

causes that have contributed to destroy a school, which, in the days of Velasquez, Morillo and Ribera, vied with those of Lombardy, Florence and Rome: the impossibility of finding patrons amongst the grandees, and the vitiated taste of the monks and priests, were, doubtless, the most conspicuous. To be convinced of how effectually all sense of good taste and judgment in art had vanished from this country, it is merely necessary to visit a few of the churches and convents in Madrid, in which both are set at defiance to a most lamentable degree.* If the intention of those who were charged with the embellishment of churches, was to inspire exalted notions of the Divinity, and pure conceptions of religion, what could be less likely to produce either of these effects, than the innumerable absurdities which are represented on the walls of churches and convents in this country. It would be well for the interests of religion and truth, were these proofs of barbarism and ignorance to be collected, and share the fate of the chivalric library of La Mancha.

A variety of important considerations will naturally occur to those who are entrusted with the future direction of public taste in matters of art ;

* It was a common practice in Spain and Portugal to nail up a silver or gilt crown of glory over the heads of the virgin and infant Jesus, in pictures, in churches; thereby completely ruining them, in effect, if well painted; and a good picture, as an altar-piece, was usually accompanied by trumpery wooden images, on each side, dressed up in tawdry tarnished finery.

if it be intended that painting and sculpture shall contribute to promote religion, morals and patriotism, they will decide how far the representation of subjects, whether sacred or profane, that have not the most distant analogy to the business or occupations of real life, can advance either one or the other. It would, no doubt, be regarded as a calamity by the ministers of religion in Spain, if they were to be deprived of only a small portion of those objects, with which they have so long held silent converse, and before which their rosaries have been so often counted. The lovers of classical lore would be equally shocked, if the place of their deities, including sphynxes, cerberuses, centaurs, wild boars, hydras and satyrs, were to be occupied by heros, philosophers and statesmen, who had conferred favours on mankind, and taught the way to happiness by examples of wisdom and valour. However grating a change in this respect might be to the feelings of these two classes, it is certainly not unworthy the attention of a legislator to inquire, what is the true object of the arts, and how far it is expedient, exclusively to occupy the temples, or places of public resort, with objects such as those to which I have alluded; or, whether effects favourable to religion and virtue, might not be produced by a different mode of embellishing churches, colleges and public establishments of every kind.

Many as the objections are, which may be brought against the first person who attempts innovations of the above nature, it is impossible for the most

ardent admirer of that heterogeneous mixture of subjects, derived from the heated imagination of fanatics and enthusiasts, whether the followers of christianity, or votaries of heathen mythology, to deny that the display of those pictures and statues to which I allude, have any influence on the moral and religious habits of the community, or that they are not totally unintelligible to the majority of the public.*

Should the artists of Spain be encouraged, either by government or individuals, to celebrate the actions of her heroes past and present, there is no country in Europe, whose history furnishes so many subjects for the chisel and pencil; whe-

* Any person who might suggest the propriety of substituting patriots and philosophers for the mythological deities, dressed and undressed; from the colossal Neptune, which forms such a conspicuous ornament of the Prado, to the Tarnesian Hercules, Venus and Muses of Las Delicias, would be apt to share the fate of Orpheus, should he broach his sacrilegious doctrine amidst the coterie of classical *dilletanti*: what would they say, if he advanced, as his humble opinion, that the constant exhibition of those statues in public did not exercise a favourable influence on morals? Exquisite and refined as the taste of the ancients was, in many respects, it may be truly said, that a too servile imitation has deprived the moderns of the spirit of originality, in several points. Those who have seen the amphitheatre at Nismes, will, however, scarcely deny, that their taste cannot be followed in all things. The love of antiquity must have been carried very far indeed where such accessories are suffered to remain. The patronage of Lous XIV. to the gods and goddesses of the Tuilleries and Versailles is excusable, when compared to the indulgence of his successors towards the emblems and devices still exposed in the above named city.

ther their efforts be directed to the illustration of historical subjects, landscape, or domestic life, a wide field is open to them; and whenever the change takes place, I do not hesitate to predict, that an important auxiliary will be obtained in favor of civilization.

In describing the hall of Cortes, I had occasion to notice the elegance displayed, both in the architectural and sculptural embellishments of its beautiful interior: I have since heard that most of the statues and basso-relievos were prepared under the direction of a young artist named Alvarez, who had studied at Rome, and attracted universal applause, for powers that promise to rival those of the most celebrated sculptors in the "Eternal City." Madrazo, historical painter to the King, is much more free from those defects which I was prepared to meet on my arrival here, than could be expected, where so much has been done to destroy the fine arts. It is evident that M. Madrazo has profited by the lessons of his renowned predecessor, the philosophical painter; and though confined from necessity to the monkish mythology, the various historical subjects and portraits, their superior execution, both in design and colouring, which I saw in his study, convinced me that he has long since disengaged himself from the trammels of former days.*

* M. Madrazo has studied for many years at Rome, and left a specimen of his talents at the Quirinal palace, in a beautiful fresco, painted by the desire of Pius VII.

