

pied by those monsters of impiety and despotism, who were now happily in the hands of justice, and would doubtless soon be brought to condign punishment. In addition to the Regents, who were seized and thrown into prison on the night of the 10th May, the order of arrest, included those of the ministers, Alvarez Guerra, Cano Manuel, and Garcia Herreros: also the names of above thirty deputies, of whom, Agustin Arguelles, Calatrava, Villanueva, Munos Torrero, Martinez de la Rosa, Ramos Arispe, Quintana and many others were incarcerated. Count Tereno, Diaz del Moral, Isturiz, Quartero, and a few more, succeeded in effecting their escape. When this event was known at court, a Royal order decreed the immediate sequestration of their property; nor did the admiration and esteem which they had acquired during the war of independence, protect them from calumny and abuse. The enlightened patriotism which had marked their conduct, and which happily for their country, still pervades the Cortes, was loaded with obloquy, and a series of papers, in which they were represented as conspirators and assassins, (by the authority of Eguia,) were distributed gratis through the country, at the moment that the decree, which subjected the press to a rigid censorship, was published in the official gazette of Madrid!

In order to prolong the farce of a conspiracy, Don Narciso Rubio, a commissary of war, and one of those arrested for their liberal opinions after Ferdinand's entry, was taken before the Judge Villela at midnight, to be examined relative to a

seal and medal found on his person by the keeper of the prison. Although the first merely bore a family crest, and the medal had been received from the junta of Valencia for the gallantry displayed by Rubio, while the French army under Marshal Moncey was before the walls in 1808, Eguia in a letter to the judge positively asserted that both were closely connected with the projected republic. Previous to the fulminating threats with which the examination of Rubio ended, he was treated in a very gracious manner by Villela, who promised immediate liberation and the protection of government, if he would but compromise the prisoners, by naming his accomplices ! Scarcely able to refrain from laughter at the pompous gravity assumed by the judge and his attendants, Rubio confined himself to a plain statement of the way in which he had become possessed of the treasonable articles, and concluded by expressing his astonishment that the ministers should attach importance to trifles utterly unworthy of their notice. But the ministers judged otherwise; and that the effect of this notable discovery might not be altogether lost, a formal report of the occurrence was made to the King, the whole garrison of Madrid put under arms, double sentries placed round the Palace, cannon planted in the Puerto del Sol, and such other arrangements made, as were most likely to alarm the public and inspire the Royal family with fears for their personal safety.

Lest any doubt should remain as to the strict veracity of the report, de Castro caused a mutilated design of the medal to be engraved for his paper; this corresponded exactly with the description given of it by Eguia, and was accompanied by fresh torrents of abuse against the Patriots, who were again menaced with all the terrors of the law.

Having kept the prisoners in close confinement, deprived of any communication with their family and friends, until the 17th May, the commission appointed to inspect their papers, and over which Villela presided, made a report of its proceedings to the King and solicited further instructions. It is hardly necessary to add that, this request arose from there not being a line found to justify the imputations of de Castro and his employers; still less any act upon which a trial could be instituted with the least colour of justice. So far indeed from this being the case, in addition to the fervent tone of patriotism displayed in the most secret correspondence of the constitutionalists, the private letters of several, contained proofs of the warmest attachment to the person of Ferdinand; these were of course overlooked by a set of men expressly selected to sacrifice the prisoners. It was accordingly on the mere authority of this report, that a royal order of the 20th, directed the judge to prepare the act of accusation, without waiting for any other documents than those already in their hands.

Disappointed in the hope of procuring any documents in the papers seized, upon which charges could be founded, recourse was had to another measure well worthy of those who commenced the proceedings. All the *segretarias* or public offices of government were ransacked, with a view of ascertaining whether any letters or other testimonials could be discovered to criminate the patriots. A second order was issued, to place the journals and decrees of Cortes at the disposal of the judges; and agreeable to the powers vested in these men, they forwarded circulars to the agents of police and minor tribunals appointed to conduct this persecution in the provinces, directing that minute inquiry should be made into the conduct of those arrested in the capital, and witnesses procured to appear against them. A letter to the same effect was addressed by Villela to the captain-general of Andalusia, who was more particularly called upon to find out and secure the persons of those who had promoted the tumults in the galleries of Cortes, during the debates of that assembly.

The system of subornation and perjury instituted in the provincial cities, was encouraged with still greater zeal at Madrid: here, the certain road to emolument and promotion, was to become a spy and informer, while all who came forward to bear testimony against the patriots were sure of an ample reward: I have been confidently informed that no ties of consanguinity, however near, pre-

vented individuals from being urged to betray the prisoners, and various instances are on record, of the Monarch's signature being affixed to Royal orders, which assigned pecuniary remuneration or conferred places of trust, on persons who had thus distinguished themselves.

