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*Cortes con-
voked.*

ought to have been no delay. That was ascertained in February, as soon as the Isle of Leon was secured from a coup-de-main. But it was not till the middle of June that a decree was issued, ordering the elections to be completed as soon as possible, and requiring the deputies to assemble in the island during the month of August, that as soon as the greater part of them were met the sessions might begin. The plan which the central Junta framed was altered in one most material point, only one house being convoked. Had Jovellanos and his colleagues determined thus, they would still have summoned the privileged orders; but the Regency, departing inconsiderately from a resolution which had been the effect of long deliberation, neither summoned them to meet apart from the third estate, nor with it, nor devised any plan for representing them; so that two of the three estates were excluded as such from the national representation.

*Commence-
ment of
their pro-
ceedings.*

Three days of rogation were appointed previous to the opening of the Cortes, and on the 24th of September they commenced their proceedings. At nine in the morning the deputies assembled in a hall fitted up for their sittings in the palace of the Regency: the military were under arms, and they went with the Regents in procession to the parochial church of the Isle of Leon, where the Mass of the Holy Ghost was performed by Cardinal Bourbon, Archbishop of Toledo. After the gospel, the Bishop of Orense, who was president of the Regency, addressed them in a solemn discourse; and then the following oath was proposed: "Do you swear to preserve the Holy Catholic Apostolic Romish religion in these realms, without admitting any other? Do you swear to preserve the Spanish nation in its integrity, and to omit no means for delivering it from its unjust oppressors? Do you swear to preserve to our beloved sovereign, Ferdinand VII., all his dominions, and in

his failure, to his legitimate successors; and to make every possible exertion for releasing him from captivity, and placing him upon the throne? Do you swear to discharge faithfully and lawfully the trust which the nation reposes in you, observing the laws of Spain, but changing, modifying, and varying such as require to be altered for the general good?" When all the deputies had made answer, "Yes, we swear," they advanced two by two to touch the gospels; after which the bishop said, "If ye shall do this, so may God give you your reward; but if not, so may he enter into judgment with you!" The hymn *Veni Sancte Spiritus*, and the *Te Deum* were then sung.

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These ceremonies over, they returned in the same order to the hall of assembly; the Regents advanced to the throne, and occupied five seats under the canopy; the two secretaries of state, who accompanied them, took their seats at a table towards the head of the hall; and the deputies seated themselves indiscriminately as they entered, the old contest for precedency between Burgos and Toledo being no longer remembered. The bishop addressed them, briefly reminding them of the perilous state of the country, and the arduous duties which they were called upon to discharge; then desiring them to elect their president and secretaries from their own body, he and the other four members of the Regency quitted the hall, leaving a written paper upon the table.

A difficulty in point of form at the commencement of these proceedings was ended by appointing, as it were at random, two deputies to hold the offices of president and secretary, while the Cortes elected others. As soon as the election was made, the secretary read the paper which the Regents had left. "The five individuals," it said, "who composed the Regency, received that charge, above their merits and their strength, at a time when any delay in accepting it would have been injurious

CHAP. to the country; but they only accepted it and swore to discharge
XXXIV. its duties according to their capacity, till the solemn congress
1810. of the Cortes being assembled, should establish a government
founded upon the general will. That moment so longed for by
all good Spaniards has arrived, and the individuals of the council
of Regency can do no less than state this to their fellow-citizens,
that they may take it into consideration, and appoint the go-
vernment which they deem most adapted to the critical cir-
cumstances of the monarchy, for which this fundamental mea-
sure was immediately necessary.”

Upon the motion of Torrero, deputy for Extremadura, the plan of a decree was then read, which had been prepared by his colleague Luxan, and which, after some discussion, was adopted to this effect. The members of the congress now assembled, and representing the nation, declared themselves legally constituted in a general and extraordinary Cortes, wherein the national sovereignty resided. Conformably to the general will, which had been declared in the most open and energetic manner, they proclaimed, and swore anew, that Ferdinand VIIth, of Bourbon, was their only lawful king; and they declared null and void the cession of the crown which he was said to have made in favour of Napoleon Buonaparte, not only because of the violence which accompanied that transaction, but principally because the consent of the nation was wanting. As it was not proper that the legislative, executive, and judicial powers should remain united, they reserved to themselves the exercise of the legislative power in its full extent. They declared, that the persons to whom they should delegate the executive power, in the absence of their king, were responsible to the nation according to the laws. They authorised the Regency to continue exercising the executive power under the same title, till the Cortes should appoint a Government which they might deem