Upon the whole, backward as the state of art may be in Spain, I feel satisfied that its elements are not less abundant here than in other places : to give harmony and regularity to them, all that artists require, is that a salutary direction be given to their studies, the excitement of that emulation, without which the finest talents remain dormant ; and above all, such encouragement from the rich, the natural protectors of genius, that is as essential to talents as the dews of heaven to the vegetable world.*

There is no country where the harmony of sweet sounds has dispensed more happiness, or produced such salutary effects as in the Peninsula, nor which boasts a greater share of originality. Whether solemn or gay, serious or melancholy, there is an indescribable charm in Spanish music, which finds its way directly to the heart. The talismanic effect of Riego's hymn,† without mentioning those

* In the event of there being a periodical exhibition of the works of art in this country, it has been suggested, that, besides the incentives to exertion caused by appropriate and liberal rewards on the part of government, a certain number of foreign artists of eminence ought to be allowed to exhibit their pictures : thus enabling those of Spain to correct defects, or emulate their more experienced competitors.

† As this celebrated hymn belongs not only to the literature, but to the political history of Spain, it affords me much pleasure to be able to subjoin the translation of it, by my friend Mr. Bow-

marches and songs composed during the war of independence, proves that like their fellow men of Erin and Caledonia, the sons of Iberia have also been indebted for their most brilliant victories to

ring; which was alluded to in a former letter. Like all those specimens of Spanish poetry which have proceeded from the pen of my friend, it is considerably improved, without departing from the sense or spirit of the original.

“ The country we cherish
Hath summoned us now,
To conquer or perish,
Our promise—our vow.

“ In joy and in triumph,
Serene, but delighted
Our voices united,
Sing Victory's lay :
The Cid was our father,

And proud gratulations,
Proclaim from all nations,

“ His children are they !”

“ Unsheathe then your weapons,
For freedom and bravery,
The hirelings of slavery
Shall scatter to nought ;

Like dew on the mountains,
Which morning assembles,
Their armament trembles
And flies at the thought.

the irresistible impulse of national music. This being the case, it is almost superfluous to add, that like painting and sculpture, music may also become an important ally of the patriot govern-

“ Oh mid-day of glory !

Gave history's pages,

In records of ages,

A record so bright ;

As when our Riego,

By liberty lighted,

His legions invited

To liberty's fight.

“ Oh! crown them with laurels,

And wreaths bright and vernal,

And glory eternal

Who first drew the sword !

They call'd on our country,

She heard them, she blessed them,

And weeping caressed them,

And rose at the word !

“ She stood in her glory,

Her voice was like thunder,

Then tore she asunder,

The fetters of shame.

Death had not a terror,

It could but unchain us,

Or victory gain us

Both freedom and fame.

ment. Happy that nation, in which the people are stimulated to acts of valour and virtue, by the aid of such mild and gentle auxiliaries!

“ The fetters are broken,
 The vile one who bears them,
 Shall feel as he wears them,
 They enter his soul ;
 We, liberty's children,
 His madness redeeming,
 March,—victory beaming,
 To liberty's goal.

“ The trumpet is sounding !
 Shrink slavery and folly,
 Our conduct is holy,
 Our conscience is pure.
 Ye vassals of tyrants,
 Ye tremble—ye tremble,
 Our heroes assemble,
 Our triumph is sure.



PC Monumental de la Alhambra y Generalife
 CONSEJERÍA DE CULTURA

SUPPLEMENTARY LETTER.*

Admission of Ministers into the Cortes.—Non-eligibility.—Intolerance.—Jews.—Reglamento.—Remuneration.—Powers of the King.—Lanjuinais.—De Pradt.—Haller.—State of Treasury.—Colonies.—Custom Houses.—Diezmos.—Mayorazgos.—Cabarrus.—Miñano.—Political Economy.—Heiberg.

THE non-admission of ministers into the Cortes, except to give information, or account for their conduct, also the exclusion of placemen and pensioners from that body, requires neither apology nor explanation; to those who are acquainted with certain effects, which such a privilege would produce in Spain, I need not say these clauses are amongst the most admirable provisions of the Spanish political code.

The non-eligibility of being re-elected, was one of those regulations, of which the utility could be

* My absence, and the consequent difficulty of my superintending these sheets in their progress through the press, have prevented the introduction of remarks which would have been excited by a revision of the sheets, and induce me to embody them in a supplementary form. The text will, I hope, be illustrated by the following observations on the political code and the impoverished state of Spain.

proved only by experience : the result of the two sessions of the first Cortes, shows that it was scarcely less valuable than the former clauses.

To the charge of intolerance, brought against the framers of the Constitution, it has been replied, that the declaration in favour of Catholicism, could not produce the same evil effects in Spain, where there are no sects to disturb religion, or distract the operations of government, as in other countries ; so that the law, which tolerates only one form of worship, does no violence to any other. Several enlightened Spaniards have assured me that, without the intolerant article, in which the framers of the Constitution were obliged, in conformity with popular prejudice, to designate the national religion as *la unica verdadera* ! it would have been utterly impossible to have made the new code palatable ; to such a lamentable degree does long-continued oppression degrade the mind, making slavery as it were necessary to existence. The above assurance has always been accompanied by the remark, that the other parts of the Code are abundantly calculated to remove every trace of intolerance.

If Pius VII. admits the Protestant rites to be performed within a few hundred yards of the Quirinal, it is only adding to the number of contradictions already mixed up with the religious discipline of Spain, to prevent its exercise in the Peninsula.

Should the Jews ever avail themselves of the privilege of re-entering the Peninsula, accorded by

the Constitution, it is to be hoped that the members of that persuasion will throw aside some of the practices which drew forth the animadversions of Voltaire, and which estrange them from mankind, in other respects besides those of religion. It ill becomes any sect to accuse others of intolerance, much less lay claims to pre-eminence, while its own habits and manners are so totally at variance with social intercourse and active benevolence.

