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SPAIN!

OR,

WHO IS THE LAWFUL SUCCESSOR

TO

THE THRONE?

Todas las Leyes del Reyno que expresamente no se hallan derogadas por otras posteriores, se deben observar, literalmente. Auto Acordado—Felipe V. en Madrid à 12 de Junio de 1714.

BY WILLIAM WALTON.

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1834.



THE TARTAN

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PREFACE.

THE idea of embodying a few illustrative facts connected with Spanish affairs, was first suggested by an observation on the subject made in the Speech from the throne, at the opening of the present Session of Parliament (February 4th, 1834), and confirmed by the debate on the address in the House of Lords. Many of the documents and authorities necessary to be quoted and consulted, not being attainable in London, the Author was obliged to send to Madrid, or Paris for them, which occasioned some unavoidable delay. Anxious, however, after he had procured the requisite materials, to lose no time in performing a

task which he had imposed upon himself, in the hope of rendering a public service, the manuscript was sent to press as fast as prepared. The Author therefore, trusts, that he shall experience the indulgence of his readers for any irregularities in the construction, or want of method in the arrangement of the following pages which might have been avoided, had the time allowed of a more ample revision.

LONDON, May 1, 1834.

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CHAP. I.

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ON the 29th September, 1833, His Catholic Majesty Ferdinand VII. died at the palace of St. Ildefonso, leaving no male issue. He was married four times ;

the last time on the 11th of Dec. 1829, to Maria Christina, second sister to the King of Naples, by whom he had Maria Isabel, born October 10th, 1830, and Maria Louisa, born January 30th, 1832.*

The Queen Dowager immediately assumed the reins of government and, on the 2nd of October, issued a Manifesto, avowing the principles which she intended to adopt and follow in the exercise of that authority with which she had been charged by the King's last Will, "during the minority of her daughter." Under the same date she also made known that, "having assumed, as prescribed by the laws, the government of the realms of Spain in the name of her august Daughter, Doña Isabel II., she had transmitted to the Council, under date of 29th September, several Decrees announcing the King's death and confirming the appointments of the Secretaries of State," &c.

The same paper further says that, "on the following day, a packet having been found, sealed

* Ferdinand VII., son of Charles IV., was born October 14th, 1784, proclaimed King, on the abdication of his father, March 19th, 1808; deposed by Napoleon in the same year and sent to Valencay; he was released by the eldest branch of the House of Bourbon, reascended his throne and died as above stated. He was married, first to Maria Antonia Theresa, daughter of Ferdinand IV., King of the Two Sicilies, who died on the 21st of May, 1806; secondly, to Isabel Maria Francisca, daughter of John VI., King of Portugal, who died December 26th, 1818; thirdly, to Maria Josephina Amelia, daughter by the first marriage of Maximilian, brother of Anthony, King of Saxony, who died in May, 1829; and fourthly, by procuration on the 9th December, 1829, at Aranjuez, and afterwards, on the 11th of the same month, in person, to Maria Christina, born on the 27th April, 1806, and daughter of Francis, King of the Two Sicilies.

with the royal arms and indorsed—Will of H. C. M. Ferdinand VII., made at Aranjuez, June 12th, 1830, in the presence of the Minister Calomarde and witnesses—it was opened and read by the Council of Castile and found to contain clauses to the following effect:”—

10th. If at the time of my death any of the children whom God may be pleased to give to me, should be under age, it is my will that my beloved Spouse, Doña Maria Christina de Bourbon, shall be the Guardian and Trustee of all of them.

11th. If the Son, or Daughter, to whom the Succession may devolve, should not have attained the age of 18 years, at the time of my demise, my beloved Spouse, Doña Maria, shall be Regent and Governess of the whole Monarchy, to rule and govern the same by herself until such time as my aforesaid Son, or Daughter, shall complete the age of 18 years.

12th. That immediately after taking charge of the administration of these realms, a Council of Government shall be instituted, whom she is to consult on all matters of importance, especially those which may be productive of general measures, affecting the common welfare of my subjects; but without being in any manner bound to act according to the opinion of that Council.

Such were the principal testamentary arrangements made by King Ferdinand, more than three years previous to his death; and in accordance therewith the Queen Regent at once proceeded to act. Whether she was sufficiently empowered to assume and retain the government for a period of

fourteen years, without the intervention of any other authority; or whether this was the legal mode of supplying the intermission of the kingly power, will hereafter be made a topic of inquiry; but, for the present, it may be proper to remark that the great party, opposed to the Liberals, condemned her acting as *Governadora* solely by virtue of the King's permission and during his lifetime, when she was invested with a temporary authority less than that of Regent.

When Queen Christina issued her proclamation of October 29th, 1832, giving an account of the administration entrusted to her during her husband's first illness, and enumerating the causes which led to her exercise of power, her appeal wholly failed in its effect; in the first place, because the transfer of the kingly functions was considered as a mere private arrangement made between husband and wife, divested of the formalities required by law; and secondly, because it was even then maintained that the King could not resign his authority, even *ad interim*, in favour of a female, so long as the Salique Law continued in force; for, it was argued, if females cannot administer, as Queens, *a fortiori*, they cannot as Governesses, or Regents.

The actual state of the law regarding Regencies was not then brought into question; but at this period, that is, nearly a year previous to the King's death, it was evident that the Royalists, by whom are meant the lovers of order and justice, were not prepared to acknowledge the validity of the Anti-Salique Law, until the Cortes, convoked in the legal forms and according to the

manner prescribed by ancient usage and the fundamental institutions of the kingdom, should have given to it their sovereign sanction. Until then, even in that early stage of the question, it was apparent that the great body of the Spaniards were determined to be guided by the Law of 1713, duly enacted and promulgated by Philip V., with the consent and sanction of all Europe. It is well known that Ferdinand VII. died with this conviction upon his mind and in dread of the consequences.

The object in view does not render it necessary to enter upon the intrigues by means of which the King's fourth marriage was concerted. Circumstances which preceded and attended the ceremony became topics of public censure, and the Neapolitan Princess was not thought fortunate in the choice of some of her attendants. Suffice it to say that, soon after her occupation of the Castilian throne, she quarrelled with the two Portuguese Princesses, one of them married to the Infante Don Carlos, and the other the mother of the Infante Don Sebastian. From that period commenced the efforts of the Queen's *Camarilla* for the exclusion of the Infante Don Carlos, who for years had been held and looked up to as the Heir Apparent to the throne. Her anxiety to secure the Succession to her own issue was evident, and accordingly she caused the Pragmatic Sanction of the 29th March, 1830, to be promulgated, her own pregnancy having been declared and the King's health continuing in a very delicate state.

This was the opening of those views which have since urged Queen Christina on in her ambitious

career, and deluged Spain with torrents of blood. To the contemplation of what passed at this precise period the attention of the reader is therefore particularly called ; and for this purpose no minute description of the interior of the Madrid palace is required. The indisputable evidence of official documents shall be appealed to, and from them it will appear that, in order to silence the voice of the laws and defeat the public wish, expedients were adopted, too gross to mislead the judgment of reflecting Spaniards, who afterwards beheld a series of impostures, too glaring to be forgotten and, in their consequences, too calamitous to be endured.

The first document that occurs is the Pragmatic Sanction of March 29th, 1830, above quoted, of which a literal translation will be found in the Appendix, marked (A.) It is a curious and instructive paper, at once revealing the intention of its promulgators and the magnitude of the fraud which it was wished to play off, not only upon the people of Spain, but also upon the governments of Europe, and more particularly upon that of Great Britain. The deception, it must be acknowledged, was so dexterously managed as to impose upon the credulity of some foreign ministers, but it nevertheless fortified those whom its provisions more immediately concerned, in their natural distrust of professions, the insincerity of which was already proved.

The aim of the Madrid Court was too clearly understood for the Pragmatic Sanction to create the least surprise. The Spanish acceptance of the word *Pragmatica* is a special Law, or Statute, made and passed for the remedy of some particular abuse,

or defect; but in Spain the enactment and promulgation of a Law require certain formalities, of which the one in question is wholly destitute. To the Pragmatica of the 29th of March, the word *sanction* is added, in order to make it appear that the Royal Assent was given to a Law, already enacted in due and legal form; but if no such Law was perfected and passed in Charles IV's time, how could it be rendered valid by the sanction of a subsequent monarch?

The very heading of the Pragmatic Sanction, as inserted in the Madrid Gazette of April 6th, 1830, (vide Appendix A.) carries with it the stamp of fraud. It professes to be the "*sanction decreed by King Charles IV., on the Petition of the Cortes for the year 1789, and ordered to be published by His Reigning Majesty,*" that is, by Ferdinand VII. who orders it to be published in the year 1830! If other impediments had not existed, the Law of Prescription would have sufficed to prevent such an abuse of power; and, after all, as upon reference will be seen, the modern Edict is addressed precisely to those classes of the community who originally had no share whatsoever in the surreptitious design of changing a Law which had been in force for 117 years.

The Pragmatic Sanction professes to be issued for the express purpose of reviving an old law of the *Partidas*, whereby females were called to the throne, and quotes, as authority for its enactments, the Resolution passed in the Cortes of 1789, praying, or, in other words, authorizing Charles IV. to pass a law for effecting that object. It is addressed to the Infantes, Dukes, and other orders of the Nobles, together with

the Clergy, Justices, Municipal Officers, &c. ; and for reasons assigned, urges the necessity, as well as the expediency, of reviving the Law above mentioned. The merits and validity of this paper must be carefully scrutinized.

Of the existence of the Cortes of 1789, such as they were, there can be no doubt; but from the Record of their convocation and meeting it is evident that they were neither empowered, nor in a situation to abolish a fundamental law. Even if they had been constitutionally assembled and their representative character duly established, their recommendation, or the Resolution passed by them, was not carried into effect by Charles IV., to whom, and not to his successors, it was specially addressed, as the documents themselves shew. The chief ground, then and lately, alleged for the alteration, was expediency; it being argued that great benefits devolved upon the monarchy from the observance of the old law; and the Union of the Crowns of Castile and Aragon is quoted as an example. Every thing that can give uniformity to the power and action of a government is unquestionably a benefit; but the Aragonese never held that they gained by the Union. From being an independent kingdom, Aragon sunk, in the new extent of the Spanish Monarchy, into a province; but the very feelings with which the natives are at this moment actuated shew that they are ready and willing to obey the laws, when duly enacted and properly administered; but not to accept such interpretations of them as a debased and profligate government may wish to enforce.

The Pragmatic Sanction of March 29th refers to the Petition of the Cortes of 1789, as well as to a suggestion to the same effect, made to Charles IV. by certain Members of the Council of Castile, to which he gave answer "that he had taken the resolution corresponding to the said prayer;" but ordaining that, for the time being, the greatest secrecy should be kept, as most expedient for his service, and added that "the Members of his Council *should issue* the Pragmatic Sanction, in such cases customary." Charles IV.'s wishes or intentions were thus made known and secrecy enjoined; but the Pragmatic Sanction so ordained was never issued—the law was never perfected, nor published, and it now becomes a question whether his Successor, Ferdinand VII., could do that which his Father refused, or omitted to do, after so long an interval as forty-one years, when not a single person engaged in the original transaction is to be found alive.

In order however to comprehend the true nature and extent of the fraud attempted, it is necessary to examine the Record of the convocation and sittings of the Cortes of 1789, (Appendix B.) This paper was printed by the Queen's order (also B.) in her character of Governess of the Realm, dated January 1, 1833, about nine months before her husband's demise. Repentant, or actuated by a sense of honour and prudence, after the reception given to his Pragmatic Sanction of 29th March by the reflecting portion of the community, it would almost seem as if the King had declined taking any further part in an affair, repugnant to his feelings, as well as

alarming to his conscience, and accordingly had left the Queen to take all the responsibility upon herself.

From the second entry on the Record it appears that, in May, 1789, that is, the year after the death of Charles III., circular letters of convocation were issued in the King's name to all the Cities, having a vote in Cortes, to send up Deputies to do homage and take the oath of allegiance to Prince Ferdinand of Asturias, then five years old, "conformably to the laws, privileges and ancient custom of the Kingdom, and in the form and manner as it is usual and customary to take the oath to the first-born Princes and Heirs thereof," &c.

Although doing homage to the Heir Apparent, as Prince of Asturias, is a mere ceremony, it will nevertheless be seen that the convocatory letter announces the special purpose for which the Deputies are summoned, as is the practice on all particular occasions. The letter enjoins the Constituency, to whom it is addressed, "to see that the Deputies are provided with, and do bring with them, full and sufficient powers for the purpose aforesaid (meaning to take the oath of allegiance) and also to treat, take cognizance of, enter upon, confer, agree to and conclude by Cortes, other matters, *in case they should be proposed.*" The letter further enjoins the Deputies "peremptorily to be present in Madrid, on the 1st of August, without fail and provided with the aforesaid full and sufficient powers, with all those clauses and circumstances required in similar cases for their greater formality, under the penalty that, if they should not be present, or

not provided with full and sufficient powers, the business would be proceeded in."

The mode of convening the Cortes, and what constitutes a legal assembly of that Body, will be hereafter noticed, when a comparison is made between the mode in which the Law of Philip V. was established and that by means of which it was attempted to abolish it. It will however appear evident to every one who considers the wording of the convocatory Letter, or Writ, above mentioned, that the Cortes of 1789 were called together only for the avowed object of doing homage to the Prince of Asturias, and that had it been intended to give them a deliberate voice, it could have been only as regarded matters of routine, and never could have had reference to the abolition of a Law, solemnly enacted with the concurrence of the Three Estates, duly convened and specially empowered. The convocatory Letter of May 31, 1789, addressed to only one Estate of the realm, does indeed say that its Deputies, or Representatives, are to come provided with full and sufficient powers to conclude other matters, "in case they should be proposed;" but it would have been difficult for their constituents to prepare instructions for such a contingency, or to provide them with powers containing special "clauses and circumstances," adequate to an unforeseen emergency, or calculated to sanction any general measure, the secret of which was reserved to the Sovereign and his minister.

The Deputies called to Cortes, in 1789, had no idea that they were summoned for any other purpose

than to be present at a church ceremony. Having assembled and the preliminary arrangements being made, on the 19th September, they proceeded in a body to the palace, where the King addressed them and told them that "the object of their convocation was to do homage to the Prince of Asturias, and also to treat and conclude by Cortes other matters which would be submitted to them by the President of the Council." The King having withdrawn, the President, for the first time, informed them that the Cortes were to remain open, "in order to take measures respecting the Law of Succession, for which purpose they were afterwards to assemble in the Hall of the Kingdoms, at the palace of Buen Retiro."

The ceremony of swearing allegiance to the Heir Apparent took place on the 23rd of the same month, in the church of St. Jerome and in the presence of the King and Queen; but that, in other countries, and particularly in England, this was at the time considered the only object for which the Cortes were then assembled, will appear from the account given of their meeting in the Annual Register of that year, (Appendix C.) In Spain nothing further was known of their acts till 1809,* when a question

* Surprise will not be felt at this revelation, when it is remembered that Count Floridablanca, successively the Minister of Charles III. and IV. and author of the scheme for the abolition of the Law of Phillip V., was alive in 1808, and represented Murcia in the Central Junta, of which he was *ad interim* elected President. He had previously headed the insurrection in his own province; but, whether it was owing to his advanced age, or the difficulties of his new position, when recalled after a long seclusion into public life, he evinced nothing of his former

arose as to whether, or not, the Princess Charlotte of Brazil, afterwards Queen of Portugal, could assume the Regency with advantage and eventually succeed to the throne, in case her two brothers, at that period prisoners in France, should not return. What had been done in the Cortes of 1789 was then for the first time appealed to, and thereon the Central Junta made a report, in which the question of expediency, rather than that of right, was discussed; but the matter went no further; nor was any thing more known of the secret transactions alluded to, until Queen Christina ordered the Record to be published, as containing "important documents for history."

The court pageantry being over, the Deputies, to the number of 76, representing 37 Cities and one Town, on the 30th of September, met at Buen Retiro, when a strict oath of secrecy was administered. Their President, not elected by themselves, but placed

talents and firmness of character. His grey hairs and his having enjoyed the confidence of two monarchs rendered him an object of veneration in the eyes of the people; and when from the great balcony of the palace of Aranjuez, on the 25th September, 1808, the day on which the Central Junta was installed, the old Count reproclaimed Ferdinand VII. in the favourite residence of his Ancestors, the scene of his childhood and the place where by general acclamation he had been declared King—the bystanders melted into tears. The name of Ferdinand VII., then a prisoner in the hands of a foreign tyrant, who had betrayed him, his brother and his people, pronounced in a sobbing and faltering voice by the venerable President, brought to the recollection of the people their Sovereign's first errors, at the same time heightening and hallowing the enthusiasm with which they repeated it. Count Floridablanca, issuing from retirement, did no more than this for his country and died the following year.

over them by the Government, then submitted to them a Proposal to alter the Law of Succession, as established in the time of Philip V., the whole drift of which, as will be seen from the Record, hinges on the expediency of the measure suggested. It alludes to the difficulties which arose on the death of Charles II., and enumerates the two particular cases in which Spain is alleged to have been benefitted by females succeeding to the Crown. It dwells upon the advantages of restoring a law and custom of olden times ; but it does not arraign the motives upon which the modern enactment was founded, although it declares that the State reasons which gave rise to it, had ceased to exist. In 1789, the tranquillity of the times was alleged as a plea for the alteration, whereas, in 1830, the disturbed state of Europe, which immediately followed, is said to have been the cause of the secrecy enjoined and kept, which thus prevented the projected Law from being carried to its completion.

This Proposal was followed by a Petition (vide Record B) already prepared by the President, acting as the official organ of the Government, which he submitted to the Cortes for their adoption, as embracing "the terms of the Prayer which the Kingdom might address to His Majesty on the subject, in every thing conformable to his sovereign intentions."* The Cortes therefore were

* Formerly in England Bills were presented to the King in the form of Petitions. Those to which he gave his assent were registered among the rolls of Parliament, with his answer to them ; and subsequently framed into Statutes by the Judges. It was the same in Spain, when-

not allowed a deliberative voice, and accordingly, without hesitation, prayed that the old mode of Succession should be revived, "by the publication of a Law and Pragmatica, made and enacted in Cortes, by which means this resolution and the abrogation of the Law of Philip V. shall appear." This Petition was unanimously carried, signed by all the members, and afterwards forwarded to the minister, Count Floridablanca, accompanied with a separate address, signed by the President and four members of the Council of Castile, designated as Assistants in Cortes and signing in that character. This address seems to have served as a legal opinion upon the Petition of the Cortes, which it was evidently intended to uphold.

The answers of Charles IV. have already been noticed. To the address, presented by the President and four members of the Council of Castile, he replied that he had taken the resolution to assent to what they suggested, and thereon the farce of a publication, with closed doors, followed, not of the Cortes' Petition and its Answer, but of the Address from the Council. The form of the publication, under date of October 30th, is preserved in the printed Record, as it would almost seem, to uphold the deception. It states that what "H. M. ordained was to be fulfilled, the original Petition and Resolution nevertheless being kept secret, in order to be

ever there was an intervention on the part of the Cortes, the framing of the Statute devolving upon the Council, whence it derived the name of *Auto acordado*, or the Statute therein agreed upon. After the royal sanction and due promulgation, it became a law; *but not till then.*

published to-morrow in Cortes;" but that *to-morrow* never came. The King's Answer to the Cortes' Petition was afterwards read to the House, in which he promised "to ordain the members of his Council to issue the Pragmatic Sanction, expedient and customary on such occasions." The Deputies then renewed their concurrence, and requested that the Pragmatic Sanction which H. M. (meaning Charles IV.) had been so pleased to resolve, "should be issued, with all the usual clauses and guarantees." This however was never done.

The Deputies afterwards renewed their oath of secrecy, binding themselves never to divulge what had been transacted regarding the Succession; and the House dissolved. Charles IV. by means of this expedient of his minister, was thus left empowered to issue a Pragmatic Sanction for the purpose of perfecting a particular Law, which he afterwards failed, or objected to do: but that formality, as well as the subsequent promulgation, were essential to its formation; because, in Spain, as well as every where else, a bare resolution, confined to the breast of the Legislator, without manifesting itself by some external sign, can never be properly a law.* The powers of the Cortes besides were not unlimited; and their petition and resolutions being addressed to a particular Monarch, it cannot be imagined that his Successor could avail himself of them, nearly half a century afterwards.

It further appears, from the printed Record, that the Proposal of the Cortes was, through the medium

* Blackstone's Commentaries. Nature of Laws in general, Sec. II.

of the Secretary of State, transmitted to the Prelates who attended the ceremony of taking the oath to the Prince of Asturias, in the way of consultation. They were directed to state their opinion as to whether the King, "in conscience and in justice, could and ought to accede to the prayer of the Cortes," care being taken to conceal that the whole was a stratagem of the minister. As is seen from their answer, at the end of Appendix B., the obsequious Prelates acquiesced; and even urged the Sovereign to carry the measure proposed into full effect, "founding himself upon the great utility derived from the observance of the old Law."

Here, however, we have the same difficulty. It is a novel circumstance, in the Legislative Annals of Spain, to see the Bench of Bishops, convened for another purpose, giving a legal and conscientious opinion upon the alteration of a Fundamental Law, supposed to have originated in a Lower House. The timid Charles IV. doubtless attached to their approbation all the importance due to it; but neither he, nor his minister had the courage, nor, on more mature deliberation, thought it expedient to realize that which the Deputies of 37 Cities and 1 Town, supported by 19 Prelates, in their secret conclaves, had ventured to suggest and approve.

No Statute having been then enacted to abolish, or alter the Law of Succession, as established in the time of Philip V., it therefore remains in full force; not only agreeably to the universal maxims of jurisprudence, but also by virtue of a special enactment, passed in the reign of the same monarch and bearing the date of June 12, 1714, whereby it is ordained

“that all the Laws of the Kingdom which have not been expressly abrogated by subsequent ones, shall be literally observed.”*

Notwithstanding these informalities and illegalities, Queen Christina persisted in her determination to secure her Daughter upon the throne; and accordingly the ceremony of swearing allegiance to her, as Princess of Asturias, took place in the church of St. Jerome, in Madrid, on the 20th June, 1833. In every respect it resembled the one performed in 1789, the Deputies from 37 Cities and 1 Town having been summoned for this sole purpose. Two were elected for each place, their total number amounting to 76; but they were not allowed a deliberative voice. If the Infanta Doña Isabel had no legal right to the throne, or to the denomination of Princess of Asturias, previously vested in her, it will scarcely be argued that this church ceremony, however brilliant it might have been, and although it was followed by bull-feasts, could have conferred one upon her.

It is now time to consider how the Law of Philip V. was established.

* *Autos Acordados que contiene nueve Libros de las Leyes de Recopilacion*, &c. folio, Madrid, 1775. *Auto 2, Lib. 2, Tit. 1.*

CHAP. II.

Floridablanca's insidious designs—Decline of the House of Austria in Spain—Review of the last reigns of that dynasty. Marriage of Louis XIV. with the Spanish Infanta—Her renunciations—His ulterior views to unite the two monarchies—Pyrenean Treaty—Alarm of the maritime powers—They coalesce to check the ambition of France—Charles II.'s difficulties—Submits them to his Council—The discussions which ensued—Its opinion—The Cortes ought to have been assembled—The matter referred to the Pope—His award—Death of Charles II.

THAT Floridablanca should push his royal master so far as surreptitiously to obtain from the Cortes of 1789 an authority, with the semblance of Constitutional forms, to alter the Law of Succession as established in 1713, and that he should afterwards shrink from the task thereby imposed upon him, will not appear strange to those who have studied that statesman's wily conduct. Charles III., as will be hereafter seen, always evinced the utmost tenacity in upholding the Law of Philip V., the foundation of his own right and consequently that of his two successors. The circumstances under which this

law was enacted were besides solemn and imposing. To the arrangements made at the period of his accession, almost all the States of Europe were parties, and one would have thought that the maritime Powers who then took the lead, would have felt an immediate interest in the preservation of the principles upon which those arrangements were founded.

It will be remembered that the passing of the Spanish Crown from the House of Austria to that of Bourbon, gave rise to a general war, followed by a series of negotiations, unexampled till those of the general peace, in 1814. The victories of Charles V. had exhausted Spain, although for the moment they served to humble the power of France.* He was nevertheless unable to secure his entire dominions to his son; and although the first stages of Philip II.'s reign were brilliant, he rushed into ambitious projects without attending to the welfare of his Peninsular subjects, to whose sufferings he became insensible. His distant expeditions thinned the population of Spain, ruined her trade, destroyed her navy, and entailed upon her heavy debts. He left

* So long as the Netherlands continued on their ancient footing and the Northern provinces of Germany were subject to lesser Princes, the power of France did not extend beyond Picardy and Artois. With those countries, so constituted, England commenced her first commercial intercourse; and the nations of Europe were in this situation when Charles V. became Sovereign of Flanders and Brabant, united to his dominions the 17 Provinces of the Netherlands, and was at the same time King of Spain and Emperor of Germany. This extensive power excited the jealousy of Francis I., whose possessions were thus encircled; and the distrust thence arising led to those Treaties afterwards concluded for the maintenance of the Balance of Power.

his kingdom weaker than he found it; his people being so much impoverished as to render their recovery extremely difficult.

The disposition of Philip III. was peaceable, and he endeavoured to repair his Father's errors. He concluded a Treaty with England, made a truce with the Dutch, and introduced plans of retrenchment at home. However, at the instigation of the Nobles and contrary to his Father's policy, he drove the Moors from Granada, who afterwards became his implacable enemies; and the best cultivated portion of his kindom was thus left without inhabitants.

Philip IV. leaned to Austria, and coalesced with her in those views of universal monarchy which led to the League of Avignon, in 1625. He had previously broken with England, as well as Holland; and was soon called upon to resist combined attacks upon his dominions, in both hemispheres. The French extended their conquests on each of their frontiers—the Dutch sent an expedition against Brazil, whilst the Portuguese rendered themselves independent; and at Naples a Fisherman subverted the Spanish power. The position of Philip IV. became deplorable, and, when too late, he perceived the folly of having mixed in the schemes of his Family Connections and thus embroiled his own affairs. No longer able to carry on the war, peace was concluded with the Dutch on their own terms, and the Independence of Portugal maintained. The French also had gained great acquisitions in the Low Countries, and Catalonia was ruined by the protracted contest.

The misfortunes of Spain have always added

strength to France, and Louis XIV. was too provident not to secure the advantages which had fallen to his share. Philip at length became convinced that, unless his neighbour was propitiated, wielding as he did a great power and his pretensions still unsatisfied, his own kingdom would be exposed to further losses. Negotiations with France were therefore opened, and it was arranged that interviews should take place between the two monarchs, attended by their respective ministers. Philip was much embarrassed by one of the conditions of the Treaty proposed, which was, that the French King should have the hand of his eldest Daughter. This he foresaw would, at some time or other, take the Spanish Crown from his own Family and transfer it to a Bourbon line. He was however too far implicated to recede, and his ministers persuaded him that nothing short of this alliance could render the Treaty solid and secure.

The interview and marriage were consented to, and the Pyrenean Treaty concluded on the 7th Nov. 1659.* Hoping to guard against the con-

* This intermarriage was an old project of the French, who were always considered the principal instruments in defeating the one contracted with our Charles I. who, when Prince of Wales, made a romantic excursion to Spain to fetch the Infanta. President Jeannin gave his master Henry IV. of France the following advice, as a guide in the Treaty which he afterwards concluded with Spain at Vervins, in 1598. "The Queen of England, (Elizabeth) will be always just so much for us, as she ought to be for reasons of state, and no more. She desires the increase of France in the Low Countries no more than that of Spain; and therefore her assistance cannot be depended on if we continue in the war, in hopes of conquering the Netherlands from Spain: therefore, if Spain be suffered to be master of the Low Countries, and

tingency which he most dreaded, Philip IV. gave his Daughter a large Dowry, and made her renounce all right and title to the Spanish throne, on her own behalf and that of her issue, as appears by the Act. (Appendix D.) This arrangement was accepted and ratified by the Cortes; but although it had been made in the strongest terms which the precautions of the Madrid councils could contrive, and Louis XIV. was a subscribing party, he never held it as binding. The French court regarded it as a mere formality, intended "to satisfy the wishes of the Spaniards, and dissipate the alarm which the European Powers might have conceived at the disclosure of a design to unite the two Monarchies."*

either to keep them for herself or give them to the Archduke Albert, in marriage with the Infanta Isabella, France will have to fear that the ancient alliance between England and the House of Burgundy will be renewed, of which we have formerly felt so many bad effects; therefore she advises the peace with Spain, that she may be at liberty to conclude this marriage, and thus have for a neighbour, a petty prince; if the marriage cannot be accomplished and the Infanta given to Albert, he will not dare to become the King's enemy; and from him little is to be feared, for though France would have nothing to fear from such a prince, such a prince would have a great deal to fear from France."

Sully, the Minister of Henry IV. informs us, "that it was the view of Louis XIII. and of the Queen Mother, to form a Spanish match to obtain the Netherlands, and that Henry IV. would have done the same thing, and have married the Infanta of Spain, were she ever so old and ugly, if he could have married the Low Countries with her."

* At the very moment of passing this solemn act, Mazarin declared that, in spite of a renunciation, the King might pretend to the Succession of Spain and the Netherlands in right of his wife. In subsequent periods the diplomatic correspondence, and even the public papers which emanated from the French Cabinet, invariably asserted the same principle, "that no renunciation by a French, or Spanish Princess

The attention and resources of France were employed in silently maturing this scheme, in which the King was ably seconded by his minister, Cardinal Mazarin, and the jealousies of the other Powers favoured its progress. Louis however succeeded in dissolving the grand alliance without establishing the principle which had given birth to it, and the Succession to the Crown of Spain, though likely to become the immediate cause of a new war, was left in the same uncertain state as before the commencement of hostilities.*

The objects of the Pyrenean Treaty were always considered, particularly by the Maritime Powers, as destructive of that balance of power in Europe which can only be maintained by rendering the Crown of Spain independent of that of France. The aim of the Alliance of 1689 was therefore to check the ambition of the French cabinet; and by means of a defensive alliance and guarantee on the part of

could invalidate the rights of her children, or change the law of Succession established in both countries." *Coxe's Memoirs of the Kings of Spain of the House of Bourbon.* Historical Introduction Sec. iii.

* *Coxe*—"So dangerous a contingency, therefore, as the union of the two monarchies of France and Spain being in view forty years together; one would imagine that the principal powers of Europe had the means of preventing it constantly in view, during the same time. But it was otherwise. France acted very systematically from the year 1660 to the death of King Charles the Second of Spain. She never lost sight of her great object, the succession to the whole Spanish Monarchy; and she accepted the will of the King of Spain in favour of the Duke of Anjou. As she never lost sight of her great object during this time, so she lost no opportunity of increasing her power, while she waited for that of succeeding in her pretensions." *Bolingbroke*—Letter vii. on the Study and Use of History.

the confederated powers, to prevent France from acquiring a dangerous and undue ascendancy. This is evident from the terms of the separate Article, in which England and Holland bound themselves to assist Austria, "in taking and keeping possession of the Spanish Monarchy, whenever the case should happen of the death of Charles II. without lawful Heirs."* This engagement was at the time called for by the menacing power and avowed pretensions of France, calculated to affect the whole of that political system of Europe, upon which independent States had acted for ages.

Louis steadily pursued his scheme of aggrandizement, and his intentions were no secret at the Court of St. James.† So long as the Stuarts were upon

* Bolingbroke, Letter viii. "Hitherto the power of France had been alone regarded, and her pretensions seemed to have been forgot; or to what purpose should they have been remembered, whilst Europe was so unhappily constituted that the states at whose expence she increased her power, and their friends and allies, thought that they did enough upon every occasion if they made some tolerable composition with her? They who were not in circumstances to refuse confirming *present*, were little likely to take effectual measures against future usurpations. But now as the alarm was greater than ever, by the outrages that France had committed and the intrigues she had carried on; by the little regard she had shewn to public faith, and by the airs of authority she had assumed twenty years together: so was the spirit against her raised to a higher pitch, and the means of reducing her power, or at least of checking it, were increased. The princes and states who had neglected, or favoured the growth of this power, which all of them had done in their turns, saw their error; saw the necessity of repairing it, and saw that unless they could check the power of France, by uniting a power superior to her's, it would be impossible to hinder her from succeeding in her great designs on the Spanish Succession."

† Barrillon, Louis XIV.'s minister at the Court of St. James, under

the throne, their policy was temporizing towards France ; but this was not the national feeling. From the accession of the House of Orange, the British people zealously engaged in the common cause of Europe, to reduce the exorbitant power of France—to prevent her future, and avenge her past attempts. An unusual spirit of animosity prevailed, and the ensuing war was a war of anger, as well as of interest.* This feeling continued after the first effort, and when the forces of the confederates were dispersed and their ships laid up. France, on the other hand, retained her hostile attitude, her army was on foot and ready to act on all sides. Her designs were thoroughly understood, and to all appearances the question of the Spanish accession was at hand.

Philip IV. died in 1665, after a reign of 44 years, during all which time the power of Spain was on the decline. He left behind him an only Son, under the care of his Mother, an Austrian and not liked by the Spaniards. The whole reign of his successor, Charles II. presented an uninterrupted scene of vicissitudes and mortifications. His military enterprises

date of April 30, 1685, wrote thus to his Sovereign upon this subject—
" Il me paroît que votre Majesté tire quelque avantage de ce qui a été agité sur cette matière, en ce qu'on s'accoutume à entendre parler du droit de Monseigneur le Dauphin à la couronne d'Espagne, sans qu'il paroisse qu'on prenne une trop forte alarme de voir tant de royaumes dans la possibilité d'être réunis à la couronne de France. Il sembleroit moins que l'on reconnoisse que si sa Majesté Catholique mourait sans enfans, le droit de Monseigneur le Dauphin, et de ses descendants, seroit beaucoup meilleur que de ceux qui n'y pourroient prétendre qu'en vertu d'une renonciation remplie de nullités."

* Bolingbroke, Letter viii.

and civil alliances were alike unfortunate to his country; while he himself pined under bodily infirmities, and keenly felt the disappointment of not having issue. His predilections, carefully upheld by his mother, were all in favour of the House of Austria. He also placed great reliance upon the validity of the renunciations made by the daughter of Philip IV. when she intermarried with the House of Bourbon, his anxious wish being to maintain the principles and objects for which they were framed.

The Austrian interest was strong in Spain at the time the Marquis de Harcourt reached Madrid, in the character of envoy from Louis XIV., with instructions, if possible, to have a French Prince appointed as the Successor of Charles II.; and, at all events, to use his endeavours to overcome the King's partiality for his German relatives. A series of intrigues then commenced, which ended in the Bourbons gaining the ascendancy. Their dexterity was apparent; but they were nevertheless aided by fortuitous circumstances. The Queen Dowager had rendered herself and the Austrians unpopular by her intermeddling and arbitrary conduct. She had clashed with some of the most powerful personages of the State, and offended the Nobles by giving to her foreign and rapacious favourites places, hitherto held only by natives. A secret party was formed against her, the leading members of which, dreading the power and vicinity of the French, as well as the consequences of disappointing them, eventually espoused the Bourbon interest. The Council of State was soon gained over, and nothing remained but to overcome the King's scruples.

This task was left to Cardinal Porto-Carrero who had great influence at court. He and his friends endeavoured to tranquillize the King's conscience, by assuring him that the Renunciations of the Infanta, Maria Theresa, were good and valid, so long as they did not go beyond the object in view at the time they were required and agreed to; which was, for the sake of the repose of Europe, to prevent the Crowns of France and Spain from uniting on the same head; adding, that this would be the case without the wise precautions suggested to hinder the sceptre from devolving to the Dauphin; but that as this Prince had now three sons, the second of whom might be called to the Spanish throne, the Renunciations of the Queen, his Grandmother, ceased to be valid, as no longer producing the effect for which they were originally framed. The Cardinal, who in every respect had taken the lead, further argued that, if the King persisted in his first intention, the effect of the Renunciations would be diametrically opposite to the one contemplated and besides dangerous to the peace of Europe, as well as unjust, by excluding a particular Prince and legitimate heir, and preferring others who had no parity of right, when compared with the French line.

The King was moreover threatened with the dismemberment of that Monarchy which the Renunciations were designed to preserve,* and he felt the

* The particulars of the Treaty of Partition, concluded in March, reached Madrid at the beginning of June, 1700, first communicated from the Hague by the Spanish Resident, Quiroz, and afterwards officially from Versailles by the Ambassador, Castel-Dosrius. Charles

most serious alarm at embroiling all Europe through misfortunes exclusively his own. Still he hesitated—Austrian blood flowed in his veins, and he could not divest himself of all the associations arising out of a contemplation of the power and fame of his predecessor Charles V. He had already made a Will in favour of his own lineage, and the parties concerned had cognizance of its contents. By the change proposed he was thus required to destroy the work of his own hands. He regarded France as the watchful rival of Austria, and consequently felt the magnitude of the sacrifice which he was required to make.

The trial was arduous; and, wishing to consult the permanent advantage of his subjects and the tranquillity of Europe, he at length resolved to submit the dilemma in which he was placed to his Council, and to abide by its decision. At a special sitting, the Count de San Estevan spoke directly in favour of a French Prince. He was seconded by the Duke de Medina Sidonia; and the partizans engaged in the two separate interests then, for the first time, openly declared themselves. A more important question has seldom been agitated in a deliberative assembly, each speaker being sensible of the awful situation in which his country was placed. Those who saw the predicament in which the King stood and felt a desire to relieve him, had

II. was then almost on the verge of life, and at once saw the gulf that yawned beneath him. Unhappy in his domestic concerns and not blessed with children, he felt that his own race was extinct, and that the direst calamities awaited the unhappy country which he was governing. The division in his councils also greatly perplexed him.

to contend not only against the weight of Austrian influence, but against the constant intrigues and strenuous exertions of the Queen.

A second Council was held to take into consideration the Count de San Estevan's proposal, at which the Marquis de Mancera delivered a most impressive speech.* He dwelt upon the importance of the subject, and argued that it ought to be discussed as a national one, and free from all foreign influence. "Remember, Sire," said he to the King, "that this very Council, in which I am now speaking, some years ago, moved by the sufferings of your people, ventured to lay before you its remonstrances, and proposed to you to assemble the Cortes, composed of the Three Estates, to arm by land and sea, to strengthen your fortified towns, and to provide them with artillery and provisions. At that time these measures would have had the desired effect, and we should not now have to endure the misfortune of being obliged to discuss our affairs, whilst our enemies are disposing of our destinies. The great object however is, to preserve the Monarchy

* The Marquis de Mancera is one of the finest characters in Spanish history. He was descended from the illustrious House of Toledo, and had governed in America, where his administration was highly esteemed. He lived to the advanced age of 107 years, and was a centenarian in 1710 when, after the battle of Zaragoza, Philip V. was driven from Madrid by the Archduke Charles. He was anxious to follow his sovereign; but his age and infirmities did not permit him. No sooner had the enemies of Philip V. occupied the capital, than they urged him to take the oath to the Archduke; but he indignantly rejected the proposal; observing, "that his long life should not be tarnished by an act of perjury."

entire, and after an existence of nearly 800 years, not to allow it to be divided." He then went into the leading merits of the case and, as a kind of middle course, concluded by proposing a consultation with the Pope.

The age and past services of the speaker had great weight with the Council, and his proposal was adopted. The King's conscience being thus somewhat set at rest and his former views of State expediency materially altered, he resolved to send a mission to Rome. He had another and a preferable alternative, at which the venerable Mancera hinted; but Charles had not the courage to adopt it. Had he understood his real interests, he would have assembled the Cortes, according to the ancient forms; for it cannot be disguised that, in former times, the Spaniards, notwithstanding the territorial divisions of their kingdom, had a joint intervention with their Sovereigns in the important branches of the public administration, particularly in reference to the Succession. He however omitted to take the sense of the nation, through its acknowledged representatives, upon a question of the deepest moment; referring it to a spiritual tribunal, seated in a foreign country and totally devoid of legislative authority. In the very autograph letter which he, on this occasion, addressed to the Pope, he nevertheless pointedly speaks of the Decrees of the Cortes regarding the Succession, and which were to serve as a guide.* In the sequel it will be found

* "Having no children, and being obliged to appoint an Heir to the Spanish Crowns from a foreign Family, we find such great obscurity in

that Ferdinand VII. and Queen Christina committed precisely the same error, even whilst endeavouring to support their Daughter's right by alleged acts of the Cortes. Had the National Legislature been convened in the time of Charles II., either to decide the question of Succession, or only to give an opinion upon it, in the state of public feeling during that emergency, they would unquestionably have awarded the throne of Charles V. to the grandson of Louis XIV.; whereas, had they been assembled in 1833, it would not be Isabel II., but Charles V., who would now be seated upon the throne of Philip V.

Charles, however, in pursuance of his resolution, dispatched a confidential envoy to Rome, under the strictest injunction of secrecy, who was the bearer of the letter above mentioned, in which the particulars of the case were sketched, and also of the documents therein alluded to. Although aware of all the

the Law of Succession and in the circumstances of the case, that we are unable to come to a settled determination. Strict justice is our only aim, and to enable us to decide with that justice, we have constantly besought the Supreme Being to direct us in the present exigency. Anxious to act rightly, we have recourse to Your Holiness as to an infallible guide. We entreat you to consult on this important affair with the Cardinals and Divines, whom you judge most sincere and able; and after having attentively examined the Testaments of our Predecessors, from Ferdinand the Catholic to Philip the fourth, the Decrees of the Cortes, the Renunciations of the Infantas, Mary Anne and Maria Theresa, the marriage compacts, cessions, and all the acts of the Austrian Princes, from Philip the Handsome to the present time, to decide by the rules of equity and justice. As to ourselves, we are not guided either by love or hatred, and we only wait for the opinion of Your Holiness to regulate our conduct."—Autograph Letter of Charles II. to the Pope.

circumstances, the Roman Pontiff was doubtless much perplexed by the application, not only on account of the difficulty and importance of the point at issue; but from the fear of offending one or other of the parties interested; and as the matter referred to him was one of the deepest interest, he transmitted the papers connected with it to three of his most learned Cardinals. Their decision was to the effect, that "H. C. M. was, in conscience, bound to entail the Succession upon the Duke d'Anjou, or the Duke de Berri, the younger sons of the Dauphin, provided proper precautions were taken against the union of the two Crowns."

This decision, which did not reach Madrid till August, 1700, when the King's health had become precarious, was also accompanied by an autograph letter from Pope Innocent XII.* The whole matter

* "Being myself in a situation similar to that of Your Majesty, on the point of appearing at the tribunal of Christ, and of rendering an account to my sovereign pastor of the flock which has been intrusted to my care, it is no less my duty to give such advice as will not be a matter of reproach to my conscience at the day of judgment. Your Majesty should reflect that you ought not to put the interests of the House of Austria in competition with those of eternity, and with that dreadful account of your actions which you must soon give before the King of Kings, who admits no excuse, and is no respecter of persons. You cannot be ignorant that the children of the Dauphin are the rightful heirs of the crown; and that in opposition to them, neither the Archduke, nor any member of the House of Austria, has the smallest legitimate pretension. In proportion to the importance of the succession, the more crying will be the injustice of excluding the rightful heirs, and the more will you draw on your devoted head the vengeance of Heaven. It is therefore incumbent on you to omit no precaution which your wisdom can suggest, to render justice where justice is due, and to secure, as far as lies in your power, the undivided inheritance of the Spanish Monarchy to a son of the Dauphin."

Pope Innocent XII. died on the 27th September, 1700.

was afterwards referred to the Council of Castile, whose report, as might naturally be expected from the preparations made, was favourable to the French Prince. It must be confessed that the Council, as well as the party formed in support of the Bourbon interest, were guided and upheld in their resolution by several important considerations. The decision of the Court of Rome carried with it great weight, and the Spaniards were besides anxious to defeat the memorable Treaty of Partition, which had given so much uneasiness to Charles II. and excited so much resentment among his people. The government had also seen the danger, if not the humiliation, of being dependent upon the distant Empire of Austria, the last branches of which House had embroiled them in difficulties and impoverished the Nation. In a word, the Spaniards were tired of Germans, and would have openly displayed their dislike, had not Madrid been actually overawed by a military force, under the orders of the Prince of Darmstadt.

The Council of Castile finally agreed that the Duke d'Anjou should be called to the Succession, and in this manner the intrigues of the Queen Dowager and the Austrian Agents were defeated. With some difficulty, Charles II. was induced, though with great reluctance, to cancel his first Will and sign another in favour of the Bourbon line; on the express condition that the two Kingdoms should be kept separate, and manifesting a deep anxiety that his testamentary dispositions should not be revealed till after his death. His orders were strictly obeyed, and although the French court was duly informed of

every thing passing at Madrid, the Austrian minister, Count de Harrach, was kept completely in the dark. The new Will was signed on the 2nd Oct. 1700, and on the ensuing 3rd of Nov. Charles II. of Spain expired, in the 39th year of his age and the 35th of his reign.

The opening of the Will, as described by M. de St. Simon and the Spanish cotemporary writers, was a ceremony which created the deepest interest. The palace of Madrid was thronged with persons of all classes, anxious to learn who was to be their future Sovereign; and when it was announced that a French Prince was appointed to the throne, nothing could exceed the surprise and disappointment of the Austrian Minister, on hearing an award so contrary to his expectations; which not only dashed to the ground all his Imperial Master's hopes, but baffled the ulterior plans with which he himself had been entrusted.

CHAP. III.

Charles II.'s Will—Louis XIV. accepts it—Philip V. goes to Spain—Further development of French views—Alarm in Europe and grand Alliance of 1701—Declarations of England and Holland—Depressed state of Spain—Our errors in the Peninsula—Our late cooperation there—Defects in the plans of the Grand Alliance—The first hostilities unsuccessful.

RELIGIOUS scruples, as well as his attachment to Spain, strongly operated upon the mind of the enfeebled Charles, who was moreover beset by intrigues, dexterously conducted. The tenour of his Will shewed his anxiety to effect, by all possible precautions, a threefold object; first, to prevent the dismemberment of the Spanish Monarchy, the Treaty of Partition being always before his eyes;* secondly, to obviate the danger of the two Crowns becoming united; and lastly, to preserve what he had been made to believe was the natural order of Succession. The choice of a French Prince rested upon the prin-

* Voltaire observes that this Treaty, originally intended to bar the pretensions of France to the Spanish Succession, was precisely the instrument which secured them; by allaying the jealousies and fears of Charles II., as well as by throwing the Austrian Emperor off his guard.

ciple that the renunciations of the two Infantas, Aunt and Sister of the Testator, were intended solely to prevent the union of the two kingdoms, the French interpretation of their validity being carefully kept out of his view; and the danger of that contingency being, as he thought, obviated by his testamentary dispositions, his mind was relieved from an irksome burden.

On the 9th of November, the Spanish Minister at the Court of Versailles, Castel-Dosrius, had an audience of Louis, to inform him of his master's death, and lay before him the particulars of the Will whereby the Duke d'Anjou was first called to the Crown, then the Duke de Berri, and in default of these, the Archduke Charles, second son of the Emperor, and after him the Princes of Savoy. The Duke of Orleans was thus excluded, which gave rise to a protest on his part, and in the sequel produced other indications of resentment.* A letter from the Spanish Regency was delivered to the King, and the whole affair, extraordinary as it was, surprised no one at the French court but the Austrian envoy.†

* *Memoires Secrets du Marquis de Louville*, chap. ii. Perhaps this resentment is hereditary. At all events, the present King of the French is endeavouring to make up for the rebuff, by providing a kingdom for one of the juvenile branches of his family.

† Louis had long been in the secret. Voltaire says that he was informed of the purport of the Award, given at Rome, by one of the Cardinals to whom the case was referred. The French writer would have gladly established, that this was all the knowledge which the court of Versailles had of the affair. This however is not probable. There were too many persons employed and in the secret at Madrid. Other circumstances, besides, spoke for themselves. It was however strange that the Austrian Agents had not discovered what was going on.

With some slight difference of opinion, occasioned by the fact that France was at the time a party to the Treaty of Partition,* the Will was accepted by the Council; and on the 12th the King wrote a letter to the Madrid Regency, announcing that he acquiesced in the proposal on the part of his grandson.† On the 16th, at a family court held at Versailles, Louis embraced the Duke d'Anjou, as King of Spain, under the title of Philip V., declaring "that his birth and the Will of the late King, Charles II., had called him to the throne." Addressing the new sovereign, he said—"Be a good Spaniard, this is your first duty; but remember that, being born a Frenchman, you are to maintain the union between the two Crowns."‡

On the 4th of December, Philip V. then 17 years of age, left Paris on his way to Spain, accompanied by his grandfather. At Sceaux they parted, when Louis, presenting the Princes of the Royal House to their relative, said to him—"Behold the Princes of my

* M. de Beauvilliers spoke against the acceptation, as did M. de Torey, in an ambiguous tone. Madame de Maintenon who, it will be remembered, had been married to Louis XIV. ever since the year 1686, was also at first opposed to it.

† This letter is preserved at full length in Spanish, in the *Diario de Ubilla*, Secretary of the Council and afterwards Marquis de Rivas. It compliments the memory of the deceased Monarch on the "*touchante preuve qu'il nous a donnée, au moment de sa mort, de sa justice, de son amour pour ses fideles sujets, de son attention à prolonger au-delà du terme de sa vie le repos general de l'Europe.*" This was penned on the eve of a general war!

‡ Coxe's *Memoirs*, &c. chap. 1—Tessé, *Mém. Hist. sur le Testament de Charles II.*

House and yours. The two nations should consider themselves as one. They ought to have the same interests, and therefore I hope that these Princes will be as much attached to you, as to me. Henceforward there will be no Pyrenees." Philip proceeded towards Spain, attended by his two brothers, the Duke and Duchess of Beauvilliers, and M. de Noailles, of whom he took leave on the Isle of Pheasants; the memorable spot where, ten years before, that Treaty was solemnized which was for ever to exclude the House of Bourbon from Spain.*

Philip's entry into Spain, and the incidents which happened on the road to the capital, were affecting to a youthful and sensible heart. All he saw, contrasted with what he had just left, tended to lower in his estimation the grandeur and resources of his realm: but he was deeply interested by the demonstrations of the natives, and sincerely hoped to heal the wounds of their afflicted country. According to the recommendation of his grandfather, he became a Spaniard in the true sense of the word; and on arriving at Madrid, zealously devoted himself to the performance of those duties which he had undertaken.† His subjects were pleased with him;

* Not to offend the Spaniards he carried with him only the Marquis de Louville, (his principal director) two French Secretaries, his confessor, nurse, and about 100 servants. The Marquis was also provided with a letter of instructions from Fenelon.

† The day on which the royal party left Paris, Louis sent M. de Puysegur to Brussels to secure the strong places belonging to Spain which the Dutch still held; and Marshal Boufflers to Flanders with orders to assemble troops.

for, although it was mainly brought about by the intrigues of the French, the great majority of the Spaniards were unquestionably in favour of the change; which they eventually proved, by their great sacrifices to support the new Sovereign.

