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A

# LETTER,

ADDRESSED TO

**SIR JAMES MACKINTOSH, M.P.**

ON

HIS MOTION RESPECTING

THE

# AFFAIRS OF PORTUGAL,

SUBMITTED TO

**THE HOUSE OF COMMONS,**

On the 1st of JUNE, 1829.

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*BY WILLIAM WALTON.*

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“No usage, law, or authority, whatever, is so binding that it need, or ought to be continued, when it may be changed with advantage to the community. The family of the prince, the order of succession, the prerogative of the crown, the form and parts of the Legislature, together with the respective powers, office, duration and mutual dependency of the several parts, are only so many *laws*, mutable like other laws, whenever expediency requires, either by the ordinary act of the Legislature, or, if the occasion deserves it, by the interposition of the people.”—PALEY.

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**London:**

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1829.

# THE

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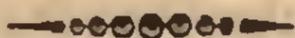
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A LETTER, &c.



TO SIR JAMES MACKINTOSH, M. P.

I do not hesitate to acknowledge, Sir James, that I was one, among many others who, week after week, awaited, with a degree of mingled interest and curiosity, the result of your long promised and often deferred motion on Portuguese affairs, at length brought forward on the first of the present month; and my expectations regarding the importance of the disclosures which you were about to make, rose in proportion to the time you took for the arrangement of your plan and the collection of the requisite materials. I eagerly looked for a display of those talents and that industry which have usually accompanied your efforts, as a public speaker; and hoped to find, if not an elucidation, at least, an application of those principles of public and international law which formed the basis of your early

reputation, and have ever since distinguished you as a member of the British House of Commons. The rumour of your intended motion on a subject, so interesting, had, in fact, travelled far and near; and it was confidently hoped, particularly by those under the same political bias as yourself, that an exposition, coming from one, publicly known among the earliest writers on the competition to the Throne of Portugal, and having such abundant sources of information at his command, would prove unanswerable, and, as far as the British public are concerned, at once set this long agitated question at rest.

From all I have been able to learn, the partisans of the very same cause which you yourself advocate, were, however, disappointed; and a similar feeling generally prevails among those who listened to you with attention; or have since read your speech in the form in which productions of that class usually meet the public eye. It was evident to numbers who heard the arguments, intended to support the position which you endeavoured to establish, that you had not thoroughly examined the question which you undertook to propound; and that your statements were rather derived from hearsay, than obtained by diligent and impartial inquiry. To many, you seemed to speak from mere rote, as if uttering a lesson prepared by another, and badly learnt. Hence were most people astonished at the great confusion of dates; the frequent distortion of facts, and, above all, the total forgetfulness evinced of the most memorable laws relating to the Succession of the Portuguese Crown, as well as of traits, the most striking and venerable, in the national history of a kingdom,

so long our close and firm ally, and so often brought into public notice by the nature of our political connection with it, as well as the constant intercourse of our countrymen. This oversight appeared the more remarkable, at this late stage of a contested question; one that had already called forth the energies of numerous writers on both sides, who have literally exhausted the subject, and at a period, too, when the sentiments of the great body of the Portuguese people upon it, are made known, in a manner the most legal and unequivocal. To others, you appeared borne away by an enthusiastic zeal, or party-spirit, often bordering on intemperance, which led you into assertions, unwarranted by facts, and derived more from popular clamour than those sound, unbiassed, and substantial authorities which are relied on in the British Senate.

These considerations and a wish to set public opinion right on a question, intimately connected with our national honour, as well as our political and commercial relations with Portugal, have emboldened me to offer a few remarks on your long and elaborate discourse; not that I think much was left unanswered, at least, as regards the policy adopted by our government on this perplexing subject; but, because I feel, in common with many others, that an extempore reply, however ably delivered, particularly on a foreign topic, is not sufficient for a studied speech; and, as a further inducement, it may be added, that in your sketch of the late occurrences which led to the existing differences between the two male branches of the Braganza Family, the most remarkable events, as well as the

most prominent circumstances of the contest, were totally concealed. I cannot help thinking that, on the occasion alluded to, you were hurried away by your feelings, rather than guided by the dictates of a calm and sober judgment, and if I now attempt to point out to you those parts of your speech which appeared to me the most defective and opposed to facts, at the same time noticing the omission of many leading traits, essential to a just comprehension of the subject, I am confident you will not attribute my effort to any diminution of that high respect and consideration which I have ever entertained towards you; or charge me with motives, at variance with those by which I am really actuated.

By many, the task which I have undertaken will be deemed a bold one—it may, perhaps, be construed into presumption, on my part; nevertheless, I trust I shall acquit myself with temper, diligence and advantage to my readers, particularly, as I proceed with a full and firm determination not to hazard an assertion that is not borne out by substantial evidence. It cannot be expected that it will be in my power to exhibit the same range of mind; or add to my remarks the same weight of authority; but I will be frank and fearless, taking scrupulous care not to establish a position, or draw a single conclusion that may tend to mislead. In the early stages of the Portuguese question, I was perhaps as great an enthusiast as yourself, Sir James, and as readily disposed to listen to all that was told me upon the subject; but, when I saw the *denouement* of the Oporto enterprise, followed by that of Madeira; when I contemplated the real nature of the angry

contention going on, and became convinced that the hope of a restoration to power was the principal bond of union among the persons opposed to the established government in Portugal; when I reflected on the acrimonious invectives and polemic zeal with which the partisans of the Charter defended their cause, and saw an evident disposition to involve this country in a contest to which they were themselves unequal, I began to pause, and very soon discovered that I had been egregiously deceived and in many respects imposed upon by *soi-disant* patriots, who pretended to convey to me correct information. Then, it was, that I resolved to judge for myself, and eagerly procured all that had been printed, on both sides of the question, in Spain, France, Portugal and England, together with such records as could illustrate the Constitutional history of Portugal, or furnish me with legislative authorities. At least, I can pledge for the assiduity of my researches, as well as the fairness of my views in now offering their result to the public, as it were, in atonement for wrong impressions which I may at one time unguardedly have produced; being well convinced that, in the wide field of speculative politics, experience infinitely surpasses theory; although I am by no means unmindful of the difficulties attendant on the execution of my present design.

It is doubtless a laudable and important inquiry to ascertain who is the lawful successor to the Crown of Portugal, as well as to determine the real nature of those claims to the interference of the British Government, which it seems to have been your anxious wish to enforce, by so powerful an

appeal to the feelings of the House of Commons and the country at large. Your intentions, most assuredly, were the best ; but, after so long a delay and the remarkable occurrences which had taken place, in the interval since you first announced them, could it be deemed an auspicious moment to agitate a question of so delicate a kind ; particularly as the fierce contentions in Portugal were already fast subsiding ; party-animosities greatly allayed ; the struggle for the acquisition of political power nearly at an end, and scarcely any vestiges of that insurrection left which tended to strengthen the hands of the established Government, by shewing to the people the weakness of its enemies and the impracticability of their designs ? As, however, you persisted in your original purpose, it became doubly imperious upon you not to risk an opinion that was not proved by substantial evidence, or supported by reasonable probabilities, and it would equally have been good policy to have abstained from all reflections which were not conceived in the true spirit of wisdom and moderation.

No one, I can assure you, Sir James, admires, more than I do, your glowing panegyric of the blessings of a general and honourable peace, which marked the opening part of your speech ; no one can more sincerely wish that its enjoyment may continue undisturbed, and, as the great society of the European Commonwealth is now constructed, that a participation in its benefits may be extended to other nations as well as ourselves, without their independence being endangered ; but, whether they are of the first, or secondary order, I should be equally glad to see them free from internal anarchy and civil

war; and these evils the doctrines which you lately sought to promulgate, are more calculated to promote than repress. Conformably to the maxims on which the general peace was settled, at the close of a long and arduous war, no nation, however high and commanding its station, is allowed to intermeddle in the domestic concerns of another, each being left to manage its local affairs according to its own laws and regulations, so long as the tranquillity of its neighbour is not endangered. In the very face of this maxim, you remind us of our Treaties with Portugal, "which," you add, "have existed for 450 years—an alliance, unexampled in the history of man, and which no cloud of disagreement had ever interrupted," and then take occasion to sound the tocsin of alarm, as if another Spanish Philip were advancing to invest the fortress of Elvas, or a fresh host of revolutionary Frenchmen were preparing to cross the plains of Alentejo. As if imminent danger were at hand, the British Government is called upon, "both by the faith of treaties and national honour," to interfere in the affairs of Portugal, in order to shield an "old and faithful ally" from harm; otherwise, we are given to understand, eternal disgrace will fall upon us! Your hearers listened with an intense degree of attention—every one was anxious to hear whence the threatened aggression was coming against "a country that had been thrice invaded on account of the fidelity with which it maintained its engagements with England," when, lo! they were informed that this same country "was suffering under the tyranny of an usurper, who made his way to the throne by a succession of falsehoods,

perjuries and frauds, which, in the case of any one, amenable to the laws, would long since have subjected him to the most disgraceful if not to extreme punishment."

Thus, Sir James, do you define the elevation to the throne of the reigning sovereign of Portugal—thus do you, who have so often been called "the able and intrepid champion of popular rights," stigmatize the sublimest effort of "our old and faithful allies," who, by a solemn act—one which, in any other case, you would be the foremost to admire and applaud, constitutionally proclaimed the reversionary rights of the second branch of the Braganza Family to the throne of his ancestors, and consequently awarded to him its lawful possession. The passage above quoted from your speech, in fact, comprises the sum total of the charge usually levelled against the young sovereign, by those who have been worked up to feelings of hatred, through the insidious artifices of his enemies, and who never stop to enquire whether the allegations, with which they endeavour to support it, are true, or false. This is, therefore, the first part of your exposition with which I shall endeavour to grapple; but, in order to be clearly understood, I must be allowed to draw a short sketch of the situation of Portugal and the relative positions of the two brothers, on the demise of King John VI., whom an indulgent fate happily removed from the sphere of human action, before his beloved people became a prey to turbulent factions; or were rent asunder by contending interests. I must crave your indulgence for this short digression.

On the 6th of March, 1826, John VI. departed

this life, without having made any testamentary dispositions, although, like our own youthful Edward, he was exposed to importunities and intrigues; but he had the courage to resist, and signed no paper that expressed his own opinion on the succession. No artifice overcame the weakness of a sinking frame—no menace overawed even the habitual timidity of his character, and, on a point in which the welfare of his subjects was deeply concerned, he left the laws to take their due course, well aware that they made ample provision for the emergency about to ensue.

At this awful moment, neither of his two sons was near his pillow. The eldest, Dom Pedro, compelled by the invasion of the French to quit Portugal and seek an asylum, with the other members of the Royal Family, in Brazil, had remained there, in the character of Regent, at the time his father, alarmed by the changes which had taken place in Portugal, during his absence, returned to Europe. There are indeed too many proofs on record for it to be doubted that the Allied Powers had early viewed, with dread and alarm, the popular spirit and republican tendency of the institutions, introduced into the Peninsula, as a basis of reform, and resolved to check their growth. It is, therefore, more than probable that they urged his return, and British ships were accordingly sent to accompany him to Lisbon; but, on his arrival, the unwary monarch threw himself into the arms of the party who, in the interval, had gained the ascendancy; he became their ready instrument; and from this inconsiderate act, the subsequent dissensions among the members of his own family, as well

as most of the misfortunes which successively befel his subjects, take their date. It was the intemperate conduct of the men, then in power, and the indignities offered to the Prince Royal, which first drove the latter to assert the independence of Brazil; and with this same party, to the surprise of every one, he now stands leagued; an union that must be deemed the more unnatural and extraordinary, when we reflect on the foul and opprobrious epithets with which the *soi-disant* Liberals loaded him in the Lisbon Cortes, as well as on their insidious attempt to entrap his person, in order to send him, like a tame school-boy, on his travels to that part of Europe it might please them to select, as, at a later period, they did his brother, the Infante Dom Miguel; for doubtless this is the same party, under another form, that now agitates Portugal, relying for success on the circumstance of having the institutions, which they seek to replant, derived from what they call a "legitimate source," by which means they hope to save appearances and avoid the guilt of democracy, which, on the first experiment, was found so offensive to the Allied Powers.

Seated in another hemisphere, and invited by a people who had already felt the electric spark, vibrating from one extreme of their extensive continent to the other, the Prince Royal still clung to Portugal and the throne which he was called upon to inherit, and, as if fully sensible of the heavy penalty awarded against him, if he divided his father's dominions, he for a long time never dreamt of joining the cause of Independence, as may be seen from the whole series of his correspondence addressed to his father and

embracing a period of rather more than nine months, from the 8th June, 1821, to the 19th March, 1822.\* His reiterated pledges of concord and adhesion, marked in every line, till the scene closed, are indeed the strongest and most explicit that possibly could be penned, and among them is the following, taken from a letter, bearing the date of the 4th of October, 1821, only a few months before the independence of Brazil was openly proclaimed. "It is wished to secure the independence through me and the troops; by neither have those ends been obtained, nor shall they be, because my honour and that of the troops is a greater object than the whole of Brazil. They wished, and still say, that they wish, to proclaim me Emperor. I protest to your Majesty that I never will be a perjurer; that I never will be false to you, and that they may do so mad an act, if they choose, but it shall not be till after I and all the Portuguese have been cut to pieces. This is what I swear to your Majesty, at the same time writing, in this letter, with my own blood, the following words—*I swear to be ever faithful to your Majesty; to the Nation, and to the Portuguese Constitution.*"†

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\* These letters were published by order of the Lisbon Cortes.

† "*A Independencia tem-se querido cobrir conmigo e com a tropa, com nenhum conseguio, nem conseguirá, porque a minha honra e a della, he maior que todo o Brazil. Querião me, e dizem que me querem aclumar Imperador; protesto a V. M. que nunca serei perjuro, que nunca lhe serei falso, e que elles farão esa loucura, mas será depois de eu, e todos os Portuguezes estarem feitos em postas. He o que juro a V. M, escrevendo nesta com o meu sangue estas seguintes palavras—Juro sempre ser fiel a V. M, a Nção, e a Constituição Portuguezu.*"

Under date of the 12th February, 1822, he announces that he had embarked and sent home "the auxiliary division of Portuguese troops, being tired with the indignities which he had experienced," and on the 14th of the following March, when the revolution may be said to have been effected, and as it were in explanation of its origin, he wrote his father "that the rage felt in Brazil was against those factious Cortes," meaning the Lisbon ones, whose ready instrument the weak monarch had unhappily become. Irritated by insults and impelled by circumstances no longer within his control, the Prince Royal placed himself at the head of the independent cause, when Brazil was *de facto* separated from Portugal, on the principle that any future union would be incompatible with the interests of its inhabitants. On this condition, the Imperial throne was offered to the Prince Royal and by him accepted, on his own behalf and that of his children; he solemnly binding himself to become a Brazilian, or, in other words, to surrender up all right and title to his European inheritance, it being expressly declared and enacted by the Constitution, subsequently framed, and which by oath he is held to observe, "that the Empire of Brazil is the Political Association of all the Brazilian Citizens, constituting a free and independent nation, which does not allow of any bond, union, or federation whatsoever with any other, opposed to its independence." The Prince Royal was thus placed by political necessity at the head of the Brazilians, over whom alone he agreed to reign—he was the only bond of union among them, from the moment they avowed their deter-

mination to become free and independent, and, most assuredly, if at that critical time he had quitted them, the reign of anarchy would have commenced, and although their separation from Portugal was inevitable, they would have been a long time before they had been able to establish any thing like a regular form of government; nay, it is more than probable that each province would have set up for itself.

The Brazilians, with their "Constitutional Emperor and Perpetual Defender" at their head, and he holding his crown from no other tenure than their choice, were thus rendered as free and independent, as the United States were at the time of their separation from Great Britain, and the same independence and separation were afterwards agreed to and solemnly ratified by a Treaty, made between the father and son, in the month of August, 1825, under the direct mediation of the British government, by virtue of which the former acknowledged Brazil in the rank of an independent Empire, separated from the Kingdoms of Portugal and the Algarves, and his son as the lawful Emperor thereof." The new subjects of the Constitutional Emperor hastened to proffer to him their homage and congratulations, and by repeated declarations on record, he identified himself with them; he linked himself to their fate, and pledged never to have a home but among them. Seated, as it were in the land of promise—aloof from the troubles and turmoils of the Old World, and sensible of the brilliant prospect opened before him, he resolved to turn his back on Europe, feeding his aspiring spirit with those fond anticipations of

future greatness, which doubtless it will be in his power to realize, unless imprudence checks his steady career.\*

Such was the situation of Dom Pedro, at the period of his father's death; his younger brother, Dom Miguel, being at the time, exiled from Portugal and detained a close prisoner at Vienna, under the Emperor of Austria's roof, through alledged offences; but, as it now turns out, in consequence of a political intrigue, plotted against him by his enemies, among the most conspicuous of whom were the ministers of king John VI., as will be more particularly explained when I come to treat of the young Sovereign's character, (a separate division of the present Letter) so often and so wantonly assailed by a large portion of the London press, whose example, I regret to say, Sir James, you have not hesitated to follow.

As a lawyer and a statesman, I would now gladly ask you, Sir James, what was to be done, in the trying emergency in which Portugal was placed by the death of the reigning sovereign, John VI. An extraordinary case evidently occurred in the rule of succession, which, if not settled conformably to the fundamental laws of the realm and to the satisfaction of the people, could not fail to produce confusion and civil war. No testamentary mandate of the departed monarch designated his successor, and even if the case had been otherwise, the laws of the land

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\* In a pamphlet, entitled "Portugal, or, Who is the lawful Successor to the Throne?" the proofs and arguments, shewing the manner in which Dom Pedro surrendered up his rights to the Portuguese Crown, by becoming a Brazilian, are stated at full length; with illustrative documents.

and the precedents on record would not sanction, in Portugal, such an undue assumption of power, by no means forming part of the royal prerogative. Such an injunction might besides be dictated by caprice, or resentment. The last Wills and Testaments of Sancho I. and John II. were not held binding on their successors; the testamentary dispositions of both being declared null and void.\* That no sovereign has a right to rule after his death, is an old maxim in Portuguese jurisprudence, and seems equally avowed in our own national history. The doctrine on the subject of succession, prevailing in the time of Henry VIII., was, that Parliament was authorized to bestow the throne; and this power could not well be disputed, when there were recent examples of the elevation and degradation of kings, both of the line of York and Lancaster, by the same process. This right was afterwards confirmed by memorable and glorious instances. The power of naming a successor was specially conferred on Henry VIII., by the Legislature; and his Will, subsequently ratified by an Act of Parliament, barred the title of the Queen of Scots, in such manner that the objection could not be removed, unless by another declaration, equally formal and valid. Queen Elizabeth considered herself authorized to name a successor by virtue of the Act passed in favour of her father and his successors; but not from any right attached to the royal prerogative. To her the independent spirit of the House of Commons, speaking the sense of the nation, formally guaranteed the

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\* *Just. Jur. Civil. Lusit. Lib. iii. Tit. § 27.*

right of succession ; but, when urged, in the most pressing manner by her Parliament, pledging to confirm her choice, she refused to name the person who was to fill the throne, after her own demise. When the royal line of Tudor ceased, James ascended the throne of England, without opposition, having previously secured a party to support his claim ; the legislative act, however, in favour of Henry VIII., above mentioned, excluding the Scottish line, not having been abrogated, he, as an alien, by law, was rendered incapable of inheritance in England. It may therefore be said, that he ascended the throne by no other title than the acquiescence of the people,\* and that title was always held sacred and indisputable, even by the partisans of strict hereditary right.

If the course of succession were not fixed and certain, or regulated by public and avowed principles, nations would be frequently exposed to anarchy and civil war ; and, to obviate calamities, arising out of similar causes, fatal experience had induced the Portuguese to enact wise and salutary laws. According to the ordinary rules of succession, Dom Pedro being the eldest son, unquestionably had a right to take the hereditary crown, as his lawful inheritance ; but, in Portugal, those rules were modified and restricted in such manner as to create exceptions. Let us see whether these exceptions are applicable to the case in question.

It is a curious fact, that while most of the other European nations were sunk in a species of semi-

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\* Aikin's Memoirs of the Court of James I. Vol. I. Chap. iv.

barbarism, and extremely backward in the knowledge of the best principles of public law, the Portuguese, even at the first dawn of their monarchy, felt the necessity of establishing that uniformity of opinion respecting the sovereign's right to the throne, so essential to the welfare and stability of every well constituted State. Alonzo the First, in 1143, convened the great Council of the Nation to the Cortes of Lamego, over which he himself presided, for the purpose of establishing the fundamental laws of the monarchy and defining the order of succession, when it was enacted that the Crown should be hereditary, and descend, in a direct line, from father to son, and, in case of any default therein, that it should then pass to the nearest branch; the daughters being also entitled to inherit, on special conditions, one of which was, that they should not marry an alien and no other than a Portuguese, under the penalty of being disinherited, "because," adds the Statute, "we wish that our kingdom shall never go out of the hands of Portuguese, who by their valour made us King, without foreign aid, evincing in this their firmness and courage, and at the expence of their own blood."\*

This rule was religiously observed till the year 1385, when the Cortes of Coimbra, on the demise of Ferdinand I., without issue, bestowed the Crown on John, the First of that name, and natural son of Peter I., thus rejecting the claims of all the other

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\* *Porque nunca queremos que nosso reino saia fora das mãos de Portuguezes, que em seo valor nos fizeram Rey, sem ajuda alheia, mostrando nisto sua fortaleza e derramando seo sangue.*"

Pretenders, on which memorable occasion, the same Cortes formally declared that "as the throne was notoriously vacant, through default of lawful descendants from the kings of Portugal, the people were at liberty to elect a new sovereign, and they accordingly elected John I.," &c.\*

The succession again continued undisturbed till the days of the young and unfortunate enthusiast, Sebastian, when Portugal became the theatre of Spanish intrigues, in which, it is well known, that the Jesuits took a leading part. The great object of the Castilian monarchs had long been to reannex Portugal to Spain, and the pretext invariably was, the issue of the intermarriages between the two reigning families, against the consequences of which the Portuguese had been so anxious to guard themselves, by ordaining that no foreigner should sit upon their throne, and keeping up among the people a corresponding spirit of independence and hostility. When St. Francis de Borja, perhaps the most powerful emissary ever sent to a Catholic country, paid his second visit to Portugal, he was commissioned by Charles V. to propose to the Queen Dowager, Catherine, the eventual union of the two crowns, in case her youthful son, Sebastian, should die without issue. The Queen, in the most spirited manner, spurned the offer, and plainly told the venerable diplomatist that if he wished to escape from being

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\* This declaration of the Coimbra Cortes is preserved in the Archives of the *Torre do Tombo*, and was copied entire by João Soares da Silva, among the documents appended to Vol. iv. of his *Memorias do Rey D. João I.*

actually mobbed by the people, he must keep even the fact of his having mentioned such a proposal an inviolable secret.\* At the close of that unfortunate crusade to Africa, planned by the Jesuits and executed at their instigation, when Portugal was again left without a direct line to the succession, since Cardinal Henry, the son of King Emanuel and Mary, his second wife, besides being a clergyman, was crowned in his 67th year,† the same intrigues were renewed, and the Jesuits made fresh overtures to Philip II. of Castile, son of the Empress Isabella, and the eldest daughter of Emanuel, pledging to secure to him the sceptre of the neighbouring kingdom.‡ The competitors for the throne, at that time, it will be remembered, were six, four of whom, and among them Philip of Spain, were peremptorily excluded by the circumstance of their being foreigners and aliens. Philip's claim nevertheless underwent a minute and formal investigation, and, on the above just and equitable plea, was totally rejected. The machinations in his favour were, however, redoubled, principally through the agency of the Jesuits, when, after a long and expensive series of formidable intrigues,§ Philip took military possession of Portugal,

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\* *Diogo Barboza, Memorias do Rey D. Sebastião, Part 1, Lib 1, Cap. vi.*

† He was crowned August 28, 1578, and died January 31, 1580, thus reigning only about one year and five months.

‡ *Portugal Restaurado, Part 1, Liv. 1; and Brandão, Historia da Guerra de Portugal, &c.*

§ The whole of the negotiations, proposals and answers, which took place on this affair, are recorded by Luiz de Cabreira, in his *Chronica do Rey D. Felipe II.*

and caused himself to be crowned; after which the Spaniards governed the subjugated country for sixty-one years, without interruption.

Here, if my limits allowed me, would I pause to take a view of the unhappy situation of Portugal, during the long and painful interval of a foreign yoke, notwithstanding every expedient that could be devised to make the inhabitants individually forget the real nature of their chains, was resorted to. After a tedious bondage, aggravated by indignities, chiefly levelled against their national character, a brighter era beamed upon them, and this is the precise period to which our close intimacy with Portugal may be traced. The Portuguese had been stripped of their laws and institutions, as well as of every thing else endeared to them by cherished associations and prejudices, really national; but, their previous sufferings had not crushed their high-minded spirit so far as to reconcile them tamely to the detested dominion of an alien. The first Philip was an unjust and cruel despot; the second, an irresolute devotee, melancholy, indolent, and easily duped; whilst all the good qualities of the third were rendered abortive by his listlessness and want of energy. Under such rulers, the Portuguese could not fail to feel doubly the weight of foreign oppression, and in rising to free themselves from it, they seemed manfully determined to shield their country from the recurrence of a similar hardship.

A revolution ensued, in 1640, if such it could be called, when one uniform will actuated the whole nation, and by the genuine voice of public feeling, the Braganza Family were called to the throne. The

proceedings which followed, and the Manifesto, subsequently published, shew the spirit of those times, as well as the nature of the Constitution which the triumphant people were determined to revive, whilst the means were still in their power; and its exercise having been illegally suspended by an armed force, they were now anxious to transmit it to their descendants, in all its primeval dignity and splendour. This Manifesto is a formal declaration of the rights of the Portuguese people, addressed to the Governments of Europe, and explanatory of the causes which led them to withdraw their allegiance from the Castilian Monarch and proclaim John IV. It is a vivid picture of the sufferings which the nation had endured under a hated dominion, strongly indicating that dread of a disputed succession, which at the moment pervaded every Portuguese breast, and had been the chief cause of the past calamities. It is an authentic record of the principles avowed on the most memorable event, presented in the history of any nation; and, at a time when the eyes of all Europe were turned towards the Portuguese, it proclaimed an important application of the law of the land, and explained principles which had delighted their ancestors in the days of an Alonzo and a Deniz. It now exhibits a model of primitive manners and establishes the historical importance of the Lusitanians, more than any state-paper ever published among them. To Englishmen, at the time, it was a subject of enthusiastic exultation, as well as to the other nations of Europe; yet, when we come to discuss the present affairs of Portugal, we seem to forget that any such document is in existence, that any such principles

were once established and acknowledged, or that the Portuguese are entitled to the common benefits of independence.

In the discussions relating to the present dispute on the affairs of Portugal, I have all along thought that this valuable State Paper was overlooked, and I can assure you, Sir James, that I became more convinced of the fact, when I perused your late exposition to the House of Commons. For this reason I determined to translate and append it to the present Letter,\* having been fortunately favored with one of the earliest copies, printed, in 1641, for transmission to the various courts of Europe and consequently by authority, found in a large and curious collection of papers relating to the revolution of the preceding year, all bearing the same date. It moreover explains the ancient and legal rights of the Portuguese, and exhibits the triumphant re-establishment of those maxims on which they considered that their happiness and national honour materially depended. It is a paper filled with historical admonitions, and shews the irresistible force of popular opinion, at the same time that it proves the flagrant violation of the legal order of succession by the Spanish invader, as well as the important fact that no sovereign, seated on the throne, has a right to dispose of the Crown, without the consent of the nation, constitutionally expressed through its representatives, for that purpose specially empowered by their constituents. It also contains a powerful display of national feeling, and its perusal, to-

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\* See Document marked A.

gether with that of the various documents, connected with the event alluded to, and the subsequent acts of the Legislature, forthwith assembled, render it evident that an alarm had been sounded through the nation, and that the settlement of the Crown was the next great object which its framers had in view, being anxious to put an end to that controversy respecting the right to the throne, which had been the cause of their late misfortunes, as well as to place the principles by which they were then guided upon lasting record.

Here I must for a moment pause, in order to ascertain how this settlement was made, as upon it the great difficulty which I have to overcome, the prejudice which I am attempting to remove, and my success in rebutting your arguments, Sir James, principally depend. Fortunately again, I have been favoured with the ancient and only official copy of the proceedings of the Lisbon Cortes, held in 1641, recording the separate labours of the Three Estates of the Realm,\* and although the perusal may be found tedious, I have nevertheless considered it my duty to give a literal translation of the entire passages relating to the succession and settlement of the Crown, so great and general is the confusion prevailing upon this important part of the question at issue, as it otherwise would be impossible to form a correct opinion of the spirit and precise terms in which those memorable enactments were passed. They are in the following words :

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\* It was in the year 1579 and during the reign of Henry I., that the Three Estates held their sittings apart, and this practice has been observed ever since, as will be hereafter particularly noticed.

“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, in this most noble and ever loyal City of Lisbon, 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, and 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.”

After this introduction, giving to the whole the form of a law, comes a series of 108 *Capitulos*, or General Resolutions, passed by the popular delegates, with their corresponding Answers, preceded by this heading; “Resolutions of the three Estates of the People, and the Answers thereto which I ordered to be given;” introduced with a preamble in these words:

“To The Most High and Powerful King, &c. Since the divine Providence of God was pleased to bestow so high a benefaction upon us, as to give us Your Majesty for our King and Restorer, after so many calamities, endured for the period of sixty-one years, under a foreign subjection, from which we are at length free; after so many and such awful events as have happened, we hope and confidently trust that Your Majesty, imitating the examples of those distinguished and laudable Kings, your Ancestors, as our natural sovereign and lord, will

restore and raise us up with that valour, importance, and pious zeal with which this Kingdom and the Portuguese name have ever excelled all others, and that, in continuation of that love with which the sovereigns of Portugal have always promoted the well-being of their subjects, Your Majesty will be pleased to make answer to the propositions and acts of grace which in these Resolutions we solicit."

"RESOLUTION I. We pray Your Majesty that, as the virtue of gratitude is the one which God most esteems, and is besides a pledge for the continuation of his favours, as well as of the increase of empires, in acknowledgment of the bounty which this Kingdom received from his powerful hand, on the 1st of December, 1640, by liberating it from the captivity in which it was sunk, you will be pleased to ordain, on the same day, in every year, that a solemn procession be performed in all the towns of the Kingdom, &c.

"ANSWER. So have I already ordained in such places as I thought advisable, and I thank you for your suggestion in this particular.

"RESOLUTION II. and III. For the universal good of this Kingdom, we further pray that Resolutions may be passed, with the approbation of all the three Estates, respecting the succession and inheritance thereof, by renewing and confirming the Resolutions of the Cortes of Lamego, enacted by the glorious King, Alonzo Henriques, the founder of this Kingdom; and let it be so ordained that the same may never be again inherited by any foreign King, or Prince, whatsoever; so that the sovereign who is to be such over this Kingdom of Portugal, be a natural

and legitimate Portuguese, born in the Kingdom, and held bound to dwell and personally abide therein, &c. Let it be further ordained that, when the Kings, Princes and Infantas of this Realm marry, in foreign kingdoms, special clauses be inserted in their marriage contracts, stipulating that their issue shall not herein succeed, because when it is so stipulated, they will have less reason to pretend to the succession and excite discords.

“ANSWER. 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.”

Such was the prayer of the popular delegates regarding the succession to the throne, presented at a period the most momentous, and such also was the answer, or assent of the sovereign, given with the advice of his council. Next follow the Resolutions of the Nobility, in all 37, and on this interesting point their sentiments are still more explicit. They are introduced with a similar preamble, congratulations, &c.

“RESOLUTION I. The reason of good government teaches and experience has shewn that, when many and divers Kingdoms and Lordships 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; and also that the person wielding the supreme power ought to be an original inhabitant of the said Kingdom, therein born and educated, in

order that he may know his subjects and love them as countrymen. For which reason, at the commencement of this monarchy, in the Cortes held by King Alonzo Henriques, at the City of Lamego, in the year 1143, among other matters enacted and established by law, it was ordained that the Kingdom should never pass to a foreign sovereign, and in case the one seated on the throne, should not have a son, or male descendant, but a daughter, that the latter should marry within the Kingdom; And whereas this law was not observed longer than till the time of our King Ferdinand, the ninth sovereign of these realms, and in the Cortes afterwards held at Coimbra by John I. no conditions were imposed to prevent the marriage of Infantas with foreigners, or respecting their being thereby disabled from coming to the succession of the throne, although subsequently and in the time of John III., the said King made arrangements in order to renew this law, of which circumstance traces are still left in the papers and chronicles of the Kingdom; The Estate of the Nobility pray Your Majesty, in the first place, to be pleased to order a law to be enacted by which it may be ordained that the succession of this 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 bound 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 sove-

reign and successor thereto ; and, in case he has only one son, who is thus compelled to succeed to both Kingdoms, that the latter shall be afterwards separated and allotted to his children, in the manner above set forth ; and having only daughters, that the eldest shall succeed to this Kingdom, with the obligation therein to marry such native born person as the three Estates, assembled in Cortes, may select or name ; and in case she otherwise marries, that she, as well as her issue, shall be disabled from coming to the succession, and the said three Estates be authorized to choose a native born King, in default of a male relative to the Royal Family, on whom the throne rightfully devolves.

“ANSWER. What you point out to me, in this Resolution, is conformable to the opinion which I had formed of your ancient loyalty,—I thank you greatly 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.”

“RESOLUTION 2, prays that the law so solicited be incorporated in the Volume of Royal Ordinances, which the King pledges to have done in the Collection that is to be formed. RESOLUTION 34, urges that a law be enacted, ordaining all future sovereigns to take the oath, before they are proclaimed and acknowledged, which oath the King says he had himself taken and that the same shall be done by his successors.

The "Resolutions in Cortes of the Ecclesiastical Estate and the Answers which the King declares he ordered to be given to them," are not less pointed and impressive. The preamble equally congratulates His Majesty on the late events, and thanks him for the benefit rendered to the Kingdom by pledging, under the usual solemnities, to maintain the privileges, &c. granted by his ancestors; further praying that on this subject a law may be enacted, &c. Resolution 13, then proceeds thus, "Experience has demonstrated the evils and injuries which result to Monarchies and Kingdoms, from foreign Princes, who are not native born, succeeding thereto; Wherefore, we submit to Your Majesty, that it will be highly expedient and conducive to the welfare of this Kingdom, to put a stop to these grievances, by Your Majesty making a law, in which it may be determined that, in case of the demise of any sovereign of these Realms, not having male issue and leaving daughters, that the eldest of the said daughters shall succeed the father, and not being married, that she shall be bound to espouse a Portuguese, her nearest relative, and should she be already wedded to a Prince, not being a Portuguese, that she shall not succeed her father; in which case, the next eldest daughter already married, or in a situation to marry a Portuguese, shall succeed, in like manner as the other was to have succeeded, whereby, there being no daughter already married, or in a situation to marry a Portuguese, that all shall be excluded from the succession, and the male relative, next of kin to the last possessor, shall succeed, &c."

"ANSWER. The matter of this Resolution (for the

remembrance of which I thank you much) I have already answered, in the Resolutions of the Estates of the People and Nobility, pledging that 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 Resolutions of the Ecclesiastical Estate, with their corresponding Answers, amount to 27, and the entire series is closed with the following rescript; “And all these matters and each one of them contained in the preceding answers, embodied in these 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 of September, 1642.

“Signed, I THE KING.”

Such were the principles and form of the Bill passed for the settlement of the Crown and the rule of succession, at a most memorable period of Portuguese history. We enthusiastically call the revolution of 1689 the grand—the proud æra of the

Constitution of England, and with equal reason may the Portuguese exult at theirs which occurred in 1640. The doctrines proclaimed on both occasions, triumphantly confirmed the axiom that "nations are not the property of Kings, and, instead of the principles of passive obedience and divine and indefeasible rights, substituted the more solid and durable foundations of the love of order and a sense of the necessity of civil government among mankind."\* There are, however, Portuguese writers on your side of the question, Sir James, who, for the purpose of serving their own temporary ends, would gladly pull down this splendid monument of their country's glory, by endeavouring to shew that, although the Resolutions before mentioned, relating to the Succession, passed the Three Estates, were submitted to the king, and by him answered, in the form above set forth, they did not nevertheless amount to a law, and consequently have not now the force and validity of similar acts. The reason alleged, is, that the Resolutions of the Three Estates prayed the king to enact a law on the subject, which, in his answer, he pledges to do; and further, that one of them prayed the sovereign to have the law, when so enacted, incorporated in the national code, and this was never done.† This is a miserable sophism. It is the same as to say that, for the last 189 years, the Portuguese have had no fixed Law of Succession, except the Statute of Lamego, and that the glorious revolution

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\* De Lolme on the Constitution of England, Chap. iii.

† Vide *Injusta Acclamação do Serenissimo Infante D. Miguel, &c. pelo Desembargador Antonio da Silva Rocha.* Londres, 1828.

of 1640, with the exception of a change of dynasty, was a fruitless effort. The Cortes alluded to, were specially convened for the settlement of the crown, and they did it in the form above stated. The King's answers to each one of the respective Resolutions of the Estates, is equal, in validity, with the royal assent given to a Bill, sent up to a British king by his Parliament. It is tantamount to the "*Le Roy le veut*," among us, however strange and prolix the form may appear in our days. The passing of an Act in the shape of a law, with the wording suited to a place in the national code, or Book of Ordinances, is an accidental, or adventitious circumstance. More nicety did not attend the Statutes of Lamego. Alonzo V. framed the first national code, and that of Emanuel condensed and continued it. The Philippine Code afterwards revised and enlarged the two first; whilst the one which reminded the Portuguese of a foreign subjection, was again reformed and continued by Mary I., mother of the late King John VI. The bases of all were the declarations, or Resolutions of the Cortes; but the volumes would have been numerous and of a tremendous size, if they had contained all the Statutes deposited in the Torre do Tombo, or even their condensation, or *redaccion*, in the shape of Ordinances. The form however in which the Acts, originating with the Cortes, were approved by the Crown, is curious. The other mode, still retained by the Kings of England, to convey the royal assent to private bills, "*Soit fait comme il est désiré*," resembles it more, although so laconic. From the time however that the Resolutions, with their respective answers, were promulgated, in the

usual way, and, with all the due formalities, signed, sealed, registered, and accompanied by an *Alvará*, or Royal Letters Patent, they received the full force and validity of law, and, as such, were held binding. That the King wished this to be the case, in the Statutes of 1642, is evident from the tenour of his own rescript; and similar acts were never, till now, disputed in Portugal.

It has indeed been the practice, in cases relating to the revenue and other matters of frequent reference, and for the sake of convenience, to give to a particular Resolution, or bill passed, the form of an *Ordinance*, and afterwards insert it in the *Livro das Ordinações*, by which process it was divested of the cumbrous and perhaps confused shape it wore, when forming part of the general Statute; but, this did not add to it any essential quality. Before me is a copy of the General Resolutions passed by the Cortes, held at Torres Novas and Evora, during the reign of John III.\* These Resolutions, printed in black letter and accompanied by the requisite formalities, relate to all kinds of matters, and amount to 214; nevertheless, no more than 36 special ordinances were enacted upon them. The General Resolutions, emanating from the People, in the Cortes of 1641, were 108; those of the Ecclesiastical Estate, 27, and of the Nobility 36; yet the Ordinances jointly derived from them do not exceed 20. Before me is also a series of General Regulations relating to the Excise and the assessment of taxes, the bases, or essential

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\* At this period, the Three Estates held their sittings together.

parts of which, had been framed by the Cortes, and they were enforced and had the validity of law, from the moment they were promulgated under an *Alvará* of King Sebastian, the reigning monarch. The Statutes of Lamego wear no better a form than the one that distinguishes those above quoted.

Dom Pedro's partisans, in that infuriated rage with which they seek to push their arguments, have even gone so far as to doubt the authenticity of the Statutes of Lamego; because, they allege, that Father Antonio Brandão, the author of the *Monarchia Lusitana*, and an early writer of considerable merit, asserts that he never saw the original, but that a copy only, preserved in the Royal Convent of Alcobacã, was exhibited to him.\* Thus, this valuable document, the wording of which was so consonant to the spirit of that early age and conformable to the jurisprudence, taught by the Goths—this historical record, exultingly referred to and acknowledged, as the law of the land, by several of the successive Cortes—this rule which for centuries established the order of succession in Portugal, although occasionally modified in a Constitutional but partial manner, to meet emergencies, is, after the lapse of 588 years, to be erased from the Statute Book, merely because it operates against Dom Pedro's alleged claims, on the score of his being a foreigner and an alien; at the same time that others of his abettors assert that it constitutes the principal basis of his rights to the

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\* *A Legitimidade do Senhor Dom Pedro IV. Rey de Portugal, contra as Invectivas Apostolico-Jesuíticas.* Lisboa, reprinted, with additions, London, 1827.

Portuguese throne! If the memorable acts of the Cortes of Lamego rested on tradition alone, still they would be entitled to the respect and veneration of the modern Portuguese; but, having been confirmed by subsequent generations and sanctioned by Legislatures, in all ages of the Monarchy, they have undoubtedly acquired the full validity of law.\*

From all the vestiges left us of the Legislation of Portugal, it is therefore clear and manifest, that the Cortes, with admirable wisdom and at various periods, endeavoured to obviate the difficulties arising out of any doubt and confusion, in which the right of succession might hereafter be involved, and that upon this question they alone had power to sit in judgment. It further appears that they modified, or

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\* I should not feel equally inclined to admit the authenticity of the Legend of Ourique, recording the vision of our Saviour, nailed to the cross and surrounded by angels, who is stated to have appeared to the First Alonzo, on the eve of the battle with the confederated Moorish Kings, which ended in their total overthrow. I have before me the document purporting to be a copy of the Oath, in Latin and Portuguese, by which Alonzo attested the reality of this miracle, accompanied by a wood cut, representing the scene. It bears the imprint of 1641, with the customary licences, and the introduction sets forth that it was found in the year 1596, in the Archives of the Royal Monastery of Alcobaça, by Father Bernardo Brito de Choro, chief Chronicler of Portugal. It is described as being written on parchment, in an old hand and greatly faded, with Alonzo's seal appended to it, together with four others, the impressions being on yellow wax and fastened with ribbons of the same colour. It also appears attested by ten witnesses, one of whom is the Bishop of Coimbra and another the Chancellor. The MS. was taken to Madrid and presented to Philip II. by the Abbot of the Cistercian order, in whose convent it was found, and from a comparison of dates and other circumstances, I have every reason to conclude that the copy before me is the first printed in Portugal.

dispensed with, the primitive law, on several occasions, and most assuredly they had legal authority so to do, whenever state-expediency required it. One of the most remarkable of these cases was, to enable the Princess Isabella, heiress of Peter II., to marry the Duke of Savoy, without forfeiting her right to the Crown, conformably to the Statute of Lamego; and another, when the oath was taken to Prince John, as presumptive heir to the throne, and afterwards the fifth sovereign of that name. On other emergencies, they even bestowed the Crown; and, influenced by the best motives of precaution, jointly with the sovereign whom they first addressed as such, they enacted, in strict accordance with the forms and usages of the day, the memorable Statute of 1642, so particularly applicable to the case of Dom Pedro, that one would have almost thought that the framers of its provisions had actually foreseen an event that was to happen at so remote a period. It is moreover proved that, in all matters relating to taxes and the fundamental laws of the land, the Cortes, till their meeting was suspended by an arbitrary power, on the accession of John V., in 1608, always had what, in modern style, is called the *initiative*, and that for ages these were not elementary, but practical maxims, among the Portuguese. Why, then, Sir James, were they not to be assembled, according to ancient usage, when so much doubt and confusion prevailed in the Succession? The chartered rights of the Portuguese had been suspended for about 130 years; but, what was to prevent the restoration of their exercise? It was not till the time of Henry VIII. that our Great Charter, which

had remained a dead letter through the tyranny of the Tudors, was translated and ushered into circulation ! Since, it has been called the palladium of our liberties—the Englishman's birthright. And why are the Portuguese people to be debarred from similar benefits ? Why are they not equally entitled to judge for themselves ? Why is the possession of those rights to be withheld from them which placed the Braganza Family on the throne, and long before awarded the Crown to John I. ? England has often been said to enjoy the best of all human blessings—a wisely constructed popular government, which enabled the people to enjoy the largest share of every other benefit ; but, should we have attained this pinnacle of civil freedom and social happiness, if foreign nations had interfered in our concerns ? The Portuguese had a plan of legislation which had stood the test for 555 years, and was found useful and adequate to the ends in view. Its exercise having been suspended, it was indeed divested of those gradual improvements which marked our own ; but, the foundations were too valuable to be lost, if it was intended to build up a permanent structure.

When you come to reconsider the subject, Sir James, I am confident you will readily admit that, under the existing circumstances of the case, the Cortes ought to have been assembled. You will be the first to avow that no other alternative was left. The meeting and authority of the Cortes, did not rest on traditional law, and there have been several modern attempts to revive them, deserving your particular notice, which, notwithstanding they were unsuccessful, exhibited all the attributes of formal

and substantial justice. When the French were in possession of Portugal, several corporate bodies and persons of influence prayed Junot to assemble the Cortes; and, on the breaking out of the Oporto revolution, in 1820, the Regency, governing the Kingdom during the absence of John VI., by virtue of the extraordinary powers vested in them, proclaimed the convocation of the Estates, and writs were accordingly issued. On the 24th of February, 1821, King John VI., while residing at Rio de Janeiro, with the usual formalities, convened the delegates of Brazil, Madeira and Açores, acknowledging that “the laws and institutions of Portugal were not suited for his ultramarine dominions.” On this point, in his latter days, he always expressed great solicitude, and on the 18th June, 1823, a very few days after the Constitution, framed on the model of that of Cadiz, had been put down, he promulgated a decree for the purpose “of preparing the project of a Charter, or Fundamental Statute, conformable to the ancient usages, opinions and habits of the nation;” and on the 4th of June, 1824, when the labours of that committee were completed, he issued his Royal Letters Patent, declaring, “that the ancient, true, and only Constitution of the Portuguese Monarchy should be restored, and, therefore, ordered the Three Estates of the Realm to be forthwith called to Cortes.”\*

If intrigues, the rapid succession of events, or any

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\* This particular part of the subject is discussed at full length, in the pamphlet, entitled “Portugal, or, Who is the lawful Successor to the Throne,” above quoted.

other causes, no longer within his control, prevented the just and beneficent intentions of the reigning monarch from being carried into effect, he is only to blame on the score of his habitual timidity of character and the ease with which he allowed designing men to impose upon his credulity. This, however, is no condemnation of the principle upon which he acted. He was seemingly anxious to repair the fatal error of his own grand-father, the first of the Braganza Family who ceased to call together the national representatives, to whose courage and patriotism his own ancestors owed the possession of a Crown. In the several writs and other documents which, at the period above mentioned, passed the great seal, he fearlessly acknowledged and avowed that the King and the Three Estates, or Houses of Parliament, exercised the legislative power, according to the real and fundamental laws of the monarchy, and sufficient proofs have been already adduced to shew that the well-meaning king was correct. It is, on all hands, besides, confessed, that the time had come for the adoption of some important measure, calculated to allay the ferment, prevailing among his subjects. It must be remembered that the Peninsula had, for a long time, been the theatre of a course of experiments on some of the most interesting problems in the reform and administration of governments, all of which had invariably failed. In the interval, experience had more particularly taught the Portuguese, that their ancient constitution contained all the elements requisite for as good a government as they themselves wished, and that if once re-established, its improvement might be safely

left to the operation of time. They were fully sensible that it was a mixed form, composed of the three leading orders of the State, checking and controlling each other, and having the king in great measure dependent upon them for the sanction of his right to the throne and the granting of supplies. They therefore became doubly convinced of the necessity of recurring to the ancient plan, from the moment they heard the sovereign, seated on his throne, acknowledge that this was the only basis of lawful rule.

Ever since the days of the French revolution, it has unfortunately been a favorite theme with persons among us, who have thought and written on the extension of human happiness, that we ought to plant our institutions in every part of the globe, over which our influence could reach. "Down with those governments, do these speculators eagerly cry out, which wither the productive labour of the people, damp their energies, and render them the victims of the higher orders. Let us reform all such governments, do these visionary theorists exultingly add, as we shall thereby give the people strength, promote their happiness, and secure to ourselves their eternal gratitude." They seemed to forget that no country can be well governed, unless due attention is paid to the condition of the people. The British Government, some years ago, tried a political experiment in Sicily, and an expensive one too—and yet, what was the result? After disturbing the old forms, we were obliged to abandon the enterprise, almost in disgrace. We dethroned one king and elevated another, and yet, after all, we doubled the enemies we previously had in the country. And what was

the cause of our failure? I do not hesitate to answer—because we never consulted the physical and moral condition of the people—we did not weigh the force of their national prejudices. Offer to the Portuguese, or to the Spaniards, our institutions, with all their benefits, and they would reject them, as the Sicilians did, because they are not suited to their usages and habits. Dom Pedro's imported Charter was successfully established and his grand schemes began to develop themselves, and yet, if it had not been for the accidental appearance of our troops in Lisbon, the whole structure would have been cast down, several months earlier than it was. The interests which impeded our success in Sicily, existed in Portugal, and were at all times ready to generate opposition. In both instances, the preponderance of the clergy alone, presented insurmountable difficulties. The clerical orders, in Portugal, shielded as they are from all attack of the press, and strengthened by their wealth, as well as their spiritual influence over all classes of the State, were of themselves sufficient to turn the scale. In them and the nobles the chief power in fact resides, and these two orders, from habit and principle, are opposed to political changes. What good, therefore, could result from our interference in behalf of Dom Pedro, even if his claims had been ever so just? What had we to do with his institutions; or with the rights which he pretended to have substituted in his daughter? Any interference, on our part, would only have exasperated his enemies still more. As before noticed, the appearance of a British force in Lisbon had the worst possible effect; but, if we had

then openly espoused Dom Pedro's cause, our interference would have amounted to a subversion of an ancient government, which, in times of external danger, we have for centuries upheld, on the strength of successive treaties, and the creation of a new one, not only by a foreign power, but one also seated on the other side of the Atlantic; one ruling a country, just emerged from the situation of a Colony, and, for upwards of three centuries, dependent on the very kingdom, the institutions of which it was attempted to overthrow. No, Sir James, we had nothing to do with the dispute in Portugal, and if we had gone further than we did; if we had not instantly withdrawn our troops, their presence would have been considered as an act of undue interference, and we should have thereby aggravated, by exciting feelings of animosity towards ourselves, that systematic abhorrence of all kinds of innovation which the Portuguese evinced, even amidst all the incitements of the French revolution.

It has, of late, been too fashionable, in England, to listen to the interested accounts of Portuguese refugees, arriving among us; or, to form our opinions of the events, passing in Portugal, from letters, written and inserted in the public Journals, for party-purposes. We did not stop to study the state of the country, in order to ascertain whether the notions which we were imbibing, were correct. Hence, is it, that such an extensive delusion has prevailed among us, for the last two years, not only respecting Portuguese affairs; but also as regards the character of the sovereign, now constitutionally seated on his throne. Both have, in the interval, become

topics of violent invective, and dexterous projects have besides been resorted to, in order to excite popular clamour and bias the feelings of the British people. Every expedient was, in fact, tried; in the least calculated to awaken public animosity; till at length Dom Miguel was branded with the foulest epithets and even charged with a participation in crimes of the blackest hue—such, in a word, as excite the thrill of indignant horror. These same rumours, derived only from the heated imaginations of those who transmitted them to England, or fabricated them on the spot, became the topics of general conversation; and yet, after all, the arrival of one mail from Lisbon, contradicted the stories brought by the previous one; they were found destitute of truth, and, at length, it has been proved that they owed their origin to the selfish measures and political profligacy of a few ambitious and aspiring men, having money at command.

That you should strenuously have joined in this clamour, Sir James; that you should not have watched more narrowly the various stages of the Portuguese question, and made yourself master of all its bearings, before you hazarded a motion, nay, even your own reputation upon it, was matter of astonishment to every one who had been accustomed to appreciate your prudence, and was aware of your extensive researches in the Constitutional history of our own, as well as of foreign countries. The present dispute has been going on for upwards of two years and a half; and, in that time, it is incredible what a number of pamphlets, of all sizes and in both interests, have been written upon it. Nearly all, I can assure

you, Sir James, I have taken the trouble to read, and most of them are now on my table before me. I should have been glad if you yourself had gone through the same drudgery. Some would have well rewarded your pains; whilst others, even those, Sir James, which perhaps you would have been disposed to read with most eagerness, would have undeceived you, if you had only examined the tone in which they were penned. But I will return to the subject more immediately before me.

It is a mistaken notion among us, that the opposition to Dom Pedro's Charter in Portugal, commenced only after Dom Miguel's return to Lisbon, which was not till the 22nd of February, 1828. Soon after that singular document reached the Tagus, which was about the beginning of July, 1827, and the Marquess de Chaves and a large body of the military had joined to oppose it,\* a Spanish writer of considerable merit, named Antonio Rodriguez Perez, published an Analysis of the Charter, in which he examined its origin and political doctrines, and pronounced it to be totally opposed both to the interests and habits of the Portuguese people. This pamphlet is written in a jocose style, suited for circulation in the Peninsula. It was printed at Palencia, in October, 1826, and, as far as I have been able to learn, was the first that appeared on the subject within the reach of Portuguese, or Spanish readers.

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\* These demonstrations of opposition, on the part of the military, will be hereafter more particularly noticed.

The same incident induced a French writer, evidently a man of talent, to examine the fundamental laws of Portugal, and the result of his labours appeared in Paris, towards the beginning of 1827, under the title of "*Examen de la Constitution de Don Pedro, et des Droits de Don Miguel.*" Although, in some respects, too mystical for an English reader, this work nevertheless contains a great deal of valuable information, historical research and profound learning, and to it is added a copious Appendix of illustrative documents. It was afterwards translated into Spanish, and a Portuguese edition, with corrections and additions by the author, together with further documents, has just made its appearance in Lisbon. The same author subsequently published the following;

"*L'Angleterre et D. Miguel.*"—Paris, October, 1827.

"*D. Miguel et ses Droits*"—Paris, February, 1828.

"*Serments de D. Miguel.*"—Paris, March, 1828.

"*D. Miguel Premier.*"—Paris, August, 1828.

At the commencement of the same year, a Portuguese emigrant, named Antonio Ribeiro Saraiva, who had sought an asylum in Paris, possibly under the hope of aiding the cause which he had openly espoused, published,

"*Moi, je ne suis pas un Rebelle; ou la Question de Portugal dans toute sa simplicité, offerte aux Politiques impartiaux, et aux gens de bonne foi.*"—Paris, March, 1828.

"*Injustice et mauvaise foi de la plupart des Journaux de Londres et de Paris, au sujet de la Question*

*de Portugal, des Droits de la Nation Portugaise, et de ceux de D. Miguel.*—Paris, May, 1828.

“*Traduction d'une Lettre d'un Individu à son Ami, sur les Affaires actuelles de Portugal,*” with a long introduction and notes.—Paris, August, 1828.

“*Traduction des Actes des Cortes (Assento dos Tres Estados) de Lisbonne, qui declarèrent roi D. Miguel I.*” with notes.—Paris, 1828.

These were the first works which circulated extensively and called public attention, particularly on the Continent, to the subject on which they treated. The authors had besides the merit of an early adherence to a cause against which, at the commencement, the strongest prejudices prevailed, and its issue for a long time doubtful, in consequence of the absence of the Prince who, by the laws, was called to the throne; his detention at Vienna, and the political intrigue going on against him, in which it almost seemed that some of the Cabinets of the Allied Powers actually took a part. Several other pamphlets, of minor importance, successively appeared in Portugal in the same interest.

The most interesting work, however, published in Portugal, since the competition for the throne commenced, is entitled, “*Memoirs for the History and Theory of the General Cortes, which in Portugal were held by the Three Estates of the Realm,*”\*

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\* *Memorias para a Hestoria e Theoria das Cortes Geraes, que em Portugal se celebrarão pelos Tres Estados do Reino, ordenadas e compostas neste anno de 1824, pela 2a Visconde de Saniarem, &c. &c. Lisboa, na Impressão Regia, 1827.* This work was afterwards translated into German and printed at Vienna, 1828.

written, or I should rather say, compiled, by Viscount de Santarem, who seems to have felt the charge, levelled against his country by those persons, so eager for reform, however questionable the shape in which it is offered, that they will have no other than modern systems of government, very strenuously arguing that the annals of the history of Portugal are so involved in fables, and its records so completely buried in oblivion, that the ancient institutions cannot now be traced, consequently; that any attempt to revive the national Cortes, under their ancient forms, would be a monstrosity. Another of the author's material objects, was, to arrange a formulary of the ancient usages, observed in the convocation of the great Council, its composition, and the mode of therein conducting the public business, as a kind of manual for the use of his countrymen, under the hope of rescuing those forms from oblivion and re-establishing their practice.

It has very justly been remarked, in reference both to the Portuguese and Spaniards, that such a number of years had elapsed since a national Parliament met among them, that the forms and nature of their ancient institutions were forgotten, or known only to a few of the curious. The intervening governments of both countries, had, indeed, been so anxious to obliterate from the minds of the people every thing that tended to awaken a spark of freedom, or revive the recollection of the manner in which they attained their past greatness, that their efforts had been attended with the most signal success. From the time the meeting of their Cortes was suspended, the two nations were besides so

eagerly engaged in conquests which derived their splendour from distance, extent and difficulty, that they completely lost sight of institutions and usages which once constituted their ancestors' proudest boast. Of this the Viscount acknowledges himself partly sensible, and he felt the noble ambition of presenting a practical work, connected with the opinions of the day, as well as the manners and acts of ancient times. Happily, the requisite qualifications and facilities of research were found united in the individual who undertook this arduous task. The Viscount is known to possess great diligence, and has always delighted in every thing relating to the constitutional antiquities of his country. He had, besides, been appointed a member of the "Preparatory Junta," created by a decree of King John VI., dated June 5th, 1824, for the purpose of carrying into effect his resolution to assemble the Cortes, "according to the ancient usages;" which circumstance, the noble author, in his preface, avows, "first awakened in him a wish to reduce to systematic order a number of memorandums, previously collected for his own private use, together with many precedents and decided cases which they contained, respecting the formalities observed in those assemblies, illustrated with such others as he had been able to select, subsequent to his appointment to the committee, ordered to meet in the Royal Archives of the *Torre do Tombo*,"\* (of which he was himself the

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\* In the ancient law language of Portugal, *Tombo* means the examination and description of the tenures of all kinds of property, boundaries of land, and the registration of the title-deeds by which they are held.

principal Keeper) with a view to form a collection

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The word was afterwards applied in a collective sense, and now means the depot in which all public and private papers of great value are registered, or lodged.

The *Torre do Tombo* of Lisbon, is therefore the grand repertory of the State-papers, records, and a certain class of curiosities, belonging to the Crown of Portugal, and, in this respect, bears some resemblance to the Tower of London. The building and departments, if I recollect well, have already been described by some of our modern tourists: but the formation of a Catalogue *raisonné* of the various treasures, still extant there, was reserved for the indefatigable Viscount de Santarem, and I rejoice at being perhaps the first Englishman who has it in his power to state that this gigantic work is already far advanced. Before me are eight sheets of the first volume of "*Quadro Elementar das Relações Políticas e Diplomáticas de Portugal com as diversas Potencias do Mundo, desde o principio da Monarchia Portugueza, athe aos nossos dias, ordenado e composto pelo 2o Visconde de Santarem,*" &c. &c. now in the course of printing, and, unfortunately delayed, owing to the late disturbances. The plan is splendid; the undertaking arduous; but, as far as I am enabled to judge from the specimen before me, however grand the design, the execution bids fair to answer the noble author's laudable intent. The introduction, describing the topics and division of the work, affords me the opportunity of also adding that, when finished, this treatise will be extremely useful to all nations, at any time connected with Portugal, and particularly so to us. The Viscount has availed himself of the most important libraries, belonging to distinguished families and convents, and particularly of the Archives of the *Torre do Tombo*, of which he gives the following description "The incredible richness of the public documents existing in the Royal Archives of the Torre do Tombo, is so extraordinary, that in the two departments alone, called *Gavetas* and *Chronologico*, I found in the first 700, and in the second 921 public documents." (The Viscount had previously stated that in the time of the Spanish Philips, nine cases, containing books and papers, of the greatest value, on account of their antiquity and scarcity, were conveyed away to the Tower of Simancas.) "These my labours," continues the Viscount, "must shew to Europe our riches, which the accidents of time and the lapse of ages have not hitherto destroyed. Among these documents will be found the most important precedents of all kinds of diplomatic missions, undertaken during the first two dynasties; letters of credence, instructions, powers,

of the ancient Cortes, from the commencement of the monarchy.”

This is the first work on the subject, attempted in Portugal, consequently, it is new to us, and if it has a parallel among the Spaniards, it is to be found in Dr. Martinez Marina's "Essay on the Ancient Legislation and principal Legal Bodies of Leon and Castile;"\* or Sempere's Extracts from the proceedings of the ancient Cortes.† These two are, however, rather elementary, than practical treatises. They contain a developement of the spirit and principles on which the national assembly of Spain acted—an historical sketch of struggles against arbitrary power, collected into one point of view from the multifarious and detached materials of others, rather than an

passports, safe-conducts, cases of the inviolability of diplomatic agents, the various ceremonies with which they were received; their addresses &c.; as well as the several forms under which the Sovereigns of these realms wrote to foreign princes and dignitaries," &c.

Among the very ancient curiosities promised, are,

1. The Treaty of peace between the Lusitanians and Carthagenians, commanded by Hanon, by virtue of which 8000 of the former joined the Carthagenian Army in Sicily.
2. The Treaty made by Viriatus with the Romans.
3. Convention between Tantamo, chief of the Lusitanians, and the Romans.
4. The Treaty of peace called *Julia*, between the Lusitanians and Julius Cæsar.
5. Treaty for the Partition of Spain among the Alanii, Vandals and Suevoii.
6. Treaty of alliance between the Lusitanians and the Suevoii.

\* Madrid, 1808.

† *Biblioteca Española Económico-Política*, por D. Juan Sempere y Guarinas, Madrid, 1801.

useful and genuine description of the forms, usages and regulations, practised by the assembled delegates of the three distinct orders of the State, for the dispatch of such affairs as the sovereign submitted to their deliberation, and derived from public records and other sources, so valuable and authentic, as to merit not only the approbation, but also the adoption of the government, as a work of reference ; qualities which eminently distinguish the one before me. This is also the first time that an unrestricted search, for the public benefit, had been allowed in the archives of the *Torre do Tombo*, so rich in historical records, and certainly it would have been difficult to have met with one so well qualified to master such a great mass of confused materials, as the Viscount, who very frankly tells us, that he was besides obliged to recur to various libraries, as well as MSS. preserved among the important papers of several municipalities, having a seat in the Cortes. Clearly, his aim was to adduce precedents of general and permanent interest, and he has thrown great light on the ancient Constitution of the national Cortes, by elucidating the Parliamentary history of Portugal, in which, I think, Sir James, you will readily admit, that Constitution can alone be properly learnt. He deemed it expedient to turn public attention towards remote ages, venerated by a people, fond of listening to the theme of their past greatness, and filled with a national pride, bordering on prejudice. His object was instruction, and this it was out of his power to attain, after the memorable period, if not of political improvement, at least, of political experiments, which his country had lately witnessed, unless he

brought forward examples and authorities of the most unquestionable kind. Without them, it would have been impossible for him to have formed an outline of theory and practice on an interesting and popular subject, that might command attention and respect; but, amidst the multiplicity of voluminous Journals and papers, embracing a period of upwards of 550 years,\* it would be difficult to form an estimate of the tedious obstacles with which he had to contend, in the choice of materials and the rejection of the worthless transcripts, overlaying the useful and sound ones which he was desirous of selecting.

The benign intentions of the late king, John VI., to assemble the Cortes of Portugal, having however been defeated, all idea of publishing the work was, for the moment, abandoned. The question regarding the succession to the throne, which subsequently began to be agitated, and the evident necessity of convening the Three Estates of the Realm, in order to have their legal decision on a point, involving the tranquillity and future welfare of the kingdom, seemed to call loudly on the author for the completion of his patriotic design, and he consequently determined no longer to withhold the result of his researches from the public. The announcement of his intention excited among his countrymen an eager and general interest; and certainly the execution of

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\* The Cortes continued to be convened, at indefinite periods, from the year 1143, when those of Lamego were held, till 1698, thus embracing a period of 550 years, Vide "Portugal, or Who is the lawful Successor to the Throne?" where this subject is treated at full length.

the work has answered their most sanguine expectations. The noble author proved that he was a complete master of his subject; and if the publication had not been hastened, for an immediate purpose, much more might have been looked for from his pen. Although divided into two parts, it is no more than one treatise, supported by illustrative documents. It is an abridgment of the history of institutions, constituting the pride of the Portuguese, in the best periods of their history—an abridgment which cannot perhaps boast much of the attractions of originality; yet clear, concise, and supported by the best authorities. It is a work of patient industry and unwearied research, stimulated by a laudable ambition and guided by profound learning: it embraces a wide range; yet it is not, as before observed, the speculative theory of the Cortes of Martinez Marina, or their ideal history, as attempted by Sempere; but a series of substantial authorities and references to statutes and precedents, applicable to the immediate object of the inquiry proposed. The author does not deviate into dissertation; nor does he stop to correct the errors of commentators or historians who preceded him; but, not unmindful that the day for speculative delusion is gone by, he hastens to lend his aid to his readers, which he does in the speediest, most impressive and effectual manner possible.

Such, Sir James, is the view I feel disposed to take of the treatise before me, which, I fear, has not yet fallen into your hands, and if I were inclined to say more upon its merits, it would be merely to add, that it served as a guidance for the convocation, as

well as the other ceremonies and formalities observed in the late meeting of the Three Estates, at Lisbon ; on which memorable occasion, besides the usual solemnity, it was wished to revive the forms and usages of the ancient Cortes, by a strict adherence to the venerable precedents on record, as well as by the scrupulous adoption of those principles on which the public liberties of the Portuguese people are founded. That the Viscount, by his labours, has rendered a valuable service to his countrymen, no one can deny ; and I should myself deem it a pleasing task, if it were in my power to give a clear and comprehensive view of the mode in which the ancient Cortes were assembled and transacted business, in the author's own words ; but, the scope he takes is too wide ; the references too numerous and the quotations too frequent, for the prescribed limits of a Letter like this. I must, therefore, be satisfied with an outline of the grand and interesting ceremony, condensed from the treatise in question, and such other authentic sources as are within my reach, or the hurry of the moment will allow.

