

Gabriel Ciscar, governor of Carthagena. The reason assigned for this change was, that the members of the former Regency had made known their earnest desire that the weight of the administration, which they had supported for many months, under such critical circumstances, should be consigned to other hands. Those members were now to experience in their turn the same injustice which they had shown toward the Central Junta. Like them, they had disappointed the hopes of the people; and like them, more from the inevitable course of things than by their own misconduct. They were not, however, treated with equal cruelty. A decree was passed, that they should give in an account of their administration to the Cortes within two months, with a view to some future process. Shortly afterwards, in consequence of a secret sitting, they were ordered to retire from the Isle of Leon, and the place where each was to reside was appointed, after the arbitrary manner of the old court. Blake and Ciscar being absent, the Marquis del Palacio and D. Jose Maria Puig were appointed to act in their place till they should arrive. When they were called upon to take the oath, the same difficulty was found as in the case of the Bishop of Orense. The Marquis being asked if he swore to obey the decrees, laws, and constitutions of the Cortes, replied, Yes, but without prejudice to the many oaths of fidelity which he had taken to Ferdinand VII. The president informed him, that he must take the oath simply, or refuse it. The marquis requested that he might be allowed to explain himself. Upon this it was agreed that he should be heard after his colleagues had been sworn; and that business having been completed, he entered into an explanation, saying, "he was ready to take the oath in the form prescribed, provided those deputies who were versed in theological points would assure him that he might do it without scruple. All that he meant was more to ensure the purport of

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*Palacio re-
fuses the
oath.*

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 XXXIV. to Ferdinand; and he had never doubted the sovereignty of the
 1810. nation assembled in its Cortes."

*Tyrannical
 conduct of
 the Cortes
 towards
 him.*

The Cortes manifested upon this occasion something of that precipitation, and something of that proneness to tyranny, by which the proceedings of popular assemblies have so often been disgraced. In this case, as in that of the Bishop of Orense, they might perhaps have thought that such scruples disqualified him for the office which he was called upon to accept; but those scruples ought to have been respected; and upon no principle of law or justice could they possibly be considered as a crime. But the marquis was ordered into custody, and the Cortes met again that night, to deliberate upon this unworthy business. One member said, that Palacio had lost the confidence of the public; he could not act in the Regency, because he had shown that his conscience was not such as was fit for a Regent; and his conduct ought to be investigated by judges appointed for that purpose. Capmany maintained, that the Cortes itself ought to take cognizance of the offence; and Arguelles, Oliveros, and Torrero, agreed in these exaggerated censures of an act which, even if censurable, amounted only to an error of judgement of the most venial kind. Arguelles declared, that should the Cortes retrace a single step, and not go forward with its decree, respecting the sovereignty of the nation and their own power, they would give a triumph to the enemy. It was voted, after a long discussion, that the Marquis had forfeited the confidence of the nation, and that another Regent must be appointed in his place. The Marquis del Castelar was chosen. Palacio now represented, through the captain of the guard, that he was confined at this time in a damp room, to the danger of his health, without having a place to sit down. It was then ordered, that he should be confined in his own house, under a guard, who was

never to lose sight of him. This discussion occupied the Cortes till midnight, and then they entered upon a secret sitting, probably upon the same subject. Three days after, it was voted that the Marquis was no longer qualified to act as captain-general of Aragon; and in three more, discovering how little conformable it was to their professed principles thus to proceed to condemnation before trial, the Cortes repealed the decree, and resolved, that both this case and that of the Bishop of Orense should be referred to judges appointed by the Regency, who were to hear the advocates of the Cortes, of the royal council, and of the Marquis, and to consult with the Cortes concerning their sentence. Meantime he was to remain a prisoner at large in the Isle of Leon, upon his parole.

If the Cortes, in the tyrannical character of these proceedings, reminded those persons who remembered the commencement of the French revolution of the errors which were then committed, it reminded them also of a measure springing from a more generous feeling, but which, both in France and England, experience had shown to be an error. A self-denying ordinance was passed at the motion of Capmany, deputy for Catalonia, a man well known for his literary labours: it enacted, that no member of the Cortes should be permitted, during the exercise of his functions, nor for a year afterwards, to accept for himself, or solicit for any other person, any pension, favour, reward, honour, or distinction, from the executive power which at that time existed, nor from any other Government which might hereafter be appointed. Gutierrez de la Huerta, supplementary member for Burgos, had prepared a more rigorous bill to the same effect, which was to punish the deputy who solicited any employment for a kinsman within the fourth degree, by expelling him from the Cortes, and depriving him for four years of his elective right, and the capacity of being elected. It was

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Self-denying ordinance.
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CHAP. carried by acclamation, that some public testimony of disinterestedness should be given. There were, however, a few members
 XXXIV. cool enough to temper the enthusiasm of their colleagues, and
 1810. qualify the vote, so as to render it somewhat less unreasonable. At their suggestion, such persons were exempted from the decree, who, by rank or age, were accustomed to succeed in military, ecclesiastic, and civil bodies, according to the rules or statutes. And it was admitted, that cases were possible in which extraordinary services might deserve an extraordinary reward.

