

Besides the three classes specified above, there is also another denomination of *Corregidores*. I mean those of Madrid and Seville; two cities which have a magistracy of their own, of a peculiar description. Their *corregidores* are appointed for life, and must not be professional lawyers. They are simply overseers of the police, and, in this capacity, they superintend the city corporation, the bull-fights, and the public acts of the city. The *tenientes de villa* exercise a jurisdiction independent of their authority, but they occasionally act as their official substitutes. At Madrid and Seville there are likewise *regidores*, a species of sheriffs, who are also overseers of the police, conjointly with the *corregidor*.

In every quarter of Madrid, there is an *Alcalde de barrio*, a sort of local commissary, who, acting under the controul of the *Alcalde de corte*, immediately superintends the maintenance of public order. Lastly, there is a magistrate, invested with the title of *Superintendente*, who is specially entrusted with the management of the police, conjointly with the *Alcaldes de corte*, the *Corregidor*, the *tenientes de villa*, and the *regidores*.

M. de Campomanes *fiscal*, that is, attorney general of the council of Castile. Charles III. hesitated some time in selecting one of these two colleagues, as they were both men of superior attainments. The notion he entertained of Monino's prepossessing address, which he justified in the sequel at Rome, turned the scale in his favour.

This post, which has a great resemblance to that of the former lieutenants of police at Paris, communicates to its possessor very extensive powers, by which means he not only becomes a formidable scourge to all disturbers of the public tranquillity, but also occasionally alarms by his preposterous and jealous vigilance, the peaceful habitations of honest citizens. Those who resided at Madrid towards the conclusion of the reign of Charles III., will recognize, on reading this observation, the character of *Cantero*, director of the police, who, for more than ten years, was more formidable to the unbefriended poor than to delinquents. Notwithstanding this complex organization of the magistracy at Madrid, which frequently occasions disputes about jurisdiction, we must, however, confess, that there are few capitals in Europe where the police is better regulated, where greater personal security prevails, or where criminals less frequently escape the arm of justice.

But, it will be asked, according to what code is justice administered at Madrid and in the provinces? We may affirm upon good authority, that the Roman laws are in a great measure invalidated. There exist even some ancient statutes, which prohibit them from being quoted as legal precedents, under severe penalties. However, in practical points, they are frequently consulted, and lawyers derive from the Roman laws,

precedents and information, without regarding them as absolutely infallible.

The method of framing the statement of a legal suit is executed in Spain according to the Roman jurisprudence, with some few variations only, in terms and in the application of documents. The referendaries are commonly professional lawyers, whose situations being lucrative, are in great request. In extraordinary cases, a member of the council is nominated to examine the procedure, and to make his report to the tribunal.

The only authentic laws of Spain are comprized in the codes promulgated by her ancient monarchs. Such, for example, are the *ley de las siete partidas*, the *fuero juzgo*, and the *fuero real*. The principal code and that most in use, is known under the appellation of *recopilacion*. It is a collection of various statutes of the Spanish monarchs, from the most remote ages to the present day. Of this a new edition is published from time to time, in which are inserted all the laws enacted since the appearance of the preceding.

It has been asserted that Charles III. designed to give Spain a new criminal code. This is a mistake; for the Council of Castile had simply proposed to the monarch, the revision and reformation of the old criminal laws, some of which were obsolete and absurd, and committed the execution of this plan to a committee of magistrates, of which M. de Campomanes was presi-

dent. This labour, which, I believe, is not yet concluded, occasioned at that time a treatise on the penal laws, the production of Lardizabal, a lawyer, which may be perused with pleasure and instruction, even after the treatise of Beccaria.

The name of this Italian philosopher serves to remind us of the tremendous punishment of the rack, which is not yet formally abolished in Spain; nay, it has even found several staunch advocates in that country. It is not more than twenty years ago, that one Castro, a priest, undertook a professed justification of the torture. His arguments were combated, and triumphantly refuted, to the great satisfaction of all enlightened Spaniards.