From the earliest period of the Portuguese monarchy, that is, ever since the days of the First Alonzo, till arbitrary power ruled triumphant, the Cortes, or General Assembly of the National Representatives, were convened and met, whenever the king's pleasure, or the exigencies of the State, required. This was termed "calling the kingdom to Cortes," (*chamar o Reyno a Cortes*) but, in the first ages of the monarchy, there being no period fixed by law for their convocation, the person invested with sovereign power was thus the sole judge of the

expediency of the measure, as well as the fitness of the time and place. In the reign of John IV. it was, however, determined "that they were to be convened, whenever their convocation should be necessary for the public welfare;\* and, during the minority of Alonzo V., it was directed that a committee should assemble every year, composed of two prelates, five nobles and eight citizens.† It had previously been ordained by John III. that the Cortes should meet every ten years, and this rule was observed in 1525 and 1535; nevertheless, none of these regulations seem to have been held binding on the sovereign; who acted according to his own will, or was guided by circumstances. As soon, however, as he had determined to "call the kingdom to Cortes, through the three Estates," writs were issued to

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\* Archives of the Municipality of Lisbon.

† Ruy de Pina, *Chron. do Senhor Rey D. Affonso V. Cap. 14.* A remnant, or prototype, of this Committee, doubtless was the *Junta dos Tres Estados*, created at the period of John IV.'s elevation to the throne, and composed of two deputies for the Ecclesiastical Estate, two for that of the Nobility, two for the People, and one appointed by the Crown. This, for many years, was a permanent Board, or Department of the government, and had a complete establishment of secretaries, treasurer, and other officers. Its duties were, to provide supplies for the army, fortresses and embassies; as well as to superintend the collection and administration of all grants of money, made for the defence of the Kingdom; of confiscated property, and also the regulation of new taxes and contributions. It had charge of the war expences, stores, fortifications, &c., and a great number of lucrative appointments were within its gift. This Board was not abolished till the reign of Queen Mary I., and the French endeavoured to reinstate it, during the invasion, for administrative purposes, when they appointed Count d'Ega president, judging that this venerable example would have due weight with the Portuguese people.

the Municipalities of the cities and towns, entitled to vote in that assembly, termed "*Cartas Regias convocatorias*," which were first addressed to the *Corregidores*, or *Provedores*, chief magistrates of the several districts, who handed them to the municipalities under their jurisdiction, on receiving a certificate of the delivery, which was forwarded to the Attorney General. These writs, or "royal convocatory letters," contained three distinct topics; viz.—first, the motives which induced the sovereign to call the kingdom to Cortes; secondly, the day and place at which they were to assemble; and thirdly, a precept for the poll, with a designation of the powers to be given to the delegates, distinguishing whether general, or special. In these writs there was besides an order for additional powers, authorizing the parties returned to name a *defnidor*,\* or eventual proxy, to act in their stead. Convocatory letters, under a more simple form, were transmitted direct to the Ecclesiastical Chapters; to the Archbishops and Bishops; the Grand Priors of the orders of Aviz, St. James and Christ;† the Abbot General of

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\* This term is now used in Spain in no other way than to designate a particular department in the government and administration of certain religious orders. In some of the latter, a member is chosen by the rest, as a kind of proxy, or representative, who, added to the abbot, or superior, in some of the higher classes of convents usually called a prelate, and entitled to wear a mitre, forms a kind of Council, called *Defnitorio*, to which important matters are referred. There is a general and provincial *defnidor*. The first is placed at the head of the whole order, and the second acts only on behalf of the convents situated within a province.

† The military orders were originally a species of mixed religious and military institutions, the vows of the members binding them to wage

the royal monastery of Alcobaça; the Prior General of Santa Cruz, and the Abbots of Bustello and Pendurada, of the order of St. Benedict, each concluding with the following injunction; "you will attend these Cortes, as in duty bound, and if any just impediment prevents you, send your procuration to some one, having a vote therein." Letters Patent were also forwarded to the grandees; titled persons; lords, holding manorial rights; governors of the king's fortresses, and others, entitled to sit in Cortes

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war against the enemies of the Cross and promote the extension of the Gospel. It was chiefly through their efforts that the Peninsula was liberated from the Saracen yoke. That of Aviz, the oldest in Portugal, was formed out of the union of Portuguese Cavaliers, who, ambitious of honours and glory, jointly acted against the Moors, and were instrumental in the taking of Lisbon and many other places. Alonzo the First patronized this brotherhood, on account of its utility, and gave its members lands and other property for its support. It was then called the *Ordem nova*, and afterwards the king, desirous of consolidating this order, gave to it a regular form, by ordaining the members to follow the reformed, or Cistercian rule of St. Benedict. For this reason, he assembled the knights at Coimbra, in 1147, when they elected the king's natural brother, Pedro Alonzo, the first Grand Master. Evora being taken from the Moors, in 1166, the order removed there, its first church was founded, and the spot on which the members collectively resided is still called *Freiria*. Till the time of John I. this order was subject to that of Calatrava; but, in 1211 and during the reign of Alonzo II., it was removed to Aviz and became a national and independent institution, taking the name of the place fixed for its residence. The Grand Masters, or Priors, wore the pontifical dress and had a temporal jurisdiction over a certain district. Among them have been several persons of the blood-royal. The Order of Christ was founded for similar purposes in 1311, by King Deniz, on the extinction of the Templars. That of St. James was also created by the First Alonzo, in commemoration of the great aid and service, rendered by the Apostle St. James, to the Christian armies fighting against the Moors. All these orders were distinguished by great honours, and the Grand Masters, or Priors, had a seat in the Cortes.

for the Estate of the Nobility.\* The most ancient form of writs, addressed to the privileged orders, is to be found in the archives of the Municipality of Santarem, issued by Alonzo IV.† for the convocation of the Cortes held in that city, on the 6th of July, 1369, and those of Elvas, in 1399, in which is the following remarkable precept, “whom we command to come unto us.” (*Os quæes nós mandamos vir a nos.*)

As soon as the Municipalities received the writs, the members were convened, when the porter was directed to give public notice of the intended poll, and invite the citizens to come and vote for members for the approaching Cortes. The law does not appear to have defined the specific qualifications of an elector, a point on which the Viscount is totally silent, as also the manner and rate at which the delegates were paid.‡ The right of suffrage must, however, have been vested in very few, as in

\* The composition of the Three Estates varied materially, possibly according to the importance of the subjects which they had to discuss. The Infantes were summoned to the Cortes of 1409.

† This sovereign began his reign on the 7th of January, 1325, and after compelling the Spaniards to sue for peace, he marched an army to their aid, at a time when Tarifa was besieged by a powerful body of Moors. He was the first to rush on the enemy's lines, and mainly contributed to the gaining of the victory, called *El Salado*, from the name of the river near which the battle was fought.

‡ At the elections in the town of Barcellos, for the Cortes of 1642, the mayor and aldermen declared that, according to the convocatory letter, the election was to be conducted with the least possible expence. This shews that it was borne by the respective municipalities, and the fact is confirmed by a variety of other documents, although the exact rate of allowance made to the delegates is not stated.

the returns of the separate elections of two deputies for the city of Lisbon, corresponding to the year 1581, the total number of persons who voted, in the first instance, was 85, and, in the second, 82.\* The right of the cities and towns to send representatives to the Cortes, was evidently acquired by a special grant from the Crown, as may be seen from the king's answer to the petition of the Municipality of Castello Novo, dated February 26, 1641, praying the honour of that distinction and setting forth the grounds of the prayer, which answer was given, contrary to the previous report of the Cortes on behalf of the petition, in the following remarkable words ; "it is not, for the present, expedient to increase the number of places, having a seat in Cortes, or to grant to you what you solicit, in order not to hold forth an example and afford cause of complaint to other towns, having the same pretensions."† But, to return to the election. The electors who voted on these occasions, were the members of the municipality ; persons holding offices of trust, under government, and, finally, all others of rank, distinction and property, within the district. The votes were given in on written lists, signed by the electors, and received by the district judge and a notary-public, who drew up an act of the particulars and result of the poll. The deputies returned, were usually men of the greatest distinction, or esteemed for their talents, and it frequently happened that noblemen, entitled to a seat, of their own right, in the Estate to which

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\* Archives of the Senate of Lisbon.

† Archives of the Torre do Tombo.

they belonged, and even bishops and archbishops, were elected Deputies on behalf of the people and took their seats as such, in which case, they waved their privilege of appointing proxies to vote for them in their own respective branches.\* Judges, presiding in courts of justice, were ineligible as delegates of the people; and a *juiz de fora*, or district judge, could not serve as such without a special permission from the king;† a precaution no doubt adopted in order that the public service might not be interrupted. It was also requisite to have a certain income, arising out of fixed property, and an unblemished reputation.

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\* At the Cortes held at Lisbon, in July, 1828, the Marquess de Borba took his seat for Lisbon, and the Marquess de Lavradio for Torres Vedras. There were several other nobles blended among the popular delegates.

† This is proved by a document, preserved in the Torre do Tombo, from the wording of which, it would also appear, that to be elected a deputy on the part of the people, it was necessary to be a native of the place, intended to be represented. It runs thus in English: "I, John, &c. Do make known to you, Licentiate Emanuel Gameiro de Barros, *Ouvidor*, or Auditor, of the Priorate, that I have seen your letter of the 6th instant, respecting the licence which you solicit in order to enable you to come to the Cortes, to be held in this city, as the representative for the town of Crato, which for this purpose elected you. Notwithstanding you are not a native of the said town, and are engaged in discharging the aforesaid office, I have thought proper to permit you to come and assist at the said Cortes," &c. Signed as usual and dated January 11, 1641. In order to render the preceding passage more intelligible to the English reader, it ought to be observed that in the donary jurisdictions, such as Valença, the Priorate of Crato, &c. the *Juiz de Fora*, or district judge, first appointed by King Emanuel, and who is restricted from going out of his circuit during the three years for which he is appointed to serve, is called *Ouvidor*, (Auditor) notwithstanding his functions and duties are the same. There are various instances on record of kings having refused their permission in similar cases.

As soon as the returns were completed, the fortunate candidates were summoned to the Municipality; received notice of their election, and required to make oath that they would personally appear at the time appointed in the Cortes, convened by the King; and further, "that they would well, truly, and with a sound conscience, treat of and resolve, within the said Cortes, all matters therein proposed, concerning the service of his said Majesty and the common good of the Kingdom." In case a party elected refused to serve, the person who had obtained the next majority of votes, was not considered as returned. A fresh poll took place; due entries being made on the Journals of the reasons alleged as an excuse, by the party refusing to serve, as well as of the consequent formalities. Corresponding powers, drawn up by a Notary Public, in the form of letters of procuration, were next given to the delegates, usually accompanied by an official copy of the king's writ. If bribery, or any irregularity, was proved, the complaining party might stay or dispute the return, and, in case redress was not had from the municipality, carry his suit before a superior court of justice. Several instances of controverted cases and new elections are on record.\* On

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\* Two remarkable ones are selected from the Archives of the Torre do Tombo, by the Viscount, as examples. One results from an award, dated December 7, 1673, by virtue of which a new poll was ordered for the town of Mertola, in lieu of Gaspar Rodrigues Deliciado, "because," as the document runs, "improper persons had been admitted to vote, to the great scandal of the nobility of the aforesaid town." The other is the decision of the Attorney General, dated May 2, 1645, against the validity of the powers presented by the delegates from Ponte de Lima, on the following grounds; "because it is not therein declared how the

arriving at the place appointed, the popular delegates presented their powers to the privy-council, who forwarded them to the Attorney-General for his legal opinion, and if any minor defect, or omission, was noticed in them, it was remedied in time, by a reference to the constituents; but, if found regular, they were duly passed and signed by the parties to whom their examination had been confided.\* The nobles who brought powers to vote and make oath for another, had them verified by the minister of State, in his character of *Escrivão da Puridade*,† and, as before shewn, these powers could only be conferred on persons entitled to vote in the particular Estate to which the grantor belonged; wherein minors were represented by powers given on their behalf by their tutors. The powers conferred on the clergy by their chapters, were in like manner submitted to the Secretary of State, and by him to the Attorney General. In this Estate also the vote by proxy was allowed.

The day for opening the General Cortes having

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election was made, whether by the members of the municipality, officers of the government and the people, conformably to the Ordinance, Liv. 1, Tit. 66, § 28, with due entry thereof on the Journals; nor do they contain any delegation, or supplement, empowering the bearers to appoint eventual proxies."

\* There are instances on record of some municipalities sending up a Notary Public with their delegates, in order to assist in the preparation of such matters as were to be submitted to the Cortes, as well as to draw up legal acts of such bills as might be passed, of immediate interest to the districts to which they belonged.

† *Escrivão da Puridade* was the king's confidential secretary and entrusted with all the State secrets.

arrived, circulars were addressed to the clergy and privileged orders, informing them of the place and hour when their attendance would be required ; but the popular delegates were assembled by an edict, signed by the Secretary of State, and posted up at the palace-gate, as well as in the most public places. The several persons, having a seat in Cortes, entered the saloon by the principal door, on both sides of which a royal guard was stationed. At the entrance stood the chief porter, to whom the members announced their names and the places they came to represent. These were called out to two kings of arms, standing in the ante-chamber, and provided with a general list, when other attendants ushered the members to their respective seats. The king usually entered by another door, covered, and as he approached, he took off his hat twice, and as many times bowed to the Dukes. He wore the royal mantle, the train of which was borne by the High Chamberlain.\* Before him came the High Constable,† with the

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\* The duties of this office in Portugal are nearly the same as in England, and since the time of John I., the patent has been in the family of Sás, Counts de Penaguião and Marquesses de Fontes and Abrantes.

† This was formerly a superior dignity of the State, to which in Portugal was attached the command of the armies, and usually held by persons of the blood-royal. When a prince attended any public ceremony, he was assisted by a nobleman. The bearer of the title had also the preeminence of a Duke. It was once held by Nuno Alvarez Pereira, the renowned hero who, in the time of John I., defeated the Spaniards, with such unequal numbers, at Aljubarrota, when the famous convent of Batalha was built, and after his death and till the elevation of John IV. to the throne, it remained in the Braganza Family. Subsequently, it was held by the Marquesses de Fronteira and Dukes de Cadaval. At the coronation of King John VI. the Infante Dom Miguel acted as High

sword of State, held upwards by both hands, and the High Steward, bearing his staff. These were preceded by kings of arms, heralds and pursuivants, in full dress, as well as porters with their silver maces. As the king entered the saloon, the bagpipes, bass-viol, trumpets and kettle drums began playing, and continued so to do whilst he ascended a flight of eight steps, to the throne, placed under a canopy, and there took his seat. Behind him stood the High Chamberlain; on his right the High Constable, with the sword in his hand, and on his left, the High Steward and the High Marshal, the latter with his staff in his left hand. On the same side and at a separate table was seated the Minister of State, acting as the *Escrivão da Puridade*, and near the cushion on which the seals were placed. In the centre, a long platform, in the form of a table, was erected, having three degrees in height, the first nearly parallel with the highest step of the throne. On the right of the platform, were seated the dukes, on high flat chairs, covered with velvet, and after them the archbishops, bishops and church dignitaries. On the left, was the bench of the marquesses, with velvet cushions, and next that of the counts, viscounts and barons. At the head of the platform stood the two clerks. At the second degree of the platform, on the right, followed the members of the Board of Finance; the judge of the supreme court, the president of the court of judicature, established at Oporto, and the members of the privy-council.

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Constable; and at that of George IV. the Duke of Wellington, it will be remembered, as such, bore the sword of State.

On the left, were other functionaries, and in succession the lords of manors, governors of fortresses, &c. At the lower part of the platform, were arranged the delegates of the people, in double rows of eighteen benches, numbered, and with the names upon them of the places for which the several members sat, according to their importance.\* In the back ground, stood various attendants and officers. The members being seated, an archbishop, bishop, the High Chancellor, or some other learned person, selected by the king, rose up and pronounced the opening speech, the heads of which had been agreed upon at a preparatory meeting, held with the king's council,† and in which he stated the

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\* Benches No. 1, Oporto, Evora, Lisbon, Coimbra, Santarem and Elvas. No. 2, Tavira, Guarda, Vizeu, Braga, Lamego, and Silves. No. 3, Lagos, Faro, Leiria, Beja, Guimaraens, Estremoz, and Olivença. No. 4, Portalegre, Braganza, Thomar, Monte Mor o Novo, Covilham, St. Ubes and Miranda. No. 5, Ponte de Lima, Viana, Foz de Lima, Villa Real, Moura and Monte Mor o Velho. No. 6, Cintra, Torres Novas, Alemquer, Obidos, Alcacere and Almada. No. 7, Nisa, Torres Vedras, Castello-Branco and Aveiro. No. 8, Mourão, Serpa, Villa do Conde and Trancoso. No. 9, Aviz, Arronches, Pinhel, Abrantes and Loule. No. 10, Alter do Chão, Freixo d'Espada a Cinta, Valença, Moncão and Alegrete. No. 11, Castello-Rodrigo, Castello de Vidé, Penamacor, Marvão, and Certam. No. 12, Crato, Fronteira, Monforte, Veiros and Campo Maior. No. 13, Camiuhã, Torre de Moncorvo, Castro Mariuo, Palmella and Cabeço de Vide. No. 14, Barcellos, Coruche, Monsanto, Gravão, Panoias and Ourem. No. 15, Arraiolos, Ourique, Albufeira, Borba and Portel. No. 16, Atouguia, Monsaraz, Villa Viçosa, Pinela and Santiago de Cacem. No. 17, Vianna near Evora, Villa Nova de Cerveira, Porto de Moz and Pombal. No. 18, Alvito and Mertola. Subsequently, seats were granted to Goa and Angra, capital of the Azores Islands.

† The Viscount states that the earliest precedent on record of a preparatory meeting having preceded the opening of the Cortes, refers to

motives for the convocation of the Cortes, adding such other communications, as were intended from the throne. According to an ancient privilege, the task of replying devolved on one of the members for the City of Lisbon. During the reply, the members stood, and on its being ended, the *Escrivão da Puridade* read the form of the oath to be taken, when an open missal, with a cross upon it, was placed on a stool, to the left of the upper part of the central platform. The principal king of arms then commanded, in the king's name, the nobles to come forward and take the oath. The first read the words, which the rest repeated, and each, placing his hand on the missal, audibly said, *Assim o juro* (thus do I

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the one held before the Estates met at Santarem, in September, 1479, where they were convened by John II. whilst Prince, and at the time Alonzo V. was in France. He quotes another curious precedent of the same formality, relating to the Cortes in which the oath of fealty was taken to John II. as sovereign, in 1482, which also shews that the opening speech was sometimes agreed upon at a preparatory meeting of the members. The paper referred to is preserved in the Royal Archives and marked "Various matters relating to the reigns of Alonzo V. and John II." The following is a translation of the passage quoted. "After the demise of King Alonzo, (God rest his soul) King John, his son and our Lord, as soon as he was proclaimed King, determined to hold Cortes, and convened them in order that the oath of allegiance and fealty might be taken to him by the Estates of the Kingdom, as is fit at the commencement of a new reign; and all being assembled at Evora for the aforesaid Cortes, considerable altercation took place at the consultation, and high words were heard respecting the speech that was to precede the act of swearing allegiance and fealty, and whether all should be seated on benches, as at the Cortes, or whether the ceremony should be performed separately and afterwards the speech agreed to; when it was determined, that the ceremony should be performed first, in the saloon of the Cortes, and that all the members present should be standing in their customary places," &c.

swear). The king of arms next called on the popular delegates, who approached two by two, and afterwards followed the clergy,\* The oath was next administered to the High Constable and Secretary of State, in his new character above mentioned. These ceremonies usually closed the meeting of the first day.† Before His Majesty left the throne, the king of arms, in his name, commanded the Three Estates to separate and proceed to their respective conferences. In the Cortes of 1608, held in Lisbon, the Nobility were sent to the convent of St. Roque; the Ecclesiastical Estate to that of St. Dominic, and the Delegates of the People to St. Francis.‡ The king then withdrew, during the same ceremonials as when he entered.

In the assembly of the popular delegates, the presidential chair was filled by the most distinguished member for Lisbon, invariably a nobleman. It was he who proposed the matters for debate; administered the oath, and enforced order, usually reserving his vote, in case of an equality. The members, after obtaining permission to rise, addressed the president, whose duty it was to superintend the routine of business. The prelate of highest rank presided over

\* In some Cortes the oath was first administered to the Clergy, next to the nobles and lastly the delegates of the people.

† An interior view of the saloon of the Cortes, during the sitting, is to be found in Faría e Souza's work.

‡ The most ancient precedent of the Cortes separating for the despatch of business, was in 1455, during the reign of Alonzo V. In the time of this monarch, the Cortes assembled 17 times. He was called the African, for his conquests made from the Moors.

the clergy ; but the nobles filled their presidential chair by election. In all the three Estates, secretaries were respectively appointed, and entries made on Journals, of every important transaction, as well as of all resolutions passed, which were signed by the secretary, every day. Each House corresponded officially with the Secretary of State, and required of him such returns, papers, or explanations, as they wanted. Sometimes they appointed a committee to wait on the king, in order to submit their opinions to him, as well as to present petitions, remonstrances, &c. On the first day of the meeting, it was also customary to elect one, or two, commissioners, to whom, by some historians, the title of ambassadors is given, to be a medium of communication with the other Estates ; the message of which they were the bearers, being nevertheless always in writing. After the most important of the purposes for which the Cortes assembled, were fulfilled, such as taking the oath of allegiance to a new sovereign ; the appointment of a Regency ; some change in the Constitution, or a vote of supplies, if for minor objects it appeared probable that the session would be prolonged, for some time, a reduction of the members took place, as well from motives of economy as the easier dispatch of business. This was done by the king sending to each of the Estates a decree, his usual mode of directly communicating with them, ordaining the popular delegates, for example, to vote for eventual proxies (*definidores*) those of Bench No. 1, nevertheless remaining, according to ancient custom. Eighteen members were then elected by vote, to continue the session, and in case the suf-

frages were equal, the candidates cast lots. The new election being closed, the members about to withdraw signed a solemn instrument, by which they declared "that they substituted, in the persons re-elected, the full powers with which they were themselves severally invested, and as for that purpose specially authorized by their constituents, in order that by virtue thereof and in the name of the cities and towns which they represented, they might act, vote and perform every thing required, pledging to hold the same valid and binding," &c. At the reduction of the nobles, the Secretary of State assisted, and the result was left subject to the king's approbation. The number of substitutes, left for them and the clergy, usually was 30.\*

As before remarked, the king communicated with the Estates by means of decrees, which were transmitted direct, and read by the president; or taken there by the Secretary of State and by him read.† The proposition sent to them was then discussed,

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\* The most ancient precedent in the election of *definidores*, or eventual proxies, corresponds to the year 1473, that is, to the time of the eleventh Cortes held by Alonzo V.

† It is more than presumable that the Cortes had anciently a private letter-box, in which they received all kinds of communications. Souza (Tom. iv. Prov. 23—Liv. 7) mentions an anonymous letter sent to them, which was afterwards discovered to be in the hand-writing of king John IV., complaining, among other matters, of the defective mode of taking the votes, which was done in a clumsy manner by the secretary, particularly in the Ecclesiastical Estate, and suggesting a remedy. This letter was long preserved in the Library of the Duke de Cadaval. The king on this occasion assumed the Signature of, "*Procurador dos Descaninhos do Reino.*"

each individual member being allowed freely to express his opinion upon it. When the president judged that the debate was exhausted, or the question called for, they proceeded to vote, when the Secretary drew up and signed an act, setting forth the proposition and result. When the subject was of great importance and it was thought necessary to have the concurrence of the other Estates, commissioners, as before noticed, were sent to each of them, and according to the result of the conferences, the resolution was modified and passed. This was usually the case, when grants of money, subsidies, &c. were under discussion. If the three Estates were unanimous, they severally signed the resolution; but if one objected, the decision of the other two nevertheless prevailed and was carried into effect, as soon as it had received the royal assent. If a member of either House was not satisfied with the wording, or terms of the motion submitted for debate, he had the right to propose an amendment, and if rejected, he could withhold his signature. The act of submitting for the royal assent the resolutions or bills thus passed, was modestly called *Consulta*, and, by a deputation, carried to the king; but, there are instances of the secretary alone being the bearer.\* The resolution was then read; and the king,

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\* On the Journals of the Estate of the People, corresponding to the Cortes of 1668, minute is made of a resolution, drawn up on the 8th of February, and carried to the king's presence by two members of Bench 1; another on the 23rd, by the same two, and 30 from the other Benches; again on the 28th of March, by six of Bench 1; on the 19th, by two of the same, and on the 14th of April, by one deputy for each province.

for the moment, usually returned a vague answer. After consulting the Council, his determination was sent down; but, in case of delay, a fresh application was sometimes made. In the Cortes of 1668, there is an instance of the whole Ecclesiastical Estate waiting on the king with one of their Resolutions. Besides particular points agreed upon, severally or jointly, and submitted to the king for his sanction, it was customary for each one of the Estates, before they separated, to present a series of remarks, or Resolutions, in the shape of a General Address, calling his attention to the several topics therein contained, and recommending them for his early adoption, or intreating him to use them as a guidance to his administration. These Addresses were significantly called *Capítulos Geraes*, and of them there are several interesting specimens on record.\* They were generally made

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\* The Viscount adduces a curious instance of one of these General Addresses, presented by the Ecclesiastical Estate, after the dissolution of the Cortes. This MS. is preserved in the public Library of Lisbon, and headed thus; "Memorandums of the Prelates, subsequent to the Cortes of 1562, held by king Sebastian, at Lisbon, in the year 1563." In the preamble, the subscribing parties set forth that the shortness of the time, when they were assembled, had prevented them from submitting to His Highness such memorandums and suggestions, as became them, on the privileges and jurisdiction of the Church and ecclesiastical persons, on which account, they now present them. They then go into a long and elaborate review of the state of the Church, exhorting the sovereign to adopt such remedies and afford them such protection, as they suggest, as well for their establishments at home, as those situated beyond seas. This document occupies 33 pages, and is, perhaps, the most curious model of the kind on record. It is dated February, 17, 1563, and signed by seven bishops, among whom are those of Ceuta and Tangier.

up of all arrear subjects which had not been submitted to the consideration of the House, and were presented, if originating in the Estate of the People, by a deputation composed of one member for each province. In matters of accounts and other cases of moment, the report of a committee, formed of a member for each province, was read, before the sense of the House was taken. Sometimes, when the king rejected a Resolution, the Estate, in which it originated, remonstrated, when the reply, in exactly the same terms which the majority had sanctioned, was conveyed to His Royal presence. The members frequently brought from their constituents petitions, of a local nature, called *Capitulos Especiaes*, containing the reforms, or the redress of such grievances as the complaining district required for its welfare and improvement. They consisted of an enumeration of various items, numbered; and the parties to whom they were entrusted, availed themselves of a seasonable opportunity to offer them to the consideration of the House.\* The kings sanction, or refusal, was

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\* These private petitions were sometimes called *Cartas dos agravamentos*, or Letters of grievances. A curious specimen of one of these documents is found in the petition, presented by the town of Elvas, dated January, 1498, in which, being situated on the frontiers, protection is prayed against the injuries done to the vineyards and olive-grounds; an improvement in the mode of levying troops within the district, and assessing municipal rates; the correction of certain abuses, attributable to the nobles; a means of preventing the labourers from passing over to Castile, in search of work, and such like. One item contains a request that a convent for nuns may be built, "because," add the petitioners, "there are in this town many daughters of noblemen and honorable persons, who cannot marry them, suitably to

usually written on the large margin, left at the side of the Resolution, in very few words, to which his rubrick was attached. Not unfrequently an equally laconic report of the Council of State preceded, thus serving as an authority, or guidance. In case of doubt, or obscurity in the wording of a Bill, the Secretary of State was sent to the House in which it originated, to ask explanations, or suggest an amendment. Sometimes, on a Bill receiving the royal assent, thanks were voted to the king, "for the benefit which he had conferred upon the people."

The Session of the Cortes usually lasted about a month, and if the business increased, the Houses jointly solicited a prorogation, which the king granted for a month, or a fortnight.\* Unless a special order was issued to the contrary, it would seem that the members, on resuming their seats, required fresh powers from their constituents. This, at least, is the conclusion to be drawn from a Royal Letter, dated Alcantára, May 23, 1649, addressed to the mayor of the district of Santarem, in which, after thanking the municipality for their zeal in his service and their readiness to grant supplies &c., he concludes by telling them "that the powers, already given to their representatives, shall remain in full vigour, so that the deputies may return with them, in order to determine whether the Cortes are to

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their ranks; and there being no monastery, in which they can be placed, some of them are lost and acquire bad reputations, wherefore," &c.

\* Vide Souza, Provas da Hist. Geneal. da Casa Real, Tom. 4—Ruy da Pina, Chron. do Senhor Rey D. Affonso V.

continue." In the Cortes of 1563, the king ordered the Estate of the Clergy to be dissolved, and the sittings to continue in the other two. The Sessions of the Cortes terminated at a fixed period, or they were dissolved by a special decree. From the period when the Estates first held their sittings in separate Chambers, there is no example of the sovereign being present when they were closed. In the early period of the monarchy, it is however recorded that Alonso IV. closed them in person; thanked the Estates for their zeal, and applauded the wisdom by which their enactments were distinguished.\* The members could not be cited, or sued, as long as they were serving; nor for six days afterwards, according to a special decree of John IV. dated January 9, 1646.

Such, Sir James, is the outline of the ancient mode of assembling the Portuguese Cortes, as well as of their powers and duties, which I have carefully sketched from the best authorities, and to it I beg to call your particular attention. Under this system, it will be seen that the executive and legislative powers were separate and distinct from each other, much as they are among us, although the forms used may now appear crude and imperfect. We must not, however, forget that the Legislature of Portugal has not had the advantage of modern improvements. The researches on this important subject may be also said to have only just commenced. Many valuable discoveries will yet be made, as the urgency of particular cases demands the authority of

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\* Vide Monarch. Lusit. Part 7, Cap. 6.

precedents; for I have the very best grounds for believing that if the external conspiracy, which has been so long going on against the first sovereign who has had the courage to convene the Cortes, for the last 130 years, in exactly the same manner as the late King John VI. himself enjoined, had not existed, they would, ere this, have been re-assembled for matters of great moment. Sufficient is, however, placed within our reach for us to know that, in former times, a regular system of Legislature existed, and that the sovereigns anciently made laws with the concurrence of their subjects, which laws were prepared in the solemn assemblies of the nation, and afterwards confirmed and sanctioned by the ruling power, in a peculiar mode established by usage. It may be argued that the forms were antique—imperfect—semi-gothic, if you like. It may be added that in the convocation of the Cortes there was no settled, or fixed rule; but, as long as the plan answered the ends for which it was framed, and the people were satisfied with the enactments emanating from the assembly which represented them, in a manner sufficiently satisfactory and adequate to their wants, what right have other nations to start objections; or seek to throw odium on its awards? The mode of suffrage, it may be said, is unfair, and consequently the returns made do not answer the object in view, which is, a pure representation. But, let me ask, does ours possess this advantage? It is doubtless good in theory; yet, is it so in practice? Does it really represent the classes which it professes to do? Wealth was perhaps thrown too much into the scale in the composition of the Portuguese

Cortes; the landed interest might have had an undue preponderance; but, after all, if this is a defect, is the British House of Commons exempt from it? The object of the Sovereign, in calling the leading orders of the State to Cortes, was evidently to assemble those persons whose rank and importance could give weight to their decisions. Is not the same distinction observed in the composition of legislative bodies, in other countries? Are not the effects the same, in the modern assemblies of all nations?

Believe me, Sir James, I have always thought that utility was the best test of political institutions; and the Portuguese seem to have been of the same opinion, when they revived those of which they had been surreptitiously stripped. They also felt that they were entitled to judge for themselves; and, in so doing, they shewed a preference to established principles, rendered venerable by time and a conviction of their utility, rather than hazard the experiment of untried theories—delusive projects. And, can you blame them for this, Sir James; or, do you doubt that they were authorized so to act? It must not be forgotten, Sir James, that you yourself once wrote a whole chapter of 125 pages, to prove “The general expediency and necessity of a Revolution in France,”\* and you then called that event “the greatest attempt hitherto made in the cause of man.” You never, for a moment, doubted the rights and powers which the French people had to effect a change, so general and tremendous. On the contrary, you

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\* *Vindiciæ Gallicæ* (1791.)

eulogized them for their courage and discrimination—their philosophy, and their progress in the cause of human happiness, and very openly confessed that “the most enlightened politicians have recognized the *necessity of frequently reculling governments to their first principles* ; a truth,” you add, “equally suggested to the penetrating intellect of Machiavel, by his experience of the Florentine democracy, and by his research into the history of ancient commonwealths. Whatever is good,” you yourself assert, “ought to be pursued the moment it is attainable.† These, Sir James, are your own words—your own avowals, and the very principles which you, at one time, sought to inculcate; nay, they are too just, too excellent, for me to imagine, for a moment, that you have abandoned them, after the lapse of thirty-eight years. Why then are the Portuguese to be excluded from their application? Why are they to be debarred from a participation in rights, which you would readily grant to the meanest nation on the earth, whether situated in Africa, or under the frigid zone. The Portuguese were not going in search of those “novelties” which you so exultingly praised in the French revolutionists—those reforms, improvements and innovations, according to a modern standard, which appeared so brilliant and seductive in theory; but which, alas! proved so fallacious, when reduced to practice. The Portuguese have not attempted to strike out into that unbeaten path, which the French of those days were eagerly pursuing. They did not call in the aid of “*Philosophy* ;” nor

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† Ibid, page 108.

did they go about borrowing from the Constitutions of others. They did not seek to establish “a government of art;” nor did they undertake “a work of legislative intellect.”\* They merely sought to restore what they had *good and attainable* among themselves; they felt the necessity of recurring to *first principles*, and, in what they did, carefully consulted the moral and political condition of the inhabitants, without dreaming of any offence to foreign powers, with whom they might be allied. A most extraordinary emergency occurred through the death of John VI.—one that was likely to plunge the country into anarchy and civil war. The artificers of intrigues were already actively at work, in every town and village, and it became evident that they were labouring to place the kingdom under a foreign yoke—a yoke, wearing the most detestable of all shapes. This dilemma was aggravated by the prevailing impression that a document, purporting to be a decree, signed by the king, on his death-bed, and dated March 6, 1826, by virtue of which the Infanta Isabel Maria and four Councillors of State were appointed to the Regency, was actually a fabrication.† To all intents and purposes, the throne

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\* Ibid.

† It is now more than probable that this really was the case. The King, at the time of his death, was surrounded by no other than the personal enemies of Dom Miguel. The Emperor of Austria, it is well ascertained, had written to him, several times, to allow the Prince to return home, being sensible of the base intrigue plotted against him, and ashamed of continuing to be considered as his gaoler. The beneficent intentions of both sovereigns, in this respect, were however uniformly defeated, through the machinations of the designing men, by whom

was vacated—the order of succession interrupted, and the country threatened with conflicting parties. In moments of peril and alarm like these, it would have been strange if the Portuguese had not, within themselves, the means to remedy the predicament in which they were thus placed. To all who have examined their constitutional history, it will be very evident that they had; and this fact will not be denied even by those who feel disposed to disavow the right of a nation to protect itself, by putting bounds to the exercise of the sovereign power.\*

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John VI. was beset. The king also desired a reconciliation with the Queen, and actually sent for her; but their interview was prevented by the same party. No other persons were allowed access to the pillow of the declining monarch; and when, at a subsequent period, the original of the suspicious decree, above mentioned, was called for, by Dom Pedro's own Chamber of Peers, it was not to be found; nor has it made its appearance since. At all events, it was not witnessed by the Council of State, as is customary on such important occasions. These points are discussed in a calm and deliberate manner, in an interesting little Pamphlet, entitled, "The True Interests of the European Powers and the Emperor of Brazil, in reference to the existing Affairs of Portugal." London, 1829.

\* Fearful lest doubts might, at any future period, arise, respecting the precise terms and spirit in which the nation wished the settlement of the Crown to be made, in the Cortes of 1641, before mentioned, the Estate of the Nobility, who, in our History, are usually designated as the Baronial Orders, after receiving separate answers to their several General Resolutions, sent a rejoinder to the King, praying that His Majesty would be pleased to render the point in question as explicit and clear as possible, when he forwarded to them the following subsequent declaration; "As far as regards the first Resolution, respecting the succession to the Crown of these Realms, it seemed to me to be my duty to enact a law, whereby it may be declared that the succession of the Kingdom shall never and at no time, come to a foreign Prince, nor to his Children, notwithstanding they may be nearest of kin to the last

No, Sir James, I again assert, no other remedy—no other alternative, was left, than assembling the Cortes; and when you yourself come to weigh the matter well, I feel fully convinced that you will come to the same conclusions, and with me acknowledge that it was a national calamity that the measure was not earlier adopted. The case was novel—the circumstances perplexing; very few persons were to be found acquainted with the formalities to be observed on so important an occasion. Here, I cannot refrain from again noticing the great obligations which the Portuguese nation and government are under to the Viscount de Santarem, for his valuable researches on this subject, of which I have so copiously availed

possessor; and rather that it shall remain vested in a natural Prince of the said Kingdom." This declaration, or reply, together with several others made and given to the various rejoinders both of the Barons and Clergy, form part of the general Statute, and in the primitive and official copy before me, are found therein incorporated; nay, if I am to judge from the purport of the original Preamble, placed at the head of this said general Statute, it was, together with all the answers, rejoinders and replies thereto, submitted to the Cortes and by them formally approved and confirmed. The following is a copy of the preamble. *Patente en que vão encorporados os Cipitulos Gerais dos tres Estados, e Repostas a ellas; Dadas em Cortes de Lisboa, em 12 de Setembro, 1646.* They originated, as the Act itself sets forth, "in the Cortes, held at Lisbon with the three Estates, on the 28th of January, 1641; the Answers given on the 12th of September, 1642, in the 2nd year of the Kings reign and 38th of his age, and being published and promulgated in 1645, it consequently took near five years to bring this important Statute to the perfection of a law. The copy before me bears the imprint of 1645, with the royal arms upon it, and recites that it was "printed by His Majestys command, and the orders of D. Thome Pinheiro de Veiga, of His Council, Judge of the Privy Council and Procurator of the Crown." It is consequently the primitive copy.

myself. They became the standard—the criterion of the day. The labours, instituted in Spain by the commission, appointed by the minister Caravajal, in the time of Ferdinand VI., continued during the long and prosperous reign of Charles III., and afterwards, under his successor, by the Royal Academy, although so voluminous, did not furnish to the Spaniards half the valuable information on the Constitutional antiquities of their kingdom, as the little work before me, at once placed within the reach of the Portuguese.

Having arrived so far, Sir James, I must ask leave to present you with a short sketch of the ceremonies of the opening of the Cortes of Lisbon, convened, as the official Acts\* (*Autos*) before me recite, “by his Serene Highness, the Infante Dom Miguel, Regent of Portugal and Algarves and the Dominions thereof, and assembled on the 23rd of June, 1828, together with the nature of the propositions submitted to their deliberation, the result, &c.” The three Estates of the Realm met in a large saloon of the Ajuda palace, at three o’clock in the afternoon, the members attired in the ancient court dress, except the ministers who wore gowns, and the clergy their usual habiliments. The saloon was arranged and distributed according to the ancient usages, and the ceremonies of the opening were adapted from the precedents on record. The Prince took his seat on the

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\* *Autos da Abertura e Proposição nas Cortes de Lisboa, em 23 de Junho, de 1828 ; do juramento prestado por el Rei Fidelissimo, O Senhor D. Miguel 1º ; e de Preito e Monagem A. S. M. pelos tres Estados do Reino—Lisboa, na Impressão Regia, 1828.*

throne, in the character of Regent, superbly dressed, with his hat on, and surrounded by his officers of State. The several members of the three Estates were also seated, according to ancient custom. The respective oaths being taken, the Bishop of Vizeu addressed the meeting to the following effect.

“An unanimous voice resounded through the Kingdom, acknowledging the evils which the country endured, when the Portuguese, and I can confidently affirm, all of them, anxious for a remedy, addressed their ardent and sincere wishes to the Prince who governs us, praying His Highness to ascend the throne of his ancestors, and by this means put an end to the vacillation and incertitude of the supreme government, which, among all political grievances, is to be considered as the worst. The Nobility, Clergy, Tribunals, Municipalities and People were uniform in their sentiments, with this difference only, that some, impelled by their patriotism and tired of forbearance, proceeded at once to proclaim him by acclamations, while others prayed for his elevation, as being indispensably necessary; conformable to the ancient laws and usages, and loudly called for by the exigencies of the State. Perfectly agreeing as regards their wishes, their motives and the grounds on which they acted, no difference of opinion prevailed, unless in the greater, or less, degree of ardour with which all were inspired. The beneficent Prince himself could not disregard the voice and prayers of the Corporations and Cities, who submitted to him the wants and demands of the country, which they corroborated by their usages and their laws. To no Portuguese does the name o

his country sound sweeter than to our own Prince—no one has more at heart its happiness and its glory. Earnestly does he wish the advancement and security of its true and noble interests. He venerates its judicious usages and customs—he respects the wisdom of its laws. On the other hand, he is not insensible to the voice of loyalty and that attachment evinced towards him, which, from the moment of his arrival, manifested itself in every part of Portugal. Seldom can a noble mind resist the mild appeal of a nation, accompanied by demonstrations of regard, which can have no other tendency than the country's welfare, and a hope of remedying its misfortunes; nor does it feel any reluctance to comply with such calls, when public expediency also seconds the prayer."

"Why, then, does he prefer justice to all other considerations; and why is it that he so profoundly venerates the Legislation of the land? It is, because he wishes nothing that is not lawful, and rejects, without the smallest hesitation, every thing not awarded by the laws. The kingdom has its own laws of Succession to the Crown, established from the foundation of the monarchy, and religiously observed, whenever the people have been in a situation to make full use of their liberties—laws, loudly and gallantly invoked and enforced whenever foreign violence has endeavoured to stifle their voice, and confirmed, defined and strengthened, with the utmost care and precaution, at a time when sad experience taught us to dread future acts of ambition, so as to remove even the very shadow of [a pretext of which the insolent abuse of power might again

attempt to avail itself. If the voice of these laws; or, if the fundamental Statutes of the Monarchy, call our Prince to the Succession of the Crown, he cannot but be flattered in presiding, by a title so sacred as this, over a generous nation. But, is he in reality called, in the existing case, by the laws to the Succession of the Portuguese Crown? This is precisely the momentous question of which the general interest requires a solution; and our august Prince therefore wishes that it may be resolved without any great delay, although without detriment to the maturity of those deliberations which its importance demands," &c.

The other parts of the speech refer principally to the forms to be observed in conducting the business, and concludes with these words. "This is the object which His Highness orders to be submitted to the deliberation of the Estates. Each one of them, following the ancient forms, will weigh well and confer on the subject, with that gravity and care which each owes to itself, as well as to the importance of the subject, and the advantage and honour of the Portuguese nation; and, finally, you will make minutes thereof on your Journals, from which you will draw up legal Acts, according to which it may at once appear to whom the Crown belongs, and in order also that the same may appear to posterity. May future ages look up to the present meeting and its results, with the same consideration and gratitude as we, at this remote period, regard the meetings of 1385 and 1641!"

The reply to the speech was made by Judge José Accursio das Neves, deputy for Lisbon, according to

ancient privilege, in which he congratulated His Royal Highness on his return home, after so long an absence and so many peregrinations and perils, from the banks of the Danube to those of the Tagus. The orator then goes into a long review of the subject, which he treats as a national question, adducing various historical examples and laws in support of his arguments, all tending to prove the Prince's legal right to the throne and the expediency of his being called to it. This ceremony being ended, the meeting closed, and the several members withdrew, having been previously enjoined to assemble the next day; the Ecclesiastical Estate in the convent of St. Anthony; the Nobility in that of St. Roque; and the People at that of St. Francis, in order to pursue their deliberations. Their respective sittings continued for several days successively, when they severally came to an unanimous opinion, and acknowledged, "that the right of Succession to the Crown of Portugal reverted to Dom Miguel." Of this triple declaration separate acts were made; and subsequently, on the 11th of July, by a special order, a general Act, or Resolution, was passed, with the attendance and full concurrence of the Three Estates, and signed by each individual member, shewing the grounds and authorities on which their separate awards were founded, and ending with the subjoined impressive words:\*

"All which, being well considered and deliberately weighed, the Three Estates of the Realm, finding

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\* The whole of this remarkable document will be found in the Appendix to "Portugal, or Who is the lawful Successor to the Throne?"

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 day of March, 1826, the aforesaid Crown of Portugal has 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 said Three Estates of the Realm."

This document is signed by 19 members present and 1 proxy, of the Ecclesiastical Estate; 121 of the Nobility and privileged orders; and 153 delegates on behalf of the People, making a total of 294 persons, a greater number than ever attended the Cortes, on any one occasion, in either Portugal or Spain!

On the 7th of July, when the settlement of the Crown was completed, and the reversionary rights of the Infante Dom Miguel confirmed and established, by a formal application of the laws and the solemn

award of the Great Council of the Nation, the three Estates again assembled, in the Saloon of the Palace of Ajuda, with nearly the same ceremonies which were observed at the opening; when the oath was administered to the new Sovereign, with all the requisite formalities, after which, the three Estates took the oath of homage and allegiance to him. An oration, pronounced by the Bishop of Vizeu, preceded the ceremony, in which he congratulated the Estates and the Kingdom on the accession of the King, as well as on the cessation of all those difficulties into which Portugal had recently been plunged. The oration being ended, the oath was administered to and taken by the King, in the following words. "We hereby swear and promise, with the grace of God, to rule and govern you, well and rightly, and to administer entire justice unto you, as far as human weakness will allow; and also to keep for you your good usages, privileges, immunities, grants, liberties and enfranchisements, which, by the past Kings, our Ancestors, were unto you bestowed, granted and confirmed."\*—The several members of the three Es-

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\* It must not be forgotten that, in the Cortes of 1641, on the Acts of which such great stress was laid in the early part of this Letter, the Ecclesiastical Estate, in their very first Resolution, prayed thus :

"As it is of great moment to the service of Y. M. as well as to the general and particular welfare of these Realms, that the Kings who may have to succeed thereto, before they are proclaimed and acknowledged, should make oath to keep all the privileges, enfranchisements, immunities, acts of grace, usages and customs which the Kings, their predecessors, thereunto granted, and by oath bound themselves to observe; We, therefore, pray Y. M. to be pleased to ordain that all the Kings, who henceforward may have to succeed therein, Do personally take, before they are so proclaimed and acknowledged, the said oath;

tates then took the subjoined oath. "I swear by the Holy Gospels, on which I bodily place my hand, that I receive, as our true and natural King and Lord, the Most High and Most Powerful King, Dom Miguel, and, unto him I do homage and pledge allegiance, according to the rights and usages of these his Kingdoms."

Here, Sir James, have I endeavoured to furnish you with as faithful an outline, and, in as few words

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and, in case that, at the time of their succeeding thereto, they should be out of this City of Lisbon, that they shall take the oath aforesaid, at the place where they are first to be proclaimed and acknowledged."

"Answer.—What you point out to me in this Resolution, respecting the oath to be taken to keep the privileges, immunities, usages and customs of the Kingdom, is the same which I myself observed and swore, in my own name and that of Prince Theodosius, my beloved and valued son, when, in these said Cortes, the oath of fealty was solemnly taken to me; therefore, I deem it meet for the Kings, my Successors, to do the same."

At a subsequent period, that is, under the date of the 9th of September, 1647, this part of the said General Resolutions was enacted into special Ordinance, in which, after reciting the object of the prayer, are the following remarkable words; "Wherefore, I ordain, command and establish that the same shall be fulfilled and kept, as in these my Letters Patent is contained, and the Kings, my Descendants and Successors, by so doing, as I have every reason to hope and trust they will, shall be blessed with the benediction of God, Our Lord, Father, Son and Holy Ghost; and with that of the Glorious Virgin Mary, Our Lady; that of the blessed Apostles, St. Peter and St. Paul, and of all the Celestial Court, and mine. And they, or any one of them, doing the contrary, (which I neither can believe, nor expect they will) shall be cursed with the maledictions of Our Lord and of Our Lady, of the Apostles, the Celestial Court, and mine, whereby they can never increase, prosper and go onwards," &c.—It may be here remarked, that Dom Pedro has never taken any oath, as above required, and that this is not the smallest of the objections to his exercising kingly power, in reference to Portugal.

as I could, of the ceremonies and legal formalities observed at the meeting of the Estates, by whom the present sovereign of Portugal was called to the throne; and perhaps I have been more minute and particular than I otherwise should have been, because, on a more careful review of your late assertions and arguments, I cannot help thinking that you were totally unaware of these facts, and that the most important of the papers, connected with Portuguese affairs, never yet fell into your hands. I am doing my best to exhibit them to your view, as concisely as possible; and now, Sir James, having first laid before you the ancient precedents, and a description of the modern meeting of the Portuguese Cortes, let me, in justice and in candour, ask you, whether every thing, on this last memorable occasion, was not regulated according to ancient practice, and the laws applied to the case submitted, in the most Constitutional manner possible? To use your own words, let me ask you, was there any other way of *recalling the Government of Portugal to its first principles*? Foreigners, of the highest distinction, who were present at the ceremonies, and saw them from galleries prepared round the saloon, for their accommodation, represent the spectacle as the most splendid and impressive that could possibly be witnessed. If, therefore, all was so done and enacted by the three Estates, or great Council of the Nation, pursuant to the Statutes of the Kingdom and the Charters of the cities and towns, let me further ask you, Sir James, whether the Act, declaratory of Dom Miguel's reversionary right to the Crown of Portugal, was not as formal and binding,

as the one passed by a British Parliament to welcome Elizabeth to the throne of England? Point out to me, if you can, where the difference lies. It is not in your power, Sir James. That Parliament which proclaimed his accession, did it with a voice fully as just, lawful and audible, as the one that placed the Brunswick Family on the throne of these Realms. No sovereign, either in England or Portugal, ever held his sceptre by a better tenure—no monarch's right was ever more enthusiastically acknowledged. How then, Sir James, could you allow your judgment to be so perverted, or your feelings to be biassed so far, as to assert that Portugal "was suffering under the tyranny of an usurper, who made his way to the throne by a succession of falsehoods, perjuries and frauds?" How, Sir James, could you thus attempt to stigmatize the legislative acts of a national Assembly, the meeting alone of which, under all the circumstances of the case, is one of the most remarkable events in the Annals of Portugal—an event, one would have thought, according to the principles which you yourself have advocated through the course of a long and useful life, calculated to meet your approbation more than that of any other man in England? How could you pass so unjust a censure on the open, formal and Constitutional recognition of the present Sovereign's reversionary right to the throne of his ancestors? How could you risk your reputation on such a charge?

No, Sir James, look at the affairs of Portugal, in whatever light you please, and you will still find that the government which, in England, it has been so fashionable to arraign and charge as being the

cause of the many evils which that kingdom has unhappily endured, is, nevertheless, the one founded on right and confirmed by the choice of the People, in the most efficient manner in which they possibly can be represented, as well as in strict accordance with their primitive institutions. The point in dispute has also undergone as fair and impartial a trial as can be instituted before any tribunal on earth, and the over nicety—the scrupulous punctilio—the hesitation, with which the whole investigation was conducted; or, any previous engagements which the successful candidate might be under, do not now weaken the solemn award, secured as it is by so many circumstantial corroborations; or, in the least, derogate from his hereditary titles and honours, since guaranteed to him by the unanimous and Constitutional voice of the Portuguese Legislature. By many, the late contest was indeed considered as a personal struggle for power, on the part of the King, and a gross violation of former pledges. On inquiry, this will not be found to be the case. Tutored as he had been at Vienna, he returned to Lisbon, with a fixed determination to follow the course, traced out to him, by the friends and relatives of his Family and the Allies of Portugal. Debarred, for several years, from all intercourse with his native land, he however knew nothing of what was passing there, except, as the public papers informed him; but, on his return, he discovered the nature and extent of the conspiracy plotted against him, and actually saw himself compelled to identify his cause with that of persons who had already made great sacrifices on his behalf. His own honour—nay, his

salvation depended upon this effort, the great body of the nation being fully determined openly to support his title against that of his competitor. Dom Miguel's subsequent resolve to assert his rights to the throne, did not therefore originate with himself; but rather with the people, who insisted that the laws should be applied to the existing exigency, as the only means of restoring tranquillity. The convocation of the Cortes, at the moment, was, consequently, rather attributable to the impulse of popular indignation, than to any secret design on the part of the Regent, as will be seen from a short sketch of the occurrences in Portugal, from the death of King John VI. to the period of the meeting of the three Estates.

In discussing the question, under consideration, too much stress has usually been laid on appearances, indicating that Dom Pedro's Charter was received by the Portuguese without opposition, from which circumstance, numbers, and among them it seems you yourself, Sir James, were hastily led to conclude that it consequently must have been popular. This is the most mistaken notion that ever was entertained. By a large and prominent party, in Lisbon and Oporto, the Charter most assuredly was enthusiastically cheered, not from any sense of the intrinsic merits which it possessed; or, any acknowledgment of the legitimacy of the source from which it was derived. It was viewed in the light of a peace-offering, and, in the effervescence of the moment, by a certain class, perhaps the one whose voice was then more audibly heard, it was hailed as the harbinger of future good. Having been brought over

by Sir Charles Stuart, in a British man of war, it was besides supposed to be accompanied with the concurrence of the British Government, and upheld by its direct support. This was evidently an error; but, of it, the partisans of the Charter were eager and dexterous in availing themselves. I am myself well convinced; nay, I can fearlessly assert, that Sir Charles knew nothing of the real contents of the paper of which he was the bearer; neither did any one of the Brazilian ministers, who, in other respects, enjoyed the Emperor Dom Pedro's confidence. No one was a better judge of the affairs of Portugal than Sir Charles—no one more anxious for her welfare and tranquillity; but, for these best of all reasons, he never could have approved of the political experiment in which it was attempted to involve him; nor, was he more a party to it than he became by having the urbanity to take charge of a sealed packet, confided to him by the Emperor, and deliver it into the hands of those to whom it was addressed. Sir Charles happened to be at Rio de Janeiro, on a public and delicate business, having closed which, and being on the eve of his departure for Portugal, he rendered a personal service to the Emperor, at a moment when it would have been impossible to meet with so safe and speedy a conveyance, as a British man of war.

On the 25th of April, Dom Pedro received the official account of his father's death, although, by private means, he had known the event ten days earlier, and was, consequently, prepared for it. On the following day, he assumed the character of King of Portugal, and, without further ceremony, as such,

issued a decree, confirming the Regency, apparently appointed by the late King John VI. Under the same date, the 26th, he addressed 77 Patents for the appointments to a Chamber of Peers; on the 27th, promulgated an amnesty-decree; on the 29th, completed the "Constitutional Charter of the Portuguese Monarchy;" and on the ensuing 2nd of May, abdicated in favour of his daughter.\* Thus was he, at least, in his own mind, the Sovereign of Portugal, just one entire week. This was quick work, you will yourself readily acknowledge, Sir James; notwithstanding, it must be confessed, that he had the start of ten days. The whole of this time, however, the Emperor was shut up in his own closet, with his private Portuguese Secretary, Francisco Gomez da Silva, and one or two secret agents of the Liberal party, whose interests he had thus so warmly espoused; who had filled his head with all these visionary plans, and pledged to raise him and his offspring to an European throne, to the exclusion of his brother, already suffering in exile through their intrigues and persecutions. The event of King John VI.th's death had, however, been anticipated, and every preparation made for it—happen when it might. The whole plan, in fact, had been regularly digested, and this was the propitious moment for the Liberals of 1820 to regain their power and ascendancy, which they never could expect to do, if Dom Miguel secured his rights to the throne. Every engine was, consequently, set to work, and it is now

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\*Vide "Portugal, or Who is the lawful Successor to the Throne?"

placed beyond a doubt that the Charter was actually made up in Lisbon and sent over, ready cut and dry, for the Emperor's adoption and signature, whenever the anxiously-looked for moment should arrive. Some suspicious circumstances attended King John VI.th's death,\* which have since been rendered more ominous, by the non-production of the original of the decree of the 26th of March, appointing a Regency, to which allusion has already been made. But, this is not the time, or place, to institute an inquiry upon this subject. Suffice it to say, that the feeble monarch was then completely in the hands of the partisans of the Charter, and, consequently, the immediate enemies of Dom Miguel. During the whole of the week this farce, and really, Sir James, I cannot think that you yourself would venture to call it by any other name, was performing at Rio, no foreign envoy; no Brazilian functionary of rank, or influence, took part in the Emperor's councils on Portuguese affairs. He, and the few *Sebastianists*†

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\* “ Jean VI. avait toujours joui d'une excellente santé, depuis l'incommodité qu'il éprouva en 1805, à l'exception de l'enflure des jambes, maladie héréditaire dans la famille. Le 4 Mars, 1826, à la suite d'un repas, chez les Moines Hiéronymites, en rentrant au palais de Bemposta, il tomba soudainement malade, éprouva des vomissemens, des convulsions et des défaillances. Le lendemain, les vomissemens redoublèrent, après avoir pris un bouillon de poule; les bulletins qu'on fit paraître sur son état, annoncèrent que les 5 et 6, le mal s'était aggravé; du 6 au 9, on publia qu'il y avait eu quelque amélioration, et l'on profita de cet intervalle pour obtenir du Roi un acte qui déférait la Régence à sa fille, l'Infante Isabelle, assistée d'un conseil de ministres. Le 9 au soir, une nouvelle crise se déclara, et le roi succomba le 10, à six heures du soir. On n'est point d'accord sur la nature de sa maladie.” *Annuaire Nécrologique*, Paris, 1827.

† For many years after the death of King Sebastian, a sect existed in

by whom he was at the moment surrounded, have the entire merit of what was then done, in reference to Portugal, and, consequently, it would be the utmost folly—nay, it would be the grossest possible insult to the understanding of Lord Stuart de Rothsay, to suppose that he had the smallest share, or participation, in the mad projects of the Emperor and his friends.

The first demonstrations evinced on the arrival of the Charter, were, however, short-lived. It had taken the Portuguese by surprise; but, scarcely was it promulgated, which was done on the 12th of July, 1826, and the views of the Emperor and the nature of his present understood, when a general fermentation spread throughout the country, and the popular indignation began to shew itself. Simultaneously, and as it were, instinctively, parties were formed against it, in every province of the kingdom. Some pronounced it to be another political experiment; while others denounced it as the grossest violation of the rights of nations, and an expedient to render Portugal a Colony of Brazil. The 24th regiment of the line, at the moment stationed at Braganza, flew to arms, and under the command of Viscount de Monte-Alegre, soon afterwards passed the Spanish

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Portugal, called Sebastianists, the followers of which actually believed that the young warrior was still alive and anxiously awaited his miraculous restoration. The term may thus be deemed applicable to other dreamers of political events, such as the sect of the *Pedrites* and *Queenites*, which appears to have taken its model from the one that founded its creed in the year 1578, and still exists, or did exist not long ago, for I can never forget that, when a boy, several Sebastianists were actually pointed out to me in Lisbon.

frontiers, followed by a number of the officers and men, belonging to the 12th regiment of cavalry, as well as by many militia officers and privates, together with some public functionaries, from the province of *Tras Os Montes*. Nearly about the same time, the 2nd regiment of cavalry, stationed at *Villa Viçosa*, in *Alemtejo*, and consequently in another extreme of the kingdom, declared against the Charter, and proclaimed *Dom Miguel* as the lawful successor of *John VI*. The militia regiment of the same place, immediately followed this example. The 17th infantry of the line, quartered at *Estremoz*, adopted the same resolution, as, shortly afterwards was done by the 14th infantry, posted in the province of *Algarves*, accompanied by the 4th battalion of *Chasseurs*, and some companies of the 2nd Artillery. Soon after *Dom Miguel* had been proclaimed by the troops of the 2nd and 17th regiments, a squadron of the 7th cavalry was sent against *Villa-Viçosa*, where some of *Dom Miguel's* partisans were supposed to be stationed; but, the 2nd, in the mean time, having gone out to join the 17th at *Estremoz*, the newcomers quietly took up their quarters in the barracks of the absent regiment, where they were, in a few days, attacked, and, after a shew of resistance, actually joined their comrades, and thenceforwards became the most eager and faithful supporters of his present Majesty's cause.

These are demonstrations, *Sir James*, and early ones too, of a most decided character, the object of which could not be mistaken, and coming from regiments, stationed in various provinces, they had an immense effect on the public mind. It ought fur-

ther to be remarked that, in the various rencontres which ensued between the two contending parties, with alternate success, the prisoners taken by the King's adherents uniformly embraced his cause, and afterwards gave unquestionable proofs of their cordiality. This shews that if it had not been for the state of discipline in the army, and the personal influence perhaps of some of the commanders, the soldiers would have joined the cause of the Prince who once commanded them; which may be taken as a pretty clear indication of the real feelings and sentiments of the mass of the people. In the meanwhile, however, the partisans of the Charter had obtained possession of the government, and besides the delusive appearances of external support, wielded all its resources, at the time when that their opponents had no other means at command than their own patriotism could furnish—no other approbation than that which their oppressed countrymen had it in their power to evince.

The 7th battalion of Chasseurs, forming part of what we should call a *crack* regiment, happening to be at Lisbon, the Constitutional Government, having reason to doubt its adhesion, changed all the officers except two, replacing them with persons decidedly in their own interests. This battalion shortly afterwards was sent to Oporto and thence to Tras Os Montes, in order to suppress the insurrection that began to shew itself among the people. On arriving at Villa-Pouca de Aguiar, in the province above mentioned, the men turned out, of their own accord, and very plainly told the officers that they would dispense with their presence; and, that being no longer

disposed to support a cause, opposed both to the wishes and interests of their country, they had come to the unanimous resolution of immediately proceeding to Spain, for the purpose of joining their comrades. They instantly marched off, with flying colours and bugles sounding, under the command of a serjeant! I had almost forgotten to state, that the Marquess de Chaves did not proceed to Spain, till a very few days before the emigration of the last mentioned battalion, consequently, two months later than the period when the first detachments, which declared in favour of Dom Miguel, had crossed the frontiers. It is, therefore, a mistaken notion to attribute to the Marquess de Chaves a participation in the motives which induced these several corps of troops, stationed at great distances from each other, and consequently without any previous concert, to declare in favour of the absent Prince. The strenuous efforts of the government could not indeed suppress the symptoms of opposition to the Charter which, every where, manifested themselves. Towards the middle of September, the 11th regiment of the line, then stationed at Almeida, also proclaimed Dom Miguel, and proceeded to Spain, with the governor at their head, taking with them their Royalist officers and leaving behind them the Liberals; the two party denominations at that time in vogue. The 9th cavalry, quartered at Chaves, and a squadron of the 6th, also followed the example held out to them.

Towards the commencement of December, the Portuguese troops, assembled in Galicia, entered the province of Tras Os Montes, towards Braganza, and attacked the 3rd and 12th infantry regiments,

and a squadron of cavalry, stationed there by the Lisbon government, one of which, if I mistake not, was commanded by General Valdez, afterwards the *redoubtable* governor of Madeira. This force posted itself in the fortress of the city and afterwards capitulated, when the whole of the privates and some officers joined the opposite cause. After this victory, the militia regiment of Miranda joined the Royalists, commanded by the Marquess de Chaves, as well as those of Villa Real and Lamego, together with a part of a battalion of the 9th Chasseurs. About the same time, General Telles Jourdão appeared on the frontiers, near Almeida, accompanied by a few officers, most of them belonging to militia corps, when, by merely dispersing a few proclamations through the two divisions of the Province of Beira, in less than a fortnight, he found himself supported by the militia regiments of Guarda, Trancoso, Vizeu, Tondella, Cavilham and Arganil; and numbers of the civil and military authorities of Upper Beira likewise immediately afterwards declared in favour of the same cause; when the acts, recording the declarations made on behalf of Dom Pedro, were destroyed and Dom Miguel proclaimed in his stead. Viscount da Varsea, Governor of the province, also adhered, by making known his uniformity of sentiments, and was joined by many clergymen and civilians. In the interval, several parties of disbanded soldiers, who had served during the war against the French, flocked to General Jourdão's standard, to whom he distributed arms. With this irregular force, in all amounting to nearly 10,000 men, he besieged Almeida, which fortress capitulated on the 26th of

December, and, on the following day, he entered the town. Here Jourdain's forces were increased by the strength of the garrison, with the exception of a small party of officers, and Dom Miguel, with all the due formalities, proclaimed. The Royalists then received the accession of the 10th regiment of cavalry, the 6th infantry, a detachment of the 9th Chasseurs, the whole of the artillery, and some local troops.