*Liberty of
the press.*

Oct. 15.

Two subjects of especial moment occupied much of the time of the Cortes. The situation of the colonies was one, which is too wide a topic to be touched on here : the other was the liberty of the press. Upon the motion of Arguelles, a committee was appointed to prepare a report upon this momentous point. Many curious discussions ensued. The Marquis of Vigo protested against taking the subject into consideration. "He was ready," he said, "to sacrifice his life, and even his reputation in the Cortes, which he regarded more than life, for his conduct on this occasion ; but he would not sacrifice his conscience." "Whatever light," said Arguelles, "has spread itself over Europe, has sprung from the liberty of the press, and nations have risen in proportion as that liberty has been more or less complete among them. By its influence we saw the chains fall from the hands of the French nation ; a sanguinary faction obtained the ascendancy, and the French Government began to act in direct opposition to the principles which it had proclaimed. After having solemnly and by acclamation declared, that the French republic renounced all conquests, they gave orders for the incorporation of Savoy ; and the conduct of the Republic uniformly contradicted the principles of the National Assembly, both in respect to the states which they occupied, and to their allies. If at that time we had enjoyed a well regulated

liberty of the press, Spain would not have been ignorant what was the political situation of France, when she concluded the infamous peace of Basle. Spain then abandoned itself with blind subserviency to all the successive Governments of France; and from the convention to the empire, we followed all the vicissitudes of their revolution, always in the closest alliance, till we saw our strong places taken, and the armies of the perfidious invader in the heart of Spain. Till that moment it was not lawful for any one to speak of the French Government with less submission than of our own, and not to admire Buonaparte was one of the greatest crimes. In those miserable days the seeds were sown, and we are now reaping the bitter fruits. Look round the world! England is the only nation which we shall find free from these horrors; the energy of her Government has done much, but the liberty of the press has done more. By that means, wise and virtuous men were able to diffuse the antidote faster than the French could administer the poison, and the information which the people enjoyed made them see the danger, and taught them how to avoid it."

Brigadier Gonzalez affirmed, that whoever opposed the freedom of the press was a bad Spaniard. This occasioned a warm reply, and one of those altercations followed, which the Cortes was not then so well regulated as to prevent, or to cut short. A priest terminated it, by saying, that their first duty was to defend the Catholic, Apostolic, Roman religion, and whatever was contrary to that religion was bad. Then, citing the canons to prove that no work ought to be published without the license of a council, or of a bishop, he inferred that the liberty of the press was contrary to religion. The conclusion was perfectly legitimate, but it was met by an answer not less curious than the argument. "No person," said Mexia, "will deny, that Christianity has existed from the beginning of the world; for though

CHAP. our Saviour was not yet come, those moral precepts, which are
 XXXIV. the basis of his religion, and which were given by Moses, were
 1810. written in the heart of man. In like manner, the liberty of the
 press has existed from the time of Adam ; for printing is a mode
 of writing, and the liberty of doing it is the same, whether it be
 upon the leaf of a tree, or in wax, or upon paper ; and this
 liberty all men have possessed. The art of printing, therefore,
 where the liberty of the press was restrained, was an injury to
 man, inasmuch as it deprived him of this primitive liberty.”

There was, however, a great number of members who were by no means prepared to change the opinions in which they had been bred up ; and they listened with deep attention to those speakers who maintained that it was both for the interest of the writer and the public, that books should be subjected rather to a previous censure, than to an after responsibility. The result was not less characteristic than the long and animated discussions which preceded it. After declaring that all persons were at liberty to publish their sentiments without any license, the Cortes unanimously admitted an amendment which, by inserting the word political, curtailed this liberty of half its extent : and all writings upon religious matters were left subject to the previous censure of the ecclesiastic authorities, according to the decree of the Council of Trent. Anonymous publication was allowed, but the printer was to put his name and place of abode ; and if in case of an offence against the laws he did not make known the author, he was to incur the punishment himself. For the purpose of securing the freedom of the press, and providing against its abuse, the Cortes was to appoint a supreme board of censure, composed of nine individuals, who were to reside near the Government ; and a similar board of five members in every provincial capital ; three of the nine, and two of the five, being secular clergy. The business of the provincial boards was