The canon law is adopted in Spain in all ecclesiastical suits. The court of Madrid is, however, by no means so completely subjugated by the Holy See as we might be led to imagine from the conspicuous figure still made in Spain by those numerous and disciplined legions of modern Rome, which, imitating the example of their ancestors, aim at universal dominion. Unquestionably religion and her ministers are held in high veneration. Priests, nay, even monks, procure admittance and ascendancy in many families of distinction, engage in secular intrigues, and frequently abuse the confidence reposed in them by bigotry. These radical abuses have been in a great measure redressed, even during the devout

reigns of the last monarchs, after having been countenanced by their example in the early part of the last century. The reader will recollect the dangerous ascendancy acquired by father Daubenton and his spiritual successors over Philip V.; the influence obtained over Ferdinand VI. by father Rabago, who was the last Jesuit that discharged the functions of confessor to the Spanish monarchs. A Franciscan friar was long confessor to the late king; he was created bishop of Osma; and, at a later period, would gladly have condescended to accept the honours of the Roman purple. Though of an austere and sullen disposition, he was remarkably complaisant to his royal penitent; but he seldom interfered, whatever may be asserted to the contrary, in affairs foreign to his ministry. Notwithstanding the devotion of Charles III. he could not have made such an attempt with impunity; for that monarch, whilst he uniformly honoured him with his confidence and esteem, more than once repressed the intemperate sallies of his zeal. During the early part of my first residence in Spain, when the theatre of Saragossa was destroyed by lightning, the father confessor endeavoured to represent this accident to his majesty as a signal proof of the divine abhorrence of all profane spectacles, and even sought to persuade him to suppress them throughout the whole kingdom. By his repeated exhortations

on this subject, he so harrassed Charles III. that this prince, although not of an irascible temper, enjoined him to silence with a sternness which was nearly akin to anger. M. de Florida Blanca, who, during a long residence at Rome, had collected a more copious stock of philosophical than of religious notions, frequently combated the gloomy scruples of this ghostly monitor, on which account, he forfeited his esteem. The confessors of the present reign are not influenced by such blind fanaticism. The king's confessor is a Franciscan friar, who has been elevated to this confidential station through the interest of his fellow-citizen, the Prince of the Peace, and has, with all convenient speed, superadded an archbishopric to his dignity. The Queen's confessor has been longer in possession of his office. Both of them are said to possess genius and address. They are both upon a footing of intimacy with the royal pair; but their influence, like that of all others, is eclipsed and annihilated in the presence of the favourite, the source and channel of all the royal benefactions.

During the greatest part of the reign of Charles III. his confessor was very assiduously consulted respecting the disposal of ecclesiastical dignities, in the gift of his majesty, and he might have been regarded as minister for the affairs of the church. But M. de Florida Blanca, having obtained the appointment of minister of mercy and justice,

to which office the presentation belongs in such cases, put a period to the usurpations of the confessor.

This prerogative of nomination to the high church benefices in their dominions, has been exercised without opposition by the kings of Spain, only since the year 1753, the æra of the ratification of the concordat between the court of Madrid and Rome. Till then, the gift of benefices had been frequently the subject of altercation. They at length had recourse to an amicable negotiation, which, on the part of Spain, was entrusted to the management of the Abbé Figueroa, a man of mild and insinuating temper, whom I have since seen at the head of the Council of Castile. The result of these consultations was the concordat, by which the relations subsisting between Spain and the court of Rome, were established upon a permanent and irrevocable basis.

In this compact, the Holy See confirmed their catholic majesties in their ancient right of nominating to all consistorial benefices.