It ought here to be remarked that old General Pego, who had acted as a General of division under Napoleon, in the North, and whom the Liberals esteemed as one of the chief props to their system, declared, even before the town was invested, *that he would not oppose the wishes of his countrymen, adhering to Dom Miguel, as their lawful sovereign*; but, the colonels of the various corps in garrison, declining to follow his example, he resigned the command, and remained neutral during the siege; nor did he sign the capitulation of the 26th, pursuant to which, the Royalists took possession of Almeida, in the name of Dom Miguel and proclaimed him there. On the same day, they were joined by the Algarves and Alemtejo corps, which had previously proclaimed Dom Miguel in those provinces. In a word, several battles ensued—Oporto was threatened, and these demonstrations continued, undiminished, till the British troops were disembarked at Lisbon. The movements of the Royalists, from that period, were confined to the North; but, the general impression being that the British were about to take possession of the principal towns on the coast and support the Liberal party, not to desolate the country by pro-

longing the civil war, they withdrew to Spain, and some time afterwards were removed to the interior.\*

I have been the more minute in these details, Sir James, because the facts to which they refer must certainly have escaped your memory, and never could have been taken into account in your estimate of the state of popular feeling in Portugal, at the time alluded to ; or, I should rather say, during the whole of the interval from the receipt of the Charter till the Prince's arrival in the Tagus. I have also already pointed out the works, in the same interest, which made their appearance in Spain and France, during the time this party was forming in Portugal and openly contending for their country's rights. Even in England, some of these early demonstrations were going on. Towards the close of 1826, several little pamphlets were published and distributed, in London, for the purpose of instructing us on the affairs of Portugal, explaining the laws applicable to

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\* As a specimen of that systematic plan of delusion which the Portuguese refugees have pursued towards their countrymen, as well as of the manner in which they have endeavoured to implicate Great Britain in their own quarrel, for which they had so excellent an opportunity in the arrival of the British force at Lisbon, I copy the following from a Portuguese Queenite pamphlet, printed in English and profusely circulated, entitled "Remarks on the Policy of the British Ministry, relative to the Affairs of Portugal," London, 1829. "It was but lately that both houses of parliament *unanimously* voted an army to support the Portuguese Constitution, against a domestic intrigue, with foreign assistance. The liberal principles which dictated that noble proceeding, and the splendid oratory which decked out the undertaking, with so much glory, are too fresh in the memory ; too dear to the minds of all parties, to be easily forgotten." Could such an expression as this come from the mouth of any other than a real and engrained Sebastianist ; or, was ever a more impudent assertion made to the British public ?

the case in question, and at least breathing truth and sincerity, although not perhaps strictly adapted to an English reader ; but, their voice was stifled by the popular clamour which immediately afterwards ensued.\* Although the time that has elapsed, Sir James, is so short, we forget these things ; but, I can assure you that there are persons in England, well acquainted with the affairs of Portugal, who thought very seriously of them, when demonstrations against the Charter first commenced. It is, however, a fact, which I have taken some pains to ascertain, that the number of Portuguese emigrants in Spain, at the time of Dom Miguel's return, was not less than 15,000, of all classes, and this is very near four times the number of Charterites and Queenites we have lately had among us, including the Plymouth depot. A large proportion of them were militiamen and volunteers, and they may be said to represent the state of public feeling better than troops of the line. The distribution of the Portuguese emigrants in Spain, was, 8000 in the provinces of Rioja and Aragon, principally consisting of those who accompanied the Marquess de Chaves, in March, 1827 ; 3000 in the depots of the Southern provinces, nearly all of whom emigrated after the Marquess quitted the Portuguese territory, for the last time, and 4000 *bourgeois*, scattered among

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\* The most important of these was "*Dedueção ou Manifesto dos factos que na crise actual suscitão a plena observancia dos directos publicos da Nação Portugueza, em que particularmente se incluem os do Serenissimo Senhor Infante Dom Miguel.*" This pamphlet is dated Lisbon, May 11, 1826, and printed in London soon afterwards.

the small towns and villages on the frontiers, from Ayamonte to Tuy.

The events above recorded, cannot I think, Sir James, be taken as indications of the popularity of the Charter; a point on which so much stress has inadvertently been laid. Devotion thus evinced in favour of an absent Prince, cannot be likened to "the purchased shouts of a low and ignorant rabble;" nor the subsequent convocation and transactions of the Cortes be called "the pretended solicitations of overawed, seduced and venal municipalities, aided by the decision of an illegal assembly, composed of members selected from a faction, to the entire exclusion of every honourable Portuguese."\* Such, nevertheless, is the light in which we have been over and over again told to view these two most important features in the affairs of Portugal; such the doctrines put forth, "by authority," for the instruction of those very members of the House of Commons, Sir James, who were so soon to witness your anticipated efforts in the same cause;† and, to add to these doctrines more weight and importance, the vehicles containing them, were besides distributed from the double pockets of deluded and blustering

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\* "Appeal of a Portuguese Emigrant to the British Nation and both Houses of Parliament."—London, April, 1829.

† "Remarks on the Policy of the British Ministry relating to the Affairs of Portugal."—London, 1829. "The honour of this country then calls loudly for the investigation of these points, and the public looks forward with deep anxiety to the promised motion of Sir James Mackintosh for documents that may draw aside the veil that covers these transactions."—*Ibid.*

merchants, on the Royal Exchange! Such specimens of popular feeling, however, as those which I have placed before your view, Sir James, cannot be considered as having any reference to the “acts of a relentless tyrant, constituting himself a king by the aid of a faction!” No, Sir James, greater efforts, I have no hesitation to say, were never made; never more absurd stories invented, or more barefaced frauds committed, in order to delude and deceive the British Public, than since it was determined to make London the grand theatre of the designs of the Portuguese refugees. Their writers told us all kinds of tales—stunned us with the gossip of the Lisbon wine-houses and sardina-shops, and, on the strength of them, assured us that the Charter was popular; that the country went into mourning when it was cast down, and that no peace and happiness can be there expected till it is restored and they themselves again entrusted with its administration, being, as they call themselves, the “flower of the Portuguese nation;” adding, that the elections to the Cortes were defective, and that nothing good, or valid, can be done as long as they are absent.\* They wish us to believe them on their bare words, although they do not offer to us a fact, or an argument, that could bear the test of reason, for a single moment. Yet, we are called upon to take up their cudgels—we must shape our policy to please them, and if we refuse to listen to their “Appeals,” and not receive lessons from them, as will hereafter be more particularly noticed, we are to be loaded with their insults and exposed to their imprecations!

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\* Vide *Injusta Acclamação*, &c.

It would scarcely be worth my while to spend any time in pointing out the reasons why Dom Pedro's Charter, sent from the *Fluminensian* capital, in the New World, to the *Felicitas Julia*, of the Old one, could never prosper and become acceptable to the Portuguese. The legitimacy of its origin has now been disavowed by every one who has thought upon the subject, and I even find you, Sir James, lately very sparing in its praise. I will, nevertheless, remark, that the circumstance of its being an exotic, alone, was more than sufficient to prevent it from taking root in land of an Henriques and a Deniz; nay, I will further assert that those very persons who have lately uttered the loudest vociferations against the great Council of the Nation, by whom it was lawfully put down, were themselves the first to point out its defects and the illegality of its origin to Dom Miguel himself, when he was in London, and strenuously advised him to rid himself of it, as soon as he could, only not to make a *tapage* in doing it. Since, however, I am upon this subject, I feel myself warranted in going still further and adding, that if the Emperor could now recal this his rash and inconsiderate act, he gladly would do it, for if there is any thing he ever did in his life that he is at the present moment ashamed of, it is the enactment of this said Charter, and the attempt to impose it upon the Portuguese people; nor do I think that the members of the South Audley Street Club themselves, have had the courage to utter a word about it, for the last six months. It is only in the "City Sceptre Club" that it still finds advocates, since it has already been pronounced unfit to be placed on

the shelves of any others than those enthusiastic visionaries, who call themselves the disciples and admirers of the Abbé Sieyès !

Scarcely, however, had it been discovered that the ground on which the Charter was defended was untenable, than its fiery partisans turned round, and, with an easy mutability of politics, after a little humming and hawing, assured us that this was a matter of subordinate interest, and that the great body of the Portuguese were indifferent about it, so long as they could have their own little idol to govern them ; since the possession of that treasure alone would render them happy, prosperous, united and powerful—any thing, in short, that could establish the right of the first line to the throne, while it excluded the second ; adding, that the right was legally vested in Queen Maria, from the period of the death of John VI. ; consequently, that she acquired no new right by her father's act of abdication, and required no Charter whereby to administer her hereditary realms.\* This, however, was rather a thrifty expedient, attributable to the pettiness of the political intrigue going on ; a kind of *dernier ressort*, of which men gladly avail themselves, who are doomed to those restraints, privations, and mystifications, usually the appendage of fallen power, than a real symptom of the feelings upon this subject prevalent in Portugal. The Portuguese are not so indifferent as to their national independence and future destinies, as some of their countrymen in London wish us to believe them. I

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\* "A Few Words on the Denominated Act," &c.—London, 1829.

do, without the fear of contradiction, assert, that the numbers among them who take an interest in political affairs, of late years, is astonishingly increased. During the war of the Peninsula, the inhabitants were engaged in devising the means of defence, and co-operating with their allies; or, in removing the traces of devastation. The late changes and conflicts, however, created a new feeling, and directed public solicitude towards the national concerns. This interest was kept alive by intercourse with foreigners; the recollection of party-triumphs, and such treatises and fugitive papers as the people were enabled to obtain. Hence, is it, that every one in Portugal who can read or write, or has attended to the lectures of the village-orator, has a political creed of his own, and judges, as far as his powers of intellect, or his national prejudices will allow him, of the scenes shifting before his eyes. Political opinions have indeed now penetrated into recesses, to which formerly they could not have had the smallest access. The late events, particularly those which have happened since the death of King John VI. were besides too striking not to rouse public attention. Over the minds of the middle and lower orders, the higher classes also have considerable influence, and they cannot be accused of being partisans of the Charter, or disposed to submit to humiliations from foreigners.

The force of the national character, it must not be forgotten, is moreover great among the Portuguese, and generally well directed. They are famed for an eager devotedness to the cause of their own independence, and that feeling is materially strengthened, as I have already taken occasion more than once

to notice, by a recollection of the dominion of the Spanish Philips. The calamities then endured, are remembered by the present generation, and when the great body of the people reflected on the schemes and cabals going on, whether of Portuguese or Brazilian growth, the moment the breath was out of the body of King John VI., they had every reason to apprehend their recurrence, under an aggravated form. Read, attentively, Sir James, the picture of those hardships and grievances which the Portuguese had to bear from the Castilian yoke, and the acts of imperious and greedy Spanish Viceröys. Do, I beseech you, look at the enumeration of the calamities brought upon them "by disguised friends, afterwards converted into open enemies;" see how they were dragged into wars in which they had neither interest, nor concern; reflect, in short, how they were made instrumental in the imperious and extravagant pretensions and designs of Castile, and then ask yourself the question, who could guarantee to the modern Portuguese, if all the Brazilian Emperor's schemes, intended for them, had been successfully realized, that, when next engaged in a war with Buenos Ayres, or at variance with his sable subjects, he would not have sent to Lisbon for a contingent of troops and an auxiliary fleet of ships? See what the Portuguese endured, for a period of sixty-one years, through an infraction of their Laws of Succession; by trusting to the professions of a foreigner, who pledged that he was coming to befriend them.

All these grievances and calamities are faithfully delineated in the Manifesto of 1641, found in the Ap-

pendix A. This, I can assure you, Sir James, is an important document; because it reechoes the sentiments of the Portuguese of our own days, and represents the horror which they feel at any fresh attempt to subject them to the dominion, or influence, of a foreign nation, however disguised be the chains which it is sought to impose upon them. The first part also shews the efforts and intrigues, carried on by Philip of Castile; the pamphlets which he had written and circulated in foreign countries, to advocate his cause and assert his rights to the Portuguese Crown, on a plan so exactly similar to the one emulously followed by the Charterite and Queenite Portuguese official writers in London, that it is difficult to say which of them will hereafter be called the modern Caramuel, by their insulted and outraged countrymen at home. Read this document, attentively, Sir James, otherwise, you cannot know the real national character of the Portuguese; or form a just conception of the indignant spirit of the modern generation, on witnessing this second attempt to strip them of their laws and Charters—their liberties and their honour.

I have already stated sufficient to shew that Dom Pedro's errors, followed and aggravated, as they were, by ridiculous appointments of ill-chosen agents and favourites to employments in Portugal, which he endeavoured to enforce, long after his pretended act of abdication, and, in so glaring a manner, that the Allied Powers were themselves at length obliged formally to tell him that this interference was opposed both to the spirit and meaning of the Treaty of Separation, gave material strength to his opponents;

and it is equally evident that the great service which he sought to render to the Portuguese, by bestowing upon them a Charter, manufactured by men in whom they could no longer place confidence, and adopted by him as a political experiment, loosened his hold on the respect of the people and implicated his character, both in Portugal and Brazil, more than any act he ever performed in his life. The tone of imperative earnestness which he assumed, added to evident symptoms of a disposition to rule Portugal, through his daughter, from the other side of the Atlantic, taught the Portuguese what they had to expect, and pointed out to them the fate that awaited them. They saw the net spread to entrap them; they were struck with the formidable conspiracy, plotted for their ruin. It was no longer a question, the solution of which depended on the existence, or non-existence, of the Charter; it was scarcely a question, who was the rightful heir to the throne! It became a matter of national independence. If the Portuguese had then accepted the terms offered to them; or, in other words, if they had allowed Dom Pedro the right to appoint a sovereign over them, of his own choice, and even without the form of a preliminary negotiation, they were sensible that they would have been submitting to the very worst degradation, and preparing for themselves and their offspring shame and disgrace, besides entailing upon the nation the greatest of that variety of evils to which, under any other alternative, they possibly could be exposed. The spirit of the people rose with the emergency, and Dom Miguel was thus called upon to claim, through all perils, his rever- sionary rights to the throne.

Here, Sir James, will I pause, and ask you, for a moment, to enter into the feelings of the Portuguese. Look at them only as a high-minded people. You will, I think, be the first to confess that they entertain, and very justly too, opinions, irreconcilably repugnant to every thing that might, at any period, however remote, establish the supremacy, or even the preponderating influence of a late Colony over the mother-country. They were fully aware that any new bond, whatever was the form which it bore, or however flattering the circumstances under which it was instituted, was likely to render Portugal subservient to the interested, or ambitious designs of Brazilian place-hunters, who would always have had a direct ascendancy and preference at court. Suppose, for example, Sir James, that through any contingency, or change of circumstances, during the long minority it was wished that Portugal should endure, the Marquess de Barbacena, or Viscount Itabayana, was appointed Regent, or Viceroy over the Portuguese; what, in that case, would be the feelings of the hereditary nobles of Portugal? Suppose that either of them was placed in a situation to act as guardian to the "little Queen," seated on the throne of Portugal; who, even in that capacity, would be considered as ruling the realm, and the dispenser of her royal favours? Both functionaries are known to the Portuguese—each has resided among them, although in two different capacities; but, would that soften the prejudices entertained against them, on the score of their being Brazilians, and consequently foreigners and aliens? Would men, connected by descent, or alliance, with the

body of the ancient nobility of Portugal, brook the presence of such strangers as these; or submit to their interference in the concerns of the nation? Would they allow of such personages in the immediate theatre of court intrigue?

We must bear in mind, Sir James, that the present contest has awakened all kinds of national and personal animosities, partly owing to the expedients resorted to, in order to stifle the voice of the Portuguese people, and partly to that refinement in revenge and scurrility, practised from a wish to defame the object of their choice and lower him in the public esteem. So inveterate, in short, is the schism now raging between the two parties—so impassable the gulf, opened between two nations, of the same origin, that it would be impossible to reconcile them, on any other terms than those on which Brazil was originally declared independent, which, of course, stipulate the total separation of Portugal. To palliate, rather than counteract, the indignity offered to the Portuguese, by a glaring infraction of this principle, they were indeed told that the sovereign, about to arrive among them, had Portuguese blood in her veins, and was born in a territory that once formed part of the hereditary dominions of their deceased monarch. This is very true; but the Spanish Philip, who sought to inherit the throne of the Henriques, was also of Portuguese descent, and an ocean did not roll between Portugal and his place of birth. The pleas above alleged, do not alter the original position of the Princess of Gran Pará. She is not the less a Brazilian, and, to all intents and purposes, bound to follow the destinies of her own family. She

is, in the eye of the law, a mere passive being, without a will of her own, being pledged and affianced to the disposal of the Brazilian Legislature.\* Suppose her only brother and the presumptive heir to the Imperial crown, six years younger than herself, were to die, would not the Brazilians, with an indignant voice, demand her restoration to her hereditary rights, even although she were securely seated on an European throne? The Emperor himself, by this time, knows too much of the feelings and temper of the Brazilians, to be ignorant of this fact, as well as that by interfering in the affairs of Portugal, from which he was withheld both by his own honour and the laws of the empire, he has lost a large portion of their confidence and esteem. The interference of foreign powers might, perhaps, have rendered Dom Pedro's plans for Portugal, successful, and the high-minded spirit of her sons might have been broken, as it was in the days of the Spanish Philips; but, the consequences would alike have been a sullen submission, which, sooner or later, would have burst forth into open rebellion, when they saw their places of trust and emolument in the hands of Brazilians, or of those Portuguese who had aided in establishing

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\* *Constituição do Imperio do Brazil. Art. 105. "O Heredeiro presumptivo do Imperio. terá o titulo de Principe Imperial; e o seu Primogenito o de Principe do Grão Pará."* 109. *A Assembléa assignará tambem alimentos ao Principe Imperial, e aos demais Principes, desde que nascerem. Os alimentos dados aos Principes, cessarão somente, quando elles sahirem para fora do Imperio. Art. 112. Quando as Princesas houverem de casar, a Assembléa lhes assignará o seu Dote, e com a entrega delle cessarão os alimentos.* 119. *O casamento da Princesa Herdeira presumtiva da Coroa, não poderá effectuar-se, sem approvação da Assembléa Geral.*

an unwelcome and unlawful ascendancy, it being clear that nothing could prevent the public indignation from expressing itself, and the first demonstrations would inevitably have led to acts of violence. The establishment and settlement of the Crown, contemplated at Rio de Janeiro and seconded at Vienna, would, in fact, have been an endless subject of difference between Portugal and Brazil, which no temporary advantages could compensate. It would have been destructive of mutual confidence, and this could not have been replaced by the solemnity of treaties.

Yes, Sir James, I do not hesitate to assert that, if no other cause had existed, in Portugal, than the overpowering dread and abhorrence of a foreign dominion, this alone would have sufficed to defeat all the Brazilian projects and pretensions, even although the agents employed to realize them, had been ten times as dexterous and disinterested as they have shewn themselves to be, and their judgment equal to their activity. I have said *Brazilian* projects and pretensions, and perhaps unguardedly, for it will be a material part of my present undertaking to shew that the Brazilians, as a nation and a legislature, have never once interfered in the affairs of Portugal; but, on the contrary, disclaimed all acts of hostility and, with all other reflecting men, have felt indignant at the insults and opprobrium heaped upon a Sovereign, whose title to the crown which he wears, is even stronger and more valid than the one that placed the eldest branch of the Braganza Family on a throne among themselves. They are equally horror-struck at the base and degrading experiment,

tried upon the Portuguese, and, ere this, feel convinced that it was the work of a plotting *Camarilla*, estranged to their honour and interests—opposed to their views.

Look to the whole projects, undertaken against Portugal, and reflect, Sir James, on the manner in which they were promoted in England, I perhaps ought to say London and Plymouth, and you will find that the whole system has been founded on delusions, and conducted with a fiend-like rancour. You will also discover that London and Plymouth were the two great forges in which the major part of the auxiliary schemes were cast. The agents employed, finding that, after the Oporto retreat, they could not disturb the order of Succession, either by force of arms, or an application of the existing laws, resolved to have recourse to personalities, and endeavoured to ruin the private character of the man whom they hated and feared. From that moment, the darkest designs were seen in agitation against him, and it was only in the union and esteem of the Portuguese people, that the Sovereign found an immunity against those machinations by which the peace of the realm was unceasingly interrupted. Lisbon was made the theatre of plots, contrived in London and promoted from on board the French ships of war, lying in the Tagus; whilst we beheld ex-ministers, ex-generals and ex-functionaries, of all kinds; men, destitute of those resources of courage and genius, which might have retrieved their authority and reestablished their credit, labouring from afar by declamatory pamphlets, incendiary papers, and delusive hopes, to create a revolution in that very country which they

quitted without even risking a battle, when, a week before, we were assured that they were triumphantly marching on the Capital! That government, whose anger they had every reason to dread, they never ceased to molest by their intrigues, and on every side, the Portuguese saw reactionary schemes and plots unfold themselves.

Other insidious modes of provocation were also invented, and among them that of fabricating revolting stories, and ushering them to the British public.\* Here, every thing was done to influence the feelings of Englishmen and induce the government to take up the cudgels; whilst, there, the Portuguese were told that every British heart was with Dom Pedro and his daughter, and that a naval and military armament was about to leave our ports, in order to "hurl the tyrant and usurper from his throne;" nay, that the Allied Powers were to take part in the enterprise. Scarcely two months ago, this very story, believed to a certain extent because it was brought and propagated by an inconsiderate Englishman, created a commotion in the prisons at Lisbon! Another and a new expedient is now on foot, and this is, a large impression, in Portuguese, of your

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\* It would be a tedious and unpleasant task to enumerate and expose these idle tales, to which such extensive circulation was given; but, as a specimen of the *official* information on Portuguese affairs, to which the attention of Englishmen has been eagerly called, I cannot help remarking that in the Addenda to the "Appeal of a Portuguese Emigrant to the British Nation and both Houses of Parliament," already quoted, is inserted a long paragraph from a "Sunday Paper," in the way of authority, describing Dom Miguel's attempt on his Sister's life, when, it may be remembered, that the veracity of that loathsome and revolting fabrication, did not even stand the test of a single week!

own late speech, Sir James, and that of Lord Palmerston, now on their way to Portugal and Terceira, for circulation. This valuable present has been preceded by regular translations of all the choice puffs, bandied about in the London papers, as well as the Court Circulars, in which the name of the "Queen" is mentioned, and to which the same importance is given as if they were dated from Downing Street. It would make our good monarch smile, if he were to see the description of his own urbanity and Windsor Castle hospitality, evinced towards an illustrious little girl, now circulating in hand bills among the Portuguese rabble, as an acknowledgment of her rights to the throne of Portugal, and as a proof of a disposition to send an army of *red coats* to enforce them. Go yourself, Sir James, among the Portuguese, still lingering on our shores, and most of them will tell you that they were brought over here by the invitations of interested persons, and lured by the delusive hopes of effective aid and support, which, they were assured, awaited their arrival; thus trusting that they would soon have it in their power to return home, in triumph, after a temporary absence, and reap the advantages of their devotion. Dive into these matters, Sir James, before you again touch on Portuguese affairs; or attempt to elucidate the foreign relations of Great Britain; but, Sir James, be on your guard; a great revolution is going on in the political opinions of the reflecting part of the Portuguese refugees, and it will be a pity to see you and Lord Palmerston the last champions in the arena. All are tired of the struggle, with the exception of those who had places in view,

or were employed as commission agents; many are already convinced that they were egregiously deceived and imposed upon, as well as that now, to prolong the contest, would be a fruitless effort. The British public may still have to endure effusions, emanating from the heated and prejudiced minds of a few disappointed disputants; but, the more calm and deliberate begin to feel the reluctant persuasion that the real right to the throne of Portugal, is vested in the second line. Many are on the eve of embarking for Brazil; whilst others would gladly return home, being, by fatal experience, made sensible that nothing can excuse the blindness, or palliate the guilt of perseverance in a course, so perilous and crooked, as that into which they were inadvertently dragged.

By means, such as those above pointed out, a spirit of hostility and disaffection towards the established government, was kept up in Portugal, and the distractions of that unhappy country thus continually revived and embittered. No sooner had one plot failed, than another was attempted, and melancholy accidents and even tragical catastrophes frequently were the result. Supremacy, however, had become the eager object of contention, and no consideration of rectitude, or policy, staid the projects of men who were bent on exciting violent and alarming commotions, as the only means left to bring their enterprise to a successful termination. These endless machinations and conspiracies were seen to break forth, in outrages, destructive of the public tranquillity; whilst the ordinary expedients resorted to, in order to repress them, called forth

the enthusiastic applause of one party, and the keenest invectives of the other. In the furtherance of these disorganizing schemes, the voice of the laws and the manifest wishes of the great body of the Portuguese people, were evidently braved, or disregarded. Men were employed, capable of perpetrating any secret villany, to promote their designs, and yet skilful enough to conceal their premeditated atrocities, under the cloak of artifice and hypocrisy. Armies could no longer be found to fight their battles; discord and confusion, therefore, became the great engines on which reliance was placed; and to a fallen party, intoxicated by the hopes of restoration to power, or influenced by a mistaken zeal for their country's good, did they appeal to effect their purposes.

The London and Plymouth presses soon teemed with publications, intended for circulation in Portugal, some of the most ingenious description, and of all shapes and sizes—some in a jocose, others, in a serious strain, alternately written by the hand of a Vieira, or a Quevedo. “*O Padre Malagrida, ou A Tezoira,*” rivalled the “*Fulminante;*” whilst *Padre Amaro* and the *Emigrado Portuguez* emulously ran the race with both. These four bright periodical luminaries—the significant names of which, at least, Sir James, I hope you comprehend, for, with all your devotion, I really think you would scarcely have patience to read their contents, notwithstanding the occasional plaudits of the Times—were surrounded and supported by other minor constellations, which occasionally blazed, and illumined the political horizon of Portuguese affairs. Some were of the size

and brilliancy of a Venus ; whilst others, like the *Georgium Sidus*, required the aid of a telescope to discover their dimensions. Some editions were so large and attractive that they would serve to grace the table of a statesman, among which yours and Lord Palmerston's speeches stand preeminent ; at the same time that others were calculated not to interfere with the folds of a common letter, confided to the post. It has been thought a wonder that the Lord's Prayer could be reduced in print to the size of a sixpence ; but, the modern benefactors of Portugal have carried their ingenuity still further, and produced a dissertation, tending to prove that there was no happiness for the Portuguese, without the Charter, and no Charter without Donna Maria, and all within the compass of the envelope of a letter, with passages, according to their importance, in red, or black ink. Next came a curious variety of handbills, at one time recording the compliments of the Court Circular, and, at another, the encouraging paragraphs of the Courier, or Times. No matter how ridiculous the story told, so long as it referred to Portugal—so long as it had previously appeared in an English dress : this alone was sufficient authority to enlighten their understandings, and carry conviction to the minds of the Lusitanian peasants. Nothing more was necessary to shew that Dom Pedro's agents had the ear of government ; were favoured by its official organs, and that, ere long, the roaring of the British lion would be again heard on the Banks of the Tagus ; for, the very morning after the Windsor festival, it was confidently expected that the Admiralty telegraph would be set to

work, for the purpose of ordering out the necessary ships, from Portsmouth and Plymouth; and it is further ascertained that, almost as soon as daylight peeped, a knot of *Sebastianists*, principally belonging to the City Squad, assembled below Charing Cross, to witness the mimic movements of a few elevated boards, by means of which however the destinies of nations are sometimes ordained.

I have a heap of these motley productions before me, at this moment, Sir James, consisting of periodicals; admonitions; exhortations; appeals; incendiary proclamations, printed in Plymouth and dated Lisbon; squibs; congratulations; sermons; treatises on international law; descriptions of the golden sceptre and the like, all picked up in and round London and Plymouth, and, if I could venture, I would gladly offer them to you for your acceptance. They would serve to fill up a leisure hour, or two, and relieve the tedium that sometimes must follow your known constitutional and historical researches. The most tragical part, however, of the history of the labours of the Portuguese refugees in England, is, that, for several months, every post, packet, or private ship, leaving England for any part of Portugal, conveyed away hundreds of packages of these incendiary papers, in the shape of letters and parcels, indiscriminately addressed to persons, of all ranks and denominations, male and female, with the superscriptions affixed in an English hand, in order to defeat the vigilance of the Lisbon post-office; for which purpose, it is understood, that good penmen were obtained from the Charity Schools, from whence we formerly procured hands for the drawing of the State

Lottery. The result was, that most of these patriotic epistles, some of them accompanied by written remarks, in the hand-writing of absentees, from the highest to the lowest order, were intercepted by the Lisbon sorters; and, if any escaped and were delivered in the regular course, they were generally brought back by the unconscious and trembling parties to whom they had been addressed. The Lisbon police-office, I am told, has cart-loads of these "vehicles of information addressed to the benighted Portuguese, and forwarded from England by their patriotic and uncompromising countrymen, labouring in Albion for the liberation and welfare of their native land." By these means, an active intercourse with the refugees was, however, discovered, and their plans consequently defeated, through their own rash and inconsiderate acts. There was, indeed, in their conduct, a selfishness which could not fail, by exaggerated efforts and overstrained manœuvres, to expose itself to detection and merited contempt; but, the great misfortune was, that these exposures gave rise to domiciliary visits and other measures of precaution, and, in some cases, it was found necessary to place the disaffected, as well as others against whom concurring indications of guilt had been obtained, under a rigid system of restraint; those persons were, however, left unmolested, who abstained from acts of hostility against the existing government. In this manner, was it, that the number of persons detained in the prisons for the purposes of security, was increased, and among them possibly some innocent individuals suffered, through the follies and intrigues of their absent friends; but, what did

this matter to men, determined to procure the dethronement of the reigning monarch, and who were weak and inconsiderate enough to think, under all circumstances, that this was the only means left by which the accomplishment of their own wishes could be attained.

From the details into which I have just entered, it will appear evident that the Portuguese had every reason to apprehend a compromise that might tend to a reunion of the two countries, under the authority of one family ; and for this reason, Dom Pedro's abrupt attempt to exercise the legislative and administrative powers, in a manner perfectly independent of them, very naturally became an object of distrust and danger. They saw that the arrangement contemplated, was not likely to afford them any solid security ; and they took care, whilst there was yet time, to intimate, in terms not to be misunderstood, their determination to reject it. As Englishmen, we cannot blame the Portuguese for entertaining this feeling ; or, for spurning an offer that was considered as a measure of repression, levelled against their national honour and independence, as well as fraught with the most alarming consequences, when we look to our own history, and remember the dread which our ancestors once entertained of the union of the Crowns of England, France and Scotland, under the joint rule of Francis and Mary. Dom Pedro's attempt to take the throne to himself and then bestow it on another, of his own choice, was moreover viewed as a flagrant violation of the laws ;\*

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\* If he had any legal claim at all, founded on hereditary right, it

and no Englishman who impartially weighs all the circumstances of the case, and more particularly reflects on the manner in which the assumption of the whole authority of the State was conducted, can refrain from pronouncing the attempt to be quite as monstrous and unwarranted, as was that of the Spanish Philip to bend England to his own ambitious views, and that the act itself could not fail to give to his opponents all the advantages which they could desire.

It must not, moreover, be forgotten, that it was Dom Pedro's own party whose proceedings first assumed a character of arbitrary violence, incompatible with the security and happiness of the subject, as well as hostile to the tenure of the nation's ancient Charters; and if, on more careful investigation, it should turn out, as I have every reason to think it will, that the first Government, or Regency, instituted after the death of King John VI. derived its power from either a fraudulent, or an incompetent origin, Dom Pedro's partisans will be pronounced the first aggressors; nay, it seems to me that it is no longer a query what species of merit will be awarded, by the impartial verdict of history, to motives and plans, so unjust in themselves, and conducted by means which neither policy, nor state-expediency could sanction. As every stage of the

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would naturally devolve to the next heir, at his death, and no act of abdication, or any other performed by the father, during his lifetime, could invalidate the son's title, even although his sister herself were seated upon the throne. It would be needless to point out that Dom Pedro's plan would, consequently, have opened the door to disputes, and possibly wars, between the two countries.

affair distinctly proves, the Portuguese had a Charter and a Sovereign offered to them, for their acceptance, under the fearful alternative of compliance, or persecutions and insults, and this by a man, unknown to them according to their own laws—one who had surrendered up his own birthright and made himself a foreigner and an alien, as the price of another throne, and who being thereon securely seated, sought to strip others of those rights which he exultingly acknowledges in his own subjects.

I very frankly confess that I witnessed, with painful feelings, the conflicting interests and adverse passions which prevailed in Portugal, till the late meeting of the Estates, and have often shuddered on beholding past offences and recent provocations—personal enmities and public disappointments—menaces and insults, unfortunately mixed up with a question that could only be settled by the verdict of a competent tribunal. I have also been astonished at the circulation of doctrines upon this subject, founded on the most immoral principles, and destructive to the peace and good government of every country, merely to serve a temporary and interested purpose. Look yourself, Sir James, how the question of Succession has been handled, in that great variety of pamphlets and treatises, which Dom Pedro's agents and partisans have so industriously circulated among us. Think of the many contradictions on the matter of right, alone, which prevail in these writings; at the same time that our government and the public were told that the most implicit confidence might be placed in their contents. It would, however, be difficult to find two of them, agreeing on

one point ; or, two authors disposed to give a concurrent interpretation to the same law. One founds Dom Pedro's right on Acts and Statutes, which another asserts are not in existence. This juriconsult contends that Donna Maria's title is derived from her father's abdication ; whilst his neighbour advocate, fearing to grapple with the question of a foreigner being excluded from the inheritance, argues that she receives her claim direct from her grandfather, as standing in the first line, her own father being hypothetically dead ; adding, that as she was born in a territory, at the time constituting part of the Portuguese dominions, she is, consequently, entitled to succeed, in her own right ! There is no end to the sophisms bandied about upon this subject. I should say, read these books attentively, Sir James ; but, I fear they would perplex you ; although they might afford you a fair opportunity of judging of the tone and spirit in which they are penned ; and this, you are aware, is no subordinate matter in polemics.

Most of these pamphlets, marked "*gratuitous distribution,*" are written by lawyers, and yet not one of them states the case, with clearness or precision. They all express the utmost anxiety that the British public should be correctly informed respecting the Legislation and Constitutional History of Portugal, and then weigh us down with quotations and precedents, of a completely opposite tendency to the one they wish ; whilst, at the same time, the most material authorities are kept entirely out of view. They reason according to their wishes and feelings ; and allow declamation to supply the

place of argument and fact. Generally; they evince great zeal and industry, as well as high patronage; but, I never yet met with an Englishman, of mind, at least, who, after an attentive perusal of any one of them, could tell me the author's real drift. Their *grand cheval de bataille*,\* translated into English "for gratuitous distribution," without proving how Dom Pedro acquired his authority, very gravely informs us, "that the Charter of the 29th of April was the work of legitimacy;" and, after dwelling on the unanimity with which it was received, in the very next breath, the author describes the extensive opposition it experienced, immediately after its arrival, and which, from his own shewing, long bade defiance to the whole disposable force of the government. He acknowledges that the Statutes of Lamego were the fundamental law of the land, until Dom Pedro's Charter superceded them; and adds that evidence of his rights to the Portuguese throne is to be found in the instructions of the minister of State, addressed to the Marquess de Palmella, ambassador at the court of St. James, as well as in the address the deputation, sent to Rio de Janeiro, to compliment him, on his accession. He very seriously declares that Dom Miguel holds no other authority, in Portugal, than that which he acquired by his brother's commission, appointing him Regent, and that his acceptance of that post and the oath which

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\* *Injusta Acclamação do Serenissimo Infante D. Miguel*, &c. already quoted. In English, this work is called "Unjust Proclamation of His Serene Highness, the Infante Dom Miguel, as King of Portugal," from which the reader would be led to understand that some edict, or mandate, issued by the Prince, in the above character, was meant.

he took to perform its duties, exclude him for ever after from the throne ; or, in other words, that Dom Pedro has more power than the whole assembled Representatives of Portugal together. He consequently disavows the right by which the Braganza Family ascended the throne, and, in its stead, substitutes that “of dowry and conquest,” derived from grants, made by the Kings of Spain, prior to the time when Portugal assumed the rank of a kingdom ; and very charitably gives us to understand that all those persons who do not believe in these self-evident tenets, “are degenerates, profligates, hypocrites, traitors, rebels, monsters,” and such like.\*

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\*The most important paper on the subject that appeared, in English, was an Article in the number of the Edinburgh Review, corresponding to December, 1826, and consequently of an early date, headed “*Charte Constitutionnelle de Portugal.*” It is rather an eulogy on the Charter and the motives with which it was bestowed, than an inquiry into the legitimacy of its origin, or the probability of its being acceptable to the Portuguese. Although this Charter overthrows every ancient law and Institution that the country ever possessed, the writer, in his infatuation, nevertheless, calls it “the substance of the ancient Constitution of Portugal,” and then argues that it was “the spontaneous act of a legitimate sovereign ;” concealing, at the same time, how he became so over the Portuguese. It seems to have been the drift of the writer, as it was of the Portuguese lawyers who followed him, on the same side, to shew that Portugal had no law of Succession at the time of King John VI.th’s death, consequently, that his eldest son inherited, as he would in the case of an entail ; and, having resolved to establish a new code of laws, of a modern cast, he does it, without even intimating his intention to the people for whom it was intended, and from these premises alone it is concluded that “the new institutions of Portugal are lawful, wise and harmless ! Of course, in the opinion of the writer, this was no stretch of power.

One of the writer’s favourite arguments, in support of the position which he endeavours to establish, is, that King John VI. promised a

Such, Sir James, is the mode of reasoning adopted

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Constitution to his people, as early as May, 1823. So he did, and more specially by subsequent acts and decrees ; but, he did not say that he would send over to Brazil and have one manufactured in a week, and import it into Portugal. He explicitly pointed out how that Constitution was to be had, viz. by reviving the ancient usages, convening the Estates, and constitutionally adapting the ancient institutions to modern wants.

The writer lays great stress on the circumstance of King John VI. having called Dom Pedro "the Prince Royal of Portugal, his Heir," &c. in instructions and papers relating to the negotiations with Brazil. So he was by the King to be considered, at least, till the deed of Separation and Independence was completed ; but does he find any terms of that kind applied to Dom Pedro in the Treaty, concluded on the 29th of August, 1825, and ratified at Lisbon in the ensuing January ? There is not a formal act extant of the late king, in which he interferes with the Succession, and it is a remarkable circumstance that he resisted all kinds of importunities to do it.

The writer having, however, with little difficulty, comfortably settled Dom Pedro on the throne of Portugal, after a short dissertation on international law, and the general rule of succession, in other countries, (pains which he certainly might have spared, if he had only looked into that of Portugal, and examined what modifications it has undergone since its first enactment) very frankly confesses that a new difficulty occurred, Dom Pedro being by "the Treaty disabled from *permanently* continuing to hold the crown with that of Brazil." Not a single word of this kind is however to be found in the Treaty. The real fact was, that Dom Pedro's friends were endeavouring to secure him a throne, in Europe, which he had surrendered up as the price of another, in America, and this surrender was equally binding on all his progeny, entitled to the advantages of his first choice. It was for his own and their benefit that it was made, long before his own father acknowledged and confirmed it by a solemn act. With a flippancy, perhaps never before witnessed, on a grave subject at least, the Reviewer however tells his readers that the Brazilian Emperor could retain the Crown of Portugal, for a while, in trust, and then bestow it on another !

So many gross inconsistencies were never emitted in one paper ; no writer ever evinced more complete ignorance of his subject. The inaccuracy of dates and facts, is unpardonable. A genealogical table is introduced, and in March, 1826, it is therein stated that King John VI.th's

by writers who were anxious to become our monitors on Portuguese affairs. Such are the principles and theories, suited to the interest, or caprice of the moment, which we are requested to have before us, as a guidance to our political conduct. On such grounds as these, it is, that the interference and aid of the British Government is asked; nay, demanded; and when refused, we are loaded with insults; tauntingly reviled, and nearly the same epithets applied to us, as those with which these doughty worthies are wont to designate the unbelievers in their own creed. Were I not afraid of being thought tedious, I should like, Sir James, to season the present Letter with a few passages from some of the Queenite productions, printed "for gratuitous distribution," as they would shew you how the Portuguese refugees, of whom they are the avowed organs, now feel towards the government which they have, for nearly the last eighteen months, endeavoured to cajole and bully, with a view to involve us in their quarrel. There is, however, one specimen from the insertion of which I cannot refrain, and as I believe it has not

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surviving children were five, instead of eight; those of Dom Pedro three, instead of five, and that his son and heir's name was Sebastian, a Spanish Prince, at the time sixteen years of age and residing at Madrid, instead of Pedro, then a child scarcely a year old! In page 232, line 26 and 27, it is said that "the Crown, by its minister, appears, as in France, to have the exclusive right of originating the plan of a law;" whereas, Articles 45 and 46 of Dom Pedro's Charter, say, that each one of the Chambers may propose laws, as well as the Crown. It would be an endless task to point out the errors and incongruities of this paper. Even the heading of the article is erroneous. It states that the original Charter was dated April 19, when it was the 29th (1826).

yet appeared in an English dress, although it points out how far you are yourself, Sir James, as well as several other spirited members of the British House of Commons, already identified with the Portuguese question, it may be doubly acceptable, particularly as the compliment paid you and them bears a date anterior to that of the "invaluable speech" under my consideration. It is, in fact, dated Brest, February 15, 1829, and forms part of a Letter addressed to your friend, the Marquess de Palmella, by Colonel Rodrigo Pinto Pizarro, disapproving of His Excellency having obtained powers from "Queen Donna Maria II," a child, nine years old, to act on behalf of "her faithful subjects;" and it proceeds to shew that the instrument in question was illegal, as well as unnecessary, for that intercourse which, as her minister, he required with foreign governments; strongly recommending a meeting of the most distinguished Portuguese refugees (something in the way of the Cortes perhaps) now in England, France and Holland, for the purpose of appointing of a Regency; this being, the Colonel argues, the only legal and proper form of government for Portugal, during the "Queen's minority," and of which it is presumable Plymouth, or London, was intended to be the seat. Subjoined is a careful translation of the passage alluded to, and underneath I have placed the original words, in case, Sir James, you wish to indulge in a comparison.

"To the present Ministry of Great Britain, was reserved the profanation of still calling a Queen their Ally, whom they outrage in her rights and the lives of her subjects, and by vaunting an hypocritical

sympathy for victims whom they order to be sacrificed ! Lord Aberdeen and Mr. Peel may be able to stifle the generous and loyal sentiments of the Marquess of Lansdown, Lord Holland, Lord Goderich, Mr. Huskisson, Sir James Mackintosh and Mr. Davenport ; but, they will never efface from the memory of the Portuguese, whoever may be the Princee whom they have to serve, the cold egotism and cavilling duplicity of their declarations. Has Lord Wellington undertaken, with the Emperor of Brazil, a negotiation similar to the Convention of Cintra, in which the British negotiators recollected every thing, except the name of the Princee Regent of Portugal and 6000 Portuguese prisoners, in a foreign land, sighing to return home to their country, which stood in such great need of them ! Sir Arthur Wellesley, who was one of those negotiators \* \* \* \* \*, &c. The Queen of Portugal and her subjects have reason to expect from him the same delicacy and generosity.”\*

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\* *Estava reservada ao Ministerio actual da Graã Brclonha a profanação de chamar ainda Alliada a huma Soberana a Quem ultraja em seus direitos, e na vida dos seus Subditos, e ostentar hipocrita simpatia pelas victimas que manda sacrificar ! Lord Aberdeen e Mr. Peel poderaõ suffocar os generosos e leois sentimentos do Marquez de Lansdown, de Lord Holland, de Lord Goderich, de Mr. Huskisson, de Sir James Mackintosh e Mr. Davenport, mas nunca riscar da memoria dos Portuguezes, seja qual fór o Principe a quem sirvaõ, o frio egoismo e a cavilosa dubrez das suas declarações. Terá Lord Wellington entabolada com o Imperador do Brazil huma negociação iguol à Convenção de Cintra, aonde lembrou tudo aos Negociadores Ingleses, menos o Nome do Principe Regente de Portugal e 6000 Portuguezes captivos em terra estranha, que suspiravaõ por sua Patria, que tanto delles carecia ! Sir Arthur Wellesley, que foi hum d'aquelles Negociadores. . . . . &c. A Rainha de Portugal, e os seus subditos devem esperar delle a mesma delicadeza e generosidade.*

What a pity the good Colonel did not express his whole meaning! There was no necessity for so many \* \* \* \* \*, or notes of admiration. The in-nendo meant—the charge unuttered, it was thought, would be easily guessed by persons acquainted with Peninsular affairs, and so it was; but, even if it had not, the Colonel's *cætera desunt* might have been readily made up, by listening to the ten minutes conversation of any small knot of his companions in arms, either before their embarkation from Plymouth, or subsequent to their landing at Brest. Curses and imprecations were favourite parts of speech, on such occasions. These gallant gentlemen, however, laboured under a double mistake, when they came all the way through Spain to England. They imagined that the imposing spectacle of 3000 devoted patriots, engaged in so interesting a cause, and travelling from the banks of the Douro to the shores of Albion, would have roused every British heart; and, aided by the address and dexterity of able diplomatists, of all hierarchies and degrees, secured to them not only the active sympathies of the people; but also the strenuous support of the government. This handful of valiant knights indeed considered themselves as the virtual representatives of the whole Portuguese army, and, joined with their civilian friends, as uttering the voice of all Portugal. In their Elysian dreams, and when the prows of their fleeting ships were directed towards England, they considered it a most fortunate circumstance that at the head of the administration was an old comrade of their own; that, on their soil and through their cooperation, he earned the early part of his laurels, and that it was

impossible that the debt of gratitude should so soon be obliterated ; or, the bond of fellowship broken. No, did they prophetically cry out—he is one of us ; our policy will be his, and soon shall we have fleets and armies to re-establish our rights, raise up our Charter, and enable us to triumph over our enemies ! Such an appeal, supported by so many other eloquent and interesting auxiliaries, was, in fact, deemed irresistible. England was the natural ally of Portugal, and, by treaties, bound to protect her and her rightful sovereign against all hazards ; and it was no longer possible to withstand the call, when the Portuguese nation, sovereign, and army were actually among us !

When, however, we begged leave to differ in opinion from the Portuguese refugees ; and when also it became apparent that the distinguished personage at the head of the administration, without individually, or nationally, forgetting the obligations which both he and Great Britain were once under to the real Portuguese army and people, for their aid and cooperation ; or, without failing to deplore the unpleasant predicament in which so many victims of their own delusion were unhappily placed, gave them to understand that it was the firm and decided policy of the cabinet of St. James not to interfere in a quarrel that did not concern us, granting at the same time to these sufferers all the rights of hospitality, yet trusting that those rights would not be abused, the scale turned, and, as far as their feeble voice could be heard, we were threatened with the anger of Portugal, whoever was the Prince under whom

our guests were called to serve, as well as with the frowns of the Brazilian Emperor !

The above insidious and direct attempt, however, made by the Oporto Colonel to fasten the obloquy of the Convention of Cintra on Sir Arthur Wellesley, and to draw from that transaction conclusions applicable to any modern negotiations entered into with the Court of Rio de Janeiro, respecting occurrences in Portugal, with a view to excite enmity and revive jealousies in the minds of the Portuguese, merely because the hopes of his fellow exiles in England had been foiled, shews a littleness of mind and a degradation of heart which place the man beneath contempt ; and, most assuredly, I should not myself have dwelt so long upon this topic, were I not fully sensible that it is a part of that general plan of hostility towards us, which pervades the whole body of the Queenites, from their very leaders downwards ; and had I not moreover been well convinced that we shall now see daily evidence of this fact, in a certain class of the Paris papers. The faults of the Convention of Cintra, and no where were they better known, or more sincerely regretted, than here, must be attributed to several united causes, in which Sir Arthur Wellesley had no share. He was, at that time, only third in command, and Sir Hew Dalrymple had besides taken the whole of the negotiation into his own hands. Sir Arthur was afterwards desired to sign it, and he did so, in the execution of his duty, after expressing his surprise at the extraordinary terms of the document. However severely the Portuguese suffered, at the moment, through the effects of a negotiation which evinced the utmost ignorance of

military diplomacy, as well as of the advantages of position, on the part of the British Commander in Chief, they must not forget that we were equally losers, and to a much larger extent than themselves; but, after the lapse of twenty-one years, to attempt to fix the obloquy on one who has been unanimously acquitted of blame, by his own countrymen, merely with a view to injure his reputation in Portugal and avenge a supposed offence given to the Queenites by this same personage in the character of prime minister of Great Britain, is a meanness of which every sensible Portuguese, I am confident, will feel ashamed.

Similar to those of Colonel Pizarro, I do not hesitate to add, are the feelings and sentiments, carefully instilled and very generally prevailing among the Portuguese refugees, on the subject of our government and the distinguished individual who stands at its head; and these feelings and sentiments have doubtless been greatly embittered by the late disclosures in Parliament, which unmasked the cajoleries of their leaders, and put an end to their hopes of our interference, the great object of their coming and subsequent efforts. When they could no longer gain their ends, either by the skill of politicians, or the exploits of heroes, their leaders and negotiators assumed a tone of superciliousness and petulance, by endeavouring to put their own interpretations on existing treaties; but, if our ministers had only espoused their cause; if they had declined to acknowledge the blockades of Oporto and Madeira, and, if above all, they had sent fleets and armies to fight their battles, on the banks of the

Douro and Tagus, all would have been well, and the forests of Arabia could not have furnished them with incense enough to burn on the altars which they would have raised, till, at least, their success had been secure, for then, it is more than presumable, their impotent insults and menaces would have been equally hurled against us.

The party, on whom Dom Pedro, from the very commencement, as may be seen from several passages in the present Letter, rested his chief hopes of success, in Portugal, was one with whose views and transactions we were already familiar; and that party owed us an old grudge for not supporting their Constitution in 1823, which they themselves equally abandoned, without a single effort; but, having now refused to do it, "on an occasion so legitimate," our motives became a fair subject of investigation, and after due consultations on the circumstances of our coldness and apathy, as well as our alleged breach of treaties, it was unanimously concluded, that we were anxious to prevent the progress of liberal ideas in Portugal, in order that our "old allies" might remain benighted, and we ourselves monopolize the benefit of free principles! Such perversion of mind, accompanied by so many visionary schemes, were never perhaps before witnessed in the prosecution of any cause on earth. Never were interpretations, so ridiculous, put upon the acts of a government; never were we more reviled and taunted than we have been on the score of our neutrality. Dazzled with the accidental and transitory splendour of the Windsor reception, due to the rank, age and circumstances of a foreign Princess;

so conformable to the rights of British hospitality, and so much in unison with the urbanity and polished manners of our gracious sovereign, a bow, or a smile, was interpreted into a pledge of aid; or taken as an acknowledgment of claims on which we were not called to sit in judgment. In the heated and feverish minds of men, grasping at shadows and voting sceptres, where no kingdom was to be had, even the smallest demonstration seemed to sanction hopes which, in the sequel, proved fallacious, and were perhaps aggravated by inevitable disappointment. No sooner, however, did the bubble burst, than, as if their persevering spirit was neither broken, nor diminished by reverses, the enterprising Queenites turned their eyes towards France, and there determined to concentrate their remaining strength. The engine is already set to work; the press actively employed, and in the French papers we begin to see the effects of the splenetic malice of our late guests, in effusions, breathing their rancorous and impotent indignation. The sovereign of Portugal and his supporters, may now perhaps experience some little respite from their assaults, as their chief efforts, for a time at least, will be directed against us; but, should the projected marriages between the first branch of the Braganza Family and that of Orleans, take place, in the intoxication of their joy, they will endeavour to render Portugal uninhabitable to Englishmen. They are now under the wing of M. Hyde de Neuville, and it is well known that he has long had a peculiar policy of his own in reference to that country.

Fearful of being charged with exaggeration on his

point, on which I have dwelt longer than I originally intended, I have thought it proper to make a few more illustrative extracts, which I shall do from the two "Appeals," already alluded to, addressed to the British Nation and Parliament, and written and circulated, Sir James, as a kind of preparation for that very motion, which you soon afterwards so patriotically undertook. I believe these addresses were never published in Portuguese, although this was evidently their primitive language, and it was expected they would produce great effect on the minds of the British public. The first runs thus.

"But, let the noble Duke at the head of the administration reflect: he has acquired a great triumph, because he undertook a measure that accorded with the good sense of the country. Let it not however appear, that the faith of treaties and the honour of England have been compromised, or that he has held such a line of conduct as to bring disgrace on the country, and raise the blush of shame in the countenances of its generous-minded inhabitants: for if he does, he may be assured, that neither his well-earned military laurels in the field, nor his more recently well-deserved civic crown, will screen him from the censure of a discerning public; and while he may hope to dictate in the senate, he will find himself without the support of Parliament or of the nation."

"But, if the British nation shall not cry out for the injured rights of humanity, and for the dishonour brought on its flag, by shedding the blood of peaceful passengers who sheltered themselves under its protection, as in the late attack by British ships of

war on the merchant vessels proceeding to Terceira, the pen of history will have to record this flagrant abuse of power and violation of international law, and shew who was to blame on this melancholy occasion, Captain Walpole himself, or the ministry who directed his proceedings."

"But how much more galling to the feelings of an independent nation was the act of sending an obnoxious diplomatist, the sworn enemy of our Charter, to insult the head of the House of Braganza, by openly advocating the cause of the usurper, and threatening the wrath of England if compliance was withheld! Had the British ministry even wished to preserve the appearance of neutrality, why did they not at the same time send an agent to Lisbon, to prevent the persecution of the patriots, and the confiscation of their property? Might not some vessels of war have been dispatched to prevent the blockade and hostilities which took place at Madeira, until at least the result of the embassy to Rio de Janeiro and the answer of Dom Pedro were obtained?"

"Shall England allow its friend to be robbed, and respect the rights of the robber to the stolen property, while it sends to negotiate with the owner to relinquish that very right which had been already established, and which England herself had recognized! Singular neutrality! Extraordinary friendship, which would squeeze to death the friend whom it embraces!"

It was not only the immediate members of the cabinet; but every public functionary, also, who had the least intervention in Portuguese, or Brazilian

affairs, that was exposed to their insults and invectives. Lord Strangford, the moment his late mission to the court of Rio de Janeiro was announced, and when its object was mere matter of surmise, had the the most scurrilous attacks levelled against him, from those quarters over which the South Audley Street Club had the most influence, and these attacks continued till the very moment of his return home. He was singled out as a chosen object of their sple-netic rage, and nearly the whole of his diplomatic career in Portugal reviewed, for the purpose of finding out charges to render the last negotiation with which he was charged, odious to the British as well as the Portuguese public. This, however, is not to be wondered at, as insults, scurrility and invectives have long been the only weapons which the Queenites seemed disposed to wield ; and, judging from the experiments already made, they are the same on which they still rest their hopes to a restoration to power, now that they have chosen a new theatre for their efforts.

I have been much more diffuse in this first division of my Letter, than I originally intended, having been imperceptibly hurried on, and my materials besides crowded on me apace. I was, however, extremely anxious to shew you, Sir James, that the view which you have taken of Portuguese affairs, is not only palpably erroneous ; but that many of the conclusions which you have drawn, as well as the charges which you have made, are also unjust, unfounded, and consequently opposed to fact. If you have followed me thus far, I think that you are, by this time, prepared to admit, that the right of succession depends on the laws of every particular commonwealth ;

particularly in Portugal, where so many modifications were successively introduced into them ; and, on more mature reflection, I never can believe that you will be rash enough still to contend, as many of your refugee friends have hitherto done, that Portugal was totally unprovided with laws of that class, at the time of John VI.th's death. I have indeed exhibited to you the real state of the law on this subject, as it now stands, and then shewn you the manner in which it was recently applied to the case in point. I have further explained the time and mode when the most vindictive passions, of which the human heart is susceptible, were stirred up to defeat the object for which those precautionary enactments were wisely framed, as well as to destroy an hereditary title to a Crown, derived from their provisions, in open disregard of the best principles of justice and equity. I have also shewn that the stream of popular opinion was in favor of the young Prince, from the moment he returned to Lisbon ; and I have still a further task to perform by proving that the persecutions which he endured, for several years, had created an unusual interest on his behalf, as well as an anxious sympathy, on account of the manifest conspiracy plotted against him ; of all which favourable sentiments he might at once have availed himself ; but, he had the prudence to wait the proper moment, destined to bring within his grasp the sceptre, guaranteed to him by the Constitution of his country, and on which, it is natural enough to suppose, that his hopes were fixed. In the outline of the events which I have traced, I have made it apparent that he constantly refrained from

any of those appeals to either the good sense, or feelings of the people, usually so alarming and frequently so injurious; evincing, throughout the whole contest, a wish to act on the spirit of compromise and political expediency, and yet determined to abide by no award that was not founded on the express sanction of existing laws. I have adduced proceedings of the highest order and most unquestionable kind, to demonstrate that he now wears his crown by the double title of nomination and right of birth, and this title having met with the hearty acquiescence of the great body of the people, he consequently stands foremost in power, influence and public estimation; and, under his government, it is but just, that Portugal should at once resume the distinguished station which she has always held in the enlightened system of civilized Europe; he alone being authorized to claim the allegiance of the people.

If, then, I have made out my case; if I have stated my arguments fairly, and supported them by incontrovertible evidence; if I have shewn that the young sovereign's conduct, in establishing his rights, will stand the test of the strictest judicial inquiry, and that, by his accession, he has prevented Portugal from becoming a Colony of Brazil, and successfully defended her from the rude attacks of a formidable band of conspirators, assembled in a foreign land, by which means he has gained a double ascendancy over the hearts and minds of his people, points which, I think, you will now, although perhaps reluctantly, be inclined to concede to me, what reparation can you make for so unprovoked and

unjust a charge, as when you asserted that "Portugal was suffering under the tyranny of an usurper, who made his way to the throne by a succession of falsehoods, perjuries and frauds?" What will be your feelings, when you learn that this very charge is now printed in the language of the country, (I cannot add with embellishments, not having had time to compare the version) for the express purpose of prolonging the miseries of an unoffending people; or, serving the ends of a few designing men, whose private ambition, it is now proved, has been the main-spring of all their actions? How can you reconcile to your own character the circulation of your speech, whether as a whole, or in extract, accompanied by the most loathsome imprecations, uttered against the distinguished personages, placed at the head of our own Government? After the experience which we have had of what is passing in Portugal, do you not shudder at the idea of the many victims who may suffer, through the unguarded receipt of the "valuable present" which your refugee friends are preparing for them in London? Do you not feel indignant, Sir James, at thus being made a party to a cause, so unjust, and promoted by means so foul? For myself, I am ashamed that the Portuguese people should know that charges, so unwarranted and unprovoked, were ever made within the walls of the British House of Commons.

Having thus disposed of the main charge, levelled jointly against the Sovereign and People of Portugal, both of whom, I rest fully assured, the impartial voice of posterity will acquit of the dreadful crimes which you have endeavoured to fasten upon them, I

shall proceed to examine your speech more in detail, Sir James, with a view to combat opinions, industriously circulated, and correct statements which you have put forward under the most mistaken impressions. Having now, also, for the first time, had an opportunity of perusing the Papers submitted to Parliament on Portuguese affairs, I shall, during the progress of my inquiry, refer to those which suit my purpose and reprint them in my Appendix, as illustrative authorities to the other facts and arguments which I may have occasion to adduce.

It is a manifest error, Sir James, for you to say, *that John VI. made a will and appointed his daughter Regent of Portugal till Dom Miguel returned from Vienna*; and it is a much more egregious one when you assert that, *after the death of King John, his son, Dom Pedro, drew up and executed the Treaty of Separation*; after which you proceed to describe, at some length, the difficulties with which he had to contend, as well as the magnanimity, evinced on this interesting occasion. You do, however, acknowledge that, by “this same Treaty, Dom Pedro renounced all rights and pretensions, as permanent King of Portugal,” (notwithstanding there is not a single line to that effect in the whole document) nevertheless acknowledging that “he was still King of Portugal for the time necessary to carry that treaty into effect.” It is certainly true, that he assumed the title of King of Portugal and, as I have before shewn, held and exercised it, during the period of a whole week; but you are the first of his friends, Sir James, who has ventured to contend that the power, so held and exercised, was derived from the Treaty

of Separation, at the very time alluded to, nearly two years old. This surprising Treaty, according to your interpretation, thus bestowed upon him a Fortunatus' cap, by the aid of which he could wish himself, one day the King of Portugal, and the next Emperor of Brazil! It conferred upon him the power of converting the Portuguese Crown into a shuttlecock, and banging it from Rio de Janeiro to Lisbon, and back again, "for a reasonable time," whenever he was in want of amusement. Really, Sir James, I do not understand these theories of yours. I cannot comprehend what you mean by this nice distinction between *permanent* and *temporary* sovereign of Portugal; or how you apply it to Dom Pedro's case. I cannot find doctrines of this kind in any treatise on the laws of nations, much less in your own, although they smell strongly of the Article in the Edinburgh Review, previously noticed. The best of the joke is, that the Treaty of Separation, to which you allude and name, was negotiated, under British mediation, for the express purpose of restoring peace between Portugal and Brazil; acknowledging the separation and independence of the latter, and sanctioning the Emperor Dom Pedro's right to the Imperial throne on which he had seated himself. It does not say a single word—nay, it does not even allude to the Portuguese succession; nor does it utter a breath of any contingent circumstance in which Dom Pedro might ever be called upon to wield the smallest atom of power in reference to Portugal!

What, then, is the "duty imposed upon him by that treaty—which were the powers thereby vested

in him?" As already shewn, the day after he received the official accounts of his father's death, he placed the crown of Portugal upon his own head, and, without even taking the oath, so strictly enjoined by the laws on such occasions, a formality from which not even one of the Spanish Philips ever sought to exempt himself; nay, before he was accepted, acknowledged and proclaimed sovereign, he strips the Portuguese of their institutions, the nobles of their privileges, and the municipalities of their enfranchisements, and then sends them a completely new set, made up in his own closet, for their acceptance! And do you mean to say, Sir James, that he was authorized to do all this, by virtue of the Treaty of Separation, when you assure us "that he was evidently allowed a reasonable time to carry it into effect?" In my very humble opinion, even if he had been the lawful heir; had he been in Portugal, at the time, and, on his accession had he duly complied with all the formalities prescribed by the laws, to contend that he was empowered to subvert the ancient charters and institutions of the country, hitherto ruled by his ancestors, and of himself enact others in their stead, would be the most extravagant notion of the royal prerogative that was ever entertained; but, when the case was otherwise and he was seated on the other side of the Atlantic, having first forfeited and next formally disclaimed all right and title to any European inheritance, to suppose that any treaty could be negotiated, under the auspices of Great Britain, by virtue of which he could be reinstated in those rights and receive such an extraordinary extent of power, is really one of the

most unaccountable things ever heard of, and I cannot help thinking, Sir James, that you must have been labouring under a gross mistake, or some *temporary*, I hope not *permanent* delusion, when you made this point the most prominent feature of your speech, and the foundation on which you sought to rest your whole superstructure of arguments.

It seems to me, Sir James, that you have never once reflected on the manner in which Brazilian Independence was achieved; or taken into account the terms and conditions on which Dom Pedro then obtained an Imperial Crown, in the New World. You either forget, or never knew, the peculiar circumstances of that memorable event; or the professions, pledges and oaths by which the new sovereign, at that time, bound himself and family to the future destinies of the Brazilians. Had you thought upon these matters; had you looked to the documents on record relating to them, and I, for my own part, have always deemed this the most important feature in the whole question, you would have found that they were calculated to yield you a steady and important light, to extricate you out of the labyrinth in which you were entangled, and they would besides have prevented you from falling into so many gross errors and inconsistencies, which mark your first and latest effort on Portuguese affairs. You entirely overlook the novel and conflicting circumstances which accompanied the war of Brazilian Independence; as well as the nature of the subsequent covenants, made between the sovereign and his people, by which it was sealed. You carefully keep out of view those considerations which, above

all others, you ought to have unveiled to the public eye, if, on the occasion to which I allude, you had been actuated by a sincere, disinterested and national wish to elucidate and illustrate the foreign relations of Great Britain, in reference to Portugal. I shall therefore undertake this part of your duty for you.

The Independence of Brazil was the result of an acrimonious and destructive war, provoked by the illiberal conduct of the Lisbon Cortes, and eagerly embraced by the Brazilians, as the only means of throwing off the yoke of Portugal, and raising themselves to the rank of a nation. This spirit of independence became general, from the moment of the king's departure for Europe, and it was matured and called into active operation, by a variety of fortuitous circumstances. For a long time, the only obstacle to its triumph, was Dom Pedro himself, whose private feelings on the subject of separation, towards the beginning of October, 1821, have already been recorded, in his own impressive words. In the mean time, however, the Portuguese Liberals continued their rash and intemperate acts, and, at length, ordered the principal tribunals and other superior departments, established by John VI. at the time he raised Brazil to the rank of a Kingdom, to be abolished; and the Prince Royal to return home immediately and go on his travels. In a word, the Brazilians saw that it was the wish of the Lisbon government to reduce them to their old degraded state of a Colony, notwithstanding its liberal professions at home, when a general indignation began to shew itself, exactly similar to the one evinced by the Portuguese, on a late occasion, and as soon as

they discovered that these designs were in agitation against them, they determined on a separation.

The Prince Royal, acting as Viceroy, remained a silent spectator, during the first symptoms of the contest, as if hesitating to break the bond of paternal union; or not altogether trusting to the discretion and energies of his future helpmates. He was fully aware that, if the sword was once unsheathed, nothing short of complete independence and total separation would satisfy the Brazilians; and it may naturally be conjectured that, young and unexperienced as he was; surrounded by a large black population, and the national animosities against Europeans, among whom he still ranked himself, fast increasing, he felt the awful situation in which he stood, and was appalled at the magnitude of the difficulties inevitably attendant on the enterprise, as well as of the sacrifices which he would be called upon to make, if he placed himself at their head. He was roused from this anxious state of suspense by an Address, dated December 24, 1821, sent to him by the corporations and principal inhabitants of St. Paul's, one of the most spirited and important provinces in Brazil, from which I shall extract a few of the most prominent passages, as it shews the true spirit in which the struggle for independence commenced, and will bear, in reference to the subsequent destinies of Brazil, some parallel with the memorable Pennsylvania Declaration of Rights, which had so considerable an influence over the minds of a people, engaged in a similar cause, in North America.

“ Sir—We had already written to Y. R. H. by the

last post, when we received the Extraordinary Rio de Janeiro Gazette, of the 11th instant; and scarcely had we fixed our eyes on the first Decree of the Cortes, respecting the organization of the Provincial Governments of Brazil, when our breasts were filled with a noble indignation, because we beheld the system of anarchy and slavery imprinted upon it; but, the second, by virtue of which Y. R. H. is to return to Portugal, in order to travel, *incognito*, only through Spain, France and England, really excited in us feelings of horror.”

“ Nothing less is pretended than to disunite and weaken us, as well as to leave us in a wretched state of orphanage, by wresting from the bosom of the great Brazilian Family our only common father, remaining to us, after having deprived Brazil of the presence of the beneficent founder of this Kingdom, Y. R. H.’ august father. But, they deceive themselves; and thus do we hope in God, who is the avenger of injustice. He will give us courage and wisdom.”

The acts of despotism, contemplated by the Lisbon Cortes are then enumerated, after which the address proceeds thus; “ Yes, August Sir, it is impossible that the inhabitants of Brazil, who are actuated by honour, and value themselves as men, and more especially the Paulistas, can ever submit to such absurd and despotic acts. Yes, August Sir, whatever may be the projects of the Constituent Cortes, Y. R. H. must remain in Brazil, not only for our general good, but also for the future independence and prosperity of Portugal herself. Should Y. R. H. which we never can believe, be misled by the shameful decree of the 29th of September, besides losing in

the estimation of the world, the dignity of a man and a Prince, by converting yourself into the slave of a small number of disorganizers, you will also have to answer, before God, for the rivers of blood which will inevitably flow through Brazil, by your absence; for the people, like angry tigers, will awake from the lethargic sleep into which the old despotism had cast them, and in which the artifices of a new Constitutional Machiavelism now seek to retain them."