But the most palpable dereliction of law and justice connected with the prosecution, was the circular addressed to various members of the Cortes, many of whom had signed the representation delivered by Rosales to the King at Valencia: this extraordinary communication called upon them to give a general account of the proceedings during the session of 1812, and to designate those deputies who had been most forward in attacking the sovereignty of Ferdinand VII. Neither the extravagance nor injustice of this demand, seems to have excited either surprise or hesitation on the part of those to whom it was sent; for, of the twenty-one who had received the circular, which was dated on the 22nd, seventeen forwarded their replies before the 30th of May: a more heterogeneous mass of slander, falsehood and absurdity than these exhibit cannot well be conceived; a few of the assertions put forth by the writers of those precious documents, styled *informers*, may be considered as fair specimens of the whole collection. Don Joaquin Perez stated, that the *Liberales*, of whom he named several, had been occupied in developing a system of democracy; Don Manuel del Pozo, that there was a party in the Cortes,

whose object was, to ruin the throne, destroy the altar, and abolish the monarchy by depriving the King of his sceptre and even life : Mozo Rosales, that the Constitution of Cadiz was contrary to the sovereignty of Ferdinand, and that many of the spectators assembled in the galleries, were paid for obstructing the freedom of discussion : Count Buenavista, that besides the inflammatory nature of the debates in Cortes, the King's trial and condemnation to death, in a coffee house of Cadiz, was a fact of public notoriety.*

The statements of Torre Musquiz, Ostolaza, Inguaño, bishop of Pamplona, Calderon, Villa Gomez, the Marquis de Lazan and other denounciators were, if possible, more calumnious and unmeaning than those I have cited ; yet was it on such testimony, and given by persons who had themselves solemnly sworn to preserve the constitution, that the most virtuous men and enlightened patriots of Spain, were consigned to poverty, exile and imprisonment, while many of those who thus stigmatised them, were rewarded with the highest offices in the state !

* Alvaró Florez Estrade, author of the celebrated representation to Ferdinand VII. published at London in 1818, presided at the patriotic meetings where this famous trial was said to have taken place. He was consequently amongst the number of those condemned to death, and would have most probably suffered, had it not been for his timely escape to England, where this eloquent writer continued till the emancipation of his country.

In commenting on the conduct of the police judges Villela, Galiano and de Leyva, Don Lorenzo Villanueva, whose valuable notes* have furnished me with many of these details, proves in a manner the most satisfactory, that this disgraceful triumvirate were actuated throughout by a rancorous spirit of personal hostility towards the prisoners, and that to gratify their desire of revenge, as well as to obey the orders of their patrons, they not only disregarded the instructions contained in the Royal orders, but grossly violated the laws of the monarchy in every stage of the prosecution: it could not however be otherwise in a case of this description which had its origin in such a palpable departure from all the principles of justice and humanity. The above writer, who was himself one of their victims, dwells with peculiar stress on the mode of arrest, which was effected by a military force in the dead of night, and without the production of a warrant or assigning any cause for the proceeding: the seizure of

* These are very voluminous, and were it not for the greater part relating to matters of more local interest, they deserve to be known throughout Europe, as furnishing a proof of the dreadful state of Spain at the commencement of the Nineteenth Century.

These notes are however, replete with highly useful information, and amongst other matters, relative to the illegality of the commissions appointed to try the deputies, the author proves to demonstration, they could only be legally arraigned by their Peers.

papers too, though limited by the King's order to those of a political nature, extended to documents and private letters containing the most important family secrets. Instead of the mild treatment recommended in the Royal order addressed to de Leyva, most of the prisoners were thrown into loathsome dungeons, and in other respects exposed to the greatest privations : so far from conforming to the old laws practised even in the last reign, and which required a declaration to be taken from every accused person, within twenty-four hours after his arrest, many of the patriots were kept in solitary confinement for several months, without being permitted to see one of the judges, much less to learn the cause of their incarceration.

It is worthy of remark that two of the commissioners, Galiano and Villela, in addition to their having sworn the constitutional oath as members of Cortes, and held places of trust under the Regency, were not only loud in their praises of the new code, but foremost in signing addresses of congratulation when it was promulgated. As to de Leyva, he belonged to the Council of the Indies, one of the first bodies in the state that recognized the national sovereignty as decreed by Cortes, although the acknowledgment of this imprescriptible right, was the chief crime attributed to the prisoners.

The vexations and inquisitorial nature of this unexampled prosecution, was strongly exemplified in the cases of Don Manuel Cepero and Ruiz de

Padron, two of the most respectable ecclesiastics of Spain, and both greatly distinguished as members of Cortes. In consequence of Villela's letter to the Captain General of Andalusia, emissaries were sent to tamper with the house-keeper and domestics of the former, at Seville, where he had a rectorship; these were directed to collect all the particulars of his past life; mode of passing his time; who were his visitors; whether he frequented places of public worship, or read mass at home; and if so, whether his servants were allowed to be present? On the failure of this scrutiny, Chaperon, the person who was employed to conduct it, sought for those who had left the service of Cepero many years before, and offered them a reward, if they would consent to betray their old master. When, after an imprisonment of five months, his brother came a distance of nearly two hundred miles to concert means of providing for his subsistence, he was denied admittance and obliged to return without seeing his relative. It was not till the seventh month of his confinement that this persecuted deputy could obtain permission to communicate with his friends, and then only for an hour each day, while the favour did not extend beyond the individuals of his own family!