Those internal regulations of Cortes, by which the place of assembling, decorations of the hall, method to be observed in debating and voting; also settling of the mode of trial for the members, promulgated at Cadiz, in 1813, are printed in the fourth volume of the Decrees, and have been much admired. Many modifications and improvements are, however, likely to take place; especially now that Mr. Bentham's celebrated work on popular assemblies, is in a course of publication, by his Spanish editor and friend, Toribio Nuñez, the learned professor of Salamanca. I little imagined that when I proposed the purchase of the treatises on legislation, for the garrison library of Gibraltar, in 1806, they had already occupied the attention, and excited the admiration of the most enlightened and able men in Spain!

The idea of remunerating the members of Cortes for their attendance, was doubtless derived from the practice of the North American union: the impoverished state of many who were elected,

and the circumstances under which they were called on to legislate for their fellow-citizens, rendered this regulation absolutely necessary ; but it is not the less entitled to become general throughout Europe ; for, without such a salutary provision, what guarantee is there in the present manners against bribery and corruption ?

It was on the principle that experience alone can decide as to the necessity of changing or modifying laws, the Constitutional committee added Art. 375, which interdicts any alteration in the code, for the term of eight years. In alluding to this important clause, the Committee, says the preliminary discourse, has found itself in a conflict, as to the best mode of arranging the last chapter of its work : on one side, the necessity of calming those inquietudes, occasioned by the scandalous abuse of changing Constitutions in so many European states, since the French Revolution ; on the other, the importance of leaving a door open, for those emendations and improvements, of which your Majesty, (this was the style of addressing Cortes during Ferdinand's absence,) might sanction, without introducing the destructive principle of instability, appeared to us as requiring the utmost caution and circumspection. The article which prevents the Sovereign Congress from making any innovation for eight years, is, therefore, founded on prudence and a knowledge of the human heart : our Constitution will never run a greater risk, than from the moment

of its promulgation until the system it establishes be consolidated, by diminishing that aversion and repugnance which oppose its progress towards this desirable end : personal resentments, private revenges, manners, customs, prejudices, all conspire against the new code : it is, therefore, proper, that time should be given to calm the agitation of the passions, and weaken the means of those who may be disposed to resist its establishment ; otherwise, it is easy to conceive the effects of an opposition, fomented and sustained by those who think themselves aggrieved by errors and defects, which can, in reality, be discovered only after the restoration of order and tranquility. Such, adds the Committee, is the project of a constitution for the Spanish nation, submitted for the discussion of the Congress, and which your Majesty will examine with the impartiality and indulgence inseparable from your wisdom. The Committee is sure of having comprehended in its work, those elements which ought to constitute the felicity of the people. Its chief object has been diligently to collect all the laws of the Gothic code, and others, that may have been published from the restoration, until the decadence of our liberties, containing the principles of a limited monarchy, and which, dispersed, vague, and unconnected, wanted the form so necessary to a system capable of triumphing over the vicissitudes of time and the passions. Ignorance, folly and malice will immediately raise a cry against this plan, qualifying it as innovating,

dangerous and contrary to the interests of the nation and rights of the King ; but their efforts will be ineffectual, and their fallacious arguments disappear before the evidence, which proves that the basis of the fabric were regarded as practical truths by our forefathers—axioms recognized and sanctified by the experienced of many centuries. Yes ! since for several hundred years the nation elected its kings, drew up constitutions, sanctioned laws, levied taxes, raised troops, declared war and made peace ; appointed magistrates and other public functionaries,—was, in fact, the sovereign, and exercised all his attributes without embarrassment or controul.

It was amongst the heinous charges of the *sixty-nine*, that the political code bears too close a resemblance to the French constitution of 1791 : that many articles of the latter were adopted, cannot be denied ; but Villanueva has proved in his notes that there is a material difference between the two codes, and that where they do assimilate, the imitation is not servile.

In the remarks made on the Spanish constitution by some publicists, it has been observed that there is no hope of establishing freedom under its auspices, while the chief magistrate has the power of exercising a prerogative that renders the efforts of the Cortes nugatory in so many cases. Persons who argue in this way, do not require to be informed that they only repeat the old objection against royalty. In providing for the responsibi-

lity of the ministers, and excluding placemen from the Congress, the Committee felt they were about to gain an immense victory in favour of public liberty.

Having pointed out a few of those peculiarities, which give the political code of Spain such a marked superiority over the feudal institutions of other countries, it is but justice to add the names of those who drew up the original draft; these were as follows: Espiga, Oliveros, Muñoz-Torero, Canada, all ecclesiastics; Agustin Argüelles, Perez de Castro, Fernandez de Leyva, Morales Duarez, Pérez, Gutierrez de la Heurta, Valiente, Barcena, Ric, Jauregui, and Mendiola. It is a remarkable fact, that the clerical portion of the Committee were its most active and liberal members. Amongst those of the clergy who distinguished themselves by their support of the code, when each article was discussed, I need scarcely repeat the names of Cepero, Ruiz de Padron, Lardizabal, Bernabeu, Villanueva, and others already mentioned: these respected names are at the head of the religious reformers of Spain.

Upon the whole, while I regret that such respectable authorities, as Count Lanjuinais and the Abbe de Pradt, should advocate the establishment of a second chamber, in the present unfortunate situation of the Spanish nobility, where there are really no elements for its formation, I cannot help thinking that a closer examination of facts would have led to a different decision. It ought to be

observed that, with the exception of these two writers, a German enthusiast named Haller, is the only person who has written, either to depreciate or propose changes in the Spanish code. As to Haller's book, it is a fit accompaniment for the representation of the *Persas*, and will doubtless moulder into dust and oblivion, on the same shelf with that insane rhapsody.