more convenient. But to qualify itself for this continuance of its authority, the Regency should acknowledge the national sovereignty of the Cortes, and swear obedience to the laws and decrees which it should promulgate; for which purpose, as soon as the decree was made known to them, the members of the Regency should pass immediately into the hall of assembly, where the Cortes would remain till this was done, having declared their sitting permanent for this purpose. The form of the oath was thus prescribed: "Do you acknowledge the sovereignty of the nation, represented by its deputies in this general and extraordinary Cortes? Do you swear to obey its decrees, and the constitution which it may establish, according to the holy object for which they have assembled; to order that they shall be observed, and to see that they be executed? To preserve the independence, liberty, and integrity of the nation? the Catholic Apostolic Roman religion? the monarchical government of the kingdom? To re-establish upon the throne our beloved king D. Ferdinand VIIth, of Bourbon? and in all things to regard the public weal? As you shall observe all these things, God be your helper; and if you observe them not, you shall be responsible to the nation, in conformity with the laws." The Cortes confirmed for the present the established tribunals, and the civil and military authorities; and they declared the persons of the deputies inviolable, and that no authority or individual might proceed against them, except according to the manner which should be appointed in future regulations, by a committee for that purpose.

Between ten and eleven at night this decree was passed. One of the members observed, that the Regents might be gone to bed, if they were not immediately apprised that their presence would be required that night; a deputation was therefore sent to them, while the ceremonial with which they were to be

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*Oath re-
quired from
the Regents.*

CHAP. received was discussed. About midnight, four of the Regents
 XXXIV. entered the hall, and took the oath. The bishop of Orense did
 1810. not come; the unseasonableness of the hour, and the infirm
 state of his health, were assigned as reasons for his absence, but
 it was soon known that a stronger motive had withheld him.
 The sovereignty of the nation was a doctrine which the venerable
 prelate was not prepared to acknowledge, and from that
 hour he ceased to act as one of the Regency.

*The bishop
 of Orense
 scruples to
 take the
 oath.*

Sept. 25.

On the following day, the members resolved, as a consequence of their former decree, that the style in which they were to be addressed should be that of Majesty; highness was to be that of the executive power, during the absence of Ferdinand, and likewise of the supreme tribunals. They ordered also, that the commanders-in-chief, the captains-general of the provinces, the archbishops and bishops, tribunals, provincial Juntas, and all other authorities, civil, military, and ecclesiastic, should take the oath of obedience to the Cortes, in the same form as the Regency. By another edict, they decreed that their installation should be officially made known through all the Spanish dominions, and every where celebrated with Te Deums and discharges of artillery; and that prayers should be offered up during three days, imploring the divine blessing upon their councils.

Sept. 26.

The decree, by which the Regents were declared responsible, produced a memorial from them, requesting to know what were the obligations annexed to that responsibility, and what the specific powers which were given them; "unless these things," they said, "were clearly and distinctly determined, the Regency would not know how to act, inasmuch as the ancient laws had drawn no line of distinction between the two powers; and thus they must be continually in danger, on the one hand, of exerting an authority, which, in the opinion of the Cortes, might not

be included in the attributes of the executive, or, on the other, of omitting to exert the powers which it involves, and which at this time were more necessary than ever." The reply of the Cortes proved with how little forethought they had passed their decree. "They had not limited," they said, "the proper faculties of the executive, and the Regency was to use all the power necessary for the defence, security, and administration of the state, till the Cortes should mark out the precise bounds of its authority. The responsibility," they added, "to which the Regents were subjected, was only meant to exclude that absolute inviolability which appertained to the sacred person of the king." The whole of a night-session was occupied in forming this answer.

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Among the many erroneous opinions which prevailed in this country respecting the affairs of Spain, the most plausible and the most general was that which expected great immediate benefit from the convocation of the Cortes; an error from which, perhaps, no person was entirely free, except the few, who, like Mr. Frere, looked to the assembly rather with apprehensions of evil than with hope. But any great immediate advantage, any rapid acceleration of the deliverance of Spain, ought not to have been expected, unless it was supposed that the Spanish deputies would proceed like the French national convention, and that a revolutionary delirium might have produced a preternatural and overpowering strength. There was as little reason to look for this, as there could be for desiring it. The Spaniards, more than any other Europeans, are attached to the laws and customs of their country. Spain is to them literally a holy land; and its history, being composed for many ages of a tissue of connected miracles, to the greater part of the people sanctifies its institutions. But unless the Cortes took the executive power into its own hands, and gave the nation a re-

CHAP. volutionary impulse, which all circumstances forbade, it might
 XXXIV. have been known that the benefits to be expected would pro-
 1810. duce little or no immediate effect upon the operations of the
 war: if that assembly acted wisely they would be slow, certain,
 and permanent.