The venerable Ruiz de Padron, who had been returned to Cortes by the inhabitants of the Canary Islands, was denounced in a furious rescript of Ximenes, bishop of Astorga, as one of the *liber-*

ales, a declared enemy of the King, and disobedient to the Sovereign Pontiff: his celebrated *dic-tamen*, or speech on the abolition of the holy office, a masterpiece of eloquence and sound reasoning, was also apostrophized as a scandalous breach of church discipline, meriting the severest punishment; when at a subsequent period of his persecution, and after a rigorous detention of seven months, his examination commenced, the principal questions put by the legal inquisitor were: In what part of Cadiz and Madrid he had resided while in those cities; with whom he corresponded; what his expenditure was, and where the money came from; whether he had been sick, and who were his medical attendants; also, if he was not the friend of Arguelles? When asked whether he had sworn to maintain the Constitution, he replied in the affirmative, upon which the fiscal Don Rafael Sanz, turning to the judge, observed, "well, that's more than I shall do, or his eminence either!"

Ruiz de Padron remained in prison nearly a twelvemonth before he was allowed any communication with his family, or friends, while the whole sum received for his support, from the profits of his income as Abbot of Villa Martin, was one hundred dollars, or about twenty pounds sterling, and this only after he had been imprisoned fifteen months! Sentenced to perpetual seclusion in the Convent of Cabeza de Alba, situated in a desert, confiscation of his property and loss of all his benefices; also to pay costs of suit, on the 2nd November,

1815. This virtuous character was indebted to the intrepidity of the metropolitan fiscal Don Anselmo Isla, and Don Manuel Vidante, judge of the ecclesiastical court, for his liberty a year after he had been conducted to the Convent. It was reserved for the first to expose the enormous and scandalous injustice of the whole process; while Vidante, alike indifferent to the menaces of the mitred oppressor, and the influence of the servile faction, declared the trial and sentence null and void, absurd, vexatious and illegal. The bold integrity of these men, whose names deserve to be recorded in letters of gold, neither put a stop to the persecution of Padron, nor prevented those who passed the sentence from being most liberally rewarded for their iniquity.*

In the course of Cepero's interrogatory, which continued at intervals for some days, the judge appointed to receive what he called the prisoner's confession, produced a bundle of papers, recently drawn from a privy, and unfolding the contents, demanded in a threatening tone, whether the astonished patriot recognised them? To this question, Cepero replied by inquiring where the papers had been found? "In your own house!" fiercely re-

*The electors of Galicia have testified their sense of the talents and sufferings of Ruiz de Padron, by returning him as one of the deputies for that patriotic Province, in the present Cortes. Sepero, is also a member, and both have given proofs that their energies in the cause of freedom are still unabated.

joined the judge, and raising his voice to a still higher pitch, while the prisoner vainly endeavoured to restrain his laughter, added, "aye! and what is more, they contain your criminal correspondence with the provinces; I therefore desire you will instantly examine and acknowledge them to be yours." "All I know of these documents," answered Cepero, "is that they are as likely to have come out of your house as mine; but wherever they may have been found, rest assured I shall not touch them." Assuming a fiercer attitude and more authoritative tone, the judicial sage proceeded: "Come, Sir, confess at once your treasonable and depraved views; hatred to the King, and connection with atheists, deists, jansenists, jacobins, and free masons, are fully developed in the papers before me." Having continued some time longer in a similar strain, without, however, pointing out any of the guilty passages, a more desultory conversation followed, and when pressed rather closely by the prisoner, this dignified agent of the faction was forced to admit that no part of the writing could be distinguished; thence entering into greater familiarity with the prisoner, he detailed the mode in which these *odoriferous* documents were recovered under his own immediate inspection, adding the number of days he had been occupied in striving to decypher their contents, and the necessity under which he was placed, of producing them on the present occasion: "at all events," concluded the judge, "his Majesty can-

not fail to applaud my zeal, if he does not reward my services!"*

* If collected, the depositions, informers, confessions, and correspondence connected with this famous persecution, would form one of the most curious and interesting volumes extant, while it furnished an admirable illustration of legal procedure in this country and Spanish jurisprudence generally, previous to the recent change: what is styled taken the confession, most probably owes its origin to the well known practice of the holy office. A certain number of questions being prepared by the fiscal, an officer whose functions correspond with those of our attorney-general, he proceeds to the prison, or other place of confinement, accompanied by a judge, clerks, &c. The culprit being brought up, each question is put, and his answers noted; these are afterwards intended to form a part of the accusation, if unfavourable to the prisoner. Contrary to that more rational spirit of English law, which does not admit of self crimination, the interrogatories put by a judge in this country, were generally so framed, that by answering them in the affirmative a person was sure to become his own accuser. If there happened to be any of a different tendency, they seemed to be introduced only for the purpose of leading the unwary astray.

The examination of the deputies of Cortes, were all arranged on this principle: that of Don Joachen Villanueva, which did not take place till he had been more than a year confined in the prisons of Madrid, contained forty-two questions, of which a few will be sufficient to convey an idea of the whole. He was asked, whether he knew, or conjectured what was the cause of his arrest? If, while a member of Cortes, he had made any declaration against that sovereignty which the deponent said he had always and still recognised in his Majesty, Ferdinand VII.? Whether he had ever been arrested, summoned, or otherwise molested by the judicial authority before? If he had not maintained the sovereignty of the people, by his speeches and votes in Cortes?

