called together, to give their country a regular government. To restore internal order, and to secure national independence, were the objects of their convocation. By preserving a national government for the people, they also preserved a crown for the king. An authority, thus originating, and thus sanctioned by the obedience of all true Spaniards, was recognized also by all those foreign states who were not subject to the domination of France. England, indeed, had very early recognized a government which had far less pretensions to be considered as national than the cortes. So early as the 4th of July 1808, an order of council was issued, directing all hostilities against Spain to cease, in consequence "*of the glorious efforts of the Spanish nation to effect the deliverance of their country from the usurpation of France, and of the assurances which his majesty had received from several provinces of Spain, of their amicable dispositions towards this kingdom.*" On the 14th of January 1809, the treaty of London was concluded between his Britannic majesty and the supreme junta of Spain, containing the important stipulation, that Great Britain "*never would acknowledge any King of Spain, but Ferdinand the Seventh, and his heirs, or such lawful successor as the Spanish nation should acknowledge.*"

These acts were much more than a recognition of the legitimacy of the junta; they were continued towards the regency; and, by necessary consequence, implied a recognition of the cortes which the regency had convoked. The alliance was accordingly maintained and confirmed under that assembly; and an occasion arose, in which England made an express declaration of its legitimate and supreme authority. In answer to a proposal for negotiation, in April 1812, by M. Maret, on the part of Napoleon, he was informed, that England could not consent to any treaty, in which it was not acknowledged, that "*the royal authority in Spain was vested in the legitimate sovereign, Ferdinand the Seventh, and his heirs, and in the extraordinary assembly of the cortes, now invested with the powers of government in that kingdom.*" Another still more solemn

recognition of their government followed, which recent events have rendered very memorable. On the 20th of July, 1812, when Napoleon appeared to be making a triumphant entry into Russia, with all the nations and sovereigns of the continent in his train—before he had experienced disaster, and when there was no reasonable prospect of a reverse—a treaty was concluded at Welikouki, between the Emperor of Russia and the cortes of Spain, of which the third article deserves to be cited at length: “His majesty, the Emperor of all the Russias, acknowledges the LEGITIMACY of the *general and extraordinary assembly of the Cortes held at Cadiz*, AS WELL AS THE CONSTITUTION WHICH THEY HAVE DECREED AND SANCTIONED.” Whether this stipulation amounted to a guarantee, might be a question; but certainly no event in the annals of mankind, not even in the history of the partition of Poland, could have prepared the world to expect, that, only a few years after, Russia should represent the existence of this very constitution as a reason for breaking off all intercourse with Spain, and almost as a ground of war against that country.

But to return to the conduct of the Spanish cabinet. The profligate extravagance of Charles the Fourth, encouraged by Godoy and the panders of the court, had brought the finances into a state of the utmost disorder, and almost annihilated the national credit. To remedy the evils arising from this source, one of the first measures adopted by the government of King Joseph was, to suppress the monastic establishments, and appropriate their revenues to pay off the national debt. The wisdom and justice of this measure were subsequently recognized by the cortes, who confirmed the salutary decree. A great number of the estates were accordingly sold by auction, and many had even passed into the hands of a third purchaser. Considering the vast extent of these national domains, whose transfer and diffusion into a great number of hands had already begun to operate favourably on the national credit, nothing but the excess of folly or imbecility could have suggested their restoration to the former possessors. Ferdinand and his advisers, however, proved themselves

capable of such an act of madness. A royal order decreed the restitution of all church property, whether belonging to the convents or inquisition, without making any distinction between the estates which were actually sold, those remaining in the hands of the first purchaser, or those that had passed into other hands; and as neither the purchase-money was to be returned, nor the smallest remuneration made for buildings and other improvements, the church became considerably advantaged by this measure of robbery and spoliation. Thousands of individuals, both natives and foreigners, who had purchased church lands on the faith of the French and national decrees, were involved in irretrievable ruin by the iniquitous proceeding. Every act, indeed, of the restored king, proved the entire ascendancy which the priesthood had acquired over him and his counsels. When the cortes sequestered the redundant part of church property, they also took away those immunities of the clergy which exempted them from the payment of various charges on tithes and other property; but soon after the king had given them back their immense possessions with increase, he remitted also their obligations to these charges.* All other classes of the community, by the protracted exigencies of the war, were reduced to comparative poverty; while thousands of the monks and priests, who had been recently taught to live by their own industry, or assisted in defending their country, now flocked to their convents, with accumulated means of gratifying their voluptuous propensities. In the mean time, to supply the defalcation in the revenue occasioned by this profuse liberality to the priesthood, the king's minis-