The principal difficulty related to the benefices of permanent residence and the simple benefices. The popes insisted upon their right to the gift of those which became vacant during the apostolical months. The concordat enumerated fifty-two nominations which should belong to the Holy See, under the restriction of conferring them only

upon Spaniards. It was moreover stipulated, that these benefices should be exempt from pensions, and that the dignitaries should not pay any *cedulas bancarias*. These *cedulas* were a species of contracts signed with the apostolic chamber, by which the candidate made himself responsible for the payment of a certain sum of money. Now it frequently happened that he could not command a sufficient sum to discharge his obligation. In that case, the Holy See advanced him the money at an enormous interest, and kept agents in Spain to enforce the performance of the obligation. This abuse, which it is a matter of astonishment to behold rearing aloft its hydra head in the middle of the eighteenth century; this abuse, I say, drained all the Spanish benefices of nearly one-fifth of their revenues, which was transferred to the exchequer at Rome.

But this is not the only abuse abolished by the concordat. Formerly the popes had the disposal of the property of defunct prelates, and of the revenues of vacant benefices. The administration of these funds was consigned to a board composed of Italians, who were so expert in the exercise of their calling, that one-fourth of the produce of these benefices was embezzled by their rapacious hands. The Holy See has resigned its claim upon this source of revenue, with the single proviso, that the administration of the *spolios vacantes* should only be entrusted to an ecclesi-



astic, which does not, however, prevent the Spanish monarchs from disposing of them as they think proper. The administrator expends a considerable portion of these funds in loans to the new prelates, in order to enable them to support their dignity by a suitable establishment. To the honour of the high church dignitaries of Spain, it must be confessed that these loans have been regularly repaid.

Although the concordat stipulates that the produce of the *spolios y vacantes* shall be exclusively dedicated to religious purposes, the monarch appropriates part of them to the encouragement of industry, and even the remuneration of military services. But the chapters usually commissioned with the management of the effects of deceased prelates, or with the administration of the large vacant benefices, sometimes reduce the net produce of their temporary stewardship to one-fourth of its value. As the concordat deprived the Holy See of part of its revenues, the court of Madrid, by way of indemnification, entered into a contract to pay the latter, on the one hand, the sum of 600,000 Roman crowns; and on the other, 310,000, for which it was to pay interest at the rate of three per cent. By the same concordat, the Holy See also obtained this concession: that the bull of the crusade, of which we shall make mention under the head of imposts, should be perpetual. Independently of the con-

tributions paid by Spain to the Holy See, which were greatly diminished by the concordat, this court still enjoys the produce arising from marriage licences, which may be estimated at fifteen hundred thousand francs per annum.

Since that period, the court of Madrid has continued strenuously to vindicate the rights of sovereign authority against the usurpations of the Holy See. It will be recollected what a reception it gave to the remonstrance of Clement XIII. against the Infant of Parma. The Council of Castile immediately bought up all the copies of the remonstrance, and issued orders that the same measure should be observed respecting all letters, bulls, or briefs, which were derogatory to the royal prerogative, enforcing afresh the ancient statute of capital punishment, and confiscation of property, against all notaries or attorneys who should bring them into circulation.

On this occasion, the Council of Castile, of which Count d'Aranda was then president, again urged all that the kings of Spain, since the time of Charles V. had done to prevent the introduction of the bull, *in Coena Domini*, insisting that it was derogatory to the sovereign authority, and to the jurisdiction of the temporal tribunals, and enjoining all archbishops and bishops of the kingdom to suppress its publication and observance within their dioceses.

Against the encroachments of the court of Rome, Spain has likewise another resource in her so called "*Appeals as against abuses.*" In 1784, a Spanish publication on this subject made its appearance under the title of *Maximas sobre recursos de fuerza y proteccion.* The clergy, and the holy office in particular, the ancient constitutions of which the author had subjoined to his work, endeavoured to suppress the publication, but the Council of Castile and the ministry openly protected the author.

During the reign of Charles III. the privileges of nuncios in Spain were also circumscribed. In opposition to various statutes of former kings, the nuncios frequently abused the devout submission of the Spaniards, in order to enlarge their own powers.

Under the reigning dynasty, they had made such attempts, which, however, did not succeed.