Agustin Arguelles, whose popularity and influence in the Cortes had rendered him particularly hateful to the faction, was also harassed in every imaginable way : a day seldom passed without his being made the object of some slanderous story, or scurrilous invective in the servile journals. As a proof of the ignorance and folly which marked the proceedings against this eloquent patriot, an arabic memorandum, found in his papers, was specified in the act of accusation, as being closely connected with the far-famed republican project; when translated, the mystical document proved to have been written by Jhachi Abdequeriu, a Moor, who visited the Peninsula in 1796, stating that he was, (thanks to the Prophet and his friends) well and happy, had enough to eat and drink, and was in other respects perfectly satisfied with his situation! This important communication was dated in the year of Mahomet, 1211, and addressed to a gentleman, whose name, equally unintelligible to christian ears, yet seemed, in this respect, to bear some affinity to that of the writer, viz: Jhachi Almati Boasi, by whom it was to be

If he had not voted for article III. of the constitution, which declares that "the sovereignty essentially resides with the people?" Whether the deponent had not occasionally influenced or co-operated in promoting the riots and disorders of the galleries? Had he not contributed to restrain the liberty of speech on the part of certain deputies, and did he not vote for the liberty of the press in South America? &c.

handed to Jhachi Elmoti Boasida, probably a common friend of the parties. Such, however, joking apart, were the miserable expedients resorted to in the course of this prosecution, that these insignificant lines served as a pretext for increasing the charges, even before the judges had any conception of their meaning!

The treatment of Canga Arguelles, who had also displayed considerable talents and industry as a member of Cortes, was of the most cruel description. Thrown into a dungeon, hitherto appropriated to malefactors of the worst kind, he was suffered to remain shut out from light and air, deprived of books, or the sight of a single friend, till the month of September, when, falling dangerously ill from harsh usage, and the excessive dampness of his cell, it was with the utmost difficulty, and not before several strong representations were made to the commission, on the fatal consequences that must have resulted from a longer confinement in such a place, he got himself removed to a military quarter, that had been converted into a prison for the patriots. Here, he obtained permission to walk in the court-yard, and along the galleries, but owing to the calumnies and intrigues of Don Miguel Lardizabal, Secretary of State for the Colonies, this privilege was withdrawn, and the suffering deputy again confined to the limits of his barrack room. Previous to his final sentence, Canga Arguelles was destined to experience still greater indignities, through the machinations of

Lardizabal, who, by the aid of a newly invented conspiracy, alledged by him to have been planned since the arrest of the patriots, and having the dethronement of Ferdinand for its object, caused five of the prisoners to be shut up in a room heretofore occupied by a company of invalids, but which was not even swept to receive them. The object of this measure was, for the purpose of introducing an agent of the servile faction, who, being formally arrested as a supposed liberal, continued to live with the deputies for some time, making daily reports of their conversations and all other occurrences to Lardizabal, until at length the infamous trick was discovered, and the fiscal appointed to inquire into the facts, declared there was no ground for a prosecution.*

Instances of the vexation and wanton cruelty exercised towards the prisoners, might be cited in abundance; in truth, those I have noticed convey but a feeble idea of the inhumanity manifested throughout the whole proceedings, judging from the concurrent statements of Ruiz de Padron, Villanueva, Bernabeu, and various other writers whom I have had occasion to consult, as well as a great mass of verbal testimony collected since my arrival, the instruments employed to carry the

* Lardizabal continued to torment and oppress the patriots till the month of August, 1816, when he met with the usual reward conferred by despotism, disgrace and exile!

proscription into effect, whether princes or ministers, priests, judges, or jailors, seem to have vied with each other in torturing their unhappy victims, and aggravating the evils naturally attendant on such a deplorable state of things.

As a variety of other incidents relative to the conduct of the police judges, and their successors, remain to be communicated before the result of their labours is noticed, it becomes necessary to continue this painful subject in a future letter.



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

JUNTA DE ANDALUCÍA

LETTER V.

Royal orders in favour of the Patriots.—Tergiversation of the Judges.—Their admissions.—Fresh Arrests. First Report of the Commission.—Professions of Zeal and Sincerity.—*Consulta and Quadernos*.—Some account of these Documents.—Reflections suggested by them.—Charges contained in the *Quadernos*.—Appeal to Foreign Powers.—Hall of Alcaldes.—Conduct of Arias Prada.—Second Commission named.—Its Character and Proceedings.—Disgrace of Macanaz, San Carlos, and Escóiquiz.—Appointment of Cevallos; his Memorial to the King.—Persecution continued.—A third Commission appointed.—New Charges.—Anecdote of Don Antonio de Segovia.—Condemnation of the Patriots.—Apathy of the Foreign Ministers at Madrid.

Madrid, July, 1820.

WHETHER it arose from a wish on the part of those who surrounded the King, to conceal their real designs against the patriots, by assuming an appearance of moderation; or, as Villanueva and others of the liberal party have suggested, Ferdinand himself began to see through the iniquitous views of his advisers; he caused a letter to be addressed to the judges on the 28th of May, desiring to be informed, if, conformably to the laws, of which he had enjoined such a strict observance, they were prepared to liberate the state prisoners; adding that the approaching festival of St. Ferdi-

nand* afforded a plausible pretence for their discharge. As a farther proof of the King's sincerity upon this occasion, the letter directed that, in case the judges could not recommend the immediate enlargement of all the accused, a list should be sent to him, of those to whom, from the lightness of their offences, that favour might be extended; as, his Majesty felt extremely anxious to celebrate the anniversary of his tutelar saint by this particular act of grace.

