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Joseph Hering  
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Comte de Pombal  
Londres, anno de 1830





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# PORTUGAL:

HER KING

AND

HER CONSTITUTION.



BY

A BRITISH OFFICER.



LONDON:

PRINTED BY J. MOYES, TOOK'S COURT.

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BOARD OF ABERDEEN

HOUSE OF LORDS

ON THE 15th OF FEBRUARY 1881

ON THE SUBJECT OF

THE AFFAIRS OF PORTUGAL

LONDON:

PRINTED BY THE MIRROR OF PARLIAMENT



# HOUSE OF LORDS,

FEBRUARY 18th, 1830.

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## THE EARL OF ABERDEEN.

If the Noble Viscount had contented himself with moving for such papers upon this subject as might appear to him necessary for affording a due explanation of the course taken by his Majesty's Government, with respect to the affairs of Portugal; if, in fact, he had dealt fairly with the House and the Administration, and had made out a fair case for his motion, it is possible that I might not have been altogether indisposed to accede to it—though it is more than probable that I should have resisted such a motion on the ground, that in the present relations between this country and Portugal, such information would be unnecessary. I am, therefore, much more inclined to oppose this motion, which is clearly made with very different views, and for a very different purpose. Indeed, if the Noble Viscount intended to follow up such a motion by an impeachment of his Majesty's Ministers, the papers which he has just moved for might certainly be necessary, in order to afford him grounds, if possible, of sustaining such a charge; but if it be merely information he desires, I must say, that the Noble Viscount has, indeed, the most insatiable appetite I ever knew. Mere information, it is perfectly obvious, is not sought; nor, with the aims which the Noble Viscount avows, am I able to conceive how any necessity can exist for there being laid upon the Table of this House such a voluminous mass of official documents as have been moved for.

It must be apparent to the House, that this motion must be made without the slightest reference to the public service, or to the practice of Parliament, and the truth is, that if all the papers which are called for were produced, a great portion of them would be

found to have no practical relation to the question upon which the Noble Lord has addressed the House. Amongst other papers, the Noble Lord has moved for copies of all the despatches addressed to Sir Frederick Lamb from the 1st of March, 1828, that is, during all the time of his mission to Lisbon, for he only arrived there at the latter end of February; and the Noble Lord has also moved for copies of any despatches from Sir William A'Court, between the 4th of August, 1826, and the time of his departure from Lisbon; and also of any despatches addressed to Sir William A'Court by his Majesty's Secretary of State for Foreign Affairs during the same period, as far as such despatches relate to the internal political affairs of Europe. Why, these papers would comprehend a detail of all the transactions that occurred there during the whole of that period. And do your Lordships conceive it necessary to have such information laid before you? Surely such a quantity of official documents can never be required for the ordinary purposes of information.

I would beg of the House to observe the situation in which this country at present stands with reference to Portugal, and I would request your Lordships also to observe, that our relations with Portugal have not been altered since the papers were laid upon the Table of this House last Session, on this very subject of Portuguese affairs, which afforded the fullest information that could be reasonably required. I stated then an opinion, which I have not since changed, as no alteration has since taken place in our relations with Portugal; and I added—what I still adhere to—that whenever his Majesty's Ministers should think the proper period arrived for advising his Majesty to renew our relations with Portugal, at present suspended, then, and not till then, would further particulars, or any further information, be laid before your Lordships. Until that period arrives, it is not the intention of his Majesty's Ministers to afford any information to Parliament, beyond what is contained in the papers already on your Lordships' Table. It is to be observed, that these papers have not been selected at the discretion of the Government, but under the superintendance of the Learned Gentleman who moved for them in the House of Commons, and that they



have been arranged in order to meet the different heads of his motion.

