

be called, was concluded, the deputies and spectators re-
newed their applauses; several of the former were seen to
embrace each other who had been hitherto adversaries in
sentiment, among them Galiano and Augustin Arguelles,
rivals in eloquence, and leaders of distinct though not
opposite parties. January.

In the course of the afternoon a report was spread of the
important communications which had been made to Cortes,
and of the manner in which they were received. It caused
a strong sensation in the capital, and at night a number of
people paraded through the principal streets, attended by a
band of music, which played patriotic airs. They carried
large torches in their hands, and shouted at intervals *Viva
la Constitucion!*

The following day a detailed account of the debate, and
copies of the notes and answers* were published in the
principal journals. From an early hour of the morning the
offices of the *Universal* and the *Espectador*, and the streets
leading to them, were thronged with applicants for papers.
During the whole day the demand was so great, that it was
impossible to satisfy it; but a plan was adopted which, in
some measure, compensated for this defect. When a lucky
patriot succeeded in getting a paper, he posted to the Puerta
del Sol, or to the arcades of the post-office; and here, as
soon as he produced his prize, a crowd collected around him,
and he read aloud the whole of the journal from the begin-
ning to the end. I saw several of these groups so em-
ployed, all ears to catch the hurried sounds of the reader.
In general the Spaniards pronounce their beautiful language
in a clear and distinct manner; but I was surprised at the

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mas grande en los mayores peligros, moderada y magestuosa aun-
cuando se vea atacada por medios los mas viles y rateros."

* For these documents, see Appendix, No. II.

January. energy of elocution which some of these politicians displayed. The remarks which the listeners occasionally made were short and pithy. "Hear," said one, "hear this Prussian king, who once promised a constitution to his own subjects;" "and who never gave it," added another. "Only observe how tender he is of the Catholic church; he himself a heretic." This caused a laugh. "Now for the Russian bear," remarked another. "Down with the parricidal race! down with the tyrant!" they said, as the reader proceeded. The acuteness which the people composing these groups displayed, though their raiment was not, perhaps, altogether of a courtly fashion, was surprising. They showed it not, perhaps, so much in any observations which they made, as in the eagerness with which they received and understood every word they heard.

11th. The day being arrived for the debate on the message, the galleries and tribunes were crowded immediately after the doors were opened. At half past eleven in the forenoon the Deputies were all assembled. After the usual preliminary of reading and approving the Act of the previous Session, Senor Galiano entered the rostrum on the left hand of the chair, and read the message, at the conclusion of which the spectators in the galleries showed their approbation, by clapping their hands. I confess that this interference of the populace offended my ideas of legislative decorum, when I reflected a little upon it. If they are allowed to signify approval, I apprehend they will not hesitate, when the occasion arises, to express dissent also; and, in this case, what becomes of the freedom of debate? But I must also observe, that it formed no displeasing sight to see such a number of respectable people in the galleries, rising row above row, all raised to the highest tone of enthusiasm, and animated by one mind on this solemn occasion. There was, perhaps, after all, a little of theatrical show in this exhibition—at

January.

least, to an Englishman it appeared so; but there was no man, from whatever country he came, who could look upon this Hall of Deputies and crowd of populace, without being affected with strong emotions. Senor Galiano, when he entered the rostrum, made an effort to give his attitude and manner as much dignity as possible. He is short of stature, but he seemed as if he would willingly elevate it to suit the majesty of his office. He read the message in a pompous manner, but it was not a manner assumed at this moment: it is his usual characteristic.

