A REPLY

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DONNA MARIA II.

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THE RIGHTS

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THRONE OF PORTUGAL

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LONDON

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A REPLY

TO THE

"EXPOSÉ DES DROITS DE SA MAJESTÉ

TRÉS FIDÉLE,

DONNA MARIA II."

EXPRESSLY WRITTEN

AND LATELY PRINTED IN PARIS, FOR THE PURPOSE OF EXHIBITING

THE RIGHTS

OF

D. Pedro and those of his Daughter,

TO THE

THRONE OF PORTUGAL.

BY WILLIAM WALTON.

"THE LAW WILL NOT ENDURE THAT ITS FORMS, OR FICTIONS, SHALL BE EMPLOYED TO WORK A WRONG."

Earl Mansfield—Burrow, 962.

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REPLY, &c.

THE "*Exposé des Droits de Sa Majesté Très Fidèle, Donna Maria II. et de la Question Portugaise,*" lately printed in Paris, is indubitably the greatest and most methodical effort, hitherto made, to exhibit D. Pedro's claims and those of his Daughter to the Throne of Portugal; and, before it, all the other publications, in the same interest, which had previously issued from the English and French press, sink into comparative insignificance. Although recommended by no signature; although sanctioned by no official declaration, this work must nevertheless be taken as coming from authority, and as expressing the sentiments of the Portuguese refugees, scattered over various portions of Europe. It is to be considered as an Exposition of rights, now vested in Donna Maria, according to the view taken of them by her own adherents, and as containing the

sum total of all their arguments, accompanied by a full display of their corroborative proofs. It is also a powerful appeal to the sympathies of the governments and people of Europe, and calculated to awaken feelings of the strongest kind, on behalf of an interesting young Princess, in whose favour the public mind had been accidentally prepossessed.

The *Exposé* is besides a fashionable vehicle of information on the Portuguese question, more particularly in Diplomatic and Parliamentary circles, and extends to the portentous length of 227 pages, 4to, 150 of which are called "*Piéces Justificatives et Documens.*" The organ of the party by whom this Manifesto is ushered to the world, has avowedly laboured, and, in candour one is bound to suppose, with the utmost earnestness of purpose and conscientious sincerity, to trace the causes of the evils complained of to one source; but the theories now produced can only appear novel, bold and startling, to those who never devoted their previous attention to the subject; and to them, after all, the truth, or fallacy, of the positions assumed, most probably will be little else than mere matters of opinion.

Like most of the Portuguese polemics on the present competition for the throne, this volume is wrapped up in so much mystery; its decisions are pronounced in so dogmatical a tone, and supported by such voluminous and overwhelming authorities, that the common reader has neither the time, nor inclination, to follow and detect the delusions, spread before him, however smooth the road may have been ren-

dered over which he is invited to travel. By some, however, it will doubtless be found a compendious ascription, wearing the garb of plausibility; whilst many, either interested in the subject, or by duty called upon to peruse its pages, will not stop to inquire whether they are written under the control of a healthy judgment; and others possibly do not possess the means of discriminating whether the documents, referred to, are in themselves incomplete, or defective in their application.

After some deliberation with myself, these united considerations induced me to offer a Reply; and, in undertaking so arduous a task, my determination was strengthened by the circumstance of the *Exposé* having been studiously placed in the hands of many of our leading men, particularly belonging to Government, or forming part of the great National Council, and I apprehended its perusal might give rise to hasty, if not erroneous, impressions. The question agitated is one of great national importance; calculated to excite the interest of every true lover of his country, and, on this account, I considered myself authorized to discuss its several bearings, with that freedom with which Englishmen are accustomed to treat matters, connected with the welfare of the community. To England, almost exclusively, do the Portuguese, at the present moment, look up for the recognition of the Sovereign whom the laws and the public voice have raised to the throne, and any thing that can retard this act of justice, or weaken the spirit of sincerity in which it may be performed, must be considered as detrimental

to the nation, and more particularly so to a large and respectable body of our countrymen, residing in the dominions of Portugal, whom Government is imperatively bound to protect.

My early associations and subsequent pursuits have already emboldened me, several times, to express my sentiments on the same topic; consequently, they are public and avowed, and it was not till after long and conclusive reflection that I felt sufficient courage to resume my pen. The last three years of my life have however been almost exclusively devoted to the study of this subject, and, I may safely pledge, nothing can exceed the diligence and impartiality of my researches. I have long been aware that a great object was at issue; that the solution of the present question was surrounded with difficulties, and an inward monitor seemed to tell me that I ought not to refuse my aid, however trivial it might be. I was for some time withheld by the dread of repetition, having occasionally to travel over the same ground again; but I became sensible that indolent acquiescence will not acquit a man of the discharge of a duty which he owes to his country—to his conscience; and confident that, if he writes with moderation, the candid will approve; or, if his labours are neither venal, nor his designs factious, that he may be entitled to the indulgence, and perhaps the thanks, of the public, I no longer shrunk from a charge, in my own mind, of considerable utility; not from any great value I myself set on the general character of the remarks, or accompanying documents, arrayed in the *Exposé* which I am about to

answer; but because they are supported by the attributes of rank; wear an imposing appearance, and were diligently lodged in those quarters where it was expected they would produce more than an ordinary effect.

In the Portuguese works, like the present one, professing to be written for the purpose of "enlightening public opinion" on the subject of D. Pedro's Family Claims to his father's throne, it has been too usual to treat those who happened to be of a different opinion, with either contempt, or derision; affecting to consider them as a body of no political moment—deserving of no credence. In this respect, I regret to say, the *Exposé* does not constitute an exception. In the Introduction, the first part that naturally demands my notice, the author denounces those who do not follow the same creed as himself, as "*une faction impie—usurpatrice*, seeking to confound all notions of legitimacy and justice, and resorting only to intrigues and sophisms," &c. This is not the character of those who fearlessly assert that D. Miguel is the rightful heir to the throne and his competitor, D. Pedro, disqualified from reigning in Portugal; the award, deliberately pronounced by a competent tribunal and sanctioned by a corresponding concurrence, reechoed from one extreme of the Kingdom to the other. On the other hand, the dissentients, in whose name the author speaks, are chiefly the 5000 refugees, divided among themselves, ever since their first campaign, and now roaming abroad; of whom more than two thirds are besides common soldiers, under the imme-

diate influence of their officers; whilst the rest, with only a few exceptions, are men of neither property, nor political importance. Their feelings are unquestionably shared by the idle and the restless in Portugal; but the number is insignificant, as long as the influential classes are united and firm in their opposition. And yet our discreet Instructors call D. Pedro's opponents "an impious and usurping faction," and endeavour to load them with opprobrium!

Taking a rapid and preliminary view of the state of Portugal, at the commencement of 1828, the writer of the *Exposé* asserts that "D. Pedro IV. was in quiet and undisputed possession of the Portuguese Crown; obeyed, throughout the whole extent of the monarchy, as the lawful sovereign, and, as such, acknowledged by all the Powers of Europe," &c. This is an insidious assertion, tending to lead the reader into a manifest error. The most active of the persons retained in office, after the demise of King John VI., most assuredly were the avowed friends of D. Pedro and the open enemies of D. Miguel; and it is equally true that they used every possible effort to support the pretensions of the one and defeat the claims of the other, without stopping to consider whether their conduct was legal, or warrantable. They wielded the whole machine of government, in such a manner as to serve their own cause; and the various cabinets of Europe, by means the most specious, were dexterously prepared to coincide in their views. In anticipation, the whole scheme of injustice and party-work was arranged, and various concurrent circumstances afterwards

favored its abettors. I will now see how the real fact stands.

D. Pedro's Charter was proclaimed in Portugal, on the 12th July (1826) and this act became the signal for a general alarm. Hitherto, the Portuguese had remained quiet, waiting the result, and confident that if D. Pedro did not accept his birthright and immediately return to Europe, as they expected and as the laws required, that he would be generous enough to allow the tender to be made to the next heir, designated by the jurisprudence of the land; having made ample provision for himself and family in another hemisphere. The Portuguese were foiled in their hopes. A Constitutional Charter appeared, framed and enacted by one who, at the same time, told them that he had himself abandoned Portugal, for ever, having taken up his abode in a foreign realm; but, persisting in his ambitious plan, under a modified form, he commanded them to receive his Daughter as their future Queen. Feelings of indignant disapprobation were manifested throughout the kingdom, and even Sir Charles Stuart, who arrived at Lisbon on the 7th, writing under date of the 15th (July) and himself the bearer of the Constitutional Charter, if not an eye-witness of the manner in which it was manufactured, expressly declares "that he had been enabled to find out, during the few hours he was in Lisbon, that the alleged illegality of the different Acts, received from Rio de Janeiro, was the ground upon which the Infanta Regent's opponents were determined to make their stand."

This discovery, thus readily obtained and frankly avowed, was consequently made five days before the new Code was put in force, and at a time when its merits and the designs of the author were only imperfectly known. The act, in itself, by the great body of the people, was intuitively deemed an usurpation on the part of a foreign potentate, and the determination to resist it became general, with the exception of Lisbon and Oporto. Immediately afterwards, several bodies of military, at a distance from each other and without any preconcerted plan, simultaneously marched off to Spain, in order to unite and organize; firmly resolved to unfurl the standard of opposition. They did so, when 10,000 men, favoured by a large majority of the inhabitants, took the field against the supporters of the exotic and imported Charter. The want of resources and other untoward circumstances, did indeed render their efforts and devotion for the moment ineffectual; and, being unable to withstand the superior strength brought against them by the government, according to all appearances, supported by a British force, the first division of which had already advanced as far as Coimbra, and, it was currently reported, was to be increased to 20,000 men, they were at length compelled to retreat into Spain, where they were disarmed, at the especial request of England, acting perhaps on a mistaken principle of neutrality. The active opposition was thus, for the time being, counteracted; not, as the events of the day fully prove, by the efforts of the Constitutionalists; but rather through the interference of the British government, under whose immediate protection it was

concluded that the Constitutional Charter had been established.

If the term "undisputed" is intended equally to apply to D. Miguel, as being the party most interested in the issue of the contest, it must be borne in mind that, at the time alluded to, he was debarred from the possibility of asserting his claim, however he might have wished it, being kept a close prisoner at Vienna and prevented from even knowing what was going on in Portugal. If it is wished to argue, as evidently is the case, that "the acknowledgment of D. Pedro by the Powers of Europe," now precludes them from a revision of the grounds on which they acted, I should answer that the idea is preposterous. It would be the same as a private individual blindly persisting in a palpable error, contrary to the conviction of his own mind and in detriment to another. The Allied Powers were not competent judges of a dubious succession in Portugal; nor were they, at the time they performed the rash and inconsiderate act of acknowledging one who, when his case was properly examined, had not even the shadow of a claim, but very imperfectly acquainted with the feelings and wishes of the people whose exclusive province it was to decide. The Allied Powers were besides most egregiously imposed upon, as hereafter I shall have occasion to notice; and just resentment, even in the absence of a better plea, ere this, one would have thought, must have impelled them to retrace their steps.

The next paragraph that requires special notice

runs thus; "*La désorganization generale, la terreur, la persécution, l'intrigue et la calomnie—tout a été mis en jeu; on proclama les principes les plus opposés á toute stabilité sociale; on falsifia les faits historiques; on forgea des lois qui n'eurent jamais d'existence; on eut recours aux sophismes les plus grossieres, et, pour donner à cette œuvre d'iniquité la couleur d'une légalité apparente, on tira de l'oubli les Trois Etats du Royaume, tombés en desuétude,*" &c.

This is, in most respects, a correct picture of the very means by which D. Pedro's partisans themselves sought to attain their ends. By the transmission of incendiary papers and money, they endeavoured to excite "a general disorganization" throughout Portugal. In Terceira, the only point where, for some time past, the Constitutionalists have held power, but yet a fair sample, they persecuted and incarcerated the inhabitants; seized their property; burnt their dwellings; shot the natives, as if they had been pigeons, or crows; drove away those whom they feared, or distrusted, and, proportioned to its size, after a deliberate inquiry, I do not hesitate to assert that the unfortunate island alluded to has witnessed more cases of personal suffering, than Portugal, even when the rebellion was there raging under its most aggravated form.*

As regards "intrigues," the history of the military and diplomatic exploits of the Lusitano-Brazilian heroes and negotiators, commencing by the Oporto

* Vide Terceira Narrative.

revolution and ending with the establishment of the Regency in Terceira, afford the world an ample and striking record; nay, even the very book before me, elucidates many of the deceptions on which these intrigues were founded. As for "calumnies," of the most revolting and loathsome kind, it is an acknowledged fact that a portion of the London, as well as the Paris, press, for the last two years, has been constantly employed in inventing and circulating them; and, up to the present moment, they are eagerly continued in those vehicles, known as the immediate organs of the most obdurate of the refugees. Their tenets of "social stability," seem to be, that a Charter, made by a foreigner, seated on the other side of the Atlantic, and the growth of less than a week, is to supercede the institutions of Portugal, coeval with the foundation of the monarchy and rendered venerable by time and past glories. Of the "falsification of historical facts; the forgery of laws and the recurrence to sophisms," I shall have ample opportunity to quote examples, when I come to dissect the arguments brought forward by the author of the *Exposé;* but, when it is said "that the Three Estates were drawn from oblivion," at the same time that in 1820, 21, 22, nay, part of 23, they formed the principal topic of public discussion; were convened by the Regency, in 1820; revived by Letters Patent, in June, 1824, and ever since constantly called for by the sound part of the community, is a most unpardonable deviation from the truth, aggravated by the circumstance of its coming from the very persons who once were the most anxious to assemble them.

Such are the leading passages, in the introductory remarks to the *Exposé*, which I felt called upon to answer, before I proceeded to meet my adversary in the field which he himself has chosen for the developement and array of his theory. The avowed object of the work on which I am about to enter, is to prove, 1st, That the rights of D. Pedro and next of his Daughter, are certain and incontestible; 2dly, That the elevation of D. Miguel is a true usurpation, as unjust as it is scandalous, in consequence of the means employed to effect it; 3rdly, That all the arguments by which it is pretended to exclude D. Pedro, are futile, erroneous and inconclusive; 4thly, That, even supposing D. Miguel had any rights to the Crown, the time to render them available was passed in 1828, the question having been irrevocably decided, in 1826; and 5thly, That the mode adopted to obtain an award in his favour, was illegal, null and scandalous." The subject is divided into Five Chapters, which I shall now proceed, as briefly as possible, to notice, in regular order.

The opening Chapter of the *Exposé* is devoted to shew "the legitimate succession of D. Pedro and that of Donna Maria, in consequence of the father's abdication;" and, in order to establish his position, the author quotes the Statute of Lamego, which at the same time he candidly acknowledges is "the fundamental rule of succession to the Crown of Portugal." On the proper interpretation of this law, it is universally held that the solution of the great question mainly depends; all the other proofs alleged, on

either side, being only secondary and collateral ones. In ordinary cases and according to the provisions of this peremptory Statute, the right of primogeniture unquestionably transferred the Crown to D. Pedro, as being the first-born; but the trust, thus imposed upon him, implies conditions which it was physically and morally impossible for him to fulfil; a circumstance of itself sufficient to defeat the priority which otherwise he might have claimed. The general principle of inheritance was unquestionably established by the primitive law, in the manner above-mentioned; but that principle was modified and restricted by special provisions in the same Statute, evidently directed to two great objects, viz. to establish proper grounds for the internal administration of the realm, on certain important points; but still more especially to guard against the contingency of the Crown falling into the hands of *foreigners*. The latter is indeed the most remarkable feature in the whole enactments of the Cortes of Lamego; the feeling of caution and dread of foreign dominion with which they were framed, exactly corresponding to the spirit of the times when that memorable body of delegates met. The Chancellor Lourenço Viegas, we are told, addressed the Assembly and asked "whether the Sovereign whom they had just acknowledged, as such, should go to the Cortes of the King of Leon and pay tribute to him, or to any other person," &c. when all the members rose up and holding their naked swords in their hands, in a loud voice cried out—"We are free; our King is free; our own hands freed us, and the King and Lord who should consent to such a thing, shall die; and if he

should be King, he shall not reign over us." *(Et Dominus Rex qui talia consenserit moriatur; et si rex fuerit, non regnet super nos.)*

Nothing can be more clear than the object of this declaration—no demonstrations stronger, or terms more emphatical than those in which it was conveyed. In accordance with the same spirit, when provision was made for the accession of the heiress apparent to the throne, in default of male issue, it was enacted "that she should marry a Portuguese, *ut non veniat regnum ad extraneos;*" and it was further ordained "that if she married an alien, she should not be queen." Thus, in the time of the first Alonzo, the Portuguese refused to bend their necks to such an act of self abasement as that of paying tribute to a foreign prince, and manfully expressed their determination to redeem their pledge, at the hazard of their lives. This is in fact a feeling which we are enabled to trace to the furthest limit of historical record, and it has since been strengthened and confirmed by many remarkable occurrences in the monarchy, which have led to muniments, erected in exactly the same spirit of foresight and precaution, as hereafter it will be my duty to shew. From the moment, therefore, that D. Pedro is proved to be a foreigner and an alien, even according to the Statute of Lamego, now quoted in his support, he is peremptorily debarred from the rights of primogeniture. The law is clear and precise—it admits of no interpretation; nor does it provide for any exception whatsoever.

To strengthen the conclusions erroneously drawn from the provisions of the Statute of Lamego, the author of the *Exposé* next alleges two documents, the one dated the 13th May, 1825, of a most singular character, and the other the 15th November, in the same year. The first comprises the Letters Patent issued by King John VI. in which he declares, First, "That the Kingdom of Brazil shall be acknowledged by the title of Empire, in consequence of which, he reserves, for himself and his successors, the title and dignity of Emperor of Brazil and King of Portugal, &c. granting nevertheless that of Prince, or Princess, Imperial, of Brazil, and of Prince, or Princess, Royal, of Portugal, to the heir, or heiress of the two Crowns; further adding that the administration of Brazil shall be separate and distinct from that of Portugal, &c.; and, Secondly, That, as the succession of the two Crowns belongs, in a direct line, to his eldest son, Prince D. Pedro, by the said act and Letters Patent, of his own free will and with plenary authority, he (John VI.) yields up and transfers to him the sovereignty over the Empire of Brazil, to the end that he (D. Pedro) may govern the same, under the title of Emperor of Brazil and Prince Royal of Portugal, with the entire sovereignty of the two kingdoms and dependencies thereof;" further ordaining that "the natives of Portugal shall be considered as Brazilians in Brazil, and the natives of the latter as Portuguese in Portugal," &c. The second is an *Alvará*, or Royal Ordinance, expressive of King John VIth's anxiety for "the reestablishment of the peace, amity and harmony that ought to exist between two nations of the same ori-

gin;" and setting forth that he had "resolved to yield up and transfer to his beloved son, D. Pedro de Alcantara, Heir and Successor to the Crowns of the Kingdoms aforesaid, all his rights to the State of Brazil, which he (John VI.) had raised to the rank of an Empire," &c.; further adding "that his wishes having been accomplished by the Treaty of Alliance and Friendship, made on the 29th August and that day ratified, he assumed for himself the temporary title of Emperor of Brazil, at the same time acknowledging his son, D. Pedro, and Prince Royal of Portugal, in the quality of Emperor of Brazil, invested with the sovereignty of the whole of that Empire," &c.

The spirit and object of these two papers has been completely mistaken by the writer of the *Exposé*. The first is the basis of the opening negotiations for the Independence of Brazil, and evinces the feelings of King John VI. upon the subject, at the beginning of May, 1825, which evidently were, that Brazil should be independent, as regarded the administration; but still connected by a Family Compact, intended eventually to secure the two Crowns in the same line. His wish, as proved by the tenour of the preceding declaration, was, that an absolute separation should not take place, but that the one on whose head the two Crowns might be united, should govern both kingdoms, for example, as the Emperor, Francis I. does Austria and Hungary, and this plan was developed in the document above referred to. The Emperor of Austria, connected by a matrimonial alliance and consequently a party interested, had

also a scheme of his own for the settlement of the two Crowns, by means of which he thought "*qu'il seroit facile d'etablir, par une Loi de Famille, l'heredité des deux Couronnes dans les deux branches de la maison regnante, et la succession reciproque, au cas que l'une, ou l'autre, venait à s'eteindre.*"

Neither of these two projects was calculated to satisfy either D. Pedro, or his new subjects, who were not prepared to accept the acknowledgment of their independence, on conditions so humiliating. Nearly three years previously, the Independence of Brazil had been established *de facto*, and on the 11th December, 1823, the Brazilian Constitution was completed and immediately afterwards put in force, as the law of the land, in the very first Article of which it is declared "that the Brazilians constitute a free and independent Nation, which does not allow of any bond, union, or federation whatsoever with another, opposed to its independence;" and (Art. 4) "that the ruling dynasty is Pedro the First." On Sir Charles Stuart's arrival at Rio de Janeiro, in the character of Portuguese Plenipotentiary and British Mediator, he found that no other than unconditional terms would be accepted, and King John VIth's edict of the 13th May, 1825, was consequently thrown aside and never acted upon; or, even published, till now produced as a proof of D. Pedro's rights to the throne of Portugal!

The Brazilians always proudly boasted that they achieved their own independence, and to them, and not to his father, has the Emperor ever acknowledged

that he owes his title and his Crown. The defined powers which he wields, were also conferred upon him by the Constitution, in which it is expressly enacted (Art. 13) "that the Legislative power is delegated to the General Assembly, with the sanction of the Emperor;" and further (Art. 104) "that he cannot quit the Empire, without the consent of the General Assembly; and if he should so do, that it shall be understood that he has abdicated the Crown." No other alternative being left, the negotiations were opened on the principle of entire and absolute independence and unconditional separation, and ended in the Treaty of Peace and Alliance, concluded on the 29th August, 1825, and ratified in Lisbon on the 15th November, in the same year, the first Article of which recites thus; "His Most Faithful Majesty acknowledges Brazil in the rank of an Independent Empire, separate from that of the Kingdoms of Portugal and Algarves, and his much beloved and esteemed Son, Dom Pedro, as the Emperor; of his own free will, yielding up and transfering the Sovereignty of the aforesaid Empire to his said Son and his legitimate Successors."

The Royal Ordinance of the 15th November is a mere form, completely at variance with the edict of the 13th May, announcing the ratification of the Treaty of Brazilian Independence, and recording the King's acceptance of the nominal and temporary title of Emperor, assented to most probably in order to spare the feelings, or gratify the vanity of the weak and disappointed monarch. In both documents, D. Pedro is certainly called the "heir and successor to

the Crown of Portugal," that being the character in which he had previously been known to the laws of the country, and the style by which it became necessary to address him, till the Treaty was ratified and carried into full effect; but, from the moment this was done, by virtue of that solemn and definitive covenant, D. Pedro lost the real and substantial style and character of Prince Royal of Portugal and Heir and Successor to the European throne of the Braganzas, whilst the King, his father, acquired the nominal and imaginary title of Emperor of Brazil.

To attempt any further to reason, or argue, with one, so inconsiderate as to allege documents of such a description before the tribunal of enlightened Europe, in the present advanced stage of this question, respecting the institutions of Brazil; the grounds on which the independence of that country was established; or the various pledges, oaths and protestations under which D. Pedro accepted the Imperial diadem, were almost a waste of time. If, however, the author of the *Exposé* has not watched the spirit of the Brazilian revolution; if he has omitted to study the Charter and is unacquainted with the collection of Laws, enacted since the declaration of Independence, I should advise him to take up the Brazilian *Folhinha d'Algibeira*, or Pocket Court Guide, in which he will find that the 9th January, the "Anniversary of the declaration, made by the Emperor, that he would continue in Brazil," corresponding to the year 1822, is ordered to be kept as a grand gala-day; the 26th March, that on which he took the oath to the Constitution,

(a ceremony performed in 1824) as another, and that of the 13th May, when he accepted the title of Perpetual Defender of Brazil, done in 1822, and then ask himself whether such documents as those just mentioned, could in Brazil counteract, or even weaken, the force and recollection of the events which the anniversaries above enumerated were intended to perpetuate. Is there a man on earth who can satisfy his reason by a reference to two such authorities as those on which D. Pedro's partisans place their trust?

It has been given out, and doubtless for a special purpose, that the task of constructing the *Exposé* in question was confided to the most superior pen, or pens, to be found among the refugees; but, it is very clear, from the specimens already adduced, that the author, or authors, whoever they were, had a specific duty to perform—a particular line traced out for them, from which they were forbidden to deviate; otherwise, so barefaced an attempt to pervert the truth could not have been made, by the production of two such absurd papers as collateral proofs of D. Pedro's rights to the Succession. Such blindness must defeat the very object for which his eager advocates are contending. One author is particularly pointed at, as having been entrusted with the superintendence of the publication, enjoying a high reputation among his countrymen, founded on his talents and experience in political matters, and, in performing his labours, I can readily fancy him struggling with the many difficulties and dilemmas in which he was entangled, unable to extricate himself by any other expedient than a recurrence to sophisms, in-

vectives and declamation, in the absence of sound reasoning, impartiality and substantial evidence. The errors into which he falls, when, in support of his plea, he travels out of his record, to go in search of authorities to the days of the first Alonzo, and when he alleges two papers never acted upon, the one hitherto unpublished, and both invalid in themselves, have already been shewn; and, even in this early stage of the present effort, I do not hesitate to add that, if his other premises are not built upon more stable foundations, they must equally come to the ground.

The next document of which the author avails himself, is King John VIth's decree of the 6th March, 1826, appointing a Regency during his illness, and also therein ordaining, in case of his demise, that "the same should equally serve as a rule, until the lawful heir and successor to the Crown should have made his own arrangements," &c. Here, the heir and successor is not named; but, even granting that the King's signature was affixed to this decree, of which the strongest doubts prevail, as the original, when called for by D. Pedro's Chamber of Peers, could not be produced, it was evidently obtained at a time when he was on his death-bed, as then given out, during a momentary interval between those severe paroxisms and convulsions which commenced in the evening of the 4th, and, according to the bulletins, from the 5th to the 6th, assumed the most dangerous symptoms. The decree was avowedly drawn up by a Brazilian, and unaccompanied by all the forms and solemnities, required for an act of

such moment.* The King's pillow was besides at the time surrounded by no other than D. Miguel's personal enemies.

According to the Letters Patent and Law of the 23rd November, 1674, enacted with the advice and by consent of the Cortes, assembled at Lisbon, King John VI. if at the moment sound of mind, might possibly have been empowered to name a Regency, (absence in the eye of the law being equivalent to minority) notwithstanding the Statute above mentioned was specially framed for cases of minority, under fourteen years; but he could do no more. The laws would afterwards take their course. His decree therefore of the 6th March, cannot be taken as a last will and testament, altering the succession to the throne; and, even if that had been the intent, it could not be held binding on the nation. Sancho I. by will bestowed jewels and lordships on his younger children, in order to render them independent of his successor; but the act was declared illegal and the transfer consequently rendered null and void. Edward I., by will, appointed the Queen Dowager Regent and Guardian of his son; but the Cortes of Torres Novas defeated his wishes. John II. willed the crown to Prince George, to the exclusion of Emanuel, Duke de Beja, and by a codicil conferred on the former the title of Duke of Coimbra, also bequeathing to him the lands of the Duke Regent, D. Pedro; nevertheless, the whole was annulled by a

* According to law and usage, it ought to have been done in presence of the Council of State and drawn up and signed by the minister of the Interior.

competent tribunal. *No monarch can reign after his death*, is one of the oldest maxims of the Portuguese code,* established by numerous and authentic precedents. It would therefore be impossible to discover in what manner the decree above alluded to, even supposing it were genuine, could vest a new right in D. Pedro; or confirm any others which he might previously have held. On exactly the same principle, our ancestors annulled the will of Henry V. Parliament formally declaring "that the King could not dispose of the Government of the land *beyond his life-time;* nor alter, or change, the government without the consent of the Three Estates."†

As if confident that his assumption was correct and his conclusions unimpeachable, the author proceeds to inform his readers that the Regency, instituted by John VI. "proclaimed D. Pedro IV. by an edict, dated March 20th, when money was forthwith coined and justice administered, in the new king's name; his sovereignty being acknowledged by the whole nation," &c. The majority of the delegated government, being armed with power, in the immediate interests of D. Pedro, and consequently opposed to the claims of any other competitor, most assuredly was enabled to do all this, and the nation,

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*"*Non debent igitur regum testamenta pro publicis, privatisve legibus haberi, vel pro civilis Status Constitutione, quam minime licet pro libito formare ue constituere; neqae ũs profecta tenetur regni successor, quem nulla lege rex, nunc regnans, obligare potest. Exemplo nobis esse possunt Sanctũ I. et Joannis II. testamenta, quæ Alphonsus II. et Emanuel nihili pæne fecerunt.*"—Inst. Jur. Civil. Lusit. Lib. iii. Tit. v. § 27.

† Rot. Parl. Vol. iv.

with apparent acquiescence, waited the result, as before stated, under the impression that D. Pedro would return to Portugal, and in perfect reliance that the Regency were acting on this assurance. By them the deputation sent to Rio de Janeiro was commissioned, without the smallest interference on the part of the nation, and it is also presumable that the distinguished individuals to whom the commission was entrusted, fully expected that the wishes of the Portuguese would have been realized. Etiquette alone might also have induced them to think that the first offer ought to be made to the eldest brother, which it was for him to accept, or reject. Besides, it is clear that the persons then at the head of the Lisbon government, had only very imperfect ideas of the Brazilian Emperor's position; or of the weight of the engagements by which he was bound to his own subjects.

The manner, however, in which D. Pedro was proclaimed by the Regency; money coined with his bust upon it and justice administered, in his name, does not prove that he was legally entitled to the throne; or made king according to the forms prescribed by law and usage. The Regency, granting even that their appointment was valid, had no power, or authority, to proceed to so rash and inconsiderate an act. They could only administer the laws as they found them, and these and immemorial custom ordained that the Cortes should be forthwith assembled, in order to decide upon the emergency in which the nation was placed. No other alternative, short of an act of injustice, was left; but they had not the

courage to meet the nation on a question which they wished to be reserved for their own decision. They were sensible that their insidious design would have been discovered, and that the great body of the people would have felt indignant at the experiment about to be tried. They therefore determined that D. Pedro should be King, under the style of *Petrus IV. Dei gratia Portugaliæ et Algarbiorum rex*, and this determination was by Circular communicated, as before stated, under date of the 20th March, to the provincial commanders, heads of departments, &c. and notice given of the forms to be used in all public acts.

Such an accession of a monarch, as this, Portugal never before witnessed. Heretofore, the sovereigns, entitled to the throne, were raised to it by acclamation and, before they were thereon seated, took the oath, imperative on all. By an *Alvará*, or Royal Ordinance, issued by John IV., on the 9th September, 1647, conformably to the request of the Cortes, as the document recites, by him held in the City of Lisbon, on the 28th January, 1641, this ceremony was rendered essential to the royal inauguration. The King, explaining the motives for passing this rescript, declares that, " on the proposal of the Ecclesiastical Estate, Article 1, and of the Nobility, Article 35, praying that, as it was highly conducive to the welfare of the realms that those Kings who might have to succeed thereto, should, before their elevation, make oath to keep all the privileges, liberties, charters, grants and customs, bestowed upon them and sworn to by the Kings their predecessors, he would

be pleased to command that all the Kings who hereafter might have to succeed thereto, should, previously to their elevation, *personally* take the said oath," &c.; "Wherefore," adds he, "I ordain, command and establish that the same shall be fulfilled and kept, as in the present Letters Patent is contained; and the Kings, my descendants and successors, by so doing (as I hope and trust they will) shall be blessed with the benediction of God, Our Lord, Father, Son and Holy Ghost; of the glorious Virgin, Mary; of all the Celestial Court and mine; And they, or any of them, doing the contrary, (which I neither look for, nor expect) shall be cursed with the maledictions of Our Lord and Our Lady; of the Apostles, the Celestial Court and mine, hoping that they may never thrive, prosper and go onwards," &c. This document is so curious, emphatical, and applicable to the case in point, that I insert an entire copy of the original, in the Appendix to the present Reply, No. 1.

No monarch ever ascended the throne of Portugal without obeying this peremptory mandate of the law. Even the haughty Philip of Spain, before he consummated his act of usurpation and the oaths were taken to him in the Cortes of Thomar, on the demand of the Three Estates, bound himself, according to the legal forms, "to observe and keep all the grants, immunities, charters," &c., in the same manner as every preceding monarch had done. And did the Lisbon Regency wait for any of these formalities, with such an express law and so many venerable precedents before them? They did not. They un-

ceremoniously ordered D. Pedro to be received as King, and themselves prescribed the forms by which the constituted authorities were to administer in his name! A more unconstitutional act was perhaps never performed, in any monarchy on earth, and I should like to ask my own countrymen, at an awful moment when the question of succession is forcibly pressed on their attention, and the means of supplying the lamentable deficiency in the exercise of the regal power under serious and mournful discussion, whether an appointment among us, in case of need, of such a nature as that which placed the reins of government in the hands of the Lisbon Regency, would have satisfied them; and next, whether, in the contingency of a dubious Succession to our throne, such a proclamation as that, made for D. Pedro, would ever receive the assent of the Parliament and people of England? It would be impossible for any man, of sober and dispassionate mind, to shut his eyes to the conviction that necessarily follows a deliberate inquiry into this part of the question, placed before him.

But, exultingly exclaims our author, "*Le clergé, la noblesse, le peuple, les tribunaux, l'armée de terre et de mer, tous les ordres et toutes les corporations de l'Etat furent unanimes dans cette reconnaissance; il ne s'eleva pas une seule voix au contraire; et, pour obtenir un résultat d'une telle importance, il n'y eut besoin d'aucune intervention directe de l'autorité publique, le gouvernement provisoire s'étant borné á régler, par l'ordonnance du* 20 *Mars,* (already alluded to) *le nouveau formulaire qui devait à l'avenir être em-*

ployé dans les actes publics. On voit par là combien fut générale, spontané et unanime l'accord que tous les Portugais mirent dans leur reconnaissance du nouveau roi, le quel est entré, de fait et de droit, en possession de la couronne, avant même de sçavoir qu'elle lui avait eté déferée."

A greater tissue of palpable absurdities was never before contained in the same quantity of words. The heads of departments and those immediately depending upon them, might have obeyed the circular of the Regency and possibly felt it their duty to carry it into execution ; but, thence to conclude that they were satisfied with the legality of the act ; or duly appreciated the motives by which it was dictated, is quite another matter. They bowed to the orders of their superiors, for had they not done so, it would have been at the hazard of their places ; but, on this account, to say that the measure was popular, or even more than partially approved of, is an unwarrantable assumption. Subsequent events, in fact, have proved the contrary. As before mentioned, whatever acquiescence in the measures of the Regency then prevailed in the minds of the independent part of the community, arose, not from the confident hope alone, but the almost conviction that D. Pedro would return to his native land, and the late negotiations for the Independence of Brazil were purposely interpreted in such a manner as to convey this assurance. The Portuguese besides knew that he could not rule over them, unless he returned and fixed his abode in the ancient capital. It was also understood that the Emperor of Austria was interested in this new

arrangement. Those, however, who were aware of the real situation of Affairs in Brazil; those who remembered D. Pedro's renunciations and forfeitures, and were not unmindful of the consequences which his previous engagements must eventually bring upon Portugal, openly disapproved of the rash and illegal conduct of the Regency and condemned their precipitation. These persons were indeed at the time overawed by the power and vigilance of the government; but, in the sequel, it is proved that their opinions and feelings were shared by the great body of the nation.

A sullen silence, resting on unaccomplished expectations, the author thus interprets into *unanimity*, and, as a signal of triumph on the part of the Regency, he declares that not *a single voice* was raised in opposition to the measure. It would be difficult, so late in the day, to obtain a correct idea of what was going on, in other parts of the kingdom, at the period alluded to; but I can safely aver that, in Lisbon, the opposition to the tender of the Crown being made to D. Pedro, was strong and prevailed among the highest and most influential classes; a fact for which I myself can vouch, not from any subsequent information acquired; but, from evident proofs, exhibited to me, at the very time. The leaders of this party who, I have every reason to believe, had extensive ramifications in the provinces, were so much overawed by the presence of the Government, that they sent over an agent to London, for the express purpose of maturing their plans, and more especially to avail themselves of the opportunity of printing their

sentiments on the crisis in which Portugal was then placed; being unable to do so at home. That agent complied with their orders, and here actually printed a long and argumentative Manifesto, (now before me) exhibiting the rights of the Infante Dom Miguel to the throne;* the original of which was sent from Lisbon, and bears the date of the 11th May, 1826. It was consequently written within the interval of two months after the King's death, and on its appearance in Lisbon, in a printed form, it may be remembered that the Grand Prior of the Order of Christ and eight, or ten, other distinguished persons, were arrested. Previously, several papers of a similar tendency and printed on the spot, were circulating in the capital, as well as the provinces. So anxious was the agent above mentioned to have the question of D. Miguel's rights to the throne, introduced to the notice of the British public, on fair grounds, that he drew up several papers for insertion in the daily prints, and of one of the Lisbon Letters, then received, dated the 19th May (1826) published in a London Journal, and found in the Appendix, No. 2, I myself was the vehicle through which it passed. These efforts, made by a large and respectable party in Portugal were, for the moment, stifled; but the facts here alleged are sufficient to shew the fallacy of the preceding assertions on the score of *unanimity* and the absence of opposition.

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* *Deducção, ou Manifesto dos Factos que, na crise actual, suscitão a plena observancia dos Direitos Publicos da Nação Portugueza, em que particularmente se incluem os do Serenissimo Senhor Infante Dom Miguel.*

Before I dismiss the subject of the Regency, it will be proper to convey some idea of the manner in which that delegated government was composed, as well as of the secret springs by which it was moved; and, in order to render the outline more striking and intelligible, it is necessary to take a short glance at the situation of Portugal, immediately previous to the demise of King John VI.

A variety of combined calamities had placed the Portuguese monarchy in a state of awful danger, for several years before the competition to the throne commenced. The wounds, inflicted by the French invasion, were still open, and the court, seated at Rio de Janeiro, continued there, long after the causes which gave rise to its emigration had ceased, draining the mother-country of her wealth, population, ships and warlike stores. The troops were unpaid—the Treasury empty, whilst misery, discontent and dissatisfaction had assumed the most alarming appearance.* Such was the aspect of Portugal, at the commencement of 1820, when the revolution in the Island of Leon communicated an electric spark throughout the whole Peninsula. Portugal paused, as if dreading to hazard the experiment, already rapidly going on, with apparent success, among her neighbours. Intrigue, however, was actively at

* In order to shew the low ebb to which the commerce of Portugal was reduced, at the period alluded to, it may be remarked that, in 1820, only 212 Portuguese vessels entered the port of Rio de Janeiro; whereas, in 1805, the number was 810; in 1806, 642; in 1807, 777; in 1808, 765, and the same proportion continued till about the year 1815.

work among the people—example influenced the minds of many, and a revolution was described as a panacea, adequate to the cure of all their maladies. Still the good sense and innate fidelity of the Portuguese towards the reigning Family, kept the stirring agitators in check; when, at length, a party of military, chiefly consisting of the 18th regiment, stationed at Oporto, in the night of the 23rd August, raised the standard of revolt.

Inauspicious as was this event, at least, as regarded the hopes of real and permanent advantage and improvement to the country, the flame spread with astonishing rapidity, resisting every effort and overcoming all the obstacles by which it was opposed. The people did not stop to consider that this was a mere military movement, principally instigated by pique, intrigue, or disappointment. Unexperienced and encouraged by the hope of better times, they caught the prevailing mania; all the springs which actuate and govern the mind being dexterously put in motion. A host of leaders and reformers immediately sprung up; men, hitherto unknown to their fellow-citizens, who in them incautiously placed their trust. In a word, a General Assembly was convened, to which, as a lure, the name of Cortes was given, and, through the medium of this heterogenous body, those who possessed the art of public speaking, aided with powers, derived from force and opportunity, completely altered the frame and structure of the ancient Constitution of the realm; trampled under foot institutions, endeared to the nation by age and utility, and, after clashing with all the

influential classes in the community, substituted the Cadiz Code of 1812, in their stead. The follies and irregularities into which those men rushed who, at the time, were conducting the revolution of Portugal, however sincere their intentions and respectable the conduct of several of them, in private life—however impressive the admonitions of the prudent, who trembled at the giddy course their colleagues were taking, can scarcely be believed. That restless spirit of legislating, modernizing and rooting up every thing, marked by the growth of time, seemed to have taken the firmest possession of their speculative minds. The principle on which they acted, was that of destruction, and not of preservation, as the Journals of their deliberations amply record. As it were, contemning every component part of the ancient edifice, they did not deign to borrow from precedent, or example; but, at once, resolved to overturn the entire structure and decompose the whole civil and political mass, under the hope of constructing a new social order, with elements which they afterwards found they were unable to manage.

This experiment lasted from the end of August, 1820, to the close of May, 1823, that is, for an interval of two years and nine months, during all which time the people evinced the utmost forbearance. They waited patiently the result. The Constitutionalists had then the fairest possible opportunity of trying their strength—the force of their theories, as well as the stability of their plans. Their intentions might have been the best; for these their

countrymen gave them full credit, at the same time that they silently sat in judgment on their actions. In the sequel, the experiment totally failed, its great defect arising out of the principle rashly adopted.

Free institutions, in every country where they are to be found, were the result of slow and careful growth, and not the acquisition of chance. They were obtained by sacrifices which endeared them to their possessors, and not derived from a military mutiny; or received as a peace-offering from an ambitious, or designing monarch. The seeds of political freedom and moral improvement develope themselves, gradually; and, without venturing into any parallel between the character and temperament of the Portuguese, compared with the inhabitants of more Northern climes, it may be safely said that they do not love changes; and, of the reality of this fact, more striking and concurrent testimonies were never before offered, than during the reign of the Constitution and at the period when D. Pedro's Charter, which could be considered in no other light than as a counterpart, was landed in Portugal. On these two memorable occasions, the people were guided by foresight and evinced a fund of good sense, for which they have never received due credit among us. In England, we judged too hastily and rather attributed the rejection of that which constitutes our own pride, to their moral emasculation. We inconsiderately drew our conclusions from our own feelings, without stopping to reflect that Providence has ordained an inherent difference in the character of two nations, habituated to long and constant inter-

course with each other, and it is not for frail mortals to scoff, or repine, at the supreme dispensation.

To us, Portugal was represented as a wide waste of misery and wretchedness—one extended scene of moral degradation, and as even abounding in obstacles opposed to the progress of civilization: at the same time that we were told that, first the Constitution, and next the Charter, were the only infallible cures for these national calamities. We were assured that every department of the State exhibited symptoms of disease and disorganization, which a written code alone could remove; this being the only means of improving the moral condition and securing the physical comforts of the people. The eager "Regenerators" of Portugal, found advocates in every country, where Liberalism and restless spirits were to be met with, unmindful, as I have before stated, that history affords no example of the durability of institutions, which have only been the creation of a moment. For a nation, whatever may be the climate under which it is placed, to be made sensible of their advantages and taught their comparative excellence, they must grow with the strength and manhood of the inhabitants. One of the most observant of our own political writers has indeed remarked, that "a State without the means of some change, is without the means of its conservation;"* a truth derived from our own historical annals and confirmed by the experience of other nations, as well in ancient, as modern, times; but our cautious ancestors, at the

* Burke—Reflections on the Revolution in France, &c.

two great critical periods in which they were called upon to exercise the most awful and important duties which can be entrusted to Legislators, bowed in veneration to precedents and precepts, handed down to them by their forefathers, and regenerated the deficient parts of the old Constitution, through those of it which were left unimpaired. To the Portuguese theorists of 1820 and their giddy copyist of the New World, alone, was the rash and impolitic act reserved, of throwing to the ground one political edifice, without being certain that it was in their power to replace it by another.

It has previously been remarked that the reign of the Constitution; or rather the power of the "Regenerators" of 1820, lasted two years and nine months, and, during this interval, all the orders of the State were enabled to form their own opinions of the nature and tendency of the new institutions, as well as of the character of those who laboured for their introduction. It was not the scattered murmurs of individuals; but the public voice of the nation that, towards the beginning of May (1823) expressed its abhorrence of the recent innovations. The task of subverting them, was nevertheless arduous, and any isolated plan of opposition attended with the greatest hazard. The press was in the hands of the Constitutionalists, and it became impossible to give uniformity to the public sentiment. Partisans of their own wielded the physical strength of the country, and, strange as it may appear, the deluded monarch was attached to their interests and completely subservient to their views. The young

Prince Miguel, who till then had scarcely emerged from private life, formed the bold resolution of becoming the champion of his oppressed countrymen, and, without any previous concert, relying only on their ready cooperation, in the morning of the 27th, he placed himself at the head of a body of military, not exceeding 1000 men, and took up a position at Villa-Franca, a few leagues from Lisbon, where he was soon afterwards joined by the King. This demonstration alone crumbled the long labours of the Constitutionalists into dust. The glad tidings of the event spread, with unusual rapidity, and were received with joy throughout the Kingdom—no single arm being raised to oppose the restoration. The transition to the old order of things, was as easy and imperceptible, as among us, at the close of the Commonwealth. No discordant voice was heard. The Prince received the cordial thanks of the whole country—the embraces of his father and the congratulations of the Allied Sovereigns, among which those of the Emperor of Russia, and King of France, seen in the Appendix, No. 3, are perhaps the most prominent; and yet, notwithstanding all, in the sequel, he became the victim of his own courage and devotion; nay, the only one produced by this momentous change!

The Constitutionalists, however, were far from being disheartened by this reverse, and fondly looked forward to some more favourable opportunity for the consummation of their designs. After filling the highest offices of the State, it was besides irksome to them to return to the private walks of life, from

which they had accidentally been drawn. The theories of the French school had taken such strong possession of their minds, that no experience sufficed to dislodge them—no demonstrations on the part of the great body of the people were efficacious enough to cure the mania in which they continued to indulge. They seemed to have forgotten that political institutions altogether depend on the character of a nation, and that this can never be altered by the stroke of a pen. They rather thought that a national character may be derived from institutions, to which the distinctive name has been merely affixed by the inventor. Although fallen, powerless and dispersed, they consequently determined still to make common cause; all agreeing in one general feeling and sentiment, which became the strongest pillar of their political creed, and this was, *eternal enmity to the Prince who had been the immediate instrument of their overthrow.* On this main pivot, all their future operations were to turn.

Had I not, so recently, in my Letter to Lord Palmerston, gone into a long review of the structure of the Portuguese ministry, entrusted with the reins of government, after the Restoration, I should have thought it my duty to dwell upon the subject, in this place; it being impossible for the English reader to form any thing like an idea of the state of Portugal, or of the events which were about to ensue, unless he is made acquainted with the views of the various factions by which the country was, at that time, agitated, and the real character of the men who took the lead in them. I shall therefore only briefly remark

that the king, on being restored to the due exercise of his regal power, had the weakness to place, at the head of the administration, Pamplona, who had been previously outlawed for high treason, and lately recalled and employed by the Constitutionalists. This man was an avowed enemy of England, and aversion to her name, under him, became a passport to office. His great object was, to put an end to that alliance which had existed with us, for centuries, in order to throw Portugal into the arms of France, of whom he was the dangerous partisan and wily agent. To the intrigues and machinations of this man; of his colleagues and his abettors, the calamities which Portugal is still enduring, may be traced. He fanned the flame of discord among the royal family; drove the Prince from his father's capital; kept him a close prisoner at Vienna, and laid the foundation of that unjust and disgraceful plan, intended to defeat his eventual rights to the Succession.

In the interval, an intimate alliance had taken place between Pamplona and the Constitutionalists, founded on a similarity of interests and resentments. The Treaty of Brazilian Independence and Separation had again called the restless spirits into action, and this party became more formidable, from the circumstance of being in league with the minister and furnished with fresh elements to work upon. They professed the utmost abhorrence of D. Pedro assuming the crown of another realm, as, in the eye of the law, that alone converted him into a foreigner and an alien, a plea in itself sufficient to exclude him from the Succession, in Portugal, which, in that case,

would naturally devolve to the next line. This could not fail to be a double defeat to their hopes, and it was deemed necessary to guard against the contingency, however great the sacrifice might be. One of the first plans devised, even long before the King's illness, and almost immediately after the ratification of the Brazilian Treaty, was, to place the Princess Isabel Maria at the head of a Regency, in case any thing happened to the King; this being the only means to prevent the administration of public affairs from falling into the hands of the Queen, according to the provisions of the Law of 23rd November, 1674; a circumstance, in itself, sufficient to destroy all their machinations. From the 15th November, the day on which the ratification of the Treaty was announced, to the 4th March (1826) when the king's malady was first declared, nothing could exceed the activity of those, opposed to the Queen, or hostile to the claims of the absent Prince. All the necessary combinations were carefully made, and their accomplishment was eventually rendered more easy and effectual by the circumstance of the men, still retained in office, being principally of Pamplona's choice; those employed at the influential courts of Europe, initiated in the plot, and the king's pillow, during the whole of his illness, surrounded by no other than persons interested in the commission of the premeditated act of injustice.

Such was the state of affairs, in Portugal, at the period when King John VI. was drawing towards the close of his earthly career. The capital of no kingdom ever before presented so extended a scene

of busy intrigue, faction and disorder. An administration, neither liked, nor trusted, was seen struggling to prolong the sunshine of power; whilst the leaders of a stirring party, acting in its support, already indulged in the hope of re-emerging from obscurity; or enjoying the gratification of personal revenge. A period was at that time preparing for Portugal, similar to the one which followed the insanity of Charles VI. in France, when, it will be remembered, scenes ensued which humanity would gladly consign to eternal oblivion. The Portuguese seemed equally destined to become the victims of intrigue, and, as the course of events has fully proved, four years of incessant calamities, unhappily have not yet repaired the errors of a moment; during which distressful period, we have seen coalitions formed out of the most discordant elements; the country desolated with all the horrors of a civil war, and mischievous characters alike arise on the scene of action, prepared to authorize every thing, however ridiculous, or atrocious.

The death of King John VI., which occurred on the 10th March (1826) gave freer scope to party efforts, and the Succession to the throne became the general topic of discussion. Even prior to this event, and, as already noticed, when the real terms were made known on which the separation of Brazil had been agreed to, this question excited the utmost anxiety among the Constitutionalists. To them, the position in which Portugal was placed, seemed fraught with danger, as they foresaw the difficulty of reuniting the two Crowns and with one hand go-

verning two distinct nations, distant from each other; obeying different laws, and each respectively interested in maintaining its own independence. The dilemma increased, in proportion as the perplexity of the case was duly weighed. The Liberals anticipated the impossibility of D. Pedro tearing himself from Brazil, and, at the time, never dreamt of the expedient of appointing a substitute, to which he afterwards resorted. From a due sense of the feelings of the nation and judging also from the analogy of human affairs, they were convinced that the Portuguese would not be satisfied with an invisible monarch; or deign to receive a Protector from Brazil. It therefore became necessary to provide against the impending casuality; and, encouraged by their late success in the formation of the Regency, the Constitutionalists actually contrived the adventrous project of placing the Infanta Regent on the throne, by the talisman of a Charter, which they hoped to render unexceptionable, by causing it to have the appearance of coming from a legitimate source. Several military officers, some of them in the command of troops, magistrates and other persons of influence, both in the Capital and the provinces, were associated in this scheme, the details of which, as well as the names of the agents employed to direct them; the Generals devoted to her service; their places of resort, the intrigues practised and the stratagems employed to render the Infanta popular, &c. are all now well known. The views of this party were, however, defeated by the unexpected arrival of D. Pedro's Charter and the appointment of his Daughter; but its leaders continued to have a

powerful influence over the Infanta Regent's subsequent councils; swayed an invisible power in the several departments of the State, and unhappily precipitated the weak and inexperienced Princess into the numerous errors and discrepances which marked the short duration of her authority.

These facts, besides illustrating the state of Portugal, at the period to which they refer, clearly shew that, independent of the party, openly opposed to the Charter, and of whom mention has already been made, there was another, for very different reasons, at first diposed not to consider D. Pedro's code as the most welcome present. In the original construction of the Regency, care however had been taken to balance the number of members in such manner as to insure a majority, in all cases affecting the main question; but, in order to save appearances and render the provisional government more respectable in the eyes of the Portuguese, several men, of the highest rank, probity and influence, were added, who had the misfortune generally to find themselves in a minority, and seized the earliest apportunity to extricate themselves from the anamolous position in which they were placed. In the way of preparation, it must also be observed, that early measures had been taken to change the commanders of corps; district judges, *corregidores*, &c. distrusted on account of their political opinions, who were replaced by others, belonging to the Liberal school. Every measure of precaution had been adopted—things were ready, and, by the end of June, an answer from Rio de Janeiro was most

anxiously expected. It was soon afterwards received, and the first disappointment experienced, was, by the government itself. Then, it was, that those who had taken the lead in the Regency, discovered the difficulties and dilemmas into which they had thrown themselves and the country. Then, it was, that they saw their own errors and the effects of their late precipitation, in a forcible and clear light.

Not to trust my own pen with a description of the feelings and situation of the Regency, at the time D. Pedro's Charter reached Lisbon, I will avail myself of two authorities, which, I think, will be deemed of the most unexceptionable character. The first, is, that of Dr. Magalhaens, a deputy of D. Pedro's Lower Chamber; afterwards a member of the Oporto Junta, and, consequently, one of the most flaming and implicated of the Liberals. In his "Motion on the State of the Nation," made in the Chamber of Deputies, in the Sitting of the 8th of March (1827) afterwards printed and eagerly circulated among his political friends, he thus describes the conduct, pursued by the Regency, immediately after the receipt of D. Pedro's Charter.

"On the 2nd of July, 1826, the Corvette Lealdade entered the Tagus, coming from Rio de Janeiro, with duplicates of the Constitutional Charter which D. Pedro IV. had been pleased to bestow upon us, &c. In the Gazette* of the 3rd, an article appeared under the head of "Brazil," tending to shew that the

* The official organ of the government.

nation was not prepared for a political regeneration; in that of the 7th, the arrival of the corvette, is only slightly mentioned, in the general list with other vessels which had entered the port; that of the 8th contained the felicitations of several Spanish Municipalities to their King, filled with imprecations against the Constitutionalists; that of the 11th, published the Decree of the 26th April, by virtue of which D. Pedro IV. confirmed the Regency created by his august Father, and continued the felicitations of the Spanish Municipalities. Nothing, up to this date, had been said of the news brought by the corvette Lealdade, and then, for the first time, was the arrival of Sir Charles Stuart, who landed on the 7th, announced. He was mentioned as having brought the originals of the Constitutional Charter and other papers, of which a very scanty publication commenced on the next day, which, on the 13th, was followed by a Proclamation of the Regency, dated the 12th, wherein, by expressions the most insidious, an attempt was made to excite resentment and suppress all the action of enthusiasm towards the Constitutional Charter."* So far a Deputy and an organ of the Liberals!

The next authority I shall quote, is that of Sir Charles Stuart, who, it will be remembered, was made the bearer of D. Pedro's Charter and despatches to the Regency, and by virtue of full powers, dated May 2, 1826, further "authorized to do what-

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* Vide *Indicação do Senhor Deputodo Magalhaens, na Sessão de* 8 *de Março*, 1827, *acerca do Estado de Portugal.*

ever might be necessary for the execution of his Royal commands."* In order, however, to give to this authority all the weight it deserves, it will be proper to take a short review of what had been going on, in the interval, at Rio de Janeiro, in reference to Portugal. The official news of the death of King John VI. reached the Brazilian Capital in the afternoon of the 24th April, accompanied by a description of the strength of the party on whom D. Pedro could rely, if he laid claim to the Crown of Portugal, and an enumeration of the means by which that party might be increased. The correspondence which he then received, was all of the *Liberal* cast, and penned by those who were the sworn enemies of his brother, and opposed to the Queen's gaining any ascendancy in the administration of the kingdom. On the 26th, in the character of "King of Portugal," D. Pedro issued a Decree, confirming the Regency appointed by his father; on the 27th, he published a Proclamation of Amnesty; on the 30th, he appointed a House of Peers, composed of persons selected by himself, whom he named Peers of the Realm, to the exclusion of others; made a President and Vice President; published a form for the election of Deputies to the Lower House, and completed "the Constitutional Charter of the Portuguese Monarchy, with the aid only of a private Secretary, *(Francisco Gomes da Silva a Fez)* and, on the ensuing 2nd of May, he made known his Act of Abdication; of all which Documents Sir Charles Stuart became the

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* Vide Parliamentary Papers respecting the Relations between Great Britain and Portugal, &c. No. 4.

bearer, and, as previously observed, accepted a commission "*to do whatever might be necessary for the execution of the Royal Orders,*" connected with them.*

Sir Charles reached Lisbon on the 7th of July; staid there a few hours, during which time, he made the important discoveries, already mentioned, and proceeded to the Caldas Baths, 13 leagues distant, where the Regency was assembled. In his letter of the 15th, he states that, "in several interviews with the Infanta Regent, she explained to him, in great detail, the *unhappy position* in which she was placed, and the embarrassments to which she was exposed by the divisions among the Regency and the Ministry, respecting *the adoption of a Constitutional form* of government." Whether Sir Charles Stuart, in the last portion of the preceding sentence, conveyed to his government an adequate opinion of the feelings of the Regency and Ministry of Portugal, regarding the papers which he himself had just handed over to them, it is not within my province to inquire; but, a very few lines further down, he asserts, as I have before taken occasion to notice, that, during the few hours he was in Lisbon, he had been enabled to find out that the alleged *illegality* of the different Acts, received from Rio de Janeiro, was the ground upon which the Infanta's enemies were determined to make their stand."

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* Vide Parliamentary Papers respecting the Relations between Great Britain and Portugal, &c.—No. 4.

Here should I pause to ask our experienced diplomatist, who, as seen in the very same despatch, was complimented by the Princess Regent, "on being so well acquainted with the Affairs of Portugal," whether it was not exactly the same feeling as the one discovered in Lisbon, which, at that time, prevailed among the independent and really patriotic members of the Regency and Ministry at Caldas, and not a difference of opinion with the others, initiated in the plot, "respecting the adoption of a Constitutional form of government?" Sir Charles may not have forgotten that, on the very day of his arrival at Caldas, he had a long conference with the Patriarch, the head of the Church; a member of the Regency and known as one extremely profound in the Constitutional History of his country, who pointed out to his English hearer the great objections to D. Pedro's measure of sending over a Charter which destroyed the whole of the political organization, previously established in the Kingdom; objections which, Sir Charles was told, were rendered the more insurmountable, by the circumstance of D. Pedro not having sought the concurrence of the Three Estates of the Realm to sanction a change, of so extraordinary a nature, as to affect all the component classes of the State. At the same time, he may equally call to mind, that the Patriarch entered into some observations on the danger of the new Charter being ill received by the Portuguese people, who, so very short a time before, had, in the firmest and most express terms, declared their utter abhorrence of all innovations and experiments, opposed to the national institutions, as was fully proved

by the events which had occurred, in 1823. And what was the answer which His Excellency made to these remarks? Did he argue the point with one who was preeminently enabled to improve his "acquaintance with the Affairs of Portugal?" Did he not rather sportively remark—"*L'Empereur du Brézil a deux manies—l'une de composer de la musique, et l'autre de fabriquer des Constitutions.*" Did not this put an end to the conversation?

Sir Charles next observes "that he recommended the Princess Regent to meet the charge of *illegality*, by concerting a *legal* mode of putting them (the Acts received from Rio de Janeiro) into execution," &c.; further on adding, "that the public mind was greatly agitated by imperfect versions of what had passed, &c.; while the efforts of the Infanta for the maintainance of order were paralyzed, by the hesitation of her Colleagues to adopt the measures which she recommended, and by the determination of the principal Ministers to choose that moment for tendering their resignation." And yet, disapprobation, clearly evinced on the part of the people, and *hesitation and resignation*, on that of the leading men in power, did not suffice to induce our eager and obsequious diplomatist to pause—to consult persons *better acquainted with the affairs* of Portugal than himself, before he saw that country hurried to the brink of a precipice. Sir Charles had just arrived from Rio de Janeiro, where he had seen D. Pedro assume the Crown of Portugal, for a week, without any other ceremony than a mere *teste meipso*, as he

himself writes, under date of the 30th April,* for the purpose of "conciliating the affections of the Portuguese by giving them a Constitutional Charter; and, if the war should turn out unsuccessfully in the South (Buenos Ayres) of obtaining military succour from Portugal, with a view to diminish the burden, already severely felt in Brazil!