In noticing the obstacles which oppose the consolidation of the new system, I ought, perhaps, to have begun with the impoverished state of the Spanish treasury, and the disorder in the finances. What with the erroneous policy of the first ministry, and the natural consequences to public credit in every country where a change of government has been effected, nothing can be more deplorable than the present state of affairs in this respect.

Amongst the awful and impressive lessons presented to Europe, by the history of Spain, the almost inexplicable fact of her being reduced to the lowest pitch of poverty and distress, while possessed of unrivalled natural resources, and a world to boot, is certainly not the least instructive and extraordinary. There is no difficulty in accounting for the state of a country encumbered with such an overwhelming religious establishment, and so horribly governed in other respects; but, that with all the treasures of her American Colonies in her hands, not for a few years, but during three centuries, Spain should end in mendicity,

must long continue to be an enigma of the most puzzling description to future generations. If colonization, in giving temporary wealth and power, only leads to decrepitude and poverty, woe to those who regard it as the foundation, rather than the accessory, of national greatness and prosperity!

While at Madrid, I gave my friend M. de Mora the two volumes edited by the learned and philosophic Dumont, on rewards and punishments; (*Essai sur les Peines et Recompenses*) with a particular request that he would lose no time in making the chapter on Colonies known to his countrymen: but the Cortes ought not to have required the aid of Mr. Bentham's unanswerable reasoning, to prove the necessity of following the maxims laid down in that beautiful chapter: they had only to look nearer home for a still more powerful monitor, and see France more rich and happy, in being relieved from a number of expensive establishments, which in furnishing additional means of corruption to her rulers, swept off thousands of her sons annually; happier in having diminished the mass of guilt, inseparable from those who make a trade of human flesh, seeking to increase their wealth by human suffering.

Although the advice which Mr. Bentham gave to the constituent assembly of France, relative to the emancipation of her colonies was not followed, that is not a sufficient reason why he should not

reproduce his able pamphlet in the present state of Europe.

In proportion as the Constitutional system acquires strength and solidity, so will the natural resources of Spain be developed and taken advantage of. The division of property, not by violence and extortion, but gradually and with moderation, is, doubtless, amongst the principal means within the reach of a paternal government. The reduction of the church establishment, generally, has already thrown an immense portion of wealth into the hands of the productive classes. The sale of national domains is another source of revenue, which must be very profitable to the treasury, and the nation at large, when confidence shall be restored. I understand that it is also in the contemplation of Cortes, to take early measures with regard to the lands possessed by the Moors of Granada, who were expelled by Philip III. in 1609. It is known that the greater part of those estates fell into the hands of court favourites, and others, who had the means of bribing those entrusted with their distribution. These lands are said to compose many hundred square miles.

The Benedictine convent of the Escorial, that of Guadalupe in Andalusia, Toledo, and Santiago in Galicia are amongst the most opulent religious communities in Spain. Medinaceli, Infantado, Altamira, and Alba, are considered as the largest landed proprietors.

Should the national representatives encourage the system of free ports, thus making Spain an emporium for foreign wealth, (instead of realizing the Abbé de Pradt's opinion of Spain being the Africa of Europe, by repelling foreign merchants,) she will soon get back a part of the riches which have been wrested from her hands by violence or the superior industry of other nations. If the Cortes cannot fulfil the scheme of a French political economist, who maintained that Europe would be infinitely richer, if all its Custom houses were razed to the ground, let them, at least, try the experiment of converting a few of them into public hospitals and Lancasterian Schools.

Diezmos and *Mayorazgos*, or tythes and the laws of primogeniture, have exercised the pens of the ablest men that Spain has produced: they were objects of particular attention with Jovellanos and Cabarrus. The chapter on entails, contained in the project of an Agrarian Law, is one of the most eloquent and important in the book: aware of the delicacy of his task, this fine body of reasoning commences with a remark, not unlike "Gibbon's Apology for Royalty." Nothing, however, can be more conclusive than the facts, by which Jovellanos proves, that the existence of entails, except to a certain extent, among the nobility, is incompatible with national prosperity, and opposed to every principle of justice. The ruinous effects arising from the number and wealth of the clergy, are also treated with the usual in-

genuity and address of this profound politician, whose work is really a phenomenon, considering the period in which it was written.

The letters of Cabarrus, which may be regarded as a sequel to the *Informe*, are not less calculated to convince the most hardened advocate of the "olden time," that Spain could not go on with the evils of entail, and of the tythe system. The fourth letter, on Nobility and Primogeniture, is a masterpiece of eloquence and logic. As these two works must be added to the stock of English literature, I forbear to make any extracts from them. It is impossible to read Cabarrus, without being borne along by that fine enthusiastic spirit and those generous sentiments which animate every page of his precious volume.