At length, in 1771, the court of Madrid obtained a brief from Pope Clement XIV. which reformed the department of nuncios, substituting instead of the auditor of the nuncio, the sole umpire of this tribunal, a *rota*, constituted according to that of Rome, consisting of six ecclesiastics, nominated indeed by the sovereign pontiff, but proposed by the king of Spain.

With regard to the independence of the regal prerogative, we must likewise notice, that Spain

long since adopted maxims, in many respects similar to the four famous articles sanctioned by the assembly of the French clergy in 1682, to which all subjects, upon their instalment in a public office, are obliged to take the oath of obedience.

A great abuse, however, still prevails in Spain, which originates from wrong conceptions of religion: I mean, the exorbitant wealth of the clergy and of the monks. Since the secularisation of the great ecclesiastical principalities in Germany, the most opulent benefices of the Catholic church are to be found in Spain. The archbishops of Toledo, of Seville, of St. Jago, of Valencia, of Saragossa, &c. &c. have more ample revenues than any of ours ever possessed. There are monasteries, particularly Carthusian convents, the landed estates of which occupy the principal part of the districts in which they are situated; and these religious foundations, besides depopulating and impoverishing the circumjacent country, augment its misery, and produce idleness by the blind charity with which they encourage it.

The government, however, which becomes gradually more enlightened, endeavours to obviate the consequences of this mischievous system. In the first instance, the sage policy it adopts in the choice of prelates, proscribes the ostentatious parade of this scandalous luxury, which, by giving offence to the poor, diminishes their respect

for religion; and although among this class there still exist some fanatics, they are, however, collectively, eminent for their benevolence, and for the sobriety of their manners. Their constant residence in their benefices, obliges them to spend all their revenues in the country whence they are derived. They all appropriate a large portion to charitable purposes. Some of them devote a part to the encouragement of industry; and this is not the only way in which the wealth of the clergy is conducive to the welfare of the state. We shall see under the head of taxes, that ample contributions are derived from the clergy. Moreover, the court of Madrid has obtained permission from the Holy See to levy pensions upon all large benefices, amounting to one-third of their revenues. This power was enlarged by a brief in 1783, and extended to all simple benefices of two hundred ducats (about five hundred and fifty livres); and, during the war, which was terminated by the peace of Basle, and occasioned an augmentation of taxes, the church estates, with the connivance of the court of Rome, were assessed in a much higher proportion than those of the laity.

Spain has been more thoroughly convinced than any other Catholic country, of the absurdity of maintaining religious orders, the generals of which reside out of the country. Accordingly the Carthusians of Spain, notwithstanding the

representations I was commissioned to make in 1785, were released from their dependence on the chief establishment of that order; on which occasion, the minister Florida Blanca assured me, that there were only two monastic orders in all Spain, the generals of which resided at Rome; and that it was intended, on their demise, to emancipate these orders from such a dangerous subordination. It does not, however, appear that this design was put into execution.

This minister, being in some respect a philosopher, we must admit, that on particular subjects, he had adopted very enlightened notions. He had closely inspected the Holy See for many years; he had observed on the spot all that gives it such an imposing air, and learned at Rome to appreciate the objects of the veneration of unenlightened Catholics. Roda, his predecessor in the ministry of mercy and justice, had also long resided at Rome in the capacity of auditor of the rota. On his return to Madrid, although generally encompassed with priests and monks, he ventured to divulge opinions concerning the usurpations of the court of Rome, which, however bold they might appear, were nothing more than just, and he regulated his ministerial operations accordingly. If Spain had an uninterrupted succession of ministers like these two, or like some other modern statesmen, she would soon be emancipated from that spiritual bondage, in

which she has been enchained during a period of two centuries.

In the present age, more especially, she has made a rapid progress towards this goal. There are other proofs of this besides those which we have just adduced. The severity of the court of Madrid towards the society of Jesuits; the persevering assiduity with which it prosecuted at Rome the total suppression of this order; the tranquillity of the people, who were calm spectators of these measures: all this, I say, will demonstrate that Spain is by no means so completely subjugated, as is generally supposed, by superstition, and by the absolute dominion of the monks.

