

cil; and it was dissolved by a notification from the president of that council. But notwithstanding its dissolution, a committee of eight members still remained at court. This *Cortes* has rarely been called since the year 1647, when they gave PHILIP IV. the *millones*, or general excise, and will probably never be assembled any more, as their power is great, and they can call ministers so severely to an account. The last meeting of it that I know of, was in May 1713, when it assembled to receive the renunciation of PHILIP V. to his rights upon the crown of FRANCE. This assembly was antiently the keeper of the revenues of the crown. But CHARLES V. and his ministers first laid them aside, because they could get no money from them: And having obtained a grant of the sale of the bull of the *crusado* from the Pope, they found they could get money without the help of a *Cortes*, and so took their leave of an assembly which few princes or ministers are fond of seeing.

THIS antient Spanish *Cortes* undoubtedly resembled OUR ENGLISH *Parliament*: For all the northern nations had originally a like form of government, which was a limited monarchy, and the legislative authority was so commixt in the King and the estates, that no laws could be made, repealed, or suspended, nor any money raised upon the subject, but with their common consent. But now this *Cortes* is laid aside; SPAIN is no longer a mixed monarchy, but entirely absolute; the whole government being solely in the hands of the King and his ministers, and the councils, which are altogether at their devotion. This change from mixed to absolute monarchy was occasioned by the timidity of the commons of CASTILE, who having in their last struggle for expiring freedom, supported for some time a war against the crown, on a single defeat deserted the noble cause of liberty in the most abject manner. This war began in the year 1520, and lasted only two years: At which time CHARLES V. carried his point with a high hand, and told the *Cortes*, he would always have the supplies granted first, and then he would pass the bills they petitioned for, and not before; to which they timidly submitted, and voted him four millions of ducats (about 480,000 l. sterling) to be paid in three years.

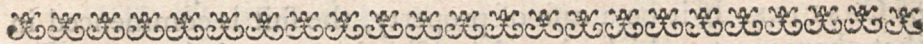
THE writ antiently sent to each city, as a summons to parliament, convened all the prelates, masters of the military orders of knighthood, earls, rich men, nobles, and procurators of the cities and towns throughout the realm, in the following manner: (take notice, that this is for CASTILE only, as CATALONIA and ARRAGON had a separate *Cortes*.)

Members.		Members.		Members.	
From the City of		TORO	4	TRUXILLO	2
BURGOS	8	CALAHORRA	2	CANERES	2
TOLEDO	5	OVIEDO	1	CADIX	2
LEON	5	XEREZ	2	XERIZ	4
SEVILLE	3	ASTORGA	1	BEJAR	3
CORDUBA	3	RODRIGO	1	VILLA REAL	3
MURCIA	2	BADAJOX	1	CUELLAR	3
JAEN	3	CORIA	2	TARIFF	1
ABULA	2	GUADALAJARA	2	HUETE	2
SALAMANCA	8	CORUNNA	1	ANDUJAR	2
ZAMORA	4	MEDINA DEL		ATIENCA	3
SEGOVIA	2	CAMPO	2	MADRID	2
SORIA	4	CUENZA	3	ALCARAZ	2
VALLADOLID	4	CARMONA	2	St. SEBASTIAN	2
PLACENTIA	2	EZIJA	2	SATIAGUN	2
BAEZA	3	VITORIA	2	FUENTE RU-	
UBEDA	3	LOGRONNO	1	BIA	1

THIS is copied from a writ inserted in Dr. GEDDES's tracts, sent by Don HENRY II. of CASTILE in 1390, and summons 125 members to the *Cortes*, which was afterwards assembled in the church of St. SALVADOR at MADRID. I am told, the oath, which the Kings of SPAIN take at the *Jura* on their accession, is as follows: "I do promise and swear to maintain, and to cause to be maintained, to all the nobles, prelates, churches, and masters of the military orders; and to all the cities, towns, and villages, all the same privileges, grants, franchises, exemptions, good usages and customs, which they enjoyed in the reigns of my ancestors, and in the same manner."

THEIR Kings, according to the laws of SPAIN, are declared of age, or out of their minority, on the completion of their fourteenth

teenth year. In regulating the succession, after the death of CHARLES II. a medium was observed between the *Salic law*, and the usage of CASTILE; namely, that any *male* heir, howsoever distant, should inherit before a *female*, who was to have no right but after the extinction of every male-branch.



SPANISH LAW, TRIBUNALS, and COURTS OF JUSTICE.