In reply to the above royal order, so creditable to the personal sentiments of Ferdinand, Villela and his associates observed that, "neither the quality of their crimes, nor actual state of the summaries and justifications, permitted the release of persons charged with such weighty offences, without departing from that justice which his Majesty had so strenuously recommended!" Amongst the numerous other sophistries of this epistle, it confessed, that, although the trials were in progress, yet, owing to the complicated nature of the cases, the commission was still unable to form a correct opinion on them; one of the alledged causes of delay stated, that the prisoners had been some days in custody before the judges knew what were the specific crimes which led to their arrest. It was

* This occurs on the 30th of May, and has been generally marked by some act of beneficence, emanating directly from the Sovereign.

indeed evident, from the vague and contradictory tenor of the whole composition, that both Villela and his coadjutors were quite unprepared for this pressing appeal in favour of the patriots, and therefore only sought how they could best frustrate the wishes of the monarch, by endeavouring to give a semblance of equity to their proceedings.

It has been justly remarked, that these men had now an excellent plea for putting an end to the proscription, by at once acknowledging the illegality of the arrests, and innocence of the prisoners. Such an act of candour, would, however, have been no less contrary to their own vindictive characters, than inconsistent with the policy of their rulers, who had determined to govern by violence and injustice. Accordingly, the letter of the judges concludes by observing that, the most they could do towards fulfilling the benignant intentions of his Majesty, was to change the place of confinement, by transferring some of the accused from the public prisons to their houses, where they would continue in equal security till called upon for trial. It next remained for the commission to transmit a list of those whom it considered as worthy of the proposed indulgence : when this reached the palace, and was laid before Ferdinand; it contained the names of five obscure individuals, of which, two happened to be comedians, whose immediate services were required at one of the principal theatres!

In consequence of the foregoing representation, which left no alternative to the credulous Prince, it was natural for him to acquiescè in the decision of his judges, supported as their statement must have been, by those around him; Macanaz, therefore, lost no time in signifying his Majesty's pleasure, that the prisoners should be retained till further information should afford a better opportunity of exercising the royal clemency. Although prevailed upon to relinquish the intended act of grace, the King's impatience to see the trials ended does not seem to have abated; for a second letter was forwarded to Villela only three days after, expressing the utmost anxiety on the part of Ferdinand to have them brought to a conclusion, and directing that no efforts should be spared to abridge delay, consistently with the practice of the courts and forms of justice. It appeared from their answer to this communication that the judges had nothing so much at heart as tranquilizing the mind of his Majesty on the delicate points submitted to their investigation, after alluding to the circumstance of their not having received any orders to commence proceedings before the 20th May, the arbitrary nature of the prosecution was made still more apparent by their stating that, as the royal order which directed the trial of the prisoners to proceed, merely on the facts to be drawn from their papers, had not led to the discovery of any documents upon which a process could

be instituted according to law, they were since that day incessantly occupied in the examination of witnesses and applying to various deputies for statements relative to the want of freedom experienced during the debates of Cortes; also concerning the tumults in the galleries, and other matters of importance to the King's service. As if this flagrant departure from their instructions was perfectly regular, and they considered themselves fully authorised to seek other means of criminating the patriots, than those specified in the royal order, the judges proceeded to state that, as the *informés* related to the acts and debates of Cortes generally, they required to be examined with more leisure. Referring to the witnesses whose verbal testimonies had been received and depositions taken, it was ingeniously admitted, that the vague or general assertions of the witnesses rendered it impossible to rely on all their allegations. "We cannot," say they, in closing their second letter to Macanaz, "forget that love of justice and the laws manifested by the King in all his sovereign decrees; and this rectitude on the part of his Majesty pledges our delicacy the more not to swerve from the usual forms and order of passing judgment, as well as to respect in their utmost extent the rights of the accused, although his Majesty is aware of the delay and torpor which attend cases of this kind when conducted upon such austere principles!"

So far from the disposition of Ferdinand, as shewn by this correspondence, producing the smallest effect in favour of the prisoners, it seems rather to have impelled the faction to new acts of violence. A list of those deputies who were present at the installation of the first Cortes, in 1810, together with a copy of the oath prescribed on that occasion, having been transmitted to Vilela on the 9th June, soon became the ground-work of fresh charges against the deputies. One of these set forth that they had exceeded their powers in voting for the constitution! Having devoted a few days to the consideration of his newly acquired materials, and examined several additional witnesses, suborned by the agents employed for that purpose, Vilela issued his warrant of arrest against forty-five more individuals, whose imprisonment was followed by the seizure of their papers and sequestration of all their property.

Here it should be observed, that a royal order of the 5th June, directing that the causes were to be forthwith transferred to the Hall of Alcaldes, or chief criminal court of Madrid, there to be substantiated, and sentence passed according to law, was not answered before the 30th. This reply, like those already noticed, was also a tissue of falsehood and sophistry, in which the judges gravely asserted, that a fear of exceeding their instructions, and anxiety strictly to adhere to the laws, had, notwithstanding their extreme eagerness on the subject, alone prevented them from proceeding

with greater celerity. To prove their zeal, a list of the pending trials, together with some account of the progress made in each, accompanied the letter, which concluded by assuring Macanaz, to whom it was addressed, that they were occupied night and day with this important investigation. "We have the satisfaction to assure your excellency," add the judges, "that when the papers sent herewith are examined, his Majesty will perceive the extent of our solicitude and vigilance." Neither these valuable qualities, for which Villela had the modesty to give himself credit, nor his fulsome adulations and promises, seem, however, to have satisfied Ferdinand, whose final attempt to produce some impression on the judges, was made on the 1st July. It came from Macanaz, through the Duke del Infantado, president of the council of Castile, and contained a peremptory order of the King, that the trials should be concluded and sentence pronounced on all those accused of conspiring against his authority, within the precise period of four days.