## C H A P. XIII.

*Arguments for and against the Inquisition.  
Enumeration of the most recent Auto-da-fés.  
Adventures of M. Olavidé. Present State of the  
Inquisition. Of the Santa Hermandad.*

IN Spain there still exists a religious institution which extorts a tear from philosophy, when she beholds this kingdom groaning beneath its cruel bondage. I allude to the holy office, a tribunal which has long since acquired the character and attributes it deserves, and which in Spain is still sustained by the powerful aids of policy and religion.

The candour with which I explained my sentiments concerning the inquisition, in the first edition of this work, has exposed me to different kinds of censure. On the one hand, some Spaniards, men, in other respects, of liberal sentiments, accused me of having overcharged my picture of the holy office with too glaring colours. On the other hand, some Frenchmen, after the perusal of my disquisition, complimented me with the title of a simpleton; nay, almost



with the ruder epithet of an impostor. Between these two dangerous shoals, what course am I to steer? To relate what I have seen, and to communicate my sentiments on the subject, is what I have already done, and shall once more attempt to do.

The vindicators of the inquisition pretend that it is a salutary medium, by which the sovereign authority commands respect; that by overawing the conscience of the subject through a wholesome species of terror, it affords additional security for his obedience; being, moreover, an antidote to those endless variations and ambiguities in the religious creed, by which the repose of the community has been so frequently disturbed. Hence, they affirm, religion derives her unity and purity; and they, moreover, ascribe to the inquisition, the tranquillity which Spain has enjoyed, whilst other Christian countries of Europe were distracted with religious feuds, and with the turbulent zeal of innovators.

Others proceed to still greater lengths. It will scarcely appear credible that Macanaz, a magistrate, otherwise eminent for his knowledge, the very same who addressed to Philip V. a spirited remonstrance against the usurpations of the holy office; that this Macanaz, I say, wrote in 1736 a work which was not published till 1788, and which is entitled *Defensa critica de la Inquisicion*. In this performance, Macanaz says, that even

by the confession of heretics themselves, the holy office never takes any person into custody except his delinquency has been proved by five witnesses, and never condemns him except from his own confession, or when the former evidence is confirmed by two other witnesses; that on the first or second occasion, if the delinquent sues for mercy he is absolved; that the holy office only passes sentence upon heretics, according to the advice of the most enlightened scholars; that the delinquent is well used in prison; that he obtains a hearing whenever he requires one; that the heads of the accusation are read to him, and nothing is concealed from his knowledge but the names of the witnesses; but if any heresy be proved against him, and he does not recant, then the secular power inflicts the punishment denounced by the law.

There is certainly a great deal of truth in this representation, which, were it perfectly accurate, would not however diminish the abhorrence which we cannot help feeling for the inquisition. It appears authenticated (as far as circumstances can be ascertained, which those concerned are compelled to conceal under the most tremendous penalties); it appears authenticated, I say, that the prisoners of the inquisition, although inaccessible to all external visitors, are treated and fed well enough; that the torture, said to be inflicted upon them, is a mere invention, suggested

by resentment, and propagated by credulity, which ever delights in things which are extraordinary, or that it is at least very rarely applied.

Macanaz adds, that even by the confession of the most inveterate enemies of the inquisition, those persons who voluntarily acknowledge their errors and repent, are treated with lenity; that even those who are taken into custody, obtain pardon if they recant; that it is calumny to say that the inquisition confiscates the property of criminals from a rapacious disposition; because all property so confiscated belongs to the king.

But what are we to think of Macanaz, or of the design of his apology, when he acquaints us, with a sort of mock gravity, that the inquisition does not inflict any punishment upon those who persevere in their heresies, and makes no other request than that the lives of the guilty should be spared; that, after their conversion, it only inflicts canonical punishment upon them; but that the sword of justice, which the king has deposited in the tribunal for the chastisement of delinquents, is nevertheless frequently stained with the blood of the guilty; That even in such cases, it is only done with the pious design of converting many by the death of one individual, which also frequently happens?—I shall abstain from all comment. Silent indignation is the only fit reply to such absurd contradictions from the pen

of a magistrate ! of one who is held up as a philosopher, and that in the eighteenth century !!