"Wherefore, we pray Y. R. H. with the greatest fervour, tenderness and respect, to suspend your return to Europe, where they intend to cause you to travel, like a school-boy, surrounded by masters and spies. We beseech you, courageously to confide in the love and fidelity of your Brazilians, and more especially in your Paulistas, who are all ready to shed the last drop of their blood and sacrifice the whole of their property, not to lose an idolized Prince, on whom they have placed all the well-grounded hopes of their felicity and national honour," &c.\*

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\* *Senhor* = *Tinhamos já escripto a V. A. R., antes que pelo ultimo Correio recebessemos a Gazeta Extraordinaria da Ria de Janeiro de 11 do corrente, e apenas fixamos nossa attençaõ sobre o primeiro Decreto das Cortes, acerca da organisação dos Governos das Provincias do Brazil, logo serveo em nossos Corações huma nobre indignação; porque vimos nelle exarado o systema da anarchia e da escravidão; mas o segundo, pelo qual V. A. R. deve regressar para Portugal a fim de viagar incognito sómente pela Hespanha, França e Inglaterra, cousou-nos hum verdadeiro korrer.*

*Nada menos se pertende do que desunir-nos, enfraquecer-nos, e até deixarnos em mixera orfandade, arrancando do seio da grande familia Brazileira o unico Pay commum, que nos restava, depois de terem esbulhado o Brazil do benefico Fundador de<sup>s</sup>e Reino, o Augusto Pai de V. A.*

This, Sir James, is the Manifesto which, at the time roused every Brazilian heart, and inspired the people with horror at the base attempt of the Lisbon Cortes again to rivet their chains. Such is the picture drawn of the men, at that period wielding power in Portugal, and such the plots which they had contrived to entrap the Prince Royal himself, and bend him to their disorganizing views; yet, strange as it may appear, this is the very same party with whom he is at present coalesced, and actually plotting against Portugal and his own brother, a conspiracy equally as foul and barefaced, as the one

*R. Enganaõ-se ; assim o esperamos em Deos, que he o vingador das injustiças ; Elle nos dará coragem, e sabedoria.*

*Sim, Augusto Senhor, he impossivel que os habitantes do Brazil, que forem honrados, e se prezarem de ser homens, e mórmente os Paulistas, possaõ jamais consentir em taes absurdos e despotisimos : Sim, Augusto Senhor, V. A. R. deve ficar no Brazil, quaesquer que sejaõ os projectos dae Cortes Constituentes, não só para nosso bem geral, mas até para a independencia e prosperidade futura do mesmo Portugal. Se V. A. R. estiver, o que não he crível, deslumbrado pelo indecoroso Decreto de 29 de Setembro, além de perder para o Mundo a dignidade de homem e de Principe, tornando-se escravo de hum pequeno numero de desorganizadores, tera tambem que responder, perante o Ceo, do rio de sangue que de certo vai correr pelo Brazil com a sua ausencia, pois seus Povos, quaes Tigres raivosos, accorderão de certo do sono amudornado, em que o velho despotismo os tinha sepultado, e em que a astucia de hum novo Machiavelismo Constitucional os pertende agora conservar.*

*Nós rogamos por tanto a V. A. R. com o maior fervor, ternura, e respeito, haja de suspender a sua volta para a Europa, por onde o querem fazer viujar, como hum Pupillo, rodeado de Aios e de espias ; nós lhe rogamos que se confie corajosamente no amor e fidelidade dos seus Brazilceiros, e mórmente dos seus Paulistas, que estão todos promptos a verter a ultima gota do seu sangue, e a saerifear todos os seus haveres para não perderem o Principe idolatrado em quem tem posto todas as esperanças bem fundadas da sua felividade, e da sua honra Nacional.*

which so justly filled the Brazilians with indignation and horror, and of which, through their energy alone, he escaped from being the victim. This call had its due effect. Dom Pedro placed himself at the head of the Brazilians, and war ensued. The Lisbon Cortes threatened him with an exclusion from the Succession, if he did not forbear and return home. He braved their impotent anger; being determined to run all hazards. He had already abandoned his claims and expectations on Europe, having opened to himself another sphere in America; consequently, he was far beyond the reach of any weapons which might be hurled against him from the banks of the Tagus.

Numerous acts, edicts and decrees, confirmed his choice, and renewed his professions of sincerity to the Brazilians, to whose destinies he became linked, by a bond which he engaged should never after be broken.\* These documents are all on public record, Sir James, and if there is any thing that astonishes me, it is, that you seem totally ignorant of their existence. I will, however, now furnish you with extracts from perhaps a more important one than any I could quote in detail, and this is, a letter from Dom Pedro to his father, King John VI., dated Rio de Janeiro, July 15, 1824, that is, after the independence of Brazil had been completed and the government organized in a constitutional manner. This letter is long and was never published; but

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\* The details of this political transition are to be found in "Portugal, or Who is the lawful Successor to the Throne?"

having an authentic copy before me, I shall avail myself of such passages as shew the Brazilian Emperor's real feelings and undisguised sentiments on the subject of Portugal, inserting the text underneath.

“ My Father—Filial duty and the love which, as a man, I devote to Y. M. urge me, laying aside the Crown which has been placed upon my head by the generous Brazilian Nation, to manifest to you,” &c. “ Y. M. ought now, as soon as possible, to acknowledge the Independence of Brazil, for your own interests. Of the stability of the empire, no further doubts can be entertained; it goes on slowly, notwithstanding some reverses which I do not enumerate, sustaining itself and gradually acquiring more physical and moral strength, which can never be subdued by old and hoary Portugal, who, the more she seeks to conquer Brazil, the more will she annihilate herself; since, without Brazil, she has no friend with whom to carry on commerce, and divested of commerce, she is nothing. Thus may I be allowed to express myself, as of Portugal, I have already told Y. M. that I wish nothing at all.

“ Y. M. is deceived by your ministers and counsellors, who tell you to *conquer Portugal*; with words like these they think that they flatter Y. M. whereas, they only go on plunging you and your kingdom into an ocean of misfortunes, one after the other. Y. M. has seen that Brazil expelled the whole of the Portuguese forces, stationed at various points, and which were in a situation mutually to aid each other. How then are fresh ones to be in-

roduced, when no *point d'appui* can be had, unless they are under a blind discipline, which certainly is not the case? Y. M. sees that Brazil has aggrandized herself, whilst Portugal has been sinking, and Y. M. has unhappily always found yourself surrounded and molested by parties which, if, for the present, they have not triumphed, have nevertheless taken the field on various occasions, &c.

“The acknowledgment will be completed, sooner or later, since the Brazilians, and I their Emperor, will never alter our purpose; we would rather die, with our swords in our hands, since we have sworn to *Independence, or Death*. Do not think that what I here state to Y. M. is intended to intimidate you; no, My Father, examine the truth and you will find that it is because you have a son, who desires to free you from the daggers of the assassins, by whom you are surrounded. I, as Emperor, and Y. M. as King, are at war, and it is our duty to sustain the rights of the independent nations of which we are the chiefs; but, I, as a son, and Y. M. as a father, ought to love each other. Y. M. is in the exercise of all your powers—save yourself; act according to the dictates of your own heart, which, most assuredly, will be to acknowledge the Independence of the Brazilian empire, in a son, so much your friend; in a son, who did not make himself an Emperor, since it was done by the love of the Brazilians, in payment of services, and through circumstances foreseen by Y. M. according to the recommendation which Y. M. yourself forwarded to me, in your letter of the 22nd of March, 1822, when you said—‘*hence, will you regulate your conduct according to the circumstances in*

*which you may find yourself, arranging every thing with due prudence and precaution.' ”\**

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\* MEU PAY—O dever de filho, e o amor que como homem consagro a V. M. me instaõ a que pondo de parte a Coroa que sobre minha Cabeça foi colocada pella generosa Nação Brasileira vá por este modo fazer constar ; &c.

V. M. já quanto antes deve reconhecer a independencia do Brazil por seu proprio interesse : da estabilidade do Imperio jamais se pode duvidar; elle vai andando (a pezar de alguns revezes que não inumero) sustentando-se e adquirindo cada vez mais força fizica, e moral, que nunca poderà ser domada pelo velho e encanceido Portugal, que quanto mais quizer conquistar o Brazil, tanto mais se irá aniquilando, pois elle sem o Brazil, amigo não tem, Commercio, e sem Commercio para o, he nada. Posso assim fallar, pois de Portugal, já disse a V. M. que não queria nada.

V. M. està enganado pelos seus Ministros, e Conselheiros que lhe dizem *conquiste o Brazil*; com estas palavras parece-lhes que lizongeaõ a V. M. e cadavez maiz o vão precipitando em hum pelago de desgraças, humas após outras assim como ao seu Reino. V. M. tem visto que o Brazil expulsou todas as forças Portuguezas, que já teve dentro de si em diferentes pontos, que se poderiaõ ajudar mutuamente. Como pois introduzir-lhe outras novas sem apoio, e sem que tenhaõ uma disciplina cega que não tem.

V. M. vê que o Brazil se tem engrandecido enquanto Portugal se tem abatido, e V. M. desgraçadamente se tem visto sempre afflicto e rodeado de partidos, qñe se por hora não tem triumphado, comtudo se tem posto em campo por diferentes vezes.

O reconhecimento serà feito ou mais tarde ou mais cedo, pois os Brasileiros, e en seu Imperador não mudamos de tenção, e antes morreremos com a espada na mão uma vez que juramos *Independencia ou Morte*. Não pense V. M. que o que lhe digo he por aterrar, não meu Pay (examine se he verdade) he paraque V. M. conheça que tem um filho, que o dezeja livrar dos punhaes dos assassinos que o rodeaõ. Eu como Imperador, e V. M. como Rey estamos em guerra, devemos sustentar os Direitos das independentes Nações deque somos Chefes; mas eu como filho, e V. M. como Pay devemo-nos amar. V. M. està no exercicio de todos os *Poderes* salve-se, obre o que o seu Coração lhe dictar que seguramente ha de ser reconhecer a Independencia do Imperio Brasileiro em hum filho taõ seu amigo, em hum filho que se não fez Imperador, pois foi o amor dos Brasileiros em paga de serviços, e as circumstancias

I find, in this letter, Sir James, in which the son frankly and feelingly unbosoms himself to his father, no stipulations respecting the Portuguese succession; no allusion to any power that Dom Pedro might hereafter, through any contingency, wield over the parental dominions; no secret understanding that he was to be the heir and successor thereof. I rather see that, previously, the son had told the father *that he wished nothing at all of Portugal*, and the whole tenour of the letter seems to indicate that this was a point fully settled between them. The son, elated with success, and his ardent mind perhaps fired with the extent and brilliancy of the prospect stretched around him, and of which, in miniature, he must have had the evidence before his eyes, every time he approached the balconies of his own palace, (for nothing can equal the scenery of the city and harbour of Rio de Janeiro, either when beheld in panorama, or detail, the views being marked with varied beauty and magnificence) rather evinces a contempt for Portugal, as if he were more than satisfied with the throne and honours which had already fallen to his lot. He speaks to his father, in the language of an equal, if not of a superior, and refers to the two kingdoms as being separate and independent States, having distinct rulers, actuated by opposite views and interests. The case, in fact,

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vistas de antemaõ por V. M. (a recomendação que V. M. lhe fez em carta sua de 31 de Março de 1822) *assim regularás a tua conducta conforme as circumstancias em que te achares, regulando tudo com toda a prudencia e cautella, etc.*, que me fizéraõ. The orthography and punctuation of the original are retained.

could not be otherwise, as Dom Pedro had forfeited and surrendered up his inheritance in Portugal, as the price of another throne, in his opinion evidently preferable, and besides pledged himself by the oath taken to the Constitution, *not to allow of any bond, union, or federation, with any other kingdom, opposed to the Independence of Brazil.*

No one knew better the nature of the engagements which he was under to the Brazilians; or, the peculiar circumstances in which they were made, than the Emperor himself; but, unfortunately for his own honour and credit, he had, in the meanwhile, become subservient to the views of a designing and insidious faction, the leaders of which had stimulated his ambition, perhaps his greatest foible, as the only means of gaining their own ends. It is a pity that he then tarnished his glory, by consenting to forfeit his word and become the chief instrument of a base intrigue; but it is equally true that, at the time, he did not allow himself to be deterred by even the frowns of the Brazilians, from whom, nevertheless, he carefully concealed all his movements in reference to Portugal. So unnatural an union with parties who, till then, had unceasingly persecuted and insulted him, surprised every one, particularly his own subjects; while the plan of ruling over and legislating for Portugal, at that distance, and under the circumstances in which he was placed, was taken as a striking evidence of rash, or inconsiderate conduct, not to say worse, on the part of the framer.

In the interval, evident symptoms of dissatisfaction and alarm began to manifest themselves among the

Imperialists, and the Emperor found himself called upon to give some satisfaction to his distrustful subjects, which he attempted to do, at the opening of the General Assembly, in May, 1826, when he told the National Representatives that, "through the death of his father, he unexpectedly found himself the legitimate King of Portugal, Algarves, and the dominions thereof;" adding, that, "anxious to promote the felicity of the Portuguese Nation, without offending that of Brazil, and to separate them, notwithstanding they were already separate, so that they might never again become united, he had abdicated and yielded up all his inherent and indisputable rights to his daughter, Donna Maria, from that time Queen of Portugal." This, he proceeds to say, "he was bound to do, for his own honour and the welfare of Brazil;" and then avails himself of the opportunity to allay the apprehensions of his subjects, who had publicly begun to express their uneasiness at his undue interference in the affairs of the Portuguese, contrary to the express stipulations entered into with them, and in a manner completely at variance with the principles on which their independence and separation had been established and sanctioned. This he did, in the following ominous words. "Let those incredulous Brazilians thus learn to know, as they ought already to have known, that the interest which I feel for Brazil, and my attachment to her independence, in me are so strong, that I abdicated the Crown of the Portuguese Monarchy, which, by indisputable right belonged to me, merely because it might hereafter

implicate the interests of Brazil, of which country I had sworn to become the Perpetual Defender."

This, Sir James, according to the old English saying, is an attempt to make a virtue of necessity; but, the Brazilian deputies were not deceived by these professions; or disposed to give their Emperor much credit for his boasted sacrifice. They were fully aware that to assume the Crown of Portugal, by an act of his own, and by virtue of that assumption to hold it, for a single instant, much less to pass legislative enactments in reference to another kingdom, as independent as themselves, was not only diametrically opposed to their own Constitution and laws; but also a flagrant infraction of the laws of nations, as it placed the destinies of Portugal in their hands. They did not understand your new theory, Sir James, of *temporary* and *permanent* possession; but, considered that the holding of a crown, belonging to another, and from the wearing of which the Emperor was himself disabled by his own solemn professions and express laws, was as glaring an act of usurpation, and as gross a violation of a principle which they wished to render sacred among themselves, and, consequently, were inclined to respect in other nations, as possibly could be witnessed; and they felt, Sir James, that the enormity of the crime was not diminished by its duration being confined to a week; or what you yourself were pleased emphatically to call a "reasonable time." It ought here, however to be remarked, that the act of abdication, which has been pronounced "benign, noble disinterested, and intended to pro-

mote the welfare of Portugal," was evidently no other than a political and local expedient, suggested by the urgency of the moment, in order to allay the fears and jealousies of the Brazilians, and palliate the offence which, in their eyes, the Emperor had committed.

The Brazilian Chambers listened to the speech from the throne, in profound silence, and when the address was voted, not a word was uttered in reference to Portugal. The Emperor felt the justice and keenness of this reproach, and, at the opening of the two next Legislatures, abstained from again introducing the subject. He did not even make any communication to them respecting the projected marriage of his daughter, which by the Constitution he was bound to do. The quarrel, of course, became entirely a family one, and in it the Brazilians never once interfered. A most strange infatuation had however seized upon the mind of Dom Pedro, and evil counsellors had besides inspired him with personal feelings of hostility towards his brother. It is also more than probable that he was grossly deceived and deluded by the flattering reports sent over to him from London, made up by agents, whose chief object, was, to have the disposal of large sums of money; and in the general prosecution of the scheme, it must further be borne in mind, that Dom Pedro's natural obstinacy and impetuosity of character had a considerable share.

The contest continued, as before noticed, principally in England, for two years, under the direction and through the individual efforts of the Emperor and his immediate agents, without the Brazilians

being officially told a single word upon the subject; notwithstanding some of their own frigates and several of their principal dignitaries were engaged in it, and the Princess of Gran Pará, of their own blood-royal, and a child, nine years of age, had besides been made to take a leading part in the drama. All the orders were issued from the Emperor's private closet, whilst his ministers and his subjects knew nothing of the operations in progress, unless what they gathered by accident, or were able to glean from the European Journals. A crisis was, however, at hand, which would require an extraordinary effort on the part of His Imperial Majesty. Some dissatisfaction had been expressed, by the British Government, at the permanency of the Portuguese troops, in a body, at Plymouth, and it became necessary for them either to disperse, or quit the country. The peremptory orders upon this subject, which ensued, doubtless roused the anger of the Emperor's agents, who really seemed to think that they were here authorized to carry on an *imperium in imperio*, and that, at the sound of their voice, our neutrality was to cease. They judged of their power, in England, by the number of the papers and writers whom they had in their pay; and trusted to that strong natural sagacity, which they supposed was the peculiar and exclusive growth of Southern climes.

Matters, however, pressed, and they were required to remove the Plymouth depôt, forthwith. What their secret designs were, at the time, with regard to Terceira, will be a matter of future consideration; but, certain it is, that they positively informed the Brazilian Emperor that they were determined to

send the Portuguese troops to Rio de Janeiro, and, consequently, that he must make arrangements for their reception. His Imperial Majesty felt the awkward predicament in which he was placed, and, for the first time, saw the effect of the follies and errors which he had committed. So late back as the 10th, 11th and 12th of June, 1828, an insurrection of the Irish and German troops who had been taken over to Brazil, at an immense expence, under the specious pretext of being made Colonists, filled the capital with consternation and even endangered the Imperial throne.\* The natives were indignant at

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\* The subjoined was put forth, evidently by authority, in order to palliate the conduct of the Brazilian government in this affair.

“The principle which guided our Government, was, the consideration that it was necessary to withdraw by the recruiting as few hands as possible from agriculture, in the central provinces, and from commerce and manufactures in the maritime cities, and to supply a part of the men necessary for the different military services by individuals from Europe, which would have, besides, the effect of increasing at the same time the free and white population in the centre of the empire, where the slaves already exist in a two-fold proportion,—such were the powerful motives for introducing into Brazil natives of Germany and Ireland; and as these men were imported at a great expence by the Government, it was but reasonable that they should compensate for that expence by a personal service during a limited period, before they should be allowed to prosecute their labours and mechanical professions for themselves. The introduction and the cultivation of the arts of Europe,—the augmentation of the white population, and the gradual emancipation of the empire from its dependence on Europe for articles of the first necessity, were benefits to be expected from this measure. Having to sustain an unfortunate war, it was natural that the Government should hesitate to discharge men whose period of service had scarcely expired; and it was even dangerous to set free those most recently arrived, who had no knowledge of the language, and no means of living even for two days. Perhaps it will be said that it would have been better not to have ordered

this undue introduction of foreign troops, which not only implicated their national character; but also exposed the public tranquillity. The Emperor was made sensible of the serious consequences of his rash and inconsiderate act, and had the good sense to obey the dictates of public opinion, by ordering all the foreign troops out of the country.

With this galling circumstance fresh upon his mind, he received notice that the Portuguese troops were coming from England. His fears and feelings may easily be imagined. He dared not brave the anger of his Brazilian subjects—after such recent admonitions, he did not venture again to transgress the laws, by an unauthorized introduction of foreign troops. He, consequently, determined on an extraordinary meeting of the National Legislature, which was, for that purpose, forthwith convened. The Chambers met on the 2nd of April, 1829, when, in his speech from the throne, he informed them that two motives had induced him to call them together, at so unusual a season. “the first of which was, the unexpected news of foreign troops being

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them to come to the city. If we consider the fact, we would answer in the affirmative; but we would in the first place observe, that the Government was deceived, and that public animadversion would fall upon those intriguers who deceived it, and on the weak and imprudent ministers who suffered themselves to be deceived. However, they had arrived, and the new Ministers were obliged to take the business on their shoulders. It cannot, then, be surprising that in the midst of the difficulties and circumstances which we have stated above, there should be some delay and uncertainty as to what ought to be done. In this state of things, a deplorable accident, the mutiny of the 2nd German battalion, took the Government by surprise.”

about to arrive among them, consisting of Portuguese emigrants, who were coming to seek an asylum in the Empire."\* He afterwards gave them to understand that, in the interval, this motive had ceased, as in fact it had, the Portuguese having been sent to the island of Terceira, instead of Rio de Janeiro. He then called the attention of the Chambers to the financial state of the country; but, it is very clear that he must have been much chagrined at the imposition practised upon him. A neutral, of the highest character, who witnessed the ceremony, assured me that his voice faltered, whilst his countenance and whole frame evinced symptoms of the strongest emotion.

On the 10th, an address, in answer to the speech from the throne, was presented to His Imperial Majesty, in which is the following remarkable passage. "The Chambers exult with joy, on seeing Brazil relieved from the apprehension of those difficulties in which the arrival of Portuguese troops would have placed her; and wishing well to the cause that animates them, they pray God, it may go on and prosper, without compromising the tranquillity and interests of this nation."† A clearer demonstration of the feelings of the Brazilian Legis-

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\* "O primero, a inesperada noticia de que estaõ a chegar Tropas Estrangeiras, d'Emigrados Portuguezes, que venhão buscar asilo neste Imperio."

† "A Camara exulta de juro por ver o Brazil desasombrado das dificuldades em que o poria a chegada das Tropas Portuguezas, a hem dizendo a causa que os anima, faz votos para que prosiga e prospere, sem comprometimiento da tranquillidade e dos intereses da Nação."

lature upon this subject, could not be given. As a kind of personal compliment to the Emperor, they tell him that they hope his cause "will go on and prosper," whilst of it they knew little more than they had read in the public prints; but, in the very next breath, they remind him to take heed and bring no Portuguese troops there; and, above all, to see that "the tranquillity and interests of the nation" are not implicated by his acts. And yet, with a knowledge of these feelings and sentiments, the Brazilian agents, in London, wished us to take up their cudgels!

Previous to the presentation of the preceding address, that is, on the 6th of April, an animated discussion took place in the Chamber of Deputies, on the subject of Portuguese affairs, when M. Clemente Pereira, Minister of State for the Home Department, found himself compelled to give some explanations on the policy pursued towards Portugal, in answer to attacks made in the House, particularly by Deputy Vasconcellos, as well as for the purpose of tranquilizing the public mind. As this speech explains both the policy and feelings of the Brazilian Government on Portuguese affairs, and at the same time displays a considerable share of courage, on the part of the minister who made such avowals, in the very teeth of the Emperor, it is but proper, Sir James, to present it to you in his own words, which I have translated from the official gazette in which they were recorded.

"Deputy Vasconcellos has assured the House, in a manner, so direct and positive, that the Ministers of His Majesty, the Emperor, had interfered in the

affairs of Portugal; further asserting that they wished a war with the latter kingdom, but as they could not themselves declare it, owing to their being well aware that it was contrary to the wishes of the nation, they had endeavoured to provoke the government of Portugal to declare war against Brazil. His mode of making this assertion was so unqualified, that I feel myself imperiously called upon to remove these impressions, for were I to leave his statements unanswered, my silence might be taken as an approval of their veracity."

"In order to support his position, the illustrious Deputy assures us that the Brazilian diplomatists, in Europe, have actually interfered in the affairs of Portugal, and have, in support of their measures, expended the monies of Brazil. He concludes by asking—What our Ministers have done? And answers—that all the world knows!

"I would ask the illustrious Deputy on what acts, or what documents, he founds so serious a charge as that which he now brings forward against the Ministers? I am free to declare that I believe he has it not, nor ever will have it, in his power to produce any; while, on the contrary, the Ministers will be able to prove, by facts and documents, at a seasonable time, if they should be legally questioned, that, far from wishing to interfere in the affairs of Portugal, they have reprobated, in the most unqualified manner, every act that the Brazilian Diplomatists have, in this respect, performed in Europe; and does the Senhor Deputy desire that Ministers here should be responsible for acts done in Europe, by public functionaries, *who had received no instructions what-*

*soever, authorizing them to act as they have done? Are they to be blamed because the distance of the European Continent prevented their disapprobation from reaching London, so soon as would have been expedient? Already, on account of the affairs of Portugal, one Brazilian Diplomatist has been dismissed; and if such has been the conduct of the Ministers here, how can they, with any thing like a shadow of justice, be charged with interfering in the affairs of Portugal?"*

“As regards the wishes for a war, which the Senhor Deputy seeks to attribute to them, I will frankly declare, in presence of the Representatives of the Nation, that the Ministers never wished any such war; and Senhor Vasconcellos will never have it in his power to prove the unjust assertion which he has thought proper to make.”

[The other part of the speech refers to the finances of the country.]

Here, Sir James, you have a complete delineation of the policy of the Brazilian government on Portuguese affairs, sketched from the most unquestionable authority; and certainly I think you will find it deserving of your serious consideration; nay, when you come to reflect deliberately upon the subject, I feel convinced that you will see the impropriety of Dom Pedro's conduct, in interfering with regard to Portugal, in the same light that I do. Evidently, it has weakened the confidence of his subjects in his honour and good faith, and besides implicated him with the great body of the Portuguese nation. It has tended materially to derange his finances, and impaired his commerce. It has injured his credit

abroad, by the expenditure of monies, unauthorized by law, the principal part of which he will most probably have to refund out of his own private purse ; for, after the explicit declarations of the Legislature and considering the exhausted state of the National Treasury, it is scarcely credible that he will have the courage to call upon the Chambers for grants, to cover disbursements, occasioned by rash and extravagant schemes, the motives of which they have already condemned. I have long watched the affairs of Brazil, with an anxious solicitude, and, if I may be allowed to hazard an opinion upon the subject, it is, that the Buenos Ayres war and the interference with Portugal, have driven that country back, at least twenty years.

Dom Pedro's conduct, at the commencement of the revolution, was extremely equivocal, in the opinions of the Brazilians, as has been shewn from his own confessions and the sketch presented of the events which led to the establishment of Independence. The Brazilians saw that he clung to Europe, and, as it were, reluctantly accepted the Crown which they eagerly placed at his feet. The strength and acrimony of their national prejudices, moreover, can scarcely be imagined ; and these prejudices excited in them a dread and jealousy of European interference, or ascendancy. The bond of union over rival provinces, scattered through an immense surface of country, thinly peopled, and besides divided from each other by desert tracts and the want of communications, was, it must, therefore, be concluded, naturally weak ; and could be supported by no other than a moral power. A kingly form of

government doubtless was the only one acceptable to the great proprietors of lands and slaves; but, the country also contained a number of speculative beings, influenced perhaps by surrounding examples, who advocated republican principles, and professed a detestation of control, exercised by a single man, and that one not born among them. These ebullitions of popular feeling were visible in many places, and, it must not be forgotten that in Pernambuco, they gave rise to a serious revolution.

The dictates of wisdom ought to have taught Dom Pedro the utmost precaution, in the delicate situation in which he was placed. He had a personal party to form, within his own dominions, and this depended on the care, moderation and devotion with which he exercised the authority entrusted to him. He was called upon to diffuse, with an impartial hand, the happy effects of a national administration, by the adoption of salutary and patriotic measures. Provident plans ought to have been his aim; and, above all, he ought never to have clashed with the national prejudices of the people who had placed him upon a throne, not out of any personal regard to him; but, as the only means of saving themselves from anarchy and confusion, during the career of independence which they had determined to run. Expediency and foresight would have taught him, that it was his interest to make the people sensible of the real and permanent advantages of his administration, above those of the late Colonial government, the basis of which was tranquillity within and adequate defence without. It would be a folly to consider the South Americans generally, and particularly

the Brazilians, as any thing else than Materialists: They judge of the goodness of a government, by the state of their coffers; and scarcely know any other criterion. They fear being agitated and disturbed, having little ambition; and seem almost satisfied with what their forefathers were before them. They have besides acquired considerable experience from the successive events which have happened on their own continent, and are also continually kept in awe by the sight of a disproportionate slave-population.

Never, in short, was a kingdom composed of more heterogeneous and discordant elements, than Brazil; and no sovereign ever required more prudence, caution, and, I will add, condescension than Dom Pedro. The promotion of agriculture; the diffusion of useful knowledge; the formation of a national character; reforms in the administration of justice and the revenue, accompanied by strict economy, were the means by which the greatest benefits might have been attained; but, above all, the State was not to be enervated. In the very face of these evident maxims, a war was undertaken against Buenos Ayres, considered as being of European origin, and one in which the Brazilians reluctantly took a part. The consequences, as might have been expected, were of the most disastrous nature; and thus, in the midst of an ostentatious but unreal power, Brazil was finally foiled and baffled in her towering enterprises, by a city that scarcely contains a population equal to one half of that of her own capital. The result was, that the Emperor's weakness became apparent, and we beheld the anomaly of his own sub-

jects rejoicing at his misfortunes, in the first place, because the war was unpopular among them; and, in the second, because they had a fellow feeling towards a nation belonging to their own hemisphere. This enterprise was, besides, attended with a considerable accumulation of debt; tarnished the laurels of his army and navy, and greatly implicated the Emperor's government with the United States, next with France, and lastly Great Britain, being forced to pay considerable sums for spoliations on neutrals, occasioned by the blockade of the River Plate, and of no earthly use to the prosecution of his cause, which indemnities, it seems, were almost wrung from him at the cannon's mouth.

The introduction of Irish and German troops, under a false pretext, was the next great error committed by Dom Pedro; and then he forfeits his plighted word and breaks his solemn engagements, in order to grasp at an European Crown, which he sought to wear, in defiance of his own subjects, as well as of the people, entitled to its disposal. From the details into which I have already entered, some idea may be formed of the predicament into which this unnatural and fruitless contest plunged him. The language which he has already heard, on the subject, from the Brazilian Legislature, has, however, by this time, taught him to know that his subjects watch over the preservation of those institutions which they have erected on the ruins of a Colonial system, directed from Europe, with more jealousy than he imagined; and that, in raising him to a throne, among themselves, they did not thereby render him omnipotent. Public indignation wrested

from his ministers the dismissal of his favourite envoy; but, what will not that indignation be, when the Brazilians learn all that has happened in England; when they see the ridiculous figure which their own favourite Princess, too young to be sensible of the nature of the intrigues to which her name has been given as a sanction, has cut in the British capital; when they behold the late exposures in Parliament; the wasteful expenditure of public monies, and find that the honour and credit of the Brazilian empire have been sacrificed to the very worst of purposes?

Dom Pedro was either surrounded by evil counsellors; or, his impetuosity of character did not allow him time to reflect. There is scarcely a State-paper, or act, that bears his signature, in which he omits mentioning that he owes his Crown to the acclamations of the Brazilians; and yet that knowledge, on which alone good government is founded—that of the inclinations and interests of subjects, was treated by him with slight and inattention, not to say worse; as if the desires and dispositions of a whole people had no right to be placed in competition with the will and caprice of the sovereign. Hence, as already pointed out, followed measures, at home, inconsistent in themselves and opposed to equity; whilst, abroad, his subjects beheld the prosecution of a system, founded on the most senseless and imprudent ambition. After the forfeiture of his word and pledges to them, nothing roused and irritated the Brazilians so much as his new and unnatural alliance and coalition with men

who, so short a time ago, wished to plunge them into ruin, and loaded him with insults and invectives.

No, Sir James, it is time that the truth should come out. It is time for us to look manfully at the real situation and views of governments and sovereigns, wishing to make us their dupes. Dom Pedro, from the time of his accession to the Brazilian throne, has experienced from his Britannic Majesty, every possible demonstration of friendship and regard. Under our auspices, that throne, on which he is now seated, was secured to him and his offspring; and again, through the same mediation, he was enabled to conclude an honourable peace with Buenos Ayres. In the British public, the Brazilian Emperor also found the most favourable sentiments. I have before me an "*Exposição Fiel sobre a Negociação do Empréstimo que O Imperio do Brazil ha contrahido em Londres,*" by Viscount d'Itabayana, from which it appears that his colleague, the Marquess de Barbacena, and himself, obtained in London, in August, 1824, a sale of Brazilian Bonds, to the amount of one million sterling, at the rate of £75 per £100, "fearful," as the negotiators themselves acknowledge, "of the exigencies in which the Treasury of the Empire might be placed, as the political negotiations with Portugal went on slowly;" and, subsequently, in January, 1825, they effected another sale of two millions, at 85, on both which occasions, the contractors were allowed to charge a commission of 4 per cent on the net amount realized, which, as the *Exposição* states, "was to be divided with the Plenipotentiaries of His Imperial Majesty!"

One would have thought that such demonstrations

as these, for although the contracts were made by individual Houses, their operations were founded on the state of public feeling, at the time, as well as the reliance placed on the honour, prudence and resources of His Imperial Majesty, would have insured to this country the gratitude both of the principal and his agents; the latter, and more particularly one of them, thus laying the foundation of their private fortunes. How matters turned out, in the sequel, I shall hereafter notice; but, in the mean time, Sir James, I must ask your leave for another short digression, although immediately connected with Portuguese affairs, and in a peculiar manner affecting British interests; a matter, Sir James, which, I can assure you, if I had held a seat in the House of Commons, this last session, as you did, I would have brought under its consideration, in preference to any other to which public attention possibly could be called.

You may perhaps remember, Sir James, that by virtue of the Convention of the 29th of August, 1825, negotiated between Portugal and Brazil, under the mediation of Great Britain, the Emperor of Brazil acknowledged himself indebted in, and bound himself to pay to Portugal the sum of Two Millions Sterling, as a final settlement of the public demands, pending between the two nations; in part payment of which he assumed, as a national debt of Brazil and funded as such, the sum of about 1,400,000*l.* Sterling, being the amount of the Portuguese Loan, contracted in England, in the year 1823, at 87. Conformably to this engagement, the Brazilian government regularly furnished the funds, requisite to

pay the interest and cover the sinking fund of this loan, during a period of two years, viz. on the 1st of June and 1st of December, 1826, and the 1st of June and the 1st of December, 1827, the monies being regularly voted and appropriated by the Brazilian Legislature. The British Bondholders were satisfied with this arrangement, to which their own government was a party; but, in the month of August, 1828, the events passing in Portugal gave rise to some apprehensions of a derangement in the payment of the dividends, when Viscount d'Itabayana, His Imperial Majesty's Plenipotentiary and Loan Negotiator, unsolicited and from an impulse of his own, caused a notification to be inserted in the Courier Newspaper of the 30th of April, 1828, in which he announced that "in order to afford a proof of the good faith of his Government and their religious observance of the Convention of the 29th of August, 1825, he would cause the dividend (meaning of the Portuguese Loan) to be paid as usual."

Diplomatic stockjobbing was, about that time, so very common among the South American agents, that by many persons this notice was pronounced to be one of the usual tricks, and of the very highest order too; but, I certainly feel inclined to acquit His Imperial Majesty's man of business from any charge of this kind, notwithstanding the ruinous consequences which immediately afterwards ensued to the Holders of Portuguese Bonds. In short, the dividends were not paid, conformably to the pledge above given, and when His Brazilian Excellency was urged upon this point, under date of the ensuing 8th of May, that is, eight days after the notification

alluded to, and when certainly no new light, in the interval, had been thrown on the affairs of Portugal, he wrote for answer that, "in consequence of the deplorable event which had occurred in Lisbon, on the previous 25th of April (meaning the Convocation of the Cortes) he was reluctantly obliged to withhold the payment and solicit fresh instructions from His Imperial Majesty;" acknowledging, nevertheless, that "the suspension was a temporary one." I have only further to add that His Imperial Majesty's Plenipotentiary, in defence of his own honour, or, in commiseration to the distresses of many families, whose securities immediately declined, and have since fallen to 42 and 40, after a lapse of fourteen months, has not condescended to communicate to the public a single word further upon the subject, notwithstanding adequate appropriations have continued to be regularly made, every year, by the Brazilian Legislature, who have also formally disavowed all interference in Portuguese affairs, and his now Excellency has moreover since negotiated another Loan in the City, as report says, for 400,000*l.* Sterling, if not 800,000*l.*

These transactions require no comment from me. As, however, I have myself been at some trouble to investigate this affair, and have drawn up an "Illustrative Statement" upon it, with a view of all the papers, I have the honour to present it to you, for your perusal, Sir James, and it will be found in my Appendix, marked B; merely repeating, that if I had occupied your seat in the House of Commons, on the 1st of last June, this is the topic, which, of all others, I should have made the subject of a

motion. The injuries and distresses of the Bondholders, alone, would have been more than a sufficient plea.

But, before I close this part of my subject, I must push my inquiries a little further into Brazilian affairs. The security offered at the time for the repayment of the loans, obtained by the Brazilian agents in London, in the manner above described, was, as far as I understand the *Exposição*, “the Revenues of the Customs of all the ports of the Brazilian Empire, generally; and especially that of Rio de Janeiro;” of course, as the collection of this revenue remained in the same hands, the security could scarcely be viewed in any other light than nominal, and so it proved in the result, as only a small proportion of the property so pledged has been remitted, or, if it has, the money has been spent in other objects. The real fact is, that, in the course of the current year, the financial state of Brazil became completely deranged. From the various documents and reports submitted to the General Assembly, at the late opening of the extraordinary session, by the minister of finance, the agio on gold and silver specie, or, the difference of its value compared with that of the paper circulation, from the 16th of January, 1828, to the 28th of March, 1829, on the piece of 6400 reis, rose from 100 to 180; on those of 4000 reis, from 77 to 155, and on Spanish dollars, from 1520 to 2250; whilst, in the same interval, the exchange on Europe, which at par is 67½d. per milrea, fell from 32½ to 23, although, by the last accounts, it had recovered to 26. The notes of the Bank of Brazil depreciated to a considerable extent,

and commerce was, comparatively speaking, at a stand, owing to the want of confidence and a circulating medium. In the mean while, Brazilian Bonds in London declined to 57, and it is very confidently believed that the last loan was not negotiated at a higher rate than 52.

This derangement was, doubtless occasioned by a variety of combined causes, chiefly attributable to the extravagant conduct of the government and its increased expenditure, followed by its consequent inability to keep its engagements with the Bank and other Creditors. The country had, in fact, been loaded with a paper currency, which pressed heavily upon the people, and from the moment public confidence received a shock, a crisis became inevitable.\* The revenue had not decreased; but rather improved, if an opinion can be formed from the Rio de Janeiro Custom House returns, and the principal source of revenue, which, for the undermentioned years, in English money, and calculated at the exchange of 26, stand thus :

	£	Steg.	s.
1825 - - - - -	256,213		12
1826 - - - - -	278,236		17
1827 - - - - -	265,426		7
1828 - - - - -	457,756		5
1829 to 26th March	107,826		15

Every valuable commodity had, however, depreciated, whilst the government was engaged in anti-national enterprises and buoyed up with the hopes

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\* It is a curious fact that Pernambuco would never allow of a paper-currency within its jurisdiction.

of borrowing more money abroad, at the same time that impediments to substantial improvements, arising out of a variety of causes, tended to depress the efforts of the people at home. An additional copper-currency was created, considered by the Brazilians as the greatest sign of poverty that possibly could be exhibited among them, when the coinage of that metal rose in the subjoined proportion ;

	£	<i>Stg.</i>	<i>s.</i>
1826 - - - -	59,333		6
1827 - - - -	146,516		0
1828 - - - -	286,055		15
1829 to 23rd March	70,940		15

Specie had, indeed, almost totally disappeared ; a considerable portion of it annually going to China, for the purchase of luxuries ; whilst an extra sum had also been invested in speculations to the coast of Africa. Conformably to the Treaty for the Abolition of the Slave Trade, negotiated with Great Britain, on the 18th of October, 1825, it was agreed, by Article 1st, that "Four years after the exchange of the ratifications, it should not be lawful for the subjects of the Empire of Brazil to carry on a trade in slaves, on the coast of Africa, under any pretext, or in any manner, whatsoever." It was, therefore, evident that this traffic would cease with the current year, and the Brazilians seemed determined to avail themselves of the short interval that remained. The increased importation of slaves from Africa, into the port of Rio de Janeiro alone, independent of Bahia and other places, suddenly became

1820 - - - -	15,020
1821 - - - -	24,134

1222 - - - - -	27,963
1823 - - - - -	20,349
1824 - - - - -	29,503
1825 - - - - -	26,254
1826 - - - - -	33,999
1827 - - - - -	29,789
1828 - - - - -	43,555
1829 to 26th of March -	13,459

The balance of trade, it must be also confessed, has uniformly been against Brazil, and this evidently has a serious effect on the exchanges. British exports to that country are usually averaged at about 4 millions; those of France at  $2\frac{1}{2}$ , and of Holland, the United States and other nations, 2 more, making a total of  $8\frac{1}{2}$  millions sterling; whilst the returns in produce scarcely cover half the amount. From the want of proper arrangements and plans, the productive labour, compared with the size of the population and fertility of the soil, is not half so great as it ought to be, at the same time that the consumption of European commodities increases. The total population of Brazil, on the most moderate calculation, is equal to 4 millions, (some persons rate it at  $4\frac{1}{2}$ ) of which number, 843,000 are whites; 480,000 free people of colour, and 162,000 free blacks, making the total free population 1,488,000 souls. The black slave population is estimated at 1,980,000; the mulatto slaves at 232,000, and the remainder is made up of aboriginal races.\* It must

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\* Amidst the extraordinary transitions and vicissitudes which the various sections of South America have undergone, since the old possessions of Spain declared their independence, two of them offer examples

further be borne in mind that the value of the ter-

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of singular prudence and foresight, and these are, Paraguay and the Island of Cuba. The former, under the administration of that singular character, Dr. Francia, during the prevalence of surrounding war and anarchy, has nearly doubled its population, and the local improvements are incredible, although no extra tax has been imposed upon the people. This patriotic and provident statesman, well aware of the situation in which his country was placed, early adopted a singular policy, and that was, not to interfere in the quarrels of his neighbours; nor submit to any aggressions from them, and as the best means of pursuing his plan, he forbade all intercourse with the contiguous provinces. He raised an army for defensive purposes only, and successfully repelled the attacks of Buenos Ayres. Whilst other independent States were carrying on extensive operations, at a distance from their own territories, and wasting their revenues in military and naval armaments, in diplomatic missions, and were besides duped by the infidelity of their agents, during which time, their agriculture was verging to ruin, he carried on his government on real principles of economy himself, and every thing prospered around him. His revenue is equal to his wants; public debt is unknown in Paraguay, and this modern patriarch, when he looks round and reminds his grateful countrymen of the benefits of his administration, can point out, to Chili, for example, and say—Look there, Paraguayans! before the war, the *fanega*, or bushel of wheat, was regularly sold at four rials, now the Chilians import their flour from the United States, and pay for it ten dollars per barrel! Of all arguments to a South American, this is, perhaps, the most powerful, and in his mind weighs infinitely heavier than the attractive theories of a Tom Paine, or a Rousseau.

The Island of Cuba, by adopting the principle of not interfering in the concerns of other contiguous States, and although belonging to and dependent on Spain, refusing to obey any mandate that was opposed to the interests of the inhabitants, has also flourished in a most extraordinary degree, and not been, in the least, affected by the example of St. Domingo, as it were, at her very door. With only a population equal to one fifth of Brazil, for I do not myself rate that of Cuba at more than 900,000 souls, the difference in the produce of productive labour, is enormous. The following military, naval, commercial and financial sketch of the Island of Cuba, at the close of 1828, and derived from an authentic source, may serve as an illustrative comparison.



the peace, has materially declined. Cotton, which then fetched from 15d. to 20d. now sells for 6d. and

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Boxes of Sugar exported (1828) from Havanah .....	268,586½
Ditto ditto Matanzas.....	94,000
	Total.. 362,586½

Arrobas of Coffee from Havanah .....	794,496
Ditto ditto Matanzas .....	103,821
	Total.... 898,317

Vessels entered Havanah .....	1136
Ditto ditto Matanzas.....	291
	1427

Vessels cleared from Havanah.....	1154
Ditto ditto Matanzas.....	303
	1457

General Exports from Havanah, 1828 .....	11,000,000
Ditto ditto Matanzas .....	1,700,000
	12,700,000

General Imports, Havanah, 1828 .....	17,000,000
Ditto ditto Matanzas .....	1,400,000
	18,400,000

Population of the City of Havanah (1828) Whites.....	64,621
Persons of Colour .....	47,402
	Total.. 112,023

It may be further added that the exchange from Havanah on Europe bears a premium of 12 to 13 per cent.

7d.; coffee at that time worth from 80s. to 90s., scarcely commands 35s., and the milrea, from 60d. has fallen to 26d.

A large portion of the consequent distress might, however, have been prevented, if the Imperial government had acted with prudence and foresight, by attending to local improvements, and abstaining from anti-national wars and delusive schemes. The Brazilians, like most of the other South American States, have sacrificed their credit abroad and implicated their national honour; whilst their government, instead of acquiring strength, has become enervated. The immense field for enterprise which the Emperor had before him, comparatively speaking, has been disregarded, and that most advantageous of all his branches of commerce, the one formerly carried on with Portugal, has literally been sacrificed. In addition to all this, his moral influence has been impaired; and, it may be asked, if the Lisbon government, in the mean while, had acted in the spirit of retaliation; if plans, similar to those adopted by his agents and partisans in England, to disturb the peace and tranquillity of Portugal, had been pursued against him in Brazil, what would his situation be at the present moment?

I will now return to the subject more immediately under consideration. In your speech, Sir James, you lay great stress on the oath, taken by Dom Miguel at Vienna, and subsequently at Lisbon, to keep the Charter and act conscientiously as his brother's Lieutenant, concluding, that the infraction of this oath, which necessarily rendered his contract of espousals null and void, disabled him, for ever

after, from sitting upon the throne of Portugal ; and with a few other flourishing accusations, which you were pleased to add to the main charge, you pronounce him to be something, little short of an outcast of society ! Let us probe into this subject, Sir James, and see how the matter really stands. In the first place, let us inquire how Dom Miguel came to be at Vienna ; how he was treated there, and whether Prince Metternich, as the representative of the Allied Sovereigns, had power to impose upon him any such oath as the one to which you allude ; and, in the second, whether any act of his, performed in the Austrian capital, was binding on the Portuguese nation. The first part of this inquiry will afford me an opportunity to say something of Dom Miguel's character, which you seem to have sketched from newspaper accounts, and as from your mistakes upon this subject you draw several strong moral inferences, it is doubly necessary that you should be set right.

It has often been remarked that the character of a sovereign is principally formed on the impressions of early youth ; yet, to know the truth of the maxim, when applied to an individual, it is necessary that he should have had a fair opportunity of shewing what his real character is, when put to the test, and this, I think, it will scarcely be contended Dom Miguel has had, since his accession to the throne. In early life, he was a good deal implicated in the dissensions which unhappily prevailed between the elder and younger branches of King John VI.th's Family, and not finding his residence at the palace comfortable, this perhaps gave him a taste for rural

sports and manly exercises, of which he became passionately fond. Dom Miguel was little known, or noticed, till a particular occurrence brought him into public view. The experiment of the Oporto revolution, which commenced on the 24th of August, 1820, continued till the month of May, 1823, without interruption, and in that time the whole kingdom had an opportunity of forming a correct estimation of its nature and tendency. In the opinion of its warmest partisans, it had proved a complete failure, and this was the impression generally prevalent throughout the country. The public voice seemed to call for the downfall of the Constitution; yet, all were overawed at the circumstance of the king being so infatuated as to cling to the Cortes, as if unable to break the charm by which he was bound.

Dom Miguel, with a courage and presence of mind, seldom met with in a youth of his age, being then only about twenty years old, on the 27th of May, placed himself at the head of a body of the military, not exceeding 1000 men, marched out of the capital and took up a position at Villa-Franca, where he was soon afterwards joined by the King. This demonstration, alone, put an end to the Constitution and dispersed the Lisbon Cortes, some members of which previously recorded a protest, bearing the date of the 2nd of June, 1823, in which they stated that, "having been abandoned by the executive and army, they could no longer perform their duties with advantage to the public." It would be unnecessary to add, that the whole country instantly followed, so that, in less than a week, an unpopular government, which had existed for two years and eight months,

was put down, without either difficulty or bloodshed, through the judgment, enterprize and spirited conduct of the very man, Sir James, whom it has been your greatest effort to describe as the most worthless of all human beings. I shall merely remark, that this act of heroism secured to the young Prince the enthusiastic gratitude of his countrymen; raised him high in public estimation, and he was besides loaded with the thanks and benedictions of his King and Parent, who, from that moment, considered him as the firmest support of his throne.

The Prince afterwards became a constant inmate of the palace, and was cherished by all orders of the State. The valuable service which he thus rendered to his countrymen, became a general topic of exultation, and from the king he experienced every possible demonstration of confidence and esteem. On the above memorable occasion, it was universally acknowledged that he exhibited an enlargement of mind and an elevation of soul, rarely met with at so tender an age; and if the daring deed is only well considered, and all the hazards which he had to run duly taken into account, more particularly that of the king's opposition, which at the moment, he had every reason to dread, this act alone will be found sufficient to endear him to the Portuguese; and I know enough of the public feeling, at the time prevalent among them, Sir James, to tell you that by reflecting persons, who witnessed the heroism of the act and were sensible of the dilemma in which Portugal was about to be placed, through the independence of Brazil, even then deemed inevitable, he

was looked up to, with fond anticipations, as their future sovereign.

As a testimonial of his approbation, as well as in deference to the public voice, the King raised the Prince to the command of the army, and in that post, it is unanimously acknowledged, that he rendered important services. He befriended the soldier; took care that he was clothed and paid, and, among all ranks, became a favourite, through his affability of character. He eagerly devoted himself to a profession for which he had been prepared by his predilection for manly exercises, and since the war, the army has not been on a better footing than during his command. In the mean while, the King who, with the best heart, was as weak a monarch as ever sat upon a throne, had fallen into another extreme, and placed his confidence in men, suspected and hated by the public. This sentiment was, in fact, general, throughout the kingdom, and had been gradually excited by a variety of unjust, extortionate and unpopular acts. General Pamplona, afterwards known as Count de Subserra, stood at the head of the administration, and this appointment alone was sufficient to rouse public indignation. During the time of the French, he had been a traitor to his country, and endeavoured to sacrifice it to its invaders. After the expulsion of Napoleon's armies, he continued to reside in France, on a pension, his property in Portugal having been confiscated and his name deservedly branded with infamy. Through his intrigues, he had, however, been able to make his peace with the Liberals; his property was restored to him, and, under their auspices, he returned,

perhaps at the time unknown to them, in the immediate interests and as the secret agent of the French Government, and consequently the declared enemy of Great Britain.\* The Marquess de Palmella was the minister of foreign affairs, and that esteem which he might perhaps otherwise have secured, was lost by his coalition with a man, universally abhorred. Simão, as Intendant of Police, and a very important personage in the scene about to be noticed, brought up the rear; the other ministers, from their dispositions and situations, being considered as little else than passive beings.

I should scarcely venture to risk my pen in a description of the character and proceedings of the ministry, above mentioned, as I might be thought partial, if not tedious. The task, besides, has already been performed, for if you turn back, Sir James, to Dom Pedro's letter to the King, of the 15th of July, 1824, page 158, I think that you will there find every thing required upon this subject, and perhaps from an authority which you will deem more unexceptionable than mine. Prince Miguel was aware of the general detestation in which these men were held, at the same time that he saw the firm manner in which they had gained on the confidence of the weak and deluded monarch, who was, besides, so completely beset by them, or their agents, that it was

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\* He was the reputed author of a long and incendiary paper, circulated towards the commencement of 1825, in Oporto and the Northern Provinces, against the British, and with a view to drive the Portuguese into the arms of the French. I have this paper before me, and perhaps never read so complete a *diatribe*.

impossible to point out to him his errors ; or make him acquainted with the state of public feeling. The indignation of the people rose, as Pamplona's designs became known. He took care to secure for himself titles and distinctions ; lucrative commendaries and wealth ; whilst every meritorious person was left neglected. A more corrupt and anti-national administration was never witnessed in Portugal, since the time of the Spanish Philips, and the country tottered beneath the weight of a profligate government and its miserable policy.

Dom Miguel conceived the bold project of ridding the kingdom and the sovereign of a burden that weighed heavily upon both, notwithstanding the evident dangers of the enterprise. He was sensible that the consequences of a failure, would be rendered highly penal ; nevertheless, he did not allow either his fears, policy, or party-spirit to magnify the peril of the attempt. Wielding an immense power, and connected, as the ministers were, with the first families in the kingdom, it is said, he hesitated as to the means he should employ in the execution of his design. Knowing the King's timidity and supineness of character, he was aware that nothing but a *coup d'eclat* could rouse him from the lethargy in which he was sunk, and break the spell that still bound him to men, whom the public voice had long ago pronounced undeserving of his confidence. His feelings, it is, moreover, natural to imagine, were irritated at the systematic indignities, practised towards his mother, by the men in power, and it is also possible that he had personal affronts of his own to resent. He had no party of his own, suffi-

ciently powerful, to confide in—no means, prompt and efficient, unless it was the army under his command. He was aware of its devotion, and possibly elated by his former success, evidently he was not calm and deliberate enough to mature his plans. He was sensible that the king would listen to no remonstrance, or complaint, unless presented to him under the most imposing circumstances. In the mean while, some minor incidents occurred, which testified the impatience of the people and brought this affair to a crisis.

The Prince was too strongly bent on his purpose to recede—too firm and enterprising, to be overawed. All this might be the effect of infatuation; granted; but beyond the smallest doubt, he really considered himself a second time called upon to avenge public wrongs, and he had the courage to resolve to do it, in the only manner then in his power. He was sensible that he risked the king's displeasure; but, he equally knew that the thanks of the country awaited him. Having made up his mind to act, he determined to assemble the troops, in the main square, and leave the rest to circumstances. On the morning of the 30th of April (1824) at one o'clock, he left his own apartments in the palace, where he had passed the evening, and issuing by a secret gate, joined a party of his friends who awaited him, and mounted his horse. The cavalcade immediately proceeded to the principal barracks, where the Prince ordered out the troops, and when formed in line, he harrangued and told them "that he had received positive information that the freemasons and other revolutionists intended to murder the Royal Family

and replunge the country into anarchy;" adding, "that he was determined to have the enemies of the throne seized." The troops cheered him, when he immediately directed them to march to the Rocio Square, form, and there wait further orders. The troops being thus assembled, the Prince joined them and held a council with his officers and friends, when the list of the persons to be arrested was definitively agreed upon; at the head of whom stood Pamplona and Palmella, and the orders were accordingly issued. An alarm being spread through the city, it was deemed expedient to send an adequate guard to the palace, to protect the Royal Family, and, on this occasion, the Prince wrote to the King, *begging him not to be uneasy, as, in what he was doing, he had only the welfare of the kingdom at heart.* At the same time, he issued an order that no one should be allowed to enter the palace, except four persons, viz. the Patriarch; the Marquess de Chaves; General Leite and Judge Leite, all persons of great weight and particularly distinguished by the King. He also issued a proclamation, addressed to the people, in which he told them that he was about to finish the work which he had commenced on the 27th of May, 1823; that he wished to exterminate the sect of freemasons, who were plotting the ruin of the House of Braganza; that the King was under restraint, &c.

About ten o'clock, the Prince proceeded to the palace, and in presence of the *corps diplomatique*, protested to the King *that what he had done, was with the very best intentions and for the welfare of the State, having discovered an extensive and diaboli-*

*cul conspiracy, and that he was confident he should have H. M. approbation, when he was made acquainted with all the facts; but, that, even then, he was ready to obey his sovereign's orders, if he would make them known.* After this interview with the King, attended by the foreign ministers, the Prince withdrew to his own apartments, to take some refreshment, whence he was soon afterwards called by the King, who told him that the *corps diplomatique* interceded for the release of the Marquess de Palmella, to which the Prince replied—*when the King commands, the General obeys*; and the Marquess was consequently set at liberty. Pamplona avoided the guard, sent to arrest him, by previously escaping to the house of the French minister. Many other persons, against whom denunciations had been obtained, were also seized, evidently in an indiscriminate manner, being chiefly freemasons and other suspected revolutionists, against whom, it must equally be confessed, that the public indignation was at the moment both loud and general. The Prince returned from the palace to the square; again to the King's apartments, and, about two, ordered the troops to withdraw to their quarters.

In the mean while, the King did not adopt a single energetic measure, either in reference to the proceedings of the Prince; or the manifest wishes of the people, who, as far as their own judgment went, applauded what had been done. The whole proceedings of that day were certainly the most rash and injudicious, that possibly could be imagined; yet, some allowance must be made for the circumstances and feelings under which they were under-

taken, as well as the age of the principal actor in the drama, and his claims to public consideration ; but, when every thing is deliberately weighed, it must appear manifest that the Prince had no design whatsoever against either the throne, or the life of his sovereign, which you, Sir James, alike inconsiderate and misinformed, have directly levelled against him. The Prince was evidently surrounded by weak and evil counsellors, who took advantage of his youthful and ardent mind, and it was afterwards proved that several arrests were made from motives of party pique, and without his knowledge. He then, and afterwards, however, had the sole command of the military, who were obedient to his will—enthusiastically devoted to him, and if it had been possible for him to entertain any criminal intentions, the means of executing them were fully in his power. If, however, upon this subject any, even the smallest doubt, could be entertained, it would be removed by the King's own decree, dated May 3rd, that is, on the fourth day after the occurrence had happened, during all which time the Prince was constantly with him. The event alluded to, being one of the utmost importance, particularly in its consequences, for I do not hesitate to assert that it was the origin of the greatest part of the misfortunes which have since befallen Portugal, it ought to be cleared up, in the most satisfactory manner, and it is with this view that I here insert a translation of the decree above mentioned, worth a thousand arguments.

“ *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. Palace of Bemposta, May 3, 1824.

“Signed, I THE KING.”

Do you find in this, Sir James, that the father makes any criminal charge against his son? But, I will proceed. During all this time, the most profound tranquillity prevailed in the Capital, and perfect harmony reigned between the King and the Prince. Confidence was, in fact, restored, and every reflecting person, perhaps disposed to condemn a misguided youth for his rash and intemperate act, yet prepared to make every allowance for the circumstances under which he had exercised an undue authority, hoped that the whole affair would be forgotten and forgiven, as the King himself had set the first example. Not so Pamplona and his colleagues. They saw that the late attempt, directed against them, had increased the Prince's popularity, and they now dreaded him more than ever, as their rival in the King's esteem. They had also to encounter the Queen's enmity, having always loaded her with indignities, and being besides well convinced that, if any reconciliation should take place between her and the King, which it had been their anxious and uniform endeavour to prevent, and of which the Prince was likely to become the instrument, their power, from that moment, would cease, they resolved to play a higher game, and accordingly formed the project of ruining one whom they hated and feared.

The timidity of the King's character is well known,

and of this foible, which successively brought so many misfortunes on Portugal, they sought to avail themselves, as a means to retain their power and places, and rid themselves of the only man whose courage, popularity and influence they foresaw might prove fatal to them. It is however presumable that some personal pique was also mixed up with the affair, it being very natural to conjecture that the seizure of the Marquess de Palmella's person, under the peculiar circumstances by which it was accompanied, must have wounded his pride, as well as that of his friends and relatives, and he possibly felt too much inclined to resent the affront. Pamplona, as before noticed, had made a timely escape, having received early information, whilst attending a ball at the British ambassador's, that the Prince was stirring, and it seems that he instinctively interpreted this into a signal of personal danger to himself.\* His feelings, however, must have been equally roused, and, it ought further to be taken into consideration, that parties never before ran so high in Portugal. The moderates, or disguised constitutionalists, were pitted against the royalists; or, as they were also called, the absolutists, being those who were devoted to the *ancien regime*. The former had the support and protection of the King, and were also abetted by the influence of the French Minister, M. Hyde de Neuville, who, through Pamplona's agency, played an important part in all the intrigues in which the Court of Lisbon was at that period immersed. The

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\* One of Pamplona's brothers recently became a member of the Terceira Junta.

other party was headed by the Queen and Prince, and composed of the high clergy, nobles, and all those opposed to innovations and political experiments.

It seemed necessary that one of these two parties should triumph. The public mind was in a state of agitation, and the people looked up to the Prince as their only champion. Pamplona and his colleagues were the objects of their hatred; whilst the latter were upheld by the King and the *corps diplomatique*. No time was to be lost. The King was told that his life was in danger; his weak and sombre mind was filled with alarms, and having neither the courage, nor foresight, to take a single step, either to enquire into the real state of the affair, or to remedy the existing evil, when its nature and extent had been ascertained, his ministers persuaded him to go on board of the Windsor Castle, then lying in the Tagus, in order that they might have him more completely at their own disposal; which he did, on the 9th of May, under pretext of visiting his country-seat of Caxias. The original plan, however, was, that he should have gone on board of a French man of war, and M. Hyde de Neuville expressly sent the Marquess de Bethune to Cadiz, to call Admiral Des Retours, who instantly set sail; but, meeting with contrary winds, instead of forty-eight hours, the *Santi-Petri* was eleven days in reaching the Tagus; a delay which Pamplona's alarmed and impetuous mind could not brook. I mention these incidents, with more minuteness than I otherwise should, because I am anxious to shew the share which the French envoy

had in all these intrigues, through the medium of his trusty agent.

The King having arrived on board of the Windsor Castle, issued a proclamation; withdrew the command of the army from the Prince, and ordered him immediately to appear before him. Dom Miguel did not hesitate, a single instant, to obey the summons, although his friends pointed out to him the personal danger that awaited him; reminded him of the character of his enemies, and described to him the nature of the snare which they were laying to entrap him. Still he would listen to no advice that tended to implicate the King's honour, or cast a doubt on his affections; assuring his friends that he had no crime to answer for; but, it ought here to be observed, that if he had ever entertained any thing like a criminal intention, he was then in a better situation to execute his design than on the 30th of April, as, besides commanding an army of 10,000 men, the people were ready to uphold him, being indignant at the idea of the King's doubting their loyalty; allowing himself to be made the dupe of designing men, and weak and pusilanimous enough to go on board of a foreign ship of war, and thence date proclamations addressed to them.

No entreaties could change the Prince's mind. He was inexorable, and alike disregarded the prayers and protestations of his friends. He assured them that he had no crime to answer for, and *as to the enemies*, said he, *whom I have to face, I do not stand in awe of them.* On the 10th, amidst an immense concourse of spectators, by whom the shore was lined, bathed in tears, and, as it were, bidding him a

last adieu, he embarked in a boat, with very few attendants, and fearlessly ascended the Windsor Castle, where, after some reproaches and reprimands, he was declared a prisoner. To complete the degradation of the intrigue, on the 12th, he was told to address a letter to the King, of which the following is the most remarkable passage: "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 of reflection, attributable to my age, led me to fall." On the same day, he was desired to write another letter to the King, or rather, he was told to sign what had already been written for him, in which he was made to say—"fearful that his presence in Portugal might afford a pretext to evil-minded persons to renew disturbances and intrigues, very foreign to the pure sentiments which he had just before truly uttered," he requested to be allowed to travel for some time in Europe. The Prince's prayer was *granted*, and I need only add that, on the very same day, he was embarked on board of a Portuguese frigate, with scarcely any other than the change of linen on his back, and without being allowed to take leave of a single friend, or relative, landed at Brest, passed through Paris, and arrived at Vienna, where, from that moment, he was placed on nearly the same footing as Napoleon was at St. Helena.

The moment Pamplona and his colleagues were secure of their triumph, and the fleeting sails of the frigate that conveyed away the Prince were no longer seen from the round-top of the Windsor Castle, they and the King went on shore, and the next grand feat which they attempted, was, to drive away the Queen; but, although standing alone and unprotected, she baffled their efforts and afterwards laughed at their intrigues. To give eclat to the triumph, the regiments in garrison, or rather, their officers, were made to present addresses to the King, and, as a most extraordinary effort of diplomatic dexterity, one foreign minister was made Count de Bemposta; another Count de Cacilhas; a third Count de Mouta, and a fourth Baron de Palencia; those of the lower order receiving crosses and distinctions, as a reward for their services on behalf of the King during the *Abrilada*. To make the effect more striking and extensive, pompous circulars, dated the 10th of May, from on board of the Windsor Castle, were addressed to the foreign ministers, thanking them for their kind exertions and firmness on the late occasion, which Pamplona and Co., in their own minds, had likened to the day of judgment. The old story was also revived, and, on the 26th of May, the King was made to issue another proclamation, in which he blames his son, the Infante D. Miguel (no longer his much beloved and highly esteemed son) *for his inexperience and want of reflection, in being found linked with traitors, &c.*, and then orders a judicial inquiry to be instituted on the affair, “without any limitation as to time, or a determined number of witnesses;” and next ap-

points a Commission to take cognizance of the whole matter. The inquiry, so ordained, commenced, was regularly continued, for a considerable time, and, after displaying extraordinary diligence, closed; the whole being conducted by the enemies of the absent and fallen Prince; yet, after a diligent examination of the whole file of proceedings, and by no means a short one; after carefully reading the declarations of every witness, from generals down to sergeants, I do not see a line that implicates the honour of the Prince, either as a son, or subject, although his judgment may be impeached for having assembled the troops without the King's concurrence, and endeavoured to overawe him, with a view to induce him to change his ministers and expel some dangerous characters from the kingdom. The only remarkable paper in the whole *Davassa*, is a letter, signed M. A. do Amaral, insinuating that there was a plan to have the Queen and the Infante appointed Regents; but, this letter appears to have been sent by a person entirely unknown, and the purport is so exceedingly ridiculous, that it is matter of surprise how it could be annexed to the file of proceedings. I myself should not have noticed it, if I had not found it to be an inclosure, forwarded by one of the ministers to the Commission, who perhaps printed it, as a testimony of the zeal with which this affair was conducted, now that the real victim was no longer on the spot to defend himself. I have in like manner examined the decrees, inquiries and royal ordinances relating to the murder of the Marquess de Loulé, and do not find that they contain a single charge levelled against the Prince; or, a surmise

that affects his moral character; which certainly warrants the conclusion that, on both points, we have been grossly imposed upon in this country. Whilst the Prince was retained a close prisoner at Vienna, his enemies had full scope for their malignity, and they took good care not to lose a single opportunity of aspersing the public and private actions of one whose resentment they had every reason to dread, if ever he came into power.