Thus we have a foreign potentate, aided only by a private Secretary, whose nickname of *Chalaça*, Sir Charles must have often heard, both at Lisbon and Rio, legislating for Portugal, a country which the Solon of the New World himself quitted at the age of ten years, not in reality, as he wished it to be believed, for the purpose of promoting the felicity of the people; but, for a double object of ambition, viz. to secure another Crown in his own family, and next to *obtain military succour to carry on the war in the South!* Sir Charles, who had access to the palace, had besides beheld an entire Constitution manufactured in three days; a Constitution consisting of 145 Articles, to the last of which were appended 34 distinct clauses; and, in the space of less than a single week, a whole form of Government designed and enacted, including an Act of abdication and the appointment of a Successor, by means of which the Portuguese were to be stripped of their national rights, charters and immunities, and every memorial at once obliterated which could at any time revive the recollection of their ancient greatness! Sir Charles must have known, the situation

* Vide Parliamentary Papers, &c. No. 2.

he at the time held required it of him, that D. Pedro, at the first meeting of the General Assembly of Brazil, held on the 3rd May (1823) the anniversary of the discovery of that portion of the American continent, by Cabral, told the Chambers that, " on the 1st December, 1822, the day on which he was consecrated and crowned, he had pledged to the people that, with his sword, he would defend the country and the Constitution, if that Constitution was worthy of Brazil and himself. I now solemnly ratify that promise," adds he, " in your presence, and I hope that you will aid me to carry it into execution, by forming a wise, just, suitable and practicable Constitution, dictated by reason and not caprice," &c.; And further on, he says, " I hope that the Constitution which you will frame, will merit my Imperial Acceptance," &c.*

Sir Charles could not have been unmindful that, by addresses and in other various ways, the Brazilian nation loudly called for the promised Constitution, the formation of which was confided to a Council of State, composed of ten of the most superior men in the country, on bases presented by the Emperor, and that the subject underwent long and mature counsel and deliberation; as well as that, in the interval, some insurrections having broke out, he endeavoured to appease them by a procla-

* The pledges contained in this speech are so strong and explicit, that I have thought proper to insert the leading parts in my Appendix, No. 4, prefering a superior French version to the original words, for the convenience of the general reader.

mation, dated the 9th August (also seen in the Appendix No. 5) in which he uses the following expression; "*Attendons la Constitution de l'Empire, et espérons qu'elle sera digne de nous.*" Sir Charles could not have been ignorant that this very same Brazilian Constitution was not completed till the 11th December (1823) when it was published, with the signatures of all the Councillors of State, employed in its formation, attached to it, in order that their countrymen might see that they had performed their duty; but, even then, it was not carried into effect till Books had been opened in the Capitals and head-towns of the provinces, on which the people were invited to record their assent, or dissent;* and yet, Sir Charles Stuart, a British Diplomatist and a Portuguese Plenipotentiary, could receive from D. Pedro, a Brazilian Emperor, a Constitution, nay, a new and entire form of Government, intended for immediate execution in Portugal, the whole constructed by a single hand, within a week, with the aid only of a private Secretary, and, together with the momentous package, accepted a commission,

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* The ceremony having been satisfactorily performed at Rio de Janeiro, previous to the arrival of the returns from the Provinces, the Municipality, impatient to see the new Code proclaimed as law, in a body, waited on the Emperor, on the 9th January, (1824) praying him to proclaim the Project of the Constitution, the humble name by which it was still called, as the "Fundamental and definitive Law of the land." The Emperor returned for answer, that he would then himself take the oath, if required; but, he wished the sentiments of all the provinces to be collected, before he proceeded to the promulgation. On the 25th March, all the returns were completed and the oaths taken with due solemnity. This is one of the anniversaries now observed by law.

containing an authority "to do whatever might be necessary for the execution of the royal orders" confided to him ! !

With the above example before him, in Brazil, Sir Charles became the bearer of a Constitution to Portugal, knowing the contents, and introduced with this preamble—"Dom Pedro, by the Grace of God, King of Portugal, Algarves, &c., Do make known to all my Portuguese subjects that I have been pleased to decree, bestow and command *immediately* the oaths thereto to be taken by the Three Orders of the State, the under-written Constitutional Charter, which henceforward shall govern those my Kingdoms and Dominions," &c.; and closing with the following peremptory precept; "Wherefore, I command all the Authorities, whom the knowledge and execution of the present Constitutional Charter may concern, to take and cause the oath to be taken thereto; to observe and cause the same to be observed and kept, entirely as therein contained," &c. The Charter was printed at Rio, before it was sent away, and distributed to the *corps diplomatique*, and consequently to Sir Charles, among the rest. He therefore must have had access to his copy, during a voyage across the Atlantic, and did it never strike him that one half of the magnanimous present, of which he was the bearer to Portugal, was actually taken from the French Constitution of 1791 and the other copied, almost literally, from the Brazilian code? Sir Charles Stuart was still at Rio on the 6th, as on the 9th, he writes and incloses a letter of the 8th from the Brazilian Minister of Foreign

Affairs, expressing a hope, on behalf of his August Master, "that these arrangements (meaning the new settlement for the Crown of Portugal) would meet with the approbation and support of His Britannic Majesty," &c. Being in the Brazilian Capital on the 6th, it is thus presumable that His Excellency was present, as customary, with the rest of the *corps diplomatique*, at the opening of the Chambers, on that day, the approach of which was so much dreaded by the Emperor of Brazil, whilst he was wearing the Crown of Portugal and legislating for another Kingdom. It may consequently be assumed that he heard the speech from the Throne (found in the Appendix, Document VI.) when, giving satisfaction to his own subjects for what he had just done, in reference to Portugal, and in order to allay the inquietude prevailing in the public mind, from an apprehension that he was about to forfeit all his pledges, break his oaths, abandon them and again attempt to place Brazil on the footing of a Colony, the Emperor spoke thus;

"On the 24th of last April, the anniversary of the embarcation of my Father and Lord, Dom John VI. for Portugal, I received the melancholy and unexpected news of his death. The keenest grief seized upon my heart. The plan which it was incumbent upon me to follow, on finding myself, when I least expected it, the Legitimate King of Portugal, Algarves and the Dominions thereof, suddenly rushed to my mind. Grief and duty alternately swayed my breast; but, laying every thing aside, I looked to the interests of Brazil—I clung to my Word. I wished

to uphold my own honour, and deliberated within myself what could promote the happiness of Portugal, and what it would be indecorous for me not to do. How great must have been the agony that tortured my heart, on seeking out the means of promoting the happiness of the Portuguese nation, without offending Brazil, and of separating them (notwithstanding they are already separate) in such manner as they may never again be united! I confirmed in Portugal the Regency which my Father had created; I proclaimed an Amnesty; I bestowed a Constitution; I abdicated and yielded up all the indisputable and unalienable rights which I held to the Crown of the Portuguese Monarchy and the Sovereignty of those Kingdoms, in favour of my much beloved and esteemed Daughter and Princess, Donna Maria da Gloria, now Queen of Portugal, Maria II. This I felt bound to do for my own honour and that of Brazil. Let those still incredulous Brazilians therefore know (as they already ought to have known) that the interest for Brazil and the love for her independence are so strong in me, that I abdicated the Crown of the Portuguese Monarchy, which, by indisputable right, belonged to me, only because it might hereafter implicate the interests of Brazil, of which country I am the Perpetual Defender."

Here, let me ask, would D. Pedro, the Emperor of Brazil, with his known character, and the all-powerful, haughty and imperious ruler who ventured to dissolve, *a la bayonette*, the first Brazilian Chambers, because they were disposed to curtail his powers, ever have deigned to give the satisfaction, contained

in the preceding paragraph, to the second National Assembly, if he had not felt that he had done wrong? If his assumption of the Crown of Portugal had not been an after-thought, and in no wise comprised in his compact, made with the Brazilians, would he have expressed himself in terms, so humiliating, as those just penned? Would agony have ever "tortured his heart, when he came to devise the means of not offending Brazil," if he had not been conscious of having previously committed a transgression, which he was then seeking to atone? Had he not forfeited his word and disappointed the hopes of his subjects, would he have been induced to talk, in so inconsistent a strain, "of separating two countries, already separate, in such manner that they might never again be united? Portugal and Brazil had, for years, been separated and rendered independent of each other, by means and events, no longer within the control of any man, and was not this the same as to say that he had reunited them by a bond, which at least lasted a week, and then sought to separate them again, for ever, by sending over his own Daughter, long looked up to and adored as the Empress expectant of Brazil, and who eventually must have taken her seat on her Father's throne, if, subsequently a son had not been born to him; and, in default of male issue, a contingency at the moment depending, in such a climate as Brazil, on the life of a child, only five months old,* would have been de-

* The Imperial Prince of Brazil, D. Pedro d'Alcantara, was born on the 2nd December, 1825, and the speech alluded to pronounced on the 6th May, 1826, when consequently he was only five months old.

manded back by the Brazilians, even while wearing her grandfather's Crown, because, the manner in which it was intended to estrange her, was illegal and unconstitutional; an offence, materially aggravated by the circumstance of her being a minor. In a word, would the Emperor otherwise have had occasion to boast of the sacrifices which he had just made, in presence of those whom he himself acknowledged had bestowed an Imperial Crown upon him; or, to reproach the Brazilians for their *incredulity*, if he had not previously excited jealousy and alarm among men, with such an example before them, already trembling for the safety of their own institutions?

If such reflections as these did not strike Sir Charles, at the moment he was listening to His Imperial Majesty's Speech from the throne, did he not, as others did, notice the speaker's change of countenance, when he approached the topic of Portugal—his hesitation—his embarrassment—his faultering voice, whilst enumerating the sacrifices which he had just made to keep his plighted faith with Brazil? If these demonstrations escaped Sir Charles, was he not terrified at the idea of the commission already in his pocket, when he saw the surprise and disgust, so forcibly delineated on the countenances of the Senators and Deputies, assembled round their Sovereign? Was he insensible to indications which, on others, operated like an electric spark? Sir Charles must besides have been a judge of the tone of public feeling, then prevailing at Rio, and he could not be ignorant that the address, voted in answer to the

Speech from the Throne, did not contain a word on Portuguese Affairs, notwithstanding this was the most important and pressing topic, and, consequently, no thanks for the Emperor's boasted sacrifices! I will now return to Portugal.

I left Sir Charles Stuart, whose public character, in the interval, had changed into an Agency from D. Pedro, his previous commission of Portuguese Plenipotentiary having ceased, as well through the accomplishment of its object, as the death of the Sovereign by whom he had been appointed, preparing to accompany the Regency from Caldas to Lisbon, whose departure, in the letter already quoted of the 15th of July, he says, "he and the Infanta Regent had agreed should not be delayed beyond the following day." The object of the Regent's return, is stated to have been, with a view "to concert a *legal* mode of putting D. Pedro's orders into execution," and, according to the same despatch, the mode adopted, was, by forming a new ministry; changing the commander of the Province, arresting those who had excited the late movement of the troops, writing to D. Miguel and issuing a proclamation. Sir Charles next remarks that he confined his language to the tenour of the Infanta Regent's Proclamation," adding "that it had already produced a very beneficial effect." The first part of this assurance warrants the conclusion that the proclamation, in question, met with Sir Charles' entire approbation, the more so, as he describes the *beneficial effect produced*, to have been "by checking the exultation of the Liberals and conciliating the good will of the mo-

derate Royalists; and the favourable change," adds our diplomatist, "which is rapidly taking place in the public opinion, leaves no doubt upon my mind, that the principal opponents of the new system will be found in the ranks of the former party;" that is, the Liberals!

That sovereign antidote, the proclamation, is dated the 12th; as Dr. Magalhaens told us, it was published on the 13th, and Sir Charles writes under date of the 15th, when consequently his experience of the *effect produced*, must have been extremely confined, and scarcely warranted so extraordinary a prophecy, as that the Liberals would be the principal opponents of the New System! We have already heard Dr. Magalhaens' opinion upon this edict, speaking on behalf of the Liberals, and with longer and more immediate and direct experience than Sir Charles, he calls it "an attempt, made, by expressions the most insidious, to excite resentment and suppress all the action of enthusiasm towards the Constitutional Charter." This proclamation, found in the Appendix No. 7, professes to be intended to "relieve the anxiety of the Portuguese," and "fix their attention to Decrees which D. Pedro had deigned to issue from his Court of Rio de Janeiro, together with a Constitutional Charter, which is to be sworn to by the Three Orders of the State, so that it may govern Portugal and the Dependencies thereof—a Charter differing essentially from the Constitution, produced by infatuation, in 1822,—quite another thing—not a forced concession; but a voluntary and spontaneous gift of the legitimate power of His Majesty, and ma-

tured by his profound and Royal wisdom !" &c. Thus is D. Pedro's three day's work described in a proclamation, addressed to the Portuguese! This is the talisman that was "to check the exultation of the Liberals, and conciliate the good will of the moderate Royalists!" Such was the description given of the forthcoming Charter—"that voluntary and spontaneous gift" intended to appease the factions; put an end to party-discord, and, in a word, to promote the felicity of Portugal! The proclamation launches out into further eulogies of the Imperial balsam; states that "it tends to terminate the contest between two extreme principles which have agitated the Universe," &c.; but does not say a single word of the Act of Abdication, so that the Portuguese were left to conclude that D. Pedro was still to be their Sovereign and Portugal governed from Brazil; or, in other words, was to be changed into the Colony. The "*legal means concerted* to put D. Pedro's commands into execution," were, by declaring that "if any one should, by words, or actions, aggravate resentments, excite hatred, inspire vengeance, or interpose between the provisions of the law and its execution, he will be considered as a disturber of public order, as an enemy of the Sovereign and his country, and punished with the utmost rigour of the law," &c.

Contrary to Sir Charles Stuart's prophecy and report, this proclamation, instead of *checking the exultation*, or *conciliating the good will* of any party, spread immediate alarm and consternation throughout the whole kingdom. From the 13th to the 30th

(July) the government observed the most profound silence; doubt and hesitation attended its steps, and, during all that time, nothing could exceed the intestine convulsions by which the capital was agitated, and the busy intrigues of which the palace had become the theatre. In the mean while, in the provinces, the standard of opposition was openly unfurled. At Braganza, the 24th regiment, under Viscount de Monte Alegre, proclaimed D. Miguel and immediately proceeded to the Spanish territory, where, on the 23rd September, they were joined by Viscount Varzea, and another party of military, consisting chiefly of the 12th regiment of cavalry, as well as some public functionaries and militia, belonging to Tras Os Montes. Simultaneously, in Alemtejo, at another extreme of the Kingdom, the 2nd regiment of cavalry declared against the Charter and in favour of D. Miguel, and this example was followed by the militia regiment of Villa Viçosa; the 17th infantry of the line, quartered at Estremoz; the 14th ditto and the 2nd artillery, in Algarves; a squadron of the 7th, sent against Villa Viçosa, also joined their comrades and, in a word, the whole of the country, where the immediate influence and power of the Government was not felt, was up in arms.

Dr. Magalhaens, whose authority, for the object in view, as before remarked, may perhaps be deemed the most unexceptionable, distinctly declared, in D. Pedro's Chamber of Deputies and during the course of the Motion above alluded to, first, "that there existed a regular conspiracy, formed against the Charter,

before the oaths were taken to it; and, secondly, that all the acts of rebellion which followed, had their commencement in what occurred during that month;" meaning July.* This is an unquestionable fact, known to every one who carefully watched the passing events in Portugal, and the Proclamation, of which Sir Charles Stuart, writing as a British diplomatist, augured so well, and actually stated *had already produced a very beneficial effect*, was the firebrand that set the whole kingdom in combustion. As already noticed, it was published on the 13th (July) and Dr. Magalhaens, after acknowledging that the demonstrations of opposition "in Tras Os Montes, Alemtejo and Algarve were made at the *same time*," adds, "that it was on the 31st July that the 2nd regiment of cavalry, and the 17th and 24th of infantry rebelled and went over to Spain, together with the principal inhabitants of the provinces implicated in the rebellion, notwithstanding one of these regiments had, in the morning of that same day, and before the post arrived from Lisbon, taken the oaths to the Charter; after which, the officers resolved to go off." The 7th batallion of Chasseurs was sent from Lisbon to quell the insurrections in the Northern provinces, and, arriving at Villa-Ponca de Aguiar, actually turned off its officers and proceeded to Spain, under the command of a serjeant!

In a word, by the month of October, scattered

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* 1º, *Que existia huma conspiração formada e regular contra a Carta, antes de ser jurada; o 2º, Que todos os actos de rebellião que se seguirão, têm o seu principio no que se pasou n'aquelle mez.*

bodies of Portuguese troops and armed peasantry, estimated at 10,000 men, had crossed the frontiers and were preparing attacks from various points. On the 22nd November, Viscount Monte Alegre re-entered the Portuguese territory and, on the following day, defeated the division of Valdez, sent to cover Braganza. The government in vain had endeavoured to stop the stream of opposition which now threatened its own existence, by sending pressing injunctions to the Provincial commanders; removing many district magistrates, and even as early as the 27th September, a decree was issued, ordaining the sequestration of all property, belonging to absentees. Every effort was however ineffectual; the Royalist, or Miguelite, party increasing daily. A civil war raged, and, notwithstanding the want of resources and various reverses, it is now generally acknowledged, even by the Liberals themselves, that the opponents of the Charter would soon have reached the capital, if, as I have previously stated, it had not been for the appearance and advance to Coimbra of the British forces. In the interval, incessant changes were taking place in the Lisbon Ministry; new plans and fresh measures were tried, and yet the result was uniformly the same. "And, in this melancholy situation," cries out Sr. Magalhaens, "what did the ministry do? In *the succours only of our ally* did it place its hopes," is his own answer.

Yes, the momentous package, brought by Sir

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* *Chegados á este triste situação, que fazia então o ministerio? Só nos socorros da nossa alliada collocava as suas esperanços.*

Charles Stuart from Rio de Janeiro, furnished the elements for this revolution, which the Liberals were pleased to call a conspiracy, and the very proclamation that was to have healed the wounds of Portugal and united all hearts, was the match that caused the immediate explosion! If the Portuguese had not considered the scheme as a gross illegality and an act of flagrant injustice; if the proclamation had not been taken as an insult to their understandings, I do not hesitate to say, that the dread of Brazilian ascendancy, alone, would have driven them to similar lengths; and it is the most unaccountable thing in the world that a British diplomatist, schooled in the Peninsula, should not have been aware of this fact.

Spain also had taken the alarm, and, trembling for her own safety, assumed a menacing attitude; the spirit of fraternity having already extended to the restless within her own territory. To the Regency, every thing in fact foreboded an early dissolution and the consequent triumph of those opposed to the Charter, when it was determined to make an appeal to the British Government for aid. This was done by the presentation of an official note, dated December 2 (1826) to Mr. Canning, by the then Marquess de Palmella, "on behalf of H. R. H. the Infanta Regent of Portugal, requiring support and the aid of British troops, by virtue of the Treaties of Alliance and Guarantee, existing in full vigour between the two Crowns, without interruption, for more than a century and a half." This document, together with Mr. Canning's answer, will be seen in

my Appendix, No. 8, and it may be remembered that a message was also sent by His Majesty to Parliament, (Vide Appendix, Document No. 9) in which no notice whatever is taken of the causes which led to the revolution in Portugal, the real origin of the hostility and aggression complained of, although evidently excited by a manifest violation of the laws, and, as the great body of the people interpreted the contents of Sir Charles Stuart's package, a wish to strip them of their national rights and impose upon them a foreign yoke. This message, it will further be remembered, gave rise to Mr. Canning's memorable speech, pronounced on the 12th December (1826) on his motion for an Address to the King, in answer to His Majesty's Message relative to the Affairs of Portugal, on which occasion, it was concluded that the *casus fœderis* had arisen and, consequently, that troops were to be sent to Portugal; nay, the minister frankly told the House that, at the moment he was speaking, they were actually "on their march for embarcation."

In the very onset, however, and, during a moment of enthusiasm which the mind of no minister ever before assumed in the presence of a deliberative Assembly, the speaker felt some mis-givings—some small hesitation, when he talked of "the claim of Portugal for assistance being clear in justice; but, at the same time, fearfully spreading in its possible consequences." This difficulty, more immediately affecting us than the Portuguese, seemingly was soon overcome; but, adds the speaker, "there was another reason which induced a necessary caution. In

former instances," he exclaims, "when Portugal applied to this country for assistance, the whole power of the State was vested in the person of the Monarch." Clearly, no Portuguese sovereign ever applied to England for the compliance of obligations, arising out of existing Treaties, unless he had been previously called to the throne by the laws of the land; until he had thereon been constitutionally seated, and till after he had complied with all the forms and usages prescribed for and sanctioned by his predecessors. Need I ask whether this had been done by the sovereign, whether Father, or Daughter, in whose name the Affairs of Portugal were at the moment administered? The orator, however, extricated himself from this dilemma, by an assurance, conveyed in a despatch of Sir W. A'Court, dated the 29th November, who seemingly had accepted the indorsation of D. Pedro's powers from Sir Charles Stuart, notwithstanding his own phillippic against British interference in his letter of the 4th August,* which despatch stated, "that, the day after the news arrived of the entry of the Rebels into Portugal, the Ministers demanded of the Chambers an extension of power and permission to apply for foreign succours, in the event of their being necessary;" all which was forthwith granted, and Mr. Canning readily concluded that this was equivalent to the demand of a lawful sovereign, in *whom the whole power of the State was vested!*

This construction, resting on feeble grounds and

* Vide Parliamentary Papers, &c. No. 14.

mistaken notions, was the primary cause of all the errors on this question, into which the Canning Administration afterwards rushed; errors, which entailed so many difficulties and perplexities on those who, so soon afterwards, came into office. We then implicated our national policy and honour, and, notwithstanding the power which at that time called upon us for aid and the very Chambers by whom the demand was sanctioned, were long ago declared illegal and have consequently disappeared, hitherto, we have not had the courage to retrace our steps and retrieve the errors of a single moment.

Nothing indeed can be more pitiable than the situation in which Mr. Canning was placed, at the period when he involved his country in the Affairs of Portugal. A perfect misconception of the laws, institutions and feelings of that country seems to have prevailed in all his acts connected with it; partly perhaps attributable to his own enthusiastic turn of mind; but, principally, to the ignorance, lameness and contrarieties of his agents' reports, by which his conduct must, in some measure, have been guided, and of them I have already adduced a few illustrative specimens. Partially as the public has been made acquainted with that stateman's sentiments on "the Settlement of the Crown of Portugal;" a term which, in itself, conveys an avowal of a difficulty and a dilemma, arising out of no less a cause than a dubious Succession, it is painful to see him telling Sir Charles, under date of 12th July* (1826) "that

* Vide Parliamentary Papers, No. 5.

every thing he was bringing from Rio de Janeiro to Lisbon, would be precisely what the Portuguese Government and Nation were prepared to expect, except the Constitutional Charter; that the opinion had long prevailed at Lisbon that a convocation of the Cortes (in some shape, or other) would be necessary for the sanction of a new order of Succession to the Crown of Portugal; that, whether the substitution of a Representative Constitution for the more ancient form of National Assembly, will be received with equal satisfaction in Portugal, cannot be confidently pronounced, beforehand; but that, there appeared no reason to doubt of the acquiescence of the Nation in the dispensation of a Sovereign, for the manifestation of whose pleasure they had professed to look with the utmost deference and submission!"

One can scarcely find terms sufficiently strong to express the astonishment which naturally follows a perusal of the preceding paragraph. Was Mr. Canning totally unacquainted with D. Pedro's position, in Brazil; or ignorant of the manner in which the contents of Sir Charles Stuart's Letter Bag had been put together? Could he expect that the Portuguese would tamely accept, from the hand of D. Pedro, that which he had not dared to offer to the Brazilians? Was the British minister not aware, by the introduction of a new code, varying little in its properties and details from the one so lately tried by the Constitutionalists, that the scenes of 1823 would be inevitably renewed? Did it never strike him that the Portuguese would never accept insti-

tutions from a foreigner, more particularly when those same institutions were opposed to the feelings of the country, and completely at variance with the opinions and habits of all classes in the community? Did it not also occur to him that such an assumption of power, by D. Pedro, even if the question of Succession were no longer dubious and he had been lawfully seated on the throne, was unjust, illegal and unreasonable—considerations which, in themselves, ought to have supercceded every other? Did he not reflect that proceedings, so rash and inconsiderate, as those to which Sir Charles Stuart was lending his aid, naturally involved discussions, of far more intricacy and peril, than if the question had been left to the Portuguese themselves for settlement? Mr. Canning, in the early stages of the question, seems indeed to have had some vague notions of "a convocation of the Cortes (in some shape or other) being necessary to sanction the new order of Succession;" but, why was not this point examined—how is it, that the whole history of Portugal was so completely overlooked? Under the existing circumstances of the case, certainly this was the only alternative left; but, to render its adoption legal, there was only one mode of assembling the Cortes, of which the events in 1823 afford the most convincing proofs. The counter-distinction between "a Representative Constitution and the more ancient form of General Assembly," as conveyed by the writer, cannot be easily understood, since the composition of the ancient Cortes of Portugal was essentially representative, notwithstanding the forms were not on so im-

proved a plan as those of similar institutions, in modern times.

The minister of Foreign Affairs, in his same letter of the 12th July, goes on to state that, "whatever may be, upon the whole, the preferable choice between the respective merits of the two modes of Settlement which were at the Emperor's option—that by a convocation of the Cortes, or that by a Constitutional Charter, it is not to be denied that there is much weight in the remark of His Imperial Majesty, that the convocation of an Assembly, which has been so long disused, that its very composition and modes of proceeding might be liable to doubt, would be even more likely to lead to the stirring of difficult questions and to the excitement of excessive popular claims; more likely, in short, in the Emperor's own words, to degenerate into "a Constituent Assembly," than a New Code, defining at once the Rights and Duties of all Ranks and Orders of the State, and prescribing the Forms of their deliberations and the limits of their respective powers."

How could an enlightened and liberal minister of Great Britain establish such a position as *that the two modes of settlement,* (even supposing such existed) *for the Crown of Portugal, were at the sole option of the Emperor of Brazil?* Was his *Fiat* all that was required? Was such a mode of settlement, as this, ever witnessed, I do not say in Portugal; but, in any civilized nation on earth? Would it

have done in England? Nay, would it have done in Brazil? But, even for a moment granting that the destinies of a nation and the peace and welfare of millions, yet unborn, were thus placed at the option of one man; supposing that so tremendous a power as that of throwing down, with a single breath, the whole social edifice in order to replace it with a structure of his own fancy, were lodged in his hands, could, in other cases, the eloquent defender of the rights of nations imagine that the sovereign, so armed with authority, was in a situation to do all this, before he had himself complied with any one of the formalities prescribed for the Kings of Portugal, previous to their accession?

It is curious to see Mr. Canning, in a letter dated "Foreign Office," taking lessons on politics and jurisprudence in matters relating to Portugal, from D. Pedro, who, as before stated, quitted his native land to reside in Brazil, when he was only about ten years old; and, with this Lawgiver of the New World, arguing "that the convocation of the Cortes had been so long *disused, that its very composition and modes of proceeding were liable to doubt!*"

One would almost think that, neither the one, nor the other, retained the smallest idea how closely the History of the National Cortes is interwoven with the annals of Portugal; how enthusiastically the periods, with which they are associated, were always called to mind by the people, and, as I once before availed myself of an opportunity to remark, that they had formed the leading topic of public discussion,

ever since the invasion of the French, who, in order to carry their designs into effect, were politic enough to revive, at least, a shadow of them. Neither of the two arbiters, at that time sitting in judgment on the destinies of Portugal, appears to have borne in mind that, since August, 1820, the ancient and National Cortes have been twice convened. That D. Pedro, in Brazil, should not be acquainted with the valuable labours of the Preparatory Junta, created by King John VIth's decree of the 18th June, 1823, and specially commissioned to search for precedents on the mode of convening and carrying on business in the Cortes, in which some of the first men in the Kingdom were employed, nay, some of the present leaders of the refugees, is matter of no great astonishment; but that Mr. Canning, so late as July 12th, 1826, in Europe—in London, was not familiar with the result of the valuable researches then obtained, and fully sensible of the importance of John VIth's decree of the 4th June, 1824, for the meeting of the Cortes, is really unpardonable; more particularly, as the failure of the scheme at the time was considered as a national calamity. It is well known that the precedents and models obtained through the labours of the Preparatory Junta, above named, chiefly served as a guidance for the convocation and late meeting of the Cortes, at Lisbon, and it is acknowledged, by all impartial judges, that nothing was ever done more constitutionally; or more in accordance with both the spirit and forms of ancient times. That D. Pedro should have expressed some apprehensions that the Cortes of Portugal might "degenerate into a Constituent As-

sembly," was almost to be expected, he himself, not long before, having had to dissolve one of that class, *á la bayonette;* but that a minister of Great Britain, with the experience of 1823 before him, coupled with the known veneration in which the Portuguese have always held the institutions of their forefathers, should have been influenced by such an apprehension, is one of the most extraordinary delusions ever heard of.

The same infatuation seems to have prevailed in all Mr. Canning's acts relative to Portugal. Writing, under date of the 25th July, "to a distinguished diplomatist,"* he says "that Sir Charles Stuart had no authority to act in any matter of the kind, and that his having done so, is not only without his instructions; but against his wishes." He then adds, "I cannot however justly disapprove of what he has done (so far as I am yet acquainted with his proceedings) although you see how anxiously I labour to cut them short and to bring him home. I cannot justly disapprove," he proceeds to say, "because I did permit him, advisedly, to become the negotiator of the Treaty of Separation and Independence, as Plenipotentiary of His Most Faithful Majesty. As a counterpart of this undertaking, for the behoof of Portugal, Stuart was at liberty to charge himself, on his return to Europe, with any communication which D. Pedro might have to make to his Father, or his Government."

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* Vide Authentic Account of Mr. Canning's policy with reference to Portugal, pages 8 and 9.

At the time this letter was penned, Mr. Canning was in possession of Sir Charles Stuart's despatches from Rio, of the 7th May, inclusive,* and consequently of the Charter, the Appointment of a House of Peers, the Act of Abdication; in a word, of all D. Pedro's week's work, including his speech from the Throne, at the opening of the Chambers, on the 6th, and also Sir Charles Stuart's commission "to do every thing that might be necessary to carry D. Pedro's royal orders into execution." And, did the British minister not disapprove of this? Was the acceptance of such a trust, as this, the evident object of which, was, to change the whole aspect of Portugal, the same as Sir Charles "charging himself with a communication, on his return to Europe, (that is, accidentally) from D. Pedro to his Father, or his Government;" by which I understand the Father's Government? With such a commencement; or rather with such a determination, on the part of both principal and agents, blindly to obey D. Pedro's mandates, however rash and unreasonable they might be, it was not possible for us to avoid being entangled in the Affairs of Portugal.

Mr. Canning afterwards partially saw his error and recalled Sir Charles Stuart; yet, it was not through any disapprobation of D. Pedro's acts; or any disposition to retrace his own steps; but rather a dread of offending the other Powers of Europe, by the appearance of British interference. That recal however did not reach Lisbon, till the mischief had been

* Vide Parliamentary Papers, No. 6.

done and the country fast verging to a state of civil war. In a private letter to Sir W. A'Court,* the minister subsequently tells him "that he was for that one of the two mediums which would preserve peace;" and yet the one adopted and put in force, led to immediate war, in Portugal, and also placed Spain on the alert! Mr. Canning, "urging the different Powers of the Continent to abstain from any interference with the free agency of Portugal," observes "that the Constitutional Charter was decidedly and unquestionably the emanation of the grace and free will of the lawful and *de facto* sovereign of Portugal."† Nevertheless, when the question is properly canvassed, it turns out that D. Pedro was not the *lawful* sovereign of Portugal, and that the manner in which he had been proclaimed by the active and interested part of the Regency was little short of a fraud! It is asserted‡ that "the French government expressed their determination to recommend to the Portuguese ministry, to convoke the Cortes, that that body might give its sanction to the Charter." To this, seemingly, the British minister objected, on the ground "that it would be a departure from the Emperor's commands, and *pro tanto* a defiance of his authority, whereby Portugal and her Sovereign would be placed in opposition to each other, which would almost inevitably produce civil war;" and yet, as before shewn, the very non-

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* Vide Authentic Account of Mr. Canning's Policy with reference to Portugal, page 10.

† Ibid, page 11.

‡ Ibid, page 12.

convocation of the Cortes and the determination taken to set the laws and people of Portugal at defiance, instantly drove the nation to arms! Again, writing to Sir W. A'Court, the minister remarks; "it appears to us, upon the whole, that the best chance of a safe and tranquil issue to the present extraordinary crisis in Portugal, will be to be found in an acceptance of D. Pedro's Charter, coupled, as it is, with his abdication of the throne," &c. What imperfect notions must have then prevailed, in the Foreign Office, of the contents of that Charter and of the manner in which it was constructed! How much must the writer of the letter have overlooked the nature of the institutions of Portugal and the character of the people! How thoughtlessly must he have rejected the valuable instruction offered by the history of his own country, as well as that of Portugal! How incautiously did he deviate from principles, common to the great European family!

In what manner the abdication of the throne could render the Brazilian present mere acceptable to the Portuguese, when it was conditional, and besides tended to lead to a minority of eight, or ten, years, a circumstance which, in itself, would inevitably aggravate the imposition of a foreign yoke, is really unintelligible. Had Mr. Canning's plan been then quietly realized, all the weight and influence of the Kingdom must have fallen into the hands of Brazilians. They would have been stationed at the head of a Regency; the country would have been drained of its men and ships, and Brazilians afterwards placed in command of them. And would the

nobles of Portugal; or the other classes, have brooked indignities of this kind? Would not such arrangements have contained all the elements of a civil war? Besides being illegal, was not Mr. Canning's earliest decision therefore full of difficulty and hazard? Whatever was the light in which he and Sir Charles Stuart, at the time, viewed the Affairs of Portugal, it is clear that the legal power of the monarchy, if any such it contained, as well as the prevailing voice and weight of the people were opposed to every thing but D. Pedro's personal appearance among them. For his constitutional acceptance, or definitive rejection, they had gone further than the laws required, and waited patiently for nearly five months, when, after that lapse of time, it seemed universally determined, factions excepted, that the laws should take their due course. The faction, then wielding most power in the State, as previously remarked, with private views of its own, was that of the Liberals; but, against their machinations the people were on their guard, and, after their late experience, felt in no way disposed again to trust to the professions of men who had before deceived and betrayed them.

Such were the concurrent causes which contributed to the opposition of the Charter, when it first arrived, notwithstanding it was uniformly upheld by the weight and influence of the British ministry, as well as by the efforts of its zealous agents; and such also was the prelude to that crisis which so soon afterwards ensued. The least inquiry into the early occurrences which followed the death of King John

VI., distinctly shews that the grand spring of the evil to which all the subsequent misfortunes of Portugal are to be traced, was a bold and extensive plot, carefully preconcerted, to defeat the object of the laws; the ramifications of which plot, it is lamentable to think, spread their influence over high and distant quarters, and gained strength in several cabinets of Europe, where more scrupulosity and prevision might have been expected. The preceding details briefly exhibit the progress of this plot, together with the leading expedients resorted to, in order to render it successful, among which were the proclamation of D. Pedro by the Regency and the promulgation of his Charter, so grossly misrepresented by the authors of the *Exposé.*

The preliminary outline of the early stages of the contest, which I have just closed, was essential to my purpose, and called for before I reverted to the task more immediately before me, because it at once proves that my adversary has arrayed some of his most formidable theories against a host of facts; it establishes principles the force and evidence of which no argument, hitherto adduced, can resist, and, as more directly affecting our own foreign policy, it unfolds the manner in which we became entangled and eventually involved in the Affairs of Portugal.

This part of my subject was besides rendered, in a higher degree, important, owing to the difficulties against which all those writers have hitherto had to struggle, even to have a patient hearing, who happened not to think with the authors of the *Exposé,*

so loud and general were the clamour and cabals raised up against men of independent mind, who conscientiously argued that Mr. Canning's policy, in reference to Portugal, was rash and inconsiderate; or went so far as to assert that D. Pedro was not the lawful Successor to the throne. It will scarcely be believed that, in the current year, and by persons perhaps having at command the best possible sources of information, it has been constituted a crime, of the deepest hue, "to express an opinion that D. Miguel had a right to the throne,"* notwithstanding that opinion, if it was so expressed, came from one whose authority, on the laws and usages of Portugal, is perhaps superior to that of any other person to be found among us. Such has been the effect of prejudice, throughout the whole of the discussions on this momentous subject. The truth—the naked truth, has been offensive, because it did not suit the interests of some, and, in others, pointed out the most egregious errors.

The Portuguese, it is fully established, had clear and express laws for every public emergency in which their country could possibly be placed, and more particularly for those cases in which the kingly authority is either suspended, or interrupted. On this subject, no nation was perhaps ever more provident; why then were they not applied, at the awful moment when a dubious Succession was about to plunge the country into anarchy and civil war? The

* Vide Authentic Account of Mr. Canning's Policy with respect to Portugal; page 35.

solution of this question, at the time, in great measure rested with England, and her minister, contrary to the first principles of truth and justice, declared that their voice could not be heard. That religious veneration with which we justly view the principles of our own Revolution, was no longer respected in the Portuguese, notwithstanding theirs of 1640, affords examples of which the freest nation might be justly proud. Where, shall we ask is that enlightened principle of liberality fled—that fellowship with the manly and the free, which formerly displayed itself with so much warmth and energy in all our public acts and all our private feelings, when it is recollected that the struggle of the Portuguese people for the preservation of their rights, for, after all, that is the real construction of the present question, has not yet called forth a single orator, in either Lords or Commons, who has ventured to submit their case and its hardships boldly and fully to the consideration of the British public! Not one individual of those who boast of their superior knowledge of Peninsular Legislation; those who would tremble and cry out if a particle of their own Constitution were touched, has risen up in his place, even to ask for a pause, although he saw an attempt made to level with the ground the whole social edifice of a nation, long and intimately allied to us! Scarcely can this apathy; or, I should rather say, these prejudices be believed! But I will now resume the thread of the argumentative Narrative before me.

So far do I consider that I have answered, whether

or not, successfully, it is the province of my readers to judge, what the Author of the *Exposé* calls "*cette premiere époque de la Question Portuguaise,*" and, in the progress of my endeavour, in opposition to my adversary's premises it has been my object to shew, 1st, that, by the Statute of Lamego, D. Pedro is excluded from the Succession; the reversion to the next line being warranted by the primitive law of the land; and 2dly, that no act of the late king of Portugal could confer upon the first-born rights which he did not hold, pursuant to the laws; or validate, or confirm such as he so held; and consequently, that his assumption of power in Portugal was both illegal and unjustifiable. In the course of my arguments, it has also been my earnest purpose to prove that, although D. Pedro was proclaimed and his Charter afterwards promulgated, these acts are not binding on the people; and that his projected institutions, far from being popular for the short time they lasted, rather owed their duration to the moral support derived from the British government, than either their own intrinsic merits, or the efforts of their immediate partisans. After establishing this groundwork to my labours, I shall proceed to examine the remaining theories of D. Pedro's champion, in detail.

The Author of the *Exposé* is extremely anxious to draw conclusions, in his own favour, from the circumstance of the several Members of the Royal Family of Portugal having acknowledged what he calls "*la Succession légitime de leur frére ainé;*" but, he emphatically adds, "*l'Infant Dom Miguel*

les a de beaucoup surpassées dans les témoignages de son approbation et de son assentiment;" after which, he refers to the two Letters addressed by the Prince to his sister, the Infanta Regent, dated Vienna, April 6, and June 14, 1826, and also one to D. Pedro, written on the 12th May. The first is a letter of condolence on the death of a mutual parent; but approving of what had been done in Portugal and conveying an assurance that, "if any evil-minded persons should endeavour to excite disloyal and criminal commotions, in his, the Prince's, name, it would be without his countenance, or authority," &c. This letter was avowedly penned for the purpose of being published, and the subsequent one, dated June 14th, thanks his sister for having made that use of it. The one, addressed to his brother, D. Pedro, confirms previous protestations of inviolable and sincere obedience, and renews the Prince's sentiments of loyalty towards the person of His Majesty, whom he addresses as his only legitimate sovereign, &c.

The style and contents of these letters very clearly shew that they were written by another hand and for a political purpose; indeed, the internal evidence of this fact no one can mistake. Whether, or not, the person who signed them, in either law, or equity, can be considered answerable for the sentiments they contain; or reproachable for any subsequent deviation from the line of policy he at that time seemed to sanction, is a point deserving of strict inquiry, and this cannot be pursued, on any thing like fair grounds, without entering into a careful review of

the peculiar situation in which Prince Miguel was placed, during his whole stay at Vienna, as well as of the several acts to which he was there induced to become a party. The great delusion, by means of which the Portuguese refugees have invariably endeavoured to excite the sympathy of the Allied Powers, has been by inculcating a belief that the quarrel originated with D. Miguel, for personal views of his own, and, in order to aggravate the case and deduce charges of a personal nature against him, they bring forward pledges and promises, at the same time cautiously concealing the circumstances under which they were made and given. This, however, is an artifice, or a refinement in politics, that can no longer produce an effect. From the details into which I have myself entered, it is clear that the opposition to the Charter commenced from the moment it was landed, with the independent part of the Regency and Ministry, as being the earliest acquainted with D. Pedro's views, and this feeling immediately afterwards spread to the people and army. The first saw the illegality and inconsistency of the measures proposed, which led them to withhold their own concurrence and support; whilst the latter flew to arms, in order to repel wrongs to which it was intended to subject them. In these demonstrations, although partly made in his own name, the absent Prince therefore cannot be said to have had any share.

Prince Miguel, it will be remembered, was forcibly sent away from Portugal, in May, 1824, as I have

on other occasions distinctly shewn,* the victim of the foulest intrigue that was ever plotted; a topic on which I shall again be called upon to touch, when I reach my adversary's division of this part of his subject. For the present, it will therefore suffice to remark that, during his residence in Vienna, he was kept under restraint, and induced to become a party to acts which would never have met with his concurrence, if he had enjoyed the agency of his own free will; if he had been made acquainted with the nature and extent of his own reversionary rights; or even aware of what was going on in Portugal. He was originally conveyed, under pretext of going on his travels, the colouring given to his deportation, on board of a Portuguese frigate, to Brest, and thence escorted to the Austrian capital. There he indeed experienced the kind and polite attentions of the Emperor Francis; but he was nevertheless restricted, and allowed no intercourse with either relatives, or friends, at home. His own countrymen were refused access to him, and all his movements diligently watched. When the Emperor of Austria went to Italy, in the summer of 1826, the Portuguese Prince was not permitted to accompany him, as it is very well understood, because ports on the Mediterranean were there at hand; and, during his patron's absence, he was sent to travel in Hungary, where, in the course of his excursion, he actually proceeded as far as Belgrade. The evidence of this restraint is indeed now acknowledged, on all

* Vide my Letters to Sir James Mackintosh and Lord Palmerston.

hands, and even Mr. Canning's advocates, whilst defending his policy in reference to Portugal, do not disguise the fact. Speaking of the British Minister's exhortations to the French and Austrian Governments "to abstain from any interference with the free agency of Portugal," which exhortations, it is stated, had been received in a very friendly manner, they declare "that France promised not to interfere, and *Austria not to let loose D. Miguel, to oppose in Portugal the execution of his brother's decrees.*"* The Minister's success in obtaining these two pledges is in fact mentioned in a tone of exultation!

It is also, ere this, perfectly well ascertained that, by every possible means, the young and inexperienced Prince had been taught and persuaded that the Succession devolved upon D. Pedro, as being the elder; that this was conformable to the laws, as well as the testamentary dispositions of the late monarch, and that the stirring of any claim on his part, would inevitably involve Portugal in anarchy and civil war; consequences which could not fail to bring down upon his head the indignation of the Allied Sovereigns. The unwary youth was in reality a passive instrument in the hands of Prince Metternich, as the Vienna Protocols and their appendages clearly demonstrate.

The time had however arrived when it became impossible to prolong the Prince's captivity, without serious consequences, partly affecting the private

* Vide Authentic Account of Mr. Canning's Policy, &c. page 15.

character of the Emperor Francis. D. Miguel had nearly attained his 25th year and had been a forced resident in the Austrian dominions, almost three years and a half,* when his Imperial Majesty at length felt and saw that he could not exercise this restraint any longer, without incurring charges similar to those once laid at the door of a predecessor of his own, through the detention of an English monarch. Affairs in Portugal had besides assumed a most alarming aspect. The appearance of a British force, in the interval, had saved the capital and the subsequent disarming of the Portuguese Royalists, by Spain, led to a suspense in all kinds of military movements. The whole kingdom was nevertheless in a state of convulsion, and it soon became apparent that the Infanta Regent was unable to guide the helm of State, amidst the turbulence of contending factions.

By a Proclamation, dated August 1, 1826, the Infanta Isabel Maria, in opposition to King John VIth's alleged decree of the 6th March, appointing a Regency, and afterwards confirmed by D. Pedro, declared herself sole Regent of the Kingdom, and

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* The docility with which the Prince acted, during his stay at Vienna, and the ascendancy which the Emperor and his minister had gained over his mind, were particularly noticed by those who had an opportunity of watching his actions. He seemed indeed to indulge only in the pleasures of private life. His principal occupation was study, and it is acknowledged that his improvement was proportioned to his application. It is also a fact that, on the day he left Vienna, he had all his masters with him, as usual, and one of them afterwards followed him to Lisbon.

this unexpected measure was rendered the more ominous, by the circumstance of the edict not being countersigned by the Minister of the Interior. From that moment, the Princess was almost entirely separated from the councils of those persons who had hitherto enjoyed the public confidence, and incautiously gave herself up to the guidance of designing men, intent only on the furtherance of their own private ends. According to Article 92 of D. Pedro's Charter, in case of a minority, it was ordained that the Kingdom should be governed by a Regency, which was to devolve on the sovereign's nearest relative, having attained 25 years. D. Miguel, born on the 26th October, 1802, in less than three months would consequently complete the age required, and the precipitate and ill-advised act of the Princess was considered as tending to operate to his exclusion; particularly, as it was afterwards argued by her own partisans that, having once obtained the Regency, no one had a right to dispossess her, as long as the causes which led to the application of the law continued.

The disgraceful manner in which this intrigue was effected, even according to the avowals of its principal artificers themselves, it would be both tedious and disgusting to repeat. Suffice it to say, that this new symptom of weakness and irregularity in the Lisbon Government served only to increase the causes of discord, already abounding in the country, and repressed only by the presence of a British force. This confusion was again heightened by D. Pedro continuing to send over orders and appoint-

ments for execution in Portugal, notwithstanding his Act of Abdication; measures which found defenders among his adherents and the supporters of the Princess, who contended that he had a right to govern until the conditions of his abdication were fulfilled, and that the Regent was acting only as his delegate.

In a word, the unsettled and convulsed state of Portugal required an immediate remedy, the promulgation of the Charter having entirely defeated the hopes of its early patrons. No other alternative seemed left than the release and return of D. Miguel to Portugal. An attempt had previously been made by D. Pedro to have him brought over to Brazil, and the *João Sexto* man-of-war was expressly sent to Brest to receive him on board; but the Prince peremptorily refused to embark. D. Pedro was not perhaps fully made acquainted with the extent of the failure of his schemes in Portugal; the real state of that country and the remedy proposed, till these subjects were unfolded to him by the Austrian envoy near his own person, when he agreed to avail himself of the aid and services of a brother, towards whom, not to say more, he had hitherto evinced the most marked neglect.

On the 3rd July (1827) he accordingly issued a decree, directed to D. Miguel, in which, after complimenting him on "his good qualities, activity and firmness of character," he appoints him his "own Lieutenant, with full powers to govern in conformity to the provisions of the Charter," thereby himself

committing one of its earliest and most glaring infractions. This decree was accompanied by a friendly letter, under the same date, and also two others, the one addressed to His Britannic Majesty and the other to the Emperor of Austria. Translations of these four papers will be found in the Appendix, No. 10.

To render this appointment more solemn and efficient, and possibly again availing himself of the advice diplomatically transmitted to him from Europe, D. Pedro also ordered the civil ceremonies of the Prince's espousals with his daughter, Donna Maria da Gloria* to be carried into effect. It must here be observed that the project of this marriage, alike repugnant to law and reason, originated with the grandfather, almost immediately after the birth of the Princess, most probably from views of State expediency. King John perhaps remembered that he himself was the offspring of a similar marriage; his mother, Queen Mary I. having espoused the Infante D. Pedro,† her uncle. Nothing however

* On the left hand side, at the entrance of the harbour of Rio de Janeiro, stands a small and beautiful hill, on the summit of which is built a chapel, dedicated *Nossa Senhora da Gloria*, whither D. Pedro and his spouse, when Prince and Princess Royal, and during the pregnancy of the latter, every Saturday morning were in the habit of taking their favourite ride, sometimes ascending the hill on foot, and at other's in their carriage. The surrounding prospects are truly magnificent, and at length they became so much attached to the spot and felt such veneration towards the tutelary saint of the chapel, that they made a vow, in case the Princess bore a daughter, to give her the same name. The infant was born on 4th April, 1819, and thus christened Maria da Gloria.

† On the death of Joseph I. Princess Mary ascended the throne on

really serious was afterwards thought of this marriage; although D. Pedro, who, it will be remembered, was left behind in Brazil, in the character of Regent, when King John VI. and the other members of the Royal Family were about to return to Portugal, taking leave of his brother, D. Miguel, on the 24th of April, 1821, on the deck of the *João Sexto* man-of-war, sportively observed to this effect—Well, after awhile, we shall see you at least over here again, as you will come to claim your future bride.

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the 13th May, 1777, having nearly been stripped of her rights through a plan, arranged by the Marquess de Pombal, in concert with the King, to transfer the succession to her eldest son Joseph, a youth of great promise, whose education had been superintended by the minister. Through courtesy, the Infante D. Pedro was allowed to take the title of King and his effigy stamped on the coin of the realm, beside that of the Queen. On this occasion, a Circular, dated May 14th and signed by the King, was also transmitted to the Courts of Europe, which, being a curious and modern illustration of the fundamental laws of the Monarchy, a copy is here subjoined.

"Yesterday, the 13th of May, was proclaimed, in due form and according to the custom of the nation, Queen of Portugal and Algarves, her Most Serene Highness Donna Maria, my much beloved and esteemed wife, who was before styled Princess of Portugal and Duchess of Braganza, and who, immediately after the demise of the King, had begun to govern the said realms by right of primogeniture, in default of issue male; and as, by the *primitive and fundamental law of the Cortes of Lamego, which regulates the form of succession in these realms, and in Portugal has the same force as the Magna Charta in England, the Salique law in France, the Golden Bull in the empire of Germany, and the Lex Regia in Denmark*, it was determined that, the succession devolving on a Princess being the hereditary Queen, her husband should also enjoy the title and honours of King, I have to communicate to you the occurrence of this new case, which now happens in Portugal for the first time since 600 years, and I therefore hope that it will be agreeable to you," &c. &c.

Till D. Pedro's first Act of Abdication appeared, which, as previously insinuated, was wrung from him through demonstrations evinced by the Brazilians, no regular plan had been formed for the union of the two juvenile relations. That Act, found in the Appendix, No. 11, recites that "it being incompatible with the interests of the Empire of Brazil and those of the Kingdom of Portugal, for him, D. Pedro, to be King thereof, &c.; he had thought proper, from an impulse and free will of his own, to abdicate and yield up all his indisputable and inherent rights, &c. to his beloved Daughter, the Princess of Gran Pará, Donna Maria da Gloria, in order that she, as Queen Regnant, might govern the same, according to the Charter, &c.;" nevertheless ordaining "that she should not quit Brazil, until after proof had been obtained of the Charter being put in force, and until *the esponsals of marriage, which it was his intention to make for her with his beloved brother, the Infante, D. Miguel, had been carried into full effect and the marriage concluded.*"

This singular act; this peace-offering made to his own subjects, was perhaps the most difficult of all those which the Brazilian Emperor had to prepare, in order "to promote the happiness of his said Kingdom of Portugal;" and its combinations were consequently rendered more perplexing. From the 25th to the 29th of April, it has already been shewn that all the other work was completed and the new government for Portugal formed; but yet her destinies were not quite definitively fixed, and the Brazilian law peremptorily required the National Assembly to

meet on the 3rd May. The Emperor's industry was of no avail—the seal had not yet been affixed to his gigantic labours, and he was not wholly in a situation to brave the scrutinizing looks of the assembled delegates. The meeting was therefore put off till the 6th, and, as seen at the commencement of his speech, (Appendix, No. 6) the Emperor expressed his regret that the opening of the Chambers had been thus unavoidably delayed. The projected marriage, nevertheless, was a topic too delicate—too momentous, to touch upon at that critical period. He therefore merely stated that he *had abdicated* in favour of his daughter, carefully concealing the conditions to which he was well aware the Brazilians were not disposed to listen. As a proof, however, of the hurried and lame manner in which all the Emperor's arrangements were then made, in his Act of Abdication, it will be seen that he styles his daughter "Princess of Gran Pará," a foreign title, unknown to the Laws of Portugal, and a circumstance in itself sufficient to defeat all claims, pretended to be vested in her, whether derived from birth, or resignation, according to a rule of succession, as previously seen, established at the foundation of the Monarchy, and, with little or no variation in either principle, or feature, handed down to our own times.

In the mean while, the experiment was going on in Portugal, and every day presented fresh difficulties. The steady and determined opposition to the Charter, no longer wore the aspect of a *conspiracy*, and the most sanguine were at length ready to con-

fess that it was the sense of a national injury which had driven the people to arms. In Lisbon, no other than a weak, distracted and confused government was to be seen, occupied only with domestic intrigues and personal animosities; at the same time that, in some high quarters, misgivings arose whether, or not, the laws regarding the Succession had been properly understood; or, in other words, whether affairs in Portugal could be settled without a recurrence to more regular and constitutional means. The great body of the people—the influential classes, evidently claimed D. Miguel as their sovereign; whilst, on the other hand, his competitor's acts had covered him with obloquy; aggravated the misfortunes of Portugal and also involved him seriously with his own subjects in Brazil.

The marriage project seemed to offer something like a *dernier ressort.* It would serve to amalgamate the interests and claims of the two contending parties; was likely to satisfy the Portuguese, and, above all, would meet the views of the Emperor of Austria, whose most anxious wish all along had been that one of his own offspring should sit on the throne of the Braganzas. The combinations were however difficult, and, in some measure, humiliating, notwithstanding D. Pedro had prepared the groundwork. Wearing the appearance of an expedient, from the moment the terms were broken to the party most interested, he could not fail to consider them as an acknowledgment of rights which hitherto had been denied, or carefully concealed from him, and this acknowledgment necessarily involved a

direct condemnation of the illegal and unwarrantable manner in which he had been deprived of his personal freedom and, for three years and a half, detained as a state-prisoner at Vienna, in the safe-keeping of one who now sought to form a matrimonial alliance with him. The Prince's *docility* was however relied upon and the Austrian cabinet undertook the arrangements required.

Of these, the first documentary evidence we have, is a letter from the Marquis de Rezende, Envoy from the Emperor of Brazil, dated September 19th, addressed to Prince Metternich, and informing him "that D. Pedro had conferred upon D. Miguel, with the title of his Lieutenant in Portugal, the Regency of that Kingdom, agreeably to the Laws existing in that State, and in conformity to the Institutions granted by his August Brother to the Portuguese Monarchy; hoping that the Emperor of Austria would afford his able cooperation in order that it might receive, by the immediate departure of the Infant D. Miguel for Portugal, its entire and full execution."* Some delay seems to have occurred, in consequence of the absence of the Emperor Francis at Schœnberg and of Prince Metternich at Konigewarth, in Bohemia; but, on the 4th, D. Miguel took the oath, *pur et simple*, to the Charter, administered to him by the Baron de Villa Secca. The necessary dispensations having been obtained from Rome, the civil contract of espousals was also celebrated on the 29th, several of the Austrian Princes signing as *temoins requis*.

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* Vide Parliamentary Papers, No. 15.

According to a despatch of Prince Metternich, dated October 18th, 1827, addressed to Prince Esterhazy in London, and, in the Protocol of the same day, styled "an historical and faithful account of the whole negotiation relative to the *present and future position* of the Infant," it appears that it was the Austrian Premier "who first opened the subject to him, on the previous 6th, requesting to be made acquainted with his intentions relative to his departure; but telling him nevertheless that the Emperor Francis would in no case consent to his passing through Spain." Notwithstanding the great anxiety expressed for his early arrival in Portugal, it being contended that any delay might "compromise the internal tranquillity of that Kingdom," the Infant refused to embark in any other than a Portuguese vessel, as otherwise, he alleged, he "should outrage the national opinion and in a sensible degree the national feeling." On this point he insisted, remarking "that he considered it due to the Portuguese Nation, not to return to his country under any other flag than that of Portugal." This difficulty occasioned some delay and further explanations, and the Prince was at length told "that he must either order a Portuguese man-of-war to England and go there directly to embark; or, await at Vienna the final decision of D. Pedro."

Can a clearer proof of restraint, even up to the latest hour, be required? Prince Metternich afterwards "reminded him of the value which the Emperor placed upon seeing him follow implicitly his commands, which had hitherto been so *useful to him;*

and did not conceal from him that His Majesty was deeply affected by the obstinacy with which he had resisted them." After such lectures as these, and considering the predicament in which the youthful Prince was placed, with the power and influence of the Emperor of Austria, on the one hand, and the threats and wily stratagems of his minister, on the other, can it be said that he had a will of his own? Prince Metternich goes on to say that "he soon perceived that he had had the good fortune to make a deep impression upon the Infant—he was visibly moved, and, after a few moments of reflection, he at length yielded to the councils of friendship and reason."

That such admonitions as those above quoted should have made *a deep impression* on the mind of a captive, of three years and a half standing and no counsellors at hand, may easily be imagined; particularly, when he saw that compliance was the only means of regaining his freedom and returning home; but, to seek to bind him by oaths and assurances, made and given under such circumstances as these, is not only unjust, but also ridiculous. *Un souverain est dépouillé de ses droits, aussitôt qu'il n'est plus en étut de proteger son peuple,* is a received axiom of public law; and exactly in the same ratio is an individual deprived of the agency of his free will, from the moment he is subjected to personal restraint. In whichever of these two characters we are to view the Portuguese Prince at Vienna, negotiating with the Austrian government respecting his own *future position,* the conclusion is inevitably the same. Force, guile, or constraint can have nothing to do in

the transfer, or deprivation of rights. If the usurper were to acquire rights from the moment he becomes the strongest, criminal success would then regulate public law, as well as the rights of nations; and, in that case, nothing stable would be left for either nations, sovereigns, or individuals.

It however now appears, even according to the shewing of the Authors of the *Exposé* themselves, that the Prince took the oath to the Charter *in the character of an individual;* a *serment pur et simple,* as Baron Villa Secca, in his letter of the 6th October, calls it; how, therefore, could such a formality be made binding upon him, when he finds that a large portion of the nation had already proclaimed him Sovereign and the Laws confirmed their choice?* The most that can be alleged on this subject is, that he was overawed, or actuated by mistaken notions; but, for an involuntary act of this kind, he cannot be arraigned before the tribunal of public opinion, and much less stripped of any real and inherent rights which he might previously hold. Passive submission, in such a case, can never be construed into a crime.

In the Protocol of the 20th, it is established "that, with the opinion of the Cabinet of Vienna, the Infant assumed the double character of Lieutenant and Regent of the Kingdom!" In the same public

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* D. Pedro directed that his brother should take the oath to the Charter, in the hands of the Portuguese minister, and that he himself should afterwards forward to him the original act. He subscribed to exactly the same oath as the Minister previously had done.

document, it is also recorded "that it was observed that the Letter of the Infant (meaning one of the 19th October*) to the Emperor D. Pedro, did not contain any reservation of his personal rights, but that, at London, such a reservation was considered as desirable." In answer, Prince Metternich replied "that the Infant having already *explicitly reserved all his rights,* in the letter which he had written to the Emperor D. Pedro, his Brother, in sending to him his oath to the Portuguese Charter, a second reservation would at present be superfluous." Now, why is not this letter produced by the Authors of the *Exposé?* Would the space necessary for a short document, like this, have been missed in 150 pages of Appendix, containing 56 *Pièces Justificatives,* some of them of an enormous length and more than one half of them entirely irrelevant; independent of the portion afterwards suppressed? It is presumable that they had access to this paper, the same as the rest; why then is it omitted? If this was purposely done, the concealment proves the shifts and expedients to which D. Pedro's advocates are obliged to resort; for, if I rightly understand the queries put by the members present at the Vienna conference, respecting *the reservation of the Prince's personal rights,* and the Austrian Minister's reply, this saving clause alone defeats the strongest arguments hitherto adduced; disarms the rancourous and the deluded of their most formidable weapons, and effectually exposes the fallacies and idle tales, circulated for no other than

* Vide Parliamentary Papers, No. 15.

the basest purposes. I ought not to disguise to my readers that I have earnestly endeavoured to obtain a copy of this letter; but so far without success, and, in pursuing my inquiries regarding the construction put upon it by the adverse party, I have ascertained their argument, to be, that it was a specific reservation, including such rights to the Regency only as he might derive from the appointment of the Charter; an interpretation completely at variance with the terms *personal rights—and all his rights*, used in the Protocol, the only guidance of which for the present I have been able to avail myself.

I am, however, fully satisfied, in my own mind, with the foundation on which my conclusions respecting the Vienna transactions rest. If any guile, or undue influence were used to induce the Prince to write letters, or give assurances which could hereafter operate to his own detriment, and of this the evidence is placed before our own eyes, according to the maxims of universal law, that circumstance alone would render them null and void. If he was required to become a party to acts, affecting the people of Portugal and contrary to the laws of the land, no human power on earth—no train of just reasoning can bind him to their fulfilment. He inherited reversionary rights which imposed upon him obligations, of too sacred a nature, to be dissolved by any subsequent stipulations. He could claim an hereditary title to the allegiance of the Portuguese, and of that no foreign interference could deprive him. *Cest à lui qui constitue qu'il appartient de destituer*, and, most assuredly, all the arrangements

made in the Metternich Protocols, or in the Brazilian Emperor's closet, could not fail to be set aside and deemed as naught, from the moment the Portuguese determined to assert their own independence. The captive Prince, in his own right, was the heir to a Crown, and, as events have fully proved, to have acquired it by any other title, would have been a degradation both to himself and his people.