The mode of illustrating the subject of *Mayorazgos*, adopted by Miñano, is scarcely less conclusive than that of his predecessors, while it is somewhat better calculated for the ready comprehension of the multitude. In order, says he, to expose the nature of this evil, it is merely necessary that each of us should, for an instant, figure to himself, the father of a family standing up in the public square, and addressing those around him, as follows:—"I am a Spanish Citizen, who, through my exertions, and aided by fortune, have realized a capital sufficient to enable me to live at ease, with my wife and six children, the fruit of our marriage: I love each of them with equal tenderness, and am, of course, most anxious that

each shall become an useful member of society. But it has occurred to me, that, in order to preserve my name to future times, without there being any necessity for my descendants sustaining it by acts of virtue, all the property I possess, shall pass to my eldest son, leaving the rest to live as they can. I confess it is a melancholy reflection to think they should be thus left to the inclemency of fortune, whilst their brother enjoys all the abundance and convenience derived from my wealth; but, I cannot relinquish the gratification of having my memory perpetuated, by being hailed as the founder of the family. Impressed with this thought, I have considered it as useless to give an education to my successor; that is to say, in preventing him from losing his time over Latin and philosophy, when he can loll in his berline, or drive four in hand better than his coachman; be a good judge of *cattle*, and ride well: if to these be added a tolerable knowledge of the first rudiments of instruction, what more does he require to cut a brilliant figure in the fashionable world? He has got a valet, who takes care of his person, and at the same time tells him how to treat his brothers and sisters, so as to accustom them to regard him as the proprietor of that which really belongs to all: the whole family is ordered to obey him, as myself; for, whenever I depart, he becomes the master; so that any one who disobeys or offends him, from my wife, down to the lowest lackey, must quit the house."

I need scarcely add that the domestic tyranny, and shameful neglect of education, pointed out here, is more peculiar to Spain, than to any other country in Europe.

With respect to the law on Primogeniture passed by the late Cortes, and by which entails are limited to a rational amount, it could not have possibly been dispensed with. I may truly add, that no greater blessing could have been conferred on the nobility and landed proprietors generally; for many of the largest landed proprietors were either so loaded with debts, or unprovided with ready money, that their estates are to this day mere deserts. It would in fact be the very acme of absurdity, to imagine Spain could ever regain a shadow of prosperity while the old system of entails continued. One of those measures which distinguish the present Congress from the former, is the law passed just before its prorogation, for distributing the town lands and other unappropriated domains, amongst the peasantry and soldiery.

It is impossible to reflect on the proverbial poverty and distress prevalent throughout Spain, and not exclusively confined to the inferior classes, without deeply lamenting the circumstances which have thrown the riches of the nation into such a narrow compass, as to render them almost as useless to the possessors, as they are to those doomed to suffer the evils of indigence. Much as political economists have done, towards elucidating the subject of population, labour, agriculture, and com-

merce, there is still something wanted to make the Science perfect. Is it because they conceive the present unequal distribution of property, and imperfections in government oppose an insuperable barrier to the extirpation of mendicity, that there have not been more strenuous efforts made to prove that the nations of Europe ought not to be inferior to the Mahomedans of Barbary, or savages of North America, where beggars are unknown, and where neither the temples of religion, streets nor highways, are garnished with human misery in its most hideous and distressing forms, from the poor and palsied octogenarian, to the helpless starving cripple? Surely the fear of being charged with the stale accusation of cant and hypocrisy, false sentiment, ought not to prevent the Bentham, Says, and those who second their philanthropic views, from apostrophising in its true colours, that civilization, which can boast its triumphs, and eulogize its blessings, while thousands and tens of thousands are left without any certain means of existence!

Having alluded to the subject of political economy, I ought to observe that the addition of Mr. Say's valuable "Manual," Bernardin de St. Pierre's "Thoughts of a Recluse," and the learned Destut de Tracy's celebrated "Commentary on Montesquieu," enriched by the observations of Condorcet, are amongst the French works which are added to the literature of Spain. When that of Benjamin Constant on Filangieri, is translated, the

publicists of the Peninsula will be enabled to proceed towards the perfection of law, and advancement of civilization, with a great increase of useful knowledge.

A series of political aphorisms, from the pen of Mr. Heiberg, a Danish publicist, long resident in Paris, and which have been recently translated by M. Llorente, are likely to become extremely popular in Spain.



P.C. Monumental de la Alhambra y Generalife
CONSEJERÍA DE CULTURA

POSTSCRIPT.

July, 1822.

THE events which have followed the transition from despotism to freedom in Spain, subsequent to my leaving Madrid, would, of themselves, furnish much more voluminous materials than I collected during my visit to that country; and of which a part is contained in the preceding correspondence.

If the insurrection of 1820 marks one of the most important epochs in modern history, the circumstances attendant on it will deserve to become the theme of future historians. Occupied, as the European family continues to be, with occurrences, in which its destinies are so deeply involved, there is, perhaps, no immediate necessity for making them the subject of a regular work. As, however, such strenuous efforts are hourly made to counteract the effect of the Spanish revolution, it is indispensable that the advocates of truth and justice should be duly impressed with a sense of the benefits conferred by the late happy change, as well as informed of the errors committed by those into whose hands the fortunes of Spain, perhaps of man-

kind, were entrusted by the regenerating army of La Isla. It is on this account, and also with a view of giving somewhat more unity to my design, that I would fain recapitulate various measures in detail, which I can now only stop to point out as beacons to guide those who may be desirous of forming an impartial judgment on the question at issue between the two great parties which divide Spain, and have made it the theatre of civil war.