As, then, it is well known that no alteration has taken place in the relations in which Portugal and this country stand towards each other, I would submit that there now exists no necessity for a further or more extended supply of papers; and I must be allowed to say, that the Noble Viscount has read those papers with some degree of carelessness, or he would not have let fall from him some assertions which dropped in the course of his observations to the House. Before, however, I advert to the various topics of his speech, I feel bound to say a few words upon a subject, which, though the Noble Lord has not himself dwelt much upon, we shall, no doubt, hear a good deal about in the course of the evening,— I mean the personal character of Dom Miguel. I am particularly anxious that I may not be misrepresented, as I have been upon a former occasion, in reference to what I think on that point; and as I shall now state my opinions regarding it plainly and clearly, any further misrepresentation of them can be only wilful. That Dom Miguel is not only a perjured but a most heartless and incorrigible prince, it is not possible to deny; that he may be cruel also, I am ready to believe and to admit, as I know very well that cruelty is too often the offspring of cowardice; but I will say, that when I see the absurd exaggerations which are put forth respecting Dom Miguel, I cannot avoid confessing, that to me such statements appear calculated to have, upon fair minds who clearly perceive that they are exaggerated, an opposite effect from that which they are intended to produce. The truth is, a fair mind could not but revolt at such an exaggerated picture, and rather be disposed to question the truth of what was before believed, than to give credit to such extravagant charges.

After all, I should say that it is an unwise course to dilate too much upon the personal character of princes, and still more unwise to let that personal character operate as a motive against intercourse with their people. I consider it quite a question of minor importance, whether Dom Miguel be a Nero or a Titus; and looking only to the interests of the two countries, simply ask myself, what is the course,

consistent with honour, that is best to serve the interests of the country? But, putting aside our own views upon this point, would it not be well to inquire, what are the opinions, not only of the most proper, but, in many respects, the most competent judges of the subject—I mean the Portuguese? I think it cannot be denied, that a great majority of the people of Portugal, so far from looking upon Dom Miguel as a tyrant, or usurper, consider him as their legitimate, lawful Sovereign, and from their decision there is no appeal. When I say that such is the opinion entertained by the great majority of the people of Portugal, I am aware of what I am bound to make good. That my assertion is founded in truth, cannot be more satisfactorily shewn, than by the different manner in which the two brothers presented themselves to the Portuguese. In the preamble of the Constitution Dom Pedro sent to Portugal, he required that it should be sworn to by the three estates of the kingdom, and afterwards promulgated; but when it arrived in Europe, the party in power were afraid to comply with that requisition, and never did submit it to the three estates; for they knew, that if they did, not only would Dom Pedro's right to give it be contested, but his authority to interfere in any manner in the affairs of Portugal denied. Let us now look to the conduct pursued by Dom Miguel. Very shortly after his arrival in Portugal, he assembled the Cortes, according to all the ancient and lawful forms, and never did any Portuguese assembly contain a more numerous body of all that is distinguished for rank, wealth, and character in the country. This body affirmed Dom Miguel's right to the throne of Portugal, and certainly the individuals composing it were much more competent judges of the question they had to decide than we can be.

It has been asked why, when Dom Miguel first shewed an intention of violating the engagements he entered into at Vienna, our Ambassador was not recalled? But does the Noble Viscount, when he asks that question, really imagine that would have been the most prudent course for us to have taken, even admitting, as I do, that the conduct of Dom Miguel in that respect is perfectly indefensible? Must not, on the contrary, he, and every man at all acquainted with



the circumstances, and having the slightest knowledge of the laws of nations, be fully satisfied that the course pursued by our Ambassador in Portugal was the most just and the most expedient? He began by offering the strongest remonstrance against the proceeding in question: finding that that remonstrance was not attended with any beneficial effects, he suspended his intercourse with the Court of Dom Miguel: and his third step was to leave the country altogether. Now, what more we could do short of an absolute declaration of war, I confess I am quite at a loss to discover. If the Noble Viscount, or any Noble Lord says we ought to have gone further, I say he must mean that we should have had recourse to actual hostility—he must mean that we should have used force for the purpose of carrying our own particular notions respecting the government of a foreign state, into practical operation. If the Noble Viscount will take the trouble to look over the papers, he will see the answer returned to the Marquess Barbacena when he applied for succour; and I am persuaded that no Noble Lord who looks at it will hesitate to acknowledge that it was the only answer which, considering our duty as a neutral State, it was in our power to give. The Marquess, in urging the claims of those whom he represented, suggested, that though existing treaties might not authorize us in giving the aid which he required, yet that we ought to enter into such new treaties as might be necessary for that purpose. Fortunately, his Majesty's Government did not think proper to accede to that proposition: if they had, war would have been the inevitable consequence, and the whole burden of that war would have devolved upon this country; and not only should we have had to bear the whole expense, but we should have been compelled to wage the war singly—we, who were interested only incidentally, would, I say, have had to wage the war singly. Even the party apparently most interested, certainly more interested than we were, took the greatest pains not to involve itself in a dispute upon the affairs of Portugal;—I allude to the Government of Brazil. I learn from the public newspapers, on this point,—I must have recourse to the same source of information as the Noble Lord, and I understand the statement they