The next point, commencing with Chapter ii, to which the Authors of the *Exposé* direct the attention of their readers, is the elevation of D. Miguel to the throne, which they denounce as "*une véritable usurpation, aussi injuste en elle même, que scandaleuse par les moyens employes pour l'effectuer;*" and, with a view "properly to characterize the rebellion which, in 1828, disturbed the public order in Portugal," they tell us "that it is necessary to recur to the events which took place on the 30th of April, 1824, and covered the country with mourning," &c. Thus again, under a new form, have we the old story. What kind of public order existed in Portugal, both from the period of King John VIth's death and the promulgation of D. Pedro's Charter, to the year 1828, has already been sufficiently explained; it therefore only remains to be seen what influence the *Abrilada* could have had over the events which, in that year, led to D. Miguel's accession to the throne, of which the Constitutionalists, or his competitor's partisans, at least, have any just reason to complain.

As usual, D. Miguel's attempt, on the 30th April, 1824, to put down an obnoxious and anti-national

ministry, by means extraordinary and perhaps illegal in themselves, is construed into a crime of an unpardonable nature, and even as barring his right to the throne. I have already devoted so much time to my inquiries into this subject, and repeatedly offered such ample details of the occurrences, as they really happened, that I can scarcely enter upon the topic again, without dreading the charge of repetition.* By the Authors of the *Exposé,* the affair is certainly represented in such a manner as to afford the greatest possible stage-effect, the same as was done by their eager friends in both Houses of Parliament; but the effort is not made without a fresh sacrifice of truth. Let us briefly see how their assertions are borne out by facts.

They very charitably admonish their readers that the *Abrilada* was "*une vaste conspiration, qui avait été tramée dans le but d'arracher la couronne, ou tout au moins, la liberté et le gouvernement au respectable et vénérable roi, &c.; que D. Miguel devait s'emparer de la couronne, ou de la regence,* &c. and, in order to uphold these grave assumptions, an appeal is made to the Prince's proclamation, dated April 30 (1824) in which there is not the most distant hint of any such intentions; nor did the subsequent events, in the smallest degree, warrant conclusions of so unjustifiable a kind. The proclamation in fact breathes sentiments totally opposite, and being an important document; one on which the solution of the whole affair rests, I have thought it proper to introduce a literal translation in this place. It runs thus;

* Vide my Letters to Sir James Mackintosh and Lord Palmerston.

"Portuguese! A second time I present myself amidst you, at the head of the gallant Portuguese army, not to attempt any thing against the royal and primitive rights of the throne and my august Father, King John VI. (far from me so rash a thought) but rather to give tone and energy to the grand work, commenced on the 27th of May, 1823, that memorable day which filled Europe with respect and astonishment, as you yourselves witnessed; since, through a fatal misfortune, that importance was not given to the public cause which the order of things required, after the downfal of that infamous Colossus which the 2nd of June, 1823, saw crumble into dust. Our great King, John VI. surrounded by factious men, far from being the master of his own will, was betrayed and held in continual constraint by those very persons, closely bound to the welfare of the State and the Nation, but who, having no other object in view than their own interests, endeavoured to give a strong impulse to a violent reaction, by means of which it was wished for ever to destroy the reigning House of Braganza, with a view to obtain secure possession of the Kingdom, and thus acquire a complete ascendancy among the Portuguese. This is the motive which at once induces me to make fresh efforts to prevent the explosion of the most perfidious of cabals, sustained by those very authorities, charged with the suppression of similar crimes.

"Portuguese! do justice to your Infante D. Miguel, Commander in chief of the Portuguese army, and acknowledge his language as that of sincerity

and virtue. Besides, the proofs which you have of the frankness and the candour of my royal heart, in the events which have taken place since the accession of those arbitrary Cortes to the throne until their downfal, are irrefragable testimonies, attesting the good faith with which I now address you, and even if my royal pledge should not suffice to convince you, I invoke the God of Alonzo, and before him and in his presence, I swear, from the bottom of my royal heart, that my intentions are not in the least ambitious; that my royal wish is only to follow the path of virtue; to save the King, the royal family and the nation; to maintain the holy religion of our ancestors; and, for the attainment of so legitimate an end, at the price of all kinds of sacrifices, to employ the necessary means, since those which have hitherto been called into action, have not so far produced the object desired. This truth I will now proceed to demonstrate by a brief exposition.

"Behold the freedom that prevails in the Masonic clubs, where they deliberate on the destinies of the King, the royal family and the nation, without the necessary measures being adopted to extinguish so contagious a flame! See whether the laws, of which there is the most pressing need, have yet been promulgated! The administration of justice, on which public safety depends, is, as you well know, in the most deplorable state! You yourselves are witnesses that, notwithstanding the creation of a Commission of Inquiry, intended to punish the crimes of the enemies of Royalty—of the Altar and the Nation,

no penalties have hitherto been inflicted upon them—nay, scarcely have a few awards been sparingly passed. You are fully sensible that the Finances are in a most wretched state, which the monopoly of royal contracts only tends to increase. Behold the languishing state of commerce and of agriculture, abandoned through the poor and spiritless farmer being destitute of means. See the arts and manufactures at a stand; finally, the loss of Brazil, that valuable possession, and the total abandonment of the necessary means to recover it. One might almost say that the Portuguese, of modern times, are no longer the descendants of those heroes who once made the conquest. Now, it is, that the parties, even after innumerable disasters, have again acquired such a degree of strength, that we see the perfidious project of an expedition, got up in the Masonic clubs, ready to go forth, in order to complete the work of the entire separation of Brazil, and not to bring back that extended portion of the globe to obedience; thus preparing the means of a new reaction which would inevitably put the seal to our misfortunes.

"What means have we therefore left, Portuguese! to extricate ourselves from the alarming situation in which we are placed? No other than to conquer in the glorious struggle, in which we are engaged, by radically extirpating the evil that threatens us, and by at once destroying that infernal race of Masons before we are made their victims.

"Courage, Portuguese! the road to honour is

open to us. To follow it is a virtue, to turn from it, were to plunge ourselves into the deepest infamy. Your Infante Dom Miguel, supported by the gallant army of Portugal, will not replace his sword in the scabbard, until you are brought beyond the reach of danger. Have confidence in me, for I am convinced of your loyalty. Remain tranquil and leave the constituted authorities to act. This is the surest means of securing your own repose.

"Long live the King, John VI.! The Catholic Religion! The Most Faithful Queen—The Royal Family—Long live the gallant Portuguese Army! The Nation! and perish the detestable Freemasons!

"Palace of Bemposta, April 30, 1824.

"Signed THE INFANTE,
"Commander in Chief."

Does this paper indicate any thing like a wish to injure the King; or to deprive him of either his crown, or his personal freedom? Are the words of this edict "calculated to rouse the minds of the soldiers, or the people, *et à les faire servir d'instrument pour effectuer le noire attentat qu'on voulait consommer?*" The very proof introduced by the Authors of the *Exposé* into their own Appendix, clearly shews that their charges are groundless, and cannot now be taken in any other light than as indicating a disposition to calumniate; or, as the effusions of impotent indignation. The Prince's intentions, at the period alluded to, were distinctly

made known in his address to his countrymen, and their object could not be mistaken. Had they been criminal, or even ambitious, the inhabitants of Lisbon would not have listened to his voice, for a single instant. Had the silent spectators supposed that his aim was in the least directed against either the person, or the authority of the sovereign, they would have been the foremost to present their breasts as a rampart round his palace. The picture the Prince drew was indeed too strongly marked and those who saw it too familiar with the portraiture, not to judge rightly of his views. The succeeding occurrences also confirmed the sincerity of his first avowal. To understand this matter, correctly, it is however necessary to take a rapid glance at the state of Portugal and the position in which the King and the Prince respectively stood, previous to the 30th of April, 1824. The utterance of vague assertions, upheld only by naked documents, is not all that is required for the elucidation of the truth.

It cannot be disguised that King John VIth's habitual timidity and weakness of character, gave rise to the greatest part of the calamities which embittered the last years of his reign. With the very best intentions and even naturally suspicious, no monarch oftener became the dupe of insidious and designing ministers. Private pique threw him into the arms of the Constitutionalists, and a want of energy afterwards prevented him from extricating himself from the hands of men, intent only on their own private advancement, who were dragging their country to an abyss of ruin.

The manner in which the Cortes and Constitution were put down, in May, 1823, chiefly through the instrumentality of Prince Miguel, has already been briefly recorded; but it is necessary to say something more on the immediate consequences which followed that memorable event. The Prince, the moment he reached Villa Franca and saw himself at the head of the 23rd regiment and a few devoted followers, issued a proclamation, in which he declared "that he had taken up arms *to deliver the King and the Nation* from the yoke under which they were groaning;" in like manner as he did the second time his energies were called into action. The Prince left his father's palace to proceed to Villa Franca in the night of the 27th May, leaving behind him a letter for the King, declaratory of his intentions, and adding "that, no longer able to endure the debasement of a parent's throne, which continued, contrary to the will of the whole nation, he had adopted a resolution which His Majesty could not altogether disapprove, although he might exteriorly be obliged to resort to measures, at variance with the natural impulse of his royal heart."

Nothing could be more frank, manly and devoted; nothing more strongly marked with filial respect, than this first step of the Prince into public life. All circumstances considered, the determination thus taken was perhaps as intrepid a one as can be found recorded of any youth, of the same age and experience. On the 28th, the King changed his ministers; but, the following night the principal part of the garrison, with one of the "Regenerators" of 1820

at their head, left the capital to join the Prince. The King still adhered to the Constitutionalists, and, in the morning of the 30th, signed a proclamation, announcing "that he would punish his son's rebellion." In the afternoon of the very same day, after learning the defection of one of his own ministers and hearing the shouts of the 18th regiment, *à bas la Constitution*, accompanied by his two daughters, he actually drove off to Villa Franca; embraced and thanked the Prince; instantly confirming all he had done and confering upon him the rank of Generalissimo of the Army! On the 31st, King John issued another Proclamation, addressed to the inhabitants of Lisbon, in which he acknowledges that "experience had demonstrated, in a manner painful to himself and fatal to the nation, that the existing institutions were incompatible with the will, usages and prejudices of the greatest part of the monarchy;" adding "that this was proved by the evidence of facts," &c. In the mean while, some of the members of the Cortes had fled away; others proceeded to offer their submission to the King, whilst 61, about half of the total number, signed a species of protest and afterwards dispersed.

Thus ended the first reign of the Cortes and Constitution of 1822; thus was the King liberated from the thraldom in which he acknowledged he had been held. And did the Prince then make a wrong use of his triumph? Did he forfeit the pledge he had given of his intentions? King John returned to his capital, on the 5th June, amidst the congratulations of the people, with his ancient sceptre in his hand,

and the Prince was the first to concur in the maintenance of public order. Notwithstanding his evident devotion to the interests of his country and the rectitude of his views, the fallen party were nevertheless bitter in their invectives against him; he became the object of their secret attacks and, as before noticed, a league was formed to effect his ruin. The people however rewarded him with their benedictions and the Allied Sovereigns expressed their most cordial thanks. I have already mentioned the congratulations of the Emperor of Russia and King of France, found in the Appendix No. 3. Of the former, the following is an extract; "*Ne manquez pas, dit la dépêche, d' exprimer à S. A. R., l' Infant Dom Michel, les sentimens qu' ont inspirés à l' Empereur sa rèsolution généreuse, sa noble vaillance, et le respect filial avec lequel il déposa aux pieds du Monarque l'hommage des services qu' il venait de lui rendre, en offrant à S. M. tout ce qui serait désormais en son pouvoir pour le service du trône. Il est des actions qui portent avec elles leur récompense; la plus éclatante que puisse recevoir le Sérénissime Infant, c' est la gloire d' avoir sauvé son Roi, son pere, sa patrie.*" The French Ambassador, addressing King John VI. also spoke thus; *Sire, le Roi, mon maitre, heureux et fier lui même de son propre fils, félicite V. M. d' avoir donné naissance à un Prince qui, a l' age ou d' autres hommes entrent dans la carriere de la gloire, s' est si noblement placè au rang des heros.*

This heroic measure, so hazardous at the period when undertaken, was executed without tumult—without a single accident. No service rendered to

Portugal, during her agitated state, can be ranked with it, and certainly the principal share of glory remains to Prince Miguel; but, as the sequel has proved, that glory was to him a dangerous acquisition. So many public demonstrations for the moment imposed silence on his enemies, and even those who afterwards openly conspired against him, were obliged to follow the current of public opinion. Palmella himself, who in the interval had been made minister of Foreign Affairs, in the Circular which he on that occasion addressed to the Courts of Europe, passed the most pointed eulogiums on the courage and virtues of the Prince, and declared that to him the salvation of Portugal was due!

Unfortunately, the King did not know how to improve the advantages which he had just acquired. In the moment of fervent gratitude, he was made sensible of his late errors, and seemed actuated with a firm resolution to repair them, by earnestly devoting himself to the wants of his people. This patriotic determination did not last long. Pamplona, a traitor to his country, during the invasion of the French and the inveterate enemy of England, was placed at the head of the administration and, by continually preying on the King's fears and suspicions, soon gained a complete ascendancy over his mind. This man had formerly been recalled and employed by the Constitutionalists, and, in order to preserve his new place and carry on a favourite policy of his own, he formed a fresh coalition with them. This union gave another turn to public affairs, and the faction, so lately cast down, appeared ready to

rise up, more powerful and terrible than before. The object of their former league was renewed, and *eternal enmity* to the Prince who had been the instrument of their humiliation, and of whose prospective claims to the throne they also stood in awe, became their watchword.

The discomfited "Regenerators" were soon at work again, determined to reign; or perish in the attempt. If the opportunity before them were lost, it could not be regained. Their minds, prematurely enlightened, had already began to organize the new system; whilst the people, as it were, unmindful of their dangers, thought they had freed themselves from the oppressor's chains, whereas it soon appeared that they had only broken the first links. The Masonic Lodges were converted into haunts for the conspirators; already the attitude of the enemy was aggressive; his preparations immense and his progress alarming.

Such was the state of affairs in the Portuguese capital, as described in the Prince's proclamation of the 30th April, 1824. Nothing could rouse the monarch from the torpor in which he was sunk; no remonstrances were sufficiently strong to break the bondage in which he was held. The avenues to his palace were closed. The Prince conceived himself recalled to the theatre of action, and he stepped forward with the avowed intention of "giving tone and energy to the grand work commenced on the 27th May, 1823." This was doubtless a resolution that required wisdom in conception and the greatest

precaution in its execution; but, as matters stood, force was the only alternative left. The formidable faction had been repressed; but not annihilated by his first endeavour, and he felt determined that the second should be more effectual. The common deliverance of the country—the felicity of its inhabitants, seemed to demand of him this last effort to put an end to the schemes of selfish agitators and theoretical reformers; and if the means of which he then availed himself were injudicious, or even illegal, his intentions cannot be blamed, as being either criminal, or ambitious. Had he alike succeeded in this attempt, the benedictions of the people would again have been showered down upon him, and among the most abundant those of his own father.

In the morning of the 30th April, as commander in chief, the Prince assembled the troops on the main square, and immediately gave orders for the arrest of Pamplona, Palmella, the Intendant of Police, the Director of Customs and some military officers of rank; by this early step indicating the real object he had in view. An alarm having spread through the city, he sent an adequate guard to protect the Royal Family, and on this occasion, wrote a letter to the King, begging him "not *to be uneasy*, as, in what he was doing, he had the welfare of the kingdom at heart." At 10, he went himself to the palace and, in the presence of the *corps diplomatique*, assured the king of the integrity of his intentions, which he explained; adding, that even then he was *ready to obey* the sovereign's commands. At 2, he returned to the square and ordered the troops to their quarters.

However the Prince may be censured for his impetuosity, it is therefore evident that he had no design either against the king, or his crown. His first step may have been marked with error; but in this he did not persist. He continued to be an inmate of the palace and on the best terms with the king who, on the 3rd May, that is, the fourth day after the affair had happened, issued the decree seen in the Appendix, No. 12, in which he acknowledges the motives "which had placed the Prince under the unavoidable necessity of recurring to arms, at the same time pardoning him for outstepping the bounds of a jurisdiction, exercised without his royal authority, of which he acquits him," &c.

Here it was hoped the matter would have ended. Pamplona, at the first signal of alarm, had sought an asylum at the French Ambassador's; but Palmella was instantly released. To both, it was however evident that the blow, premeditated by the Prince, had been aimed at them, and they still felt that the tenure of their places was insecure. They had besides been humbled in the eyes of their countrymen, and this injury could not be forgotten. In the mean while, the Prince's popularity had increased, and trembling for the consequences, like those ferocious animals which, delivered from the toils of the hunter, seek him with flaming eye and foaming jaws, they resolved to compass his ruin.

During all this time, the king's mind was a prey to imaginary terrors. He dreaded the ascendancy which the Prince had gained in the public mind, and

had neither the duplicity to reproach him for an act which he had just pardoned, nor the courage to strip him of a command which his ministers continually told him might again be abused. His jealousy and suspicions once roused, the wily Pamplona and his colleagues resolved on a *coup d' état*, that would at once secure them from future harm. The French ambassador had been early interested in the affair and had written to Admiral Des Retours, at Cadiz, to come to the Tagus with his ships. Some delay having occurred, through the prevalence of contrary winds, on the 9th, the king privately went on board of the Windsor Castle, and issued a proclamation, withdrawing the command of the army from the Prince and ordering him to appear in his presence. This document the Authors of the *Exposé* have taken special care to insert in their Appendix; but the previous one of the 3rd, already spoken of and by far the most important, with equal diligence they conceal. The new edict reproaches the Prince for having allowed himself to be led away through the advice of evil-minded persons; but does not contain the smallest insinuation of a criminal charge. Fearless and trusting to a parent's pledges, he instantly obeyed the summons and, contrary to the intreaties of thousands, assembled to see him, on the 10th, went on board of the Windsor Castle, personally to brave his enemies.

After some incoherent recriminations, he was again pardoned and made his peace with the king, when his enemies were near losing the fruits of their insidious triumph. As a measure of precaution, he

was not allowed to return on shore, and, in the mean while, the ministers continued to press their audacious murmurs in the ears of the King. The Prince was represented as an object of dread—as one whose will the deluded populace were at all times ready to follow. The subdued monarch was told that he must make another sacrifice for the welfare of the realm; that his son, the same who so lately beat down the strong arm of a faction which had shaken the antique columns of the monarchy to their centre—the same who crushed the hydra of anarchy and reseated the parent on the throne of his ancestors, must be driven from his native land! In vain, the father reasoned and reminded them that he had already punished and pardoned—the past was to be forgotten. These consummate intriguers, now armed with the sword of vengeance, changing their mask by system and affecting extravagant zeal according to a scale of calculation; these personal enemies of the Prince, acting as the pretended avengers of the nation and the vigilant guardians of the throne, overwhelmed the weak and terrified monarch with their wiles and importunities, and at length wrung from him his consent. In order to save appearances, but thereby rendering their own machinations, if possible, more revolting, on the 12th, they obliged the Prince, now completely in their power, to address the following letter to his father.

"To love and serve Your Majesty has been, from the time I knew myself, the principal occupation of my life and the only object of my ambition. If, at any time, I succeeded in giving indubitable proofs

of my fidelity, the paternal heart of Your Majesty will perhaps now receive them, as a sufficient excuse for the involuntary errors into which the want of experience and reflection, attributable to my age, led me to fall, &c. Fearful that my presence in Portugal might afford a pretext to evil-minded persons to renew disturbances and intrigues, very foreign to the pure sentiments I have just truly uttered, I request Your Majesty to grant me permission to travel for some time in Europe," &c.

On that same day, the Prince was sent on board of a frigate, in charge of a ruffian, appointed by his enemies, and who, as it afterwards turned out, had secret instructions to lead the unwary youth into all kinds of excesses and dissipation, in order to injure his private character. In a word, he sailed for Brest without being allowed to take leave of a single friend or relative, and from thence was escorted to Vienna. With his sojournment there my readers are already acquainted.

Here will I pause and ask the dispassionate reader whether the Prince's conduct warranted treatment of this kind. Were these proceedings of a legal character? If he originally fell into an error, he did not persist—if he committed an offence, he had been over and over again pardoned! Had he entertained designs similar to those which his adversaries seek to attribute to him, the moment for their execution was when he presented himself at the head of the troops in the main square, on the morning of the 30th April; or, on the 9th May, when the king

took refuge on board of a foreign ship of war, as if doubting the loyalty of his own subjects. The public indignation on that day knew no bounds. The king's clandestine withdrawal from his palace, where no harm could reach him, at a moment when the public effervescence had subsided and the Prince at all hours before him, was considered as a ministerial stratagem—as a mean subterfuge—as an insult to the nation, and the authors were consequently loaded with execrations. On board of the Windsor Castle, King John was neither safer, nor more powerful than at Bemposta, and had he from his own residence had the courage to issue his decree of the 9th, it is a well known fact that it would have been obeyed, with equal readiness. The king influenced by imaginary terrors, unhappily became the dupe of the artifices, plotted by his grovelling and vindictive ministers, whilst the Prince was made the victim of his devotion, in attempting to crown an avowed service which he had rendered to his country.

This nefarious plot did not stop here. It became necessary to tranquillize the public mind and offer some satisfaction for this outrage on the laws and common decency. The Prince was the idol of the people; they had witnessed his acts and would listen to no charge of criminality. Why is he thus punished, and unheard? was the universal cry. Who are his judges—where are his accusers? fell from every mouth. Another expedient, if possible baser than the previous one, was then resorted to, and of it the deluded father, entangled in the toils of his advisers, again became the passive instrument. By a decree,

dated May 26, 1824, when the Prince had already landed in France, a Judicial Inquiry was ordered to be instituted, for the purpose of "discovering and punishing the conspirators of the 30th April," &c.; and by a subsequent one, dated the 14th of the ensuing August, a special Commission was appointed, in order to judge and pass sentence on the persons implicated. These two papers are reproduced by the Authors of the *Exposé*, and to them I refer.

The Court of Inquiry thus instituted, was open for a whole year and in charge of the Prince's enemies. Numerous witnesses were successively examined and every effort made to discover the traces of crime. The whole proceedings were afterwards secretly printed, in order to injure the absent youth; and a copy is now before me, which I have examined, line by line, and in the long file I see nothing that in the least implicates the Prince, except the denunciation of a knave, or a madman, declaring that a plan existed to *depose the king and kill all the Liberals*, which is only rendered important by the circumstance of its being sent to the Court of Inquiry by the King's orders, inclosed in a letter from the then Marquess de Palmella, dated May 19, 1824, directing that it should form part of the proceedings and that the Author should be called and interrogated. He was, and also several Generals, Colonels, as well as a variety of other persons, and yet, after all these strenuous efforts, made by men in power, in search of revenge and with the Treasury at command, the whole collective evidence obtained, during the course of twelve months the Court of Inquiry was sitting, did

not suffice to substantiate a single charge, of a criminal nature against the Prince; or furnish even the slightest grounds to exhibit him at variance with the tenour of his own proclamation, issued on the 30th April and posted up on the corners of the Lisbon streets.

At length, the Court was enjoined to pass sentence and close the proceedings. The Judges trembled to offend by any longer delay; but yet hesitated to commit an act of injustice. One of them withdrew from the Inquiry and peremptorily refused to act, at which the ministers felt so indignant that they sent him home to his own province of Beira. Two others followed his example and, as a *milder* punishment, were ordered to go on a special commission to the coast of Africa; but one of them, Pedro Alves Deniz, withdrew to England; whilst the other, Francisco José Vieira, after a considerable lapse of time, was pardoned. The total number of judges was originally nine, and among them two noted Brazilians, Barradas and Lacerda, the creatures of Pamplona, afterwards transplanted from the Bench to the Ministry and the chief agents of the early arrangements made in favor of D. Pedro. King John, wearied out with these inconsistent acts; ashamed of what had been done, and, as many persons at the time had reason to believe, touched with a remorse of conscience, by a decree of the 24th June, 1825, (also seen in the Appendix to the *Exposé*) eventually dissolved the Commission, directing all the proceedings to be sealed up and deposited in one of the public

offices.* For form's sake, half a dozen individuals were however sent out of the country, as having been advisers of the Prince, and among them, the Marquess d' Abrantes D. Jose, who died in England; but this exile was not the consequence of a regular sentence.

Thus ended the judicial proceedings, if such they can be called, connected with the *Abrilada*, and from which the Authors of the *Exposé* would even now gladly draw the most ominous conclusions. In contemplating this strange and complicated affair, one is astonished how half a dozen individuals were able to manage so extensive an intrigue against a Prince of the Blood Royal, for such a length of time, and interest so many grave personages in a plot, contrived for the mere gratification of personal resentment; or the furtherance of party views. It is difficult to say whether the chiefs of this conspiracy, and clearly it deserves no better a name, who have lately reappeared on the scene of action, do not merit rather contempt than indignation, for if their

* It is now ascertained that the King, if he experienced a pang during his last illness, it was on account of the manner in which he had treated the Prince. Dr. Abrantes, in his Letter to Sir W. A'Court, speaking of the first acts of the Princess Isabel Maria's Regency, states thus; "Barradas proposed to the Government that all those individuals should be recalled to Lisbon, who were, more or less, implicated in the unhappy events of the 30th April 1824. The Government assented to the proposal, merely because Barradas asserted that the *king had an intention of ordering them to be recalled in a short time.*" Barradas was the most active Judge in the Inquiry; the decree of the 24th June, 1825, was signed by him; he was afterwards minister of the Ecclesiastical Affairs; near the king till the moment of his death, and a minister under the Regency.

profound hypocrisy is in their favour, their excessive cowardice is against them. Their hand may be plainly traced in every line of the *Exposé*, struggling to regain their lost power. Every kind of political machine suits their purpose, provided the springs are moved according to their own wishes and tend to promote their cause, or avenge their feelings. They would heedlessly let loose the monster anarchy, forgetting that he would soon reduce their country to a heap of ruins, and having once destroyed their adversaries, with equal eagerness then turn upon them. Their chief spring of action is pride, and, incessantly speaking of their country, they never forget themselves. They only seek to lower their rivals, in order to add to their own stature; they try to vanquish, that they may again become masters. Too weak to conquer—too stubborn to yield, they become calumniators and resort to political ambuscades like the one above described.

Such are the conclusions which I have felt myself compelled to draw from a careful investigation of the facts connected with the *Abrilada*, and I can confidently vouch for my diligence and research. It is not from the tribunal of the passions that I seek a verdict. I submit the present reply to men of impartial mind, prepared to call to their aid the laws of justice and morality, and what I do, is with a due sense of the awful task which I have imposed upon myself. I have weighed the subject maturely and examined every known document, at all bearing upon it; or in the least tending to implicate the Prince, although I am fully aware that many more direct

proofs of his innocence, or rather of the profligacy of his enemies, must, some time or other, be brought to light; but I have seen enough to convince me that a coalition at the time existed against him, in the palace of the King, the promoters of which were determined on his ruin. That faction persecuted him to the very last, and being unable to establish charges, now convert their vindictive anger into empty calumnies. In these disgraceful acts, the Portuguese nation however has no concern. In the memorable conference, after the Restoration, which took place between our two Houses of Parliament, Lord Clarendon declared that Charles II, having sent him on an embassy to the King of Spain, expressly charged him to tell that monarch, "that the horrible murder of his Father ought not to be deemed an act of the Parliament, or People of England; but of a *small crew of wretches and miscreants*, who had usurped the sovereign power and rendered themselves masters of the Kingdom."* Such was the case in Portugal. A band of ferocious hypocrites governed through the agency of a weak and palsied monarch, and had it been in their power, they would then have brought a Portuguese Prince to the scaffold, in like manner as the anarchists of our olden times did the martyred Stuart. Both alike judged that this was the only means of providing for their own safety. Both afterwards equally sought to revile their victim.

It is however curious to see the Authors of the

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* Rapin, Vol. xiii, page 246.

Exposé regret and complain of the consequences of the *Abrilada*, when had it not been for the unjust proceedings which followed that event, clearly their friends would never again have wielded a moment's power in Portugal. If the Prince had been at home, at the time when King John VI. breathed his last, they will scarcely have the courage, or dissimulation, now to say, that he would not have been instantly proclaimed! Thus then they had the advantage of a second experiment, and, in order to afford them this opportunity, it doubtless was, that the tragical parts of the *Abrilada* were so dexterously prepared beforehand. If there is any thing that exhibits the Prince's real intentions on the 30th April, 1824, in a stronger point of view than the one which I have already taken, it is, the series of the occurrences which followed the late King's death. They are the best solution to the whole affair. Had he been on the spot, I repeat, none of the late calamities would have happened to Portugal.

After closing the topic of the *Abrilada*, the *Colaborateurs* of the *Exposé* proceed to arraign D. Miguel's elevation to the throne, as having been effected through the aid of a *military rebellion*. It is painful to look back to the errors of nations; the more pleasing task being to speak of their glory and prosperity; but it certainly must be confessed that in Portugal, as well as in Spain and Naples, the military have always taken a leading part in the various political movements which have successively agitated those three kingdoms; and, on this last occasion among the Portuguese, it could not have been other-

wise. It has however been triumphantly shewn that the first opposition to the Charter was evinced by the Government, and the military did not interfere, till they did it in support of the general will, expressed at the several extremities of the Kingdom. They were not the organs of public opinion; but the champions of invaded rights, and knowing the strong position of their adversaries, they offered their own breasts in defence of the disarmed, well assured that they had the concurrence of the heads of the nation, as well as of those persons best acquainted with the laws and moral condition of their country. They judged and felt with those classes which had most interest in its fate; their only attempt being to place their countrymen in such a state of freedom, as would enable them to express their sentiments on a great national subject, without restraint, and allow the laws to take their due course. They had no claims, or demands, to institute for themselves. Their only aim was, to secure the public interests and preserve the respect due to the Crown and the national institutions.

The general alarm was also the first signal that drew them from their quarters; but, even then, as previously proved, and by adverse authorities, they were accompanied by leading men and public functionaries in every province where the standard of opposition was unfurled. Besides, had they not the events of 1823, before their eyes? At this late hour it is ridiculous for the Authors of the *Exposé* to talk of the private feelings of Commanders, of either the division of Alemtejo, Algarve, or Tras Os Montes,

having had any influence in these transactions; it is a waste of paper to introduce the declarations into which each respectively entered to support the rights of the throne. The military took their impulse from the people, and stepped forward to contend against those who, without consulting the moral power of opinion and the public interests, imagined they could dictate any laws they thought fit, on the sole condition of a blind submission to their commands, with the evident and avowed purpose of destroying institutions, interwoven with the national character. On their part, it was an act of redemption, undertaken at a moment of peril. Thus, was it, that whilst a party were designating themselves the interpreters of the general will, the nation proclaimed a totally different sentiment, as if determined to abjure the errors of those who sought to become the arbiters of its destiny.

"This rebellion did not change the state of the question," do our monitors inform us, "as the kingdom continued to obey D. Pedro," &c. This however does not demonstrate that the unity of will and purpose was wanting between the military and the people. It however happens that this *rebellion would have changed the state of the question*, and very materially too, if the united opponents of the Charter had then reached the capital, and, as already established, this was only prevented by the advance of the British into the interior; by the report of an increased force being about to arrive, and the general conviction that the Charter was under the immediate protection of Great Britain, with whom the dissen-

tients were not prepared to contend. The triumph therefore gained by the prolongation of D. Pedro's power, after all, was merely accidental, and, as before I have had occasion to say, did not prove either the merits of his institutions; the energy and talents of his partisans; or the readiness of the country to abide by his dispensations. Even a state of political apathy, at such a period as the one alluded to, could not have been taken as a proof of acquiescence; or, as indicating that the people were disposed tamely to submit to the changes proclaimed and forced upon them.

Whatever moral power D. Pedro's authorities at that time held in Portugal; whatever physical advantages they then gained by the withdrawal of the Royalists into Spain, were clearly derived from British interference, and consequently, without it, the contest would have been settled long before the expedient of bringing D. Miguel from Vienna was thought of. With what little reason, therefore, do some persons cry out, that the downfal of the Charter is to be attributed to British influence! We did not go to Portugal, it is true, for the purpose of meddling in the internal changes of the nation; but, as we thought, in order to repel a foreign aggression. The effect was nevertheless the same. Our presence alone exalted one party and for the moment depressed the other. Our interpretation of existing Treaties sustained D. Pedro's power, at least a year longer than it otherwise would have lasted; and still do his partisans complain! We did not perhaps anticipate that such a demonstration, as ours, would

hereafter be considered as an innovation on the rights of mankind and the policy of States, from its having the appearance of a foreign armament, employed to regulate the internal institutions of an independent nation; but such was the effect, this being the real and only question then at issue among the Portuguese, and unhappily the conduct of our diplomatic agents by no means tended to take this stigma from the charge.

We are next desired to believe that "at the period when D. Miguel reached Lisbon, D. Pedro's decrees were in full force; the rebels (meaning Royalists) being driven beyond the frontiers; the factions suppressed and the people of all opinions reposing the most implicit confidence in His Royal Highness' Oaths and Declarations," &c.—But, from what facts —what indications, are all these assumptions taken? D. Pedro's decrees were certainly in force, in the departments of government, at the time the Vienna captive arrived in the Tagus; his name was introduced into the liturgy, and, had the mint been richer, more national coins would perhaps have circulated with his effigy upon them; but, was this all that was required for the settlement of the Crown; was this any thermometer of the state of public opinion; or a proof that the voice of the laws had been heard? The British troops were still at Coimbra and Lisbon —the Royalists disarmed in Spain and removed to an immense distance from the frontiers; in a word, a pause had ensued; but does this show that the mass of the people were ready to concur; or felt satisfied with the early success of the Charter? Can

it thence be argued that those who first implicated the political order of the State and endangered the safety of the influential classes, had taken sufficient pains to ascertain the condition of the country, before they carried their untried experiment into practice?

As I have already noticed, the first demonstrations of opposition and resistence commenced with the very arrival of the Charter, and evidently it had gained no strength by a year's nursing, as in that period of time, it was proved to be completely at variance with the feelings of the country, as well as the habits and opinions of all classes in society. Why then should the people have been more reconciled, after such a respite as the one just described? It was against the principle on which the Charter was given, that the earliest cries were raised; and had D. Pedro's subsequent errors and discrepances tended to allay these feelings? Its very name was pronounced an open invasion of rights; the acceptance would thus have been humiliating to the nation; and had any thing, in the interval, happened to disarm it of these terrors? Most assuredly, no. The people and army originally rose with a view to join in one common bond the true interests of national independence, and any oaths or declarations unduly required of an absent Prince, destined to rule over them, could only add to that determination.

However the Authors of the *Exposé* may seek to delude their readers, it is undeniable that, on D. Miguel's arrival in Portugal, none of the old differences had melted away. There was no distant

prospect of centralizing a national sentiment in favour of what they call "D. Pedro's decrees." The influence of the new institutions was in fact merely nominal, and did not extend beyond Lisbon and Oporto. They had operated no revolution in the moral attitude of the nation—the public mind had taken no new direction; what then was to prevent the contest from being renewed, the instant that man appeared on the scene of action whose presence alone, at the commencement, would have calmed all the angry passions!

However loud the tone in which the Authors of *Exposé* still wish to be heard, it must be manifest to every impartial mind that, at the period when Prince Miguel reached the Portuguese capital, although no organized insurrection existed, the progress of the new order of things could not fail to be instantly arrested, if no other reason existed, merely because the institutions on which it rested, implied a sudden change in the habits and prejudices of a people, accustomed to a species of dependence on the sovereign will, at once proud and hierachical in its nature, and these changes had not been realized! If the "decrees" were deemed favourable to one part of the nation, they overthrew every other interest. As I have before argued, no analogy can be brought from the history of more Northern nations to the affairs of either Portugal, or Spain. The political doctrines which arose out of the French revolution, never passed the Pyrennees, and if D. Pedro's institutions had been home-made, like those of 1822, and not received from the hand of a foreigner, they would

equally have disappeared, from the moment they were placed in competition with the venerable and tried laws of the land.

The advocates of the Charter and the partisans of a foreign dominion may, therefore, rail as long as they like against D. Miguel not keeping his pledges and obeying the mandates received from Rio de Janeiro; but they never can destroy the premises here established; or, with truth and justice, interpret the state of public feeling, in Portugal, at the period alluded to, in any other way. They may talk of "the organization of a system of terror;" they may give us all the poetical descriptions they like of "visits to the Church of St. Mary;" or, they may seek to stagger us by the recital of bought compliments—hired trumpeters and shouts emanating from the the lowest orders of the capital! These were not the elements with which D. Pedro's Charter was overthrown.—We must trace them to other sources, and it is preposterous to see persons, professing to write for the instruction of enlightened Europe, enumerating obstacles of this kind to the success of institutions, which, they wish us to believe, were claimed in the name of the people!

If there is any feature, more remarkable than another, in D. Miguel's conduct, on his return to Portugal, it is the forbearance with which he acted and the disposition which he evinced to follow the advice given to him, if it had been practicable. He hastened to succour his countrymen, with renewed zeal and exempt from every malignant pas-

sion, after having experienced all the horrors of exile, insult and humiliation. Had vengeance, a sentiment not less natural than impetuous in the human breast, and of which he has been so often accused, overpowered his reason; or in the least influenced his actions, he would have singled out and urged the punishment of some of the noted individuals against whom he had such just motives of complaint; or, had he been ambitious, knowing the support on which he could from the very first moment rely, he would have adopted one of those general measures which strike a whole party at once. He, however, left every thing to the developement of time. He reached Lisbon on the 22d February (1828) and Sir Frederick Lamb writes "that the days immediately succeeding his landing, cries of *Long live D. Miguel the First* were heard."* On the 1st of March, Sir Frederick further says, "that H. R. H. was incessantly assailed with recommendations to declare himself King and reign without the Chambers;" even adding "that it depended entirely on his will to do so, as the Chambers would offer no opposition and the measure would be popular with the great majority of the country."† Need I go in search of additional proofs of the state of public feeling, on the Prince's return? Do I require any further confirmation of the correctness of the positions I have just established?

"*Fort de la présence et de la protection des forces Britanniques, le gouvernement de l' Infant prenait*

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* Vide Parliamentary Papers, No. 14.

† Ibid, No. 18.

publiquement le chemin de l'usurpation, ne s'inquiétant guère de l'injure atroce qu'il faisait á S. M. B. en abusant d'une manière aussi coupable de l'appui qu'elle lui avait accordé dans un tout autre but." But, had not his competitor done the same, for more than a year? Was it D. Miguel who called in the aid of the British troops? Their presence besides did not weaken his own rights, or silence the demands of the people to have them asserted. "He dissolved the Chamber of Deputies;" yes, but he did it *constitutionally* and not by means of an armed force! "He changed Commanders of districts and Colonels of regiments;" yet, in this, he did no more than follow the example of the Regency, as already pointed out. "The provincial governors sent Circulars and instructions to the municipalities, to have him declared king;" but, even if this were true, did not the Regency over and over again enjoin the district magistrates to see that D. Pedro's institutions were supported with all their might? "The press and the pulpit were used to further his views," it is added; but did not D. Pedro do equally as much for his own cause, in sending over a Constitutional hymn, composed by himself? When these questions have been solved, as many more might be propounded. In the mean while, however, I shall merely repeat the old adage—fair play is a jewel.

"All these facts are notorious" it is contended; "they were communicated by the British Ambassador at Lisbon to his government, and by the minister of Foreign Affairs repeated to the Ambassador of Portugal in London." All this may be true; but

these several reports do not prove that in Portugal the acts alluded to originated from any illegal, or ambitious motive. This charge cannot be made out by any possible modifications of the evidence afforded, whether British, or Portuguese—whether diplomatic, or otherwise. Let us scrutinize the events as they happened—let us descend to particulars, by first asking, what was the drift of D. Miguel's conduct; what was the result of his observations, after he had been in Portugal for upwards of two months? As before stated, he landed on the 22nd February, and on the 3rd May, issued a decree, convening the Three Estates of the Realm, in which he declares "that the necessity of this measure, already acknowledged by the King, his Father, in his decree of the 4th June, 1824, having much increased in consequence of ulterior events, and being desirous of complying with the urgent representations which the Clergy, Nobility, Tribunals and all the Municipalities had conveyed to him on this subject, he thought proper, conformably to the opinion of learned persons, solicitous for the service of God and the welfare of the Nation, to convoke the said Three Estates of the Realm, to meet in the City of Lisbon, within thirty days from the date of the precepts, in order that, in a solemn and legal manner, according to the usages and practices of the Monarchy, as well as the forms exercised on similar occasions, they might deliberate upon and decide the application of weighty points of Portuguese Law, and thus restore concord and public tranquility, so that the important affairs of the State might become settled and take a proper direction."

Now, is there any thing illegal, criminal, or even personally ambitious, in this? The address of the Nobles prayed the Prince "to accede to the wishes of the whole Nation, desiring and requiring to see him seated on the throne of his ancestors which," they add, "according to the fundamental laws of the monarchy, belonged to him;" whilst all the other addresses from corporate bodies reechoed similar sentiments, conveyed in language still more forcible. The manifest will of the nation, distinctly was, that the Three Estates of the Realm should be assembled; and this was declared to be the law and usage of the land, on all great emergencies. Prince Miguel therefore did no more than shew a proper deference to the public voice; himself setting the first example of obedience to the laws, by convening those very same Cortes to whom his rival had not ventured to submit either his claims, or his projects. Relying on the justice of his cause and encouraged by the purity of his intentions, after doing this, he left the result to the decision of the only competent tribunal, acknowledged by the institutions of his country. He did not seek to exercise any act of power, or prerogative, himself; he did not offer himself to the ready acclamations of the people; but left the whole affair to the process of a judicial investigation. As matters stood, this his own honour, as well as the peace and welfare of the community required.

The nature and tendency of these acts consequently cannot be changed, or affected by the reports of any diplomatic agents, at the time residing at the Court of Lisbon, having a mistaken duty to perform.

Sir Frederick Lamb, amidst all the inconsistencies abounding in his official correspondence, could not conceal the state of public feeling, although he seems anxious to have had it suppressed, even by the aid of an armed force. On the 23rd March, he avows "that no party of any consequence appeared to attach the least value to the Charter;"* and yet on the 7th May, that is, after the Three Estates had been convened, he declares that it was desirable that his (Dom Miguel's) proceedings should be stamped with the utmost character of illegality and the Cortes be declared null, even from the moment of their convocation."† The Portuguese were therefore to be left with a Charter, on which nobody set *the least value*, and not allowed to seek a remedy in a Constitutional manner, because the recurrence to that remedy was contrary to the mandates of D. Pedro and the determinations of Austria and England to sustain them. When was such a right ever before arrogated by the British government? When were such acts of interference ever recorded in the diplomatic correspondence of an agent, as we find in that of Sir Frederick Lamb? This interference extended even to the censorship of the press!

Having thus explained the real basis of the complaint that still rankles in the breasts of D. Pedro's partisans, it would be beneath me to notice the scurrility of the remarks, and acrimony of the invectives to which their Paris organs resort, towards the close

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* Vide Parliamentary Papers, No. 23.

† Ibid, No. 29.

of their Second Chapter. Until it can be proved that the political institutions of a monarchy can be changed by the simple *fiat* of a man; or that new laws can be framed like the stanzas of a poetical canto and modulated like the tones of a Constitutional hymn; until it can be shewn that powers, established and guaranteed by the sanction of time, ought not to become the arbitrators on all difficult questions, affecting the welfare, or destinies of nations; until it shall appear that the Portuguese are unable to discriminate between good and evil—right and wrong—and unless it is established, as an axiom of public law, that an independent nation can be so placed under the guardianship of other powers, as to be compelled to render to them an account of its political conduct, its administration and its laws, Prince Miguel's conduct, in convening the Three Estates of the Realm, cannot be blamed. It was a constitutional act, conformable to ancient custom; it was a measure justified by state expediency, and demanded of him by the wants and wishes of his countrymen. To warrant the direction of personal charges, it would besides be necessary to separate him from his people, and this cannot now be done by any effort of ingenuity, or any train of specious reasoning.

With our Paris advocates, this is however no longer an argumental warfare; but one in which the truth is to be hunted down, as a preparation for their triumphs. Invectives and scurrility are their favourite weapons; but, if their passions rage with unabated violence and disappointment urges them beyond the bounds of reason, they ought to consider

that they rather injure, than advance a cause, in which they have so much signal imprudence to retrieve. Their object of attack stands unmoved by either the coarse raillery, or aspersive declamation of his enemies; and, after all, in the eyes of a unbiassed public—in the minds of sound and considerate men, his rival must be condemned, in spite of the claims adduced and the authorities on which his partisans seek to rest them. It is impossible to plant new theories in countries held in subjection by old prejudices; a principle that ought never to be forgotten in all discussions on the affairs of Portugal; and in like manner is it beyond the power of any man, however enlightened his mind, or sublime his virtues, to wrest the torch of political fanaticism from the hands of infuriated levellers, unless by force; or to repress pride and revolt, without a due application of the offended laws.

When properly examined, D. Miguel's elevation to the throne, as well as the means by which it was attained, will therefore appear to have been both regular and constitutional, unless it can be shown that the laws of Portugal expired with the late king; that the principles on which the Succession has hitherto been regulated, are erroneous and its practical details consequently defective, and that for this want of foresight D. Pedro's Charter was the only infallible cure; but, even in this case, the Portuguese again must be their own judges, if they are not wholly divested of those common rights which hold men together in society. Simple expedients, imitating the practice and combining the analogy of established

institutions, have always been deemed the safest guidance for a nation, and, on this account, it was, that during the reign of innovations among them, the Portuguese were always so anxious to return to the *mores institutaque majorum*—those best bulwarks of public peace and a stable government. This, on the late occasion, they considered as the only means of bequeathing an inheritance of tranquillity to their posterity. The wise and obvious measure alone of convening the Three Estates, they anticipated, would rescue them from contending factions and conflicting interests, as well as shield them from a similar state of distraction hereafter. This was besides the best mode of securing the affection and reverence of the people, as well as of restoring harmony and union among them.

The Authors of the *Exposé* next endeavour to prefer a charge of ingratitude against the Prince, for not meeting in a corresponding manner, in Portugal, the *nouvelle preuve de généreuse confiance* which his brother D. Pedro, in Brazil, was preparing for him, by completing his abdication and sending over his daughter. It has already been shewn that the first Act of Abdication, dated May 3, 1826 (found in the Appendix, No. 11) was wrung from the Emperor by his own subjects, and, consequently, not performed through any consideration towards the brother; or made as a sacrifice to Portugal. By both the Brazilians and the Cabinets of Europe, it was, however, afterwards found to have been a delusive measure, since, contrary to their expectations, D. Pedro, as far as he could, continued to reign in Portugal, and

in his name the little government that existed, was administered. The Brazilians were perhaps the most deceived, as at the opening of the National Assembly, on the 6th May, 1826, previously adverted to, (Vide Document, No. 6) their "Constitutional Emperor and Perpetual Defender" told them "that he had *abdicated* the Crown of Portugal, because it might hereafter *implicate the interests* of Brazil, if he retained it;" and nevertheless long after they saw him exercising rights and prerogatives belonging only to the sovereign of that country. It was then discovered that the Act of Abdication being conditional and not intended to be held binding, or carried into effect, until *all* its conditions were fulfilled, the most material of which was the conclusion of the projected marriage, a formality which, according to the rites of the Catholic Church is not completed until the ecclesiastical ceremony has been performed, the bethrothed Princess being still at home and in the Father's power, it was thus left at the option of of the Emperor of Brazil to continue to be King of Portugal, as long as he pleased, independent of sea risks and other contingencies, whereby the abdication would be converted into a mere farce.

His right to retain the Crown, even after the espousals had been celebrated at Vienna, was advocated by both his own immediate partisans and those of the Princess Isabel Maria, for two different purposes. "If the conditions of the abdication are unfulfilled," argued one organ and a strong partyman at the time, "as unquestionably is the case, it evidently and incontestibly follows that His Majesty,

Peter IV. is still King of Portugal and Algarves, and; as such, necessarily ought to be considered, until the moment when the marriage is *concluded.*"* This position was indeed assumed by all the adherents to the Charter; it was essential to the completion of their designs. It would, therefore, be difficult to perceive what debt of gratitude either D. Miguel, or the Portuguese people, owed to the disinterested Lycurgus of the New World for his comprehensive arrangements made on their behalf. The first Act, of which the Authors of the *Exposé* previously boasted; as well as the second one, designated a *nouvelle preuve de généreuse confiance*, and intended to complete it, clearly imposed on the one the humiliating abandonment of reversionary rights, derived from a lawful origin; whilst the others were left to become the sport of events—the eventual victims of faction and intrigue. If no other reason existed, this alone would have warranted the convocation of the Three Estates. The affairs of a nation cannot be treated with levity like this.

The second Act, as before mentioned, framed with a view to *complete* the first abdication, bearing the date of March 3, 1828, and found in my Appendix, No. 13, is however in other respects curious, it opens thus; "The time having arrived which my High Wisdom had marked in order to complete my abdication of the Portuguese Crown, &c.; and it being extremely expedient to give to the Portuguese Nation, *ever jealous of its independence*, an indubitable

* Vide Dr. Abrantes' Letter to Sir W. A'Court.

proof that I wish to see it perpetually separated from the Brazilian Nation, &c.; I have thought proper to ordain that the Kingdom of Portugal shall be governed in the name of my much-beloved and esteemed daughter, Queen Mary the Second," &c.

It consequently follows that, from the 3rd May, 1826, when D. Pedro assured the Brazilians that he had abdicated; boasted of the great sacrifice which he had thereby made for their interests, and sneeringly reproached them for their incredulity, till the 3rd March, 1828, Portugal had been governed by the Emperor of Brazil! This he himself deliberately avows. This Act was succeeded by a proclamation, still more singular, addressed by D. Pedro to the Portuguese, dated July 28, and inserted No. 14 in my Appendix, "not in the character" (as he says) "of their King, *his abdication being completed;* but, as the Father and Guardian of their *legitimate* Queen." In this paper, he speaks of D. Miguel with the utmost respect; argues that he acts from *compulsion* and attributes all that was doing in Portugal to the work "of *a disorganizing faction,*" which was to be driven out of the country. He concludes by urging the Portuguese to abide by the Charter; "to bedew the tree of Liberty with their blood, and they will see how it will flourish among them and bear fruits," &c. After so many *valuable presents,* the last one which the Emperor of Brazil therefore wished to make to the Portuguese, was a civil war, merely to uphold his own delusive schemes and ambitious projects! The great popular hypocrite of the French Revolution,

never sent forth such a proclamation to his deluded and infuriated countrymen!

The departure of the Princess of Gran Pará for Europe, included in the *nouvelle preuve de généreuse confiance*, and attributed in the *Exposé* to the *vœux ardens* of the Emperor of Austria and King of England, deserves some notice. It is evident that D. Pedro's first impressions were, that the Portuguese would be satisfied with the Charter and a Regency, the latter either continued as it stood, after the death of the late King, and confirmed by himself; or, reappointed, according to the provisions of the new Code. This plan having proved unsuccessful, he resorted to the expedient of naming his brother his Lieutenant and Representative by a special commission, (vide Document, No. 10) "confering upon him all the powers which, as King of Portugal and Algarves belonged to himself;" and, to add to the anomaly, the Austrian government subjoined the title of Regent. Notwithstanding this appointment, as well as his previous abdications and professions, he nevertheless still continued to exercise the prerogatives of King of Portugal, and actually conferred the title of Count on General Saldanha and that of Viscount d'Elvas on General Caula, two of his own upholders, besides several other nominations of lesser moment; most of which reached the Austrian capital about the time the Protocols and other preparations were going on. Prince Metternich was naturally struck with these inconsistences and irregularities, and feeling the inconvenience and embarrassments in which

the author's friends were thereby placed, it is presumable that he remonstrated against their continuance, most probably in union with the government of Great Britain and France, when the experiment of forthwith sending over the Daughter was devised; although it ought to be remarked that the subject had been long before mentioned to her Father by Lord Ponsonby; but, calculating dates only, it must be concluded, without adequate instructions to that effect.

These applications, however, had not produced in the mind of the Emperor any fixed determination, until he saw that his Charter; his decrees; in a word, all the *beneficent* arrangements, framed "in his High Wisdom," were in a state of evident jeopardy.—Dreading disappointment and finding himself about to become the sport of Europe, as well as of the Brazilians, he bethought himself of the advice, previously transmitted to him, and hurried away his Daughter, under the title of Duchess of Oporto, a designation unknown to the laws of Portugal, and specially created for the occasion, in compliment to the insurrection which had broken out in that city. The Brazilian Princess, destined to become Queen of Portugal, left her Father's capital on the 5th July, in the Brazilian frigate, Imperatriz, in charge of the Marquess de Barbacena, not for the purpose of proceeding direct to her prospective Kingdom; but to land at Genoa, or Leghorn, and thence to travel to Vienna, where she was to be placed under the care the Emperor of Austria. Being once in Europe, it was deemed feasible for her partisans to maneuvre

her pretentions successfully, notwithstanding the distance of her temporary residence from the scene of action.

In the mean while, however, matters had taken a decided turn in Portugal. The Oporto insurrection had been put down; the whole country was with D. Miguel, and the heroes of the Belfast Steamer had returned to England, including the now Ex Marquess de Palmella. All hopes seemed to be lost—one expedient only remained to be tried. The late Ambassador of Portugal in England, and later Commander-in-chief at Oporto, having learned that "his Queen" was about to arrive in the Mediterranean, immediately dispatched a steam-boat, in conjunction with the Brazilian envoy, Viscount d'Itabayana, with a special messenger on board, to Gibraltar. The Brazilian frigate touched there on the 2nd September, to take a pilot on board, when all the London letters were delivered to the Marquess de Barbacena. Their tendency was, to represent the urgency of affairs and to impress upon his mind the necessity of bringing the Duchess of Oporto to England, where her presence might animate the Portuguese refugees; encourage her partisans in Portugal, and make some impression on the British Government, from whom, it was expected that another army might be obtained, in order to place her safely on her throne. These remonstrances had the desired effect. A corvette immediately sailed for Brazil to inform the Father of the intended change of his daughter's destination,*

* It would seem that this step at first was by no means approved of by the Emperor, who gave orders that she should not continue in Eng-

whilst the Brazilian frigate shaped a course for England. The Princess arrived at Falmouth, on the 22nd of the same month, when the Marquess de Barbacena was agreeably relieved from the anxiety he felt, by a royal salute, which enabled him to substitute the more exalted style of Queen, for the travelling title of Duchess of Oporto. It is presumable that this compliment and the hope of obtaining effective succours, afterwards reconciled the Father to the Princess's residence among us, and the Marquess de Barbacena doubtless received credit for his judgment and promptitude of action. I must now leave it to my readers to judge in what way D. Miguel was to consider the *benefits* above alleged, "as fresh proofs of the *generous confidence* which his brother reposed in him!"

The stranger in Lisbon is next openly censured for calling the Three Estates of the Realm to Cortes, which we are admonished is an "*institution surannée et depuis long temps tombée en désuétude.*" It had previously been argued that D. Pedro was not bound to assemble the Cortes, in order to receive their adhesion to his Charter, because they had not sat since the year 1697, and consequently ought not to sit again; and as a further plea it is added that in the preamble to his Charter he had not ordained that they should be convened.*

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land; but proceed to her former destination, where preparations had been made by the grandfather's orders for her reception.

* Vide Exposé, note, page 9.

This is certainly the most edifying train of reasoning that ever issued from the press! Poor people of Portugal! to what a state of social degradation would your countrymen sink you! It is, however, some consolation to you to find that your National Council, the pride and ornament of your ancestors, is to be for ever closed, not on account of the want of its utility, or any defect in its organization; but, because of its being *superannuated*, that is, impaired, or disqualified by age; by which I presume is meant prescription! But, let me ask, how do the Authors of the *Exposé* calculate this prescription, so as to draw consequences of so momentous a kind—consequences which would almost defeat the ends of society? The Cortes of Portugal assembled from the year 1143 to 1697, inclusive, during which period of 555 years they sat 123 times, and have therefore now been discontinued about 130 years. Yet, with whom did this suspension originate? With the people, or the monarch? Most assuredly not with the people. They never surrendered up rights, forming the basis of the social compact; and much less could they be forcibly taken away. How then are they to be affected by the general rule of prescription? Who ever before heard of the rights of a nation being impaired by *superannuation!* Do not the Cortes in Portugal, like the Parliament in England, meet for the exercise of the national rights?

In speaking of the usurpers of a throne, writers on the Laws of Nations, distinguish two kinds, those who have coloured titles, and those who have none at all. To legitimatize the right of the former, Les-

sius tells us that forty years suffice; *ad hoc sufficiunt quadriginta anni cum titulo.* He, however, who has no title, either real, or coloured, according to Vasques and Dupuy,* can never acquire a legal right, as long as lineal successors can be found. The crime continues and cannot be affected by prescription. Others again contend, and among them Grotius, Puffendorf, Suarez and Navare, that *une possession séculaire* is sufficient to remove the blot, because, in the lapse of one hundred years, all the guilty are supposed to be dead and the punishment duly inflicted by a Supreme Power. This is the general principle of prescriptions, in public matters, and I should like to know how the Authors of the *Exposé* apply it to the Cortes of Portugal. When did the date of their alleged prescription commence? I blush to have to ask such a question.

The Cortes of Portugal were a combined Legislative and Consultative power. The project of a law originated with them, although frequently at the recommendation of the sovereign, and was not held valid till it had received his sanction. No specific period was fixed—no special case was designated, for their meeting and deliberation; but, Viscount de Santarem remarks that, "from the commencement of the monarchy, the sovereigns always convened the Three Estates, when they judged their convocation to be of known utility to the public;" and he further adds that King John IV. formally determined "that they should be convened, whenever their convocation

* Controv. Illus. Liv. 2, Chap. 3.—Traité des Droits de Roi.

should be necessary to the public interests."* At one time the practice was for them to meet annually, and at another, every ten years.

The meeting of the Cortes, therefore, in some measure depended on the Sovereign's interpretation of the urgency of the case that required the aid, or advice of the three Orders of the State; but, on all great national questions, or unforseen emergencies, by his honour, more than by an express law, he was held to perform this important part of his duty. No cases, affecting the fundamental laws of the realm, of which, among the Portuguese, the Succession is perhaps the most material, were ever decided without the concurrence of the Three Estates. The jurisprudence and government of the land having, through the succession of more than five centuries and a half, been thus regulated and established on a fixed standard by the joint labours of this great National Council, towards the latter period of their meeting, they were only called together to take the oaths of allegiance to a new Sovereign; to receive those of the heir apparent; or, to furnish supplies of an extraordinary kind.

It has already been stated that the last time the Three Estates met in Portugal, was in the year 1697,

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* Memorias para a Historia e Theoria das Cortes Geraes, &c. Pelo Visconde de Santarem. This is one of the most learned works, and consequently the best authority, the Portuguese have upon this subject. Very particular mention is made of it in my Letter to Sir James Mackintosh, page 48 *et infra*, and the mode of convening, assembling and conducting business in the Cortes is there given at some length.

during the reign of Peter II. This monarch, it may be remembered, had some pretensions to the Crown of Spain, afterwards assumed by the Duke d'Anjou, under the title of Philip V., and in order to support them, he recurred to the Cortes for a grant of money, to which they gave their consent as far as the sum of 600,000 *cruzados;* but, after deliberating on the means by which this money was to be raised, they separated, without coming to any specific decision; counselling the King to recur to the expedient which he might deem most advisable. This he did, by imposing a heavy duty on tobacco.* This sanction was afterwards considered sufficient for any additional increase of the revenue, or modifications in its administration; and, from a motive of economy, as well as the state of tranquility which ensued, the convocation of the Three Estates for the time being was dispensed with.

In the autumn of 1699, it was, that the first samples of Brazilian gold reached Lisbon.† This incident gave a new turn to the public mind and opened a fresh field for enterprise. To it the attention of the government and people was directed, and new plans formed for the developement of the agricultural, as well as mineral, resources of that extended Colony, which had thus acquired a fresh importance. Domestic matters seemed nearly overlooked, so ardently were the Portuguese engaged in trans-Atlantic pursuits. Nothing momentous indeed happened du-

* Colebath's Memoirs.

† The first quantity was about 150,000 *cruzados.*

ring the remaining part of Peter II.'s reign, except the new Treaty of alliance with Spain, in 1701; the one with England, in 1703; the subsequent war with Spain and some other minor incidents which did not require the interference of the Cortes.

No monarch however knew better the power and utility of the Assembly of the Three Estates than Peter II. By them he had been appointed Regent and declared heir apparent to the throne, in 1668, and he then urged their convocation, as the only constitutional means of allaying the dissensions, prevailing in the country. The Cortes on that occasion also sent a deputation to the Queen, wife of Alonzo VI. who in the interval had abdicated, praying her to obtain a divorce and marry the Regent D. Pedro, to whom also a similar address was sent. In 1674, the Infante again convened the Cortes, when the memorable Law was enacted for the regulation of Regencies;* and afterwards in 1677, 1679 and finally in 1697.

It was therefore no disavowal on the part Peter II. of the power, or utility of the Cortes which prevented him from convening them, during the remaining nine years of his life. It is universally acknowledged that the felicity of his subjects and the improvement of the kingdom were his greatest cares. In all his Treaties with foreign powers, he is also remarked as having been extremely zealous for the commercial

* Very particular notice is taken of this Law in my Letter to Lord Palmerston, page 96 *et infra*.

advantages of his country. In him, consequently, it cannot be supposed that the slightest disposition existed to strip his subjects of rights, the validity and usefulness of which he had himself so repeatedly acknowledged.