The debate was commenced by Senor Saavedra, the youngest Deputy of Cortes, and a gentleman of an ancient family, who had hitherto distinguished himself rather as a poet than an orator*. He thought it was necessary that the deputies should take this opportunity of explaining their ideas, and the grounds of that heroic decision, which they

* M. Saavedra lately published two volumes of miscellaneous poems, and a tragedy called *Lanuza*, which has been well received on the stage. The elegant literature of Spain was, however, at this time under a kind of cloud. Every intellect of any force was absorbed in politics; and if there were any visionary who bestowed his thoughts on things not belonging to the immediate transactions of the day, and published them, his work came forth still-born. Every week teemed with pamphlets of a small size, from ten to fifteen pages at the most, but as soon as they were read, they were consigned to never-ending oblivion. Saavedra, however, had the good fortune to have his tragedy and his poems read amidst the din of political combats. He has been highly praised for his genius, but I imagine that a good deal of this eulogy was heaped upon him because he has mingled politics with his poetry. Such of his minor poems as I have read appear to me to be the offspring of a warm heart and a feeble imagination. But it must also be said of him that upon this occasion he spoke with very considerable energy, if not with eloquence. Who, that had a soul to feel, and lips to give utterance to thought, would not be eloquent when he saw his country attacked by such scandalous notes as those of the northern sovereigns?

January. had already given, presenting to Spain, to all Europe, and to the whole world, a scene of the utmost grandeur and majesty, and a guarantee the most assured that the tree of liberty had deep roots in their soil, and a presage the most certain, that, in spite of storms, it would still continue to grow and extend its benignant branches over their country. The notes of the foreign Powers he considered as so many attacks upon the rights of every nation upon earth, as incendiary proclamations, in which the most infamous calumnies were made use of, principles were confounded, and liberty alone was assailed without any consideration of the bases upon which it was established. What right had these Powers to intrude themselves into the private affairs of Spain? Why did they now complain of a constitution which the Emperor of Russia solemnly recognized in 1813, which he caused some Spaniards to swear to who happened to be then in his dominions, and which he had translated into his own language; a constitution, in fine, which was also recognized by the King of Prussia in 1814? Then they wanted Spanish arms to sustain their vacillating thrones; and they knew full well that it was the holy fire of liberty alone which could destroy the colossus who menaced them. The French note was of a different character, though it pursued the same object: it was couched in more vague and confused terms, but it contained the same poison—the more strange, since that Power owed its existence to Spanish energy, and, perhaps, to the influence of that constitution which it now insulted. Spain never would permit the interposition of foreigners in her internal affairs. If any of them were insolent enough to attempt it, they would soon learn that the heroes were still alive who annihilated the formidable hosts of Napoleon, conquered the conquerors of the Teutonians, the Prussians, and the Sarmatians: that Zaragoza and Gerona still existed: that the cannons of Albuera and San

Marcial might still be mounted: and that Spaniards still preserved those blood-stained swords with which they opened in their fields the wide tomb that devoured their invaders. If there were Powers so forgetful of their own interests as to attempt to make war upon Spain, let them come to the country of heroes, where they would find, instead of luxury and gold, virtue and steel. January.

Canga, who followed Saavedra, is a man pretty far advanced in years; but the winter of age, that has partly silvered his hair, has not yet penetrated to his mind. The flow of his ideas, the rapidity of his language, and the animation of his gesture, are amazing. To these he adds a thorough and extensive knowledge of the history of his country. "The Spanish nation," he observed in the course of his speech, "did not enjoy, in the ancient ages, a general and uniform constitution, such as it now possesses. Divided into kingdoms, though all recognized one basis, they differed in the application of principles: hence the constitution of Castile, that of Aragon, that of Navarre, that of Biscay, and partly also that of the Asturias. Notwithstanding this, Spain acknowledged, from the most remote ages, the unshaken principle of the national sovereignty which has so much scandalized the holy Allies. *We who are more than you,* said the Aragonese to their kings, *acknowledge you as king, provided that you guard our privileges; and if not, not.* The Castilians exacted from their monarch an oath to observe the laws; the Catalonians made their king swear to their rights before they pledged to him their allegiance; and the Biscayans made him swear three times on the consecrated host to their laws.

