

after consultation, order the seizing of his person; and, with all necessary dispatch, he shall send the prisoner and the deposition to the prisons of the inquisition where the prosecution is to be carried on. This is not to be applied to affairs less important, which commonly are terminated without imprisonment, such as heretical blasphemies which are not sufficiently characterized. Causes of this nature may, according to custom, be discussed by virtue of the full power of the ordinary. But the inquisitor ought in no manner to *hold a prison (tener carcel)* to form a prosecution for the crime of heresy, because he would neither have the ministers nor the measures which a secret prison requires, and from the omission of these circumstances inconvenience prejudicial to the success of the cause might arise.

LXXIV.

In what manner the time when the accused began to be a heretic is to be declared.

When the proceedings against persons to be declared heretics, with confiscation of property, are to be examined, the inquisitors, the ordinary, and counsellors shall make a declaration of the time when they began to commit the crimes for which they are declared heretics, that it may be given to the *receiver* (*receptor*) if he should require it, to present it in some civil cause. It shall be therein specified, whether the crime be proved by their own confessions, the evidence of witnesses, or by both these means. Under this form it shall be given to the receiver, who, in case it be not thus drawn up, may demand it of the inquisitors assembled, or, in their absence, of the counsellors.

LXXV.

Provisions to be given to the prisoners.

The subsistence the prisoners receive from the inquisition shall be rated according to the times and the price of provisions; but if the prisoner be a man of quality who is rich, and is desirous of expending more than the ordinary allowance, it will be proper to give him whatever he pleases, which shall seem convenient for him and his *servants*, upon condition that neither the alcajde, nor the person charged with furnishing the provisions, shall profit by the surplus, which is to be given to the poor.

LXXVI.

In what manner the wife and children of the accused are to be maintained.

As the property of persons who are imprisoned by the inquisition is entirely sequestered, if a prisoner has a wife and children, who ask for food, this shall be communicated to him, that his wishes thereupon may be known. At his return

turn to the prison, the inquisitors shall call the receiver and the notary of the sequestrations, and fix the alimentary pension according to the amount of the property and the rank of the persons. If the children be of an age to earn their maintenance, and of such a rank in life as not to make this *mortifying* to them, they shall not be furnished with provisions. If they be old, or very young, if they be daughters, or if, for any other reason, it be not decent for them to live out of their own houses, necessary subsistence shall be assigned them, fixing for each person a certain sum of money, and not a portion of bread; but these appointments ought to be moderate, seeing that the persons to be maintained may reap benefit from their own industry.

LXXVII.

The day of the Auto shall be agreed upon, and notified to the chapters of the cathedral and the city.

When the opinions on the prosecution against the prisoners shall have been taken, and the sentence drawn up, the inquisitors shall fix upon the solemn day of celebrating the *Auto-da-fé*, which shall be notified to the chapters of the church and to the city, in the places of audience, to the presidents and auditors who shall be invited to be present. The inquisitors shall make the necessary regulations that the *Auto* may be celebrated at an hour which will permit the execution of the persons delivered to justice to take place in the day time. All these regulations are to avoid confusion.

LXXVIII.

LXXVIII.

*None but the confessors to enter the prisons
the night preceding the Auto.*

As inconvenience would arise from suffering persons to enter the prison the night preceding the *Auto*, the inquisitors shall take care that none but the confessors be admitted, and, whilst they are there, the officers of justice, into whose hands the prisoners shall be delivered, by virtue of an instrument in writing, signed before one of the notaries of the holy office, that they may give an account of them. They who are to be delivered over to justice and the secular power are excepted. The officers shall not suffer, on the road, or in presence of the tribunal, any person whatsoever to speak to the prisoners, or communicate to them any intelligence.

LXXIX.

Declaration to such persons as are reconciled of what is prescribed them, and their commitment to the custody of the alcayde of the perpetual prison.

