

lowest shadow of a Count, are so ignorant, so idle, so dissipated, and so poor, that they are unfit to legislate for a free people. They have fallen, it is added, into general and irretrievable contempt; their manners are vitiated, their education neglected; and, to finish the picture, they are all servile courtiers; who, if they had the power, would in one breath annihilate the Constitution. These are grave charges undoubtedly; but, in the first place, it should be kept in mind that they are made by the democratical party, who have a direct interest in raising as many difficulties as possible against even the bare idea of a Second Chamber. Those persons violate every principle of experience and common justice, who form their opinions on the state of the Spanish nobility upon the mere dictamen of their most interested and decided adversaries. It is, indeed, a deplorable truth, that the ancient nobles of Spain have been long deprived of that political weight which belonged to their rank and property. Nothing is more apt to excite a disrespect bordering on contempt, than hereditary rank without personal influence; and in this view, there is some degree of probability attached to the assertion, that the nobility of Spain is below its just position in the estimation of the multitude. The extensive diffusion too of nobility—or, at least of pretensions to it, has necessarily augmented this effect; nor has the envy of the multitude been altogether idle in fixing upon titled blood that evil name which, according to their opinion, it bears, and ought to bear to the end of time.

Notwithstanding these unfortunate circumstances, however, there is a very considerable body of the nobility, including about fifty grandees, which has long commanded the respect of every man whose approbation is valuable. It is not denied that some of them have been courtiers. The court is the natural resort of a Spanish nobleman.

January. It is not denied that some of them have yielded to those vices, which unhappily are too fashionable amongst the higher ranks of England and France, as well as of Spain. If the latter test were applied even to the deputies chosen by the people, how many of them would come out safe from the scrutiny? The noblemen alluded to have their faults, as all men have, but not in a greater proportion than others, though, perhaps, on account of their rank, their acts are rendered more conspicuous. Still there are many of them men of inflexible virtue, benevolent and charitable on system; enlightened promoters of industry, considering the stage to which their country has advanced, and though, perhaps, not so profoundly read in systems of legislation as Mr. Bentham, yet sufficiently informed, and sensible to know, and to approve of, principles which are conducive to the welfare of that nation in which they have the most extensive interest. They proved these qualities in an eminent degree, when they were called upon by England to resume their natural attitude, and to expel the Usurper from the Peninsula. Since the restoration of the Constitution, several noblemen have been in the cabinet, in the council of state, upon foreign missions, and in Cortes; and it does not appear that any of them wanted the qualifications necessary for the performance of their important duties.

With respect to the operation of drawing a line between those who should be peers, and those of the lower degrees, it is one that presents difficulties only to those who are solicitous to find them. When we are reluctant to accomplish an object, mole-hills rise into mountains; when we are eager to effect a desired end, mountains lessen into mole-hills. The line in fact is already drawn—the grandees, from forty to fifty in number, are the legitimate peers of Spain. If it were necessary to add to their numbers, there are enlightened

bishops, and deputies of the late and present Cortes, who January. are worthy of being raised to that rank. To say that in giving to the higher nobility the privilege of sitting and legislating in a separate Chamber, the king and his council ought to listen to the claim of every peasant who has a noble ensign cut in stone over the door of his miserable cabin, is an argument used purposely to embarrass and degrade the question.

If, however, there were some degrees whose distinction merited attention, why should they not be permitted to elect either for life, or for the particular Cortes, one from among their own body, who would represent their rights and interests in the legislature? The Irish peerage affords them an example of the former—the Scottish of the latter. All interests might thus be reconciled. The people would be assured that no law could be passed prejudicial to their liberties, whilst they had proper representatives in the Lower Chamber; the peerage, secured in their rights and privileges—rights which time has consecrated—privileges which are dear to them as liberty is to the people, would effectually support the system of freedom; and the king, released, by an intermediate reconciling power, from those violent jealousies which exist between the prerogatives of the crown and the sovereignty of the people, would feel it his duty and his pride to be the first magistrate of a free, dignified, and united nation.