"From this principle was derived the faculty of deposing the kings when they failed in their promises. The success of Henry IV. in Castile proved the exercise of this terrible faculty there: when the Portuguese shook off the yoke, in

January. the time of Don John I., they acted on the maxim that the community gives the royal power, *and when it is expedient, it can withdraw that power, and nominate a new sovereign.* Blancas states that *it was the privilege of the Aragonese* freely to elect or to depose their king. The friar, Juan Guelbes, at the time of the troubles of Catalonia, in consequence of the imprisonment of the Prince of Viana, and of the entry of the King of Aragon, assisted by the French, inculcated from the pulpit that they might expel him from the kingdom and elect another, because he had violated their rights; and that, for this purpose, they wanted not the sanction of Pope or Emperor, since neither one nor the other had temporal dominion in the country.

“From the same basis was derived the right of insurrection and resistance whenever the people were oppressed, that is to say, whenever the chief failed in his oath and his duties. The tenth Law, title the first of the second division, after affirming that those kings are tyrants who love their own interest more than that of the country, and that they become tyrants first when they oppress, because their subjects, being ignorant and timid, dare not revolt nor oppose their will; secondly, when they endeavour to divide them, in order that they should distrust one another; and, thirdly, when they oppress them by making them poor, by corrupting the powerful, by executing the learned, and by prohibiting the existence of assemblies and corporations, adds, that in such cases, *they can declare the legitimate king a tyrant for turning the sceptre into an instrument of injustice.* Hence arose the confraternities of Castile, not tumultuary or insurrectionary assemblies as they were called by the despotism of the house of Austria when it destroyed our liberties, but meetings, as legal as the Cortes, as the learned Marina shows. Hence, also, the union of the Aragonese; hence the obligation which the laws impose upon

all, even not excepting women, to come armed to the defence of liberty and independence, when they see them attacked, without waiting for the *royal command*; hence the right of accusing the monarchs when they deviated from the path of the law, and of separating from them, by force, those who, being about their persons, influenced them to the public detriment; and hence the right of looking upon such actions as inherent in loyalty. This alone is enough to defend the Spanish army from the accusation which the Allies have made against it." January.

After applying himself, in detail, to controvert the assertions and principles contained in the notes, Senor Canga concluded with expressing his confident expectation that Spain would prove herself as brave in 1823 as she was in 1808, and that she would sustain her rights, her independence, and her honour with the same energy with which she carried on a sanguinary struggle of seven hundred years against the Moors. "But if misfortune should be superior to our strength, burying us in the ruins of our country, and burying us the first, the deputies who have obtained that country's confidence, we shall prove to the world the steadiness of our principles and character; and our ashes, and the ruins of our cities, accusing to the end of time the injustice of our enemies, shall send forth shouts of vengeance, which producing one day a general explosion, shall awaken liberty to new life in spite of the tyrants."

Senor Don Joaquin Ferrer made a few observations, which were not much attended to, in consequence of the anxiety of the audience to hear Augustin Arguelles. This gentleman is deemed the most eloquent speaker in the Cortes. His oratory is full of strong reasoning and crowded with facts; it is convincing, and sometimes irresistible, from the sudden diversion which he makes from powerful logic to the seat

January. of those feelings which govern the resolutions of men. He seemed on this occasion to hold a sceptre over the minds of his auditors, and to awaken in them such sentiments as he wished to inspire. While he spoke, every one of the deputies appeared to be entranced by his eloquence; and when he concluded, there was a general look up to the ambassador's tribune, to see what effect it produced there. He spoke for an hour and ten minutes; and when he first rose, often during his speech, and immediately after he sat down, he was cheered by the populace, and even by the deputies, in the most lively and affectionate manner.