The accession of a French Prince to the Spanish throne, produced a new era in the political history of Europe. It was calculated to lead to great changes, and seemed destructive of that Balance of Power, for the support of which enormous sacrifices had been made. When the first family alliance was agitated and Spain refused to give the Netherlands as a dowry with the Infanta, Richlieu promised a portion of them to the Dutch, provided they would not make peace with Spain and would enter into an armed coalition with France. A draft of a Treaty to this effect was actually prepared, in 1635; but the Dutch having discovered the ambitious designs of the French, and that their main object was to remove the Netherlands' barrier, the scheme was defeated by the Treaty of Munster, in 1648.* The second time that a marriage was proposed with a Spanish Princess, Mazarin, who succeeded Richlieu, again urged the transfer of the Netherlands as a dowry; offering to render back the French conquests in Catalonia. The proposal was again rejected, notwithstanding which the minister advised his royal master to accept the match, under the renunciations already alluded to; contending that

* "Barrier Treaty vindicated." Proof is adduced in Tindal's *Continuation*, vol. iv. page iii., of this work having been written by the ministers Lord Townsend and Mr. Poyntz.

they would not bar his right either to the Spanish Succession, or to the Low Countries; and it was under colour of this right that Louis XIV. entered upon the war in the Low Countries which terminated in the Treaty of Nimeguen, so greatly to the detriment of Spain.*

By placing Spain under the influence of his own Family, Louis gained the second object of his watchful policy; and it was soon apparent that he would employ the powerful resources of that kingdom towards the aggrandizement of his own. In his private instructions to Philip V. on leaving Paris, he told him "to remember commerce, and to live in close union with France; for that nothing was so advantageous to the two Powers as an union which could not be resisted."† The development of this

* Louis XIV. invaded Flanders in right of his Queen in 1667, only seven years after the renunciations were made. From this claim most of the subsequent wars in Europe originated. So sensible were the maritime powers of the dangers arising out of French aggrandizement that, in March, 1676-7, the English Commons addressed Charles II., representing "that the minds of Your Majesty's people are much disquieted, with the manifest danger arising to your Majesty's kingdoms by the growth and power of the French King, especially by the acquisitions already made, and the farther progress likely to be made by him in the Spanish Netherlands, in the preservation and security whereof, we humbly conceive, the interest of your Majesty and the safety of your people are highly concerned; and therefore we most humbly beseech your Majesty to take the same into your royal care, and to strengthen yourself with such stricter alliances as may secure your Majesty's kingdoms, and preserve and secure the said Netherlands, and thereby quiet the minds of your Majesty's people."—*Journals*, vol. ix. p. 396.

† These instructions are preserved in the *Memoirs de Noailles*, and in the *Œuvres de Louis XIV.*

last sentiment roused a general indignation in Europe, and led to the memorable engagements of the Grand Alliance, in 1701; which were, "to procure an equitable and reasonable satisfaction to His Imperial Majesty for his pretensions to the Spanish Succession, and sufficient security to the King of England and the States General, for their dominions and for the navigation and commerce of their subjects, and to prevent the union of the two Monarchies of France and Spain." In England and Holland the sentiment of indignation was unanimous; and the Imperialists shared the disappointment of their reigning Family.*

The preparations of the Grand Alliance were actively carried on, and it soon became apparent that the old dispute respecting the Balance of

* Queen Anne, on the day of her accession to the throne (March 8, 1701) in her address to the Lords of the Privy Council, spoke thus.— "I think it proper upon this occasion of my first speaking to you, to declare my own opinion of the importance of carrying on all the preparations we are making to oppose the great power of France; and I shall lose no time in giving our allies all assurances that nothing shall be wanting on my part to pursue the true interest of England, together with theirs, for the support of the common cause." The Lords' address was presented on the 9th, and after pledging themselves to support her "in the measures already entered into to reduce the exorbitant power of France," it concludes thus—"And we will ever make it appear to your Majesty, and the world, that our zeal and affection for your Majesty's service, and the care we have of the public safety, engage us to exert ourselves with the utmost vigour and union, for obtaining under Your Majesty's reign, such a balance of power and interest, as may effectually secure the liberties of Europe." The Commons' address recchoed the same sentiments, and urged her "to prosecute the glorious design."

Power was again to be brought to the test of arms. Before the royal *cortége* left Paris for Spain, protests had been delivered on the part of the Allies, warning the French King of the consequences of the step he was taking. On the 25th of March, the States General entered into Resolutions, declaratory of their intentions "to adhere firmly to their alliances, and pursue steadily the measures already entered into;" and on the 4th of the ensuing May, Queen Anne declared war against France and Spain, "for the preservation of the Liberty and Balance of Europe, and for reducing the exorbitant power of France." &c.

This is not the place to inquire into the policy which urged England to make war upon Spain for having chosen a Bourbon Prince; nor to discuss the expediency of the measures adopted to carry the objects of the Grand Alliance into effect. Throughout the whole affair, Louis XIV. acted with great cunning, and his agents were evidently the most dexterous; but it must be confessed that a variety of circumstances, which no foreign nation could control and no human foresight counteract, seconded his plans. The situation of Spain required peculiar remedies, and the necessity of a change was universally felt.* The people were plunged into

* M. de Louville has devoted nearly a whole chapter to a description of the state of Spain at the death of Charles II., the particulars of which he professes to have obtained from natives. They agree with the accounts of such Spanish writers as had an opportunity of speaking the truth, who represent their country, at the period alluded to, as being in a state of rapid decadence, exhaustion and disorganization.

misfortunes; and if there was any thing informal, or illegal, in the manner in which Philip V. was raised to the throne, it was for them to have instituted inquiries and redressed what was wrong. It was hard that they should suffer for the provident calculations of the French King, or that they should be blamed for his family affection; particularly after his Spanish scheme was realized, and the result sanctioned by those most immediately concerned.*

* Lord Bolingbroke, who wrote in 1735, seems to have been of this opinion, and in Letter viii. Vol. ii. he says, "When this Will (meaning that of Charles II.) was made and accepted, Louis the fourteenth had succeeded, and the powers in opposition to him had failed, in all the great objects of interest and ambition which they had kept in sight for more than forty years; that is, from the beginning of the present period. The actors changed their parts in the tragedy that followed. The power that had so long and so cruelly attacked, was now to defend, the Spanish monarchy: and the powers that had so long defended it, were now to attack it. Let us see how this was brought about; and that we may see it the better and make a better judgment of all that passed from the death of Charles the second to the peace of Utrecht, let us go back to the time of his death, and consider the circumstances that formed this complicated state of affairs, in three views; a view of right, a view of policy, and a view of power.

The right of succeeding to the Crown of Spain would have been undoubtedly in the children of Maria Theresa, that is in the house of Bourbon, if this right had not been barred by the solemn renunciations often mentioned. The pretensions of the house of Austria were founded on these renunciations, on the ratification of them by the Pyrenean treaty, and the confirmation of them by the Will of Philip the fourth. The pretensions of the house of Bourbon were founded on a supposition, it was indeed no more, and a vain one too, that these renunciations were in their nature null. On this foot the dispute of right stood during the life of Charles the second, and on the same it would have continued to stand even after his death, if the renunciations had remained

It would be folly to imagine that the accession of

unshaken; if his will, like that of his father, had confirmed them, and had left the crown, in pursuance of them, to the house of Austria. But the Will of Charles the second, annulling these renunciations, took away the sole foundation of the Austrian pretensions; for, however this act might be obtained, it was just as valid as his father's, and was confirmed by the universal concurrence of the Spanish nation to the new settlement he made of that crown. Let it be, as I think it ought to be granted, that the true heirs could not claim against renunciations that were, if I may say so, conditions of their birth: but Charles the second had certainly as good a right to change the course of succession, agreeably to the order of nature and the condition of that monarchy, after his true heirs were born, as Philip the fourth had to change it, contrary to this order and this constitution, before they were born, or at any other time. He had as good a right, in short, to dispense with the Pyrenean treaty and to set it aside in this respect, as his father had to make it; so that the renunciations being annulled by that party to the Pyrenean treaty who had exacted them, they could be deemed no longer binding, by virtue of this treaty, on the party who had made them. The sole question that remained therefore between these rival houses, as to right, was this, whether the engagements taken by Louis the fourteenth in the Partition Treaties obliged him to adhere to the terms of the last of them in all events, and to deprive his family of the succession which the king of Spain opened, and the Spanish nation offered to them; rather than to depart from a composition he had made, on pretensions that were disputable then, but were now out of dispute? It may be said, and it was said, that the Treaties of Partition being absolute, without any condition or exception relative to any disposition the king of Spain had made, or might make, of his succession, in favour of Bourbon or Austria; the disposition made by his will, in favour of the Duke of Anjou, could not affect the engagements so lately taken by Louis the fourteenth in these treaties, nor dispense with a literal observation of them. This might be true on strict principles of justice; but I apprehend that none of those powers, who exclaimed so loudly against the perfidy of France in this case, would have been more scrupulous in a parallel case. The maxim *summum jus est summa injuria* would have been quoted, and the rigid letter of treaties would have been softened by an equitable interpretation of their spirit and intention."

Philip V. was brought about exclusively by the intrigues of his grandfather, however much he might be on the alert, and know how to turn contingencies to his own advantage. To those who reflect upon the events which occurred at the commencement of the 18th century, or rather at the close of the preceding one, it would almost appear that the English agents, then employed in Spain, judging at least from the records left behind them, were as much in the dark as those of Austria. If it had been otherwise, our government, as well under King William, as Queen Anne, would not have been so much forestalled, nor have found it expedient to become parties to the Treaty of Partition which greatly involved us and alienated the minds of the Spaniards, who, if they wanted a King, were not inclined to become dependents upon France.

For nearly a century and a half, we have erred in our policy towards the Peninsula, Portugal included; and we have never rightly understood the real interests of that interesting portion of Europe. No country has a right to interfere in the affairs of another, contrary to its interests and wishes, unless when individually aggrieved. Queen Anne attacked Spain at a time when the government and people were united, and after all gained the only legitimate object for which she could contend. The government of the present day, however, as will hereafter be more particularly noticed, have thought proper to forego all the advantages secured by her after an enormous sacrifice of blood and treasure.

We never, but once, entered heartily into the cause of the Peninsula, and then we were nearly a

year too late, as regarded our plans. It would be too great a digression here, even to sketch the bold, though irregular efforts of oppressed humanity against a foreign tyrant, unwearily maintained under every species of adversity, and subsiding into the steady measures of scientific war, under the influence and with the aid of a British force; which, though a comparatively small one when opposed to the "Grand Army of the Peninsula," led by able generals and commanded by a Wellington, contrived to baffle the choicest talents of France. The contest was then for a national object; and can it be supposed that the example of what was then effected by firmness and unanimity, was entirely lost upon the people of Spain in 1833, when an attempt was again made to impose upon them a government and constitution foreign to their feelings and prejudices.

No portion of Europe presented to us so fine a theatre of action as the Peninsula, when we first resolved to support the glorious struggle in which its inhabitants were engaged. No where could we be favoured by so many circumstances, physical and moral; and yet we seemed wholly unaware of this grand opening, till the natives themselves came over to ask our aid. We then had the major part of the people for our allies; their prejudices and antipathy against the French, as well as the mountainous and difficult nature of their country, making up for other defects. Deserted by their government and threatened with subjugation, the people of Spain acquired all the energies of freedom, and although those energies were not always well directed, they nevertheless gave an impulse to the national spirit

which proved irresistible, and the Peninsula was rescued from the grasp of its usurper. The glory—the advantages then gained, we are now imprudently giving up, by combining with a government such as that by which Spain was oppressed at the period of our intervention, and deserting those who, to the end, acted as our best allies. In 1702, we fought the Spaniards in order to avenge the wrongs committed by Louis XIV. in the Netherlands; in 1833, we second the descendant of a disappointed Orleans, in his wily designs upon Spain!

—It seems indeed to have been our misfortune never to have known what it was our real policy and interest to do in the affairs of the Peninsula, except in the instance just mentioned; and then, as before stated, we were tardy, and for a long time at a loss how to act. In Queen Anne's time, our plans were equally deficient and ill concerted. The allied armaments were not promptly brought into action; nor directed with spirit and prudence. At first the Spaniards were unprepared, and when the combined fleet appeared on the coast of Andalusia, in August, 1702, Cadiz had not a garrison of more than 300 men; "but the Queen, in her husband's absence, though only in her fourteenth year, and at the head of a weak and distracted government, displayed a spirit and prudence worthy of a maturer age. She convoked the cabinet, declared that she would herself repair to Andalusia, and perish in its defence; she offered her jewels for sale, and by her eloquence and example, infused animation into the most sluggish of her ministers. All vied in offering their lives and property; even the Admiral of Castile, to

avoid suspicion, found it necessary to make a tender of his services. Portocarrero raised and maintained six squadrons of horse; the Bishop of Cordova a regiment of infantry, and the nobles, ecclesiastics and people followed the example. Supplies were thrown into Cadiz, the militia armed by private persons, and a general rising took place throughout the country more immediately threatened with an attack.”*

A Manifesto was published, declaring “that the Allies came, not as enemies, but to deliver the people of Spain from the dominion of a Bourbon Prince.” Cadiz being placed in a state of defence, and the premeditated attack upon it rendered hazardous, a landing was effected at Port St. Mary’s, on the opposite side of the bay, whither the inhabitants of the former place had removed the most valuable of their effects. These and the churches were pillaged. Repeated outrages roused the indignation of the people; and some, who perhaps felt inclined to declare in favour of the Austrian interest, were deterred by the misconduct of the allied commanders. The best measures of defence had been adopted; and in this situation, divided among themselves, baffled in their design, if any was really formed against Cadiz, execrated and shunned like a pestilence by the people, and alarmed by the inconsiderable but active force under Villadarias, success was hopeless. After a vain attempt to force a passage into the harbour, they reembarked in disorder

* Coxe’s *Bourbons*, chap. vii.

and disgrace, and directed their course towards England; leaving in the minds of the people an indelible prejudice against the cause and connection of the Archduke. The governor of Rota, the only person who appears to have embraced their party, was negligently left behind, and made an immediate sacrifice by his offended countrymen.*

* Ibid—Mem. de St. Philippe, Tome 1.

CHAP. IV.

Hostilities in 1704—Campaigns of 1705 and 6—Distresses of Philip V.—Madrid taken—Fresh exertions in his favour—The Castilians distinguish themselves—Louis XIV. applauds the devotion of the Castilians—Battle of Almanza turns the tide of Philip's affairs—Campaign of 1708—Overtures for peace ineffectual—Philip's son acknowledged as Prince of Asturias in the Cortes of 1709—First time they met since the union of Castile and Aragon—Remarkable features in the meeting—Philip's fresh difficulties—Holds a general Council—Determination taken—New energies called forth—Campaign of 1710—Disastrous to Philip—The Archduke proclaimed in Madrid—coldly received—Harassed by the Guerrillas—Obliged to quit Madrid—Philip redoubles his efforts—Sacrifices of the Castilians—He gains a victory and secures his throne—Overtures for peace.

IN 1704, the combined attack upon Spain was resumed with fresh vigour, and her territory assailed on the East and West. The Archduke Charles, escorted by a fleet under the command of Sir George Rook, landed at Lisbon with 8000 English and 6000 Dutch, where he was joined by a large Portuguese force. He issued a Manifesto, detailing his preten-

sions to the Spanish Crown, and denouncing the usurpation of the Duke d'Anjou. Instead however of marching direct upon Estremadura, as originally contemplated, the allies spent a considerable time in disputes and inaction. Of this interval the Spaniards took advantage, and collected a force on the Portuguese frontiers, which was afterwards joined by 12000 French, under the Duke de Berwick. This army crossed the Portuguese frontiers and took several strong places, among which was Abrantes, near which spot the Dutch took up a position, whilst the British maintained themselves at Elvas. The Portuguese operated in the North; but suddenly turning towards the Tagus, they recovered Monte Santo and Castel-Branco, thus endangering Berwick's army. He however recrossed the Tagus, and the summer heats put an end to the campaign, the scene of which did not extend beyond the Portuguese territory.

Supposing that Catalonia was ripe for insurrection, Sir George Rook conveyed thither the Prince of Darmstadt, with 4000 men. This force was however too small to serve as a *point d'appui* to the partisans of Austria, which enabled the governor of the province to check every symptom of insurrection. The object of the expedition being thus frustrated, the English Admiral withdrew; and, descending the Mediterranean, this fleet captured Gibraltar. In Italy, the Low Countries, and Germany, the war raged with alternate success, nearly all Europe being up in arms; but it was evident that the Allies, whether under Eugene or Marlborough, had not acquired that regularity of design

and vigour of execution, which distinguished the movements of the French. The treasure and power of England were exerted in a cause which was not her own; and although, by her influence, the Dutch and Germans united against the common enemy, the chief burden fell upon herself.

In the Peninsula, the campaign of 1705 was more prosperous to the allied arms. The attack upon Gibraltar proved fruitless, whilst the operations from Portugal were attended with signal advantages. Reinforcements were sent out under the gallant Peterborough, and Catalonia became the scene of action, as well as the theatre of a civil war which shook the throne of Philip V., and was not extinguished till after the restoration of peace. Barcelona surrendered and was placed in a state of defence; but the season being too far advanced for further operations, the British fleets withdrew, one to England and the other to the Tagus.

At the opening of the campaign, in 1706, Philip V. placed himself at the head of his forces destined to retake Barcelona; but, after immense slaughter, the effort failed through the seasonable arrival of reinforcements. He returned to Madrid, defeated and almost without an army. The coasts of Spain were in the hands of the Allies, at the same time that, on the East and West, their armies held an immense extent of territory, in which were some of the most important towns and strongholds. Berwick had retreated before an invading army of 40,000 men, and the capture of the intervening places, capable of resistance, had opened the road to the very capital. The King's situation appeared

desperate, the Northern provinces being almost the only portion of the Kingdom which still clung to his interest. In this predicament, Tessé, his own general, advised him to retire to Paris; but Philip, the vigour of whose mind was roused by adversity, despised the counsel pressed upon him, and declaring that he had taken his resolution to assert his rights to the throne of Spain, upon Spanish ground, proceeded in person to join Berwick's army, which was then only 11 leagues from the capital, and did not exceed 8000 men. The court withdrew to Burgos, and the Allies entered Madrid; but, to their disappointment, no crowds—no acclamations, welcomed their arrival.*

Philip's efforts and address inspired the provinces with confidence, and gained him fresh partisans. Delighted with the assurance that they should preserve a sovereign whom they had voluntarily acknowledged, and who was pledged to maintain the integrity of their monarchy; and disdaining to receive one forced upon them by foreigners, a new sentiment animated every heart.† The peasants flocked to his standard, and in Castile almost every hale man became a soldier. Fresh errors on the part of the Allies soon brought this campaign to a close. Their communications with Portugal were

* Coxe's *Bourbons*, chap. xiv.

† There is some similarity between the present situation of the Infante Don Carlos, and that of Philip V. at the period above alluded to. The same feelings are now producing similar effects, and were Don Carlos in Spain and on the same spot, the contest between him and his competitor would not be of long duration.

cut off; they were driven from Valencia, whither they had advanced; and Berwick ended the campaign with the recovery of Orchuela, Cuenca and Carthagena,* and Philip reentered Madrid.

Louis XIV., who by this time had learnt that the Spaniards in receiving one of his Family upon their throne, had not compounded for their independence, could not refrain from doing justice to the fidelity and gallantry of the Castilians; who are at this moment actuated by a similar feeling, which the British nation would be the foremost to applaud, were they not deceived as to the motives and spirit of the insurrection now raging there, as well as in the Biscayan provinces and Navarre. "Your enemies," the French King wrote to Philip, "can no longer hope to succeed, since their progress has only served to display the courage and fidelity of a

* "Thus finished this campaign," says Berwick in his Memoirs, "one of the most singular, from the variety of its events. The beginning threatened us with total ruin; but the progress and close were equally advantageous and glorious to the arms of the two crowns. The enemy masters of Madrid; no army to check them; the king obliged to raise the siege of Barcelona, and retire into France: all seemed to decide the fate of Spain. And, doubtless, had the enemy profited by the conjuncture and pushed their point, the Archduke must have been King, without a hope of return for his Catholic Majesty. But the glaring faults of their Generals, joined to the unparalleled fidelity of the Castilians, gave us the time and means to regain the upper hand, and drive them again out of Castile. The two armies made, if we may use the expression, a tour round Spain. They began the campaign near Badajoz, and, after traversing the two Castiles, finished it in the Kingdoms of Valencia and Murcia, at the distance of 150 leagues. They occupied eighty-five camps, and, although no general engagement took place, we obtained the same advantages as from a victory; for, according to calculation, we made 10,000 prisoners."

nation, equally brave and loyal. Your people cannot be distinguished from regular troops, and doubtless such convincing proofs of their attachment to you, must augment your affection for them.”* These same words might, with equal truth and more sincerity, be now addressed to the illustrious and persecuted exile in Portugal. The perseverance and devotion of the adherents of Philip V. were admired even by their enemies. Peterborough, whose gallant spirit was captivated by congenial ardour, declared that all the force of Europe was not sufficient to conquer Castile.†

The object of these pages being confined to Spain, it is not necessary to revert to what took place in Italy, or the Netherlands. After the battle of Ramilles, Louis made overtures for peace, which were rejected, notwithstanding the jealousies which prevailed among the Allies. In Spain both parties again took the field; but the battle of Almanza, fought on the 25th of April, 1707, gave a sudden turn to Philip's affairs. The defeat of the Allies on this occasion was complete; and, within a month afterwards, Berwick recovered all Aragon and, with the exception of Denia and Alicant, the provinces of Valencia and Murcia. Catalonia still held out; but the birth of a Prince served as an additional encouragement to Philip's partisans. This event inspired fresh ardour into the breasts of the loyal; while it secured the adhesion of many, anxious only for the independence and integrity of the monarchy,

* Noailles, Tom 3.

† Coxe's *Bourbons*, Chap. xiv.

or wearied out with the calamities of a disastrous and seemingly interminable war.

The defeat at Almanza and subsequent disasters made a deep impression upon the Allies, who nevertheless resolved to prosecute the contest with renewed vigour. Reinforcements were accordingly sent to open the campaign of 1708; but the operations in this year were almost confined to the capture of a few strong holds, principally by Philip's French auxiliaries. Whilst the military operations were going on, Louis made a second attempt to put an end to the war. Conferences were opened at the Hague and proved ineffectual. With the Allies, the question of peace or war seemed to be reduced to a simple proposition. Louis, in contravention of solemn Treaties and Renunciations, having placed his grandson upon the Spanish throne and thus given cause for the war, was required either to persuade or compel Philip to abandon Spain.*

It thus appeared that the Spaniards were not even to be consulted. Louis might have broken his engagements to the Allies; but Philip V. had not betrayed the interests of the kingdom which he had been called upon to govern. While these discussions were going on, his son was acknowledged by the Cortes in the character of Prince of Asturias. This was another pledge given by Philip of his resolution not to abandon the throne. The ceremony, which took place on the 7th of April (1709), was memorable in the annals of Spain.† It was the

* Coxe's *Bourbons*, Chap. xvi.

† A description is given of it in a letter from the Queen to her

first time that the Kingdoms of Castile and Aragon

sister, the Duchess of Burgundy, preserved by Lamberti, Tom v. It resembled the ceremony performed in 1789, and in several respects that of 1833. The Queen's letter is dated April 8, 1709, and runs thus.

"My son was yesterday acknowledged presumptive heir of the Spanish monarchy, by the Estates of the Kingdom, and in this quality, the clergy, all the grandees, the officers of the crown, and deputies of the towns who have a right to assist at the meeting of the Estates, swore fidelity to him, did homage, and kissed his hand. The Patriarch, as grand almoner, confirmed him, according to usual custom. Cardinal Portocarrero was his godfather, and the Duke of Medina Cell received the homage. This ceremony lasted nearly three hours. The assembly was very numerous ; but every thing passed in the greatest order and with profound respect. I was no less surprised than gratified with the warm and tender expressions with which, in kissing our hands, each person testified his joy, and that of the whole kingdom. About twelve o'clock the King, myself, and my son, alighted at the church of St. Geronimo, which we found magnificently ornamented, and filled with all who have a right to be present in virtue of their offices, or as members of the Estates. The King was attended by the great officers of the crown. I was followed by fourteen ladies, all grandees, or wives of grandees, whom I chose from the first families of Spain ; and my son was carried by the Princess Orsini. It was her duty, as *camarera-mayor*, to hold my train ; but as she filled the office of governess to the Prince, her place was supplied by the Count of Aguilar, Captain of the guards, because if I had nominated a lady, this preference would have thrown all the rest into despair. As soon as we arrived under our canopy, the ceremony commenced with the *Veni Creator*. During the whole mass, my son behaved with a tranquillity and cheerfulness which drew general attention. He kissed the gospel and the pix, like a reasonable person ; but after mass, when he was carried to the altar to be confirmed, he became fretful at quitting me ; and when his brow was bound with the diadem, he was terrified and cried. This did not, however, last long ; for as soon as he was brought back to me his tears ceased. Each person, according to his rank, then took the oath, and did homage. More than 200 kissed his hand, which he presented very graciously and with more patience than could be expected from an infant of twenty months. At last, however, they were obliged to bring his nurse, but while she suckled him, he gave his hand to kiss as

had met in Cortes. The same dispute regarding precedence was then started, which has distinguished all subsequent meetings of that Assembly. Aragon, by its deputies, claimed precedence, on the plea that it had been erected into a Kingdom at a period when Castile was only a Countship. But the extent and riches of the latter, the subsequent incorporation of other kingdoms, and the unshaken fidelity of the natives, turned the scale in its favour; and the deputies from Zaragoza took their seats next to those of Burgos.

This meeting of the Cortes was distinguished by another peculiar feature. The King's Procurator demanded that absolute possession should be given to the Prince of Asturias of his dominions, as had been done in the case of Henry, son of John I. when, in 1388, he espoused Catherine, daughter of the King of England; who, in his turn having been proclaimed king, ordained that the same rule should be observed by his own son, John II., as regarded Henry IV., heir to the latter. This singular proposition, founded as it was on precedents, perplexed

before, though in a manner that seemed as if to inquire whether it would not soon finish. After the *Te Deum*, we passed to our apartment, in the same order, and with the same attendants. The people could not give more proofs of their zeal and love for us, than on this occasion. The court was splendid, and I think no festival was ever better regulated, nor more generally satisfactory."

The *Jura* of the Infanta Isabel, as Princess of Asturias, and for which the above served as a copy, took place on the 20th of June, 1833. During the ceremony, the Infanta was so much frightened by the number and variety of the persons who approached to kiss her hand, that she frequently burst into tears, and could only be pacified by a liberal supply of sugar-plums.

Philip V. and he referred it to the Council of Castile; who thereon reported, that to the Heir Apparent of the Crown no other title ought to be granted than that of Prince of Asturias. They moreover observed, that it was dangerous to acknowledge two sovereigns in the same state; and that the very example quoted of Henry IV., who rebelled against his father, was a sufficient authority for the decision given.

The recognition of his son by the Cortes inspired Philip V. with fresh confidence, and at the same time endeared him more to the Spanish people. Every day he found them more disposed to support his interests, notwithstanding the cabals of the Grandees. Fearful however that his grandfather, whose military aid had been of such essential service to him, might, in the pressure of the moment, conclude a separate peace and acquiesce in the conditions exacted, he wrote to him on the 17th of April, that is, ten days after the acknowledgment of his son by the Cortes, in these terms—"I have taken my resolution, and nothing shall compel me to change it. The crown of Spain, which God has placed on my head, I will maintain as long as a drop of blood flows in my veins. I owe this resolution to my conscience, my honour, and the love of my subjects. They, I am convinced, will never abandon me in the most adverse circumstances; and as I am determined to expose my life at their head, so they will cheerfully shed their blood to retain me on the throne. Were I capable of meanly relinquishing my dignity, you, I am convinced, would renounce me as your grandson; and I, for my part, burn to

prove my title to that honour, no less by my actions than by my blood. I will therefore never sign a treaty unworthy of myself; I will never quit Spain while I have a spark of life; I will rather perish, disputing every inch of ground at the head of my troops, than tarnish the glory of my house, which I hope will never be dishonored by me. I shall feel the consolation that while I am contending for my own interests, I am likewise contending for those of France, to which the preservation of Spain is absolutely necessary.”*

Philip V., during the crisis of his affairs, derived no support from the Papal See. Intimidated by the Emperor of Austria, Pope Clement XI., although devoted to the Bourbon interest, was obliged to forego his neutrality after the occupation of Naples and the Milanese.† Under date of the 10th of Oct. 1709, His Holiness wrote a letter to the Archduke Charles, addressing him by the title of “Majesty,” which gave great offence at Madrid, as well as at Paris. The feuds in the court were at the same time extremely prejudicial to Philip’s cause; and

* Noailles, Tom iv.

† To shew the feelings, as well as the dilemma in which Clement XI. was at the time placed, it may be proper to observe that, at a Consistory held on the 14th of the same month of October, for the appointment of the Bishop of Solsona in Catalonia, the choice of Charles was agreed to, qualified in these words—“*ad presentationem Caroli III. Regis Catholici Hispaniarum, sine prejudicio tamen alterius possidentis Philippi V. pariter Regis Catholici Hispaniarum*!” There were then two Kings in Spain, as there now are in Portugal, the one occupying the coasts and the other the interior. The occupation of the latter eventually proved the permanent one.

his employing several Frenchmen in the administration, raised up enemies against him among the nobles. Extensive cabals were in fact formed against him; and at one time even a rupture between the Spanish Philipines and their French auxiliaries was apprehended. The hard conditions of the Allies however excited fresh indignation among the natives, who saw that the dismemberment of their monarchy was inevitable, if they deserted Philip. To him the hopes of the nation were therefore directed, as their only resource. This conviction produced greater unanimity, and the tide of popularity again turned in Philip's favour. The Spaniards of that day were stimulated and supported in their arduous struggle, by the strong national feeling, that they would be degraded by submitting to a foreign yoke; and there is every reason to expect that the same causes will extricate them from their difficulties in the present day.

Pressed on all sides and yet determined never to succumb, Philip convened his ministers and the chief nobles, to demand their counsel and assistance. He laid before them an exposition of public affairs, explaining at the same time the inquietude into which he himself was thrown, by the prevailing opinion that he was about to be abandoned by France. He repeated his resolution to perish rather than sacrifice his subjects, to whose zeal and affection he made a fresh appeal. The assembly were deeply moved; but the national impulse was given by Portocarero, who, at the advanced age of 74, emerged from his retreat to attend this important meeting, and by acting a part becoming his high

station, compensated for his recent apostacy. His example and exhortations called forth an unanimous burst of enthusiasm.* The assembly protested that duty and affection, no less than allegiance, bound them to maintain their sovereign upon his throne. They declared it to be a degradation of the national dignity, to suffer England and Holland to parcel out their Monarchy; and determined that if the King of France was no longer able to furnish the requisite assistance, the whole people, without distinction of rank, should rise *en masse*, and sacrifice themselves for their sovereign, their country, and their honour. They concluded by recommending the dismissal of all French functionaries, and the establishment of a purely Spanish administration.†

The enthusiasm of the nobles was communicated to the clergy; and the people, animated by the encouragement of their chiefs and pastors, flocked to the royal standard. The negotiations at the Hague were broken off, although the preliminaries agreed upon required the mere signature of Louis; and Philip again took the field, only to experience fresh disappointments. Dissensions among his own officers prevented a blow from being struck in Catalonia, where his forces had the superiority of numbers; and he returned to the capital, chagrined, but not dispirited.

The campaign of 1710 was the most eventful pe-

* This act closed the political life of this remarkable man. The assembly was held in April (1709) and he died Sept. 14, at Toledo.—St. Philippe, Tome 2.

† Coxce's Bourbons, Chap. xvi.

riod of the contest. Philip took the field in May and proceeded to Catalonia. The defeat however of his troops at Almenara, and afterwards near Zaragoza, where his loss was immense, forced him back to Madrid. Even then, he was not received as a fugitive; but as a sovereign who still possessed the affections of his subjects, and whose misfortunes and firmness in adversity endeared him more to their hearts. They had witnessed his sacrifices to secure that which they themselves wished, and they valued him as the instrument of their own independence—as the bond of union which alone could prevent the severance of the various parts of their commonwealth. They had admired his bravery, and exulted that they had among them a Prince who practised that which he professed and recommended.* The army of

* At the battle of Almenara, General Stanhope commanded a division of Cavalry, and gave a description of the affair to Mr. Walpole, under date of July 21, 1710; but it is the Spanish historians who have preserved to us the records of the heroism displayed by Philip V. on that memorable occasion, when, for the first time, both the royal competitors were upon the ground. The Allies occupied an advantageous position near Almenara, as Philip's army advanced to the attack. His cavalry had to receive the deadly fire of 14 pieces of artillery, before the infantry came up, headed by himself. They were driven back by repeated charges, and, falling upon the infantry as the columns moved up, this unexpected collision led to a general disorder. Philip in vain endeavoured to rally his troops and refused to quit the ground. At that moment six squadrons of the Allied cavalry were approaching the spot upon which he stood, when the gallant Vallejo, with his dragoons, rushed between them and the King, and thus afforded his royal master time to escape. This fact is also mentioned by Targe, *Histoire de l'Avenement de la Maison de Bourbon*, Tome v. The panic caused by this repulse led to the disastrous events of the campaign of 1710, thus affording to the Allies a momentary triumph, the benefit of which they afterwards lost.

Aragon being nearly destroyed and himself pursued, the only alternative left was to remove his court to Valladolid, whither he was followed by the major part of the inhabitants.

The Archduke made his public entry into the Spanish capital which he found nearly empty. In order to conciliate, or overawe the people, the pageantry displayed on this occasion was splendid. He was preceded by 2000 horse, and followed by his body-guard, with a long retinue of attendants. To evince his zeal for religion, he accompanied the procession of Atocha ; but even this favourite solemnity attracted only a few stragglers. The streets presented an ominous and mournful silence, infinitely more impressive than opposition. The pageant monarch felt the rebuke, and sensible of his situation, after proceeding a short distance, suddenly quitted the procession, not having the courage to accompany it to Buen Retiro, and exclaiming—"Madrid is really a desert."* The Archduke was proclaimed King ; but he soon discovered that his presence was shunned ; nothing being able to overcome the antipathy which the people felt towards him and which they did not seek to disguise.

Philip's situation on reaching Valladolid may be easily conceived. Nevertheless, well assured that the country was with him, and never allowing a feeling partaking of despair to gain upon his spirits, he determined that, for the present, the military operations should be confined to a war of posts and harrassing the enemy. His guerrillas surrounded

* St. Philippe, Tome 2, and Ortiz, Tome 7.

Madrid and carried off provisions at the very gates; whilst Vallejo's cavalry intercepted the communications on all sides. In vain did General Stanhope and Baron de Vecel go out in pursuit of him. Unable to cope with them, he eluded their movements and appeared on another point. He nearly took the Archduke prisoner at the Pardo, two leagues from Madrid, whilst that Prince was enjoying the pleasures of the chase. The plan had been arranged with the keepers of the forest; but one of them, more timid than the rest, betrayed the secret. To these guerrillas Philip in the end mainly owed his crown, and among their leaders were men whose names the Spaniards never mention but in terms of respect and admiration. The most distinguished were Vallejo, abovementioned, and Cereceda, with whom a Zavala and a Zumalacarregui, of the present day, might justly be compared.

At Valladolid the court had daily reports of what was passing in Madrid. Appreciating the real character of the Spanish people, who, like himself, needed the stimulus of adversity to rouse their energies, though they never despaired, Philip, speaking of his future plans, expressed himself thus—

“My troops are indeed weak, dispersed, and undisciplined; yet they will cease to be so. If the army of Aragon has suffered, that of Estramadura is still entire and improving. I am glad the English have led the Archduke Charles to Madrid. In my capital he will learn the disposition of my people, and will see that it is a firm will, and not force, which retains them in their duty.”*

* Torci, Tome 3.—The very same words might the King of Portugal have uttered when Don Pedro entered Lisbon, in July, 1833.

In the mean time, Philip was not idle. He had previously rejected all offers made to him of a competent establishment in Italy, which he treated as an insidious lure to damp the ardour of the Spaniards, and despoil him of a kingdom which they had pledged themselves should be his.* Besides the losses and failures already experienced, he had, about the same time, received notice that he could expect no further reinforcements from France. He even found that the Allies had nearly forced his grandfather to withdraw from his interests. Stimulated to new exertions, and resolving to retrieve his fortunes by the aid of the resources still remaining, he again threw himself almost upon the compassion of his nobles and people. "The enemy," he observed, "have taken false measures and neglected the means of improving their advantages. It is for us to profit by their errors. What permanent success can they have without strong places, devoid of magazines, and in the midst of a hostile people; when besides they are above 90 leagues from the sources of their supplies. If the Archduke proceeds to the side of Portugal, he must abandon Aragon and Catalonia; whereas, if he remains in Madrid, one side, or the other, of the Kingdom must be left uncovered. In 1706, our position was more critical, having then lost Valencia and the frontier places of Catalonia." He urged further sacrifices; his spirited Queen joined in his representations; and both

† The overtures made to Don Miguel, through British and Spanish agency, particularly whilst at Santarem, were based upon similar conditions, and doubtless they were answered in the same spirit.

declared that, if driven from Spain, they would, with their loyal followers, emigrate to America and establish a dominion in Mexico or Peru.*

Philip's appeal was not made in vain. Some of his leading nobles were already spreading the flame of enthusiasm in the interior; having previously pledged themselves to maintain the national glory and independence. "Posterity," says Philip's contemporary biographer, "will never cease to admire the affection, fortitude and fidelity of the people of Castile. Instead of sinking under the misfortunes of their King, they were animated by his reverses. They lavished their property and lives to repair his losses, maintained troops at their own expense, and made repeated levies to support their King and country. Accumulated disasters served only to stimulate their zeal and loyalty, which burst forth with such boundless transports as would not be believed, if we detailed the efforts made by each district and each individual."†

The Allies wasted away their time in inactivity, whilst Philip's friends collected a new army of 25,000 men, which was done in less than two months. His great object was, to prevent the Allied troops in Madrid from forming a junction with those operat-

* Torci, *ibid.*

† St. Philippe, Tome 2. This is a perfect picture of the devotion displayed and the sacrifices making at this moment in Portugal, on behalf of a sovereign whom the inhabitants consider as the rightful occupant of their throne, and see equally persecuted by foreigners, anxious to force upon them another dynasty, in opposition to their interests, their laws, and their solemn declarations.

ing on the side of Portugal ; and at the same time to make strong demonstrations in Catalonia. The combinations made with these two views were attended with success. General Noailles, at the head of 20,000 men and a powerful train of artillery, advanced against Gerona, at a moment when the troops guarding the Archduke in Madrid were exhausted by the climate, or thinned by the incessant attacks of the guerillas. The Portuguese troops also refused to reenter Spain, and, surrounded with difficulties, the Archduke found himself compelled to quit Madrid, which Philip soon afterwards reentered and received a most cordial welcome.

The Allies in their retreat took the road to Guadalajara, their rear pursued by the Spaniards. At Brihuega the latter came up with 6000 horse under Stanhope, who was thus obliged to act on the defensive, whilst the main body of the Allies, under Staremburg, moved on in advance. The British general fortified his position in the hope of maintaining it till he received assistance ; but nothing could resist the impetuosity of the Spaniards, headed by a Monarch to whom they were enthusiastically attached. Before the close of the evening, Stanhope, whose force was reduced to 4500 men, was compelled to capitulate, just as Staremburg was coming up to his aid. Perceiving that he was too late, and that the whole Spanish army, advantageously posted, were drawn up ready to receive him, the Austrian commander halted. Vendome, Philip's general, anxious to crown his splendid enterprise with the total defeat of his opponents, gave the signal for an attack. Philip headed the right wing

of his own army and charged the enemy. The Austrians withstood the shock, and, after severe fighting, broke the columns of their pursuers. The Spanish generals however collected their officers and men, whom they formed into a small and compact body, with which they kept their ground until, reinforcements arriving, the fortunes of the day were retrieved. Night put an end to the battle; but, instead of taking repose, the Austrians spiked their cannon and retreated. They eventually reached Barcelona with 7000 men. The result of this day secured Philip's crown, and Vendome justly received the title of "Restorer of the Spanish Monarchy."

After the Allies had fallen back upon Catalonia, Philip marched to Zaragoza; and, notwithstanding the advanced season, his Spanish corps, as well as the French auxiliaries, carried on the war with great activity. The complete liberation of Spain was not yet achieved: the effects of nearly ten years devastation were severely felt; and the coast being still in possession of the Allies, the Archduke Charles partially recruited his strength, and was thus enabled to maintain his expiring cause a little longer. Notwithstanding the intervening distance, and the apparently separate interest, the destinies of Spain seemed to depend upon the issue of the contest in the Netherlands.

The close of 1710 was, however, marked by a new æra in England, which materially affected the situation of Europe, and particularly that of Spain. Harley, afterwards Lord Oxford, was admitted into the confidence of Queen Anne, and the direction of Foreign Affairs entrusted to Lord Bolingbroke. This

political change gave a new aspect to affairs in the Peninsula, and eventually led to the dissolution of the Grand Alliance. In April (1711) overtures for peace were exchanged, in which, on the part of England, the question regarding the Spanish Succession, which originally gave rise to the war, was dropped.* The new ministers were convinced by

* The first overtures for peace sent to England by M. de Torci, the French minister, were dated April 22, 1711, and in their wording and mode of conveyance, declined negotiations with the Dutch. They professed that a wish to terminate the war and settle the tranquillity of Europe, upon a solid foundation was the basis of the proposals made, amounting to 1st, that the English should have real securities for carrying on their trade in Spain; 2ndly, that a sufficient barrier should be established for the security of Holland; and 3rdly, that the disputes respecting the Spanish Monarchy should be settled according to the interests of those engaged in the war.

In the succeeding June, Mr. Prior was sent to Paris with the following counterpropositions as regarded Spain—1st, "that the union of the two Crowns of France and Spain should be prevented; 2ndly, the barrier for the Low Countries should be formed, and Gibraltar and Port Mahon remain in the hands of their present possessors."

To these the French King gave answer "that he would consent to all just and reasonable methods for hindering the Crowns of France and Spain from being ever united under the same Prince, H. M. being persuaded, that such an excess of power would be as contrary to the general good and repose of Europe, as it was opposite to the Will of the late Catholic King Charles II."

After some altercations with the States General, they at length agreed that a Congress should be held at Utrecht for the negotiation of a general peace. Further misunderstandings and delays occurred with the Dutch, which induced Lord Bolingbroke to repair to France; and from that time the negotiations were carried on by the ministers of England and France. Philip V.'s renunciations of the Crown of France, and those of the French Princes, barring them from the Spanish Succession, having been agreed to, Queen Anne, on the 6th of June, 1712, communicated to Parliament the general principles which were to form the basis of the peace proposed. The terms applied to Spain were

experience, that the conquest of Spain was impossible; and that no effort could separate Philip V. from the Spaniards. Their great object therefore was, to render Spain perfectly independent of France, and to secure this order of things by the

these—"The apprehension that Spain and the West Indies might be united to France, was the chief inducement to begin this war; and the effectual preventing of such an union, was the principle I laid down at the commencement of this treaty; former examples, and the late negotiations, sufficiently shew how difficult it is to find means to accomplish this work. I would not content myself with such as are speculative, or depend on treaties only. I insisted on what was solid, and to have at hand the power of executing what should be agreed to. I can therefore now tell you, that France, at last, is brought to offer that the Duke of Anjou shall, for himself and his descendants, renounce for ever all claim to the crown of France, and that this important article may be exposed to no hazard, the performance is to accompany the promise. At the same time the Succession to the Crown of France is to be declared, after the death of the present Dauphin and his sons, to be in the Duke of Berri and his sons, in the Duke of Orleans and his sons, and so on to the rest of the House of Bourbon.

As to Spain and the Indies, the succession to those dominions, after the Duke of Anjou and his children, is to descend to such prince as shall be agreed upon at the treaty, for ever excluding the rest of the house of Bourbon.

For confirming the renunciations and settlements before mentioned, it is further offered, that they should be ratified in the most strong and solemn manner, both in France and Spain; and that those kingdoms, as well as all the other powers engaged in the present war, shall be guarantees to the same.

The nature of this proposal is such, that it executes itself: the interest of Spain is to support it; and in France, the persons to whom that succession is to belong, will be ready and powerful enough to vindicate their own right.

France and Spain are now more effectually divided than ever. And thus, by the blessing of God, will a real Balance of Power be fixed in Europe, and remain liable to as few accidents as human affairs can be exempted from."

most solemn and binding engagements. Preparations were therefore made for opening a Congress of the belligerent Powers at Utrecht. While these preliminaries were going on, Philip had the additional satisfaction of being relieved from the presence of his rival. On the death of his brother, the Archduke Charles was recalled to Germany and elevated to the Imperial throne.

CHAP. V.

Philip V.'s prospects to the French Succession—Renounces them for the Spanish Crown—Formalities adopted on that occasion to which England was a party—Mutual Renunciations required and agreed to—Meeting of the Cortes of 1712—They sanction Philip's arrangement for peace. He introduces a new Law of Succession—Mode and objects of this enactment—Is the basis of Don Carlos' rights—The new Law of Succession—Intervention of the Cortes—Forms observed in its enactment. Its object—Composition of the Cortes.

THE conferences at Utrecht, as before noticed, opened at the beginning of 1712, and, to avoid irritating discussions, no minister was admitted from either of the contending parties, as King of Spain. The separation of the two Crowns was the principal condition of the preliminaries already agreed to, and upon this specific basis Queen Anne's ministers expressed their readiness to negotiate. A new state of things however unexpectedly arose in France, which led to delays, and nearly marred the projects in agitation for the restoration of peace. In consequence of three successive deaths in the royal family, Philip was placed in a new situation, stand-

ing next in succession to the crown of France, after a sickly infant not two years old; and a serious question thence arose, as to whether he could ascend the French throne, in case it devolved upon him. Fearful of such a contingency, the British ministers required his formal renunciation of his hereditary rights in France, confirmed in the future Treaty under the guarantee of the contracting powers.* After considerable objections, Louis acquiesced in this proposal, and announced the proffered alternative to his grandson. Philip manfully and at once made his choice, by declaring that nothing should tempt him to give up the Crown of Spain; adding that, in doing this, he followed the path which appeared to him most conformable to his own glory and the welfare of his subjects, who, by their zeal and attachment, had so essentially contributed to maintain that Crown upon his head.†

So anxious were the British ministers to give the strongest possible effect to the proposed arrangements, that they expressed a wish to have the French acts of renunciation, which were to extend to the Dukes de Berri and Orleans, sanctioned by the States General of France, and those of Philip by the Cortes of Spain; as being the highest Legislative Authorities in the two kingdoms. Louis evaded the assembling of the States General; but the Spanish Cortes were duly convened for the express purpose of taking this matter into consideration. Philip submitted the preliminaries agreed

* Bolingbroke's Correspondence, Vol. ii. p. 207.

† Torci, Tome 2.

upon by England and France to his Council; observing, "that his grandfather had urged him to prefer the Crown of France to that of Spain; but that the arguments used did not outweigh his gratitude to the Spaniards, whose loyalty had preserved the crown upon his head. For their sake," added he, "I would not only prefer Spain to all the monarchies of the world, but would rather be reduced to the possession of the smallest portion of this kingdom, than abandon so faithful a people. To prove the truth of what I now say, as well as my earnest desire that this Crown should descend to my posterity, I declare that I am willing to renounce, both in my own person and on behalf of my descendants, all my rights to the Crown of France, in favour of my brother, the Duke de Berri and his Heirs, and of my uncle, the Duke of Orleans." This decision being agreed to, the result was made known by a royal decree; and Lord Lexington, who in fact arranged the form and terms of the renunciations, proceeded to Madrid, to be present at the ceremony, as the representative of England.

These several Renunciations, French and Spanish, which at the time were deemed of so much importance that they were embodied at full length in the Treaty of Utrecht, were arranged principally through the intervention of Lord Bolingbroke, who with this view proceeded to Paris. They will be found in the Appendix, under the letter E., and are given, as an additional proof of the solemnities and formalities with which the settlement of the peace of Europe was, at the period alluded to, effected, towards the maintenance of which the Spanish

King, as well as the Spanish People, unquestionably contributed their best endeavours.

On the 5th of November (1712) Philip V. signed and swore to his Renunciation of the French Crown, in a full Council of State, the British Envoy being present. In the afternoon he proceeded to the Hall of the Cortes, accompanied by the President of the Council of Castile, as well as the members of his Council of State, and after laying before the assembled Representatives of the Spanish Nation his solemn Renunciation of every right, title, and advantage, which had, or might, devolve upon him by his birth, he required them to sanction it by a special Law, enacted and passed in Cortes, which was done by the acceptance of the form and terms in which "for himself, his heirs and his successors, he for ever renounced, relinquished, and quitted claim to, all pretensions, rights, and titles which he, or any of his posterity had, or might have, at this time, or hereafter, to the Succession of the Crown of France." This act further sets forth that, "one of the chief intentions of the Treaties of peace, pending between the Crowns of Spain, France, and England, being the preservation of the Balance of Power in Europe, in such manner that too many being united together, this desired Balance and Equality may not be lost, to the advantage of one of them, and to the peril and endangering of the rest, it was proposed and insisted upon by England, and agreed to on my part, and on that of the King my grandfather, that to avoid, in all future times, the union of this Monarchy with that of France, and that it may not

happen in my case, reciprocal renunciations should be made on my part," &c.

To these mutual renunciations the British Government were thus parties; the act of Philip V. being witnessed by Lord Lexington, and those of the French Princes, by the Duke of Shrewsbury and Mr. Prior, as Queen Anne's ministers. Under their immediate auspices the Treaty of Utrecht was also concluded, and every stipulation agreed upon by Spain carried into full effect. The concurrence of the Spaniards was in fact most cordial; they having a deeper interest than any other party in preserving the Crown to Philip, and guarding against all future dependency upon France. Nothing could be more formal and solemn than the meeting of the Spanish Cortes for the ratification of the acts above mentioned.* The Deputies, specially convened and

* An animated description of the ceremony is given by the Queen herself, in a letter to Madame de Maintenon, dated November 6, 1712, and to this effect—

“ You will learn from M. de Bonnac, what he witnessed yesterday, so it is needless for me to enter into a detail. I will only say, that in the morning, the King read his renunciation of the French crown, with all the clauses which were required, signed it, and solemnly swore to maintain it, calling as witnesses the chiefs of our household and the Counsellors of State. In the afternoon, all the Estates of the kingdom assembled in a capacious and handsome apartment, which was filled with a concourse of well-dressed persons, and though large, without confusion. The king began by a discourse which he delivered perfectly well, and with which the whole assembly was satisfied; for if I alone had been so, you would not perhaps have relied on my approbation. Then a paper was read containing a longer detail of the reasons for which the king had assembled the Estates, and of the conditions settled between France and England, for the conclusion of peace. Afterwards, a deputy of the town of Burgos spoke in the name of the whole king-

fully empowered, assembled, not only with a view to benefit their own country and meet the King's wishes, but also to contribute to the general pacification of Europe, the only serious obstacle to which, for many years, had been the settlement of the Spanish Succession; and with the sanction of the Cortes and under all the Constitutional forms, this matter was finally closed, to the satisfaction of all parties.