When the armies of Napoleon entered the Peninsula, in 1808, they found a government encumbered with the accumulated corruptions of several centuries. A few of the plans of reform, meditated and carried into effect by the French emperor and Afrancesados, are noticed in Letter VII; what they commenced, was, in a great degree, completed by the Cortes of 1812. Notwithstanding the want of form, inseparable from assembling Cortes in the midst of a sanguinary contest, which had already overspread the whole Peninsula, the four volumes, containing their judicious and provident decrees, establishing the elective franchise on a broad basis, abolishing feudal rights and privileges, proclaiming the liberty of the press and freedom of commerce, reforming the clergy, and appropriating the superfluous portion of church property to the wants of the state, and payment of the public creditors—form the best defence and proudest eulogium of that patriotic body. But the most important service rendered to Spain by the Congress of 1812, was, undeniably,

that of framing and establishing the political code, which alone roused the nation to persevere in the struggle against France, and round which the army and people rallied in 1820.* If the reforms, above alluded to, form the highest panegyric of the national representatives, the popularity and adoption of this famous code by Naples and Piedmont, where so many others might have been chosen, proves that it is regarded as the best written constitution of our day. To say that the political code of Spain is exempt from defects, would be giving those who drew it up a degree of credit which no set of men ever merited; but, after admitting all that calumny or envy have advanced on one side, and an over-strained admiration, which produces a similar effect, on the other, it would be the height of injustice to say, that the Spanish code is not drawn up in unison with the spirit of the age, according as much liberty to the people as the existing circumstances of Europe at the time of its being drawn up would admit, and curtailing the power of the prince within bounds, which, if they have not been found sufficiently limited, appeared at least to promise all the effects that the friends of constitutional liberty could desire.

In addition to the minor imperfections disco-

* The reforms effected by the Cortes of 1812, are minutely detailed in a pamphlet published at Paris soon after the insurrection of La Isla. This production is attributed to Count Toreno, and is, perhaps, the greatest service he has rendered to his country.

vered in the Spanish code, the want of a second Chamber is that which seems to have excited most attention. Though all the French writers who have touched on Peninsular affairs during the last two years, do not fail to point out this as a defect, Count Lanjuinais and the Abbé de Pradt, are the only persons whose celebrity gives any weight to their opinions on this important subject; without entering into an examination of the grounds, upon which the French publicists found their objections, I cannot help thinking that had they sufficiently reflected on the state of the aristocracy, its incongruous divisions, confusion of classes, impossibility of drawing a line between them, and above all, its backwardness on the score of general information, they would have paused before promulgating a single word, calculated to shake the faith of the Spanish people, in a code so essential to their civil and political salvation.

It was equally incumbent on those who commented on the new code to consult the able and erudite essay, explanatory of all its parts, which was read to the Cortes when the commission presented the result of their labours to that body in 1812. An attentive perusal of this truly valuable explanation and commentary, would have convinced the Abbé and Count, that in treating the subject of an upper chamber, there was only a choice of evils, and in choosing the least, they had taken the wiser part. The study of *El discurso preliminar* would have done more; it would

have convinced those two writers, that in proclaiming the sovereignty of the people, and limiting the power of the crown, the Cortes of 1812 only re-asserted rights which had been established by the people of Spain, when the rest of Europe was buried in the profoundest depths of ignorance and barbarism.*

More deeply versed in the difficult science of legislation, and less interested in adding needless shackles to public liberty, than many of his competitors, the penetrating and comprehensive mind of Jeremy Bentham suggested a far different mode of reasoning, at once flattering to those who drew up the code, and consonant to the interest of the Spanish people; and this, without ever seeing the preliminary discourse, or, perhaps, reading any more of the old chronicles of Spain than what is to be found in the history of Charles V. and

* The reasons adduced for discontinuing the old practice of assembling the Cortes by *estamentos* or separate branches of clergy, grandees and deputies chosen by the people, as in Sicily, are fully detailed in the preliminary discourse, and seem quite conclusive on the subject; for it is proved, that the intervention of the two first classes was purely of feudal origin, and that even when they appeared in Cortes, they came rather as counsellors than representatives. On the other hand, the unequal distribution of the nobility in the present day, was regarded as an insurmountable barrier to the *estamentos*. The indeterminate condition of the nobles, the great numbers in one province, while scarcely any are to be found in another; the endless divisions and subdivisions of classes, the opposition which, by far the largest portion would have made to the establishment of an

Mr. Hallam's excellent work. When those patriots who dreaded the chance of seeing the matter obtain popularity among the Cortes and people, requested his opinion on a subject so interesting to Europe as well as to Spain, the British publicist instantly communicated his sentiments in an address to the Cortes and people; which, judging from its powerful logic, seemed to be rather the fruit of laborious research and long study, than the production of a few hours. The reception of this paper, translated by M. de Mora, and read in all the patriotic societies of Spain, amidst the acclamations of the most enlightened portion of the community, civil, military and religious, is the best proof of the justice of its reasoning and soundness of its doctrines. As the letters of the philosopher of Westminster to Count Toreno, in those parts of the Constitution which he considers really

upper chamber, if confined to the grandees; and above all, that disrepute into which nearly the whole had fallen, their ignorance, prejudices, and consequent disposition to destroy rather than preserve liberty; these and various other reasons, formed an insuperable bar to a second chamber. According to the opinion of Count Toreno, himself a noble, all the dignity and independence of the peerage, in the eyes of a Spanish grandee, are not to be put in competition with that of having free ingress to the royal palace, or being placed on the king's domestic establishment. Accustomed to regard the employments of the household as the climax of worldly honours, and greatest gift of fortune, possessing numerous entails, they did not esteem an hereditary magistracy, however elevated, as equal to the most insignificant office of the court.

defective, are, I understand, before the British public, it is unnecessary for me to enter into this part of the subject.