* This most indulgent decree is couched in the following terms.—
 “The esteem and consideration in which I hold the clergy of my kingdom, and of which they have rendered themselves so worthy by their piety and zeal for the good of the state; the confidence I entertain, that they will hasten, as they have always done, to contribute with generosity to the wants of the state—determine me to exempt the property and tithes of the clergy from those imposts and contributions to which they were subjected by the decrees of January 25th, 1811, and June 16th, 1812, issued by the cortes, self-styled ‘general and extraordinary.’ These decrees will therefore be regarded as null and void.—FERDINAND.”



ters employed all their art in devising new taxes to carry on the government, and in furnishing themselves with resources for their base purposes. In addition to fresh imposts on houses, lands, and articles of consumption, exorbitant duties were laid on the imports of every country in amity with Spain: and, to shew how grateful Ferdinand felt for the gigantic efforts made by England in his favour, British commerce was more heavily taxed than that of any other nation!

In Spain, as in every other country where the experiment has been tried, it was found, that additional imposts, with a diminished power of meeting them, is futile. The court had recourse to forced loans; and, on this occasion, it is worthy of remark, that, though the clergy, for whose sake the nation had been reduced to this deplorable condition, were emphatically appealed to, they could not be prevailed upon to contribute more than a tenth part of the sum required of them, notwithstanding the reimbursement was guaranteed on a very productive tax. So much for the *gratitude* of monks and priests! This is a tolerably striking proof, how little the Catholic church in Spain sympathized with the sufferings of the people, or cared for the embarrassments of the state.

Those politicians who are incessantly opposed to reforms of every description in the affairs of nations, usually found their resistance upon this plea, that the relaxation of regal power opens the way to the ascendancy of popular influence, and that in proportion as the latter prevails, the securities of a stable government are diminished. In proof of this, we are frequently directed to a view of the *worst* parts of national changes, and, from incidental or partial excesses, are required to infer conclusions against them, without taking into account the good which they embrace. This kind of argument, however, is triumphantly refuted, in reference to Spanish affairs. Let a fair comparison be instituted between the government of the cortes from 1810 to 1814, and from 1820 to the present time, (1823,) with the frightful reign of Ferdinand during the six years of his absolute sway, and it will require little penetration to perceive, and but a slight portion of candour to acknow-

ledge, that justice, moderation, and wisdom, were as conspicuous in the public acts of the cortes, as were oppression, cruelty, and folly, in those of the *legitimate* king. Some specimens have already been adduced, in the foregoing pages, of the wretchedness of the Spanish nation, arising from palpable misrule. Of the results of this abominable system, it is necessary also to offer some account; and I cannot do this more effectively, than by adopting the description of a writer who has proved himself eminently qualified for such an undertaking.

“In consequence of the disorder in the finances, produced more immediately by the causes that have been stated, an impossibility presented itself, on the part of government, to gratify the rapaciousness of the Servile faction, or even to remunerate the legitimate services of the public functionaries. Hence arose a system of bribery and corruption unequalled in the most abandoned period of Spanish history. The daily traffic in places, even of the highest rank—the facility of bribing the judges and their dependents, not to mention the various other means resorted to for influencing the decrees of the tribunals—were matters so well known, and of such public notoriety, that to adduce a few isolated cases might appear invidious; particularly where the whole community seemed to be carried along by the fatal example of those who had usurped all the power of the state. Each head of a department, every judge and other public functionary, had his train of agents, who coalesced with him in the work of corruption. As to the court, there was no means of obtaining patronage or protection there, except through the influence of money, or prostitution of virtue. All the avenues to the royal presence were occupied by persons ever ready to take a bribe, or abuse the confidence of their master; and although Ferdinand occasionally shewed a disposition to hearken to complaints, the myrmidons who surrounded him took good care that the redress of grievances, however flagrant, should not be carried into execution. With respect to the ministers of state, the practice of offering them bribes, through secretaries and other followers, had become so common, that it ceased to excite either indignation or

surprise. Was a lucrative appointment to be obtained, a contract entered into, or a trading-license procured, the applicant had only to 'put money in his purse,' wait on the minister's confidential man of business, and he was sure of success, except another had come provided with a higher sum. Did any one feel anxious to obtain a favourable decision in the courts of law, he hastened to the judge or fiscal, told his story, and presented a *douceur*; upon which, positive assurances of support were given, even though the termination of the causes might never be contemplated. When favours were to be solicited by those who could not themselves visit the capital, a wife, a sister, or other female relative, was deputed to supply their place. "Of the immense numbers who were thus employed," says our authority of the date of 1820, "I have been confidently informed, that very few succeeded in obtaining the object of their solicitude, without sacrifices which none but villains, hardened in profligacy, and callous to the dictates of virtue, would have required. The antechambers of ministers and court-favourites were constantly thronged with females of various ranks and ages, from a duchess down to a peasant's daughter." Some idea of the estimation in which many of these ladies were held, may be formed, when it is added, without fear of contradiction, that the libertines of the capital were in the habit of frequenting these female levees, for the sole purpose of cultivating the good opinion of, and forming assignations with, the fair suitors.