Philip V., whose interests and views had ceased to extend beyond the Pyrenees, and whose inclinations were far from leading him to sacrifice his adopted country to the ambition of France, felt desirous of carrying the arrangements made for permanent tranquillity still further, and resolved by additional precautions, to guard against a contingency which had embroiled nearly all the European nations and spread desolation over his own kingdom. For this purpose, and after mature deliberation, he proceeded to alter the Law of Succession, as it originally stood, considering that it had been the principal

dom, and made the King a reply, expressive of their extreme gratitude for the sacrifice to which he submitted from a love of his subjects. I regret that Lord Lexington does not understand Spanish; for I think a translation will not do justice to this speech.

"The Estates will open a new sitting immediately to pass into a law the King's renunciation, and that which is to be made by the French princes. There is sufficient matter for reflection on such a subject; but I have already indulged myself too far. I add, however, that the King hopes this will contribute to hasten the repose of Europe, and particularly of France, and of the King, his grandfather, which he so ardently desires. See what sacrifices he makes for this object." Nouilles, Tome 4.

cause of the many calamities which, for a long series of years, had befallen Spain. To the existence of that Law he himself chiefly owed his elevation to the Spanish throne, in right of his grandmother; but he felt the necessity of avoiding a similar contingency, having had so many opportunities of deploring its accompanying disasters. He besides saw that this was the best means of completing his arrangements with the Allies, and seconding their wishes, as well as those of the Spanish nation.

The Project of a new Law of Succession was therefore submitted to the Councils of State and Castile, and met with their unanimous concurrence. Having taken this step, and the Deputies to the Cortes being still in Madrid, Philip directed special letters to be addressed to each privileged city and town, enjoining them to send up to their delegates "full and sufficient powers to confer and deliberate upon this subject," as appears from the *Auto Acordado*, or Statute, of May 10, 1713, of which a literal translation will be found in the Appendix F. This Law which, as already shewn, could not be abrogated by the extraneous proceedings of the Cortes of 1789, was enacted, as the wording clearly proves, with all the due solemnities and constitutional forms, and is therefore still in full force. It forms the basis of the rights of Don Carlos to the throne; and its provisions cannot now be subverted, without manifest injustice to the individual who claims their benefit; nor its enactments changed, unless by means equally as legal and solemn as those by which it became binding upon the nation and has so continued for more than 120 years.

The preamble declares that it was enacted from motives of expediency, and to promote the general interests of the country; its evident object being to obviate the possibility of a French Prince again succeeding to the Crown of Spain, for which the establishment of a rigid agnation in the mode of inheritance was deemed the best preventive. There is nothing to shew that the new Law was passed at the solicitation, or suggestion of any foreign power, notwithstanding the reciprocal Renunciations were originally obtained by such means; but judging from the other precautions observed in all the negotiations which ended in the peace of Utrecht, it is presumable that an act, intended to put a seal to them, must have met with the entire approbation of Queen Anne's ministers. The Law itself, as it stands, contains a record of the forms under which it was enacted, as well as a summary of the reasons which led to its promulgation. The enrolment moreover, presents a most striking contrast to the informal and fraudulent proceedings, undertaken in 1789, and repeated in 1832 and 3, for the purpose of repealing it.

Philip V.'s Statute was not framed, as its object and tenour clearly demonstrate, for the establishment of the Salique Law in Spain; but for the introduction of a particular Rule of Succession, suited to localities, circumstances and times; whereby the possibility of the Crown devolving upon a female, or her Heirs, is removed as far as human foresight could contrive.* In this precaution the Legislator

* M. Schœl in his *Cours d'Histoire des Etats Européens*, Tome 31, p. 163, has very fully shewn the great difference between the new mode of Succession, introduced by Philip V., and the Salique Law.

doubtless had in view the intermarriages likely to take place between the members of the Bourbon Family, one of which had proved so fatal to the peace of Europe ; and the new order, thereby introduced, must actually have been held in the light of a triumph by those who were at the time engaged in the negotiations for peace. Every thing considered, it was the wisest and most provident Law ever passed, a fact of which the Spaniards of that day seemed sensible. They forcibly felt its expediency, since it was enacted when their cities were still in ruins and devastation covered a wide surface of their land. It was a balm poured upon the wounds of their country. It was besides wished to remedy the defects of Renunciations, the inefficacy of which had been so loudly complained of ; and although the new rule varied the order of Succession, as previously established, and operated to the detriment of females, some of whom had distinguished themselves upon the Spanish throne, the most substantial reasons of State were assigned for the alteration. If therefore these reasons have ceased to exist, or if it should now be thought advisable to recur to the old Law, which from its wording appears wholly obsolete and out of character (*Vide Appendix E.*), the sense of the nation ought previously to have been taken upon the subject. It never will appear creditable to those who engaged in the plot to defeat the provisions of the new Law, that they should have resorted to surreptitious means, and, by a cabinet fraud, endeavoured to subvert a constitutional act of the Spanish Legislature, passed in the face of all Europe.

The validity of Philip's Law was never questioned. Buried in oblivion, or mixed with fable, as many of the records connected with the early History of Spain doubtless are, we have nevertheless sufficient before us to shew that the composition of the Cortes of 1712 and 13, was as complete as it possibly could be; and that the intervention, or authority, then used by them was not misapplied. Vague and disjointed as those Chronicles are in which the annals of Aragon and Castile are preserved, it is evident that the fundamental principle of both monarchies was that the Kings could not, in matters of vital importance, exercise power at their sole discretion and without the advice and consent of others. That they were, in all questions of a higher order and immediately relating to the general welfare of their subjects, bound to consult with their kingdom, through the medium of its representatives, is a maxim interwoven with the whole scheme and fabric of the governments founded on the Legislation of the Visigoths; and of the justice and propriety of this maxim Philip V. set a noble example—an example which, beyond all doubt, his lawful successor Charles V. would ere this have followed, had it been in his power.

Although hereditary Succession has long been considered as a fundamental law of the Spanish realms, numerous vestiges of the original elective constitution are nevertheless preserved. In the best times of the monarchy, it was unquestionably the rule and practice for the Spanish kings to govern with the advice of those of their subjects who had station, wealth, and influence in the State; but it

was not till towards the close of the 12th century that the *Procuradores*, or Deputies from particular Cities and Towns, formed part of the National Council. From that period they have however been consulted, on such cases of emergency as the sovereign thought fit; and with their sanction, preceded by the opinions of the Supreme Councils of State, material alterations have been introduced into the original form of government. In dubious cases regarding the minority of the sovereign, regencies, and more particularly the succession, it has been usual to convene them.

This the Founder of the Bourbon dynasty did, by the advice of his two great Councils, as the Statute recites, "for the greater validity and firmness, as well as the universal acceptance of the new Regulation;" and although a strict lineal Succession had, in the course of time, become the Constitution of Spain, there was nothing to prevent the Institutor, or *Genarcha* of a new Family, from modifying a general rule, particularly when his avowed object was the general good, and provided he took care to observe all the legal and constitutional forms. His motives have been already explained. The new Law establishes a preference of males to females, in all possible cases; it being the wish of the Legislator that a rigid agnation should be observed in the succession, by which means the regal authority becomes vested *pleno jure*, and to its fullest extent, in the next successor designated: so that the kingly power never dies in Spain any more than it does in France, where the agnatic, or male lineal succession prevails; or in England, where the cognatic, or male

and female lineal succession is established by law. By the Statute of Philip V., if no male could be had, a female was to inherit, and in case neither, descending from the original stock, could be found, the Crown was to pass to the House of Savoy.* In the same Statute it is further declared that all laws and customs, contrary to this new rule, are abrogated and cancelled. This Law of 1713, for regulating the Succession of the Spanish Monarchy, is inserted in the National Code, called the *Novissima Recopilacion*, in exactly the same form as it appears in the Appendix F.; and, as before stated, has consequently been in force for upwards of 120 years, and held, during that time, as a fundamental Law of the land.

* This choice strongly indicates that the British cabinet were consulted on the enactment of this new Law. After experiencing unexpected difficulties in the negotiations for peace, and in order to remedy the mischiefs which were likely to flow from their impolitic concessions, Queen Anne's ministers found it necessary to raise a new power in Italy, as a counterpoise to the House of Bourbon; and, on the surrender of Dunkirk, brought forward a series of demands in favour of the Duke of Savoy, for whom they required a barrier on the side of the Alps, as well as the eventual Succession to the Crown of Spain, after the extinction of Philip's issue. Coxe's Bourbons, Chap. xx.

CHAP. VI.

Acknowledgment of the Infanta Isabel by England—King's Speech and debate upon it—Earl Grey's opinion of the attempt to change the Law of Succession in Spain—Is erroneous—Ferdinand's arrangement opposed to the ancient Constitution—Its forms. How sovereigns were anciently elected—Cortes and their intervention—Ancient Legislation of Spain—Las Siete Partidas—Alonzo the Wise—His character by Spanish Historians—His code incompatible with the acquirements of the present age—Philip V. improved the Legislation of Spain. Queen Christina causes a pamphlet to be written to defend the change in the Law of Succession—This pamphlet refuted—Its errors pointed out—A rule of Succession is a part of international law—Examples taken from the ancient Cortes. Not convened because Ferdinand could not trust them.

ON the 13th of July, 1713, the Treaty of Utrecht was concluded, "after a most grievous war, which for so many years had laid desolate almost the whole Christian world, with blood and slaughter."* By virtue of this memorable Treaty, Philip V. was

* Vide Preamble to the Treaty, which, in 1783, was renewed by Article II. of that of Versailles.

acknowledged King of Spain, and his Renunciations of the French Crown, as well as his declaration in favour of the House of Savoy, were therein renewed. The Law of Philip V., evidently framed to give force and efficacy to the Renunciations, and passed on the previous 13th of May, may therefore be considered as part of the general arrangement, and consequently is still binding on the contracting parties. A general settlement for the pacification of Europe was then agreed to, as solemn, and equally as comprehensive in its views, as that of 1814; and no part of its provisions can now be altered, without affecting the whole. The Treaty was negotiated through the immediate agency of England, for permanent objects, in which she felt the deepest interest; and when at the opening of the present Parliament (Feb. 4, 1834) our Most Gracious Sovereign, in his speech from the throne, was induced to say that, "upon the death of the King of Spain, (meaning Ferdinand VII.) he did not hesitate to recognize the succession of his infant daughter,"—he not only aimed a blow at Queen Anne's Treaty, renewed by his own Father, but also sanctioned the flagrant violation of a public law, the enactment of which cost this country the most enormous sacrifices.

In the debate which arose out of the discussions on the Address, Earl Grey observed that "the arrangement made for the Queen to inherit, was founded upon the ancient Constitution of the country;" adding, that "she was now sovereign *de facto* and *de jure*, and the recognition of her rights by England gave her that moral influence, which it was fit she should hold in her own country and in Eu-

rope." The "arrangement" here alluded to for the Queen to inherit, consisted of the Pragmatic Sanction of March 29th, 1830, which pretended to complete the imperfect work of the Cortes of 1789; and could a minister of the British Crown assert that this *arrangement* was valid, or founded upon the ancient constitution of Spain?

The sole object of the "arrangement," so acceptable to the British government that it did not give rise to the smallest *hesitation*, was to secure the Crown to Queen Christina's daughter, to the exclusion of the male Successor, designated by Law; and with this view King Ferdinand VII., in his weak moments, was induced to issue his Pragmatic Sanction to an abortive measure, never completed, or carried into effect, the very frauds of which had lain dormant for 41 years. For such an act of gross deception it became necessary to give some excuse, and to allege some plea. The expedient resorted to by Floridablanca, in 1789, was accordingly revived, and the Spanish people were told, that it had become expedient to restore "the regular method, established by the Laws of the Realm and immemorial custom, in the Succession to the Crown of Spain (meaning for females to inherit), the observance whereof had brought immense benefits upon the country, for more than 700 years."

It would be difficult to say from what the British minister drew his conclusions, that the Pragmatic Sanction of March 29th, 1830, (vide Appendix A.) sufficed to abolish a permanent Law; or that the arrangement wished by Ferdinand VII. was "founded upon the ancient constitution of the country." The

fictions and defects of the Pragmatic Sanction have already been noticed; and it is strange that, of all men, Earl Grey should be the one to suppose that the late King possessed a power, so unlimited, as to be able, by the mere dash of his pen, to abrogate and annul a Statute, enacted at a general settlement of the peace of Europe, after a ten years war, and, in order to place its validity beyond doubt, passed with all the forms and solemnities which the ancient, as well as the modern Constitution of Spain prescribes, as far at least as those forms and solemnities are ascertained and modernly practised.

Allusion has already been made to the doubts and uncertainties which still prevail respecting the ancient Legislation and Usages of Spain; and most assuredly, for the points under consideration, a detailed reference to the authority of either Marina, or Sempere, will not be necessary. Under the Goths, the governments of Spain were elective monarchies, (perhaps of all others the worst for a turbulent people) the right of election being vested in the Clergy and Nobles, to whose choice the multitude gave assent by *acclamation*, the term, in counter-distinction to *proclamation*, still used both in Spain and Portugal, to denote the Accession of a Monarch. The newly elected Sovereign usually convened the National Council, variously composed, in order to have his right formally acknowledged; and the nearer this rule is approached, the closer is the observance of the ancient Constitution of Spain. Although, however, the several monarchies were elective, the right nevertheless belonged to a particular family; but if the royal line became extinct,

or any doubts arose regarding the succession, the case was referred to the *Magnates*, or Heads of the realm. Hence Alonzo I. was raised to the throne, *ab universo populo Gothorum*, and Alonzo II. chosen King, *totius regni Magnatorum cætu summo cum consensu et favore*.

Various changes and modifications successively followed; but, as a modern traveller very justly remarks, "the Cortes of Spain, unquestionably the only rampart capable of resisting the inroads of despotism, have, for a great length of time, been assembled merely as a matter of form; and the Kings of Spain, without resorting to violent measures, or even positively rejecting their intervention, have succeeded in eluding it. They however still render them a kind of ironical homage, when they promulgate from the throne certain ordinances, called *Pragmaticas*, the titles of which import, that they shall have the same force as if published in Cortes."* And with this *ironical homage* was the minister of a British monarch satisfied, in the year 1833, when his own country was a party to the very rule of Succession which it was wished to subvert, merely to promote a *camarilla* intrigue?

"The Cortes are now no longer assembled," says the same author, "except when a new King ascends the throne, in order to take an oath of allegiance to him, in the name of the nation, and to receive his in return. They were assembled, for the last time, in 1789, at the coronation of the present king, sat

* Bourgoing, (who went to Spain in 1777, as Secretary to the French Embassy) Chap. v.

nearly three months, and the President was Count Campomanes, who, for this purpose, received the title of Governor of the Council of Castile. With the exception of these convocations, which have only occurred thrice in the last century and which are only attended with vain ceremonies, and excite nothing but painful recollections of better times, the Cortes of the whole monarchy have not been assembled since 1713, when Philip V. convoked them, in order to ratify the Pragmatic Sanction which changed the order of Succession to the throne.”*

The written Law which the framers of the Pragmatic Sanction of March 29, 1830, were so anxious to revive, was enacted by Alonzo X., King of Leon and Castile, who began his reign in the year 1252; and is incorporated in his Code, called *Las Siete Partidas*. In the introduction to this work, the Royal Legislator himself acknowledged that, “until his time, the greatest part of the Kingdom had no

* Ibid.—The description given of the meeting of the Cortes of Philip V. and of the part which Lord Lexington took in the renunciations, by Don Vicente Bacallar y Sanza, Marques de San Phelipe, the French translation of which is mostly quoted, is remarkable.—“Ann estava resistente al ajuste el Emperador, no ignorando que ya se habian convenido con particulares articulos la España y Inglaterra. Pasó á Madrid Milord Lexington para arreglar las cosas del commercio, y que otra vez en Cortes generales renunciase sus derechos el Rey Phelipe a la Corona de Francia. Convocarouse los Procuradores de las ciudades, Prelados y Nobleza de los Reynos de España, y a 5 de Octubre hizo el Rey otra solemne renuncia, donde servieron de testigos los Consejeros de Estado, los Presidentes de los Consejos, con el Decano de ellos, los xefes de la Casa Real y de las guardias; imprimióse el Acto, se publicó con pregon y se firmaron quatro meses de tregua entre la Inglaterra y la España.” *Commentarios de la Guerra de España, e Historia de su Rey Phelipe V. El Animoso, &c. Parte li. Lib. xiii.*

Fuero, or System of Laws ; but were judged by Acts and Arbitrations of honest men, usages, and compositions." Alonzo was avowedly the improver, if not the founder, of Spanish Legislation, and hence acquired the surname of Wise. Nevertheless Spain was not generally governed by this Code, till Ferdinand and Isabella proclaimed its observance, and commanded all suits to be determined by the provisions which it contained. It was published in the language of the country, which is of course obsolete at the present day ; and however great and glorious the merits of the Wise Alonzo might have been, it would be carrying veneration for his memory too far, to make this a plea for the revival of one of his antiquated rules. This besides would be a poor compliment to the Legislators who have successively sat upon the Spanish throne, since his time, aided as they were by experience and the ablest Commentators. In 1745, and during the lifetime of Philip V., the new Code, called *Recopilacion*, was published, having been preceded by a general collection of *Autos Acordados*, completed in 1723, from which period this Digest, frequently styled the Philippine Code, has been in use. It was formed out of 546 Statutes selected from the *Fuero Jusgo*, 548 from the *Fuero Real*, 252 from the *Estilo*, and 2506 from the *Partidas*, all which original Codes are nevertheless still held to be in full force and vigour, unless when found contrary to the special enactments of the new *Recopilacion*.

The opinions of the most learned Spaniards vary as to the real merits of Alonzo the Wise. Zurita*

* *Annales de Aragon*, Lib. iv. Cap. 47.

gives him great credit for his attachment to astronomy and the knowledge of abstruse sciences, as well as for his Digest of those Laws which replaced the Gothic Code; but adds, "that he lost his right to so beautiful a surname, by his bad administration and the inconstancy of his acts, even in the most important matters." Mariana,* acknowledging his defects, says, that "his memory nevertheless ought to last and his name be immortal, for the things which he did;" adding, "that he would have been a great and most prudent king, if he had learned knowledge for himself, as well as happy, if he had not been so unfortunate in his own family, and had not stained the excellent qualities of his mind and body, by his extraordinary avarice." The Marquis de Mondejar, who wrote his eulogium,† attributes his misfortunes more to the faults and ambition of his Son, coupled with the conduct of the Grandees, who rebelled against him, than to his own defects; blaming him, at the same time, for his want of foresight. Sempere‡ confesses that the *Partidas* comprise a numerous collection of ecclesiastical and civil Laws, occasionally distinguished by erudition and good moral precept; "but," adds he, "although they possess great general merit, considered as a doctrinal work, and in reference to the age in which they were written, it was easy to discover the impossibility of causing all the laws, usages, and customs embodied in them, to be observed."

* Historia General de España, Lib. xli. Cap. vii.

† Memorias Historicas del Rey D. Alonso el Sabio, Lib. vi. Cap. 10.

‡ De las Cortes de España, Cap. xi.

Alonzo's Code is a compound of the Gothic, Roman, and Canonical Laws, and, as already stated, was published in 1279, although not generally adopted until 200 years afterwards. The Statute which the Pragmatic Sanction of March 29, 1830, professes to revive, is thus more than five centuries and a half old. It is copied into king Ferdinand's edict (*Vide* Appendix A.), and forms a striking contrast to the modern Spanish with which it is introduced. Since the period of its enactment, as previously shewn, the Spaniards have had several Codes, and their laws are now reduced to system, and have acquired a considerable degree of uniformity. Philip V. introduced the Laws of Castile into Catalonia, Aragon and Valencia, and unquestionably did more to improve the Legislation of Spain than any of his predecessors. Can it then, in the year 1833, be a motive of exultation to a British monarch, or his minister, independent of the frauds which accompanied the attempt, that a faction in Spain should endeavour to return to the Legislation of 1279, in a matter of the most vital importance, on which perhaps the tranquillity of Europe depends. A minister of William IV. would not deserve the compliments of a foreign Sovereign, were he to revive a Law of Alfred the Great, from mere respect and veneration for the enactor.

Ferdinand VII.'s ministers were well aware that the attempt to destroy the Law of Philip V. would meet with considerable opposition on account of its irregularities, and that the motives which gave rise to so extraordinary an innovation, would be condemned, the moment they were understood. A

writer of considerable merit was accordingly employed to prepare the public opinion; and, *de orden superior*, he produced a small pamphlet, entitled "Reflections on the Infanta Maria Isabel Luisa's right to the Succession of the Throne," which was carefully distributed among foreign diplomatists; and, it is much to be feared, that this is the rhapsody which they chiefly consulted as their guide upon this important and complicated subject.* It principally dwells upon the virtues and personal merits of the Queens who have sat upon the throne of Spain, and enumerates the benefits derived from their administration. It specifies the cases of Sancha of Leon, who married the Heir of Castile, and thus united the two Kingdoms; of Doña Uraca, daughter of Alonzo VI. who was declared his heiress, in default of male issue, and afterwards confirmed by the Palatines, Clergy, and Nobles; of Doña Berenguela, daughter of Alonzo VIII. of Castile, who was acknowledged, and the oath taken to her as succes-

* This pamphlet of thirty-six 12mo pages is, with great reason, attributed to the pen of the learned author of the "*Examen de los Delitos de Infidelidad á la Patria, imputados á los Españoles sometidos bajo la Dominacion Francesa*," a work, as the title avows, expressly written and printed at Bordeaux, for the purpose of defending, or palliating, the conduct of those Spaniards who joined, or submitted, to the French at the time of Napoleon's invasion. It is confessedly the most ingenious work that could possibly be constructed on such a subject, and filled with erudition; but it was never answered. It however contributed very materially to reconcile Ferdinand VII. to many who, in the time of the French, had been his bitterest enemies. Of the services of several of these he afterwards availed himself, as the Queen Dowager subsequently did.

sor of the Kingdom, a few days after her birth ; and finally, of Isabella the Catholic.

These are the leading cases mentioned by Queen Christina's advocate, in support of his argument ; and having established the position which suited his employers, he very conveniently concludes that, if these several females at various periods sat upon the throne of Spain, the Infanta Isabel has now an equal right to inherit. The author is lavish in his praises of Alonzo's Law of Succession, even inserting it entire, in its quaint language ; and taking it for granted that the Law of 1789 actually passed, he eludes the legal question altogether. As regards research and authority, as well might Queen Christina have confided the defence of her daughter's rights to her Poet Laureat ; for amidst apostrophes, devoid of all meaning, and a florid style, it is evident that the Lawyer never ventured so far as to open any one of the National Codes, or at all glanced at the important events which led to the settlement of Europe, in 1713. So much importance has, however, been attached to this official pamphlet, owing to the auspices under which it was introduced to the consideration of foreigners, that it deserves more than ordinary notice.

The rule which establishes the order of Succession has always been considered as an integral, if not an essential, part of the Fundamental Law of every State ; and any alteration in it ought not therefore to be made with levity, or for the benefit of any particular person, or family. In consequence of the extensive effects which changes of this kind are likely to produce upon the community at large,

and often upon neighbouring kingdoms, matters of such high import ought to be treated cautiously, and with the utmost deliberation. Of the dreadful calamities arising out of a disputed Succession, these pages have recorded one instance; and unhappily Spain and Portugal, at this moment, present two more. Each of these will hereafter have its historian; and whoever he may be, he will equally find that England, by her injudicious intervention, has pursued a mistaken policy, and thereby materially added to the calamities of both these afflicted countries.

Every nation has unquestionably a right to change, or modify its institutions, whenever the general good and the public voice require it; but in the matters which affect other countries, and are in some measure regulated by public treaties, more than ordinary prudence is required. It very justly belongs to every State, to propose and adopt a new law; but motives of policy suggest precautions in the exercise of this right, when a variation from the established order injures other sovereigns, and destroys engagements to which they were parties. European diplomacy, ever watchful and always dreading the possibility of the peace of the general community being disturbed, has introduced a new public right, unknown to the ancients, which, although established on the by no means well defined basis of equilibrium, is nevertheless derived from solemn treaties; and deviations from it have often covered Europe with blood and desolation.

Whether the Madrid government, in its late endeavours to disturb Treaties, made for the general settlement of Europe, has duly appreciated the ob-

ligations of each of the contracting powers ; or, in its attempt to change a fundamental law, of 120 years standing, has acted with justice and precaution, it will not be difficult for those to judge who feel inclined to enter into the subject. The Succession to a throne cannot be deemed the private patrimony of any reigning dynasty, and the law which is to regulate it, must be considered rather of a political, than a civil character. If, therefore, Ferdinand VII. proposed to vary the order established, he ought to have resorted to legal forms, and, at all events, previously ascertained the feelings of those who were parties to the peace of Utrecht.

For the last four months, a kind of threat to assemble the Cortes has incessantly been put forth ; but why was not this done in the late king's lifetime ? If Ferdinand VII. was too omnipotent to require their aid, in order to settle an important question, connected with the internal peace of his own realms, or if the Cortes are to have no legislative will, why assemble them now, when those calamities, which it would have been desirable to avoid, have already fallen upon the country ? They were assembled, at least one branch of them, to do homage to his daughter ; but, if their acts are to be confined to the mere passive and humiliating duty of taking such an oath as the minister may please to propose, or subscribing their names to a paper drawn up in the palace recess, of what use can their intervention be ?

It is only, from the fourteenth century, that the composition and mode of convening the Spanish Cortes can be traced with any thing like accuracy ;

and yet, even then, there was no fixed rule. The Portuguese, in this respect, possess more knowledge of their ancient usages than the Spaniards, from following, with very slight variations, the forms observed in the Cortes of Lamego, when the First Alonzo settled the Law of Succession which has prevailed ever since.* In the Cortes of Seville, in 1340, the principal clergy, all the grandees, nobles, and many representatives from the cities assisted;† whereas in those of Madrid, held in 1390, 128 deputies from 48 towns met, and no mention is made of either clergy, or nobles.‡ The *tiers-etat* then held the highest consideration, but declined in the next century. In the Cortes of 1402, Henry III. required their aid, to vote supplies for the war carrying on against the Moors; and at those of Toledo, held by Charles V.

* The Portuguese are much indebted to the Viscount de Santarem for his valuable researches upon this subject, the result of which was published in his "*Memorias para a Historia e Theoria das Cortes Geraes que em Portugal se celebraron pelos Tres Estados de Reino*," Lisboa, 1827, which served as a model for the meeting of the Lisbon Cortes, in July, 1828, when all the ancient forms were strictly observed. Besides an outline of the general practice, this work contains copies of the letters of convocation, addresses, consultations and other documents, as used on various occasions in the reigns of particular monarchs, shewing the improvements successively introduced, and taken from the archives preserved in the Torre do Tombo. The writs, or convocatory letters, always mention the object for which the Cortes were directed to meet, and upon them the instructions, or powers of the Constituency were founded. No modern book is so highly illustrative of the history, composition, and theory of the Portuguese Cortes, as the one above mentioned. Its authenticity is besides unquestionable.

† Chronica de Don Alonzo XI. Cap. 246.

‡ Davila, Historia de Henrique III. Cap. 7.

in 1538, the three Estates were present and among them more than 70 Nobles, each Estate holding separate sittings. They met to give their assent to an excise duty, proposed to them; but disagreeing upon this subject, Charles, in an angry and arbitrary manner, dismissed the Clergy and Nobles, and, as separate bodies, they have not since been convened; but, if it was wished to revive the ancient Constitution, why was not this done in the *liberal* times in which we live; or, at least, why was not the more recent example of Philip V. followed?

The truth is, that neither Ferdinand, the Queen, nor the ministers dared to adopt such a measure. They were perfectly convinced that, in full Cortes, that is, Cortes composed of the Clergy, Nobles, and Deputies, they would be outvoted on any proposition tending to the exclusion of the Infante Don Carlos, and equally so, if the City Delegates alone were convened. The expedient of the Pragmatic Sanction was therefore adopted, and how it could be deemed valid it would be difficult to say. Only looking to the question as one of principle, and without reference to the consequences, this was the most unjust and arbitrary act ever performed by a monarch. It was besides the greatest insult ever offered to the Spanish people. Charles V. never did any thing so monstrous. The most singular part of the affair, however, is, that in England it should be pretended that what was then done, was *founded upon the ancient constitution* of the country. Females have most assuredly sat upon the throne of Spain, and the Law of Philip V. does not wholly exclude them. Benefits also may have been derived from the ad-

ministration of some of them; but these are not proofs that their titles were always good, nor reasons why a monarch is to be placed above all law, or the wishes and interests of a whole nation set at nought. The cases of the females who have sat upon the Spanish throne, as mentioned in the Pragmatic Sanction and the official pamphlet, written in support of it, are however erroneously stated, as it shall be the object of the following Chapter to shew.

CHAP. VII.

Ancient Law of Succession—Its subsequent modifications—Arguments of the Christinos repelled—Females who have sat upon the Spanish throne—Not always by inheritance—Titles of some of them defective—Cases of Queens Sancha, Uraca and Berenguela—Remarks upon them. Abhorrence of the Spaniards to a foreign dominion. This feeling led to Alonzo I.'s new law of succession in Portugal—Philip justified in following this example—Confusion in the application of the law of Succession—Violated by Alonzo the Brave, in the lifetime of his own father—Isabella the Catholic's right investigated.

IT was observed by Blackstone, that "the executive power being vested in a single person, it became necessary to the freedom and peace of the State, that a rule should be laid down, uniform, universal, and permanent, in order to mark out, with precision, who is that single person to whom are committed the care and protection of the Community; and to whom, in return, the duty and allegiance of every individual are due. It is of the highest importance to the public tranquillity," adds he, "that this rule should be clear and indisputable."* A

* Commentaries, &c. Book 1, Chap. iii. of the King and his Title.

similar conviction and an anxious wish to keep his country at peace, induced Philip V. to avail himself of the earliest opportunity to institute an inquiry into the state of the Law of Succession, with a view to remedy its defects, by the introduction of such limitations as should appear most advisable. In the lapse of time, the Spanish Crown had ceased to be elective, and had become descendible to the next heir, on the demise of the last proprietor; but there was nothing beyond custom to shew in whom the hereditary right resided, and that custom had frequently been defeated by motives of expediency, fraud, or force.

The rule in fact was neither clear, nor precise; because the law which was to regulate it was not fixed and permanent, several of the Codes in force differing materially from each other. "On the death of the King," says Canon 75 of the Fourth Council of Toledo, "the *Proceres*, or leading men of the Kingdom, together with the Clergy of our Lord, shall, by common accord, elect a Successor;" and this enactment is adopted by Law 9, Title 1 of the *Fuero Jusgo*. The fourth Council of Toledo was convened A. D. 633, when Sismundus caused his own laws, and those of the previous Sovereigns, to be compiled into a *Liber Judicum*, which, being translated into Castilian, was denominated the *Fuero Jusgo*.

This then is the primitive, or ancient law of Spain regarding the Succession; and, as before observed, the *Fuero Jusgo* is still in force, in every thing that is not opposed to the provisions of the new Code. In the Canon above mentioned, it was further or-

dained, "that on the election being made, it was to be confirmed by a general meeting of the Kingdom," in which, for greater validity, the person elected was to be formally accepted and confirmed; a practice which, notwithstanding the Law of *Partidas*, continued till the year 1789 (when, as before noticed, the late King was acknowledged as Prince of Asturias, whilst a child and during the lifetime of his father), and revived in 1833, in order to add solemnity to the mockery by means of which it was wished to place the Crown upon the head of the Infanta Isabel, to the detriment of her uncle, to whom it justly belonged.

The Gothic law of Succession, in the course of time and by the force of custom, experienced modifications. The reigning Sovereigns associated in the government those who were destined to succeed them; and by this means the hereditary right was introduced and finally established as a permanent rule. This was unquestionably a wise and salutary measure, as tending to obviate the fatal effects of parental partiality, as well as to prevent civil wars and other public calamities. After the lapse of nearly 600 years, during which period the regular succession had sometimes been suspended, both in Leon and Castile, by the introduction of a new family, the Law of Alonzo the Wise was suggested as a modification of the primitive rule, and adopted with a view to counteract the dangerous applications of conflicting Codes, as well as to defeat the force of precedents, often rendered successful by an abuse of power. This particular statute of the *Partidas*, in its time, was doubtless a beautiful specimen of juris-

prudence. Its object was most assuredly the best, as being calculated to guard against the periodical bloodshed and misery, which had marked the annals of Spain and other countries. Its enactments may be conformable to the law of nature, and founded upon the divine precept which they quote ; but, at the end of another 600 years, it was nevertheless thought proper to alter it, not by the introduction of a new rule, but by putting limitations to the old one. The previous Statutes touching the Succession, were accordingly abrogated by the new enactment, in such manner as to remove all doubts, and the *jus coronæ* thus established on a clear and settled basis.

“ But,” say the *Christinos* and Spanish Liberals of the day, “ Philip V.’s was an undue innovation, the Law of *Partidas* being the national one—the guide of our ancestors, the rule which for eight centuries was observed, the fundamental Law of the great Spanish entail, and the one by means of which the most distinguished Queens have ascended the throne.” This is the principal argument used in the courtly pamphlet under consideration ; and supposing that he had established a position, so favourable to his employers, the author confidently proceeds thus :—

“ 1st. By custom and by law, Doña Sancha of Leon became Queen, and marrying Ferdinand the Great, Heir to Castile, united the two Crowns.

2ndly. By law and by custom, Doña Uraca, daughter of Alonzo VI., ascended the throne ; her father being ill and without male issue, declared her heir-

ess to the Crown, in presence of the Counts, Prelates and Nobles.

3rdly. Doña Berenguela, daughter of Alonzo VIII., King of Castile, was acknowledged and the oath taken to her, as his successor, a few days after her birth.

4thly. On the death of Henry IV., Isabel the Catholic ascended the throne and, by marrying Ferdinand, united the Crowns of Castile, Aragon and Sicily, afterwards adding to the Lions and Castles the New World which they discovered.

5thly. Doña Juana, their daughter, inherited their extensive dominions, and transmitted them to her son Charles I. of Spain and Emperor of Germany; thus, by means of this Law of Spain, forming one of the largest empires ever known."

These examples are adduced in support of the Infanta Isabel's claims; but no attempt is made to shew the specific right by which these several Princesses ascended the throne. However distinguished they might have been; however exalted their virtues, and however great the benefits derived from their administration, it is not established that they succeeded strictly by inheritance. Indeed the titles of some of them would not stand the test of Alonzo's law of *Partidas*, any more than that of Sancho the Brave, who, to secure the effects of his rebellion against his own father, stripped his nephews of their succession, and gained over the Spaniards, by excessive promises of the enlarged benefits which they would derive from his being allowed to retain his usurped dominion over them.

This is an important part of the question at issue, and therefore calls for more than ordinary notice. The antiquity of the *Partidas* Code, the merits of its founder, and the illustrative precedents before adduced, constitute the principal ground work of the Infanta Isabel's claim. The instances of females having ascended the Spanish throne, in ancient, as well as modern times, are memorable. Some of the Princesses were deservedly illustrious, and the framers of the Pragmatic Sanction, as well as the author of the Palace pamphlet after them, did well in availing themselves of examples so imposing. Whether, however, they establish the principle advocated, or prove that the preferable rule is, for females to inherit without limitations, can only be ascertained by a particular examination of each case.

The accession of Doña Sancha refers to about the year 1030. Bermudo III. of Leon, whilst young, was raised to the throne by the Grandeess and Bishops. He afterwards negotiated a marriage between his own sister Sancha and Don Garcia, Count of Castile, and it was agreed that the ceremony should be performed at Leon. Hither the Castilian Prince came, with a large retinue; but, on leaving the church of San Salvador, he was assassinated by some of his own nobles. Sancho of Navarre succeeded to the dominions of the murdered Garcia, and afterwards invaded Leon, with a view to seize upon that kingdom and prevent its falling to the lot of Sancha, whose brother Bermudo had no children. The invader had already possessed himself of several large districts, and his arms were every

where victorious, when Bermudo, through the persuasion of his Prelates and Grandees, proposed that his widowed sister Sancha should espouse Ferdinand, second son of the King of Navarre; and in this manner the further effusion of blood was spared. She was also appointed successor to the kingdom of Leon, and thus became a peace-offering.*

Mariana, after acknowledging that this arrangement was disadvantageous to the Leonese, observes, "that it was a remarkable circumstance, in those times, to see the succession of both Castile and Leon devolve upon females, and consequently their governments upon strangers; a thing," adds he, "which every body detests, although the same had, on some occasions, previously happened in Leon."† It would therefore seem that the objections against females inheriting had been felt, even so early as the period above alluded to. This Princess, however, did not inherit by virtue of any right, legally vested in her, of which the Law of Philip V. would have deprived her, even had she lived since its promulgation and the circumstances been the same. It is moreover recorded, that the Prelates and Grandees intervened in her appointment to the throne of Leon.

On the death of Queen Sancha, the kingdoms of Castile and Leon devolved upon her two sons, Sancho and Alonzo, which gave rise to fresh disturbances. Sancho of Castile declared war against his brother Alonzo; the former being slain in battle,

* Mariana, *Hist. Gen. de España*, Lib. viii. cap. 12.

† *Ibid*—*Ibid*.

the latter took possession of his kingdom, and distinguished his long reign by many deeds of valour, among which was the taking of Toledo. His only son Sancho having been killed by the Moors, at the age of 18, the succession fell to Alonzo's daughter Uraca, first married to Raymond Duke of Burgundy, and secondly to Alonzo, king of Navarre and Aragon. The Leonese and Castilians early deplored the consequences of this marriage, foreseeing that it would place a foreign king over them, for such they considered Alonzo of Aragon. Mariana asserts, that the Grandees of Leon and Castile were in high dudgeon at Doña Uraca's marriage with the Aragonese prince, and endeavoured to persuade the father to break it off, and marry her to Count Candespina, the richest noble of Castile. To effect this object, they employed a physician who had great influence over the aged Alonzo; but he refused to alter his determination.*

At the period of her father's death, Doña Uraca was absent with her husband, who was well aware of the aversion in which the Castilians held him, and of their dread of a foreign Prince reigning over them. Before he took possession of his new kingdom, he therefore cautiously garrisoned the principal fortresses and towns with Aragonese soldiers, commanded by officers in his own confidence, as a check upon his new subjects; and in every other respect proceeded with the utmost judgment and precaution. When he thought that all was safe, he sent forward his Queen, a dissipated and unruly

* Mariana, *Ibid*—Lib. x. Cap. 8.

woman, who seized upon the government. A cruel and destructive war followed between the two kingdoms; and eventually the Castilians, wearied out with the Queen's misconduct, chose her son, afterwards Alonzo VII. as their sovereign, and she was obliged to retire on a pension. These calamities arose out of the succession devolving upon a female and the heiress marrying a foreign Prince, of which the Leonese and Castilians evinced the utmost abhorrence. These two cases of females inheriting the Crown, bring us to the beginning of the 13th century.

On the demise of Alonzo VIII. in 1214, he was succeeded by his son Henry I., at the tender age of eleven years. The young king's mother took charge of the government and soon afterwards died, leaving her daughter, Doña Berenguela, Queen of Leon, (although separated from her husband) Regent of the Kingdom and guardian of her young brother. She is described as a woman of strong mind and possessed of many virtues. The powerful family of the Laras, however, dispossessed the Regent of the government, and, retaining Henry in their power, made war upon her. On the 6th of June, 1217, a tile, falling from the roof of a house, killed the young king, when a fresh dilemma arose. "Don Enrique," says Mariana, "had two sisters older than himself, Doña Blanca, married to King Louis of France, and Doña Berenguela to Don Alonzo King of Leon, by whom she had four children, Don Fernando, Don Alonzo, Doña Constança and Doña Berenguela. Doña Blanca had the advantage in age, being older than her sister, and it appeared just that she should

succeed to the kingdom of her deceased brother, if the right of governing were always regulated by the laws and the Books of Jurists, and not rather by the will of the people, force, combinations, and the good fortune of pretenders, as happened in this case. Numbers shortly flocked to the spot where the Queen was, to deliberate upon this point, when it was resolved, by common accord, and without making any mention of Doña Blanca, that the kingdom and crown should be given to Doña Berenguela. The people abhorred, as it usually happens, the government of foreigners, and were besides afraid that if Castile were ever joined to France, disturbances and injuries would ensue."* The Queen immediately renounced the Crown, which she never wore, in favour of her son, afterwards Ferdinand III.

These three cases, which occurred previous to the formation of Alonzo's Code, do not shew that the principle of hereditary right was well understood, or that the law of royal descents was properly settled, at the several periods to which they refer. Not one of the females above mentioned ascended the throne by strict inheritance, nor without the express sanction of the leading men of the commonwealth. The first became the instrument of a compromise, similar to that which in our early annals took place between Stephen de Blois and the Empress Maude. The second was appointed successor to the crown by her own father, contrary to the wishes of the nobles and the interests of the realm. She proved herself the most abandoned of women,

* Ibid—Ibid—Cap. 7,

as the Spanish Chroniclers of those times confess, and, after plunging her country into many calamities, ended a wretched existence, neglected and contemned. This is a most ominous case, and perhaps Queen Christina's advocate would have done better to omit it. The third presents a precedent, founded solely upon expediency, and in direct opposition to the principle of hereditary right, as practised in ancient times, whenever motives of high importance did not operate to prevent it.

The examples quoted serve to shew, that whenever the king was left without male issue and there was a likelihood of a Princess succeeding, whether in Leon or Castile, the inhabitants always dreaded the consequences. It was the prelude to a foreign dominion, which they held in abhorrence. The avowal of this feeling was not in the least concealed by the early Chroniclers whom Mariana followed. Open resistance was in some instances resorted to, and proved greatly calamitous. Fatal experience and the same feeling suggested to Alonzo I. of Portugal, the expediency of altering the Law of Succession at his first Cortes, held in 1143, when it was enacted that, in case the king's daughter should inherit, in default of male issue, "she was to marry no other than a Portuguese Noble; and," adds the Statute, "it shall for ever be the law that the King's eldest daughter shall take a husband from Portugal, in order that the kingdom may not come to strangers; and if she should marry a foreign Prince, she shall not be Queen; because we wish that our kingdom may never go out of the hands of Portuguese who, by their gallantry, made us King,

without foreign aid, and by their fortitude and their blood." Philip V. followed this judicious and spirited example. In his modification of the old Law of Succession, he consulted the best interests of the country, paid a due deference to the laudable prejudices of its inhabitants, and, beyond doubt, received the cordial thanks of the great majority of the nation: and although there might have been some dissentients at court then, as there are now, more unanimity could scarcely be required to justify this particular act of the Founder of the Bourbon dynasty in Spain.

Sufficient proofs have already been adduced to shew, that up to the time of Alonzo the Wise, great confusion prevailed in the application of the rule of royal descents. This, it is presumable, gave rise to the Ordinance, so often quoted, of the *Partidas*, in some respects resembling the Statute 25 of our Henry VIII. Cap. 12. This Statute, it will be remembered, recites the mischiefs which have, and may ensue, from disputed titles, "because no perfect and substantial provision had been made by law concerning the Succession." Alonzo's enactment entails the Crown upon males and females, lineally descended; but a most remarkable breach of this very rule took place, even in the lifetime of its founder. Sancho, Alonzo's second son, rebelled against his father, with the intention of excluding the children of his elder brother deceased, in whom the legal right beyond dispute resided. Forming a strong party of discontented nobles and others, he convened Cortes at Valladolid, in 1281, under the pretext of establishing a provisional government,

at the very time that his father was holding them at Toledo, in order to see how he could restrain the irregularities of his son, without the awful alternative of recurring to arms.* Sancho and his party soon afterwards dethroned Alonzo, first by a public sentence, read in their own Cortes, and next by making war upon him; when Alonzo was reduced to such shifts, that he actually called in the aid of the King of Morocco, and had his son excommunicated by the Pope. Dying at Seville, in April, 1284, he by will named, first Alonzo and next Fernando, the children of his eldest son, heirs to the kingdom, and in case of their demise without issue, the crown was to pass to Philip of France, descended from the Princess Blanca. Notwithstanding this exclusion, Sancho assumed the crown and retained it till his death, in spite of the appeals and efforts of the legal competitors. His daring valour suited the martial age in which he lived, and this seemingly overcame the defects of his title.

This instance of flagrant usurpation affords additional testimony that, at the end of the 13th century, the succession in Spain was easily disturbed, little attention being paid to the law intended to regulate it. Alonzo's Code was not in fact observed, even in his own hereditary dominions, until it had been sanctioned and published by Alonzo XI., at the Cortes of Alcalá de Henares, in 1348; and this sanction was afterwards confirmed by Henry II. at those of Burgos, in 1367.

* Mariana, Hist. Gen. de España, Lib. xiv. Cap. 10.

The two remaining cases of females ascending the throne, mentioned by the *Christino* pamphlet, are of more modern date, and indisputably the most important as regards effect. The accession of Ferdinand and Isabella, which led to the union of three Crowns, was a new era in the annals of Spain; and the events by which it was followed, raised that monarchy to a pitch of grandeur, as signal, as it was unexpected. The object of these pages is however confined to the mere legal question, and, in pursuit of the truth, it becomes necessary to inquire whether Isabella the Catholic, daughter of John II. and sister of Henry IV., came to the succession by strict hereditary right, and as being the undoubted heiress of the last possessor of the Crown. In order to shew whether Queen Christina's advocates are entitled to all the benefits which they claim from the precedent of so illustrious a heroine, it is necessary to divest this case of all its dazzling recommendations, and ascertain whether she ascended the throne of Castile by a clear and indisputable right of inheritance, transmitted to her in successive order, conformably to the provisions of Alonzo's Law, in support of which her powerful name is cited. For this purpose a few historical researches will suffice.

Henry IV. of Castile was proclaimed in the year 1454. He was not a popular prince; and, although of a strong constitution and ardent temper, by no means calculated to perform the arduous duties of sovereign, in the difficult times in which he lived. Upon this point the Spanish historians are agreed. Mariana gives a minute description of his body and

mind, from which, and other equally authentic sources it is deducible that his habits were dissipated, and his propensities undignified.* His irregularities, it may be concluded, dimmed the lustre of his Crown and diminished the strength of his government. The same historian nevertheless acknowledges, that Henry was strong and robust, suited for war and fond of the chase:† he also confesses, that his disposition was kind, his manners courteous, and that he was clement in the extreme; but yet indiscriminately prodigal, vacillating, changeable and idle, and, above all, unfortunate in his choice of favourites, as well as confidants. "This varied character" adds the venerable historian, (and his description would well befit a more modern monarch) "was the cause that, in no time were there so many disturbances as in his."‡ The nobles and influential persons whom he could not please, or adequately reward, became his avowed enemies.

Henry espoused the Portuguese Princess Juana, at a period when he was engaged in an active war against the Moors, in which he was encouraged by the Cortes of Cuellar; where "all the Estates of the realm," as Mariana says, "the higher, the middle, and the lesser, encouraged each other in taking up arms, and each one, on its part, endeavoured to evince its loyalty and efforts on behalf of the new king.§ The campaign against the Moors of Granada drew together an immense body of warriors, and Henry's marriage was actually solem-

* Ibid, Lib. xxii, Cap. 15.

† Ibid. Ibid.

‡ Ibid. Ibid.

§ Ibid. Ibid.

nized amidst the din of arms. The very siege of that ancient bulwark of Moorish power, was however memorable for a conspiracy against Henry. He wished to repress pillage, which offended some of his chief military leaders, who courted the favour of their brave, but unruly legions. This led to a dismissal of the officers, and their troops were sent into winter quarters till the next spring, when Henry promised to renew the siege.

The nobles and other disappointed persons, among whom were several dignitaries of the church, caballed against Henry, even at a moment when he was risking his person to conquer the Moors, an object really national in those chivalrous days; and he was thus called upon to quell commotions within his own territory, whilst engaged in that important enterprise. At court, a spirit of favouritism, it would seem, prevailed, and the tongue of scandal was not still. The king placed great confidence in his *major-domo*, Beltran de la Cueva, and had honoured him by many enviable distinctions. This nobleman's access to the Queen's apartments, gave rise to injurious reports; and, as Mariana observes, "the people, who are usually inclined to believe the worst, and spare no one, interpreted these preferences in the most unfavourable sense; some even became persuaded, that the king knew and consented to his visits, in order to conceal his own impotency, an incredible charge and affront. It may be suspected," adds Mariana, "that great part of this fable was forged in favour of Ferdinand and Isabella, with a view to promote their future interests;"* and it is

* Ibid—Ibid.

to be hoped that the last years of Ferdinand VII.'s reign, will find an equally considerate and conscientious historian.

The influential persons, displeased with Henry, entered into a league to support his brother Don Alonzo and afterwards his sister Isabel, to the detriment of his daughter Juana, born at the commencement of 1462, "when all the Estates of the realm took the oath to her, as Princess and Heiress of Castile: a great misfortune," adds Mariana, "to have introduced to the royal succession, one whom the common people were persuaded was not legally begotten."* The conspiracy declared itself against Henry, and, as the same author admits, was "the origin and cause of a most dreadful tempest, which long desolated the whole of Spain."† The aim of this party was, to exclude the Princess Juana, and call the Infante D. Alonzo to the throne. On one occasion the conspirators went so far as to attempt to seize the king's person, by entering the palace with an armed force. The project failed, but his thoughtlessness and want of resolution increased the audacity of his enemies. His whole attention seemed devoted to the external wars which he continued to wage, thus entirely neglecting the internal concerns of his own kingdom.

The rebellious nobles, retaining in their possession the Infante D. Alonzo, proceeded to raise an army, with the intention of openly opposing Henry. At Avila, they caused his effigy, dressed in the royal robes, enthroned, and with a crown upon its head

* Ibid. Lib. xxiii. Cap. 4. † Ibid. Ibid. Cap. 7.

and a sceptre in its hand, to be placed upon a wooden platform; and, after stripping it of all the royal insignia, hurled it to the dust. They afterwards brought the Infante Don Alonzo upon the platform, when the nobles, raising him upon their shoulders, proclaimed him King of Castile; unfurling at the same time the royal standard. Several of the principal towns joined the rebels, and a civil war soon raged with the utmost fury. The battle of Olmedo ensued, in which both parties fought under the most irritated feelings. A victory could not be claimed by either; and night coming on, they severally resumed their previous positions. Alonzo, who had fled to the King, rejoined the Nobles, and after the capture of Segovia by the rebels, the Princess Isabel espoused his cause.

So much was Henry eventually reduced, and so lamentable was the situation of his realm, that he deemed it expedient to submit to the humiliating conditions proposed by the confederates; but soon afterwards the Infante Don Alonzo suddenly died. This event, for the moment, weakened the party of the rebels, and several of the principal cities held by them returned to their allegiance. It was however evident that the king could not restore tranquillity; whilst at the same time the conspirators appeared too deeply implicated to recede. They therefore caused the Princess Isabel to be brought to Avila, their head quarters, and there offered her the Crown, which the Archbishop of Toledo urged her to accept. She heroically declined the offer; protesting that she would never consent to be Queen, so long as her brother Henry lived. The

conspirators were both surprised and perplexed at this refusal. Wearied out with a long war, and doubly disappointed in their hopes, they sent overtures to Henry, stipulating for an amnesty, as the first condition, and next that the Princess Isabel should be accepted as Heiress of the realm. On these terms, the Nobles and their adherents offered to lay down their arms and deliver up the strong holds in their possession. A truce was concluded, and these conditions afterwards accepted by the King.