I do not pretend to justify the clause which prohibits any change till the code shall have been tried eight years, on the simple principle of not tolerating an article that might involve the total destruction of the best code that ever was framed; although there is no reason to apprehend that this will be the case with regard to Spain, it is, perhaps, to be regretted that the Cortes had not modified an article which might have been so fatal to the national interests had there been any glaring defect discovered that would have rendered its march incompatible with practical experience.

Leaving the defects of the Spanish constitution to the examination of wiser heads, I shall merely suggest that it would, perhaps, have been more consistent with the principles of justice, and that indulgence called for by circumstances, had the code been estimated rather by the innumerable abuses removed under its auspices, and the many advantages it has produced, than in signaling minor blemishes. Without extending his inquiries beyond the labours of the first Cortes, it would be exceedingly difficult for the greatest proficient in politics to calculate the immense mass of human suffering and positive evil removed since the 9th of July, 1820. Some idea may be formed of the number and magnitude of those evils, when I add that those connected with the system of tythes,

convents, noviciates, senorial privileges, finances, agriculture, education and the administration of government in all its branches, and which the national council had passed laws to remove, would fill a large volume. A detailed account of all that the Cortes of 1820 did towards destroying the hydra which had so long gnawed the vitals of Spain, and realized the frightful picture with which Goldsmith concludes his prospect of society, will form an important part of modern history; while the existence of those monstrosities, when civilization had made such rapid advances, cannot fail to be one of the standing miracles of the nineteenth century.

As will ever be the case where the election of representatives springs from the free and unbiassed choice of the people, uninfluenced by intrigue or corruption, the great majority of Cortes, of 1820, was composed of men, no less distinguished for their patriotism than their virtues; that they possessed a large share of talent, both as orators and statesmen, is proved by the debates and public acts.

Having thus shortly paid my humble tribute of applause to men, who were called upon rather to promulgate and proclaim the new principles of civilization, embraced by the whole European commonwealth, than to legislate for Spain, the same love of truth which induces me to praise, does not allow me to exempt them from blame: to prevent the charge of presumption, I shall, however, no-

tice only those errors which have been signaled by public opinion : that tribunal of reason, whose reign is, I trust, destined to be the future arbiter of nations, as well as of individual conduct. Many of the errors laid to the charge of the Cortes were, doubtless, inseparable from their position and those inveterate prejudices with which they had to contend. If the reasoning which is often adopted in scanning the conduct of individuals could be applied to public bodies consistently with the interests of states, there would be no difficulty in finding an excuse for the faults into which the Spanish representatives of 1820 are said to have fallen ; but, as this is not the case, they must quietly endure the inexorable verdict of public opinion and posterity without the consolation of remedy or appeal.

Tried in the crucible of adversity, intimately acquainted with the state of Spain, and the extent of its evils ; convinced that none but powerful remedies, hitherto unemployed, perhaps unthought of, could alone cure the diseases of the body politic, it may well be asked, why, instead of leaving the momentous question at issue between Spain and her former colonies to the management of ministers who were evidently unequal to the task of settling them, such a declaration did not emanate from the congress, as would have, at once, put an end to all hostility between South America and Spain, convincing the former, that neither its

liberties nor independence would be disputed? It will be answered, that an article of the Constitution opposed such an avowal: the public will reply, whatever militated against the principles of reason and justice ought to have been studiously avoided by those who are entrusted with sovereignty. Well may contemporaries and posterity ask, why was the *amnesty* to the Afrancesados deferred for several months after the assemblage of Cortes, and when passed, why it should have been drawn up in such a way as to be regarded as null, unjust and impolitic? Null, because the Cortes usurped the judicial power in condemning the followers of King Joseph to be deprived of their honorary distinctions, rank and employments; which, according to the political code, could be done only in a legal tribunal, and after hearing the defence of the accused; unjust, because it imposes pains and penalties on those who were guilty of no crime, and who had frequently applied to the courts of justice to be tried for their imputed offences, without being ever able to obtain a hearing: impolitic, because the consolidation of the new system required that public opinion should be consulted, as well as a sincere union promoted among all Spaniards capable of influencing that opinion: whereas, the law in question produced a totally different effect, since it inflicts a deep wound on more than ten thousand families! No answer that the Cortes of 1820 can give will satisfy pos-

terity and their contemporaries on this most essential error.* No wonder that all those who are interested in the happiness of Spain, and the progress of freedom, should express their astonishment at the impunity which has attended the authors of the massacre at Cadiz, and a thousand other conspirators, who sought to light up the flame of civil war, under the very eyes of the Congress: the wonder increases, when it is evident that the smallest reflection must have convinced the members that lenity was sure to increase the evil; while nothing but prompt and stern justice could stay the guilty abettors of murder and rapine. Other questions might also be put, though it is probable the advocates of the Congress would more easily palliate, if they could not justify, certain transactions relative to the Dutch creditors of Spain, imprudent restrictions on foreign commerce, and a few more points. I cannot, however, avoid noticing a regulation by which the fatal policy of the Cortes towards the South American Colonies was greatly aggravated, if the constitution itself was not violated; I allude to their excluding the deputies from those countries from the extraordinary Cortes contrary to the express tenor of Art. 161 of the Code; which declares, that the Cortes

* This tardy and inadequate law has also been characterized as anti-constitutional, scandalous, cruel and inhuman! But as these epithets have occurred only to those more immediately affected by its operation, I forbear offering any comment on them.

extraordinary shall be composed of the same deputies who compose the ordinary Cortes, during the two years of their deputation ; according to this clause it is evident those members who sat in the ordinary Cortes of 1820, and 1821, ought also to have been admitted into the extraordinary session with which their deliberations terminated. The motive assigned for this exclusion was considered far from conclusive ; that because the insurgent colonies had not named deputies, they did not wish to do so, and were therefore regarded as having renounced their right to possess representatives in the Cortes of Spain ! The real cause could not be concealed : a message from the King required that the state of the colonies should be taken into consideration, and measures adopted to reconcile them to the mother country ; in order, therefore, to prevent the exposure of many facts favourable to the cause of independence, it was natural to exclude those who were sure of bringing them forward. It was not among the least glaring of the mischiefs which must naturally follow such a measure, that the independents who might have been disposed to return to the yoke before, would, on hearing of this circumstance, relinquish every thought of reconciliation ; since those to whom they had looked up as their principal protectors and natural safeguards against arbitrary power, broke through the fundamental law of the land.