Without the establishment of a Second Chamber, Spain never would be tranquil—and, what is more, never could be free. In combating for their liberties, the Constitutionalists indeed defeated their adversaries; but they had not yet won the noble prize for which they contended. Who could say that the banner of freedom waved over Spain, whilst it was circumvallated by forests of bayonets? Who would assert that the human mind was independent in Spain, where the

January.

dissent of opinion was persecuted as treason? There were no persons free in Spain but the *Exaltados*; they would make the world ring with their complaints of slavery, if they did not happen to be the rulers of the people, and the tyrants of public opinion. Push them down from their tribunes, and they would instantly cry out, that liberty had fled from the Peninsula—for their sense of liberty was no more than their own exclusive domination. In a pure republic all this would be consistent, and, to a certain extent, inevitable; but if Spain would continue a monarchy, it was necessary that she should modify her system.

The shadow, or rather I might say, the skeleton of a Second Chamber, was in fact already existing in the Council of State. This council was modelled by the Constitution on a new principle, and with powers not so extensive as those which a similar body exercised during former reigns. It consists of forty members, four of whom, and no more, must be ecclesiastics of “ tried information and merit.” Of these ecclesiastics, two are bishops *. Of the forty, four also must be Grandees of Spain, men of “ virtue, talent, and information;” and the rest men of any class (generally the higher classes are preferred), who have distinguished themselves by their “ intelligence and knowledge, or by eminent services in any of the principal branches of the administration, or the government of the state.” No member of the Cortes can be at the same time a member of this council. Holding these principles in view, the Cortes make out a triple list of the different classes above named, and from these three lists the king nominates the council. It forms a body which, however, has no effective voice in public affairs. It is merely consultative, and may present its opinion to the king; but he is not bound to adopt it. If the Cortes then pre-

* Spanish Constitution, Chapter VII.

sented three lists, in which were nominated twelve Grandees of Spain, twelve ecclesiastics, and ninety-six individuals of the higher classes, who, according to the terms of the law, must be men of "known virtue, intelligence, information, and experience," how could it have been argued, with any pretension to candour, that Spain had no elements for a Chamber of Peers? January.

There were indeed many enlightened deputies, who wished to see such an institution in existence; but they conceived, that in order to concede something to that prejudice which seemed to be entertained amongst the people against the establishment of a formal House of Peers, the Council of State might, with a few alterations, be erected into a second Chamber. It might be increased to the number of eighty or a hundred, be invested with a deliberative voice, and still be elected by the Lower Chamber in the way laid down by the Constitution. The Council would then resemble the Senate of the United States, though not chosen in exactly the same manner. It would be a branch of the legislature elected upon a system analogous to that by which the Cortes themselves are formed. The citizens first meet in parishes, and elect what are called arbitrators, who assemble in the capital of the provinces, and elect a deputy or deputies to the Cortes, in proportion to the population which the province contains. It would be perfectly consonant with the analogies of this system, to empower the Cortes to choose a legislative body still higher than themselves, though, of course, they would not permit their own privilege of originating decrees for contributions to be interfered with. If the nation agreed to the change, it would be one of easy accomplishment, because no existing institution would have been destroyed, no violence would have been done to the Constitution; the machinery was already formed; the only thing required was to set it in motion. This was not un-

January. doubtedly such an alteration as the advocates for a House of Peers would deem effectual; but where there were such oppositions of interests and passions as existed upon this question of a second Chamber, it would perhaps have been as well that all parties should make concessions to a certain extent. It would hold out the promise of greater duration and utility, when it would have been the result of mutual compromise, rather than the prize of mutual hostility.

It was another and a very important question, how such a modification of the Constitution as this could be effected. The Constitution provides that the Cortes, which are to decree a reform *definitively*, must be specially authorised by the electoral juntas for this purpose. But the existing Cortes, although they had no special powers of this description, might consider the expediency of any particular reform, and even draw up a project of the decree which would carry it into effect. Here their authority stops. They could not pass that project into a law until it was first submitted to the electoral juntas, agreed to by those bodies, and special powers given by them to their respective deputies to sanction it. It seems also to be the general interpretation, that the electoral juntas could not be legally convened for the exclusive purpose of granting these special powers. The Constitution supposes them to be capable of granting them only at the same time that they elect deputies for a new Cortes. With respect to the 375th article, which declares that no reform shall be made in the Constitution until eight years shall have elapsed after the time of its having been put in practice, there were various opinions. The Constitution was first promulgated at Cadiz in the year 1812, and remained in force until 1814, when Ferdinand returned and annihilated the whole system. In 1820 it was restored. Construing the article literally, one must see that it offers not even a technical objection against the proposition and enactment of

any reform, since more than eight years have elapsed after January. it was proclaimed at Cadiz. This construction, however, may be said to be sophistical, as the spirit of the article indicates that the eight years must have witnessed the operation of the Constitution, in order to reveal its imperfections.