Senor Alcalá Galiano followed in the debate. He is yet a young man; and, as I have already observed, a little affected and pompous in his delivery. He was the editor of a provincial journal at the time of the declaration of the army of the Isla in favour of the Constitution. His style of speaking is more poetical than that of Arguelles, and calculated more to win the ear than to convince the understanding. He is fond of long periods and sounding expressions, and very frequently pours out sentences in continuation, at each of which the audience is inclined to exclaim, "beautiful." His gesture is also particularly forcible, picturesque, and varied, and altogether he is such a man as a public assembly would put forward to make a holiday speech*.

Several other deputies demanded the right of speaking, but it was decided by a majority that the question was sufficiently discussed; and the message was, of course, agreed to unanimously. It was ordered, that the debate should be printed in a form separate from the "Journal of Cortes," and distributed gratuitously through the whole kingdom

* I have not introduced any passages from the discourses of these two gentlemen, as they must be fresh in the remembrance of the public.

and its dependencies. A deputation was appointed to present the message to the king. January.

When the Cortes rose, the crowd in the galleries rushed down to the deputies' door, and waited until Galiano and Arguelles came out, when they seized on them by main force, and carried them off in triumph on their shoulders. They were obliged to exert all their eloquence to get permission to descend again, and they took refuge in the president's carriage. The populace followed the carriage to the president's house, singing all the way patriotic songs, and shouting *Viva la Constitucion!* In the evening bands of music paraded the streets by torch-light, and the night passed away in perfect tranquillity.

The ministers of Austria, Russia, and Prussia, had in the meantime formally demanded their passports, which were sent to them; and, as soon as their arrangements for travelling were completed, they took their departure from Madrid. The French minister was privately instructed by his government to remain in Madrid until further notice, unless insults were offered to the representatives of the other Powers before they quitted the capital. The correspondence which took place between those representatives and M. San Miguel, on this occasion, was sufficiently temperate on all sides, with the exception of the letters of the Russian minister, as well as of the answers he received. In these latter documents there was more roughness of expression than one is accustomed to meet with in diplomatic writing. Though the effervescence of the popular mind was still unabated, it is honourable to the country that no disposition was shown by the people to offer any sort of offence to men, who were the channels of the most insulting communications that were ever made by one independent state to another.

At this stage of affairs a question naturally started up, as soon as the general enthusiasm had in some measure sub-

January. sided—What was the new situation of the Spanish Government? Was it one which promised permanence to the Constitution? or augured its destruction?

Generally speaking, novelties of any sort have a great deal to struggle against, before they can be amalgamated with the habits, and endeared to the feelings of a nation. Even where no doubts are entertained of the utility of a change, it is always difficult, and sometimes impossible, to induce communities to approve of it. It disturbs in a thousand little ways the previous routine of their lives; it imposes upon them new duties; and, as in the case before us, it may exact from them sacrifices which they are unwilling to make. The necessity of suppressing the “factious” forced the government to muster large armies by means of a conscription. In many provinces this measure was resisted, and in all it was the subject of bitter complaints with families, who sometimes saw their only stay snatched from them by the arm of the laws. The agitations prevailing in the country, and the losses which were occasioned in some provinces by the actual presence, or the incursions of the “factious,” rendered it difficult for great numbers of persons to pay in their contributions to the state; and they were harassed by proceedings for enforcing them. It was frequently stated in Cortes, that the annual amount of the contributions levied on the people, since the restoration of the Constitution, was considerably below that which was paid during the despotism. I am not prepared to confirm or dispute this assertion: but from all that I saw or heard up to this time in Spain, I was convinced that the people generally did not believe this allegation, and that the great majority of them were desirous of nothing so much as of peace. If any tradesman, or a peasant labouring in the fields, were asked whether he was a Constitutionalist, the answer was, “All that I want is peace.” Exceptions to this

observation might have been met with in places where party spirit ran high, and divided towns and villages into different sects. But where the passions were not excited, "Peace—Peace!" was the desire of all. January.