Let the inquiry proceed a little further, and it will appear that Pamplona was the decided enemy of England, and at the time actively engaged in establishing French ascendancy in Portugal. His great object was, to prevent the renewal of our Commercial Treaty, and, with this view, he caused the incendiary paper, already alluded to, to be circulated in the Northern provinces, where the British establishments are principally concentrated. So well convinced of this fact was the British government, that his removal was officially demanded, and, on the 9th of May, when the formation of the ministry became a matter of discussion on board of the Windsor Castle, the British functionaries present protested against the readmission of Pamplona; but, being upheld by the French envoy, the King sent for him on board of the English frigate, where he had been for several days, and reinstated him, although he had previously pledged to Mr. Thornton to remove him, by appointing him to a diplomatic mission abroad. The British government was made acquainted with the King's pledge regarding Pamplona, and finding that it was not redeemed, Mr. Thornton was directed to return home, and it was

not till some time afterwards, that Sir William A'Court went to replace him. This alone shews the feelings of our government towards Pamplona, who was equally detested by the Portuguese people ; and this fact, coupled with the indignities systematically offered to the Queen, no doubt, excited the Prince's animosity towards him.

Now, Sir James, having gone through these details ; having bared to your view all the naked facts and circumstances connected with the *Abrilada*, or *Revolution* of the 30th of April, of which we have heard so much and never before saw any thing ; having examined even the reverse of the medal, let me ask you, as a man and a father, I do not say as a Member of the British House of Commons, how you found your charge, when you assert that Miguel, the First of Portugal, is " a being who, in addition to his public, has long laboured under the imputation of private crimes, of almost unparalleled enormity—such as are recorded of a Commodus, or a Caracalla, rather than such as belong to the vicious of modern times—a being who exhibits in the face of Europe, the brand on his brow of the pardon which he obtained from the King, his Father, for an act of parricidal rebellion ?" Is there a document, or a record, in existence, that you can bring forward in support of your accusation ? Is there the testimony of a single respectable individual that you can adduce to corroborate any portion of your sweeping imputation ? Is there any other than the foul breath of base and grovelling enemies that ever sought to taint the conduct of a hasty and precipitate youth, if you like, for attempting a deed which,

if it had succeeded, would have secured to him the grateful acknowledgments of the whole kingdom; nay ours, for we were, at the precise moment, actually engaged in the very same object, although employing different means!

As I have before stated, the Prince had the command of the army, and the people were also with him; what, then, was to withhold him, if he had entertained any criminal intention? He was, during ten days, the undisputed master of the capital! After all, he did not carry his point; but why? Because the King had not the courage to second his efforts and rid himself of men, obnoxious to the country. He went boldly and fearlessly to work, I must acknowledge; I will even grant that he proceeded rashly and impetuously; nay, I will go further, and allow that there might have been personal pique mixed up with the affair; that he was actuated by a wish to avenge his own and his mother's wrongs, and was besides surrounded by evil counsellors; but, did he embrue his hands in human blood; was he wanting in his duty and respect to his Father, and; in short, if he committed an error, did he persist in it, or aggravate it by obstinacy, or outrage? During the whole time, did the inhabitants of Lisbon express the slightest disapprobation, or offer him a single reproach? Did they not take leave of him, with tears in their eyes, whilst he, courageously and unconscious of crime, ascended the deck of the Windsor Castle, to face his deadly enemies; those who afterwards became the assassins of his reputation, and next endeavoured to strip him of his reversionary rights to a throne, awarded to

him by the laws; enemies, who banished him from the kingdom, in a mean and scurvy manner, without a hearing; kept him a State prisoner at Vienna, for nearly three years and a half, and then, by threats and cajolery, sought to bend him to their own flagitious purposes? You talk, Sir James, of “a pardon, obtained from his Father;” pray, did you ever see a copy of that document before the one which I have just presented to you? It struck me that you never had, otherwise, you would not have spoken of it, in the terms you do. I am, therefore, left to conjecture that, on this subject, as usual, you trusted to hearsay, and whoever your monitors were, whether they were ex-Excellencies, whiskered Generals, or spurred Colonels, I feel equally ready to tell you that you were grossly deceived and imposed upon by those who furnished you with an authority, to make so wanton, unprovoked, and unfounded a charge, as the one above alluded to. I blush for you, Sir James, when I think that you should have been so unguarded; that you should have known no more of the affairs of Portugal, on the 1st of June, 1829; after that of South America, (one also in which you have played your part) perhaps the most hack-nied topic we have had in England, for a number of years! Had I been in want of information on the occurrences of the 30th of April, I could have gone to a dozen persons, of mind and respectability, in London, Portuguese, Brazilians, South-Americans, Dutch, and also English, who were in Lisbon at the time, and certainly before I had burdened my conscience with so revolting a charge, as yours, and preferred it on an occasion, so solemn, I would have ascertained

how matters really stood, and whether I was warranted in my attempt to defame an individual who never did me an injury in his life.

This, I think, you ought to have done, Sir James, as you would, without much trouble, have found ample sources in which you might have had your fill. Within the last year and a half, or rather, I should say, since the Oporto business, people have looked into these matters more narrowly; they have been less credulous; they have not been so much affected with a foreign *mania*, and, at least, the public have had an opportunity of stedfastly looking at both sides of the question. This, I can assure you, Sir James, was my case, and I regret that it was not yours. There, however, seems to be a fashion, if not a rage in politics, and you, Sir James, have fallen into the one formed by the French papers respecting the *Abrilada*. The man who, on that occasion, triumphed, more than any other, was M. Hyde de Neuville, for he gained a double victory, and was made Count de Bemposta, to boot; although I never yet heard that he, or his co-peers, made any public use of their titles, earned on that memorable day; and to tell you the truth, Sir James, on mature reflection, I think they would be ashamed of doing so; but, at all events, M. Hyde de Neuville took care to have some smart little speeches recorded as if pronounced by him, and gave his own version to the affair which became current in France, and his is the one, I fear, Sir James, which you have most consulted. As regards the first scene of the *Abrilada*, I have already expressed an opinion upon it, with a full view of the case and all the documentary evidence

that possibly can be obtained, before me ; and, as to the second, infinitely more serious and important in its consequences, I feel ashamed that such a display of diplomatic and ministerial folly, intrigue and injustice, should ever have disgraced the cabin of a British man of war.

Your charge, Sir James, indefinite as it is, seems to allude to some depravity, or deformity of private character, if one is to judge from your two comparisons, in which, I think, you were not over felicitous. However, you do not venture on any specification ; you deal by wholesale, and doubtless find this the easiest and readiest mode. You, nevertheless, give the world to understand that there is a cruelty and habitual vice in Dom Miguel, which you cannot reconcile with the idea you have formed of what a person ought to be who is called to a seat on a throne. I do not understand what kind of moral perfection it is, that you require of a Prince, intended to rule others ; nor do I know where to find a standard whereby such a being is to be judged ; but, I have been intimately acquainted with what was passing in Portugal, from a very early age, and formed my opinions on the spot ; yet I never heard any thing of these cruelties, or vices, which the public Journals and yourself have conjured up in London. I have read much and thought more on the subject than perhaps you are aware, Sir James, and could now sketch for you an outline of the Prince's biography, without the aid of a monitor, if it were to my purpose. I will, however, say, that Dom Miguel's early life, education and pursuits very much resembled those of his late Father. Neither was born,

or educated, under the expectation of sitting upon a throne. Both were equally kept in the back ground, and alike exposed to indignities through palace intrigues. John VI. was the second son of Mary I. whom, it may be remembered, the Marquess de Pombal endeavoured to deprive of her crown, in order to bestow it upon Joseph, the elder son and heir-apparent, whose education he had himself personally superintended. The project might have been unjust and illegal; but, the minister dreaded the consequences of the government falling into the hands of a devotee. Prince Joseph was a youth of superior talents and disposition, and Pombal seemed to concentrate in him all his hopes. He died in 1788, and his loss plunged the nation into the deepest affliction. John who, till then, had chiefly passed his time in convents and rural sports, famed only for his horsemanship, was called into public notice; but the manner in which he had been neglected and his feelings frequently wounded, ever after gave a sombre cast to his mind, and rendered him suspicious, irresolute, and ill suited to sit upon a throne.

Prince Miguel was treated something in the same way. All the attentions were lavished on his elder brother, and he found himself compelled to form a circle of his own. Even his allowances were of the most paltry kind. Both youths were remarked for being what we should call, in this country, mischievous; but neither ever evinced any thing like a cruelty of disposition. Both were esteemed for their personal courage, affability of manners, and lively dispositions; at the same time that it is acknowledged by those persons who had the best opportu-

nity of studying their habits and inclinations, that if they could have had the direction and advantages of such a mind as a Pombal, and their early education had been attended to, their mental powers would have enabled them to rival their uncle, and distinguished them for acquirements of a serious kind. Both were a good deal left to themselves, and amusements consequently became their favourite pursuit. Hence, is it, that they excel in music, horsemanship, and accomplishments of this class. Each would eagerly enjoy the sports, and even the *chascos pscados* of a *carnaval*; and whilst Dom Miguel perhaps found agreeable pastime in bringing a bull from the feeding plains and letting him loose into one of the ground-floor saloons of the old country residence of Salvaterra, amidst his father's powdered and beprimmed dignitaries, assembled round the social board; Dom Pedro experienced equal delight in cutting off the long cherished pigtail of a fat chamberlain, caught kissing the pretty nurse of one of his own children. These cases are on a parralel, and are the only serious pranks which I ever heard of the youthful days of the two Princes, except that one was fond of bull fighting, which, by the bye, is no indication of cowardice, and the other once attempted to resent an affront on the back of an ambassador; but, in these juvenile sallies, for I can call them by no other name, I see nothing like savage, or debased propensities. Dom Pedro, long after his marriage, was a wild youth and not the best husband; but, from the moment he entered on the cares of a government, he earnestly devoted himself to the public service, and, in the character

of a sovereign, barring the rash, visionary and ambitious schemes into which he has since rushed, his conduct has been exemplary.\* There was a time, and I remember it well, when charges, equally strong and alike unwarranted, were in London made against the private character of the Emperor of Brazil, and still more frequently in the United States, where the people were engaged in pushing their claims for spoliations. You may not know it, Sir James, nor does the Emperor either, but I stood up in his de-

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\* Besides a similarity in habits and disposition, the most perfect harmony and mutual esteem prevailed between the two brothers, until Dom Pedro's mind was partly poisoned by insidious and designing men. Barring the occasional sallies of a hasty and impetuous temper, that confidence and esteem nevertheless still continue, and if any thing can convey a good idea of the Emperor's real feelings towards Dom Miguel, it is the subjoined anecdote, found in a "Narrative of the Political Changes and Events in the Island of Terceira," which, as it was penned by myself and derived from a satisfactory source, I consider I am at liberty to reproduce in this place.

"In one of the large saloons of the Imperial Palace, hang all the portraits of the Braganza Family, and consequently, among them, that of Dom Miguel. In one of those paroxysms of infuriated rage, and, when his feelings had been wrought up to the highest pitch, possibly by the perusal of some of the long and powerful despatches which he is in the habit of receiving from London, the Emperor assembled his attendants; flew to the picture saloon; swore he would have his brother's portrait kicked about the palace—burnt in the main square, and, as sovereigns naturally do, then looked round to his hearers for an obsequious assent. Not a line was altered in the features of a single countenance around him. His attendants waited to obey his commands, in profound silence. After a pause, he ordered the face of the portrait to be turned towards the wall, and in that same position does it still hang, to the amusement of the Brazilians and foreigners, passing the saloon, who cannot forbear smiling, when they call to mind the circumstances which led to the exhibition of the bare canvass."

fence, and perhaps rectified public opinion more, in this respect, than could be expected from a private individual. Both brothers have had their enemies, and bitter ones too, and each alternately has been exposed to the very same shafts as those which you so plentifully launched from your quiver against the sovereign of Portugal, whilst standing in your place, amidst the assembled Representatives of the British Nation, many of whom, I make no doubt, admired your fluency of language and the perfection with which you had learnt your lesson; yet totally insensible, I dare say, of the slippery ground on which you were at the moment treading. I will now particularize.

You early tell us, Sir James, that our "faithfully is now degraded and disgraced by the government which oppresses her;" this may be your private opinion and that of your friends; but, have you ascertained whether it is the one prevalent in Portugal; or, have you ever asked yourself the question whether that country is not more happy, in its present situation, than it possibly could be as the Colony of Brazil—over-run with the Emperor's favourites, and obliged to furnish contingents of men and ships, whenever he should be pleased to go to war with any of his neighbours? On this topic I have already dwelt at some length, and I avail myself of this transient opportunity to renew it, because I find my own remarks completely borne out by the testimony of Sir Charles Stuart, who, from Rio de Janeiro, under date of April 30th, 1826, (Vide Appendix Document No. 2) tells Mr. Canning that His Imperial Majesty then talked of conciliating the

affections of the Portuguese, by giving them a Constitutional Charter, and if the war should turn out unsuccessfully in the South, of obtaining military succours from Portugal, with a view to diminish the burden which is already severely felt in this country." Now, Sir James, with this avowal before me, the impression left upon my mind is, that "our faithful ally," far from being "degraded, or disgraced," by refusing to accept Brazilian protection, has covered herself with glory, and at least has the chance of becoming a free and independent nation, which never could have been the case, under the connection advocated by you.

The passages in your speech, reflecting on the private character of Dom Miguel, and in which you represent him as capable of murder, of the blackest and most unnatural description, and addicted to crimes, foul and savage, are so frequent, that I scarcely know which to lay hold of. As, however, in your description of the Oporto executions, you seem to give freer vent to your rage, and, in that sublime and concluding effort, recapitulate all your strong epithets and condense the whole of your spleen, this is the one on which I shall ask leave to make a few remarks. You first enter into some details, describing, in your own way, the "atrocious act;" and next tell us that the victims suffered, "because, in the previous year, they had treated Dom Miguel as the Constitutional Sovereign of Portugal, and clung to their oaths." You then assert, "that an amnesty had been published," and afterwards indulge in a tirade, strong enough to harrow up a heart of marble. "On that day," you remark,

“ the city was almost left deserted, except by the soldiers and emissaries of the hated tyrant ; such being the faithful picture of the consequences resulting from the government of a lawless despot ; a day devoted to outrage and murder,” and then add, that “ the events done on it would even blacken the memory of a Dom Miguel,” &c. You subsequently reason upon the subject, by stating that, “ to suppose that there had been any conspiracy against Dom Miguel, would be to view his acts in a light too favourable for the despotic tyrant,” further remarking “ that an interval of ten months had elapsed, sufficient to still the rapacity of the tiger ; but not so with this monster,” &c. After this, you widen your scope and very charitably assure your hearers that “ this man, by his acts, had set at defiance all the other sovereigns of Europe ; committed deeds which had excited the indignation of every country in the civilized world ; had made all Europe ring with his horrors, and his acts had excited such alarm at Lisbon that it had been deserted, like a city infected with the plague ;” adding, that he had insulted every sovereign in Europe by his conduct, and had thrown down the gauntlet to them in the face of the world, having shewn how far a tyrant could go. He cared not,” do you continue, “ by what means he arrived at his ends, and resorted to any crime to perfect his deeds, acting thus to shew to the assembled world how far he could carry his designs of bloodshed and crime,” &c.

This will suffice for the present example. Now, Sir James, please to tell me if the persons who suffered at Oporto were tried, after the usual forms,

and if they were, and condemned and executed; at whose door does the *onus* lay, even granting that the verdicts were unjust? Does it rest with the Judges, or with the King, who, at the time, was better than 170 miles distant? I have looked into this affair and find that soon after Oporto surrendered to the King's troops; a Commission was appointed to proceed there, in order to try the parties concerned in the late revolution, which evidently had for its object to prevent the people of Portugal from exercising their rights, and consequently to deprive the Prince of the throne, awarded to him by the laws, and give it to another. Of the formidable nature of that revolution, its object and tendency, every one in fact is well acquainted; but, even if its object and tendency had not been public and avowed, it was a conspiracy—an insurrection, on an extensive scale, supported by an armed force, and whatever may be the character in which the Prince then stood, it was his duty to put it down, if he was able, and then leave the rest to the operation of the laws. You scarcely can have forgotten, Sir James, that when the Oporto revolution broke out, a government was organized; contributions were levied, and an army formed, whilst the party doing all this, drove away, or imprisoned their enemies, as a means of providing for their own safety. Not content with acting on the defensive, as soon as they were strong enough, they marched towards the capital, already buoyed up with the delusive hopes of gaining a triumph; which, if they had done, can you, Sir James, guarantee that we should have had none of their executions in Lisbon? Was not the country then

convulsed, from one extreme to the other? Were not the safeguards which establish and control public order, every where broken down? Were not rancorous hostilities excited on all sides? Was not an open war declared and waging; and did not each party take the field, with a full knowledge of the penalties awaiting them, respectively, in case of discomfiture?

We are apt to forget things, Sir James, particularly when our feelings are concerned; but, did the Oporto folks disguise their intentions and plans, in case they gained the ascendancy? Did they not already designate the men against whom their arms and their enmities were directed? Were they not already exulting at the idea of the Prince being terrified and ready to embark, with his friends, on their approach, so as to escape the condign punishment awaiting them? The scene changed; the aggressors and assailants had not courage to stand their ground, and their own threats consequently recoiled upon themselves. The persons most implicated, luckily for them, escaped in the interval, and when the Commission reached Oporto and the investigations commenced, the less guilty perhaps became the victims. I am not aware in what degree that guilt stood, although I have read every official paper connected with this melancholy affair, made public; but, this I know, that some of the sufferers are deeply regretted by considerate and respectable persons, although they do not constitute themselves umpires in the case. The only question I have got to ask, and it is the one which you ought also to have asked, Sir James, is—Were any of the judicial

forms omitted, or prostituted, in the execution of the laws ; or, as you would have it, “ in the perpetration of this horrid deed ?” The result of my inquiries leads me to think that they were not. Indeed, that very delay, of which you complain, shews that the hearing was patient and deliberate ; and, if you had any just cause for reproach, your endeavours ought rather to have been directed to place, in the most prominent relief, the inherent vices of a system of jurisprudence, perhaps defective, particularly when compared with our own ; but not more so, at the present moment, than it was at the time when we had diplomatic intercourse with Portugal ; whereas you seek to throw the whole odium on the King. If the laws took their course, however dreadful and lamentable the consequences, why is the stigma to rest on him ; or, why is he to be loaded with execrations, when other intermediate persons were charged with the administration of justice ?

It may be said that he appointed the Commission ; and yet, could he have done less, under the circumstances in which the country was then placed ? Royal mercy might have been extended to them and their lives preserved ; instead of punishing, an attempt ought to have been made to soften the prejudices of the nation, by some act of conspicuous popularity—it might be further argued. Clemency, doubtless, is the fairest attribute of the sovereign, and I defy you, Sir James, to quote an instance proving that the one of Portugal is insensible to this truth ; but, there are cases in which it must be withheld. You have given your own version of the causes which led to the condemnation of the unhappy sufferers, and I

leave it to the conviction of your own mind to say whether you have stated them fairly, on reconsidering the whole affair. I have already acknowledged that the most guilty escaped, and I am sure it is not in my disposition to feel any other than regret at the sacrifice of any human being; but, Sir James, being a lawyer, when these unhappy and deluded victims were once condemned by the laws, how can you assert that the blame attaches to the King for exacting the full penalty of the offence? As well might you lay at the door of our own most gracious sovereign the death of Thistlewood, and others who have paid the forfeit of their lives to the offended laws of their country, at the Old Bailey. Do, Sir James, never let us divest ourselves of the feelings of charity, or disregard a sense of justice, when examining the acts of foreigners, less than we should do when speaking of our own countrymen.

Have you ever, Sir James, thought, a single moment, on the peculiar situation in which the King of Portugal was at that moment placed? A Commission had been appointed at Oporto, to try offences of the nature I have just sketched, according to the judicial forms, and in a manner entirely subjected to the guidance of the civil power; when the assembled Judges, acting under that Commission, after a fair and regular trial, according to the usages of the Portuguese courts, pronounced that the last rigour of the offended laws awaited ten individuals, and those same Judges, in the way that our Recorder would do here, assured the sovereign that the case would not justify the exercise of his royal prerogative; nay, that his attempt to do it, would drive the

Northern provinces into a state of rebellion, so great and general was the public indignation. Of the destructive ravages and bitter enmities of a popular insurrection, I dare say you know little, Sir James, except from hearsay; but, of what happened at the close of the Oporto revolution, I am confident you are totally ignorant, I must, therefore, again offer you my aid. When the Oporto troops quitted the city, without venturing to face their enemies, and were proceeding to Galicia, in the whole line of their retreat, they pillaged the inhabitants, particularly those opposed to them in political opinions, as if they were entering a city taken by assault; and, in the province of Minho, if they did not carry their excesses still further, it was because they were pressed by the King's troops. Many houses were razed to the ground, and, on numerous occasions, murders were committed. At a convent on the road, eight friars were put to death, in cold blood, for having barricadoed their doors, not to give them admittance, and this fact, as well as the others above mentioned, have been attested in England by parties present at the perpetration. What, then, was left in the King's power, when the cry for justice was loud and universal? His high and awful trust besides became infinitely more difficult, in consequence of the conspiracies by which he was surrounded, plotted, as it evidently appeared, for the purpose of forcing him from the throne on which the laws and the public voice had placed him. No other alternative was left, and when the sacrifice of feeling was made, he hoped that an example, so impressive, would be attended with salutary consequences. Un-

happily, this has not been the case. As to your assertion that an amnesty had been granted, if you mean one capable of protecting the lamented sufferers, it is a mistake, and I hope an involuntary one.

As, however, Sir James, you travel on from Oporto to Lisbon, in search of a few more "acts of atrocity," I will at once meet you there, and see what we can glean for the amusement, or instruction of our readers. You tell us that Dom Miguel "had made Europe ring with his horrors, and that his acts had excited such alarm at Lisbon, that it had been deserted, like a city infected with the plague," &c.; although you do not state at what precise period this happened; nor do you specify the horrors to which you allude. One has, however, been so long accustomed to the sources of information, in the shape of "Lisbon Letters," to which the public have periodically had access, (and really, Sir James, as far as regards occurrences, you seem to have had no other, however well you might deem yourself provided with documents, treaties and historical records) that it is easy to guess what it is you mean. I shall, therefore, use no disguise, and as there are two other executions which call for some notice, I shall revert to them first. During the struggle for the Charter, and when the non-contents under the Marquess de Chaves had penetrated to the very centre of the kingdom, the Coimbra students rebelled against their masters; armed themselves, and a body of them joined Dom Pedro's partisans. This, it may be expected, had no very good effect upon their morals, and when they returned to the University, their superiors had no longer the smallest

control over them. It would be tedious for me to describe the disorders which ensued; suffice it to say that, some time afterwards, two of the professors, whom the great apologist\* designates as "Apostolical agents and the greatest enemies of Dom Pedro," had occasion to go to Lisbon, when a party of the students way-laid and murdered them, in cold blood. The parties implicated were of course tried and executed, and numbers were also expelled from the University. And, in the execution of these assassins, do you see any thing derogatory to the private character of the sovereign? Would not the same have happened in one of our Universities? As regards the expulsion, it was in your own time, Sir James, if I recollect well, that the Oxford graduates were turned out for psalm-singing! The next execution was that of the persons concerned in the Moreira conspiracy; yet they were taken in the flagrant act; their leader, an officer of rank, had called out a body of marines and, by persuasion and the offers of money, endeavoured to prevail upon them to join in a counter-revolution, which must have instantly filled the city with anarchy and bloodshed. They, however, had a regular trial, and the laws condemned them. Is this one of the acts to which you allude, Sir James? I may here add, that it is a curious fact that the day on which this counter-revolution was to break out in Lisbon, the circumstance was known in London, and its consequences anxiously anticipated.

The subject of the arrests is another prominent topic, and, a year ago, we were told that the prisons

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\* *Injusta Acclamação, &c.*

and hulks were crammed—over-flowing, and yet, it is added, the seizures have been going on regularly ever since. During so extensive a conspiracy as that which Portugal has witnessed, for nearly two years, spreading its contagious influence over so many minds, and maintained with unabated perseverance, it was natural to expect that numerous persons would fall victims. I have already hinted how Dom Pedro's cause was carried on by his friends from England, and, if I am correct, let me ask, was not what happened in Lisbon justified by the law of self-defence? The artificers of treasons long grew bolder through impunity; was it then to be expected that they could continue to be allowed to stalk abroad? Dom Miguel, in the interval, had become the undisputed master of the State, and can it be supposed that he would allow its tranquillity to be unceasingly disturbed, or himself "hurled from his throne," without an effort? Among the guilty, some innocent persons doubtless suffered; this is the ordinary result of civil wars and struggles for power; nay, it is an inevitable consequence. The state of the prisons might also be unfavourable; but, it must not be forgotten that Portugal has not had the benefit of the humane labours of the Howards and the Frys; nor has the government been enlightened by Parliamentary reports on prison-discipline.

I am not one, Sir James, who could contemplate the appalling sufferings of the Black Hole of Calcutta, with philosophic calmness, and this is the scene to which, of all others, your monitors would gladly liken the occurrences in Lisbon; nor should I be disposed to go in search of a set-off against real

and unprovoked sufferings like those, either to France, or Amboyna, as one of your friends, of the Bentham school, has lately done. Before I suffer my feelings to be roused, or my sympathies to be excited, I should take particular care to ascertain whether the stories told me were true, or false. I should, moreover, make allowances for the heated and irritated state of party-spirit, during the convulsive moments of a civil commotion. You have, most likely, had little, or no experience, in matters of this kind, Sir James; unfortunately, I have. I remember, when engaged in a revolution to eject the French from a Spanish island, during the late war, I was made prisoner and confined in a dungeon, not larger perhaps than your own bed-room, and one morning roused from my gloomy reveries, by the entrance of a guard, conducting twelve natives, all persons of weight and influence; but, no more than well wishers to the cause in which a British naval force was also at the time employed. There, we were huddled together, for four months, alternately sleeping on mattresses, on the floor, and in turns inhaling a little fresh air through a solitary and grated window, opening under a vaulted staircase; nor was a piece of bread, as big as the luncheon of a bluecoat school-boy, allowed to enter the place, without being broken, to see whether it contained a scrap of paper on which a single line could be written. Not one of the natives was ever told why he was confined; but, it is very clear, during the progress of the civil war going on, that their being at large would have been dangerous to the supremacy of the party in possession of the island. I

should be sorry to attribute such acts and scenes as these to any cruel, or ferocious, disposition on the part of the French commanders. They were evidently acting on the principle of self-defence, and, at the moment, had no better place of security of which they could avail themselves, in order to guard against the influence, or presumptive hostility, of their known, although not avowed, opponents.

But, Sir James, I am astonished that you should be so much startled at what you heard was passing in Lisbon, when I reflect that you once wrote a whole Section, of forty-three octavo pages, to defend, or palliate, “the popular excesses of the French Revolution,” in the very first sentence of which, you establish “that no great revolution can be accomplished without excesses and miseries, at which humanity revolts.”\* Of course, Sir James, you must have meant that these excesses and miseries were mutual, and the consequent sufferings therefore not confined to one side. “The passion,” do you further acknowledge, “which produced an effect so tremendous, was too violent to subside, in a moment, into serenity and submission.” The revolution lately attempted in Portugal, was certainly on a much smaller scale than that of France; but, it was equally one directed against the constituted authorities, and the persons engaged in it well knew the penalties reserved for them, in case of failure. When you spoke of the events going on in France, you complained of “the exaggerations of the emigrants;” and further on, you add, “that an enraged, numer-

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\* *Vindiciæ Gallicæ*, Section iii.

ous, and opulent body of exiles, dispersed over Europe, had possessed themselves of every venal press, and filled the public ear with a perpetual buzz of the crimes and horrors that were acting in France." Did it never occur to you, Sir James, that this might be the case with the Portuguese refugees, assembled in England and France, and that, consequently, it was necessary to receive their statements with caution and reserve? You yourself, in your youthful days, lamented that "the disputed succession which arose from that event (meaning our own great revolution) produced a destructive civil war in Ireland; two rebellions in Scotland; the consequent slaughter and banishment of thousands of citizens and the widest confiscation of their properties; not to mention the continental connections into which it plunged England; the foreign wars in which it engaged us, and the necessity it thus imposed upon us of maintaining a standing army, and accumulating an enormous public debt;" and what, Sir James, in your ripe years, do you wish the same miseries, arising out of similar causes, to be entailed on the Portuguese?\* I never can think that you could be so inconsiderate.

You vaunt your passion for peace, and yet you wish to prepare for the Portuguese the ever renewing elements of discord and civil war! You tell them to submit to one who has lost all right and title to their allegiance, and because they refuse to follow your counsels, thinking that on the subject they ought to have a voice of their own, you up-

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\* *Ibid.*

braid and reproach them, and, for the edification of the British Parliament and people, and in illustration of our foreign relations, you assert that they are “degraded and disgraced.” You describe yourself “as being jealous and suspicious of any new guarantees, by which the peace of Europe can be endangered;” and yet you seek to thrust down the throats of the Portuguese a new principle of right—a new theory, of your own, on the laws of nations; a new rule of succession, founded on a nice distinction between *temporary* and *permanent* tenure; and, in a word, you very charitably tell “our old and faithful allies,” that they must abide by such laws as Dom Pedro may be pleased to enact for them, at Rio de Janeiro, or Prince Metternich, in Vienna; otherwise, they must be excluded from the pale of all other civil communities. You boast of that “happy Constitutional settlement of the Crown of these kingdoms on the House of Brunswick, which not only secured the liberties of England; but gave the death-blow to the pretensions of unbounded authority and indefeasible title *all over the world;*” and yet, Sir James, you command the Portuguese people not to exult at the Constitutional application of their laws to one of the most interesting cases, for which their National Legislature has assembled, since the revolution of 1641.

You allege that “His Majesty has twice told Parliament that he and the great Powers of Europe had been obliged to cut off all diplomatic intercourse with that branch of the Christian Family, Portugal; for above twelve months;” adding, “that Europe has sat in judgment on that man whose conduct has

brought disgrace on his once illustrious and still respectable country," &c. Now, Sir James, let me ask you, would the British government have "cut off its diplomatic intercourse with Portugal," if we had then known as much of the affairs of that country as we do now; and if the present administration had not been shackled and enthralled by the acts of its predecessors? As far as the "judgment," formed by the European Powers, goes, can it be considered as any other than that of Prince Metternich, which was blindly followed by the other Allies? Has not our government, throughout the whole of this affair, trusted too much to the example and advice of Austria; and were not all the governments completely in the dark, and, as it now turns out, ignorant of the proper remedy to be applied, when the late difficulty commenced in Portugal? Did one of them ever think of the application of the laws of succession; or did they dream that the Portuguese people had a voice in the matter respecting which they were legislating for them, at Vienna? Some of their public functionaries seem to have remembered that the Portuguese once held Cortes among them, and one talked of convening "those of Lamego," as if this was a peculiar and distinctive term; yet was there a single one who thought that the Herculean work could be performed; or that this step alone would satisfy the Portuguese nation? If one may judge of Mr. Canning's correspondence, he had no fixed opinion on the subject; whilst all his motives of action were evidently derived from reports dated Rio de Janeiro, or Vienna. He disclaims all interference that may be alleged from

the conveyance of the Charter to Lisbon, and yet our envoy signed the Vienna Protocol! He might perhaps have thought, at the moment, that the line of succession was not legally interrupted and that the reversionary rights to the throne had not devolved to another, till Dom Pedro's declaration to abandon Portugal was more formally made known; but how could he imagine that an act of abdication, coupled with an unnatural marriage, would meet the remaining difficulty? We were in the dark, and completely so too, I can only answer, Sir James; and having once made a false step, all our subsequent errors necessarily became aggravated. Fortunately, they are not beyond a remedy. The experience of every day enables us to form more correct notions on the Affairs of Portugal. We begin to discover that, instead of shackling ourselves with the peculiar policy, or the private views of any of our Allies, the two great points which we have to look to, are, the laws of the country and the will of the people, of which, till lately, we have not been made sensible. Hence, notwithstanding the virulence of party-clamour, whether in Parliament, or excited by the public press, it is to be hoped that the British government is independent and enlightened enough to become reconciled to a deed, sanctioned by the laws; ratified by the Legislature, and applauded by the people; a deed, in short, from which the State can reap no other than the fruits of security and peace, and foreign governments receive a guarantee to their existing treaties and engagements.

There is one great topic yet unnoticed on which you, Sir James, as well as the whole army of Dom

Pedro's partisans, lay unusual stress, and from it draw peremptory conclusions. It is the great and towering argument of all the controversial pamphlets on the subject which have fallen into my hands, and constitutes the basis of the Marquess de Palmella's complaints, as well as of the Marquess de Barbacena's plea for our effective succour; besides being an endless theme of reproach. I am therefore bound to revert to it, and shall avail myself of this opportunity, to review the Vienna proceedings. You argue, Sir James, "that Dom Miguel barred the rights which he afterwards usurped, by taking solemn oaths, and by promises not inferior to oaths, with men of conscience," &c. The last time I had occasion to speak of the Prince, personally, I left him in the Austrian capital, where he had arrived in the character of a State-prisoner, and was confided to the safe keeping of the ministers of the Emperor Francis. The chains which he was obliged to wear, were not, perhaps visible, and the restraints imposed upon him, he was told, were all intended for his own good; nevertheless, he was still in a species of honourable confinement, although he partook of all the hospitalities of the Imperial palace. He was even debarred from writing a letter to his own relatives and friends, in Portugal; nor was he allowed to have the services of a single attendant, unless chosen by his guardians. I cannot myself forget that, in the month of September, 1826, a Portuguese officer, well known to some of our Generals who served in the Peninsula, called upon me, and, after some preliminary explanations, told me that he was a particular friend and confident of the Prince, and ex-

hibited to me proofs of his being such ; assuring me, at the same time, that he had most urgent and important matters to communicate to him. He then disanted, at some length, on the unjust severity of the Prince's confinement, and plainly told me that no communication, addressed to him from Portugal, had ever reached him ; nor had any of the letters which, it was ascertained, he himself had written to his connections, been forwarded to their destination. The officer then told me that he had formed the project of going in person to Vienna, to confer with the Prince ; but as he knew that he would be unable to penetrate to the Austrian capital, without a British passport, he came to me to consult as to the means by which he could obtain one, as a domiciliated resident of Gibraltar and speaking English well, whatever was the sacrifice of money ; a matter which, he assured me, was not difficult. Of course, I declined giving an opinion on the main object, or becoming the instrument of a fraud ; but, I can never forget it, from the inquiries which I then made, I became convinced that Dom Miguel was treated at Vienna with unwarrantable harshness and injustice.

In the interval, however, the affairs of Portugal went on and daily became more involved. It was soon discovered that the Princess Isabel, acting as Regent, plunged the country into fresh difficulties, having made herself the tool of insidious and designing men. It was then that Dom Pedro bethought himself of his brother, in Vienna, whom, in the opinion of King John VI., and under impressions excited by the Prince's personal enemies, he himself

had sought to defame. Then it was, that he endeavoured to avail himself of his brother's services, and actually sought to make him the instrument of his own ambitious plans. Then, it was, that the Emperor of Brazil, in his assumed character of King of Portugal, issued the following decree, addressed to his brother, the Infante Dom Miguel, and dated Rio de Janeiro, July 3, 1827.

“ 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 the Algarves, belong to me, and which are marked out in the Constitutional Charter, in order that he may govern and rule over the same 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."

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."

Signed, PEDRO.

And, as it were, in the very same breath, 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 King-

dom 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.

The whole plan being thus arranged, minister Metternich writes Prince Esterhazy in England, under date of October 1, 1827, that the Count de Villa Real had arrived, and rejoices at the “entire assent which that ambassador (a Portuguese one) had given to *our* preparatory steps, on all the questions relative to the present and future position of the Infant Dom Miguel.” The Austrian functionary then says that he next endeavoured to “engage the Infant to let him know, as soon as possible, his intentions relative to his departure; to his voyage, and to the line of conduct which he intended to adopt, on his arrival in Portugal.” The latter was doubtless the most material secret in which the minister of His Imperial and Royal Apostolic Majesty was in search of, having, by this time, began to feel something like qualms of conscience; and, in adopting this step, he did not hesitate to acknowledge the full effect of the formal demand, made by the Brazilian Emperor, “for the effectual cooperation of Austria, with a view to engage the Infant

to submit, with entire deference, to his brother." The Prince was then told that he could choose his own route, in order to return to Portugal, except through Spain, where, it must not be forgotten, his own sister was residing ; but that, to embark by the way of Leghorn, he was cautioned, would be tedious and difficult. The Prince now, for the first time, saw that he was allowed to have something like a will of his own, although he was struck with the restraints still imposed upon his actions, and the snares set to entrap him. No other alternative however remained than to temporize, and this line of conduct he was induced to adopt, as the only means left to regain his freedom. In the course of these preliminary negotiations, Prince Metternich very openly acknowledged that two important facts were elicited regarding Dom Miguel's intentions, which had all the weight of two positive determinations, viz. "that of embarking in no other than a Portuguese vessel, and of not landing between Austria and Portugal ;" the Prince adding "that by giving his consent to embark on board a foreign ship, he should outrage the national opinion and wound, in a sensible degree, the national feeling," &c.

Here the young captive had an opportunity of shewing something like character, as well as an acquaintance with the state of feeling and prejudices of his countrymen ; and certainly if the statesmen, then assembled at Vienna, and legislating for the future destinies of Portugal, had only taken the hint and trusted to Dom Miguel's instinct and superior judgment, they would have spared themselves the trouble of conferences and

Protocols; and also escaped the obloquy which fell upon them, when the Portuguese people, the principal party concerned in the whole scheme, came to sit in judgment upon their officious acts. The question of delays which might arise in the several routes, particularly that by the way of Leghorn, were next discussed, when the Emperor of Austria, expressing himself "sincerely interested for the Infant," distinctly declared that "so great a delay, (meaning through Leghorn) by prolonging uncertainty in Portugal, would infallibly endanger the internal tranquillity of that kingdom, and perhaps even the political existence of His Highness, who could not postpone, without injury, his arrival at Lisbon," &c. Thus, all at once, the Infante Dom Miguel, in the opinion of his rival, his enemies and his keepers, had become an important personage in the affairs of Portugal, and, no doubt, felt the full effects of so sudden a transition.

All these preliminary discussions took place without the knowledge and concurrence of the British Ambassador, who, as soon as the difficulty above mentioned occurred, was invited to take part in the conferences. At Vienna, however, some question as to the Prince's reversionary claims must have arisen, as, in the Protocol of the 20th October, 1827, it is recorded as having been "also observed that the letter of the Infant to the Emperor Dom Pedro, did not contain any reservation of his personal rights; but that, at London, such a reservation was considered desirable; when Prince Metternich replied that the Infante, having already explicitly reserved all his rights, in the letter which he had written to

the Emperor, Dom Pedro, his brother, in sending to him his oath to the Charter, a second reservation would at present be superfluous," &c. Whatever, therefore, were the stipulations to which the Prince was then called upon to assent, if they were opposed to his own personal rights, the Constitutional laws of his country, and extorted from him whilst under restraint; nay, if even those same oaths were accompanied by written pledges, they were no longer binding upon him, from the moment he was made acquainted with the real state of things in Portugal; or was released from his obligation by the unanimous voice of the people. The oath to the Charter, tendered to him, and his consent to the marriage proposed, in fact, amounted to a passport to quit Vienna; for, beyond doubt, so well disposed was the Austrian Cabinet to follow the injunctions of Dom Pedro and "engage the Infante to submit with entire deference to his orders" that, had he refused, his detention would in that case have been prolonged. When the difficulty arose respecting the plan of embarkation, notwithstanding the Emperor Francis was so anxious for his arrival in Portugal, and expressed a dread of even the smallest delay, the Prince was given to understand that, if he did not wave his objections, the matter must be referred to Rio de Janeiro, which was the same thing as to say, that he would be detained seven or eight months longer.

Where, Sir James, in the course of your reading, did you ever hear of a Prince, entitled to a throne and the allegiance of an independent nation, and whilst under restraint in a distant and foreign land, having oaths and conditions imposed upon him, like

a prisoner of war about to be liberated on his parole? Is this consistent with your ideas of the laws of nations, Sir James? But, if these oaths and pledges were binding on the Prince, were they equally so on the Portuguese people; and, you must not forget, Sir James, that it was they who placed the late bondsman on their throne! I am no lawyer, Sir James, but I never yet heard of a false oath, or an extorted one, being held binding; nor did I ever know of the signature to a bill, obtained either by force, or fraud, being deemed recoverable. You may have some new theory upon this subject, also, for this is the age of speculation; but, before you denounce a man as a "perjurer," in common charity, you ought to examine the nature of the oath which you allege he has broken, and the peculiar circumstances under which it was obtained from him. This charge of yours, Sir James, from which you endeavoured to draw the very strongest inductions, puts me in mind of what was thought and said of the Duke de Braganza, when the Portuguese were yet uncertain whether he would place himself at their head, to assert their independence. This is particularly alluded to in the Manifesto of 1641, my great favourite, to which again I beg to call your particular attention. For the sake of convenience, I shall here quote the passage alluded to. "They also said that the Duke was secured, by having taken the oath of allegiance to Philip, as his sovereign. This, however, was not a sufficient reason, it might have been answered, because how can it be credited that a Prince, holding rights such as those above described, should have had the intention of taking an oath of

allegiance to another sovereign, who was totally divested of them! This, most assuredly was the case, for the Duke, by commands of His Serene Father, pronounced the words with his mouth, but, in his own breast, protested that he was taking no such oath, and even before they did it, both of them recorded a solemn protest, in writing, invoking, as witnesses, many saints, of their own particular devotion." Now, Sir James, do you know whether the Prince made a protest, and whether it was witnessed by saints, or sinners? This point I never could ascertain myself, although I think it a very immaterial circumstance, for having made an explicit and candid reservation of his rights, he was doubtless authorized to assert them, whenever he became convinced of their existence and a fair opportunity offered.\*

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\* In the pamphlet entitled "The True Interests of the European Powers," the following remarks upon this subject are found.

"Neither does the oath taken to Dom Pedro's Charter possess any one of the three qualities above pointed out. It was not spontaneous, because Dom Miguel was well aware that those very enemies who had persuaded the king, his father, to remove him from Portugal, incessantly laboured to promote his total ruin, by every means in their power, and more especially to strip him of his eventual rights to the Crown. I do not think I am mistaken, when I advance that the Vienna Cabinet received, through various channels, information of the base manœuvres and wicked designs of the faction, opposed to Dom Miguel. The Prince himself was not ignorant that whilst the intrigue, played off in the attempt to establish the Charter of Dom Pedro, as well as the decree of the latter, announcing his abdication, imposed on him the double restraint of taking the oath thereto, and of agreeing to a compulsory and tardy marriage, besides exposing the nation to a long minority, accompanied by a protracted incertitude with regard to the succession to the throne; he was not ignorant, I repeat, that all these plots and manœuvres

There is only one topic more found in your speech,

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vres of the restless faction had for their object to deprive him of his eventual rights, and even of his liberty, since they had gone so far as to labour to deprive him of the paternal protection of H. M. the Emperor of Austria, by endeavouring to have him conveyed over to Rio de Janeiro, for which purpose they caused the man of war *João Sexto*, to be sent to Brest for his reception. Amidst so many awful and conflicting circumstances, and the Infante being besides well aware that he would not be allowed to return to Lisbon, as the nation wished, no other alternative was left than to take the oath, as a means of regaining his personal freedom, and breaking the toils and trammels by which he was encompassed. But, can a compulsory act, of this kind, be construed into a spontaneous effusion of his own breast?

“The oath thus taken to Dom Pedro’s Charter, besides not being spontaneous, was in itself actually illegal; in the first place, because it was opposed to those very same fundamental laws of the monarchy which Dom Miguel himself had sworn to observe; and, in the second, because the Charter had been imposed upon the nation by a sovereign who had voluntarily thrown off his first allegiance, and rendered himself a foreigner by an optional act of his own, and especially by the oath which he took to the Brazilian Constitution; a circumstance sufficient of itself to transform him into a foreigner, and from that moment disabled him, pursuant to the fundamental laws of the Portuguese Monarchy, from ever ascending the throne, being thereby precluded from exercising any act of sovereignty in the kingdom which he had thus surrendered up, and where those laws continued to hold sway, until he had taken the oath prescribed to uphold and maintain those very same fundamental laws which, by his Charter, he actually sought to overturn.

“The preceding exposition distinctly shews that, out of the several oaths which Dom Miguel was called upon to take, the first is the only one that wears the character of legality and validity—the others being both compulsory and contrary to law. They were, in fact, invalidated by the provisions of the first. This scandalous multiplicity of oaths, so contradictory in themselves, may be considered as a necessary consequence of revolutionary movements. The Emperor Dom Pedro himself was also compelled to subscribe to different oaths. He first took the oath of homage and allegiance, pledging to observe and keep the fundamental laws of Portugal, at the coronation of his father, King John VI. Afterwards, he made oath to the Bases of the Constitution which the

Sir James, to which I feel inclined to advert; all the rest having been so completely and ably answered by the minister who took upon himself that charge. As far as I can judge from your remarks on the events which happened in the island of Terceira, I fear that, upon this subject also, you have been greatly misled. You say that "the Island, which was occupied, only for a moment, by the partisans of Dom Miguel, in the month of June, proclaimed Dom Pedro and regularly acceded to the Constitution." You then assert that "an insurrection was excited in December by some priests; but order was soon restored, and the legal authorities proclaimed Donna Maria II. on the 4th of December. I will not say," do you add, "that there might not be a guerrilla, or two, or a few banditti, in the mountains; but nothing that could be called a resistance to her authority." Such is your description of the transition which placed the Island of Terceira under the authority of Donna Maria. It is really astonishing, Sir James, that on the 1st of June, in this year, and after a three months preparation, you should have known so little of the occurrences which had happened in Terceira, when so many of its natives were at the time, and previously had been, in London! When I was in doubt upon this subject, I found some of the best sources of information open to me, and, in the preceding month of April, published the result of my inquiries, in the shape of a

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revolutionary Cortes of Portugal were to frame; and subsequently he took oaths to two different Constitutions intended for the empire of Brazil."

“Narrative,” and if you had caught sight of the pages of that pamphlet, you would have discovered that the moment the islanders learnt what was passing in Portugal, they enthusiastically proclaimed Dom Miguel. All the suitable ceremonies, for the occasion, took place on the 17th and 18th of May. A band of agitators, however, subsequently planned a counter-revolution, and prevailed on the only body of troops in the island, to join them. On the 21st, they sallied forth from their quarters, seized the governor and sent him and the leading inhabitants prisoners to the castle. Several unsuccessful attempts were successively made to break the yoke of a licentious soldiery, for in fact their will was law; but, having possession of the fortifications, arms and resources of the island, which they wrung from the inhabitants, they and their party were enabled to retain their power. It would be tedious to enter into the details of the horrors which accompanied this conflict between the islanders and the soldiery; but, Sir James, if you want to see a picture of real persecutions, acts of oppression, as well as wanton destruction and conflagrations—read the “Narrative.” At the present moment, the whole Terceira government, of which you boast, is no other than a military force, posted on a commanding position, furnished with all the elements of war, and over-awing the disarmed inhabitants, which force it was wished to strengthen by adding to it the Plymouth depôt.

Before I close the few remaining pages of my Letter, I would gladly offer some remarks on the “Communications with the Marquess de Barbacena, respecting his demand for assistance from Great

Britain, in support of the rights of Donna Maria II.; those with the Marquess de Barbacena and the Marquess de Palmella, relative to certain Portuguese troops landed in Great Britain from Portugal, and the Instructions to Captain Walpole of H. M. S. Ranger, together with his Report respecting the interruption of the landing of certain Portuguese Troops in the Island of Terceira," but the undertaking would carry me too far, and the answers given by our respective ministers to the applications of the several party-coloured Plenipotentiaries, acting in the Lusitano-Brazilian cause, were besides so prompt, frank, energetic, conclusive and really English, that nothing remains for me than to reprint the series of the Correspondence, in my Appendix, as an illustration to a topic which I undertook to discuss, before I was even aware of their existence. I cannot, however, refrain from remarking that the whole of these applications for aid, &c. smell strongly of the Palmella school, and forcibly remind me of that memorable letter which His ex-Excellency wrote to Mr. Canning, under date of the 7th of December, 1825, conformably to instructions from the minister of King John VI., savouring strongly of a kind of after-thought, (and to which letter I never could discover that any answer was given, at least none has been published, and it would seem that His ex-Excellency has withheld nothing that favoured his own interests and views) for the purpose of obtaining a guarantee from the British government, in order to secure to Dom Pedro the succession to the Crown of Portugal, alleging that this is implied, for the writer himself

acknowledges it is not expressed, by the Treaty of Separation. I have already touched upon this subject, at some length, and this will save me the trouble of a repetition. This letter, however, which has since acquired the importance of a State-paper, although it is not inserted among those submitted to Parliament, is nevertheless of so extraordinary a nature; is marked by so novel a mode of reasoning; is so unique in its kind, and was besides the first attempt made to delude our government on a subject which, at the moment, evidently, they were not prepared to discuss, that I feel the more inclined to trespass on your patience, a few moments longer, Sir James; because I very seriously apprehend, if I can judge from the bearings of some of your arguments and the conclusions which you are anxious to draw from them, that this very letter, or the authority of the writer, must have also misled you.

I have already conveyed the terms of the Treaty of Separation, and very distinctly shewn that it does not, in the most remote degree, allude to the contingent Succession of Portugal. The subtle Marquess, well aware of the religious observance given to treaties and conventions, in this country, however, endeavoured to make the one, to which we had been a party and negotiated for the express purpose of disuniting the Crowns of Portugal and Brazil, for ever, a means of uniting both on the head of his patron, the Emperor of Brazil. I do not say that in all this the experienced and ready diplomatist was guided by any personal feeling of enmity, or predeliction; or, for a moment, lost sight of those true and enlarged views which ought to accompany

the interpretation of a Treaty, in which so many interests are implicated ; but it must at the time have struck the stirring “ minister of His Most Faithful Majesty,” that if Dom Pedro, or his issue, did not reign in Portugal, he would have to reside in Piedmont. The case was therefore pressing and worth an experiment. Dom Pedro was seated on the other side of the Atlantic, and although a pretty good watch was kept at Vienna, it was very well known, from the nature of the communications carefully transmitted to King John VI, a little before his death, that the Emperor Francis began to be very much tired of his charge, if not ashamed of the disagreeable office imposed upon him. Not a single moment was therefore to be lost, and if the British government could only be entrapped and caught ; if a guarantee, pledge, or promise, could only be obtained, eventual success would not fail to crown the attempt.

The Marquess, after alluding to the part he had taken in the fulfilment of the Treaty, thus addresses the British Minister. “ It is unquestionable that the silence observed in the Treaty of the 29th of August, respecting the succession to the Crown of Portugal, cannot, in any way, impair the right which H. M. the Emperor of Brazil derives from his birth and the inheritance of his august Father ; but, it is equally clear that, owing to the distance at which he is placed from Portugal, the delay of his accession to the throne may become a period of difficulties and disturbances to the Portuguese Nation, which the paternal solicitude of H. M. would gladly avert, at any sacrifice.”

“The undersigned abstains from pointing out to the enlightened minister of H. B. M. some of the considerations of State which, in his mode of viewing the affair, completely bind the interests of England to the conservation of the two Crowns of Portugal and Brazil, in the same line of the Royal House of Braganza; such considerations being so obvious that it is not necessary here to repeat them; but, he hopes he may be allowed to observe to his Excellency, Mr. Canning, that besides the motives suggested by political interests, there are others, identified with good faith and with the point of honour, of which, most assuredly, the cabinet of London cannot lose sight, when it becomes necessary to take the last step, indispensable for the completion of a negotiation, concluded conformably to its wishes and under its auspices, and which, without this necessary step, far from conducing to the object proposed, of reestablishing peace between the two parts of the ancient Portuguese Monarchy, would leave the intentions of the venerable sovereign who lent himself to the councils of his old and powerful ally, in a state of perplexity, and, after his death, threaten Portugal with dissensions, the result of which it would not be easy to foresee.” &c.

The Marquess' great object evidently was, that the laws, in Portugal, should not take their course, and this could only be done by a declaration, or formal act of interference on the part of the British government in favour of Dom Pedro; but, how the anxious diplomatist could find grounds for so extraordinary a demand as this in the Treaty of Separation, it would be difficult to say; nor would it be

an easy matter to guess what "those considerations of State are, which bind the interests of England to the conservation of the Portuguese and Brazilian Crowns in the same line of the Royal House of Braganza," when it is a clear and palpable fact that such a measure, even were it founded on justice, would be the inevitable and permanent cause of broils and feuds, which, of all things, it must be our earnest wish to avoid. The mode of reasoning, adopted by the applicant, very strongly puts me in mind of the one subsequently pursued by his colleague, the Marquess de Barbacena, in his long and elaborate despatch of the 23rd of November, (1828) so ably answered by the Earl of Aberdeen, when Donna Maria's guardian formally solicited British aid and succours, in order to place his mistress on the throne of Portugal; availing himself, among other imaginary pleas, of the clause in the Convention of 1807, in which we engaged "never to acknowledge, as King of Portugal, any Prince other than the Heir and legitimate Representative of the Royal Family of Braganza," which His Brazilian Excellency declares pointedly "applies to the present case." This Convention, it is well known, was negotiated for a special purpose, and with a view to guard against Buonaparte's usurpation; but, even if it did apply to the present case, we must first ascertain what constitutes the "Heir and Representative of the Braganza Family," and if we refer to the laws of Portugal, the only mode of deciding this question, clearly they will not give the award either in favour of Dom Pedro, or his daughter. It is, however, a still more curious feature in this des-

patch, to see the Marquess de Barbacena asserting "that he was provided with the necessary instructions and full powers for concluding a Convention, in which the succours to be furnished by His Majesty, the Emperor of Brazil, and His Britannic Majesty, might be formally specified." How could a Brazilian functionary, in the face of the laws of his own country, and well-knowing that the Brazilian Legislature, without whose concurrence and sanction, no "full powers" could be granted for any such purpose, was, from the very commencement, determined not to interfere in the affairs of Portugal, make such a proposal as this? Under a despotic government, the master of the State declares war and then calls upon the people for the means to carry it on; but, is this the case in Brazil, where the Emperor is unceasingly boasting of his appointment and powers being purely Constitutional? He might possibly, in his seven days character of King of Portugal, have given powers and instructions for the purpose so mentioned; or, Donna Maria might have signed them in London; but, is this sufficient to call forth a contingent of Brazilian troops and ships, and it is presumable that the Brazilian envoy had no other force in view? Yet, up to the 16th of last May, that is, when an Address of the Brazilian Chamber of Deputies was presented to the Emperor, we hear of no disposition to interfere in the affairs of Portugal; on the contrary, the Deputation told His Imperial Majesty "that they applauded the wisdom with which he had been able to reconcile the rights of a father with the policy of the monarch, by maintaining the claims of the Queen

Regnant of Portugal, without hazarding the fate of the Empire."

Nothing can be more singular than the whole conduct of the Lusitano-Brazilian agents who, in Europe, have figured in the Affairs of Portugal; nothing more quirking and quibbling than the contents of the State-papers which, for the edification of the public, they have emitted from their conclaves; all seemingly written by the same hand. The Marquess de Rezende withheld his signature, at Vienna, from the Protocol of October 30, 1827, "because," as he alleged, "he was not authorized to take part in the Affairs of Portugal;" yet, on the 8th of August, 1828, he publishes a "Protest," jointly with his colleague and fellow-labourer, the Viscount d'Itabayana, calling themselves "the Plenipotentiaries of H. M. the Emperor of Brazil, against the usurpation which had recently been made of his Crown and Kingdom of Portugal," in which they recapitulate all the idle stories, already circulated in the several pamphlets got up for the occasion, without adding a single new, or original idea, and never once glance at the main difficulty to be overcome. It would really seem that these newly-fledged diplomatists thought we were obliged to believe them, on their bare words, from the moment their signatures were affixed to a paper, according to their several new denominations. One acts by the powers received from the "little Queen," and another by virtue of those bestowed upon him by the Emperor, notwithstanding his abdication. One pays the Portuguese refugees, and another commands them—one indites, and another signs. Any thing to make a stir and

entrap ; or catch the British government unawares. They saw that they could not conquer their enemy, in the field ; they therefore adopted the expedient of overreaching him, in the cabinet. Like the Spartans of old, they valued the achievements of counsels, more than those of strength ;\* and hoped to ensure their success by the number and length of the State-papers produced ; the benefits of several of which would most likely have been lost to the world, Sir James, if your efforts had not brought them to light. These precious productions, in fact, constitute a new æra in civil diplomacy ; although they do not exhibit much of what may be called the geometry of negotiation. They will however always be consulted as the most instructive specimen of what the ancients termed the *dolus malus*, the usual expedient of weak and cavillous minds. The writers seem to have been above that conciseness and perspicuous simplicity which characterize the expositions of a sound statesman ; and, as if wishing to entangle and confuse, they clothe their subject, however trivial, in all the pomp of expression, merely to divert attention from matters of more importance ; and seek to startle us by an appalling array of quotations, or beat us down with their powerful interpretations of national honour.†

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\* Plutarch records that the Spartan Generals, on gaining a victory, were allowed to sacrifice a cock ; but, on negotiating a successful Treaty their oblation was an ox.

† On this subject, the John Bull of Sunday, June 28, makes the following remarks.

“ The daily papers are publishing, in detail, the papers laid on the table of the House of Lords, relative to the conduct of our Government

From the purport of a letter, published in the Times on the 27th of the current July, signed a "Portuguese Emigrant," and which appears to be a continuation to a series of others preceding it, it would seem that the partisans of the Charter, I ought perhaps rather to have said, of "Queen Donna Maria II," since the Charter has now become a dead letter, have determined to alter their plans of attack, and instead of wielding a moral power and soliciting foreign aid, as if tired of State-papers and newspaper warfare, intend to adopt a more expeditious and imposing course, declaring that it is "their wish now to measure swords with the Miguelites, if England will only stand aloof, cease her negotiations, ungenerously undertaken and cruelly protracted, with the head of the House of Braganza," &c. If this is really their feeling, would it not have been much better to have tried the experi-

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with respect to Portugal; if we could spare room, we should most gladly do the same, for we never yet saw a Parliamentary explanation of a line of policy half so satisfactory, nor any thing yet given to the world half so decisive as to the clearness, quickness, readiness and firmness of our Premier, as are developed in this one brief collection."

"The hopeless, helpless, figure which M. de Palmella cuts, is perhaps little worse than that in which M. Barbaena shines; the bluster, the shuffle, the quirk, the quibble, the whole of the frothy fabric of their jesuitical diplomacy, is overthrown by the Duke of Wellington, with one manly paragraph of honest reason and English strait-forwardness; and, it is observable, in the course of this correspondence, that two of the most powerful letters ever written, not by the Duke only but by any man who ever lived, are written, one from the Duke of Richmond's, at Goodwood, and the other from Lord Westmorland's, at Apethorpe, where his Grace was shooting—without documents to refer to, without secretaries to catch ideas, or clerks to write them down."

ment, when they had some footing in their own country; either on the banks of the Vouga, or, after their arrival at Oporto, when the waters of the Douro were still flowing between them and their pursuers; instead of ignominiously throwing down their arms in Spain, and then travelling about Europe in search of fresh supplies! If their cause had been worth fighting for, was not Oporto the place to make a stand, when they were collected, armed, and in an efficient state? Does not a threat of this kind come rather late, even if the plans proposed were directed and supported by Colonel Pizarro's Regency, and even although M. Hyde de Neuville could obtain permission for it to be established in Paris, and an extensive system of privateering besides organized? Are not dreams of this kind equally as visionary as those of the Marquess de Barbacena, when he made a formal demand to the British government for effectual aid to place his mistress on the throne of Portugal?\*

As far as regards the interference of which they complain, when they upbraid our ministers "for ungenerously undertaking

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\* As a specimen of those lofty flights which the Portuguese zealots sometimes take, when fired with the ardour of their cause, the following may serve. Serpa Pinto, one of the last, if I remember well, who raised the standard of the Charter in the Northern provinces, during the reign of the first Constitution, was a member of the Lisbon Cortes, at the time when the Congress of Verona determined to interfere in the affairs of Spain. He made a long and flaming speech, on the occasion, with a most powerful appeal, stating, that the Portuguese ought immediately to proceed to Verona, disperse the Congress, destroy the town and punish the coalesced sovereigns. The *Trombeta*, jocosely said, yes—it ought certainly to be done, and, in the centre of the ruined city, a column erected, with this inscription upon it; *Aqui develó Serpa Pinto o despotismo.*

and cruelly protracting negotiations with the head of the Braganza Family," their Statesmen tell us that Dom Pedro's benign intentions towards Portugal form part of the Treaty of Separation, to which we were a party; and if any subsequent negotiations, arising out of it, could only tend to further their own interests, there would have been no complaint of their being either undertaken, or protracted. If they could have obtained, in the cabinet, what they tell us they are now determined to fight for, in the field, there would have been no reproaches for our choice of envoy, and Lord Strangford then would have been praised as a greater hero than even yourself, Sir James, or my Lord Palmerston.

As part of the new plan, appeals, of the most forcible and impressive kind, are making, with a view to interest the feelings of the British public on behalf of the "Queen," now that the government declines interfering;\* but, would not these appeals be better addressed to the Brazilians, who, one would think, had a more immediate interest in the affair; or, to the Emperor of Austria? His Royal and Imperial Majesty, as a good and thrifty grandfather, is in-

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\* "It is not in behalf of a few obscure, and much less guilty individuals, that I solicit your attention, your sensibility, and the exercise of your talents; it is in behalf of the rights, innocent age, and accomplishments of the youthful Queen of Portugal, who, from the unfortunate circumstance of meeting, at the very dawn of life, with misfortune, injustice, and persecution, (from which her tender years naturally entitled her to exemption) and from the fact of seeking an asylum in this generous country, must surely have endeared herself to every true British heart: nor must it be forgotten, that from her cause are necessarily inseparable the *c'élite* of the Portuguese nation." Letter No. 1 addressed to the Editor of the Times.

terested in the well-being of his offspring, and is long known to have had an eye on the throne of Portugal for one of his own blood-royal. When the marriage of his daughter with Dom Pedro was negotiated, another alliance between the two families was also projected and formally stipulated; one condition of which, was, that no dowry should be given at the first nuptials, on the special understanding that, when the second took place, none also would be required. The second part of the bargain was never completed, and the Independence of Brazil foiled all the good parent's hopes. Fortunately, in the course of time, an unexpected expedient occurred, and His Royal and Imperial Majesty determined not to lose the advantage of it. It was he who proposed Dom Miguel, as Regent, and wrote so favourable a report of him to his brother. It was he who planned the marriage and conducted the whole of the preliminary negotiations at Vienna, as the Protocols themselves shew. It was he, in short, who required oaths from Dom Miguel, and imposed upon him every possible restriction that could prevent him from owing his accession to any other title than his marriage; for, if it had been discovered that he had any reversionary rights of his own, the considerate monarch saw that, from that moment, his favourite alliance would be endangered. These were all views and calculations of the Emperor Francis and his minister, in which they were personally concerned. His Imperial Majesty and Prince Metternich cared nothing about the Charter, and gladly would have prevented its promulgation, if it had been in their power. The marriage was

the main point, inconsistent and unnatural as it was, besides being within a degree, prohibited by all laws, human and divine; and it is more than probable that if the events which subsequently happened, in Portugal, had not rendered it evident that the alliance could not stand, Austria would not have withdrawn her minister from Lisbon; nor would the other Powers have blindly followed her example. In all these transactions, however, the British government had little else than a passive voice. It is, therefore, to Austria that the principal appeal ought now to be made.

I have, however, trespassed far beyond the limits which I proposed to myself in the present Letter. It would be out of my power, Sir, James, to follow you, *seriatim*, through your long and laboured impeachment of Dom Miguel's character, the whole tenour of which, I again assure you, refers more to the acts of the nation; or the proceedings of courts of justice, than the individual whom you have chosen to assail from your place in Parliament; but, I think that I have, by this time, supplied sufficient materials, in the sound and impartial mind of any man, to destroy the superstructure which you had raised upon a baseless foundation, and defeat slender inductions, drawn from distorted facts, or gross misconceptions. I have followed you as closely as I could; but, assertions, so vaguely made, are scarcely susceptible of a direct refutation; for, not resting on facts, and being built up only on wild and visionary speculations; assumed and gratuitous rules; or new systems and theories, only half developed, it is difficult to grapple with them, in a substantial shape. During the pro-

gress of my undertaking, I have, however seen, with the deepest regret, that your bias was so strong; or your deference so great for the opinions of others, who, from the high station which they once held, perhaps might be considered capable of giving you sound information, that you did not act with all the circumspection the case required, and hence were you led into inconsistencies and errors. Believe me, Sir James, political zealots are the most dangerous class of sectarians we have among us, and one would have thought that your own late experience on another foreign topic, would have convinced you of this fact, as well as put you on your guard. Those channels must always be very imperfect through which it is attempted to convey information relative to what is passing in distant countries, unless the evidence of witnesses of unquestioned competency and unimpeached veracity is sought out, and unless we reason coolly from real facts and those analogies in which history abounds. A mixture of philanthropy and morals with politics, when treating matters of fact, is besides dangerous. Philosophers who speculate on the civil condition and political sentiments of a foreign nation, without going out of the precincts of their own closet, or trust to hearsay, are sure to delude themselves and mislead others.