In addition to the institution of a Second Chamber, it was conceived also, that a free and unconditional voice in the legislature should be given to the king. Without such a faculty existing in the sovereign, it would be better to depose him at once and erect a republic; for he would feel that he had no real influence, and the monarchy would fall into a mere empty pageantry. If a king be necessary to a state, it follows that he must have power, and be, to the extent of that power, a free agent. To the Constitution it belongs to restrain his power within such bounds as may be most conducive to the public good; but whatever the measure of those bounds may be, no other branch of the system ought to interfere with it. If, besides these alterations, the ninety-second article of the Constitution were put into execution, and a fair proportion of property were fixed as a qualification for the deputies of the Lower Chamber, the basis of a free, and, at the same time, a practicable system, would be laid, which would extinguish all animosities, and ensure the welfare of the country.

These changes the British government wished, for many reasons, to see effected, or, at least, promised to be effected in the Spanish Constitution, as it would then be enabled to mediate for Spain with France with every hope of success. But it could not propose them to Spain; for then they would only be considered as demands in another shape, which would go directly in the face of all the principles maintained by England at the Congress of Verona. It was thought, however, that the Duke of Wellington, from his relations

January.

with Spain as her deliverer, and from the high rank and extensive estates which he holds in that country, might, in the character of her friend and well wisher, offer suggestions for her consideration. In this private and individual capacity his Grace drew up a memorandum, in which he recommended in general terms that alterations should be made in the Spanish Constitution in concert with the king, and particularly pointed out the necessity of enlarging the powers of the crown. This memorandum was entrusted to Lord Fitzroy Somerset, his Grace's confidential friend. His lordship had been with the duke through the Peninsular war, and was acquainted personally with many distinguished Spaniards, whose co-operation he had every rational hope of obtaining.

His lordship agreed to undertake a journey to Madrid for this purpose, under the sanction of government; but he was instructed not to appear to be invested with any separate mission, which might detract in the eyes of the Spanish ministers from Sir William A'Court's official or personal authority. He was to consult that minister's wishes and opinions as to the occasions on which, and as to the persons with whom, he should enter upon the topics entrusted to his discretion, and to report to him his several conversations; not disguising from the individuals with whom those conversations were held, that he was to do so. His lordship was also desired carefully to avoid creating the impression that the suggestions which he had to offer from the Duke of Wellington, as the friend of Spain, were only propositions in another shape from the British government.

Sir Philip Roche had been already sent out with despatches to Madrid, and directed to remain there under the orders of Sir William A'Court. This meritorious officer commanded a division of Spaniards during the whole of the last war, and

in their service he holds the rank of a lieutenant-general. January. In the British service he has the rank of a colonel. From his long residence, and his acquaintance with all the distinguished families in Spain, his knowledge of the people, their language and their habits, it was properly thought by Sir Henry Wellesley, who recommended him to Mr. Canning, that he might be of service to the mission.

CHAPTER XII.

ATTEMPT OF BESSIERES ON MADRID.—DEPARTURE OF THE
FRENCH MINISTER.January
16th.

IT is not to be wondered at, if, within four or five days after the proud debates of Cortes on the foreign despatches, considerable surprise was created in Madrid by intelligence which was received, that a body of the "factious," amounting to about 3,000 men, made their appearance in Medina Celi, on the borders of the province of Guadalajara, and that it was their intention to attack the town of Guadalajara, the capital of the province, and not more than ten leagues from Madrid. It was added, that if they succeeded in this attempt, they would march on Madrid. It appeared that they had already made vain attempts upon Saragossa and Segovia; after which they moved to the south, with the view of making an incursion into Madrid, and, if possible, releasing the King from his captivity. The troops in Medina Celi levied contributions in money, provisions, and horses. They were under the command of Bessieres and Ulman. The former is a Frenchman, who, not many months ago, had been found guilty of forming part of a conspiracy at Barcelona, for the purpose of establishing a republic. He was ordered to be executed, and was actually on his way to the scaffold, when he was rescued by the mob. The first account that was heard of him after his escape was this of his appearance at the head of the "factious." Ulman is a Swede, who was employed, some years ago, by the Spanish government to extirpate the bands of robbers which infested the province of Estremadura. He accomplished his work with terrible

energy, giving them no quarter, allowing no trial, but hanging them on the most convenient tree as quickly as he could meet with them. January.