CHAP. VIII.

Circumstances which led to the accession of Isabella—Prejudices against the Princess Juana—Her right asserted by the King of Portugal—He invades Spain—Isabella's accession no proof of hereditary right. Philip V. consulted the interests and prejudices of the Spaniards. To this law Ferdinand VII. owed his crown—Accession of Charles III.—His adhesion to Philip's law—Case of Don Luis—Charles III.'s family policy—A singular omission in the law of Philip V. Ancient usage opposed to female succession—French intrigue to defeat Philip's law—Discovered and denounced by Mr. Pitt—Charles IV.'s motive in 1789 for wishing to alter Philip's law—the affair quashed and the papers relating to it secreted.

THE compromise between King Henry and his turbulent Nobles, preceded as it was by the death of the Infante D. Alonzo, thus became the basis of an arrangement, which eventually placed the Princess Isabella upon the throne. A marriage was afterwards concerted between her and Ferdinand of Aragon, when it was agreed that the kingdom of Castile should devolve upon her, at the death of Henry; but that her husband was to have no share whatsoever in the administration, nor interfere with

the established laws. This settlement was evidently forced upon Henry, and he agreed to it only in the hope of restoring peace. He nevertheless clung to his daughter Juana, and proposals having been made to affiance her to the Duke de Berri, the king and queen took an oath that she was their legitimate daughter, and homage was done to her by the grandees, as heiress of the realm. This marriage was however afterwards broken off. Ferdinand and Isabella had, in the mean while, formed a party of their own, and acted in open defiance of the king, having chosen the archbishop of Toledo as their adviser. Several of the principal towns declared for them, when the malecontents flocked to their standard and were arrayed in martial order. Another civil war was on the eve of breaking out, and prevented only by a reconciliation, dexterously managed, between the Princess Isabella and her brother, when the former urged to be formally acknowledged heiress of the kingdom by the Estates of the realm.*

* This reconciliation was effected through the instrumentality of Andres de Cabrera, one of the King's confidants, and a man of talent. He exposed the conduct of the Marquess de Villena, Juan de Pacheco, who, he said, was sacrificing the country to his own aspiring and avaricious views. Mariana quotes the speech addressed by Cabrera to the King on this occasion, in which he advises him rather to bend to public opinion, than thwart it. The meeting between the brother and sister took place at Segovia; and they supped together in public, at the commencement of 1474. Isabella paraded the streets on horseback, the King himself holding her bridle, as a testimony of the honour in which he held her; a proof, as Mariana observes, of his inconstancy of disposition. On taking leave, Isabella recommended her affairs to him; but received no other answer than, that "he would see what was to be done."

The Princess Juana was afterwards betrothed to the King of Portugal. Henry died on the 11th of December, 1474, after a long reign. He made no will; but being asked who was to be his successor, he answered—"my daughter Juana;" and in her right the King of Portugal afterwards invaded Spain, but was defeated at Toro, and withdrew.*

These particulars, derived from Mariana, convey a pretty accurate idea of the convulsed state of Spain, at that period; and it will be readily concluded that, in those times, the law of succession, as it stood recorded in the Statute Book, was not rigidly observed. The Princess Juana had been acknowledged as heiress of the crown, and no impeachment invalidated her right. A strong popular prejudice however prevailed against her, on account of her mother, and it actually appeared that Spain would not remain tranquil under her dominion. The voice of the country was for Isabella, a woman of great skill, prudence, and courage; who knew how to turn the current of public opinion to her

*Alonzo V. of Portugal espoused the cause of his niece and betrothed wife, the Princess Juana, agreeably to the pledge made to her father Henry, entering Spain at the head of 14000 infantry and 5000 horse. He advanced into Estremadura and having reached Placencia, his marriage with the Princess Juana was solemnized, but not consummated, in consequence of its being necessary to wait for a Papal dispensation, the degree of consanguinity between the parties being very near. They were however crowned, and the royal standard of Castile hoisted before them. The Portuguese force was at length increased to 30,000 infantry and 10,000 horse, by the junction of the Princess's partisans. Alonzo took Toro and Zamora. Ferdinand afterwards retook Zamora and defeated the Portuguese in the memorable battle of Toro, when they soon afterwards withdrew.

own advantage, and who was moreover upheld by a powerful alliance, and by the great body of the nobles, who had declared in her favour. She thus ascended the throne under the most flattering auspices. Speaking of this event, and congratulating his country upon it, Mariana observes, "that this was the commencement of a new succession—a line of great and distinguished Princes. Of the right upon which it was founded, doubts were at that time entertained; but," adds he, "the advantages thenceforwards gained by valour, were unquestionably signal and most beneficial."*

Notwithstanding her exalted virtues and heroic deeds, the case of Isabella the Catholic, cannot therefore be alleged, either as a proof of the just and strict observance of Alonzo's Law, or as a precedent to shew that this distinguished Princess ascended her brother's throne by hereditary right. In matters of this serious and abstract character, arguments founded upon expediency cannot be admitted; and one would have thought that, for obvious reasons, Queen Christina's advocates ought to have endeavoured to avoid any allusion to the unfortunate incidents which occurred during the reign of Henry IV., and which in reality led to a change of dynasty. It is however a curious fact, that the Aragonese pretended that the Crown of Castile fell to John, King of Aragon, Ferdinand's father, he being the oldest of the legitimate line; another proof that, even in those more modern times, the principle of hereditary right was not very properly un-

* Ibid—Lib, xxiv, Cap. 4.

derstood, notwithstanding there were examples on record of females having ascended the throne of Castile.* This question arose, when Ferdinand joined his spouse at Segovia, where she had been proclaimed in her own right; and objections were started by the Castilians to her husband's taking any part in the government. This matter was afterwards amicably settled between Ferdinand and his wife; the power which the King was to hold in Castile being defined by a solemn agreement. This is a more recent proof of the dread which the Spaniards have always had of strangers coming to rule over them; a calamity to which they were always exposed, whenever females ascended their throne, whether by right, contract, or election.

After the invasion of the Portuguese had been repelled and the several provinces pacified, Ferdinand and Isabella remained in possession of the three kingdoms and transmitted them to their daughter Juana, married to the Archduke of Austria, son of the Emperor Maximilian, from whom they subsequently passed to Charles V.; but, however glorious this monarch's reign, and however great his power, his accession eventually proved calamitous to Spain, and involved that country in endless wars. Spain was in fact sacrificed to his partiality for his hereditary dominions. So ruinous did the accession of an Austrian family prove to the Spaniards, that, on the death of Charles II., as before noticed, they were glad to have it in their power to introduce another dynasty; and from the

* Ibid—ibid—Cap. 5.

few preceding historical sketches, it will appear manifest, that the founder of the new dynasty did every thing in his power to promote their true and permanent interests; and in nothing was he more sincere and successful, than in the establishment of a law, specially framed to guard against the very contingency which had placed him, a younger branch of the Bourbon Family, on the Castilian throne. This was the only means of giving to a variety of kingdoms, at length united under one sceptre, a clear, permanent, and uniform law, adapted to the wants of the country, and of diminishing, as far as possible, the chances of a foreigner's hereafter ruling in Spain, through an alliance with a female branch of the royal family; an event which, as already seen, the Spaniards of all ages have deprecated as a national misfortune.

This law then, it appears, has subsisted ever since the year 1713, and to it Ferdinand VII. himself owed the possession of the Spanish throne. Ferdinand VI., dying in 1759 without issue, the Crown devolved upon Charles III., his half brother and King of Naples; who, notwithstanding he leaned so much towards France, that he afterwards joined in the Family Compact, was a firm upholder both of the spirit and letter of the law of Philip V., of which there is a memorable example on record. Charles had a brother, named Luis, who expressed a wish to marry, leaving the choice of the lady to the King; but the latter positively refused his permission for him to form an alliance with any member of a royal family. Under date of April 24, 1776, Charles issued Letters Patent, setting forth that, "existing circum-

stances not allowing the Infante Don Luis, his brother, to espouse a person equal to himself, on account of his elevated rank; but nevertheless wishing to conciliate the welfare of the State with the marriage to which the said Infante felt himself called by his vocation, permission is hereby granted to him to contract a marriage with a person inferior in rank to himself, conformably to his request." The Infante accordingly espoused Doña Maria Theresa de Vallabriga y Roxas; but she was never allowed to reside at court.*

Charles' object in this singular refusal, was to avoid, as much as possible, all future competition for the throne; the very spirit in which Philip V. had acted. There is, however, another and a more particular reason assigned for this conduct towards his brother. The Marques de San Phelipe asserts that, in the law of 1713, it was further enacted that no Prince could inherit, "unless born and educated in Spain;"† but it is a most singular circumstance that no provision of this kind is found in the *Auto Acordado*, vide Appendix F. That this was a point at the time agreed upon, there is every reason to believe; and yet why the provision was not introduced into the original enactment, is not explained. San Philipe, speaking of the passing of the new Law,

* Her eldest son, Luis de Bourbon, born in 1777, was afterwards Archbishop of Toledo, became a political character during Ferdinand's absence in France, and died in 1823. His two sisters were married, one to the Prince of Peace, and the other to the Duke de San Fernando.

† Con circunstancia y condicion que fuese este Principe nacido y criado en España. Lib. xiv., Año de 1713.

says—"The kingdoms were still assembled in the Congress which the King had ordered to be held to sanction the Renunciations, when, availing himself of this opportunity, having already two children and the Queen being *enceinte*, he undertook, for the greater quietude of his subjects, and out of regard for his own issue, to abrogate the law which allowed females to enter upon the Succession, when of better degree, by giving a preference to males, of a transversal line," &c. The same historian then alludes to the opposition which the new law experienced; but, adds he, "the most wise and politic approved of the expedient, in order not to expose the people to the admission of a foreign King, whilst there were yet Princes of the blood royal in Spain, directly descended from Philip V."*

Charles III. was, beyond doubt, actuated by the same spirit as his ancestor who founded the Bourbon dynasty in Spain; and on studying his policy and perhaps inspecting his private papers, he in all probability found records sufficiently authentic to shew, that it had been determined, as a further *caveat*, that a clause should be introduced into the new law, barring the right of princes not born and educated in Spain. There is an opinion, and the author considers it his duty to state it, prevalent among some enlightened Spaniards, that this clause was not publicly introduced into Philip's enactment,

* "Los mas sabios y políticos aprobaban el dictamen, por no exponer los Pueblos á admitir Rey extranjero, haviendo Príncipes de la Sangre Real en España, que directamente descendiesen de Phelipe V."—*Ibid.* *Ibid.*

at the suggestion of the British government, lest it might weaken the right of the Duke of Savoy, who was to inherit, in case Philip V.'s issue became extinct.* If the Infante Don Luis had married a female, his equal in point of rank and birth, and had children, born and educated in Spain, they might, according to the principle above mentioned, at some time or other, have contested the throne with those of Charles, all of whom were born in Naples.

In whatever light Philip V.'s law may now be considered, it was undoubtedly enacted for laudible purposes, and under the most solemn forms. The spirit in which it was passed, is also conformable to the genius and character of the Spanish people. It is therefore a delusion to pretend, that it would be in accordance with the ancient constitution, or the interests of the country, for the daughter of Ferdinand VII. to inherit. The responsibility of those who support such a delusion is, in fact, most awful. From the foundation of the monarchy until two centuries after the time of Don Pelayo, no female ever sat upon the throne; nor is there any vestige of a law in their behalf. Males were always preferred, possibly from their being best suited for the arduous duties of war; and more than once did an effeminate, or unfortunate prince lose his crown. and with it his life. Often was the uncle preferred to the minor of an unpopular parent; and although these are instances, from which nothing can at the present day

* Regarding the motives which led to the introduction of this name into Philip V.'s law, vide note, page 87.

be deduced, they are nevertheless found among the annals of Spain.

That country was exclusively governed by males, till Bermudo of Leon was left without a son; and, as already shewn, the accession of his sister Sancha became, not a matter of choice, but of necessity; and as neither the law of nature, the provisions of the *Fuero Jusgo*, nor the prejudices of the age, forbade the accession of a female, the sacrifice was then made for an object of greater magnitude. This first experiment cannot however be taken as a standard, or deemed equivalent to an established law; and, in the end, it proved calamitous. Again the selection of Doña Uraca was an expedient, if possible, still more unfortunate. The other females, already named, ruled, not in their own hereditary right, but by means of a compromise; and when Philip V. passed a law, almost impeaching, as it were, the title by which he himself had come to the Spanish throne, and even declaring that the Renunciations made in 1660, avowedly for the general peace of Europe and with a view to bar the Bourbons, ought to be held valid and binding, he evinced his sincerity, and performed an act for which England and her Allies ought for ever to have been grateful.

During the last illness of Ferdinand VI., a strong French party was formed in Madrid to defeat Philip V.'s law, by transferring the Crown to Philip of Parma. The traces of this plot were discovered by the British government; and so anxious was our reigning monarch to prevent the violation of a compact, to which one of his predecessors had been an

immediate party, that he directed Mr. Pitt to inform Sir James Gray, our minister at Naples, of it. This he did, under date December 1, 1758, and the fact was made known to Charles of Naples and his Queen.* Time has proved, that the British premier's information, although imperfect and only accidentally obtained, was substantially correct. The Memoirs of M. d'Argenson, minister of foreign affairs under Louis XV., not published till 1825, reveal the real secrets of the French policy pursued in Italy, in the years 1745-6 and 7, when the Cabinet of Versailles were anxious to drive the Austrians out of Italy,† and acquaint us with the nature of the plan which they subsequently had in view for Spain.

* "The court of France, seeing it could no longer count upon the reestablishment of the King of Spain's health, (who, besides great indisposition of body, is in some sort disordered in mind) has renounced the designs laid during the illness of the queen; and what had been ripened since the death of that princess. To these has succeeded another design, viz. it has been in agitation three weeks, or a month, preceding the 14th of November, the date of the intelligence, to engage the King of Spain to abdicate and remit the crown in favour of Don Philip. However, this project prevents not France from employing the greatest management towards the court of Naples, in order to put Don Carlos, as they call him, in their interest, in case he should mount the throne of Spain. In a word, the affairs of that kingdom make the chief object of the attention of the court of Versailles, and there will very shortly happen a great change in Spain." *Mr. Pitt's confidential letter to Sir James Gray.*

† The intimacy of France at the court of Turin first gave umbrage to Spain, and eventually the plot was discovered. Speaking upon this subject, M. d'Argenson makes the following singular remarks:—
 "M. de Maurepas, poussé du même zèle pour l'Espagne, me tâta aussi pour augmenter l'apanage de Don Philippe. Le Duc de Huescar, qui tenoit de l'Espagne la copie des traités, en instruisit tous nos ministres,

When the enormous sacrifices made by Queen Anne, to carry on the war which ended in the peace of Utrecht, are duly considered, the levity with which the British minister of the day has allowed the most essential part of it to be broken down, will appear unaccountable. Why Charles IV., under the direction of Count Floridablanca, made so singular an experiment, as that already explained, to learn the feelings of the country respecting the continuance of Philip V.'s law, has never been well cleared up.* It is however surmised, that when he felt the pulse of the Bishops and the Cortes of 1789, (and what he then did can be called little else) he was apprehensive of a domestic calamity. The Prince of Asturias, afterwards Ferdinand VII., when a child, was of a weak constitution, and there was some

et ils ne l'ont suc en détail que par l'Espagne. Quelle injure cependant faisons—nous à l'Espagne en travaillant à son bonheur, en la couvrant de gloire solidairement avec nous, et en procurant à Don Philippe un patrimoine libre et considerable; tel que peu après on n'a eu qu'à le regretter?"

* If Charles IV. had carried his design into execution, it is more than presumable that he would not have restored the old law; but rather enacted a new one in the same spirit, and adapted to the emergency against which he perhaps wished to provide. Campomanes and Floridablanca would never have allowed him to commit so gross an inconsistency. The Marques de Mondejar, in his "*Memorias Historicas del Rei D. Alonso El Sabio*," on the best authorities, proves, that the writing and compilation of the Laws of *Partidas* commenced four years after that king's accession, consequently corresponding to the year 1256, and that this Code was completed in seven years. It would have been a curiosity indeed, for a Law of that remote period to have been revived in 1789; but it would be a still greater one, to see it standing in the modern Code, with an approbation, bearing the date of 1830 upon it.

doubt whether it would be possible to rear him. For this reason he was sent, about the period above mentioned, from Madrid to Seville, to have the benefit of the more temperate air of that place. It is well known that the Infanta Doña Carlota, afterwards Queen of Portugal, was the idol of Charles IV., as well as of her grandfather; and it is supposed that both were desirous of her succeeding to the Spanish throne, in case her brother died. Had this accident happened, Charles IV. would in all probability have caused the proposed law to be perfected, by recurring to the legal formalities; but whether this idea was abandoned, in consequence of the improvement in his eldest son's health, or from his growing hopes of male issue in the person of the Infante Don Carlos, born the year previous (1788), remains involved in mystery.*

The project of 1789 not having been carried into effect, and the health of the Prince of Asturias being reestablished, the king's most anxious wish was, that no traces of these mysterious and extraordinary transactions should be left, which might ever meet the public eye. All the records and papers connected with them, were accordingly collected and

* The Infanta Doña Carlota was born on the 25th of April, 1775, and Ferdinand VII. on the 14th of October, 1784: the Princess was consequently the eldest of the royal family. She was a woman of extraordinary talents. When only twelve years old, at a public examination, she astonished the foreign ministers and many learned persons present, by her acquirements in ancient and modern history, as well as in some of the useful sciences. Her epistolary style was always admired. She had besides a strong mind and bold character; as was proved on several trying occasions, both in Brazil and Portugal.

sealed up in a package, which was deposited in the Secretary of State's office, with this inscription upon it—*Reservado à Su Magestad*—denoting that the contents were purely personal, and referring solely to Charles IV.* The Count de Campomanes was another instrument employed in this singular whim, and he served his master's interests with the most ardent zeal. It is believed that even in the Cortes of 1789, convened, as already shewn, for a mere court ceremony, several members evinced a great repugnance at being made parties to a transaction, which had the appearance of deceiving the public, and arming the King with a power, or rather providing him with an excuse, to abrogate a law entered upon the Statute Book, and consequently in full force and vigour; and it is added, that the oath imposing silence was, by several deputies, taken with the greatest reluctance. The opposition was however appeased, and the public saw, with some surprise, that several Deputies returned to their provinces with offices, pensions, and even ribands, to which they had no public claim. At all events, the papers alluded to, with the original inscription upon them, remained unopened for upwards of forty years, and until it was thought that they could answer a particular purpose. They were then produced in the manner already explained.

* It is reported by some Spaniards, that when Joseph Buonaparte was in Madrid, he ordered a report of the contents of this package to be made to him.

CHAP. IX.

The law vests the right of the crown in Don Carlos—Intrigues to defeat this right—Views of the Orleans Family on the Spanish throne. Ferdinand VII.'s first illness—The Queen's apprehensions for her daughter's succession—Endeavours to interest Don Carlos in support of her views—Her overtures indignantly rejected—Singular negotiations upon this subject—Manly conduct of Don Carlos.

By virtue of Philip V.'s Law of Succession, which excludes females when males can be had, the crown of Spain, on the death of Ferdinand VII., devolved *eo instanti* upon his heir, the *hæres factus* designated by the constitutional settlement; and *that* heir was unquestionably the Infante Don Carlos. In him the right of sovereignty became vested, the moment his elder brother expired: to him the crown descended, according to the precise form and manner ordained and determined in the Rule of Limitations; and no mere act of the last possessor could change the due course of this descent—no exercise of the kingly prerogative could alter the established conditions of the entail, any more than among us; the relative positions of Spain and England, in this respect, closely resembling each other.

The fact that the next male heir was called to the

throne being incontrovertible, it will easily be imagined what a flagrant violation of a fundamental Statute has taken place, and what immense injustice has been committed against the royal exile in Portugal, whom the Spanish law now designates as Charles V. That injustice was further aggravated by the nature of the expedients resorted to, in order to strip him of his birthright, and afterwards sacrifice him and his children to the ambition of his rival. Some allusion to the preparatory intrigues carried on in the Madrid palace is, therefore, indispensable.

In all the manœuvres which preceded and followed the death of Ferdinand VII., the hand of the French King was visible. His agents projected the marriage with Princess Christina, at a period when the great majority of the Spanish people had, for many years, looked up to the Infante Don Carlos as their future sovereign, and had pronounced him deserving of the Castilian Crown. In this interference, the views of the Palais Royal cabinet were perfectly intelligible. The Orleans Family have long had their eyes upon the throne of Spain, and since their accession to that of the Bourbons, it was their interest to extend their influence beyond the Pyrenees. No one could ever say that Louis Philipe is not both provident and wily. The school in which he studied with most effect, was that of Louis XIV., and Europe has not yet learnt the extent of his proficiency. There was however another feeling that directed his attention towards Spain. One of his ancestors protested against the Will of Charles II., because his name was excluded;* and when

* Vide page 39.

Philip V., anxious to consolidate the great work in which he had joined for the pacification of Europe and the alleviation of his own subjects, established a new order of things in Spain, he also offended the Orleans family.

Although great stress has already been laid upon the solemnities which attended the settlement of the Spanish throne, in 1713, it may be proper to remind the reader that, by Philip's directions, all the papers connected with the negotiations at Utrecht, were submitted to the Cortes, convened purposely to take them into consideration. Of this meeting it is recorded, that "the several points having been discussed, and their object found conformable to the letters of convocation, to the proposal submitted by His Majesty, and also in strict accordance with the report laid before the House by the Secretary, D. Francisco Quiñones (the same that was read in the King's presence at the Council of Nov. 9, 1712) the Cortes formally approved of and confirmed the several Renunciations, the exclusion of the House of Austria, and the calling of the Duke of Savoy to the Succession, binding the kingdom to the firmness and validity thereof, &c.; and ordaining the abrogation of all laws and provisions to the contrary." Agreeably to this resolution of the Cortes, the King issued his corresponding decree, dated March 18, 1713, ordaining "that the new order of succession should be for ever kept and observed, notwithstanding the *Partidas* Law, and all other Statutes and usages to the contrary, and notwithstanding any testamentary dispositions, or agreements, made by his predecessors, or any de-

claration made in favour of the Duke of Orleans, his children, and their descendants, as grandson of the Infanta Doña Anna Maurice, late Queen of France," &c.* This was a second unpardonable offence.

The present King of the French, well remembering the little value set upon renunciations regarding the Spanish throne by his great model, at one time thought that the events in Spain, which followed the invasion of Napoleon, would have been favourable to his Family claims, protected as they were by a protest. In August, 1808, he accompanied Prince Leopold of Sicily to Cadiz, intending to propose himself as a Regent.† In 1810, the Duke of Orleans again attempted to render himself popular in Spain, and applied to the Council of Regency for rank in the patriotic army, expressing a wish "to fight in defence of his Family cause." Under date of the 4th of March, in that year, the President Castaños offered him a command in the army of Catalonia, "where," he added, "the memory is preserved of the triumphs obtained by your Highness' illustrious ancestors, and to you it now belongs to preserve the freshness of those laurels." Fighting was not, however, the Duke's object. He had a higher aim. His wish was, to obtain possession of the Spanish government, and with this view a party was formed and kept up in Cadiz, where he was represented as the only resource left to the nation‡—

* Daughter of Philip III. and married to Louis XIII.

† Vide Lord Collingwood's Correspondence.

‡ The author has before him a pamphlet, entitled *Asilo de la Nacion Española*, written in Cadiz by Jose Maria Puente and dated January

the only pilot who could weather the storm. The British name was even used to strengthen the intrigue: but whether the Spaniards discovered the real nature of the design, or were not so far reduced as to require the aid of a foreign Prince to retrieve their affairs, remains matter of surmise. At all events, the Duke of Orleans' overtures to the Spaniards were rejected: but if by marriage he could now secure for one of his sons, that which he once coveted for himself, will he not have avenged his own injured ancestor, and at least equalled the great model of his imitation?

The nature and purposes of the Pragmatic Sanction of March 29th, have been already sufficiently explained; and it is now placed beyond all doubt, that the adoption of that extraordinary and abortive measure was obtained chiefly through French influence. Ferdinand, however, was never happy after he affixed his sign manual to so unjust and illegal a paper. Whilst at St. Ildefonso, in the month of September, 1832, he was overtaken by a serious illness, which in the night of the 14th, assumed alarming symptoms. From that moment, great agitation was remarked among all classes of the State: an intense interest was manifested, every one asking,

13, 1811. After describing the dreadful situation to which the country was reduced, through the want of a head and bond of union, it concludes thus;—"Motivos y razones expuestas convencen la indispensable necesidad de buscar un Principe que nos gobierne—de un Principe que tenga conexiones con una Nacion que sola ella pueda contrarestar la fuerza del Tirano, y que con nuestra union pueda confundir lo. Esto lo veo, lo palpo por tan preciso, que no encuentro otra salida para escapar de la borrasca que sufrimos."

what were to be the future destinies of Spain ; at the same time that the hopes and wishes of the great majority of the Spanish people could not be concealed. Indeed so marked were the demonstrations, on that awful occasion, that, notwithstanding the extensive preparations already made, and the pledges of external support received, the Queen, seeing the tendency of the national spirit, began to fear that her daughter's accession would be opposed.

In the midst of these perplexities, an expedient was suggested, which, when the King was a little recovered, met with his approbation. This expedient was, to interest the Infante Don Carlos in the Queen's support : those who proposed this device being well aware of his stern and rigid character, and well convinced that if he once gave his word to uphold any particular measure, he would never forfeit it. The Queen, in order to attain her object, induced the King to send for Count de la Alcudia, and inform him that he was desirous of appointing her Governess of the Realm, during his illness ; and that, in case his disorder should be such as to terminate his life, she was to continue governing during the minority of her daughter. The King added, that on this basis he had resolved to issue a Decree, conferring his own authority upon the Queen, and empowering her to administer in his name, as well as to select, for her advisers and ministers, such persons as she might deem fit.

On the 17th of September, the King summoned the Count de la Alcudia to his chamber, and communicated to him the outlines of this project, endeavour-

ing at the same time to interest him in its furtherance. By the King's command, the Count proceeded to the apartments of the Infante Don Carlos, to shew him the Decree prepared, and tell him that the Queen hoped His Royal Highness would consent to be her principal adviser, in the arduous task which she was about to undertake.

This communication was made to the Infante, and the Decree, with the King's sign manual affixed to it, exhibited to him, at two o'clock in the afternoon of that day. The Infante, on hearing the proposal, declined all intervention; alleging, that he did not consider himself in a situation to advise the Queen, and expressing a fervent hope that his brother would not press so obnoxious a duty upon him. The Count reiterated his remonstrances; but, finding his efforts ineffectual, and conceiving that the objections of the Infante principally arose from his name not being mentioned in the Decree, he retired.

A few hours afterwards, the Count returned to the Infante's apartment, with another Decree, also signed by the King, in which His Royal Highness was personally named as the head of the administration, and the Queen's principal adviser. This Decree the Count presented to the Infante, informing him at the same time that the King, his brother, was extremely desirous that he should take a leading part in the administration; but, that he was previously to give his word of honour to renounce all pretensions which he himself might have to the crown, and pledge himself to support those

of the Infanta Doña Isabel, in case of the King's demise.

The Infante confirmed what he had previously said upon the subject, only adding that the condition which it was now wished to impose upon him, was a fresh motive for declining an offer which his conscience would not allow him to accept; he himself having legitimate rights to the Crown of Spain, in case of the King's death without male issue, and he was resolved to sustain them, such being his duty. He further explained, that this was the principle upon which he was determined to act, and that nothing would make him swerve from it. The Infante then expressed his regret at being obliged thus to speak out, on so painful an occasion as the illness of his brother, whom he so much loved and respected; but declared that he considered himself obliged to do so, because the man of honour, and he who defends a just cause, always speaks clearly.

The Count endeavoured to dissuade the Infante from his purpose, by pointing out to him the serious consequences likely to ensue; observing that it would be better to yield in something, and make a compromise—that this was still easy, for that if the Father was not King, the Son might be. The Infante replied, that provided his rights were acknowledged, and through them those of his children, he would, in a friendly manner, meet his brother in any proposal that might be made, but not before; that he himself was not ambitious of being a King, desiring rather to free himself from a burden, so much superior to his strength; but that God had placed him in the position in which he

stood, and to his divine mercy he looked for the strength necessary to enable him to perform his obligations.

The Count seeing, in this answer, all the characteristic energy of a Prince, truly just, for some time hesitated what to say. At length, breaking silence, he remarked to the Infante that perhaps his own conscience deceived him, and possibly that, if the matter were duly weighed, his conscience would rather require of him to make the sacrifice solicited. The Infante replied that he felt, in his own breast, that if he were, for any motive or inducement whatsoever, to yield up the Crown to one who had not the smallest right to it, God would require of him a strict account, which would be made the stricter, as by such an act he should injure the rights of others called after him and besides incur the penalty of the consequences. He then assured the Count that all his persuasions were useless, his own resolution being firm and unchangeable. The Count, in a supplicating tone, again pressed his remonstrances; and, urging further reasons, told the Infante that he wished to be the cause of a civil war. "Not I," abruptly retorted the Prince, "it is rather *your* party who wish and provoke it, since you persist in upholding an unjust cause." Here the interview ended.

CHAP. X.

Ferdinand VII.'s remorse—Orders his Pragmatic Sanction to be abrogated—Measures adopted—King's illness increases—The new arrangement defeated by a disgraceful expedient—Attempt to conceal it—Banishments—The king recovers and confers his powers upon the Queen—Her abuse of them—Resorts to unjustifiable measures—Reaction in the public mind—Don Carlos' forbearance—Singular situation of the Madrid government—Persecution of the Portuguese Princesses—They, Don Carlos and Family proceed to Portugal—Correspondence between Ferdinand VII. and Don Carlos—Former attachment between the two brothers—Flagrant injustice against Don Carlos—Correspondence of the Princess de Beira.

AFTER the failure of the negotiations detailed in the preceding Chapter, as naturally might be expected, the Queen's party and those who still believed in the validity of Philip V.'s law, were placed in a state of open collision. The King himself was much affected on finding it impossible to arrange the Succession in such manner as to guard against a civil war, on the contingency of his own death. He must also have felt some remorse of conscience, when he reflected on the position in which an inconsiderate marriage had placed his brother—that brother to whom he had always been so much attached. Roused to a sense of justice and, as it

were, on the brink of the grave, he sent for Calomarde and ordered him to prepare a Decree, abrogating and annulling the Pragmatic Sanction of March 29, 1830, enjoining that minister to bring it to him without loss of time, for his sign manual. Calomarde was the very person who drew up the Pragmatic Sanction, when the intrigue was first determined upon, and having now discovered that it could not succeed, he was glad to remove the responsibility from his own shoulders, by preparing another act that was to cancel the previous illegal and preposterous provision. The new decree was accordingly prepared and signed by the King, in the night of the 18th, (scarcely twenty-four hours after the overtures to the Infante had been rejected) in presence of the Queen and all the ministers, excepting one, who happened to be in Madrid. A *procès verbal*, in all its legal forms, was drawn up of this curious transaction, after which it was agreed that the whole should be kept secret until the result of the King's illness was ascertained.*

A rumour of this compromise having reached some of the leading persons at court, a change in public opinion was soon noticed. Confidence was in some measure restored, when it became known

* Two ministers of the Council of Castile (Gil and Marin) together with their President, Puig, were equally present and signed. A certificate of the Physicians was also appended, attesting that the King was perfectly sound of mind when he affixed his signature. The acknowledgement was sealed up and lodged with the King, who delivered it to the care of Calomarde. There is reason to believe that these Papers, although not duly registered in the archives of the Council of Castile, nevertheless exist in their original form.

that the Queen had abandoned her antinational project. It in fact became a motive of congratulation to the well-wishers of their country that the horrors of a civil war were thus avoided. The Queen herself was reconciled to an alternative which it was no longer in her power to control; and, in bending to circumstances, she seemed glad to remove an anxious care from the King's mind, who felt desirous of leaving the Succession in the same state in which he found it, and of allowing the laws to take their due course.*

* It was thought advisable to give the correct details of these singular proceedings, as they were, at the time, greatly misrepresented in the accounts transmitted to England from the Spanish capital. It was at first attempted to deny the transaction altogether, and every effort was made to induce a belief that the King never signed any paper, in the presence of witnesses, annulling the Pragmatic Sanction of March 29, 1830; but the fact was too well established in the public mind to be eradicated by the contradictions of courtiers. In this dilemma, and after a lapse of three months, an expedient was resorted to, mean and dastardly in the extreme, which however had a contrary effect to that desired, as it confirmed all that had been previously reported upon the subject and proved, beyond all doubt, the passing of the act which it was wished to conceal. On a summons from the Queen, several bishops, all the ministers, and a great number of other functionaries, assembled at the palace, on the 31st of December, when they heard from the King the following declaration, as certified by the minister Del Pino.

"My royal mind having been taken by surprise, in moments of agony to which I had been brought by a serious malady, from which the Divine mercy saved me in a signal manner, I signed a Decree, repealing the Pragmatic Sanction of the 29th of March, 1830, already resolved on by my august Father, at the request of the Cortes of 1789, for reestablishing the regular Succession to the Crown of Spain. The troubles of a situation, in which it seemed that life was about to abandon me, would clearly indicate the absence of deliberation in this act, if its nature and effects did not manifest it. As a King, I could not destroy

The effort was however too great for his weak nerves, and he soon afterwards sank into a state of torpor, which continued for several days. On the 20th, it was very generally believed in Madrid that he had actually expired. In the interval, the Infanta Doña Luisa Carlota, spouse of Don Francisco de Paula, arrived at St. Ildefonso, post haste from Seville, where she had been informed of what had happened, and against these new arrangements felt violently enraged. On reaching the palace, she

the fundamental laws of the Kingdom, the reestablishment of which I had proclaimed, and as a Father, I could not, of my own free will, despoil my Descendants of their august and legitimate rights. Disloyal, or deluded men surrounded my bed, and abusing my love and that of my dear Queen for my people, augmented her affliction and added to the painfulness of my situation, by asserting that the whole Kingdom was opposed to the observance of the Pragmatic Sanction, and representing to me that torrents of blood would flow and a total destruction would ensue, if it were not abolished. This atrocious declaration, made under circumstances in the midst of which, it became a more sacred duty than ever that the truth should be told me by those peculiarly bound to counsel me, and when I had neither time, nor faculties to verify what they asserted, my worn-out mind in a state of consternation, and the little remains of understanding left to me completely absorbed in thinking only on the peace and preservation of my people; making, as far as in me lay, as I stated in that Decree, this great sacrifice to the tranquillity of the Spanish nation. Perfidy completed this horrible plot, commenced in seduction, and certificates of what I had done were spread abroad with the insertion of the Decree, after faithlessly breaking the seals which I had ordered to be respected till after my death. Being now fully made acquainted with the falsities, by which the loyalty of my beloved Spaniards who were faithful to the descendants of their Kings, were calumniated—being persuaded that it is no more my power, than it is my wish, to depart from the immemorial custom as to the succession, established for ages, sanctioned by the law and justified by illustrious heroines who have preceded me on the throne, and solicited by the unanimous voice of the Kingdom. Free

reproached her sister Christina for abandoning her children's claims, upbraided the ministers for their weakness and, carried away by her ordinary vivacity, or impetuous temper, is said to have actually slapped Calomarde in the face. The King, a few days afterwards, recovered his senses and a gradual improvement in his health followed. As soon as he was able to bear the fatigue of business, extracts were read to him from the French royalist journals, written under the impression that he was dead.* A complete revolution in the palace and in the plans of government now manifested itself. Calomarde was exiled, and three weeks afterwards an order made out to the Captain General of Valladolid, to consign him to a fortress. Count de la Alcaudia was named ambassador to England; but, knowing the spirit in which this honour was intended, he withdrew to Italy. The King's repentance was in fact visited upon the heads of those who had merely obeyed his commands.

The answers of Don Carlos and the avowal of his intentions, at first deranged the preparatory

from the influence and constraint of those disastrous circumstances, I declare solemnly, from my own free will and by my own act, that the Decree, signed by me in the agonies of my illness, was obtained from me by surprise, that it was the result of misrepresentations with which my mind was assailed, that it is void and of no effect, being contrary to the fundamental laws of the Monarchy and the obligations imposed upon me, as a King and as a Father, towards my august Descendants.

In my palace at Madrid, this 31st of December, 1832."

* This fact is mentioned in "*La Vérité sur les Evénemens qui ont eu lieu en Espagne, depuis la maladie du Roi.*"

measures taken by the *Christino* government; but the Queen's party having now obtained a fresh accession of strength, and all obnoxious persons being removed from the presence of the King, in whose mind an important change had besides been effected, it was determined to persist in the original design of securing the crown to the Queen's infant daughters. During the King's illness, his wife's attentions at his pillow were incessant, and by these means she gained an unbounded influence over him.

The King's health continued to improve, and on the ensuing 9th of October, the Madrid Gazette published a bulletin, announcing his perfect recovery, and immediately after it a Decree, empowering the Queen to carry on the public business, *during the continuance of his malady*.* Great surprise was excited at these contradictory proceedings. It appeared unaccountable that the Queen who, according to the previous arrangements, was

* "Taking into consideration the delay which the affairs of the State experienced in consequence of the derangement of my health, which does not permit me to devote myself with the solicitude which I wish, and which is requisite for the welfare of the people confided to my charge by Divine Providence, I have empowered the Queen, my most dear and beloved consort, to expedite affairs during the continuance of my malady, having confidence in God that I shall soon be restored to health; and I am well persuaded that she will worthily deserve my confidence, according to the love which she bears me, and act with that tenderness with which she has always interested herself, with me, in favour of my loyal and generous subjects.

Let this be properly communicated, and the same carried into effect.

With the King's Sign Manual,

At St. Ildefonso, Oct. 6th, 1832.

A. D. JOSEPH DE CAFRANGA."

only to exercise the supreme authority during the king's illness, should now be clothed with a power, as unconstitutional as it was uncalled for, after he had been declared to be in the enjoyment of good health. The same gazette also contained an amnesty for all persons detained for political opinions, as an act of grace to signalize the Infanta Isabel's birth-day, which fell on the 10th, as well as a Decree, dated the 1st, appointing the new ministers.*

Invested with sufficient powers to carry her scheme into effect, and the apprehensions of the King's speedy demise being dissipated, the Queen commenced her preparatory arrangements. The Captain Generals of several provinces were changed, such as Eguia, in Galicia; San Juan, in Estremadura; O'Donnell, in Old Castile and Moreno in Granada; and succeeded by persons upon whose subserviency, or political opinions, more reliance could be placed. Among the new governors were the Marques de las Amarillas, and Generals Morillo and Rodil. All functionaries devoted to the institutions, as they stood, or, in other words, suspected of *Carlism*, were dismissed, and many received notice that their presence in the capital was not agreeable. Several officers were also deprived of their regimental commands. A complete system of

* M. de Cafranga, minister of the Interior, in the room of M. de Calomarde; M. Zea Bermudez, minister of Foreign affairs, in lieu of the Count de la Alcedia; General Monet, Minister of War, in place of the Marques de Zambrano; Admiral Laborde, Minister of Marine; and Sr. Encina y Piedra, Minister of Finance, instead of the Sr. Luis Lopez Ballesteros.

espionage was established, under the direction of the two noted characters, Ronchi, and Theresita, the milliner, for the purpose of increasing the Queen's partisans and discovering those who leaned towards her rival. Through the instrumentality of the milliner and her assistants, a list of all the officers and men in the Body Guards, supposed to be inimical to the Queen's views, was made out, and in one day 350 of them dismissed. Shortly afterwards, the Royalist volunteers were disarmed; and it was signified to the Clergy, that they would be watched and that if they stirred, their property would be swept from them.

A system of despotism and persecution was soon organized, which carried terror into the bosom of every family, not in the immediate interests of the Queen who, by this time, had placed herself at the head of the revolutionists and seemed determined to court the support of those whom her husband had always classed among the enemies of the State. So great was the indignation at these doings, that the people were on the eve of rising up against the Queen. It was on all hands declared that the King had lost his mental faculties; and the public voice urged that the Infante Don Carlos should be called to the government. Commissioners from various parts came up to the capital, imploring that Prince to place himself at the helm of State. To all of them he replied that so long as his brother lived, he would not perform the most trifling act against his authority. This pledge he never violated. He even told some applicants who were disgusted with the intrigues going on at court and

felt for the situation in which their country was placed, that he should hold those to be traitors who, at that moment, advised him to interfere with the administration. In this manner was a formidable party in opposition to the Queen restrained. Had the Infante Don Carlos then listened to the proposals made to him, he could easily have taken the management of public affairs into his own hands, and this alone would have secured his throne; but he was never known to violate his word; nor would his honour allow him to perform an act for which his conscience, or posterity, might reproach him.

In the three months which had elapsed since the King's illness, it was manifest that the Queen had placed herself at the head of the *movement* party, as the best means to gain her ends. The King became alarmed at this change in the policy which he himself had been accustomed to pursue, and accordingly issued his two Decrees of the 4th of January, 1833; the one making known the reassumption of the reins of government by himself and the association of the Queen in the supreme authority; the other ordering a medal to be struck, commemorating his gratitude to the Queen for her wise conduct in the government, during his illness.

The public were, at the same time, given to understand, that the government had determined to steer a middle course and avoid extremes, as much as possible. This was considered as a kind of indirect disapprobation of the Queen's proceedings, or at least as indicative of a wish to conciliate a large and influential body of the inhabitants, with

whom she had clashed. The step was however tardy. The impulse had been given and the expectations of the absentees, as well as of those at home who had suffered for their political opinions, ever since the King's return from France, in 1814, were raised to the highest pitch. Spain then presented the singular anomaly of a country divided into two distinct and hostile parties, with a government wishing to rest upon neither, at the same time that its existence was involved in the decision of the very question which formed the basis of the division. The Madrid ministry in fact exhibited a most singular spectacle. Whilst, in principle, it mainly agreed with the Carlists and stood in awe of their avowed enemies, it persecuted Don Carlos, prejudged his claims, and endeavoured to raise up popular enmity against him. The ministry even had the appearance of striking at the Queen, by waging war against those with whom she had identified herself; and although there was a wish to advocate the interests of the child, endeavours were nevertheless made to curtail the power and weaken the influence of the mother.

It would be an Herculean task to trace the intricacies of the policy pursued by Ferdinand's ministers, at this period. It was however visible that, in consequence of the Queen's influence over the mind of the weak monarch, nothing was done without her sanction, and that she temporised on some points, provided any progress was made towards the attainment of the object to which all her efforts were directed, namely, the removal of the obstacles likely to impede her daughter's accession. Madrid,

at the time, witnessed some public scandals, among which the most prominent were, the open war waged by the three Neapolitan Princesses, recently allied with the Royal Family of Spain, against the two remaining ones of the House of Braganza, and the embittered feeling with which the Infante Don Carlos was persecuted. Queen Christina was congratulated by some upon her triumphs; but they were obtained by means which would not stand the test of a fair investigation. The movement party, with whom she had coalesced, denominated all she did—"the march of events;" and it might justly be said that, through her adroitness, two governments existed in the same country.*

* The following extract from a letter, published in the Times of March 27th, and evidently written by one inimical to the claims of the Infante Don Carlos, conveys a pretty good idea of the state of Madrid, at the period above alluded to.

"Madrid, March 14th, 1833.—Things go on very rapidly in this country. In spite of the opposition of the servile party which, almost to a man, are enemies to the rights of the little Princesses, the Queen triumphs, and the day is not far distant when the Crown of Spain will adorn the brows of an infant Isabella. The King himself and a part of the Ministry are carried on, against their will, by the march of events. The Queen finds her partisans among all the denominations of the Liberal party. She is an amiable, active, and intelligent woman, and whilst she keeps the King in as close a confinement as she can, fearful of unwelcome influence and of his own want of principle and consistency, she excites her partisans, has them secretly enrolled in numbers, to the amount, at this present moment, of 5000 in Madrid only, and charms the people by her kindness and condescension. She is really the idol of us all. The late triumph is, however, the greatest she has obtained. Madrid was yesterday surprised with the news that the Princess of Beira, Don Miguel's Sister, and his Royal Highness the Infante Don Carlos, with his wife and children, were to leave the capital next Saturday, on their way to Lisbon. This

By the middle of March, Queen Christina had gained such an ascendancy and abused it so much, that it was no longer possible for the Portuguese Princesses to continue in Madrid. Her enmity was chiefly directed against the Princess de Beira, mother of the Infante Don Sebastian, who had been induced to espouse one of the Neapolitan Princesses against his mother's wishes. The Princess de Beira is a woman of a firm and energetic character; and, being the eldest sister of the Infante Don Carlos's wife, she no doubt keenly felt the injustice committing against him and his family. It would be irrelevant to reproduce the palace rumours of the day respecting the enmities which prevailed amongst its inmates. Suffice it to say, that Queen Christina, in order to save appearances, formed the plan of driving the Princess de Beira from Madrid, in the most decorous manner she could; but when this grand point was achieved, she found that a family feeling had been roused upon which she had not calculated. Her primary object was, to weaken the strength of her antagonist—not openly assail it.

As soon as it was known that the Princess de Beira was about to quit Madrid, the Infante Don Carlos, in the name of his spouse and children, as well as her son, Don Sebastian, applied for permission

news has been confirmed. All preparations are making for the journey. A portion of the Royal Guard left yesterday to protect the road. The members of the households of these royal personages, and of the Infant Don Sebastian who accompanies his mother, are busy in preparing their luggage and travelling dresses; and, as far as reliance can be put in Ferdinand's determinations, these obnoxious individuals will leave Madrid next Saturday and the Kingdom in a few days more."

to accompany her to Portugal, which was granted ; it being given out that the royal party were about to visit their relatives, after a long separation. They reached Lisbon at the end of March, when Queen Christina, not having yet succeeded to the extent of her wishes, formed the further project of forcing the Infante Don Carlos to renounce his rights to the throne of Spain ; and having failed in this, her next endeavour was, to drive him into Italy, whither the revolution stirred up by Napoleon, had driven his parents, who both died there.

The reader ought here to pause and, for the better comprehension of the subject, attentively peruse the Correspondence which passed between the two brothers, Ferdinand VII. and the Infante Don Carlos, from the 23rd of April to the 31st of July, in last year, and during the residence of the latter in Portugal. This Correspondence, which will be found in the Appendix, marked G, and opens with a letter from Don Carlos, informing the King "that an official application having been made to him to know whether he would take the oath to the Infanta Isabel, as Princess of Asturias," he distinctly and at once signifies his refusal to do so ; and, in the most frank and manly manner, signs a declaration stating that, "convinced of the legitimate rights which he possesses to the Crown of Spain, so long as the King had no heir-male, neither his honour, nor his conscience allowed him to acknowledge any other rights." In the letter enclosing this declaration, the Infante regrets the position in which he is placed towards his brother ; but informs him, that "he possesses rights, so legitimate that he could not di-

vest himself of them—rights which God had given to him at his birth, and which God alone could take away, by transferring them to a male child of the King, which,” he assures him, “he desires as much, or perhaps more than he himself;” moreover adding, “that in this he was defending the rights of all those who were called after him.”

To this, under date of May 4, King Ferdinand, or his minister replied that, “not hoping to dissuade the Infante from believing in his alleged rights which, notwithstanding they were founded upon the determinations of men, the Infante believed could only be taken away by God, he (the King) considered it his duty to remove him to a greater distance, and as he (the Infante) could not return to Spain, he was to proceed with his family to the Pontifical States.”

It would be difficult to say which is most remarkable, in this curious epistle, the sneering and mean manner in which the Infante’s mode of stating the derivation of his rights is answered; or the arbitrary and unfeeling expedient adopted, in order to place a whole family beyond the pale of the law, of driving them into exile, even without a hearing and in open defiance of those very institutions which had placed Ferdinand himself upon the throne. The Infante spoke of his natural person, such as God had formed him, and evidently meant that by his birth he was called to the enjoyment of certain artificial rights, devised and created by human laws, for the purposes of society and government. Those laws had vested in him absolute rights, appertaining to him individually, and transmittible to his children—

rights which could only be taken away by a process, equally as solemn and legal, as that by means of which they had been conferred. The Infante spoke in exactly the same sense, as Louis XIV. did to Philip V., in his memorable instructions—"God, who made you a King, will give you the necessary knowledge, while you are guided by good intentions."

The determination of the Madrid government to add force to fraud, became apparent from the tone in which Ferdinand's first letter was penned. The Queen had so far triumphed, and was, at the moment, exercising an uncontrolled power over her husband's mind. Under these circumstances, it could not be expected that she would desist, particularly as the new ministers were subservient to her will. In vain would the Infante have appealed to the laws and claimed their benefit, when it was resolved to remove him and his children as far as possible from the scene of action. There was in fact no disposition to investigate his claims. Their nature has however been already explained, and, after the proofs adduced, no reasonable person will venture to dispute the force of a regulation which, under certain limitations, excludes females from the Crown. It would indeed be useless to inquire any further into the merits of a fixed principle of the monarchy, adopted and consecrated into a fundamental law, with all the forms and solemnities necessary to give it validity. That law which Ferdinand VII., his Queen and ministers were shamefully trampling under their feet, was in reality equally as permanent and constitutional as the Salique law in France, which in some respects it resembles; and

let it never be forgotten that the French Constitution, enacted by the National Assembly in 1791, the *Senatus Consultum* of 1804, which conferred the royal dignity upon Napoleon, and the settlement of 1830, transferring the Crown to the Duke of Orleans, all recognized that restriction; and, of course, its observance was always rigid in legitimate times.

The new question regarding the Succession had, however, given rise to another contest, and that contest regarded principle, more than right. When the Correspondence under consideration passed between the two brothers, it was evident that the Madrid answers were influenced and propelled by passions, very little connected with the existence of abstract rights, or with any feeling of attachment to the legal claims of the two contending parties, in favour of whom the country was about to be arrayed. Ferdinand VII. never merited the surname of "Magnanimous;" but, if he had, he would have lost it by the production of the Letters referred to.

The order to quit Portugal for Italy was peremptory, and, for the sake of peace, the Infante expressed himself willing to comply. Desirous however of affording the two Portuguese Princesses the opportunity of seeing their royal relatives, from whom they had been separated for many years, and who at the time happened to be at Braga, he made arrangements for a meeting at Coimbra. This gave offence at Madrid, although on the departure of the persecuted travellers, this very object, as already noticed, was, by Ferdinand's consent, given out as a plea for their absence. Not contented, however, with expressing displeasure at the *journey*, it was

even wished to drive them from the dominions of the King of Portugal, in an infected vessel and without money; and they were moreover harrassed and assailed by every persecution which malice could invent.