As to the clergy, it was notorious that the great majority of the secular as well as the regular degrees were at heart hostile to the constitution, however they might have found it necessary to disguise their feelings. The friars naturally detested the new system, because it swore imperishable hatred against them; the bishops, canons, and parochial clergy were exasperated, because the Cortes had reduced the tithes to one-half of their former amount; and had appropriated to the state different sorts of funds which had long been subservient to the splendour of the church. If there were those who wished to annihilate the church and clergy altogether, they would have found it a difficult task. The Spanish people are wedded to their religion, or at least to its ceremonies. They have had no writers amongst them such as Voltaire and Rousseau, who by a fashionable wit, or the eloquence of a rash imagination, might have rendered the doctrines of impiety and immorality attractive. Even if, unhappily, such writers had existed in Spain, the people were never sufficiently educated to read and comprehend their works. Hence they were in a very different situation from that in which the French were found at the commencement of their Revolution. That is to say, the Spaniards were not absolutely demoralized, and any attempt to extirpate or banish the clergy, as a body, would have inevitably rebounded on the heads of its contrivers.

It can be scarcely necessary to add, that the grandees, with very few exceptions, were as much opposed to the new system as the clergy. It wounded their pride to the quick, because it levelled them in point of rank with the lowest of

January. the people: it gave them no privilege in lieu of this degradation; it subjected them to the performance of the duties of common constables, to service in the militia, and to enormous taxation; for their estates, already encumbered by their own or their ancestors' necessities, were charged according to their nominal value. To this it may seem an answer that many of the nobility have taken offices under the Constitution, and have materially assisted its progress. This is true to a certain extent; but it is equally true, that several were voluntary exiles both from the country and the system; as to the rest, their sincerity has been doubted, with the exception, perhaps, of the Duke del Parque, the Duke of Frias, and the Marquis of Santa Cruz, who seem to understand and appreciate the blessings of liberty. Even these three noblemen would, perhaps, witness without displeasure the establishment of a chamber of peers.

Looking, therefore, to the Peninsula alone, it would appear that the mass of the people were indifferent with respect to the Constitution; and two very powerful classes were sincerely adverse to it. Every day new enemies to the system rose from the bosom of the country; and in point of fact it was upheld only by the army, by those enjoying public employments, and those desirous to obtain them.

In addition to these things, the four principal Powers of the continent had openly declared their hostility against the Constitution of Spain. The ministers of three of those Powers were already withdrawn, and their relations with the court of Madrid suspended. The minister of the fourth was indeed still lingering in the capital: a curious instance of undisguised double dealing on the part of France, and of conscious weakness on that of the Spanish Government. Was it possible, then, that under these formidable disadvantages the Constitution could march on to its consolidation?

CHAPTER XI.

MODIFICATIONS OF THE CONSTITUTION.

THE Spanish government evidently felt some such impressions as those just mentioned, for soon after the foreign ministers had demanded their passports, a formal request was made* by San Miguel for the good offices of England, to prevent the breaking out of a war between France and the Peninsula. It was well remarked at the time by the British minister at Madrid, that if France were pacifically inclined, something might grow out of this overture which would prevent a recurrence to arms. France might state what she wanted to Great Britain, who might thus, in the event of the departure of the French minister from Madrid, become the medium of her communications with the government of Spain. This, at all events, was the last hope that now remained for the preservation of peace; and faint as it was, it became the British government to do the best they could with it.

The overture was accordingly brought before M. de Chateaubriand by Sir Charles Stuart †, who, in pursuance of his instructions, offered the British minister at Madrid as a channel of communication with the Spanish government. He added, that his government was anxiously desirous to promote in this, or any other way, the attainment of such a settlement in Spain, as France might deem consistent not only with her safety, but her honour. To this communication M. de

* Sir W. A'Court's despatch, dated Madrid, 12th January, and San Miguel's despatch of the same date inclosed.

† 22d of January.

January

12th.