There is little doubt that the ministers were surprised by this near approach of the "factious" to Madrid; and it seems equally indubitable that at first they thought very lightly of it, feeling quite confident that one or two regiments of militia would entirely disperse them.

The militia of Madrid sent a flaming address to the Cortes, in which they requested that they should be allowed to march against the enemies of the Constitution. Even the short-hand writers to the journal of the Cortes demanded permission to exchange the pen for the sword on this occasion.

Upon further information being obtained, it was suspected, with some appearance of probability, that the movements of Bessieres were the result of a previous concert, which was no secret to many persons in Paris and in Madrid. It was moreover known, that the royalists, though indifferently clothed, were well armed; that they expected to get assistance from the towns through which they were to pass; and that one of their objects was to make an experiment on the constitutional spirit of the capital. Orders were accordingly given for preparing troops to march to Guadalajara, a considerable town, ten leagues from Madrid, but it was not until after the lapse of three or four days that they were sufficiently equipped for the purpose. There were, altogether, fifteen hundred infantry, two hundred cavalry, and four pieces of artillery. They marched out from Madrid in different divisions. The greater part of them looked as if they would much rather lounge about the streets of the capital, than expose themselves to the shot of the enemy. They were followed by a group of some twenty boys, who shouted, and some young men in coloured clothes walked

20th.

January. arm and arm with the soldiers in the ranks, but there was a striking contrast between the alacrity of these youths and the downcast slovenly march of the military. They were accompanied beyond the gate by the Political Chief, Palarea; but, neither during their march through the streets, nor during any part of the day, could I perceive any thing like a *sensation* excited amongst the inhabitants of Madrid. I heard now and then a reflection upon the unfortunate condition of the country, in which brother fought against brother, and friend against friend. With respect to the mass of the inhabitants, they seemed perfectly tranquil upon the matter. If this people were so proudly attached to the constitution as they were often represented to be, is it to be supposed that they would have remained so utterly indifferent, when the avowed enemies of that Constitution were at their doors?

A smart action had already taken place* between Bessieres and the Constitutional troops at Calatayud, but on the approach of Baron Carondolet with a large reinforcement, the royalist chieftain determined to make a retreat, which he effected with so much skill and so little loss, that it was quite apparent he would be a formidable enemy to the Constitutionals. Fifty-five prisoners, who were taken from him on this occasion, were marched into Madrid. They were many of them without shoes or stockings, or any other covering than a piece of coarse carpet, but most of them wore a close leather cap, with a border of fur. This seemed to be the only uniform they possessed. For my part, I never saw a collection of such wretched-looking beings before. I asked, "Were they taken with arms in their hands?" "No, they had no arms." "Why then were they taken?" "Because they are robbers." I

* 11th of January.

concluded that they must have been a set of wretches who followed the army of Bessieres, to profit by his advance in the way of depredation. As they passed through the streets to prison, a multitude of men, women, and children followed them, hooting and shouting, "The robbers! the thieves! kill them at once! away with them to prison!" Some would go up and ask them, "Well, gentlemen factious, how is your General? We suppose, in your hurry, you forgot to put on your stockings?" and other such language, which mobs are apt to use in the natural excitation of the moment. January.

I followed the crowd to the prison, and after the prisoners were lodged in custody, I requested permission to enter. The door was guarded by four sentinels, who all in a breath rudely told me I could not go in, and immediately they began a philippic against France, saying that there would be no factious in Spain but for the French, who encouraged, clothed, and paid them; and that no Frenchman ought to be suffered to stay in Madrid. I perceived that all this was directed at me, and I soon undeceived them, saying I was an Englishman, and not a Frenchman. They immediately grasped my hand one after another, and cried out to those within, "Let in an English gentleman, who wants to see the factious." The door flew open, and I found the unhappy prisoners seated on a damp floor in a dark room. Some were mere boys, and all seemed to have drained the chalice of misery to its dregs. When I came out, the sentinels again seized on my hand, and asked what I thought of the "factious." Without waiting for an answer, they began eulogizing England, saying that my country never disgraced itself by acting such an underhand part as France. I cut short their harangue by getting away from the crowd as quickly as I could.

January.