All that I have hitherto said in illustration of the deceit and hypocrisy of these judges, is perfectly insignificant when compared to the arguments and assertions brought forward in their answer to the above royal order. As, however, you must have, ere this, been enabled to form a tolerable estimate of their character, it would be superfluous to trouble you with a minute analysis of their remaining labours. After alluding to the thankless office

they had undertaken, and the numerous vexations it occasioned them, great surprise was expressed by the judges, that his Majesty should be dissatisfied with their exertions. It was next added, that the King's orders had filled them with the most painful concern, in as much as they found it totally impossible to comply with his wishes. In addition to the causes of delay previously assigned, relative to the want of documents and complication of the cases, they alledged the necessity of examining twenty-one volumes, containing the debates and decrees of Cortes, also the various periodical works and newspapers published during the war, not to mention the time occupied in procuring information from various and distant parts of the kingdom in which the "crimes were committed." Having, by infinite pains and the most absolute self-denial, succeeded in completing the chief portion of their work, they were about to lay the result at the feet of his Majesty, together with such observations and suggestions as the commission thought best calculated to accelerate the final termination of the trials; it being, however, physically impossible to fulfil the royal order, since there was not time enough given to read the documents, they saw with sorrow that they no longer enjoyed the confidence of their sovereign. Yet, notwithstanding the consternation into which his orders had thrown the judges, were it possible to put those orders into effect, they would make the attempt, even at the expense of their lives;

convinced of its impracticability, their only consolation was derived from reflecting, that his Majesty would name others, capable of executing his orders with greater promptitude!

Supposing the King to have been a mere passive instrument in most of these transactions, and that his want of experience induced him to believe in the sincerity of the judges, he was not likely to resist such an appeal, evidently drawn up to ensnare a weak mind, and closing, as it did, with the disinterested tender of their resignation. Macanaz, therefore, addressed the commission next day, assuring the members that his Majesty was satisfied with their conduct, and desired they would persevere, so as to conclude the trials without loss of time.

Having continued their exertions, and most probably restricted their intended comments, as if determined to surprise Ferdinand in his turn, the gigantic labours of the commission really did end on the 6th July, when its *Consulta*, or, in other words, act of accusation was transmitted to the minister of grace and justice. Previous to the final delivery of this memorable document, several of the prisoners expressed a wish of being permitted to address the King, on the illegality of the proceedings and injustice of their detention. To this application Macanaz replied, that, if they had any thing to say, his Majesty wished it to come through the judges. Slender as their hopes of producing a favourable change from having to sub-

mit their grievances to such hands must have been, many availed themselves of the occasion thus afforded; they drew up a memorial, enumerating the sacrifices they had made during the war, to preserve the throne, and refuting the calumnies circulated by their enemies, and this memorial, which ended with a prayer that his Majesty would give directions for their immediate discharge, was sent to the judges, with a request that they might be laid before the Monarch; the writer had every reason to believe their statements never reached the palace; be this as it may, no answer whatever was returned either by the commission or Macanaz.

With respect to the Consulta, it professed to give a detailed account of all the judges had done, from their arrest of the patriots up to the day of its date, and was accompanied by five *Quadernos*, or distinct bundles of papers, containing a history of the most remarkable occurrences which marked the proceedings of both Cortes, together with a list of those deputies who were distinguished for their innovating opinions.* Instead, however, of these voluminous documents leading to a decision, or clearing up the question they were intended to elucidate, a field of endless delay was opened to future commissions. If indeed we except the more enlarged form given to the calumnies of the

* Opiniones novadoras.

servile faction, those others suggested by the malevolence of the judges, and that unintelligible legal jargon in which they were clothed, Villela and his assistants left the subject in a state of much greater intricacy than ever. Although the Consulta and its accompaniments, any more than a persecution, in the existence of which, under all the circumstances of the case, posterity will scarcely believe, are unworthy of a serious examination; yet, for the interests of truth, and as an illustration of the judicial procedure practiced in this country for centuries, it may not be altogether useless shortly to state a few of the gross errors and wilful falsehoods in which these judges constantly indulge throughout the above reports.

As truly observed by Villanueva, the judges neither informed the King of what he ought to have known, answered that which was demanded of them, nor fulfilled a single royal order, although the imputed crime of attacking Ferdinand's sovereignty was clearly specified in all the letters of Macanaz. It was carefully avoided in the Consulta and *Quadernos*, for the very plain reason: that had the proceedings of Cortes on this matter been discussed, many of those who had instigated the prosecution of the patriots would have been much more deeply implicated in it than the prisoners. The only way, therefore, to save their friends from being compromised, was for the judges to evade the tenor of the royal orders, and comment on points to which these had not made

the slightest allusion. By assuming this monstrous privilege, suborning witnesses who were ready to say whatever the accusers chose to dictate; calling upon the personal enemies of the deputies for denunciations against them, and only selecting those transactions of the Cortes which suited their purpose, every facility was afforded for criminating the prisoners; yet, with such extensive means, were all their crimes qualified under the vague denomination of "innovating opinions."