Your long promised motion on Portuguese Affairs, to your countrymen, was a subject of anxious solicitude, and, in order to acquit yourself of so important a task, fairly and honestly, you were bound to weigh, compare and sift the conflicting testimonies of so many persons who have expressed opinions on the same subject. Yes, Sir James, it

was your duty to examine both sides of the question and listen to both parties, before you attempted to illustrate and enlighten our foreign relations regarding a matter of such moment. From such a process, as this, you might have drawn inferences, consistent with probability and reason; but, as it is, you have bewildered yourself and misled both your own countrymen and your Portuguese friends, by exhibiting false statements to the first as well as by exciting in their breasts unjust odiums; and by holding out to the others delusive hopes and encouraging their visionary schemes. If there was any thing really pained me, through the course of the present inquiry, I repeat, it was to see you recline, with so much confidence on authorities so weak and slippery as those of which you evidently availed yourself. In references to the habits and moral condition of a foreign people, particularly on an occasion so solemn as a discussion in the British House of Commons, the utmost caution ought to be observed, as the consequences may be serious. Yours was an inditement against the whole Portuguese nation, interwoven with a charge against its sovereign. It was a portraiture of vices and crimes which you drew from the portfolio of a ranting zealot; it was an attempt to construct new theories and propound opinions, obtained through the dangerous medium of a disappointed partisan; yet, there was no necessity to recede so far from the truth! Why did you allow your feelings to get the upper hand of your judgment? I candidly confess, Sir James, that I was astonished at your rashness. Yours were not merely speculative errors; but, rather, unfounded

charges and personalities, affecting the character of a nation and the honour of its sovereign, inflaming at the same time, the minds of a people among whom our countrymen reside and carry on the pursuits of trade. If what you venture to say, were true, or even believed, the traveller going to Portugal, would start with disgust. If you represent to his imagination the people of that country as being a populace, intoxicated with fanatical rage and fired with the hopes of plunder; if you give him to understand that in Portugal those inhuman maxims prevail, which have so often converted the preceptors of religion into the worst of the human race; if you seek to banish confidence and rouse indignation; and if you represent the sovereign of that country, with which we have so long lived in peace and amity, as a Nero, or a Caligula; if you describe him as a man, endued with none of those feelings and entitled to none of those rights, which even the most abandoned may claim as their legitimate birthright, how can you expect that your trembling countryman will class with those whom he has been taught to despise; or feel comfortable under the government of one whom he has been told to fear and abhor? Were all you say, true, Sir James, we must place the Portuguese at the very lowest point of civilization; fortunately, however, accusations so peremptorily preferred and conclusions drawn from the wide basis on which you reason, would not long stand the test of investigation; and hence, may it very safely be concluded that, although such inconsiderate conduct on your part may do a temporary injury; may inflame party-feelings, and cause some victims, yours is not the

sentence which the impartial voice of history will pass on either the Portuguese nation, or its Sovereign. Attempts to bring forward charges, in order to brand a whole national character, (and I again assert that of the King and the nation are inseparable) will be scrutinized, and the inevitable consequence must be, that your sweeping accusations will be viewed as the sporting paradoxes of an inflamed and erring mind, and unsusceptible of any legitimate inference.

Yes, Sir James, I do again assure you, that I am astonished at your permitting yourself to be led into so many absurdities and incongruities. Whilst you reproach the Portuguese for their tame submission to what you call *miserics and wrongs*, they rejoice at what they have done and exult at the prospect before them. Whilst you rail at calamities by which you suppose they are visited; they would tell you that they are glad in having escaped from becoming a Colony, under circumstances the most degrading, and in having constituted themselves according to the received usages and existing opinions of their country. The Portuguese people, in their late resolves, did not act from the impulse of the moment. They are men, forming a social community, and have been guided by the circumstances in which they were placed. When first assailed, they acted on the principle of self-preservation, the strongest by which a people can possibly be roused; and independent of the sanction of their laws, their national prejudices alone would now make them stand by what they subsequently did. Every succeeding event—all the disclosures of Dom Pedro's real views, as well as

the acts of his agents, have since convinced them that they were right; and if they wanted corroborative evidence of the goodness of their determination, they would find it in the very version prepared for them of yours and my Lord Palmerston's speech. If any thing, foreign, could rouse and unite them, it is the revolting picture, sketched in each. It seems, indeed, a kind of fashion for grave personages occasionally to indulge in outrageous and wanton accusations against others. An Historian, who has, at least, redeemed his pledge to the public,\* whilst allowing that the Dutch resorted to the most cruel tortures, in order to extort evidence from accused persons respecting pretended conspiracies, asserts, "that the East India Company also, at this very time, were in the habit of perpetrating tortures upon their countrymen, and even their own servants; of torturing to death by whips and famine." Such was the calumny gravely put forward by the Company's own Historian, on the authority of an interloper in a trade, covered by a privilege! And can your authority, Sir James, be considered more substantial? Were you furnished with better data?

I have all along argued that the nation and its sovereign were inseparable, as regards the great and important changes which have recently occurred, in Portugal. It has, however, been pretended, and this seems to be your impression, also, Sir James, that the Nobility and influential classes were opposed to Dom Miguel, and that he was supported only by the *canaille*; the persons of most weight

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\* Mills' History of British India.

and dignity having quitted the country. This point, therefore, requires some consideration. As far as I have been able to ascertain, from various channels, the entire emigration of the Portuguese Liberals, since the King's arrival at Lisbon, does not amount to more than from 3500 to 4000 persons, including troops, officers and private individuals. Of the few nobles among them, the major part of whom came away with regular licences, very few were considered persons of any importance, and several of them are considerably in debt. Their only hope of rising into consequence, was, by clinging to the Charter, and some of them were besides misled by the advice of a foreign envoy. Since their arrival among us, this body of emigrants have however called themselves "the *elite*—the flower of the Portuguese population."

I will now turn to the other side. One of the firmest pillars of the Portuguese throne, is the Duke de Cadaval, a descendant of the renowned Constable, Nuno Alvarez Pereira, who, after securing the crown on the head of John I., became, through his daughter, one of the ascendants of the Royal House of Braganza. Next follows the Duke de Lafoens, whose family, not more than half a century ago, gave a monarch to the throne, in the person of Peter III. Let us look to the Address of the Nobles, praying the Prince to ascend the throne of his ancestors, and we shall find it signed by 1 Duke; 15 Marquesses; 38 Counts; 7 chief Dignitaries of the church; 2 grand Priors of the military orders; 13 Viscounts and 8 Barons, of whom 32 were actually members of Dom Pedro's Chamber of Deputies. The Act of the Cortes, as noticed in the early part of this Letter, was signed

by 294 persons, of the highest rank and greatest influence in the country, among whom was the Patriarch ; 6 Bishops, the chiefs of the Military Orders and all the Ecclesiastical Dignitaries, with the exception of the Bishop of Elvas ; and among them 153 Delegates, representing 84 Cities and Towns. The signatures of 12 Marquesses and 41 Counts were also affixed to it ; and it is a remarkable circumstance that, among the Viscounts, not one has quitted Portugal on account of politics ; not one has withheld his support, and there were at the time seven who had emigrated to Spain and had it not in their power to testify their adhesion, so early as the rest.

I should not like to indulge in invidious, or personal comparisons ; nor do I seek to wound the feelings of self-expatriated individuals, who may now be considered in no other light than as the victims of their own delusion. I however say it, fearless of contradiction, that Dom Miguel's opponents, whether they are considered in point of number, wealth or influence, form a very inconsiderable fraction of the population of Portugal, notwithstanding the clamour which they have excited among us. With very trivial exceptions, indeed, he is upheld by the clergy ; the privileged orders ; corporate bodies ; the army and navy, and, in a word, by all the lovers of peace and good order, as well as those who have something at stake and pride themselves on their national honour. To these facts I might add great sacrifices made by his immediate friends, as well as risks run by them. I could mention instances of the purest devotion, on the part of individuals who well and

dispassionately weighed the interests and honour of their country, and were not a single moment withheld by dangers to which their distant property might be exposed. These parties have sometimes been loaded with insult, in our daily papers, at the instigation of men who pretended to be influenced by motives of public good ; for, in contests like that of which Portugal has been the theatre, the factions too frequently disguise the most sordid and self-interested views, under the specious name of patriotism.

Yes, Sir James, I do not hesitate to declare to you that the sovereign, whose authority you have represented as based on open usurpation and himself as being a compound of civil and moral depravity, has rendered his claim to the Crown of Portugal effective, and the award given in his favour, is now sanctioned by the ready acquiescence of the sound and enlightened classes of the community over which he presides. You may rail, as long as you please, against the infraction of his pledges and oaths, made and taken at Vienna ; but, as far as my own opinion goes, under the circumstances in which he was then placed, even if he had signed a deed of abdication and confirmed it by all the oaths a man possibly could utter, it would not, in the very smallest degree, have invalidated his reversionary rights to a throne, reserved for him by the laws. He has, at length, however, gained the expectancy to which he was entitled ; he is legally invested with all the usual attributes and prerogatives of royalty, and his people are bound to him by obligations too sacred to be dissolved by stipulations in which they had no share.

He has established, in the face of Europe, the rightfulness of his claim, and now stands clothed in the full plenitude of power; whilst, for your information, I will avail myself of this opportunity also to add, that whatever sway Dom Pedro's Charter might once have held over the minds of a portion of the Portuguese population, believe me, Sir James, it is now broken, and predilections of a perfectly opposite nature have succeeded. Nay, I will go further and very deliberately assert, that opposition has seated the sovereign of Portugal on his throne, in a firmer manner than he otherwise could have been, because it has placed his rights beyond the smallest doubt; made the good rally round him and taught him to value his friends, at the same time that it has afforded him the opportunity of knowing his enemies.

As far as regards character, I have already expressed an opinion and supported it by evidence of an unquestionable nature. Were I to say more upon this subject, it would be merely to remind you, Sir James, that if there is an individual in Europe who has had a fair opportunity of knowing the habits and inclinations of Dom Miguel, it is His Imperial Majesty of Austria, who had him under his own roof, for three years and a half; and, if his disposition were such as you represented, do you think that so austere and exemplary a man, as the Emperor Francis, would have chosen him for the husband of his own grandchild? Do you imagine that Dom Pedro would have sought to affiance his favourite child to him? When the latter wished to avail himself of Dom Miguel's services, as previously noticed, in his Imperial decree of the 3rd of July, (1827) he made

known that, "having in view the good qualities, the activity and the firmness of character which distinguish his very dear and beloved brother," &c. he appoints him as his Lieutenant, &c. Again, under the same date and addressing him direct, the Emperor Dom Pedro says, "taking into consideration your discreet conduct, known loyalty," &c. "I have named you," &c. In a letter, bearing the date of the very same day, and written to his father in law, the Emperor Francis, Dom Pedro says that "the firm, constant and upright conduct which his brother had manifested, whilst near His Imperial and Royal Apostolic Majesty, had induced him to direct his return to Portugal," &c. Prince Metternich goes further and alludes to his talents, which, it is universally acknowledged were greatly improved during his residence at the court of Vienna, when, in his letter of the 18th of October, (1827) addressed to Prince Esterhazy, he asserts that the "Prince began to speak to him, with warmth of feeling, of the line of conduct which he intended to follow upon his arrival at Lisbon; and," adds he, "I confess that I was surprised with the rectitude of the principles, and with the wisdom of the views which he detailed to me, with remarkable clearness and precision."

Now, Sir James, is not this evidence better than all you have been able to pick up among the Portuguese refugees; or, do you think that a journey from Vienna, through Paris and London, followed by a sea-voyage to Lisbon, could have made so material a difference in the character of the Prince? You may ask me, if his character and disposition are good and his heart in its right place, why has he

not discharged the duties of the sovereignty, with mildness; why has he not endeavoured to heal the many wounds of his afflicted country, and why has he allowed, or authorized, so many persecutions? I should very frankly answer, that the moment of a popular convulsion is not the one to look for equal law and impartial justice; and much less for those acts by which society is cultivated, enlightened and adorned. How could he attend to the improvement of a people, whose destinies Providence had committed to his charge, when he was constantly surrounded by plots and conspiracies which not only endangered his throne; but also his life? How could he devote himself to those cares by which the social condition of a nation is bettered, when every safeguard, imposed by the laws, was shaken by the tempest of turbulent times? How could demonstrations of amity, or pledges of affection, be expected from one who was continually assailed by charges and accusations of the most wanton and brutal kind? You may talk of persecutions, Sir James; but, let us look to what happened in the time of our own boasted Elizabeth; let us not forget all the efforts made and all the enactments passed to eradicate Jacobite principles, in Scotland. Were not even the school-masters, suspected of the smallest bias towards them, removed by a commission, appointed under the great seal? Are not the statutes themselves still on record?

I apprehended, Sir James, from the very moment I read your speech, that you had contemplated the affairs of Portugal through a transforming medium, and every line that I have since deliberately weighed,

has convinced me of the fact. I regarded your effort with regret, at the same time that I pitied you for the ease with which you allowed yourself to be deluded, as well as your want of discrimination in not distinguishing between popular clamour and substantial justice; between the hypocrisy of men, intent on spreading a snare for their own personal advantage, too intricate to be unravelled by the multitude, and that open, manly and enlightened policy which ought to guide the councils of Great Britain, in her connection with other States. You very considerably assured your hearers that it "is a good principle and a wholesome practice, that the attention of the House of Commons, and through it of the people of England, should sometimes be called to our foreign relations, in order that the people may be satisfied that, in the conduct of those relations, His Majesty's ministers are not sacrificing the peace, the security and, above all, the honour of the country;" but, Sir James, is it your opinion that our foreign relations can be either enlightened, or illustrated, by party-statements; overstrained and exaggerated opinions; distorted facts; garbled versions, or foul and groundless charges and personalities, resting on improbable, or absurd evidence, and uttered in a tone of peremptory and unqualified assertion? Is this the mode you adopt in order to instruct your countrymen and scrutinize the acts of the ministers? Can "occasional expositions," like yours, Sir James, "be considered due in courtesy to the various branches of the great civil community of which we are a part?" At the opening of your address, you expressed a most anxious wish "that our national

honour should be kept unspotted in the eyes, not only of the people of this country, but also of those of Europe, with reference to our conduct towards the faithful ally of England ;” and, let me ask you, Sir James, can this be done by depriving a whole nation of its rights and substituting in their stead the will of a single man, totally estranged to them ? Can we preserve our “honour unspotted,” by becoming a party to a foul conspiracy, contrived to gratify the revenge of a few disappointed men ; or uphold the ambitious pretensions of the Brazilian Emperor ? Can gratuitous accusations and charges, of a revolting nature, levelled against a sovereign, lawfully seated on his throne, be pleasing, or acceptable, to the other crowned heads, or even to his own brother ?

Really, Sir James, I am at a loss to know how you can reconcile such assurances, conveyed at the very moment of starting, with the subsequent language used during the course of your speech, and more particularly towards the close ; but, I never can forget it, the morning I took up the paper containing your long-promised effort, I felt indignant that you should have suffered yourself to be so much cajoled ; I blushed at such a display of ignorance and infatuation, and I regretted the stigma that evidently awaited our national honour. What, Sir James, in the ardour of your pursuit, did it never once occur to you that such direct and unfounded insults, issuing from the British House of Commons, might be attended with serious consequences ; and that imputations, so groundless and incorrect as yours, might bring upon us both contumely and contempt ? Did it never strike you when, on your own responsibility,

you stated that an individual was sunk to the lowest stage of social and civil debasement, that you ought to have had some authority in reserve; and that, in order to sustain your degrading estimate of a sovereign's character, you were bound to allege some fact—some proof, for which you yourself could have vouched? Before the paper dropped from my hands, I felt a strong inclination to address you on the subject of Portuguese affairs. Still I lingered and hesitated, for a whole fortnight, partly out of delicacy to yourself, and partly fearful of risking my pen in so arduous a task; when, at length, I heard that a Portuguese version of yours and my Lord Palmerston's speech was in a state of forwardness, intended, I had no doubt, to be circulated for political purposes. Then, it was, I considered that any further silence would be unpardonable in me; nay, that I should be guilty of a double crime, for, several years ago, when I saw you running a headlong career in another foreign cause, I felt inclined to put you on your guard, and that I did not then follow the impulse by which I was moved, has ever since been a subject of reproach to my own conscience.

Yes, Sir James, I very frankly assure you that I have taken up the present question upon broad and independent principles, and stated my remarks with the bold and manly feelings of an Englishman, indignant at the idea that one who was once so instrumental in inoculating the public with the South American loan, mining and colonizing mania, should now attempt to infect us with a novel disorder, which I can designate by no better a name than the Lusitano-Brazilian *rage*. I must ask you, Sir James, to

accompany me back to the year 1822, when that strange and contagious infatuation commenced, the primary cause and chief parent of which, I know sufficient to declare, was the public dinner, given on the 10th of July, in that year, at the City of London Tavern, to Don F. A. Zea, Plenipotentiary of the Republic of Colombia, and attended by a number of patriotic gentlemen, of rank and distinction, who doubtless had not the most distant idea of the real object of the disguised compliment; or were aware of the drift of the *knowing ones* by whom the snare was prepared. At that dinner, you must also well remember, Sir James, that you pronounced a speech, on "an occasion so auspicious to the interests of England," and, after blending philanthropy with politics and commerce with compliments, you rejoiced that "the beautiful regions of Colombia were restored to the commerce of nations, which naturally must become a great source of wealth to the most industrious and ingenious people of the earth."\* In a word, the dinner and speeches had their full effect; the town was fired with enthusiasm; the Colombian securities rose; a new field was opened for stock-jobbing, and it afterwards turned out that the very same Plenipotentiary, to whom the dinner was given, actually made use of a power, confided to him, in

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\* I have often been told by a merchant, of independent mind, who has since acknowledged himself ashamed of having innocently been one of the party, that the most amusing scene he witnessed, during the whole evening, was the first interview between Messrs. Zea and Wilberforce, and any one who still remembers the figures and gesticulations of the two gentlemen, and pictures to himself the interesting moment, cannot but feel a smile distending the risible muscles of his countenance.

blank, by General Bolivar, in December, 1819, at Angostura, a remote corner of Venezuela, and subsequently filled up in Paris, in order to negotiate a loan in London, at the beginning of 1822, when, in the interval, the very form of the government had changed and all Bolivar's assumed and temporary powers had been succeeded by fresh ones, constitutionally bestowed upon him! I shall comprise the history of these transactions, the details of which would carry me too far out of my way, in these few words—the Colombian Bonds, which at one time were 117, are now from 15 to 16; Buenos Ayres ditto, after reaching 98, are 20 to 21; Peruvian, once 89, sell for 10 to 11; Chilian, having fetched 85, are 16 to 17, and Mexican, once rated 88, stand at 17 to 18! As regards yours and the other speeches, Sir James, I will only add that they were appended to the most disgraceful work that ever was published, as the title page tells us, “adapted for the general reader, the merchant and the colonist,” and compiled from every author who ever wrote on Colombia, without a single acknowledgment, and evidently intended as a fillip to forthcoming speculations. This was also afterwards translated into Spanish, speeches and all, and I believe eventually sold for waste paper, for I myself purchased the English and Spanish editions of the two ponderous volumes, at half-a-crown the set, as real curiosities.

From the period of that memorable dinner, it was, that a portion of the press began to display its power; the popular writers being then provided with authorities to guide them. Every one who could aid, was enlisted in the cause; every foreign

adventurer who could prop up the delusion, was eagerly employed. The resources of South America and the immense advantages of the brilliant prospects before us, became the daily theme; not from any interest felt in the welfare and consolidation of the New States, but for the sheer purposes of speculation and stock-jobbing, and in order to further the ends of men conducting loans, projecting companies, &c. You know practically, Sir James, the real nature and extent of the mania which ensued, as well as its ramifications and consequences, having taken a leading and directorial part in the formation of several of the Associations, of which scarcely any traces are now seen, unless in the printed collection of the prospectuses; or the thread-bare coats of the poor sufferers. I, however, remember often to have smiled when I saw certain members of parliament and other gentlemen from the West End, jostling at noon through Temple Bar and hurrying on to their Boards and Brokers, to watch the movements of the day. The government at length also caught the mania, being, it is presumable, deluded by the reports of some of its agents, and we were soon told of mountains of silver and gold, to be had from the mines—their neglected state, offering large profits to superior science and British capital—the boasted fertility of the soil and an immense market, open to our commerce—the fairest prospects for colonists—in short, twenty millions of people, rich and naked, waiting to be clothed in our manufactures! The public were enthusiastically complimented on “such an acquisition to general commerce, at once so vast in expanse, so varied in climate, so fertile in all the

materials of industry and manufacture." The popular clamour, thus enthusiastically raised, shortly afterwards compelled the minister of the day prematurely to acknowledge several of the new States, without receiving a guarantee that they were in a situation to constitute, govern and consolidate themselves; or pointing out to them the obligations which that acknowledgment imposed upon them; whilst the London loans and jobs demoralized the men in power; destroyed the confidence of the people in their rulers, loaded them with debt, and served no other earthly purpose than to convert a few little men into big ones, and enable half a dozen of the most worthless natives South America ever sent forth, to come over here, enrich themselves, and cut a figure in the British capital.\* The real secrets

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\* In order that I may not appear singular, in this opinion, I quote the following passage from a writer whose testimony to some persons may appear less questionable than my own, and who although always very close on London transactions, connected with South America, and rather apt to cringe to *great personages*, once engaged in them, has nevertheless furnished us with much valuable information on Peru, Chili and Buenos Ayres.

"The costly purchases, by the patriots, as before specified, were long antecedent to the famous loans which have turned out to be more prejudicial than useful to both Chili and Peru, and which will continue to press, like an incubus, on those countries, in their future efforts to surmount the difficulties which the loans themselves have created. A faithful application of such resources might have been beneficial; but, unfortunately, they rendered men decidedly dishonest, who, previously, had but slender opportunities of putting their integrity and ingenuity to the test. Either political or financial integrity was a virtue so seldom taught by precept, or enforced by example, in the time of the Spaniards, that it is not to be wondered at, if the VERY NAME of a loan should awaken the cupidity of men, many of whose earliest lessons and prin-

of these transactions, Sir James, are yet little known in England; but they must and shall come out. For my own part, I am perfectly well convinced that the late disgraceful revolution in Buenos Ayres had its origin here, for it was the London jobs which first demoralized that country and left it at the mercy of any ambitious chief who felt inclined to usurp the authority of the State. I have no hesitation, further to say, that the still more diabolical attempt to assassinate Bolivar and create a revolution against one who, besides sacrificing his

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principles had been taken at the gaming table. The first importation of specie brought into full activity the intriguing powers of every pretender to the sweets of office, provided he enjoyed a sufficient degree of popularity, especially with the army, to hope for a chance of success, in an attempt to supplant the rulers of the day. O'Higgins has been heard to say, that when he could only manage to raise supplies to meet the exigencies of the day, he was permitted to remain undisturbed for six years, at the head of affairs; in which period Chili became not only one of the family of nations, but sent forth an expedition which laid the foundation of the independence of Peru. But the expectation of the arrival of the first instalment in gold from London, caused rival candidates to spring up, and O'Higgins was induced to give way to men, under whose successive administrations the power and respectability of the republic have been almost uniformly retrograding. Previous to the loan, she gained her naval superiority over the Spaniards, in the Pacific—that victorious squadron is now rotting in port. In 1821, she expedited nearly 5000 troops to Peru. Perhaps she would find more difficulty now in sending off as many hundreds. Notwithstanding her natural riches, poverty pervades every public department, and nothing can be seen to justify the conclusion that the loan has been beneficial to the country.

“ A very small proportion of the loans raised for the American governments was received in specie. No inconsiderable part was remitted in arms, which were sometimes serviceable and sometimes damaged, but always charged at an exorbitant price.”—*Memoirs of General Miller*, Vol. 2. Chap. xxxiii.

own patrimony, has gone through the dangerous and toilsome stages of an arduous career, with clean hands, was to have been supported by the ill-gotten pelf, amassed out of London loans and other similar transactions.

All this was occasioned by a mania, Sir James, in my opinion, the greatest calamity that possibly can befall a nation, and the most perplexing obstacle a government like ours can have to contend with, in adopting, or pursuing, an enlightened, independent and judicious policy towards foreign countries. The wrong direction at that time given to South American affairs, eventually placed the several sections in the awful state in which they now stand, devoured by intestine commotions within, and exposed to the attacks of a powerful enemy without. The experiment has, besides, on the lowest calculation, cost Great Britain Thirty Millions Sterling, the loss of which has entailed endless misery and distress on numberless families, among whom, unhappily, unconscious widows and orphans bear no inconsiderable a proportion. I dare not trust my pen in a delineation of the other means at the time employed to influence public opinion; or, in the portraiture of the several characters actively engaged in spreading the successive delusions of the day; because the exposure would carry me too far, and, after shewing how the ruinous mania first originated, any further elucidations would be foreign to the present subject.

The origin of this infatuation, Sir James, was speechifying and newspaper work, and in like manner it has lately been attempted to excite a Portuguese mania in England. By exactly the same

means, interested partisans have endeavoured to give an ill-directed impulse to the Legislature and the Government, although the pleas made use of, on the two occasions, are not alike. On the first, the public were roused by the exhortations of needy and conceited adventurers, looking to a great national and State question, in reference only to their own immediate profits. Too frequently has it happened among us, that the merchant beheld the world as an immense field for enterprise before him, and his towering spirit, or his eager hopes of gain, led him to think that he had a right to enjoy it, unrestrained, and consequently demand the protection of his government, however dangerous, or opposed the untried experiment might be to more permanent and substantial interests. Mercantile men, anxious to extend their speculations and amass wealth, were then continually appealing to the public and besetting the ministers with their visits and addresses, totally forgetful that before regular pursuits of trade can be carried on, governments to protect them must be established, and that essential requisite was not within the reach of our men in power! Thus was a violent outcry raised by persons who considered themselves convinced, when they were only deluded, and the lamentable consequences are now before us.

The purulent expedients resorted to, in order to excite and propagate the Portuguese rage among us, have already been described in the pages of the present Letter, and although not less insidious, they were in themselves infinitely more wicked and diabolical, because, independent of the sacrifice of truth,

they were intended to taint private character and strip a whole nation of its rights. It is, however, to be fervently hoped that the penetration and judgment of His Majesty's Ministers will not allow them to be deceived by stratagems of this kind, or, withheld by obstacles, so speciously interposed. It has always been the maxim of our government, and I am sure it is so now, more than at any former period of our history, "to recognise the perfect independence of the several States, constituting the European Commonwealth, in their own internal concerns;" nor can we ever allow, and much less practise, that "authoritative control" which some sovereigns have sought to exercise over other independent nations, perhaps on no better a plea than that of consulting the welfare, or aggrandizement, of one of their own relatives. Sound and immutable principles of right and justice have always been our safest and most successful guides, and by their strict observance, it is, that our national character has been raised so high abroad.

In applying these maxims to the case of Portugal, on which Great Britain sits as the principal Umpire, as I have before had occasion to contend, we have only to consult the laws of the country and the will of the people. On these two points, the smallest doubt no longer prevails, and we are besides called upon to guard the general peace of Europe, and particularly of those States with which we are more intimately connected. Considerations, therefore, of State-policy, independent of commercial advantages, render it an object of the first importance to see that Portugal is freed from those disorders to which she

has, for the last two years, been exposed, and placed in a situation to assume her accustomed rank among the other independent nations of Europe. The future destinies of Portugal, with whom we have been allied, for several centuries, and protected and upheld, under every species of sacrifice, in great measure, depend on the decision about to be taken, which, if judicious, cannot fail to be of unmixed advantage to the tranquillity and consequent improvement of the country; but, if opposed to the rights, wishes, honour and interests of the great body of the people, inevitably must be productive of fresh feuds and animosities, and eventually give rise to another civil war.

Yes, constituted as the administration of these realms is, at the present moment, I am confident that those who counsel our most gracious Sovereign, will take higher views and balance interests of a more obvious and lasting importance. They cannot be influenced by party clamour; nor can they fail to keep a vigilant and steady eye on those solid advantages which we have derived from our successive treaties with Portugal; treaties which they are now called upon to renew. The doubts and difficulties in which the Portuguese question was involved, when it first arose, as well as the deference which we felt towards those who, from the very commencement, took a leading part in it, might perhaps make our government hesitate and even temporise; but, the several bearings of the case are now thoroughly understood, and it is besides evident that, in its proper and early settlement, we have a more direct and immediate interest than any other nation. We have also had a fair opportunity of divesting this question

of all the subtleties in which it was arrayed; as well as of judging the acts of the men who were stationed here to bully and deceive us. It is moreover now apparent that if the Vienna plan had succeeded—if Dom Miguel had continued to be as obsequious, after his return to Lisbon, as the Emperor of Austria and Prince Metternich wished him, the effects could only have lasted till the voice of the Portuguese people was heard, as from the moment the declaration of the National Legislature was made known, the whole superstructure must inevitably fall to the ground. Legislation, more particularly on international questions, cannot be considered one of the pure sciences; in its operation it is not infallible; neither is demonstration the implement with which statesmen always work. In guiding the councils of a nation, the minister is often compelled to choose between two evils, and placed in the alternative of fixing upon the least. The most fatal errors are, besides, frequently committed through a false estimate of effects, uncertain and remote, whilst those immediately before our eyes, are either overlooked, or disfigured and distorted. It is, however, time that we should turn a deaf ear to the anathemas of our rivals, and disregard the ill-timed lamentations of the ignorant and weak. Portugal has, for some time, been the theatre of wiles and subtleties against us, and, unfortunately, some of the ministers in power joined in the disgraceful cabal. As long as our policy with regard to that country is undecided, so long will that anti-English faction have scope for its exertions. We must not be over delicate, when our rivals are plotting against us, at broad noon-day. We must have a just im-

pression of the dignity and power of Great Britain, and this cannot allow of a moment's doubt, or uncertainty, in our connection with any nation of the earth. We must still consider ourselves in the lofty character of Umpire, in the collisions of States within our own circle, as well as between Sovereigns and their Subjects, particularly where we are bound by the tie of treaties, advantageous in themselves and bearing the most ancient date. To promote the welfare of Portugal, we are called upon by an individual and independent voice. Those who lately solicited, nay, even demanded, our aid and succour to further their own private ends, after loading us with contumely and insult, no longer disguise their real views, and are gone over to France, in order to negotiate for that protection and support which they vainly endeavoured to wring from us.

Yes, again and again, will I repeat it, the question of Portugal calls for a bold and determined course of action. We have been cajoled and bullied—we have been deceived and imposed upon. But, we are not yet in a situation to be led out of our safe and beaten track; nor are we prepared to yield to the interested views of other powers. We have an object of the greatest magnitude at stake; one that requires all our promptitude and energies. In the efforts directed against the new order of things in Portugal, the chief aim has been, to intimidate our government, and, at the same time, to encourage the secret designs of others. This, therefore, is not the moment for either doubt, or hesitation. Great Britain must maintain her dignity and never yield up any portion of that preeminence which she has justly earned, and

hitherto successfully maintained, in the councils of Europe, more particularly on those questions which are essentially and vitally her own. The late settlement of the Crown, in Portugal, is precisely the same as the one which occurred in 1641, as shewn by the various parallels presented in the course of the present effort, and many of the leading circumstances and prominent features are also alike. The same clamours, caveats and execrations were then heard from the agents of Spain, as the Portuguese refugees and their leaders now din in our ears. Gradually, however, all were viewed as the effects of open and rankling enmity; every hostile utterance was construed into the effusion of impotent indignation, when Louis XIII. of France, who, most assuredly was not called by so imperious a voice towards Portugal, as we are at the present moment, not only acknowledged the new dynasty; but also complimented the sovereign, raised to the throne by the laws and the unanimous acquiescence of the people, in the following words;

“To the Most High, Excellent and Powerful Prince, our Most Beloved and Good Brother and Cousin—We were highly gratified on learning by the Letters which Francisco de Mello, of Your Majesty’s Council, &c. and Antonio Coelho de Carvalho, also of your Majesty’s Council, &c., both your Ambassadors, delivered to us, and who by their own mouths represented to us the general consent and applause with which Your Majesty was received, as the legitimate Successor of the ancient Kings of Portugal, and by public acclamations proclaimed as the Sovereign of that Kingdom. They have it in

their power to manifest to Your Majesty the pleasure which we derived from this, and which we express to you to have received, and also of the joy which we experienced from the offers which Your Majesty makes to us, by your Letter, as well of close friendship between us, as of good understanding and commercial relations between our subjects; we leaving to them to make known to Your Majesty all that they have negotiated with us. We do not extend this Letter, further than to manifest to your Majesty how much we have at heart your continued prosperity, and at the same time to assure you of the wish we have to testify to Your Majesty, by every possible means, the assurance of my affection, in every thing that may promote the welfare of your Kingdoms; and your Majesty may truly believe that my love towards your Majesty is such as I declare it in this Letter; concluding by praying God to preserve your Majesty, Our Most High, Excellent and Powerful Prince and Our Most Beloved and Esteemed Brother and Cousin, in his holy and divine grace and keeping. Written at Abbeville, June 14, 1641. Signed, Your Brother and Cousin, LOUIS."

It will be remembered that the memorable revolution of Portugal, which severed the yoke of the Spanish Philips and raised the Braganza Family to the throne, broke out on the 1st of December, 1640, when, as just before noticed, notwithstanding all the efforts of Spain, supported by her influence with the German and other Continental Powers, the Independence of that Kingdom and the unfettered choice of the people were acknowledged by the French Monarch, on the 14th of June, 1641, that is, at the ex-

piration of one year and seven months ! And, could our own most gracious Sovereign, George IVth, have a more instructive and emulous example before him, as a guidance to that decision which he is called upon to take on the affairs of Portugal, by those principles presiding over our public relations with foreign States ; a decision not only affecting the interests and welfare of an old and faithful ally ; but also the prosperity of large commercial establishments which our countrymen have formed on the faith and under the protection of Treaties ! Could his minister, who has proved himself as distinguished in the cabinet, as he formerly did in the camp ; the man on whom the public eye is fixed—whose bold and capacious mind, not long ago, conceived, and whose firmness and energy of character achieved, the most difficult public measure, ever attempted among us ; could that Statesman, I say, he in whom we respect the worth of a Sully and the integrity of a Somers, contemplate a more interesting model for his own conduct, on this momentous affair, than is to be found in the following letter of Cardinal Richelieu, addressed to the new Sovereign of Portugal, at the period above alluded to ?

“ Sir—I do not express to Your Majesty the esteem by which I was actuated in serving you near His Most Christian Majesty, because Your Majesty will learn it through the effects of my acts, as well as the reports which will be made to you by your Ambassadors, who have worthily performed all that Your Majesty commanded them to do ; and I merely wish to assure Your Majesty of the continuation of my services, of which I cannot afford a better proof

than by praying Your Majesty, in real earnest, to take measures to provide for the safety of the frontier fortifications of your Kingdom, and, by selecting from among your subjects persons as well versed in military discipline, as they are valiant and courageous, to form two good armaments, one by sea and the other by land, ordaining that both the one and the other be supplied with men and every other requisite, without, on this account, pressing too heavily upon the people, and that both seek the enemy beyond Your Majesty's territory, by not allowing him time to enter it. Your Majesty well knows the necessity, as I myself am fully assured you do, of using that prudence and courage which God has bestowed upon you, in the government of your realms, and that you will not be lulled into security by that quiet which you at present enjoy, through the other attentions in which your enemies are engaged. This is what may be said by one who wishes Your Majesty all kinds of prosperity, and truly remains your Majesty's most humble and obedient servant—Abbeville, June 15, 1641.—Signed HARMON RICHELIEU."

It is also time for the Portuguese who have absented themselves from their own territory, to put an end to a long and vehement controversy, hitherto pursued with unabated rigour, and destructive of that harmony which ought to prevail among the several members of the same community. If their perseverance in a fruitless contest could be attributed to a mistaken zeal for their country's good; or any other generous principle of action, their inconsiderate conduct might be palliated, although not de-

fended, when the ruinous consequences are before their eyes. There is no longer any occasion for the Portuguese, whatever may be the political denomination to which they belong, to hold each other in enmity, when the nation has sat in judgment on the dispute between them. It is therefore time that this rancorous inveteracy should cease, since the prolongation of feuds and animosities must evidently tend to increase the public adversities and aggravate their own individual misfortunes. It is time for those who have been drawn over to England and France, under the delusive hope of finding a reception, conformable to the interest which they supposed their cause excited, to allay their irritated feelings and cease their demonstrations of hostility. A great revolution has taken place in the public opinion of the Portuguese, since their absence; and if they feel a real interest in the honour and welfare of their native land, they must regret to see it plunged deeper into a state of disorder and debility, which inevitably will be the case, if they persist in attacks which so far have only served to banish confidence and rouse indignation, as well as to remove them still further from the object of their pursuit. It is time also for them to respect the award of their own National Legislature, which has now received the consideration and deference due to it from the States of Europe.

Had the question been taken up, at first, in a proper manner, and without any open collision of interests, had it been left to the decision of the only competent tribunal in the country, much uncharitable violence might have been spared; but, as it is, and

after so many failures, of all kinds, it must appear evident to every man, not destitute of all spirit, sense and feeling for the common good, that to continue this unreasonable and fruitless strife, any longer, can be attributed to no other motive than imprudent and criminal obstinacy, and must inevitably end by involving the parties in that ruin which they had plotted for others. The government of Portugal is now consolidated and firmly upheld by all the influential classes; whilst the experience of the past must, ere this, have convinced even the most eager and infuriated zealots, that it is a fruitless effort to sow further divisions among their countrymen, or encourage those enmities which not long ago plunged them into disorders. It is also time for them to overcome their unjust and indefensible prejudices. The government, instituted in Portugal, is not the one to which they have given their own descriptions, in England. It now depends upon themselves to promote a return to that lenity which may efface the traces of resentment and lead to a reconciliation, entire and permanent; but, having been the aggressors, they must not forget that it is their duty to take the first step. It is also time for Dom Pedro to enter into himself and reflect on the consequences of his own imprudence. He has sufficient scope around him for the aggrandizement of every member of his family, without coming over to Europe, to invade the rights of another; and he must not forget that, having once made his choice, any deviation from the pledges with which it was originally accompanied, must lower him in the esti-

mation of those who placed him at the head of an empire, and pave the way to unforeseen difficulties.\*

It is also time for me to close the present Letter. In the pages which I have thus taken the liberty to address to you, Sir James, you may perhaps upbraid me with severity; but, I am sure, you cannot accuse me of injustice. I have, for several years, been more within the sphere of observation than many others, and noticed the fatal effects of exciting a public *mania*, when we are called upon to discuss and decide a question involving our national honour and commercial interests; and this is the second time I have had occasion to regret that, unconsciously no doubt, you allowed yourself to be made the instrument of popular delusion. With unbiassed and independent feelings, I undertook to point out your errors on Portuguese affairs, and I leave it to my readers to judge whether I have duly performed my

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\* If any thing could confirm what I have stated on the subject of Brazilian non-interference, it is the following authentic fact, conveyed in letters from Rio de Janeiro, dated June 2. "A Danish vessel lately arrived here with 184 Portuguese refugees on board, principally officers, who left Plymouth on 15th March. The jealousies of the Brazilians were roused, and, after the late discussions in the Chamber of Deputies, all tending to shew that they were determined to have nothing to do with the affairs of Portugal, they considered this a bold and impolitic measure on the part of the Emperor's agents, if not an infraction of the Constitution. The poor refugees were in a sad plight, and as no money could be had for them from the Treasury, they were left nearly starving, for two days. At length a subscription was opened for them, at the head of which the Emperor placed his name, but he had to endure the silent reproaches of his people. Finally, the strangers were given in charge to M. Miranda, Inspector of Colonists and sent into the interior." Such has been the result of a rash and inconsiderate step on the part of those who were anxious to involve Brazil in a war with Portugal!

task. Your picture of the government and society of Portugal is inaccurate, in all its parts. That government is not composed of elements, incompatible with the security and happiness of the people; nor is it the tyrannical and arbitrary exercise of an unjust power that has excited murmurs and indignation among those who dissent from the opinions and reject the advice of their pretended benefactors in England. Those who seek to trace effects to their causes, must watch more narrowly and probe deeper than you have done, Sir James. Partial and limited views, when speaking of a great and complicated question, confound and mislead, without producing the smallest benefit; but, when virulence and invective are blended with the exposure, in a reflecting mind, the orator's object is totally defeated. By your long and laborious inquiries into all kinds of subjects, connected with the welfare and prosperity of the empire, you certainly may have earned the privilege of offering your sentiments, with a degree of confidence, and doubtless you will sometimes meet with the return due to your efforts; but, allow an humble individual to put you on your guard, when you come to discuss a foreign topic, of which you are not yourself a competent judge. These philanthropic and philosophical visions, whether indulged from Saint Stephen's Chapel, or the City of London Tavern, when we ought rather to go in search of matters of fact, frequently delude others, and are besides often attended with serious consequences. On two great foreign topics you have made yourself remarkable, and in undertaking your labours, I am well convinced you were actuated by the best intentions. Indulgent

candour can suggest no other conclusion ; but, Sir James, when a public character risks his reputation on a cause in which he is obliged to repose on the reports of others, besides diligence and foresight, he ought to be influenced by considerations of the highest import, as well as wholly unshackled in his judgment.

I have to ask pardon for any inaccuracies into which I may have fallen, during the course of a hasty composition, undertaken amidst other avocations, and hurried to the press without all the precautions which the length of this Letter and the importance of the subject would require. Every sacrifice has indeed been made, in order to obviate delay in the publication ; and in now taking leave of you, Sir James, believe me that I do it without any diminution of that respect, due to your talents and public services ; nor have I, during the progress of a long and painful inquiry, felt the smallest particle of personal hostility towards you. I undertook my task on public grounds, and shall always stand by the opinions herein expressed, until I am convinced of their fallacy.

In the mean while,

I have the honour to be,

Sir James,

Your obedient servant,

WILLIAM WALTON.

*London, August 2, 1829.*

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be clearly documented and supported by appropriate evidence. The text also highlights the need for regular audits to ensure the integrity and accuracy of the financial data. Furthermore, it mentions the role of management in overseeing the accounting process and ensuring compliance with relevant regulations and standards.

The second part of the document provides a detailed overview of the accounting cycle, which consists of eight distinct steps. These steps range from identifying and recording transactions to preparing financial statements and closing the books. Each step is explained in detail, including the specific journal entries and ledger postings involved. The document also discusses the importance of maintaining a clear and organized chart of accounts to facilitate the recording and classification of transactions.

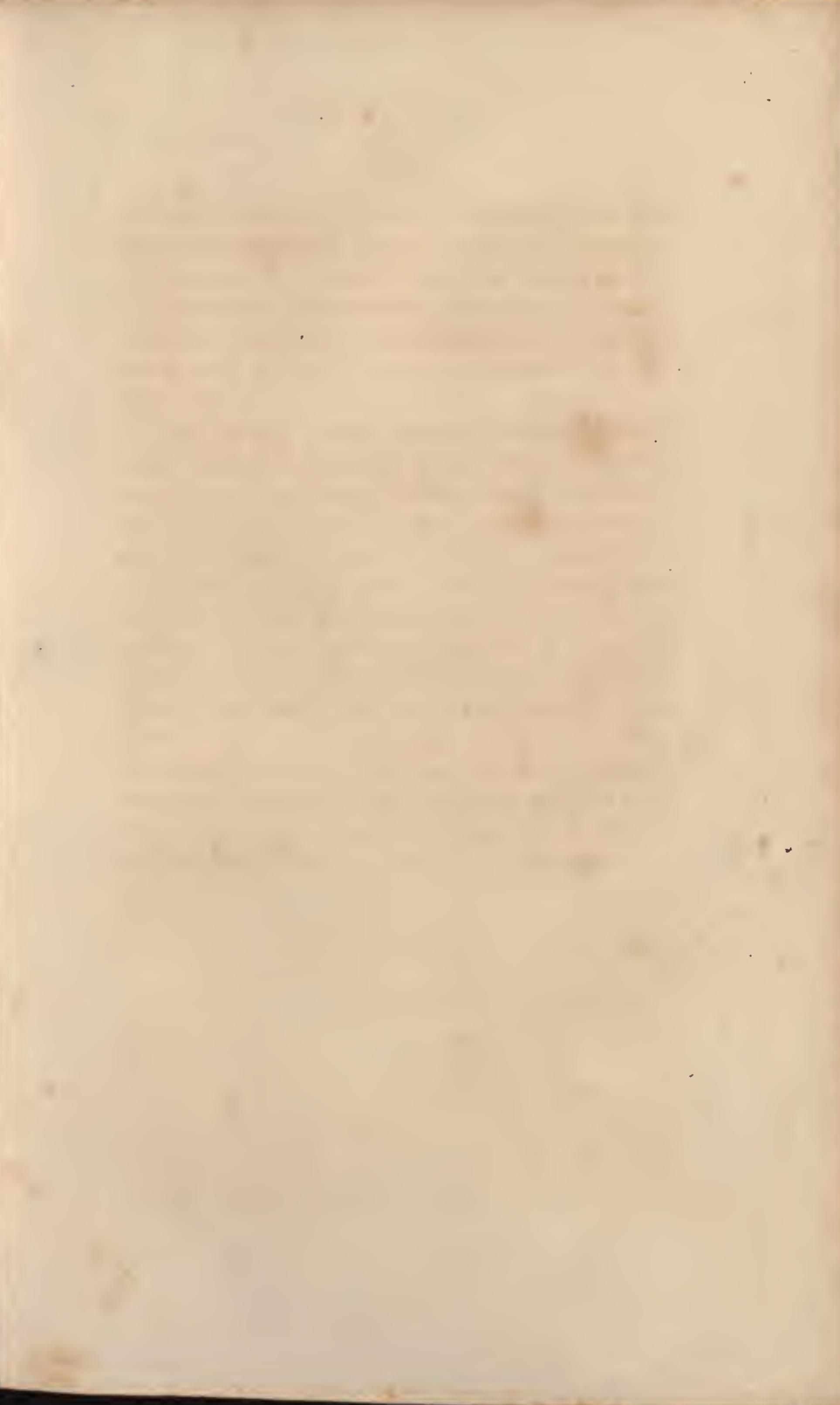
In addition, the document touches upon the significance of internal controls in preventing errors and fraud. It suggests implementing various control measures, such as segregation of duties, authorization requirements, and regular reconciliations, to enhance the reliability of the accounting system. The text concludes by reiterating the importance of transparency and accountability in financial reporting, and the role of the accounting department in providing accurate and timely information to management and external stakeholders.

Accounting Department

This document is prepared for the use of management and other interested parties. It is intended to provide a clear and concise summary of the accounting process and the results of the financial statements. The information presented herein is based on the best available data and is subject to audit. Any discrepancies or errors should be reported to the accounting department immediately.

Prepared by: [Name]

Date: [Date]





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**A P P E N D I X .**

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# APPENDIX.



## APPENDIX A.

### MANIFESTO

OF THE KINGDOM OF PORTUGAL, IN WHICH ARE DECLARED THE RIGHTS, CAUSES AND MODE ADOPTED, IN ORDER TO WITHDRAW FROM OBDIENCE TO THE KING OF CASTILE, AND PROCLAIM THE MOST SERENE DOM JOAM IV. OF THAT NAME, AND 18TH AMONG THE TRUE SOVEREIGNS OF THIS KINGDOM. (LISBON, BY PAUL CRAESBECK, An. 1641.)

It would seem that the World, with ample reason, will demand to know the cause of what was done in Lisbon, on the 1st of December, 1640, by our withdrawing our obedience from king Philip IV., till that day master of the whole of Spain and the Kingdoms annexed to his Crowns, and offering allegiance to the Most Serene King Dom Joam, also IVth of that name, who, till then, had been Duke of Braganza; an example which the entire kingdom of Portugal immediately followed, unactuated by any previous concert; when, without wielding a single lance, or unsheathing a sword, it submitted to that same Sovereign, in fewer days than would be required for a speedy Courier to circulate the news.

To insure obedience, so justly due, it in fact sufficed to know that His Majesty was pleased to accept it; nor was there a man, among so great a multitude of people, and amidst changes of so important a nature, who thought of improving his lot; or forming a party. It was indeed a rare thing, and perhaps never before witnessed, to see so many

people, roused by an unforeseen event, and yet all seemingly actuated by one will, without evincing the least ambition, or any of those crimes, usually attendant on the revolutions of kingdoms and empires. Such courageous unanimity as this, actuating at the same time so many human hearts, could be considered as no other than the offspring of a divine impulse, greatly heightening the delicacy of Portuguese fidelity, which, in the service of natural Princes, has been able to overcome not only external foes, but also domestic enemies, abashing disguised tyrants by the display of a generous loyalty.

Hence will it be proper and expedient to satisfy this common wish, by exhibiting the reasons of all these doings; because, as kingdoms are the larger members of the universal Commonwealth of the World, as constituting component parts, it is but just that what is passing in each, should be made known to all. For this reason, was I led to reduce to the limits of the present short paper, the great deal which I could say upon this subject; thus restricting myself in words, in order to make room for what may be deemed more substantial; and, although in what is here said, a disposition may appear to calumniate the actions of others, this, nevertheless, is not my intent; my sole object being to exhibit truths, already manifest to the whole of Europe, and odious only to those who have hitherto sought to give to them a different colouring.

Portugal suddenly proclaimed a King, having previously professed allegiance to another. It may be asked, what right had she to do this: and what grounds had that King himself to accept the Crown! It may be further asked, what causes led to so sudden a change! whether the King proclaimed, had a legitimate right to become such, and whether it was the duty of his subjects to follow and obey him? This being the principal object of my present address, I shall discuss these points in the first part of this paper, leaving to the second, the development of the causes which roused the public mind, and now impelled the Portuguese to adopt a resolution which, for so many years they had delayed. In the third and last, I shall undertake to shew how, and by what means, this our freedom was achieved.

THE RIGHTS POSSESSED BY THE KINGDOM OF PORTUGAL TO WITHDRAW  
ITS ALLEGIANCE FROM THE KING OF CASTILE, AND PROCLAIM ITS  
OWN MOST SERENE KING DOM JOÃO.

It is well known that, in consequence of the death of King Sebastian, through the unfortunate expedition to Africa, the Cardinal Infante Henry, his uncle, and son of King Emanuel, his grandfather, succeeded to the Kingdom of Portugal, and that this Prince, finding himself old and with

little hopes of long surviving, commanded all the Princes to be cited who might be considered as having any right to the inheritance of the Kingdom, in order to determine, after hearing the respective claims of each, which was to be preferred. The most powerful of them was Philip II. of Castile, who, relying on his great strength, and distrusting his own right, intimidated the old clerical King, and resorted to every possible expedient in order to induce the latter to declare him the successor, or, to abstain from issuing a declaration in favour of any other person. He succeeded in his last demand; for King Henry, not living long afterwards, the affair was left undecided through his death, and although he appointed Judges and empowered them to pass sentence, this they were unable freely to do, being disturbed by the power and endeavours of King Philip. When, finally, they made an award in his favour, it was considered notoriously null, as being evidently opposed to right; and it was also pronounced at Ayamonte, a place belonging to Castile, consequently, not in the territory of Portugal, and the Judges overawed by the presence of a formidable army which the King had assembled, and from whom they had besides every reason to expect violence. All the Judges, however, did not thus give their award; nor was it so done by the greatest part of the umpires left appointed by King Henry. This expedient was only employed, in order to give some colouring to the injustice with which King Philip sought to obtain forcible possession of the Kingdom; nevertheless, all prudent and dispassionate persons then, and always afterwards, understood, that the right was vested in Catharine, wife of the Duke of Braganza, King John, the first of that name. Portugal, at that time broken down and overcome by the loss of King Sebastian, as well as the death and captivity of the best and greatest part of the Nobility, together with a great number of the people, followed by the plague, which immediately afterwards made its appearance, was unable to offer any resistance, and thus the contemplated act of violence was rendered successful. King Philip besides, by his warlike preparations, and well as promises and gifts, gained over many partisans, and by corrupting every thing, in fact trampled on the real right.

There were then many Pretenders to the Kingdom; but we will not now treat of the nature of the claims alleged by the others, as our object is only to exhibit the rights by which the Most Serene King, Dom João, prevailed, to the exclusion from the Kingdom of King Philip IV. and grandson of the Second of that name. His Majesty, whom God preserve, descended from the Most Serene Prince, Theodosius, Duke of Braganza and the Second of that name, son of Queen Catharine, born of the Infante Dom Duarte

(Edward) son of King Emanuel; from whom also descended the Empress Isabella, mother of Philip II. and first cousin to Queen Catharine, both niece and nephew of the deceased King Henry, being the children of his brothers. Queen Catharine however descended from a male, and King Philip from a female line; she coming in the order of agnation, he in that of cognation; she also married to the Duke John, a male belonging to the same family of the Kings of Portugal, and descended in the male line from the first Duke Dom Affonso, the legitimized son of John I.; and in the female line from Donna Isabel, wife of the Duke Dom Fernando II., daughter of the Infante Dom Fernando. Besides this, the Lady Catharine was a native of the Kingdom, and Philip a foreigner and born out of it; for although his mother was a Portuguese, the Ordinance grants only the privileges of native born persons to the children of Portuguese parents, having also certain qualifications.

On these grounds, which are public and notorious to every one, we shall, in the present discourse, touch only upon the foundations of His Majesty's right, which will be sufficient to clear up the point, notwithstanding we do not offer any argument upon them, as the learned persons, to whose hands this paper may come, will readily be able to do it; and as there are two modes of succeeding, one called *jure sanguinis*, and the other, *jure hæreditario*, it is expedient to ascertain by which of them succession is had to Kingdoms. The latter is the mode observed in intestate inheritances, and as this was the first known in the world, conformably to the primitive law of nations, and, from the earliest times, was adopted in the Succession of Kingdoms, clearly it was the one to be observed in the present case; when, by no adequate law, any exception was made in favour of another. And although other modes of succeeding have been introduced, such as entails and feudal tenures, these were subsequent to the style already established in Kingdoms, and were besides ordained for particular purposes; nor can it be credible that the rule, previously established in Kingdoms, could thereby be varied; nor that the People and Kings, who alone have authority to alter ancient usages, would allow it. This is conclusive, and as the same is also admitted by those who, in the main point, oppose us, it is unnecessary to dwell longer upon it.

Supposing it therefore granted, and also that the inheritance of Kingdoms is indivisible and can only come to one person, who, among many Pretenders, is to be sought out as being of the best line; it is equally certain that the line from which the Lady Catharine came, was better than that of King Philip, because the Infante Dom Duarte, her father, when alive, necessarily excluded, as being a male, the Empress Isabella. The King, however, availing himself of his power, sought to

establish, as a matter of justice, that, being a male, he ought to precede the Lady Catharine, on account of her sex, even although her line was preferable.

This he eventually attained by force, but he did not thereby invalidate her right, because, in the inheritances in which succession is *had ab intestato*, it is certain that the right grants the benefit of representation, which is the same as to have the children held and reputed as persons belonging to the country and entitled to succeed to what may have devolved to them, in case they should be alive, as well as to exclude those persons liable to exclusion; whence, therefore, the preference in the line is alone to have weight. In Kingdoms there are no exceptions opposed to this, in consequence of which, in the succession thereof, the same rule ought to be observed as in other inheritances; a doctrine upheld by the most eminent exponents of the law. In other Kingdoms, sentence has been passed, conformably to this doctrine, in such cases as have occurred in France, England, Hungary, Aragon, and also in the Duchy of Bretagne. The *Partida* Law of Castile, establishing this same principle, as being an ancient custom in Spain, ordains that the grandson of the last possessor, the son of the eldest son, shall precede the second son. King John of Portugal, in his last Will and Testament, ordained that in case Prince Edward died, during his own lifetime, that his grandson should succeed, thus preferring him to the other sons. King Alonzo V. also willed that the Kingdom should come to his grandson, son of Philip II., even although he might have children of his own excellent Queen.

In the Kingdoms of Spain, where females are allowed to inherit, doubtless they there enjoy, in common with males, the benefits of representation, and if they stand in a better line, they have a right to exclude the males, descending from another. That this benefit is granted to them, is admitted by persons learned in the law, on the grounds that the right acts indistinctly, without limiting the representation to the males, and as it thus makes no distinction, it is not for us to prescribe limitations, much less as it is well known that sons represent personal qualities of their fathers, in which they do not participate, such as the age of majority, according to which example, females can represent males, as regards inheritances from which sex is not excluded, more particularly those females, married with the male branch of the same family and blood, standing in that degree, as we have previously noticed, the Lady Catharine did.

The laws of Castile further ordain that when the eldest son dies, previous to his entering on the inheritance, leaving a son, or daughter, the latter is to succeed to the inheritance, and not the uncle. King

Alonzo V. of Portugal, willed that the sons, or daughters of Prince John should inherit, and not those whom he might himself have by his own most excellent Queen. Ferdinand the First, King of Naples, awarded the inheritance of the Kingdom in favour of his granddaughter, the offspring of his eldest son, to the exclusion of the second one. King Philip of England gave sentence that the niece of the Duke of Bretagne, daughter of the eldest brother, should precede another younger brother of the deceased; whence it follows that, as the rule of inheritance in Kingdoms is to be regulated according to those in which succession is had *ab intestato*, admitting the right of representation as far as the second degree, and that females therein enjoy similar rights with the males, there can be no doubt that the Lady Queen Catharine, in consequence of her standing in a better line than Philip II., was the true and lawful successor of King Henry, her uncle, to the Crown of Portugal, and that through her is derived the very right now vested in His present Majesty, John IV. our Lord, whom God preserve.

The force of truth and justice unceasingly operates upon the mind, and at length triumphs, notwithstanding the colours and pretexts resorted to, in order to justify unwarrantable acts. The reasons above alleged were considered powerful; and the general public feeling of Europe, as well as the learned in the law, was disposed to award to our Sovereign the rights which he claimed, more particularly as all the Portuguese had fixed their eyes upon him, as in duty they were bound to do. Our opponents, however, went so far as to order a book to be printed, at Antwerp, in the name of a monk of the Cistercian Order, called by them "Father John de Caramuel," for the purpose of exhibiting the right which Philip (whom they styled the Prudent) had to assume the dominion of this Kingdom. This author enumerated every right that possibly could be alleged, from the first foundation of the monarchy, in the time of Alonzo Henriques, endeavouring to shew that this venerable monarch obtained the Crown by violence, and in a manner destitute of all right. He says the same of King John I.; but, as the answer that applies to the cases of these two Kings cannot be afforded in the circumscribed limits of a Manifesto, it must be reserved for another occasion, when full satisfaction will be given. For the present, we shall merely reply to what is alleged contrary to the rights of Queen Catharine, and this with all possible brevity.

The whole object of the writer above mentioned, is, to shew that in the succession of Kingdoms, the right of representation is not allowed. The proof is risked on two examples; the one taken from Spain, when Alonzo the Wise, excluding his grandson, caused his second son to be

proclaimed. The other is taken from Sicily, when Boniface VIII. (as is asserted) gave sentence in favour of another son of a deceased monarch, thus depriving the son of the first born of his inheritance. Of these two examples, the first greatly favours our object, whilst of the second we find no trace. True it is, that Alonzo the Wise excluded his grandson; but, it is equally true, that this his act in Spain was generally pronounced unjust, as is argued by the best authors, who attribute to this very act of injustice that God afterwards allowed this same second son, whom King Alonzo, in defiance of justice, had caused to be proclaimed as his successor to the Crown, to come and deprive him of it. This example, therefore, in consequence of its injustice, may rather be quoted in our own support. We feel further disposed to grant that King Deniz, of Portugal, and James of Aragon, compromised the claims which, for this very same reason, other Pretenders to the Kingdom had against King Ferdinand, by waiving them in his favour; but, we deny that they did this by virtue of any formal sentence, because they did it merely through a friendly arrangement, well aware that, in order to preserve public tranquillity in Spain, (which ought to prevail over all individual rights) there was no other remedy.

The sentence passed in Sicily, (if any truth can be attached to it) cannot operate as an example against us, because that Kingdom, as a feudatory of the Church, either followed the order of primitive investiture, or the Pontifical law, which does not extend to the rules of succession in other Kingdoms. That of Portugal is free; and in cases in which her own particular statutes do not provide to the contrary, the common law is observed, and as this allows of the right of representation, it is very clear that we must observe the same rule among ourselves, particularly as, from the very proofs adduced, we have testimonials to shew that our own Sovereigns did, and were bound to acknowledge the same.

This writer Caramuel also avails himself of other reasons, and asserts that the right of representation is a privilege and a fiction in law, introduced merely for the purpose of private inheritances and cannot be extended to the succession of Kingdoms. This would have some weight, if Kingdoms were not alike the inheritances of the last possessor; but, as it is certain that this is the case and also that Kingdoms descend to their successors with all the charges of entail, it not being lawful to accept the Kingdom and reject the charges thereon incumbent, it is clear that it is not according to extension, but rather comprehension, that we are to attribute the qualities and order with which succession is had in other inheritances.

He also grounds himself on the words of certain Cortes which, in the

time of King Alonzo Henriques, were held at Lamego, when treating of the rule of succession in the Kingdom, it was ordained that if the first son dies, during the lifetime of his father, the Kingdom shall pass to the second, third and fourth son, &c., from which he endeavours to conclude that in our Kingdom there is no right of representation. He, however, deceives himself, because in those same Cortes it was not said that, if the eldest son dies, leaving male issue, the second is to inherit, for if those legislators had wished to establish any such rule, they certainly would have so declared it. They merely expressed their opinion on the order of succession in reference to first born sons, as they previously had done respecting them and their sons and grandsons, according to the precedence of degrees, and were silent on the subject of the precedence of nephew to uncle, because they never touched upon it, and as this point is omitted, it follows that we must abide by the law which allows of representation. Caramuel would have found better arguments in those same Cortes to prove that King Philip could not inherit, unless native born, because they peremptorily excluded aliens.

He also pretends to avail himself of our Code of Ordinances which withholds the right of representation in the inheritance of crown property, and he wishes that the same should be observed in whatever relates to the crown itself. The consequence however, is not fair, because inheritance to crown property is had *ex concessione dominica*, and those limits cannot be passed which our sovereigns have established in this respect. As regards the Kingdom, succession is had, *jure hereditario*, which is quite a different matter, and the examples already adduced shew conclusively that our kings in the order of succession, acknowledged that the right of representation was to be allowed.

He urges further and says, that the title of reigning is derived *ex concessione dominica*, because it proceeds from the people who bestowed it on their sovereigns. This is a frivolous plea, because the people yielded up their entire right to their sovereigns, without reserving any provision in the mode of succeeding, and the kings, as regards crown property, regulated the manner in which it was to be transferred. If such a plea were allowed to have any weight, it might be applied to all kingdoms and not alone to Portugal; but, from the examples previously quoted, it is clear that the plea is false, and that in other kingdoms the right of representation is observed.

He also wishes that this benefit of the right of representation should take place only in devisable inheritances and not in entails, arguing that the same equity which introduced it so as to enable grand-children to participate in inheritances with their uncles, would be iniquitous, if it excluded them when they are nearer of kin to the last possessor, and

not being enabled to inherit any thing in individual inheritances, that all should go the nephew. The foundation of this argument is wrong, because, as he himself confesses, the most common opinion is, that in entails, the right of representation is allowed, and in our Kingdom this is the usage. And even when this were not the case, it does not prove that in Kingdoms the same rule ought to be observed, because entails, or majorats, are had *jure sanguinis*, and kingdoms *jure hæreditario*, as we have already pointed out, and as the author alluded to himself acknowledges.

This right, which juriconsults can amplify and confirm, is the ancient one which the Princes of the House of Braganza received through the blood of the Infante Dom Duarte, and it cannot be affected by prescription; because, in reference to Kingdoms, no such plea is admitted; nor can our acquiescence to the dominion of the kings of Castile be alleged against us, because, as in this force and violence intervened, it is clear that toleration could not injure right. We must now, however, consider our own Sovereign and Lord as being invested with another irrefragable title to reign over us, derived from the unanimous and voluntary acclamations of the Kingdom; since it is an acknowledged fact that when, through the death of sovereigns, dissensions arise among the 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 kings, 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 this 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 right; whereby it is placed beyond all doubt that he entered on the Kingdom by the most legitimate title that possibly could be alleged; since independent of his right, he obtained the award of the people, made and given at a time when circumstances allowed.

To these arguments, drawn from established laws and statutes, we might add another moral one, of no small weight, if we are to argue from the aspect which the affairs of the Spanish Monarchy assumed,

subsequent to the undue usurpation of Portugal; for were we to ask the Kingdoms of Castile and Aragon how they then fared, they would answer, sadly and gloomily, being bent down under the heavy and irksome weight of contributions which unceasingly reduced and consumed them; their territories unpeopled; their commerce at an end; their riches diminished, and the people and nobles condemned and treated rather as the property of another, and serving only for his enjoyment, than subjects who elected their Kings to govern them and improve their lot. The other dependent Kingdoms, out of Spain, are still suffering the same calamities, in a greater or less degree, according to their distance; a very strong indication that the evil proceeds from internal causes. Flanders, the patrimony of the Spanish Monarchs, can never again be subjected by their arms, and in those provinces, as well as others, they have been unceasingly carrying on wars, which, through the great losses of treasure, could not fail to depress them. The streams of silver and gold which the Indies have for so many years, been carrying to their shores, together with the immense riches brought from the remotest parts of the globe, and apparently sufficient to have filled all Europe, did not suffice to furnish them with even the customary coin, and they were obliged to make a currency of base copper. The events of the wars, even when they were prosperous, left them under heavier embarrassments, because they involved them more with other nations; whence in every way they were the losers. The great number of crowns which they collected together, instead of raising them to a higher power, weakened them, by tempting them to expend their treasures, in order to preserve what they had ambitiously acquired. And, as so much power by land and sea; so many mines of gold and silver, and so many other means of obtaining wealth, did not accord with so many debts and the dearth of money, we must look for a higher cause than the one already mentioned, because the arm of divine Providence not unfrequently punishes monarchies. And, as we know that the Princes of Spain are, and always have been, extremely Catholic, in like manner as are their subjects, we cannot attribute these punishments to any omissions in religion, and can only charge them to that injustice with which they usurped this Kingdom, at a moment when it was incapable of resistance, holding it for many years unduly occupied, by which acts they irritated the divine justice, which thus prevented them from enjoying their own, or that of another.

CAUSES WHICH, INDEPENDENT OF THE RIGHTS OF THE MOST SERENE KING DOM JOAM TO THE CROWN OF PORTUGAL, ACTUATED THE PORTUGUESE TO REFUSE ALLEGIANCE TO THE KING OF CASTILE.

Rights, so manifest as those above enumerated, were in themselves,

sufficient to induce the Kingdom to assert its ancient liberties ; and, in order to justify the act by which the nation attained its ends, it would not be necessary to allege any other motive. As, however, several inducements contributed and disposed the minds of the Portuguese to do the deed, it will be proper to enumerate the most remarkable.

At the time when the Crown of Portugal was united to that of Castile, politicians entertained various opinions upon the subject ; some thinking that the union would be productive of happiness to both Kingdoms, because, being united under the power of so great a monarch, and the Peninsular Crown resting upon one head, greater means and strength would be afforded to preserve and extend their joint acquisitions ; in such manner that the enemies who might feel disposed to attack them, would be withheld by dread, or overawed by the power of arms. Others, who judged of matters with more discernment, argued the reverse, and events have proved that they were correct.