At length the Infante, unable to bear the indignities heaped upon him, and roused by the cruel and unjust treatment to which he was exposed, fearlessly told his brother that the "idea of embarking was not very agreeable to him, and that he viewed it in exactly the same light as he and himself had done their exile to Valançay, and their subsequent confinement in Cadiz." These few words express volumes! From their boyhood, the Infante had been his brother's inseparable companion and shared all his misfortunes. Against both were the enmities of Godoy always directed, and when, at the close of 1807, through the intrigues of that arrogant courtier, the Prince of Asturias was a prisoner and about to be tried, the Infante Don Carlos braved the anger of his own parents and defeated the powerful cabal formed against his brother, by instantly flying to his defence. To this fraternal aid the Prince mainly owed the establishment of his innocence, and by its promptitude and efficacy he was enabled eventually to triumph over his enemies. The popular commotion which took place in Madrid, in the afternoon of the 19th of March, 1808, when the public indignation burst upon Godoy and his adherents, shewed the esteem in which the two brothers were then held.

The Prince of Asturias did not at that time take a step without the Infante's advice, and it is acknowledged by many witnesses, as well as in the

most authentic records of the day, that "the ready character of the Infante Don Carlos," was of the greatest use to his brother, in the trying dilemmas in which he was placed.* Napoleón's letters, filled as they were with protestations of friendship, induced Ferdinand VII. to send Don Carlos to meet the French despot at Irun; but this compliment not sufficing, the wily plotter dispatched his confidential agent Savary to Madrid, in order to prevail upon the King to come to Bayonne, and he unfortunately yielded to the decoyer's treacherous persuasions. The events which followed are too well remembered to require repetition. The two brothers were immured in the castle of Valançay, and the Spaniards had to extricate themselves from the horrors of anarchy, at the same time that they were called upon to repel a foreign invasion. Don Carlos nevertheless clung to the fortunes of his brother, and in 1822 and 3, shared his dangers and his humiliations in Cadiz.

Ferdinand forgot these and numberless other demonstrations of attachment, when, in his weak moments, he sacrificed his dearest brother, his bosom friend, and the idol of the Spanish people, to the intrigues of an aspiring woman, supported only by that faction which had always most oppressed him. On this subject many curious facts and documents are doubtless in reserve. The Infante Don Carlos, seeing himself the victim of ministerial oppression,

* *Memorias Españolas sobre el Origen y Consecucion de los Males Actuales, hasta los Años de 1810.*

whilst residing in a foreign country, and at home exposed to charges which it was no longer in his power to rebut, at length retorted upon the King and his minister, by telling them, in reply to their accusations, that "if he was disobedient, if he resisted, or behaved scandalously and merited punishment, he was willing that it should be inflicted upon him; but that if he did not merit it, he demanded full and public satisfaction, for which reason he requested that he might be judged according to the laws and not trampled to the ground."* In the same letter he added, "that his wounded honour would not allow him to depart from Portugal, without justice being done to him;" at the same time assuring his brother, "that he was perfectly tranquil and resigned."

History has never had occasion to record such an example of meanness and persecution, as that which the Correspondence in question unfolds, directed against an honourable man and the lawful heir to a throne, through the vilest instrumentality and for the basest purposes. These systematic persecutions were not however levelled against him alone: they embraced the whole circle of his acquaintance, and were specially aimed against his more immediate supporters. Of these perhaps the foremost, and avowedly the most strenuous, was the Princess de Beira. Her situation as a parent, and as transmitting to her Son rights which the invalidation of Philip V.'s law was calculated to affect, will be best

* Vide Letter of July 9.

understood by a perusal of her own Correspondence, inserted in the Appendix marked H. In these letters it would be difficult to say which is most to be admired—the heroism of the injured and widowed Princess, or the feelings of the mother.

CHAP. XI.

Protest of the King of Naples—Dangers to Europe from the abrogation of Philip V.'s law—Would materially affect our national character and entail calamities upon Spain—The reaction in favour of Don Carlos spontaneous—His disinterestedness—A family compromise ought to have been made—His acts on learning the King's death—Insulting answers given to his overtures—Sacrifices made for his cause in the Northern provinces—Proceeds to the Spanish frontiers—Seizure of his property—His brutal reception by the Christino agents—The impression upon Don Carlos' mind by this treatment—Rising in the Northern provinces of Spain—Don Carlos travels along the frontiers to Braganza—Spanish troops twice enter the Portuguese territory to murder him—He is providentially saved.

IT would be difficult to find a Declaration of Rights more express, full, and comprehensive, than that recorded in the Law of Philip V.; nor was the settlement of a Crown ever effected under so many momentous circumstances; or in terms so congenial to the character and wishes of the people for whom it was made. It was a settlement, equally as just and binding as the Act of Recognition passed on the accession of James I., to the observance and validity of which Parliament declared, that "they

were bounden by the laws of God and man." Exactly as this Act of Recognition operated among us, so did the Law of Philip V. among the Spaniards. It was equally an original contract, made with the first King of a new line and his posterity, in which the whole nation bound itself to uphold the rights of that Family. If, previously, there had been any doubts, or disputes regarding the right of Succession, here they ended; and the kingdom became at once relieved from the dread of civil wars, and secured against the dominion of a foreign ruler.

The King of Naples is another party interested in the inviolability of that Law, and he therefore deemed it incumbent upon him to protest against the attempt to abrogate it, by calling the Princess Isabel to the throne. This Protest may be read in the Appendix I. The grounds upon which the declarations rest, are in most respects similar to those argued in the preceding pages. The arguments used are perfectly conclusive, and tend to prove "that an order of succession, established, as this was, by the consent and under the guarantee of all the principal powers of Europe, and recognized successively in various Treaties concluded with those powers, has become obligatory and unalterable, and has transmitted to all the descendants of Philip V. rights which, as they were obtained by the sacrifice of other rights, they cannot relinquish without material injury to themselves, nor without failing in the consideration due to the illustrious head and founder of their dynasty." *And yet this is the uncle, pro-

* Vide Protest.

testing against the entail being broken in favour of his own niece!

No occurrence could happen so dangerous to the general peace, and at the same time so destructive of those principles which hold the European Commonwealth together, as an alteration in the succession to the Crown of Spain, particularly by such illegal and disgraceful expedients as those already described. It would open the door to claims on the part of Austria, and at some future period, might place the Crowns of Spain and France, and possibly of Portugal, upon the same head. It would establish a precedent affecting the titles by which other sovereigns hold their thrones; and, in the present agitated and perilous state of Europe, set an example of an utter disregard of the most solemn Treaties, and consequently loosen the obligations upon which they are founded. As regards ourselves, it would amount to a direct condemnation of those principles upon which our ancestors acted, in order to obtain a barrier for the Dutch and prevent the union of two Crowns; and would at once render of no avail all those enormous sacrifices made by Queen Anne, to secure the great objects which she had in view, when she and her Allies declared war against Louis XIV.* It would be sanctioning a great and public

* Swift, in his "History of the four last years of Queen Anne," has preserved entire an address upon this subject, supposed to have been from the pen of Sir Thomas Hanmer, which the House of Commons in a body presented to Her Majesty. It contains a minute description of the great sacrifices and expences incurred in the prosecution of the war which ended in the Peace of Utrecht. It would be well for those who think so lightly of what is now doing in Spain, to peruse this paper.

wrong, to the scandal of all Europe, and to the detriment of individuals of the highest character. It would afford fraud and usurpation all the advantages of a triumph; and whilst the consequences of such an example, both upon our national fame and upon the destinies of mankind, would be most serious, the resistance on the part of the Spaniards must necessarily deluge their country in blood, and keep it convulsed for years to come, it being impossible to foresee the termination of the awful drama already commenced.

In Philip V.'s time, perseverance and the unanimity of sentiment, created by an attempt to impose upon the Spaniards a Prince to whose accession they had the most rooted objections, saved their country from degradation; and the same will now happen. Spain then required a change of dynasty, the same as she does now; and strange as it may sound to many persons actuated by prejudice, there is no other man but the Infante Don Carlos who could heal the wounds of his unhappy country. The reaction in his interest, which has now lasted six months and baffled all the Queen's efforts, was not preconcerted. During Ferdinand's lifetime, his legal successor never would allow of any preparations being made in his own favour, even after he himself had experienced the grossest insults and the vilest persecutions. True to his word, he would not suffer the subject to be touched upon in his presence. As his own Correspondence shews, he repeatedly rejected overtures pressed upon him to take the government into his own hands, during the King's

first illness, at a time when the public indignation was roused to the highest pitch by the scandalous proceedings in the Madrid palace.

There is not a single act of hostility against his brother's rights for which the Infante Don Carlos can be reproached. On the 4th of October, he received the official account of his brother's death, and expressed his anxiety to avoid the calamities of a civil war. He immediately wrote an affectionate and conciliating letter to the Queen Dowager, assuring her that she should be treated with all the consideration due to her rank. In order that the affairs of State might not experience any derangement, he confirmed the ministers in their several places; and the tone of his communications gave sufficient earnest, that he was still disposed to negotiate on the same basis proposed in his communications with the late King's confidential emissary, the Count de la Alcudia.*

The fact is, that if Ferdinand VII. had been actuated by a wish for the public welfare, or by feelings of common justice towards his brother, he never would have entered upon a fourth marriage, at so late a period of life and in his debilitated state of health, without a previous compromise with the man whom, for years, the nation and he himself had viewed in the character of Heir Apparent to the throne. After the calamities which had befallen the nation, through his own imprudence, the people had a right to expect that the King would do no

* Vide page 144.

act, and form no connection, calculated to expose them to the horrors of a civil war. Seven months after the demise of his third Queen, a fourth was called to share the throne, under circumstances which excited other feelings than those of mere surprise. It was then hoped that some family arrangement had been made, even before the marriage contract was signed. This omission might still have been remedied by a family alliance, in the manner proposed by the Infante himself, who, whilst he was anxious to secure rights which through him descended to others, never coveted the Crown for himself. The Queen had, however, succeeded in her first intrigues, and encouraged by the countenance which her acts and designs had met with, she at length bid open defiance both to the laws and public opinion; unmindful that the completion of her schemes depended on the lives of two infants.

The minister's answers transmitted from Madrid to the Infante's first letters, in which he assumed the title awarded to him by the laws, amounted to a fresh and revolting outrage. Instead of breathing any thing like compromise, or conciliation, they called the man, revered by the Spanish people, "a disloyal Prince and a disturber of the public peace," in the same breath threatening him with all the rigour of the law, if he entered Spain, and informing him that his property and that of his family would be immediately sequestrated.* Early in the same

* This threat was afterwards carried into effect, as seen from the following Decree—"After a series of fully confirmed and decisive facts, I have acquired the fatal certainty that the Infante Don Carlos Maria

month (October) Charles V. proceeded to the frontiers of Estremadura, in order to place himself at the head of the troops who might present themselves, and thence proceed to Madrid, having previously addressed a proclamation to them.* After a fort-

Isidoro has adopted a hostile resolution, and aspires to usurp the throne of my august Daughter, Doña Isabella II., in spite of the Fundamental Law of the State, of the last Will of the King, my husband, and of the assent of the nation, solemnly given in the Cortes, by the prelates, grandees, nobles, and deputies of Cities, in whose protestations of fidelity to the King's eldest daughter, the municipalities and civil authorities of the kingdom have joined. This rash conspiracy would plunge the faithful Spanish nation into an abyss of horrors and disasters, after all that it has suffered in this age. This not being just, and as I cannot suffer attempts to excite civil war among my people by the means which were intended for the proper and worthy support of a person, who is bound both by his exalted station and the ties of consanguinity, to respect the acknowledged right of the august daughter of his Brother, and to maintain in the kingdom that peace of which it has need for the improvements and prosperity which I hope to procure it, I have decided, and order by the present Decree, the immediate sequestration and adjudication to the Royal Treasury of all property, of whatever description, rents, revenues and credits, belonging either as property in possession, or *usufruct*, to the said Infante Don Carlos. Being convinced of the ability and zeal in the Royal service of Don Ramon Lopez Pelegrin, Minister of the Council and Chamber of Castile, I appoint him the Royal Commissioner, giving him all necessary powers for the execution of the present Decree, in all its parts, and for appointing and discharging depositaries, administrators and all other persons, as he may judge proper, for the better fulfilment of this sovereign resolution. You will attend to this and take care of its full execution.

Signed by the QUEEN.

The Palace, October 17th, 1833.

To Don F. de Zea Bermudez.

* Subjoined is a translation. This proclamation, and another addressed to the Spanish people, pledging an amnesty for all political

night's trial, and finding that General Rodil's precautions rendered their stay upon that point both dangerous and useless, the King and Queen, accompanied by a few unarmed attendants, travelled on horseback along the frontier as far as Braganza, continually exposed to be taken, or assassinated by the Liberal party.

offences, up to the time of his accession, were the only ones issued by him at the time alluded to.

CHARLES V. *to the generals, officers, sergeants, corporals, and soldiers of the army.*

Called by God to occupy the Spanish throne, in order to defend his holy cause and promote the happiness of my people, aided by the knowledge and advice of the most enlightened and upright persons, who shall ever be at my side, all my efforts will be directed to the attainment of these great objects. Do not doubt my word—these are my wishes and my only ambition. I also desire to reach this happy termination of my hopes, without the public tranquillity being disturbed, and without my naturally peaceable disposition being so far constrained as to have to punish those persons who, disobedient to my paternal advice, and blinded, or led astray, should continue opposing resistance to the legitimacy of my rights.

I hope in God that I shall not be driven to this awful alternative. On the contrary, I pray him to incline and lead you to the preservation of that honour, so justly acquired by the loyalty and valour inseparable from the national character, by uniting you to your King, on the frontiers of Spain, or to the divisions and parties which, in many and various districts, have already declared in my favour, to the commanders, officers, and sergeants of which, I grant a corresponding advance in rank, as well as proportionate pay to the wives and children of those who may perish in so just a contest, and also a step of rank to all of you who may present yourselves, within the term of one month, which I hereby fix from this date, without detriment to other advantages, to which your efforts and sacrifices may hereafter entitle you; and to my soldiers I further pledge such distinctions and abatements from service, as they may respectively claim, all which I will grant, so soon as peace and circumstances shall permit. Castello Branco, Nov. 4, 1833.

(Signed) I THE KING.

The mean and despicable insults levelled at a Castilian Prince—a Prince descended from Philip V. and the *hæres factus* of the throne, together with the stratagems employed to entrap and murder him, whilst lingering on the confines of Estremadura, are subjects left to some other pen to record. The authentic details by eye-witnesses are preserved, and they contain nauseous truths which must, at some future period, be brought into public view. Partially traced at the time in some of the London Journals, and embracing only a few naked and isolated facts, they nevertheless affect the senses, and almost overpower the judgment of those, who reflect upon the atrocity of the means adopted to impede the entry of Don Carlos into those dominions which, only a fortnight before, lawfully reverted to him. The effect which these unexpected outrages produced upon his feeling and virtuous mind, may be easily conceived. Absorbed in his wishes to render his countrymen happy, from the very first, he regarded his own accession to royalty as an object of regret, rather than of triumph; but, encouraged by the Queen, looking at his children, and stimulated by a strong sense of the justice of his cause, he resolved to exert himself for the defence of his people and brave every hazard.

By this time, the standard of opposition against the Queen had been raised in the Northern provinces; and in every other part of the kingdom, even in the capital and under the very bayonets of a picked army, the same demonstrations in favour of the rights of the persecuted exile were evinced; whilst he himself, like our Alfred after his defeat by

the Danes, was wandering almost alone on the confines of that kingdom which had just devolved upon him, the happiness and prosperity of which occupied all his thoughts, and where the foulest of usurpations had reared its head. Spain was then on the eve of a civil war, as there seemed to be but one tribunal to which the appeal could be carried—this was *power*; and to it both parties were resolved to recur. The hardy Biscayans and Navarrese longed, with the devotion and patriotic ardour of olden times, to join in the glorious fray, and leaders having spontaneously presented themselves, small armies were soon formed, of men innured to hardships and prepared for every danger. Even the women felt as if their insulted country called upon them to avenge its wrongs; whilst the parent to his son, every where said,

—— the hour

Is come, to shew thy generous heart;
That not with thee the buckler and the spear
Are ill entrusted to maintain a cause,
So great and sacred!

History will hereafter have much to record of the war waged against the adherents of Charles V., in the Northern provinces of Spain. The heart which has not yet become callous to every thing calculated to exalt our nature, sickens at the wanton waste of human life which the Pyrenean Peninsula at this moment presents, the tremendous responsibility of which does, and must, rest upon the shoulders of those who first sanctioned, and have since upheld, the leagues formed against the laws, interests, and wishes, of both of its divisions. The military mas-

sacres, spoliations and other revolutionary expedients, adopted by Queen Christina's officers and agents, in order to punish and exterminate a people who founded the justice of their cause upon the very Statutes which, till now, they had been taught to obey and revere, will not find a palliative in the breast of a British monarch, however they may please his ministers. The sufferings and wrongs of the Biscayan and Navarrese patriots are great beyond example; but feeling, as they did, that their countrymen, in whatsoever shape oppressed, were with them, and that eventually they must triumph, they have withstood all the power and all the anger of their savage opponents.

Reverting to what was passing on the Portuguese frontiers, it will here be proper to add, that the *Christino* government, aware that Charles V. was determined to gain possession of his throne without foreign aid, and that he trusted only to such spontaneous efforts within his own kingdom as might be made in his behalf, changed the regiments and garrisons upon the frontiers, dreading their contact with the man whom they would have gladly hailed as their sovereign. This precaution was adopted to avoid further desertion, 200 officers and about 2000 privates having, by the commencement of December, quitted the *Christino* army and sought an asylum in Portugal.

One of the earliest measures adopted by the *Christino* government was, the issuing of an order to the military commanders, stationed near the Portuguese frontiers, to shoot every person entering the Spanish territory, protected by an armed

force, "*without any distinction of persons,*" which order, by those to whom it was addressed, was considered as immediately applying to the royal exile and his family. Not content with this nefarious mandate, the Madrid government proceeded a step further. In the night of the 1st of December, a Spanish force of 2000 infantry and 80 cavalry crossed the Portuguese frontiers, and proceeded to Miranda de Douro, surrounded the place at 4 in the morning and at 6 entered.* This force was commanded by General Rodil, who unblushingly stated that his object was to seize Don Carlos. The latter had, however, left the place in the morning of the 1st, having received timely notice of the projected movement. On the 4th of the same month, another Spanish corps of 800 strong, commanded by General San Juanna and accompanied by a brother of General Morillo, entered Braganza and drew up in front of the Bishop's palace, where Don Carlos had lodged. The latter had, however, withdrawn the previous evening with his spouse to Villa Real, his children being at the time at Torre de Moncorvo with the Princess de Beira. When the officer commanding the Spaniards learnt that the King was not there, and doubtless reflecting upon the melancholy duty which he would otherwise have had to perform, he expressed his gladness at the accident. In this manner was the lawful heir to the Spanish throne twice providentially saved from a tragical end, similar to that which befel the Duke d'Enghien.

* This place, at the moment, had only a garrison of 60 men, all invalids.

CHAP. XII.

Dreadful situation of Don Carlos—The Spanish people assert his rights—The British government ought to have ascertained the state of the law and of public opinion—General delusions regarding Spain and Portugal—The plans adopted for them revolutionary. Dom Pedro's conduct. Neither he, nor his daughter have any right to the throne—Portuguese Law of Succession—How Brazil became independent—Unjust policy of England in admitting that he had rights to the Portuguese throne—The powers of the two Regents illegal—Their acts equally so and must be condemned—The Spaniards and Portuguese will never submit to such usurpations—Our policy towards them erroneous. The Succession must be first settled—Without this no government in Spain, or Portugal, can be lasting. Errors regarding the Peninsula—Its inhabitants opposed to experimental revolutions. Errors in 1812 and 20. Dangers of Liberalism—A Constitution may be improved, but not subverted—The Estatuto Real not Constitutional—A revolutionary measure as much as the Constitution of 1812. Jovellanos opinion of Constitution making—Dreadful state of Spain—The people look up to Don Carlos as their only hope—His character—Devoted to the ancient constitution—He only could heal the wounds of Spain. Conclusion.

OWING to the dreadful situation in which he stood, beset on all sides, and flying from the murderous

and uplifted weapons of his rival's agents, the brother of Ferdinand VII. was obliged to withdraw to a place of safety and leave the vindication of his rights to the Spanish people: a task which they had already undertaken, of their own accord, and which they are now performing, though almost unarmed, at their own risk. Little aware of the outrages to which their sovereign has been exposed, they have voluntarily tendered him their allegiance; and the sequel of the struggle will prove that they are not prepared to submit to either oppression, or dishonour. A war of extermination is proclaimed against them, and in its prosecution atrocities are committed which chill the blood with horror; but this mode of retaliation will not daunt the courage of those who are fighting the nation's battles, and who actually believe that there is no happiness on earth, nor forgiveness hereafter, should they desert the banners under which they are now ranged. The devoted peasants are shot, like the beasts of the field, and their little tenements laid waste; but such cruel and atrocious expedients are little calculated to reconcile the sufferers to the hand that inflicts them, or to crown Queen Christina with laurels. By means of falsehoods and appeals to the basest passions, the supporters of usurpation have endeavoured to stir up the people and arm the son against the father, in the hope of lighting up a conflagration that can only be quenched by the blood of their opponents; but these artifices cannot prevail over discerning Spaniards, nor alter their invincible abhorrence of the collusions which preceded the King's death.

The Spaniards, like the Portuguese, are engaged in a cause, wholly national. They ask only a free agency in their own affairs and the observance of their own institutions. The true spirit and bearing of such a Law of Succession as that described in the preceding pages, cannot be matter of doubt, or question; and before the government of a British monarch acknowledged the rights of One, for whose sole benefit it was to be set aside, they ought to have ascertained whether the indispensable legal formalities had been complied with; whether the great majority of the nation would consent to submit to the derangement of a fundamental Statute, effected through the agency of parties whose sincerity there was every reason to suspect; and whether the resistance of the Spanish people was not likely to oppose an insuperable barrier to the ambitious designs of an aspiring and intriguing woman, of whose conduct they were witnesses, and of whose acts they are the best judges.

The general delusion regarding both Spain and Portugal, arises out of the same political errors as those which have recently disturbed the peace and happiness of other European nations, and unhinged every thing among ourselves. Upon both countries it was wished to impose an order of things which does not harmonize with the wishes and prejudices of the inhabitants; and in persisting in the attempt to carry it into execution, we only add to the injustice of the original design. When the Azores expedition went against Portugal, we were told that its object was sanctioned by those powers, upon whose support the Constitutionals could rely for

political independence ; that the British and French governments had a great and immediate interest in its success ; and that this was the only means of rendering the Portuguese happy, prosperous, and united.

Exactly the same was, six months ago, said of Spain, a country now equally plunged into all the horrors of a civil war : and can we expect to be more fortunate *there*, than we have been in Portugal ? What, in the latter country, have we gained by our theories and experiments ? The coast of Portugal is laid waste, the agriculture of the interior destroyed, and scarcely is there a family that is not at this moment clad in the deepest mourning. Not one of the prospects—not one of the blessings, held out when the *liberating* expedition sailed, has been realized. Have we not then been deceived ? Or did we wish that Portugal should share the same fate as Poland ?

The unfortunate Poles were instigated to revolt by those who now complain of, and hypocritically lament their misfortunes. The credulous and deluded among them were stirred up by promises which it was impossible to realize. The Polish insurrection, like the expedition of Dom Pedro, had its origin in Paris and London Clubs ; but, unfortunately, the authors were not its victims. The rising of the Poles was the offspring of external combinations, and although many respectable individuals were drawn into the vortex, its leaders were demagogues, intent only on their own aggrandizement ; and, unable to revolutionize their own country, they afterwards repeated the same experiment

in others, where they had found an asylum and experienced hospitality. In the revolutionary art Dom Pedro is a mere copyist, easily misled; and his Portuguese scheme of regeneration, being founded upon the same visionary maxims as those by which many parts of Europe are at this moment agitated, it would, ere this, have met with a fate similar to that of the Poles, had it not been supported with all the patronage and moral aid which two powerful governments could afford. Precisely the same might be said of the revolutionary project in Spain; and it is scarcely possible to conceive how a British minister could risk his own character and his country's honour upon a scheme, the success of which depends upon casualties, and which is besides confided to men who have nothing at stake.

In Spain and Portugal we see an attempt making by a particular party, to gain an ascendancy, and of that party Doña Christina and Dom Pedro are the willing instruments: for it would be alike cruel and unjust to blend the names of the two innocents, whom they profess to represent, with their acts. Queen Christina has already been told, by her own provincial governors, that they will abandon her, if she does not go all the lengths they wish; and in Portugal many of those, usually denominated Constitutionalists, deserted Dom Pedro as soon as they discovered his real views, and found that he there wished to realize the favourite plan which produced his downfall in Brazil, namely, to fill the country with foreign mercenaries, and by their aid, support his throne. In both instances he resorted to fraud. In Brazil, the law authorized him to en-

courage emigration and reward foreign settlers. Under colour of this law, he enlisted and imported a foreign army, with the intent, as it afterwards appeared, of subverting the constitutional rights of the country which, for him, had founded a throne. When he raised his army and equipped his navy in England to attack Portugal, he assured his dupes that they were going on a holiday trip—to liberate a people ready to receive them with open arms. He was prodigal in his promises and his battles were fought; but ingratitude, humiliations, and chains were the recompence of the few survivors.

And yet what had Dom Pedro, or his daughter, to do with Portugal? Her we acknowledged as Queen, and him as Regent; but how did *she* acquire her rights, or how was *he* invested with power? It is the most essential requisite—the most provident characteristic of the Portuguese Law of Succession, that the claimant shall not be a foreigner; and this law, which has served as a safeguard to the national independence for more than five centuries, goes so far as to say that if the King's daughter, even when born and residing in Portugal, should marry a foreigner, she loses her hereditary rights and cannot be Queen. Should the King himself go to the Cortes of a foreign State, or pay tribute to one, even *he* forfeits his Crown. *Qui talia consenserit, moriatur, et si filius, aut nepos meus fuerit* (said Alonzo I.) *non regnat.* The Cortes of 1641 confirmed this law; and added to it a formal declaration, that *no foreign Prince shall inherit*; and further, that the King shall be bound to *live and abide in the Kingdom.*

And in what character did we acknowledge Dom

Pedro, when we made a Treaty with him, as Emperor of Brazil? Did we consider him in the light of a Portuguese Prince, or as the Sovereign of a foreign State, wholly separated from and independent of Portugal? On the 9th of January, 1822, Dom Pedro raised the standard of Brazilian Independence, and declared himself the *Perpetual Defender* of his adopted country, for ever abandoning the throne of his birth; and on the 12th of December, in the same year, he accepted and took the oath to the Constitution of Brazil, which establishes his own as the reigning dynasty in the new Empire, and designates his eldest daughter as Princess of Gran Pará. In other respects, he had previously forfeited his rights to the throne of Portugal. According to the fundamental laws, the waging of war against his native land, is sufficient attainder; and his own voluntary Renunciations are besides on record.

During the contest which preceded the Independence of Brazil, the faith of our Treaties with Portugal was invoked, when we were called upon to take an offensive part in favour of the reigning sovereign. The answer given was, that however we were bound to protect Portugal from *foreign aggression*, no such case as that of the Separation of Brazil was provided for; but the contending parties were advised to settle their disputes amicably, and upon that principle which best suited the relative circumstances of each. This advice had its full effect and, in August, 1825, a British minister, provided with double powers, signed the Treaty of Brazilian Separation and Independence. In this

Treaty, England was the mediatrix and a guarantee. Its provisions were, that the eldest son of John VI., for himself and his Successors, should take and have Brazil, as his portion; and that country was accordingly declared independent. Great Britain extended her good offices still further. Through her example and influence, the Independence of Brazil was acknowledged by all the other Powers of Europe. She continued to take a lively interest in the welfare of Brazil, and through her mediation an end was put to the war with Buenos Ayres. Through her minister at Rio de Janeiro, she repeatedly tendered good and seasonable advice to Dom Pedro, in the hope of inducing him to act with prudence, and even guarding him against the abuses of power.

Thus England did every thing in her power for the severance of the two countries, on the principle of absolute and perpetual independence; and afterwards exerted herself to induce Dom Pedro to act consistently with the new character which he had acquired. To acknowledge him therefore in any other than this character, and more particularly as Heir to the throne of Portugal, whilst yet the Sovereign of another realm, and in the face of a solemn Treaty recently concluded, was not only unjust, but also arbitrary. This step led to all the calamities by which Portugal has since been assailed. Dom Pedro chose his own portion of the parental inheritance, and with it he ought to have been satisfied. If he wasted, or gambled it away, he had no right to seize upon the allotted patrimony of a younger brother. Let the case be put to any man of principle and honour in private life, and let

him be asked how he would feel at such an act of dishonesty on the part of a first-born, after a legal division of the inheritance had taken place. Dom Pedro had his choice—at one time he was proud that so much had fallen to his lot; and having expressed himself contented, he had no right to stir up a civil war in Portugal, either to repair his own errors, or mend his broken fortunes. Upon this point the Portuguese have besides expressed themselves, and if a British minister wished to befriend Dom Pedro, he ought not to have forgotten that the Portuguese, as a nation, have claims upon the grateful acknowledgments of both the British King and his people.

Dom Pedro's investiture of power is still more singular than that of Queen Christina. By a decree of the 3rd of March, 1828, whilst yet Emperor of Brazil, he appointed a Regency of three persons to govern Portugal, who with this view took up their residence in the Azores. Three years afterwards, that is, when he had been driven from the other side of the Atlantic, he revoked that decree and appropriated the Regency to himself, thus performing his own investiture; and this is actually the origin of that authority which he now wields in Portugal. And can such a power as this suffice to alter the fundamental laws, and change the whole construction of society in an ancient kingdom? Queen Christina derives her power from her late husband's Will, and from that alone.* And is this the

* Many persons in Spain are of opinion that the King's Will, (vide page 5) was apocryphal. It purported to be signed, June 12th, 1830,

mode of making a temporary provision for the executive, during the suspension of its exercise, (even granting such to be the case) in either of the two countries? Are these the legal and constitutional means of supplying a defect, of the utmost consequence to the whole community?

Dom Pedro has, by his own sole fiat, ordained, that one half of the property of Portugal shall change hands, and besides overturned the established institutions and tribunals. The origin of his power is, therefore, a question that involves the interests and well being of every family in the country, as he moreover brings with him a heavy load of debt to be paid out of the people's earnings—a debt incurred without their concurrence and merely to gratify his own follies. On the admission that his rights are illegal and his powers unconstitutional, his acts stand self-condemned; and, besides hatred of the objects proposed, such reforms as those in which he is engaged, must add contempt for the authority from which they proceed. He has nothing

six months after his marriage, and by it the Queen, then only 24 years of age, is named to the government, in preference to the Infante Don Carlos and his brother, as the royal Decree of October 4, 1833, declares, “in order that she *alone* might rule and govern the monarchy, until his Daughter attained the age of eighteen years;” appointing nevertheless a Council and the Marquis de las Amarillas to be a member, who, at the time of the King's demise, was actually banished from court. At a subsequent period and during the King's first illness, (Sept. 1832) it has been seen that he wished to confide the government to the Infante Don Carlos, jointly with the Queen, and from the remote date and a variety of other circumstances, it is thought that if the Will was genuine, the means by which the signature was obtained were collusive; but, at all events, nobody believes that it was not revoked, or altered, prior to the King's death.

to plead in justification of what he is now doing ; neither have his patrons an excuse. When he declared war against Portugal, he aimed at the overthrow of all law—that was the principal condition under which his followers pledged their services. He then selected men from the lowest ranks, raised them to the highest offices, and they have since become the public plunderers of the State.

And can usurpations and abuses of power like these pass current with either the British government, or the British public? Do the two Regents hold and use such authorities, as the sovereign of our realm ought to have acknowledged? Were the Cortes of Spain, or Portugal, at this moment constitutionally assembled, and not overawed by a military force, they would, in reference to Queen Christina and Dom Pedro, do exactly as our Parliament did at the Restoration, when all the acts of the preceding government were declared null and void. The national Cortes of each country would record their sentiments of present occurrences, by an avowal similar to that made in the time of Charles II., when it was proclaimed to Europe “that all the powers before in possession, were *rebellious, wicked, traiterous and abominable usurpations, detested by this Parliament.*”^{*} And what would then become of our diplomatic recognitions ; or rather, how would our acts of intervention stand ? Timely concessions, made mutually and in the spirit of frankness, might have had the desired effect in Portugal, as well as in Spain ; but when a whole nation is

^{*} 12 Car. ii. Chap. 12.

outraged, merely to please a party, or for the forcible introduction of some visionary scheme, projected in Paris, or London, the responsibility of the failure becomes awful, when the sacrifices attending the attempt are duly weighed.

Neither Spaniards nor Portuguese desire Regencies. They equally abhor the wanton havoc and violence committed upon them ; but in greater detestation, still, do they hold the schemes of those designing men who wish to make themselves by their misfortunes. The question which they have at issue involves the right of sovereignty, and till this is settled, to their satisfaction, they cannot lay down their arms. The firmness, perseverance and sacrifices of both nations, we should have been the first to admire—we should, ere this, have done homage to their exertions, if we had understood the extent of their wrongs, or had we not been blinded by prejudice. Aloud should we have testified our approbation of the principles upon which they are acting, were we not deluded by the professions of turbulent and needy men, whose plans, even if they could be realized, would lead to the overthrow of all existing government, and prepare the way for the eventual destruction of the monarchical principle, without which both Spain and Portugal must become a complete chaos. In Ireland, at this moment, we see the fatal effects of that discontented and ambitious spirit which aims at the dissolution of the Union, and do we forget the very slender threads by which the several Kingdoms of Spain have hitherto been held together ? Are we not aware of the conflicting interests and embittered prejudices, prevail-

ing in the several provinces? The elements of separation, for instance, are fast accumulating in Catalonia, and it must be evident to every one that a female infant, even if her rights were merely questionable, under the administration of an unpopular mother, could never restore that bond of union which is already broken. Even if Charles V. had waved his claims, the Spaniards would never submit to the degradation of Queen Christina holding the Regency for fourteen years. They know their own laws too well, and they have not yet forgotten the disgraceful collusions which preceded the King's death.

Unless the questions regarding the Succession are set at rest, in both countries, there can be no peace for either Spain, or Portugal; and these two questions have now reached a stage and assumed a form, of such extreme importance, as actually to force them upon the attention of the British government and people. The Spaniards and Portuguese will never admit the rights of the two infant Queens, nor acknowledge the legality of the Regencies instituted in their names. In vain does the Madrid cabinet attempt more than the legal and satisfactory arrangement of one disputed point at once. It is not in times of confusion, distrust and discontent, that a free government can be settled: such an undertaking requires repose, as well as mature deliberation. Spain is, at this moment, agitated by perpetual insurrections, and the orders of the Executive are disobeyed in all the provinces; nay, that country is virtually under martial law. Disorder has become the natural state of the great body of the people,

who openly bid defiance to the Queen's power, and, if the present leaders were shot, others would instantly rise up in their places. Unless, therefore, the cause of this disorder is removed, there can be no peace for Spain. The impulse given is a national and general one, and its operation by no means confined to particular ranks, or classes.

The Peninsular contest however is not a new one, although its present form is varied; for it would be impossible for lessons to be written in more legible characters than those of 1812 and 1820. Still it is unfortunate that the duration of revolutionary horrors diminishes the first impression made by them upon reflecting minds; but, in proportion as less abhorrence is felt for errors and crimes, similar to those which marked the early stages of the French revolution, the more ought they to be exposed. The views of men who disturb the peace of a country, under the plea of reforming it, ought to be laid open; for there is nothing so dangerous as the exaggerations of *Liberalism*, particularly where education does not oppose a salutary check. Personal animosities, false conclusions and habitual misrepresentations, have rendered the politics of the Peninsula a confused medley; and it is, therefore, by no means strange, that the British public should have been so frequently led into error with regard to the feelings, wishes and wants of a country, with which we ought to have been better acquainted.

Political institutions, in order to be beneficial and permanent, must keep pace with, and bear an exact proportion to, the intellectual acquirements of the various classes for whom they are intended. If,

therefore, their formation is not gradual and the principles upon which they are founded, generally acceptable, they never can answer the ends in view. What is wholesome and attainable in one country, does not suit the palate of another; and although those who seek to counsel a king, or a government, respecting the preference of systems, may be actuated by the best intentions, the task is both dangerous and difficult, more particularly in the Peninsula. Foreign interference, no matter the shape in which it comes, is *there* always looked upon with a jealous eye; and if reforms should be proposed, the question is not what are their merits, but by whom are they suggested. Upon no countries did the example of the French revolution operate with so much effect, as upon Spain and Portugal. These discerning nations then saw that by loosening the bonds which hold society together, the equilibrium is destroyed, whence events necessarily arise which give weight to the criminal and the bold—those who, in other times, would have been left in a comparative state of obscurity. They beheld precisely the same effects among themselves in 1812 and 1820.

These two nations are essentially religious and aristocratical, whereas, in both, the principles of the Liberals are at variance with those of the clergy and nobles; at the same time that these two classes are the essential pillars of each monarchy. Viscount de Chateaubriand, whose acquaintance with the views and feelings prevalent in the Peninsula, is avowedly practical and extensive, speaking of the early occurrences in 1820, subsequent to the military revolution of La Isla, prophetically observed, “that

if Europe mistook her political position so far, as to be indifferent to the destinies of Spain, he was persuaded that Spain, left to herself, would still recover." Religion, in that country, has shewn what it can perform with its own strength. "C'est au delà des Pyrénées," continues he, "que l'on a vu la lutte, à jamais memorable, du monde d'autrefois et du monde d'aujourd'hui; l'Hercule Chrétien à posé ses colonnes devant les flots de la révolution, et il a pu y graver le *Nec plus ultra*."

Neither Spain, nor Portugal, is prepared for rash, or speculative undertakings. Revolutionary attempts were before made against them, and failed. Nevertheless, with the experience of the past before our eyes, Portugal was invaded by a band of foreign mercenaries, because the introduction of reforms was deemed necessary; and now it is proposed to give Spain a new Law of Succession, as the best means of improving her institutions! The Portuguese were pronounced incapable of framing a Constitution for themselves, and accordingly advised to accept one, ready made for them in Brazil; whilst the Spaniards, it is argued, cannot amend their Code, and render their country happy and prosperous, unless they have a fourteen years' Regency over them, administered by a female who never excited either confidence, or respect.

Really, these things are incomprehensible; and yet if Dom Pedro had succeeded in Portugal, when he first went thither, he would instantly have revolutionized Spain, even whilst Ferdinand VII. was still upon his throne, and then proceeded to Brazil to reward his auxiliaries! Were the Liberals now

to gain the ascendancy in Spain, what is there to prevent that country from becoming what it was, in 1812 and 1820? These were equally speculative æras, and marked by phenomena not easily forgotten. The first led to the introduction of visionary plans and theories, which nearly undermined the foundations of the monarchy; whilst the second ended in the deposition of the King, and his conveyance to Cadiz as a prisoner.

That a Constitution may and ought to be improved, no body will deny; but it ought not to be subverted, in order to try the hazardous experiment of introducing a new one. The leading classes of the State, both in Spain and Portugal, from the earliest times, had their places allotted to them in the National Legislature, and yet they did not enact laws without the King's concurrence; but, in Cadiz, the King and the leading classes were set aside, or rather their functions usurped by a body of popular deputies, representing only one half of the kingdom. The two most influential classes in the State were then left without any representation; and upon this same principle are the Spanish Liberals of 1834 acting. The basis of the new system, unfolded in the long expected *Estatuto Real* of April 15, 1834, is equally as revolutionary and unjust, as that upon which the Cadiz Constitution of 1812 was founded, although its development is cautiously worded. It professes to be a Convocation of the Cortes, and then proceeds to say that they are to be composed of two Estates, instead of three; and from the manner in which this new Statute would operate, the members would be little else than nominees of the Crown.

And is this the ancient Constitution of Spain? Is this the revival of national institutions, as they stand recorded? The minister promulgates a new Constitution, and then calls upon a Cortes of his own appointing to sanction the act. This is worse than was done in Cadiz, where, if more attention had been paid to the expulsion of the French, and less time taken up in experimental theories, the Peninsular war would have terminated a year sooner. In like manner may it now be said, that if the Spanish Liberals, (a term synonymous with Madrid government) attended more to the settlement of the question of Succession, and gave up the old mania of *Code-making*, their country would feel more indebted to them.*

* As a specimen of the mode adopted to settle the Succession, the following extract of a letter, dated Madrid, March 27th, is taken from the Times of April 7, 1834.—

“ A general order has been issued, dated the 22nd of March, in concert with the *subdelegado principal de fomento*, in which it is declared that all rebels taken with arms in their hands, of whatever class or category they may be, shall be put to death, as soon as time has been allowed them to obtain the consolations of religion. The same fate is announced against those who assist the rebels with arms, ammunition, or money, with advice or information, or in any other way whatsoever. The members of municipal councils, or the magistrates of towns, whose territory has been occupied by the rebel forces, and who shall not communicate the fact to the commander of the nearest detachment of Her Majesty's forces, allowing an hour and a half for each league of distance between the town and the detachment, are likewise to be put to death, if it shall appear that the omission has been wilful, or malicious; they are to be transported for six years to the condemned settlements on the coast of Africa, besides paying a fine of 1,000 ducats, if the omission has arisen from carelessness, or neglect. The man who knowingly conceals a rebel in his house, is to suffer four years of exile and pay a fine of 500 ducats. For communicating with the rebels by

Before the Cadiz Constitution was begun, Jovellanos, a name venerable to all parties in Spain, addressing his Report to the Central Junta, observed thus: "I hear much said of making a new Constitution in the Cortes; but in this, according to my judgment, there would be many objections and great danger. Has not Spain, perchance, her Constitution? In this respect such will ever be my opinion; nor will I ever assent to others altering, under the pretext of reforms, the essence of the Spanish Constitution. That such improvements be made in it as its essence allows, and that, instead of altering, or destroying it, it be rendered more perfect, would be conformable to the dictates of prudence."*

This advice was rejected, and of the consequences Europe is already informed. The Cadiz errors unhinged Spain ever since, and her misfortunes, it would seem, are likely to be prolonged. If the question of injustice and usurpation were entirely set aside, such a change as that now projected in Madrid cannot succeed. A numerous class of men will not sit calmly down and see themselves

word, or writing, without favouring their projects, the punishment is two years' imprisonment, and a fine of 200 ducats. The *alcaldes* of towns are further directed to furnish the superior authorities with a list of such of the inhabitants as have joined the insurgent forces. The subsequent articles of this order contain provisions of a similar character; and upon the whole it is evident that if the war is to be carried on in this barbarous spirit, it will not be possible, and morally, if not politically, it will not even be desirable, to restrain the army on the other side of the Pyrenees from entering the Spanish territory, and putting an end to the contest."

* Jovellanos, *Appendice a su Memoria*.

stripped of rank, property, influence, and all those advantages which they and their ancestors have enjoyed. They will not resign that which they possess, without a struggle, whilst they have the examples of France and Portugal before them. Dom Pedro's spoliations and profanations will always operate as a salutary lesson upon the Spaniards; and to the impieties of his agents will the clergy and the thinking classes point, when they see the Cadiz experiment renewed among them, and become sensible of all the revolutionary horrors which await their devoted land.

The political improvements and reforms of 1812, gave rise to those deadly struggles and party conflicts which have desolated Spain, during more than twenty years, and for which, unhappily, no remedy was devised in the last reign. To recur to the events which happened from the accession to the death of Ferdinand VII., would be wresting from the historian the painful duty of recording a long list of errors and follies, the consequences of which are at this moment felt in all their force. Whenever that task shall be completed, the narrative will present a revolting catalogue of expedients, neither dignified by success, nor justified by necessity, the last of which perhaps holds the most prominent place. It would be a picture of mischiefs and misfortunes which the late King bequeathed to his successors, attributable more to his own weakness and evil councils, than to a want of interest for the national welfare. He was often controlled by influences which he had not the courage to resist; but his inconstancy and want of firmness in the high man-

agement of public affairs, will, in the eyes of posterity, always render him accountable for the present calamities into which Spain is plunged, if not for neglect, in seeing that her old and rankling wounds were cured.

Absorbed in affliction and wearied out with revolutionary experiments, the people of Spain looked up to the Infante Don Carlos for comfort and consolation. They revered his virtues and admired the integrity of his conduct. They have seen him stand aloof from all those turmoils into which their unhappy country has for years been plunged; and they besides knew that most of its calamities would have been avoided, if his advice had been followed. Nothing could have been more auspicious to Spain, than the dawn which beamed upon her when the two brothers, hand in hand, reached Madrid, and Ferdinand VII. was proclaimed.* The eyes of the

* On this memorable occasion and under the advice of his brother, Ferdinand VII. issued a proclamation, in which he gave the following assurances: "That the tribunals, statutes, and classes of the Spanish State, till then cast down and disorganized, shall recover all that vigour and those functions which the holy laws of Spain and America prescribe, by the annulment of all such innovations and violences as they have heretofore experienced; that Justice shall have all the power necessary, and that judgment shall be given according to the whole rigour of the law; that the Cortes of the Kingdoms shall be convened and the Council consulted respecting America; that all those shall be recalled to the capital who have been banished from it, since the time of the ministry of Count Floridablanca; that the royal forests shall be laid open, and the lands distributed among the neighbouring townships; that economy shall be introduced into the palace expenditure; that the plans for roads and canals in the public offices shall be examined," &c.

whole kingdom were upon them and the assurances, on that occasion given to the nation, were of the most cheering kind—in substance more valuable and comprehensive than all the plans of reform subsequently suggested, for this simple reason, that they were constitutional, just, and seasonable, besides being congenial to the wishes and wants of the whole kingdom. They comprised all that the Spanish people desired; and had they been realized, those to whom they were addressed would have preferred trusting to time for the rest, rather than run the hazard of experiments.

That they were not carried into effect was not the fault of the Infante Don Carlos. He was the first victim of the French invasion, as well as of his own brother's blindness; but he always thought and acted according to his early advice, and no man ever felt more sincerely towards his afflicted country. No one knows better the genius and character of the Spanish people—no one values more the real Constitution of the realm. In March, 1820, when it was thought that the national institutions would have been revived, he did not hesitate to avow his sentiments upon the situation in which his country was then placed, and expressed his readiness to concur in any reasonable plan of reform;* but he

* The following Proclamation was issued to the army by the Infante Don Carlos, as Commander in Chief.

“Soldiers! The solemn act by which you have, under your standards, declared your entire adhesion to the Political Constitution of the Monarchy, imposes upon you great obligations, at the same time that it opens to you a brilliant career, from which you may expect immortal glory. Valour and constancy, in all times the noble device of the

withdrew from public life as soon as he saw that, instead of reviving the ancient constitution, it was wished, through the medium of the La Isla revolution, to bring back the reign of anarchy, and reproduce all the specious systems of the Cadiz theorists. For the last fourteen years, he has preferred the station of a private individual, enjoying the endearments of an affectionate spouse, and devoting the

Spanish warrior, is a sure guarantee of the inviolable fidelity with which you will fulfil your promises. I felicitate myself on the confidence testified by the King, in conferring upon me the honour of commanding you. Faithful to the oath which I have this day taken, in his august presence, I will be always your friend in the way which shall lead you through the paths of honour and duty. To love and to defend our country, to uphold with unshaken loyalty the Throne and the sacred person of the Monarch, who is the support of civil liberty and national greatness—to respect the laws—to maintain public tranquillity—to be ready to make any sacrifice required for the general welfare—to be united in affection and sentiments with the Spanish nation—to concur with them in the establishment and consolidation of the Constitutional System—to preserve that exact discipline and that subordination which are essential to the military condition: such, Soldiers, are our sacred obligations. These are what will render us worthy of the love of our fellow citizens, in times of peace, and formidable to our enemies, in those of war. This is what the King expects from you, and of what your first companion in arms will always set you the example.

It is thus that the ancient Throne of the Alonzos and Ferdinands will shine in this heroic nation, with a splendour unknown to the fairest ages of the Monarchy.

Ferdinand VII., our beloved Monarch, the founder of liberty in Spain and the father of his country, will be the most happy, as well as the most powerful of Kings, since he can found his authority upon the indisputable basis of the love and veneration of his people.

Soldiers of all ranks! let there be amongst Spaniards but one sentiment. In all our perils and under all circumstances, let one general cry unite us round the Throne, that of—Long live the King! Long live the Nation! Long live the Constitution!

(Signed)

CARLOS.

Madrid, 14th March, 1820."

whole of his cares to the education of his brilliant progeny, as it were, providentially, all sons.*

The public and private character of Don Carlos stands unimpeached;† his principles are known to

* Charles Luis, born January 31, 1818—John Charles, May 15, 1822, and Ferdinand, Oct. 13, 1824.

† The following character of the Infante is taken from a French paper and the general delineation is so faithful that it was thought expedient to adopt it in this place.

“Don Carlos, the direct and legitimate heir to the Throne of Spain, is the object of the profound respect of one party, and the deep hatred of the other. He is of the common stature, his countenance calm, and not marked by strong expression. His manner is cold, grave, and silent, and his dignified air well calculated to please the reserved Castilians. His enemies have endeavoured to represent his silence as haughtiness, his calmness as hypocrisy, and his piety as fanaticism, a deception which might succeed in another country; but the Spaniard never either hates, or loves, but upon sure grounds, and his reflecting character prevents him from giving way either to prejudice, or enthusiasm, except with good reason. Some persons have compared the character of Don Carlos to that of the gloomy Philip II.; but there is no sort of ground for the comparison. Don Carlos refutes this alleged similitude by the practice of every virtue in private life. He is a model for fathers; living in the midst of his children, and beloved by all who are near him. Don Carlos practises that sort of piety which cannot offend the least austere. He always manifested the greatest indifference to political questions, up to the period when, attacked in his dearest interests by Ferdinand, despoiled of his rights and those of his children, he protested against the course pursued by that Monarch, with all the respect due to a Sovereign, but with the firmness inspired by a good cause. He left Spain without causing the least danger to the State, and without endeavouring to raise up any party in his favour; but when death closed the eyes of Ferdinand, he came forward to assert his rights. Should he attain the throne, it will be from his own firmness, and without foreign intervention. When the Royal family left Cadiz, in the midst of French bayonets, Ferdinand and the Infante manifested their joy at their escape from captivity, which was very natural for them. Don Carlos, however, maintained a sullen reserve, which was deeply

his countrymen, and it, therefore, becomes a question, of the deepest interest to a British monarch, as well as to his ministers, whether an alliance with him, and through him with the great majority of the Spanish nation, the incontestible right to the throne being on his side, is not preferable to one with the restless and aspiring Liberals, headed by a foreign female who has usurped the sceptre, and besides abused the power which a too-confiding husband entrusted into her hands. Perplexing as the situation of Spain doubtless is, it has nevertheless been seen, that conciliatory measures would have done great good, and even prevented the horrors of a civil war, if their application had been timely; whilst, on the other hand, it is evident that violence and obstinacy only increase the difficulties.