make is perfectly correct ;—that, in April, 1829, one of the Deputies in the Brazilian Chambers reproached the Government with intermeddling in the affairs of Portugal, upon which the Minister of the Interior said, —“ 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. 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 Honourable Deputy desire that Ministers here should be responsible for acts done in Europe by public functionaries, who had received no instructions whatever, authorising 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 anything like a shadow of justice, be charged with interfering in the affairs of Portugal ?”

This is the party, my Lords, in whose behalf we were called upon to make a treaty, having for its object an attack upon Portugal ; yes, in behalf of the party who, it appears, disavowed all connexion with any such proceeding on the part of those agents, one of whom was actually recalled for his conduct. The principal ground, however, on which the Noble Viscount rests, as a reason for interference with the present Government of Portugal, is the abandonment, as he conceives it, of the constitution given to that country by Dom Pedro ; but, I ask, what sort of interference would he have had us exercise, unless it was that of open hostility ; for I know of no other method by which a constitution is to be forced upon a people who reject it. The Noble Viscount said he would make a plain unadorned statement of the facts relating to the question ; but surely nothing can be more opposed to the character of an unvarnished statement than that which he has made. If there be one thing



more certain than another, it is, that extreme anxiety was manifested by Mr. Canning, from the beginning, to disconnect himself and this country from everything relating to the origin of the constitution given to Portugal. The Noble Lord says, that Sir Charles Stuart advised and assisted in the framing of that constitution; but all that he had to do with it was, the being the bearer of it to Europe; and so alarmed was Mr. Canning, lest from that circumstance it should be thought we had any concern in its concoction, that he wrote circular letters to every court in Europe, stating that Sir Charles Stuart, in bringing over that document, acted upon his own individual responsibility, and not at all in consequence of any authority from the British Government. It can hardly be said, therefore, that the Noble Viscount in calling this a British constitution, and stating the facts he did to justify his giving it that title, has made a plain unadorned statement of this part of the transaction. The Noble Viscount further says, that that constitution was supported by the British army, and I do not mean to deny that the presence of our troops may not have operated in its favour; but when the British army was sent to Portugal, the greatest care was taken to state that it was sent for the particular purpose of resisting foreign aggression, and for that purpose alone. Six months afterwards, when a vote of credit was moved for, the same declaration was made in both Houses of Parliament, as also that our troops remained entirely and exclusively for the purpose, on account of which they were originally sent. The Noble Lord, therefore, completely misrepresents the real state of the case, when he says that the constitution was supported by the British army. I admit, as I said before, that the presence of our troops, and the idea that was naturally entertained of the partiality which this country may be supposed to entertain for a free constitution, might have contributed to the safety of that sent over by Dom Pedro; but that is the only way in which our troops can be said to have had any effect. As to the constitution itself, it was entirely the offspring of Dom Pedro's brain, and was drawn up in a week, and is such an one, as it would grieve me to be obliged to call British. The considerations, however, that have been

urged by different Noble Lords have so much weight with me, that most unwilling, as I am, that England should interfere in the affairs of Portugal, or any other country, I am of opinion it ought to be with the utmost possible reluctance, that we should think of renewing our relations with that country, without some arrangements being made, by which those unhappy persons in exile, on account of the support they gave that constitution, may be restored to their homes in perfect security. If we persist in our disconnexion with Portugal, it cannot be expected that the other Powers of Europe will long follow our example, though as yet with a confidence honourable to this country they have held back,—a fact which, I think, completely refutes the notion entertained by some Noble Lords, of this country not being held in the same respect as formerly. Let us, however, only understand our own interests, and we shall soon have the same amicable intercourse with Portugal as heretofore. With respect to the personal character of the monarch, it should be recollected, that the periods of our closest intimacy with Portugal were not during the reigns of its most amiable monarchs; and, no doubt, when the proper time comes for the recognition by this country, of the Power established in Portugal, our relations with her will be placed upon as cordial a footing as ever. The severity exercised in Portugal towards the supporters of the constitution, is as much deplored by me as by any Noble Lord in this House; but, were we to remonstrate against it, the obvious reply would be—“You keep us in a state of perpetual alarm; and you know that, in England, there are a body of persons plotting against our existence and authority—exerting themselves to effect our overthrow; and it is necessary that we should protect ourselves against their machinations, by securing the friends of the parties so acting.” Now, my Lords, I think it cannot be denied that self-protection is a duty imposed upon all governments, legitimate or usurped; and I think, therefore, we must consider ourselves somewhat responsible for what has taken place in Portugal.