to examine such works as were denounced; and upon their sentence the judges were to suppress the book, and call in the copies which might have been sold; but their sentence was not definitive. The author or printer might demand a copy of the censure, and lay it before the supreme board: the supreme board might require them to revise their sentence; but their second opinion was to be final. If the book were suppressed, as a private libel, the individual aggrieved had still his remedy at law against the libeller. Some appeal was allowed against the decision of the ordinary. He was not to refuse his license without assigning the ground of refusal, and hearing what the author, editor, or printer, could allege in behalf of the work. If he then persisted in his refusal, the person interested might lay his censure before the supreme board, and refer the book to their judgment; if they found it worthy of approbation, their opinion was to be communicated to the ordinary, that he, being better informed upon the matter, might grant the license if he thought good, in order to prevent any farther appeal; but what that was to be was not stated. This was not the only point which, by a sort of compromise, was left doubtful in the decree. The article which empowered the supreme board to reverse the sentence of the provincial ones, declared, as it was originally worded, that upon their approbation the book should freely circulate, and that no tribunal should impede it. Some members upon this required that a proviso should be inserted, declaring this was not intended to intrench upon the authority of the Inquisition. To avoid such a recognition of that baleful power, Luxan proposed that the latter part of the sentence should be omitted, and this was carried by a majority of two votes. It was a victory for the liberal party to leave the question undecided. As soon as the discussion was concluded, a deputy moved that special and honourable mention of the Inquisition

CHAP. should be made in the decree ; but the president prevented any
 XXXIV. debates upon this inflammatory subject by replying, that it
 1810. might be taken into consideration at some future time.

*State of the
 press.*

Thus having admitted that public opinion was the proper and indispensable check upon the proceedings of Government, the Cortes instituted a board nominated by Government to be a check upon public opinion, which, if the measure had not been merely nugatory, would have virtually destroyed the freedom it pretended to establish. But they were dealing with no easy subject. The press, like other prisoners, had broken loose when the old system was overthrown. It had effected the momentous service of rousing the nation, and it continued to keep up the spirit which it had excited ; but as for exercising any salutary restraint upon the proceedings of the Government, this was of all things what the public writers were least competent to do, and the men in power least likely to tolerate. The danger was, that the press might now at the same time inflame and misdirect the public mind ; a work for which eager volunteers are never wanting in such times. The Spaniards had taken arms to defend their institutions, to which with all their enormous abuses the people were devoutly attached. The best and wisest men wished to reform those abuses. Such men were few, and aiming only at what was lawful and just, they scrupled at any evil means for bringing it about. The party who were for destroying root and branch had no such principle to impede them. Despotism had made them republicans, and an abominable superstition had driven them into unbelief. They also were few, but they were more numerous than men whose opinions rested upon a safer ground ; they were bold and they were indefatigable, acting like some of the early propagandists and victims of the French revolution, in the enthusiastic belief, that nothing but good could result from the subversion of cor-

rupted establishments. Even in the Cortes there were some who looked to the most dreadful stage of that revolution rather as an example than a warning. One member wished for what he called a Christian Robespierre to save the country; another, for *un pequeño Robespierre*, one who would carry on a system of terror with a little more moderation than had been used in France; caustics they said were called for; matters must be carried on with energy and with blood, or the country was lost; heads must be stricken off, and that speedily; it was necessary to shed more Spanish blood than French. When such language was uttered in the Cortes, and circulated in the diaries of that assembly, it was, indeed, most necessary that efficient measures should be taken for restraining the licence of the press. A journal was published under the title of "The Spanish Robespierre," breathing the same spirit as these speeches. One of its numbers was suppressed; the fanatical author exclaimed against this as an outrage upon the sacred, the divine, the omnipotent liberty of the press. "I swear," said he, "upon the altar of the country, no one is more a Spaniard than I. I more than any one abhor despotism and its vile satellites. I alone am sufficient to overthrow them, and reduce that infernal monster to nothing. My soul is more untameable than the planets, more elevated than the firmament itself, more great than the whole universe." Even such ravings were not to be overlooked when, in the same number, it was asserted, that the minister who had suppressed his former paper had conspired against the liberty of the nation; that, therefore, he was guilty of treason, and consequently ought to be publicly hanged without the least delay. Yet the necessity of reform, . . . of a change in the spirit of the Spanish Government, which under all its changes of form had remained the same, was shown in the treatment of this revolutionist. He was cast into prison, and left there, it

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*Diario de
las Cortes,
T. 2. 441.
T. 4. 371.*

*El Robe-
spierre Es-
pañol.*