One of the chief defensive weapons which Macanaz employs is recrimination. He portrays, of course, a hideous picture of the persecution during the reign of Elizabeth ; he even quotes the cruelties committed in France against heretics. In his opinion, the procedure of the inquisition is a pattern of justice and lenity, when contrasted with those dreadful examples of barbarity. Thus, according to Macanaz, or rather according to those who have printed and reprinted his work, because our ancestors were blind and sanguinary, those who are not quite so barbarous in our days, or rather those who in cold blood veil the cruelty of fanaticism under the mantle of justice, and who are the more culpable, because they cannot even plead the phrenzy of passion ; such men, I say, have claims upon our respect and esteem ; and because they do not extirpate whole nations, like Pizarro, they must of course be the genuine models of humanity like Fenelon !

The ancient and modern antagonists of the inquisition maintain, on the contrary, that it has uniformly banished intellectual refinement from Spain ; that it has cherished superstition in that country ; has kept the souls of the Spaniards in a tame and servile state of subjection, which naturally suppresses those daring flights of genius

that are alone competent to produce what is great in every department; that, by pre-occupying all the avenues of the heart with fear, it excludes the gentle sentiments of confidence and of friendship, and blasts all the joys arising from the nearest and dearest connections; in short, that, during a period of two centuries, it has doomed Spain to ignorance and barbarism.

This picture is by no means greatly overcharged; but, as I propose to abstain from declamation, I will venture to assert, notwithstanding my abhorrence of the inquisition, that it has been somewhat affected by the universal revolution in manners which has taken place. If this revolution has not essentially altered the original constitution of the holy office, it has, however, produced an abatement in its severity; it has rendered the examples of its cruelty less conspicuous, and less frequent. Those times are elapsed when *Auto-da-fés*, more or less frequent, were pompous festivals, the solemnity of which, under the pretence of doing honour to religion, was an insult to humanity; when the eyes of the people were feasted with the torments of victims consigned to merciless butchers, and to the maledictions of the rabble; when the whole nation crowded to this spectacle as to a triumph; when the monarch, surrounded by his courtiers, imagined that by his immediate presence he was performing an act highly acceptable to the Deity; when

all the circumstances of these savage festivals, the conspicuous figure which an individual had made on this sanguinary theatre; nay, even the pleasure received from them, were recorded with exultation in the literary productions of the day.

After the *Auto-da-fé* in 1680, a pamphlet appeared containing a circumstantial narrative of this ceremony. The author appears to rejoice upon the occasion, as if it were some scene of public triumph. "He is going," he says, "to give an accurate and interesting account of all the circumstances attending this glorious triumph of the faith, together with a catalogue of the grandees who had honoured it with their presence, and the substance of the sentence pronounced against the delinquents."

The censors of the press applaud this pamphlet in the most emphatic manner; "It ought," say they, "by reason of the sublimity of the subject, not only to be conspicuously displayed to Spain, but also to the view of the whole world."

The examiner goes still further than the censors.

"The author," says he, "has fully answered the expectations entertained of such a desirable undertaking; at a moment when public curiosity was wholly occupied with this subject, and when all true believers only lamented its procrastination with pious impatience." In short he cannot be praised too highly for having described, with

scrupulous accuracy, the details of this wonderful ceremony.

In the course of his narrative, the author frequently applauds the pious zeal of the monarch, who was present at the *Auto-da-fé*.

“This prince,” says he, “having signified that it would give him great satisfaction to be present at the celebration of a general *Auto-da-fé* the council of the inquisition was desirous to give him a signal proof of their regard, by affording him an opportunity of following the illustrious example of his august father Philip IV.” Hereupon the grand inquisitor went to kiss the hand of his majesty, assuring him “that he was hastening to make the needful preparations towards the speedy accomplishment of a work which was so agreeable to him.”