His son, John V., to whom the oaths had previously been taken in the Cortes of 1697, ascended the throne and, with the exception of a war with Spain, during which, no supplies were required, and some disagreements with the Papal See, nothing material happened in the course of his reign. Joseph I. succeeded in 1750, and although his government is in great measure identified with the administration of Pombal, no exigence required the immediate intervention of the Cortes. The abolition of the Jesuits; the earthquake; the marriage of the Princess of Brazil with her uncle; the reforms in the University of Coimbra and the creation of various useful establishments, were not of course contraventions of the fundamental laws. The reign of Queen Mary II. was distinguished by no memorable feature that called for the aid of the Cortes; even her plans of judicial reform did not require their sanction. The Portuguese *Ordenação do Reino*, or Body of Laws, had been the work of successive monarchs; it was cumbrous and in some respects obsolete. It stood in need of a revision; but this did not embrace the enactment of new Statutes. The French revolution soon afterwards ensued, and in March, 1790, the Queen was declared disqualified, owing to her mental infirmities, and John, afterwards the Sixth, assumed the reins

of government. On this occasion, it was contended by several distinguished men, and among them the minister, Jose de Seabra, that the Cortes ought to have been convened. During the dominion of the French under Junot in Lisbon, a Council sat, called a Junta of the Three Estates, of which the Count d'Ega was president; but the attributes of this Assembly were purely administrative, and it scarcely could be considered as a shadow of the ancient Cortes; the nominations being chiefly local. Its formation and appellation nevertheless were always quoted as a proof of French judgment. From this period, that is, from the year 1808, the convocation of the Cortes however became a public topic of discussion.

On the 1st September, 1820, the Regency of Portugal, acting in the name of the absent monarch, anxious to counteract the revolution which had just broke out at Oporto, issued a proclamation, announcing that, "by virtue of the extraordinary powers granted to them, for urgent cases, after hearing the opinions of a great number of persons of his Majesty's Council, conspicuous among the various classes of the Nation, they had resolved, in the name of the King, to convene the Cortes, by immediately appointing a Committee, destined to proceed with the labours necessary for the early meeting of the said Cortes," &c.; and, on the 9th, formally communicated this resolution to the Junta of Oporto. The preparatory arrangements were consequently made and writs issued,

calling the Three Estates to Cortes in the City of Lisbon, on the 15th November, 1820.*

The public calamities had avowedly driven the Oporto people to arms, and to remedy them, it was, that the Regency recurred to the convocation of the Cortes. The measure was, we see, likewise adopted "according to the advice of a great number of persons of His Majesty's Council, conspicuous among the various classes of the nation," and it scarcely will be believed, after what has since happened, that the then Marquess de Palmella was the foremost among the number! This measure was afterwards approved of and sanctioned by the King; but, in the mean while, the Oporto revolutionists gained the ascendancy and the decree was not carried into effect.

King John VI. was himself extremely anxious that the Cortes should be assembled, as the only means of settling the affairs of the realm, and, as before noticed, on the 18th June, 1823, that is, immediately after the downfal of the Cortes and Constitution of 1822, he issued a decree, appointing a Committee, "in order to prepare the project of a Charter, or Fundamental Law, conformably to the ancient usages, opinions and habits of the nation," &c.; and next year, on the 4th June, when all the preliminary labours were completed, he published a royal Ordi-

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* A Copy of the one served on the municipality of Lisbon, will be found in "Portugal as it is," &c. page 151.

nance, declaring the "Ancient Political Constitution of the land to be in force, and that the Three Estates of the Realm should be forthwith called to Cortes," &c. Palmella, at the time was his minister, and it is well known that he was extremely anxious, particularly in England, to be considered as the chief artificer of these very measures.

At the periods above mentioned, D. Pedro's present partisans therefore did not think that the Cortes of Portugal were *une institution surannée et depuis long temps tombée en désuetude!* How is it then that the change has since been effected? Is it from 1697, or 1824, I again ask, that their alleged prescription dates? How is it, these political Archimedes perform their transmutations; or rather, how is it they manage to assume so many Protean shapes? But, if they are not disposed to agree that the rights of a nation can neither be lost, nor taken away, are they not well aware that every monarch who ascends the throne of Portugal, is peremptorily bound to make oath, as previously laid down, *to keep and maintain* all the rights, privileges, liberties, &c. of his subjects; and clearly of these the most important is the privilege of being heard on all great national questions! To others, this reservation alone will be deemed sufficiently ample.

It consequently follows that there is nothing to withhold, either the Sovereign, or Regent, of Portugal, from assembling the Cortes, whenever the public interests require it; and further that no great emergency can be legally provided for; no matter,

affecting the fundamental laws of the land, constitutionally settled, without their previous award. This fact is proved by the whole series of Portuguese annals. No one, I do not hesitate to say, was better convinced of this truth than Palmella himself, when he commenced his delusions among us, and it is curious that the evidence of it was unknown to our diplomatic agents in Lisbon, where, if they had nothing else to guide them, they might have remembered the remonstrance, or protest, of the *Juiz do Povo*, dated September 11, 1808, against the execution of the Convention of Cintra, as being illegal, from its not having received the concurrence of the Three Estates!

It will thus appear that from D. Miguel's convocation of the Cortes, no novel situation—no hitherto undecided question could arise. He merely followed the beaten path traced out before him. The visionary may condemn and the sophist may deride the adoption of the measure; but men, initiated in the habits of more correct thought, will discriminate between the boldness of abstract reasoning and the gravity of civil wisdom, and respect the principles which have hitherto directed and must continue to govern the affairs of Portugal, if it is intended that she should retain her rank among the independent nations of the earth.

The Third Chapter of the *Exposé* professes to prove that "*les argumens par lesquelles on a prétendu exclure D. Pedro IV. de la succession á la couronne, et y appler l' Infant D. Miguel, sont futiles, faux, ou*

incluans." To say the least of it, this is a *sweeping* proposition, and the arguments by which it is supported occupy a range of twenty-four pages 4to! The Authors of the *Exposé*, thus undertake to destroy the Award given and signed by 294 persons, among whom were 20 Church dignitaries; 121 Nobles, and 153 Popular Delegates, representing 84 cities and towns!

I ought here before hand to remark that, by virtue of the convocatory decree of the 3rd May, already inserted, the Three Estates assembled in Cortes on the 23rd June, (1828) according to the ancient forms,* and on the 11th July, pronounced the solemn *Auto*, or Declaration, which the Authors of the *Exposé* now seek to arraign. They commence their Herculean effort, by pleading that the whole *artifice* and tendency of the Award may be summed up into four arguments, alleged to the exclusion of D. Pedro; viz. First, His being a Foreigner; 2ndly, Non-residence in Portugal; 3rdly, That John VI. having two kingdoms, the eldest son was obliged to take the largest, whilst the younger succeeds to the smallest; and 4thly, That D. Pedro had violated the Laws of Portugal. These points they discuss *seriatim*; I am therefore bound to follow the same order. Some of the topics however having been in some measure already anticipated, my task is thus rendered the less appalling.

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* These forms and ceremonies are minutely described in my Letter to Sir James Mackintosh. In the Appendix, the entire Award of the Lisbon Cortes of 1828 may also be seen.

The theory advanced by the assailants, in order to destroy the first argument, is thus conveyed: "*la denomination d'étranger est opposée à celle de naturel, c'est à-dire, à celui qui est né Portugais; or, comme il est incontestable que D. Pedro est né sur le territoire Portugais et qu'il est issu du Roi de Portugal, c'est une grande absurdité de prétendre qu'il est etranger.*" Novel as this line of reasoning may appear, a Law is nevertheless quoted in its support, described as the only one in Portugal on the subject of *naturalité*, (naturalization, I presume, is meant,) but, if this Law is only carefully examined, it will be found to produce rather a contrary effect. This Law is adduced from the *Ordenaçōes do Reino*, Liv. ii. Tit. 55, and placed in the Appendix to the *Exposé*. The original professes to be enacted for the purpose "of removing doubts relating to those persons who are to be considered as natural subjects in Portugal, and as such entitled to the enjoyment of civil rights." This however is not precisely the point we are in search of. It is not how these rights are acquired, or held; but how they are forfeited, that is wanted; this being the only mode of satisfying doubts, if any still remain.

It does however happen that this law contains something in point, and this is to be found in the 3rd Clause, the very one which the Authors of the *Exposé* seemingly evade; consequently, it may be deserving of some preliminary notice. By that Clause, it is enacted that, "if a natural subject leaves the kingdom and dependencies thereof, of his own will, to reside in another country, either alone, or with his family, the children he may have born to him out of the

kingdom, shall not be held as natural subjects," &c.* This exclusion, however, would seem only to affect the children; nevertheless, it establishes the principle that a forfeiture can take place. The rule and practice more particularly bearing upon the present question, is that, according to the Law of 15th July, 1671, no other than a Portuguese can hold military, civil or ecclesiastical trusts in Portugal, and this right is forfeited, if he holds them in a foreign country, without the king's consent. This exclusion must, therefore, evidently extend to one who, besides being a Lawgiver in a foreign land, not only *accepts;* but confers *public trusts*, and has also a navy and army at his command.

But, do D. Pedro's champions cry out, "*la naturalité ne dépend que du lieu et de la condition de la naissance; la naturalité est aussi immuable qui la condition de la nassaince dont elle dérive.*" This position they seemingly take from the enactments of the law, first quoted; but, as already noticed, the whole of its four clauses refer only to children, born under dubious circumstances; whereas, if I understand the question rightly, it would be incumbent upon them to shew that, in Portugal, civil rights cannot be lost, or forfeited. Nothing short of this proof would suffice for the case before us; or even to enable D. Pedro's partisans to hold the ground on which they have taken their stand.

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* "*Se algums naturaes se sahirem do reyno e senhorios delle, por sua vontade, e se forem morar a outra provincia ou qualquier parte, sós, ou com suas familias, os filhos que lhes nascerem fora do reyno e senhorios delle, não serão havidos por naturaes, pois o pai se ausentou por sua vontade do reyno em que nasceo, e os seus filhos nãa nascerão nelle.*"

In all the continental countries, *on ne peut pas avoir deux patries*, is received as an axiom of public law, and as such was specially avowed in the *Code Civil* of the French. It has indeed always been contended among them, that he "who is naturalized in a foreign country; accepts trusts from a rival nation; abjures the principles of the social compact and has abandoned France, for ever, cannot retain the rights of a Frenchman." Exactly the same principles prevail in the Jurisprudence of Portugal, and preeminently so, in that of Brazil, as it shall be my endeavour to shew. Treating this part of their subject, the Authors of the *Exposé* however put in a kind of *caveat*, by desiring their readers to bear in mind that "*les droits des souverains et la succession de la couronne sont d'une nature trop relevée, pour être assujétis aux regles et principes des lois civiles.*" Nevertheless, according to their own history, it will not be difficult to demonstrate, that the Portuguese have always been more severe with Princes, who have joined a foreign cause, than even individuals.

It will scarcely be asserted that the Brazilian revolution was not raised for the purpose of effecting the entire separation and independence of the country; or that it was not effected by force of arms. The history of that important struggle is too recent to admit of any doubts on the subject of its origin; or the means by which the triumph was eventually achieved. In a proclamation issued by the Emperor on the 10th June, 1824, that is, nearly two years after the contest commenced, he cries out—"To arms, Brazilians! INDEPENDENCE, or DEATH is our watch-

word!" and, in another, put forth about the same time, he declares that "he had identified himself with the Brazilians and was resolved to share their fate, whatever it might be."

By taking up arms, D. Pedro lost his civil rights in Portugal and consequently his hereditary claims to the succession, in like manner as the two Princes Deniz and John, sons of Peter I., who, in 1385, were held disqualified by the Cortes of Coimbra, for having gone to Castile and taken up arms against Portugal. *(Por terem ido para Castella e tomado armas contra Portugal.)* By binding himself to the fate of the Brazilians, avowing separation and independence, and confirming that determination by subsequent oaths and pledges, he again forfeited those rights, and to this forfeiture afterwards added various voluntary renunciations. On the principle of entire and eternal separation, it indeed was, that the offer and acceptance of the Imperial diadem originally rested.

Still our zealous expounders of the Laws of Nations, steadfastly holding that "till 1825, Brazil was *de droit*, an integral part of the Portuguese monarchy," remind us that if, "by the Letters Patent of 13th May, 1825, which raised Brazil into an independent State, and by the Law of the 13th November in the same year, including the ratification of the Treaty of acknowledgment of the political independence of the said State, H. M. King John VI. released the Brazilians from all their duties and deprived them of all the rights they had as Portuguese subjects, by these same acts, H. M. maintained in

their full force and vigour and by an express reservation, the rights of D. Pedro IV."!

One can scarcely imagine that such an assertion is brought forward in real earnest? The two documents here spoken of, and which I by no means expected to meet again in the course of my labours, as I have already shewn, had literally no more effect in the affairs of Brazil than two sheets of waste paper could have had—in a word, they were never acted upon—never produced, and, as it were, died stillborn. The civil rights of which these two papers were intended to deprive the Brazilians, they themselves had voluntarily—nay, eagerly, renounced, ever since the month of August, 1822, when D. Pedro also formally surrendered up and disclaimed those which his considerate benefactors in Portugal, nearly three years afterwards, wished to *reserve* to him in their *full force and vigour!*

It is a remarkable feature in the *Exposé,* that its Authors have never once entered boldly on the topic of Brazil; they have not even taken a single glance at D. Pedro's position, in his new empire. This is a subject with which they seemingly did not venture to grapple; but, without it, how can this complicated question be fairly discussed; or its several bearings be correctly understood? This part of the inquiry I have always considered the most important, and it is clearly from a conviction of this fact that the writers in the *Exposé* decline even to approach it. Let us therefore see how matters had previously gone on in Brazil. This will enable us to appreciate

the value of the alleged deprivation and reservation of rights in Portugal.

An independent existence had been declared necessary to Brazil and, in accordance with the sentiments of the inhabitants, as the "Defender thereof," D. Pedro issued a Manifesto, of which the following are the most remarkable passages.

"Mais les provinces méridionales du Brésil, se liant entre elles, prenant l'attitude majestueuse d'un peuple qui reconnaît, au nombre de ses droits, celui de vivre libre et heureux ; ces provinces jetèrent les yeux sur moi, le fils de leur Roi, moi, leur ami, qui, les regards fixés sur cette riche et immense portion de notre globe, connaissant les talens de ses habitans, les ressources inépuisables de son sol, voyais avec douleur la marche tyrannique de ceux qui, après avoir si indignement usurpé le titre de représentans du peuple de Portugal, s'étaient faits les souverains de la monarchie Portugaise . . . . . En me confiant toutes leurs espérances, c'est elles qui ont conservé la monarchie dans le grand continent Américain, et consacré les droits reconnus de l'auguste maison de Bragance. . . .

"Sans le cliquetis des armes, sans le tumulte de l'anarchie, elles me demandèrent, comme un garant de leur liberté et de l'honneur national, la prompte installation d'une assemblée générale, constituante et législative au Brésil. J'aurais voulu la différer pour voir si la folie des Cortès de Lisbonne céderait enfin à la voix de la raison et de leurs propres intérêts ;

mais l'ordre qu'elles suggérèrent, et qui fut transmis au consul Portugais, d'empêcher toute expédition de munitions de guerre pour ce pays, fut une déclaration de guerre et le commencement des hostilités. Si je faiblissais dans ma résolution, *je manquais aux promesses les plus sacrées*, et il n'existait plus de moyens de contenir les maux de l'anarchie, d'empêcher toutes les fureurs de la démocratie et le démembrement des provinces. Quelles luttes allaient s'élever entre des partis acharnés, entre les mille factions qui seraient successivement agitées et renversées! A qui devaient rester cet or et ces diamans de nos mines inépuisables? Pour qui auraient coulé ces fleuves immenses qui font la force et la richesse des états? A qui aurait profité cette fertilité de notre terrain, source intarissable de notre prospérité? . . . *Je résolus donc; je pris le parti que les peuples désiraient*, et j'ordonnai la convocation de l'assemblée du Brésil, afin de *cimenter l'independance politique du Brésil*, sans rompre entièrement les liens de fraternité avec le Portugal."

After uttering a variety of reproaches against Portugal, the Manifesto proceeds thus:

"Que vous reste-t-il à faire, Brésiliens? à vous réunir dans un même intérêt, dans une même affection, dans les mêmes espérances; à mettre en exercise de ses fonctions l'auguste assemblée du Brésil; elle consacrera les vrais principes de la monarchie représentative; elle prouvera que les idées utiles au bien public ne sont pas seulement faites pour orner les pages d'un livre. Brésiliens! *vous êtes entrés*

dans la grande société des nations indépendantes, ainsi que vous en aviez le droit ; vous êtes un peuple souverain ; voyez la perspective de gloire et de grandeur qui se déroule devant vous. Si vous êtes retardès, ne vous découragez pas : des déserts de la Californie jusqu'à ceux qui bordent le détroit de Magellan, le torrent de la civilisation court et coule à pleins bords. Constitution et liberté légale, sont les sources intarissables de prodiges, et les moyèns qui nous amèneront *tout ce que posséde encore de bon cette Europe, dont la vieillesse se débat dans les convulsions révolutionnaires.* Ne craignez point les nations étrangères ; l'Europe qui a reconnu l'indépendance des Etats-Unis, et qui est restée neutre dans la lutte des Espagnols avec leurs anciennes colonies, reconnaîtra le gouvernement et la constitution du Brésil."

And could the two edicts of John VI., published on the 13th May and 15th November, 1825, stop, change, or counteract the force of this determination? At that period every object, claimed in this Manifesto, had been triumphantly achieved by the Brazilians and their leader. All dependency on Portugal had been severed for ever, and when John VI. acknowledged their Independence, he did it as an act of justice and expediency; he did it *unconditionally.* No private, or public act of his could therefore affect the Brazilians, as they then stood; and, as I have before observed, no will—declaration, or arrangement he could make in favour of his elder son, under such circumstances, could be held binding in either Portugal, or Brazil, for a single moment.

But, methinks, I hear our Paris Jurisconsults retort—Yes; but King John was a father and D. Pedro his offspring; consequently, the parental power and dominion continued. This would be of a piece with their usual train of reasoning; yet, I should answer—no; *habuit potestatem patriam in filios quandiu emancipati non fuerunt;** and D. Pedro, besides being emancipated, had declared himself independent, in the face of the world.

The promulgation of "the Constitution of the Empire of Brazil," at the commencement of 1824, put the finish to the great work of national independence, and in that Code it is enacted, Art. 6, that the Portuguese, residing in Brazil at the period when the provinces proclaimed their independence, have the rights of Brazilian Citizens; Art. 7, that the Brazilian Citizen loses his rights when he is naturalized in a foreign country; accepts a trust, pension, or distinction, from any foreign government, without the Emperor's license; or, is banished by a judicial sentence; and Art. 119, that no foreigner can succeed to the Crown of the Empire of Brazil. With these express provisions before us, any further illustrations on the state of the Brazilian Law on this subject, would be wholly irrelevant.

Still do the adverse party, clinging to a straw, again insist on the Statute of Lamego, therefrom urging the right of primogeniture. I have already shewn how this right is defeated by the subsequent clauses;

* Suarez de Legibus, Lib. 3, Cap. 2.

but granting that D. Pedro is the first born and the blood of the Braganzas incontestiby circulates in his veins; this does not suffice to establish his claim. In the absence of nearer competitors which gave him a right equal to that of primogeniture, Philip II. of Spain, grandson of Emanuel, demanded the throne of Portugal, when his title was rejected, on the sole plea of his being a *foreign prince*. An application of the same law consequently excludes D. Pedro. Its provisions are explicit and peremptory—they admit of no interpretation. The condemnation of his claim besides has since been confirmed by the unanimous decision of the country; a decision arising, not out of any personal dislike, enmity, or distrust, towards the claimant; but, because such was the award of the laws; and most assuredly, the very first principle of Legislation, in every well regulated country is, that all points, essential to the advantage and security of the community, should rest on a more solid basis than that of personal confidence.

With a decree of petulance, equalled only by the insincerity accompanying the utterance, it is asserted that, in the Cortes of 1641, *il ne fut fait aucune loi fondamentale;* and from this we are to conclude that any appeal now made to the enactments of that time, can be no other than the effect of *une mauvaise foi*. How justly do the authors of such an assertion merit the indignation of their countrymen who still bear in mind the trimphs of those days! Of these triumphs the Authors of the *Exposé* themselves seemingly retain some little recollection; for the

moment, they feel animated by a particle of that ardour which usually rises in the breast of a Portuguese, when he calls to mind the manner in which the sceptre of the Spanish Philips was broken; but, on the banks of the Seine, one would almost think that his pulse beats with less velocity—his feelings are less true, than on those of the Tagus. There, the principles of 1640 are pronounced barren of fruits—here, they are viewed as having sealed the independence of the nation.

"*En* 1641," we are accordingly assured, "*époque á jamais mémorable dans les fastes de l'histoire de Portugal, tous les esprits étaient irrités des maux causeés par la domination Espagnole, et tous avaient à cœur d'empécher qu'elle ne se renouvelat. Pour satisfaire à ce vœux géneral, chacun des Trois Etats assemblés en Cortes, mais delibérant séparément, sans conferer ni agir de concert avec les autres, proposa les mesures qui lui parurent les mieux calculés pour prevenir le retour d'un état de choses qui livererait le Portugal á l' Espagne; et chacun des Etats pria le roi de rendre une loi conforme à ce vœu. Ces mesures, dans le cas où elles eussent eté adoptés, n' ayant d'autre but que d'empecher l'union de Portugal à l' Espagne, n'auraient jamais pu étre applicables au Brésil, qui tout récemment encore faisait partie du Portugal, dont les deux couronnes appartenaient par un droit egal, au Seigneur D. Pedro IV. * * * * Mais, comme les mesures en question ne furent jamais adoptées par le roi, ni converties en loi, la mauvaise foi de ceux qui les invoquent, devient encore plus manifeste.*"

Such a proposition, to the ears of a stranger, must sound as the greatest of all possible absurdities; but if he comes to examine it closely, he will find it divested of every particle of truth. The "public mind was still irritated with the evils of a Spanish dominion —all had at heart the hinderance of their renewal," it is frankly acknowledged, and yet the Portuguese of those memorable days left the work incomplete! Spain, or any other power, with equal facilities, might again have imposed a foreign yoke upon them; there was no new declaration—no expression of abhorrence—no legal enactment to prevent the recurrence of calamities, of sixty years standing! The Portuguese of 1641, we are desired to believe, restored to their rights, had neither the courage, nor the perseverance, to record the advantages they had just gained; nor the prudence and foresight necessary to erect muniments for their future defence and preservation! The idea in itself is monstrous—in the age in which we live, such utterances are intolerable. But, I will briefly refer to the events which followed the justly memorable revolution of 1640.

The first act, corresponding to those times, that strikes the eye, is "the Manifesto of the Kingdom of Portugal, addressed to all Nations, declaring the rights, causes and mode adopted in order to withdraw from the allegiance of the king of Castile and proclaim John IV." &c. The feelings of the Portuguese and their horror of a foreign yoke, may be easily estimated from the recital of the atrocities by which the Spaniards accomplished and prolonged

their usurpation. In that Manifesto, it is formally avowed "that when, through the demise of the sovereign, dissentions arise among relatives respecting the one who is to be admitted to the Crown, the solution of the difficulty devolves on the people who first bestowed that dignity upon their sovereigns, and can again give it away, by pronouncing on such doubts as may in this respect occur. The people of Portugal were alone competent to pass sentence on the case which King Henry left undecided, through his death; and, as the Award given by the Governors was of no avail, owing to causes already enumerated,* the right still remained vested in the people to declare who was the sovereign; the violence employed by Philip by no means invalidating that right; but rather strengthening it, because, as he invaded the Kingdom and resorted to force, the consequence was, that the lapse of time did not produce any injurious effect, so long as the people were not in a situation to manifest their wishes, as on the present occasion they were enabled and resolved to do, by unanimously proclaiming His Majesty, whom God preserve, and by declaring by this act their manifest

* Cardinal Henry, was a weak and irresolute man, although it must be confessed that the circumstances in which the Crown would be placed, on his death, were extremely appalling. Five competitors had stepped forward, among whom was Philip II., whose power was justly dreaded. The Three Estates begged Henry to name a successor; but he had not the courage to comply, and in the Cortes held at Lisbon in 1579, it was determined that the several claims should be discussed and the parties were consequently cited. The king dying before all the sentences were awarded, five Regents, or Governors, were appointed. Philip gained over the Governors and immediately entered the kingdom with an army of 20,000 men, commanded by the Duke of Alva.

right; whereby it is placed beyond all doubt that he entered on the Kingdom by the most legitimate title that possibly can be alleged, since, independent of his right, he obtained the Award of the People, made and given at a time when circumstances allowed."

Now what is there to prevent the application of these doctrines and principles to the case before us? What reasonable objections can the Authors of the *Exposé*, with all their subtilty, quirks and quibbles, allege to the contrary? On the demise of Cardinal Henry, a dubious succession ensued, of which circumstance the Spanish Philip availed himself and, by force, bribery and intrigues, in defiance of the laws and wishes of the people, established his power. On the death of King John VI., another case of doubtful succession occurs, and D. Pedro's partisans, in contravention of the laws and in opposition to the wishes and interests of the country, by a fraudulent coalition, artifices and deceptions, succeed in bestowing upon him the Crown, which he accepts and immediately proceeds to exercise its prerogatives, without complying with any one of the formalities, enjoined and invariably observed by all the Kings of Portugal.

According to the laws, usages and precedents to be found in the annals of the Kingdom, I shall now ask to whom is such a case as this to be referred? A sufficient power to settle a difficulty of this kind must certainly be lodged somewhere, in Portugal, as well as other countries; with whom then do the Authors of the *Exposé* say that it resides? Can the precedent

of 1640, be taken, as being either safe, or conclusive? I should think it can, and most confidently too, in which case *l'époque à jamais mémorable dans les fastes de l'histoire de Portugal*, will not have been quite so barren of fruits as the Portuguese, dwelling on the banks of the Seine, would gladly inculcate. But, even if there was no express law—no established custom, to meet the emergency that thus befals the kingdom, I scarcely think it can be denied by either the Portuguese Jurisconsults of Paris, or Rio de Janeiro, that this point can only be determined by the general spirit of the national institutions and the manifest welfare and safety of the country; and, if from these sources direct and unquestionable conclusions can be drawn, I do not hesitate to lay down such a decision as no less sound and incontrovertible, than if the case had been provided for by a specific statute and reiterated precedents.

To "satisfy the general wish," we are however told that "each one of the Three Estates, assembled in Cortes, but deliberating separately, without confering, or acting in concert with each other, proposed the measures which seemed best calculated to prevent the recurrence of such a state of things as might again deliver up Portugal to Spain, and each of the Estates prayed the King to enact a law conformably to this wish." How extremely captious is this remark! The natural conclusion to be drawn from the insinuation of their *deliberating separately*, is, that this was a defect in the organization of the National Assembly, fatal to the validity of its enactments; whereas, it happens to be one of the perfections of

the Portuguese Constitution. In 1455, that is, during the reign of Alonzo V. the earliest example occurred of the Cortes holding their sittings separately, and from 1563 the practice seems to have been generally observed.* The charge that they did *not confer, or act in concert with each other*, is a groundless and even a ridiculous assumption. The Cortes had fixed rules for communicating with each other, usually by deputation, and there are numerous instances on record of such appointments and the manner in which these consultations were held.† And can it be imagined that they failed to do this at the momentous period of 1641? The authors of such idle tales ought to take shame to themselves.

Steadfast in their purpose, the Three Estates, *separately*, that is, in the most constitutional and impressive manner possible, prayed the King to sanction such Bills, or Laws, as they respectively proposed, in order to prevent the Kingdom from again falling under a foreign yoke. The Estate of the People prayed that, "for the universal good of the Kingdom, Resolutions might be passed, with the approbation of the Three Estates, respecting the succession and inheritance thereof, by renewing and confirming the Statutes of the Cortes of Lamego, enacted by the

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* Memorias para a Historia e Theoria das Cortes Geraes, &c. Parte 1.

† Viscount de Santarem devotes two Sections of his work to this subject, in which some of the most interesting examples and illustrations are adduced. The Cortes were always together when the King opened the Session and afterwards separated for the dispatch of business. This was also the case at the late Session in Lisbon.

glorious King, Alonzo Henriques, the founder of the Kingdom; and let it be so ordained, (is it added) that the same may never again be inherited by a foreign king, or prince, whatsoever; so that the sovereign who is to be such over this Kingdom of Portugal, be a natural Portuguese, born in the Kingdom and held bound to dwell and personally abide therein," &c.

The Estate of the Nobility, after a long explanatory preamble, prayed His Majesty to have a law enacted, by which it might be ordained that the Succession of the Kingdom shall not, at any time, come to a foreign Prince, nor to his children, notwithstanding they may be the next of kin to the last King in possession; Further, that when it happens that the sovereign of these Realms succeeds to any larger Kingdom, or Lordship, he shall always be held to reside in this; and having two, or more male children, that the eldest shall succeed to the foreign Kingdom and the second to this one of Portugal, to whom the Oath of Allegiance is to be taken as the lawful sovereign and successor thereto," &c. The address of the Ecclesiastical Estate, after enumerating the calamities which follow from the succession devolving on a foreigner, prays that it may be enacted that, "in case of the demise of the sovereign, not having male issue and leaving only daughters, the eldest shall succeed, and being unmarried, shall be bound to espouse a Portuguese; but, if already married to a Prince, not being a Portuguese, that she shall not succeed, &c.

These recitals distinctly show the spirit of the times and the anxiety of the Portuguese to guard against such a contingency as the one that befel them through the dominion of the Spanish Philips; although it would be a folly to imagine that these resolutions and the consequent enactments were directed only against their descendants and successors. The avowed object was to exclude all foreign dominion, of whatsoever kind it might be; and if, at that remote period, it could have been possible for the heroes of 1640 to have foreseen the chance of their offspring being exposed to the risk of receiving a sovereign from Brazil, for reasons which I need not explain to the Authors of the *Exposé*, unless they have altogether ceased to be Portuguese, their Resolutions would have been infinitely stronger and more provident—their prayers much more ardent and pressing.

But, the Authors of the *Exposé* allege that the King did not *convert* these Resolutions and Prayers *into Law*. The written *Capitulos*, or Resolutions, passed and intended for the King's sanction, were divided into separate clauses and numbered, and generally taken to him by a deputation; to which formality the term of *carrying up the Consultas* was given. The President of the deputation briefly communicated the contents to the Sovereign, to which it was usual to give no other than a complimentary answer, referring the matters in question to his council. The royal decision was then noted down at the side of each clause and sent to the Estate in

which the Resolutions originated. If the decision was not satisfactory, a rejoinder was sometimes sent to the King, who occasionally commissioned his minister of State to go to the Cortes, to remonstrate, give explanations and incidentally even to present his own answer.*

With the advice of his Council, John IV. gave written confirmatory answers to each one of the Resolutions above quoted; viz. to that of the People—"I will command a law to be established for what you point out to me in this 2nd and 3rd Resolution; and to the Estate of the Nobility I make answer that it shall be done conformably to the determination of John III. with such provisions and moderation as may conduce to the preservation and welfare of the realm." To the Estate of the Nobility he replied—"What you point out to me in this Resolution, is conformable to the opinion which I had formed of your loyalty,—I thank you for it, and, believing that what you therein solicit is expedient for my service, the good of the Kingdom and your tranquillity, I will for this purpose command a law to be made, in the form which John III. so ordained, with such provisions and moderation as appear most expedient for the preservation and common good of the Kingdom." Finally, the clergy received for answer—"The matter of this *Resolution* (for the suggestion of which I thank you much) I have already answered in the Resolutions of the People and Nobility, pledging that

* Ibid, ibid.

a law shall be enacted, pursuant to what was ordained by John III. with such provisions and moderation as may be most conducive to the preservation and well-being of these realms."

The preceding particulars are taken from an official copy of the Proceedings of the Cortes of 1641, printed by authority in that year, with all due forms, and containing 108 *Capitulos*, or Resolutions of the People; 37 of the Nobility and 27 of the Clergy, followed by their corresponding answers. The whole is preceded by this Preamble; "I, John, by the grace of God, King of Portugal, &c. Do make known to all persons who may see these my Letters Patent that, in the Cortes by me held with the Three Estates of these my Realms, on the 28th of January in last year, 1641, the Estates aforesaid submitted to me General Resolutions touching matters which they deemed conducive to the good government of my subjects, their protection and defence, as well as the better administration of justice; and the same being duly weighed by me, I thought proper to reply thereto in the form contained in the said General Resolutions and Answers, written in the margins and to the following effect." Here follow the whole proceedings, closed by this ratification.*

"And all these matters and each one of them contained in the preceding answers, embodied in these

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* In my Letter to Sir James Mackintosh, page 26, *et seq.* these proceedings are inserted at some length. It may be proper to remark that the earliest Remonstrances presented by the Cortes to the Throne, were

my Letters Patent, I have thought proper, and I hereby will and command, of my own free option and full knowledge, as well as with plenary, absolute and royal power, that in and for every thing the same be fulfilled and kept, and have effect equally as entire as I have so willed and declared in each one of the Answers aforesaid, without any doubt or diminution whatsoever, and in validity of all contained in these my Letters Patent, I have ordered the present to be done, signed by me and sealed with my great seal, the same being written on forty-one half sheets, signed at the foot of the first page of each by Francisco de Lucena, of my Council and Secretary of State. Given in the City of Lisbon, this 12th day of September, 1642.

"Signed, I, THE KING."

I now leave it to the dispassioned reader to judge, under all the circumstances described, whether this was not the enactment of a law, in terms as legal and express, as possibly could be used, in any country! If the heroic Legislators of 1641 had supposed that they left the great work they *had at heart* incomplete; if, for a moment, they could have imagined that the monarch, for whom they had bled and just raised to a throne, could have been insincere, backward, or deficient, in giving his sanction to what they intended should seal their independence and,

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called *Aggravamentos*, or Grievances. This designation lasted only till the latter part of the reign of John I. At the Cortes held at Guimaraens, in 1439, and at Santarem, in 1444, the term *Capitulos* was used, and these were divided into General and Special, the latter meaning Private Bills.

to the end of time, record their abhorrence of the foreign yoke, till then only half broken, would they not, I say, have resorted to the constitutional expedient of remonstrance and rejoinder? With the eyes of the world upon them—with such a Manifesto, as the one previously adverted to, in the hands of every civilized government on earth, and the great event of which they were the achievers, every where eulogized, would the grateful and victorious Cortes of 1641, I add, have separated and the members ventured to go and meet their Constituents, if their labours could be pronounced imperfect? One has scarcely patience to repel such false and insidious assumptions as occasionally disgrace the pages of the *Exposé*, put forth chiefly for the purpose of deluding the British government and public, by men who have not ventured to affix to them their names. Assuming all the shapes of Proteus, such champions might almost elude the arm of a Hercules, and in pursuing them into their fastnesses, one is almost afraid of being waylaid and surrounded by intrenched and invisible foes, exposed to a dark and inglorious fall, perchance with scarcely time to ejaculate the prayer of Ajax,—"give me but light, ye Gods!" I have however undertaken the task, difficult as it is rendered from the subject being a foreign one, and nothing shall damp my ardour, shake my fidelity, or abate my perseverance.

After again very magisterially assuring us that no *fundamental* law was enacted in the Cortes of 1641, and, as it were, in the absence of better authority, begging us to take their word for the fact and rest

perfectly satisfied with the conclusions which they felt disposed to draw, referring to the Statute above quoted, they add thus; "*Jamais il ne fut question d'une pareille loi dans les livres, dans les écoles de droit, ou dans les entretiens des savans, jusqu'a l' époque où la fureur des factions força les fauteurs de l'usurpation á altérer la vérité historique, áfin de trouver des prétextes pour absuser les gens trop confians,*" *&c.*

My own practice does not enable me to state precisely what kind of academical studies are pursued in the Portuguese *écoles de droit*; in this my opponents have certainly the advantage over me; but, from what I have understood and noticed on the spot, the courses refer more to the civil, or imperial, and municipal law, than the Constitutional History of the realm. The *livres*, alluded to, clearly must mean those generally used in the schools, and I am ready to confess that the Statute of 1641 is not to be found in the *Ordenações do Reino;* yet, on that account, it is not the less binding. As before noticed, that law received the royal assent, in a manner equally as strong and peremptory, as a *Le roy le veut* could convey among us, and was accompanied with all the due forms of promulgation. From that moment, it ceased to have a contingent existence, and acquired all the force and validity which an Act of the British Parliament could have in England.

The *Ordenações do Reino*, as far as I have been able to look into them, constitute a digest, or abridgment, of statutes and laws, passed under the

king's authority, containing the elementary and practical parts, intended for the readier comprehension of what in this country we should call the common law of the land, and the easier administration of justice. It is portable and suffices for the practical profession of the law; but its contents do not illustrate the polity, or annals of the State. This and other similar academical authorities may thus serve for general purposes; but when we come to advert to a question of succession, or seek to ascertain any of those grave points on which the established form of a government rests, we must recur to primitive sources, and fortunately these are open to us, as well as to the favoured writers in the *Exposé*.

That such was the real object of the compilation, alluded to, seems evident from the avowal of the sovereign by whom the reformed edition was ordained,* and this fact is also confirmed by the promulgatory rescript of John IV. dated January 29, 1643, and appended to the Coimbra Copy of 1786, now before me. As more immediately bearing on the present subject, it ought further to be remarked that King John the IVth, in this very edict and under the date above mentioned, declares that, "after his restoration and by virtue of a general law, he had ordered that every thing enacted, done and observed until the 1st December, 1640, (the day on which he himself was proclaimed) should be fulfilled and kept, as if done

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* Vide Edict of Philip III. dated Madrid, June 5, 1595. This compilation commenced with King Emanuel.

and enacted by himself and the natural sovereigns, his predecessors," &c; adding that, although the defence of the kingdom and the exigence of the times had not allowed him to comply with what had been required of him by the Three Estates in Cortes, regarding the new Compilation of the Royal Ordinances, including the supplementary laws, subsequently enacted, and the alterations rendered necessary by the new order of things, as well as what had been since added by Resolutions of the Three Estates and the special ones of the People, it was nevertheless his intention that all those lately passed, *should have full vigour and be duly kept,*" &c.

This I take to be a complete confirmation of the law in question, and also the best possible explanation of the reasons why that law was not inserted in the *Ordenações do Reino,* if such a formality was required. We must consequently bow with respect both to the legality and useful equity of the decision of the Cortes and King, constitutionally pronounced in 1641 and duly recorded, notwithstanding the academical authority of the writers in the *Exposé,* who, whatever they may be in Paris, will, I think, never again be taken as oracles on law questions among their countrymen at home.

It does not form part of my present inquiry to ascertain why the discussion of these higher topics of state policy and national history have been banished from the seats of learning in Portugal; or neglected in the schools devoted to legal pursuits. The existence of the fact has been avowed and lamented

by one of the most distinguished antiquarians and brightest ornaments that country contains, who, on this subject, expresses himself thus; *Desgraçiadamente para o nosso Portugal, o conhecimento das nossas cousas Patrias não só tem ha tempos sido de todo abandonado; mas, o que e mais espantoso, se tem até promovido por todos os meios a ignorancia dellas!** Let us augur well of the liberality of the government of a country where such sentiments as these can now be produced!

My object has been to show that the memorable statute regarding the succession, enacted immediately after the downfal of Spanish power and the elevation of the Braganza Family to the throne of Portugal, is still binding and in full force; as well as that its insertion being omitted in the books, printed by authority for the use of the courts of law, does not in the least affect its validity. If any doubt still remained upon the subject, I could, with the fullest confidence, appeal to the high authority of the writer above quoted, who expressly tells us "that the answers given by the Sovereign to the Representations of the Three Orders of the State, included in their *Capitulos*, or General Resolutions, have *always had the full force and vigour of law*, independently of the promulgation of a special enactment. Without

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* *Advertencia Preliminar* to the *Memorias para a Historia e Theoria das Cortes Geraes*, &c. Lisbon, 1827. "Unfortunately for Portugal, the knowledge of the affairs of our own Country, for some time past, has not only been wholly neglected; but, what is still more dreadful, the ignorance of them was, by every possible means, promoted."

quoting any other example," he adds, "I will produce the royal sanction which King John IV. gave to the Answers and Resolutions, passed in the General *Capitulos* of the Cortes in 1641, in consequence of which twenty laws were afterwards promulgated." He then proceeds to adduce the very document previously inserted; adding "that, against Acts so passed, no subsequent decree, or Letters Patent of the King, could be made available.*

Whatever term the Authors of the *Exposé* may now wish given to this law, it must evidently be considered as the last limitation of the Crown, made by the Parliament of Portugal, and its enacting clauses consequently stand unimpaired and possess the same firmness and validity as our own memorable Declaration of 1688; Statute 1. Sess. 2, Cap. 2, of William and Mary, and the settlement made by Statute 12 and 13, Cap. 2, of William III. The law of 1641 confirmed the enactments of Lamego, more as a matter of form than any thing else, the provisions therein contained never having been rescinded, although occasionally dispensed with, in special cases and according to the due forms, required by the Constitution. These two joint laws were, therefore, in full force and vigour at the period of John VI.'s death, although the more recent one, on the principle that *leges posteriores priores contrarias abrogant*, is entitled to most consideration, and hence, was it, that the late Cortes of Lisbon justly laid so much stress

* Ibid. *Prate* II. The Statute of Lamego is not found in any of the books used in the public schools.

upon it. From them, the application of these two laws to the case of D. Pedro, produced the following solemn and final Award :

"The law, therefore, thus clear and thus cautious against all dangers, whether of foreign dominion, or great inconveniences in the internal government ; the national opinion, declared at various periods and according to divers events in our history, and the reasons for both provisions, exclude from the right of succession to the Crown of Portugal the actual first-born of the distinguished House of Braganza, and in his person, as in law obviously acknowledged, all his descendants. A foreigner, through choice and preference of his own—a foreigner by treaties, the laws of Lisbon exclude him in accordance with those of Lamego. Deprived of present, future, and morally speaking, all possible residence within this kingdom, he was in like manner excluded by the Letters Patent of 1642. And as it was necessary that the exclusion should commence at the very point where its essential causes and grounds began to operate, if the plea of his being a foreigner and the moral impossibility of his residence were anterior, as in fact they were, to the 10th of March, 1826, when death snatched from Portugal a revered Monarch, the laws, together with all the Portuguese who respect and love them, award to the second son the succession to the Crown, from which the said laws themselves had so justly excluded the first."

Nothing can now shake the legality, or affect the supremacy, of this award. Laws every where are

made to procure certainty and decision in all cases which can be the natural objects of legislation, or come within the scope of human prudence to foresee. In the course of events, cases and questions may certainly arise beyond the reach of such laws as are found on the Statute Book of a nation, and their magnitude, or urgency, may require a recurrence to first principles, in the absence of precedent, and written or settled ordinances. In extreme exigences, au appeal to the supreme and original power of the people may even be called for; but, in the case under consideration, thanks to the energy and provisions of the first Alonzo and the Heroes of 1641; or, I should rather say, thanks to the national feeling, for that was the real impulse among the Portuguese which gave rise to the erection of such proud muniments against foreign aggression, on both occasions, this awful expedient, justified only by the strongest necessity, and never to be resorted to unless as the last resource of agonizing nature, was found unneedful. The possibility of such a contingency as the one that lately happened, had indeed been, as it were, foreseen, and against its consequences the amplest provision made by express statutes, strictly applicable.

I do not here mean to say that when the Nobles of Portugal, in 1641, sent up their *Capitulos de Aggravamentos* to their sovereign, as at one period of English history, our ancestors did their "Articles of Grievances;" and when they prayed that it might be made imperative, on the death of a sovereign having two kingdoms, for the elder son to take the foreign

kingdom and the younger the other, that any possible allusion could be made to Brazil. Most assuredly not. This provision referred directly to Spain, and was doubtless intended to defeat the fatal consequences of the intermarriages between the reigning families of the two countries; but, being founded on an avowed principle, as I have already pointed out, it is not the less applicable to Brazil, in modern times, than it formerly would have been to England, or any other nation, seeking to ensnare, or to make a conquest. The grounds on which the enactment of this law was solicited, are fully explained in the preamble to the prayer of the Nobles. "The reason of good government teaches," do they say, "and experience has shewn that, when many and divers kingdoms unite in the person of one king, they cannot be well governed, or as they would be, if they were separate and each under its own sovereign," &c.

We are nevertheless assured that *l'expérience journaliére démontre que plusieurs Etats divers peuvent être gouvernés par un seul souverain, sans entrainer le moindre danger pour leur existence politique, ou pour l'accroissement de leur prospérité.* The case of Alonzo III., accompanied, as it is said, by circumstances "*bien plus graves que le present,*" is then produced in support of the preceding position. "That Prince," we are told, "the brother and successor of Sancho II. was at the time married in France to the Countess Matilda, through whom he had acquired the sovereignty of the *Comté de Boulogne;* yet he succeeded in the ordinary way and by a just application of the fundamental law." The fact

is not rightly stated. Portugal, about the year 1245, was convulsed, and the people in a state of open war with their sovereign, Sancho II., against whom the loudest complaints were uttered. The Pope at that time was holding a Council at Avignon, where he had deposed the Emperor Frederick, and the Portuguese, availing themselves of this example, sent a deputation to him, composed of the Archbishop of Braga, the Bishops of Oporto and Coimbra and two Nobles, and on their exhibition of the national grievances, on the 24th July, in the above mentioned year, his Holiness deprived king Sancho of the Administration of his realm and appointed Prince Alonzo Regent.* A deputation was sent to the latter at Paris, where he took the usual oaths of office and returned to Portugal. After ineffectual attempts to regain his power, in which he received the aid of Spain, Sancho retired to Toledo and died in January, 1248, when Alonzo III. ascended the throne with the usual ceremonies. He also obtained a divorce, and afterwards assembled the Cortes twice.

In candour, I will now ask, is there any parallel between the two cases? As matters stood, at the death of John VI., D. Pedro, notwithstanding all his forfeitures and renunciations in Brazil, would most probably have reigned in Portugal, if, like the Count de Boulogne, he had returned thither; at least, as previously shewn, the Portuguese waited full time for his answer. Alonzo III. did not attempt to go-

* Ruy Gomes de Briteiros—Le Quien and Brandão, also Bull of Innocent IV.

vern his native land, from either Paris, or Boulogne. He complied with all the formalities prescribed by law, and by returning home and receiving the sanction of his people, he recovered the natural rights, forfeited by his previous marriage and residence abroad.

We are next admonished "that Prince Miguel, son of Emanuel, received the oaths of allegiance, as his father's successor to the Crowns of Castile, Leon and Aragon; and nevertheless the Cortes of Portugal did not hesitate equally to take the same oaths to him, in 1499," &c. Emanuel married Isabella, princess of Castile, who eventually, in her own right, inherited these several Kingdoms in Spain. Whilst pregnant, their Catholic Majesties, deprived of issue through the death of their son John, Prince of Asturias, invited her to come to Spain with her husband. Whilst at Zaragoza, the Queen was delivered of a son, to whom the name of Miguel was given and to him the oaths of allegiance were taken in Spain, and immediately afterwards his parents brought him back to Portugal. At the earnest solicitation of their Catholic Majesties, Emanuel, on his return, had the oaths of allegiance taken to the young Prince in the Cortes of Portugal;* but, he died, in the third year of his age and there was an end of the whole affair. Is there any parity in this case? The "*Charte de Privilege pour le Royaume de Portugal, octroyée par le Roi Dom Manuel,*" inserted in the Appendix to the *Exposé*, as an illustra-

* Vide Chronica de D. Manoel, por Damião de Goes.

tive document, was an act passed by that monarch in the name of his infant son, pledging, *inter alia*, that the public offices in Portugal, should be given to no other than natives, in case he ascended the throne of Spain; but, as before noticed, through the death of the child, the whole arrangement was rendered null and void. Emanuel never afterwards quitted his own kingdom, and became one of the best and most enterprising monarchs the Portuguese ever had.

It is further argued that when Philip II. obtained possession of the Kingdom, it was not objected to him that the fundamental laws required his residence there. If the reign of Philip II. was effected by force and collusion, which will scarcely be denied, no just parallel can be drawn from this example; but the very fact of the Nobles, in the Cortes of Thomar, as formally acknowledged in the *Exposé*, having solicited the usurper to reside in Portugal as long as he could, sufficiently proves the national feeling, as well as the jurisprudence of the land upon the subject.

The most amusing argument alleged however, is, that the successor to the Portuguese throne always bears the title of Prince Royal and Duke de Braganza, and as D. Miguel never had that title, consequently, he cannot be king! I can scarcely collect myself sufficiently to give a serious answer to this assumption. Pray, could D. Pedro retain these two titles, united with that of Emperor of Brazil? Did he not forfeit and renounce them, when he accepted the Imperial diadem; or did he transfer them to his daughter, as

an assistant stepping-stone to her grandfather's throne?

"If it could be admitted that D. Miguel had rights to the Crown," do the Paris writers on Portuguese affairs, very ingeniously contend, "he would have lost all these supposed rights, *par suite des declarations que S. A. a faites de plein gré et de sa libre volonté;* viz. in the letters which he wrote to the Princess Isabella; his espousals, oaths," &c.—Here a long string of documents is introduced, chiefly bearing the date of Vienna. Before I reason upon this point, for a few moments, I should like to ask our learned logicians one question, and this is—if D. Miguel's rights could be thus affected, what would become of D. Pedro's, with so many renunciations, oaths and pledges as he has voluntarily recorded in the annals of Brazil, independent of his forfeitures in Portugal? On the subject of D. Miguel's detention at Vienna, I have already explained myself sufficiently, and on this subject my readers, ere this, are in a situation to draw their own conclusions, as to the validity of any acts to which he might have been induced to become a party, either in Austria, or England.

D. Miguel, during his absence abroad, was situated in exactly the same manner as our own young Edward III. so clearly described in the first article of Mortimer's impeachment, which sets forth that the latter, "accroaching to himself royal power and the government of the kingdom, put out and placed the officers of the Household and others such as were

of his party, and set persons about the King to espy his words and actions, so that he could do nothing as he would, but only as a man under guard and restraint." From the acts in the *Fœdera*, we can readily collect that Edward II. had been deposed by parliament and the Prince appointed as his successor, and we thus find him, in his own capital and with an undisputed right, so situated as not to be able to protect himself, or govern, at a time when the unusual maturity of his understanding had fully qualified him for the duties of royalty which he afterwards so nobly discharged.* Was not this D. Miguel's predicament in the Austrian capital? Again, as I have before argued, why blame him for what was done by the People of Portugal, in the exercise of their national rights? Besides, no act of his, whatever might be his situation, could affect the nation, or alter the laws. No effort of ingenuity, as I have before observed, can now separate him from the Portuguese people, with whom he is completely identified—with them he must stand or fall.

But, *dit on avec colére*, "by the Statute of Lamego and the usage of the hereditary monarchies in Europe, between D. Pedro and D. Miguel, there are still four Princesses called to the Portuguese succession," &c.; meaning the Princesses Maria da Gloria, Januaria Maria, Paula Marianna and Francisca Carolina, daughters of D. Pedro and all born before the acknowledgment of Brazilian Independence.

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* Parliamentary Rolls, 4th Edward III.

Regarding the first, since styled Queen Mary II. with even less formalities than her father was made King Peter IV., (but as to the other three it scarcely can be said that a question has arisen respecting them) it is a pity that the Authors of the *Exposé*, whose object is universal instruction, do not take their stand, and at once tell us whether her claim to the Crown of Portugal rests on hereditary rights, or those acquired from her father, through his act of abdication. One of the two titles evidently must be unnecessary; which is it then they prefer? I should like them to make their choice and then meet them on their own ground. In describing a tenure by which any thing can be holden among us, we are taught that *titulus est justa causa possiendi id quod nostrum est.* This is Sir Edward Coke's definition, and I presume it is essentially the same as the one taught in the *écoles de droit* in Portugal. Which then is the *justa causa possidendi* whereby the Princess Maria da Gloria claims possession of her grandfather's crown? Again, I ask, is it derived from her hereditary rights, or her father's abdication?

To claim under either the one, or the other of these titles, it would be necessary first to make out a *prima facie* case in favour of the father, by producing evidence of his legal title, and, from all that has hitherto been adduced, this cannot be done. Before the desseisor can be entered upon, with us, it is the *actual* and not the *apparent* right that must be established, that is, a right that will stand the test against all opponents. This matter has certainly

become more perplexing, from the misapprehension of terms and the great acrimony that has been mixed up in the whole of the present contest, of which we have such frequent examples even in the pages of the *Exposé*. If D. Pedro's right were ever so valid, he is not entitled to assume possession, if that possession depends upon the decision of an antecedent point, of which he cannot become the sole judge. A man with a clear right, by unduly asserting it, may sometimes convert himself into a trespasser, an intruder, or even an usurper; but, if that right is either dubious, or exceptionable, and he goes wrongfully to work in order to establish it, his case is aggravated in a tenfold degree. Now has D. Pedro avoided this rock? He who even holds an irresistible claim and is disseised, cannot be admitted, until he has received the sanction of those to whom this admission belongs. He must appeal to some tribunal, or other—he cannot be his own judge. If this is clear as regards individual rights, certainly it is infinitely more so as to those which are held in the nature of a public trust. Indeed, were not this the case, public authority would always be uncertain and precarious.

D. Pedro disregarded and contemned the only tribunal capable of sitting in judgment upon his claims and took their decision into his own hands. To it however his competitor appealed, and that tribunal, according to all legal forms, confirmed both the right of property and possession, thereby rendering his title incontestibly valid. What *justa causa possidendi* can then remain to either father or

daughter? How is the judicial sentence of a competent court to be set aside? If the parent has no right, how can his offspring acquire one through him, either by descent, or transfer? It matters not at what period the Princess Maria da Gloria was born, whether before, or after, the acknowledgment of Brazilian Independence; her father being a foreigner, she is one also. *La femme suit par-tout la condition du mari;* and *a fortiori* is this the case with the children. The Brazilian Constitution (Art. 105) declares that "the first born shall bear the title of Prince, or Princess, of Gran Pará, and is not this the only one by which Donna Maria da Gloria was known, ever since that Constitution was enacted? Is not a yearly allowance voted by the National Assembly for her establishment, the same as the other members of the Imperial Family; is not her education equally under the care of the Chambers? The answers to these two questions will be found in Articles 109, 110, and 111 of the Constitution. Nothing can resist the evidence of these truths.

It has ever been the proudest boast of our political writers to rest the legality of that avowedly just and necessary measure, called the "Revolution," on the broad and firm foundation of "the people's right to resume a trust, delegated for their use and welfare, because that trust had been perverted to their destruction;" and, in adopting their resolution, our ancestors were chiefly upheld by the concurrence of public opinion. They found the main spring of the machine broken, and it was their provident care to supply its place, in order that all the parts might be

restored to their due and regular movements. If they had then been asked by what law they were acting, it would have been difficult for them to have given a satisfactory answer, as neither the substance, nor forms of law were at the moment left subsisting; but their object being to revive both and preserve the State from dissolution, they were fully sanctioned by the exigency of the times.

The Portuguese, without having in their annals an event perhaps in all respects so memorable as our Revolution, can nevertheless unfold to us one, nearly approaching to it, and which at least served for the avowal and establishment of similar principles, although upwards of three hundred years earlier. In 1383, Ferdinand I. died, leaving no other issue than a daughter, married to the King of Castile and, on that account, excluded from the Portuguese succession. In anticipation, however, a plan had been formed to set the laws at defiance, and her husband was ready, with a large army on the frontiers, to support her pretensions to her father's throne. The Queen Dowager, entrusted with the Regency, being favourable to the union of the two Crowns, Beatrix was actually proclaimed, amidst the murmurs of the people. In a word, a coalition to deliver the country up to the Castilians was discovered and the kingdom immediately afterwards invaded. At length, in 1385, the Cortes assembled for the purpose of deliberating on the state of the kingdom and the succession, when by a solemn award, dated April 6, in the same year, the following declaration was made.*

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* Vasconcellos, Faria, La Clede, &c.

"The Body of the Portuguese nation, assembled in these General Cortes of the Kingdom, holding the Royal Throne to be vacated and the Sovereignty of the Crown devolved to them, of their own spontaneous and free will, exercising their national authority, have hereby elected, named and proclaimed, as their King and Lord, in order to possess the Kingdom for himself and his descendants, the august and ever triumphant Prince, at present Master and solemnly professed of the Cistercian Order of Aviz, Senhor Dom Joaõ, first of the name among those of Portugal, illegitimate son of King Peter I.," &c.

"We, seeing that the aforesaid Kingdoms, as well as the government and defence thereof, after the death of King Ferdinand, the last in possession, have become vacated and bereft, without a King, or Governor, or any other legitimate Defender who can and ought to possess them, in the right of inheritance;* Wherefore, we all, agreeing in our love, deliberation, will, counsel and act, in the name of the Holy and Undivided Trinity, &c., Do hereby name, elect, take, raise and receive, in the best and most valid manner, provided by law, the aforesaid D. Joaõ, Master of Aviz, as our King and Lord, as well as of the aforesaid Kingdoms of Portugal and Algarves, and we grant unto him that he should call himself King; and that he do and may be able to do and command, for the government and our defence, as well as that of the aforesaid Kingdoms, all those things and each one of them, touching the office of

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* *"Sem Rey, Regedor e Defensor nenhum que os podesse e devesse de dereito heredar."*

King, such as have been done, performed, commanded and usually executed in the said office, by the Kings of the aforesaid Kingdoms who have hitherto been such," &c.*

With such a precedent as this before them; with a declaration of this kind on their records, made and given by an Assembly, fairly and substantially constituting a full and free representation of the People of Portugal, the Cortes of 1828, in exactly the same manner as those of 1385, if so authorized by their constituents, might have gone similar lengths, being besides completely borne out by the rule and example of 1641, when it was also solemnly proclaimed "that to the kingdom only does it belong to judge and declare the legitimate succession thereof," &c. The necessity of reviving the exercise of the royal authority and thereby giving a legal form and active energy to the proceedings of the nation, would have fully justified their recurrence even to early principles. D. Pedro's case was infinitely more aggravated than is generally imagined. By his own acts, he had dissolved that government which the nation was called upon to re-establish, and this its Representatives did, with the greatest temper and wisdom, by re-settling the government, so dissolved, on the firm basis of its ancient laws. If his title had been ever so undisputed, by his own acts, subsequent to the death of King John VI., he had lost and forfeited all personal right to the exercise of the regal power, certainly in

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* Vide *Memorias de D. Joaõ*, I. in which also the *Assento*, or Resolutions of these Cortes are found.

a tenfold degree to our James; acts formally condemned by the only Constitutional umpires to be had, who expressly declared that his short-lived dominion in Portugal, was established "by criminal means and the occult and wicked stratagems of a faction, exactly as was that of the Spanish Philips."

Had the public exigence at the time been unprovided for; had the national safety, *ob procerum discordius;* the dread of a foreign dominion, or any other reason, equally imperious, so required it, like the Franks of old,* or the Lusitanians in the time of Alonzo the First and John the First, the Portuguese of our days might thus have chosen a leader, or sovereign, for themselves; they had the safeguard of the law to shield them. The peculiar frame and forms of their political institutions would have warranted this extreme measure, and, under such circumstances, to it they might have safely recurred, without infringing the *fundamental laws* of the realm, even if they are to be taken in the rigid sense in which the Authors of the *Exposé* seemingly would wish, and as *les arrétés immuables du fondateur.* I should be the first to uphold that the *præceptum principis justum et stabile,* is binding on the community; but it must always be tempered with the *id quod æquissimum ac honestissimum est.* The founder of

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* *Hic ergo Marcomirus, cum animadverteret Francos ob procerum discordias, diversaque studia, nunquam Romanis pares futuros, nisi in unam coalescerent rempublicam, et ab uno omnes regerentur, autor fuit genti suæ, ut regem communibus sufragiis eligerent. Franci vero tam salutari consilio obtemperantes regem sibi elegerunt Pharamundum filium Marcomiri. Gesta Francorum*; Epit Cap. iv.

the Portuguese monarchy, after acknowledging to his people—*vos me fecitis regem et socium vestrum*, asked them whether it was their will to make laws, in order that the land might be at peace. *Volumus* was the answer he received, and as regards the succession it was thereon ordained; *Vivat dominus rex Alfonsus et habeat regnum. Si habuerit filios varones, vivant et habeant regnum, ita ut non sit necesse facere illos de novo reges. Ibunt de isto modo. Pater si habuerit regnum cum fuerit mortuus, filius hobeat, postea nepos*, &c. Thus was the right of primogeniture established on behalf of Alonzo's descendants; thus was his own family secured upon the throne, as long as any of his lineal offspring could be found; but, when the early heroes of Portugal came to treat of the security of the national rights and their own freedom and independence, they spoke in a much more energetic and impressive manner. The Chancellor rising asked the Assembly whether their King and Lord should go to the Cortes of the King of Leon and pay tribute to him, or to any other person, &c.; and what followed? *Et omnes surrexerunt, et spatis nudis in altum dixerunt; Nos liberi sumus; rex noster liber est; manus nostræ nos libererunt; et dominus rex qui talia consenserit, moriatur, et si rex fuerit non regnet super nos. Et Dominus rex cum corona iterum surrexit, et similiter cum spata nuda dixit ad omnes; Vos scitis quantas lides fecerim per vestram libertatem; testes estes, testis brachium meum et ista spata, si quis talia consenserit, moriatur; et si filius aut nepos meus fuerit, non regnet. Et dixerunt omnes—Bonum verbum, morientur; et rex si fuerit*

talis quod consentiat dominum alienum, non regnet. Et iterum rex; Ita fiat.