I shall now proceed to consider the affair of Terceira, and I do think that, if it be fairly and impar-



tially considered, it will be felt that the course we took was that which was dictated by a sense of duty, and founded upon just views of the subject. In a few words I shall endeavour to give a simple narrative of the occurrences as they took place. After the failure of the expedition to Oporto, its leaders returned to this country, their troops having fled without striking a blow. These latter went into Spain, where they were informed they could remain only one month, after which they must retire; but it being impossible for them to do so in that period, we entreated that the time might be extended. The Portuguese troops having been assured of protection in this country, upwards of three thousand of them came to Plymouth, where lodgings were prepared for their reception. After they had remained there for some time, application was made by the Brazilian Minister to my Noble Friend near me to grant convoy to the Portuguese troops to the Azores. To that application the answer was, that we had no knowledge of foreign troops being here; that, if there were any, they must disperse and live as individuals, and not as troops; and shortly after, the Marquess of Palmella was told the towns to which they might retire. That functionary, however, preferred taking them to the Brazils, to which place he desired convoy. Granting them this convoy would have been an unjustifiable act, for we had no right to protect the Portuguese refugees from Dom Miguel anywhere but in England. The convoy, however, was promised; but that was not all the object the leaders of the troops had in view; and they next asked us to guarantee their safety: this was refused; and some time was spent in negotiations, during which the Portuguese troops still remained at Plymouth; and it was probably this fact which led to some of those acts on the part of the government of Portugal that we so much deplore. In the mean time, the garrison of Terceira revolted against Dom Miguel. Application was then made to us to allow the troops to go to that island. Now, I will ask Noble Lords—there being a civil war in Terceira between the garrison friendly to Dom Pedro and the population which was friendly to Dom Miguel—whether we could permit these troops to take part in the contest, and yet maintain our neutrality? Impos-

sible! We might have done so, to be sure, availing ourselves of Dom Miguel's breach of engagement, and everything that was odious in his personal character, or of the weakness of Portugal, which left us nothing to fear in the way of retaliation; but would these have been sufficient reasons for diverging from a course consistent with honesty, and, I must say, the only course it was proper for the English Government to pursue, considering what it had declared to be the line of its conduct from the first? It is quite monstrous to talk of these troops being helpless, unarmed men. Your Lordships well know that soldiers well officered and well disciplined, having arms ready provided for them, are as formidable when they obtain arms as if they had never been deprived of them; and it is notorious that arms had been provided for the troops in question. To permit their departure for Terceira under these circumstances would have been a flagrant breach of neutrality, according to all the laws of nations. I will take the liberty of reading a passage from an author, which will shew, that according to the general principles of the law of nations, it was incumbent upon the English Government to disperse these troops. Vattel, speaking of the duties of neutral states, says, "On the other hand, it is certain that if my neighbour affords a retreat to my enemies when defeated and too weakened to escape me, and allows them time to recover and watch a favourable opportunity of making a second attack on my territories, this conduct so prejudicial to my safety and interests would be incompatible with neutrality. If, therefore, my enemies, on suffering a discomfiture or retreat into his country, although charity will not allow him to refuse them permission to pass in security, he is bound to make them continue their march beyond his frontiers, as soon as possible, and not suffer them to remain on his territories on the watch for a convenient opportunity to attack me anew; otherwise he gives me a right to enter his country in pursuit of them\*." Your Lordships may judge of what was the effect intended to be produced by these troops remaining at Plymouth, when I inform you, that the Marquess of Palmella

\* Vattel, book iii c. 7.