“It was a great consolation,” says he, towards the conclusion, “to all zealous catholics, a cause of confusion to all lukewarm believers, and of astonishment to all the spectators to witness a patience worthy to be admired in future ages. From eight o’clock in the morning his majesty was seated in his balcony, without regarding the sultry heat, or being incommoded by the concourse of people, or wearied by the long duration of the ceremony. His devotion and zeal were so superior to fatigue, that he did not even retire for one quarter of an hour, to take refreshment; and at the conclusion of the

ceremony, he enquired whether all was over, and whether it was time to retire."

The modern Spaniards are far from discovering that cold-blooded cruelty which renders the heart callous to pity; and they may at least lament with impunity the small number of victims which still experience the severity of the inquisition.

Such examples became rare in the past century, which did not witness even a single general *Auto-da-fé* similar to that which I have just noticed.

In 1714, some monks, whose convent was contiguous to a nunnery, were convicted of having abused the ascendancy they had acquired over the nuns, and of having seduced them to some irregularities, which they sought to disguise under the cloak of religion. The holy office condemned the principal offenders to death, and according to ancient practice, delivered them to the secular power.

Eleven years afterwards, the inquisition exercised another act of severity, the enormity of which cannot be extenuated. It discovered a family of Moors at Grenada, peaceably employed in manufacturing silks, and possessing superior skill in the exercise of this profession. The ancient laws, supposed to have fallen into disuse, were enforced in all their rigour, and this wretched family was burnt alive.

In 1756, the inquisition pronounced judgment



upon seven delinquents, who had been confined in prison. One of them having been wrongfully accused, was acquitted. The three false witnesses, who had informed against him, one of whom was his own wife, were condemned to an exile of eight years, and to receive two hundred lashes, which, however, were not administered. Another delinquent suffered this punishment : his sentence declared him to be *a heretic, an apostate, and one who was inclining to the Jewish religion, and wavering in his doctrine* ; four qualifications which cannot well be reconciled. The only crime of one of these seven, was his having assumed the title of freemason. His sentence was perpetual exile, and the confiscation of his property.

This sentence bore the stamp of ignorance rather than that of cruelty. But in 1763, there was a private *auto-da-fé* at Lerena, in the course of which some obstinate heretics were committed to the flames.

The obscurity of these unfortunate victims prevented their fate from acquiring much publicity ; and the universal terror, inspired by the mere name of the inquisition, seemed to be diminished. In 1762, the monarch himself had circumscribed the powers of this tribunal. The grand inquisitor having, contrary to the express will of his majesty, published a bull, which proscribed a French book, he was banished to a convent, within thirteen leagues of Madrid. In

this exile, he sought to justify his conduct, by pleading an ancient usage from time immemorial, by which the holy office was invested with the exclusive privilege of prohibiting dangerous books. In the course of a few weeks he was again restored to favour, but, by the advice of his ministers and the council of Castile, the king issued a decree to the following purport: That hereafter the grand inquisitor should not publish any edicts whatsoever, unless they were transmitted to him by the king.

That whenever he received any briefs, by which books were prohibited, he must, in such cases, conform to the laws of the country, and publish the prohibition, not by quoting the brief, but by virtue of the authority derived from his station.

Lastly, that before the holy office should condemn any book, it must previously summon the author before its tribunal, in order to hear what he had to say in his defence.

This petty triumph was, however, of short duration. The royal confessor caused the decree of 1762 to be repealed in the following year. But M. d'Aranda procured a revival of this decree, by obtaining the support of a mixed council, consisting of magistrates and bishops, which had been appointed on occasion of the expulsion of the Jesuits.

This was not the only attempt he made to-

wards circumscribing the powers of the holy office. He long entertained hopes of annulling its right to appropriate to its own use the property of condemned criminals; but it was objected, that the revenue derived from this privilege, formed a great part of the salary of the officers of the tribunal; it would be therefore requisite, in order to cover this deficiency, to provide a fund of six hundred thousand francs. The proposed reform was deferred.