THE Laws of SPAIN are compounded chiefly of the *Roman* civil law, the royal edicts, and probably certain provincial customs. Where they thought the *Roman* law was not sufficiently extensive, they have made large additions of their own. These are called the *Leyes de Partidas*; and form at present a system of modern *Spanish* Law, and have been published by BERNI and CATALA in six volumes octavo. The name *Partidas* comes from the division of them into chapters. As to what we call Common Law in ENGLAND, the SPANIARDS have no such thing; their provincial customs have some resemblance to it, but their laws are LEGES SCRIPTÆ. Much, however, of the *feudal* and *Gothic* constitutions still remain: Thus the grandees have still their vassals, and very extensive powers over their persons. The study of the Spanish lawyers consists chiefly in that of their old *Gothic* code, or the *Fuero Jusgo*, as they call it, which I apprehend to be a more complete body of *Gothic* law than any thing of that sort ever published. It was compiled by SIJENARDO a *Gothic* prince, in 631, was printed in 1600. It would have been a very considerable addition to *Lindenbrogius's Gothic* Code, who has omitted the *Gothic* laws made in SPAIN. Then the Code of Don SANCHE, in the year 1000; then the *Fuero Royal* of ALPHONSO X. in the year 1255: The *Roman Codes*, digests, pandects, &c. and after these the *Leyes de Partidas*, the *Pragmatica*, the royal edicts, mandates, &c. Those who would know minutely and accurately the state of the Spanish law, should read *Apparatus Juris Publici Hispanici: Valentiae*, 2 vol. 8vo. and *Sacra Themidis Hispanicae*, 4to. and *L'Histoire du Droit Royal d'ESPAGNE*.

THEIR great court of civil law is divided into the two chanceries of VALLADOLID and GRANADA, which include the whole kingdom. Tho' ARRAGON, VALENTIA, and CATALONIA lost their old privileges; yet they still retain a court of chancery among themselves in audiences held in the capital of each of those kingdoms, whose determinations are subject only to the supreme council of CASTILE. If it be a case of property, the suit is commenced in that chancery to which the plaintiff belongs, and then the affair is referred to the *Consejo Real y Supremo*, at which the King may order, if he pleases, all the deputy-councils to assist. The determination here is not final, because an appeal still lies to the *Sala de Mil y Quinientos*; but that is final, and beyond it is no dernier resort. The tribunals of VALLADOLID and GRANADA were instituted by DON HENRY of CASTILE, enlarged by DON JOHN I. and put on their present footing by FERDINAND and ISABELLA in 1499.

ALL other causes go before the respective courts to which they belong, whether civil, criminal, or commercial, which are as follow:

I. *The Royal or supreme Council of CASTILE.*

This and the following council are frequently assembled as one, to determine appeals made from the chanceries of *Valladolid* and *Granada*: And sometimes affairs of the police are referred to them by the King.

II. *The second Hall of Government.*

The determinations of these are not final, but the ultimate appeal lies to the following court.

III. *The Hall of the Mil y Quinientos.*

So called, because the parties must first deposite here *one thousand five hundred doblas*, (about 223 *l.*) before the appeal can be lodged, which is not a large sum, considering law-expences. This is nothing else but a committee of the supreme council.

IV. *The Hall of Justice.*

This is a court for matters purely litigious, and is a part of the supreme council.

V. *The*

V. *The Hall of the Province.*

This is a court of matters chiefly relating to the police.

VI. *The Fiscal: the Office of the Attorney General for the Royal Council.*VII. *The Hall of the Alcaydes de la Casa y Corte.*

This hall was instituted by ALPHONZO X. to superintend the lodgings for the court, and to provide them. As every house in the kingdom was subject to this inconvenience, the landlords of houses made a composition with the crown to get rid of this grievance: and this composition is said to amount to 150,000 ducats *per annum*. This council was established to preserve this prerogative: and this court antiently found lodgings for all foreign ambassadors, as may be seen in Sir RICHARD FANSHAW'S account of his embassy at the court of MADRID.

VIII. *The Supreme Council of War.*

This determines all causes relating to the army; excepting what belongs to the council of the Indies.

IX. *Council of the Inquisition.*

This consists of an inquisitor-general; of five counsellors, whereof one must always be a *Dominican*; of a procurator; two secretaries of the chamber; two secretaries of the council; an *Alguazil*-mayor; a receiver; two reporters; two qualificators, and consultors, and a legion of *familiars*, or spies.

THE supreme office of this *Holy Tribunal*, as they call it, is at MADRID; but there are also inferior holy tribunals, or inquisitionary offices, placed in the great cities almost all over SPAIN. These are the great state-curbs that hold the people in such an implicit religious obedience, and preserve their boasted uniformity of faith. "Among you ENGLISH," they cry, "you have as many religions as districts; but here all is undividedly Roman-catholic." 'Tis true, we ENGLISH are enemies to all persecutive principles; we breathe the spirit of toleration and humanity, and are unwilling to roast any man into Protestantism, or convince by racks, instead of Bibles. I remember I saw at SEGOVIA the tragic footsteps of the inquisition, which once was there, but is

now removed, in the badges of 500 Jews, who had been burnt in that single office only. The inquisitor *Torquemada* (according to Madame D'AUNOIS's account) in the time of FERDINAND and ISABELLA, tried above 100,000 souls, of which 6000 were burnt in less than 14 years time.