said that their dispersion would relieve the King of Portugal from great alarm. When these troops departed, they were told they would be prevented from taking part in the civil war raging in Terceira, being, as they were, fitted out from this country; where, if they had not been received, they would either have remained prisoners in Spain, or been captured by the troops of Dom Miguel. The Noble Viscount has asked, "Why did not we stop them at our own port?" The reason was, that they went on board with clearances to Brazil, where we were told they were going; but having been deceived, before, by a Brazilian agent with respect to the destination of some arms which had been conveyed to Terceira, we told them that we would not be deceived a second time. If the decision of the English Government had been other than it was, I conceive that its neutrality would have been completely illusory. We knew their intention; for, though they had false clearances, we could not shut our eyes to their real destination. Some of those troops did go to Terceira; and the result was, that they were prevented from landing; and one person, an Englishman I believe, was unfortunately killed. The masters of the vessels knew nothing of their destination, but were forced to go thither. They implored the officers on board to allow them to change their course, but they were compelled to advance to Terceira; and it was only at the very last moment, and after every possible endeavour had been made in vain by the naval officer stationed on the spot to induce the troops to alter their course, that a shot was fired. It was then discovered, that of these helpless, unarmed, and faithful followers of their lawful Queen Donna Maria, three hundred out of six hundred were Germans and Danes, exported from Hamburgh and Lubec. These were the lawful and faithful subjects of her Majesty, Donna Maria! Can anything be more absurd than to say that England interfered with helpless individuals going to the territory of their lawful Sovereign? If we had acted otherwise than we did, we should, to all intents and purposes, have been affording means and facilities to these troops to engage in the civil war at Terceira.

No impartial man can look at the transaction, from

first to last, without being struck with the frauds that were attempted to be committed on the British Government. It is not, therefore, surprising that the language of some of the letters which passed on the occasion, is stronger than suits the taste of the Noble Lord opposite. The character of the whole proceeding is such, that, if fairly viewed, it will not only justify the measures which have been taken, but shew that they were absolutely necessary. There is another part of the transaction which is a little curious. How were these troops maintained—how were they paid? Your Lordships are perhaps not aware, that they were actually supported by English money, of which English creditors were actually defrauded; for the expense of their maintenance was defrayed from those dividends of the loan which had been remitted to England, regularly, by the Brazilian Government, for the purpose of being paid to English creditors. That money was intercepted in its course, and appropriated to this purpose; all participation in which the Brazilian Government disowned. A document that also appeared in the newspapers will shew the strange manner in which authority must have been assumed by the Brazilian agents over the money thus transmitted to England. M. Calmon, the Brazilian Minister of Finance, in his speech delivered on the 21st of August, 1829, expressly says—"The usurpation did not release Brazil from the obligations arising to her from treaties with Portugal; that a deposit was ordained in the Bank of England, of the amount of the dividends of the loan in question, in consequence of there being no ambassador to whom they could be delivered over, it not being politic for them to pass into the hands of parties who might divert them to another purpose. Finally, that this was the only means of saving the credit of the empire in a crisis of this kind. This order subsists; it is made public in London, and the deposit must be made at the moment he was speaking."

No such order, however, was published, nor any such money deposited in the Bank, it having fallen into the hands of parties who diverted it to purposes for which it was not intended. The bad faith and want of decency in their conduct towards this Government, of the individuals who so perverted that money,



cannot fail to be remarked by every body who may read these documents. The keeping together their troops, in spite of his Majesty's prohibition, cannot, I think, be defended; and it is impossible to say to what extent our suffering the establishment of such a precedent might lead. We have acted with the most scrupulous neutrality between the existing government in Portugal and their opponents; and of the two, I think that the government of Portugal has as much reason to complain on that point as the other party—if not more. Besides, our obligations under the law of nations, and our commercial treaty with Portugal, forbade our interference. But, in every step which we took, we acted from our own sense of duty alone, and not from any importunity on the part of the existing government of Portugal. When, however, a Portuguese Regency, as they called themselves, exists in London, constituted by I know not what authority, distributing orders, and granting rewards, it behoves us to be careful, and act with caution, so that no reasonable grounds shall be given for saying that our neutrality is not real, but pretended. I do not know that it is necessary for me to make any further comment on the speech of the Noble Viscount. As long as our relations with Portugal remain as they are, so long must we continue our neutrality.

In conclusion, my Lords, I shall only say that the information on the Table of the House is quite sufficient to explain the actual state of our relations with Portugal; and a promise having been made, when a change in those relations takes place, to furnish ample and satisfactory information relating to it, I do not think it necessary to acquiesce in the motion of the Noble Lord.