January. Chateaubriand answered, that the Duke of San Lorenzo (the Spanish minister at Paris) had been with him, and had spoken in moderate language respecting the situation of the two governments; but that a conciliatory tone was assumed by the agents of Spain, which did not prevent the adoption of principles the most incompatible with the tranquillity of Europe, by the government and the legislature of that country: that at the moment they admitted all the defects of their Constitution, their readiness to concur in the operation of a change, and their wish for the publication of a general amnesty, their societies were most active in their endeavours to organize revolt in France. In short, he added, the enormity of the evils resulting from war, was not to be compared with the consequences which must result from the success of intrigues, which the French ministers had no means of preventing during the continuance of peace. He did not question the sincerity of the efforts of the British government to maintain peace, but he was convinced it was impossible seriously to press the subject on the Spanish Government in sufficient time to lead to the desired result*.

This language of the French minister was, perhaps, somewhat exaggerated as to the intrigues imputed to the Spanish government and legislature, for the purpose of producing revolt in France. It is not probable, from what I could learn, that either the government or Cortes, or any of their principal members, had any connexion with those intrigues. But that there was a party of French refugees in the Peninsula, who, aided by some Spaniards, carried on communications with France, with the view of exciting a rebellion in that country, is a fact that seems to be nearly established by the recent trials of Berton and his

* Sir C. Stuart's despatch, January 23d.

associates, and other insurgents. These attempts at insurrection the French government had effectually put down; and it did not follow as a just consequence, that because such intrigues might still have been carried on by a desperate and contemptible band of French and Spaniards in the Peninsula, that therefore France ought to declare war against Spain. It was an evil undoubtedly, but such an one as might be remedied by the Spanish government and legislature. January.

It would appear, however, that in the course of this conversation, Sir Charles Stuart understood from the language of M. de Chateaubriand, that the French government would be glad to avail itself of the publication of an amnesty, accompanied by any change, however trifling, if brought about by the authority of the king, which might enable it to avoid proceeding to extremities. At this time there was a party in the Cortes, labouring hard to bring about the amnesty to which M. de Chateaubriand alluded. The measure was, I believe, recommended by Sir William A'Court; at least he did every thing in his power to forward it, by representing the favourable impression it would not fail to produce throughout Europe*.

In the meantime, the British government was well aware that all the exertions it could make for the preservation of peace would be fruitless, unless some specific arrangements were entered into for the purpose of assimilating the institutions of Spain to those of other free countries. To propose these arrangements without seeming to dictate them; to obtain the consent of the Spanish government and Cortes, without the appearance of their being forced to it by the apprehension of an invasion, was a point of peculiar delicacy and difficulty.

* Sir Wm. A'Court's despatch, January 15.



January.

There was no person, who had seriously considered the scheme of the Spanish Constitution, who did not agree that its vital imperfection was the appropriation of the legislative power to one assembly together with the king. From the nature of that assembly, which was chosen on the most extensive principle of popular suffrage, it must necessarily happen, that frequent collisions of opinion would arise between it and the monarchy. In these cases the Cortes must always have been the stronger party; not only because they had the power of exciting the people to support them, but because whatever measure they proposed must have succeeded after the lapse of a certain period, even against the king's wishes*. An intermediate body, invested with a share of the legislative power, was clearly necessary in the first place, in order to introduce harmony into the system; and by whatever name it might be called, it was equally evident that this intermediate body, or second chamber, should comprise the higher orders of the state. As individuals, the persons composing these orders would have interests in common with the mass of the people: as nobles, they would be in a particular manner attached to the rights and dignities of the sovereign, and thus they might be fairly expected to adjust the balance between the king and the representative assembly, as often as either party would seek to preponderate.

One of the arguments most commonly used against the erection of a Second Chamber is to this effect, that the nobility of Spain are too numerous; that it would be impossible to draw a line between them; and even if it were possible to distinguish those grades, to which the Peerage ought to be given, still another objection would remain—namely, that all the Nobles of Spain, from the highest grandee to the

* See articles 147, 148, and 149, of the Constitution.