It ought to be observed that the foregoing act

did not take place till the first ministry had attained an influence in the congress not less fatal to public liberty than to its own reputation. It is extremely difficult to say how far the Cortes can be blamed for those measures into which they were led by the fears or false representations of the ministers. It should be observed that while the congress was proceeding in the glorious career of reform, which marked the first session, a schism took place between the patriots of 1812, who had occupied the places of trust, and those of 1820, or the heroes of La Isla and their adherents. This arose from various causes; of which the principal was an early disposition on the part of the former to check those patriotic impulses which the latter thought absolutely necessary for the consolidation of the new system. It was also evident that the extreme lenity to which I have before alluded appeared to the heroes of La Isla as fraught with future injury to the interests of liberty. The orders issued in August to disperse the army of La Isla, just as several daring conspiracies had been discovered, and while the assassins of Cadiz, and executioner of Valencia, remained unpunished, filled every patriot mind with horror and indignation. A deputation was dispatched with a remonstrance from San Fernando, and not long after, Riego, himself, came to Madrid, where he was received with open arms by all classes of the people. Having solicited and obtained two audiences of Ferdinand, the patriot chief repre-

sented to his Majesty, in strong, but respectful terms, the discontent caused throughout Spain and Andalusia, in particular, by the determination of his ministers to dissolve the army of San Fernando, upon which the hopes of the nation had long been founded. It was worthy of the hero of Las Cabezas to declare on this occasion, that he joyfully renounced the Captain-Generalship of Galicia; adding, that he would rather continue at the head of the patriot force, small as it was, than govern a kingdom! From the King, Riego was referred to the Ministers, and having vainly endeavoured to convince them of the dangers which might attend the proposed measures, and offering, in his own name, as well as that of the army at large, to serve without pay or emolument, if they were but permitted to maintain their position; the interview ended by a flat rejection of his overtures. The popular ferment continuing to increase, a song, called for by the audience, at the theatre of La Cruz, while Riego was present, furnished the Ministers with a pretence, which they seemed to have sought, for exiling the hero to his native city Oviedo. Riego's last effort in favour of the army, was a request to be heard at the bar of Cortes; unable to obtain this favour, he transmitted a written paper to the Congress, setting forth the motives of his own conduct, and that of his companions; after refuting the calumnies of those who asserted motives of personal ambition to the chiefs of the patriotic army, pointing out

the absurdity of justifying its dispersion, on the score of economy, and stating that the number of disaffected, who crowded the prisons, was a sufficient reason for the public alarm, his eloquent appeal closed, by supplicating the interference of the national representatives, to prevent a measure fraught with so much danger to the cause of liberty.* Leaving Madrid immediately after, Riego's journey to the capital of Asturias was one continued triumph. The abrupt dispersion of the patriot corps, and the persecution of its most popular chief, were fatal to the popularity of the ministers, and caused a division among the patriots, which has continued to increase ever since; producing those consequences, which never fail to result from similar misunderstandings.

It is a most painful alternative to be thus forced to condemn the conduct of men, upon whom so much well deserved praise is lavished in my letters; but, there are so many circum-

* Riego's letter to his companions at San Fernando, published and circulated at Madrid, on the 3rd of September, is a model of patriotism and moderation.

The Duke del Parque, a grandee of the first class, and an able general, also the Mæcenas of Spain, was amongst the most conspicuous of those who espoused the cause of Riego and the army on this occasion. The Duke is, besides, one of those who has never swerved from the constitutional path. His conduct as a member of the present Cortes is that of a radical reformer in the truest sense of the word.

stances on record, to prove that the patriots of 1812 either mistook the true principles of justice, or wilfully perverted them, for the mere sake of oppressing the patriots of 1820; for such was the new mode of designating men whose interests are the same, that it is impossible to espouse their cause without betraying that of truth and liberty.

Many circumstances have transpired, which prove that the first ministry must have been actuated rather by a desire of retaining their places, and motives of personal resentment against their adversaries, than genuine patriotism. Their persecution of Riego, and those who ranged themselves on his side, particularly M. de Mora's arrest and imprisonment, without trial or accusation, the reported interception of private letters, and the employment of spies, in the manner of their neighbours, are acts more worthy of the advisers of a German despot, than the ministers of a constitutional King*. These ignoble acts were crowned by two others, which have made an impression on Spain never to be effaced: I allude to the shutting up the patriotic societies; the law against petitioning, and the liberty of the press, with which the session of extraordinary Cortes of 1821 closed: for

* The constitutional ministers of Spain ought to have left *Espionage* and its sister crime, violating the secret of letters, to the countries north of the Pyrenees, in which those curses of modern civilization have done so much towards the destruction of virtue and morality.