The mode of election secured a fair representation. Some of the members were of the French school of philosophy, and were sufficiently disposed to have followed the Brissotines, both in matters of state and church-policy. Having become converts to republicanism in their youth, and in the season of enthusiasm, they had imbibed a prejudice against England, which did not even now give way, though they hated Buonaparte and the present system of France as bitterly as the great majority of their colleagues. On this point there was but one feeling.

*First mea-
 sures of the
 Cortes.*

The first measures of the Cortes indicated a sense of their power, and a determination to assert it. Want of precedents, and of experience in the business of a deliberative assembly, were great impediments at their outset: they had hardly decreed the separation of the executive, legislative, and judicial branches, before they confounded them in their own practice. Nevertheless this decree was important, for it was a great object to secure the judicial authority from the interference of government; that, breaking, they said, the chains with which the arbitrary power of some centuries had bound the hands of the most respectable ministers, justice might now be administered for the happiness of the people. A commission was appointed to prepare a report upon the best means of speedily terminating criminal causes. The result was, a decree that an extraordinary visitation of all the prisons should be made by the respective judicial authorities, and the accused brought to trial with as little delay as possible; and that for the future, the tribunals should transmit, through the Regency, to the Cortes, at intervals

Oct. 11.

of two months, accounts of all the causes pendent, and the persons in confinement. Llano, a supplementary member for Guatemala, proposed a more effectual remedy; that a committee should be appointed to frame a law to the same effect as the Habeas Corpus of the English.

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Dec. 14.

The Cortes found it necessary also to interfere with the executive. The Duke of Orleans had offered his services to the Spaniards; the former government had not thought proper to accept his offer, but the Regency, a few weeks after their installation, invited him to take the command in Catalonia. A century ago their conduct might have been easily explained, when Lord Molesworth gravely asked, what could be done for generals, in such havoc as was then made of them, if there were not so many younger sons of princes in Germany, who all ran wherever there was a war, to get bread and reputation? But pedigrees and patents of nobility were not considered now as exclusive qualifications for command, and the conduct of the Regency, in this instance, was inconsiderate and hasty. When the duke first offered his services, the Spaniards were in the full tide of success; and he expected, with good reason, that as soon as the French armies were disheartened, they would readily forsake a tyrant, to whom they were not bound by any tie of duty. Affairs bore a very different aspect when the Regency informed him, that the obstacles which had formerly frustrated his desires were now removed; reminded him of the triumphs which his ancestors had won in Catalonia; and called upon him to preserve the verdure of their laurels. The duke was a man of too much honour and courage not to fulfil the offer which he had made in more prosperous times. Accordingly he sailed from Sicily in the beginning of June, touched at Tarragona, and having been received there with the honours due to his rank, continued his voyage to Cadiz, where he landed under a salute of artillery.

*The Duke
of Orleans
offers his
services.
March 4.*

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 1810. The bishop of Orense had not arrived from his diocese to take his seat in the council of Regency when the duke was invited; he therefore was not implicated in this transaction, which was in every respect exceedingly imprudent. There might have been some apparent cause for it, if the duke had been a general of great experience and celebrity, or if he could have assisted Spain either with men, money, or stores; but the Sicilian court had no means at its disposal: it had sent a present of a thousand muskets early in the year, and this was the extent of its ability. On the other hand, the presence of a prince of the Bourbon line, at the head of a Spanish army, would have certainly drawn against it a stronger French force than would otherwise have been employed, the destruction of one branch of that house being of more importance to Buonaparte than the conquest of Spain. That consideration may have had some weight with the Junta of Seville, when upon the first outburst of national feeling, Louis XVIII. wrote to the principality of Asturias, offering with his brother, his nephews, and cousins, to serve in their ranks, unite the Oriflamme with their standards, and call upon the deluded French to rally round it, and restore peace to the world. So many inconveniences were perceived in this proposal, that in conformity to Padre Gil's advice, no reply was made to it. And though the same objections did not apply to the Duke of Orleans, there was an obvious impolicy in inviting a Frenchman to the command; the central Junta had felt this, and the Cortes also felt it; they held a private sitting upon the subject, and the result was, that the duke re-embarked for Sicily.

Second Regency.

The Regents did not hold their power many weeks after the meeting of the Cortes. A new Regency was appointed, consisting of Blake, D. Pedro Agar, a naval captain and director-general of the academies of the royal marine guards; and D.