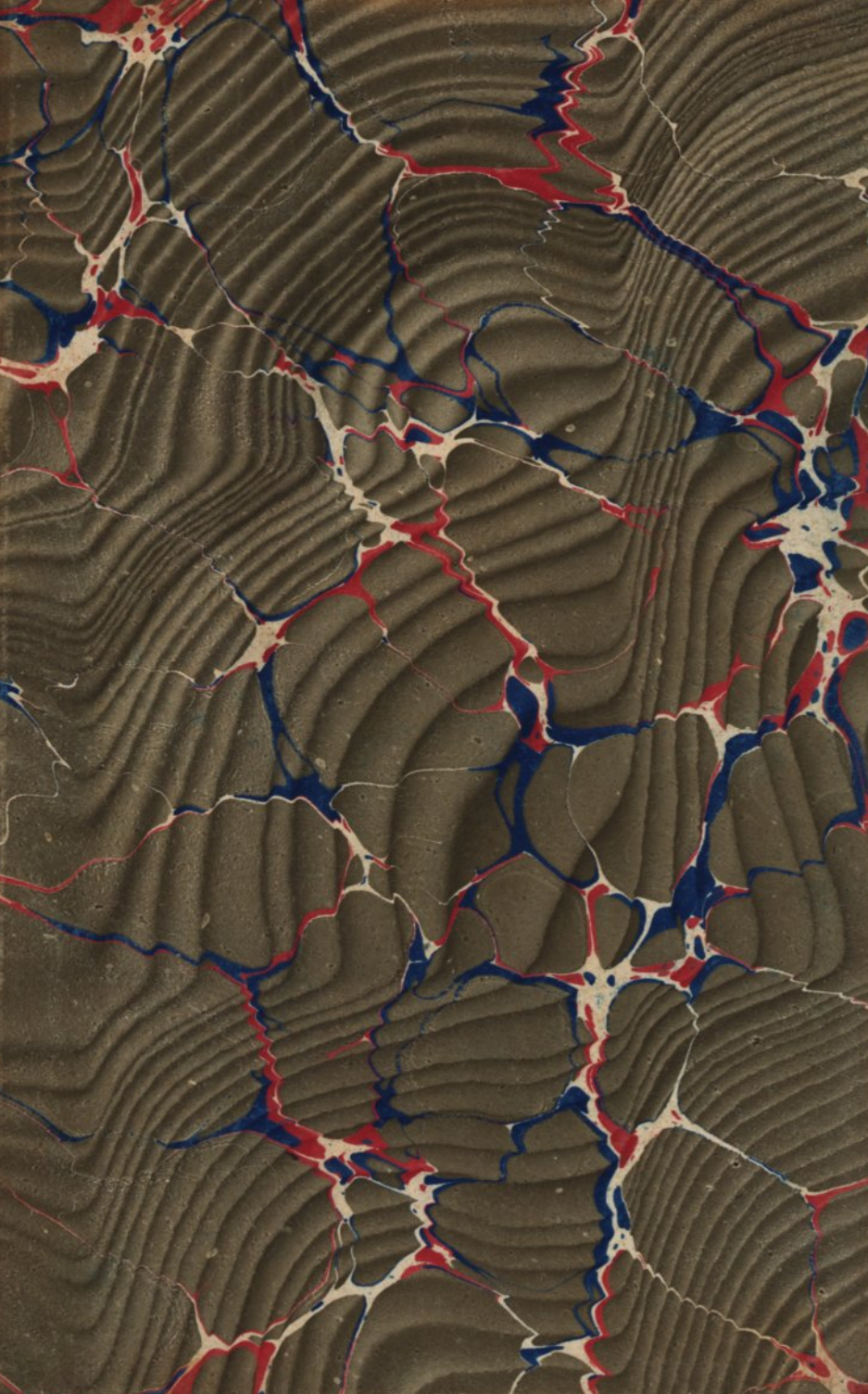
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exact bill to be presented by every body who presented  
 these documents. The reason for this is, that  
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 be denied; and it is impossible to say to what extent  
 our authority, the establishment of such a precedent  
 might lead. We have noted, that the most dangerous  
 neutrality between the existing government in Lon-  
 don and their country; and of the two I think  
 that the government of London has as much as  
 any to complain in this point at the other party—  
 and when I look at our own conduct, and the  
 conduct of the country, and the conduct of the  
 London government, I find, in every step which  
 we took, we acted from our own sense of duty, and  
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 came in London, conducted by I know not what  
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 further comment on the speech of the 17th of  
 June. As long as our relations with France  
 remain as they are, so long shall we continue our  
 neutrality.  
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 change in these relations takes place, to furnish an-  
 other and satisfactory information relating to it. I do  
 not think it necessary to propose to the motion of  
 the House.