If the British government means well to the Peninsula, no time is to be lost. The banners of discord are unfurled, the fiery elements of destruction spreading over the land; and independent of other consequences, so long as a plea for waging war against the Carlists is held out, the more insatiate are the demands of the leaders opposed to them,

appreciated by every true Spaniard. He felt that he was no longer a captive, but he seemed to regret that he owed that deliverance to foreigners, which he would have wished to obtain from Spaniards. Deep sorrow was depicted on his countenance, and he refused to give his hand to his liberators. The husband of Maria Francisca, Infanta of Portugal, a Princess of distinguished courage, and sister of the two brothers who are fiercely struggling against each other in Portugal, Don Carlos finds in the character and virtues of his wife, some recompense for the grief which has filled his heart since he was separated from the other part of his family, between whom and himself private interest and injustice have raised a barrier."

and the bolder are their encroachments upon the institutions of the monarchy. Since Queen Christina's coalition with the Liberals, her authority has acquired no moral strength. She is completely overawed by the provincial governors, and *they* are guided by the Clubs. Should, however, a military leader gain more than usual ascendancy, and conciliate the affections of the army, the organs of the latter would then dictate terms to her, as they did to Ferdinand VII., in 1820.

The Queen cannot propose a measure acceptable to the great body of the people. Whatever may have been the effect produced within the circumference of the capital, or however flattering the hopes entertained of it abroad, the *Estatuto Real*, as a public measure, has completely failed. Loyal and steady Spaniards are not easily thrown off their guard. To reflecting minds it brings with it the taint of suspicion; whereas, to others, from being so long delayed, it wears the appearance of having been extorted. The great majority condemn it as jacobinical, speculative, and antinational, viewing it besides as the letting loose of the first stream of those dangerous innovations, which, if unrestrained, would swell into a devastating torrent, and sweep away every thing hitherto revered and stable in the monarchy.

A series of impostures, too impudent to be forgotten, and too calamitous to be forgiven, have put the Spanish people on the alert; and so long as fraud and violence continue to be the leading features of the *Christino* policy, they despair of both real liberty and permanent happiness, under the

dominion of that party who have no reliance but on the multitude for support. The privileged and reflecting classes have taken the alarm, not only at the audacious attempt to subvert a Fundamental Statute, avowedly enacted for the public benefit, but also at the frantic rage for plunder and destruction, which has marked the short career of the Portuguese Liberals in Lisbon. There the Spaniards see that *reforms*, protected by foreign bayonets, have been carried on with such violence, rapidity, and success, that, in a few months, a complete change has taken place in the laws, property, and even in the manners of the inhabitants, through the introduction of a new system, and by the mandate of one, who, as previously noticed, *clothed himself* with power, and is guided only by rapacious and levelling counsellors.

What is going on in Lisbon, is an additional warning to the Spaniards against rash and intemperate innovations, and the confusion already created there ought, one would think, to deter foreign nations from interfering in the concerns of the conflicting parties. The Portuguese have a national Constitution of their own, the same as the Spaniards, and, if possible, clearer and better defined than theirs. Its basis is more modern and less complex, having been established by the Founder of the monarchy; but when, in July 1828, they revived their ancient Legislation, for the express purpose of settling the Succession, we railed at their effort, and contemned the award, pronounced in the most deliberative manner, and afterwards accepted by the people, which declared, as our Parliament did on behalf of Charles

II., "that the Crown appertains, by just and undoubted right, to the King, and to his lawful Heirs and Successors."* That award confirmed the exclusion of Dom Pedro; and yet we prefer a ready-made Constitution from the New World, accompanied by the blessings of *Liberalism*, and an importation of needy adventurers.

When Ferdinand VII. was entrapped by the French, he succeeded in sending to Spain his protest against the Bayonne extortions, together with letters enjoining the Council of Castile to convene the Cortes, in case this had not already been done by the Regency; which was well understood to be for the sole purpose of attending to the pressing wants of the nation.† But Ferdinand had little idea, at that time, that the Cortes which he thus ordered to be convened, would, in the progress of their *patriotic* labours, strip him of those rights, dignities, and preeminences, which he and his ancestors heretofore enjoyed; or that they would proceed to enact a new Constitution for the Monarchy, as Sempere observes, "almost entirely copied from the French one of 1791; but still more democratical."‡ What

* Vide Stat. 12, Car. ii. C. 12.

† The person entrusted with these letters and protests was Ibarra-barro, Fiscal of the Council of Navarre.

‡ Historia de las Cortes de España, cap. xxxix. "On voulut faire croire que la nouvelle Constitution était l'ouvrage de la volonté générale des Espagnols, tandis qu'elle n'était que le résultat des intrigues d'une faction, conçue et préparée par des écrits incendiaires, et par les cris et les desordres des hommes séditieux et sans mœurs, dont les places, les galeries, et les tribunes des Cortes étaient remplies, pour applaudir, et pour siffler et imposer silence à ceux qui voulaient tenter d'y opposer de la résistance."—Ibid—French edition.

is now passing in Madrid and Lisbon, is equally revolutionary, and yet it is called, *restoring the ancient principles of the monarchy!* The Cadiz Constitution of 1812, was adopted by the Oporto revolutionists, in 1820; and it is a remarkable fact, that some of its original enactors are now among Queen Christina's confidants, and several of those who were instrumental in its introduction into Portugal, stand at the head of Dom Pedro's council.

Notwithstanding these inconsistencies and contrarieties, the British and French administrations, since the changes in the two countries, have not been reluctant co-operators in Peninsular affairs, although it was never doubtful which party would be most benefitted, should the Pedroite and Christino schemes succeed. At the Palais Royal, the Azores expedition was an object of the deepest interest; and the *secret means* employed by the French King for its attainment, were exactly in the same spirit as that which took Junot to Lisbon. The anxiety of the French for national aggrandizement, is as strong and general as ever it was under Napoleon. By extending and consolidating her influence in contiguous countries, France hopes to gain commercial advantages, and by this means make up for the loss of Colonies. Hence was her attention turned towards the African side of the Mediterranean; and the eventual incorporation of Belgium having been secured, the Pyrenean Peninsula was the next point that afforded the best chances of success. Of the private views of the Orleans Family upon Spain, mixed up, as they are, with old hereditary claims

and piques, some notice has already been taken,* and, considering the subtlety and characteristic thirst for foreign dominion, so remarkable in the descendant of that Orleans who was Regent of France, during the insanity of Charles VI.,† of the

* Vide page 140. This is a topic upon which there is yet much to reveal. The Marquis de San Phelipe, a cotemporary author of the greatest veracity and whose authority was never yet questioned, (Book x.), gives a curious account of the Duke of Orleans' intrigues, whilst in command of the army of Catalonia. It is to be borne in mind that, on the death of Charles II. of Spain, Philip of Orleans claimed in right of his mother, the Infanta Anna, eldest daughter of Philip III. and wife of Louis XIII., in opposition to Victor Amadeus, descended from Catherine, second daughter of Philip II. In 1708, Philip of Orleans was sent to command the principal army in Spain, and reached it the day after the battle of Almanza. He subsequently invaded Catalonia and took Tortosa. San Phelipe says, that whilst commanding that province, his papers were seized, and found to contain a secret correspondence with the British General Stanhope, in which he offered to deliver up to the Allies several important fortresses, "provided the British would guarantee to him the possession of Valencia, Navarre and Murcia, together with Carthagená, as a Kingdom, and acknowledge him as the sovereign of it;" under which conditions he further offered to surrender up to the House of Austria, his own claims to the Spanish throne, after the line of Philip V. Philip of Orleans was denounced to Louis XIV. and recalled. The Orleans branch have ever since entertained views upon the Castilian throne, always considering their rights preferable to those of the House of Savoy. The Renunciations of the Spanish Crown, made by the same Philip of Orleans for the Treaty of Utrecht, were deemed informal, as appears by the Duke of Shrewsbury's letter, dated March 24, 1712, preserved in Bolingbroke's Correspondence, Vol. iii. page 509, in consequence, as it is there stated, of he and the Duke de Berri having taken no oath, but merely signed declarations, in a simple form.

† Charles VI. was left a minor, but assumed the reins of government in 1388, at the suggestion of his brother, the Duke of Orleans. In 1393, he was first seized with the symptoms of insanity. He was then engaged in an expedition against a rebellious subject, and happened to

one who distinguished himself by his intrigues in Catalonia, in Philip V.'s time, and of the French l'Egalité, it was natural to expect that, when seated upon a Bourbon throne, he would endeavour to cast out branches of his own dynasty around him.

Whilst we bear the odium of a joint interference in Peninsular affairs, the French are gaining substantial benefits, and pursuing the plan of political and commercial competition, as originally conceived by Louis XIV., acted upon by Napoleon, and revived by Louis Philippe. Against the aggrandizing views of the first, the Spanish people themselves, as seen in the preceding pages, opposed the most efficacious barrier (notwithstanding they took his grandson as their sovereign) actually joining in our views to prevent the union of the two Crowns, even after we had carried on a ten years' war against them; but the value of this barrier is now entirely overlooked. As regards Napoleon, we must never forget that the seeds of discord were sown in Spain, some years before the French revolution; but even after that fatal example, the dominions of Charles IV.

be alone on his march, when a figure in white rushed from a forest, seized the bridle of his horse, and commanded him to desist. The Prince concluded that this apparition was preternatural, and the incident affected his senses. Afterwards, being at a ball, his clothes were set on fire, as was supposed by the Duke of Orleans, which distempered his reason still more. The scenes which followed were such as humanity would gladly consign to oblivion, were not the records of past ages valuable lessons in the present times. Isabella of Bavaria, Charles's consort, formed a criminal connection with the Duke of Orleans, and jointly they governed the kingdom. The unfortunate king was neglected, and the country soon afterwards convulsed by a civil war. Orleans was at length assassinated.

continued tranquil, and the influence of the provident policy of the Spanish Bourbons remained undiminished. The agents of the French revolution penetrating to Madrid, involved the Spanish government in ruinous and antinational measures, exhausted its finances, humbled its rank, and caused the destruction of its navy; when Napoleon, afterwards seeing Spain reduced to a state of debility, availed himself of the palace dissensions, overthrew the constituted authorities, and, the more effectually to carry his designs into execution, seized upon the persons of the Royal Family.

Under pretext of the Treaty of Fontainebleau, he occupied the principal fortresses, and advanced his armies towards Madrid. Godoy looked upon these perfidious acts with indifference, the plot being deeply laid; but what must have been the surprise of Charles IV. when, in February, 1808, Isquierdo unexpectedly informed him, by Napoleon's orders, "that the interest of France required the annexation of all the Spanish provinces, situated between the Pyrenees and the Ebro, and that for this diminution of territory, Spain was to receive a full compensation in Portugal."

After Spain has been involved in the calamities of a war of Succession, and, to all appearances, left incapable of extricating herself from her difficulties, what would be the surprise of Europe to see Louis Philippe, after being allowed, nay perhaps invited, to send an army into Spain, substantially reiterating the same demand under a modified form, by declaring that the two queens, whose usurpations he has most laboured to support, shall espouse two of his

sons, as a recompense due to his own efforts. What would then be the situation of the British government in the Peninsula, on finding that Louis Philippe had been able to realize the grand and ambitious schemes of Louis XIV., and that he had besides gained all the benefit of Napoleon's treachery and hostility against the "Tyrants of the Ocean." So far, the British government have actually seconded his efforts, and it is thought that French troops will, ere long, enter Navarre, under the pretext of putting down the Carlists. Should this intervention be allowed, Louis Philippe will unquestionably make the most of his triumph; for it cannot be thought that the Neapolitan princesses, his own wife's nieces, will be less efficient agents in his interest, than Savary and Laforest were to Napoleon; or that the new scheme would not be equally as pleasing to Soult and Tallyrand, as the old one was.

The odium of a French intervention would inevitably fall upon us, as it is generally understood by the natives, that Louis Philippe leaves the *initiative* in Peninsular affairs to the British government. Such a step might, however, lead to other serious consequences. Deeply as the Madrid cabinet may be interested in the plot, the great body of the Spanish people, and among them many of the Liberals, object to receiving foreign aid; and should the French interfere, they would find the Spaniards as intractable, in the character of friends, as they did when they had to deal with them as enemies. Such an event could not fail to render Queen Christina's government more unpopular than it is, and her indignant subjects might remind her, that one of the

most memorable maxims of the Alonzo Code, the authority of which she seeks to turn to her own advantage, is, "that even a lawful monarch becomes a tyrant, and may be called such, if he abuses the power confided to him for the public weal."* The oppressor of Charles V. must not forget that Peter of Castile, notwithstanding his clear and acknowledged rights, through his cruelties brought down upon his head the execrations of his people; whilst Henry, the usurper of the same Crown, gained universal esteem by his frankness, benignity, and attention to the public welfare.

To Portugal we are, however, bound by Treaties, which impose upon us obligations very different to those which connect us with Spain; but against both have we joined in a revolutionary scheme which, in the end, must prove fatal to our national honour and commercial interests, whichever way the contest terminates. We are the abettors of usurpation in both countries; because in each we have acknowledged illegal and unconstitutional authorities, giving to them our moral aid and all the secret support in our power. Bound to protect Portugal against foreign aggression, even as if it were *England herself*, we allowed the French to force the Tagus and carry off the Portuguese fleet, merely because the tribunals of that country condemned the profanator of a church to an ordinary punishment, after the legal formalities had been complied with. The vessels composing that fleet have since been kept at Brest, as security (it is alleged) for a sum of money,

* Siete Partidas, Ley 10, Tit. 1, Part. 2.

and are now to be returned to Dom Pedro, on payment of the sum demanded; but who can say that this is not part of the *bonus*, allowed for the late destruction of our Treaties with Portugal?

We have aided and abetted Dom Pedro, and consequently are implicated in the acts of his agents. For his benefit we allowed our municipal laws to be violated, and the treatment which British subjects have experienced, at his hands, will be an eternal condemnation of the levity with which they were entrusted to his care and generosity. Six times have we permitted the Portuguese territory to be invaded by the Spaniards, three of which were for the purpose of murdering the lawful Heir to a throne; and the public are assured that an Offensive and Defensive Alliance has just been formed, in which England and France are Contracting Parties, for the *pacification* of the Peninsula, based upon the withdrawal of the male competitors, by which means the females would be left in quiet possession of their respective theatres of action.* That Louis Philippe should be anxious for the realization of such a plan, may be easily imagined; but how the British government could join in so impolitic a measure, or abet so flagrant an attack upon the sovereignty of

* No fact could be recorded more glorious—no trait more heroic, than Dom Miguel's constant resistance to deliver up Don Carlos—his own uncle—the lawful Heir to the Spanish throne, together with his innocent children, to the butchering knives of Queen Christina's agents. Europe, upon this subject, has yet much to learn; but these persecuted exiles, as Rodil's last invasion proved, required of the King of Portugal no more than an ordinary asylum, leaving the vindication of their rights and the justice of their cause, entirely in the hands of Spaniards.

two independent kingdoms, is a problem extremely difficult to solve, evident as it must be, that if the decision upon the rights of either Don Carlos, or Dom Miguel, were left to the laws, or to the wishes of the inhabitants, the pending contests would soon terminate.

Really, we seem determined to ruin our credit and destroy our commercial interests in the Peninsula. All we have done there, for the last two years, has had this tendency. No demonstrations on the part of the people have sufficed to check our mad career. Experience nevertheless teaches us, that the hostile feeling against Dom Pedro, far from being allayed, daily increases through his own acts. Since the Lisbon spoliations and his manifest ingratitude, many of his late patrons have indeed taken the alarm, and some of them even begin to think, when neither precept, nor misfortunes influence his actions, that he cannot be reclaimed. He is, however, now fairly placed at the head of the Portuguese revolution, and one would have thought, that a sense of honour and prudence would have shewn to the British government, the necessity of guarding against the same disorganizing schemes in Spain.

For the Spaniards and Portuguese we not only appoint sovereigns, but also dictate to them the forms of government which they are to adopt. Really it would be better at once to blot the two countries from the general map, than see them thus oppressed and degraded. The public law of Europe, by which the rights and obligations of all the component States are defined and sanctioned, admits of

no principle of interference like this. The transfer of the sovereignty of either Spain, or Portugal, to parties chosen, or upheld, by England and France, is a monstrosity, never before heard of, and, if carried into effect, the integrity and independent existence of both must cease.

The French once declared that they would not treat with us, *while Monarchy existed in England*, and the indignation excited by this threat is well remembered. It was considered as dictating the law to us, and as usurping a power which our pride, as well as our interests, called upon us to repel. At that time, no man among us, ventured to recommend the adoption of such ignominious conditions to his country. The sentiment of horror and disgust was spontaneous and universal, and yet we now say to the Portuguese and Spanish nations, *you shall have no sovereigns, unless previously approved of by us*. We even go further, and actually declare to them that, if they resist our mandate, *we are prepared to send forth our fleets and desolate their coasts*.

Great God! and is it thus that the ministers of a British Sovereign address our oldest and best Allies—those who lately fought by our side for the liberties of Europe! The Spaniards and Portuguese, however, will not purchase peace by submitting to terms of humiliation, not less injurious to their country's honour, than fatal to its prosperity. The truly national and patriotic exertions, made by both to resist foreign dictation, convey a consolatory assurance that they will not relax in their future efforts. Dom Pedro himself stands willing and pre-

pared to bar his daughter's rights, even if he could succeed; and, innocent as an infant of four years old must be, it is nevertheless apparent that the accumulation of hereditary odium, prevailing against our Spanish favourite, would of itself render her accession to the throne, founded by Philip V., a misfortune; and if for that accession she is to be indebted either to French bayonets, or to British fleets, the misfortune would be materially enhanced.

We have already interfered too far, and too long, in the affairs of the Peninsula. Posterity will scrutinize our motives and judge our acts. We cannot insult and caress the same nation at once, without paying the forfeit of our folly. We may obtain a momentary popularity with one party, at the expense of sacrifices, of which, in other times, we should have been ashamed; but, when we permit the Portuguese territory to be violated, for the purpose of entrapping and murdering an innocent and unheard man, we never can again expect to find friends in the Peninsula.

Portugal, at this moment, bleeds at every pore, and yet the inhabitants are not dismayed. As they have done, the Spaniards will also avenge the wrongs of their national Prince. For him they will make the same sacrifices as they did for Philip V., considering, as they do, that he is not only the lawful Heir to their throne, but also that he was born and providentially preserved to heal the wounds of their afflicted country, as well as that his illustrious and interesting progeny, is reserved for the regeneration and glory of Spain, in a prouder day.

APPENDIX.

PAPERS RELATING TO THE ATTEMPT OF H. C. M. FERDINAND VII. TO
ABOLISH THE LAW OF PHILIP V. USUALLY CALLED THE SALIQUE
LAW.*

(From the *Gazeta de Madrid* of Tuesday, April 6, 1830)

(A.)

OFFICIAL ARTICLE.—*Pragmatic Sanction, having the force of Law, decreed by King Charles IV. on the Petition of the Cortes for the year 1789, and ordered to be published by His Reigning Majesty for the perpetual observance of the Law 2, Title 15, Partida 2, establishing the regular Succession to the Crown of Spain.*

Don Fernando VII., by the grace of God, King of Castile, Leon, Aragon and the Two Sicilies, &c. &c. To the Infantes, Prelates, Dukes, Marquesses, Counts, Rich-men, Priors, Commanders of the Orders, Governors of Royal Castles, Members of my Council, Presidents and Auditors of my Courts and Chanceries, Aldermen, Bailiffs, Mayors, Justices and other Ministers of all the Cities and Towns of these my Kingdoms and Lordships, &c.—Know ye that, in the Cortes holden in the Palace of Buen Retiro, in the year 1789, on the proposal of the King, my august Father, deliberations were had respecting the necessity and expediency of causing the observance to be restored of the regular method, established by the Laws of the Realm and immemorial

* Although some of the following documents have appeared in English, as articles of news in the daily Journals, on comparing them with the originals, the author found the versions so mutilated and defective that he considered it his duty to make fresh translations.

custom, in the Succession to the Crown of Spain, preferring the elder to the younger, and the male to the female, within the respective lines and in their order; and, bearing in mind the immense benefits which the observance thereof, for more than 700 years, brought upon this Monarchy, as well as the motives and eventual circumstances which contributed to the change decreed by the Statute of the 10th May, 1713*, the Cortes aforesaid placed in his royal hands a Petition, dated September 30, in the year aforesaid of 1789, pointing out the great advantages which had devolved upon the Kingdom, as well previously as particularly subsequent to the Union of the Crowns of Castile and Aragon, through the order of Succession established in Law 2, Title 15, Partida 2, and praying him, notwithstanding the change made by the Statute aforesaid, that he would be pleased to ordain that the said immemorial custom, as sanctioned in the primitive Law, be perpetually observed and kept in the Succession of the Monarchy, as it had been always observed and kept, by the publication of a Pragmatic Sanction, as a Law, made and enacted in Cortes, whereby this Resolution and the abrogation of the said Statute might appear.

On this Petition the King, my august Father, was pleased to resolve as the Kingdom prayed, by decreeing, on the report with which the Junta of Assistants in Cortes, the Governor and Ministers of his Royal Chamber of Castile accompanied the Petition of the Cortes, "that he had taken the resolution corresponding to the said prayer;" but ordaining that, for the time being, the greatest secrecy should be kept, as most expedient for his service, and in the Decree therein referred to, he ordained that "the Members of his Council should issue the Pragmatic Sanction, in such cases customary." For the effect thereof the Cortes, in a secret manner (*á la via reservada*) transmitted a certified copy of the aforesaid Petition and every thing else thereunto concerning, through the channel of their President, Count de Campomanes, Governor of the Council, and the whole was published in the Cortes with the secrecy enjoined.

The commotions which agitated Europe at that period, and those which the Peninsula subsequently experienced, did not allow the execution of these important designs which required more serene days (*no permitieron la ejecución de estos importantes designios que requerian*

* *Auto Acordado* is the original term, meaning a Statute or Resolution passed by the King in Council, or by a Supreme Tribunal, with the assistance of all its members and in the requisite forms. A translation of the Document above referred to will be given when the mode in which the Law of Philip V. was established is discussed.—A.

elias mas serenos.) And, through the divine mercy, that peace and good order being happily reestablished, of which my beloved people so much stood in need, after examining this weighty matter and after hearing the opinion of Ministers, zealous in my service and for the public welfare, by my Royal Decree, addressed to my Council on the 26th of the current month, I have been induced to ordain, on a view of the original petition, the same that was thereon resolved by the King my most beloved Father, which documents are herewith transmitted, and the Certificate of the chief Scriveners of the Cortes, that the said Council Do forthwith publish a Law and Pragmatic in the form prayed for and granted. The same having been discussed in a full Council, with the assistance of my two Fiscals, and after they had been heard by voice on the 27th day of this month, the fulfilment thereof was agreed to, as well as the issuing of the present with the force of a Law and Pragmatic Sanction, as if done and promulgated in Cortes, and whereby I command to be perpetually observed, kept and fulfilled, the literal contents of the Law 2, Title 15, Partida 2, according to the prayer of the Cortes held in my Palace of Buen Retiro, in the year 1789, as above referred to, the literal tenour of which Law is the following—

“ The majority in being first-born, is a great sign of love which God shews to the Children of Kings over those among his brethren who may be born after him, since to the one to whom God wishes to do this honour it is a token that he is advanced and placed over the rest, and him they ought to obey and reverence, as if he were their Father and Lord. And that this is the truth is proved by three reasons, the first, naturally, the second, by law, and the third by custom, for, according to nature, the father and mother covenant to have issue in order to inherit that which they may possess. The one who may be first-born and earlier accomplishes that which they desire, by right ought to be the most beloved by them and ought to inherit the same, as, according to law is proved by what Our Lord God said unto Abraham, when he commanded him, in proof thereof, to take his Eldest Son Isaac, his dearly beloved, and kill him for his love. This he said unto him, for two reasons, the one because that was the Son whom he loved as he did himself, for the reasons above stated; the other, because God had chosen him as Holy when he wished that he should be the first-born, and on that account ordered him thereof to make sacrifice, for, according as he said unto Moses, in the old law, every male being first-born should be held as Holy of God. And that his brethren should hold him in the place of father, is shewn from his having more days than they and his first coming into the world. And that him they ought to obey, as their Lord, is proved by the words

which Isaac said to Jacob, his son, when he gave him his blessing, bearing in mind that he was the Eldest, thou shalt be Lord over thy brethren and before thee the Children of thy mother shall bend, and the one whom thou shalt bless, shall be blessed, and him whom thou shalt curse, shall be cursed : whence, from all these words it is given to understand that the Eldest Brother has power over the other brethren, as hath a Father and Lord, and that in such place they ought to hold him.

“ Furthermore, according to ancient custom, as it happens that the Parents, commonly having consideration towards the other Children, do not wish that the Eldest should inherit the whole, but that each one should have his share, notwithstanding this, wise and experienced men, consulting the welfare of all and knowing that this division cannot take place in Kingdoms which are not to be destroyed, as Jesus Christ, Our Lord said, every Kingdom divided would be ruined, the Lords of the Kingdom, in ancient times, held it to be a right that no other should have it but the Elder Son, after the death of his Father ; and this was always practised in every country of the earth where power is derived from lineage, and particularly in Spain, for, in order to obviate great evils which might be created and may arise, it was regulated that the Lordship of the Kingdom should be inherited by those who might be born in the right line, and thereon it was established, if therein male issue was not had, that the Eldest Daughter should inherit the Kingdom, and it was further ordained that, if the Eldest Son should die before inheriting and leave a Son, or Daughter, borne to him by his Lawful Wife, that he or she should have it and none other ; but if all those should die, that the nearest relative there to be found is to inherit the Kingdom, being competent thereto and not having done any thing whereby he ought to forfeit it. Wherefore, for all these reasons the people are held to respect the Eldest Son of the King, as otherwise the King could not be adequately obeyed, if they did not in this manner preserve the Kingdom, and therefore any one who may act contrary to this, commits known treason and ought to have upon him inflicted such penalty as is usual and befitting for those who disregard the King's supremacy.”*

Wherefore, I command you, all and each one of you, in your districts, jurisdictions and wards, to keep, fulfil, and execute, and cause to be kept, fulfilled and executed, this my Law and Pragmatic Sanction,

* Here ends the quotation of the Law of the Partidas, written in old Spanish, corresponding to the time in which it was published.—A.

wholly and in every respect, according as is therein contained, ordained and enjoined, to that end adopting the measures required, without any further Declaration being necessary more than this, which shall have punctual execution, from the day on which it is published in Madrid and in the Cities, Towns and Places of these my Kingdoms and Lordships, in the customary form, the same being expedient to my royal service, the welfare and utility of the public cause of my subjects; And such is my will, as well as that to the printed copy of this my Letter, signed by D. Valentin de Pinilla, my oldest Scrivener of the Chamber and of the Government of my Council, the same faith and credit shall be shewn as to the original thereof. Given in the Palace, this 29th of March, 1830. Signed I, THE KING. I, D. Miguel Gordon, Secretary of the King, our Lord, caused the same to be written by his commands. D. Josef Maria Puig—D. Francisco Marin—D. Josef Hevia y Noriega—D. Francisco Javier Adell—D. Josef Cavanilles. Registered, D. Salvador Maria Graces, Chancellor Depute.

PUBLICATION.

In the city of Madrid, this 31st of March, 1830, before the Gates of the Royal Palace and in front of the principal Balcony of the King, our Lord, and at the Guadalajava Gate, where there is public intercourse and traffic of merchants and officers, with the assistance of D. Antonio Maria Segovia, D. Domingo Suarez, D. Fernando Pinuaga and D. Ramon de Vicente Espeleta, Balliffs of the Royal Palace Court of H. M., was published the preceding Royal Pragmatic Sanction, with trumpets and clarions and by the voice of the public crier, there also being present several other Balliffs of the said Royal Palace Court and many other persons, as certified by me, D. Manuel Eugenio Sanchez Escariche, of his Council, his Secretary and Scrivener of the Council. Signed Manuel Eugenio Sanchez Escariche.

A true copy of the Royal Pragmatic Sanction and of the original publication thereof, as certified by me D. Valentin de Pinilla.

(B.)

CORTES OF 1789.

Under date of this day, the Queen our Lady, was pleased to address to me the following Royal Decree;

“ In the Cortes, convened by my august Grandfather, S. D. Carlos

IV., and held at the palace of Buen Retiro, in 1789, after attentively considering the change occasioned by the Statute passed on 10th May, 1713, respecting the mode of Succession to the Crown, an address was presented for the abrogation thereof and the reestablishment of the ancient custom of the Kingdom in the order of succeeding, the male being preferred to the female within the same line, as established and sanctioned by Law 2, Title 15, Partida 2. To this address the King, my august Grandfather, answered that he would ordain the Council to issue the Pragmatic Sanction customary in similar cases; but temporary considerations inclined his royal mind to determine that all that was agitated in the said Cortes, although carried to its legal termination, should for the time being be kept secret and the agitations which in that year befel Europe and afterwards ensued in the Peninsula, tended to keep this resolution a secret, until the King, my dear and beloved spouse, for the perpetual observance thereof ordered the Pragmatic Sanction of the 29th March, 1830, to be published.

“ Insisting on the sovereign intentions of the King being carried into effect, and the circumstances which occasioned and prolonged the secrecy having now passed by, I have been pleased, with his royal consent, to command that the Acts of the Cortes of 1789 respecting the direct succession to the throne and the opinions which upon this subject were given, shall be literally printed and published, as important documents for history. You shall so understand the same and make arrangements therefor. Signed with the sign manual of the Queen, &c. &c.

Palace, Jan. 1, 1833. Signed F. DE ZEA BERMUDEZ.
To the Secretary of State for the Despatch
of Grace and Justice.

RECORD.

In pursuance of the above order, the Minister of Grace and Justice, D. Francisco Fernandez del Pino, under date of the 12th of the same month, furnished a Certified Copy of certain secret papers, preserved in his office, which he declares were found together in one book and several packages of original documents relating to the convocation of the Cortes of 1789, their opening, sittings and the matters therein treated of, &c.

The printed copy, called *Testimonio de las Actas de Cortes de 1789*, states that at folio 1 of the said Book is a Certificate, given by the Secretary of the Council of the Chamber of State and Grace and Justice, under the royal seal of Charles IV., to the following effect.

“ I, D. M. de Aizpnan y Redin, &c. Do certify that in accordance with the Royal Decree addressed by H. M. to the Chamber on the 22nd

May, in the present year, to the end that his kingdoms and subjects might take the oath to the Most Serene Prince, Don Fernando, Our Lord and his dear and beloved son, writs should be issued, in the form customary on similar occasions, to all the cities and towns having a vote in Cortes, in order that they might send up Deputies with ample and sufficient powers for the purpose aforesaid and other matters in case they should be proposed.—And under date of the 31st of the same month of May a Circular Letter was communicated to the said cities and towns, to the following effect—

“ I, the King, To the Council, Justices, Aldermen, Gentlemen, Esquires, Officers and Good Men of the City of Burgos, &c.—Know ye that, having appointed the 23rd September, in the current year, in order that my kingdoms and subjects do take the oath to the Prince Don Fernando, my dear and beloved Son, in the church of the Royal Convent of St. Jerome of the town of Madrid, conformably to the laws, privileges and ancient custom of these my Kingdoms, according and in the form and manner as it is usual and customary to take the oath to first-born Princes and Heirs thereof—I have resolved to ordain you, as I now do, to nominate, in the form practised on similar occasions, Deputies who in your name and in that of your province, may take the oath which you are bound to do to the Prince Don Fernando, my dearly beloved Son ; And that you grant to them and the said Deputies do bring with them, your full and sufficient powers for the purpose aforesaid, and also to treat, take cognizance of, enter upon, confer, agree to and conclude by Cortes other matters, in case they should be proposed, and it should be deemed expedient to determine, agree to and settle for the purposes said ; it being understood that on the 1st of next August the Deputies are, without fail, to be present in the aforesaid town of Madrid, provided with such full and sufficient powers, with all those clauses and circumstances required in similar cases for their greater formality, and in order to obviate all doubt, contingency and delays, under this notice which I now give you, if, on the day aforesaid, they should not be present, or it should be found that the persons so nominated are not provided with your full and sufficient powers, I shall command all that which is, or may be done, to be proceeded in and concluded, in the same form and manner as if all the Deputies of these my Kingdoms were present with the powers required, assuring you that on all occasions you will experience my royal gratitude. Aranjuez this 31st May, 1789—1, the King.”

The entries from folio 3 contain certificates of two scriveners or clerks of the ensuing Cortes having been duly appointed, and from

folio 12 the particulars of the meeting of the Assistants in Cortes, on the 14th September, in order to swear in the Deputies and to arrange the hour and mode of opening the session.* It is then set forth that all the members being present, the ceremonial of the Cortes and various resolutions of Philip V. regarding the precedence of cities were observed. The powers of the several Deputies were then verified and all the preliminary arrangements being made, a message was sent to the King to learn his pleasure as to the opening of the session. According to his directions, on the 19th September, all the deputies proceeded from the President of the Council's house, in coaches to the palace, where they were admitted to the King's presence, who addressed them respecting the object of their convocation to take the oath and do homage to the Most Serene Prince of Asturias, and to treat of and conclude by Cortes other matters which would be submitted to them by the President of the Council. The Deputies for Burgos answered in the name of all and the King having withdrawn, the President of the Council spoke to them thus—

“Gentlemen—The King wishes that the Cortes should remain open, in order that therein measures may be taken respecting a Pragmatica on the Law of Succession and other points, by your assembling with the President and Assistants in the Hall of the Kingdoms in the palace of Buen Retiro, every time that it shall be necessary, for which H. M. gives his licence and enjoins brevity, the service of God, and welfare of these Kingdoms.”

This harangue being ended, the members returned to the President of the Council's house, where having taken their seats, “the Marquess de Villacampo, Deputy for Burgos, proposed and prayed that the commission of the Millones† should cease, in compliance with the instructions which the Kingdom left in the Cortes of 1712, which matter the House pledged to examine and propose to H. M. what might be deemed expedient.”

“In testimony (adds the certified copy) of the solemn act of the

* These Assistants were the President and four Members of the Council.—A.

† An Excise tax which the Cortes, or, as is usually said, the Kingdoms had granted for the service of the Crown on the consumption of wine, vinegar, oil, meat, soap and tallow candles. It was originally granted for six years, in consequence of which at the end of that period it is formally renewed by an order from the government, and by this means rendered permanent. Its abolition was recommended in the Cortes of 1712, commonly called Philip V.'s Cortes, and as above seen, that recommendation was not complied with. A hearth tax of 5 rials for each dwelling was afterwards added to it.—A.

Jura, or taking of the oath, to the King our Lord, S. D. Fernando VII. as Prince of Asturias and Heir to the Throne, there is also another certificate given by the Scriveners of the Cortes, circumstantial and minute, from which it appears that on the 23rd of the said month, for that purpose appointed by H. M., the taking of the oath to the Most Serene Prince of Asturias, Don Fernando, was performed in the Monastery of St. Jerome in this capital, in the presence of the King and Queen and with the attendance of those classes and persons whom it regarded, with all the solemnities and forms customary on such occasions."

The Cortes having been declared open by H. M. from the 19th September, and the solemn acknowledgment of the Prince of Asturias being ended, the sittings commenced on the 30th of the same month, as is seen from the following entry.

In the city of Madrid, 30th September, 1789, in consequence of the Governor of the Council and President of the Cortes having fixed the day and hour for the continuation of the sittings, which opened in the King's presence, on the 19th of the present month, in the royal palace of Madrid, at eight in the morning of this day, the Gentlemen Deputies of the thirty-seven cities and the town entitled to vote in Cortes, assembled at the Buen Retiro, in the Hall of the Kingdoms, and in the order of the antiquity of their cities, were as follows :

Two Deputies for each place, viz. Burgos, Leon, Zaragoza, Granada, Valencia, Palma in Majorca, Seville, Cordova, Murcia, Jaen, Barcelona, Avila, Zamora, Toro, Guadalajara, Fraga, Calatayud, Cervera, Madrid, Alcantara, Plasencia, Soria, Tortosa, Peñíscola, Tarazona, Palencia, Salamanca, Lerida, Segovia, Galicia, Valladolid, Gerona, Jaca, Teruel, Tarragona, Borja, Cuenca and Toledo. Total 37 cities and 1 town, viz. Alcantara for Estremadura, represented by 76 Deputies.

The several members being seated in their respective places, excepting one of the Teruel Deputies, absent on a plea of indisposition, the President informed them "that before all things the oath of secrecy regarding what might be treated of in these Cortes was to be taken by all, according to the invariable practice on such occasions," &c. The form of the oath taken was this—

"That you, gentlemen, do swear by God, on the cross and on the words of the Evangils which bodily you have touched with your right hands, that you will hold and keep secret all that may be treated of and conversed upon in these Cortes, touching the service of God and of H. M., the good and common welfare of these Kingdoms, and that you will not tell, nor reveal the same of yourselves, neither through interposed persons, directly, or indirectly, to any person whatsoever,

until the said Cortes shall be closed and dismissed, saving only with the licence of H. M., or of the President who in his name is present."

This oath appears to have been taken by general assent and by pronouncing the word, Amen. This ceremony being performed, the President submitted the following proposition.

"Whenever it has been wished to vary, or reform the method established by our laws and immemorial custom for the Succession of the Crown, bloody wars and commotions resulted to the desolation of this Monarchy, and yet, notwithstanding the designs and settlements contrary to the usual mode of Succession, God has permitted it to survive.

Beginning by the most recent case before us, you all know that the Succession of these Kingdoms, through the death of King Charles II. belonging to the Sons and Grandsons of S. Doña Maria Teresa de Austria, his Sister and wife of the great Louis XIV. of France, and as such to Philip V. her Grandson, owing to the incompatibility of the Kingdom of France which was to devolve upon the Dauphin, his Father, and the Duke of Burgundy, his first-born brother—you all know, I repeat, that the clearness of this right was impugned and contested, on the plea of the renunciations made by the Infantas marrying in France; from which ensued the War of Succession at the beginning of that century, in which these Kingdoms so much suffered. Nevertheless, after many years of war, the right of the above females, as being the best line, was acknowledged; and Philip V., who descended from them, secured upon the Throne of Spain.

In the Succession of Queen Isabel of Castile, notwithstanding the wars and commotions excited by the disaffected, it was found possible to form this great Monarchy by the Kingdoms of Castile and Aragon then uniting, through the medium of the Catholic King Ferdinand.

The same was equally done in the Succession of Queen Berenguela, mother of St. Ferdinand, since through her medium and her marriage with King Alonzo of Leon, Leon and Castile became for ever united.

Finally, the experience of so many ages has proved that what is expedient for Spain is, that her ancient laws should be kept, as well as her immemorial custom, sanctioned in Law 2, Title 15, Partida 2, in order that females of preferable line and rank be admitted to the Crown, by virtue of the same law, and not set aside for males of a more remote lineage.

Although in the year 1712 it was endeavoured to alter this regular method, for motives adapted to the circumstances of those times which no longer subsist, what was then resolved upon cannot be held as a fundamental law, since it is contrary to those which existed and had

been sworn to; an alteration so remarkable in the Succession to the Crown, and one in which the nearest lines, as well males, as females, were excluded, never having been prayed for, nor treated of by the Kingdom.

If at present and in tranquil times a radical remedy was not applied to that alteration, there would be reason to expect and apprehend great wars and commotions, similar to those which occurred at the time of the Succession of Philip V., all which will be obviated, if it is commanded to keep our ancient laws and customs, observed for more than seven hundred years in the Succession of the Crown.

These desires for the unalterable and permanent peace of his beloved subjects, move the beneficent and paternal heart of the King to propose that this matter should, with the greatest secrecy and without the least delay, be treated of and resolved upon, to which end it has appeared to me proper to submit to the Kingdom the terms of the prayer which it might address to H. M. on this subject, in every thing conformable to his sovereign intentions."

PETITION.

"Sire—Pursuant to Law 2, Title 15, Partida 2, that is enacted which has been observed from time immemorial and which ought to be observed in the Succession of these Kingdoms; experience having proved the great utility therefrom derived, since the Kingdoms of Castile and Leon, as well as those of the Crown of Aragon became united by the order of Succession determined in that Law, and from the contrary, wars and great commotions have followed.

"Wherefore, the Cortes pray Y. M. that, notwithstanding the change made by the new Law 5, Title 7, Book 5, you will be pleased to ordain that the said immemorial custom be perpetually observed and kept in the Succession of the Monarchy, as sanctioned in the aforesaid Law 2, Title 15, Partida 2, as it was always observed and kept, and as sworn to by the Kings Y. M. predecessors, by the publication of a Law and Pragmatica, made and enacted in Cortes, by which means this resolution and the abrogation of the aforesaid new Law shall appear."

This Petition being read, the Marquess de Villacampo rose to answer in the name of the Kingdom, and expressed the concurrence of the House. The votes in the affirmative were then taken, thanks returned to the King, and the Petition signed under date of the 30th September, 1789. Some minor matters of a different nature were then discussed and the sitting closed. The original Petition was placed in the hands of Count de Campomanes, Governor of the Council and President of the Cortes, and afterwards by him delivered to Count de Floridablanca

for the King. The Cortes again met on the ensuing 3rd of October, when the record of what had been done on the preceding 30th of September was read and agreed to. It further appears that the Cortes again assembled on the 10th, 12th, 13th, 17th, 20th and 25th of the same month, for the discussion of other matters, not connected with the Succession; upon which Petitions were also framed and submitted to the King. On the 31st of the same month another sitting was held, during which the President informed the Cortes "that the King had been pleased to return his answer and resolution to the six Petitions, or Prayers, submitted by the Kingdom, accompanying them at the same time with two resolutions, placed on the margin of the addresses forwarded to him under date of the 30th September."

One of these Addresses was signed by the President of the Council (Campomanes) and four of its members, who attended the Cortes, as is presumable, in the character of counsellors, in order to give legal form to their proceedings. This address was nevertheless determined upon at a separate and distinct Junta, or Board of the *Asistentes de Cortes*, and by them presented in the way of consultation, or suggestion. The following is their address.

"The Junta of Assistants in Cortes transmit to the Royal hands of Y. M. the Petition and Prayer which the Kingdom submit to Y. M. for the observance of Law 2, Title 15, Partida 2, in which, pursuant to the immemorial custom of Spain, the regular Succession is established to the Crown, with preference of the elder to the younger and of the male to the female, within their respective lines and in their order, soliciting the abrogation of what was enacted in 1712, in the new Law 5, Title 7, Book 5, to the prejudice of the aforesaid immemorial custom; in order that, agreeably to this uniform opinion of the Cortes holden at Buen Retiro, in which all the Assistants concurred with the Governor as President thereof, Y. M. will deign to resolve what may be most meet and beneficial to these Kingdoms. Madrid Sept. 30, 1789."

To this was affixed the following Royal assent.

"I have taken the resolution corresponding to the accompanying Prayer, enjoining that, for the present, the greatest secrecy be observed, the same being expedient for my service."

PUBLICATION.

"Madrid, Oct. 30, 1789.—Published—Let that be fulfilled which H. M. ordains, the original Petition and Resolution being kept secret, in order to be published to-morrow in Cortes, and as soon as the corresponding certificates have been made out by the chief Scriveners of the Cortes, the same in the original form shall be delivered back to

the Secretary of State's office, in order to be preserved with that secrecy which H. M. enjoins and is expedient."

To the Petition of the Cortes (vide page xi of Appendix) was appended the following resolution—

"To this I answer that I will ordain those of my Council to issue the Pragmatic Sanction which in such cases is expedient and customary, bearing in mind your Petition and the opinions thereon taken."

The same being notified to the Deputies and their concurrence renewed, they requested that the Pragmatica which H. M. had been pleased to resolve, "should be issued by the Council, with all the usual clauses and guarantees."

The Members acknowledged themselves aware of the King's special injunction "that the obligation of secrecy on their part was to continue, after the Cortes had been dissolved, so far as regarded the Petition, the resolution, and the measures taken respecting the Succession to the Crown." The members again pledged themselves to the observance of this injunction, and formally renewed their oath of secrecy. The Record further states that they expressed their wish that this measure and constitutional law might be secured, not only in substance, but also in manner, "until the publication of the Pragmatica took place, at such time as H. M. might think proper, according to his high foresight."

The Count de Campomanes then announced the King's intention to close the Cortes, on the 5th of the ensuing month of November, returning at the same time his thanks for what had been done. The sittings were accordingly closed in the King's presence.

The certified Copy of the minister Del Pino further recites that, among the secret papers preserved in his office, is an original Exposition, or Opinion, presented to King Charles IV. by the Archbishops and Bishops who attended the Jura of the Prince of Asturias, on October 7th, 1789, in answer to a consultation proposed to them by Count Floridablanca, first Secretary of State, respecting the proposal of the Cortes to renew the ancient observance of the law of Partida, and immemorial custom touching the Succession. This Exposition is stated to have fourteen signatures attached to it, and is as follows—

"Sire—The Cardinal Archbishop of Toledo and the other Prelates of these Kingdoms, called by V. M. order for the Jura of the Most Serene Prince of Asturias, S. D. Fernando, have seen, reflected upon, and deliberated, respecting the proposal submitted to V. M. by all the Deputies of these Kingdoms in the present Cortes, to the effect that, notwithstanding the change introduced by the new Law 5, Title 7, Book 5, you would, in the succession of this Monarchy, be pleased to ordain

that the immemorial custom, sanctioned in Law 2, Title 5, Partida 2, be perpetually observed and kept in the Succession of these Kingdoms, as was always observed, kept and sworn to by the Kings, Y. M. predecessors, by the publication of a Law and Pragmatica, made and enacted in Cortes, whereby this resolution and the abrogation of the aforesaid new Law shall appear, founding yourself upon the great utility derived from the observance of the said Law of Partida and immemorial custom, as the Kingdoms of Castile and Leon, and those of the Crown of Aragon, were united by the order of Succession established in the aforesaid Law, and from the contrary thereof have followed wars and great commotions.

Y. M. Sire, desirous of doing that which is just, and in order to proceed in a matter of so much importance, was pleased to transmit to us, through the medium of your first Secretary of State, Count Floridablanca, the proposal of the Kingdoms; with a rigid injunction to manifest our opinion, placing the same in continuation of the aforesaid proposal and directed as to whether Y. M. in conscience and in justice could and ought to accede to the prayer of the Cortes; and on a review of the whole and after the most serious meditation, as Parties most interested in the happiness of these Kingdoms and as the Representatives of the Ecclesiastical Branch thereof, we are uniformly and undisguisedly of opinion, that you can and ought, in conscience and in justice, to accede to the prayer of the Cortes. You can, because no doubt ought to be entertained of the sovereign and legislative authority of Y. M., particularly when it rests upon and is upheld by a Proposal made by all the Deputies of these Kingdoms, presided over by your Governor of the Council of Castile, together with the Junta of Assistants in Cortes; and in conscience and justice you ought to accede thereto, first, on account of the reasons submitted by the Cortes to Y. M. being powerful and convincing, since those were happy periods for these Kingdoms when the incorporation took place of the Kingdoms of Castile and Leon in Queen Berenguela and her son, St. Ferdinand, and through the union of the Crowns of Aragon in the persons of their Catholic Majesties, Queen Isabel and her husband King Ferdinand, and, to crown our happiness, the same was completed in King Philip V., who ascended the Throne of these Kingdoms as representing the right of his Grandmother, S. Doña Maria Teresa of Austria, Sister of King Charles II. the last possessor of this Crown, notwithstanding the clamour raised up against this order of Succession, in consequence of the renunciations thereof made at the time of the marriage of the said S. Doña Maria Teresa; the right of that Female and of her Grandchildren, in the opinion of the best Theologians and Civilians of the

Kingdom, being deemed the preferable one, and not impaired by the previous Treaties of Agreements and Renunciations; because, as expressed by King Alonzo the Wise, in his Law of Partidas above stated, it was in his time an immemorial custom that, in the Succession of these Kingdoms, the male should be preferred to the female and the elder to the younger, and the elder female to the younger one, in default of male issue, founded on the divine and natural Law in these words:—" [Here follows an extract from the Law of Partidas, as inserted in Appendix A.]

This opinion of the Prelates is dated Madrid, October 7th, 1789, and is accompanied by fourteen signatures.

(C.)

(FROM DOBSELEY'S ANNUAL REGISTER, VOL. 31.)

CORTES OF 1789.

Madrid, Sep. 28.

On the 21st. instant, being the day appointed for the ceremony of the King of Spain's coronation, or, as it is here termed, his Public Entry, their Catholic Majesties, together with all the royal family of Spain, in different state coaches, preceded by the three companies of life guards, and the great officers of state, and followed by the attendants in waiting of each individual of the royal family, in different state carriages, forming altogether a most numerous, splendid, and magnificent procession, left the palace about six o'clock in the evening, and proceeded through some of the principal streets of this city, to the church of St. Mary, where *Te Deum* was sung; and from thence their Majesties returned, in the like manner, through other streets, to the palace. The streets through which the procession passed, were lined with the foot guards, and the other troops in garrison here, and orders had been previously given for all the houses to be decorated and illuminated in the best manner possible on that and the two following days.

On the 22nd in the afternoon, their Majesties and the royal family went in the same state to the Plaza Mayor, or the principal square in the city, to see the royal bull feast. On such occasions it has been the ancient custom for the bulls to be fought by noblemen, or gentlemen of distinguished birth: on the present, four gentlemen entered the lists, and fought the six first bulls on horseback;

they have been rewarded in the usual manner with a pension, and with the rank of *Caballerizo de Campo*, or Equerry to the King.—The rest of the bulls were fought by the most famous bull-fighters that could be collected from every part of the kingdom. The balconies of the first, second, and third stories of the houses in the square, were appropriated to the reception of the great officers of state and their ladies, of both the male and female part of the royal household, the members of the council of Castile, those of the other supreme councils of the kingdom, and of the heads of many other departments of the state, who all attended, with their ladies, in court dresses. The ambassadors and other foreign ministers were invited to the feast, and a balcony was allotted to each: the ambassadors had their seats on the first story, and the ministers of the second order and the *chargés des affaires*, on the second. By the most exact computation of the number of spectators in the square, they amounted to about forty-five thousand.

On the 22nd their Majesties and the royal family went early in the morning, in private, to the old palace of the Buen Retiro, to which the church of St. Jerome joins. At nine o'clock the King and Queen, with the Prince of Asturias, and the Infant Don Antonio, entered the church. Their Majesties took their seats on a throne to the right of the high altar, and the Prince of Asturias, and the Infant Don Antonio, on chairs to the left of the throne, opposite to which was seated the Cardinal Patriarch of the Indies, and next to his Eminence, thirteen archbishops and bishops on a bench. The remaining space of the platform raised before the high altar was occupied by the great officers of state, and of the household. At the entrance of it stood four heralds at arms, and on the steps four mace-bearers with royal maces. In the body of the church were seated, according to their rank, a certain number of the grandees of Spain, of the *Títulos* of Castile, and the *Procuradores de Cortes*, or representatives of those cities and towns who have the right of vote in the *Cortes* of the nation. After the mass was ended, at which the cardinal archbishop of Toledo officiated, his Eminence took his seat at the foot of the high altar, and before him was placed a table, with the book of the gospel open, and a golden cross on it. The senior herald at arms then read the proclamation for the oath of allegiance, which was afterwards repeated by the senior law officer. This oath declares allegiance to the king of Spain, and to the prince of Asturias, acknowledging his royal highness to be prince of this realm during his majesty's life, and to be the lawful king, lord, and heir of the dominions of Spain, at his

majesty's death. After the oath was read, the Infant Don Antonio moved from his seat, and knelt before the cardinal archbishop to swear to the observance of it. His royal highness then did homage to the king, and after embracing his majesty and the queen, and the prince of Asturias, returned to his seat. The *mayordomo mayor*, or lord steward of the household, was then appointed by the king to receive the homage of all those who were present. The cardinal patriarch rose first, who having sworn before the archbishop and the *mayordomo mayor*, kissed their majesties' and the prince of Asturias' hands. The same ceremony was successively observed, first by the prelates, next by the grandees, after them by the *titulos*, and lastly by the *procuradores de cortes*. The patriarch then took the archbishop's place, in order to administer the oath to the latter, and the ceremony concluded with singing *Te Deum*. The diplomatic body were invited to see this solemn act, and a gallery opposite to the throne was allotted for their reception. Their majesties and the royal family dined at the *Buen Retiro*, and late in the evening returned in state to the palace.