THIS court was erected in the XIIIth century, about the year 1251. Pope INNOCENT IV. authorized the *Dominicans* as perpetual inquisitors: CLEMENT IV. confirmed these powers, and enlarged their privileges and tribunals in the year 1265. It was established in CASTILE under FERDINAND and ISABELLA, and in PORTUGAL by JOHN III. in the year 1557. In 1483 FERDINAND obtained a bull to constitute the inquisition in ARRAGON and VALENTIA from SIXTUS IV. who afterwards extended it all over the catholic dominions.

THIS *holy office* used antiently to acknowledge only the power of the Pope above it, and bad defiance to all other controul. It raised itself far above the authority of their Kings, who were often bridled, humbled, and even punished by it. It then was truly formidable, when supported by the united force of papal and royal authority. Their *auto de fe's*, or solemn acts of faith, used to be exhibited commonly when their princes came of age, or at their accession.

In the year 1724, there was printed in London in 12°. *An Account of the Trial and Sufferings of Mr. ISAAC MARTIN, who was put into the Inquisition in Spain, for the sake of the Protestant Religion.*

THIS man, a native of London, a member of the church of England, kept a *posada*, or inn, at MALAGA, and traded as a merchant with such captains of merchant-ships as touched there, taking their adventure, and giving them the product of the country in return, such as wine, fruit, oil, &c. He came, with a wife and four children, to settle at Malaga in the year 1714, and having stayed there four years, was accused by a set of Irish papists, who envied his better success in trade, in the bishop's court, of such crimes as they commonly charge Protestants with; such as
his

his being a Jew, and an heretic, and having given too much scandal, by his discourse and actions, to the *Malagans*, in regard to religion and matters of faith. This was sufficient to accomplish his ruin, which was the end they aimed at. In the year 1718, he was taken up by order of the holy office, and conveyed to the inquisition of GRANADA, from whence after eight months imprisonment, and many vain attempts, by threats and hard usage, to make him turn catholic, he was released in the following manner: As the man was an English protestant, residing there under the protection of treaties subsisting between the two crowns, his commitment and detention were a manifest violation of those treaties, and of the law of nations: accordingly the English Consul at *Malaga* represented the case in a proper manner to the English minister, and the minister in consequence laid the affair before one of the secretaries of state; who immediately represented the matter to his majesty GEORGE I. who was graciously pleased to send a very spirited remonstrance to Cardinal ALBERONI, PHILIP V.'s first minister, claiming his own subject, and insisting upon the immediate release of the said ISAAC MARTIN from the prison of the inquisition, and desiring that he might be sent back to England. The cardinal, upon this, applied to the inquisitor-general to know how the case stood: This gentleman, whose name was Don JACINTO DE ABRANA, sent to the inquisitors at Granada for a true account of the case; and then wrote a letter to the cardinal, stating the matter to him; upon which the cardinal gave orders for his release. The original letter, which the inquisitor-general wrote to cardinal Alberoni upon this subject, accidentally fell into my hands: It is manifestly a letter written designedly to be shewn to the English ministry, in order to justify the inquisition in so illegal and inhuman a procedure. There was, no doubt, another *private* letter written by the same inquisitor to the cardinal, stating the real injustice and indefensible circumstances of this imprisonment; otherwise had the account given in this publick letter been strictly true, the poor man had never been released at all. What the inquisitor in this letter says, indeed, was true enough, that several witnesses of *Malaga* had laid such charges against the said ISAAC MARTIN. But he conceals what was equally true, that these witnesses were a set of Irish papists, who,

out of envy to the man as a more fortunate trader, accused him before the *inquisition* : that these were not only envious witnesses, but false witnesses, and had crowded into their charge many lies and little truth. A religion must be grounded upon very flimsy evidence, that has recourse to such wretched shifts, to such low artifices for its support. The intercession of GEORGE I. did indeed release this unhappy object ; but how was he released? He received, upon his enlargement, two hundred lashes, was whipped and pelted for three quarters of an hour through the streets of GRANADA, stripped and plundered of all his effects, sent back to MALAGA, and then put aboard a ship, with his wife and children, to shift for themselves.— Upon a view of this case, I think one cannot help saying, that *the tender mercies of the inquisition are cruel* ; and if this be the justice of a christian country, let my lot be thrown among barbarians. The letter, which the Inquisitor-general wrote to cardinal Alberoni, upon this occasion, is an original piece never before published, and is as follows :

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Emminentissimo Senor.