I have already had occasion to notice the admissions of Villela in his replies to Macanaz, those contained in the first paragraph of the Consulta were not less palpable, and afford an excellent specimen of that composition, while they furnish a more ample justification of the patriots than their warmest advocates could produce. It is admitted that the prisoners having been arrested by virtue of a royal order, unsupported by any documents to be found in the *Segretarias*, or other public offices of government; and there being no possibility of instituting a trial on the papers seized, the judges solicited further instructions; that in reply to this application, they were desired to commence a prosecution from the evidence already in their possession; that the injunctions of his Majesty, strictly to observe the laws, had placed them in a situation of great difficulty and embarrassment; and that although it had been necessary to infringe on them, they nevertheless

came forward as having executed the sovereign will, which had uniformly enjoined a close adherence to those laws.

In their usual strain of quibbling equivocation, the judges express a wish that the prompt and exemplary chastisement of those, said to have meditated the overthrow and derangement of the State, could have been rendered compatible with his Majesty's intentions, love of justice and the laws. Thus to invoke punishment without proving delinquency, seems to have been perfectly correct in the estimation of these men, who to the foregoing charitable prayer, add their desire that the people could have witnessed a public demonstration of justice against those who could have been the authors of a project which had menaced the nation with such disasters and misfortune!

Pursuing their arduous and painful task, all those acts of the Cortes which had regenerated Spain, enabling it to sustain an expensive and harassing contest, under innumerable disadvantages, were passed in review and examined by the commission. Measures which had been productive of such memorable triumphs and signal benefits within the Peninsula, and that excited the admiration of all Europe, were however regarded in a very different light by the judges. This will be more clearly explained by the following enumeration of what, according to the statements of the Consulta and Quadernos, constituted the crimes of the prisoners and that party of which they were

considered as the organs. In the first, they were charged with having declared the renunciations made at Bayonne, in 1808, as null and void; asserting that the nation possessed an essential and imprescriptible right of sovereignty; also, for leading the people astray by the imaginary advantages of liberty and equality. It is scarcely necessary to repeat, that Ferdinand had formally resigned all title to the crown soon after his arrival in France, and that the decree of Cortes which annulled the stipulations entered into with Napoleon, pronounced him to be the only legitimate King of Spain. It is also worthy of remark, that in proclaiming the sovereignty of the people, the Cortes merely followed an example shown by the highest authorities in church and state, as this important truth had been already established by the council of Castile in its public addresses to the nation, and by the bishops of Orense* and Santander.

The Quadernos embracing a wider range, commenced with an attack on the national juntas, those

* Don Pedro Querdo, who was afterwards censured by the Cortes for his opposition to the constitution, which he thought too liberal. The conduct of this prelate, in appealing to the clemency of Ferdinand in favour of those officers who were concerned in Porlier's glorious attempt, is said to have redeemed his political heresies as a constitutionalist. The Bishop of Santander was amongst the number of those prelates who joined the armies, and fought with them during the war against France.

spirited associations which first roused the dormant energies of the people; these were represented as leading to a real oligarchy, while the central junta, nominated by them, was nothing more than a mis-shapen government. It is next stated, that with this enlightened body and the first Regency, originated the accumulation of evils in which the country had so long fluctuated. The Cortes of 1810 were said to have been precipitately assembled by a faction composed of a small number, who caused themselves to be elected for places occupied by the enemy; and that a few, taking the majority by surprise, had adopted the system of the French encyclopedists, particularly in sanctioning the dangerous principle of national sovereignty. The unmeaning cries of independence, personal liberty, inalienable rights, and similar phrases, also resounded through the hall of Cortes, and were re-echoed by the factious in the streets and coffee-houses of Cadiz, as well as in the journals and periodical works published under the imposing appellation of *liberal*. The liberty of the press was proclaimed, and soon became the vehicle of revolutionary doctrines. The prisoners and their friends were moreover distinguished for the boldness with which they violated the ancient institutions of the monarchy, attacking the rights and dignity of the King, and establishing what they styled "fundamental laws," as if there had been any scarcity of such laws under the old government! Amongst the

other offences of the prisoners, they had adopted the constitutional code without sufficient deliberation, and on various occasions usurped the powers of the executive. Those who had been paid for creating disturbances in the galleries were allowed to remain unpunished; they had also authorized the publication of newspapers, periodical and other works subversive of good order, tolerating revolutionary clubs, gaining over public opinion by bribery, and taking the monies thus appropriated from the revenues of the Royal Family. They altered the old mode of levying taxes, and introduced a new system of Finance.* The last of these weighty charges I shall mention, was founded on the decree of February 2nd, 1814, prescribing that Ferdinand should not exercise the royal authority before he had accepted the constitution, and sworn to maintain it inviolate.