The day following the inquisitors shall order the persons who are reconciled to be taken out of the secret prison, when they shall declare to them their sentences, and warn them of the punishment they will incur if they are not found real penitents; and after having examined them in particular, and each apart, upon matters relative to the prison, they shall deliver them to the alcayde of the perpetual prison, recommending him to guard them carefully, to observe that they fulfil their penances, and to inform them of their negligence, if they remark any. He ought also to take measures to assist them in procuring what may be necessary for their subsistence, and furnish them with the means of working at their trades or professions,

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fessions, thus to increase their comforts
and alleviate their misery.

LXXX.

Visit to the perpetual prison.

The inquisitors shall visit the perpetual prison several times in the year, to see how the prisoners are treated, and to be informed of the kind of life they lead. As in several places where there are tribunals of the holy office there is no perpetual prison (which is nevertheless very necessary) houses must be bought and set apart to this purpose; as for want of a perpetual prison the manner in which the reconciled accomplish their penances cannot be known, nor what kind of care is taken of such as may be in need of it.

LXXXI.

Where and how the sambenitos are to be renewed.

It is well known that all the *sambenitos* of the condemned, living or dead, present or absent, are placed in the churches
of

of the parish to which they belonged at the time of their imprisonment, death or escape. The same rule is observed with respect to such of the reconciled as have completed their penances, and whose *sambenitos* have been taken from them, even when they have not had these, except at the time they appeared before the secular tribunal to hear their sentences read. This custom is to be inviolably preserved, and no person has a right to alter it. The inquisitors are always charged to place and renew them, especially in the districts in which they make their visits, in order that monuments of the infamy of heretics, and their *descent*, may always exist. The time of their condemnation must be therein expressed, and whether their crime be Judaism, Mahometanism, or relate to the more recent heresies of Martin Luther and his sectaries. But they who shall have been reconciled in time of grace shall have no *sambenitos*; because since one of the articles of grace states, that none shall be put on them,

and that they had none when they were reconciled, placing them in the churches would be contradicting the principle of the favour conferred.

TO the foregoing chapters, and each of them, we recommend and command your observation in the affairs which shall come before all the inquisitors, notwithstanding some of them may have had contrary forms of proceeding; because it is thus fitting *to the service of God our Lord, and to the good administration of justice*. In testimony of which we have sent these presents, signed with our name, and sealed with our seal, and countersigned by the secretary of the inquisition-general. At Madrid, September 22, 1561. Fr. Hispalen, by order of M. Juan Martinez de Lasso.

Note to be added to Page 225, Vol. I.

My prediction relative to the French comedy at Madrid has proved erroneous. The efforts of the ambassadors and foreign ministers have at length triumphed over an ill understood devotion. In the month of June last the court granted a licence for the establishment of a French theatre at Madrid: and before the end of the year, to the great scandal of the Dominicans, the sermons of Voltaire, on Toleration, will be publicly preached in that capital; and many Spaniards will probably hear without horror the following verse pronounced by one of their fellow citizens:

Et le vrai Dieu, mon fils, est un Dieu qui pardonne.
The true God, my son, is a God who pardons.

I dare predict that the Spanish nation, which makes rapid advances in knowledge, will soon forgive the French for having naturalized in Spain the best pieces of the French theatre. This undertaking, if it be supported, will perhaps accelerate in Spain the progress of sound philosophy. But will Spanish dramatical compositions be thereby equally benefited? Some Spaniards, of great sense and discernment, have their doubts of this. They say, that a more general knowledge of the French theatre will only produce cold imaginations little adapted to the manners of the nation or the genius of the language, and discourage in their attempts the modern authors, who,

well persuaded of the defects of Spanish comedy, would have made efforts to remove them. without weakening, by the alloy of a foreign taste, the native vigour of the Spanish genius. I am not quite of the same opinion; but think, that if it be true that the French theatre may, in many respects, serve as a model, it cannot be too soon had recourse to for improvement. An intimate acquaintance with the theatre of the ancients enabled Corneille, Racine, and Voltaire to improve our taste, and naturalize on the French stage the elegant simplicity of the Grecian scenes. An argument still more applicable to the modern Spaniards is, that Corneille was perfectly acquainted with their drama and language, which in his time was, if I may so speak, the only European language which the founder of our theatre knew how to appropriate to himself. By this means he gave us an opportunity of enjoying those beauties which we still admire in the *Cid* and *Heraclius*, and which he transplanted from *Guillen de Castro*, and *Calderon*.