Most Eminent Sir.

SEÑOR,

SIR,

EN cumplimiento del prezepto de Vuestra Emminencia acerca dela prission, que se hizo, por el Santo Offizio de la Inquisition de Granada, de la persona de Isaac Martin vezino de la ciudad de Malaga ; Debo decir a Vuestra Emminencia, que este Reo fue testificado en la Inquisition por nueve testigos, de que se jaçtaba de ser observante de la Ley de Moyès ; y que con escandalo de muchos de- cia, estabamos enganados los Catholicos en la creencia de nuestra sagrada Religion : y que siendo assi

IN obedience to the commands of your Eminence concerning the imprisonment, by order of the holy office of the inquisition of Granada, of the person of Isaac Martin, inhabitant of Malaga : I ought to inform your Eminence, that that criminal was proved in the inquisition by nine witnesses to have boasted, that he was an observer of the law of Moses ; and to the scandal of many he said, that we Catholics were in an error in the belief of our most holy religion : And

que muchos Yngleses Protestantes hacian reverencia al santissimo sacramento, quando passaba por las calles, ó entraban en las yglesias, no solo no la hazia este Reo, sino que volvia las espaldas, y serraba las ventanas de sus casas, quando passaba alguna Proceffion, para que sus hijos y familia no hiziesen adoracion: Que ha hablado con Catholicos malamente de el summo Pontifice, y de las santas Imagenes, y articulos del Purgatorio: Y que habiendo embiado a sus hijos a la escuela, tubo un disgusto con el maestro, por que los ensennaba a perfignar se, y las oraciones; y por esto los sacó de dicha Escuela: Y que hospedo a un Judío que passaba a Liorna, habiendo graves indicios de que se vino buyendo de Portugal, por temor de que se prendiesse aquella inquisition.

CON esta informazion fue mandado prender, y esta confesso en casi todos los cargos, negando solo el ser Judío. Y estando determinado por los sagrados canones y leyes de estos reynos, y por los capitulos de Pazés entre esta y la corona de Ynglaterra, que el

And altho' many English Protestants did reverence to the most holy sacrament, when it passed along the streets, or when they entered into the churches: Yet this criminal did not only not do this, but turned his back upon it, and shut the shutters of his windows when any procession passed by, in order that his children and family might not worship the Host. And that he hath spoken defamatory words to catholics of the Pope, of the holy images, and our articles of faith relating to purgatory. And that having sent his children to school, he was disgusted with the master, because he taught them to cross themselves, and to say prayers: And that for this reason he took them from the said school: And that he lodged a Jew in his house, who was going to Leghorn, there being strong proofs, that that Jew fled from Portugal for fear of being apprehended by the inquisition of that kingdom.

WITH this information orders were given by the Inquisition for apprehending the person of the said Isaac Martin, and he hath confessed almost all the articles of the charge against him, but absolutely denies his being a Jew. It being however

santo officio pueda y' deba prozeder contra los Yngleses que dieren escandalo en punto de religion ; no solo no ha contravenido en la prision de este Reo a ello, sino que el procedimiento es en su conformidad y obserbancia : Por lo qual,

determined by the sacred canons, and the laws of these kingdoms, and by the articles of our treaties of peace between this crown and that of England, that the holy office may and ought to proceed against such Englishmen, as say any thing scandalous in matters of religion : The holy office has not only not done any thing contrary to the said canons, laws, and treaties of peace, in the imprisonment of this criminal, but the *procedimus* is in conformity to them, and observance of them. Wherefore,

SUPPLICO a Vuestra Emminencia se sirva mandar responder; que el santo officio prozedede justa y lexitimamente. O como Vuestra Emminencia fuere servido.

I SUPPLICATE your Eminence to give for answer (*to the English minister, I suppose*) that the holy office hath proceeded lawfully and rightly in this matter : Or that your Eminence hath been obeyed.

DIOS guarde a Vuestra Emminencia los muchos anos, que puede y' le supplico. MADRID, y Abril 25 de 1718.

GOD preserve your Eminence many years, which I pray that he may. MADRID, the 25th of April, 1718.

*Emminentissimo Senor,
Beso los manos de Vuestra Emminencia,*

Most eminent Sir,

Su mas rendido Servidor

I kiss your Eminence's hands,
Your most truly
and affectionately

Jacinto de Abrana.

Jacinto de Abrana.

Al Emminentissimo Senor Cardenal *Alberoni.*

To his Eminence Cardinal Alberoni.

BUT