The decorations and illuminations of some of the houses of the grandees and others of the nobility, which happened to be situated in the streets through which the procession passed on the three beforementioned days, were very splendid and costly; and those of the *Plaza Mayor*, and of the great square before the palace, were executed with the utmost magnificence.

(D)

THE ACT OF RENUNCIATION BY THE INTENDED QUEEN OF FRANCE,
IN CONFORMITY TO THE FIFTH AND SIXTH ARTICLES OF HER
CONTRACT OF MARRIAGE.

The Lady *Maria Theresa*, Infanta of both *Spains*, and by the Grace of God future Queen of *France*, eldest Daughter to the most High, most Excellent, and most Potent Prince, Don *Philip IV.* by the same Grace Catholick King of both *Spains*, my Lord (whom God preserve and prosper) and of the most High, most Excellent, and most Potent Princess the Lady *Isabella*, the Catholick Queen of Glorious Memory, my Mother and Lady (who is in Heaven) by the Narrative and Publication of this Instrument and Act of Approbation, Confirmation and Ratification, and of what is further therein

contained, in *perpetuam rei Memoriam*; Be it known and manifest to Kings, Princes, Potentates, Republicks, Communitys and particular Persons, that are now, or shall be in all time coming, that forasmuch as the most High, most Excellent, and most Potent Prince, *Lewis XIV.* the most Christian King of *France*, my Cousin German, sent the Mareschal D. *de Grammont* on a particular Embassy to the Catholick King my Lord, to demand and propose in his Name, that I should be betrothed and married to the said most Christian King my Cousin; and his Catholick Majesty having a just Esteem of that Offer and Proposal, and a due regard to Decency, Equality, and public Convenience, which met in this Marriage, granted and agreed to the same, having beforehand a dispensation from his Holiness, for the Kindred and Consanguinity betwixt me and the most Christian King my Cousin; and that afterwards in consequence of this Octroy and Agreement, and with the Powers of their Catholick and most Christian Majestys, our Treaty of Marriage was agreed to and signed the 7th of Nov. 1659, in the Isle of *Pheasants*, in the River *Bidassoa*, depending on the Province of *Guipuscoa*, confining on these Kingdoms and that of *France*; and that in the fifth and sixth Articles of the said Treaty, it was resolved and agreed on conjunctly, and with one accord, as a thing very convenient, after having considered it carefully, and with mature Deliberation, that I and the Children and Descendants which it may please God to give us by this Marriage, be and remain incapable, and absolutely excluded from all Right and Hope to succeed to any of the Kingdoms, Dominions and Lordships, belonging to the Crown and Monarchy of *Spain*, or that may be added thereto by his Catholick Majesty, or after his Life (which God grant may be long and happy) by the Kings his Successors. And though it be agreed on by Covenant betwixt Princes and Sovereign Kings (who in Temporals own no Superior) out of their Favour and Good-will to the public Cause of both Kingdoms, and that they have condescended to this at the desire and Joint-Wishes of their natural Subjects and Vassals, who are willing that it should have the Force and Vigour of a Law and pragmatick Sanction, and that it be received and observed as such; and though on that account it would seem there's no need of any other Solemnity to make it firm, yet nevertheless it is their Majestys' Will (if my Approbation might be convenient on any Consideration whatever) that I should incontinently give it, when the Marriage agreed on came to be solemnized and contracted, and that my Approbation should have all the Clauses and necessary Solemnitys according to, and as it is stipulated and declared more particularly by, the

Act of Ten Articles, the Tenor of the fifth and sixth of which taken from the Original are inserted here *Verbatim* as follows :

The Fifth Article. That forasmuch as the most Christian and Catholick Kings are come to make a Marriage, that by this Tie they may so much the better perpetuate and assure the publick Peace of Christendom, and betwixt their Majestys that Love and Brotherhood which every one hopes will be betwixt them, and also in consideration of the just and lawful Causes, which shew and demonstrate the Equality, and the Convenience of the said Marriage; by means of which, and thro' the Favour and Blessing of God, all men may hope for happy Success, to the great Advantage and Increase of the Christian Religion and Faith, to the Welfare and common Benefit of the Kingdoms, Subjects, and Vassals of the two Crowns; as also for what relates to the Welfare of the Publick, and the Preservation of the said Crowns; which being so great and potent, cannot be reunited in one, and that henceforward it is the design to prevent the occasion of such a Conjunction. Then considering the quality of the above-mentioned, and other just Reasons, and especially that of the Equality which ought to be preserved, their Majestys agree by Contract and Covenant between themselves, which shall have the force and vigour of a firm and stable Law for ever, in favour of their Kingdoms, and the publick Welfare of the same, that the most serene Infanta of *Spain*, the Lady *Maria Theresa*, and the Children born of her, whether Male or Female, and their Offspring of the first, second, third Generation, or of whatever other degree, shall never succeed to the Kingdoms, States, Lordships and Dominions which appertain, or may appertain to his Catholick Majesty, and which are comprehended under the Titles and Qualities mentioned in this present Agreement, nor to any of his other Kingdoms, Dominions, Lordships, Provinces, Isles adjacent, Fiefs, Chieftainrys, nor to the Frontiers which his Catholick Majesty possesses at present, or which pertain, or may appertain to him, either within or without the Kingdom of *Spain*, or which in time to come his said Catholick Majesty, or his Successors shall have, possess, or have belonging to them, nor to any of those that are comprehended in those, or depend upon them, nor to any of those which hereafter, or in what time soever he may acquire or add to his above-mentioned Kingdoms, States, Islands, Dominions, or which he may recover, or may devolve upon him, or by what other Titles, Rights, or Reason soever, tho' it should be during the Life of the said most serene Infanta the Lady *Maria Theresa*, or after her Death, or in that of any of her Offspring, first, second,

third Generation, or further; that in the Case or Cases by which either of Right, or by the Laws and Customs of the said Kingdoms, Dominions and States, or by the dispositions of Titles by which they may succeed, or pretend that the Succession of the said Kingdoms, &c. ought to belong unto them: From the Succession to which in all the above-mentioned Cases, from this time forward, the said Lady *Maria Theresa*, the Infanta, owns and declares herself to be and remain, well and duly excluded, together with all her Children and Descendants Males or Females, tho' they would or might say and pretend, that as to their personal Right, neither the said Reasons of the publick Welfare, nor any other upon which the said Exclusion may be founded, can take place; or if they should alledge (which God forbid) that the Succession of the Catholick King, or of the most serene Princes and Infantas, and of the Males which he hath, or may have for his lawful Successors, hath ceased and failed because, as has been said, that in no case, in no time, nor in any manner whatever, neither she, they, nor their Heirs and Descendants must succeed, nor pretend any Right to succeed, notwithstanding any Laws, Customs, Ordinances, and Settlements, by virtue of which any have succeeded to the said Kingdoms, Dominions and Lordships, and also notwithstanding all the Laws and Customs of the Crown of *France*, which oppose this above-mentioned Exclusion, as well for the time present, as for the time to come; and notwithstanding the Cases which would have long delayed the said Successions. All which Considerations together, and each of them apart, their said Majestys abrogate, in as far as they contradict or oppose the Contents of this Contract, or the fulfilling and execution of the same, and that for the Approbation and Ratification of this present Agreement they do abrogate the same, and hold them as abrogated; and their Will and Meaning is, That the most Serene Infanta, and her Offspring, remain henceforward and for ever excluded from any Power to succeed at any time, or in any case, to the Dominions of the Country of *Flanders*, the Country of *Burgundy* and *Charolois*, their Appurtenances and Dependences. In like manner also they declare most expressly, that in case the most Serene Infanta happen to be a Widow (which God forbid) without Children by this Marriage, she shall be free from this Exclusion, and therefore declared capable of her Rights and Power to succeed to all that may belong or fall to her, in two Cases only: the one, that if she be a Widow without Children by this Marriage, she return into *Spain*; and the other, if from Reasons of State, for the good of the Publick, and other just Considerations,

she marry again with the Consent of the Catholick King her Father, or of the Prince her Brother; in those two cases she shall be capable of succeeding and inheriting.

VI. That the most serene Infanta the Lady *Maria Theresa*, before the Celebration of the Marriage, shall, by word of mouth, give, promise and authorize a Writing, by which she shall oblige herself, her Successors and Heirs, to the accomplishment and observation of all that is beforementioned, for the Exclusion of herself and her Offspring; and shall approve the whole as it is contained in this present agreement, with the requisite and necessary Clauses and Oaths; and at the inserting of the same Obligation and Ratification which her Highness shall give and make of the present Agreement, she shall make such another conjointly with the most Christian King as soon as she shall be married, which shall be enregistered in the Parliament of *Paris*, with other necessary Clauses according to the usual form. As also his Catholick Majesty shall approve and ratify the Renunciation, with other necessary Clauses, in the usual manner and form, and cause them to be enregistered in his Council of State; and whether the said Renunciations, Ratifications, and Approbations be made or not, from henceforward, by virtue of this present Agreement, and of the Marriage that shall follow upon it, and in consideration of all the things beforementioned, they shall be held and accounted as well and duly made and authorized, and as passed and registered in the Parliament of *Paris*, by the publication of the Peace in the Kingdom of *France*.

After the insertion of the Articles the Infanta goes on in the following Terms.

And forasmuch as after the Treaty beforementioned, our most holy Father *Alexander VII.* dispensed with the degree of Consanguinity, which is betwixt the said most Christian King and me, and approved by his Authority and Apostolical Benediction our Treaty of Marriage, and its Articles; and that the case and time is come when the Marriage is to be solemnized and contracted with the Blessing of God; and as we are to hope, for his Glory and Service, the Exaltation of his holy Faith, and the Tranquillity of the Christian Commonwealth, by means of which the case and time is also come when I am to fulfil on my part (before Marriage) the Contents of the fifth and sixth Articles which are inserted in this Act; and that I am likewise in Majority, of the age of twenty years; and that it hath pleased the Lord to give me Capacity and Discretion to understand and comprehend the substance and effect of the said Articles, of which I had certain and due notice, forasmuch as I have frequently informed myself of them, and of their Conveniency, during the time of six months since they were published

and agreed on, and that it was sufficient to give me that satisfaction I ought to have of their Justice, to know that the Affair was examined and agreed on by my Lord the King, who desires and procures my Contentment and Welfare with so much Love and Care, having a joint regard to the publick and common good of the Kingdoms, of which God hath given him the charge; and which, as well as those of the Crown of *France*, are equally concerned, that the Grandure and Majesty which they bear, and have preserved in themselves for so many years with so much Prosperity, and that the Glory of their respective Names of Catholick and most Christian Kings may not be diminished nor fall, as necessarily they must, if by means of this Marriage they come to unite in any of the Children and Descendants: This would cause to their Subjects and Vassals such Discontent and Affliction as may be easily foreseen, and would be attended by such Inconveniences and Losses, which are more easily apprehended before they happen, than helped and redressed when they once come to pass, and are felt; and therefore it is agreed to prevent them, that this Marriage may not be the Cause of effects contrary to those which we promise ourselves, and are to hope for from it. Besides, that this Precedent will facilitate in time to come reciprocal Marriages betwixt my Posterity and those of my Lord; which Consideration affords me particular comfort and satisfaction, forasmuch as it will be a means to strengthen and renew from time to time the Bond of Blood and Kindred, and will likewise ascertain and confirm more powerfully and effectually the Alliance, Friendship and good Correspondence that hath been cemented and contracted by such happy beginnings, betwixt those two Kingdoms. Thus they will be continued to the Glory of God, and the Renown of the Catholick and most Christian Kings; which being the publick and common Good, ought in reason to be preferred to my particular advantage, and that of my Children and Descendants, which in the present case is not to be regarded, forasmuch as it is known to be very remote. I am so much the more satisfied in the Justice of this Renunciation and Act, that herein I follow the Example and Authority of the most high, most excellent, and most potent Princess Madam *Ann* Infanta of *Spain*, at present the most Christian Queen of *France*, and my well-beloved and much revered Aunt and Lady: and that besides the Considerations and public Causes beforementioned, and that of preserving and ascertaining the Peace betwixt the two Nations (which concur also, and are alleged in the said Treaty and Renunciation) it hath fallen in with the present Case, and hath been considered as the publick Cause, and the chief and greatest Cause for the Renunciation agreed to in my Treaty of Marriage, that the said Treaty is known to

be the main and principal Cause of the Pacification of a War of 25 years duration betwixt the two Crowns of *France* and *Spain*, in which Quarrel the greatest Potentates of *Christendom* were concerned by Alliance or Dependence; so that the Welfare of the whole, the publick Cause, and, which is the chief of all, the Catholick Religion, having suffered much by the War, and being no way to be remedied but by the Peace granted by the means and for the sake of my Marriage, which would not have been granted, nor consented to by the King my Lord, if this Renunciation had not been agreed to, as was taken notice of in the first Article of my Contract of Marriage, and in the three and thirtieth Article of the Treaty of Peace betwixt the two Crowns; which in this consideration refers to the particular Treaty made upon the conditions of my Marriage, and both of them were signed the same day; and in the said three and thirtieth Article of the Peace it is declared, that the said Treaty made upon the Terms of my Marriage, notwithstanding its being separate, should be of the same force and obligation with that of the Peace, as being the principal part of it, and the most precious earnest of its Firmness and Duration: Therefore of my own proper motion, free, spontaneous and cheerful Will, and having certain science and knowledge of the Act which I do, and what my Consent imports and may import, I approve, confirm and ratify, in the best manner and form I can and ought to do, the said Agreement according to, and in that manner as is more particularly contained in the said fifth Article; and in case it should be judged necessary and convenient, I give my absolute and sufficient power to the King my Lord, and the most Christian King, to agree and enact the same again; though by virtue of, and in accomplishment of the said Article, I declare and look upon myself as excluded and removed, and the Children and Descendants of this Marriage excluded, and absolutely disabled, and without limitation, difference, or distinction of Persons, Degrees, Sex, Time, Action and Right, to succeed to the Kingdoms, Dominions, Provinces, Lands and Lordships of the Crown of *Spain*, expressed and declared hereby. And I will and consent for me, and for my said Offspring, that from henceforward and for ever, they be held as granted and transferred to him who shall be found nearest of Kin (because I and they are excluded, disabled and incapable) to the King by whose Death it becomes vacant, to the end he may hold them as lawful and true Successor, in the same manner as if I and my Descendants were not born, nor had a being in the World, because we ought to be held and reputed as such, and that neither they nor I are to be considered in any manner as Representatives or Descendants of the Lineage, Blood or Dignity of the King my Lord, or of the Glorious

Kings his Predecessors, nor in any other way so as to enter into the Succession, or pre-occupy the degree of Proximity, in exclusion of the Person who shall be found next in degree as before said to the King reigning immediately before the Line fails. And I promise and oblige myself on my Royal Word and Faith, that in every thing which shall depend on me, and on my said Children and Offspring, we shall always and at all times take care that this Article, and the Act which I make for its Approbation and Confirmation, be inviolably observed and accomplished, without allowing or consenting that any thing be done contrary to it, directly or indirectly, in whole or in part. And I renounce and quit all Remedies at Law, known or unknown, ordinary or extraordinary, that belong or appertain by common Right or special Privilege to me or my said Children and Descendants, to revoke, say, or allege any thing against what is done, as above; and I renounce all Claims, and particularly that of having Restitution *in integrum*, founded upon Ignorance, Inadvertency of Youth, evident Injury, enormous or most enormous, that may be alleged to be in the said Renunciation, or quitting of my Right to succeed at any time to so many and such great Kingdoms, Dominions and Lordships; and it is my Will that none of the said Pleas, nor any other of what Name, Character, Importance and Quality soever, be of any use to us judicially or extrajudicially; and that if we demand them, or attempt to sue them by way of Law and Justice, that we be denied and excluded from all sort of hearing; and if by way of Violence, or any other ill-founded Pretext, in distrust of Justice (because we ought always to own and confess, that we have no Right to succeed to any of the said Kingdoms) we offer to seize them by force of Arms, by making or moving an offensive War, that from thenceforward and for ever it be held, judged and declared as an unlawful, unjust, ill-grounded, violent, tyrannical Invasion and Usurpation against all Reason and Conscience; and that on the contrary, that War which shall be made or moved by him who ought to succeed in exclusion of me and my said Offspring and Descendants, be held for just and lawful; and that the Subjects and Inhabitants ought to receive and obey, swear Homage, Fealty and Obedience to him as to their King and lawful Sovereign. And I affirm and certify, that to authorize this Act, I have not been induced, inclined, or persuaded by the Respect and Veneration which I owe and have for the King my Lord, as a Prince so puissant, and as a Father who loves me, and whom I love so much, and who keeps and hath kept me under his paternal Power; because in truth all that passes and hath passed, in respect of the conclusion and effect of this Marriage concerning the said Agreement, and Article of the Exclusion of myself

and of my Descendants, I have had all the liberty which I could wish for, to say and declare my Will, without being put in fear, or threatened by him or any other Person, to induce or move me to do any thing contrary to my Inclination. And for the greater Validity and Certainty of that which is said and promised on my part, I swear solemnly by the Gospels contained in this Missal (upon which I lay my right Hand) that I will observe, maintain and accomplish it in whole and in part; and that I shall not demand any Dispensation of my Oath from our most holy Father, nor from the holy Apostolical Chair, Legate or any other Dignity, that hath power to grant it me; and that if the same should be granted me at my own Instance, or at that of any University or Particular Person, or *Motu proprio*, though it should be no more but to go to Trial, without touching on the substance of the said Claims, and on the virtue and force of this Act and Treaty, which I do hereby approve, I shall not make use of, nor serve myself with it. On the contrary, in case I should have the Authority granted me, I take my Oath a second time against all Dispensations that shall be granted me; and by the same Oath I say and promise, that I neither make nor shall make any Protestation or Revocation in publick or in secret, that may hinder or diminish the force of the Contents of this Act; and if I do, though it should be under Oath, it shall be of no Validity, Force nor Effect. And I pray his Holiness, that since this Marriage and Treaty hath been concluded and agreed upon with his Holy and Apostolical Approbation, and is to be effected and solemnized with his Blessing, that he would be pleased to add to the Force, binding Power, and Religion of my Oath by the Authority of his Apostolical Confirmation; and I promise and oblige myself, that in conformity unto, and in accomplishment of the sixth Article above-mentioned, as soon as I shall arrive at the place where the most Christian King shall receive me, I will make and cause to be made by his Intervention and Authority, and jointly with his most Christian Majesty, and with all the Clauses, Oaths and Conditions necessary and convenient, such another Act of Confirmation and Ratification, as that which hath been made and expedited in this City of *Fontarabia*, where the Catholick King my Lord now keeps his Court and Palace, this second day of *June*, 1660, in presence of the King our Master.

And for the greater Solemnity, Authority and Validity of this Act, his Catholick Majesty hath said for the Accomplishment of the fifth and sixth Articles therein inserted, That as to what relates to the common Cause, and the common Welfare of his Kingdoms, Subjects and Vassals, he confirms and hath confirmed this Act,

accordingly as it is expedied by the most Serene Infanta Madam Maria Theresa, the betrothed and future Queen of France, his most dear and well-beloved Daughter: and that of his own proper Motion, certain Science, full and absolute Power, and as King and Lord, who owns no Superior in Temporals, he supplies, and wills that they be held as supplied by his Royal Authority, whatever defects or omissions of Fact or Right, of Substance or Quality, of Style or Custom, may be found in the said Act; and he confirms and approves, specially and particularly, the said fifth Article, and what is agreed and resolved therein, betwixt his Catholick Majesty and the most Christian King; and he wills and commands that it have the Force and Vigor of a Law and Pragmatic Sanction, and that as such it be received, kept, observed and executed, in all his Kingdoms, Dominions and Lordships, without any regard to the Laws, Ordinances or Customs to the contrary, from which it derogates; and his Will is, that for this time they be held as abrogated and made void, though they be of such sort and quality, as that for their Derogation there should be requisite and necessary other more express and special mention: And he hath commanded that it be sealed with his Royal Seal, and enregistered and published in his Council of State, and others to which it may belong.

(E.)

TREATY OF UTRECHT, JULY 13, 1713.

(Extracts.)

Article 2.—But whereas the War which is so happily ended by this Peace, was at the Beginning undertaken, and was carried on for so many Years with the utmost Force, at immense Charge, and with almost infinite Slaughter, because of the great Danger which threatened the Liberty and Safety of all Europe, from the too close Conjunction of the Kingdoms of Spain and France. And whereas to take away all Uneasiness and Suspicion, concerning such Conjunction, out of the Minds of People, and to settle and establish the Peace and Tranquillity of Christendom by an equal Balance of Power (which is the best and most solid Foundation of a mutual Friendship, and of a Concord which will be lasting on all sides) as well the Catholick King as the most Christian King have consented, that Care should be taken by sufficient Precautions, that the King-

doms of Spain and France should never come and be united under the same Dominion, and that one and the same Person should never become King of both Kingdoms. And to this end His Catholick Majesty has for Himself, His Heirs, and Successors, most solemnly Renounced all manner of Right, Title, and Pretension to the Crown of France, in the Form and Words following :

Don Philip, &c. &c. By the Account and Information of this Instrument and Writing of Renunciation and Relinquishment, and that it may remain for a perpetual Remembrance, I do make known and declare to Kings, Princes, Potentates, Commonwealths, Communities, and particular Persons, which now are, and shall be in future Ages : That it being one of the principal Positions of the Treaties of Peace, depending between the Crowns of Spain, and of France, with that of England, for the rendering it firm and lasting and proceeding to a general one, on the Maxim of securing for ever the universal Good and Quiet of Europe by an equal Weight of Power, so that many being united in one, the Balance of the Equality desired, might not turn to the Advantage of one and the Danger and Hazard of the rest ; It was proposed, and insisted on by England, and it was agreed to on my part, and on that of the King my Grandfather, That for avoiding at any time whatever the Union of this Monarchy with that of France, and the possibility that it might happen in any case, reciprocal Renunciations should be made by me, and for all my Descendants, to the possibility of succeeding to the Monarchy of France, and on the part of those Princes, and of all their Race, present and to come, to that of succeeding to this Monarchy ; by forming a proper Project of Abdication of all Rights which might be claimed by the Two Royal Houses of this, and of that Monarchy, as to their succeeding mutually to each other ; by separating, by the Legal means of my Renunciation, my Branch from the Royal Stem of France, and all the Branches of France from the Stem of the Blood-Royal of Spain ; by taking Care, at the same time, in pursuance of the Fundamental and Perpetual Maxim of the Balance of Power in Europe, which persuades and justifies the avoiding, in all cases imaginable, the Union of the Monarchy of France with that of Spain, that the Inconvenience should likewise be provided against, lest, in default of my issue the case should happen that this Monarchy should devolve again to the House of Austria, whose Dominions and Dependencies, even without the Union of the Empire, would make it formidable ; a Motive which at other times made it justifiable to separate the Hereditary Dominions of the House of Austria, from the Body of the Spanish

Monarchy; It being agreed and settled to this end by England with Me, and with the King my Grandfather, That in failure of Me, and of my Issue, the Duke of Savoy, and his Sons, and Descendants, being Males, born in constant lawful Marriage, are to enter upon the Succession of this Monarchy; and in default of his Male-Line, the Prince Amadeo of Carignan, and his Sons, and Descendants, being Males, born in constant lawful Marriage; and in default of his Line, Prince Thomas, Brother of the Prince of Carignan, his Sons, and Descendants, being Males, born in constant lawful Marriage, who, as Descendants of the Infanta Donna Catharina, Daughter of Philip the Second, and being expressly called, have a clear and known Right, supposing the Friendship and perpetual Alliance, which the Duke of Savoy, and his descendants are to solicit and obtain from this Crown; it being to be believed, that by this perpetual and never-ceasing Hope, the Needle of the Balance may remain invariable, and all the Powers, wearied with the Toil and Uncertainty of Battles, may be amicably kept in an equal Poise; it not remaining in the Disposal of any of the Parties to alter this Federal Equilibrium by way of any Contract of Renunciation, or Retrocession, since the same reason, which induced its being admitted, demonstrates its permanency, a fundamental Constitution being formed, which may settle by an unalterable Law the Succession of what is to come. In consequence of what is above-said, and for the Love I bear to the Spaniards, and from the Knowledge I have of what I owe to them, and the repeated Experience of their Fidelity, and for making a return to Divine Providence, by this Resignation to its Destiny, for the great benefit of having placed and maintained me on the Throne among such illustrious and well-deserving Vassals, I have determined to abdicate, for myself and all my Descendants, the Right of Succeeding to the Crown of France, desiring not to depart from Living and Dying with my beloved and faithful Spaniards: leaving to all my Descendants the inseparable Bond of their Fidelity and Love.

And to the end that this Resolution may have its due effect, and, that the matter may cease, which has been looked upon as one of the principal motives of the War, which has hitherto afflicted Europe, of my own motion, free, spontaneous, and unconstrained Will, I Don Philip, by the Grace of God, King of Castile, Leon, Aragon, the Two Sicilies, Jerusalem, Navarre, Granada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordoba, Corsica, Murcia, Jaen, the Algarves, Algezira, Gibraltar, the Canary Islands, the East and West Indies, the Islands, and Terra Firma of the Ocean, Archduke of Austria, Duke of Burgundy, Brabant and Milan, Count of Habsburg, Flanders, Tirol,

and Barcelona, Lord of Biscay and Molina, &c. Do, by this present Instrument, for myself, for my Heirs and Successors, Renounce, Quit, and Relinquish for ever and ever all Pretensions, Rights, and Titles, which I have, or any Descendant of mine hath at present, or may have at any time to come, to the Succession of the Crown of France; and I declare, and hold myself for excluded and separated, me, and my Sons, Heirs and Descendants for ever, for excluded and disabled absolutely, and without limitation, difference, and distinction of Persons, Degrees, Sexes, and Times, from the Act, and Right of succeeding to the Crown of France. And I will and consent, for myself, and my said Descendants, that now, as well as then, it may be taken to be passed over and transferred to him, who by mine and their being excluded, disabled, and incapacitated, shall be found next and immediate in Degree to the King, by whose Death it shall become vacant; And the Succession to the said Crown of France is at any time, and in any case to be settled on, and given to him, to have and to hold the same as true and lawful Successor, in the same manner, as if I, and my Descendants had not been born, or been in the World; since for such are we to be held and esteemed, because in my Person, and in that of my Descendants, there is no consideration to be had, or Foundation to be made of active or passive Representation, beginning, or continuation of Lineage effective, or contentive of Substance, Blood, or Quality, nor can the Descent, or Computation of Degrees of those Persons be derived from the most Christian King, my Lord and Grandfather, nor from the Dauphin my Father, nor from the Glorious Kings their Progenitors; nor by any other means can they come into the Succession, nor take Possession of the Degree of Proximity, and exclude from it the Person, who, as is abovesaid, shall be found next in Degree. I will and consent for myself, and for my Descendants, that from this time, as well as then, this Right be looked upon and considered as passed over, and transferred to the Duke of Berry my Brother, and to his Sons and Descendants, being Males, born in constant lawful Marriage; and in default of his Male Issue, to the Duke of Orleans my Uncle, and to his Sons and Descendants, being Males, born in constant lawful Marriage; and in default of his Issue, to the Duke of Bourbon my Cousin, and to his Sons and Descendants, being Males, born in constant lawful Marriage; and in like manner successively to all the Princes of the Blood of France, their Sons and Descendants, being Males, for ever and ever, according to the Place and Order in which they shall be called to the Crown by Right of their Birth; and consequently to that Person among the said Princes, who (I and all my said Descendants, being, as is abovesaid, excluded, disabled and incapacitated) shall be found the

nearest in immediate Degree after that King, by whose Death the Vacancy of the Crown of France shall happen, and to whom the Succession ought to belong at any time, and in any case whatsoever, that he may possess the same as true and lawful Successor, in the same manner as if I and my Descendants had not been born. And for the greater strength of this Act of Abdication of all the Rights and Titles, which appertained to me, and to all my Sons and Descendants, of succeeding to the aforesaid Crown of France, I depart from, and relinquish especially that which might moreover accrue to the Rights of Birth from the Letters Patents, or Instrument, whereby the King my Grandfather preserved and reserved to me, and enabled me to enjoy the Right of Succession to the Crown of France, which Instrument was dispatched at Versailles in the month of December, in the year 1700, and passed, and approved, and registered by the Parliament. I will, that it cannot serve me for a Foundation to the purposes therein provided for, and I reject and renounce it, and hold it for null, void, and of no force, and for cancelled, and as if no such Instrument had ever been executed. I promise and oblige myself, on the faith of a King's word, that as much as shall relate to my part, and that of my Sons and Descendants, which are and shall be, I will take care of the Observation and Accomplishment of this Writing, without permitting or consenting that any thing be done contrary thereunto, directly or indirectly, in the whole, or in part; And I relinquish and depart from all and all manner of Remedies, known or unknown, ordinary or extraordinary, and which by common Right, or special Privilege might belong to Us, to Me, and to my Sons and Descendants, to reclaim, mention, or allege against what is abovesaid; and I renounce them all, and especially that of evident prejudice, enormous and most enormous, which may be reckoned to have happened in this Relinquishment and Renunciation of the Right of being able at any time to succeed to the Crown aforementioned. I will declare that none of the said Remedies, nor others, of whatsoever name, use, importance and quality they may be, do avail us, or can avail us. And if in fact, or under any colour We should endeavour to seize the said Kingdom by force of arms, by making, or moving War, offensive or defensive, from this time for ever, that is to be held, judged and declared, for an unlawful, unjust, and wrongfully undertaken War, and for Violence, Invasion, and Usurpation, done against reason and conscience; and on the contrary, that is to be judged and esteemed a just, lawful and allowed War, which shall be made, or moved in behalf of him, who by the Exclusion of me, and of my said Sons and Descendants, ought to succeed to the said Crown of France, to whom the Subjects and Natives thereof are to apply them-

selves, and to obey him, to take and perform the Oath and Homage of Fealty, and to serve him as their lawful King and Lord. And the Relinquishment and Renunciation, for me and my said Sons and Descendants, is to be firm, stable, valid, and irrevocable perpetually, for ever and ever. And I declare and promise, That I have not made, neither will I make any Protestation, or Reclaiming, in publick, or in secret, to the contrary, which may hinder, or diminish the force of what is contained in this Writing; and that if I should make it, although it be sworn to, it is not to be valid, neither can it have any force. And for the greater Strength and Security of what is contained in this Renunciation, and of what is said and promised on my part therein, I give again the pledge of my Faith and Royal Word, and I swear solemnly by the Gospels contained in this Missal, upon which I lay my right hand, that I will observe, maintain, and accomplish this Act and Instrument of Renunciation, as well for myself, as for all my Successors, Heirs, and Descendants, in all the Clauses therein contained, according to the most natural, literal and plain sense and construction; And that I have not sought, neither will I seek any Dispensation from this Oath; and if it shall be sought for by any particular person, or shall be granted *motu proprio*, I will not use it, nor take any advantage of it. Nay in such case as that it should be granted me, I make another the like Oath, That there may always be and remain one Oath above and beyond all Dispensations which may be granted me. And I deliver this Writing before the present Secretary, Notary of this my Kingdom, and I have signed it, and commanded it to be sealed with my Royal Seal; there being provided, and called as Witnesses, the Cardinal Don Francisco de Judice, &c.

I Don Francisco Antonio le Quincoces, Knight of the Order of Saint James, one of his Majesties Council, and Secretary of that of the Chamber and of the State of Castile, Publick Notary, and Writer in his Kingdoms and Dominions:—

Do Certifie, that in pursuance of the Proposition which the King our Lord (whom God preserve) made to the Kingdom assembled in Cortes, represented by all the Knights Deputies from the Cities and Towns, which have a Vote therein, the Fifth Day of this present Month and Year, in his Royal Palace of Buen Retiro, and upon sight of the Instrument of Renunciation, delivered by his Majesty the same Day, Month and Year, before Don Manuel of Vadillo and Velasco, his Secretary of State, and Publick Notary and Writer in all his Kingdoms and Dominions, which his Majesty ordered him to present, and which was read, and published in the Meeting of the Cortes,

which the Kingdom held for this alone, the Ninth of this Month, the following Resolution was agreed upon:—

That the most humble Representation be made by the Kingdom, laying ourselves at the Royal Feet of his Majesty, giving him immortal thanks for the immense benefits, and exceeding great favours, wherewith he has been pleased to honour and exalt the Spanish Nation, by taking care of the greatest Good and Advantage of his most loving Vassals, by procuring to this Monarchy the case of this desired Peace and Tranquillity. And that the Kingdom, desiring on their part to contribute to the attaining the Royal Intention of his Majesty, assents to, and if it were necessary for the greater Authority, Validity, and Strength, approves and confirms the Renunciation which his Majesty is pleased to make for himself, and in the name of all his Royal Descendants, to the Succession which possibly may happen of the Monarchy of France, with this circumstance, that the like Renunciation to this Crown is to be executed by the Princes of that Royal Family, and their Descendants: And likewise the perpetual Exclusion of the House of Austria from the Dominions of this Monarchy; And in like manner in case of failure (which God forbid) of the Royal Issue of his Majesty, the calling of the House of the Duke of Savoy, and of all his Sons, and Male Descendants, born in constant lawful Matrimony; and in default of all these Lines, of the Prince Amadeus of Carignan, his Sons, and Male Descendants, born in constant lawful Matrimony; and in failure thereof, of the Prince Thomas, Brother of the said Prince of Carignan, his Sons, and Male Descendants, born in constant lawful Matrimony; who as Descendants of the Infanta Doña Catharina, Daughter of Philip the Second, and being expressly called, have a clear and known Right, supposing the Friendship and perpetual Alliance with this Crown, which ought to be sought and obtained by the Duke of Savoy, and his Descendants.

And that the Kingdom approves, agrees to, and ratifies all these three things, and each of them, with the same Qualities, Conditions, and Suppositions, as are expressed, inferred, and concluded in the said Instrument of Renunciation executed by his Majesty, which has been mentioned and referred to. And lastly, that for securing and establishing the strength of these Treaties, these Kingdoms oblige themselves, with all their power and force, to cause to be maintained the Royal Resolutions of his Majesty, sacrificing in his Royal Service, even to the last drop of their Blood, offering to his Majesty their Lives and Fortunes, in token of their Love. And that for the eternal Remembrance and Observance of the Royal Deliberation of his Ma-

Majesty, and Agreement of the Kingdom, it be desired in their Name (as in effect they have desired and petitioned by their Representation and Consultation made the same Ninth day of this Month) that his Majesty would be pleased to order, that by annulling all that shall be found to the contrary, it be established as a fundamental Law, as well the aforesaid Renunciations, as the perpetual Exclusion of the House of Austria from the Dominions of this Crown, and the Calling of that of Savoy to the Succession of these Kingdoms, in Default (which God forbid) of Descendants from his Majesty; which the Kingdom, with the Approbation of his Majesty, does even now agree to, as the Foundation, whereon depends the greatest Good and Advantage of this Monarchy, so much upheld, favoured, and exalted by the Royal Benevolence of his Majesty.

And the King our Lord, having agreed to this unanimous and uniform Resolution and Representation of all the Knights Deputies in the Cortes of the Kingdom, has been pleased, by his Royal Decree of the Seventh of this Month, to command it to be remitted to his Supreme Council, jointly with the Writing of Renunciation, ordaining that the Tenor of the Law be forthwith formed, extended, and disposed, with all the circumstances of clearness and strength, for its inviolable and perpetual Observation.

As all that is abovesaid does more largely appear from the aforementioned Instruments, the Resolution, and Supplication of the Kingdom, which are cited, and to which I refer. And this Certificate signed with my Hand, sealed with the Seal of the Royal Arms of his Majesty, I give by virtue of his Royal Order, in the presence of the Marquis of Mejorada and of Breña, one of his Council, Gentleman of his Chamber, his Secretary of State and of the Universal Dispatch. At Madrid the Ninth of November, 1712.

(L. S.)

Don Francisco de Quiñones

Here follow the Letters Patent of Louis XIV. admitting the renunciation of the King of Spain to the Crown of France, and those of the Dukes de Berri and Orleans to the Crown of Spain, and afterwards the Renunciations of the latter.

AUTO V. BOOK V. TITLE VII.

*Form to be observed in the Succession of Males to these Kingdoms.**

Philip V. in Madrid this 10th May, 1713.

My Council of State having represented to me the great expediency and benefits which would result to the public cause and universal welfare of my Kingdoms and subjects, from the formation of a new Regulation for the Succession of this Monarchy, by virtue of which and as a means to preserve a rigid agnation, all my male descendants, in a direct line, shall be preferred to the females and their descendants, notwithstanding they and theirs should be of a better degree and line: for the greater satisfaction and security of this my resolution, in matters of such weighty importance, notwithstanding the reasons of the public cause and the universal welfare of my Kingdoms were submitted to me by my Council of State, on such clear and irrefragable grounds, that I do not hesitate, as regards my own resolution; And although in the introduction of such a regulation as might be most expedient for the interior of my own family and issue, as being its head and the principal party interested, I might at once proceed to the establishment thereof, I nevertheless wished to hear the opinion of the Council (meaning of Castile) for my greater satisfaction, and in reliance upon that zeal, love, truth and wisdom, which in this, as well as in all other times, it has manifested to me,—I for this purpose thereto submitted the Report of the Council of State, ordaining it previously to hear my Attorney General; And having seen the same and heard him, by the uniform accord of the whole Board, the Report of the Council of State was agreed to;—

And it being the opinion of both Councils that, for the greater validity and firmness, as well as for the universal acceptance, the Kingdom should concur in the establishment of this new Law; the latter being assembled in the Cortes through the medium of its Deputies in this capital, I ordained the Cities and Towns having a vote in Cortes, to transmit to them their full and sufficient powers to confer and deliberate upon this point what they might deem expedient for the public cause; And the said powers having been transmitted

* Translated from the *Autos Acordados* published by authority, Madrid, 1775. It is also incorporated and published in the *Noeissima Recopilacion*, the Modern Digest of Spanish Laws.

by the cities, and furnished by this capital and the other towns to their said Deputies, and they being duly acquainted with the Reports of both Councils and with full knowledge of the Justice of this new Regulation, and of the benefits therefrom arising to the public cause, they prayed me to proceed to establish, as a Fundamental Law for the Succession of these Kingdoms, the aforesaid new Regulation, with the abrogation of the Laws and Customs contrary thereto; And having so deemed it fit, I command that, from this time henceforwards, the Succession of these Kingdoms and all the Dependencies thereof, or such as may be annexed thereunto, shall stand and be regulated in the following form:—

That at the end of my days, the Prince of Asturias, Luis, my much beloved Son, shall succeed to this Crown, and at his death, his eldest legitimate (male) Son and his legitimate male issue, in direct and legitimate line, all born in constant legitimate wedlock, in the order of primogeniture and in the right of representation, according to the Law of Toro;* And in default of the elder son of the Prince and all his descendants, from male to male, who are to succeed according to the order above expressed, the second legitimate (male) Son of the Prince shall succeed and his legitimate male descendants, in strait and legitimate line, all born in constant legitimate wedlock, according to the same order of primogeniture and rule of representation, without any difference; And in default of all the male descendants of the second Son of the Prince, the third and fourth Sons shall succeed, and the rest being legitimate, as well as their sons and male descendants being in like manner legitimate, in strait and legitimate line and all born in constant legitimate wedlock, in the same order until the male lines of each one of them shall be extinct and ended, the agnation being always rigidly observed, as well as the order of primogeniture, together with the right of representation, preferring always the first lines, and the anterior to the posterior ones; And in default of all male issue and right lines from male to male of the Prince, the Infante Phelipe, my much beloved Son, shall succeed to these Kingdoms and Crown, and in default thereof, his sons and legitimate male descendants, according to the strait and legitimate line, born in constant legitimate wedlock.

And the same order of Succession, as above expressed, shall in every respect be observed and kept as regards the male descendants of the Prince, without any difference whatsoever, and, in default

* Law 40 of Toro and Law 5 of this Title.

of the Infante, his sons and their male issue, and the other sons whom I may have, from degree to degree, shall succeed according to the same rules and in the order of majority and representation, preferring the elder to the younger, and respectively the sons and legitimate male descendants thereof, in the strait legitimate line, all born in constant legitimate wedlock, a rigid agnation being punctually observed in all of them, and preferring always the first male lines, and the anterior to the posterior ones, until the same are wholly extinct and ended.

And all the male lines of the Prince, of the Infante, and of my other Sons being integrally ended, together with all my legitimate descendants, from male to male, and there consequently being left no agnate male and legitimate descendant of mine, on whom the Crown may devolve, according as they are above called, the daughter, or daughters of the last reigning male, my agnate, in whom the male line may terminate and through whose death the vacancy occurs, shall succeed to these Kingdoms;* the said daughter being born in constant legitimate wedlock, the one after the other, the elder being preferred to the younger, and respectively her sons and legitimate descendants in strait and legitimate line, all born in constant legitimate wedlock, observing among them the order of primogeniture and the rules of representation, with preference of the anterior lines to the subsequent ones, in conformity with the Laws of these Kingdoms;† it being my will that in the eldest daughter, or her descendant, who by right of priority shall enter into the Succession of this Monarchy, the rigid agnation shall revive, as being the head of the line, among the male issue whom she may have born in constant legitimate wedlock, and in the legitimate descendants thereof, in such manner that, after the demise of the said eldest daughter, or her reigning descendant, her male issue shall succeed, born in constant legitimate wedlock, one after the other, preferring the elder to the younger, and respectively the sons and male descendants thereof, in strait legitimate line, born in constant legitimate wedlock, in the same order of primogeniture, rights of representation, preference of lines, and according to the rules of rigid agnation, as aforesaid, and as established for the male issue and descendants of the Prince, Infante, and others of my sons ;—

* L. 1. Glos. G. Tit. 3. Lib. 3—Recopil. Law 2. Title 15, Part. 2—Law 5—13 and 14 of this Title.

† Law 5 and 8 of this Title, and Law 40 and 45 of Toro.

And it is my wish that the same shall be observed in reference to the second Daughter of the last reigning Son, my agnate, as well as the other daughters whom he may have, inasmuch as any one of the said Daughters succeeding in their order to the Crown, or a descendant thereof in the order of priority, the rigid agnation shall be revived among the male children whom she may have, born in constant legitimate wedlock, and the male descendants of males of the aforesaid legitimate Sons, and in strait legitimate line, born in constant legitimate wedlock, the succession of the aforesaid sons and male descendants of males being to be regulated in the same manner as is expressed in reference to the Sons and male descendants of the eldest Daughter, until the male lines shall be wholly ended, observing the rules of rigid agnation ;—

And in case the aforesaid last reigning male and my agnate, should not have daughters born in constant legitimate wedlock, nor legitimate descendants and according to the legitimate line, the sister or sisters whom he may have, my legitimate descendants and legitimate line born in constant legitimate wedlock, shall succeed to these Kingdoms, the one after the other, preferring the elder to the younger, and respectively her issue and legitimate descendants and in a strait line, all born in constant legitimate wedlock, pursuant to the same order of primogeniture, priority of lines and rights of representation, according to the Laws of these Kingdoms,* agreeably to what is ordained regarding the succession of the Daughters of the aforesaid last reigning male heir ; it being in like manner enacted that the rigid agnation shall be revived among the sons whom the said daughter may have, or her descendants who, in the right of priority, may enter upon the succession of this Monarchy, born in constant legitimate wedlock, and among the male descendants of the aforesaid legitimate sons, in strait line, born in constant legitimate wedlock, who are to succeed in the same order and form as prescribed for the sons and descendants of the daughters of the last reigning Heir, the rules of a rigid agnation being at all times observed ;—

And the last reigning Heir not having a sister, or sisters, the transversal descendant, legitimately mine, shall succeed to the Crown, the same being the nearest relative of the aforesaid last reigning Heir, whether male or female, and the children thereof and legitimate descendants, in strait legitimate line and all born in constant legitimate wedlock, in pursuance of the same order and rule as the

* The aforesaid Laws 5 and 8 of this Title, and Laws 40 and 45 of Toro.

sons and descendants of the daughters of the last reigning Heir, are called; And in the aforesaid nearest relative, male or female, who may come to the Succession the rigid agnation also shall be revived among the male issue, born in constant legitimate wedlock, and in the sons and male descendants thereof, being in a strait legitimate line and born in constant legitimate wedlock, who are to succeed in the same order and form prescribed for the male issue of the daughters of the last reigning Heir, until all the males of males shall be ended and all the male lines entirely exhausted;—

And in case there should not be such transversal relatives of the aforesaid last reigning Heir, males or females, descending from my lawful issue and in legitimate line, the Daughters whom I may have born in constant legitimate wedlock, shall succeed to the Crown, the one after the other, preferring the elder to the younger, and her sons and descendants respectively in legitimate line, all born in constant legitimate wedlock, observing among them the order of primogeniture and rules of representation, preferring the anterior to the posterior lines, as established in all the preceding callings of males and females;—

And it is further my Will, that in any one of my aforesaid Daughters, or their descendants who in the right of priority may enter upon the succession of the Monarchy, the rigid agnation shall in like manner be revived among the male children who may be called to reign, born in constant legitimate wedlock, and among the sons and descendants, male from male, of their legitimate issue, and in strait legitimate line, all born in constant legitimate wedlock, who are to succeed in the same order and according to the same rules prescribed for the antecedent cases, until all the males of males shall be ended and all the male lines wholly extinct;—

And the same shall be observed on all occasions and every time that, during my legitimate descendancy and in legitimate line, the case should happen of a female, or the son of a female, entering upon the Succession of this Monarchy, inasmuch as it is my Royal Intention that, as far as is possible, the aforesaid Succession should go and run according to the rules of rigid agnation;—

And in case that all my legitimate descendancy of males and females, born in constant legitimate wedlock, should be wanting and wholly extinct, in such manner that no male, nor female, my legitimate descendant and in legitimate lines, is to be had, so as to come to the succession of this Monarchy, it is my will, in such case and not otherwise, that the House of Savoy shall enter upon the aforesaid

Succession, according as and in the mode declared, and as by me prescribed, in the Law lately promulgated, to which I refer ;—*

And it is my Will, and I command, that the Succession of this Crown shall proceed, from this time henceforwards, in the form above expressed, by establishing this as a Fundamental Law for the Succession of these Kingdoms, their Dependencies and future Annexations, notwithstanding the Law of *Partida*,† and all other Laws, Statutes, Customs, Styles and Agreements whatsoever, or any other Enactments of the Kings, my Predecessors, found to the contrary, which I hereby abrogate and annul in every thing that may be contrary to the present Law, leaving them in due force and vigour in every other respect,—such being my will ;"—&c.

(G.)

CORRESPONDENCE BETWEEN THE LATE FERDINAND VII. AND HIS BROTHER THE INFANTE DON CARLOS, SUBSEQUENT TO THE WITHDRAWAL OF THE LATTER TO PORTUGAL.‡

The Infante Don Carlos to Ferdinand VII.

Ramalhãõ, April 29, 1833.

My well-beloved Brother, &c.—This morning, at about ten o'clock, my Secretary, Plazaola, came to tell me that he had received a note from your Minister at this Court, Cordova, requesting to know when it would be convenient for me to receive the communication of a Royal order which had reached him. I appointed twelve, and he having arrived at a few minutes before one, I immediately saw him. He presented me with an official paper for my information, which I read, and, having done so, I told him that I would give a direct reply, as my dignity and character prescribed, and because, as you are my King and Lord, you are at the same time my brother, and we have been so closely attached to each other during the whole of our lifetime, that I have had the satisfaction of sharing in all your misfortunes.

* This refers to the Law enacted and promulgated to give validity to the Act of Renunciation.

† Law 12 of this Title, Auto vi.

‡ This Correspondence was originally published in the Morning Post of November 15th, 18th and 20th, 1833.

You wish to know whether I intend to take the oath to your daughter as Princess of Asturias, or not. Now, as far as wishes go, you will believe, because you know me, when I say that with all my heart would I take that oath, and that nothing would give me greater pleasure than to be the first to recognise your daughter, and to spare you any offence, or possible inconvenience which my declining to do so might occasion; but my conscience and my honour do not permit it. I possess rights, so legitimate that I cannot divest myself of them; rights which God gave me when it was his pleasure that I entered upon existence, and which God alone can take away, by transferring them to a male child of yours, which I desire as much, possibly even more than you yourself do. Moreover, in this I am defending the justice of the rights of all those who are called after me, and therefore I feel myself called upon to transmit to you the subjoined Declaration, which I have made with the greatest formality and addressed to all Sovereigns, to whom I hope you will communicate it.

Adieu, my well-beloved brother; and be assured that your welfare will be always the first object of the prayers of your affectionate brother.

(Signed) CARLOS.

Declaration.

"I, Carlos Maria Isidoro de Borbon y Borbon, Infante of Spain, convinced of the legitimate rights which I possess to the Crown of Spain, so long as your Majesty has no heir-male to the same, Do aver that neither my conscience nor my honour permit me to take the oath to, or recognize, any other than those rights, and this I solemnly declare.

Your affectionate brother and faithful subject,

The Infante DON CARLOS DE BORBON Y BORBON."

To my Lord and King,

(ANSWER.)

Ferdinand VII. to the Infante Don Carlos.

My dearly-beloved Brother of my Heart—I have received your esteemed favour of the 29th ult.

I have always been sensible how much you loved me, and I also trust that you are equally so of the affection which I bear towards you; but I am a King and a father, and I ought to watch over my own rights and those of my daughter, as well as those of my crown; at the same time I do not wish to commit any violence against your conscience, nor can I hope to dissuade you from believing in your alleged rights, which, notwithstanding they are founded upon the determinations of men, you believe can only be taken away by God. The brotherly love which I have always borne for you, however, impels me to spare you

the displeasure which you would experience in a country where your supposed rights are not acknowledged, at the same time that the duties of King obliged me to remove to a greater distance the presence of an Infante whose pretensions may become a pretext for inquietude to evil-minded persons.

As, therefore, you cannot return to Spain, for reasons of the highest policy, in accordance with the laws of the realm and their special injunctions, as well as for your own tranquillity, which I desire as much as I do the welfare of my people, I give you permission at once to proceed on a journey with your family to the Pontifical States, giving me advice of the point to which you direct your steps, and the place at which you may fix your residence. At the port of Lisbon shortly will arrive one of my vessels of war, prepared to receive you on board.