Great efforts were made by the Comuneros to take advantage of the existing state of affairs, in order to raise a clamour against the ministers, and get a cabinet nominated from their own party. In the council of state a proposition was made by Senor Ciscar (a man of considerable maritime experience), for presenting an address to the king, requesting his majesty to appoint a new ministry. He founded his reasons for the motion in the system of proscription, which he alleged the present ministers were pursuing against all those who did not approve of their conduct; in their neglect for having permitted so large a body of the factious to approach so near to the capital, and particularly in the late ruinous loan which they had contracted. He also made some pointed observations on the fact, which was generally admitted, that the ministers all belonged to a secret society, the freemasons, by which all their measures were regulated. After making a long and an animated discourse, he concluded with presenting to the council his address. The proposition was much applauded by other members of the council, but General Ballasteros said, that though he did not approve of the present ministers, he did not think that this was the time to address his Majesty for such an exercise of his prerogative. When the army of Bessieres should disappear, and things would return to a more stable course, then the council might discuss this subject with advantage. These reasons prevailed, and the proposition was suspended.

23d.

In the meantime Bessieres concentrated at Brihuega all his force, consisting of two thousand five hundred infantry and one hundred cavalry, of whom sixty were lancers. The Constitutional troops, to the number of three thousand infantry, five hundred cavalry, and four pieces of artillery, were assembled at Guadalajara under the command of Demetrio O'Daly, the Commandant-General of the district, an

inexperienced officer, who, however, does not want personal January.
bravery. Between three and four o'clock in the evening of 24th.
the 24th, General O'Daly arrived in the neighbourhood of Brihume-
ga with the troops under his orders, and he ordered them to advance in three different columns on the "factious,"
who were posted in the village and on the heights to the east of it. It was a displaced love of tactics which induced O'Daly to adopt this mode of attack, by three different columns, for, unless their movements were accomplished with precision and resolution, they were in danger of being beat in detail. A corps of raw militia of Bujalance advanced on the right of the road, with its commandant at its head, and a piece of artillery: the companies of Guadalajara, under the orders of their colonel, and a body of cacadores, advanced on the left of the road, supported by the cavalry of Alcantara; and on the road itself O'Daly remained with a column of infantry and cavalry, and three pieces of artillery. The column on the right was drawn down by a feigned retreat on the part of the royalists, near to the village of Brihuega, where they were suddenly charged by a body of lancers. The militia of Bujalance unused to this, or indeed to any mode of warfare, was panic struck, and yielded the ground to the enemy, after suffering losses in killed and wounded. This column was in full and confused retreat before O'Daly knew any thing about it; and, in point of fact, after it was defeated, the left column pushed forward. Bessieres being at liberty to use a superior force in that quarter, attacked it with a vigour which was not less animated on account of his previous victory. The militia of Guadalajara fled on the first fire, and in a very short time the whole of the left column was also in retreat. It was not possible for O'Daly to form anew, and he retired from the field, leaving behind two out of his four pieces of cannon.

Whilst General O'Daly was retreating, he heard some

January. firing on his right, which appeared to have taken place in consequence of General Don Juan Martin, called the Empecinado*, meeting with the royalists. During the action which O'Daly sustained, he knew nothing of this General being so near. The Empecinado, with a considerable force, attacked Brihuega, but he was repulsed, and Bessieres, at night, remained in his position.

24th. On the same day that these unfortunate transactions took place at Brihuega, the militia, both cavalry and infantry, of Madrid, received orders to assemble in the Plaza de la Constitution at four o'clock. The government gave out that they had information that the Comuneros had formed a conspiracy to raise a tumult in the capital, and to assassinate all the prisoners who were confined in consequence of the events of the 7th of July. I believe, however, that this was no more than a pretext, and that the real cause of their fear was, that a conspiracy was on foot in the capital to raise an internal force to assist the operations of Bessieres. In the morning 600 stand of arms were discovered, all prepared for the immediate use of some secret party or other, and the probability was, that they were intended for the royalists in the capital. It was said also, that, during the previous three or four days, several stout young men, who had just come in from the country, were observed in different parts of Madrid. It was suspected they were connected with the plans of Bessieres.

In the evening, the militia, to the number of about three thousand infantry, and two hundred cavalry, were assembled in the Plaza. A great crowd of people filled the avenues, yet it was a striking feature of this scene that they seemed

* This is an epithet which this general obtained during the late war. It means literally covered with mud; for he was so active, that he never had time to wash himself. Having been a successful guerilla chief, he made it a name of honour.