If, upon any occasion, a litigant happened to obtain a favourable decree in the courts, his opponent, by paying a sufficient bribe, found no difficulty in procuring a royal order to suspend, or even to reverse, the judgment. Of the numerous anecdotes in circulation, to illustrate this singular but disgusting fact, it is only necessary to mention the case of Madame Piedra of Cadiz. Property to the amount of 18,000,000 reals having been withheld from this lady by the executors of her late husband, she went to law for its recovery; and a verdict was given in her favour by the supreme tribunal of Seville and the council of Castile. Notwithstanding the exact uniformity of these two decisions,

her adversaries, the holders of the property, succeeded in procuring a royal order, through the medium of Lozano de Torres, (minister of grace and justice!) by which the above decrees were suspended; nor has she to this day been able to obtain any further satisfaction. Referring to the tribunals, every shadow of equity and justice had disappeared in them: the only care of those appointed to administer the laws, seemed to be that of increasing the number of litigants; for they never dreamt of terminating a cause once submitted to their consideration. Such was the facility of throwing any person into prison, and the avidity for victims, that it was only necessary for the accuser to appear before a judge, go through the ceremony of making his declaration,—and the object of hatred or revenge, no matter how innocent, whether a relative or friend, was instantly confined to a dungeon, there to remain for an indefinite period. It ought to be added, in order to complete the picture, that, of the many thousands thus committed during the reign of terror, and where the parties proved their perfect innocence, there is not an instance on record of any punishment being inflicted on their base calumniators.

While the various commissions for the trial of the patriots were occupied in prosecuting for political opinions, the civil courts did not fail to encourage that system of endless litigation which formed so prominent a feature under the former reign. Nor was the Inquisition idle: this tribunal possessed all the powers with which it had been originally invested; numerous arrests took place by its mandates; and although the mode of punishing its victims may have been, in many instances, less cruel than heretofore, the motives of arrest and imprisonment were equally unjust and frivolous.

The inevitable consequences of this corrupt and iniquitous system of rule, were almost coeval with its commencement:—industry and commerce became as it were extinct; all the public works projected or begun by the cortes were abandoned; the charitable institutions and hospitals were also shamefully neglected; while the prisons of the Peninsula became one general scene of disease,

wretchedness, and immorality. Driven to the last resource of poverty—goaded to madness by their tyrants, civil, religious, and political—as well as encouraged by the weakness of the government—numbers of the peasantry left the fields, where cultivation held out no hopes of reward, and, joining the numerous deserters from the army, formed themselves into banditti, who scoured the province, impeding all communication, and spreading terror in every direction. The organization of these marauders, and the perfect impunity with which their depredations were continued for several years, was never exceeded, even in a country celebrated for such associations. It would in fact have been impossible for a well-disciplined body of regular troops, led on by an able general, to obtain more complete possession of that portion of Estremadura through which the high road from Lisbon to Madrid passes, than the well-known band of Melchor, composed of many hundred individuals, most of whom had served in the guerilla corps during the war of independence.”*

* “The depredations of this band were continued for more than three years. When they did not assassinate, they were in the habit of retaining the captives till ransomed: the sums demanded depended on the rank of the prisoner, and his probable means of payment. Several English travellers were plundered and sacrificed by them. Melchor, their chief, was one of the most cool and determined robbers of modern times; but without a particle of that chivalrous spirit which distinguished his predecessors of the seventeenth century, or like those whom Le Sage and Schiller have converted into such fascinating heroes. Whenever there happened to be a dearth of travellers on the road, Melchor took post in the neighbourhood of Badajoz, Ciudad Rodrigo, or some other town in its vicinity: hence letters were despatched to one or two rich proprietors, desiring they would drive so many head of cattle, deposit certain articles of merchandise, or a sum of money, in a particular spot, on such a day, at the peril of their lives. One of the commission which was at last named, to rid the province of this terrific association, and with whom I travelled from Saragossa to Madrid, has assured me he had heard of no single instance in which these peremptory invitations of Melchor were not scrupulously obeyed. ‘Had it been otherwise,’ said he, ‘their fate would most assuredly have been decided by a stiletto.’—Next to Melchor’s band, that which occupied the passes of the Sierra Morena was most dreaded: like the predatory hero of Estremadura, its leader also enjoyed the privilege of impunity, until the ground occupied