This, as I have before noticed, is the real spirit of the Statute of Lamego, and, as we see here, the right of primogeniture vanishes, when placed in competition with the public welfare and the national independence. To secure these, not only the crown; but also the life of him who wears it, is to be sacrificed.

The Portuguese Academicians, anxious to give a foreign sovereign to Portugal, may therefore cavil and rail as long as they choose against the act of the Cortes of 1828, by whom such a pretension was deemed illegal and unconstitutional; in vain do they accuse them of a deviation from the fundamental laws of the land. These Cortes were not convened as a Constituent Assembly; a convention, or in any other extraordinary manner; but in the usual way, as the National Legislature and the Highest Judicial Court in the land, for the purpose "of deciding the application of certain weighty points of Portuguese Law," and this they did, and no more. As I have before had occasion to say,* the Three Estates did not declare that there was a defeazance of the right of succession; nor did they pretend that their act should be taken as a new limitation of the Crown, but as an interpretation and application of the existing law, and a consequent award of the nation, duly represented, upon a conviction that there was no king in being. They had not to do what was done

* Letter to Lord Palmerston, page 33.

in the case of our William and Mary; or their own John I.; they were not called upon to appoint a successor; but only to designate the one intended by the laws, and in thus investing him with the whole power, authority and prerogative of the Crown, they did no more than surrender to him what the laws had declared to be his right. The power to fill the deserted throne arose from its evident vacancy, and not from any wish to change the hereditary rule; nor did they profess to abridge, or alter, the legal attributes of the Crown. They did not indulge their imaginations in new and theoretical forms of government; they supplied the throne with no novel sceptre; but thereon placed a King, known, defined and limited by the ancient institutions of the land."

In doing this, the Lisbon Cortes did not alter the smallest particle of the ancient Constitution of the kingdom; or, in the least contravene the express will of the venerable founder, even if our adversaries go so far as to contend that the living are not allowed to be their own judges in cases affecting their immediate welfare and happiness, and that *defunctorum voluntatem intellexisse pro jure est.* The Cortes of 1828 seem to have been as fully sensible as those of 1641, or as the distinguished French Jurisconsult* by whom the remark was made, *que l'autorité ne doit tirer les lois nouvelles que comme des écoulemens des anciennes,* more particularly, in matters connected with the succession. Hence was it that both recurred to the Primitive Source. The two memorable awards

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* Le Président Henault.

equally rested on the same law; the last application being only more extended; but the imperishable spirit of the original enactment may be visibly traced in each.

A curious and novel argument constitutes the Fourth Chapter of the *Exposé*. We are therein assured that, "*quand même l'Infant D. Miguel aurait eu quelques droits au trône, le temps de les faire valoir était déjà passé, en* 1828, *la question ayant été irrevocablement decidée dés* 1828! to prove which, we have another treatise on the law of prescriptions; but the limitation here is somewhat moderate and does not exceed two years! In elucidation of this theory, the readers of the *Exposé* are desired to bear in mind that the succession to a crown is not like a civil case—the repose of nations and general policy requiring that when once closed it should not be opened again, and as this point was settled by D. Pedro's occupying the throne *paisiblement*, when the nation consented and the States of Europe agreed, it is very gravely concluded that "*toutes les prétentions de l'Infant D. Miguel sont tardives et intempestives, et la decision des soi-disant Trois Etats est un veritable attentat.*"

Such is the sum total of the Fourth Chapter of the *Exposé des Droits de S. M. T. F. Dona Maria II.*! And is this the mode of reasoning taught in the Portuguese *écoles de droit?* The very same line of argument would have kept the descendants and successors of the Spanish Philips on the Portuguese throne, up to the present hour! But, let me ask, when was that throne occupied *paisiblement* by D.

Pedro? He certainly opened, did he also close, the succession? Is the taking possession of a throne, all that is requisite to constitute a lawful monarch? I blush to see such sentiments as these put forth by Portuguese Academicians! Can an absent man, purposely detained, be thus stripped of his rights, and those of a nation taken away by the breath of a foreign Emperor, wafted across the Atlantic! Such a rodomontade as this, is really undeserving of a single moment's serious consideration. The printer would have answered the writers object much better if, after inserting the heading of this Chapter, he had written underneath

NULLA DE IIS LITTERARUM MONUMENTA EXTANT.

In the succeeding division of their subject, our doughty champions, assembling their whole strength, return to the charge and, as it were, confident of victory, arrogantly tell us that "*le mode de procédure suivi dans ce nouveau jugement est illégal, nul et scandaleux.*"

The drift of the arguments marshalled with a view to sustain this *edifice bizarre*, would lead us to think that D. Pedro having once given his *fiat* in Brazil, no power, or authority, was left remaining in Portugal, either to change, or counteract it; and this very reasonable conclusion is followed by a description of the origin of the Cortes and an enumeration of the defects of their organization, from which their incompetency is deduced and, for all practical purposes, the preference given to the decision of a single man.

I have already said so much on the obvious benefits which have resulted to Portugal from the meeting of the national Cortes, and adduced so many illustrative proofs of the expediency of assembling them, on all great and distressing emergencies, that I should not feel disposed to follow our laborious Academicians into the transitions through which they tell us the Great Council has passed, either during the time of the Moors, or since. The samples before produced of the proceedings of the Portuguese Cortes, corresponding to the years 1385, 1641 and 1828, may satisfy any reasonable purpose. All institutions partake, more or less, of the frailties of human nature; but, on that account, they are not to be abolished. If we were to require perfection, even after the improvements of the last century, of which the Portuguese were unjustly deprived, we should not have a British Parliament to guard our rights. The great point to be considered is, whether that form of government in which all the inferior orbs of power are moved by the will of one man; from whom alone the laws and institutions can emanate, is the one to be recommended for adoption in Portugal. A treatise of equal length upon this subject, whether the Authors of the *Exposé* take their parallels from Persia, or Turkey, in my opinion, would have brought them nearer their object, than the line they have hitherto pursued. How gladly would these ingrate children efface the proud annals of Portugal; to what a state of degradation would they reduce their countrymen! D. Pedro himself is infinitely more liberal than his partisans. He declares to the Portuguese that they were always a free people and

spoke with freedom to their sovereigns; he exhorts them to follow the example of their ancestors.*

Descending to particulars, the Writers in the *Exposé* next proceed to attaint the late Award of the Lisbon Cortes, on more specific and tangible grounds, which it is my duty now to examine The time and mode of assembling the National Council, were before fully explained; this part of the subject therefore requires no further comment. Donna Maria's advocates are however indignant at the writs, sent down to the several Municipalities for the election of the popular delegates, being, "*redigés tous sur le même modéle, et conçus en termes aussi vagues qu'ambigus et obscurs;*" and, after inserting a copy, they therefrom deduce that the instructions given in them, "could not suffice to change the king whom the nation had chosen and to whom the oaths had been taken."

The whole of this assertion is founded on a gross and manifest mistake. The Cortes of 1828 were not assembled for the purpose of either *changing*, or *appointing* a king. They were convened as the National Representation and the Highest Court of Judicature, for an express purpose, as the Convocatory Decree and Writs distinctly set forth, viz. "in order to *decide on certain points of Portuguese Law*," of which a case was to be made out and submitted to them. As I have before contended, at some length, there was no recurrence to first principles—there was no need of any. The Chancellor, or who-

* Vide Proclamation of July 25, 1828, Appendix, Document, No. 13.

ever is the proper officer, when the Cortes, or Parliament, is to be summoned, sends down the writ to the district magistrate, or sheriff, who delivers it to the municipality and takes a receipt, which is forwarded to the Attorney General. These writs, or as they are called *Cartas Convocatorias Regias*, Viscount de Santarem assures us,* usually contained three topics, viz. the principal motives which induced the sovereign to call the Kingdom to Cortes; the place and day on which the session was to open, and lastly the order for the election and a designation of the powers to be granted, &c. to which were added such other general recommendations as the case specially required.

Our opponents having furnished us with a copy of the writ which they assure us was used on the occasion alluded to, it will be proper to try it by the preceding standard. It is addressed to the Mayor, Aldermen, &c. of the Municipal Council of district N. and to this effect. "I, the Infante Regent, do wish you well. In order to decide on the application of certain weighty points of Portuguese Law, and thus reestablish concord and public tranquillity, as well as that all the important affairs of the Kingdom may acquire stability and take a proper direction, I have resolved to hold Cortes in this City of Lisbon, within thirty days of the date hereof; I therefore enjoin you, as soon as you receive these presents to proceed, in the customary form, to the election of one, or more delegates, as fixed for your district at

* Memorias para a Historia e Theoria das Cortes Geraes, &c. § 2.

the last elections, who, in the name thereof will come to the said Cortes, and you will give them special powers therein to treat of the said matters which will be submitted to them; instructing them to arrange their journey in such manner as to be in this city within the term prefixed; and you will also see that they perform their journey with the least possible expence to the district.

"I recommend to you to bear in mind that, at all times, and more particularly at present, it is proper that the said election should be conducted with the greatest attention, to the end that the choice may fall upon persons of irreproachable character, having only in view the service of God and the throne, and zealous for the public good; strongly recommending to you not to admit the votes for delegates of any but respectable persons of your district, of good morals and holding property, pursuant to the royal regulations which the sovereigns of these kingdoms were pleased to enact upon this subject, from the commencement of the monarchy; and you will transmit a certificate, declaring that you have received the present Letter, to the Attorney General, through whom this is sent to you," &c.—May 6th, 1828.

Can any thing be more regular, or strictly constitutional, than this? Prince Miguel at the time was *de facto* Regent of the Kingdom, and the public voice, as well as the prevailing calamities, demanded that the Cortes should forthwith meet. *Quocunque jure*, he was therefore not only authorized; but

also bound to summon them. The writs thus issued under the great seal, as *Custos Regni*, were consequently as valid as those of the Earl of Pembroke, in the time of Henry III.; of the Guardians and Council in the days of Edward III., Henry VI. Edward V. and Edward VI.; or any of those so issued since the Revolution. The chief Executive Power was in his hands; he was the sole organ of the public will. He was invested with all the rights and strength of effective government, and he thus used that power for the welfare of the State.

Let us look at this affair manfully and as we ought, divested of prejudices. Let us only consider the state of Portugal, at the period to which I refer, and then turn to the momentous pages of our own history. Let us be unbiassed and I am confident that there is not an Englishman to be found, zealous for the institutions of his own country and anxious for the rights of himself and posterity, who will not approve of what the Portuguese have done. Through the aid of their Prince, they destroyed the reign of misery and violence; preserved their Constitution and shielded themselves from ages of calamity. Under the guidance of William, our ancestors did not do more for us.

Having, as it were, fate on the sacred tripod and full of the God! our oracular monitors emphatically pronounce this awful sentence: "*Nous ne pouvons terminer ce chapître d'une maniére plus convenable qu'en vouant á l'indignation publique l'impudeur avec la quelle on a fait figurer parmi les*

députés de l'Etat du Peuple un homme qui s'est donné pour représentant de la ville de Goa. Il est bien connu que la convocation précéda la réunion des Cortes de beaucoup moins de deux mois; comment donc un deputé a-t-il pu, dans un si court intervalle, arriver de l'Indé? Et quel député? Un moine de l'ordre de Saint Augustin. Explique qui pourra ce phénoméne; en attendant, il doit être permis ici de protester contre un faux si scandaleux, comme l'a déjà fait ailleurs un citoyen né á Goa, et à qui ses concitoyens avaient donné un témoignage public de leur confiance." Reference is then made to a pretended protest, signed by Bernardo Peres da Silva, dated Plymouth, July 17th, 1829, and on the following 3rd August published in the London Times, with a most thundering denunciation,* which protest declares that Father Joaquim de Carvalho, who took his seat in the late Cortes for the city of Goa, had no powers and that

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* If any thing could shew the deceptions practised upon the London papers in Portuguese affairs, and the avidity with which the most spurious things upon this subject have been published, it would be the following remarks which accompanied the insertion of the protest alluded to.

"We have been favoured by a friend with the following document, which we offer to our readers, to show them the manner in which the self-called Assembly of the Three Estates was constituted at Lisbon, where the important city and district of Goa was represented by a friar, who had no authority of any kind to vote, but who, like many others, was a performer in the political farce of the election of the usurper of the throne of Portugal,—an election that reminds us of the inimitable Foote in the farce of the election of the Mayor of Garrat. If any doubt still remains in the mind of any one of our readers as to the illegality of such an assembly, the document we are going to transcribe would put an end to such a doubt. *Times, Aug.* 3rd, 1829.

the whole was a fraudulent transaction, &c. On the strength of this protest, which the Authors of the *Exposé* take care to put into their Appendix, they exultingly cry out—"*Avec de tels élémens, comment etait il possible de former une assemblée legitime des Trois Etats du royaume? Est-il quelqu'un d'assez insensé pour reconnoitre dans la decision d'un tel tribunal, l'expression de la volonté de la nation entiere? L'injustice et la déception ne sauraient jamais produire la légalité.*

How a man, or a public journal, may be misled by a blind adherence to the dictates of a party! How easily may both be made the dupes of an ill-timed and misguided resentment! It is now proved that the whole of this charge, first started in the East Indians' protest, seconded in the London Times, and now converted into a *cheval de bataille* for the Authors of the *Exposé*, is a gross and clumsy fabrication. Father Carvalho had powers to represent the city of Goa, solemnly and duly granted, and a copy of them, in the original form, which I have deemed preferable, with the usual legalizations, will be found in my Appendix, No. 15. This great *phenomenon*, therefore, which was to have destroyed the Award of the Lisbon Cortes, is easily explained by the subjoined extract.

After confering on Father Joaquim de Carvalho general powers to transact all kinds of public business, in Portugal, on behalf of the City and district of Goa, the document proceeds thus; "This City of Goa, having at the court where His Majesty resides, many

matters which may frequently require reference to the Cortes, when the king commands them to be convened, as well to receive the oaths of allegiance to Princes as for the good administration of the Realm, in which Cortes this City has a seat on the first Bench, and as the great distance does not allow of a writ being sent over here, and it being necessary there to have a representative, we hereby appoint Father Joaquim de Carvalho," &c. This power is dated Goa, January 25, 1827; drawn up in the usual way, and followed by the proper legalizations of the competent tribunals in Lisbon. On which side are we now to say the deception; or rather, the imposition, rests! It is really disgusting to have to unmask such frauds and such malevolence!

I have now closed my remarks on the *Exposé des Droits de S. M. T. F.* and it is full time for me to take my leave of the Portuguese Academicians, assembled in Paris, with all their extra aid, for the laudable purpose of correcting the opinions of Statesmen, and particularly of Members of the British House of Commons, on Portuguese affairs. I will do the principal editor of the work the justice to say that he has made the most of his subject, and well maneuvred the materials confided to his care. Like a prudent and experienced General, he has classed his forces according to their different powers and properties, and manfully rushed to the scene of action, with all that desperate valour which distinguishes the last efforts of those who, according to the rules of war, have no quarter to expect from a victorious foe. Like Mithridates of old, he spoke to his aux-

iliaries in their own language; soothed their prejudices and encouraged their hopes. Pressed on his flanks, there is not a stratagem, or a *ruse de guerre*, to which he did not dexterously resort. The public economy of his arrangements was superior, and when seeking to harrass, or distress, his adversaries, he encouraged marauding and laughed at the obsolete ideas of Roman disinterestedness, or Spartan discipline. Every thing was to be sacrificed to conquest. All his strength being concentrated on one point and no army in reserve, any misfortune that could happen was fatal—the consequences irretrievable. The issue of the whole contest, in a word, rested on the chance of a single day. The shock ensued—the first onset broke the stoutest columns, on each side; but nothing could move the union and firmness of his opponents, derange their order, or abate their ardour. His centre first gave way; his flanks became entangled; disorder followed and soon his whole army crumbled to atoms; such being the contagious influence of despair, mutiny and desertion.

In whatever light some of my countrymen may yet be disposed to view this last effort—this forlorn hope, of D. Pedro's partisans, I am very confident that, if they will only act the part of impartial judges, watch the respective tactics of the contending parties; examine the *matériel* of each, and duly weigh all circumstances, they will be induced to admit that not even the smallest part of the tremendous attack, made in the *Exposé* on the late Award of the Lisbon Cortes, has failed to be successfully repelled. I could have added much more; I had

still numerous elements to bring up to my aid—*corps de reserve,* not even in sight. The subject is indeed almost inexhaustible, so rich and instructive is the history of Portugal; but, I have said enough to show that the national institutions have been scrupulously followed in every thing connected with the meeting and proceedings of the Great National Council, by whom the destinies of Portugal were fixed, and the government of the land settled on principles of general certainty and sound policy. That resolve prevents all future struggles for power and at once counteracts the malign influence of party animosities and civil dissentions. It was a measure of expediency and political necessity; calculated to support the dignity of the reigning Family and to meet the warmest wishes of the independent sons of Portugal. This was the only means of rendering them a firm and united people, held together by the bond of ONE KING, ONE FAITH AND ONE LAW, and, as their allies, participating in institutions greatly resembling our own, Britons ought to be the last to rail, or repine, at the triumph they have thus gained.

Yes! from the bottom of my heart and after full and deliberate attention to the subject, I do not hesitate to say that the Cortes, representing the Portuguese Nation, were fully authorized to pronounce the solemn Award under consideration, which was duly signed by the three Orders of the State, on the 11th July, 1828, and closes with the following determination;

"All which being well considered and deliberately

weighed, the Three Estates of the Realm, finding that most clear and peremptory laws excluded from the Crown of Portugal, previous to the 10th March, 1826, Dom Pedro and his descendants, and for this same reason called, in the person of Dom Miguel, the second line thereto; and that every thing that is alleged, or may be alleged to the contrary, is of no moment, they unanimously acknowledged and declared in their respective Resolutions and in this general one also do acknowledge and declare, that to the King our Lord, Senhor Dom Miguel, the First of that name, from the 10th March, 1826, the aforesaid Crown of Portugal has justly belonged; wherefore, all that Senhor Dom Pedro, in his character of King of Portugal, which did not belong to him, has done and enacted, ought to be reputed and declared null and void, and particularly what is called the Constitutional Charter of the Portuguese monarchy, dated the 29th of April, in the said year, 1826.—And in order that the same may appear, this present Act and Resolution has been drawn up and signed by all the persons assisting at the Cortes on account of the Three Estates of the Realm."

Having so done, I fearlessly add that this sentence and award is equally as valid and binding as the Act passed in the 33rd of Henry VIII. cap. 1, declaring "that the King of England and his heirs and successors be kings of Ireland," and enacting that "with all manner of honours, pre-eminences, prerogatives, dignities and other things, whatsoever they be, to the Estate and Majesty of a King Imperial appertaining and belonging, and that His Majesty, his heirs and suc-

cessors be, from henceforth, named, called, accepted, and reputed to be Kings of this Land of Ireland; to have, hold and enjoy the said stile, title, majesty and honours of King of Ireland; with all manner of preeminences, prerogatives, dignities and all other the premises unto the King's Highness, his heirs and successors for ever," &c. In every respect, the Resolution of those Cortes is as legal and constitutional as was the "Act of Recognition of their Majesties' undoubted right to the Crown of Ireland," passed in the first Parliament held by King William and Mary; and when it is in that Resolution set forth "that every thing done by D. Pedro, in his character of King of Portugal which did not belong to him, is to be reputed and declared null and void," &c., its provisions have exactly the same force and authority as the memorable enactment made in the 7th of William and Mary, cap. 7, called an Act declaring "the attainders and all other Acts made in King James's pretended Parliament to be null and void," the preamble of which recites thus: "Forasmuch, &c. as divers persons, during the late war and rebellion in this kingdom did, on, or about the 7th day of May, 1689, assemble themselves at or near the City of Dublin, without authority from their Majesties, and in opposition thereto, and being so assembled did pretend to be and did call themselves by the name of a Parliament, and acting in concurrence with the late King James, did make and pass several pretended Acts and Statutes, and did cause the same to be placed and recorded among the records and proceedings of Parliament, all which pretended Acts were formed and designed in manifest opposition to

the sovereignty of the Crown and for the utter destruction of the National Institutions and interest of this Kingdom, and consequently are null and void, to all intents and purposes whatsoever," &c. Here we have the parallel for D. Pedro's Cortes, Constitutional Charter and Decrees, together with all his other Brazilian Acts, which his partisans took such great care to have hastily passed and recorded in Portugal.

The late Award of the Lisbon Cortes, I ever will contend, stands unimpeached, the same as an Act of Parliament among us. On the accession of His present Most Gracious Majesty (but the other day), his rights were declared in the Privy Council before he was proclaimed; but, on the occasion of His Most Faithful Majesty assuming the Crown, the formality was, if possible, still more solemn, the declaration being put forth and individually signed by the Three Orders of the State in Portugal, to the same effect as if they had used language of the following tenour:

"Whereas, through the demise of our late Sovereign Lord, King John VI., of blessed and glorious memory, and the forfeitures, renunciations and disabilities of the first-born of his lawful issue, the Crown of the United Kingdom of Portugal and Algarves is solely and rightfully come to the High and Mighty Prince Miguel; We, therefore, the lawful Representatives of this Realm, assisted with the advice and support of His late Majesty's Privy Council and all the corporate Bodies, with numbers

of principal gentlemen of quality, Do hereby, with one voice and consent of tongue and heart, publish and proclaim that the High and Mighty Prince Miguel is now, by the death of our late Sovereign, of happy memory, and the forfeitures, renunciations and disabilities of the said first-born, become our only lawful and rightful Liege Lord, Miguel the First, by the Grace of God King of the United Kingdom of Portugal and Algarves, aforesaid; to whom we do acknowledge all faith and constant obedience, with all hearty and humble affection, beseeching God by whom Kings and Queens do reign, to bless the royal Prince, Miguel the First, with long and happy years to reign over us."

From all that has been hitherto said, it will appear evident, if we only try the present question by the touchstone of truth and reason, that the reversionary sceptre belongs to the monarch in whose hands it is placed, and that he has been duly and lawfully invested with the whole power and sovereignty of the State. He has therefore now no other enemies to contend with, than the envious, the wicked, or the deluded, who, unable to disturb his right of property and possession, endeavour to diminish his personal influence, by recurring to invectives and all kinds of base expedients, among which is the charge of cruelty. Nothing indeed can exceed the malignity of these attacks and the acrimonious hostility with which they are still repeated. They disgrace almost every second page in the *Exposé*, although I did not stop to notice them. I viewed them as the efforts of an impotent rage; or, as the transitory

opinions of stipendiary writers. I was aware that they were dictated by the beings of a day, urged on by the thirst of power; by men whose mutability of politics rather disgusts, than surprises, those who have watched their actions and had a fair opportunity of appreciating their real character. I besides found them unaccompanied by a single fact and unsupported by any thing like substantial evidence.

The more we look into the affairs of Portugal, the readier shall we be convinced that the grossest of all delusions has been practised upon us, as a nation, and that hitherto we have been too apt to form our judgment upon this subject from the bias of our feelings, or the eager and interested accounts of those whose immediate object was to mislead. England became the grand theatre of all those plots and schemes, intended to restore D. Pedro's partisans to power and prevent the laws of Portugal from taking their due course, and as the most essential part, every effort was even made to entangle our government. Self defence in Portugal gave rise to the adoption of rigour; but, if it is wished to know what kind of retaliation the new authorities pursued, till matters assumed a more aggravated aspect and conspiracies, projected in London and Plymouth, were seen hatching in every direction, I should point out the Decree of the 4th August, 1828, issued in Lisbon against the Absentees and found in my Appendix, No. 16. To this I shall merely add that the greatest portion of the personal miseries, experienced in Portugal, were occasioned by the rash and ill-advised experiments of those who had sought an asylum

among us, which they abused for their own ambitious designs, under the specious pretext of befriending their countrymen at home. If, however, the Authors of the *Exposé*, or any others of the same party, refuse their assent to the self-evident demonstration which, on a general review of all that has occurred in Portugal since the death of King John VI., forces itself upon the unbiassed mind, it is to be hoped that they will have candour enough to allow the people and government of England to form their own opinions and draw their own conclusions, as a future guidance for their political conduct.

A powerful coalition, ever since 1824, it is fully established, was formed against His present Majesty, of which the first symptoms among us may be traced to M. de Palmella's note, dated December 7th, 1825, and addressed to Mr. Canning, requiring a special guarantee in order to secure the Portuguese succession to D. Pedro, respecting which, it will be borne in mind, nothing was said in the Treaty of the acknowledgment of Brazilian independence, signed on the previous 29th August. Fortunately, this insidious application, made solely for the purpose of entrapping us, did not produce the desired effect. If it had then been complied with, we should have been doubly implicated, and perhaps made the instruments of unjust pretensions, contrary to the laws and obnoxious to the feelings of the people of Portugal. On the head of Palmella, I do not hesitate to say, most of the recent calamities of Portugal rest. He was also the main spring of the delusions spread among us. No man who has figured in the

late eventful drama, whether we view him in England, or at Oporto, has half so much to answer for; but, fortunately, disappointment has invariably accompanied his efforts. These are now confined to the craggy summits of Terceira, where, if I were allowed to take a comparison from the History of the Peninsula, I should say he stands like Ripperda, after his downfal, in the castle of Segovia, watching the waters of the Atlantic roll around him, uttering incoherent menaces of vengeance, and imprecating curses on the nation that so disdainfully rejected his new theories and political speculations.

As I frankly acknowledged in the onset, I undertook my present labours with the strong and independent feelings of an Englishman, anxious for the honour and welfare of his country, and the more I enter into the details of my subject, the stronger is my conviction that it presses urgently on the attention of His Majesty's government. The contest has been going on for three years, and, in that time, we have seen and experienced enough to undeceive ourselves. The isolated and unacknowledged situation in which Portugal, the oldest and firmest ally of England, still remains, is at variance with the general order of our political conduct, and a manifest violation of justice. It is our interest, more than any other power, that Portugal should be placed in a situation to maintain that station, with dignity and efficiency, which she has hitherto held; and our best preventive policy ever was to have her bound to us by the ties of reciprocity and good will.

The international relations of the several States of Europe rest on an avowed system of action, founded on the spirit of those treaties which followed the general peace, and out of their interchange arose the defined and fixed principles and interests on the maintenance of which the safety of the whole depends. To the fullest advantages of this system, Portugal is preeminently entitled. If she is amenable to the public law of Europe, she is equally under its protection, and has a right to demand that these acts of rebellion should cease. The exclusion of one component member disturbs the order agreed upon; affects the whole European Commonwealth and establishes a precedent, against which it is the interest of both the largest and smallest States to guard.

It is time to put an end to the follies, inconsistencies, plots, discrepancies, frauds, forgeries and the variety of deceptions, practised among us, with a view to excite the sympathies of the British public and entangle the government. A sense of justice has already induced Spain, Rome and the United States, to renew their relations with Portugal; why then are we deaf to her solicitations—is not the term of probation ended? Why do we continue to make such an interested distinction between the commercial and political stipulations of those Treaties which, we profess, still bind us to the welfare of an old and faithful ally, as to claim the advantages of the first, whilst we reject the obligations which a just sense of reciprocity, arising out of the second, would impose upon us? What confidence, or amicable intercourse, can exist between us, under the

present order of things? How can foreign commerce and internal industry flourish in Portugal? Why therefore this apathy and this delay?

There is more elevation of character; greater worth, talent and, in a word, more of those essential requisites to command public confidence and esteem, in the present ministry of Portugal, than we have witnessed for years; and under it consequently more susceptibility of progressive improvement than has been seen since the time of Joseph I. Portugal does not lie in a deep and unbroken lethargy; within her, the elements of great moral and physical advancement abound. All she requires is stability, repose and the development of her own national institutions, which as previously shown, contain all the advantages of civil liberty, corresponding to the ideas of those for whom they were enacted. Calamitous times had placed the Portuguese on the verge of ruin from which they have been happily extricated, and, I repeat, we ought to be the foremost to rejoice at the circumstance.

The well-founded hopes entertained of the durability of the present administration * and the general

* A correct opinion may be formed of the vacilating state of the late Portuguese Government, when it is taken into consideration that, from the revolution of 1820 to 1828, the period when His present Majesty returned from Vienna, there were 63 ministers of state employed, viz. 11 for the Home department; 9 for the War ditto; 11 Finance ditto; 9 Navy ditto; 11 Justice ditto and 12 for Foreign Affairs; whereas, from the reign of Alonzo V, in 1422, up to 1820, that is, during a period of 378 years, there were only 43, several of whom died with their portfolios in their possession!

spirit of activity diffused through every department of the State, it may also be confidently expected, will quicken the efforts of those men in power to whom the furtherance and promotion of the public good is entrusted. The Portuguese are only now emerging from the desolating ravages of a civil war; but, as soon as the present wounds are healed and the government wears a settled aspect, we may look for a development of new power and a creation of fresh wants, followed by corresponding exertions to supply them. Of this, what has already been done affords the best evidence.

With a monarch thus raised to the throne and a government so constituted, we may therefore proceed to treat with the fullest confidence. The concurrent voice of interest and duty demands that this should be done, in the true and sincere spirit of amity, otherwise, our vaunted professions cannot be believed. At present, nothing can be more confused than the state of our commercial relations with Portugal. The Treaty of 1810 can scarcely be considered in any other light than as a dead letter. It was made with the King of Portugal, previous to the separation of Brazil, and, since that event, we have concluded another with the Imperial government, on totally different grounds, which almost supersedes the first.* The Treaty of 1810, although a masterpiece of diplomatic science, bespeaking the

* This Treaty was negotiated by the Honourable Mr. Gordon and is dated August 17, 1827. By virtue of it, British subjects do not enjoy in Brazil, the same privileges to which they have been long accustomed in Portugal and the rates of duties are rendered equal for all nations.

talents, experience and patriotism of the Negotiator, is now rendered unpopular in Portugal, by its being supposed to have been wrung from a country, humbled by misfortune, at the period of its construction, and consequently it requires the earliest revision. The change of times and circumstances indeed demand that this should be done, without further delay.*

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* Among the strange anomalies we sometimes see, in the affairs of Portugal, Mr. H. Villiers' motion of the 15th of last June, on our "Commercial Relations" with that country, may be mentioned, the great object of which was a revision of the Methuen Treaty and the overthrow of the Oporto Wine Company. My present limits do not allow me to enter on the subject, or to discuss the right of one nation interfering in the municipal regulations of another; but, it would appear strange to us if we saw the French Chambers, or the Cortes of Portugal, anxious to subvert our East India Company, on the plea of a right to a participation in the advantages enjoyed by that body. But why raise a clamour against Portugal, for the adulteration of wines in either Guernsey, or England? Let us rather enquire whether the Oporto Company has not been serviceable to Portugal, and whether we ourselves do not drink better Port wine through its precautions, than we otherwise should. Let us then see what sum of benefits the Portuguese derive from the present state of their commercial relations with us, and take the importations of Port Wine as a guidance. Twenty-five thousand pipes per annum are a fair standard, and on these the Portuguese pay a duty of 4s. 10d. per gallon which, on French Wines, would be 7s. 3d., leaving a difference of 2s. 5d. per gallon in favour of the former. Calculating each pipe at 115 gallons, and multiplying 25,000 by that number, we should thus have an importation of 2,875,000 gallons which, multiplied by 2s. 5d., the difference above named, leaves an annual benefit in favour of Portugal, equal to about 347,395*l.* sterling. Let us next reverse the scale and ascertain what we gain in Portugal by the importation of our woollens, at a duty of 15, when other nations pay 30 per cent. and afterwards how other articles brought from Portugal are rated with us. We should be fair and just, as becomes a great nation. As I have before stated, nothing can exceed the confusion of both our commercial and political relations with Portugal. The

Circumstances of the most obvious policy therefore urge His Majesty's government to look at this affair, in a different point of view to that in which they have hitherto been accustomed to consider it. So far, we have been deceived, or mistaken. D. Pedro's pretensions to the Crown of Portugal have now passed the scrutiny of the only two tribunals, competent to sit in judgment upon them, and by both were they rejected, on grounds totally distinct. In the Cortes of Portugal, they were declared inadmissible, on the score of illegality; whilst the Brazilians openly condemned them, as being at variance with the object of their independence, as well as the pledges under which the suitor himself accepted the Imperial diadem. The rashness with which his par-

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complaints upon this subject commenced in the time of Lord Chatham, in 1758, and have been going on ever since. We have so many treaties and counter treaties, that the contracting parties themselves are at length bewildered. Can there be any thing so ridiculous, as to see the stipulations of ancient treaties alleged as a plea to place the little Queen Donna Maria on the throne of Portugal, by main force! We really ought to begin *de novo*, and, if I am any judge of public feeling in Portugal, we should be met with cordiality, if our negotiations rested on the basis of fair reciprocity. We could not render a greater service to our merchants, than by establishing a satisfactory community of interests. Having said this much, I shall merely give a word of advice to Mr. Villiers, in case he should again be induced to touch upon the same subject, and this is, that when he treats of our "Commercial Relations with Portugal" he will do well to take them as a whole and not as a part. It would also be advisable for him to peruse "A Review of the Pretensions of certain British Merchants respecting the Royal Oporto Wine Company," published here in 1826, and even to go further back and weigh well some of the Resolutions, passed in the Cortes of Evora, in 1481—1482, during the reign of John II., respecting the commerce of foreigners in Portugal, and then turn to the Alvará of the 26th April, 1704, allowing the importation of British Woollens.

tisans in Europe have proceeded on towards the attainment of their object, regardless of consequences; unmindful of the rights of others and far from scrupulous in the choice of plans, present further considerations, of an equally imposing character. That strange infatuation; that eagerness for theories and experiments; those intemperate acts; that extravagance in demands, coupled with an evident inadequacy of means, which so strongly—so invariably marked the conduct and proceedings of the Portuguese refugees, in all their enterprises, were not only calculated to undeceive their early supporters; but also to bring an awful responsibility on the shoulders of him, in whose name they were undertaken and carried on.

D. Pedro's cause has hitherto lingered by the aid of expedients; but, ever since the fall of the Oporto Junta and the retreat of the army, destined to uphold it, the reflecting portion of his partisans began to perceive their own weakness and that the thunder was already lowering over their heads. The Princess Maria da Gloria, as previously explained, was brought over to England, under the hope of retrieving their circumstances, when her presence gave rise to that curious and important correspondence between the Earl of Aberdeen and the Marquess de Barbacena, her Guardian and D. Pedro's envoy, inserted in my Appendix, No. 17. This series of official notes commenced on the 25th November, 1828; closed on the 18th June, 1829, and was originally printed in Paris for the avowed purpose of being added to the *Exposé*, but afterwards suppressed, for reasons hitherto

unexplained, although very easily guessed. Its contents alone in fact were sufficient to destroy half of the premises, established in the *Exposé*, and carry consternation and dismay, if not shame, among those whose hopes that publication was intended to animate; and this reason, on more mature consideration, rather than the dread of a breach of confidence, clearly lead to its suppression.

I luckily possess the whole, and consider it my duty to lay it before my countrymen, in the form in which it issued from the French press, although I should not have ventured upon this step, if I had not been fully aware that a few others were equally favoured with myself; a circumstance which bespeaks the possibility of its appearing elsewhere, under a mutilated shape. The proper manner for these papers to have been submitted to the consideration of the British public, was doubtless through Parliament; as, however, the dissolution is at hand, it is not fair that the knowledge of their contents should be so long confined to a few privileged persons. These inducements determined me to add this official correspondence to my own Appendix. The blame of a premature disclosure, if such it may appear to some persons, consequently, does not fall upon me. The suppression was an afterthought, and if not rendered complete, it does not in the least diminish the weight of that charge which still rests, and ever will, on the heads of the first offenders. If these papers could have answered the end desired, they would long ago have been exultingly placed in the hands of most of the influential men in Europe,

and more particularly in those of the members of the British House of Commons to whom the *Exposé* itself was so acceptable; who built such towering hopes on its power; who viewed it as the prelude to a triumph; as marked with the stamp of perfection; in a word, as unanswerable, and it is no more than a just feeling of retaliation, natural to one who has devoted such assiduous attention to the subject, that urges the present reprint. This is the only means of discovering the truth, naked and undisguised, such as it ought to be, after the systematic delusions with which we have been overwhelmed and the ready co-operation they found among men who, one would have thought, could not have been so easily duped, or were so little disposed to consult the interests of their country and the honour of its government.

It is not necessary for me to enter into a review of the several points discussed in the Letters which I here submit to the notice of my readers. They speak for themselves; but, in the advanced stage of this question, it will appear the most extraordinary thing ever before heard of, that, so short a time ago as the 25th of November, 1828, an agent of D. Pedro should officially have demanded the effective aid of His Britannic Majesty's Government, as a last alternative, to place a Brazilian Princess on the throne of Portugal, on the alleged strength of Treaties, the first date of which commences with the year 1373, that is, nearly three centuries prior to the revolution of 1641! Fortunately, these applications, which will ever stand as monuments of folly and madness, were repelled with the greatest talent and forbearance by

the distinguished statesman at the head of the Foreign Department; but, if there is a painful situation in which it is possible to conceive a British minister and a man of high mind can be placed, it is that of being under the necessity of answering the late Marquess de Palmella, writing under the signature of the present Marquess de Barbacena! I must stop here; I dare not trust my pen any further; but, I will ask my countrymen—those really acquainted with the affairs of Portugal and Brazil, nay, I would ask D. Pedro himself, who has ten times more manliness of heart and correct feeling than any of his agents, or partisans, what would have been the consequences if his daughter had been placed upon that throne which he himself was obliged to surrender up, whether her elevation was effected by main force, intrigue, or foreign aid, and such a triumvirate as Barbacena, Palmella and Itabayana had been given to her, as supporters! To imagine, for a single moment, that such a scheme could have answered, would be the same as to argue that, among the Portuguese, every particle of national honour—every vestige of ancient greatness—every trace of hierarchical distinctions were obliterated.

On the documents before me, I have little else to remark. I cannot however refrain from pointing out the ingenuity with which M. de Palmella, in one of them, dated the 26th January, 1829, and signed *Le Marquis de Barbacena*, reasons on the Oporto disasters, where he held the command in Chief; even after that memorable event, now so well understood, in a tone that would almost induce one to believe

that he still imagined himself a second Napoleon, or a Moreau! The passage is curious—I must extract it. After complaining that an unfavourable impression had been created in the mind of the Earl of Aberdeen, by the Oporto *dénouement*, our warlike diplomatist adds thus; "*Cepandant l'histoire, dans les époques de troubles et de révolution, offre des semblables phénomènes. Dans l' année* 1815, *toute l'Europe a vu Napoléon quitter l'ile d'Elbe et venir se replacer, sans coup férir, sur le tróne de France; et cepandant, si on voulait juger de l'opinion generale de la Nation Française, d'apres la facilitié avec laquelle cette téméraire enterprise a eté exécutée, on tirerait une conclusion aussi fausse que celle que l'on voudrait tirer de l'échec que la cause de la légitimité a eprouvé à Porto.*" And yet the Oporto Commander in chief, who thus talks of a *check* and to whom the protection of *the cause* of *Legitimacy*, as he calls it, was then confided, by General Saldanha and Colonel Pizarro, as well as the greatest part of the officers and men, present on the occasion, is said to have sneaked away to England, in order to resume his diplomatic functions, without ever once even seeing his enemy and leaving his deluded associates in the lurch!*

It might however be asked what kind of "instructions and full powers" the Marquess de Barbacena could have, as he assures the Earl of Aberdeen was the case, in his very first Letter of the 25th Novem-

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* Vide Saldanha's Exposition on the Oporto transactions, dated August 5th, 1828.

ber, 1828, "to conclude a Convention in which the aid to be furnished by His Majesty, the Emperor of Brazil, might be formally specified," when it is remembered that ever since the contest commenced, D. Pedro has not once dared to mention the subject of his Portuguese pretensions to the Brazilian Chambers, and much less ask the assistance of either men, ships, or money, for any such purpose. From the very first, his interference was condemned by the unanimous voice of the people, reechoed from one extreme of the empire to the other; and when some of the Portuguese refugees lately reached his capital in distress, he was compelled to have recourse to a Lottery, or, in other words, to a decent kind of charity, to provide means for their support. Even a large portion of the money expended in the London and Plymouth transactions, such as plying the press; shipping over cargoes of incendiary papers to Portugal; fitting out the Belfast Steamer expedition; raising recruits in Germany; bringing them to a British port and sending out the Terceira armaments, was literally plundered from the Holders of Portuguese Bonds, which, by the Treaty of Independence, had been converted into a Brazilian debt. His subjects, as I have over and over again stated, always refused to meddle in the affairs of Portugal, and there never was a grosser imposition attempted on a government, than an offer to conclude a Convention of which one of the principal stipulations was, effective aid to be obtained from Brazil.

No monarch ever sat upon a more precarious

throne than D. Pedro, if he persists in his rash and ill-advised acts. He himself seems sensible of the fact, and at the opening of the Brazilian Chambers, on the 2nd of last May, the most recent accounts we have from Rio de Janeiro, from that same throne, all he ventured to say on the subject of Portugal, was the following;

"The much-desired arrival of my august Consort was accompanied by the return of the young Queen of Portugal, my dearly beloved daughter, who (not abandoning her cause) is now under my protection and guardianship. Though, in the character of her father and guardian, it is my duty to defend the cause of the said Sovereign, I shall still be faithful to my word, pledged to the Assembly, never to compromise the tranquillity and interests of Brazil on account of the affairs of Portugal.

"To your care and philanthropy I commend the Portuguese emigrants who, having preceded or accompanied their legitimate Queen, now want assistance in this country."

What hopes of success, therefore, can remain either to D. Pedro, or to his deluded partisans? He himself at length sees his error, and it is now very well known that his tone is materially altered. He has even evinced a disposition to negotiate, on terms which he previously rejected with disdain, and, as it is confidently understood, with this view, appointed a minister, daily expected in London. The season

for negotiations on the grounds hitherto proposed, is however past and gone. The Portuguese, at this moment, stand in exactly the same attitude as the Brazilians did, in 1825. They must have independence; the administration of their own laws and the fixing of their own destinies. The solemn award of the Portuguese Representatives is now before the world; by it, they must stand, or fall. They have borne the brunt of that contest which was to crown, or blast, their expectations, and there is no compromise that humbles their national pride, contravenes their laws, or outrages their feelings, to which they can consent. This is not the cause of a Family; it is one that concerns a whole people. The Portuguese wish to live in amity with all nations, more particularly with the one derived from the same origin; but, even that benefit they are not prepared to purchase at the expence of self degradation. After all they have endured, such a resolution as this justice and loyalty demand at their hands.

D. Pedro, even yet, is insensible of the awful weight of responsibility that rests upon his shoulders; he knows not the extent of the follies and crimes committed in his name, although, comparatively speaking, he may now wear the calm aspect of a man, actuated rather by reflection and principle, than that heedless and enthusiastic impulse which, so short a time ago, induced him to claim a Crown to which he had no right, and then seek to strip a people of their laws and institutions, in order to secure it in his own family. Experience has however taught him the

weakness, if not the disgrace, of that unnatural coalition which he lately formed with the Regenerators of 1820, the only persons who in reality have any thing at stake on the issue of the present contest; the same whom, in his letter of the 18th of June, 1822, writing to his own father, he himself described as being "*infamous despots; Constitutionalists in name; factious, horrid and pestiferous;*"* and of whom he also then vowed that he and his Brazilians would never again become the *slaves.* Since that period, the object and character of such of them as have reappeared on the scene of action is unchanged, and what these originally were, no man at the time had better reasons to know than himself. He cannot so soon have forgotten the contents of the inclosures which accompanied the very letter from which my extract is just taken.

In the midst of all this confusion, fortunately, the clamours of the Brazilians resound in the ears of their Emperor, and have produced that effect which the voice of reason and justice was unable to do. Those

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* His own words and in his own orthography, are the following; "Circumstancias Politicas do Brazil fizerão que eu tomasse as medidas que já participei a V. M.; outras mais urgentes forçarão-me por amor á Nação, a V. M., e ao Brazil, tomar as que V. M. verá dos papeis officiaes que sómente a V. M. remetto. Por elles verá V. M. o amor que os Brazileiros honrados lhes consagrão à sua sagrada e inviolavel Pessoa e ao Brazil, que a Providencia Divina lhes deo em sorte livre, e que não quer ser escravo de Lusos-Hespanhoes quaes os *infames Despotas (Constitucionaes in nomine) dessas facciosas, errorasas e pestiferas Cortes.*

clamours, uttered in a much more feeble tone, once before wrung from him an act of abdication, and they have at length taught him the depth of that precipice towards which he was thoughtlessly hurrying. No man has been more deceived than himself by the accounts and deputations sent over to him from London; his ardent mind was roused by misrepresentations; his feelings worked upon; but his own subjects now speak to him in those very words which he himself but the other day addressed to the Portuguese—"We are a free people—an independent nation, and we plainly, but respectfully tell Your Majesty that, by the road you suffer yourself to be led, you will inevitably plunge yourself into the deepest abyss. Govern us conformably to our Constitution, which both Your Majesty and we ourselves have sworn to, and know that this is the only legitimate course we wish to see adopted."*

Such is the language which the late suitor for an European Crown now hears from his indignant subjects, seated on the other side of the Atlantic. It is, therefore, time that Great Britain should be equally undeceived—equally frank and equally fearless, in making known her sentiments on a subject of such vital importance; and, if it could be hoped that the feeble voice of an individual, from the seclusion of his closet, could be heard by those distinguished personages who hold the reins of His Majesty's govern-

* Vide D. Pedro's Proclamation of July 25th, 1828, found in the Appendix, No. 14.

ment in their hands, he would confidently say—pause, look to the past, and do not enter into negotiations on grounds either opposed to the laws and wishes of the Portuguese, or at variance with the interests of the Brazilians. The Family marriage which, as "an obvious mode of settling existing differences and most likely to be agreeable to the Emperor,"* we are told, formed the basis of a late negotiation and failed, under existing circumstances, cannot be expected to lead to any thing like an amicable adjustment. Such a plan affects the Laws of Succession in Portugal, with which neither we, nor D. Pedro, can have a right to interfere, and besides presents other obstacles, of a still more delicate and insurmountable nature.

The Princess Maria da Gloria stands pledged and affianced to the Brazilian People, and there is not a memorable event in their revolution and the achievment of their independence, with which she is not in some measure associated and identified. Her own father always held her up to them as their proudest hope—their future glory, and this bond is stronger than any other that could now induce her to return to Europe. She herself would be the first to make her sentiments known upon this subject, if she had attained the requisite age. Independent, therefore, of the moral consequences of such an alliance, reasons of the highest political order imperiously urge forbearance, on our part. The affairs of Por-

* Vide Introduction to Walsh's Notices to Brazil, 1828-9.

tugal may still be settled, by a small sacrifice, if the proper means are only adopted; but the basis of that desirable adjustment must be an appeal from Philip, heated and intemperate, to Philip, cool and dispassionate, and the Monarch will yet gain immortal glory by redressing the wrongs which he himself committed.

APPENDIX.

a marriage is to be solemnized between her and her uncle, the Infante, Dom Miguel, who, for the present, can be considered in no other light than as a close prisoner in Vienna. This marriage is by no means a new project.

To the Editor of the Morning Chronicle.

Sir,—For some time past, several English and French Journals have studiously inserted articles, insisting on the legal right of inheritance to the Crown of Portugal, held by Dom Pedro, now Emperor of Brazil, without any one hitherto stepping forward to explain the nature of this right, so alleged. This zeal on the part of foreign Journalists, indicates that the articles alluded to are not casual; but rather designed, and almost induces a belief that there is some secret intention to disturb the legal right of inheritance, in an ancient Monarchy, although that right has been avowed and explained by many public writers of eminence, particularly Montesquien. No doubt, Dom Pedro, as the eldest son of John VI. holds a right to the Crown of Portugal; but, as this right is derived from the Laws of the Monarchy which secure it to him, by the same Laws, also, is the right in question regulated. The position in which the Emperor placed himself with regard to the Crown of Portugal, by raising Brazil into a separate and independent Power, those very same laws also distinctly define and establish. Without recurring to the fundamental bases on which the Portuguese Monarchy was constituted, *in perpetuum*, into an independent State, separate from any other, and with a Prince or Sovereign of its own, born in the country, it will only be necessary to read the leading Resolutions of the Portuguese Cortes, held in 1641, composed of the Three Estates of the Kingdom, which Resolutions were confirmed as the general law of the land, by the Letters Patent of the 12th of September, 1642. By this law, it is solemnly declared and proclaimed, that the Portuguese Monarchy is excluded from the possibility of belonging to a foreign Sovereign, it being therein further determined that, in case the Sovereign should assume another Sovereignty, that Sovereignty which he has so abandoned, shall descend to the next in line, on whom the Kingdom of Portugal shall devolve, when he, the next in line, shall be received as the Sovereign and Legitimate Successor; it being distinctly proclaimed that he shall moreover reside in the capital of Portugal. Is not this clearly the case in point? King John VI., by assuming the title of Emperor, and by sending over to his eldest son, Dom Pedro, the Letters Patent, mentioned in the Treaty of Brazilian Independence, which thus became acknowledged, constituted in his own dominions two separate States, the Empire of Brazil and the

Kingdom of Portugal and Algarves. Dom Pedro, by this means, and by virtue of the fundamental laws of the Monarchy, is legally established in the inheritance that belongs to him, whilst the Kingdom of Portugal and Algarves, according to the very same principle, devolves to the second brother, the Infante Dom Miguel. Reasons of great weight demand that this principle should be followed; the Empire of Brazil thereby acquiring legitimacy in its foundation, and the Kingdom of Portugal a guarantee for its security.

When the English and French Journals come to the point of Inheritance, they hesitate and evade the main question, for it certainly happens that the above peculiarities in the Constitution of Portugal, are by no means unknown. That Kingdom, in fact, is not absolutely hereditary. The succession is conditional—clear and distinct laws pointing out the order to be followed. A Princess, for example, is deprived of her right to the Crown, she and her lawful descendants, by marrying a foreign Prince; and scarcely a century ago, an instance occurred, in which it was necessary for the Three Estates, assembled in Cortes, to allow the children of the King's Brother to succeed to the Throne, the King having died without lawful issue. The laws rendered this form indispensable.

If the peace and well-being of Portugal are wished, it is necessary to look carefully into the case in question. Interested parties may have interested views; but the ancient laws of a realm are not to be wantonly overturned to gratify their ambition. At a time when the Powers of Europe have proclaimed and sanctioned the principles of legitimacy, and declared that they will have them enforced, they cannot be hardy enough to seek to overturn the very laws on which those principles have been founded, for ages—they cannot wish to level with the ground an edifice that has been the pride and boast of an independent State, ever since it held rank among nations. When Great Britain intervened in the negotiations which led to the Independence of Brazil, clearly she constituted herself a guarantee of those laws by which both States were governed. In contravention of those Laws, she could not have stepped forward on such an occasion. This subject, independent of the interest it involves in favour of a people, with whom Britain has been allied and intimately connected from their very commencement as a nation, and with whom, side by side, her sons recently fought for the salvation of Europe, assumes a peculiar character, at the present moment, as any precipitate step may be attended with the most serious consequences, for which, in great measure, the Cabinet of St. James will be answer-

able, owing to the lead they have taken in the Affairs of Brazil and Portugal. The same principles observed in other nations, must be enforced on the present occasion, otherwise, the example will be pernicions. Ambition and intrigue must not be made triumphant by the subversion of old and fundamental laws. Principles, as old as the Monarchy itself, must not be sacrificed in a hasty manner. It is, therefore, of the utmost consequence that this subject should be discussed and sifted to the bottom, and as this can only be done in such a capital as that of Britain, where the liberty of the press exists, I have ventured to address the preceding pages to you, humbly soliciting their insertion in your estimable paper, which will render an essential service to many old Portuguese, who venerate the laws of their ancestors, and among them, your obedient servant,

A Defender of Legitimacy.

Lisbon, May 19, 1826.

Document No. 3.

Discours du Chargé d'affaires de Russie, a l' Infant de Portugal Don Michel, 1823.

Sérénissíme Seígneur,

Chargé, par S. M. l' Empereur mon auguste maître, de l' honorable mission de féliciter en son nom V. A. R., je ne pourrais le remplir plus dignement qu'en rapportant les mêmes expressions contenues dans la dépêche qui m'a été transmise par ma Cour, et qui me charge de ce devoir si flatteur.

" Ne manquez pas, dit la dépêche, d' exprimer à S. A. R., l' Infant Don. Michel, les sentimens qu' ont inspirés à l' Empereur sa rèsolution généreuse, sa noble vaillance, et le respect filial avec lequel il déposa aux pieds du Monarque l' hommage des services qu' il venait de lui rendre, en offrant à S. M. tout ce qui serait désormais en son pouvoir pour le service du trône. Il est des actions qui portent avec elles leur récompense; la plus éclatante que puisse recevoir le Sérénissime Infant, c' est la gloire d' avoir sauvé son Roi, son pere, sa patrie."

Que V. A. R. daigne me permettre de saisir cette hereuse circonstance pour lui exprimer les sentimens de mon profond respect et de ma vénération.

Discours de l'Ambassadeur de France, M. Hyde de Neuville, tenu au Roi de Portugal, dans l'audience du 3 Septembre, 1823.

Sire,

Mon Souverain éprouve la joie la plus vive en apprenant le grand et heureux événement qui a sauvé le Portugal et replacé dans les mains paternelles de V. M. un pouvoir dont vous avez toujours usé pour le bonheur de vos sujets, un pouvoir dont l' exercice légitime ne constitue pas seulement la force et la dignité du trône, mais encore la garantié la plus sûre des véritables libertés des sujets, un pouvoir sans lequel les Rois ne sauraient remplir les obligations que Dieu leur a imposées. Dans cette restauration, éternellement mémorable, le Roi mon maître a admiré avec toute l' Europe la profonde sagesse du Monarque, la grandeur d'ame de la famille royale, et la magnanime conduit du peuple et de l' armée.

La Providence, Sire, blesse les cœurs des Rois comme des autres hommes; elle les soumet souvent à des épreuves pénibles, mais nous la voyons promptement consoler les bons Rois, les recompenser et les bénir dans leur fils, en confondant l' anarchíe, et en relevant par leur bras puissant les trônes légitimes. Ce fut la volonté de la justice divine qu'un Prince, si long temps modèle de la piété filiale; qu' un Roi, le père et l' ami de ses peuples, le zélé défenseur de la religion et des bonnes mœurs, se trouverait dans les jours de l' affliction comme dans ceux de la puissance, environné d'amour et de respect, défendu à son tour par la religion qui, participant à ses nobles infortunes, donna le premier exemple de la fidélité et le premier signal du devoir. Il était dans les décrets du ciel qu'un Monarque si agréable à Dieu trouvât dans sa propre famille l' épée du Seigneur, le royal vengeur de ses droits legitímes.

Sire, le Roi mon maître, heureux et fier luimême de son propre fils, félicite V. M. d' avoir donné naissance à un Prince qui, à l' âge où d' autres hommes entrent dans la carriere de la gloire, s' est si noblement placé au rang des héros.

Sire, le Roi mon maître m'a chargé de remettre en vos augustes mains cette lettre par la quelle il annonce a V. M. qu' il vous a conféré les ordres de Saint Michel et du Saint Esprit.

L' ordre du Saint Esprit, déjá si illustre parmi ceux de la chrétienté,

APPENDIX.

ILLUSTRATIVE DOCUMENTS.

No. 1.

ALVARÂ PELO QUAL SE DETERMINA QUE OS REYS QUE SUCCEDEREM NO REINO, ANTES DE SEREM LEVANTADOS, JUREM DE GUARDAR OS PRIVILEGIOS, LIBERDADES, E FRANQUEZAS DELLE.

Eu El Rey faço saber aos que este meu Alvará virem, que nas Cortes que celebrei nesta Cidade de Lisboa em vinte e oito dias do mes de Janeiro, do anno de mil seiscentos e quarenta e hum, me foi proposto pello Estado Ecclesiastico no Capitulo primeiro, e pello da Nobreza no Capitnlo trinta e sinco, que por importar muito ao hem universal e particular destes Reynos, que os Reys que houvessem de succeder nelles, jurassem, antes de serem levantados, todos os privilegios, liberdades, foros, graças, e costumes, que os Reys seus predecessores lhes concedêrão e jurárão : Me pedirào lhes fizesse mercê mandar, que todos os Reys que ao diante houvessem de succeder nelles, fizzessem pessoalmente, antes de serem levantados, o mesmo juramento; E que acontecendo que ao tempo que succedessem estivessem fora desta Cidade de Lisboa, fizessem o tal juramento no lugar em que primeiro houvessem de ser levantados. Ao que fui servido mandar responder em doze de Abril de mil seiscentos e quarenta e dous : Que o que me pedião estava introduzido por estilo do Reyno, que eu guardei e jurel em meu nome

e do Principe D. Theodosio, meu sobre todos muito amado e presado filho, quando nas mesmas Cortes fuy jurado solemnemente por Rey delle; e que assi havia por bem que o fizessem os Reys meus successores. Pello que ordeno, mando e estabeleço, que assi se cumpra e guarde como neste Alvarà se contem: e fazendo o assi os Reys meus descendentes e successores (como delles espero e tenho por certo) sejào abençoados da benção de Deos, Nosso Senhor, Padre, Filho e Espirito Sancto, e da gloriosa Virgem Maria Nossa Senhora, e de toda a Corte celestial, e da minha. E fazendo elles, ou algum delles o contrario (que não creo, nem espero) serão malditos da maldição de Nosso Senhor e de Nossa Senhora, e dos Apostolos e da Corte Celestial, e da minha, que nunca creção, prosperem, nem vão adiante. E para que esta minha resolução seja notoria a todos meus Reynos e Senhorios; e os vassallos delles possão pedir aos Reys meus successores o juramento de confirmação de graças e privilegios, antes de entrarem na successão delles: Mandei passar este Alvará, que quero que valha como Ley feita em Cortes, e se cumpra tão inteiramente como se nelle contem. E se lançarà na Torre do Tombo, e valerà como carta passada em Men Nome, e sellada com o Meu sello pendente, posto que seu effeito haja de durar mais de hum anno, sem embargo da Ordendação do livro 2. titulo 40. que dispõe, que as cousas, cujo effeito houver de durar mais de hum anno, passem por Cartas, e passando por Alvarás não valhão. E se registarà nos livros da Meza do Dezembargo do Paço, Casa da Supplicação, e Relação do Porto. Gaspar de Abreu de Freitas a fez, em Lisboa a nove de Septembro de mil seiscentos quarenta e sete annos. Pedro de Gouvea de Mello o fez essrever.—REY.

Document No. 2.

Extract from the London Morning Chronicle of June 28, 1826.

"From the contents of the following letter, it would seem that there is an objection to the Emperor, Dom Pedro, ascending the Throne of Portugal, founded on the ancient laws of that Kingdom. To what extent a party is ready to support this objection, we are not prepared to say. In the mean time, accounts to the 5th of May, received by the way of France, distinctly state that the Emperor has abdicated the Throne of Portugal in favor of his daughter, now about nine years old, and that

acquerra une nouvelle splendeur par la réception au nombre de ses chevaliers du chef auguste de la maison de Bragance et de son illustre fils.

Sire, mon Souverain, daignant me choisir pour résider près de V. M. comme l' organe de ses sentimens d' estime profonde et d' attachement inaltérable, a récompensé d' une manière flatteuse et honorable mon ancienne fidélite à la cause des Bourbons, qui est la cause de la France. Il ne me reste, Sire, qu' un seul souhait á former, c' est que pendant ma mission, je puisse gagner les bonnes grâces de V. M.

Daignez, Sire, gracieusement recevoir l' hommage de mon profond respect.

Document No. 4.

Speech from the Throne, pronounced at the Opening of the General Assembly of Brazil, May 3, 1823.

"Dignes représentans de la Nation Brésilienne! Ce jour est le plus beau qui ait jamais éclairé le Brésil; c'est celui où, pour la première fois, il se fait voir au Monde comme un empire et comme un empire libre. Quelle est ma joie en voyant réunis ici les vrais représentans de presque toutes les provinces, pour discuter mutuellement sur leurs intérêts, et pour fonder sur ces intérêts une constitution juste et libérale!"

L'empereur entra ensuite dans de grands détails sur les sujets de plainte du Brésil contre le Portugal, et sur l' état intérieur et exterieur de l'empire; puis, revenant à ce qui avait rapport à la constitution, il dit:

"Comme empereur constitutionnel, et plus particulièrement comme défenseur perpétuel de cet empire, j'ai dit au peuple, le 1er. décembre 1822, jour auquel j'ai été sacré et couronné, que je défendrais de mon épée le pays et la constitution, si cette constitution était digne du Brésil et de moi. Je ratifie solennellement cette promesse en votre présence, *et j'espère que vous m'aiderez à l'exécuter, en formant une constitution sage, juste, convenable et practicable, dictée par la raison et non par le caprice; qui n'ait pour but que le bonheur public, lequel ne saurait jamais être parfait si la constitution n'est pas appuyée sur des bases solides dé-*

montrées telles par la sagesse des siècles. Le vrai fondement sur lequel il faut construire la liberté du peuple et la force nécessaire du pouvoir exécutif, est une constitution où les tiers-pouvoirs soient divisés de manière á ce qu'aucun d'eux ne puisse s'arroger des droits qui ne lui appartiennent pas ; mais où ils soient en même temps organisés avec tant d'harmonie que jamais ils ne puissent devenir ennemis, et ne cessent, au contraire, de tendre au bonheur général de l'état ; en un mot, une constitution qui, opposant des barrières à toute espèce de despotisme royal, aristocratique et démocratique, mette en fuite l'anarchie, et plante l'arbre de cette liberté à l'ombre duquel croîtra l'union, la tranquillité et l'indépendance de cet empire, destiné à devenir la marveille de l'Ancien comme du Nouveau Monde.