Note to Vol. I. Page 352.

That nothing may be wanting to what I have said on the present state of the holy office, I have to add, that in the moment this work went to press, the inquisition gave, at Madrid, a new proof of its troublesome interference, by opposing, as much as possible, the sale of the *Encyclopedie*. I have observed, that in 1784, after many difficulties, it had again begun

begun to circulate, and that the examination of the different numbers of the work had been confided to a committee named by the council of Castile. The work circulated rather slowly among the subscribers, when on a sudden the holy office opposed new obstacles to the continuation. First by forbidding the admission of new subscribers, afterwards by demanding an account of the volumes designed to be added, and lastly by entirely throwing off the mask and endeavouring to extort a promise from the person charged with the publication not to deliver any. People are willing to believe that these chicaneries proceed from an unenlightened zeal for religion; it would be unworthy of the Spanish government secretly to approve measures so contrary to its ostensible proceedings. Every person however will certainly be astonished that its authority, which is neither feeble nor indecisive, tolerates the attempts of a tribunal purely spiritual, the tyrannical measures of which it has repressed on several recent occasions. The sale of the French Encyclopedie might, it is true, be prejudicial to the execution of a project formed a few years ago, at Madrid, of giving the work to the Spanish nation in its own language; but it does not seem credible that the holy office would borrow the mask of religion to serve interests merely human; it is still less so, that government should suffer it; the respect it cannot but pay to its engagements and reputation, and the justice due to upwards of three hundred Spanish subscribers, who have paid their money under its protection, and (if after these
great

great interests those of a few foreigners may be mentioned) the aversion it must feel to disappoint the speculations of the latter who, relying on the faith of the Spanish government, have embarked in so expensive an undertaking, are reasons more than sufficient to shelter it from so injurious a suspicion.

THE ENDS.



APPROBATION
OF THE
FRENCH CENSOR.

I HAVE read, by order of the lord keeper of the seals, a manuscript intituled *Nouveau Voyage en Espagne, ou Tableau de l'Etat actuel de cette Monarchie*. According to the knowledge my employment has given me of that kingdom, and the care I have taken to assure myself of the accuracy of this new work, I can certify that its contents are exactly true, and present a perfectly correct picture of the present state of Spain. The critical observations it contains are besides offered with so much modesty, that they cannot but be acceptable to every nation that is a friend to truth, and which would not be offended but by an exaggeration of its defects. This work was wanting to the French to give them a just knowledge of Spain, and perhaps to the Spaniards themselves, to enlighten them in the progress they have still to make before they arrive at that degree of improvement to which they tend.

Paris,
20 July, 1788.

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E R R A T A.

- Vol. I. page 2, line 11, for *rosa* read *rafa*.
— page 356, line 19, for *Econonica* read *Economica*;
Vol. II. page 170, line 4, for *rivals* read *veils*.
— page 212, line 18, of the note, for *moon* and *thy favour*,
read *moon of thy favour*.
— ibid. ibid. for *sun* and *thy eyes* read *sun of thy eyes*,
— page 215, line 4, for *by view* read *in view*.
— ibid. line 5, for *in flattering* read *by flattering*.
— page 220, line 4, for *contrived* read *continued*.
— page 294, line 1, for *Solicor* read *Salicor*.
— page 556, line 15, of the note, for *prefixed* read *subjoined*.
Vol. III. page 238, line 7, of the note, for *mimis* read *nimis*.
— page 318, line 9, for *Mocha* read *Atocha*.