Portugal was in a flourishing state, having gloriously extended her empire, in many parts of the East, as well as Africa. In all she had cities and tributary kingdoms, with fortresses to hold them in awe, from whence she drew large profits which enriched and increased the Kingdom. In the New World, she had Brazil, a State, in itself sufficient to enrich a great Kingdom, when administered and treated in a suitable manner. These were, it must be allowed, new conquests, yet they were attended with immense results and riches, objects to which ancient Monarchies have ever aspired ; but, although they had not reached a state of complete perfection, new modes of extending them were discovered. The Faith was propagated, with the utmost zeal and care ; the credit of the national arms flourished astonishingly ; peace was maintained with the whole of Europe, and all the nations thereof were seen trading in our ports, with great profit to themselves and us. In them they found riches and good prices, fair dealing and no extortion, and, on this account, no one of them had an idea of injuring us, as we here furnished them, at less cost, than which they now go in search of to other parts, under great difficulties and dangers. We also, in exchange of what they carried away, received the merchandize of their countries, whereby our own was greatly benefited. Our Monarchs, satisfied with their ancient tributes and what they derived from their commerce and conquests, levied no fresh taxes ; the subjects quietly enjoyed what they possessed, and if they expended it in the service of their sovereigns, it was voluntarily, under the sure hope of increasing it by valuable grants and favours, which they received from their liberal and generous hands. The naval power of the kingdom was also great. Its ships of war were known for their strength, the weight of their guns,

their arms, numerous seamen, and experienced officers ; whilst many vessels belonging to private individuals, navigating among all the provinces, situated on the other side of the Cape of Good Hope, there found every thing that nature produces, which in abundance was wasted over to Portugal, whence it was distributed throughout Europe, and every thing there valuable brought to us in return.

The whole ceased by our union with Castile, because both kingdoms being incorporated into the same Monarchy, and Portugal soon began to feel the injurious consequences of the union, without receiving any of the advantages contemplated. The state principles under which Castile was governed, were opposed to those on which the Most Serene Kings of Portugal founded the preservation and increase of their Kingdoms. Portugal rested her greatness on the peace of Europe ; while Castile ambitiously affected to obtain hers by wars ; and as the monarch of Spain attended to that which he loved most, he made Portugal subservient to the interests of Castile, by destroying the individuals of our Kingdom. Our peace with Europe was soon changed into an injurious war, not stirred up for any causes which in the least concerned us ; but on account of the imperious claims and designs of Castile ; and this transition, to our great detriment, we began to experience from the Dutch, English and French, our ancient confederates and friends. Our Custom House revenue, through the want of trade, arising out of these wars, went on diminishing ; merchandize became scarce and consequently rose in price, and these losses affected both the sovereign and his subjects. Other nations, by prohibiting trade with Portugal, put an end to the exportation of those articles which before they conveniently found in our ports, and resolved to go in search of them themselves to the conquered countries where they could be had, and, by thus opening a new line of navigation, they gradually deprived us of that which we had previously acquired. Valour was not wanting in us to defend and protect ourselves ; but, the direction and application of the means were no longer available, and, without them we were unable to act,—without them, every thing miscarried. The king of Spain, by turning his attention and care to other Kingdoms, thought of this only for the purposes of enjoyment. He always evinced such an indifference regarding our affairs, that some years afterwards, entering into a treaty of peace with the Dutch, he therein confirmed their lines of demarcation towards the North, thus excluding the territories stretching to the South, where the principal part of our conquests were situated ; a determination clearly indicating that this was a matter about which he cared little ; and, as if he had us not as subjects, he thereby left us exposed to the injuries of war, which, in other States, he sought to remedy or to avert.

If however he had not tied our hands, we might still have stood up and defended ourselves; but as the government and administration were his, it was out of our power to arm and send out fleets, in time to be successful. The India ships began first to be dispatched, so much out of season and so badly equipped and armed, that many were lost, whilst others returned to port, and every thing in fact became unprosperous. Afterwards, his enemies availed themselves of his neglect, and the power of this kingdom being thereby diminished, a sufficient number of ships of war was not sent out for the preservation of our conquests, and, by this means, they daily became exposed to greater losses.

Our fortresses were so badly provided with artillery, arms and stores, as well as the other requisites for their defence, that every time the enemy attacked them, they were exposed to danger; or actually lost. In consequence of this, we were deprived of Bahia and next of Pernambuco, to the great injury of the Crown. The Brazilian mining districts, from which so large a quantity of gold was regularly brought, were once three years without any ship of war from this kingdom, until finally they were lost; the whole of the advantages thus falling into the hands of the Dutch. Ormus, the celebrated emporium of the East, acquired with the sacrifice of so much blood; preserved by so many illustrious victories; so useful to commerce and consequently so productive of wealth, through similar causes, experienced the same fate; the melancholy situation of the place being besides aggravated by the want of suitable officers to govern properly and check the torrent of injustice, as well as the robberies and acts of tyranny committed; for, as every thing was venal, licentiousness became the order of the day. We omit saying any thing of the exigencies in which Goa was placed; the dangers to which other fortresses were exposed; the losses in Ceylon, and many other matters which would swell our present limits too much.

From them greater, or less injuries ensued; and we had the grief moreover to see that the increase of the Faith declined, in all those parts; because, as arms were the instruments by which it was extended, when our successes ceased, it consequently suffered; by which means, the chief wishes of our monarchs were frustrated, as well as one of the early objects of the foundation of the kingdom; all of which may be said to have originated in our union with Castile, more inauspicious through these losses, than even all the grievances which we were ourselves individually compelled to endure.

The fleets by which the seas were defended and commerce protected, were not replaced by new ships, that great naval power, left in this Kingdom on the death of King Sebastian, having been previously destroyed in the unfortunate expedition to England; while more than seven

thousand pieces of artillery were besides obtained from us, on various occasions, by the Crown of Castile, in the way of loan, and never restored. As our enemies found the seas open and unobstructed, every thing that was passing over for us, became their capture; whilst persons, who formerly were in the habit of fitting out vessels to make conquests, and thereby carried on a trade, attended with great public and individual advantages, ceased to do so, through the want of proper securities, and the kingdom thus became considerably impoverished.

Such were the fruits of this our union, brought upon us by disguised friends, who afterwards became our open enemies, to serve their own ends, without the smallest utility redounding to us. Thus those who then ought to have aided us, did not only fail in their obligations; but they even deprived us of the means of doing it ourselves. Even our fisheries were not secure; for in our very ports the Moors and Turks captured our badly defended fishing-smacks; they enslaved and carried on a traffic in human merchandize, with our wretched fishermen, and they even insolently and licentiously attempted to do the same, in our maritime towns, as if they had no king to defend them; and the prosecution of the fisheries being afterwards prohibited, the kingdom was thus deprived of a considerable part of its sustenance.

Grants having been made to private individuals, for the purpose of applying themselves to the building of ships of war, to free the seas, on condition that the officers for this purpose should be presented by the men of business who undertook the enterprise, ambition afterwards caused them to be incorporated with the Royal Treasury, without the consent of the parties, and in despite of the conditions under which the said grants were made; no compassion being thus shewn for our miseries, or respect to the experience of injuries which we had before us. If any ships were built, or cannon cast, or if arms were purchased with the money of our own Crown, for enterprises of our own, they were in great measure applied to those of Castile, and ours entirely left neglected.

And, whenever, with fleets of Castile, succour was given to the conquests of this Kingdom, it was in quarters where it was apprehended that the enemy might attack her own. For this reason, Castilian succours were sent to Brazil, from which position they endeavoured to dislodge the enemy, fearful lest he might attempt something against their own Indies; and if this had not been the case, it is more than presumable that the State above mentioned, would have experienced the same species of care, as our other conquests did, from their hands. In those same succours, again, so much inequality was observed, that when our fleets went out, employed in the service of Castile, the ex-

pences were charged to her account ; but, if when so employed; any expences were incurred by them, the amount was immediately demanded of us ; whereas the charges of the Castilian fleets, which came to our aid, were paid out of the revenue of this kingdom.

The services, best rewarded by grants and favours from our Crown, were those rendered to Castile, and hence many Portuguese, seeing this, went over there to serve. Others, dissatisfied, threw up their commissions, and by both means we were left without any effective aid. By thus admitting persons of this class into the service of other Crowns, our own not only became weakened ; but levies of seamen and soldiers were also ordered to be made among us, for enterprises entirely Castilian ; by which means, we were deprived of the power to carry on our own, which gave occasion to their loss and destruction: At the very time that we experienced this want of fleets, attended with such injurious consequences, pay was allowed to an admiral of the fleet, when there had not been any for a number of years ; a pretty good proof that these objects were not attended to, through the want of money ; for if this had been the case, so useless an expence might have been avoided. There was, in fact, an affected carelessness, which equally tended to the ruin of the kingdom.

Of this we ourselves became convinced, when we saw that, in order to depress the gallantry of our own people, who were encouraged to serve with a good will, it was ordained that the Portuguese fleets should obey not only the General, but also the Admiral of Castile. And when our own Generals refused to do this and did not obey the orders of that Crown, on being met by Castilian forces, they were arrested and ill-treated ; hence the noblemen of valour declined accepting commissions, being thus doomed to experience affronts, or see the preeminence of their own kingdom diminished. Hence also it happened, that fleets were not fitted out in a suitable manner, as no one served with pleasure, knowing that if he did, the loss of that honour, which is the greatest inducement to serve, would be the result.

Thus, by what happened on the high seas and in our conquests, the reputation and glory of our arms were sacrificed, which having formerly been the admiration of all nations, now became the sport of fortune. The valour of the people was unchanged—the enterprises the same ; the government alone had altered, and on it alone the misfortunes enumerated ought to fall. In order that every thing might be of a piece, all this time the Kingdom was internally rent asunder by the ambition of its rulers ; for, always anxious to wrest money from us, and allowing every thing that was coming for us from abroad to be lost, they endeavoured to wring it from the substance of our country-

men. Anciently, the enterprises of our sovereigns were of such a kind, that they were thereby benefited, as well as their subjects; in such manner, that the profits extended to all. Lives and blood were lavishly expended, and, in accepting these honourable and gallant tributes, our monarchs were not remiss: but, they abstained from touching the property of their subjects, because they were the real fathers of their people, and fully sensible that no kingdom is disposed to behold unjust and violent acts, with indifference. We had an ancient privilege that only by the Cortes fresh imposts could be levied upon us; the royal prerogative was defined by the laws; but, the Kings of Castile, who, previously to introducing themselves into our government, had formally made oath to keep and maintain all our privileges, contrary to this solemn bond and in opposition also to our own usages, imposed many taxes upon us, without the intervention of the Cortes, asserting, that it was a royal prerogative and right of their own to levy them, of which they could not be deprived.

From this fraudulent extension of the royal power, in opposition to their solemn oath and their engagements entered into with the kingdom (the strongest bond by which monarchs can be held) originated many imposts which oppressed us, as burdensome on account of their magnitude as they were galling through the ambition of the collectors employed in this department; those persons being chosen who were knowingly the executioners and parricides of their country, as well as strangers, who treated it as enemies. A water-rate was assessed throughout the kingdom; the excise was increased one fourth; new duties were imposed on salt, by orders issued in the Castilian language, contrary to what was covenanted with us, and fresh dues also enacted on imported sugar. In all the patent-places and offices of the revenue, certain deductions called *mejus annatas*, were ordered to be made, which gave occasion to considerable robberies, because the holders of these offices, seeing that by these new exactions they were defrauded of their already confined salaries, endeavoured to compensate themselves by every means in their power. The Bull of the *Cruzada* was rendered perpetual, whereas, His Holiness originally granted it for the preservation of the frontiers in Africa, which were frequently exposed to the greatest dangers, whilst this money was applied to other uses. Even the clergyman was not left free, for on him aids and monthly allowances were levied; and, in order that these might come in the oftener, the collations of church benefices were multiplied, and the high clergy unnecessarily changed; whence it followed, that a great deal of money went out to Rome, without any utility to the kingdom. For some of these exactions, Briefs were obtained from His Holiness, al-

leging that the people voluntarily consented to them; whereas the reverse was the case, as they always remonstrated against them, and only obeyed through compulsion. In the collation of ecclesiastical livings, indecent and execrable simonies were allowed; of many articles of merchandize monopolies were established, by which means, their prices were enhanced; the people being besides compelled to buy the worst, because they could not obtain the article from another hand, whilst the best were allowed to be conveyed away from the kingdom.

What more could be said on the subject of imposts? The eagerness to tyrannize reached such a pitch, that even the ministers, regulated by the whim of the Prince, and supposing that they thereby pleased him, attempted, without any previous royal order, to introduce fresh burdens, by ordaining that the Lisbon fishing-smacks, which long before paid heavily, should go to the Towers and be there registered, in order that they might be compelled to pay fresh contributions. Orders were given generally, throughout the kingdom, to value the property, in order that, conformably to the substance of the subjects, they might be taxed afresh, and this certainly would have been done, if several of the towns of Alentejo, and particularly Evora, had not prevented it; by shewing that they were disposed to withhold their allegiance, if the matter was proceeded in.

The circumstance which most aggravated these sufferings, was, the dread of their being increased; whilst the conviction that this would be the case, added to the incertitude when they would attain their highest pitch, rendered them intolerable. It seemed that so many extortions, acts of violence, and manifest indignities, were sufficient to shew who was oppressing the Kingdom, even as if it had been wished to treat it as an enemy's country. But they did not stop at this, for hatred, or the thirst of riches, impelled them to greater grievances, and they soon visited us with fresh and worse oppressions and exactions. Further orders were ready prepared and in the hands of the district-magistrates, for the gradual introduction of new exactions, so great in number, that it became matter of astonishment; and they had not hitherto been ushered to the public, because, it seems, they were waiting a favourable opportunity.

It is no matter of astonishment that kings should levy contributions and avail themselves of the substance of their subjects, when the public cause requires it and the exigencies of the State are urgent; but, what shall we say of so many exactions, as well as of the frequent neglect of opportunities for affording us relief? We beheld, on the one hand, the taxes doubled, and, on the other, our losses multiplied. The monarchy was wasting away and verging to its ruin, whilst the proceeds of

so many exactions were expended in the pursuit of pleasure, parade and shew; or else in the erection of extraordinary edifices. On the seas, fleets were wanting to defend the Kingdom; whilst, on the reservoirs in the gardens of the Retiro palace, sumptuous vessels were seen gliding along; thus, instead of bewailing losses, festivities were performed. What name shall we give to the man who was the cause of all this? How shall we define this mode of government? In 1639, apprehensions were entertained of the French coming to the coast of Portugal, and orders issued for preparations of defence and the enlistment of troops. One would have thought that it was only meet and just, where so many contributions were obtained, that pay for the soldiers, at least, should be found out of them; but this was not the case, for the municipalities were ordered to pay their expences, and the whole of the royal revenue was, as usual, collected, without any deductions. We were reminded from Madrid of these preparations; orders were issued to purchase arms and stores; whilst, at the same time, we were told to take care whence the requisite money could be had. The exigencies in which we were placed by the Castilian government, at length became a plea for the levying of fresh contributions; for under pretext of remedying them, new ones were introduced, and being once imposed, they remained perpetual, and by the application of them to other uses, our exigencies continued, or were increased, which gave rise to fresh grievances. How is it possible that there could be any disposition to remedy these evils, when those who might have done it, were benefited by their continuance?

These grievances were again regularly aggravated, by the ominous circumstance of their infliction being confided to persons who cared little for us. It would seem as if those were specially chosen, who might be considered as entertaining the greatest aversion towards us. I omit noticing the higher ministers, of whose intentions and acts the rest of Spain may speak, and touch only on the minor ones, in reference to Portugal. In former times, there was a Council at the Court of Madrid, to which was confided, with such limitations and under such defects as the affairs of that Crown have always experienced, the dispatch of all affairs relating to it. At that time, many of the losses and injuries, above enumerated, happened; but they had not become altogether intolerable, until after Diogo Soares, entering on the office of Secretary of State for this Kingdom, in Madrid, placed in the same situation at Lisbon, his own father-in-law, Miguel de Vasconcellos. These two men, bound by the ties of affinity; but, much more so by a conformity in the malignancy of their intentions, gained over by so many expedients the good-will of the Count Duke, that he at length confided to them the whole weight of the public business, and through them

every thing was done. From that time our calamities began to increase, and every succeeding event turned out to our detriment. The door was, in fact, closed to justice and equity; injustice and tyranny alone were seen to prevail. The public offices, which before were given away, now began to be openly sold to the highest bidder, without any discrimination as regarded merit; and persons of indifferent character generally obtaining possession of them, this being the class usually most successful in gaining situations; whence all the public affairs became deranged, either through the inadequacy, or ambition of the parties to whom they were confided. Errors and faults in the administration, were connived at, by having recourse to the same means by which the places had originally been obtained; because, to ascend without merit and not to fall through delinquency, were equally purchaseable privileges. These favours, however, were not obtained by the aid of money alone, as there were other still more pernicious modes by which they could be had. Those persons who devised contrivances to support tyranny and then executed them, without qualms of conscience, were preferred to the just and upright, who, in the times of good government, had been selected, as being most disinterested; but persons of another stamp were now sought out to administer justice and the revenue, in order that these two furies, the principal authors of our misfortunes, might always find ready instruments to cooperate with them. The lists which were made out for the appointment of officers to the municipalities of the Kingdom, were accompanied by notes, by which were made known their own wishes and partiality towards the persons whom they were desirous of having returned; and as by these and similar expedients they introduced persons of their own faction into the Government, they consequently succeeded in every thing which they undertook. Persons who, zealously and for the public good, remonstrated, made objections, or refused to cooperate in improper matters, were persecuted; and although distinguished by their merits and services, were dismissed from the public offices and their claims disregarded; there seemingly being a wish to form a government universally tyrannical.

Hatred of the nobility was so deep-rooted in these two men, that they corresponded by means of secret letters, advising each other of the manner in which they might persecute them. Many of these letters were found in the papers of Vasconcellos, and among them, the most remarkable were, those in which the son-in-law directed him to obtain witnesses to swear, that a certain personage, already imprisoned and ill-treated by his orders, had conspired to administer poison to the King, to the Count Duke, and himself. In another, he directed him to seek out a certain person, also in confinement, to take a false oath,

under the promise of liberation, but, after taking the oath, not to keep his word with him, as there was no obligation to keep faith with traitors; a most heroic injunction, indeed, if it had not condemned the author! It would be impossible here to allude to all these letters; the mention made of these two may suffice.

These two men most guardedly observed the impious rule of *intendere in ruinam aliorum*, which, with some tyrants, hell itself established as an axiom of State and the foundation of their own preservation. On this they grounded their measures, and it is proved, from their letters, that towards all the other ministers of the Kingdom, they felt the most universal detestation. These ministers were all therein marked by particular designations, in which they were pointed out as objects of precaution; none of these designations being so prominently significant, as when they related to persons distinguished for their honourable conduct; conscientious integrity and zeal being treated as impieties. In their breasts, an implacable desire of vengeance rankled, not provoked by personal offences, since adulation rather awaited them, as is usually the case with those who stand at the head of public affairs; but arising out of their own designs, which they foresaw would be thwarted by men, considered disinterested and zealous. Against these they plotted schemes, endeavouring to discredit them by unworthy means, or suborned witnessess; and they aimed at them thunderbolts which they obtained ready forged, from the royal hand, by causing orders to issue therefrom which might destroy this spirit of emulation, the existence of which they feared. In these same letters, they significantly called the King by the name of *Rayo* (thunderbolt,) the Count Duke of San Lucar, by that of *Estrella* (Star) and the Princess Margarita by that of *Sol* (Sun) often obscuring these splendid names, by clouds unworthy of the blood royal. By means of these hieroglyphics, they mutually corresponded and put each other on their guard, at the same time turning the King's orders to their own advantage, which were occasionally issued without their being prepared to prevent them. They, as well as many others, were overawed at the independent and lofty manner with which the royal power and prerogative were occasionally wielded, and considering it not safe to offer any opposition at first, they took care to baffle the execution, by eulogizing the intent, in order to have a better opportunity of sowing difficulties in the way of carrying them into effect, either taking care that they should not injure them, or eventually turning them to their own advantage. Such was their infidelity that, from the King himself, who honoured them beyond their capacities and as his supreme favourites retained them, they usurped the authority over the interior of the kingdom, wishing, in all public affairs, to take the leading

part, as they seemingly professed a kind of atheist's creed, in reference to the human Deity whom they appeared to adore. The most important matters, relating to the royal service, were counteracted through antipathies of theirs, and having once determined to avenge themselves of the Marquess de Montalvão, Viceroy of the State of Brazil, they withheld the needful succours from him, not caring how much they risked the public cause, so long as they gratified their own private enmities. They were the most dexterous artificers of snares, in which they entrapped those persons who were thought opposed to their intents, and besieging them with pressing royal orders, with a view to rid themselves of them, they afterwards left that door only open which led them to their own designs. On many occasions, they fraudulently fabricated surcharges and added them to the accounts of public functionaries, to their own great advantage, and afterwards found pretexts to undo them, in both which expedients, they displayed their power, often receiving from both hands a double profit. Such were the ministers to whom the administration of the government was confided; if, intentionally, the consequences could not be otherwise; if carelessly, the blame is not the less evident, since it is unpardonable, in the course of so long a time and in matters so public and notorious, that no remedy was applied. We had only to judge by the effects and thence conclude what was the species of relief which our affairs required.

Miguel de Vasconcellos was the son of Pero Barbosa, a man, in his time, the pest of the Commonwealth; whose tricks and designs were always directed towards robberies and dilapidations, and on this very account, he was rendered infamous by a public sentence, and prohibited from ever again holding an official situation. This son, who, descended from such an eagle of rapine, could not be expected to prove a dove, spent many years in a low sphere, deservedly so on account of the father's practices; but, his spirit being thereby bent down, he was selected as our common executioner, and he displayed such dexterity in his calling, that he deserved the thanks of him who was anxious to find out instruments so well suited to his own intents. There were no qualifications in this man, which rendered him fit for a charge of so honourable a kind, as this; and many made him entirely unworthy of it. All requisites that were wanting, he made up by his evil propensities and laxity of conscience, and this alone was sufficient to justify his election with the man who had made him the object of his choice. His habits were not only tainted by ambition, but also marked by his devotions at the shrine of Bacchus, which he frequently evinced by his demeanour. On every occasion, he was noted for language of a scandalous tendency, and delighted in acts offensive to the nobles, of which he eventually paid the forfeit

with his life ; and certainly they would have lost in the estimation of their countrymen, if they had not inflicted upon him a death, so justly deserved.

The great object at the time was, not only to impoverish and weaken the people ; but also to humble and depress the nobility, by resorting to measures of the utmost rigour ; various indeed were the expedients used to obtain this end, some of them to the great injury of the sovereigns themselves. The honours bestowed on noblemen, and the patents of the military orders, were peculiar perquisites of their own, by which means, they rewarded services rendered to themselves, often dispensing with the more expensive routine of office. These honours then began to be sold, and for this reason were esteemed so much less than formerly, that many noblemen refused to accept them, because they were not only bartered, but also put up and sold for money, or obtained, by other sacrifices, or otherwise conferred on defamed persons, who resold them among themselves, thus actually bringing them into disrepute. It is also certain that they endeavoured to invent new honours and titles of distinction, to which they continued to admit unsuitable persons, or such as were branded with a public stigma, thus raising up new personages, and eclipsing the ancient Nobility of the Kingdom, by placing them on a level with their own creatures.

Heavy demands were pressingly made upon the nobles, and, by violent exactions, they were compelled to give what was out of their power. Those who were holders of crown property, were forced to pay a fourth part of the revenue, as well as of commendaries and church livings, without orders from His Holiness ; and, in like manner, quarterages were exacted out of annuities which had been purchased with money, or given as a reward for blood spilled and services rendered. By this means and thus diminishing the incomes of private individuals, they nevertheless compelled them to incur considerable expences, and called upon the nobles, religious corporations and prelates to support a large number of soldiers, and supply clothing and arms at their own expence, as well as for other purposes, which ought to have been defrayed by the Royal Treasury, as well as for enterprises belonging to other crowns, while those who refused, were compelled so to do, and threatened with severe measures.

Not stopping here, they wished generally to force these same prelates, titled persons and nobles to go personally to the unjust war of Catalonia, under fresh and great expences, unrestrained by the reflection that this could not be done by persons who had already been so often drained. The real motives of these acts were not at first perceived ; but, it soon became evident, that the object in view was to weaken the Kingdom,

by withdrawing from it all the distinguished persons, the men capable of carrying on war, as well as the arms, in order to hold it in a more complete state of subjection, and better prepared to endure such acts of violence as might be attempted; no one being left to offer resistance.

But, what fresh acts of violence, it may be asked, could be attempted against a kingdom that was already oppressed and bent down in so many ways? Some may think that such a query as this could scarcely be answered, for it seems almost incredible that other means could be invented to our injury. Fresh thunderbolts were nevertheless forged in the laboratory in which our oppression had already been cast. Many indications were already visible; some measures were in fact in the course of execution, which led us to know that fresh torments were preparing for us. The Kings of Castile had sworn to keep for us the privileges which King Emanuel granted to us, when he passed over to that kingdom to have the oath of allegiance taken to him, as the sovereign thereof, as well as of the Crowns of Aragon, which privileges stipulated that Portugal should be governed with justice, and the revenue administered by native ministers, as well as tribunals residing within the Kingdom, in such manner, that its entire sovereignty and independence might be preserved. It was in fact covenanted that all the offices and benefices should be given to Portuguese, and no persons of any other nation admitted into them. This exemption was, however, odious to the Kings of Castile, and by various means they endeavoured to evade it; and in order to attain their ends, they placed in the Council of Finance Castilian ministers, with increased salaries from our Crown, and larger than those of almost all the Portuguese ministers together, and entitled to vote on all matters, even in lawsuits between parties. In the Custom Houses, superintendents of the same nation were also introduced. Many suits between Portuguese were carried to Castile; and there, contrary to usage and law, sentence was passed upon them, out of our own territory. Orders were given that the embargoes, which in the Chancery of the Kingdom were put upon orders issued in Madrid, should not be admitted, and that those orders were to be forwarded to the latter court. Pensions and ecclesiastical benefices, belonging to this Crown, were bestowed upon foreigners, whilst the revenue arising therefrom, as well as the contributions, were conveyed to Castile, or to others of her States, thus leaving us in those exigencies already pointed out. The Princess Margarita was appointed the vice-queen, although she was not related to the King, in the degree required, according to the covenant entered into with the Kingdom, to hold a trust of this kind, and Castilians were given to her as counsellors, by which means the natives were excluded

from that influence in the government, which they ought to have had, because the votes of the Castilians always prevailed. We had in fact the best reasons to be convinced that these measures were directed to extinguish the Portuguese government altogether, and to deprive us of our privileges and usages, by reducing, as report, from various quarters, already told us was the case, to the wretched state of a tributary province, a Kingdom once so flourishing; more particularly, as we were well aware, that the person who administered the government here, proposed to the King of Castile that it would be proper to introduce into the tribunals of Portugal the Castilian language, in all the papers and transactions, and also, as we were further assured, the coin of *vellon* into the kingdom, in order that we might not be exempt from the consequences of so gross an error on the part of Castile.

We might carry our remarks still further, if we felt inclined to record every thing that deserves notice; but, the theme is so copious, that it would be impossible to reduce it to the limits prescribed for this paper. In addition to this, in order to convey information abroad, I do not wish to wound the feelings of the natives, by renewing the recollection of their sufferings, doubting at the same time whether the charge would not become serious against them, as persons who are not aware how matters stood, may blame them for such long forbearance.

I also pass over in silence the ignominious indecency with which, not long ago, we beheld the Collector of His Holiness driven out of the Kingdom, and this city undergoing an interdict of fifteen months; neither do I call to mind the depredations committed by smuggling, because the nations which are in the habit of trading with us, know them as well as ourselves.

Let those who read this paper, therefore, consider whether we were not fully justified in restoring to its ancient state a nation so warlike, as this is, and so proved by our own and foreign histories, seeing itself so much oppressed and ground down by one reigning therein, divested of all right; and whether it was not proper to restore the sceptre to whom it lawfully belonged! a prince descended from those valiant and enlightened monarchs, under whose benign government Portugal flourished, extending her empire over all parts of the globe—a prince, in disposition, kind and affable; in inclinations, just; in all his actions deemed prudent; thirty-six years of age; fitted to govern in peace and in war; strong and robust; hardened by manly exercises; a warm admirer of our ancient usages; tender and clement to every one, and above all, a good and devout Christian. Let politicians now tell us whether we did not do well to break our unhappy union with Castile? Let them tell us whether the Portuguese have not fully answered that

character for fidelity, which, as loyal subjects, they always bore, and that gallantry for which their nation was ever distinguished, in reinstating their ancient liberties; for freedom it is, and not slavery, which they profess to a Prince, descended from Kings, for whom subjects never bore a more sincere regard.

HOW AND BY WHAT MEANS THE FREEDOM OF THE KINGDOM OF PORTUGAL WAS ACHIEVED.

Rights so clear, and causes so pressing, continually urged the minds of the Portuguese to free themselves from a galling dominion, and recover their ancient liberties. This wish was always uppermost in their thoughts; but it was not easy to prepare the elements, necessary to attain the end proposed. It appeared requisite to avail themselves of other nations; to enter into leagues and procure succours, and among themselves, to prepare great and universal union. Every thing was difficult, because nothing could be undertaken with any certainty of its being concealed from the Catholic King's ministers, residing in Portugal; and as the fortresses, arms, fleets, and stores were in their hands, it was to be feared that our first designs would be discovered, and that we should fall into misfortunes, still greater and more irremediable than those which we had to endure. The thoughts of those persons, zealous in their country's cause, wavered; but, always intent on the object before them, they only hesitated as to the means by which it was to be secured. The Duke lived retired at Villa-Viçosa, owing to his not being allowed to reside in Lisbon, and he was consequently unable to communicate with the Nobility frequently, as the case required; neither did the latter dare to manifest to him their wishes, as, on both sides, the first declaration was dreaded, each party being uncertain as to the sentiments they might find in the other; and this doubt and perplexity reached such a pitch, that, regardless of dangers, distrusts began to shew themselves.

So long as it pleased God to punish the Kingdom in this manner, our difficulties and grievances were unabated; but, when he willed to raise his hand, the same persons who hitherto oppressed us, furnished us with the means of our restoration. In consequence of the wars, waging at the time between their Most Christian and Catholic Majesties, in the year 1639, it appeared expedient to the government of Spain to place Portugal in a state of defence, in such manner that a fleet, for the equipment of which news had been received that preparations were making in France, might not attempt hostilities against us; and thinking that the administration of the Princess Margarita, as Vice-Queen

and Captain-General of the Kingdom, was not sufficient for the emergency, they appointed the Duke Commander in chief of the forces. Persons were not wanting, it is said, in the Spanish Councils, who objected to this choice, giving to understand that the command of the army ought not to be placed in those hands in which the sceptre should have been lodged. The voice of a favourite prevailed; thus exemplifying the usual mode in which the resolutions of powerful monarchs are taken, which may be considered as a token of the nature of mortal power, indicating that there is nothing on earth free from competition, and that those who govern empires, composed of many men, are oftentimes ruled by a single one, thus proving the narrow limits of human greatness. The Duke endeavoured to excuse himself from accepting a commission of this kind, and his reasons being disallowed, he was obliged to temporize. He was prohibited from entering Lisbon, unless the events of the war required it, and he took up his quarters in Almada. There he was visited by the nobles, who becoming acquainted with his affability and valour, and finding in him a living portrait of the heroic virtues of his most serene ancestors, they lamented afresh the grievances which they were enduring, and expressed hopes of a remedy. Some of the best counsellors of them ventured to sound him upon the subject; but, as they were few and the difficulties still glaring, it was not the season to unbosom himself. They were, nevertheless, encouraged; as the repulse which they met with, was not a harsh one.

The Duke proceeded to Lisbon once; and although he did not pass through the streets, having only received permission to go from the sea to the palace, the concourse of the people was so great, as well as their general joy on seeing him, that many persons then feared that Lisbon would have declared for him, and the Castilians certainly entertained this apprehension; but as there were no proofs of his own wishes, no one dared to risk it, since without his concurrence, no attempt could be successfully made. The summer passed over without any war, and the Duke returned home. A few days after reaching his own residence, the same favourite of the King of Castile wrote him, for the purpose of persuading him to recruit the army, at that time operating on the French frontiers, with people from his own domains, signifying to him that it had been reduced to so miserable a state, and that all the land and sea forces of the monarchy were so much in the same situation, that, if from Portugal succours of men did not come forward, for which it became necessary that the Duke himself should set the example, a total ruin would inevitably ensue. For this purpose, he was offered all the grants and favours which he might require; but despising them, and not to afford so baneful an example to the

Kingdom, he at first excused himself, by alleging various reasons, and stating, among others, that he was exhausted and without money; but on this score he was satisfied by a secret supply of specie, with an offer of much more. By this means his excuses were answered; for as the King's orders directed him to recruit men in his own domains, on being supplied with money to do it, no alternative was left but to obey. He nevertheless delayed some months, with a view to withhold his example, as he was no longer able to keep back the men; and when he saw that many others were preparing contingents, he ordered some of the least serviceable and most injurious to the towns to be enlisted, principally out of the prisons, and in much less number than he had been required, as he had been directed to bring forward a thousand, and he ordered them to be conveyed to Catalonia.

He received notice a second time to hold himself in readiness to assume the command in chief of the army; but the appointment did not then take place. He was however some time afterwards ordered to prepare himself, together with the rest of the Nobility of the kingdom, personally to accompany the Catholic King to the expedition of Catalonia; an order which had he then obeyed, would have totally ruined his Family, in regard both to property and lustre, as well as to that pre-eminence which his ancestors had always retained, by receiving from the sovereigns very different treatment to that usually shewn to other distinguished nobles of Spain; and it was not to be expected that he could meet with the same treatment in Castile, it being presumable that he was rather called for the purpose of being subjected to indignities, than from any want of his personal services in the expedition.

Persons were not wanting, who, reflecting on the process through which these orders passed, conceived that the King's favourite, who issued them, apprehending hereafter some derangement in his own affairs, was secretly plotting the separation of Portugal, as was subsequently done, through the medium of this Prince. If not, for what purpose, did they argue, was it that, in opposition to the general opinion of other ministers, who besides pointed out to him the consequences, he ordained that the command of the army should be delivered up to one who had so clear a right to reign? Why did he break the barrier, placed between the Duke and the Nobility, while his Highness was kept secluded at his retreat of Villa Viçosa, and deprived of frequent communications? Why did he wish that the people, who loved the Duke, should see him, and by this means revive their hopes? And, when it was well known, after being seen by them and receiving the warmest demonstrations of love and esteem, that, on proceeding to Lisbon, he was welcomed by public acclamations and evident signs of a disposition,

on the part of the people, to acknowledge him as their native Prince, why was it a second time attempted to place the command in his hands? And when this could not be attained, and after this same minister had so closely pressed a warlike kingdom, why should he afresh press so heavily on the Nobility, and, together with our Prince, rouse them by endeavouring to compel him and them to go to Catalonia; to the great destruction of their families and property? Why, finally, should he have unveiled to the Duke the weakness of Spain, at the very same moment that he was delivering up to him the command of the army, feigning to him also apprehensions of the Turks, and other things which had no existence. They further argued that no great reliance could be placed on the Duke's will, if any judgment was to be formed of what he did to tranquillize Evora and other towns, when they were agitated by commotions; as from what then happened it was scarcely possible to come to any conclusion whether he was likely to be withheld, by apprehensions, from a violation of his loyalty. They were, however, answered, that this was not a fair line of argument, for the person who has a clear right to reign and is forcibly dispossessed of the Crown, constituting his birth-right, makes no sacrifice of loyalty in exerting himself to claim his own; all of which was well known in Castile, and it was besides evident that when Evora shewed a disposition to declare for freedom, it was not in the Duke's power to make known his own views, because he had not been able to establish any previous concert with the nobles. They also said that the Duke was secured, by having taken the oath of allegiance to Philip, as his sovereign. This, however, was not a sufficient reason, it might have been answered; because how can it be credited that a Prince, holding rights such as those above described, should have had the intention of taking an oath of allegiance to another sovereign, who was totally divested of them. This, most assuredly was the case; for the Duke, by commands of His Serene Father, pronounced the words with his mouth, but, in his own breast, protested that he was taking no such oath, and even before they did it, both of them recorded a solemn protest, in writing, invoking, as witnesses, many saints, of their own particular devotion. Such arguments, as these, were at the time put forward, because it was thought that from premises of this kind, it might be concluded how matters were about to turn; but we give no credit to any such allegations; nor are they to our purpose. We shall, therefore, merely relate what happened, in order to shew that those very persons who, it might have been expected, would have counteracted all our views, were the same who furnished us with the means of effecting our restoration; a clear indication that it was the work of the powerful

hand of God, who alone can act by means of Instruments of so opposite a tendency. To him do we owe the glory of having raised us up by the hand of our own enemies.

The general order above mentioned for the expedition to Catalonia, was the cause of many nobles deliberating among themselves, whether they ought not to break through all difficulties, and openly persist in their intent. These were less than forty, some of whom assembled together to devise means; and being well assured that, on the part of the rest and the people, no difficulties were to be apprehended, they gave in a report to the Duke, who, seeing that it was useless to wait for further calamities, and till the dominions of his ancestors were plunged in the extremest misery, consented. By his orders, the nobles alluded to entered the Palace, in the morning of the 1st of December, in last year, when they intentionally killed Miguel de Vasconcellos, and, through an error, a Tudescan. In the death of Vasconcellos, consisted, the satisfaction due to the people, for which reason it could not be avoided, and his body being cast forth from a window, was left stretched on the beach, as an example of the fate that awaits the traitors to their country. They immediately afterwards proclaimed the Duke as King; when the people, magistrates, nobles, and the religious orders and chapters followed. Persons not in the secret of the previous engagement, flocked to hear the accounts from those who with joy and gladness were proclaiming the new King; asking only whether he accepted, and having received the most favourable assurances of his concurrence, they joined in the general applause. The person of the Princess was treated with the greatest consideration, as well as the Castilians, against whom the offended people did not attempt the smallest act of violence, as the nobles governed every thing with the utmost moderation. Not a single robbery was committed, amidst these scenes of confusion; the wicked forgot their evil habits, as the ardour of the public joy and the prospect of freedom absorbed the attention of every one: In two hours, the people became serene, and in the city it did not seem as if any change had occurred, more than the transition from sadness to joy. For the whole Kingdom, nothing further was wanting than the arrival of the news, and although the people had no previous information of the event, no objection whatever was evinced on their part, unless it was in like manner to ask whether the Duke was willing to accept the Crown; and being assured in the affirmative, they immediately declared themselves in the most affectionate and obedient manner. Many noblemen who previously were not on the best terms with the Duke, as being the head of the House of Braganza, on knowing that he had consented to be proclaimed King,

immediately declared in his favour; for if they were jealous of the greatness of his House, as a Duke, they loved him as a Sovereign; an inherent feeling in the Portuguese mind, whose loyalty never could be affected by undue passions, or jealousies.

This triumph, prepared by so many causes, and achieved with so much moderation, certainly met with invectives among evil minded persons and others, envious of our glory; whilst those who judged impartially pronounced it the most laudable. All human actions are estimated according to their object and attendant circumstances; and if this of ours be but attentively considered, it will be found marked with every thing that constitutes manliness and moral perfection. The object was a just restitution, and the persons who aimed at it were, the Prince, to whom it was due, and who, most assuredly, had a right to repel the violence done to his ancestors; and his subjects, who considered themselves called upon to aid and serve a native Prince of their own. The end proposed was the justice of that restitution, and a wish to free the country from the grievances and acts of tyranny which it endured, in order that, our chains being once broken, we might attend to our old cares of propagating the Faith, with our accustomed zeal, and put an end to the neglect with which this important matter was hitherto treated. The theatre of this triumph was the city, the head of the Kingdom, and the palace; as for so laudable and just a deed, no less public a place was adapted. The arrangement and direction of the means which the powerful hand of God furnished to us were excellent, the efforts of our enemies being converted to our advantage, as before noticed, while he was pleased to inspire with great valour those who deliberated on the daring attempt, so few in number and exposed to such imminent and personal dangers, that if they had not succeeded to their hearts desire, or had they been opposed by the people, most assuredly, they would have lost their lives and property, and acts of the extremest atrocity would have been exercised against them. Devotion to the Prince and love of country overcame every difficulty; and the public feeling indicated a wish that statues should be erected to them, in order to perpetuate the memory of so illustrious a deed. On the manner in which all was done, which certainly enhances the merit of human actions, so much could be said, that, on this subject alone, a longer paper might be written; for every thing was conducted with such caution, that, although various persons discovered the secret, which lasted for several days, and they, not only men, but also some women; not only nobles, but also persons of the lower orders; nevertheless, no one revealed it, and the first voices heard were those which proclaimed the new King. There were sons who, with a manliness

that almost eclipsed the heroism of former ages, kept the secret from their fathers; relatives, living in the same house, and all knowing it from different channels, understanding also that all were aware of it, still refused to communicate with each other on the subject. And in order that the whole glory might not belong to the male sex, there were some illustrious matrons who, in the morning of the event, with their own hands, helped to arm their sons, and giving them their blessing, encouraged them by generous words to go and offer their lives on behalf of their country. The greater was the deed, in proportion to the weakness from which it proceeded. The moderation observed was also so great, that it might suffice to remark that people, so justly roused and with such great reason indignant, abstained from all acts of violence, even although the opportunity was afforded them. Not one single Castilian was touched, the noble and high intent with which the public mind was filled, making every one forget the injuries which our countrymen had, on various occasions, received from them; and all due decorum was evinced towards the persons placed among us by the king of Castile, according to the rank and condition of each. No one sought to avenge himself of his enemy, a matter of great ease, on such an occasion as this; but rather many, who before were at variance, now became reconciled. Vasconcellos was the only man who paid the forfeit of his life, and as a traitor to his country, it was not just that he should be reserved. There were many nobles, who had sons, brothers and other relatives in Castile, whom they might have notified to withdraw, having sufficient time to do it; but they prized the secret, which they were anxious to keep, more than the ties of blood, or any bond of duty, wishing rather to be wanting in every thing than that loyalty by which they were held.

It would scarcely be possible to imagine that so much delicacy, secrecy and uniformity of mind; so much superiority over the most dangerous of the human passions, could happen without the particular assistance of Heaven; and this being manifested to us by so many signs, what more could we wish, on our part? The cries of justice were uttered, for so many years, with a voice so loud and unceasing, that at length they moved the Divine will to grant us a remedy; how, therefore, could we imagine that all which we have done would not be readily approved by the Most Serene Monarchs of Europe, the enlightened Republics and the most illustrious Potentates, with their warlike nations, priding themselves, as they do, on the punctilio of honour? On this subject, we do not entertain a doubt, since, from all that we have herein said and made known, we hope and trust that, as they must be convinced of the justice of our cause, they will aid and favour us in it, as is due

to that ancient friendship which this kingdom has ever preserved with all, when it flourished and governed itself; for it is certain that there is not a nation in Europe, excepting that of Castile, that was not a confederate of our own, and is not now bound to us by the ties of esteem and reciprocity. If the above, our ancient rival, by force of arms, should now wish to disturb and molest us, arms and men will she find ready to uphold and decide our rights; but she would act unjustly, because the very government by which she is herself oppressed, has taught her to know that we were warranted in all we have done.

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## APPENDIX B.

### ILLUSTRATIVE STATEMENT OF THE PORTUGUESE LOAN.

In the month of October, 1823, the Government of Portugal contracted, at 87, a Loan for £ Sterling 1,500,000 with Messrs. B. A. GOLDSCHMIDT & Co. of London, bearing a yearly interest of 5 per cent, the leading conditions of which, were, that the Dividends should be paid every six months and a Sinking Fund kept up, so as to redeem the whole amount in 28 years. The Government of Portugal, faithful to its engagements and ever anxious to support its foreign credit, religiously fulfilled all its obligations towards the Bondholders, till the month of June, 1826, when  $6\frac{1}{2}$  per cent., or about £100,000 of the principal of the Loan had been redeemed and the corresponding bonds cancelled. In the whole of this interval, these securities commanded a high price, as, besides the great punctuality and good faith evinced throughout the transaction, it was well known that this was the only Loan which the Government of Portugal had abroad.

On the 29th of August, 1825, a Treaty, intended to secure the Independence and Separation of Brazil, was negotiated with Portugal, under the mediation of Great Britain and through the agency of Sir CHARLES STUART; and, as part of the same Treaty, a separate Convention was concluded "*for the Settlement of the public claims of both Nations,*" in which it was agreed that their respective demands "*should be received and decided, either by the restitution of the objects claimed, or by an equivalent indemnity.*" A given sum was afterwards fixed upon, when, by Article 1 of the said Convention, it was stipulated that Brazil should

pay to Portugal Two MILLIONS Sterling, as an indemnity for the debt thereby acknowledged.

By Article 2, it was further covenanted "*that the Loan contracted by Portugal in London, in the month of October, 1823, should be transferred to the Treasury of Brazil, and the remainder paid within one year after the ratification*; all private Claims being left to the decision of a Mixed Commission. Conformably to this arrangement, Brazil undertook to pay, on account of Portugal and as part of the acknowledged debt of Two Millions Sterling, the nominal sum of £1,400,000, about £100,000 on the principal of the Portuguese Loan having been previously redeemed; further engaging to make good the balance, so as to complete the net sum of Two Millions Sterling, within a given time, and, in the month of February, 1826, actually did pay to the agents of Portugal, in compliance with the stipulations, so entered into, the sum of £250,000.

The Provisions of the Convention were, in fact, carried into full effect—a Mixed Commission for the adjustment of private Claims was appointed, and, by a solemn Act of the Brazilian Legislature, the Portuguese Loan became a national debt, and was assumed and funded as such; Brazil thus engaging to keep all the conditions of the original contract.

The Brazilian Government accordingly provided money for the payment of the Dividends, due on the 1st of June, 1826, as well as the corresponding appropriations for the Sinking Fund, and continued so to do on the 1st of December, 1826; the 1st June, 1827, and the 1st of December in the same year; the Executive of Brazil thus periodically confirming, in the face of Europe and during a period of two years, the stipulations of the Convention, as well as the successive acts of the Legislature.

The British Bondholders were satisfied with an arrangement, by no means unfavourable to their interests, and at the same time highly advantageous to Brazil, 26 years being thereby obtained to pay the principal part of a debt which otherwise must have been settled by early payments, in which case, most probably, the whole of the Loan would, ere this, have been redeemed; and the confidence of the said Bondholders was considerably increased, when they reflected that their own Government was a party to the Treaty of Independence and Separation, as well as to its counterpart, the Convention, conceiving that their rights would at all times be thus duly protected. They were also satisfied with the conduct of the Brazilian Government, trusting that the demonstrations, already made, warranted a perfect reliance on a continuation of the same punctuality and good faith.

Their confident hopes were, however, subsequently foiled. In the month of April, 1828, when the events passing in Portugal indicated that a quarrel was about to ensue between the two male branches of the Braganza Family, which, it was apprehended, might affect the value of Portuguese Bonds, the accredited Representative of Brazil near the Sovereign of these Realms, caused a notification to be inserted in the Courier Newspaper of the 30th of April, 1828, evidently for the purpose of allaying the fears of the Bondholders and sustaining the credit of his own Government, in which he formally announced that, "*in order to afford a proof of the good faith of his Government and their religious observance of the Convention of the 29th of August, 1825, he would cause the dividend (meaning the one nearly due on the Portuguese Loan) to be paid as usual.*"

The British Bondholders, relying on the honour of the Brazilian Government, and trusting to this solemn assurance of its Representative, were encouraged and confidently expected the payment of the dividend, due on the ensuing 1st of June; but, without any cause, explained to them, no dividend was paid, and they have since learned that the same Representative of the Brazilian Government, when urged to provide the necessary funds by the then accredited minister of Portugal, in London, returned for answer, under the date of the 8th of May, 1828, that is, eight days after his notification aforesaid, that, "*in consequence of the deplorable event which had occurred in Lisbon on the previous 25th of April, (meaning the Convocation of the Cortes) he was reluctantly obliged to withhold the payment and solicit fresh instructions from His Imperial Majesty,*" acknowledging, nevertheless, that "*the suspension was a temporary one.*"

Since the above period, up to the present time, that is, for the last twelve months, the British Bondholders have been left in a state of doubt and anxiety; no satisfaction, or explanation whatsoever, having been given to them on the subject. In the mean while, their securities have depreciated, lately to an alarming degree, and they have besides had the mortification to know that a public attempt was, some time ago, made to delude the Brazilian Government and deprive them of the advantages by which their Property is protected, by a Petition being opened for signature at the old Legation of Portugal, in London, in which the Portuguese Refugees in England prayed the Emperor of Brazil to retain the dividends on the Portuguese Loan as an indemnity for them, notwithstanding their punctual payment had, in various ways, and by acts the most solemn and binding, been previously pledged to the Bondholders, who have no concern whatsoever with any dispute, public, or private, which may exist respecting the Affairs of Portugal.

On the other hand, it is now fully ascertained that the commercial relations between Portugal and Brazil have not, for a moment, been interrupted; nor has the Government of the latter, on whom the holders of Portuguese Bonds rest their just Claims, in any way interfered in the personal dispute subsisting between the two male branches of the Braganza Family—Claims which could not even be weakened by a declaration of war, as seen by the 13th Article of the original Contract for the Portuguese Loan, and now binding on the Brazilian Government, wherein it is set forth that “*the engagement entered into on the part of His Most Faithful Majesty, is to be declared inviolable and not affected by any political change, or circumstance whatsoever, and to be held equally sacred in time of peace, as well as in war,*” &c.

It is further known that the operation of the Convention, by virtue of which the Portuguese Loan was added to the national debt of Brazil, has not been altered, or suspended, as may be seen from the public notice issued by the Mixed Commission, appointed for the settlement of private Claims, and still sitting at Rio de Janeiro, dated September 22nd, 1828, consequently, six months after the suspension of the payment of the London dividends.

The Brazilian nation, moreover, received full and equivalent value for the whole Two Millions Sterling, by the Convention acknowledged as a debt due to Portugal, in vessels of war, stores, &c. as well as personal and landed property, held in the right of the late King John VI., which renders the guarantee, given by Brazil to the Holders of Portuguese Bonds, infinitely more sacred and binding—such, in short, as not to be affected by any subsequent event over which the parties, so secured, had no control.

In justice to the Brazilian Legislature, it ought, however, to be observed that, by virtue of an Imperial Decree, dated the 8th of October, 1828, in execution of a Law, previously passed by the General Assembly, it was ordained that 1,178,089 Contos of Reis should be appropriated from the public Treasury for the interest and sinking funds, corresponding to the year 1829, “*of the Foreign Brazilian and Portuguese Loans;*” a very evident proof that the Legislature had previously ordered due provision to be made for 1828, and the Emperor himself approved of and sanctioned the measure, notwithstanding the Dividends on the Portuguese Loan are still withheld from the parties for whose use they were thus voted and appropriated, at the same time that it is acknowledged that the necessary remittances were made to England for the purposes so ordained by law.

From the premises herein established, it consequently results, that the payment of the Dividends on the Portuguese Loan has been unduly

suspended ever since the first of June, 1828, and continues so up to the present time, contrary to the express stipulations of a solemn Convention; contrary to the enactments of the Brazilian Legislature, and in a manner totally opposed to that promptitude and good faith which have ever distinguished the Emperor Dom Pedro, and marked the financial concerns of his Government.

The consequent depreciation of the securities, given as a guarantee to those persons who invested their money in the Portuguese Loan, having now touched an alarming stage, and there being besides no apparent termination to the anxiety and uncertainty in which the British Bondholders are placed, or any means of calculating the contingencies to which any further delay may expose them, as the only alternative left, they therefore feel themselves called upon to apply to His Majesty's Government for such redress as may be deemed fit, well aware that the Ministers of a British Sovereign have always considered it their duty to see Treaties and Conventions, to which they themselves have been parties, carried into due effect; particularly, when from their inobservance, or infraction, most serious losses and injuries result to subjects of these Realms; and the Complainants can make the present appeal with more confidence, as it is clear that the Brazilian Legislature has provided the necessary funds to comply with a national obligation, and by no act disavowed the bond which the Empire is under to meet engagements of so sacred a character.

In soliciting the intervention of His Majesty's Government in the affair about to be submitted to its wisdom and discretion, the British Holders of Portuguese Bonds are further confident that the redress required can be made effectual, and readily obtained, as under a Constitutional Government, like that of Brazil, when once an appropriation of public monies has been made by law, for a special purpose, this being the attribute of the Legislative Power alone, no other than a competent authority can alter the destination so ordained, much less in cases immediately affecting the honour and good faith of the country. If, therefore, any unforeseen, and hitherto unexplained, cause induced the accredited Representative of the Brazilian Government to suspend the payment of the dividends, due on the Portuguese Loan, for the time being, it is still to be presumed that the requisite funds, so legally provided and periodically remitted, are in existence, and that those difficulties which first prevented them from being applied to the lawful uses for which they were intended, on a mutual explanation with His Majesty's Government, will be easily removed, and the further injuries of the Complainants avoided.

## APPENDIX C.

SELECT PAPERS RESPECTING THE RELATIONS BETWEEN GREAT BRITAIN AND PORTUGAL. PRESENTED TO BOTH HOUSES OF PARLIAMENT, BY COMMAND OF HIS MAJESTY, JUNE, 1829.

[Correspondence with Sir W. A'Court and Sir Charles Stuart, relative to the Constitution of Portugal, granted by His Imperial Majesty, the Emperor of Brazil, 1826.]

## No. 2.

Sir Charles Stuart to Mr. Secretary Canning.—(Received June 7th.)  
(Extract) Rio de Janeiro, 1826.

His Imperial Majesty then talked of conciliating the affections of the Portuguese by giving them a Constitutional Charter; and, if the war should turn out unsuccessfully in the South, of obtaining military succour from Portugal, with a view to diminish the burden, which is already severely felt in this country.

My suspicion of the principles which such a Charter might promulgate, induced me to point out the necessity of caution; saying, that, if the mere convocation of the Cortes, who were the ancient and legitimate institution of the kingdom, was viewed with jealousy by Spain and France, what mischief might not be produced by a change, in which the Cortes had borne no part; and M. de Paragnagua, who saw his Majesty soon after, entered so fully into the spirit of this objection, that, for several days, no other constitutional system, but such as should be founded upon the ancient institutions of Portugal, was thought of.

(Signed)

CHARLES STUART.

The Right Hon. George Canning, &c.

## No. 3.

Sir Charles Stuart to Mr. Secretary Canning.—(Received July 7.)  
(Extract) Rio de Janeiro, April 30, 1826.

The Council did not separate on Friday until they had determined upon a complete change of measures, since it was resolved that his Imperial Majesty should merely accept the Crown of Portugal for the purpose of giving to that kingdom a Constitutional Charter, suited to the circumstances of the times, and that, in the event of this Charter being favourably received, and his eldest daughter given to the Infante Dom Miguel, he should abdicate in her favour.

I thought the consequence of this change too important to be passed

over without comment, and I, therefore waited upon his Imperial Majesty.

I took the liberty of remarking to his Majesty that since he was reluctant to depend upon the ancient institutions of the country, by convoking the Cortes of Lamego, it was absolutely necessary to announce the Constitutional changes which he meditated, in such a manner that they should not appear to emanate from the Councils of his Brazilian advisers, and that I, therefore, hoped that he would not wait for the meeting of the Chambers in Rio de Janeiro, to publish his decrees; adding that, although the same argument did not apply to the Constitution, of which the tendency might be interpreted in Brazil, I implored him to bear in mind the possible hesitation of the people of Portugal to receive a boon, which should be calculated to involve them in disputes with their neighbours, and not to allow the Constitution to transpire before he should be certain that it had been accepted.

His Majesty said that he appreciated the justice of my reasons for preferring the old institutions of Portugal, but that, how much I might admire those institutions, I must admit that, since they were not, in every respect, suited to the present day, some change must necessarily be introduced, and, this necessity once admitted, the Cortes would become a constituent body, subject to a thousand inconveniences which the Charter could alone remove. He then produced his project of Constitution, already completed, to the compilation of which he had devoted the greater part of the week; and the joy with which he spoke of its contents shows that the promulgation of this Act is the principal inducement held out to him by his advisers, for the abdication of the Crown of Portugal.

As it was impossible for me to look through so long a paper at that time, he told me, generally, that it established two chambers, and that, as it upheld the prerogative of the Sovereign, and the power of the Nobility, he could not coincide in the fears which I seemed to entertain respecting its possible effect in other countries.

He then proceeded to develop the plans, according to which his own abdication is conditional, and dependent upon the marriage of his daughter by proxy to the Infante Dom Miguel, and upon the acceptance of the Constitution. The Regency is, in the first instance, confirmed, the Amnesty published, and, as soon as the three Estates shall have taken the oaths to the new Constitution, the Queen will repair to Lisbon.

After some altercation, his Majesty promised to delay the publication of the Portuguese Charter, until it should have been accepted at Lisbon, whither he stated his wish to send these Acts through my hands, as

Portuguese Plenipotentiary, since he considers them the complement of the Treaty which I had signed, for the separation of the two countries.

I was somewhat startled by this mark of confidence, which I endeavoured to avoid, by expressing my doubts how far such a course might meet the approbation of my Court. As however he persisted in his determination, I replied that his request embarrassed me very much, since I was totally unprepared to take upon myself so heavy a responsibility, for that his Imperial Majesty might have observed, that, in the course of the discussions upon this subject, I had not allowed myself to give an opinion which did not directly refer to the public acts approved by the King's Government.

Whatever may be the view taken by his Majesty's Ministers of the transactions detailed in this despatch, they are by no means committed by my language or my proceedings, under a total want of instructions, and they consequently remain at liberty to follow the course which they may consider expedient.

(Signed)

CHARLES STUART.

The Right Hon. George Canning, &c.

No. 5.

Mr. Secretary Canning to Sir Charles Stuart.

(Extract.)

Foreign Office, July 12, 1826.

Colonel Freemantle arrived here on Friday evening, the 7th inst. with your Excellency's despatches to the 7th of May inclusive, which have been laid before the King.

Every thing of what your Excellency brings from Rio de Janeiro to Lisbon, will be precisely what the Portuguese Government and nation are prepared to expect, except the Charter of a Constitution.

The opinion, indeed, has 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.

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 there appears no reason to doubt of the acquiescence of the nation in the dispensation of a Sovereign, for the manifestation of whose pleasure they have professed to look with the utmost deference and submission.

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.

It is not to be denied that the Notables of France, in 1789, on the one hand, and the Charter of Louis XVIII., in 1815, on the other, come, in a remarkable degree, in aid of his Imperial Majesty's reasoning.

It may be hoped, therefore, that when those Courts, which are naturally most adverse to *any* convocation of National Assemblies, consider that the avoiding of *all* such convocation was absolutely impossible, and that the option was merely between two *forms* of Assembly, they will abstain from opposition to that which has been selected; the rejection whereof in Portugal could only lead to a state of things which would revive all the difficulties that have just been overcome, and place the Crown of Portugal, and not the Crown only, but the Monarchy itself, of Brazil, in danger.

In order that we may inculcate with more effect on other Governments the duty of abstaining from any interference with the free agency of Portugal, it is particularly expedient to remove all grounds of jealousy, as to the exertion of British influence on so momentous an occasion.

For this reason, while his Majesty entirely approves of your Excellency's having consented (under the peculiar circumstances of your situation in Brazil) to be the bearer of the Emperor's decrees from Rio de Janeiro to Lisbon, I am to signify to you his Majesty's pleasure, that, so soon as you shall have delivered those several instruments into the proper hands, and shall have rendered account to the Portuguese Ministry of the mission with which your Excellency was charged from his Most Faithful Majesty's Government to the Emperor of Brazil, your Excellency should take leave of the Infanta Regent, and return home.

(Signed)

GEORGE CANNING.

His Excellency Sir Charles Stuart, G.C.B., &c.

No. 8.

Mr. Secretary Canning to Sir William A'Court.

Foreign Office, July 19, 1826.

Sir,—In my despatch of the 17th instant, as well as in all the despatches upon the same subject which have been addressed to his Majesty's Ambassadors and Ministers, copies of which I have enclosed to your Excellency, your Excellency will observe that I have cautiously abstained from entering, in the smallest degree, into the merits of the Constitutional Charter which Dom Pedro has devised for Portugal. It is not for his Majesty's Government to analyze a project, framed by a friendly Sovereign for the government of his dominions, nor to express any other sentiment respecting it, than the wish and the hope that, if carried into effect in Portugal, it may conduce to the stability of the Monarchy, to the prosperity of the State, and to the happiness and rational liberty of the people.

There are, however, two points in this Constitutional Charter—(I am not, upon such examination as I have yet been able to give to it, aware of more)—to which I am compelled to call your Excellency's attention, and to direct you to invite that of the Portuguese Ministry; because they trench directly upon the rights of this country under treaty.

With any internal changes in a foreign state, affecting only the municipal laws of that State and the interests of its subjects, no foreign Government has any pretension to meddle. But Treaty is a law which binds State to State, and of which no internal changes in one State can justify the violation, to the detriment of another.

By one article of the proposed Constitution, the liberty of religious worship is restrained far within the limits to which the British nation is entitled to enjoy it, and does enjoy it, in Portugal. It is ordained that no external appearance of a church shall be allowed to any other than the established religion of the country.

I need not inform your Excellency that his Majesty's subjects resident at Lisbon have a church, which by no means corresponds with this limitation; and I am to direct your Excellency to lose no time in protesting, in the strongest terms, against any deterioration of this their rightful privilege.

The other point to which I particularly refer is the abolition of private jurisdictions, which may be construed to involve in Portugal, as it has been construed to involve in Brazil, the extinction of the jurisdiction of the Judge Conservator.

In Brazil we could found our remonstrance against this extinction of our privilege only upon the Treaty of 1810, which was on the point of expiring. But in Portugal we hold that privilege by the treaties of ancient date and perpetual obligation, and your Excellency must protest

against any attempt to abolish it, by inference, from any change in the internal government of Portugal.—I am, &c.

(Signed) GEORGE CANNING.

His Excellency Sir William A'Court, G.C.B., &c.

No. 9.

Mr. Secretary Canning to Sir William A'Court.

(Extract.)

Foreign Office, July 22, 1826.

It is the anxious wish of his Majesty's Government that nothing may have been done by Sir Charles Stuart, whether under the Commission of the Emperor Dom Pedro, or at the solicitation of the Portuguese Authorities, which can be liable, either in Portugal, or throughout Europe, to be misconstrued as an authoritative interference in the internal concerns of Portugal. Should any thing of that sort unluckily have occurred, his Majesty's Government relies confidently on your Excellency for doing away the impression which it would be calculated to create, by a discreet use of the explanations and declarations contained in my despatches to your Excellency, and in those of which I have transmitted copies for your information.

(Signed) GEORGE CANNING.

His Excellency Sir William A'Court, G.C.B., &c.

COMMUNICATIONS WITH THE MARQUIS DE BARBACENA, RESPECTING HIS DEMAND FOR ASSISTANCE FROM GREAT BRITAIN, IN SUPPORT OF DONNA MARIA II. AS QUEEN OF PORTUGAL, 1828, 1829.

No. 35.

The Marquis de Barbacena to the Earl of Aberdeen.

(Extracts.)

London, 25th November, 1828.

The undersigned, Plenipotentiary of his Majesty the Emperor of Brazil, discharges the sacred duty imposed upon him by his august Master, by addressing to his Excellency the Earl of Aberdeen, his Britannic Majesty's Principal Secretary of State for Foreign Affairs, the official demand of his Britannic Majesty's support in favour of her Majesty the Queen of Portugal, and the claim of effectual assistance in placing her Most Faithful Majesty upon the Throne belonging to her, as well as in securing to her the possession of her kingdom.

The intelligence of the usurpation effected at Lisbon on the 1st of July of this year, having excited in the mind of his Majesty the Emperor Dom Pedro, a just indignation and the most lively pain, it may be easily conceived that these feelings of his Imperial Majesty are heightened by the paternal uneasiness necessarily occasioned by the lot

of a beloved daughter, from whom he could not separate but with regret, to comply with the repeated instances of the sovereigns, his allies, and in the full conviction that she would keep possession of the Crown guaranteed to her, no less by her legitimate rights, than by the solemn arrangements to which the Courts of England and Austria were parties, and by the oaths of the Prince, upon whom he had conferred the Regency of Portugal, and for whom he had destined the hand of his daughter.

His Imperial Majesty, though cruelly disappointed in this hope, can entertain no doubt of the same powers sharing his just indignation ; and he has gratefully received the first proof which they afforded of it, by withdrawing their Ministers from Lisbon. He has looked upon it as a sure pledge, that the ancient and intimate Ally of Portugal would not be satisfied with testifying by that act, in common with all the other Courts of Europe, his disapprobation of the perfidious insurrection excited in Portugal, but that his powerful co-operation would be still more effectually displayed in favour of the Queen, when formally called upon for that purpose by the head of the House of Braganza ; and this hope happily accords with the words spoken from the Throne at the closing of the last Session of the British Parliament. Determined never to come to any terms with the usurper of the Portuguese Crown, and to assert the rights of her Majesty the Queen Donna Maria II., the first thought of his Majesty the Emperor of Brazil could be no other than that of claiming for this purpose the aid of his Britannic Majesty, in virtue of the treaties subsisting between Portugal and Great Britain.

These treaties, as his Excellency Lord Aberdeen is aware, commence with the earliest period of the Portuguese monarchy. In the reign of Edward I. of England, stipulations of friendship and commerce were entered into between the two Crowns ; and in 1373, a formal treaty of alliance was concluded between Ferdinand I. of Portugal, and Edward III. of England. Such is the ancient alliance still subsisting, it may be affirmed, in full vigour and intact, by means of the series of treaties which have succeeded each other, and which, most of them, set out with confirming all the former treaties.

This series ends with the treaty of the 21st January, 1815, the third article of which runs thus :—“ The ancient treaties of Alliance, Amity, and Guarantee, which have so long and so happily subsisted between the two Crowns, are by this present article renewed by the two High Contracting Parties, and acknowledged to be in full force and vigour.”

No war has, during this long period, interrupted between the two Governments a connection, of which diplomatic history exhibits no similar instance ; and the only rupture which has occurred took place

during Cromwell's Protectorate, occasioned, it is worthy of remark, by the assistance given by the King of Portugal to the partisans of King Charles I. to whom he had granted an asylum at Lisbon.

In Article 6 of the Convention, signed at London, the 22d of October, 1807, No. 8, occur the following expressions:—"His Britannic Majesty engages in his name, and in that of his successors, *never to acknowledge, as King of Portugal, any Prince other than the heir and the legitimate Representative of the Royal Family of Braganza.*"

This stipulation evidently applies to the present case; for the heir and Representative, whom his Britannic Majesty has recognised as such, is at the present moment dispossessed of her Crown, by a Prince of the same family, indeed, but who is not the less an Usurper.