" L'expérience a démontré que toutes les constitutions, faites sur le modèle de celle de 1791, ne sont que des théories métaphysiques, et sont, par conséquent, impraticables. *On en a eu la preuve en France, en Espagne, et dernièrement en Portugal.* Elles n'ont produit nulle part, comme elles le devaient, le bonheur public ; mais, après la liberté la plus licencieuse, elles ont dégénéré, dans quelques pays, en despotisme ; et ce résultat est inévitable pour tous les autres.

" Loin de nous ces tristes souvenirs ! Ils changeraient en deuil la joie de cet heureux jour.

" Vous n'ignorez pas ce fait, et je suis convaincu que chacun des députés qui composent cette assemblée, se distingue par sa fermeté dans les vrais principes constitutionnels que l'expérience à sanctionnés. *J'espère que la constitution* que vous ferez méritera *mon acceptation impériale ; qu'elle sera* sage, juste, adaptée aux besoins locaux et à l'état de la civilisation des peuples Brésiliens ; enfin, qu'elle sera digne des louanges de toutes les nations, de sorte que nos ennemis mêmes puissent désirer d'imiter la sagesse de ses principes.

" Une assemblée si illustre et si patriotique, n'ayant d'autre but que la prospérité de l'empire, voudra sans doute que son empereur soit respecté, non-seulement par son peuple, mais encore par les nations étrangères, et que son perpétuel défenseur puisse remplir la promesse qu'il a faite le 1er. décembre dernier, et qu'il ratifie solennellement aujourd'hui devant la nation légalement représentée."

Document No. 5.

Imperial Proclamation, Dated August 9, 1823.

"Brésiliens! je vous ai souvent ouvert mon cœur et mon âme. Je désire cependant vous donner encore une preuve de ce que je pense et combien je déteste tout despotisme, tant celui d'un seul que celui de plusieurs.

"Quelques Chambres dans les provinces du Nord ont donné a leurs députés des instructions où respire un esprit démocratique. La démocratie au Brésil! dans ce grand et vaste empire, elle serait une absurdité; et il n'est pas moins absurde de leur part de vouloir donner des lois à ceux qui doivent les faire, en leur annonçant la perte de pouvoirs qu'ils n'ont pas donnés et qu'ils n'ont pas le pouvoir de donner.

"Dans la ville de Porto-Alegre, les troupes, le peuple, la junte du gouvernement, les autorités civiles et ecclésiastiques, se sont rendus coupables d'un attentat, qu'ils ont ensuite confirmé ou plutôt aggravé par un serment.

"Les troupes, qui ne devraient obéir qu'au monarque, délibèrent entr'elles; des autorités incompétentes définissent un article constitutionnel, ce qui n'appartient qu'à l'assemblée générale et constituante; je veux dire le *veto* suspensif ou absolu. Ce sont là des absurdités scandaleuses et des crimes qui mériteraient les châtimens les plus sévères, s'ils n'étaient commis par l'ignorance, ou à la suite d'indignes insinuations.

"Ne croyez donc ni à ceux qui flattent le peuple, ni à ceux qui flattent le monarque. Ils n'ont tous que leur intérêt pour mobile, et sous le masque, soit du libéralisme, soit du *servilisme*, ils ne veulent qu'élever leur fortune sur les ruines de leur pays. Les temps où nous vivons en sont pleins des plus tristes exemples! Que les événemens des pays étrangers vous servent de leçon.

"Brésiliens, fiez-vous à votre empereur et perpétuel défenseur; il ne désire pas un pouvoir qui ne lui appartient pas; mais il ne laissera jamais usurper celui auquel il a des droits et qui lui est indispensable pour assurer votre bonheur. *Attendons la constitution de l'empire et espérons qu'elle sera digne de nous.* Puisse l'Arbitre suprême de l'univers nous accorder l'union et la tranquillité, la force et la persévérance, et le grand ouvrage de notre liberté et de notre indépendance s'accomplira."

Document No. 6.

Speech of his Imperial Majesty, pronounced in the Senate on the 6th May, 1826, at the opening of the National Assembly.

"For the second time I have the honour to appear before you, opening the National Assembly. I infinitely regret that it was not opened on the day, designated by the Constitution, after the Government had done every thing possible on its part to prevent an infraction of the law. On the 12th November 1823, I dissolved the Constituent Assembly, much to my regret, and for reasons not unknown to you. I at the same time promised the Project of a Constitution, and this Project has been accepted, the oaths taken to it, and is now the Constitution which governs this Empire, and by virtue of which the present Assembly has met. The harmony, desirable between the political Powers, is, in the best possible manner, guarded in this Constitution; the whole of the Empire is tranquil, except the Cisplatine Province. The continuation of this tranquillity; the necessity of the Constitutional system and the deep interest I feel that the Empire should be governed by it, urgently require that such harmony should prevail between the Senate and the Chamber of Deputies; between the latter and the former, and between the Government and the Chambers, in such manner that all should demean themsslves so as to see that revolutions do not arise out of the system adopted, but only from the conduct of those who, under the shadow of it, seek to obtain their own private ends. The Cisplatine is the only province not in a state of tranquillity, as I have already observed, since ungrateful men, deeply indebted to Brazil, have risen up against us, and are at present supported by the Government of Buenos Ayres, now engaged in a struggle against us. National honour requires that the Cisplatine province should be sustained, bound, as we are, to the integrity of the Empire.

"The Independence of Brazil was acknowledged by my august Father, D. John VI., of glorious memory, on the 15th November in last year, which was followed by the recognition of Austria, England, Sweden and France, that of the United States having long previously taken place.

"On the 24th of last April, the anniversary of the embarcation of my Father and Lord, Dom John VI. for Portugal, I received the melancholy and unexpected news of his death. The keenest grief seized my

heart. The plan which it was incumbent upon me to follow, on finding myself, when I least expected it, the Legitimate King of Portugal, Algarves and the Dominions thereof, suddenly rushed to my mind. Grief and duty alternately swayed my breast; but, laying every thing aside, I looked to the interests of Brazil—I clung to my word. I wished to uphold my own honour, and deliberated within myself what could promote the happiness of Portugal, and what it would be indecorous for me not to do. How great must have been the agony that tortured my heart, on seeking out the means of promoting the happiness of the Portuguese nation, without offending Brazil, and of separating them (notwithstanding they are already separate) in such manner as they may never again be united! I confirmed in Portugal the Regency which my Father had created; I proclaimed an Amnesty; I bestowed a Constitution; I abdicated and yielded up all the indisputable and unalienable right, which I held to the Crown of the Portuguese Monarchy and the sovereignty of those Kingdoms, in favour of my much beloved and esteemed Daughter and Princess, Donna Maria da Gloria, now Queen of Portugal, Maria II. This I felt bound to do for my own honour and that of Brazil. Let those still incredulous Brazilians therefore know (as they already ought to have known) that the interest for Brazil and the love for her independence are so strong in me, that I abdicated the Crown of the Portuguese Monarchy, which, by indisputable right, belonged to me, only because it might hereafter implicate the interests of Brazil, of which country I am the Perpetual Defender.

"Your attention ought to be particularly called to the Education of the youth, of both sexes; the revenue; all the other public Establishments, and primarily the formation of elementary Laws, as well as the abolition of all those directly opposed to the Constitution, in order that we may be enabled to follow this as our tutelary genius and guide. The greatest part of the Senators and Deputies, composing the present Assembly, must well remember the evils which some nations have experienced, arising out of the want of that respect due to the Constituted Authorities, when they are attacked and illtreated, instead of being accused and tried pursuant to law and universal justice. I am well aware that these reflections of mine are not necessary to this Assembly, composed of worthy Senators and Deputies, but they serve to satisfy that zeal, love and interest which I really feel for the Empire of Brazil, and the strict observance of the Constitution. I have much more to recommend to you; but will abstain for the present.

THE CONSTITUTIONAL EMPEROR AND PERPETUAL DEFENDER
OF BRAZIL.

Document No. 7.

Proclamation of the Infanta Regent of Portugal, July 12th, 1826.

Portuguese! The Regency of the Kingdom is about to relieve you from anxiety, and to fix your attention upon Decrees which interest you, generally, and which His Most Faithful Majesty, Dom Pedro the Fourth, has deigned to issue from his Court at Rio de Janeiro. With these Decrees will also be published the Constitutional Charter of the Portuguese Monarchy, which the same Sovereign has deigned to decree, and which, according to his intentions, must be sworn to by the three Orders of the State, in order that it may govern the Kingdom of Portugal and its Dependencies. In the mean time the Regency informs you, that the Charter differs essentially from the Constitution produced by infatuation in 1822, and which contained principles incompatible with each other, and condemned by experience. The character of the Constitutional Charter which His Most Faithful Majesty gives you, is quite another thing. It is not a forced concession; it is a voluntary and spontaneous gift of the legitimate power of His Majesty, and matured by his profound and royal wisdom. This Charter tends to terminate the contest between two extreme principles which have agitated the Universe. It summonses all Portuguese to reconciliation, by the same means which have been used to reconcile other people; by it are maintained, in all their vigour, the religion of our Fathers, decorum, and the rights and dignity of the Monarchy; all the orders of the State are respected, and all are alike interested in uniting their efforts, to surround and strengthen the throne, to contribute to the common good, and to secure the preservation and amelioration of the Country, to which they owe their existence, and of the society of which they form a part; the ancient Institutions are adapted and accommodated to our age, as far as the lapse of seven centuries will permit; and, finally, this Charter has prototypes among other Nations who are esteemed among the most civilized and the most happy. It is our duty to await tranquilly the execution of this Charter, and of the preparatory Acts which it prescribes. If any among you should, by word or actions aggravate resentments, excite hatred, or inspire vengeance, and interpose between the provisions of the Law and its execution, he will be considered as a disturber of public order, and as an enemy of the Sovereign and of his Country; and he will be punished with the utmost rigour of the Law. The Regency flatters itself that the Portuguese people, both from

their natural character and for their common interest, will recognise, on this occasion, both what is their most important duty, and the way in which they may become principally useful.

Given at the Palace of Ajuda,
this 12th July, 1826.

(Signed) THE INFANTA.
(Countersigned) JOSE JOAQUIM D'ALMEIDA
E ARAUJO CORREA DE LA CERDA

DOCUMENT No. 8.

OFFICIAL NOTE OF THE EX-MARQUESS DE PALMELLA TO MR. CANNING, RESPECTING AID, &c.

"Le Soussigné, Ambassadeur Extraordinaire et Plenipotentiare de S. M. T. Fidéle, ne sçauroit différer un seul instant, aprés la nouvelle qui vient d'arriver de l'invasion du Territoire Portugais à main armée par un Corps de troupes réunies et organisées en Espagne, d'adresser à S. Ex. Monsieur Canning, Principal Secrétaire d'Etat de Sa Majesté Britannique au départment des affaires etrangéres, la demande formelle, au nom de S. A. R. l'Infante Régente du Portugal, de l'appui et du secours de troupes Britanniques, en vertu des Traités d'Alliance et de Garantie qui existent en pleine vigeur entre les deux Couronnes, sans interruption, depuis plus d'un siécle et demi.

"C'est en conséquence des ordres exprès de son Gouvernment que le Soussigné réclame les stipulations des Traités, et qu'il a l'honneur de repeter à cet égard par écrit les representations officielles qu'il a deja dans plusieurs conferences adressé à S. Ex. Monsieur Canning.

"L'Alliance deffensive entre le Portugal et la Grande Bretagne est tellement fondée sur les interêts permanens politiques et commerciaux des deux Pays, et sur leur position géographique, qu'on pourroit la regarder comme virtuellement existante lors même qu'elle ne seroit pas consacrée, comme elle l'est en effet, par des actes diplomatiques, et devenue, pour ainsi dire, habituelle aux deux nations. Cette Alliance date, (pour ne pas faire mention des relations qui ont eu lieu plus anciennement) de l'époque de l'établissement de la Maison de Bragance

sur le Trône de Portugal, et ensuite, de celle de Bourbon sur le Trône d'Espagne; ces deux grandes événements ayant concouru l'un et l'autre á faire regarder aux Portugais l'Angleterre comme leur Alliée naturelle; aux Anglois l'independence du Portugal comme une des conditions essentielles de la balance politique de l'Europe. Enfin ces deux liens, formés par la convenance mutuelle, ont été trop souvent cimentés sur les champs de bataille, pour qu'il soit nécessaire de rappeller des faits dont quelques uns sont encore si récents, et d'un souvenir si glorieux.

"Cependant, le Soussigné ne se bornera pas seulement à invoquer l'esprit général des Traités existants entre les deux Couronnes, et il joint à cette note la copie textuelle de quelques uns des articles des Traités de 1661, 1703, 1810, et 1815, qui ne peuvent laisser aucune espece de doute sur les obligations positives qui ont été contractées. Le Soussigné prie S. Ex. Monsieur Canning de vouloir bien lui permettre d'en faire ici une analise rapide, pour pouvoir aisément démontrer à S. Ex. que le *casus fœderis* se présente actuellement d'après l'esprit et la lettre de ces Traités.

"Les Articles 15, 16, 17, et l'Article secret du Traité de 1661 stipulent explicitement que S. M. Britannique prendra à cœur les interêts du Portugal, et le defendra, ainsi que tous ses domaines, avec toute sa puissance, par mer et par terre, *comme s'il s'agissait de l'Angleterre même; que toute fois que le Portugal seroit envahi*, et que le Roi de Portugal reclameroit les secours de son allié, S. M. Britannique enverroit gratuitement des forces pour le défendre; et enfin, que S. M. Britannique défendroit aussi les conquêtes et les colonies de la Couronne du Portugal *contre tous ses ennemis, présents et futurs.*

"Ce seroit en vain que l'on diroit que ce Traité n'a eu qu'un objet special, et qu'il a césse d'être en vigeur aprés la conclusion de la Paix de 1668 entre le Portugal et l'Espagne; 1° parcequ'il est conclu sans limitation de temps et à perpetuité; 2° parceque par l'Article 1er du Traité de 1703, entre le Portugal et la Grande Bretagne, *tous les traités précedents sont expressement approuvés, confirmés, et ratifiés*, ce qui, sans aucune espece de doute, comprend aussi le Traité de 1661; 3°. parceque la Garantie et la promesse de secours faite au Portugal est accordée, comme le disent clairement les Articles ci-dessus mentionnés, en consideration des cessions importantes de territoire faites par le Portugal à l'Angleterre; c'est-a dire, *pour une valeur reçue*, et que l'Angleterre conserve encore en grand partie aujourd'hui.

" Les Articles 2 et 3me du Traité d'Alliance defensive, conclu en 1703 entre le Roi de Portugal d'une part, et l'Angleterre et les Etats Generaux des Provinces Unies de l'autre, designent, d'une maniere très positive, le secours qui sera envoyé, de douze mille hommes, si jamais il arrivait que les Rois de France ou d'Espagne, *soit presents ou futurs*, ensemble ou separément, venaient á faire la guerre au Portugal. Ce Traité est perpetuel; et l'objection que l'on pourroit avancer, sur ce qu'il comprend conjointement avec S. M. Britannique les Etats Generaux de Hollande, n'est pas valable; 1° parceque, d'apres les principes de droit public, la defection d'un des deux associés n'annulleroit pas les obligations contractées par l'autre; 2°. parceque les relations entre le Portugal et les Provinces Unies sont tombeés en prescription, en consquence des guerres qui ont eu lieu depuis et du changement de forme du Gouvernement des Pays Bas, sans qu'elles soient été renouvellés; tandis que les relations du Portugal avec l'Angleterre n'ont pas subi un seul instant d'interruption: 3°. sur tout, parceque ce Traité, comme tous les autres qui existent entre les deux Couronnes du Portugal et de la Grande Bretagne, a été confirmé et revalidé par les traités posterieurs; et pour preuve évidente il suffira d'ajouter que dans le Traité d'Alliance de 1810 on consideroit comme existante (voyez l'Article VIII.) une des stipulations du susdit Traité de 1703.

" Par l'acte de Garantie du Traité d'Utrecht entre le Portugal et l'Espagne, S.M. Britannique s'engagea aussi formellement—*sur sa parole Royale*—a veiller à l'observation inviolable du susdit Traité de Paix.

" Enfin, dans le Traité de Vienne de 1815 entre S. M. Tres-Fidéle et S. M. Britannique, il est dit (Art. III.) *que tous les Traités d'Alliance, d'Amitié, et Garantie anterieurs à celui de* 1810, *sont renouvellès par les deux H. H. P. P. C. C. et qu'elles reconnaissent leur existence en pleine force et vigeur.*

" Il seroit inutile d'ajouter, comme on le pourroit aisément, d'autres citations et d'autres arguments pour démontrer l'existence des obligations d'Alliance défensive et de garantie contractées entre les deux Couronnes; et le Soussigné passera à remplir la seconde tache qui lui est imposée, en présentant à la consideration du Cabinet de S. M. Britannique l'état actuel des choses en Portugal.

" Le Gouvernement Britannique a adopté pour principe, et S. Ex. Monsieur Canning l'a encore publiquement annoncé dans une occasion récente, de ne jamais intervenir dans les discordes civiles des autres

Pays. Ce principe pourroit se trouver en contradiction avec quelques unes des stipulations des anciens Traités cidessus mentionnés ; mais, sans vouloir entrer pour le moment dans une discussion de cette nature, le Soussigné croit pouvoir clairement démontrer, que l'Espagne commet actuellement des actes hostiles contre le Portugal ; et que ces actes sont assez flagrant pour constituer une véritable aggression.

" Il avancera, en outre, que lors même qu'on voudroit fermer les yeux a ces provocations, et pousser, comme le Gouvernement Portugais le fait (par le désir de conserver la paix, et par égard pour les vœux de toutes les autres Puissances) la retenue jusqu'au dernier degré où elle peut être poussée, aucun motif raisonable ne pourroit empêcher que S. M. Britannique n'envoyat, par précaution, et dans le but même d'empêcher la guerre, un corps de troupes en Portugal ; car enfin on ne peut se dissimuler que, si la guerre n'existe pas encore, il y a du moins des chances trop probables de la voir s'allumer. Sans doute S. M. Britannique reconnaitra qu'il y a des justes bornes a la constance qu'on met à tolérer les aggressions et les insultes, et que l 'existence de l'Etat et l'honneur de la Nation exigent que ces bornes ne soient pas dépassées. Or, de quel droit pourroit toute autre Puissance de l'Europe s'opposer au sejour temporaire en Portugal d'un Corps de troupes Britanniques dans le but avoué de maintenir la Paix ? Bien plus il est clair qu'un tel secours, stipulé par des Traités anterieurs, ne constitueroit pas (d'apres les principes de droit public) l'Angleterre en état de guerre avec les ennemis du Portugal, lors même que ces troupes seraient forcées d'agir pour la défence de ce royaume. On trouve plus d'une preuve de cette assertion dans l'histoire moderne de l'Europe, et notament, pour ce qui regarde les Etats formant autre fois l'empire Germanïque, qui se ragadaient *individuellement* en paix, tandis qu'ils fournissaient á l'armée de l'empire les contingents stipulés.

" Les preuves de la mauvaise volonté du Gouvernement Espagnol envers celui de Portugal, et des hostilités commises par les Autorités Espagnoles, soit de l'aveu du Gouvernement, soit de leur propre chef, sont innombrables. Le Soussigné se bornera à rapeller les suivantes :— 1°. La Cour d'Espagne se refuse encore en ce moment à reconnaitre explicitement S. M. le Roi de Portugal comme successeur de son Auguste Pere, et S.A.R. l'Infante D. Isabelle Marie comme Regente du Royaume : —2°. les déserteurs et les transfuges Portugais sont accuellis en Espagne avec empréssment : on leur permet de rester réunis ; de conserver leurs armes ; de prêter serment de fidélité publiquement à un autre Prince ; enfin, on vient de consentir à leur rentreé à main armée en Portugal.—

3°. Aucune des promesses faites par le Cabinet de Madrid pour le redressement des griefs ci-dessus mentionnés n'a été jusqu'à présent executée:—4°. Le Gouverneur et les Autorités de la ville d'Ayomonte ont été en correspondence officielle avec les rebelles Portugais d' Algarve:—5°. Des Soldats Espagnols sont entrés dans le territoire Portugais, y ont commis des violences, et entre autres la spoliation des proprietés d'un sujet de S. M. Britannique:—6°. On a plus d'une fois fait feu du côté de l'Espagne sur les barques Portugaises qui naviguaient paisiblement sur le Minho, qui divise les deux Pays.

"Tous ces attentats sont constatés par des Documents authentiques, dont l'Ambassadeur de S. M. Britannique à Lisbonne a reçu communication; et le Soussigné se bornera à joindre à la présente Note l'extrait de deux depêches qu'il a reçues de S. Ex. le Ministre des Affaires Etrangeres de S. M. T. Fidéle, qui en peu de mots donnent une idée de l'état actuel de nos relations avec l'Espagne.

"Telles sont les provocations que le Portugal reçoit du Gouvernement Espagnol. Et quels sont les reproches que de son côté l'Espagne peut faire à la Nation Portugaise? Seroit-ce d'avoir reconnu pour son Souverain légitime, d'accord avec les vœux de l'Europe entiere, le fils ainé de son dernier Roi? Seroit-ce d'avoir reçu avec reconnaisance la Charte librement octroyée par ce Souverain, que dans le fait ne contient que la restauration des anciens droits et coutumes de la Nation? Est-ce, enfin, de travailler paisiblement à l'organisation de son administration interieure, et d'observer avec une scrupuleuse bonne foi tous les égards qui sont dûs au Gouvernement d'un Etat voisin, en s'abstenant d' employer contre lui des armes semblables à celles qu'il employe?

"Ce contraste est de la plus exacte vérité, et les faits parlent d'eux mêmes. L'Europe entiere doit le reconnaitre; et le Gouvernement Britannique doit à la foi des Traites, à l'amour de la paix, à son propre honneur, à l'interêt que ne peut manquer d'inspirer en Angleterre le sort du Portugal, de prendre des mesures promptes et decisives pour mettre son Allié à l'abri du danger des attaques exterieures, et pour faire césser un état de choses qui, si on n'intervient pour l'empêcher, amenera nécessairement une crise violente.

"Le Soussigné n'ajoutera plus que quelques reflexions sur le principe adopté par l'Angleterre de la non-intervention dans les dissentions interieures des autres Etats. Ce principe (si on voulait l'observer á la lettre, et ne considerer la guerre comme existante avec l'Espagne que

lors qu'une armée Espagnole seroit *effectivement* entrée dans le territoire Portugais) guideroit les ennemis du Portugal dans la conduite qu'ils ont à suivre; car ils sçauroient qu'ils peuvent impunement inviter les soldats à la desertion, sêmer la corruption parmi eux, les maintenir en corps d'armée sur les frontieres, et enfin, commettre toutes sortes d'hostilités, pourvu qu'elles ne soient pas avouées; et le Portugal se trouveroit placé entre un ennemi qui se permettoit les moyens les plus perfides pour lui nuire, et un Allié qui s'interdiroit de le secourir!

"D'ailleurs, dans le cas dont il s'agit on ne peut même admettre qu'il existe en Portugal une veritable division d'interêts ou d'opinions. La Nation Portugaise representée par les deux Chambres, où se trouvent reunis le Clergé et la Noblesse, se montre d'accord avec le Souverain, et suit avec modération la route qui lui a été tracée par la volonté libre et spontanée du Roi. Les partis qui s'agitent, guidés par quelques hommes qu'on peut regarder comme la honte de la Nation, osent proclamer le nom d'un jeune Prince qui, lui même appellé à partager un jour legitimement le Trône, a donné, en attendant, par des serments et des actes solemnels, la garantie la plus satisfaisante de sa fidelité, et de son devouement aux ordres de son Angnste pere, et dement l'indigne abus que l'on fait de son nom.

"Cependant, quelle que soit l'opinion et la volonté manifeste de la majorité de la nation Portugaise, il ne seroit pas impossible d'imaginer le cas où les intrigues étrangeres, en employant le terrible moyen de la seduction des soldats ignorants et des sous-officers avides d'argent et de postes, viendroient à opérer, par la defection de l'armée, une fatale revolution en Portugal.

"Le Soussigné terminera cette Note, comme il l'a commencée, en reclamant, au nom de S. A. R. l'Infante Regente, l'appui et les secours de S. M. Britannique, conformément aux Traités existants.

"Il profite de cette occasion pour réitérer á S. Ex. Monsieur Canning toutes les assurances de sa plus haute considération.

(Signé) "LE MARQUIS DE PALMELLA."

A. S. Excellence Mr. Canning. Londres ce 2 Decembre, 1826.

MR. CANNING'S ANSWER TO THE MARQUIS DE PALMELLA.

"The undersigned, His Majesty's principal Secretary of State for Foreign Affairs, in reply to the official note of the Marquis de Palmella, Ambassador Extraordinary from his Most Faithful Majesty, has the honour to enclose to his Excellency, the copy of a message from His Majesty to both Houses of Parliament delivered this day, which he at the same time offers to the Marquis de Palmella an opportunity of transmitting to his government by a British ship of war which is under orders for Lisbon.

"The undersigned avails himself of this opportunity to renew to his Excellency the Marquis de Palmella the assurance of his most distinguished consideration.

(Signed) "GEORGE CANNING."

To his Excellency the Marquis de Palmella, &c. &c.

DOCUMENT No. 9.

HIS MAJESTY'S MESSAGE TO BOTH HOUSES OF PARLIAMENT.

"GEORGE R.

"His Majesty acquaints the House of Commons that His Majesty has received an earnest application from the Princess Regent of Portugal, claiming, in virtue of the ancient obligations of alliance and amity between His Majesty and the Crown of Portugal, His Majesty's aid against an hostile aggression from Spain.

"His Majesty has exerted himself for some time past, in conjunction with his Majesty's Ally, the King of France, to prevent such an aggression, and repeated assurances have been given by the Court of Madrid of the determination of his Catholic Majesty neither to commit, nor to allow to be committed from his Catholic Majesty's territory, any aggression against Portugal; but His Majesty has learned, with deep concern, that notwithstanding these assurances, hostile inroads into the territory of Portugal have been concerted in Spain, and have been executed under the eyes of Spanish Authorities by Portuguese Regiments, which had

deserted into Spain, and which the Spanish Government had repeatedly and solemnly engaged to disarm and to disperse.

"His Majesty leaves no effort unexhausted to awaken the Spanish Government to the dangerous consequences of this apparent connivance.

"His Majesty makes this communication to the House of Commons with the full and entire confidence, that his faithful Commons will afford to His Majesty their cordial concurrence and support in maintaining the faith of treaties, and in securing against foreign hostility the safety and independence of Portugal, the oldest ally of Great Britain.

"G. R."

Document No. 10.

D. Pedro's Decree of July 3, 1827, addressed to his brother, D. Miguel.

"Urged by motives, worthy of my Royal consideration, and considering that the safety of the State ought to be the supreme law for every sovereign who has at heart the welfare and the happiness of his subjects; and, moreover, having in view the good qualities, the activity, and the firmness of character, which distinguish my very dear and beloved brother, the Infante Dom Miguel, I name him my Lieutenant, bestowing upon him all the powers, which, as King of Portugal and Algarves, belong to me, and which are marked out in the Constitutional Charter, in order that he may govern and rule over the said Kingdoms, in conformity with the provisions of the above-mentioned Charter. The Infante Dom Miguel, my dear and beloved brother, will execute the same," &c.

Signed, Pedro.

Under the same date, he addressed the subjoined to his brother:

"My dear Brother,

"I have the satisfaction to announce to you, that, taking into consideration your discreet conduct and your known loyalty, I have just named you my Lieutenant in my kingdom of Portugal, in order that you

may govern it, in my name and according to the Constitution that I have granted to the said Kingdom. I expect, my dear Brother, that you will look upon this resolution as the greatest proof I can give you of my confidence and of the love I bear you, &c."

Signed, PEDRO.

Again under a similar date, the following was forwarded to his Britannic Majesty.

"Sir, My Brother and Cousin,

"The necessity of re-establishing order in Portugal and of consolidating the Constitutional system which has there been sworn to, obliges me, as lawful King of that country, to order, under this day's date, the Infante Dom Miguel, my Brother and my Son in Law, to go and govern that Kingdom, in my name, in the capacity of my Lieutenant; and in the confidence I place in the unalterable friendship which exists between us, I implore your Majesty to aid me, on your part, not only to enable the Regency to enter quickly upon its functions, but also to ensure that the Constitutional Charter, granted by me and sworn to in that country, may become the fundamental law of the kingdom, &c."

Signed, PEDRO.

Under the same date the annexed was transmitted to His Imperial and Royal Apostolic Majesty.

"My very dear Father in Law and Friend,

"The recent and unexpected events in Portugal, and the firm, constant and upright conduct which my Brother, the Infante Dom Miguel, has manifested whilst near your Imperial and Royal Apostolic Majesty, have induced me to direct his departure for Portugal, in order that he may govern that Kingdom in my name, and in the capacity of my Lieutenant. Convinced, also, as I am, that this measure will receive the approbation of your Majesty, I beg your Majesty to assist me, as much as may be in your power, in advising him, both to execute this order, and to govern that Kingdom in conformity with the Constitutional Charter which I have given to it, and which has been sworn to by his Royal Highness, and by the whole of my Portuguese subjects.

"In asking this assistance of your Majesty, I consider myself happy," &c.

Signed, PEDRO.

Document 11.

D. Pedro's first Act of Abdication, dated May 2, 1826.

"Dom Pedro, by the Grace of God, King of Portugal and Algarves, &c. &c.—Do hereby make known to all my Portuguese subjects that, it being incompatible with the interests of the Empire of Brazil and those of the Kingdom of Portugal, for me to continue to be King of Portugal, Algarves and the Dominions thereof; and wishing to promote the happiness of my said Kingdoms, as much as is in my power, I have thought proper, from an impulse and free will of my own, to abdicate and yield up all the indisputable and inherent rights which I hold to the Crown of the Portuguese Monarchy, together with the Sovereignty of the aforesaid Kingdoms, to the person of my dearly beloved and highly valued Daughter, the Princess of Gran Pará, Donna Maria da Gloria, in order that she, as their Queen Regnant, may govern them independent of this Empire, and pursuant to the Constitution which I have thought proper to decree, grant, and command to be sworn to, by my Letters Patent of the 29th of April, in the current year; And further, I have been pleased to declare that my said Daughter and Queen Regnant of Portugal, shall not depart from the Empire of Brazil, until I have had official proof that the Constitution has been sworn to, in the manner by me ordained, and until the espousals of marriage, which it is my intention to make for her with my beloved and highly valued Brother, the Infante Dom Miguel, shall have been carried into full effect and the marriage concluded; And this my Abdication and Transfer shall not take place, if any one of these two conditions should be wanting," &c. &c.

Signed, Pedro.

Document 12.

John VI.'s Decree, dated May 3, 1824.

"*Ministry for the Affairs of the Kingdom.* The Infante D. Miguel, my much beloved and highly esteemed son and commander in chief of my royal army, having obtained vehement indications that, in secret clubs, a black conspiracy was plotting against him, against the Queen,

my above all others much beloved and esteemed wife, and against my own royal person, which placed him under the unavoidable necessity of recurring to arms, without a crisis so dangerous allowing him the previous opportunity of obtaining from me, as his sovereign, the orders and resolutions necessary to put a stop to evils of so heinous a nature, which, by their enormity and execrable character, would not only have shaken, but, at the present period, destroyed the political edifice of the Monarchy which God confided to my government and protection; and being well aware, from the solemn assurances and declarations by him made in my royal presence, of the motives which determined him, by means of an armed force, to guard against crimes, so absurd and execrable; I have thought proper and require that the Justices and criminal Judges of the districts of this Court and City of Lisbon, and all other competent Magistrates in the provinces of these my kingdoms of Portugal and Algarves, where persons are confined and accused of these infamous and wicked crimes, should proceed against them, without delay, trying them by summary and verbal process, without a determined number of witnesses, and examining them according to the judicial forms, afterwards forwarding the proceedings to the superior courts of their respective districts, together with the sentence pronounced against the guilty, &c.: And I have further been pleased to accede to the most respectful request, which in my royal presence was made by the said Infante, my much beloved and highly esteemed son, to pardon him for outstepping the bounds of a jurisdiction which he exercised without my royal authority, of which I hereby think proper to acquit him, &c.

"Signed, I THE KING."

Palace of Bemposta, May 3, 1824.

DOCUMENT 13.

D. PEDRO'S SECOND ACT OF ABDICATION, DATED MARCH 3, 1828.

DECREE. "The time having arrived which my High Wisdom had marked, in order to complete my Abdication of the Portuguese Crown, conformably to my Letters Patent of the 3rd of May, 1826; and it being extremely expedient to give to the Portuguese Nation, ever jealous of its own Independence, an indubitable proof that I wish to see it perpetually separated from the Brazilian Nation, (of which I have the distinguished glory and pride to be the Sovereign) in such a manner as may

render even the idea of any reunion impracticable; I have thought proper, of my own free and spontaneous will, after taking this important matter into due consideration, to Ordain, as by this my Royal Decree, I do ordain, that the Kingdom of Portugal be governed in the name of my much beloved and esteemed Daughter, Queen Mary, the Second, already previously the Queen thereof, conformably to the Constitutional Charter by me decreed, bestowed, and commanded to be sworn to, and now sworn; and I further declare, most expressly, that I have no more pretension, or right whatsoever, to the Portuguese Crown and Dominions thereof. The Infante Dom Miguel, my much beloved and esteemed Brother, Regent of the Kingdoms of Portugal and Algarves, and in them my Lieutenant, is so to understand the same, and cause the present to be published and executed." Palace of Boa Vista, this 3rd of March, 1828—Signed with the sign manual of His Majesty the King.

Document No. 14.

D. Pedro's Proclamation to the Portuguese Nation, dated July 25, 1828.

Portuguese!—It is not as your king that I am now addressing you; since my abdication has been completed, but as the Father of your legitimate Queen, Donna Maria II. and as her Guardian.

The compulsion under which my Brother, the Infante Dom Miguel, the Regent of the Kingdom, labours, is, in every point of view, clear and manifest. To entertain a contrary opinion would be an offence against his honor, which I deem untainted; it would amount to considering him a traitor to the assurances and protestations he made to me, whilst I was his King, and reputing him perjured in his oath, which he so freely and spontaneously took at Vienna, in Austria, and ratified at Lisbon, before the nation legally represented, in conformity with the Constitutional Charter, which was offered and granted by me to you, and accepted by himself and by you, and freely and solemnly sworn to.

A disorganizing faction laboured constantly in the midst of unhappy Portugal, under pretence of defending the throne and the altar, in disregard of all religious, civil and political considerations; it disputed the indubitable and imprescriptible rights by which your Queen legally

ascended the throne of her ancestors—it domineered and lorded it over the Regent—it ruled the Kingdom—it dissolved the Chamber of worthy Deputies, distinguished by their deserts and merits—it did not immediately summon another, according to the 5th title, 1st chapter, 74th article, and 4th clause of the Constitutional Charter, thereby manifestly usurping the legislative power—it appointed a junta to issue fresh instructions (precepts or writs) for the election of deputies, which it called legal. These are not warranted; but, on the contrary, destroyed the Constitutional Charter by a single blow, by calling together the ancient Cortes, an institution already abolished by the oath to this very same Constitution—it praised and approved crimes committed against those citizens who were faithful to their oaths—it consented to, and even authorized the troops, who ought to have watched over the public safety, to commit atrocities in the very capital itself, under pretence of defending the throne and the altar!! What throne could consent to the committing of such crimes? What religion could enjoin the execution of such proceedings against decency and the decorum due to respectable and distinguished families?

Oh, Portuguese! to what a pass is your unfortunate country come, under the dominion of fanaticism, hypocrisy, and despotism! If it were possible that your ancestors could rise up from their graves, they would suddenly drop down dead, on seeing the cradle of their victories transferred into such horrors.

You are worthy of a better fate: your happiness is in your own hands, as well as your ruin. Follow my advice, Portuguese; it is given to you by a philanthropic and truly Constitutional heart.

It is time that you should open your eyes, and all unite and stand by the oaths you have taken to the Constitutional Charter, and to the rights of your Queen. By doing this you will not only save your country, but likewise my Brother, by defending the true throne and the true Roman Catholic and Apostolic religion. Give not the victory, oh, Portuguese! to the enemies of Constitutional monarchies who wish to see perjurers placed upon thrones, in order to strengthen their arguments against such forms of government. Far be it from me to call my Brother a perjurer, or a traitor; he acts, no doubt, under compulsion; and I consider, and shall consider him in that light, as long as the heads of the disorganizing faction do not leave Portugal. Portuguese, stand by the Constitutional Charter; it is not of foreign growth—it was granted to you by a Constitutional King; and what evils

has it brought upon you? Liberty, of which you had only a promise before; yes, Portuguese, bedew the tree of Liberty with your blood, and you will see how it will flourish amongst you and bear fruits, in spite of all intrigues and machinations. Do not suffer your country to be assailed by the blows of perfidy and treason—that country which is already oppressed by a yoke of the most ferocious description. You are a free people—you form an independent nation; what more can you hope for? The governments of Europe support the Legitimacy of your Queen. Fight for her and the Constitutional Charter, and fear nought in the shape of obstacles. Consider that the cause you are going to defend is the cause of justice, and that you are bound to it by an oath. The truth does not penetrate so far as into the presence of your Regent. Fanatics, hypocrites, demoralized and despotic men, have blinded him. The imminent danger to which his life is exposed, makes him submit to this faction, the like of which has never been seen amongst the Portuguese people, who were ever free, from the commencement of the monarchy, as the pages of history prove. Follow the example of the ancient Portuguese; approach your Regent; speak to him plainly and respectfully, as those spoke to the King, Dom Alonzo IV. and tell him, "By the road your Highness suffers yourself to be led, you will inevitably plunge yourself into the deepest abyss; govern us conformably to the Constitutional Charter, which both your Highness and ourselves have sworn to, and know that this is the only legitimate course we choose to see adopted." If you do this, you will see that he, finding the Portuguese disposed to support him as Constitutional Regent, will withdraw himself from the shameful tutorage by which he is now ruled, and which would lead him to the precipice from whence he can never recede with honor; and he will throw himself into your arms, and, by governing you according to law, make you happy. Come to his assistance, Portuguese! otherwise he and you will become victims of anarchy. My conscience is free from rancour. I have explained the truth to you, if you choose to follow it you will be happy; if not, you will find the most refined despotism raising its neck amongst you, which you will never be able to crush again.

(Signed) The Emperor PEDRO..

(A true copy) FRANCISCO GOMES DA SILVA.

Document No. 15.

Copy of the Original Powers granted to Father Joaquim de Carvalho by the City of Goa, dated January 25th, 1827, for various public purposes on behalf thereof, and among others to take his Seat in the Cortes of Portugal, if any there should be held, as the Representative of the said City of Goa.

" O Presidente, Vereadores, Procurador, e Procuradores dos Mesteres do Leal Senado da Camara desta Cidade de Goa por Sua Magestade Fidelissima, que Deos guarde, etc. A quantos este nosso Alvará de Procuração virem fazemos saber, que sendo-nos constante por informações a capacidade e prestimo de Fr. Joaquim de Carvalho, Religioso Agostiniano na Corte e Cidade de Lisboa, e do Dr Joaquim Maximo Lopes, morador outrosim, na mesma Cidade, tinhamos em virtude do outro Alvará, datado de 23 de Dezembro de 1824, encarregado do emprego de Procuradores deste Leal Senado na dita Cidade e Corte de Lisboa; e porque do segundo nomeado Procurador, dito Joaquim Maximo Lopes, não recebeo este Leal Senado a participação da sua acceitação, ficando na incerteza della; e por que se fazia necessario prover-se a esse respeito a bem do serviço e dependencia desta Cidade na mesma Corte de Lisboa, por este nosso Alvará, ratificando a nomeação da primeira Procuração em o dito Fr. Joaquim de Carvalho, para primeiro Procurador, nomeámos ém segundo lugar ao Dr. Joaquim Lourenço, existente na referida Corte de Lisboa, e concedemos aos ditos Fr. Joaquim de Carvalho e Dr. Joaquim Lourenço, todos os poderes a elles ambos juntos, e a cada hum de per si, quanto em Direito devão ser, para que por este Leal Senado da Camara possão elles ditos Procuradores na dita Cidade e Corte, ou aonde cumprir, representar por este Alvará a pessoa do Procurador deste Leal Senado, e por elle procurar, demandar, e arrecadar em suas mãos e haver todos os papeis de Consulta, requerer no Conselho Ultramarino, ou em outro qualquer Tribunal os requerimentos, que lhe forem remettidos por Cartas de lembrança deste Leal Senado, seguindo sempre em tudo as Ordens e Avisos que derem e escreverem, fazendo os requerimentos a Sua Magestade, que forem precisos a bem deste Leal Senado, ou aonde for necessario alcançando de tudo Despachos, remettendo as Resoluções, para o que, além de lhe concedermos em nome deste Leal Senado todos os poderes, nos praz que elles possão substabelecer em outros Procuradores, concedendo-lhes faculdade para remover aquelles substabelecimentos, querendo que deste sempre usem,

para o que lhes damos nossa livre e geral Administração, promettendo haver tudo por bem feito o que elles fizerem em beneficio e utilidade deste Leal Senado; e como esta Cidade de Gôa do Estado da India tem nessa Corte, aonde assiste ordinariamente a Magestade de El Rei Nosso Senhor, muitos negocios, succedendo tambem muitas vezes acudir as Cortes, quando o dito Senhor Manda convocar, assim para o juramento dos Principes, como para boa administração e governo desses Reinos, nas quaes Cortes esta Cidade tem seu lugar no primeiro Banco; e porque a distancia grande que ha deste Estado para aquelle, não permittia a boa commodidade dar-se recado para esta Cidade acudir para as ditas Cortes aos negocios, que podião acontecer; e fazendo-se por isso necessario dar-se este Leal Senado providencia para ter na dita Corte persoa que podesse representar a este Leal Senado, para effeito de acudir ao que convem, pela confiança que fazemos dos ditos Fr. Joaquim de Carvalho e Dr. Joaquim Lourenço, tambem o havemos por bem que elles Procuradores possão no dito Reino representar a pessoa desta Cidade e Estado a quaesquer Cortes que Sua Magestade Mandar de novo Convocar, e fazer juramento dos Principes, e nas mesmas Cortes votar para se fazer Assento de tudo o que tocar ao bem público, e particularmente desta Cidade e Estado, e requérer em todas as materias que lhe tocar, concedendo para este fim e para todos os mais geralmente, como se de cada hum fizesse especial menção, todos os poderes, faculdades, honras e prerogativas, como se este proprio Leal Senado estivera no dito Reino, na melhor via e fórma que em Direito possa ser, concedendo-lhes a ambos juntos ditos Procuradores e a cada hum per si, poder, mando especial e geral para tudo, como em cousa propria; e por este Alvará havemos por revogada a Procuração que antes deste estivesse feita, e que esta valha e tenha o comprido effeito; e que o primeiro nomeado por esta Fr. Joaquim de Carvalho, entre a exercer o emprego de primeiro Procurador; e no seu impedimento, ou falta qualquer, o dito segundo nomeado Dr. Joaquim Lourenço, seja o primeiro Procurador; e o que exercer este emprego de primeiro Procurador ficará vencendo o Salario de trezentos xarafins por anno desde a data de sua nomeação, que fazem, e são noventa mil reis de Goa; e por assim termos mandado se passou o presente. Dado no Leal Senado da Camara da Cidade de Goa sob o Sello delle a 24 de Janeiro de 1827. Eu José Antonio Diniz de Ayalla, Escrivão da Camara, a fiz escrever e sobscrevi = João de Mendôça Corte Real = D. José de Noronha = Christovão José Floriano Pinto = Gonzaga Vicente da Fonseca = José Agostinho de Sousa = André Paulino Ferrão = Francisco Tavares = José Luis Pires = José Maria de Sousa. = Reconhecimento. = Reconheço serem os assignados *supra* os proprios dos Illustrissimos Presidente, Vereadores, e mais Officiaes do

Leal Senado da Camara desta Cidade. E eu Caetano Vicente Luzado, Tabellião público em a mesma Cidade fiz este reconhecimento, em que assignei. Ribeira a 25 de Janeiro de 1827.= Lugar do signal público= Em testemunho de verdade= Caetano Vicente Luzado.= José Maria dos Remedios, Cidadão da Cidade de Goa, Ouvidor Geral de Talate, com a alçada, e Juiz das Justificações em estas partes da India, etc. Faço saber que o assignado ao pé do reconhecimento retro he de Caetano Vicente Luzado, hum dos Tabelliães públicos de notas desta Cidade, que me constou da sé do Escrivão, que este subscreveo, pelo que o hei por justificado, e para certexa delle se passou este. Dado em Goa, por mim assignado aos 25 de Janeiro de 1827: deste 40 reis, e de assignar 80 reis. Manoel Francisco de Menezes, Escrivão da Ouvidoria Geral do Civel da Corte o subscrevi= José Maria dos Remedios, gratis.= Lugar do Sello.

JUSTIFIÇÃO.

O Douter José Joaquim d'Abreu Vieira, Cavalleiro na Ordem de Christo, Juiz de India e Mina, e das Justificações Ultramarinas, etc. Faço saber que por sé do Escrivão que esta sobscreveo, me constou ser o signal supra de José Maria dos Remedios, o que hei por justificado. Lisboa 17 de Dezembro de 1827. E eu Bento Gualdino da Silva Valladares a sobscrevi.= Dr. José Joaqnim d'Abreu Vieira.= E transladada a concertei com a propria, a que me reporto, que entreguei, Lisboa 30 de Maio de 1828. E eu José Manoel d'Antas Barbosa, Tabellião o sobscrevi, e assignei em publico e razo.= Em testemunho de verdade= José Manoel d'Antas Barbosa.

E outrssim novamente se me apresentou a Procuração, d'onde esta se copiou, no fim da qual se acha a Legalisação da mesma, a qual he do theor seguinte:= Legalisada na conformidade da Real Resolução de 9 do corrente mez. Lisboa 17 de Junho de 1828. Com 10 Rubricas.

E trasladada a concertei com a propria, que se acha no fim de hum Alvará de Procuração em nome do Presidente, Vereadores, Procurador, e Procuradores do Senado da Camara da Cidade de Goa a favor de Fr. Joaquim de Carvalho e ao Dr. Joaquim Lourenço, em data de 24 de Janeiro de 1827, reconhecido pelo Tabellião Caetano Vicente Luzado, da dita Cidade de Goa, em 25 de Janeiro do dito anno de 1827, justificada pelo Juizo de India e Mina de Goa em o dito dia, mez, e anno pelo Ouvidor José Maria dos Remedios; justificada igualmente pelo Juizo d'India e Mina desta Cidade de Lisboa em data de 17 de Dezembro de 1827,

pelo Dr. José Joaquim de Abreu Vieira, o que tudo á mesma me reporto, que entreguei ao Apresentante. Lisboa 26 de Junho de 1828. E eu José Manoel d'Antas Barbosa, Tabellião, a sobscrevi, e assignei em publico e razo = Em testemunho de verdade = José Manoel d'Antas Barbosa.

Document No. 16.

Royal Decree dated Lisbon, August 4th, 1828, respecting Absentees and others charged with Rebellion.

"Ministry for the Affairs of Finance:

"Various persons, of all ranks, having left these realms, subsequently to my return thereto, and many others being implicated in the rebellion which commenced in the City of Oporto, on the 16th of last May, who were either abettors of the said rebellion, or accomplices thererein, consisting of persons who were at the time in Portugal, or for the same purpose came from without the kingdom; and as it would be incompatible with that justice with which I wish to govern my people, on the one hand, that such persons should fail to be punished according to those laws which they have themselves transgressed, and on the other, that there should not be in the penalties applicable to the guilty, that gradation which the laws themselves have established, I have thought proper to ordain:—

"1st. That no proceedings shall be instituted against those persons who left these realms with my permission, or by my orders, as long as the permissions so granted to them shall last, and I should not be pleased to allow those persons who went away by my orders to return to these realms, provided, nevertheless, subsequent to their departure therefrom, they have committed no acts which have rendered them criminal.

"2dly. That all those who have left these realms without my permission, shall lose, in conformity to the laws, and in the manner always practised in similar cases, the property belonging to the crown and military orders, of which they were the administrators, the revenue of which shall be collected into the Exchequer, separating, in all Crown

property, the fifth, and in that belonging to the military orders, a tenth, and the levy, all which shall be placed in the hands of the Board charged to pay the interest on the Royal Loans, as has hitherto been the case; and through the death of the parties so implicated, the whole revenue of the said property shall be appropriated to the use of the said Board, charged with the payment of the interest on the loans aforesaid, in case there is no previous grant for one or more lives, in which case it is my will that the same shall be carried into effect.

"3dly. That, as regards all those against whom the crime of rebellion may be proved, the property belonging to the Crown, or the Military Orders, shall be confiscated, as well as all other property which they may possess, of whatsoever nature it may be, the whole of the same being collected and paid into the Exchequer, during the lifetime of the parties so implicated, in case corporal punishment cannot be inflicted upon them, with the same separation of a fifth, a tenth, and the levy, as enacted in the preceding clause; and in case of their death, the same shall be transferred over to the Board charged with the payment of the interest on the Royal Loans, as far as regards the property belonging to the Crown and Military Orders; whilst that which is in entail and held in private right, shall be left for those to whom it may belong, according to the laws at present in force, &c. &c.

"Palace of Ajuda, Aug. 4, 1828."

(With the Rubric of the King.)

Lisbon Gazette of Aug. 15.

Document No. 17.

Correspondence, commencing on the 25th November, 1828, and ending on the 18th June, 1829, between the Earl of Aberdeen, Secretary of State for Foreign Affairs, and the Marquess de Barbacena, Minister Plenipotentiary of the Emperor of Brazil, respecting Aid and Succours on behalf of Donna Maria da Gloria, being the suppressed portion of the Documents, intended to be attached to the Exposé des Droits de Sa Majesté Trés Fidèle, Donna Maria II, &c.

A.

Note du marquis de Barbacena au comte d'Aberdeen, du 25 novemrre 1828.

Le soussigné, plénipotentiaire de S. M. l'empereur du Brésil, s'acquitte

du devoir sacré qui vient de lui être imposé par son auguste maître, en adressant à Son Exc. M. le comte d'Aberdeen, principal secrétaire d'état de S. M. B. au département des affaires étrangères, la demande officielle de l'appui de S. M. B. en faveur de S. M. la reine de Portugal, et la réclamation de secours effectifs pour aider à placer S. M. T. F. sur le trône qui lui appartient, ainsi que pour lui assurer la possession de son royaume.

La nouvelle de l'usurpation consommée à Lisbonne le 1er juillet de cette année ayant excité dans l'âme de S. M. l'empereur Dom Pedro une juste indignation, ainsi que la plus vive douleur; il est aisé de concevoir qu'au sentiment qu'éprouve S. M. I. s'unit encore l'inquiétude paternelle que doit lui causer le sort d'une fille chérie, dont il n'a pu se séparer qu'à regret pour se conformer aux instances réitérées des souverains ses alliés, et dans la ferme conviction qu'elle conserverait la possession de la couronne qui lui était garantie, non moins par les droits légitimes que par les arrangemens solennels auxquels ont pris part les cours d'Angleterre et d'Autriche, et par les sermens du prince auquel il avait conféré la régence de Portugal et destiné la main de sa fille. Cruellement déçu dans cet espoir, S. M. I. ne saurait douter en tout cas que ces mêmes puissances ne partagent sa juste indignation ; et elle a reçu avec reconnaissance la première preuve qu'elles en ont donnée, en retirant leurs ministres de Lisbonne. Elle l'a reçue comme un gage assuré que l'ancien et intime allié du Portugal ne se bornerait pas à témoigner par cet acte, en commun avec toutes les autres cours de l'Europe, sa désapprobation de la révolte perfide opérée en Portugal ; mais que sa puissante coopération serait employée plus effectivement en faveur de la reine, lorsque la demande lui en serait faite par le chef de la maison royale de Bragance ; et cet espoir est heureusement conforme aux paroles qui ont été prononcées du haut du trône à la clôture de la dernière session du parlement Britannique.

Décidé à ne jamais transiger avec le ravisseur da la couronne de Portugal, et à revendiquer les droits de S. M. la reine Dona Maria II, la première pensée de S. M. l'empereur du Brésil a dû être celle de réclamer à cet effet les secours de S. M. B. en vertu des traités existans entre le Portugal et la Grande-Bretagne.

Les traités, Son Exc. Lord Aberdeen ne l'ignore pas, datent des premiers temps de la monarchie Portugaise. Dès le règne d'Edouard Ier d'Angleterre, des stipulations d'amitié et de commerce furent contractées entre les deux couronnes ; et dans l'année 1373, un traité formel d'al-

liance fut conclu entre Ferdinand Ier de Portugal et Edouard III d'Angleterre: telle est l'ancienne alliance qui subsiste encore, on peut l'affirmer, en pleine vigueur et intacte, moyennant la série des traités qui se sont succédés les uns aux autres, et qui, pour la plupart, commencent par énoncer la confirmation de tous les traités précédens.

Cette série se termine par le traité du 21 janvier 1815, dont l'article troisième est ainsi conçu: " Les anciens traités d'alliance, d'amitié et de garantie, qui ont si long-temps et si heureusement subsisté entre les deux couronnes, sont par le présent article renouvelés par les deux hautes parties contractantes, et reconnus être en pleine force et vigueur."

Durant cette longue période, aucune guerre n'a interrompu entre les deux gouvernemens une liaison dont l'histoire diplomatique ne présente pas un second exemple; et le seul intervalle de rupture qui ait existé a eu lieu du temps du protecteur Cromwell, occasioné (ce qui est digne de remarque) par le secours que le roi de Portugal avait prêté aux partisans du roi Charles Ier, auxquels on avait accordé un aisle à Lisbonne.

Le soussigné, après avoir établi l'existence et la validité de toute cette série de traités, dépasserait les bornes qu'il doit se prescrire dans cette note, s'il se livrait à l'examen détailé de chacun d'eux. Il se bornera donc à présenter l'extrait de quelques-unes des stipulations qui peuvent en démontrer l'esprit et la tendance; car ce n'est pas seulement dans la lettre des traités, mais dans leur ensemble et dans les rapports intimes qu'ils ont créés et maintenus entre les deux pays et les deux couronnes, qu'on doit en chercher le véritable sens.

Par l'article 1er du traité de 1373 (dont le soussigné joint la copie, n° 1), il paraît qu'on a eu l'intention d'appliquer les stipulations de l'alliance aux cas de rébellion, et cette supposition est confirmée par l'acte postérieur (n° 2), par lequel le roi d'Angleterre *permet la levée, dans ses états, d'un corps de volontaires*, pour servir dans la guerre que le roi de Portugal soutenait alors contre son frère révolté, le transport de ce corps ayant été fait par deux vaisseaux de ligne, que le gouvernement Britannique a fournis à cet effet.

Le traité d'alliance de 1571, entre la reine Elisabeth et le roi Sébastien (n° 3) fait expressément mention du cas de rébellion, et indique au moins que les deux souverains prennent un intérêt mutuel au maintien de leurs gouvernemens respectifs.

Dans l'acte de ratification du traité de 1642 (n° 4), on remarque l'intention expresse de renouveler tous les traités précédens.

L'article Ier du traité de 1654 (n° 5) contient la stipulation, de ne pas recevoir ni accueillir réciproquement les sujets rebelles de chacun des deux pays; et par cet article, S. M.. la reine Dona Maria II a le droit d'exiger, sans doute, que son auguste allié ne tolère pas en Angleterre la résidence d'un agent avoué du gouvernement usurpateur de Portugal.

L'article XVII du traité de 1661 (n° 6) mérite d'être lu avec attention. On y trouve la faculté reconnue (en vertu des traités précédens) de faire des levées de troupes en Angleterre. Ce traité contient les expressions les plus fortes et les plus positives qui se trouvent dans aucun acte de cette espèce, le roi d'Angleterre allant jusqu'à déclarer qu'il prendra les intérêts du Portugal à cœur autant que ceux de ses propres états.

L'article Ier du traité d'alliance de 1703 (n° 7) confirme explicitement tous les traités précédens.

L'article VI de la convention signée à Londres le 22 octobre 1807 (n° 8) s'exprime comme il suit: "S.M. Britannique s'engage, en son nom et en celui de ses successeurs, *à ne jamais reconnaitre pour roi de Portugal* aucun prince qui ne soit l'héritier et le représentant légitime de la famille royale de Bragance." Cette stipulation est évidemment applicable au cas actuel, car l'héritier et le représentant légitime, reconnu comme tel par S. M. Britannique, est actuellement dépossédé de sa couronne, par un prince de la même famille, il est vrai, mais qui n'en est pas moins un usurpateur.

On ne saurait alléguer non plus que la convention précitée n'a été que temporaire; car cette clause n'y est nulle part énoncée, et se trouve formellement contredite par la confirmation générale de tous les traités précédens d'alliance et garantie contenue dans l'article troisième du traité conclu à Vienne le 21 janvier 1815.

Le soussigné croit devoir s'arrêter aux citations qu'il vient de faire, et qu'il pourrait multiplier encore; mais il se flatte d'avoir suffissamment démontré: 1°, que tous les traités d'alliance et de garantie contractés entre le Portugal et la Grande Bretagne subsistent en pleine vigueur; 2°, que la nature de ces traités, leur nombre, la liaison qu'ils

ont établie entre les deux couronnes depuis tant de siècles, leur donne un caractère particulier qui les distingue des traités ordinaires, et qu'il faut les interpréter dans leur ensemble plutôt que par l'analyse de chacun d'eux; 3°, qu'il y est en plusieurs occasions fait expresse mention des cas de révolte ou de rébellion, soit pour stipuler la prestation de secours, soit pour permettre la levée de troupes, soit pour exclure les rebelles réciproquement des deux états; 4°, et finalement, que cette alliance, au moment même où elle fut contractée, a été appliquée au cas de la révolte de l'infant Dom Henri contre son frère, le roi Dom Ferdinand, qui est le même cas qui se présente maintenant entre S. M. le roi Dom Pedro IV et son frère l'infant Dom Miguel. L'application des anciens traités d'alliance au cas actuel a donc toute la force d'une *chose jugée.*

Outre ces traités valides et obligatoires, le soussigné citera encore d'autres actes également valides et diplomatiques, quoiqu'ils ne soient pas revêtus des formes et du titre de traités.

S. Exc. M. le comte d'Aberdeen concevra que le soussigné veut parler des protocoles des conférences tenues à Vienne et à Londres, en Octobre 1827, Janvier et Février 1828, conférences auxquelles ont pris une part principale les plénipotentiaires de S. M. B. et de S. M. I. et R. A., et qui constituent ces souverains en droit d'exiger l'exécution de tous les engagemens qui ont été pris. Ces engagemens ne lient pas seulement S. M. l'empereur Dom Pedro et S. A. R. l'infant Dom Miguel. Les cours d'Angleterre et d'Autriche n'ont pas exercé en cette occasion le rôle de simples témoins; et le soussigné pense que les citations suivantes, extraites du protocole de la seconde conférence de Vienne et de celle du 12 Janvier, de Londres, prouveront évidemment la vérité de cette assertion. Il a été dit, dans la seconde conférence de Vienne, "Que les deux puissances (l'Angleterre et l'Autriche) étaient pénétrées de l'importance de ne pas laisser plus long-temps indécises des questions d'un si haut intérêt (la confirmation de l'acte d'abdication de S. M. l'empereur Dom Pedro, l'envoi de la jeune reine en Europe, et la séparation totale et définitive des deux couronnes) et que ces deux puissances *étaient déterminées à réunir leurs soins et leurs efforts pour en presser et en obtenir la décision à Rio de Joneiro.*"

Dans la conférence de Londres, les plénipotentiaires de la Grande-Bretagne et de l'Autriche s'expliquent dans les termes suivans: "Lord Dudley, le prince d'Esterhazy et le comte de Bombelles se trouvent dans le cas d'annoncer de nouveau, conformément à ce qui a déjà été con-

signé dans les conférences de Vienne, le vœu de leurs gouvernemens respectifs, pour que l'abdication de la couronne de Portugal par S. M. Dom Pedro IV soit complétée aussitôt que possible, et sans restrictions. L'abdication complétée et la séparation confirmée, les deux cours s'engagent à prêter leurs bons offices, afin que les gouvernemens de Portugal et du Brésil se mettent d'accord pour communiquer cet arrangement à toutes les puissances, et en obtenir la reconnaissance. Les deux cours s'engagent également à prêter leurs bons offices pour régler définitivement, par un traité, l'ordre de succession dans les deux branches de la maison de Bragance, laquelle transaction conclue sera portée à la connaissance des puissances étrangères, pour être reconnue par elles."