He was more successful in another attempt. Being president of the council of Castile, which was always distinguished by its zeal in vindicating the rights of sovereignty, and attaching moreover the same prelates to his cause, by the ascendancy of his genius and by flattering their secret aversion to a tribunal enriched with the spoils of episcopacy, he obtained at length, in 1770, a royal decree, which confined the jurisdiction of the inquisition to the criminal cases of contumacious heresy and apostacy, prohibiting the same in future from committing any of his majesty's subjects to a dishonourable imprisonment unless their crimes were evidently proved. By this modification it was circumscribed within very narrow limits. In Spain, this victory gave offence to none but a small number of weak and bigotted minds. It was commemorated and even exaggerated abroad. The important crisis was supposed to have arrived, when that hideous

monster which philosophy had long been in pursuit of, would finally be laid prostrate.

This illusion was not dispelled by the removal of M. d'Aranda, which followed soon after, because enlightened citizens, who, notwithstanding their respect for religion, had imbibed the same principles, still continued at the head of the administration. Personal security was re-established; it was moreover guaranteed by the benevolence and moderation of the monarch, and by the tolerant maxims of the principal officers to whom he had delegated his authority. The period of inquisitorial terror seemed to be past; the holy office appeared in a profound lethargy; when all of a sudden, in 1777, it marked its resuscitation by the sacrifice of an illustrious victim. Along with the holy office, terror and fanatic zeal were aroused in Spain, and beyond her confines was enkindled the indignation of the apostles of a wise toleration.

*Don Pablo Olivadé*, a native of Peru, had been raised by his abilities to one of the first employments in the state, that of intendant of the four kingdoms of Andalusia, and *Assistente* of Seville. The distinction he acquired in this high dignity, had excited envy as well as admiration and gratitude, when a fresh occasion offered to signalize his patriotic zeal.

The king conceived a plan to bring into cul-

tivation, and people that part of the Sierra Morena, through which passes the road from Madrid to Cadiz, a district formerly inhabited and cultivated, but since overgrown with wood, and become the haunts of robbers and of wild beasts. This commission was intrusted to M. Olivadé; he accomplished it with consummate ability; but he could not avoid the rock on which great enterprizes usually split. He created enemies. He exposed himself in particular to the animosity of father Romuald, a German capuchin, who being provided with a patent from the director general of his order, by which he was declared prefect of the new missions, affected the most absolute authority in every thing that had the most distant reference to religion. His designs were strenuously opposed by M. Olivadé, who gave him however a polite reception, and received him upon a footing of intimacy. The disappointed ambition of the monk meditated revenge. Some expressions, which had inadvertently escaped M. Olivadé, furnished the means of vengeance. He fomented the discontents of some of the settlers, who were his own countrymen, and employed them in order to discredit the new establishment and its director. The memorials which they transmitted to the council of Castile, contained the most grievous accusations against M. Olivadé. The latter

was suddenly recalled to court in the month of November, 1775, to confer concerning different objects relative to his mission.

Whilst he resided at Madrid in the most perfect security, he accidentally discovered the snares that were laid to entrap him. He learned from intercepted letters, that father Romuald had concerted his ruin, and that he was buoyed up with expectations of patronage from a great court.

Through another channel he was informed, that this vindictive monk had preferred an accusation to the prime minister against him, of having manifested a contempt of religion, and of having forbidden books in his possession; nay, that he had even made a similar report to the inquisition.

His repose was, however, not disquieted by this discovery. He sought protection near the throne. He repaired to the grand inquisitor, made solemn asseverations concerning the purity of his faith, with a proposal to retract any improper expressions which might have escaped him. During his residence at Madrid for more than a year, his conduct had been highly exemplary; but nothing could hush the storm which was impending over his head.

On the 14th of November, 1776, a Spanish grandee, acting in the capacity of *alguazil mayor* of the inquisition, accompanied by the ministers