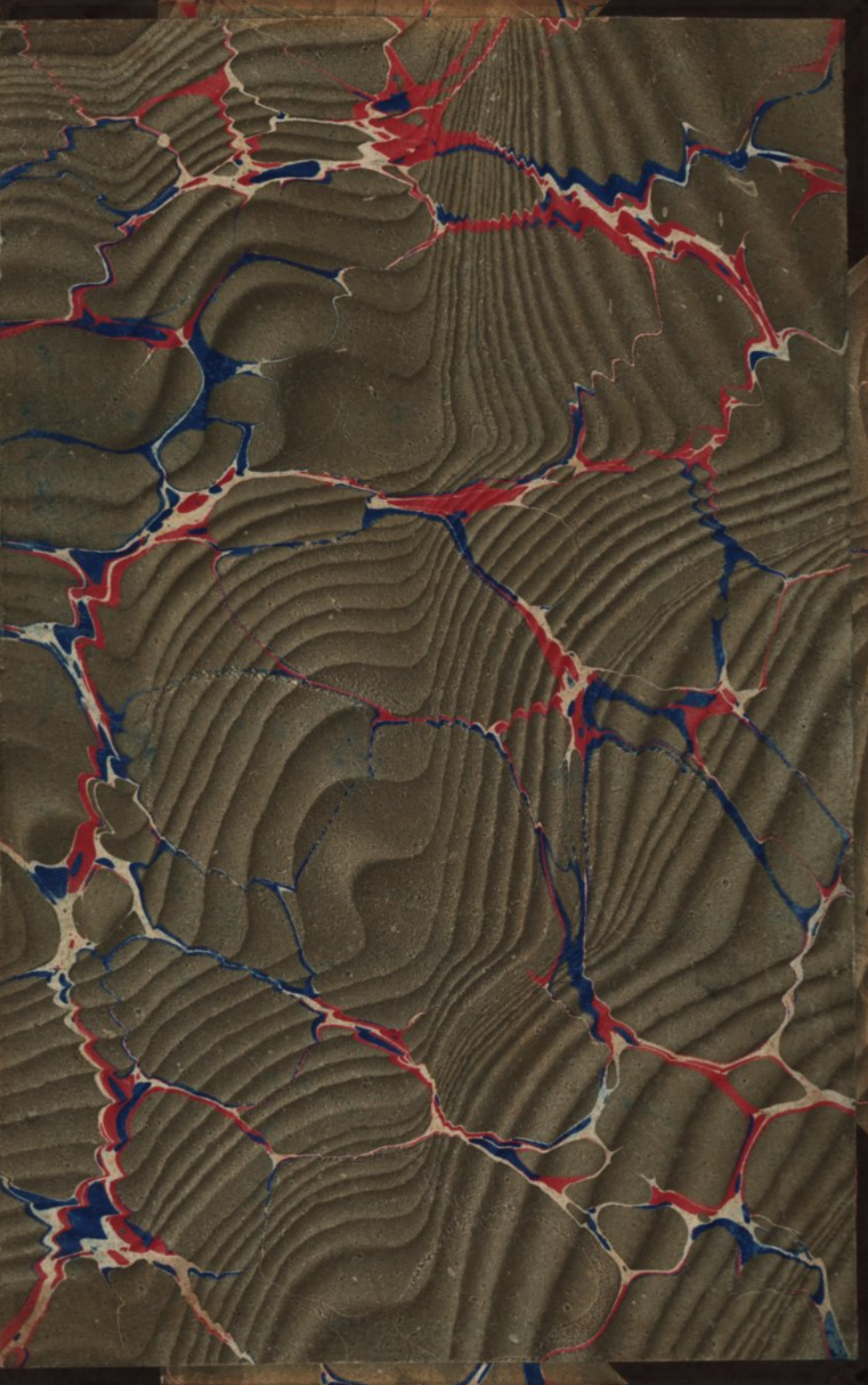
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