Certes il serait difficile, aprés avoir lu ces deux protocoles, de soutenir que l'Angleterre et l'Autriche n'ont assisté aux conférences de Vienne et de Londres, par le moyen de leurs plénipotentiaires, que simplement en qualité de témoins.

Si tel était le cas, comment ces deux cours se seraient-elles crues appelées non-seulement à énoncer leurs vœux dans les susdites conférences, mais à prendre l'engagement positif *de réunir leurs soins et leurs efforts pour obtenir*, à Rio de Janeiro la décision, conforme à leurs vœux, de plusieurs questions du plus haut intérêt pour les destinées futures du Portugal et du Brésil?

N'est-il pas évident que si (contre toute probablité) S. M. l'empereur du Brésil avait voulu rétracter ses promesses, les deux cours se seraient trouvées autorisées, d'après le teneur des protocoles, à en réclamer l'exécution? Et n'est il pas encore, à plus forte raison, indubitable que ce droit qu'elles auraient exercé à l'égard de S. M. Impériale, elles se trouvent autorisées à le faire valoir plus hautement vis-à-vis d'un prince dont elles ont à cette occasion, pour ainsi dire, référendé les sermens?

On doit donc, le soussigné se permettra de le répéter, attribuer aux protocoles susdits toute la valeur d'un traité formel, puisqu'ils contiennent des promesses réciproques, des engagemens auxquels ont pris part les plénipotentiaires du Portugal, nommés par le Régent *au nom du Roi*, et les plénipotentiaires de la Grande-Bretagne et de l'Autriche.

Enfin S. Exc. M. le Comte d'Aberdeen sait que le titre de traité ou de convention n'est pas nécessaire pour constituer la validité des engage-

mens politiques, et que le *memorandum* signé d'une conférence, ou un échange de notes ont souvent rempli le même but.

S. M. Britannique, le soussigné osera en appeler à elle-même, pourra-t-elle jamais oublier les assurances écrites qu'elle a reçues, et les paroles qu'elle-même a entendu prononcer à l'infant Dom Miguel? Oubliera-t-elle que c'est après avoir reçu l'accueil le plus magnifique et le plus amical en Angleterre, et avoir été accompagné jusqu'au Tage par une escadre Britannique, que ce prince a immédiatement violé tous ses sermens sous l'égide, on peut le dire, des troupes Britanniques, dont la présence à Lisbonne produisait (quoique sans intention) l'effet de comprimer tout tentative de résistance aux mesures par lesquelles, sous le masque légal de la régence, l'infant se préparait à accomplir l'usurpation?

D'un autre côté S. M. B. oubliera-t-elle la générosité, la bonne foi et l'entière confiance avec lesquelles S. M. l'empereur du Brésil a adhéré à tous les vœux et à tous les conseils de son auguste allié, en complétant son abdication de la couronne de Portugal, et en envoyant la jeune reine en Europe?

Et sera-t-il possible que l'auguste monarque, qui a vivement conseillé l'une et l'autre de ces mesures, tolère patiemment l'usurpation, et se refuse de prêter à la reine son alliée les secours que le soussigné, au nom de cette souveraine et appuyé de sa présence, réclame en sa faveur? On ne saurait le supposer.

Le soussigné terminera donc en réclamant, au nom de son auguste maître et en faveur de la reine Dona Maria II, les secours que les circonstances exigent, et que S. M. T. F. est en droit d'attendre de la part de S. M. Britannique, en vertu de l'étroite alliance qui existe entre les deux couronnes, et des engagemens qui résultent des conférences formelles tenues à Vienne et à Londres.

Le soussigné ne peut douter de la résolution que les sentimens de justice et d'honneur dicteront au cabinet de S. M. B., surtout lorsqu'il se rappelle les conseils et les promesses que lui-même a été chargé de porter à l'empereur, son maître, de la part du personnage éminent qui préside aujourd'hui, et qui déjà présidait, au mois de mars dernier, aux conseils de S. M. B., et il ajoutera seulement que dans le cas où les stipulations du traité de 1661 ne seraient pas jugées suffisantes pour les circonstances actuelles, il se trouve muni des instructions et des pleins

pouvoirs nécessaires pour conclure une convention dans laquelle les secours à fournir par S. M. l'empereur du Brésil, et par S. M. B. à S. M. la reine T.F., pourront être formellement spécifiés.

Le soussigné profite de cette occasion, etc.

Le marquis de BARBACENA.

Londres, le 25 Novembre, 1828.

RELEVÉ DE QUELQUES ARTICLES DES TRAITÉS D'ALLIANCE ENTRE LE PORTUGAL ET LA GRANDE-BRETAGNE.

No. 1.

Art. Ier du traité fait entre Ferdinand Ier et Edouard III, en 1373 (*Rymer*, tome vii, page 17).—" Ordinamus et concordamus quod inter prædictum dominum nostrum Eduardum, etc., dominum Ferdinandum, etc., dominam Alianoram, conjugem suam, eorum successores in regnis prædictis Angliæ et Portugaliæ, regna, terras, dominia, provincias, vassallos et subditos quoscumque, fideliter obedientes, erunt hinc veraces, fideles, constantes, mutuæ et perpetuæ amicitiæ, adunationes, alligantiæ et puræ delectionis fœdera : et velut amici fideles et veraces, et mutuo hinc inde amicis amici, et inimicis inimici, contra omnes homines qui possunt vivere vel mori, cujuscumque dignitatis, status, præeminentiæ, seu conditionis existant, eorum terras, regna et dominia, invicem se juvabunt, manutenebunt et sustinebunt per terram et per mare, mutuo."

No. 2.

" Concessimus et licentiam damus, etc. etc. Qui in comitiva sua, versus partes Portugaliæ ad impendendum servitium regi Portugaliæ, etc. etc., contra fratrem suum, qui rebellionem et guerram contra præfactum regem facit, ut dicitur transire voluerit." (*Rymer*, tome viii, page 41.)

No. 3.

Le traité d'alliance de 1571 entre la reine Elizabeth et le roi Sébastien porte ce qui suit :—" Ut perfecta esse amicitia et liberum utrinque commercium ; neuter quicquam ni alterius præjudicium attentaret, nec hostibus, rebellibus aut prodictoribus alterius auxilium præstaret : merces, pecuniæ, naves sub arresto detentæ restituerentur."

No. 4.

Dans l'acte de la ratification anglaise du traité de 1642, entre Charles

Ier et Jean IV, il est dit: "Whereas the high and mighty prince John the Fourth, etc. etc., it was his desire to renew the ancient alliance and amity that were between the kings, their predecessors, their crowns and subjects: his majesty, etc. etc., has consented thereto, and makes known to all his well-beloved people, etc. etc. etc." (*Chalmers*, tome ii, page 258.)

N° 5.

L'article Ier du traité de 1654, entre l'Angleterre et le Portugal, porte: "Nor receive or harbour the rebels, or fugitives of either, in any of the other's territories, kingdoms, dominions, ports, or borders." (*Chalmers*, tome ii, page 268.)

L'article XIV du traité de commerce de 1810 porte: "Il est convenu et arrêté que les individus coupables de haute trahison, de faux ou de tout autre crime abominable, dans les états d'une des deux hautes parties contractantes, ne pourront trouver refuge ni protection dans les états de l'autre." (*Martens*, tome xiv, page 204.)

N° 6.

L'article XVII du traité 1661, entre Charles II et Alphonse VI, est ce qui suit:——"Besides the levies the king of Portugal hath liberty to make, by virtue of past treaties, the king of Great Britain doth oblige himself by this present treaty, that in case Lisbon, Porto, or any other sea town, shall be besieged or blocked up by the power of Castille, or any other enemy, he will afford timely assistance of men and shipping according to the exigence of the circumstances, and proportionable to the necessity of the king of Portugal." (*Chalmers*, tome ii, page 294.).

Dans l'article XV de ce même traité, il est dit: "In consideration of all which grants (Tangier and Bombay).....the king of Great Britain doth profess and declare, with the consent and advice of his council, that he will take the interest of Portugal and all its dominions to heart, defending the same with his utmost power by sea and land, even as England itself."

N° 7.

L'article Ier du traité d'alliance perpétuelle de 1703, entre la reine Anne et Jean V, porte: "All former treaties between the above-said powers are hereby approved, confirmed, and ratified, and are ordered to be exactly and faithfully observed, except in so far as by the present treaty is otherwise provided and established." (*Chalmers*, tome ii, page 297.)

N° 8.

Article VI de la convention du 22 Octobre 1807 : " Le siège de la monarchie Portugaise étant établi au Brésil, S. M. Britannique s'engage, en son nom et en celui de ses successeurs, à ne jamais reconnaître pour roi de Portugal aucun prince qui ne soit l'héritier et le représentant légitime de la famille royale de Braganee.

Le marquis de Barbacena.

Londres, ce 25 Novembre 1828.

B.

Le Comte d'Aberdeen au Marquis de Barbacena.

Ministère des affaires étrangères, le 13 Janvier, 1829.

Le soussigné, en répondant à la note qu'il a eu l'honneur de recevoir du marquis de Barbacena, le 30 Novembre, ne peut s'empêcher de considérer comme une circonstance extraordinaire qu'au moment où l'ambassadeur de S.M. à la cour de Rio de Janeiro est chargé d'une mission spéciale, ayant pour objet la réconciliation de l'empereur Dom Pedro avec son frère l'infant Dom Miguel, le plénipotentiaire de S. M. Brésilienne dans ce pays vienne réclamer officiellement de S. M. des secours effectifs pour mettre sur le trône de Portugal S. M. Dona Maria II, et cela quand Lord Strangford et le ministre de S. M. I. l'empereur d'Autriche recevaient de la bouche de l'Empereur du Brésil l'assurance de ses dispositions à déférer aux conseils et au jugement de son auguste beau-père et du roi de la Grande-Bretagne, dans l'arrangement des malheureux différends qui existent entre les membres de la maison de Braganee.

Dans cet état de choses, le soussigné se serait cru forcé d'attendre que de nouveaux avis l'eussent mis à même de s'assurer des sentimens réels de la cour de Rio de Janeiro ; mais la demande du marquis de Barbacena étant fondée sur les prétendues obligations des traités, il est plus conforme à ses devoirs envers son souverain de s'expliquer nettement sur la nature réelle de ces obligations, et, en agissant ainsi, de dissiper tous les doutes qu'on pourrait élever sur l'honneur et la bonne foi du roi son maître.

Le marquis de Barbacena a présenté un sommaire de différens traités contractés entre les deux pays, commençant par le plus ancien, qui re-

monte à l'année, 1373 et finissant par les engagemens conclus au congrès de Vienne en 1815. Il ne serait pas difficile d'ajouter à cette liste, et de prouver que les obligations de la Grande-Bretagne, durant cette longue période, ont été acquittées par une suite non interrompue de services rendus au royaume de Portugal. Le soussigné ne se propose pas ici de nier la validité de ces anciens traités d'alliance, d'amitié et de garantié; au contraire, il se plaît à admettre l'existence, en pleine et entière vigueur, de tous ceux qui n'ont pas été annulés ou modifiés par de subséquentes transactions diplomatiques. Il n'objecte pas non plus à l'interprétation que leur donne le marquis de Barbacena: il conviendra que les traités peuvent s'expliquer les uns par les autres, et que leur esprit peut être deduit plutôt de la teneur de leur ensemble que des clauses particulières de chacun d'eux. Mais le marquis de Barbacena sait bien qu'il ne faut pas perdre de vue, dans une question de cette espèce, l'objet spécial pour lequel un traité a été fait; et il ne contestera pas que la conduite suivie constamment par les parties contractantes offre le meilleur commentaire pour bien appréeier la nature de leurs engagemens, et que les véritables relations entre deux pays se déduisent bien mieux des actes de leurs gouvernemens respectifs, pendant une longue série d'années.

Mais le sonssigné est préparé à soutenir que les traités existans, soit qu'on les envisage dans leur ensemble, suivant la méthode cumulative d'interpétation proposée par le marquis de Barbacena, soit qu'on les prenne séparément, ne peuvent offrir aucun fondement solide à la prétention qu'on cherche à faire valoir.

On prétend que l'usurpation du trône de Portugal par l'infant Dom Miguel a donné à S. M. T. F. le droit d'exiger de l'Angleterre des secours effectifs, pour la mettre à même de recouvrer sa couronne et son royaume; Mais on ne voit pas trop sur quelle base on prétend établir un pareil droit. Il n'existe dans toute la série des traités aucune stipulation expresse qui puisse autoriser la prétention mise en avant dans la note du marquis de Barbacena; et une telle obligation ne résulte pas davantage de la teneur générale et de l'esprit de ces traités.

C'est donc pour combattre une rébeilion consommée, ou pour décider par la force une question de succession douteuse, que la Grande-Bretagne est appelée aujourd'hui à intervenir. Mais on ne peut concevoir comment un état indépendant a pu jamais se résoudre à remettre ainsi la direction et le contrôle de son administration intérieure entre les mains d'une autre puissance; car, sans nul doute, si S. M. était obligée

de fournir un secours effectif dans le cas d'une révolte intestine ou de dissensions en Portugal, ce serait pour elle un devoir et même une nécessité, de veiller à ce qu'aucun évènement semblable n'eût lieu, si l'on pouvait le prévenir. Une intervention constante et minutieuse dans les affaires du Portugal deviendrait donc indispensable; car S.M. ne pourait jamais consentir à tenir ses flottes et ses armées à la disposition d'un roi de Portugal, sans prendre les précautions convenables et exercer une surveillance qui lui assurerait que ces forces ne seraient pas dans le cas d'être employées à prévenir les effets d'une mauvaise administration et de la folie ou du caprice. Or quel est l'état se disant indépendant, qui pourrait se soumettre à exister dans une telle condition? Et pourtant, s'il était possible d'admettre la validité des engagemens dont le marquis de Barbacena réclame l'exécution, tels seraient nécessairement les rapports de la Grande-Bretagne et du Portugal vis-à-vis l'un de l'autre.

Mais la vérité est que l'esprit des traités, et leur histoire, montrent que le principe de la garantie donnée par l'Angleterre est de protéger le Portugal contre l'invasion étrangère.

Lorsqu'à la restauration de la monarchie Portugaise, en 1640, un traité fut, peu de temps après, conclu entre les deux couronnes, traité qui forme la base réelle de leur alliance actuelle, le gouvernement Anglais ne put avoir d'autre objet en vue que celui d'accorder une protection efficace au roi Jean IV, qui combattait pour maintenir l'indépendance nouvellement acquise contre la formidable puissance de l'Espagne. Et en 1661, quand Charles II, dans le traité sur lequel le marquis de Barbacena semble compter beaucoup, déclare "qu'il prendra à cœur les intérêts du Portugal et de toutes ses possessions, et les défendra de tout son pouvoir sur mer et sur terre, comme ceux de l'Angleterre même," il est clair que ces engagemens ont en vue la protection contre le danger d'un ennemi étranger; et la manière dont cette protection doit être accordée, y est expressément établie, puisqu'il est dit qu'on donnera de prompts secours contre "la puissance de Castille, ou contre un autre ennemi quelconque."

Pendant la siècle passé, la Grande-Bretagne a souvent rempli ses engagemens de protection à l'égard du Portugal, et le marquis de Barbacena n'a pas besoin qu'on lui rappelle que ce fut toujours avec empressement et avec effet. Jamais, jusqu'aux malheureux évènemens de 1820, l'Angleterre n'a été requise d'intervenir dans les affaires intérieures du Portugal. Cette intervention, quoique fréquemment demandée depuis cette époque, a été constamment refusée à tous les partis, et dans tous

les sens; et certes, ils ont été des plus opposés et des plus contradictoires. Même en 1826, lorsque S.M., pour adhérer à la requête de l'ambassadeur de S. M. T. F., envoya un corps de ses troupes en Portugal, la justification de cette mesure reposa expresément sur ce que les refugiés Portugais avaient acquis un caractère étranger, par le fait d'avoir été organisés, armés et équipés en Espagne; et le commandant des troupes Britanniques reçut la stricte injonction de ne prendre aucune part à la lutte entre les factions en Portugal; mais de s'opposer à l'invasion des troupes étrangères, ou de ceux qu'il trouverait réunis sous leurs bannières.

En 1822, le roi de Portugal envisagea la déclaration de l'indépendance faite par le Brésil, et l'envahissement de l'autorité souveraine dans ce pays par son fils l'empereur Dom Pedro, comme des actes d'une rébellion consommée. Le gouvernement Portugais en appela souvent aux traités conclus avec l'Angleterre, et aux obligations d'une garantie qui assurait l'intégralité du Portugal et de ses colonies. Mais le gouvernement Britannique, tout en admettant dans toute leur étendue les obligations imposées par la garantie, soutint qu'elles n'existaient que contre un démembrement opéré par une puissance étrangère, et qu'elles ne s'appliquaient nullement aux effets de dissensions intestines. Dans la note verbale présentée au gouvernement Portugais par le chargé d'affaires Britannique à Lisbonne, au mois de Décembre 1822, S.M. déclara que dans les évènemens qui divisaient à cette époque la maison de Bragance, il était résolu "d'observer la plus stricte et la plus scrupuleuse neutralité." D'après un heureux accord avec S.M.T. F., conclu sous la médiation de la Grande-Bretagne, l'indépendance du Brésil fut enfin reconnue et assurée; mais cet accord a été si loin d'affaiblir l'effet de la garantie donnée par la Grande-Bretagne pour la conservation du Portugal et des colonies qui lui restaient, que S. M. se croirait tenue de les protéger aussi bien contre l'injuste agression du Brésil que contre celle de toute autre puissance étrangère.

Le marquis de Barbacena ne prétend pas que l'usurpation de l'infant Dom Miguel ait eu une origine étrangère, ou ait été encouragée par quelque état étranger; au contraire, tous les souverains de l'Europe ont retiré leurs ministres et suspendu toutes relations diplomatiques avec la cour de Lisbonne. Que l'acte de Dom Miguel ait été juste ou non, il n'est pas moins le fait de la nation. Si les preuves manquaient, on les trouverait dans la conduite de ceux qui, ayant levé l'étendard de l'empereur Dom Pedro, ou celui de la reine Dona Maria, à Porto, et y ayant rassemblé la plus grande partie de l'armée, ainsi qu'un corps nom-

breux d'hommes armés, n'appartenant pas à l'état militaire, supérieurs à leurs adversaires, en forces, en équipement, en discipline et en moyens, jugèrent cependant nécessaire d'abandonner Porto, et de chercher pour la plupart un refuge en Angleterre, parce que, d'après leur propre aveu, ils trouvèrent tout le pays contre eux.

Si la Grande-Bretagne obtempérant aux sollicitations de l'ambassadeur de S. M. T. F., en Décembre 1825, avait garanti la succession du Portugal à l'empereur Dom Pedro, malgré la répugnance manifeste de celui-ci à l'accepter, et dont son abdication subséquente est une confirmation, nous aurions contracté une obligation qu'il eût été hors de notre pouvoir de remplir, et qui, par sa nature, aurait été reconnue inexécutable au moment même où elle aurait été stipulée. Le cabinet Britannique fit donc sagement en refusant d'accéder à la proposition du marquis de Palmella. Il est vrai que S. M., respectant les droits de primogéniture et l'ordre naturel, a reconnu l'empereur Dom Pedro en qualité de roi de Portugal, et sur son abdication, il a reconnu aussi l'infante Dona Maria comme son successeur, et comme la souveraine légitime de ce pays; mais S. M. démentirait les principes qu'elle a publiquement professés, et selon lesquels elle a toujours agi, si elle employait la force pour obtenir l'acquiescement d'un peuple indépendant à cette reconnaissance.

La seule apparence de fondement dans l'assertion avancée par le marquis de Barbacena, que l'Angleterre est tenue, par ses traités d'alliance et de garantie, de coopérer par de tels moyens à placer S. M. T. F. sur le trône de Portugal, se trouve dans la stipulation du sixième article de la convention secrète, conclue le 22 Octobre 1807, par laquelle la Grande-Bretagne s'engage à ne jamais reconnaître comme roi de Portugal d'autre prince que "l'héritier et le représentant légitime de la famille royale de Braganee."

On doit se rappeler que cette convention fut signée lorsqu'on s'attendait à l'invasion prochaine du Portugal par une armée Française, et à la détermination du prince régent de s'embarquer avec toute sa famille pour Rio de Janeiro, plutôt que de renoncer à son alliance avec l'Angleterre. On savait d'ailleurs que l'intention de Bonaparte était de partager le royaume de Portugal en petites souverainetés, pour y placer ses généraux les plus en faveur. Ce gage fut donc donné par le roi d'Angleterre en retour du dévoûment de son allié à la cause commune. C'était une assurance que cet allié pouvait naturellement s'attendre à recevoir contre le danger alors imminent. Si cette convention était encore en vigueur,

S. M. pourrait être tenue de reconnaître comme roi de Portugal le seul héritier légitime de la maison de Bragance ; mais, évidemment temporaire dans son caractère, cette convention a cessé d'exister avec la nécessité qui lui avait donné naissance. La convention secrète de 1807 fut incorporée dans le traité d'amitié et d'alliance, signé à Rio de Janeiro en 1810, et dans ce traité, le sixième article de la convention secrète, contenant l'expresse garantie du Portugal à la maison de Bragance, fut inséré mot pour mot ; la convention se trouva donc faire partie du traité de 1810. Mais en 1815, à fin de la lutte dans laquelle les deux pays avaient été si long-temps et si glorieusement engagés, quand le sceptre de Portugal fut replacé intact entre les mains de "l'héritier et du représentant légitime de la famille royale de Bragance," le principal objet de ces traités se trouva accompli. Le 22 Janvier de cette même année, les deux puissances conclurent un autre traité à Vienne, par le troisième article duquel le traité de 1810 "étant fondé sur des circonstances d'une nature temporaire, qui ont heureusement cessé d'exister, est déclaré aboli dans toutes ses parties, et de nul effet." Et la preuve que les clauses de la convention de 1807 sont comprises dans cette révocation, se trouve dans la dernière partie du même article, qui déclare que la révocation sera sans préjudice "des anciens traités d'alliance, d'amitié et de garantie existans entre les deux pays," qui sont renouvelés et reconnus comme étant "en pleine vigueur et effet," tandis qu'il se tait entièrement sur la convention de 1807 ; ce qui montre évidemment que, dans l'opinion des deux parties contractantes, cette convention participait du même caractère temporaire qui est attribué au traité de 1810, dont les stipulations, par suite des changemens rendus nécessaires par le cours des évènemens, avaient été précédemment substituées à celles de 1807.

Le soussigné espère donc que la religieuse fidélité avec laquel l'Angleterre desire remplir tous ses engagemens, ne sera pas exposée à être mise en doute, s'il se trouve forcé, au nom du roi son maître, de rejeter l'appel qui a été fait par le marquis de Barbacena aux prétendues obligations imposées à la Grande-Bretagne par les traités existans entre les deux royaumes.

En outre de cette prétendue obligation, résultant des anciens engagemens, le marquis de Barbacena a allégué certains actes diplomatiques, qu'il soutient devoir être envisagés comme possédant le caractère et la validité de traités, et qui donneraient à l'empereur Dom Pedro le droit incontestable de réclamer l'assistance de S. M., afin de conquérir le royaume de Portugal pour sa fille. Ces actes sont le résultat des conférences tenues à Vienne et à Londres, au mois d'Octobre 1827, et en

Janvier 1828, avant le départ de l'infant Dom MIGUEL pour Lisbonne. Dans ces conférences, le marquis de Barbacena soutient que S.M. Britannique et S.M.I. l'empereur d'Autriche contractèrent virtuellement un engagement solennel, par lequel ils s'obligèrent à tenir la main à l'exécution des promesses faites alors par l'infant.

Autant l'Angleterre est scrupuleuse à remplir ses engagemens, autant elle a pris soin de rendre ces engagemens formels et précis; elle a d'ailleurs adopté depuis long-temps, en principe, de s'abstenir de donner aucune garantie dont l'exécution n'est pas en sa puissance, et qui peut dépendre de la bonne foi ou des dispositions d'autrui. Le soussigné ne croit donc pas nécessaire d'employer beaucoup de temps à réfuter une prétention aussi gratuite, et aussi entièrement dénuée de fondement, d'après l'état réel des faits, que l'est celle mise en avant par le marquis de Barbacena. L'ambassadeur de S.M. à la cour de Vienne assista aux conférences, d'après l'invitation du chancelier d'état Autrichien, et par suite de la lettre adressée à S.M. par l'empereur Dom PEDRO, le 3 Juillet 1827, dans laquelle S.M.I. déclarait qu'elle avait nommé l'infant Dom MIGUEL son lieutenant et régent dans le royaume de Portugal. Si S.M, triomphant de la répugnance de l'empereur Dom PEDRO, avait en effet décidé S.M.I. à conférer à son frère le titre de régent; si S.M. s'était rendue garante de la conduite de S.A.R., et de l'exécution de ses promesses, on pourrait en ce cas réclamer de S.M. qu'elle veillât à ce que les engagemens alors contractés fussent mis à exécution. Mais le fait est que l'ambassadeur de S.M. souscrivit à aucun engagement de ce genre; il ne prit part à aucune négociation ayant en vue une telle garantie; et, bien que le roi ait lieu de se plaindre de l'infant Dom MIGUEL, pour avoir manqué à des engagemens pris en présence de son ambassadeur, ce motif de plainte est fondé sur l'affront fait ainsi à S.M. elle-même, et non sur le tort commis envers l'empereur Dom PEDRO.

Il est vrai que dans les conférences de Vienne, et subséquemment à Londres, l'ambassadeur de S.M. et les plénipotentiaires de S.M.I. l'empereur d'Autriche donnèrent l'assurance que leurs souverains respectifs emploieraient conjointement leurs bons offices pour décider l'empereur Dom PEDRO à compléter son acte d'abdication au trône de Portugal, à envoyer sa fille en Europe, et à régler, par un traité définitif, l'ordre de succession dans les deux branches de la maison de Bragance. Le marquis de Barbacena déplore que l'empereur son maître ait été pressé d'agir de cette manière; et il fait plus qu'insinuer qu'il céda aux sollicitations de l'Angleterre et de l'Autriche, en compromettant ses propres intérêts. Mais quel est le fait? Assurément, le roi conseilla à S.M.I.

de compléter l'abdication au trône de Portugal, et, par là, d'accomplir une obligation que S. M. I elle-même avait, dès le mois de Mai 1826, solennellement contractée à la face du monde. S. M. conseilla encore à l'empereur d'envoyer sa fille en Europe, selon la déclaration faite par S. M. impériale à la même époque. Ces mesures étaient bien calculées pour concilier et tranquilliser la nation Portugaise, en écartant les justes défiances du peuple, et en lui donnant la conviction que le pays ne serait pas gouverné comme une colonie du Brésil. Il est malheureux que ces mesures n'aient pas été exécutées avant l'arrivée de l'infant à Lisbonne. S'il en avait été ainsi, on aurait probablement prévenu beaucoup d'évènemens qui ont eu lieu depuis, et qu'il faut grandement déplorer. Mais l'assurance donnée à Dom Miguel, et qui fut consignée au protocole de la conférence, de présenter cet avis à l'empereur Dom Pedro, ne rend pas S. M. garante de l'exécution des promesses contenues dans les lettres de Dom Miguel, qui furent communiqués durant la conférence et annexées au protocole; et l'avis offert à l'empereur sur la convenance de l'exécution de ces actes importans, touchant lesquels S. M. I. avait déjà depuis long-temps engagé spontanément sa parole royale, ne donne aucun droit de réclamer de S. M. les secours nécessaires pour la conquête du Portugal.

Le ton de reproche et de plainte qui règne dans la note du marquis de Barbacena, et le but qu'il s'y propose, de faire croire que l'état présent du Portugal doit être attribué, en grande partie, à la déférence que l'empereur Dom Pedro a eue pour les conseils de ses alliés, rendent nécessaire de jeter un coup-d'œil rapide sur quelques évènemens qui se rattachent à ce sujet, afin que la Grande-Bretagne soit aussi complètement déchargée de toute la responsabilité morale qu'on veut lui imposer, que du poids d'obligations plus formelles.

Le feu roi Jean VI mourut le 10 Mars 1826; la nouvelle de sa mort arriva en Angleterre le 23 Mars, et au Brésil le 26 Avril. L'empereur Dom Pedro prit sur-le-champ possession du gouvernement de Portugal en qualité de roi, et en vertu de son droit de succession, comme fils aîné de son père. Il publia une amnistie générale, et décréta la constitution, dans le préambule de laquelle les trois ordres de l'état furent appelés à jurer aussitôt fidélité à cet acte, dans lequel il était déclaré que le royaume de Portugal serait dorénavant gouverné selon les conditions qu'il renfermait. L'empereur céda en même temps la couronne à sa fille en qualité de reine; il nomma sa sœur, Dona Isabel Maria, régente du royaume; et afin que nul doute ne pût rester sur ses intentions, Sa Majesté impériale déclara explicitement dans son discours, adressé à

l'assemblée législative du Brésil, le 6 Mai, "qu'il avait abdiqué et cédé à sa fille, la princesse Dona Maria da Gloria, reine de Portugal, tous les droits incontestables et inamissibles qu'il possédait à la couronne de la monarchie Portugaise." Sa majesté impériale dépêcha, le 11 Mai, Sir Charles Stuart, de Rio de Janeiro à Lisbonne, pour être le porteur de ces actes; et cette importante transaction fut ainsi terminée en quatorze jours. Il est évident, d'après la simple inspection des dates, qu'aucune personne revêtue d'une autorité quelconque par sa majesté Britannique, Sir Charles Stuart excépté, n'a pu intervenir, même par des conseils, dans l'adoption de ces mesures; et on ne pretend pas qui des conseils à cet effet aient jamais été donnés par son excellence. L'objet avoué des mesures prises en Avril et Mai 1826, était de séparer définitivement les royaumes de Portugal et du Brésil, évènement désiré à un égal degré par les deux pays. Cet objet fut accompli par la promulgation de la Charte, aussi effectivement et aussi solennellement qu'il aurait pu l'être au moyen d'un acte exécuté par le souverain lui-même.

Dans la proclamation adressée à la nation Portugaise, et datée du 2 Mai 1826, sa Majesté impériale déclara que son abdication deviendrait complète aussitôt que la constitution aurait éte jurée, et que le mariage entre l'infant Dom Miguel et la reine Dona Maria aurait été conclu. La constitution fut jurée à sa réception en Portugal, ainsi que l'avait ordonné sa majesté impériale; et les accordailles du mariage furent complétées à Vienne, le 29 Octobre 1826.

Le soussigné croit qu'il lui sera permis maintenant de demander si les promesses de l'abdication, et de l'envoi de la jeune reine en Portugal ont été remplies. Sa majesté impériale ne continua-t-elle pas à intervenir dans toutes les mesures de détail du gouvernement Portugais? Ne créa-t-elle pas des pairs? Ne nomma-t-elle pas des officiers dans l'armée et dans la marine? N'intervint-elle pas dans le choix et la nomination des ministres, et dans tous les arrangemens intérieurs du royaume? La nation Portugaise fut déçue dans son espoir et dans son attente d'une séparation définitive du Brésil; et ce désappointement fut encore confirmé plus tard lorsque les Portugais virent leur jeune reine retenue à Rio de Janeiro. Cependant la désaffection et le mécontentement causés par la constitution transmise du Brésil, augmentaient de jour en jour, et éclatèrent enfin par des actes de violence et de rébellion ouverte. Dans cet état de choses, sa majesté impériale, ayant d'abord ordonné à son frère, l'infant Dom Miguel, de se rendre de Vienne à Rio de Janeiro, et ayant envoyé un vaisseau de ligne à Brest pour l'y transporter, contremanda soudainement ces ordres, et, sans qu'elle en ait été sollicitée par sa Majesté Britannique, nomma son altesse royale son lieutenant

en Portugal et régent du royaume. Cette résolution, le soussigné est prêt à en convenir, peut avoir été commandée par la déplorable situation du pays, et elle fut en effet recommandée subséquemment par sa majesté Britannique; mais il doit aussi prier le marquis de Barbacena d'observer que, d'après ce qu'il vient d'avoir l'honneur d'exposer, il est évident que l'abdication de la couronne, la rédaction et la concession de la Charte constitutionelle, la promesse d'envoyer en Portugal la reine Dona Maria, le malheureux délai dans l'exécution de cette promesse, et le peu de respect manifesté pour l'engagemens virtuellement pris par l'effet de l'abdication, de ne point s'immiscer, du Brésil, dans le gouvernement intérieur du Portugal, et finalement, que la nomination de l'infant Dom Miguel en qualité de régent, furent tous des actes émanés spontanément de l'empereur Dom Pedro lui-même, qui ne procédèrent nullement du roi son maître, et que, par conséquent, sa majesté Britannique ne peut, en aucune manière, être responsable de leurs résultats.

Le soussigné ne terminera pas sans exprimer de plus son regret de ce que les conseils de la Grande-Bretagne, lorsqu'elle les a offerts, aient été reçus avec si peu de confiance et d'empressement. Ces conseils n'ont été adoptés par sa majesté impériale qu'à l'époque où la marche des évènemens avait rendu impracticable le choix d'une alternative quelconque, et que, par suite de cette répugnance et de ce délai, ils avaient, en grande partie, perdu leur influence bienfaisante. On peut donc affirmer avec vérité que les maux qui ont récemment affligé le Portugal, loin d'avoir été causés par la conduite de l'Angleterre, doivent être principalement attribués au défaut d'une marche franche, conséquente et décidée, de la part du gouvernement Brésilien lui-même.

Le soussigné, etc.

(Signé) Aberdeen.

Au Marquis de Barbacena, etc.

C.

Note du marquis de Barbacena au comte d'Aberdeen.

Lalcham, le 26 janvier 1829.

Le soussigné a eu l'honneur de recevoir la note de M. le comte d'Aberdeen en réponse à celle qu'il a adressée à S. Exc., le 25 novembre dernier, et il voit avec un profound regret que le cabinet de S. M. B. ne se prête ni à reconnaître l'application réclamée par le soussigné,

des traités existans entre le Portugal et la Grande-Bretagne, en faveur de la juste cause de S. M. T. F., ni à admettre que l'obligation provenant des dits traités ait acquis une nouvelle force par les négociations auxquelles le gouvernement Britannique a pris depuis cinq ans la part la plus active, et qui semblaient au moins devoir garantir la jeune reine, intime alliée de S. M. B., du danger de se voir enlever, avant même d'avoir mis le pied en Portugal, la couronne qui lui appartient de droit. Cette derniére considération est tellement puissante, que le soussigné ne perd pas encore l'espoir d'obtenir l'acquiescement de S. M. B. à la proposition par laquelle il termina sa note du 25 Novembre, proposition à laquelle S. Exc. n'a pas répondu, et qui rendrait superflues toutes les discussions sur le sens des anciens traités. Pour mettre S. Exc. M. le comte d'Aberdeen en mesure de faire une réponse à la susdite proposition, le soussigné a l'honneur de lui déclarer que les dépêches qui lui ont été expédiées de Rio de Janeiro, postérieurement à l'arrivée de l'honorable lord Strangford, n'ont nullement altéré les instructions primitives dont il a plu à l'empereur de le munir ; et comme S. M. I. persiste dans la résolution de charger exclusivement le soussigné des négociations qui ont rapport aux intérêts de S. M. la reine Dona Maria II, il doit lui être permis de demander à S. Exc. M. le comte d'Aberdeen de vouloir bien lui adresser d'une manière officielle la teneur des propositions de Lord Strangford, ainsi que toute autre mesure que, d'aprés les circonstances, S. Exc, jugera à propos d'adopter ; car le soussigné, comme organe légitime de l'empereur son maître, ne tardera pas à s'expliquer là-dessus. En attendant que S. Exc. veuille bien lui faire la communication qu'il demande, le soussigné se bornera à lui presenter quelques observations sur le contenu de sa derniére note, sauf à y ajouter, si son devoir l'exige, de plus amples développemens.

La premiére question qui se présente est celle des obligations qui dérivent des traités qui n'ont pas été spécialement annulés par d'autres actes subséquens, ainsi que la nécessité de les interpréter les uns par les autres, et d'en fixer le sens par leur ensemble, plutôt que par les stipulations possitives de chacun d'eux. Cependant S. Exc. ajoute ensuite, et sans fournir aucune preuve pour soutenir sa proposition, que les susdits traités, soit qu'on les considére dans leur ensemble, soit qu'on les examine séparément, ne donnent aucun droit à la réclamation que le soussigné a reçu l'ordre de faire. S. Exc. permettra au soussigné d'observer que cette simple assertion ne suffit pas pour répondre aux argumens qu'il a allégués dans sa note, à commencer par le fait historique des levées qui furent expressément permises en Angleterre, en 1373, pour aider le roi Ferdinand dans la guerre civile que lui avait sus-

citée son frére, l'infant Dom Henri, précédent qui paraît n'avoir pas été perdu de vue lorsque l'on a, dans les traités subséquens, introduit à plusieurs reprises les clauses que le soussigné a citées comme applicables à l'objet de la présente réclamation. Mais lors même qu'il n'existerait aucun fait historique pour venir à l'appui de la demande faite à S. M. B. au nom de S. M. la reine de Portugal, parce que le cas de réclamer ces secours ne se serait pas présenté, il ne s'ensuivrait point que la demande actuelle ne fût pas conforme à l'esprit des traités, ni qu'elle dût être rejetée, vu que dans plusiers des susdits traités la garantie n'est pas spécialement limitée aux cas d'agression étrangere ; et au contraire la convention du 22 Octobre 1807, donne à la réclamation de S. M. Dona Maria II un fondement valable. M. le comte d'Aberdeen assure que la susdite convention avait été en partie reproduite dans le traité de 1810, et que ce traité a été aboli par l'article 3 du traité de 1815. Mais le traité de 1810 n'a annulé ni expressément ni virtuellement la convention précédente ; et il ne resulte d'aucun article de cette convention qu'elle doive être regardée comme temporaire. Le traité de 1825, bien loin de l'annuler, la confirme par l'article même que S. Exc. a cité, et dans lequel il est dit que tous les anciens traités d'alliance, amitié et garantie, demeurent en pleine vigueur. Or le terme d'*anciens traités* est évidement employé pour exprimer les traités antérieurs à celui de 1810, qui est le *seul annulé* par le susdit article. Il serait inutile d'ajouter que le mot générique de traités comprend également les conventions, ainsi que tout autre acte diplomatique obligatoire entre deux puissances.

S. Exc. M. le comte d'Aberdeen pourrait-il réellement soutenir que la part qui a été prise par les plénipotentiaires Britanniques, dans les conférences de Vienne et de Londres, ne donne pas à S. M. B. un droit suffisant pour intervenir d'une maniére effective en faveur de S. M. la reine Maria II, ou même que ce n'est pas un devoir qui en découle comme un point de conscience politique et d'honneur ? L'acceptation seule de la lettre adressée par S. M. l'empereur du Brésil à son auguste allié, en date du 3 Juillet 1827, ne doit-elle pas être regardée comme un acquiescement tacite à la demande que cette lettre renferme de la coopération de s. m. b., surtout lorsque l'on considère qu'elle a été annexée au protocole des conférences de Vienne, et par conséquent incorporée dans les arrangemens qui ont eu lieu à cette époque, de commun accord avec les plénipotentiaires de la Grande Bretagne et de l'Autriche ! Dans ces mêmes conferences, les plenipotentiaires susdits n'ont ilspas exprimé de la maniére la plus positive que leurs cours étaient résolues à exiger de S. M. l'empereur du Brésil l'accomplissement des promesses faites par lui en 1826 ? M. le comte d'Aberdeen l'avoue lui-même dans

sa note ; et S.M.B. n'aurait-elle à cette heure, pour le moins, le même droit qu'elle avait alors pour exiger de S. A. R. l'infant Dom Miguel, l'accomplissement des engagemens solennels qu'il a pris en sa présence? S. Exc. consacre une partie de sa note à démontrer que l'empereur Dom Pedro a agi de son propre chef pour ce qui regarde les affaires du Portugal, au moment du décès de son auguste père ; et que plus tard il a nommé son frère lieutenant du royaume, sans que cette nomination eût été sollicitée par S. M. B, à l'epoque où elle a eu lieu ; quoique S. Exc. avoue que S. M. B. avait effectivement conseillé cette même mesure, et que, dans le fait, la proposition de S. M. B. était déjà partie d'Angleterre, lorsqu'on y reçut la nouvelle qu'elle avait été prévenue par S. M. I. S. Exc. attribue en outre aux délais qui ont eu lieu dans l'accomplissement de l'abdication complète, et de l'envoi de la jeune reine en Europe, tous les malheurs qui se sont suivis en Portugal ; elle déclare que S. M. B. n'est en aucune manière responsable de ces évènemens, et addresse même un reproche à S. M. I. pour ne pas s'être prêtée à suivre avec plus de confiance et de promptitude les conseils de son allié.

Le soussigné se dispensera pour le moment d'entrer dans tous les détails d'une discussion qui dépasserait les bornes qu'il s'est prescrites dans la présente note ; mais il priera cependant M. le comte d'Aberdeen de vouloir bien observer que, quelles que soient les fautes qui aient pu être commises aux différentes époques auxquelles il se réfère, on ne peut pas contester la pureté des intentions de l'empereur, ni douter que tous ses actes, par rapport aux affaires de Portugal, ont été, ou préalablement conseillés, ou subséquement approuvés par le cabinet Britannique. C'est ainsi que la résolution d'abdiquer la couronne en faveur de la reine Dona Maria II et de la fiancer à l'infant Dom Miguel, adoptée spontanément par S. M. I., coincida exactement avec le conseil que lui adressaient les cours de Londres et d'Autriche, quoique ce conseil ne soit parvenu à Rio de Janeiro qu'après que la resolution eut été prise. La même coincidence eut lieu lors de la nomination de l'infant à la lieutenance du royaume. Au moment où la nouvelle en parvenait en Europe, on venait d'achever dans le cabinet Britannique un travail qui fut envoyé au ministre Anglais à Rio de Janeiro, et qui avait pour base cette même nomination. Enfin, pour ce qui regarde le complément de l'abdication et l'envoi de la jeune reine en Europe, au retard duquel M. le comte d'Aberdeen attache une si grande importance, il est de fait que S. M. I. n'aurait pas pu adopter ces mesures avant l'etablissement de la régence de son frère ; et il ne paraît même pas qu'on lui ait jamais donné explicitement ce conseil. Ce n'est qu'aux conférences de Vienne que la Grande-Bretagne et l'Autriche ont exprimé là-dessus clairement leurs

intentions, et S. M. l'empereur Dom PEDRO s'est tellement empressé d'y acquiescer, qu'il n'a pas même eu égard aux premiers symptômes alarmans qui se sont manifestés à l'arrivée de son frére en Portugal. Le soussigné osera demander quel sont les avis donnés à S. M. l'empereur du Brésil, qu'il n'ait pas suivis jusqu'ici, ou quels sont les engagemens qu'il n'ait pas remplis. Il demandera encore quels sont les conseils que l'infant Dom MIGUEL n'ait pas méprisés, ou les engagemens qu'il n'ait pas rompus. Telle est l'exacte vérité; et toujours demeurera-t-il prouvé que le gouvernement Britannique a pris une part d'intérêt actif et immédiat à toutes les mesures émanées de S. M. I. depuis le mois de Mars 1826, qu'il en a conseillé quelques-unes, et approuvé toutes, quelles que soient les discussions que l'on puisse susciter à présent sur la manière ou le temps de les mettre en exécution. Après avoir tant fait, il serait bien douloureux de voir l'intervention bien veillante de S. M. B. s'arrêter au moment même où elle devient le plus nécessaire, surtout lorsque la conséquence de ce changement de système retomberait sur une princesse en bas âge, et qui par tant de motifs a droit à l'intérêt de son auguste allié. Le seul prétexte par lequel on cherche à pallier la conduite de l'infant Dom MIGUEL est celui de la volonté nationale, qui se serait unanimement déclarée en sa faveur ; et le soussigné voit avec peine que M. le comte d'Aberdeen, loin de rejeter cette excuse, parait y attacher quelque valeur, et fonde son opinion sur les evènemens arrivés à Porto au mois de juillet de l'année passée. Cependant l'histoire, dans les époques de troubles et de révolution, offre de semblables phénomènes. Dans l'anneé 1815, toute l'Europe a vu Napoléon quitter l'île d'Elbe et venir se replacer, sans coup férir, sur le trône de France ; et cependant si on voulait juger de l'opinion générale de la nation Française, d'après la facilité avec laquelle cette téméraire entreprise a éte exécutée, on tirerait une conclusion aussi fausse que celle que l'on voudrait tirer de l'échec que la cause de la légitimité à éprouvé à Porto. Un concours de circonstances intérieures ont amené ce désastre. Comment peut-on admettre que la nation Portugaise soit unanime en faveur de l'usurpation, lorsqu'on voit toutes les prisons du royaume encombrées de victimes, les forteresses converties en cachots, le nombre des émigrés de toutes les classes, à commencer par les plus distinguées, s'accroissant chaque jour, et enfin le gouvernement ne prolongeant son existence éphémère que par un systeme de violence et de persécution, qui s'étend aux étrangers comme aux nationaux? Au reste, ce n'est ni pour décider une question de succession douteuse, ni même pour s'opposer à une rébellion favorisée par la fortune, que S. M. la reine de Portugal réclame maintenant l'appui de son allié; c'est pour la mettre à l'abri de se voir depouillée de sa couronne pendant son absence, par celui qui avait promis à la face du monde

entier, et entre les mains de S. M. B. elle-même, d'en conserver le dépôt. L'usurpation tombera, le soussigné en est fermement convaincu, au premier signe de l'alliance que S. M. I. propose à S. M. B., et le dénoûment de ce déplorable drame s'effectuera sans entraîner le moindre danger, ni d'une guerre civile ni d'une guerre étrangère. Il s'agit, le soussigné le répète, non pas d'une succession contestée franchement et par des moyens légitimes; encore moins d'une rébellion motivée par les griefs du peuple: il s'agit de la spoliation perfidement effectuée d'une couronne qui se trouvait sous la sauve-garde des engagemens pris, d'accord et avec la pleine approbation de S. M. B.; et cet auguste souverain ne voudra jamais sans doute consentir à demeurer spectateur impassible des succès d'une telle usurpation.

Le soussigné, etc.

(Signé) Le Marquis de Barbacena.

D

Note du Comte d'Aberdeen, du 4 Février, 1829.

Le soussigné ne croit pas nécessaire de répéter tout ce qu'il a déjà eu l'honneur d'adresser au marquis de Barbacena en réponse aux argumens produits par S. Exc., tendant à établir la réclamation de S. M. T. F. comme fondée sur les traités existans entre la Grande-Bretagne et le Portugal, afin de recevoir du roi son maître les secours effectifs nécessaires pour faire la conquête de son royaume. Car, quoique tous ces argumens aient été allégués de nouveau par le marquis de Barbacena, dans sa note datée du 26 Janvier, que le soussigné a eu l'honneur de recevoir, néanmoins, comme dans l'opinion du soussigné ils se trouvent complétement réfutés, il se borne à livrer le résultat de la discussion à la réflexion calme du marquis de Barbacena.

Si l'on peut soutenir que les stipulations des traités existans entre les deux couronnes ne donnent aucun droit de réclamer les secours en question, on peut assurer avec la même justice que la conduite de l'infant Dom Miguel, depuis son retour à Lisbonne, n'offre aucun fondement solide pour imposer à la Grande-Bretagne l'obligation de déférer aux réclamations du marquis de Barbacena. Si la note du marquis de Barbacena avait pour objet d'exposer cette conduite et de réveiller le ressentiment de S. M., cette tâche, quoique peut-être superflue, n'aurait

pas été difficile; car, de fait, S. M. avait déjà manifesté sa désapprobation de la manière la plus sérieuse et la moins équivoque, sans qu'il y ait besoin de recourir au moyen extrême d'une guerre. S. M. a ressenti les procédés de l'infant, précisément de la même manière que l'a fait l'empereur Dom Pedro lui-même, lequel n'a cessé d'entretinir les relations commerciales entre les sujets du Portugal et ceux du Brésil, quoique ses relations diplomatiques avec le gouvernement de Portugal aient cessé. Mais la question qui est soumise au gouvernement de S. M. n'est point de déterminer quel est le degré de réprobation que méritent les mesures adoptées par Dom Miguel, mais bien si l'on peut soutenir avec vérité, que le gouvernement de S. M. a donné quelque garantie contre les effets de la mauvaise conduite en question. A cet égard, le soussigné n'a pas la moindre doute, et l'absence d'une telle garantie répond aux représentations du marquis de Barbacena. Le marquis de Barbacena, reconnaissant probablement que ni les stipulations des traités en vigueur, ni la conduite de ce prince mal conseillé n'offrent à S. Exc. aucun fondement réel pour exiger de S. M. des secours de la nature de ceux qu'on réclame, propose maintenant à S. M. de faire un nouveau traité avec l'empereur du Brésil, dont l'objet avoué serait la conquête du Portugal; Les serviteurs de S. M. ne peuvent en aucune manière conseiller à S. M. d'adhérer à une semblable proposition. Une telle résolution, qui n'est point sanctionnée par les traités en vigueur, deviendrait, si elle était adoptée dans les circonstances présentes, imprudente, en même temps qu'elle ne pourrait nullement être justifiée. Pour le soussigné, il devient évident que si un semblable traité était fait avec le Brésil, de la manière proposée par le marquis de Barbacena, ce serait dans le fait rejeter tout le poids de la lutte sur le roi son maître, tandis que l'empereur Dom Pedro jouerait nominalement le premier rôle dans cette guerre. Les serviteurs du roi ne peuvent se dissimuler que l'effet de leur adhésion à la proposition du marquis, serait en toute probabilité de plonger tôt ou tard toute l'Europe dans une guerre; et ce malheur, qu'ils envisagent comme le plus grand qui puisse arriver, ils sont déterminés à l'éviter par tous les moyens en leur pouvoir.

La prospérité du Portugal et celle de la maison de Bragance étant des objets qui ont toujours été chers au cœur de S. M., aussitôt que les espérances de S. M. se trouvèrent déçues par la conduite de Dom Miguel, S. M. envoya, sans perte de temps, son ambassadeur à la cour de Rio de Janeiro, muni des instructions que les circonstances du cas paraissaient exiger, et qui auraient pu opérer une réconciliation entre l'empereur Dom Pedro et son frère. Le soussigné ne croit pas necessaire d'entrer en ce moment dans l'examen des motifs qui ont engagé S. M. I. à trans-

férer le lieu de cette négociation de Rio de Janeiro à Londres; toutefois, le sonssigné apprend avec grand plaisir que le marquis de Barbacena se trouve investi de pleins pouvoirs et d'instructions qui peuvent le mettre à même de conduire les points en discussion à une prompte conclusion. Les obstacles qu'oppose la conduite de Dom MIGUEL au complément des mesures émanés de l'empereur Dom PEDRO, relatives à la souveraineté future du Portugal, ne sont pas, dans l'opinion des ministres de S. M., si grands qu'il soit impossible de les surmonter par une négociation amicale. Des propositions modifiées par la force des circonstances, mais fondées sur des principes de réconciliation et de paix, sont de nature à être approuvées par S. M., dans toute tentative qui pourra être faite pour terminer ces malheureux différends. Le soussigné est prêt et desire avec impatience avoir une conférence avec le marquis de Barbacena sur les importans intérêts dont Son Exc. est chargée, en coopérant avec lui dans les mesures tendantes à conclure un arrangement propre à rendre la tranquillité et le bonheur au Portugal, et à remplir, autant que possible, les justes espérances de l'empereur son maître.

Le soussigné profite de cette occasion pour renouveler à Son. Exc. le marquis de Barbacena, les assurances de sa considération la plus distinguée.

Ministère des affaires étrangères, le 4 Février 1829.

(Signé) ABERDEEN.

A Son Exc. le marquis de Barbacena.

E.

NOTE DU MARQUIS DE BARBACENA AU COMTE D'ABERDEEN, DU 26 JANVIER, 1829.

Le soussigné se trouve dans la nécessité de s'adresser à Son Exc. M. le comte d'Aberdeen, principal secrétaire d'état de S. M. B. au département des affaires étrangères, au sujet de la communication qui lui a été faite par M. le marquis de Palmella, de la correspondance qui a eu lieu dernièrement entre lui et M. le duc de Wellington. Le soussigné aime à se flatter que les argumens employés dans la lettre de M. de Palmella du 2 de ce mois, argumens qui lui paraissent convaincans, auront pu

induire le ministre de S. M. Britannique à abandonner l'intention que M. le duc de Wellington avait annoncée de mettre obstacle de vive force au débarquement dans l'Ile Tercère des réfugiés Portugais qui s'y rendent sans armes, et sur des bâtimens marchands. Dans tous les cas, le soussigné ne peut se dispenser d'adresser à cet égard une représentation officielle à Son. Exc. le ministre des affaires étrangères de S. M. B., et de solliciter la révocation d'une mesure aussi contraire aux principes de la neutralité de S. M. B. qu'aux intérêts de S. M. la reine de Portugal, son intime alliée. Cette mesure, s'il est vrai qu'elle ait été adoptée, inspirerait au gouvernement *de fait* du Portugal l'idée d'une protection marquée de la part du gouvernement Anglais, et porterait le désespoir dans l'âme des sujets fidèles qui soutiennent dans l'île Tercère la cause de leur souveraine légitime.

Le soussigné, ne pouvant pas douter que Son Exc. M. le comte d'Aberdeen n'ait eu, comme lui, connaissance des lettres de M. le marquis de Palmella, juge inutile d'en répéter en détail le contenu; il suffira de dire que les émigrés Portugais dont il s'agit sont arrivés en Angleterre sans armes, et en sont repartis de même; qu'ils ne se sont dirigés sur aucun point du territoire Portugais où leur débarquement puisse être qualifié du titre d'agression ou présenter un caractère hostile; que le contrôle du gouvernement qui leur a accordé une hospitalité temporaire ne saurait être avec justice porté plus loin qu'à constater que sa neutralité ne recevra point d'atteinte, ni par le fait du départ, ni par celui de la destination immédiate des susdits individus; que toute la surveillance au-delà de ces deux points doit être considérée comme une lésion du libre exercice de la volonté de ces individus, qui ne paraît fondée ni sur le droit public ni sur les lois de ce pays, dont la protection s'étend aux étrangers aussi bien qu'aux nationaux, à moins qu'on ne veuille les considérer comme ayant, par l'acte seul de leur arrivée en Angleterre, renoncé à une partie de leur liberté, ou que le cabinet Britannique, tout en reconnaissant S. M. la reine Dona Maria II, ne croie devoir lui contester la faculté d'envoyer un certain nombre de Portugais dévoués à sa cause, et tout-à-fait désarmés, dans une île dont elle demeure encore la souveraine de fait comme de droit.

Le soussigné observera enfin que cette mesure, dans le cas même où S. M. B. se croirait tenue à observer une parfaite impartialité entre le gouvernement usurpé, ne pourrait être considérée comme impartiale; ce serait un secours effectif porté aux ennemis de S. M. la reine Dona Maria II et un blocus de l'Ile Tercère fait à leur profit.

Le soussigné, s'il ne protestait pas contre un semblable précédent, craindrait de se rendre responsable d'une lésion funeste aux droits et aux intérêts de S. M. T. F., et craindrait même de lui laisser courir le danger d'être soumise, lorsqu'elle quitterait l'Angleterre, à une surveillance aussi peu justifiée que celle que l'on veut exercer envers les autres émigrés Portugais.

Le soussigné a l'honneur de renouveler, etc.

Londres, le 26 Janvier 1829.

F.

NOTE DU COMTE D'ABERDEEN, DU 4 FÉVRIER 1829.

Le soussigné, principal secrétaire d'état au département des affaires étrangères, a l'honneur d'accuser réception de la note de S. Exc. le marquis de Barbacena, en date du 26 Janvier, par laquelle il lui fait savoir que le marquis de Palmella a communiqué à S. Exc. une correspondance qui a eu lieu récemment entre lui et le duc de Wellington au sujet de l'expédition des réfugiés Portugais à l'île Tercère. Le marquis de Barbacena se rapporte particulièrement à la lettre du marquis de Palmella du 2 Janvier, qui, au dire de S. Exc., contient des argumens convaincans contre la marche que le gouvernement de S. M. a adoptée, en interdisant la sortie des ports de S. M. à toute expédition militaire dirigée contre le territoire Portugais.

Mais S. Exc. sait probablement que la lettre citée ne renferme aucun argument qui n'ait été produit auparavant par le marquis de Palmella, et auquel le duc de Wellington n'ait répondu. Le duc de Wellington avait amicalement prié le marquis de Palmella de ne point se jeter dans des difficultés qui attireraient sur lui une responsabilité personnelle, par suite des mesures dans lesquelles il se trouvait engagé. Le marquis, dans sa réponse, causa une grande satisfaction au duc de Wellington, en l'informant que toutes les mesures relatives aux réfugiés Portugais seraient à l'avenir mises à exécution, non par lui, mais par le marquis de Barbacena. Le soussigné en conclut que le marquis de Palmella lorsqu'il transféra à l'empereur du Brésil, et au plénipotentiaire de S. M. I. en cette cour, la direction des opérations dans lesquelles il s'était engagé, a com-

muniqué en même temps à S. Exc. toute sa correspondance avec le duc de Wellington relativement à cet objet. Par cette correspondance, le marquis de Barbacena s'apercevra que Sa Grâce a protesté contre le droit même de l'empereur du Brésil, de faire la guerre des ports et arsenaux de S. M. sans son consentement. L'empereur du Brésil est en paix avec tout l'univers, et spécialement avec le gouvernement de Portugal. Il est donc impossible de croire que S. M. I. puisse avoir autorisé, et moins encore commandé cette expédition contre les Açores. Si pourtant S. M. I. avait donné de pareils ordres, le soussigné ne verrait dans cette mesure qu'une raison de plus pour empêcher de débarquer à Tercère des troupes envoyées d'une telle manière de l'Angleterre. Le roi son maître ne consentira jamais que S. M. I., en qualité d'empereur du Brésil, s'empare d'aucune des colonies qui, par les stipulations du traité de 1825, se trouvent appartenir définitivement au Portugal; mais si le marquis de Barbacena n'a ni le droit de sanctionner ni celui de diriger cette expédition, en son caractère de plénipotentiaire de S. M. I. l'empereur du Brésil, il lui est encore moins permis de la faire en qualité de grand-chambellan et de ministre de la reine de Portugal. S. M. T. F. réside à présent en Angleterre, recevant l'hospitalité et sous la protection du roi; et néanmoins, les conseillers de S. M. T. F. ont fait sortir cette expédition d'Angleterre, sachant que S. M. B. le défendait; sachant que, par le moyen de son ministre, elle avait représenté et protesté contre cette expédition, et avait même détaché une partie de ses forces navales pour s'opposer au débarquement aux Açores. Le sort de cette expédition doit être décidé maintenant, et le soussigné ne derire point entamer une discussion oideuse sur un évènement qui a déjà eu lieu; mais il ne peut s'empêcher d'engager instamment le marquis de Barbacena à réflechir mûrement sur ce que le droit des gens prescrit sur un tel sujet, ainsi que la loi municipale de ce pays.

Si Son Exc. veut avoir en vue les interêts politiques et le sort futur de la reine Dona Maria, le soussigné est certain qu'il ne peut manquer de s'apercevoir du tort qu'il fait en ce moment aux intérêts de cette souveraine, en faisant intervenir le nom de S. M. T. F. dans des transactions dont elle ne peut tirer ni renom ni profit. Le soussigné croit inutile de répéter que S. M. desire sincerement rester neutre dans les dissensions intérieures du Portugal et de ses colonies. Toutefois, S. M., en son caractère de neutre, a certains devoirs à remplir, de l'exécution desquels ses ministres sont sévèrement responsables. S. M. se trouve liée au Portugal par des traités dont le gouvernement existant dans ce pays est tenu d'exécuter les stipulations. Les serviteurs de S. M. ne peuvent donc pas consentir que les affaires d'une personne quelconque résidant en ce

royaume, quelque élevés que puissent être sa qualite et son rang, soient conduites de manière à exposer S. M. à des réclamations de la part du gouvernement Portugais, exigeant de nous l'exécution des clauses des traités existans, et de remplir plus scrupuleusement les devoirs d'une puissance neutre. Le soussigné n'a pas besoin d'indiquer au marquis de Barbacena la pénible nécessité à laquelle S. M. se verrait exposée par suite de la conduite adoptée par S. Exc. au nom de la reine Dona Maria da Gloria; mais elle doit répéter encore une fois à Son. Exc. que, quelles qu'on puissent être les conséquences, S. M. ne saurait permettre qu'on brave impunément l'autorité qui lui appartient.

Le soussigné renouvelle à Son. Exc. le marquis de Barbacena, les assurances de sa considération la plus distinguée.

Ministère des affaires étrangères, le 4 Février 1829.

(Signé) Aberdeen.

A Son Exc. le marquis de Barbacena.

G.

Note du Marquis de Barbacena au Comte d'Aberdeen, du 10 Février 1829.

Le soussigné, ayant appris la funeste nouvelle de l'évènement qui a eu lieu dans la rade de la Villa da Praya au sujet de quatre bâtimens marchands qui portaient des réfugiés Portugais, se trouve dans la nécessité (sans perdre un seul instant, en attendant qu'il ait l'honneur de répliquer à la note de Son Exc. M. le comte d'Aberdeen, du 4 de ce mois) de prier Son Exc. de vouloir bien faire une réponse explicite aux questions suivantes, afin d'éviter la répétition de nouveaux malheurs :

1° Le gouvernement de S. M. B. s'oppose-t-il à ce que les émigrés Portugais qui se trouvent encore en Angleterre, officiers ou employés civils, s'embarquent pour l'île Tercère ?