Spain is independent of every foreign nation and influence, in all that belongs to her internal Government, and I should therefore be acting contrary to the free and complete sovereignty of my throne, and with detriment thereof transgressing the principle of non-intervention, generally adopted by the Cabinets of Europe, were I to make the communication which you request of me in your letter.

(Signed) FERDINAND.

Madrid, May 6, 1833.

The Infante Don Carlos to Ferdinand VII.

Mañra, May 13, 1833.

My dear beloved Brother—Yesterday, at five o'clock in the afternoon, I received your letter of the 6th, which Cordova delivered to me, and I rejoiced much to see therein that nothing had happened in your health, for which God be praised. We are in the enjoyment of the same benefit through his infinite mercy. I thank you sincerely for all the expressions of attachment which you convey to me, and believe that I know how to appreciate duly all that issues from your heart. I am equally informed of my sentence not to return to Spain, in consequence of which you grant me your permission at once to travel with my family to the Pontifical States, giving you advice of the point to which I may proceed, and the place where I may fix my residence.

To the first I beg leave to observe, that I submit with pleasure to the will of God, who ordains that it shall be thus. As regards the second, I cannot but remind you that I think it is a sacrifice sufficiently great not to be allowed to return to my native country, nor ought that of not being permitted to reside where it may suit me for my

tranquillity, health, and interests to be added thereto. Here we have been received with the greatest consideration, and are in good health. Here we might remain in perfect comfort and tranquillity, and you also might be perfectly at ease, and fully persuaded that, as I have known how to perform my obligations in circumstances the most critical within the kingdom, I shall in the like manner know how to perform them in whatsoever place I may be out of it, because, as I have ever acted so as to deserve the approbation of Heaven, the favours of Divine Providence will not now be wanting to me.

Notwithstanding all these reflections, I am resolved to comply with your wishes, and avail myself of the favour which you do me in sending me a vessel of war, prepared to receive me on board; but I have previously to arrange my affairs and settle my private concerns in Madrid; being at the same time equally obliged to appeal to your goodness for a grant of some of the arrears due to me. I asked nothing of you before, nor should I have done so now for any journey that I was going to undertake, with my own free will; but matters have entirely changed, and I cannot proceed forwards without you kindly grant me what I request.

The last point remains to be spoken upon, which is our embarkation at Lisbon. How, may I ask, are we again to go to an infected place, which we so lately left, owing to the epidemic prevailing there? Through the Divine mercy we were saved from harm; but to return thither would be almost to invoke the anger of God. I am persuaded that it would be to you a subject of the deepest regret if, by returning to that place, we were to catch the disorder, infect the vessel, and all of us perish. Adieu!

(Signed)

CARLOS.

Ferdinand VII. to the Infante Don Carlos.

Madrid, May 20, 1833.

My much beloved Brother—Let us proceed to speak of the matter that is between us. I have respected your conscience, and have not judged, nor pronounced any sentence whatsoever against your conduct. The necessity that you should live out of Spain is a measure of precaution, as expedient for your repose as it is for the tranquillity of my people, required by the most just reasons of policy and enjoined by the laws of the kingdom, which ordain those relatives of the King to be removed and estranged to the kingdom who may manifestly obstruct him. This is not a punishment which I impose upon you.

It is the inevitable consequence of the position in which you have placed yourself.

You must be aware that the object of this provision cannot be attained by your remaining in the Peninsula. It is not my intention to impeach your conduct for the past, nor to entertain apprehensions of it as regards the future. Abundant proofs have I given you of my confidence in your fidelity, notwithstanding the inquietudes which have from time to time arisen, and in which, perhaps, your name was taken as a watchword. At the close of last year, proclamations were posted up and distributed, exciting a rising up in order to proclaim you King, even during my lifetime; and notwithstanding I am certain that these seditious movements and provocations were carried on without your concurrence, as you have not publicly manifested your disapprobation of them, it cannot be doubted that your presence, or your vicinity, will always be an incentive for the obstinate, accustomed to abuse your name. If positive proofs were required of the objections to your being near, it would suffice to reflect that on my receiving your first letter, a great number of copies of it were seen circulated, in order to excite the public mind, as well as of the declaration accompanying it, which most assuredly were not taken from the original sent by you to me. If you have not been able to guard against the infidelity of this publication, you must at least be sensible of the urgency of removing from my dominions the origin of all disturbances, however innocent the party interested may be.

After fixing for your residence the beautiful country and benign climate of the Pontifical States, I am astonished that you should prefer Portugal as most suited to tranquillity, when that country is involved in a bloody war upon its own soil; and how can it be considered favourable to health when it is labouring under a serious distemper, the contagion of which makes you yourself apprehend even the perishing of your whole family. In the dominions of the Pope you can, besides, attend to your interests the same as in Portugal.

I do not subject you to new laws. The Infantes of Spain have never resided in any part without the consent and will of the King. You yourself know that no one of my predecessors was ever so condescending as myself towards his brothers.

Neither do I oblige you to return to Lisbon, where only you appear to dread the epidemic which is spreading to other places. You can embark in any other part of the bay without entering the city. You may choose some other point in the vicinity, equally suitable to your embarkation. The vessel has the strictest orders not to communicate with the shore, and you ought to be more secure of the

crew, who have had no contact whatsoever with Lisbon, than the persons who at present surround you at Mafra.

The commander of the frigate has my orders and funds to make the preparations for your convenient and decorous voyage. If therewith you are not satisfied, all the assistance which you may require will be afforded to you through the medium of Cordova. I will take knowledge of and promote the payment of the arrears which you mention to me, and, at all events, you will find on your arrival every thing that you may require. You will offend me if you distrust me.

Nothing ought therefore to impede your prompt departure, and I trust that this proof of your resolution, which you have manifested to me, of complying with my wishes, will not be delayed, and prove as certain as I have been induced to believe it to be. Adieu.

(Signed) FERDINAND.

The Infante Don Carlos to Ferdinand VII.

Ramalhãõ, May 27, 1833.

My much beloved Brother—I am about to reply to all the points upon which you address me. You tell me that you have respected my conscience; for this I give you my best thanks. Were I not to care for my conscience and to act contrary to its dictates, in that case I should merit reproach, and have the best reasons for apprehension. That you have not pronounced sentence against my conduct, be this as it may; but certain it is that you load me with the whole weight of the law, as you tell me that what is happening to me is the necessary consequence of the position in which I have placed myself. Whatever that position may be, it is rather Divine Providence than myself that has placed me in it.

You say that it is not your intention to impeach my conduct for the past, nor to dread it henceforwards. Neither is my conscience my accuser as regards the past; and as for the future, although I cannot know what may happen, I nevertheless have sufficient confidence therein to be sensible that it will direct me well, as heretofore, and I shall continue to follow its wise counsels. Of much, nevertheless have I been accused; yet God, in his infinite mercy, has not only kept me from doing any thing wrong, but all the plots which have been formed for the purpose of sowing dissensions among us and dividing us have also of themselves fallen to pieces, and manifested the falsehoods of the charges preferred against me. I have only one regret, and that racks my breast. It is, that formerly I was perfectly at ease, fully convinced that you knew me thoroughly,

and that you were well assured of my sentiments, as well as of my conduct. Now I find it to be the reverse. This I deeply deplore.

As regards the Proclamations, I have not publicly expressed my disapprobation of those papers, because there was no occasion so to do; for, had I done it, I think that I should have conferred too great a favour upon their authors, as much your enemies as mine, and whose object was, as I have before said, to break, or at least to loosen, the bonds of love which have united us from our earliest years. Touching the copies of my letter and declaration, which were in great numbers circulated, I have to observe that I cannot prevent the publication of papers which necessarily have to pass through so many hands.

I will however, give you pleasure and obey you in every thing. I will depart, as early as I possibly can, for the Pontifical States, not on account of the beauty, delights, and attractions of the country, which to me are of little value, but because you wish it—you who are my King and Lord, and whom I will obey as far as is compatible with my conscience. Soon, however, the Feast of Corpus Christi will arrive, and I wish to sanctify that day as much as I can at Mafra; nor can I conceive how you are astonished at my preferring to remain in Portugal, when the climate has turned out so favourable for me and all my family.

Besides, if we were to proceed through Lisbon to embark at this moment, we might in that pestilential air catch the contagion, and afterwards the same might break out in the vessel, and all of us perish. Now, with your permission to embark at some other point, I hope to see Guruceta, who hitherto has not presented himself to me, in order to concert matters with him. I thank you for the strict orders which you have given for the crew, and it is natural to expect that they will have been fulfilled. In the meanwhile, however, the vessel is impregnating itself with bad air by remaining at Belem, where she is anchored, and the persons who surround me in Mafra are the same who here, and in every other place, have been my usual attendants.

I think that I have answered all the points in question and that occur to me.—Adieu.

(Signed) CARLOS.

Ferdinand VII. to the Infante Don Carlos.

Madrid, June 1, 1833.

My dear Brother—I am about to reply to yours of the 27th, and to speak to you on the subject of your voyage. If you believe

that it is divine Providence that has placed you in the position which calls for your voyage, you ought to attribute to the same cause the necessary effects of that position. I am perfectly well assured of you and of your unalterable love. I will say more. I am also assured of the decision and fidelity of all Spaniards; but with this same love on your part, and that fidelity never belied by them, repeated attempts have nevertheless been made to disturb us in your name, when there was no pretext for it, as at present, when your pretensions are known and circulated, and when those letters are printed which I receive sealed and written by your own hand. Your good wishes and mine do not suffice for the preservation of tranquillity. It is therefore necessary to adopt adequate measures by removing all occasions for discord, and I cannot sacrifice to your love this sacred obligation, for which I am accountable to God and to my people.

I should wish you to have the pleasure of passing the Corpus Christi festival at Mafra; but it is requisite that you should not any longer delay the voyage which you are now able to realize, and which I wish you to realize by the 10th or 12th instant. You ought to understand yourself with Cordova, who is authorized to receive your orders and transmit them to the commander of the vessel. The latter has pointed out Cascaes Bay as the point most convenient for your embarkation.—Adieu.

(Signed)

FERDINAND.

The Infante Don Carlos to Ferdinand VII.

Ramalhão, May, 28, 1833.

My dearly beloved Brother, Ferdinand of my Heart—I hope that you, Christina, and the children enjoy perfect health. We are in the enjoyment of it, thanks to God. As regards the voyage, you will remember that the second motive which we submitted to you for our journey hither was, that Maria Francisca should again have the pleasure of seeing and embracing her brother and sisters.

Miguel has always manifested to us similar wishes, but hitherto it has not been possible to carry this satisfaction into effect, owing to the circumstances of the times. We are perfectly tranquil and at ease; but having received your orders to embark, it appeared to me proper to take leave of him in writing, and express to him our regret at not having had the pleasure of seeing him after being here so long, and having thus lost an opportunity which will never return. To this he has answered me that he by no means wishes us to depart without having had the pleasure of a meeting. He

therefore tells us that if we will only come down to Coimbra, he will proceed thither to meet us. An invitation of this kind, you will readily conceive, we cannot decline. We cannot oppose so just a wish, and I am perfectly sure that, far from disapproving of the step, you would blame me greatly were I not to comply with the request. Cordova had already told me that you would not wish me to go to Braga; but, as there is no question respecting Braga, but of Coimbra, I have not hesitated.—Adieu.

(Signed) CARLOS.

Ferdinand VII. to the Infante Don Carlos.

Madrid, June 2, 1833.

My much beloved Brother—I am greatly astonished at the resolution which you communicate to me of proceeding to Coimbra, in order to see our nephew Miguel, after Cordova had communicated to you my open opposition to a journey which, besides other objections, may expose me to serious implications, as the said Cordova will have communicated and pointed out to you, owing to the present situation of Portugal. I expressly said neither to Braga, nor to Coimbra; but, even although I had not named the latter, you ought to have known that the motives of this policy, so much opposed to any journey of the kind, are alike as regards both places, and that your elevated character requires that those affections and family considerations should yield to great reasons of State.

I trust, when you have more deliberately reflected upon your first resolution, that you will have desisted from your project; but, at all events and in every case, even notwithstanding you may unfortunately have carried your project into execution, I do not doubt that you will effect your embarkation within the term fixed in my letter of yesterday, and thus give no further cause of displeasure to your brother,

(Signed) FERDINAND.

The Infante Don Carlos to Ferdinand VII.

Coimbra, June 8, 1833.

My dearly beloved Brother—Yesterday, at eight at night, Campuzano came and told me that Cordova being unwell, he had sent him to make me acquainted with the contents of the dispatches which he had received from the Ministry of State, and to deliver me two of your letters, one of the 1st. and the other of the 2nd. instant. I much regret the displeasure which I have caused you in coming to see Miguel on matters of so simple a nature, and for a purpose in which

you yourself had with pleasure acquiesced, on our departure from Madrid. Really I could not have believed this—but, patience!

You now wish me to embark by the 12th: this time, however, will not allow; and also that I do it in Cascaes Bay, the point fixed upon by the Captain of the frigate as the most convenient for the purpose. According to the information which I have received, it would most assuredly be so when the sea is calm; but that place is greatly exposed when the sea is agitated, which is most frequently the case.

I am perfectly ignorant of the sanitary state of the vessel, of which I certainly deem it proper to receive some exact information, as being a subject of the greatest moment, as well as respecting the towns through which I should have to pass, such as Pombal and Leiria, where, I believe, the cholera is at present making ravages. What I know for certain is, that it is now raging with all its force at Lisbon, Belem, Cascaes, and St. Jullans. How then can you wish me to proceed to any one of these above-mentioned points? Every one would consider me a rash man were I so to do, notwithstanding my ardent wishes to fulfil your orders are well known. Nevertheless, as regards myself, I would willingly expose myself to any sacrifice not to displease you; but I cannot conscientiously do it when the matter involves my whole family, destined to the same fate as myself.

Do not, however, on this account believe that I shall omit availing myself of any opportunity that may present itself to carry your wishes into effect, whensoever that opportunity is not surrounded by so many difficulties, and does not expose us to so many dangers as, under existing circumstances, we should have to brave.—Adieu, &c.

(Signed) CARLOS.

Ferdinand VII. to the Infante Don Carlos.

Madrid, June 13, 1833.

My dearly beloved Brother—I regret the many inconveniences experienced in your journey, which according to my expressed will would have been avoided. Your late movement has already produced injuries to the interests of Portugal.

I am astonished that, writing from Coimbra on the 3rd, you say nothing to me of your return to Mafra, where you had told me that you were determined to pass Corpus Christi day, and whither you were to return without delay, in order to accelerate your embarkation, as I had enjoined you in my preceding letters.

I nevertheless suppose that you would at once return, as well as

that wherever my letter of the 2nd might find you, you will have given the necessary orders for your embarkation with all your family. If, on the receipt of this, which, in my desire to answer you I write under an apprehension that it may not reach you, you should not yet have embarked, I do not doubt that you will do it immediately, according to my peremptory will.

It is not true, as you have been told, that the frigate *Lealtad* was near Belem. She has been anchored at a great distance, and near the British squadron.—Adieu, &c.

(Signed)

FERDINAND.

The Infante Don Carlos to Ferdinand VII.

Coimbra, June 19, 1833.

My dearly beloved Brother—Three days ago I received your letter of the 11th. I did not answer you at the moment, being in expectation of your answer to mine of the 8th, which I looked for every instant. To it I refer in reply to yours, adding that you are perfectly right in reproaching me for not passing Corpus Christi Day at Mafra, as I told you I intended. That was my full determination, but when we arrived at Caldas, we found that two days before symptoms of cholera had made their appearance, and that as many as eleven cases had occurred. On the following day we came away as quickly and as early as we could, and since we have been here the epidemic has spread through the country as far as Condeixa, only two leagues hence.

I cannot imagine that you wish me to expose myself and my whole family to the danger of perishing. At least judging by my own feelings, I cannot believe it; for, if you were in my position and I in yours, most assuredly I should wish nothing of the kind; and, as I know your feelings towards me, I am the more confirmed in my impression that you do not wish that we should be exposed.

If the frigate *Lealtad* is not near Belem, she has been, and I believe is now close to the margin of the Tagus, near those places where the epidemic commenced. I am happy to hear that you are well.—Adieu, &c.

(Signed)

CARLOS.

Ferdinand VII. to Don Carlos.

Madrid, June 15, 1833.

My dearly beloved Carlos—I have received your letter of the 8th, which I am now about to answer. You would have done well to

have spared yourself the mortification of your journey to Coimbra, by complying with my first determination. At the time of our taking leave, I did not feel any objection to your seeing Miguel, with the understanding that you would find him in Lisbon; but, having to go in search of him to a distance, and circumstances in that kingdom having become more complicated, I manifested to you, through the medium of Cordova, my firm resolution that you should not perform the journey in question, as well as the weighty objections, both as regarded yourself and Miguel, to any movements by you in Portugal. How, then, can you now say that you believed I should not be offended, and quote my first act of condescension, after I had subsequently informed you of my opposition?

A month has now elapsed since you told me that, notwithstanding the difficulties in which you are placed, you were determined to perform my will, and whilst I manifest it the more clearly to you the greater are the obstacles which you discover, and the less disposition you evince to comply with my wishes. You yourself provide the embarrassments, and yet all would have been avoided if you had at once fulfilled my orders.

You alleged to me, as a motive for a short delay, your wish to sanctify Corpus Christi Day in the Monastery of Mafra; and the following day, forgetting Mafra, you announce to me your journey to Coimbra, which would detain you still longer. You did not then object, that Leiria and other towns through which you had to pass, were infected with the cholera; and now you cannot return by the same route, owing to your fear of contagion. What no one would imagine, when the propagation of the disorder is apprehended, and what for every one else would be a stimulus to leave the country, you convert into reasons to remain in it, and tranquilly allow the scourge to surround you on all sides.

In order to return to Mafra, it is not necessary for you to pass through the infected places. You can make a circuit and avoid the consequences. The port of Cascaes is secure, and the season the most constant and safe. Gurneeta, besides, would not embark you during bad weather. The sanitary state of the frigate (respecting which you say that you have to obtain information, which probably, ere this, you have received) is as excellent as that of the British squadron near which she is at anchor. Every one, you believe, will consider you rash should you embark; but it is rather to be believed that every one will view your conduct and your difficulties, as means to delay, or frustrate your compliance with my will.

It is absolutely my will that you embark without any further delay. Through the medium of Cordova, you can obtain from the Commander of the frigate all the information which you may require as to the health and security of the vessel, and of the place of embarkation that may be chosen, as circumstances prescribe. We have already said more than is sufficient upon the subject, and I should wish that this long and tedious correspondence be not more embittered, which must be the case, if your future conduct does not accord with your repeated protestations of submission. I am glad to hear that you are in good health, &c.—Adieu.

(Signed) FERDINAND.

The Infante Don Carlos to King Ferdinand VII.

Coimbra, June 22, 1833.

My dearly beloved brother—Ferdinand of my Heart—I have received your letter of the 15th, and cannot refrain from telling you that to all that is contained in it, I have made answer in my previous ones, and as I have nothing to add, it would be useless to repeat what I have already said. I have only to observe in reply, that it would be extremely strange were I to continue in Portugal, if the whole kingdom had experienced the contagion; but it is not thus. I have still the means of avoiding it, by proceeding to any point that is not infected; but it has made its appearance, under the worst form, precisely along those roads which I should have to pass in going to Cascaes, the port designated for my embarkation, and equally as much infected as Lisbon, Belem, and St. Julians.

You say that I myself find out difficulties. It is not so, because it is not in my power to prevent the contagion from reaching me; but it is to use those measures which prudence dictates in order to avoid it. The matter regards all that is dear to my whole family, all of whom might easily perish through my fault, more particularly by our being deprived of the consolation which we derive from the attendance of the physician in whom we have reposed our entire confidence, as he has expressly received a Royal order not to embark for Italy; this is to say, when the dangers increase, the road is closed to us whereby we could avoid them. How could we, in our present situation, find any member of the faculty to follow us; or, if we could, he might not be skilful; and even if he were, he would not know our constitutions, and what is equally as requisite, he would not enjoy our confidence.

I besides told you, in my letter of the 5th of May, that I required two millions of rials, without which I cannot undertake the voyage. I

cannot leave this country without paying every thing, and satisfying those who have treated us so well, and served us with such good will. My extreme delicacy had not allowed me to touch again upon this subject, but I now unfold it to you afresh, because it is absolutely necessary amidst the innumerable exigencies by which I am surrounded. And can any person be found to disapprove my conduct, when my reasons are impartially examined? I think that if the public only understood it, no one would set me down as a disobedient character.

I therefore repeat that it is not I who start embarrassments; they rather find me out. I will not deny that going on board of ship is not very agreeable to me; and I add to you that, under existing circumstances, I view it as you and myself did Valançay and Cadiz; but I have this confidence in God that he will not abandon me. I rejoice to hear that you are well, &c.—Adieu.

(Signed)

CARLOS.

King Ferdinand VII. to the Infante Don Carlos.

Madrid, June 30, 1833.

My dearly beloved Brother Carlos—I received, at the same time, your two letters of the 19th and 22nd of the present month, and them alone.

If your conduct did not show it, they would suffice to reveal your design to gain delay by means of pretexts, and elude the fulfilment of my orders. You no longer think of your voyage, unless it is to enhance the obstacles attending it. If you had embarked when I determined you should, and when you yourself told me, “that you would give me pleasure and obey me in every thing,” you would have escaped the contagion at Cascaes. If, after your first delays, you had not undertaken your journey to Coimbra, contrary to my express prohibition, you might have been on board by the 10th or 12th, the term which I fixed for you.

If, in that fatal journey, on finding the town of Caldas infected, you had returned, as your own security would have dictated (for with you my commands no longer avail), you would not now find your road obstructed by a line of infected towns. He who, of his own will, and in opposition to his duty, remains in that country where dangers return and increase, seeks them, and is therefore answerable for the consequences. The contagion would not follow you, if you did not go before it. Whom will you ever persuade that you are more secure at only two leagues from the epidemic, and not knowing but that it may begin in the very town where you are, among

your own family, than you would be by placing the ocean between you and it?

You allege the difficulty of embarking at Cascaes, the point originally designated, with as little reason as you alleged my first consent to visit Miguel, after I had forbidden you so to do. In my letter of the 15th, I intimated to you that Guruceta would select a healthy and secure place of embarkation, such as circumstances might prescribe; and in my Royal Order which accompanied the same and was communicated to you, I expressly added, "that any other point of the coast might be sought out." A reply is not given by subterfuges, when people speak with sincerity.

Willingly may you carry with you the physician whom you desire. I wished to have him near us, ignorant of your preference; but I will not withhold that pleasure from you, as I never withheld from you any other that was compatible with my duties.

It is not, however, the same with the two millions which you require, and respecting which I have informed myself, as I promised to you to do. The debt which you claim is previous to the year 1823, when, pursuant to a general rule, accounts were closed without arrears being paid up. By special grace I granted to the Infantes a monthly allowance on account of their credit, and until their total extinction. You continue receiving that allowance, and, in order not to require at once an amount so much superior to that fixed in the said peculiar and privileged payment, great delicacy would not be requisite; a sentiment of justice alone would suffice.

You have the frigate ready and abundantly provided, besides 300,000 rials (6,750l. sterling) subject to your orders. This is more than sufficient for the voyage. On your arrival, I have told you, that you will find all you may require. There, as well as in Portugal, you can fulfil your obligations. In vain do you rely on public opinion, which already understands and censures your delay, and will openly condemn it when it knows the evasive reasons of your disobedience.

I cannot and will not any longer consent to your resisting my orders with frivolous pretexts, nor to your continuing, in sight of my people, scandalously to break them; neither will I allow, that impotent endeavours to disturb the tranquillity of the kingdom, at no time so well secured as at present, should any longer continue to emanate from the country where you are.

This will be my last letter; if you do not obey, as my fraternal persuasions during a period of two months' altercations have been of no avail, I will proceed according to the laws. If you do not immediately make arrangements for your embarkation for the Pontifical States,

I shall, in that case, act as a Sovereign, without any other consideration than what is due to my Crown and people, deeply regretting that my friendly advice has been useless, my wish being not to be called upon to resort to any other alternative.

(Signed) FERDINAND.

The Infante Don Carlos to King Ferdinand VII.

Coimbra, July 9, 1833.

My dearly-beloved Brother—Ferdinand of my heart—I have received your letter of the 30th ult., and its contents have caused in me that regret which you can easily imagine. It is useless to allege reasons when I have no others than those already explained, which, in my opinion, are simple, solid, and true; but they are disregarded and not deemed sufficient.

You now tell me that I resist your orders; that I oppose your commands, to the scandal of your people; as well as that the impotent endeavours to disturb the tranquillity of your kingdom shall no longer emanate from this country; and that you will be compelled to act as a Sovereign, unless I instantly obey, by proceeding according to the laws, without any other consideration than that due to your Crown and people, your fraternal persuasions being of no avail.

These are the charges to which I have to reply. I, your most faithful subject, and your ever constant, affectionate and tender brother, never was disobedient to you and much less unfaithful. Of this I have given you repeated proofs, during the whole course of my life, and particularly during the late trying period, when, in compliance with my duty, I rendered the most interesting services personally to you. I think that I am now acting with rectitude, and on that account I abhor darkness. If I am disobedient—if I resist—if I behave scandalously and merit punishment, I am willing that it should be imposed upon me; but if I do not merit it, I demand full and public satisfaction, for which reason I request you to judge me according to the laws, and not trample me to the ground.

If the whole of my conduct in this affair is examined, no other crime will be found against me, than that of having peremptorily declared that, convinced of the right which I possess to inherit the Crown, if I survive you and you do not leave male issue, neither my conscience nor my honour will permit me to acknowledge, or make oath to any other right.

I do not wish to usurp the Crown from you, and much less to put in practice means reprobated by God. I have before told you what I ought to do, according to my conscience, and all has remained in the

most profound silence. I requested of you that the same should be communicated to the Foreign Courts; and as you deemed that this would be indecorous to your person, I saw myself compelled to transmit to all the Sovereigns, under date of the 23rd of May, a copy of my Declaration, together with a simple letter of transmission, for their information; in like manner as I sent other copies and letters to the Bishops, Grandees and Deputies, Presidents and Vice-Presidents of the Councils, in order that they might have a due knowledge of my sentiments; all of which were extracted from the mail of the 17th.

These are the means of which I availed myself for my own defence, and no other. These were the measures which I sought to carry into effect, and they were counteracted. Let people accuse me of whatsoever they like, but after that let them proceed to proofs. Let it at once be said that this constitutes my crime, and not my having staid a longer, or shorter time here. For my stay the same causes still exist; and, besides, it is not reason alone, but positive facts, such as the sick and dead of cholera on board of the frigate, which now justify my previous apprehensions and most assuredly prove that the obstacles alleged were not forgeries of my own, but arose out of the most just fears of perishing with my whole family.

But, supposing that there was no impediment—as, however, there is, both clear and visible—my wounded honour does not allow me to depart hence, without justice being done to me. I am perfectly tranquil and resigned. I see the pain which all this causes you, and I thank you for it; but I tell you to act with all freedom, no matter what the results may be.

I thank you for permitting Llord to accompany us, my reasons having convinced you; but if you are in want of him, it would be my wish that he should immediately go and correspond with your confidence, as till now he has corresponded with ours.

It is indeed true that the debt to me is anterior to the year 1823; but by a special grant you separated it from the general rule, and ordered the payment of 100,000 rials monthly, until the whole was paid off; thus my request was for no more than one advance, and I hope you will grant it to me. Adieu, &c.

(Signed)

CARLOS.

The Infante Don Carlos to King Ferdinand VII.

Coimbra, July 21, 1833.

My dearly beloved Brother of my Heart—I have already experienced the mortification of being deprived of your letters, as you announced to me in your last of the 30th ult; but I, who ought not to treat of my

affairs, unless directly with yourself, as I told you in my letter of the 29th of April, take up my pen to answer the question which Cam-puzano yesterday proposed to me by your orders, showing me Zea's dispatch to Cordova, that I might tell him whether I would embark, or not.

To this I reply that my departure, under existing circumstances, would be extremely indecorous to me, for the reasons stated in my preceding letter. I therefore insist in my prayer that all my conduct should be examined. If I am guilty, I ought to be punished; but if I have not plotted against the throne, against your person, or against the laws of our Spain, as I am in my own conscience well assured I never did, I demand that it be so declared; in order that at no time it may be said that I fled away from your kingdom as a criminal who, by flight, withdraws himself from the vigour of your justice.

I shall be glad to hear that you enjoy good health, in the company of your spouse and daughters. We are all well, thank God, and we wish you the greatest happiness on Christina's birth-day, as well as her to whom you will do me the pleasure of telling this. I can assure you that the further you remove me from you, or see yourself compelled to do it, the more I love you: I am the same brother, and the same towards you, that I was in our boyhood at Valangay and in Cadiz, and who will ever love you in his heart. (Signed) CARLOS.

List of the persons to whom, by order of his Serene Highness the Infante Don Carlos, a copy was transmitted of the Protest which, under date of the 23rd of April, he addressed to his Most Catholic Majesty King Ferdinand VII. which copies were signed with the sign manual of the said Infante.

Archbishops of Toledo, Granada Mexico.

Bishops of Valladolid, Badajoz, Lugo, Oviedo, Coria, Cadiz, Jaen, Sigüenza, Pamplona, Auxiliar de Madrid, Electo de Calahorra, Barbastro, Albarraein, Solsona, Tortosa, Gerona, Orihuela and Daxaca.

The President of the Council of State, the President of the Royal Council of Castile, the President of the Council of War, the Governor of the Council of the Indies, the Governor of the Council of Finance, the Vice-President of the Council of Orders; the Duke of Medinaceli, as charged to administer the oath to the Grantees, and to Conde de Cervellon. To the Deputies of the thirty-seven cities and towns of the kingdoms and provinces, viz.:—Burgos, Avilla, Soria, Segovia, Leon, Zamora, Toro, Palencia, Salamanca, Valladolid, Guadalaxara, Madrid, Cuenca, Toledo, Merida, Truxillo, Granada, Seville, Jaen, Galicia, Murcia, Zaragoza, Fraga, Calatayud, Tarazona, Jaca, Teruel, Borja, Palma de Mallorea, Valencia, Peñíscola, Barcelona, Cervera, Tortosa, Lerida, Gerona and Tarragona.

(H.)

CORRESPONDENCE BETWEEN THE PRINCESS DE BEIRA AND HER SON,
THE INFANTE DON SEBASTIAN.*The Princess to her Son.*

Ramalhã, May 1, 1833.

My dearest Son of my Heart—I have received your letter of the 25th, and you have given me much pleasure by informing me that you and Amelia continue in good health. Please to tender her my sincerest regards.

As I am your mother and consequently one who, without any suspicion, has a real interest in your welfare, I cannot refrain from telling you what is going on and counselling you, as God commands me and my affection dictates.

On the 29th ult. Cordova came to the room of your uncle Carlos, with a dispatch of Zea, and read it to him. It was to the effect, that the time approaching when Carlos was to return to Madrid, his Majesty wished that he would inform him whether it was his intention to take the oath, or not, to his daughter, as Princess of Asturias. To this Carlos made answer, that neither his dignity nor his character did allow him to reply, unless directly to his Majesty, as he was his King and Lord, and, besides, his much-beloved brother, whom he had at all times accompanied in his misfortunes.

Cordova went away without knowing what Carlos intended to do. On the same day in the evening, Carlos wrote to the King, informing him that his pleasure would induce him to be the first to take the oath to his daughter, but that neither his honour nor his conscience allowed him so to do; that his own rights were lawful, and he could not divest himself of them, not only as regarded himself, but also all others who, after him, are called to the Crown; ending by the transmission of a Declaration which he makes to him in due form, as well as to all the Sovereigns, to whom he requests his Majesty to communicate the same. The Declaration is to the following effect:—

“Sire—I Carlos Maria Isidore de Bourbon y Bourbon, Infante of Spain, being perfectly convinced of the lawful right which I hold to the Crown of Spain, at all times when, surviving your Majesty you do not leave male issue, do declare that neither my conscience nor my honour allow me to take the oath, nor acknowledge other

rights, and this I hereby declare.—Sire at your Royal feet, &c., your most beloved brother and faithful subject,

(Signed) "THE INFANTE DON CARLOS DE BOURBON."

On all this I have to inform you that, although your rights to the Crown are very remote, as you come after the Naples Family, nevertheless you possess them, and conscientiously and in justice you cannot divest yourself of them. You are a Bourbon descended from the line of Philip V., wherefore you are bound to uphold the law founded by him. As the most tender of mothers, I therefore advise you immediately to make a declaration to the King, informing him that you cannot take the oath to his daughter as Princess of Asturias, as your conscience and your honour compel you to sustain the lawful rights of your uncle Carlos, those of all the rest, as well as your own.

Do not believe me, my son, that this is being wanting to the King. No; the King is blinded by a father's affection, and that blindness carries him to the extreme of being wanting to his conscience. Unfortunate will he be, if he does not learn his error and repent, since God will call him to a strict and terrible account. You yourself saw at the Palace of La Granja, that when he was near appearing before the judgment seat of God, his own conscience, and not a faction, caused him to turn to the just cause. Thus that which I now counsel you, is not being wanting to the King, but rather sustaining religion and justice.

There may be persons who will tell you that, although you perform the ceremony of taking the oath, this is of no import when in your heart you do not swear. Those who would speak to you thus, have neither religion, nor honour in them. It does import, and much too. With God human considerations do not avail, and the very thought makes me tremble, that there may be persons who will place their hands upon the Holy Evangils, to swear that they will sustain a just cause, and who for their own interest take the oath, although in their heart they say that they do not swear. This is, as regards God, the principal thing to be considered; but, even as regards men, he would be an unworthy character who should swear falsely, as well as all others who, through a want of character, should do it. I do not know which would be worst, and therefore do not listen to any such counsellors, but follow what I tell you, as I am your mother and love you as such, only wishing you to do your duty to God and abide by your honour.

I have the greatest confidence that by preserving, as you have hitherto done, those principles in which I have educated you, you will follow and do that which I tell you, and that the Blessed Virgin will guard you from doing otherwise. Should you find your courage fall when called upon to take that step which I counsel, and I say this because I know your disposition and dread the influence of evil counsellors, recommend your case in real earnest to God and his Holy Mother, and they will befriend you.

This will be delivered to you by * * * *, to whom you will entrust your answer, which, I hope, will be as I desire. I will pray for you and implore divine aid, and I place every reliance that you will comply with your obligations to God and men.

Adieu, my dear son; remember all the occasions of displeasure which you have caused me. I nevertheless pardon you all, and thus hope that you will not give me fresh cause for uneasiness. You will, I fervently trust, follow my counsels, for they are the offspring of that love which, as a tender mother, I profess towards you. With my blessing I remain, &c.

(Signed) MARIA.

The Infante Don Sebastian to his Mother.

Villa Viçosa, May 4, 1833.

My much-beloved and venerated Mother—I have just received by the hand of * * * * your most esteemed favour of the 1st inst., and have with the greatest pleasure, therein seen the continuation of your good health.

You are already aware, dearest mother of my heart, of the proof of filial attachment which I have just given you, by my return and that of my beloved spouse to this kingdom, only for the just object of proving this to you. In this I have done no more than it was my duty to do, situated as I was; but, were it necessary to sacrifice my life for you, or to afford any proof of my readiness so to do, do not imagine that I should hesitate to perform my promise, with all that joy and pleasure which a good action produces in the soul.

What is there indeed, however difficult and perilous it may be, that ought not to be done to please a mother—one who has borne us in her own bowels, who fostered and watched over us in our childhood, and conducted us by her cares and efforts to manhood? What you propose to me in your esteemed favour of the 1st inst., so full of love and tenderness, as well as marked by an intimate knowledge of justice and my interest, I do not believe, speaking with all due respect, can be performed before God and according to my

conscience, because, in pursuance to the precepts which our Divine Redeemer gave us, we ought blindly to obey the orders of our Sovereigns, so long as they are not clearly and manifestly at variance with his holy religion.

I do not, and cannot believe, that the King's orders for the oath to be taken to his august daughter, as Princess of Asturias, can be at variance with that religion, a measure which, if it be individually prejudicial to my uncle Carlos, whom I most sincerely love, respect, and venerate, as well as the others whom you point out, God, who is the Judge and Lord of Kings, will judge and weigh their actions, it appertaining [only to an humble subject as I am of the King, my beloved uncle, to follow his commands, whether they are, or are not, pleasing to me, as I have not thereon been consulted, neither have I received the smallest instruction upon the subject from the Court of Spain. All I have received from that quarter is, an order which I last night received by an express, respecting the quarantine which we are to perform, which is to consist of forty days, twenty in this town and the remainder within the Spanish territory; and to inform us that the physician, Don Juan Sanchez, Professor of the College of San Carlos, was coming to attend us; and he has in fact arrived.

I therefore beseech you, my dearest and tenderest mother, to pardon me for speaking to you in these terms, as you may be well assured that I should speak in others, if religion and my honour allowed me. These are the same sentiments of religion and obedience to the King with which, from my childhood, you yourself inspired me.

Amelia begs me to present to you her most affectionate regards; and believe me that he will with pleasure sacrifice himself for you who now signs himself your dutiful, affectionate, and obedient son,

(Signed) SEBASTIAN.

The Princess De Beira to her Son Sebastian.

My dearly-beloved Son—Yesterday * * * * arrived here, and greatly was I surprised at his quick return, more particularly when he told me that he had reached your place at ten and left it at three of the same day. This proves that you have not even reflected upon the contents of my letter. He has delivered to me yours of the 4th, which has filled me with mortification, as I therein see my fears confirmed. I did not deplore your departure so much on account of our separation, although this was extremely painful to me, but because I was aware that its motive was the taking of the oath: from

the moment that certain Gazettes reached the Adjuda Palace, I was sensible of the impression which they made upon you, and from that moment you and your fatal counsellors determined upon your departure, giving as a pretext Amelia's health, when it was nothing else than your apprehension, as well as theirs—yours because you know me, and are fully sensible that had you remained near me, under present circumstances, I should have induced you to perform your duty; and on your counsellors' part, because they feared lest my reflections as a mother might have opened your eyes, and caused you to follow that path which I follow, which is that of religion and justice.

You say, in your letter, that I already know the proof of love and filial affection which you have just given me, by returning to this kingdom. It is most assuredly true that on the day when you asked my pardon, and assured me that you would not quit me, I experienced the greatest consolation, even to the point of rejoicing in misfortune, as it had restored to me your love and company. I believed that your repentance was sincere and true, trusting from that moment that you would abide by your duty; but as soon as the arrangements for the journey commenced, I began to apprehend, on seeing that in the suite which you had appointed to accompany you, there were persons whom you were well aware I did not wish to come. I nevertheless was silent, as you well know, notwithstanding the deep regret which it caused me to see that you still placed confidence in those very same persons, who had so much contributed to your forgetting the duties of a son, and who besides do not think as they ought.

Notwithstanding this, I still retained a hope that you would yourself discover this defect, that you would not follow their advice, and only guide yourself by mine. Unfortunately I deceived myself, and I now see that it was only the appearance of what in reality did not exist, as I clearly perceive that you persist in those same ideas which led you to seek a sister of the Queen for a spouse, which are those of vile interest. It is not your conscience, nor your honour, which induce you to follow the King's commands respecting the taking of the oath. It is the fear of their depriving you of your property. Shame and horror do I feel, on seeing that a son of mine thinks and acts in this manner, believing, as I do, that property thus preserved at the sacrifice of religion and justice, is no other than a token of ignominy, and sooner, or later, must be lost, since for religion and justice every sacrifice ought to be made, even that of life, should it be necessary.

This is my manner of thinking, and I wish that it was yours. Some day, or other, you will repent of not having followed my advice, when no remedy can be had. As regards the cause of Carlos, which is also your own, notwithstanding you go against it, I do and shall follow it, as being that which all good Spaniards follow. It matters little whether you take the oath, or not, or whether others swear: his being the only legitimate cause, it will triumph, even let them do as they please, as God will enable us to overcome all; but, Sebastian, is it possible that you follow the party of the free-masons, who only seek in the daughter of the King a minority, the better to effect their sinister purposes? Every one has had sufficient experience to know what the Queen is, and thence to know what the daughter will be. Is it possible that you thus withdraw from your mother, and from all the true lovers of God and the Throne?

Alas! how unfortunate you are in thinking as you express yourself to me, when you state that God, who is the Judge and Lord of Kings, will judge and weigh the actions of the King, it appertaining only to you to obey. It is true that his Majesty is the person who will be answerable for all, but you also will have to give unto him a most strict account for going against those rights which God has given to Carlos, to others, and to yourself, since in sustaining them you are not wanting to the King; but rather the contrary, as you would be defending the very law by virtue of which he himself reigns. Indeed, were not that law in force, the King himself most assuredly would not be upon the throne, which would be occupied by the House of Austria, as unquestionably would happen if the law of Philip V. were to be destroyed, when the daughters of the present King never would reign.

I have complied with my conscience, with my honour, and my affection, by advising you, as God commands me to do, and my heart dictates. I do not feel the least remorse at having spoken to you as a true mother. Nothing now remains for me, but to deplore with my tears your errors, and pray to God and his Blessed Mother, offering to them the sacrifice of my life if it could only open your eyes, in order that when the day for taking the oath arrives, they may direct your steps and preserve you from taking that fatal oath. If, however, which God I trust will not permit, you should persist in your error and take the oath, rely upon it that, although you are my only and most beloved son, and no mother ever exceeded me in love, I do not wish to know any thing further of you, and shall consider you as dead.

I know that all this will be indifferent to you, as unfortunately in your eyes I have always been a person the least beloved, one whom you have ever viewed with prejudice; for your wicked advisers, to whom you listen as if they were oracles, have inspired you with those ideas, and what is still stranger, is, that you should retain those ideas towards a mother like me; but, Sebastian, do not seek to end the life of that being who gave you your existence. Remember that God does not befriend a son who follows his own caprice, and disregards the counsels of his mother, when they are so just as mine have been.

Adieu, Sebastian, my son! I would rather see you dead, than hear that you have taken the oath, and thus been wanting to religion and justice. Receive the blessing of your afflicted mother.

(Signed) MARIA.

P.S. May 13.—Call to mind your father, who, from the presence of God, is saying to you the same as I do, and praying that you may not falsify the character of being his son. I forward to you the enclosed protests, in order that you may see the way of thinking of your father and grandfather.

Yesterday Carlos received orders to go with his family to the Pontifical States. I will go with them, and will follow his fate until death, being determined to sacrifice myself for them and for their cause. This I am induced to do from my duty and my love, and nothing shall make me desist from my purpose.

The Infante Don Sebastian to his Mother.

Madrid, June 14, 1833.

My most-beloved Mother—By *** I received, four days ago, your esteemed favours of the 7th and 13th ult., and rejoice to learn that you continue in good health. Thank God we are equally in the same enjoyment.

My reply, which I sent you from Villa Viçiosa, believe me, my dearest mother, was not the effect of little meditation, nor of evil counsils, as the only being I consulted was God, by humbly supplicating him and his Blessed Mother to enlighten and guide me in my reply, and in what I had to do. Neither was it that vile interest which you believe, the very thought of which chills my blood. It was rather the conviction that it is my duty to obey my King and Lord, in all that is not opposed to the holy law of God, in which case, I do not hesitate to say, the injunction to take the oath to his august daughter as Princess of Asturias cannot be found, since God himself commands me to do it;

and I should be acting contrary to that which my conscience dictates, were I to do otherwise, which morally cannot be done.

I much regret that in this respect I cannot think as you do, as well as that I cannot gratify you; but neither God, my conscience, nor my duty, as a subject towards my King, will allow me to do it. In every other respect you will find me ready not only to give you pleasure, but to sacrifice myself for you, as I ought, consistently with that love, respect, and veneration which I feel for you.

Amelia thanks you for your kind regards. Believe me your dutiful and affectionate son.

(Signed) SEBASTIAN.

The Princess de Beira to her Son.

Coimbra, June 22, 1833.

My dearly-beloved Son—I have received your letter of the 14th, which has caused me the greatest mortification, it having convinced me that all my reflections and efforts, in order to make you enter into the path of your duty, are useless. Nothing is now left to me but to deplore your error, and pray to God to give me strength to resist the heavy blow.

If it is through interest that you do it, I am ashamed that a son of mine should be so vile; and if it is because you are convinced that the cause which you follow is the just one, I pity you as much as may be; for, whilst you think that you are acting as God commands, you go in direct opposition to his holy will, which only wishes that which is just, and that you should in no manner follow any cause at variance with his holy religion, and, besides, most unjust.

Nevertheless, I am about to make one reflection to you that occurs to me. Tell me, Sebastian, if the King were to take from you the Grand Priorship, and were to bestow it upon one of the sons of Francisco Antonio, would you obey the King by immediately yielding it up? Even although you were disposed to do it, could you conscientiously comply? Would you not cry out, justly against the injury that would follow to you from such a measure, as well as to your children and descendants?

Most assuredly in this you would not abide by the King's mandate, for, as the matter regards you nearly, you would not view it in a conscientious light only. You would not be disposed to look at this affair as you do the other; and although you were to tell me so, I could not believe you.

In a similar situation is Carlos, with this difference, that if the King were to deprive you of the Priorship, the injury would only fall upon

you and your children ; whereas the affair of Carlos not only injures him, his children, and all who after him are called to the throne, including yourself, but also religion, as he would cause it to shine, which would not be the case if the Queen were to take the Government, which I hope never will happen, as poor Spain would soon become like unfortunate France, and our holy religion persecuted and outraged, as has already been seen ; and if the misfortune of the King's death should happen, you would see the same again, and then know whether I am right.

The cause of Carlos is the only legitimate one, and, thank God, of this I never doubted a single instant. I do and will follow it as long as I live. You follow the illegitimate one ; wherefore, notwithstanding you are my only and most beloved son, I from this moment hold you as dead, and I command you never to write to me again, for I do not wish to know any thing more of you, since you have been wanting to your religion and your honour. Adieu, Sebastian, and accept the blessing of your most afflicted mother.

(Signed) MARIA.

Letter from the King of Spain to the Princess De Beira.

Dear Maria Theresa—His Most Faithful Majesty, your august brother, having manifested to me, in a letter which he addressed to me from Braga, under date of the 23d of last month, his desire that you should return to the bosom of your family, in consequence of the guardianship of your son, the Infante Don Sebastian, and the cause of your coming to Spain having terminated, I have resolved, in conformity to the wishes of my august nephew, that you immediately proceed on your journey to Lisbon, in order that you may take up your residence near him and your younger sisters ; with this, my beloved niece, I pray God to have you in his holy keeping.

(Signed) FERDINAND.

In the Palace, this 9th of March, 1833.

(ANSWER.)

The utmost surprise has been excited in me by the Royal order which I have received from your Majesty, in which you inform me that, in compliance with the request of my brother, the King of Portugal, and in consequence of the guardianship of my son having terminated, I am bound to proceed to the bosom of my family ; and your Majesty is further pleased to ordain that I do this immediately. This most severe determination produces in me the greatest surprise, as, on the part of my brother, I had no reason to expect a step of this

kind, which he has taken without my knowledge, and contrary to what I had reason to expect; to which is to be added, that, as the object in view is to restore me to the bosom of my family, I am by this means separated from the first and principal part of it to which I belong, and it would almost seem that my brother's resolution, in making to your Majesty the proposal above mentioned, arose out of some motive relating to my conduct.

I therefore request your Majesty to clear up this point by means of a legal investigation, and by competent proceedings being instituted against me.

I request your Majesty to favour me with your ulterior orders, for my due compliance therewith, &c.

(Signed) MARIA THERESA.

(I)

PROTEST OF THE KING OF NAPLES AGAINST THE RECOGNITION OF THE PRINCESS DONNA MARIA ISABEL LOUISA, COMMUNICATED BY THE NEAPOLITAN MINISTER AT THIS COURT OF THE GOVERNMENT OF HIS CATHOLIC MAJESTY.

(Translation.)

Ferdinand II, by the grace of God, King of the kingdom of the Two Sicilies, of Jerusalem, &c.

We have learnt, with the deepest regret, that His Catholic Majesty, by his decree of the 4th of April last, has convoked the Spanish Cortes for the 20th of June next, in order to their swearing allegiance to her Serene Highness the Infanta Donna Maria Isabel Louisa, as Princess Heiress to the Crown of Spain, and for the purposes of their sanctioning by this act the new order of succession which his Majesty proposes to establish by his Pragmatic Sanction of the 29th March, 1830, abrogating that which was promulgated by Philip V. in a law of the 10th of May, 1713.

Under these circumstances we have considered—

That the said law of 1713 was enacted by the chief of a new dynasty, with all the formalities that were requisite and indispensable to its validity, and at a time when a concurrence of extraordinary and distressing circumstances justified the propriety of a new law of succession; that it is a law consecrated by more than a century of uninterrupted existence; that it was the necessary consequence of the stipulations which secured the throne of Spain to the grandson of Louis



XIV., and to his male descendants; and that the weighty reasons in which it originated continue to subsist.

We have further considered, that an order of succession established as this was, by the consent, and under the guarantee, of the principal powers of Europe, and recognized successively in various treaties concluded with those powers, has become obligatory and unalterable, and has transmitted to all the descendants of Philip V., rights which, as they were obtained by the sacrifice of other rights, they cannot relinquish without material injury to themselves, and without failing in the consideration due to the illustrious head and founder of their dynasty.

We are, moreover, quite sure, that when such a fundamental law has been once adopted, it is not in the power of any one, according to the obvious principles of universal legislation, to make in it, so long as the dynasty of its author shall subsist, any innovation or change, on any ground or pretext whatsoever. Thus, as the right acquired to the succession of the crown of Spain belongs to the male descendants of Philip V., and to each according to their rank and priority of birth, upon the demise of the last possessor of the crown, the succession devolves in full right to the eldest born of the elder branch, as the Prince most nearly related to the deceased; and the successor does not derive his right from any act of his predecessor, but from God alone, and from that inviolable law by which the order of succession has been established.

It is also evident that were this law destroyed, all the efforts made by the Princes of Europe at the commencement of last century, for the establishment of an exact equilibrium between their different States, would be utterly fruitless, nor would there be wanting a just ground for apprehending the recurrence of a sanguinary war of succession.

Wherefore, and conformably to the measures adopted by our august father for the preservation of his rights, under date of the 22nd of September, 1830, we deem it indispensable to our honour, to our Royal rights, and to the duties of the station which it has pleased Divine Providence to place us in, formally to protest, as we hereby do, before the legitimate sovereigns of all nations, against the Pragmatic Sanction of the 29th of March of the aforesaid year of 1830, and against every act that may alter, or in any way affect, those principles which hitherto have been the basis of the power and splendour of the house of Bourbon, and of the eventual, incontestible, and sacred rights, which are transmitted to us by the fundamental law of succession hitherto invariably observed, and obtained by sacrifices of the greatest magnitude.

This our solemn protest shall be communicated to the Court, and



copies of it, authorized by our signature and the seal of our royal arms, as also by the signature of our Minister of Foreign Affairs, shall be deposited in the departments of State, and of Grace and Justice, and in the office of the President of the Council of Ministers.

(Signed) FERDINAND,
Anto. Statella.
Naples, May 18th, 1833.