The undersigned deems it his duty to dwell upon the quotations just made, and to which he might add many more; but he flatters himself to have sufficiently demonstrated,—1st. That all the Treaties of Alliance and Guarantee, concluded between Portugal and Great Britain, are still subsisting in full vigour;—2dly, That the nature of these Treaties, their number, and the connection which they have established between the two Crowns for so many ages, give them a peculiar character, which distinguishes them from ordinary Treaties, and that it is necessary to interpret them as a whole, rather than to analyze them separately;—3dly. That in several instances, express mention is therein made of cases of revolt, or of rebellion, either with the view to stipulate the affording of assistance, or for the purpose of permitting the levy of troops, or in order reciprocally to exclude rebels from the two States;—4thly, and finally, that this alliance at the moment when it was entered into, was applied to the case of the revolt of the Infant Dom Henry against his brother, the King Dom Ferdinand, which is a similar case to that which now presents itself between his Majesty the King Dom Pedro IV., and his brother, the Infant Dom Miguel. The application, therefore, of the ancient Treaties of Alliance to the case under consideration, has all the force of a *Precedent*.

And can the British Monarch, if the undersigned may presume to make such an appeal, ever forget the written assurances which his Majesty received, and the words which his Majesty himself heard the Infant Dom Miguel utter?—Will the King of England forget that that Prince, after having been received in England in the most distinguished and most friendly manner, and after having been accompanied as far as the Tagus by an English squadron, did immediately violate every oath, while under the protection, it may be asserted, of the British troops, whose presence at Lisbon, though without any such intention, produced the effect of repressing every attempt at resistance to measures, by which,

under the legal mask of the Regency, the Infant was preparing to accomplish the usurpation ?

Can his Britannic Majesty, on the other hand, forget the generosity, the good faith, and the implicit confidence with which his Majesty the Emperor of Brazil has complied with all the wishes, and conformed to all the counsels of his august Ally, by completing his abdication of the Crown of Portugal, and by sending the young Queen to Europe ?

And can it be possible that the august Monarch who so earnestly advised both those measures, should patiently bear the usurpation, and refuse to lend the Queen, his Ally, that succour which the undersigned, in the name of that Sovereign, and supported by her presence, claims in her favour ? No one can suppose it.

To conclude, the undersigned therefore claims, in the name of his august Master, and in favour of Queen Donna Maria II., such assistance as the circumstances call for, and as her Most Faithful Majesty is justified in expecting, on the part of his Britannic Majesty, in virtue of the intimate alliance subsisting between the two Crowns, and of the engagements resulting from the formal conferences held at Vienna and London. The undersigned cannot doubt of the resolution which the sentiments of justice and of honour will dictate to the Cabinet of his Britannic Majesty, the more particularly when he calls to mind the counsels and the promises which he was charged himself to convey to the Emperor, his Master, from the eminent Personage who now presides, and was already presiding in March last, over his Britannic Majesty's Councils. He has only to add, that in case the stipulations of the Treaty of 1661 should not be judged sufficient for the present circumstances, he is provided with the necessary instructions and full powers for concluding a Convention, in which the succours to be furnished by his Majesty the Emperor of Brazil, and by his Britannic Majesty, to her Majesty the Most Faithful Queen, may be formally specified.

The undersigned avails himself of this opportunity, &c.

THE MARQUIS DE BARBACENA.

His Excellency the Earl of Aberdeen, &c.

The Earl of Aberdeen to the Marquis de Barbacena.—(Extracts from.)  
Foreign Office, Jan. 13, 1829.

The undersigned, in replying to the note which he had the honour of receiving from the Marquis de Barbacena, on the 30th of November, cannot help noticing the extraordinary circumstance, that, while the Ambassador of his Majesty, at the Court of Rio de Janeiro, is charged with a Special Commission, having for its object the reconciliation of

the Emperor Dom Pedro with his brother the Infant Dom Miguel, the Plenipotentiary of his Brazilian Majesty in this country should claim officially from his Majesty effectual succours, in order to place her Most Faithful Majesty Donna Maria II. upon the throne of Portugal; and this at the same time that Lord Strangford, and the Minister of his Imperial Majesty the Emperor of Austria, were receiving, from the mouth of the Emperor of Brazil, professions of his intention to defer to the counsels and judgment of his august Father-in-law and of the King of Great Britain, in the settlement of the unhappy differences subsisting in the House of Braganza.

Under these circumstances, the undersigned would have felt himself compelled to wait until further advices had enabled him to ascertain the real sentiments of the Court of Rio de Janeiro; but the demand of the Marquis de Barbacena being founded upon the alleged obligations of treaties, it is more consistent with his sense of duty towards his Sovereign to explain at once the real nature of these obligations, and in doing so, to remove all doubt from the honour and good faith of the King, his Master.

It is assumed that the usurpation of the Throne of Portugal by the Infant Dom Miguel has given to her Most Faithful Majesty the right of demanding from this country effectual succours for the recovery of her Crown and Kingdom. But it is not easy to see upon what foundation such a claim is supposed to rest. In the whole series of treaties there is no express stipulation, which can warrant the pretension put forward in the note of the Marquis de Barbacena. Neither is any such obligation implied by their general tenour and spirit.

It is, then, either for the purpose of resisting successful rebellion, or for that of deciding, by force, a question of doubtful succession, that Great Britain has now been called upon to act. But it is impossible to imagine that any independent State could ever intend thus to commit the direction and control of its internal affairs to the hands of another Power; for, doubtless, if his Majesty be under the necessity of furnishing effectual succour, in the event of an internal revolt or dissention in Portugal, it would become a duty, and indeed it would be essential, to take care that no such cause should exist, if it could possibly be prevented. Hence a constant and minute interference in the affairs of Portugal would be indispensable; for his Majesty could never consent to hold his fleets and armies at the disposal of a King of Portugal, without exercising those due precautions, and that superintendence, which should assure him that his forces would not be liable to be employed in averting the effects of misgovernment, folly, or caprice. Is this a condition in which any State professing to be independent, could

endure to exist?—And yet, if it were possible to admit the validity of the engagements contended for by the Marquis de Barbacena, such must necessarily be the relation in which Great Britain and Portugal would stand towards each other.

But the truth is, that the whole spirit of the treaties and their history, shew that the principle of the guarantee, given by England, is the protection of Portugal from foreign invasion.

In the course of the last century, Great Britain has repeatedly answered the call for this protection; and the Marquis de Barbacena need not be reminded, has done so with alacrity and with effect. Never, until the unfortunate events of the year 1820, has she been called upon to interfere in the internal affairs of Portugal. This interference, although frequently demanded since that period, has been steadily refused by the British Government. It has been equally refused to all parties, as for all purposes; and certainly these have been the most opposite and contradictory. Even in 1826, when his Majesty, in compliance with the requisition of the Ambassador of his Most Faithful Majesty, sent a body of his troops to Portugal, the justification of that measure was expressly placed upon the ground that the Portuguese refugees had acquired a foreign character, by having been embodied, armed, and equipped, in Spain; and the Commander of the British troops was strictly enjoined to take no part whatever in the contest between the factions in Portugal; but to oppose himself to the foreign invaders, and to such as he might find united under their banners.

It is not pretended by the Marquis de Barbacena, that the usurpation of the Infant Dom Miguel has had any foreign origin, or has been encouraged by any foreign State. On the contrary, every Sovereign in Europe has withdrawn his Minister, and suspended all diplomatic intercourse with the Court of Lisbon. Whether the act be right or wrong, it was that of the nation. If proof were wanting, it would be found in the conduct of those who, having raised the standard of the Emperor Dom Pedro, or of the Queen Donna Maria, at Oporto, having collected there the greatest part of the army, together with a large body of men in arms, not belonging to the military profession, superior in numbers, equipment, discipline, and means to their opponents, still thought it necessary to abandon Oporto, and, many of them, to seek refuge in England, because, as they declared, they found the whole country against them.

But if a case of successful usurpation and rebellion cannot justify the interference of Great Britain, still less can she be called upon to take part in the decision of a disputed succession. It is attempted, however, to interpret the guarantee established in the treaties with Portugal, as

imposing upon Great Britain the obligation of securing the succession of the Queen Donna Maria, and of placing her Most Faithful Majesty by force upon the throne of her ancestors.

The undersigned trusts, therefore, that the religious fidelity with which this country is desirous of fulfilling all its engagements will not be exposed to imputation or doubt, if he finds himself compelled, in the name of the King, his Master, to reject the appeal which has been made by the Marquis de Barbacena to the fancied obligations imposed upon Great Britain by the treaties existing between the two kingdoms.

The tone of expostulation and complaint which pervades the note of the Marquis de Barbacena, and the impression which it is intended to convey, that the present state of Portugal is, in great measure, to be attributed to the deference paid by the Emperor Dom Pedro to the counsels of his Allies, render it necessary to take a short review of some events connected with this subject; to the end that Great Britain may be as effectually relieved from the moral responsibility which it is attempted to impose upon her, as from the weight of more formal obligations.

The undersigned may now be permitted to ask, whether the promises of the abdication, and of the transmission of the Infant Queen of Portugal, were fulfilled? Did not his Imperial Majesty continue to interfere in all the measures of detail of the Portuguese Government?—Did he not create Peers?—promote officers in the army and navy?—interfere in the selection and nomination of Ministers, and in all the interior arrangements of the kingdom? The Portuguese nation was disappointed in its hope and expectation of a final separation from Brazil; and the disappointment of this hope and expectation was still further confirmed by the detention of their young Queen at Rio de Janeiro. In the mean time the dissatisfaction and discontent produced by the Constitution transmitted from Brazil, were daily increasing, and at last broke out into acts of violence and of open rebellion. In this state of things his Imperial Majesty having first ordered his brother, the Infant Dom Miguel to repair from Vienna to Rio de Janeiro, and having sent a ship of the line to Brest for the purpose of conveying him thither, suddenly countermanded these orders; and, unsolicited by his Majesty, appointed his Royal Highness to be his Lieutenant in Portugal and Regent of the kingdom. This decision, the undersigned is ready to admit, may have been justly demanded by the distracted condition of the country; and, in point of fact, was subsequently recommended by his Majesty. But he must, at the same time, beg to observe to the Marquis de Barbacena that, from what he has now had the honour to state it clearly appears that the abdication of the Crown—the compositio

and grant of the Constitutional Charter—the promise to send the Queen Donna Maria to Portugal—the unfortunate delay in the execution of that promise—as well as the little respect paid to the pledge virtually given by the abdication, not to interfere from Brazil in the internal Government of Portugal; and, finally, that the nomination of the Infant Dom Miguel as Regent, were all acts spontaneously emanating from the Emperor Dom Pedro himself, which did not originate with the King his master; and for the effects of which his Majesty cannot be held responsible.

The undersigned will not conclude without further expressing his regret that the counsels of Great Britain, when offered, should have been received with so little confidence and alacrity. These counsels have never been adopted by his Imperial Majesty until the course of events had rendered the choice of any alternative impracticable; nor until, from this reluctance and delay, they had, in a great measure, been deprived of their beneficial influence. In truth it may be affirmed, that so far from Great Britain having been instrumental in the production of the evils which have recently afflicted Portugal, they are mainly to be attributed to the want of a frank, consistent, and direct course of policy on the part of the Brazilian Government itself.

The undersigned, &c.

(Signed)

ABERDEEN.

The Marquis de Barbacena, &c.

COMMUNICATIONS WITH THE MARQUIS DE BARBACENA AND THE MAR-  
QUIS DE PALMELLA, RELATIVE TO CERTAIN PORTUGUESE TROOPS  
LANDED IN GREAT BRITAIN FROM PORTUGAL.—1828, 1829.

No. 37.

The Duke of Wellington to the Earl of Aberdeen.

London, January 1829.

My Lord,—I inclose copies of the correspondence between the Marquis de Barbacena and me, and the Marquis de Palmella and me, regarding the arrival in this country of the Queen Donna Maria da Gloria; and regarding the Portuguese troops at Plymouth, and their expedition to Terceira.

I have the honour to be, &c.

WELLINGTON.

The Earl of Aberdeen, &c.

The Marquis de Barbaena to the Duke of Wellington.—(Confidential.)  
 London, October 15, 1828.

M. le Duc,—A matter of urgent importance had made me resolve to repair this day to Strathfieldsay, in order to speak to your Grace respecting it, instead of making it the subject of a written communication; but having learned in Downing Street, that you were not at your house in the country, and fearing lest your absence may be prolonged for some days, I take the only method which is left to me, seeing that the affair in question cannot admit of the least delay.

The Secretary to the Government of the islands of the Azores, has just arrived in London, authorized to demand, with the greatest urgency, the immediate despatch of a part of the faithful Portuguese troops which are now in England, and whose presence in the above-mentioned Islands would ensure their defence as well as their tranquillity, under the Government of the legitimate Sovereign, against the attack with which they are menaced by the illegitimate Government established in Portugal.

Your Grace will no doubt feel that it is impossible for the servants of the Queen to refuse so just and pressing a demand, particularly as the prolonged residence of a continually increasing number of Portuguese refugees in England entails an enormous expense, and appears to be attended with some inconvenience.

Determined as I am to grant the succours which faithful subjects of the Queen demand from her, and persuaded that these succours, when once landed at Terceira, will be sufficient to put that island out of danger, I cannot conceal from myself the risks which the transports may run during their voyage, if they be not protected by some ships of war.

Such, M. le Duc, is the strong motive which makes me to have recourse to your Grace, for the purpose of demanding from his Britannic Majesty, in the name of the Queen, the convoy of a ship of war, to escort from England to a possession which remains subject to the legitimate authority of her Most Faithful Majesty, a part of the loyal troops which are at Plymouth; the succours in question not to be landed at Terceira, in the unfortunate event of that island having fallen under the aggression with which it is threatened.

From what is above stated, you will see, Monsieur le Duc, that there is no question of a hostile undertaking, but simply of a measure of defence dictated by the feeling of that strict obligation which is imposed upon every Sovereign to protect his subjects.

I therefore venture to hope that the Government of his Britannic Majesty will not refuse to give the Queen this first mark of friendship

which she requires from the most faithful friend and Ally of her august family; and in this just expectation I request, Monsieur le Duc, that you will accept the thanks which I offer you before hand, in the name of the Queen, and the most formal assurances of the very high consideration with which

I have the honour to be, &c.

(Signed) LE MARQUIS DE BARBACENA.

His Grace Field Marshal the Duke of Wellington, &c.

The Duke of Wellington to the Marquis de Barbacena.

London, October 18, 1828.

Monsieur le Marquis,—I have had the honour to receive your Excellency's letter of the 15th.

The Portuguese who are in England are here in the quality of individuals. We know of no Portuguese troops in this country. If there be any, they must quit the country without loss of time.

The Government has, indeed, much reason to complain of the Portuguese individuals now at Plymouth, who, notwithstanding that they have been received in this country with all the hospitality which was possible, have so much forgotten themselves, within the last few days, as to make an attack upon a house where a Portuguese traveller had taken refuge.

I also announce to your Excellency, that his Majesty's Government cannot permit that England should be made an arsenal or a fortress, from whence any one may make war, as he may think proper. If those Portuguese subjects desire to make war at the Azores, instead of doing so in Portugal, of which they have the choice, let them go there as individuals if they please. But I must candidly tell you, Monsieur le Marquis, that it cannot be permitted that individuals, of whatever character they may be, should prepare warlike expeditions in the ports or arsenals of this country in order to make attacks upon others.

Still less can it be permitted that they should be convoyed by the navy of his Britannic Majesty, to enable them to make these expeditions in safety.

I have the honour, &c.

(Signed) WELLINGTON, Duke of Victoria.

The Marquis de Barbacena, &c.

The Duke of Wellington to the Marquis of Palmella.

London, November 20th, 1828.

Monsieur le Marquis,—As his Majesty's Government do not think it proper that a considerable number of persons who have been officers

and soldiers in the service of Portugal should remain at Plymouth, Lord Aberdeen requested yesterday of his Excellency the Vicompt d'Itabayana that a distribution should be made of them at a distance from Plymouth, having reason to believe that these persons are paid by his Excellency the Minister Plenipotentiary of the Emperor Dom Pedro at the Court of his Majesty.

His Excellency replied to Lord Aberdeen that these men were not paid by him ; but that his Excellency made advances to the Marquis de Palmella, who gave them their pay in the shape of assistance.

I consider it, therefore, to be my duty, Monsieur le Marquis, to demand that all the Portuguese who have been officers or soldiers of the Portuguese army, or who have served in the army, for example, as students of Coimbra or volunteers of Oporto, should be desired to quit Plymouth.

I also announce to you the wish that the officers may be separated from the soldiers, and that they may repair to Exeter, or to wherever they may desire to go as individuals ; and that the men may be placed in one of the towns or villages named in the enclosed paper, the number in each town or village not exceeding that which is therein indicated.

I have the honour to be, &c.

(Signed) WELLINGTON, Duke of Victoria.

The Marquis de Pamella, &c.

Third Enclosure B. in No. 37.

	Houses.		Population.		
Truro.....	410	..	2,712	..	300
Bodmin.....	523	..	3,278	..	400
Launceston.....	245	..	2,183	..	200
Oakhampton.....	308	..	1,907	..	100
Exeter.....	3,256	..	23,479	..	Officers
Brent.....	116	..	764	..	50
Ashburton.....	396	..	3,403	..	250
Chudleigh.....	384	..	2,059	..	250
Tiverton.....	1,313	..	8,651	..	300
Honiton.....	681	..	3,296	..	400
Taunton.....	1,503	..	8,534	..	500
Bridgewater.....	1,059	..	6,155	..	500

Fourth Enclosure in No. 37.

The Duke of Wellington to the Marquis de Palmella.

London, Nov. 27, 1828.

Monsieur le Marquis,— In consequence of your informing me that the Portuguese officers and troops now at Plymouth preferred to quit this country and proceed to Rio Janeiro, rather than remove from Plymouth to the neighbouring towns and villages, as I had desired in the conversation which I had with you on the 20th instant; and as you have expressed a wish that this Government should give these Portuguese a guarantee for their safety from attack on their passage, or send a vessel of war to convoy them, I have to inform you that his Majesty's servants will give orders that a convoy shall be prepared to escort the vessels which will carry these Portuguese troops, according to the wish expressed by you.

I have the honour to be, &c.

(Signed)

WELLINGTON.

The Marquis de Palmella, &c.

The Marquis de Palmella to the Duke of Wellington.

London, Dec. 3, 1828.

Monsieur le Duc,—I have received the letter which your Excellency did me the honour to write to me, dated the 27th ultimo, to announce to me that the Government of his Britannic Majesty would take the necessary measures to grant, in consequence of the desire which I had expressed, a convoy, in order to escort the vessels which will transport the Portuguese refugees from Plymouth to Rio de Janeiro, and to guarantee them from the danger of being attacked during the passage.

After having maturely reflected upon the contents of your Excellency's letter, I think it my duty, M. le Duc, to beg of you not to give effect to the intention which you have announced to me, and which appears to me, under the existing circumstances, to present more inconvenience than advantage.

The demand which I addressed to your Excellency had only for its object to secure to the Portuguese emigrants, who are come freely and of their own accord to claim hospitality in this country, the protection of his Britannic Majesty, in case they should have the misfortune to meet, during the voyage which they are under the necessity of undertaking, any vessel of war belonging to the usurping Government of Portugal. A simple verbal assurance on the part of the British Government seems to me sufficient to secure them from all danger in the case in question. And I think, M. le Duc, that his Britannic Majesty could

grant the sort of guarantee which I have solicited, on the same principle which gives him the undeniable right to require that these Portuguese refugees do not set out from England in armed vessels, nor with any plans of aggression against any country not at war with England.

This assurance, which may be justly required from the Portuguese refugees, fully requires, as it appears to me, that a similar assurance should be demanded in their favour from those who may threaten them with danger, against which these individuals are deprived of the means of defending themselves.

Your Excellency will recollect that such was the meaning of my demand, and that the idea of furnishing an escort of the British Navy was never suggested by me. At the first moment the objections to which this measure is liable, did not present themselves with sufficient clearness to my mind to induce me to point them out to your Excellency; but I own that the more I think of it the more it seems to me that it would be interpreted, either as a mark of distrust on the part of the British Government, or as a proof of the forced expulsion of the Portuguese who had sought an asylum in this country.

For the interest of her Majesty, the Queen of Portugal, it is my duty to endeavour to avoid, as much as depends on me, allowing the departure of the Portuguese, faithful to their legitimate Sovereign, to be made a triumph for their enemies, whom I regard, in virtue of the treaties subsisting between the two Crowns, as impossible to be considered as friends of the British Government; and it is not less my duty to spare those, who have sacrificed every thing for the most just of causes, whatever might in their present situation wound their feelings.

After having candidly avowed to your Excellency the motives which induce me not to accept the escort which the Government of his Britannic Majesty is willing to offer to my emigrant countrymen, and requesting you to accept on this subject their thanks and mine: I take this opportunity, M. le Duc, to add a few words upon the communication which your Excellency addressed to me, at first verbally, and afterwards in writing, in the letter of the 20th November, and which occasions the departure for Brazil of all the Portuguese soldiers who are assembled at Plymouth.

I should have already taken the liberty to represent to your Excellency in writing, the fatal consequences which the resolution adopted by the Government of his Britannic Majesty will produce to the cause of her Most Faithful Majesty, and I should have done so with the intention of endeavouring to shew the inconveniences of it, if your Excellency had not from the first moment declared to me that it was unchangeable, and

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that it would be carried into effect, *even in the event of my refusing to take part in it.* This resolution, which consists in distributing among a certain number of towns and places, pointed out by the British Government, the Portuguese refugees, who till now were assembled at Plymouth, and to separate the officers from the soldiers, is too repugnant to the feelings of all those individuals for it to have been possible to induce them to submit to it willingly, and they would all have preferred a total dispersion, and an absolute deprivation, to assistance afforded in such a manner. Under these circumstances, no choice remained to them but that of quitting the country, towards which they had been drawn by the hope of a reception conformable to the interest which their cause inspires here, and, in quitting England, Brazil is the only asylum where that same cause gives them the right to be received.

I do not conceal from myself, M. le Duc, that, in quitting Europe at this moment, the Portuguese emigrants deliver the usurping party from a fear which was always present to it, and carry despair into the minds of all that are honourable and faithful in Portugal. But, on the other hand, their dispersion in England, in the manner required by the British Government, would produce an effect quite as unfavourable; and those persons themselves, when I proposed the alternative to them, did not hesitate as to their choice.

Pray excuse, M. le Duc, the length of this letter. Your Excellency will no doubt, feel that, in an affair so important, it became indispensable for me to record, in a permanent form, the observations which I think it my duty to make, and I conceive that, in combining them in one letter, in answer to the two which I have received from your Excellency, I shall enable your Excellency to take them more easily into consideration—I have the honour to be, &c.

(Signed) LE MARQUIS DE PALMELLA.

His Grace the Duke of Wellington, &c.

Sixth Enclosure in No. 37.

The Duke of Wellington to the Marquis de Palmella.

Strathfield Sabe, Dec. 3, 1828.

M. le Marquis,—I beg you to be so kind as to let me know when the vessels, having on board the Portuguese troops destined to be sent to the Brazils, will be ready to sail, in order that I may have directions given for the Officer commanding his Majesty's ships at Plymouth to send convoy with them.—I have the honour to be, &c.

(Signed) WELLINGTON, Duke de Victoria.

The Marquis de Palmella, &c.

The Marquis de Palmella to the Duke of Wellington.

London, Dec. 4, 1828.

Monsieur le Duc,—After having written to your Excellency, I received your letter of yesterday, in which you ask me when the vessels destined to convey the Portuguese troops will be ready to depart, in order to give orders for their convoy.

I have already had the honour to explain to your Excellency the reasons which lead me to thank you for the offer of convoy. With regard to the departure of the Portuguese refugees, I am now occupied in making the necessary arrangements, in order that it may take place as soon as possible, and I have already publicly announced it at the Dépôt; I cannot, however, as yet name the exact day when the first ships may be able to sail for Brazil.—I have the honour to be, &c.

(Signed)

LE MARQUIS DE PALMELLA.

His Grace the Duke of Wellington, &c.

Eighth Enclosure in No. 37.

The Duke of Wellington to the Marquis de Palmella.

Goodwood, Dec. 8, 1828.

M. le Marquis,—I have had the honour of receiving your letters of the 3rd and 4th inst.

Some time ago one of the Brazilian Plenipotentiaries, now in England, wrote me a letter to desire that convoy might be given to an expedition intended to be sent from this country against the Azores.

In answer, I declared my intention not to advise the King to give the requested convoy; and, moreover, pointed out the impropriety of making this country a camp, an arsenal, or a port of equipment, from which to carry on war.

The King is at peace with the whole world.

There is in existence a commercial treaty between this country and Portugal; but his Majesty has no other relation with the Government, *de facto*, of Portugal, excepting those arising out of the transactions of his subjects in Portugal, under the stipulations of this treaty. Even if this treaty did not exist, the King could not permit war to be carried on from his dominions against Portugal by any Power whatever, more particularly without his previous permission, and contrary to his declared intentions.

The Emperor of Brazil, moreover, has not declared war against Portugal; and the King's servants had, and still have, reason to believe that, however displeased his Imperial Majesty may be with the conduct of his brother, the Infante Dom Miguel, it is not his Imperial Majesty's intention to make such declaration of war.

Subsequently to the correspondence upon this subject, his Majesty's servants received reports that the number of Portuguese assembled at Plymouth was daily increasing; that, although not armed, they and their officers were regularly paid; that there were five transports ready at Plymouth for their conveyance; that other troops, in the service of the Emperor of Brazil, were expected at the same port from Germany, and that other levies were under consideration.

Under these circumstances, his Majesty's servants, not considering it expedient that a large number of Portuguese officers and troops should be assembled at Plymouth, the Secretary of State spoke to the Minister Plenipotentiary of the Emperor of Brazil at this Court upon the subject, who informed Lord Aberdeen that he had nothing to say to those troops; that his Excellency supplied money to the Marquis de Palmella, who disposed of it as he thought proper for his countrymen, who were refugees in this country. I then requested you to do me the honour of calling upon me; and in conversation with you it appeared that the whole number of Portuguese refugees assembled at Plymouth were not troops, and had not served in that capacity; but a certain number were officers and troops, or had served, and all received pay from you as troops; and I, as the head of his Majesty's Government, expressed to the Marquis de Palmella, both verbally and in writing, the desire of his Majesty's Government that the Portuguese officers and troops, and those persons who had served as troops, should remove from Plymouth to the neighbouring towns and villages, of which I sent you a list.

I stated, at the same time, in answer to a question put by you, the readiness of the Government to consent to the departure of any, or all of the refugees from this country, if they should think proper, on condition that they should not go from this country to Portugal, or to any of the dominions or colonies of Portugal, in a hostile character, or without the consent of the existing Government of Portugal.

In conversation you desired that I should put in writing my proposition, which you expressed a wish to have time to consider; and after receiving my letter of the 20th November, you did me the honour of calling upon me again, and told me that the Portuguese refugees were very unwilling to remove from Plymouth to the neighbouring towns and villages as I had proposed; but that they would quit England, and proceed to the Brazils.

I stated that I had no objection to this arrangement, provided that it was really and *bona fide* carried into execution; but that the King's Government could not allow of any attack or expedition of troops from this country to the dominions or colonies of Portugal.

You then asked me whether I would give them convoy, or a guarantee, for their safe passage to the Brazils. I answered that I must consider the subject before I should give an answer.

Having considered the subject and consulted with my colleagues, I wrote on the 27th November, to inform you that convoy would be given; and I again wrote to you on the 3rd December, to request you to let me know when the refugees on board would be ready to sail.

In answer to this letter, you have done me the honour of writing to me two letters, to which it has become necessary that I should reply; first by recapitulating the outline of what passed with the Plenipotentiaries in this country of the Emperor of the Brazils, and in the interviews with which you honoured me, and of what I stated to you in writing; secondly, by assuring you that his Majesty's Government are not at all desirous that the Portuguese troops should, on their departure from England, be convoyed by any of his Majesty's ships; thirdly, I must make some observations upon the topics which you have thought proper to introduce into your letter.

The King's Government consider that the King has a full right to insist upon the departure from Plymouth of a body of officers and troops (although not armed) paid by an individual.

These officers and troops came here, not to carry on war; not to assume a menacing position; not to create disturbance in Portugal; not even to execute any party purpose; but to claim an asylum, and the rights of hospitality, never refused to the unfortunate within the King's dominions.

You advert to the fatal consequences which this order to these troops to quit Plymouth must have to the interests of her Most Faithful Majesty; and you mention their departure from Europe, as relieving the *Parti de l'Usurpation* from the fear in which their presence at Plymouth kept them.

Their presence at Plymouth can be considered, as above described, on one of two grounds only. That these troops, as placed at Plymouth, with transports in the harbour, were in a menacing position, in relation to Portugal, or the dominions, or the colonies of Portugal; or that they were actually intended to attack Portugal, or her dominions, or colonies, from his Majesty's port and arsenal of Plymouth.

We have the highest authority in this kingdom for saying that these troops are not in the service of the Emperor of Brazil, viz. that of his Imperial Majesty's Minister Plenipotentiary. We know moreover from his Imperial Majesty's own declarations that he is not at war with Portugal; but even if these were his Imperial Majesty's troops, and if his Imperial Majesty was at war with Portugal, I should wish to be

informed what right his Imperial Majesty or any Sovereign has to assemble his troops within the dominions of the King of England, and to carry on war from the ports and arsenals of those dominions, not only contrary to his Majesty's consent, but against his positive prohibition; or to menace his Imperial Majesty's enemy, by the assembly of troops and transports in the King of England's ports and arsenals, without the King's consent.

But it is not the Emperor of Brazil who takes upon himself such an authority within his Majesty's dominions; it is an individual, the Marquis de Palmella, who has committed these acts. I am certain that there is no person, excepting that individual, who can blame his Majesty's Government for what has occurred.

I now come to the consideration of the last part of your letter, viz. that which relates to the guarantee, on the part of the King, of the safety of these troops on their passage to the Brazils.

You say that you desired a guarantee, and that I proposed a convoy. My recollection of what passed is different. You proposed a convoy, or a guarantee of the safety of the troops from the attack of an enemy on their passage. The fact is so stated in my letter to you of the 27th November. I desired to have time to consider of the proposition.

Upon considering it, and consulting with my colleagues, we agreed to recommend to the King that a convoy of his Majesty's ships should be appointed to attend the vessels conveying the troops in question.

It must not be supposed that we were not sensible that we should be fully justified in declining to give either convoy or guarantee.

The departure of the troops from England is not the act of the King's servants; it is that of the Marquis de Palmella. He alone is responsible for all the inconveniences which the troops will suffer, and the risks which they will incur. The King's servants have done no more than their duty in requiring the removal of the troops from Plymouth.

But it is said that there is no difference in principle between the grant of such a guarantee as is required, and the refusal to allow these troops to quit England as an armament, to make an attack upon the Portuguese dominions.

If the Atlantic was the dominion of the King of England, there might possibly be no difference in principle in the two proceedings; but as that is not the case, the King's servants must have applied to the head of the Government of Portugal, to execute the guarantee; by which measure they would necessarily have opened a diplomatic communication; or they must have incurred the risk of the loss of the troops embarked, attended by the consequences of avenging the injuries inflicted upon them by hostilities against the Portuguese Government;

these hostilities would have been so far unjust as growing out of this guarantee. I must add that the King has no right to guarantee the safety of the navigation of the Atlantic against the enterprises of the Government *de facto* of Portugal, to the enemies of that Government. It may be doubted, indeed, whether the King would have a right to give convoy to those troops going to the Brazils; but the motive for the action would have been its justification. But I'll go further, and assert, that there is not only a difference in principle between the measure of preventing the Portuguese troops collected at Plymouth from invading the Portuguese dominions, and that of giving a guarantee; but that there is a great difference in fact between the measure of giving a guarantee for safe passage, and that of granting a convoy.

When the King's servants grant a convoy, they have it in their power to prescribe the course and proceedings of the vessels placed under its charge, and they are responsible for their safety; but when they give a guarantee for the safety of vessels navigating the Atlantic, whose course and proceedings are ordered by others, the latter may direct those vessels to pursue such course as they please; while his Majesty's servants would be responsible for the consequences, not only of those directions, but for those of the conduct of the Portuguese Government, in consequence of the course taken.—I have the honour to be, &c.

(Signed)

WELLINGTON, Duke de Victoria.

The Marquis de Palmella, &c.

I have omitted to mention, that since I saw you, I have heard that more troops have been ordered to Plymouth from France and the Netherlands.

Ninth Enclosure in No. 37.

The Duke of Wellington to the Marquis de Palmella.

Monsieur le Marquis,—Since I returned to town yesterday I have learnt that the troops raised in Germany by the Portuguese or Brazilian Ministers residing in this country have arrived here, and I see that General Stubbs is gone to Plymouth to take the command of the dépôt of troops there stationed, whom he has addressed in a General Order.

His Majesty's servants have been informed by me of your assurances that these troops are going to the Brazils, and they rely upon them. But I have to inform you that, as your orders may be disobeyed, other authorities may interfere in the disposal of these troops.

The King's servants have thought proper to advise his Majesty to give orders that effectual measures may be adopted to prevent any attack

upon the Portuguese dominions in Europe by any of these troops.—I have the honour to be, &c.

(Signed)

WELLINGTON.

The Marquis de Palmella, &c.

The Marquis de Palmella to the Duke of Wellington.

London, Dec. 20, 1828.

Monsieur le Duc,—In the last interview which I had with your Grace, I had the honour to inform you of the determination which had been taken to send direct to Brazil all the Portuguese refugees who are at present at Plymouth; and this determination was founded upon the persuasion that in quitting England no other nearer asylum remained open to them.

The communications, however, which I have lately received from the island of Tereira, open a new prospect, and assure me that this island remains tranquil, and entirely under the legitimate Government; that her Majesty, the Queen Donna Maria II., has been proclaimed there by virtue of the abdication of her august Father; and that the expedition which the Government *de facto* of Portugal had sent, with the design of invading it, has entirely disappeared from the latitude of the Azores.

Under such circumstances I cannot doubt that the Portuguese refugees who are about to leave England may direct their course towards the island of Tereira without any infraction of the principle of strict neutrality which it is the desire of his Britannic Majesty's Government to preserve, and I think it my duty to acquaint your Excellency that this measure, in all respects the best adapted to the interests and the situation of the Portuguese emigrants who have remained faithful to their lawful Sovereign, is that which they desire to take.

Your Excellency will acknowledge that this alteration in the first determination which I announced to you is really caused by the change of circumstances, as your Excellency may see, by the date and tenour of the Address of which I have the honour herewith to enclose a copy.

No one can call in question the right of his Britannic Majesty to forbid the organization, in his dominions, of a hostile expedition against any country whatever, nor of the respect and consideration which the individuals who have sought refuge in this country from the persecutions which they suffered in their own, owe to the hospitality which has been granted to them.

I can assure your Excellency that neither myself nor my fellow-countrymen have ever admitted the idea of abusing that hospitality, or of violating the laws under the protection of which they have been received.

But I think that, having come to England free, no opposition can be made to their leaving it in the same manner, unarmed, and not for the purpose of committing any act of aggression, or of attacking any territory, but in order to direct their course towards a possession of the Crown of Portugal, where their lawful Sovereign is recognized—that is to say, to return to their own home.

I have had the honour to receive two letters from your Excellency, dated the 8th and 12th of this month, and I will request your permission, Monsieur le Duc, to reply separately to their contents, restricting myself in this one to assuring you that the reports which have reached your ear, of levies made either in the name of his Majesty the Emperor of Brazil, or of her Majesty the Queen of Portugal, in foreign countries, are totally unfounded, with the single exception that 260 Germans had been recruited, as I have already had the honour of informing you, for the purpose of strengthening the garrison of Madeira, and who are at this moment on board a vessel which has touched at Plymouth, but who have received no assistance nor any supplies, either of warlike stores or provisions, in this country.—I have the honour to be, &c.

(Signed) LE MARQUIS DE PALMEIRA.

His Excellency the Duke of Wellington, &c.

Tenth Enclosure B. in No. 37.

Madam,—To congratulate your Majesty on the fortunate voyage which the Almighty vouchsafed to grant you for the happiness and the deliverance of the good and loyal Portuguese; to greet your Majesty as the Sovereign Queen of the great Portuguese family, and to solicit you kindly to accept the sincere offer of the uncorrupted hearts of a number of warriors, who, under a Provisional Government in this island, defend the indefeasible rights of your Majesty, is both our intention and our duty.

The island of Terceira, this small territory of the Azores, is, of the many possessions belonging to the Crown of your Majesty, the only one which has had the glory of having resisted the seduction of the mean suggestions of the usurping Government, and of not having perjured itself by violating the spontaneous oath taken freely by all Portuguese to the legitimate and great King, the august Father of your Most Faithful Majesty.

In vain have the enemies of your Majesty, and our enemies, endeavoured to corrupt our fidelity; but to-day, covered with the royal Ægis of your Majesty, and determined to enter into no compromise with them, nothing but the death of the last of us shall be capable of opening a passage to them, for the completion of their triumph.

Deign, therefore, Madam, to credit, and benignantly to receive these our sentiments, which are equally loyal and true.

God guard and prosper the life of your Most Faithful Majesty; this is our wish, and is most needful to us.

Angra, Dec. 6, 1828.

Signed,

DIOCLECIANO LEÃO CARREIRA.

JOAO JOSE DA CUNHA FERRAZ.

JOZE ANTONIO DA SILVA TORRES.

ALEXANDER MARTINS PAMPLONA.

PEDRO HOMEN DA COSTA NORONHA.

THEODOSIO ORINELLAS BURGIS.

AVILA NORONHA.

Eleventh Enclosure in No. 37.

The Duke of Wellington to the Marquis de Palmella.

London, Dec. 23, 1828.

Monsieur le Marquis,—I have had the honour of receiving your letter of the 20th instant, and the enclosure, being an Address from certain inhabitants of Terceira to the Queen Donna Maria da Gloria, in consequence of the receipt of which, you have desired to send the Portuguese troops, now at Plymouth, to the island of Terceira.

On the 19th November I conveyed to you the desire of his Majesty's Government, that the Portuguese troops assembled at Plymouth should be dispersed in the neighbouring towns and villages.

You informed me, some days afterwards, that they preferred to quit England and go to the Brazils, and I have since informed you that his Majesty's Government could not allow these troops to proceed from England, in a hostile character, to Portugal, or to the Portuguese dominions or colonies.

These are the same troops whom his Excellency the Marquis of Barbacena heretofore expressed a desire to send, as an expedition, to the Azores, under a convoy of a detachment of his Majesty's fleet; they are the same respecting whose separation from Plymouth you expressed such lively regret in your letter to me of the 3d instant, on account of the relief from apprehension which such departure would give to the *Parti de l'Usurpation*.

They are those foreign troops of whom, as a depôt at Plymouth, General Stubbs has taken the command, and to whom he has addressed a General Order, and has published it in the Newspapers, notwithstanding that it is known to you and to General Stubbs that they are at Plymouth contrary to his Majesty's wishes; that his Majesty's orders have been conveyed to you to separate them from that town; and that

their presence there, as a body of troops, is inconsistent with the law of England.

But this is not all; on the 15th August last, his Excellency the Vicomte d'Itabayana, his Imperial Majesty the Emperor of Brazil's Plenipotentiary at this Court, applied to the Secretary of State for permission to embark 1,180 stand of arms and 150 barrels of gunpowder on board the Brazilian frigate Isabel.

Lord Aberdeen, in his reply, in which he consented to the embarkation of these stores, expressed his confidence that the Vicomte d'Itabayana would give an assurance that these arms and stores were not intended to be employed in the civil dissensions in Portugal and its dependencies, as it would be impossible for the British Government to permit either the subjects of his Imperial Majesty the Emperor of Brazil, or those of the Queen Donna Maria, to carry on war from this country. That these acts of private warfare were forbidden by the laws of the land, and could not, therefore, be sanctioned by his Majesty.

His Excellency the Vicomte d'Itabayana answered, "Quant a la premiere Partie de cette Note," (of which the substance precedes this sentence :) "Je ne balancerai pas, ni Lord, a vous donner une reponse claire et precise en vous assurant que le Bresil qui est en paix avec le Portugal, malgre le bouleversement deplorable qui vient d'y avoir lieu, compatit sincerement aux malheurs de ce Royaume, et n'a eu, jusqu'a ce jour l'intention de l'attaquer."

Notwithstanding this clear and precise answer, the arms and ammunition were sent in the Isabel Brazilian frigate to the Azores, where that frigate was actively employed at a late period.

I mention this fact just to point out to you that these troops, so collected and remaining in his Majesty's town of Plymouth, as a depôt commanded by General Stubbs, notwithstanding his Majesty's wishes and commands to the contrary, repeatedly expressed to you, have their arms and ammunition already in Terceira, even if you should not think it proper to purchase in England, and to send with them other arms.

I will not conceal from you my opinion that the asylum given to these Portuguese refugees, and the hospitality afforded to them in this country, have been improperly taken advantage of, and that these troops are still availing themselves improperly of the kindness and forbearance of his Majesty, by remaining at Plymouth, as a military body, contrary to his Majesty's wishes and intentions.

You have been sufficiently long in this country to know that his Majesty's course is always clear, open and undisguised.

When he professes neutrality, he will not permit that his dominions

should be used as the arsenal, the camp, the port of equipment, for carrying on war by any Sovereign, or individual.

The circumstances noticed in this letter describe too accurately the character of this proposed voyage to the island of Terceira, for his Majesty's Government to allow his Majesty to be deceived as to its real intentions. I therefore, remind you, that above a month has now elapsed since I desired, in the name of his Majesty's Government, that the Portuguese Officers and troops should be removed from Plymouth; and I again announce to you, that his Majesty's Government have taken measures to prevent these troops from proceeding in a hostile character from England to any part of the dominions, or colonies of Portugal, which measures they do not intend to advise his Majesty to countermand.—I have the honour to be, &c.

(Signed)

WELLINGTON.

The Marquis de Palmella, &c.

The Marquis de Palmella to the Duke of Wellington.

London, Dec. 28, 1828.

M. le Duc,—I have received the letter which your Excellency did me the honour of writing to me, dated the 23d of this month.

This letter contains, first, a recapitulation of some of the communications which have passed between your Excellency and the Plenipotentiaries of Brazil, and afterwards between you and myself, upon the subject of the Portuguese refugees who are at Plymouth. Secondly the opinion put forth by your Excellency of the abuse which has been made of the hospitality granted to these refugees in England. Thirdly, complaints of the delay in carrying into execution the orders of his Britannic Majesty relating to these refugees. And, lastly, the declaration that the measures which have been taken for preventing the above-mentioned individuals from proceeding directly from England *with a hostile character*, towards any point whatever of the territory or the colonies of Portugal, will not be countermanded.

Before submitting to your Excellency the observations which it is my duty to make upon the contents of your last letter, and before replying to the principal allegations brought forward in those of the 8th and 12th instant, the receipt of which I have already had the honour of acknowledging, I proceed, Mons. le Duc, to state first, clearly, the principal and practical question in point at the present moment, and which appears to me to be extremely simple. I had hoped that you would have taken into consideration the distinction I had drawn in my letter of the 20th of this month; namely, the essential difference which exists between the intention entertained by the Portuguese refugees of

proceeding to the island of Terceira, and that which you attribute to them, of going to attack some part of the Portuguese territory. I do not find, however, in your Excellency's answer, a single word relative to this distinction, although it appears to me evident.

The document of which I had the honour of transmitting to you a copy, in my last letter, is not subscribed, as your Excellency supposes, simply with the signatures of some of the inhabitants of the island of Terceira; it is a formal Address, signed by the members of the Government of that island—a Government of right, since it is authorised by the legitimate Sovereign of Portugal—and a Government in fact, since it is acknowledged and obeyed as such in the whole island; and it was for the purpose of furnishing your Excellency with the proof of this, and to show that the Portuguese refugees were not going to commit any aggression in proceeding to Terceira, that I thought it my duty to communicate this document to you.

At the commencement of the present year, the rights of Queen Donna Maria II. were established and sanctified in all the possessions of the Portuguese Monarchy, and recognized, as they still are, by all foreign Governments.—An usurpation, which has been stigmatised as such by his Britannic Majesty, as well as by the other Sovereigns of Europe, has, since that time, temporally deprived her Most Faithful Majesty of the greater part of her dominions. The island of Terceira has, however, remained subject to her; that is to say, it has remained in the same political situation in which it was previously to the revolt in Portugal; and it is difficult to comprehend when Portuguese, devoted to the cause of their legitimate Sovereign, propose to go to that island, how their departure can be considered as a hostile expedition, or how, even putting aside entirely the justice of their cause, and the interest with which, without doubt, it inspires his Britannic Majesty, their undertaking can be opposed, at least without violating the neutrality which the Cabinet of his Britannic Majesty declare it to be their wish strictly to preserve.

Your Excellency observes that his Britannic Majesty cannot permit his dominions to be made an arsenal, a camp, a port of equipment, for the warlike preparations of any other Sovereign or individual whatever; but neither can it be wished that the asylum afforded in his dominions should be made to resemble a prison, which it is only permitted to leave upon giving parole no longer to bear arms.

All the argument which your Excellency employs to prove that the refugees form a body of troops, and that their intention of going to Terceira is to render themselves useful in defence of the cause which they have embraced, do not appear to me to be conclusive in the presen

case, because, even admitting the supposition of the project which your Excellency points out, it does not thence follow that the Government of His Britannic Majesty, if it remained neutral, has the right to oppose it.

In order to make the principle which your Excellency lays down applicable to the present case, it would be necessary, as it seems to me, that those individuals should have come to England to arm and organize themselves, and that they should have taken their departure, fully equipped, for the purpose of immediately waging war elsewhere. And it appears to me that the right of "*surveillance*" which a neutral Government can lawfully exercise in such circumstances is limited to taking care (*à vérifier*) that foreigners to whom it has granted hospitality should not carry away either arms, or munitions of war, and that they should not direct their course towards any other country into which they could only enter in a hostile manner. All control which should extend beyond these two objects, would appear to me an infraction upon the individual liberty of foreigners, which but ill accords with the impartial attitude of a neutral Government.

Applying these reflections to the present case, I have the honour to assure your Excellency that the Portuguese refugees leave this country as they arrived in it—that is, without arms—as may be satisfactorily proved at Plymouth, and that they will leave it, not altogether, but at successive intervals, and according as the transports which are to carry them shall be ready, and with the intention of going to the island of Terceira, where they have the assurance of being received by the Authorities, which are faithful to her Majesty Donna Maria II., as fellow-countrymen, and as friends.

I venture to hope that, according to the very terms of your Excellency's letter, the measures taken to prevent the landing on any part of the Portuguese territory of an expedition bearing an *hostile character*, cannot be applied in the present case. I cannot, M. le Duc, after having shown you the principal considerations which have offered themselves to my mind, on the resolution which your Excellency communicated to me in your last letter, resist saying a few words on the principal allegations contained in that letter, at the risk of repeating to a certain degree, the opinions which I have already expressed.

Your Excellency observed, 1st. That the troops which are now about to leave Plymouth are the very troops for which the Marquis of Barbacena solicited, some months ago, a convoy of the British Navy. 2dly. That they are the same troops on the subject of whose departure I expressed so much regret in my letter of the 3d instant. 3dly. That they are the

troops of whom General Stubbs took the command, and to whom he addressed an order, which has been published in the Newspapers. 4thly. That arms and munitions having been landed by the Brazilian frigate at the island of Terecira, these troops will have the means of arming themselves on their arrival. 5thly. Your Excellency repeats several times, and in different ways, that the continuance of these troops at Plymouth is an act of disobedience to the orders of his Britannic Majesty; and your Excellency adds that, in your opinion, an abuse of the hospitality which was granted to them, in this country, has been committed. 6thly, and lastly. Your Excellency, in conclusion, thinks proper to remind me that more than a month has passed since his Majesty's order was signified for the departure of the Portuguese Officers and soldiers from Plymouth.

With regard to the first point, the application addressed to your Excellency by the Marquis de Barbaena had for its object the guarantee of the Portuguese refugees from the danger they might incur, in meeting with Portuguese ships of war, during their passage by sea from England to the Azores. This request was refused, as it was undoubtedly the right of the British Government to do; but the request which I address to your Excellency this day is of a totally different nature; it is no longer convoy, in order to escape the dangers to which they voluntarily expose themselves, which is solicited, but merely an assurance not that they may be protected, but that they may not be detained by the ships of war of his Britannic Majesty, in their passage from England to the island of Terecira.

With respect to the second, in explaining to your Excellency, in my letter of the 8th instant, the sad consequences which might result from the departure of the Portuguese emigrants, I spoke a truth, which appears to me evident, and which the partisans of the actual *de facto* Government of Portugal repeat with triumph, since the knowledge of it has become public. Your Excellency, in your letter of the 8th instant, mentions that the resolution taken by the Portuguese to leave England is a voluntary act on their part; but I will take the liberty to remind your Excellency, that there remained for them only the choice between this determination, or that of submitting to reside in stated numbers at places selected for that purpose—the officers separated from the soldiers; and that this treatment, which is generally reserved for prisoners of war, would have produced as bad an effect as their departure, by tending to attach credit to the erroneous opinion, which it was endeavoured to spread, on the subject of the disposition of the British Cabinet with regard to the affairs of Portugal.

I might, therefore, I think, with reason express regret at the motive

which occasioned the departure of the Portuguese refugees, and I have never taken the liberty, in addressing your Excellency, to find fault, of which your Excellency unjustly accuses me in one of your letters, with the determinations of your Government.

3rdly. I know not what importance your Excellency attaches to the circumstance repeated in your two last letters, of General Stubbs having taken the command of the Portuguese depôt at Plymouth. This circumstance appears to me quite unimportant, and I can even assure your Excellency that General Stubbs is not among those who are about to leave England, and that he has only lately taken the direction of the depôt, because M. Candido Jose Xavier, who was there before him, is unwell.

The Order of the Day which your Excellency mentions was published in the newspapers, as were other similar orders addressed some months before to the Portuguese refugees: your Excellency well knows, that it is impossible in this country to prevent the public papers from seizing upon every thing which can directly or indirectly excite the least interest. Besides, the said Order of the Day, as your Excellency might have seen, had merely for its object the taking the necessary measures to prepare for the speedy dissolution of the depot.

4thly. It does not belong to me to examine the communications which have taken place between Lord Aberdeen and the Viscount d'Itabayana; but all that I have to say is, that if there is not in the Island of Tereira an arsenal sufficiently furnished with arms and ammunition, I should conceive it to be my duty, and for the interest of her Majesty, the Queen Donna Maria II., to take the necessary measures for providing them as soon as possible; and I am persuaded that, once landed on the Portuguese possessions, the refugees, who are at present in England; have no longer to answer for their conduct to any authority but that of their lawful Sovereign.

5thly. Your Excellency addresses to me a reproach which I do not deserve, on the subject of the delay which has taken place in the departure of the Portuguese refugees. Your Excellency knows that I considered the order to disperse them and to separate the officers from the soldiers as a condition attached to their remaining in England; and, forced to choose between this condition and their departure from England, I have announced to your Excellency that they have decided to go. Your Excellency agreed to this decision, without however fixing any stated time, and should you even have fixed it, the determination must have depended upon the elements; and your Excellency is aware that for the last month contrary winds for the sailing of vessels bound to the south have scarcely ceased to blow. Your Excellency is also aware that

active preparations are going on at Plymouth for the departure of four transports, carrying 600 men, and that they will be followed by others in succession.

Your Excellency may be persuaded that so soon as this departure became necessary, no one desired more than I did to hasten the moment of it. But with the limited means which are at my disposal, it would have been impossible to use more activity than has been used in these preparations. I have reason to think that, at this very moment that I have the honour of addressing you, some of those vessels are already at sea. I must be permitted, after what I have stated, to reject the accusation which your Excellency brings against me, and to assure you that the forbearance of the Government of his Britannic Majesty has not been intentionally abused, and that that forbearance will soon have ceased to be necessary.

6thly. I think I have replied to the 6th allegation, at the same time with the preceding one, and I fear that I should be encroaching upon your Excellency's time were I still to lengthen this letter by referring to every point contained in your Excellency's of the 8th and 12th instant. I shall content myself with adding, in a few words, that the assembling of the Portuguese refugees at Plymouth was not premeditated, but, on the contrary, was the consequence of the successive emigration of military men, as well as those of every other class (for a third of those who are at Plymouth, have never carried arms)—an emigration which still continues, in consequence of the system of persecution adopted in Portugal, with which those who are the victims cannot certainly be reproached. The assembling of these emigrants, who arrived by degrees at Plymouth, offered the advantage of providing means for their subsistence with greater economy, and of being able at the same time to watch over the conduct of so many individuals of all classes of society.

I am happy in being able to assure your Excellency that there has not been, up to this moment, amongst the Portuguese emigrants in England a single person who has been guilty of any infraction of the laws of nations. Up to the 19th of last month I had no reason to suppose that the residence of those individuals at Plymouth was contrary to the wish of the Government of his Britannic Majesty. As soon as I knew it, I hastened to take measures for their departure, and I hope that it has already taken place, at the moment I am writing.

I thought, in the first place, that there remained no other asylum for them than Brazil, and I have the honour to announce to your Excellency that that was their destination.

The news received from the Island of Terceira induced me, by the

unanimous desire of all the individuals whom it concerned to change this first place. I had, in my last interview with your Excellency, expressed a desire to obtain from the Government of his Britannic Majesty a guarantee, in case they should meet on their voyage any men of war belonging to the Government *de facto* of Portugal. Your Excellency believed that I asked you for an escort. I can, however, assure you that such was not my intention; although it is possible that I may have badly expressed myself; and I thought it my duty to declare to your Excellency the motives which prevented me from accepting an escort which you were willing to grant me.

I also think that individuals found without arms on board English ships, or those of any other neutral nation, will be always, and on all occasions, under the protection of the law of nations, and I only here observe, in answer to a subject that I find in one of your Excellency's letters, that the guarantee which I asked for from the British Government, would have bound it to nothing, in case that the Portuguese emigrants should be guilty of a breach of faith, and follow a different course from that which they announced.

In your letter of the 8th December, your Excellency takes the trouble to point out that the Portuguese refugees, officers and soldiers, who are in England are not in the service of his Majesty the Emperor of Brazil, and that, moreover, that Sovereign is not at war with the Government of Portugal, and that even if he were, no foreign Sovereign has the right to assemble troops in the dominions of his Britannic Majesty, nor to make use of his ports and his arsenals to carry war into foreign countries. Your Excellency adds "*that it is not a Sovereign but a private individual, the Marquis of Palmella, who has committed those acts!*"

My answer to this last accusation has been already given in this letter. I have committed no acts for which I need blame myself. The assemblage at Plymouth appeared to me innocent, so long as the pleasure of his Britannic Majesty had not been signified to me. As for the hostile acts, they never took place. The projects that are attributed to me have not the least foundation, and I do not think myself obliged to defend any thing but my own acts. As for the capacity in which I act, and which your Excellency considers as that of a private individual, I think this a secondary consideration, as compared with the great interests which are in question, and as scarcely worth being at this time formally discussed. It is possible that the character with which I had the honour to be invested may be cancelled, diplomatically speaking, by the changes which have taken place since the usurpation of the Crown of Portugal; and I shall by no means seek to change the opinion

which the Government of his Britannic Majesty has formed upon that subject, although that opinion be not adopted by the other Cabinets of Europe, particularly by that of Vienna.

But it is equally certain that the wish shewn by the august father of her Majesty the Queen of Portugal to renew my appointment, sufficiently proves that I enjoy the confidence of the only natural protector, that an extraordinary combination of circumstances has left to the young Queen of Portugal; that I act in the name and for the service of that Sovereign,—with the acquiescence, and according to the wishes of all the subjects who have remained faithful to her; and that, unless it is maintained, which I cannot suppose any one could do in earnest, that the interests of the Queen Donna Maria II. cannot, and ought not to be defended by any one, it is to me—and I speak it without disguise—that belongs, from the nature of the circumstances, the honour of fulfilling this sacred duty.

I again beg that you will excuse M. le Duc, the length of this letter, and

I have the honour to be, &c.

(Signed) LE MARQUIS DE PALMELLA.

His Excellency the Duke of Wellington, &c.

Thirteenth Enclosure in No. 37.

The Duke of Wellington to the Marquis de Palmella.

Apthorpe, Dec. 30, 1828.

Monsieur le Marquis,—I had the honour of receiving, this morning, your letter of the 28th instant, to which I do not hesitate to send an answer from hence, as nothing contained in it can have any effect in altering the decision of his Majesty's Government.

The troops collected at Plymouth are those referred to by the Marquis de Barbaena in his application to me of the 15th October last. They are the same troops whom I requested you, on the 19th November last, to remove from Plymouth to the neighbouring towns and villages.

We know that there are arms for them at Terceira.

The Azores are part of the dominions of Portugal, and we know that a civil war is now carried on in those islands, particularly in that very island of Terceira. His Majesty is neutral in that contest, and he cannot permit a body of troops, respecting whom he thought proper to give orders that they should be removed from Plymouth, to go to Terceira from any port in his dominions. There can be no doubt, in the mind of any man who is acquainted with the circumstances, of the object in view, in sending these troops to Terceira, and I repeat to you, M. le Marquis, that they will not be allowed to land there.

I might here close this letter, if there were not some points in yours to which it is necessary I should advert.

You say that his Majesty has no right to treat these troops as prisoners, and to send them, separated from their officers, to such towns as he may think proper.

We do not pretend to treat them as prisoners; and I confess that I am astonished that two years should have effaced from your recollection the discussions and transactions with Spain, of which you were informed, respecting a similar body of Portuguese troops, not prisoners. If my memory does not fail me, his Majesty's Government then insisted that the King of Spain should not only separate officers from soldiers, placing a certain number of the latter only in the same town, but that the whole should be removed far into the interior of the country, and that a detachment of his Majesty's troops was sent to Portugal because the King of Spain had not performed the duties of neutrality, as was required from his Catholic Majesty, and had suffered the Portuguese troops in Spain to commit the very act which I have repeatedly assured you that the King of England will not permit those in England to commit.

But you forget, likewise, that these are undeniably a body of foreign troops in England, respecting whom we are corresponding, and instead of treating them as prisoners, I should say, that his Majesty's servants have done very little in requiring that they should quit Plymouth, and be separated from their officers; the latter to go to Exeter, or where they pleased, as individuals, the former to different towns named, not in specified numbers, as you state, but in numbers, not exceeding certain specified numbers, in each town. This was proposed for their convenience, as well as for that of the towns named.

I was charged with this discussion with you, because Monsieur le Vicomte d'Itabayana informed Lord Aberdeen that it was the Marquis de Palmella who paid these troops. That gentleman has no political character in this country. I undertook this disagreeable office, in order to avoid giving this discussion any official form. But the case is the same, whatever be the form given to the discussion, and I earnestly intreat you to put an end to it, by removing the troops immediately from Plymouth, according to my suggestion of the 19th November, if you do not think proper to send them to the Brazils.

In making this intreaty, I do so in the true spirit of a friend, and I must add, that you render but little, if any, service to the cause of the Queen Donna Maria da Gloria, in obliging the King to resort to the measures which have been ordered, in case of any breach of his Majesty's neutrality, and that you impose upon me, personally, a most painful duty in obliging me to inform you, that you will be responsible

for all the consequences which will follow your omission to obey his Majesty's commands, as conveyed to you by me.

I confess that I am astonished that you, who have so long served your country in a diplomatic situation in this, should not see that it is impossible that this Government should not insist upon the adoption of the measure, which I required should be adopted on the 19th November, or its substitute, as proposed by yourself.

I have the honour to be, &c.

(Signed) WELLINGTON, Duke of Victoria.

The Marquis de Palmella.

The Marquis de Palmella to the Duke of Wellington.

London, Jan. 2, 1829.

Monsieur le Duc,—I had the honour to receive, the day before yesterday, in the evening, your letter of the 30th of last month, and I will confess to your Excellency that the determination which it announces gives me great pain.

Your Excellency again insists upon the necessity of removing immediately to a distance from Plymouth the Portuguese troops which are there assembled. I flatter myself that, *at the moment at which I write*, four transports, with persons on board, which, for the last fortnight, have been ready to take their departure with the first fair wind, will have set sail.

I am engaged in preparing, with all the haste possible, those which are to follow; and I can assure your Excellency that, from the moment when I declared to you that these individuals should go away, sooner than accept the conditions which the British Government required for the continuance of their residence in England—that is to say, to be dispersed on different points indicated by your Excellency, and the officers to be separated from the soldiers—from that moment, I say, the preparations for their departure have been carried on without intermission.

Your Excellency must have been informed of these preparations, as well as of the impossibility of the vessels quitting Plymouth, on account of the continuance of contrary winds—an obstacle which neither the orders of the British Government, nor all the good will on my part, can enable them to surmount.

The change of weather which has taken place since yesterday, induces me to believe that it will be too late to send them fresh orders; besides, M. le Duc, I am firmly convinced that these individuals, in directing their course to the island of Terceira, do no more than avail themselves of the right which it is impossible to deny them without injustice, and

that, far from violating the neutrality of his Britannic Majesty, they respect it as they ought, in quitting, without arms, and on board merchant vessels, the territory of his Britannic Majesty, in order to proceed to an island, of which her Majesty the Queen of Portugal is Sovereign *de facto* as well as *de jure*.

The last intelligence which I have received from Terceira is of the 18th December, and at that time *there was no civil war in that island*, as your Excellency supposes; and it was *entirely* under the dominion of the Government, which governs it in the name of her Majesty the Queen Maria II.

The British Government may certainly object to the subjects of a Sovereign, the Friend and Ally of his Britannic Majesty, going to any territory belonging *de jure* to that Sovereign, but which may, *de facto*, be under the dominion of a Government which I consider as an usurping Government; but, it appears to me evident that the Government of his Britannic Majesty cannot, without deviating from the neutrality which it professes, prevent them from returning to the country which remains *theirs*, after having refused them permission to remain in England, without being dispersed! And certainly the acknowledgment of the title and rights of her Most Faithful Majesty is of very little value, if the same Power which acknowledges them prevents her from sending her subjects to a country which remains under her dominions, but which may stand in need of them for its defence.

Your Excellency recalls to me what took place two years ago, with respect to the Portuguese rebels, whom his Catholic Majesty, at the demand of the Governments of Portugal and England, dispersed on points at a distance from the frontier of Portugal.

I cannot conceive that the two cases can appear to you parallel. The individuals in question had made inroads, at different times, by force of arms, into Portugal: they had been protected, armed and organised in Spain. The Spanish Government itself (and, if I have not mistaken your Excellency made mention of this circumstance in Parliament) had disposed these troops in a way to menace Portugal with an attack; and therefore the assistance of British troops, which I was ordered by my Government to solicit, was conformable to the treaties upon which I founded my claim, and the Spanish Government had not only been guilty of a breach of neutrality, but had menaced Portugal with an attack, and had given just cause of war.

Therefore, the demand which was subsequently addressed to the Court of Madrid, was justified by the acts already committed, and became necessarily a guarantee against their repetition.

How, then, can it be possible to cite such a *precedent*, in order to

apply it to the actual case, where there has been, on the part of the Portuguese, no abuse of the asylum which has been granted to them in England, nor any act which can be imputed to them as a violation of the neutrality of the country? And how can the British Government believe itself obliged to prevent her Most Faithful Majesty from sending some of her own troops, which happened to be in a neutral country, to a part of her dominions where she is *actually acknowledged and obeyed* as legitimate Sovereign?

In addressing these observations to your Excellency, I only acquit myself, with regret, of a last and painful duty, so much the more necessary, as your Excellency attributes to me a responsibility which I think ought not to fall upon me.

I will conclude by announcing to your Excellency that I will transmit a copy of this letter to his Excellency the Marquis de Barbacena, who, in his capacity of Plenipotentiary and Delegate of the august father and guardian of her Majesty the Queen of Portugal, finds it, I believe, to be his duty to correspond *officially* with the Government of his Britannic Majesty, on the interests of her Most Faithful Majesty.—I have the honour to be, &c.

(Signed)

LE MARQUIS DE PALMELLA.

His Excellency the Duke of Wellington, &c.

INSTRUCTIONS TO CAPTAIN WALPOLE, OF HIS MAJESTY'S SHIP RANGER.

No. 38.

Dec. 12, 1828.

By the Commissioners, &c.

Whereas a considerable number of Portuguese soldiers, and other foreigners, are about to sail, in transports, from Plymouth to Falmouth, and it is supposed they intend making an attack on Terceira, or other of the Western Islands; and his Majesty having been pleased to command that a naval force should be immediately despatched to interrupt any such attempt, you are hereby required and directed to take the ship and sloop named in the margin under your command, and to proceed, with all practicable expedition, to Terceira; and, having ascertained that you have succeeded in reaching that island before the transports above alluded to, you will remain yourself at Angra or Praya, or cruising close to the island, in the most advisable position for intercepting any vessels arriving off it; and you will detach the other ships as you shall deem best for preventing the aforesaid force from reaching any of the other islands.

In the event of the aforesaid foreign force approaching Terceira, or

any of the other islands, you are to cause whoever may be in command of it to be informed that you are instructed to prevent their landing at any of the Western Islands ; and, should they persist, notwithstanding such warning, in hovering about, or in making any efforts to effect a landing, you are then to use force to drive them away from that neighbourhood ; and you will, in such case, keep sight of them, until you shall be convinced, by the course they may steer, and the distance they have proceeded, that they have no intention of returning to the Western Islands, or of proceeding to Madeira. You will, however, in this event, leave one of the ships under your orders at the Western Islands, to act again with regard to the said foreigners, as before directed, in the event of their parting from you at sea, and returning, or in the event of other detachments of a similar description, from England, afterwards making their appearance amongst the said Islands.

In the event of the foreigners in question proceeding towards Madeira (after your turning them from the Western Islands), you are to pursue the same conduct towards them, in first warning them against making any hostile effort there, and afterwards, if necessary, in using force to prevent it, as before directed with regard to the Western Islands.

In case of your proceeding, as above directed, to follow the force in question, or any part of it, until you are satisfied that they do not intend to return to the Western Islands, or to attempt Madeira, you are, after quitting such force, to return to the Western Islands, to rejoin the ship you will have left there, and to assist her in securing the remaining objects before explained.

And you are to continue on this service until you receive further orders.

Given, &c. 12th of December, 1828.

(Signed)

G. COCKBURN.

G. CLERK.

Benjamin Clement, Esq.

Captain of his Majesty's ship Shannon.

(Transferred to the Captain of his Majesty's ship Ranger.)

By command of their Lordships.

(Signed)

J. W. CROKER.

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