2° Le gouvernement de S. M. B. s'opposera-t-il à ce que les émigrés Portugais qui ont été repoussés de Tercère, et qui se trouvent maintenant

en France, s'embarquent sur des bâtimens non Anglais pour l'île Tercère?

Enfin le gouvernement de S. M. B. s'opposera-t-il à ce que les sujets de S. M. T. F. qui auraient pris terre sur le territoire de S. M. B. et qui se trouvent maintenant en France ou ailleurs sur le continent, puissent se diriger vers l'île Tercère, seulement par le fait d'avoir mis une fois le pied sur le territoire Britannique?

Le soussigné a l'honneur de réitérer à S. Exc. M. le comte d'Aberdeen les assurances de sa très haute considération.

Londres, ce 10 Février 1829.

H.

NOTE DU COMTE D'ABERDEEN, DU 13 FÉVRIER 1829.

Le soussigné a l'honneur d'accuser réception de la note du marquis de Barbacena, en date du 10 du courant, dans laquelle Son. Exc. demande une réponse explicite aux questions suivantes:

1° Le gouvernement Anglais s'opposera-t-il à l'embarquement pour l'île Tercère du reste des réfugiés Portugais qui se trouvent en Angleterre?

2° Le gouvernement Britannique empêchera-t-il que les refugiés actuellement en France, dont on a empêché le débarquement à Tercère, s'embarquent de nouveau pour cette île, sur des navires non Anglais?

3° Le gouvernement Britannique empêchera-t-il les sujets de S. M. T. F. qui se trouvent actuellement en France ou en d'autres lieux sur le continent, de se rendre à Tercère, seulement parce qu'ils ont une fois pris terre sur le territoire Anglais?

Pour ce qui regarde l'énumération des faits, des principes et des raisons, d'après lesquels le gouvernement de S. M. s'est cru, non-seulement justifié, mais également obligé à agir, et à empêcher les troupes Portugaises réunies à Plymouth de débarquer aux îles Açores, le soussigné renvoie le marquis de Barbacena à la lettre du duc de Wellington,

adressée au marquis de Palmella le 23 Décembre 1828. Quant aux explications générales contenues dans cette lettre, le soussigné n'a rien à ajouter, car elles ont été répétées en substance dans la note qu'il a eu l'honneur d'adresser au marquis de Barbacena, le 4 du courant, par suite de l'avis donné par le marquis de Palmella au duc de Wellington, qu'à l'avenir Son Exc. se chargerait de la correspondance sur ce pénible sujet. Cependant le marquis de Barbacena a dû s'apercevoir que le gouvernment de S.M. ne pouvait manquer d'avoir des doutes quant au caractère qui autorisait son intervention dans cette transaction; et quoique le soussigné soit préparé à répondre aux questions proposées par le marquis de Barbacena, il est loin de reconnaître néanmoins le droit duquel on l'interroge. Quoi qu'il en soit, il est d'autres questions que le soussigné croit de son devoir de proposer auparavant au marquis de Barbacena, et auxquelles il espère également qu'il voudra bien lui donner des réponses explicites.

En quel caractère et en quelle qualité, le marquis de Barbacena exige-t-il que le soussigné donne des réponses catégoriques aux questions proposées par Son Exc.?

Au service de qui se trouvent les troupes envoyées dernièrement de Plymouth aux Açores, et dont le débarquement à Tercère a été empêché par un détachement de l'escadre de S. M.?

D'après quels ordres et avec quelles instructions ces troupes ont-elles été envoyées de Plymouth aux Açores?

Il est temps que cette affaire s'éclaircisse, et que le gouvernement de S.M. sache distinctement par quelle autorité ces actes ont été dirigés, et quelles personnes en sont responsables.

Le soussigné renouvelle au marquis de Barbacena les assurances de sa considération la plus distinguée.

Ministère des affaires étrangères, le 13 Février, 1829.

(Signé) ABERDEEN.

I.

NOTE DU MARQUIS DE BARBACENA AU COMTE D'ABERDEEN, DU 16 FÉVRIER, 1829.

Le soussigné a eu l'honneur de recevoir la note de Son. Exc. M. le comte d'Aberdeen, principal secrétaire d'état de S. M. B. au département des affaires étrangères, en date du 13 de ce mois; et mettant de côté pour le moment tout ce qui a rapport à la question qui a été agitée en première instance entre M. le duc de Wellington et M. le marquis de Palmella, et qui a donné lieu au funeste évènement du 16 du mois dernier, le soussigné s'empressera de répondre avec précision aux trois questions que Son Exc. M. le comte d'Aberdeen lui a adressées, dans l'espoir que S. Exc. reconnaitra combien il est urgent et indispensable que l'on puisse pourvoir de suite au sort des réfugiés Portugais qui se trouvent encore en Angleterre et en France, sans les exposer à de nouveaux malheurs.

Les trois questions auxquelles le soussigné doit répondre sont les suivantes: 1° Quel est le caractère et la qualité d'aprés laquelle le marquis de Barbacena demande à Son Exc. M. le comte d'Aberdeen les explications énoncées dans sa précédente note? 2° A quel service sont les troupes dernièrement envoyées de Plymouth aux Açores, et au débarquement desquelles les bâtimens de guerre de S. M. B. se sont opposés? 3° Par quels ordres, et avec quelles intentions ces troupes ont-elles été envoyées de Plymouth aux Açores?

Art. 1er Le marquis de Barbacena agit dans cette affaire en qualité de plénipotentiaire de l'auguste père, tuteur, et seul protecteur naturel des droits et des intérêts de S. M. T. F. la reine de Portugal, reconnue par S. M. B. comme souveraine légitime dudit royaume.

Art. 2. Les troupes envoyées de Plymouth à l'Ile Tercère, sans organisation, sans armes, et sur des bâtimens où elles étaient entremêlées avec beaucoup d'émigrés non militaires, se composent de sujets fidèles à S. M. la reine Dona MARIA II, et c'est aux frais de cette souveraine qu'il a été constamment pourvu à leur subsistance, après les désastres qui les ont amenées en Angleterre, sans qu'elles aient jusqu'à présent été à la charge d'aucun gouvernement étranger.

Art. 3. Les réfugiés Portugais, devant quitter l'Angleterre, n'ont reçu au nom de S. M. T. F., et d'après le conseil de ceux à qui l'auguste père

de cette souveraine a confié la garde de sa personne et la direction provisoire de ses affaires, d'autres instructions que de se rendre en droiture a l'île Tercère, où la souveraineté de S. M. T. F. est solennellement reconnue, et obéie par toutes les autorités civiles et militaires de l'île, ainsi que M. le marquis de Palmella a été dans le cas de l'énoncer dans plusieurs lettres à M. le duc de Wellington.

Le soussigné profite de cette occasion pour renouveler à Son Exc. M. le comte d'Aberdeen les assurances de sa considération la plus distinguée.

K.

NOTE DU COMTE D'ABERDEEN, DU 18 FÉVRIER, 1829.

Le soussigné, principal secrétaire d'état de S. M. au département des affaires étrangères, a l'honneur d'accuser réception de la note du marquis de Barbacena, datée du 16 du courant; mais avant de répondre aux questions qui lui ont été adressées par Son Exc. le 10 du courant, le soussigné croit indispensablement nécessaire de nier le droit que s'est arrogé le plénipotentiaire de l'empereur Dom PEDRO, soit en son caractère d'empereur du Brésil, soit comme chef de la maison de Bragance, ou comme père et tuteur naturel de la reine Dona MARIA II.

Quelques mesures que le gouvernement de S. M. puisse adopter, relativement aux sujets Portugais résidant en ce pays, qu'ils soient officiers, soldats, ou des particuliers, de même que toutes autres mesures quelconques qu'on jugera à propos d'adopter à l'égard des sujets Portugais en France, ou en d'autres lieux, le soussigné ne croit pas devoir rendre raison de l'adoption de ces mesures, ni à l'empereur Dom PEDRO, ni à son plénipotentiaire.

Tout étranger, lorsqu'il réside dans la Grande-Bretagne, est assujéti aux lois du pays, sauf les cas où des privilèges spéciaux se trouvent stipulés par des traités en faveur des individus d'un état particulier. Ils sont également assujétis aux prérogatives royales de S. M., exercées suivant les formes et les coutumes de l'Angleterre, et en harmonie avec le droit public des gens.

D'après toutes les lois et la saine raison, personne ne peut s'arroger une autorité quelconque dans les états de S.M., et moins encore l'auto-

rité de faire la guerre des ports et arsenaux de S. M., sans le consentement de S. M. et contre sa défense expresse.

Le soussigné n'éprouve aucune difficulté de répondre aux questions du marquis de Barbacena contenues dans sa note du 10 du courant, car pour cela, il suffira de répéter le langage tenu invariablement par le gouvernement Britannique, et qu'il supposait être si bien connu de Son Exc. qu'il rendrait inutile les questions qu'il a jugé convenable de proposer.

Le gouvernement Britannique ne s'oppose donc pas, et ne s'est jamais opposé non plus, à ce que les réfugiés Portugais qui se sont réunis à Plymouth retournent en Portugal comme simples particuliers. C'est uniquement comme formant un corps de troupes, que le gouvernement Britannique s'est opposé à leur départ d'un de ses ports pour un point quelconque des possessions d'une puissance avec laquelle la Grande-Bretagne n'est point en guerre, et envers laquelle S. M. est tenue de remplir les devoirs de la neutralité.

Les lettres du duc de Wellington au marquis de Palmella ont développé parfaitement les fondemens sur lesquels le gouvernment de S. M. s'est appuyé, lorsqu'il jugea qu'il était de son devoir d'empêcher l'expédition des troupes Portugaises parties de Plymouth et dirigée sur les îles Açores, d'arriver à sa destination : toute autre expédition d'une pareille nature faite dans ce pays, sera regardée sous le même point de vue.

En réponse à la seconde question du marquis de Barbacena, le soussigné a l'honneur de répliquer, que les réfugiés Portugais qui se trouvent actuellement en France, sont sous la juridiction Française ; leur caractère ainsi que leur condition, doivent être soumis à la considération du gouvernement Français. Cet objet sera sans doute envisagé d'une maniére qui soit d'accord avec les devoirs et les obligations de S. M. T. C.

Tout en défendant l'exercise de sa propre prérogative comme souverain indépendant, S. M. est très éloignée de disputer à un autre souverain quelconque la pleine jouissance des prérogatives dont il se trouve investi. Les serviteurs de S. M. ne se croient pas obligés d'expliquer au ministre de S. M. I. l'empereur du Brésil, l'avis qu'ils jugent de leur devoir de soumettre à S. M. sur l'objet particulier en question.

Le marquis de Barbacena a terminé sa note par une question qui se trouve déjà résolue par ce que le soussigné vient d'avoir l'honneur d'ex-

poser. Mais quand cela ne serait pas, le soussigné éprouverait quelque difficulté à repondre à une semblable demande, et d'autant plus que, quel qu'ait pu être le motif qui l'a dictée, il n'est guère possible de croire qu'elle ait eu pour but d'éclaircir un doute quelconque dans l'esprit du marquis de Barbacena.

Dans sa note du 16 du courant, le marquis de Barbacena déclare ne reconnaître d'autre responsabilité que celle qu'il doit à son auguste maître, père et tuteur de S. M. T. F.

Quoique le soussigné ne croie pas nécessaire d'assurer au marquis de Barbacena combien le gouvernement Britannique respecte les droits qui appartiennent au charactère diplomatique, et aux immunités dont ce caractère jouit chez les nations civilisées de l'univers, il doit toutefois lui être permis d'observer que la même loi commune qui accorde des privilèges si étendus, exige par cela même, que la conduite des personnes revêtues de ce caractère soit telle qu'elle ne tende pas à violer les lois du pays, ou à outrager l'autorité du souverain dans les états duquel elles résident.

Le marquis de Barbacena est de nouveau averti qu'il doit s'abstenir, tant qu'il habitera ce pays, de prendre part ou de soutenir la guerre civile en Portugal et ses dépendances, soit au nom de l'empereur du Brésil, soit en celui de la reine Dona Maria II. Une telle intervention, de quelque côté qu'elle vienne, est incompatible avec le droit des gens et les lois de ce pays. C'est une infraction des prérogatives de S. M. et une désobéissance positive aux ordres de S. M., portés à plusieurs reprises à la connaissance du marquis de Barbacena, aussi bien qu'à celle de ses collègues.

Le soussigné a l'honneur de renouveler au marquis de Barbacena les assurances de sa considération la plus distinguée.

Ministère des affaires étrangères, le 18 Février 1829.

(Signé) Aberdeen.

L.

NOTE DU MARQUIS DE BARBACENA AU COMTE D'ABERDEEN, DU 6 MARS 1829.

Le soussigné a eu l'honneur de recevoir la note de M. le comte d'Aberdeen, principal secrétaire d'état de S. M. B. au département des affaires étrangères, datée du 18 Février, dans laquelle Son Exc. répond aux questions que le soussigné s'était trouvé dans la nécessité de lui adresser en qualité de plénipotentiaire de S. M. l'empereur du Brésil, père, tuteur et protecteur natural de S. M. la reine de Portugal.

Le but que le soussigné s'était proposé en adressant ces questions au gouvernement de S. M. B., est clairement énoncé dans sa précédente note.

On ne saurait douter que S. M. T. F. ne soit, en honneur et en devoir obligée de pourvoir au sort de ses sujets fidèles, qui se trouvent par suite de leur dévoûment à sa cause, dépouillés de leurs proprietés et dénués de toute ressource en pays étranger.

Mais une cruelle expérience vient de démontrer que S.M.B. ne considérait pas quelques-uns de ces individus, partis sans armes d'Angleterre, comme libres de débarquer sur un point du territoire Portugais, soumis au gouvernement légitime; et il devenait d'après cela indispensable d'obtenir des éclaircissemens suffisans pour éviter la répétition d'un semblable malheur.

Si le soussigné a bien compris les réponses de Son. Exc., il s'ensuit que le gouvernement Britannique ne s'opposera pas au retour, dans une partie quelconque de la monarchie Portugaise, des réfugiés qui se trouvent en Angleterre, pourvu qu'ils y rentrent comme particuliers, et non en corps de troupes; et de plus, qu'elle regarde le sort des réfugiés qui partiraient des ports de France comme dépendant de la consideration de S.M.T.C.

La destination ultérieure des sujets de S. M. T. F. qui se trouvent hors de leur patrie sera donc réglée d'après ces réponses; et le soussigné, tout en protestant contre l'application des principes du droit des gens et de la législation Anglaise, sur lesquels le gouvernement de S.M.B. se fonde pour justifier son opposition au débarquement des réfugiés Portugais à l'Ile Tercère, ne sortira pas de la question de fait pour rentrer dans la question de droit, déjà épuissée.

Quel que soit cependant le desir qu'éprouve le soussigné de ne rien ajouter sur cette question, déjà débattue, il ne saurait garder également le silence sur la déclaration que M. le comte d'Aberdeen fait servir de préambule à sa dernière note, ainsi que sur quelques-unes des phrases qui la terminent.

Son Exc. dit qu'elle ne reconnaît pas le droit que s'attribue le plénipotentiaire de l'empereur Dom Pedro, soit comme empereur du Brésil, comme chef de la maison de Bragance, ou comme père et tuteur de la reine Dona Maria II.

Et elle ajoute que S.M.B. ne se regarde en aucune façon comme responsable vis-à-vis de S. M. l'empereur Dom Pedro, de quelques mesures que ce soit qu'elle jugera à propos d'adopter à l'égard des sujets Portugais résidant, soit en ce pays, soit en France.

Cette assertion peut recevoir deux significations différentes; et le soussigné ne sait pas si Son Exc. conteste le droit de S. M. la reine Dona Maria II de protéger ses sujets résidant en Angleterre, ou le droit de S. M. l'empereur Dom Pedro, comme protecteur naturel de son auguste fille, de parler en son nom et dans ses intérêts.

Dans le premier cas, le soussigné croit que lors même qu'on établirait une distinction odieuse entre les Portugais rebelles et les Portugais fidèles à leur souverain légitime, on ne saurait rejeter, au moins pour ce qui regarde ces derniers, l'ingérence de la reine de Portugal, reconnue par S. M. B., lorsqu'il s'agit de réclamer en leur faveur, soit en vertu des traités existans entre les deux couronnes, soit d'après les principes établis de la loi des nations.

Dans la seconde supposition, il devient nécessaire de retracer quelques-uns des évènemens qui se sont suivis.

S. M. l'empereur Dom Pedro, au moment du décès de son auguste père, fut reconnu roi de Portugal en vertu de son droit de naissance, par le consentement général de la nation Portugaise et de tous les gouvernemens étrangers. Le décret d'après lequel il a abdiqué la couronne de Portugal en faveur de la reine Dona Maria II, sa fille aînée, était fondé, conformément à ses déclarations antérieures et aux vœux énoncés par les souverains ses alliés, sur la persuasion de la stabilité des arrangemens convenus de commun accord avec ces mêmes souverains, et il était adressé à S. A. R. l'infant Dom Miguel, que S. M. considérait comme

régent de Portugal et comme époux de la reine. Le décret n'est parvenu en Europe qu'après la rébellion de l'infant Dom Miguel; il n'a jamais été promulgué en Portugal, et on ne saurait douter qu'étant fondé sur des promesses qui ne se sont point réalisées, S. M. le roi Dom Pedro ne soit en droit de le considérer comme nul. Mais il est encore plus évident que si ce souverain, comme le soussigné n'en doute pas, persiste à regarder son abdication comme définitive, il ne se trouve dans la nécessité d'en confier la promulgation à une autorité légale, et non pas au prince, qui, par le fait même de l'usurpation de la couronne, a renoncé à la régence, et a invalidé tous ses droits à l'exercice de cet emploi.

Il faut avouer que l'histoire ne fournit pas de précédent qui puisse servir de règle dans la position où se trouve malheureusement placée la jeune reine de Portugal depuis l'usurpation de sa couronne par le régent, son futur époux; mais lorsqu'il se trouve un cas omis en droit public, on ne peut se dispenser d'y suppléer par les principes immuables de la raison et du droit naturel: or il serait aussi absurde que cruel de soutenir que la reine légitime de Portugal, parce qu'elle est mineure, parce que le régent du royaume a forfait à ses devoirs, parce que le roi son père n'avait pas prévu cette violation de la loi jurée, se trouve jusqu'à l'époque de sa majorité privée de toute protection, dépourvue d'une voix qui puisse légitimement réclamer en faveur de ses droits, et veiller à ses intérêts, ou à ceux de ses sujets qui sont identifiés avec les siens!

L'équité, la bonne foi, et même le simple bon sens indiquent que dans de telles circonstances le devoir de protéger la reine mineure retombe sur son auguste père, et que pour accomplir ce devoir il est indispensable qu'il parle au nom de sa fille et qu'il reprenne temporairement l'exercice des droits qu'il avait abdiqués en sa faveur, ou du moins qu'il le confie à une autorité déléguée par lui.

D'ailleurs S.M.B. elle-même, dans le discours de clôture de la dernière session du parlement, a reconnu implicitement ces droits; et c'est d'après ce principe qu'elle a sans doute chargé son ambassadeur extraordinaire à la cour du Brésil d'une négociation qui a pour but le rétablissement de l'autorité légitime en Portugal.

Enfin, ce n'est que par une admission expresse de ce même principe que S. Exc. M. le comte d'Aberdeen a proposé verbalement au soussigné de convenir au nom de son auguste maître d'un arrangement des affaires du Portugal qui aurait pour base:

1° Le mariage immédiat de la reine de Portugal avec l'infant, mais ayant le titre de roi;

2° La conclusion d'un pacte de famille, dont S. M. l'empereur d'Autriche serait l'arbitre;

3° Au cas de décès de la reine sans succession, la couronne passerait à la branche royale de Portugal;

4° Au cas de décès du roi régent, la reine gouvernerait seule;

5° De ne prendre aucune connaissance des changemens arrivés dans les formes du gouvernement du Portugal.

Le soussigné se permettra donc d'observer que le cabinet de S. M B. tomberait, à ce qu'il lui paraît, dans une contradiction évidente, si après avoir considéré S. M. l'empereur Dom Pedro comme compétent pour décider, même après son abdication au trône de Portugal, du sort et des intérêts majeurs de la reine sa fille, et si après avoir admis que le soussigné est muni de pleins pouvoirs suffisans pour traiter de ces mêmes intérêts, il lui contestait la faculté d'adresser quelques questions uniquement tendantes à obtenir des éclaircissemens nécessaires pour diriger les conseils de S. M. T. F. dans une affaire où il s'agit de la sûreté de quelques uns de ses plus fidèles sujets.

C'est uniquement dans ce but, le soussigné le répète, et non pas comme plénipotentiaire de S. M. l'empereur Dom Pedro, en sa qualité de souverain du Brésil, mais comme chargé des pouvoirs du père, et protecteur naturel de S. M. T. F. que le soussigné se juge dans le cas d'adresser ses représentations à S. Exc. M. le comte d'Aberdeen.

Le soussigné doit en même temps protester contre l'inculpation qui lui est adressée dans la note de S. Exc. du 4 Février dernier sur l'abus que l'on suppose avoir été fait des ports et des arsenaux de S. M. B. pour alimenter la guerre civile en Portugal. Le soussigné ne peut se persuader que le simple retour dans leur patrie des individus Portugais de toute classe que le hasard a rassemblés temporairement en Angleterre, retour motivé par leur propre intérêt et par la nécessité de pourvoir à leur subsistance, doive être regardé comme une opération de guerre entreprise en violation de la neutralité de S. M. B., ni qu'il soit contraire au principe de la loi des nations, ou aux lois municipales de ce pays, d'autant que les susdits individus n'ont été, comme le soussigné a eu

l'honneur déjà de le déclarer, ni armés ni équipés en Angleterre, ni dirigés vers un point quelconque du Portugal, ou ils aient dû aborder comme ennemis.

Il y a plus, et le soussigné croit pouvoir démontrer non-seulement par les principes du droit public, mais par les exemples continuels de l'histoire, que la neutralité de S. M. B. ne serait pas violée en cas même que les sujets d'une souveraine, son amie et alliée, après avoir séjourné dans un de ses ports, se seraient dirigés immédiatement vers le théâtre de la guerre, pourvu qu'ils n'eussent été ni recrutés ni organisés et équipés en Angleterre; et il lui semble qu'en établissant le principe contraire, on ne pourrait pas justifier l'admission dans des ports neutres des escadres armées des nations belligérantes, comme on le voit pratiquer tous les jours.

S. M. B. aurait sans doute le droit de défendre la répétition des actes qu'on a vu tolérer dans ce pays à une époque récente, lors des recrutemens et des armemens qui ont été faits pour conduire des troupes et des vaisseaux armés en Colombie et en Grèce; mais il est évident que rien de semblable n'a eu lieu dans le cas dont il s'agit à présent.

Enfin le soussigné ne peut se dispenser de représenter à S. Exc. M. le comte d'Aberdeen, et il en appelle à cet égard aux témoignages de l'histoire, que l'on a toujours vu les souverains voyageant, ou résidant en pays étranger, continuer à exercer leur autorité dans leurs propres états, et donner des ordres à leurs sujets, pourvu que ces ordres ne soient pas promulgués hors de leurs états, sans qu'on ait jamais cru voir dans l'exercice de ces droits légitimes aucune offense aux prérogatives des autres gouvernemens; et le soussigné ne peut se persuader que S. M. B. veuille en cette occasion dévier de l'usage général à l'égard d'une souveraine son intime alliée, qui regardera toujours l'honneur de conserver et de mériter ce titre comme un objet du plus haut intérêt pour ses sujets, ainsi que pour sa couronne, et qui ne se trouve en Angleterre que pour réclamer plus efficacement par sa présence l'appui et les secours de son puissant allié en faveur d'une cause aussi juste que légitime.

Le soussigné, etc.

M.

NOTE DU COMTE D'ABERDEEN, DU 11 MARS, 1829.

Il n'est nullement dans l'intention du soussigné de répondre en détail

à la note qu'il a eu l'honneur de recevoir du marquis de Barbacena, datée du 6 courant, puisque ce serait entrer dans la discussion de sujets qu'il regarde comme entièrement étrangers au caractère et à la mission de S. Exc.

Le soussigné se bornera à répéter la déclaration qu'il s'est vu dans la nécessité de faire dans sa note du 18 du mois passé, que le roi, son maître, ne peut reconnaître au marquis de Barbacena aucun droit, ou titre, comme plénipotentiaire de l'empereur Dom Pedro, soit en sa qualité d'empereur du Brésil, soit en celle de père et de tuteur de la reine Dona Maria II, pour faire des réclamations officielles quelconques, ou pour s'ingérer en aucune manière dans les mesures que S. M. pourra juger convenable d'adopter contre les troupes Portugaises dans ce pays, par suite des expéditions hostiles qui on été préparées dans les ports de S. M. contre le gouvernement actuel du Portugal.

Le soussigné ne saurait permettre non plus que le marquis de Barbacena se constitue juge de la conduite qu'il convient à S. M. d'adopter à l'égard du Portugal. S. M. a suspendu toutes les relations diplomatiques avec le gouvernement Portugais, et néanmoins S. M. n'est point en guerre avec le royaume de Portugal; au contraire, les rapports commerciaux entre les deux pays n'ont éprouvé aucune interruption; et S. M. a manifesté l'intention de garder la plus stricte neutralité pendant la présente lutte. Un traité qui accorde de grands privilèges aux sujets Britanniques en Portugal, et dont l'exécution a été tout récemment exigée par le gouvernment de S. M., se trouve en pleine vigueur. S. M. a pareillement des devoirs à remplir, et certes elle ne souffrira pas qu'aucun état étranger s'immisce dans l'exécution des stipulations d'un traité auquel S. M. se trouve liée, non plus que dans la manière dont elle croit devoir s'acquitter des obligations qui tiennent au caractère de neutralité que S. M. tient si fort à cœur de maintenir.

Malgré cette détermination de S. M., il est vrai que le soussigné a reçu des ordres de S. M. pour traiter avec le marquis de Barbacena, sur tous les objets relatifs au bien-être personnel et au sort futur de S. M T. F.

Les vœux sincères de S. M., qui desire ardemment employer ses bons offices pour effectuer une réconciliation entre les membres d'une famille dont S. M. et ses prédécesseurs ont été depuis si long-temps les alliés, et pour rétablir en même temps la tranquillité en Portugal, engagèrent le soussigné à suggérer confidentiellement au marquis de Barbacena certaines propositions qu'il soumit à sa considération, et qui étaient basées,

autant que les circonstances pouvaient le permettre, sur les vœux et les intentions manifestés par l'empereur Dom Pedro lui même. Ces suggestions, que le marquis de Barbacena ne reproduit pas dans sa note du 5 courant avec assez d'exactitude, ne seront pas à présent l'objet d'une discussion ultérieure, attendu que le soussigné ne le desire point. Elles lui avaient paru former la base d'une négociation qui aurait pu conduire, en dernier résultat, à établir un arrangement définitif qui satisfît aux réclamations des deux parties en litige, et à mettre un terme aux calamités du Portugal. Elles étaient d'une telle nature qu'elles paraissaient, dans les circonstances actuelles, offrir la plus belle perspective d'une réconciliation entre l'empereur Dom Pedro et son royal frère; et, pourtant, ce ne sont point là des propositions Britanniques, et S M. n'y prend d'autre intérêt que celui qui dérive du desir d'offrir ses bons offices, afin de contribuer à l'accommodement définitif de toutes ces dissensions. Le soussigné avait espéré recevoir la coopération du marquis de Barbacena pour réaliser un projet aussi important, en témoignant des vœux pareils à ceux dont S. M. est animée; mais ces vœux, le soussigné ne peut se le dissimuler, ne sont point partagés par un parti qui travaille avec activité à perpétuer les malheurs de la guerre civile dans les états Portugais; parti composé de personnes qui, sous le masque de la fidélité et du patriotisme, ne songent qu'à avancer leurs intérêts particuliers, ou à appuyer les projets d'une faction révolutionnaire, et dont quelques-unes se trouvent engagées dans une entreprise dont on ne peut envisager l'objet sans horreur, et qui n'a jamais cessé de s'attirer l'exécration du genre humain. C'est avec douleur que le soussigné se voit forcé d'avouer que l'expérience des derniers évènemens, et la manière dont a été reçue toute proposition de nature conciliatoire, ont contribué à donner à l'arrivée inattendue et non autorisée du marquis de Barbacena avec sa pupille royale en Angleterre, un caractère différent de celui qu'il aurait desiré y voir.

Le soussigné croit nécessaire de conclure en assurant au marquis de Barbacena qu'il sera impossible à S. M. de continuer l'état présent de ses relations avec le Portugal, ni d'être plus long-temps témoin de l'état de désordre dans lequel ce royaume se trouve. Le marquis de Barbacena est déjà en possession des propositions générales qui, dans l'opinion du soussigné, offrent des bases raisonnables pour l'accommodement des différends existans, et pour rétablir la tranquillité en Portugal. Si le marquis de Barbacena ne se trouve pas préparé à concourir, d'après les bases proposées, à un résultat si desirable, il ne restera à S. M. d'autre alternative que de chercher, sans perte de temps, à atteindre le but qu'elle s'est proposé par quelque autre voie plus directe; et ce parti lui

est dicté par sa sollicitude pour les intérêts de ses sujets et par le desir de maintenir la paix générale de l'Europe.

Le soussigné saisit cette occasion pour renouveler à S. Exc. le marquis de Barbacena les assurances de sa considération la plus distinguée.

Ministère des affaires etrangères, le 11 Mars, 1829.

(Signé) ABERDEEN.

A Son Exc. le marquis de Barbacena.

N.

NOTE DU MARQUIS DE BARBACENA AU COMTE D'ABERDEEN, DU 17 AU 18 MARS 1829.

Le soussigné a eu l'honneur de recevoir la note que S. Exc. M. le comte d'Aberdeen, principal secrétaire d'état de S. M. B. au département des affaires étrangères, lui a adressée en date du 11 de ce mois, et il ne cherchera pas à dissimuler l'impression pénible qui lui est restée de la lecture de cette pièce.

Il croit cependant inutile d'ajouter de nouvelles explications à celles qu'il a déjà données au sujet des expéditions hostiles que Son Exc. assure avoir été équipées dans les ports de l'Angleterre contre le gouvernement qui existe actuellement en Portugal, et il s'abstiendra de même d'en demander sur les horribles projets que Son Exc. attribue à une faction révolutionnaire dont le soussigné n'a aucune connaissance.

Enfin, il demandera à Son Ex. la permission de ne pas répondre sur le reproche qui lui est personnellement adressé, d'être arrivé sans autorisation en Angleterre, reproche qu'il sait ne pas mériter, et pour lequel, au reste, il n'aurait à se justifier que vis-à-vis l'empereur, son auguste maître.

Le soussigné se bornera donc seulement à présenter quelques observations qu'il se croit dans l'indispensable nécessité de faire sur deux assertions contenues dans la note de M. le comte d'Aberdeen, savoir :

1° Que les propositions que Son Exc. lui a suggérées, comme celles qui, dans son opinion, pourraient mettre un terme aux calamités qui affligent le Portugal, ne sont pas très exactement énoncées dans la dernière note du soussigné;

2° Que ces propositions ne sont pas des propositions Britanniques, et qu'elles sont fondées, autant que les circonstances peuvent le permettre, sur les dessirs et les intentions déclarés par l'empereur Dom Pedro lui-méme.

M. le comte d'Aberdeen se souviendra certainement que le soussigné, craignant à juste titre les inconvéniens qui pouvaient résulter de la simple transmission verbale de communications d'une nature d'autant plus délicate qu'il s'agit des intérêts, non-seulement de S. M. l'empereur du Brésil et de son auguste fille, mais aussi de la nation Portugaise, a eu soin de demander officiellement à Son. Exc de vouloir bien lui faire connaître par écrit les bases de la négociation dont l'ambassadeur de S.M.B. à la cour du Brésil avait été chargé, avec toutes les altérations ou modifications que Son Exc. croirait à propos d'y faire dans les circonstances actuelles. Cette demande lui ayant été refusée, et Son. Exc. ayant invité le soussigné à une conférence dans laquelle elle lui a expliqué verbalement les susdites propositions, le soussigné s'est empressé, en présence de M. le comte d'Aberdeen, d'en prendre note, et de la lire, pour s'assurer de son exactitude, à Son Exc. elle-méme. Si, malgré ce soin, il n'a pu éviter de commettre quelque erreur involontaire, Son Exc. reconnaîtra sans doute la nécessité d'obtempérer à sa première demande, que le soussigné réitère, et de lui remettre ces propositions par écrit.

En demandant cette faveur, le soussigné doit déclarer cependant qu'il ne peut considérer les propositions qui lui ont été communiquées verbalement que comme émanant du cabinet de S. M. B., attendu qu'il ne pense pas que l'empereur son auguste maître ait, depuis l'accomplissement de l'usurpation du trône de Portugal, énoncé aucune autre proposition que celles que le soussigné a été chargé de faire au gouvernement de S. M. B., et qui malheureusement n'ont pu jusqu'à ce moment obtenir l'assentiment que S. M. I. se croyait en droit d'espérer de la part de l'intime et puissant allié de la couronne de Portugal.

Le soussigné profite de cette occasion pour renouveler à S. Exc. M. le comte d'Aberdeen les assurances de sa plus haute considération.

(Signé) Le marquis de Barbacena.

Londres, le 18 Mars 1829.

O.

Note du Comte d'Aberdeen, du 29 Mars, 1829.

Le soussigné, principal secrétaire d'état de S. M. au département des affaires étrangères, en réponse à la note qu'il a eu l'honneur de recevoir du marquis de Barbacena, datée du 17 courant, croit nécessaire d'offrir à la considération de Son Exc. l'état présent de la négociation avec le gouvernement du Brésil, relativement aux affaires du Portugal, et en même temps de rappeler quelques circonstances qui ont accompagné ces négociations.

Quand l'infant Dom Miguel, proclamé roi par les Cortès, s'empara de la couronne de Portugal, et que l'ambassadeur Britannique, conjointement avec les représentans des autres puissances Européennes, se retira de Lisbonne, S. M. envoya, sans perte de temps, un ambassadeur spécial à la cour de Rio de Janeiro. Cet ambassadeur était muni des instructions qui paraissaient les plus propres à effectuer l'accommodement des malheureux différends qui avaient éclaté, et à prévenir les fâcheuses conséquences que la coupable conduite de l'infant, soutenue comme elle l'a été par la nation Portugaise, devait produire pour les intérêts de l'empereur Dom Pedro et ceux de la reine Dona Maria II. L'objet que S. M. s'est proposé en faisant cette démarche a été, non-seulement de hâter le rétablissement de la tranquillité en Portugal, et, si cela était possible, d'éloigner les causes qui menaçaient d'amener la ruine totale de sa prospérité, mais également de donner un témoignage de la sollicitude que S. M. éprouvait, et dont elle était animée en faveur d'une famille avec laquelle S. M. et ses prédécesseurs ont eu, pendant une si longue période, une alliance intime. L'ambassadeur de S. M. reçut pour instructions de s'assurer des intentions de S. M. I., par suite des évènemens arrivés en Portugal; et les propositions qu'il fut chargé de faire étaient basées sur les vœux et les intentions connues de l'empereur Dom Pedro, modifiés, toutefois, de la manière que la situation différente du Portugal paraissait rendre inévitable.

Ce fut donc avec satisfaction que S. M. apprit que son ambassadeur, en arrivant à Rio de Janeiro, avait reçu l'assurance de l'empereur Dom Pedro, de la détermination où il était d'agir, selon les circonstances de cette importante et difficile conjoncture, d'accord avec les opinions et les conseils de S. M. et de S. M. I. l'empereur d'Autriche.

L'ambassadeur de S. M. fut de plus informé que le marquis de Barba-

cena, chargé de conduire la jeune reine à Vienne, avait été muni de pleins pouvoirs, avant son départ du Brésil, pour négocier et conclure un arrangement sur tous les objets en contestation, d'après des principes de tolérance et de réconciliation. Ce ne fut donc pas sans quelque surprise, après l'arrivée du marquis de Barbacena en Angleterre, que le soussigné reçut une réquisition de Son Exc., fondée sur les obligations supposées des traités, pour que des secours effectifs fussent fournis par le roi son maître, dans le but de coopérer à faire la conquête du trône de Portugal en faveur de la reine Dona Maria II. A cette réquisition, le soussigné répondit de la manière qui, dans l'opinion de son gouvernement, était d'accord avec les stipulations des traités existans, et avec le système politique que la Grande-Bretagne avait adopté.

Le soussigné suggéra subséquemment, dans une conférence qu'il eut avec le marquis de Barbacena, certaines propositions qu'il livra à la considération de Son Exc., lesquelles, si elles étaient adoptées, auraient probablement amené un arrangement définitif et satisfaisant. Ces propositions, énumérées dans la note du marquis de Barbacena, du 4 courant, y sont reproduites avec assez d'exactitude, sauf peut-être que Son Exc. a omis de faire mention du voyage de S. M. T. F. à Vienne, indispensable pour l'établissement pacifique de sa domination en Portugal.

Le soussigné ne se rapelle pas d'avoir suggéré une opinion quelconque relative à la Charte ou Constitution octroyée par l'empereur Dom Pedro, et renversée récemment par l'usurpation de l'infant Dom Miguel. La Grande-Bretagne n'a pris aucune part à la formation de cette Constitution, et le gouvernement Britannique desirant faciliter l'extinction de toutes les discordes civiles, n'est certainement pas disposé à faire entrer cet objet dans un projet relatif à l'arrangement des affaires de Portugal. D'un autre côté, le soussigné a recommandé la publication d'une amnistie pour tous les délits politiques ; et, quoiqu'il connaisse bien l'inconvénient de l'interposition d'un état étranger dans une mesure d'une telle nature, néanmoins il croit que cette déclaration, qui a échappé à l'observation du marquis de Barbacena, doit former une clause importante dans toute transaction ayant pour objet d'assurer la tranquillité et le bonheur des états Portugais.

Toutefois, les propositions du soussigné étant confidentielles de leur nature, ne doivent pas être regardées comme des propositions définitives, et elles ne peuvent être considérées comme Britanniques qu'autant qu'elles seront regardés comme dictées par l'intérêt que S. M. prend à la prospérité du Portugal et à celle de la dynastie de la maison de Bragance.

Elles ont été basées principalement sur les vœux et les intentions exprimés par l'empereur Dom Pedro lui-même ; et le soussigné desire, en cette occasion, observer d'une manière spéciale que la conclusion du mariage entre S. M. T. F. et l'infant Dom Miguel, doit être entièrement le résultat d'une détermination adoptée et plusieurs fois réitérée par S. M. I. Le soussigné assure le marquis de Barbacena qu'une telle proposition n'a jamais pu partir du roi son maître, car elle est de nature à ne devoir, en définitive, être décidée que par la sagesse du père et du tuteur naturel de S. M. T. F.

La marquis de Barbacena n'a fait aucune réponse aux propositions confidentielles du soussigné ; mais, dans cet intervalle, on reçut dans ce pays des nouvelles de Rio de Janeiro, de nature à suspendre le progrés de toute négociation. Il paraît que S. M. I. a manifesté d'une manière publique et solennelle une résolution qui est entièrement opposée aux bases de l'arrangement proposé antérieurement, et duquel le marquis de Barbacena était autorisé à traiter.

L'ambassadeur Britannique a été en outre informé par S. M. I. qu'un autre agent Brésilien serait envoyé en Europe pour obtenir de nouvelles informations, et pour exiger des réponses à certaines questions, jusqu'à l'arrivée desquelles S. M. I. retarderait la déclaration de la conduite précise qu'elle jugera à propos d'adopter. Comme le chevalier Guerreiro était déjà parti de Rio de Janeiro, son arrivée en Angleterre doit être attendue au premier jour, et alors on pourra donner à cette négociation un nouveau caractère. Le soussigné ne prétend pas chercher à savoir quelle est la nature et l'étendue des pouvoirs et des instructions du marquis de Barbacena ; mais, dans les circonstances présentes, il espère que Son Exc. ne trouvera pas mauvais s'il l'informe que le respect dû au caractère et à la dignité du roi son maître, lui fait un devoir d'attendre jusqu'à ce qu'il ait reçu quelque éclaircissement relativement à des procédés, si inconvenans et si contradictoires.

Le soussigné renouvelle au marquis de Barbacena les assurances de sa considération la plus distinguée.

Ministère des affaires étrangères, le 26 Mars 1829.

(Signé) Aberdeen.

P.

NOTE DU MARQUIS DE BARBACENA AU COMTE D'ABERDEEN, DU 26 AVRIL, 1829.

Le soussigné ayant reçu la note que M. le comte d'Aberdeen lui a fait l'honneur de lui adresser, en date du 26 Mars dernier, a dû se conformer au desir que S. Exc. y exprimait, et garder le silence jusqu'à l'àrrivée de M. Guerreiro, que l'ambassadeur de S. M. B. au Brésil annonçait comme chargé d'une mission de la part S. M. l'empereur Dom PEDRO. Cette arrivée a eu lieu enfin aprés une longue attente; et le soussigné se trouve maintenant dans le cas d'assurer S. Exc., M. le comte d'Aberdeen, que M. Guerreiro n'est chargée d'aucune mission diplomatique, et que les dépêches dont il a été porteur confirment au contraire les pleins pouvoirs dont le soussigné se trouvait déjà muni pour réclamer en faveur des droits de S. M. la reine de Portugal et traiter, de la part de son auguste pére et tuteur, toutes les affaires qui peuvent avoir rapport aux intéréts de cette souveraine.

S. M. B. a reçu des preuves trop constantes et trop réitérées du prix que S. M. l'empereur du Brésil attache à son amitié, et de la disposition qu'il a toujours à embrasser les conseils que cette amitié lui dicte, pour douter un instant que les assurances que M. le vicomte de Strangford a reçues à son arrivée à Rio de Janeiro, aient été inspirées par la plus entière confiance dans la sagesse de l'auguste allié de la maison de Bragance, et faites avec l'intention sincère d'adopter, pour les arrangemens des affaires du Portugal, les moyens de conciliation qui pourraient lui être proposés, et qui ne seraient point incompatibles ni avec sa conscience ni avec son honneur. Telles étaient aussi les instructions qui ont réglé la conduite du soussigné; et tels sont encore les ordres positifs qu'il vient de recevoir de la part de l'empereur, son maître, et d'aprés lesquels il se trouve autorisé à conclure tout arrangement qui aurait pour but le rétablissement de S. M. T. F. sur le trône qui lui appartient, pourvu que le mariage de cette jeune princesse avec son oncle, l'infant Dom MIGUEL, ne soit pas une condition de cet arrangement; car d'un côté, l'infant lui-même a été le premier à rompre par sa conduite odieuse le contrat de ce mariage, et il persiste à ne pas le vouloir; et de l'autre côté, la religion et la tendresse paternelle de l'empereur ne lui permettent pas d'accorder de nouveau la main de sa fille au ravisseur de sa couronne.

Cette exception est la seule que le soussigné ait l'ordre d'énoncer for-

mellement, et elle est fondée sur le sentiment que S. M. I. a de ses devoirs de père et de tuteur. Ce sentiment ne peut manquer d'être compris et apprécié par S. M. B. : malheureusement la condition dont il s'agit est la première de celles qui ont été énoncées verbalement par S. Exc. M. le comte d'Aberdeen au soussigné, comme contenue dans les instructions qui avaient été données à M. le vicomte de Strangford, et comme devant servir de base à l'arrangement définitif des affaires de Portugal. Cette alliance que S. Exc. M. le comte d'Aberdeen a déclaré devoir être considérée entièrement comme le résultat de la détermination adoptée et annoncée à différentes reprises par S. M. l'empereur Dom Pedro, avait été dans l'origine conseillée par le desir d'assurer un appui et un défenseur à l'enfance de la reine Dona Maria II. ; mais après l'expérience de ce qui s'est passé en Portugal, on ne pourrait plus y voir, au lieu de cet avantage, que des dangers et un sacrifice aussi révoltant qu'inutile.

Le soussigné doit avouer qu'en relisant sa correspondance avec S. Exc. M. le comte d'Aberdeen, et en réfléchissant sur ce qui s'est passé à l'égard de cette négociation, soit à Londres, soit à Rio de Janeiro, il ne saurait comprendre en quoi consistent les contradictions dont S. Exc. déclare à la fin de sa dernière note qu'elle croit devoir attendre l'explication.

L'ambassadeur de S. M. B. a sans doute reçu à la cour de Rio de Janeiro toutes les marques de cordialité et de respect sur lesquelles S. M. B. a le droit de compter ; et il a reçu l'assurance des dispositions dans lesquelles S. M. I. se trouvait de déférer aux avis qui lui seraient offerts de la part de son auguste allié, et qui seraient compatibles avec ses devoirs de père et de tuteur de la jeune reine.

Le soussigné ignore si quelque communication par écrit a pu avoir lieu entre lord Strangford et le gouvernement Brésilien ; mais il sait qu'on a dès le premier moment fait connaître à S. Exc. que le soussigné se trouvant en Europe revêtu de pleins pouvoirs les plus amples, on pouvait courir le risque de compliquer cette négociation, en la traitant à-la-fois au Brésil et en Europe. Sans doute M. le vicomte de Strangford n'aura pu dire qu'on soit jamais convenu, même verbalement, avec S. Exc. d'aucune base pour l'arrangement dont il s'agit ; et les assurances qu'il a reçues ne pouvaient, d'après cela, qu'exprimer dans un sens général les vœux de S. M. I.

Ces assurances ne ce trouvent par conséquent nullement en contradic-

tion avec tout ce que le soussigné a eu l'honneur de dire officiellement, soit par écrit, soit en conférence avec le ministère de S. M. B., ni avec l'assurance qu'il répète encore de l'autorisation qu'il a reçue de l'empereur son maître, pour se prêter à tout ce qui lui sera demandé, ou suggéré par S. Exc. M. le comte d'Aberdeen, dans le sens le plus conciliatoire, avec la seule et juste exception que le soussigné a déjà énoncée.

Le soussigné n'a pas besoin de retracer à Son Exc. M. le comte d'Aberdeen le contenu des notes qu'il lui a addressées, et dans lesquelles, se fondant d'abord sur les obligations qui dérivent des traités entre le Portugal et l'Angleterre, ensuite sur la position dans laquelle S. M. B. se trouve en raison de la part directe qu'elle a prise à toutes les négociations qui ont précédé le retour de S. A. R. l'infant Dom Miguel en Portugal, il a réclamé non-seulement l'appui direct de ce souverain pour faire cesser un grand scandale politique, mais aussi il a offert, dans le cas où cela parattrait nécessaire, ou convenable, de conclure au nom de S. M. l'empereur du Brésil, en qualité de tuteur de S. M. la reine Dona Maria II. un traité spécial avec S. M. B. pour effectuer une restauration qui ne présenterait que de bien faibles difficultés. Tous les efforts du soussigné pour obtenir la coopération de S. M. B. afin de parvenir à ce but si desirable ayant été par malheur infructueux ; et d'un autre côté, la première condition que S. Exc. M. le comte d'Aberdeen regarde comme base d'un arrangement étant la seule que le soussigné ne se trouve pas en liberté d'admettre, il semble que la négociation se trouve nécessairement arrêtée.

Il ne reste au soussigné qu'à exprimer la persuasion dans laquelle il est que S. M. B. voudra, pour le moins, garder la plus parfaite neutralité dans le différend qui est malheureusement survenu, entre la souveraine légitime du Portugal et l'usurpateur de sa couronne.

Dans cette juste attente le soussigné a l'honneur de renouveler a S. Exc. M. le comte d'Aberdeen les assurances de sa haute considération.

(Signé) Le Marquis de Barbacena.

Lalcham, le 21 Avril, 1829.

A S. Exc. M. le Comte d'Aberdeen, principal secrétaire d'état de S. M. B. au département des affaires étrangères, etc., etc.,

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Q.

NOTE DU COMTE D'ABERDEEN.

Ministère des affaires étrangères, le 8 Mai 1829.

Le soussigné, principal secrétaire d'état de S. M. au département des affaires étrangères, a été empêché, par des motifs qui lui sont particuliers et personnels, de répondre à la note qu'il a eu l'honneur de recevoir du marquis de Barbacena, datée du 21 Avril.

En s'empressant de réparer ce retard involontaire, le soussigné est disposé à le regretter d'autant moins que, après avoir examiné la note en question, il a reconnu que son devoir se borne à répéter les assurances qu'il a eu précédemment l'honneur de donner au marquis de Barbacena.

L'empereur Dom PEDRO, après avoir eu pleine connaissance de l'usurpation de la couronne de Portugal par l'infant Dom MIGUEL, a témoigné un vif desir de terminer les dissensions qui malheureusement existent entre lui et son frère, de la manière la plus amicale et conciliante.

Il était donc naturel de supposer que S. M. I. persévérait dans le desir et dans l'intention qu'il avait manifestés à plusieurs reprises, d'effectuer le mariage entre la reine Dona MARIA II et l'infant, comme le moyen de mettre un terme à la rivalité des prétentions, en rapprochant les différens partis en Portugal.

Le soussigné desire assurer au marquis de Barbacena que, quoique le gouvernement Britannique ne reconnaisse aucun droit à l'empereur Dom PEDRO pour agir au nom de S. M. T. F. en sa qualité politique de reine de Portugal, il dépend néanmoins incontestablement de S. M. I. de disposer de la personne de S. M. et de pourvoir à son bien-être individuel.

Cela étant, le soussigné ne peut que répéter qu'il répugnerait grandement aux sentimens du roi son maître, de susciter, ou de favoriser la proposition d'un mariage quelconque qui n'aurait pas reçu l'assentiment de l'empereur du Brésil.

Le roi a témoigné d'une manière non équivoque l'intérêt qu'il prend au bonheur de l'illustre princesse que le marquis de Barbacena a conduite en Angleterre, et S. M. sera, en toute occasion, prête à donner de nouvelles preuves de cet intérêt ; mais, quant à la réquisition du mar-

quis de Barbacena, que S. M. entreprenne la conquête du Portugal par la force des armes, il est impossible d'y accéder. Le soussigné a déjà eu l'occasion de prouver que cette réquisition, fondée sur l'obligation supposée des traités existans, ne repose pas réellement sur une telle base. La proposition du marquis de Barbacena de faire de nouveaux traités à cet effet est également inadmissible. Les principes qui ont toujours guidé S. M., et la considération qu'elle doit aux intérêts de son peuple, s'opposent à ce que S. M. puisse acquiescer à une proposition de cette nature.

Le soussigné prie le marquis de Barbacena d'agréer les assurances de sa considération la plus distinguée.

(Signé) ABERDEEN.

R.

NOTE DU MARQUIS DE BARBACENA AU COMTE D'ABERDEEN, DU 13 MAI 1829.

Le soussigné, plénipotentiaire de S. M. l'empereur du Brésil, a eu l'honneur de recevoir la note que S. Exc. M. le comte d'Aberdeen, principal secrétaire d'état de S. M. B. au département des affaires étrangères, lui a addressée le 8 de ce mois, en lui déclarant de nouveau que le gouvernement du roi ne regarde pas comme applicables au cas de l'usurpation opérée en Portugal, les traités d'alliance qui existent entre la couronne dudit royaume et celle de la Grande-Bretagne, et qu'en conséquence il ne peut acquiescer aux propositions réitérées que le soussigné lui a faites, soit pour obtenir l'exécution des traités en question, soit pour contracter une alliance spéciale, qui aurait pour but la restauration de la couronne dont S. M. la reine Dona MARIA II. vient d'être privée.

Cette réponse de M. le comte est si décisive, que le soussigné ne peut la considérer que comme un *ultimatum* de la ferme résolution où est le gouvernement de S. M. B. de rester neutre dans le différend qui existe malheureusement entre S. M. la reine Dona MARIA II. et l'usurpateur de sa couronne; et comme le soussigné se trouve par là dans le cas où il doit mettre en exécution les ordres qu'il a reçus dernièrement de l'empereur son auguste maître, il a l'honneur de s'adresser aujourd'hui à S. Exc. M. le comte d'Aberdeen pour porter par son entremise à la connaissance de S. M. B., que l'auguste père et tuteur de S. M. la reine T. F. a reconnu, que dans l'état de disgrâce où se trouve cette jeune souveraine, il doit la tenir auprès de lui pour mieux remplir envers elle les

devoirs que lui impose sa tendresse paternelle ; et qu'il a pris en conséquence la résolution d'ordonner le prompt retour de sadite M. T. F. à Rio de Janeiro.

Exécuteur fidèle des ordres de l'empereur son maître, le soussigné a commencé déjà à faire les préparatifs nécessaires pour le transport de la jeune reine; et en faisant à M. le comte d'Aberdeen cette notification officielle, le soussigné le prie d'agréer les assurances de sa haute considération.

(Signé) Le marquis de BARBACENA.

A S. Exc. M. le comte d'Aberdeen, principal secrétaire d'état de S. M. B. au département des affaires étrangéres.

S.

NOTE DU COMTE D'ABERDEEN, DU 18 MAI 1829.

C'est avec le sentiment du plus vif regret que le soussigné, principal secretaire d'état de S. M. au département des affaires étrangères, a reçu la participation du 13 du courant, par laquelle le marquis de Barbacena lui annonce le prochain départ de S. M. T. F. pour le Brésil. Le soussigné ne manquera pas de porter cette résolution à la connaissance du roi son maître; mais, excité par la sollicitude connue de S. M. pour tout ce qui intéresse l'honneur et la prospérité de cette intéressante princesse, il prend en attendant, la liberté d'offrir quelques réflexions qui peut-être paraîtront mériter quelque considération au marquis de Barbacena.

Le soussigné ne cherche pas à pénétrer quelle est l'étendue des pouvoirs dont le marquis de Barbacena se trouve muni, non plus que la nature des instructions qu'il a reçues de son souverain. A cet égard S. Exc. est le seul juge compétent. Mais en supposant qu'il existe des sujets qui puissent être discutés avant de mettre à exécution ces ordres, le soussigné pourrait avec quelque raison être accusé d'indifference pour les véritables intérêts de S. M. T. F., s'il ne soumettait pas les observations suivantes au marquis de Barbacena.

Il est évident que dans la situation présente du Portugal, et dans l'état actuel des relations des puissances étrangères avec ce pays, l'absence de S. M. T. F. peut nuire grandement à ses intérêts. Transportée dans un

autre hémisphère, et entretenant de là avec les états Européens une correspondance incertaine et fastidieuse, le départ de S. M. pourrait, selon toute vraisemblance, être regardé comme l'abandon virtuel de ses prétentions et de ses droits. La nation Portugaise pourra ainsi s'affermir dans son obéissance à l'infant, et il est impossible de supposer que les gouvernemens de l'Europe veuillent consentir à prolonger indéfiniment le caractère anomal de leurs relations avec le Portugal.

Le marquis de Barbacena ne peut ignorer que si le hasard amenait quelque changement en Portugal, et si le trône devenait vacant *de fait*, la succession pacifique de S. M. rencontrerait de plus grandes difficultés, en même temps que son retour du Brésil serait regardé avec plus de défaveur, que si S. M. arrivait de tout autre point du globe. La jalousie naturelle de la nation Portugaise serait excitée plus directement, et un sentiment de l'orgueil, blessé par l'apparence de la domination du pays qui naguère était une colonie du Portugal, augmenterait la répugnance générale à recevoir une princesse Brésilienne, venue tout récemment du port de Rio de Janeiro.

L'intérêt que le roi son maître a invariablement témoigné pour le bien-être et le bonheur de S. M. T. F. mettent le soussigné à l'abri de la possibilité de toute fausse interprétation, en se hasardant à observer que le cours des évènemens en Portugal pouvant exiger la présence de la reine, le retour de S. M. allant d'Angleterre, ferait probablement disparaître des difficultés de cette nature. Il est vrai que S. M. T. F. pourrait naturellement demander à la Grande-Bretagne, comme l'allié ancien et désintéressé du Portugal, des secours et des conseils ; mais placée, comme elle s'est trouvée, peut-être inévitablement, à la tête d'un parti, et, malgré sa jeunesse et son innocence, son nom se trouvant mêlé aux plus grands excès de la discorde civile et des ressentimens personnels, l'arrivée de S. M. en Portugal allant d'Angleterre perdrait, il faut en convenir, beaucoup de la dignité et du caractère qu'elle devrait avoir. L'apparition de S. M. serait accueillie comme un lien de paix et d'union générale, mais aucune faction n'y verrait le triomphe de la reine.

Le soussigné par égard pour les intérêts de S. M. T. F., et avec la franchise qu'il se flatte d'avoir mise dans ses communications avec le marquis de Barbacena, croit devoir déclarer que, dans son opinion, le parti que l'empereur Dom Pedro avait pris à l'égard de sa fille, en décidant que sa résidence en Europe serait à la cour de S. M. l'empereur d'Autriche, était à tous égards avantageux pour la princesse. Entourée de ses augustes parens, et élevée sous les yeux d'un souverain vertueux

et respecté, le bien-être de S. M. ne pouvait manquer d'être assuré au plus haut degré. Cette résolution était également favorable à ses droits politiques; et si les efforts bienveillans de ses alliés venaient en définitive à être couronnés de succés, le départ de S. M. de Vienne pour aller s'asseoir sur le trône de ses ancêtres, ne serait point accompagné des difficultés qui, dans l'état actuel du Portugal, s'éleveraient si elle s'y rendait de l'Angleterre ou du Brésil.

Le soussigné renouvelle au marquis de Barbacena les assurances de sa considération la plus distinguée.

Ministère des affaires étrangères, le 18 Mai 1829.

(Signé) ABERDEEN.

T.

NOTE DU MARQUIS DE BARBACENA AU COMTE D'ABERDEEN, DU 18 JUIN, 1829.

Le soussigné, plénipotentiaire de S. M. l'empereur du Brésil a eu l'honneur de recevoir la note que S. Exc. M. le comte d'Aberdeen, principal secrétaire d'état de S. M. B. au département des affaires étrangéres, lui a adressée en date du 18 mai dernier, et dans laquelle S. Exc. exprime les graves inconvéniens que le départ pour le Brésil de S. M. T. F. pourrait avoir dans les circonstances actuelles pour les intérêts de cette jeune souveraine; et indique même qu'une semblable mesure pourrait éventuellement être regardée comme un abandon virtuel de ses prétentions et de ses droits au trône de Portugal.

M. le comte d'Aberdeen ne doit pas douter de l'extrême importance que le soussigné attache à ces observations, qu'il a cherché à peser dans son esprit avec une attention égale au zéle dont il est animé pour la cause de la jeune reine, dont la garde lui a été confiée. Et le soussigné ne dissimulera pas à S. Exc. les vives appréhensions que lui ont inspirées les prédictions sinistres contenues dans la susdite note.

Cette alarmante impression a porté le soussigné à demander à M. le comte d'Aberdeen quelques éclaircissemens, et même à lui faire des propositions tendantes à obtenir de S. M. B. un appui moral, qui serve à motiver la prolongation du séjour de S. M. T. F. en Europe, et qui puisse justifier aux yeux de l'auguste père de cette princesse le retard que mettrait le soussigné à exécuter les ordres qu'il a reçus.

A une époque assez récente, plusieurs souverains de l'Europe, et surtout S. M. B., ont maintenu auprès d'un souverain qui se trouvait dépouillé de la plus grande partie de ses états, et réduit à la possession d'une île dans la mer Méditerranée des relations diplomatiques. Le soussigné avait espéré que ce principe pourrait être actuellement suivi; et S. M. B. donnerait une preuve évidente des vœux sincères qu'elle forme pour le succès d'une cause aussi juste, soit en admettant auprès d'elle un agent accrédité au nom de la reine de Portugal par le protecteur naturel des droits et de la personne de cette souveraine, soit en reconnaissant un gouvernement au nom de S. M. T. F. dans l'île Tercère, soit enfin en lui prêtant de toute autre manière une protection patente et indubitable qui ôte à sa cause l'apparence d'être entièrement abandonnée, et qui prouve que l'ancien allié de la couronne de Portugal, même en restant neutre, ne demeure pas complètement indifférent à la lutte qui existe entre S. M. T. F. et l'usurpateur de sa couronne.

Malheureusement aucune des prepositions que le soussigné a pu suggérer, n'a obtenu l'assentiment de S. Exc. M. le comte d'Aberdeen; et placé dans la nécessité de prendre un parti extrême, quelque tristes qu'en soient les circonstances, il ne pourra en aucun cas être considéré comme responsable, en se bornant à suivre les ordres de son auguste maître. Il a donc l'honneur de s'adresser aujourd'hui à S. Exc. M. le comte d'Aberdeen pour le prier de vouloir bien consulter la volonté de S. M. B. sur le jour qu'il lui plaira de fixer pour recevoir la dernière visite de S. M. la reine T. F. et l'expression de sa gratitude pour l'obligeante hospitalité que son auguste allié lui a accordée.

Le soussigné prie en outre S. Exc. M. le comte d'Aberdeen d'agréer les assurances réitérées de sa haute considération.

Lalcham, le 18 Juin, 1829.

(Signé) Le Marquis de Barbacena.

A. S. Exc. M. le comte d'Aberdeen, principal secrétaire d'état de S. M. B. au département des affaires étrangères.

PORTUGUESE QUESTION.

By the same Author.

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agul. A.