The conclusion of the report corresponds very exactly with its commencement. In addition to the foregoing catalogue of crimes imputed to the liberal party in Cortes, and upon which the judges say they have touched very lightly, it is asserted that many other facts of an equally criminal nature, may be found in the journals published under their immediate patronage, and in the act of accusation preparing against those deputies who

* The Cortes had wisely substituted direct for indirect taxation.

frequented the house of Count Noblejas,* at Cadiz, as well as from the inquiry still carrying on by the Captain General of Andalusia; but upon the result of which the commission cannot yet hazard an opinion. At all events, say the judges, "this imperfect statement will give a tolerable notion of the importance of these proceedings." Having thus brought forward whatever they conceived likely to irritate the King and subdue his sentiments in favour of the patriots, the commission declines passing a final judgment, as the affair is not in a state to admit of their coming to a positive decision. The judges are aware that policy requires measures of greater promptness and efficacy; but this is one reason why they stand in need of the information necessary to decide with certainty in such a matter. This gratuitous remark concerning what policy demanded, was followed by another, which proves how little the judge thought the case of the prisoner connected either with law or justice, although both were so frequently invoked. "What more can we add," says the report, "than that this affair not only requires an acquaintance with the state of public opinion in the Peninsula, but also a knowledge of *our relations with the other powers of Europe!*"

* A distinguished member of the Cortes, arrested on the 10th of May. His house had been much resorted to by the patriots, who even opened a subscription there for supporting the constitution, and prosecuting those guilty of any infractions on the new code

The above singular avowal opens a wide field of conjecture as to the share which certain diplomatists of foreign courts are said to have had in the origin and progress of this persecution. With respect to the public opinion referred to by the judges, it is hardly necessary to add, they well knew it had been transferred from the people to De Castro, Torre Musquiz, and their assistants, who never suffered a day to pass without publicly exulting in the prospect of speedily seeing the sword of justice fall on the necks of the traitors; and admiring the excessive clemency of Ferdinand, for indulging the iniquitous wretches with the forms of a trial, since he could, as natural lord of these realms, send them to the scaffold without even hearing what they had to say in their defence!

As if the judges felt that this appeal to public opinion and foreign powers was calculated to startle the monarch, they attempt to render it more palatable by observing, that however misplaced such an indication appeared, it might, in their judgment, be very closely interwoven with the subject on which they had been treating. The commission had, therefore, confined itself to a plain statement of the facts, in order that his Majesty, by comparing them with those which must be known to government, in and out of the kingdom, might then decide on what was most useful and necessary for the tranquillity of the state under existing circumstances.

After having set out with the solemn assurance, that "in pursuing the delicate and thorny path traced for them, the most rigid principles of rectitude had been their constant guide, the judges could not do less than conclude, by supplicating his Majesty benignantly to accept the imperfect representation of their labours, in the punctual fulfilment of his sovereign resolutions."

Leaving you to ponder on the chaos of quibbling and contradiction, hypocrisy and falsehood, exhibited by these men, and of which I have only given a very inadequate description, it remains for me to inform you how the Consulta and Quadernos were next disposed of. Although it would doubtless have been infinitely more congenial to the wishes of the ministers and servile faction, had the judges completed their work by passing sentence on the prisoners; a case was at least made out against them, which could not, in the estimation of their enemies, fail to produce an immediate condemnation in the hall of Alcaldes. Full of hope on the subject, the papers were sent to that tribunal by Macanaz on the 9th, and the patriots handed over to the care of Arias Prada, the governor or president, who from the rigour with which he at first treated them (causing the prison windows to be shut in the middle of summer, to prevent escape, and prohibiting all communications with their friends), seemed entirely devoted to the faction, and perfectly ready to forward its views. It however proved other-

wise : for the Quadernos had only been a few days under consideration, when a counter-consulta is said to have issued from the hall of Alcaldes, addressed to the King, showing that there was no ground for proceeding any farther in the trials, and stating that all the prisoners should be instantly set at liberty. Though withheld from the public, the existence of this important testimony in favour of the patriots, and proof of integrity in the judges, is not doubted by the best informed persons here, while a number of subsequent incidents tend to confirm the fact. Most probably aware of the opposition to be encountered in higher quarters, Prada drew up a second report, intended to strengthen the general decision; but finding it impossible to prevail on the immediate advisers of Ferdinand to acquiesce in his proposal, it became a subject of warm debate in the council of Castile, where some were for its adoption, while others thought it should be deferred for the present. The final determination of the council is still a secret. Whatever it might have been, the persecuting spirit of the ministers was not to be turned aside by the timidity of one tribunal, or the firmness of another. Steady in their purpose of revenge, and resolved that the patriots should not escape, a new commission for the "more speedy termination of these causes," was named on the 14th of September. This was composed of five individuals, of whom, Arteage, Captain General of the province of Madrid, as President,

the Count del Pinar, and Galiano, who figured in the first, were the principal members. The incompetence of such a junta, made up of persons either totally ignorant of legal procedure or known for their want of principle and enmity to the prisoners, was so notorious that, in consequence of a representation made by Calatrava, exposing the manifest injustice of their nomination, Mosquere, one of the party, resigned, and would have most likely been followed by the rest, if they had possessed any sense of honour or propriety.

The numerous and unanswerable objections brought against the commission, were no doubt its best titles to confidence on the part of those by whom it was appointed, and the result proves they were not wrong in their calculations, for a more subservient tribunal could not well have been formed, as, though only established on the 14th, it pronounced various sentences on the 22nd.* These being confirmed by his Majesty, or rather his spiritual and temporal advisers, were posted up on the walls of the capital, *in terrorem* to the friends of freedom and humanity, who had not as yet experienced the resentment of the faction.

Although the mode of proceeding adopted by the new commission, was in the highest degree

* Its first measure was to order the sequestration of all property belonging to the accused which had not shared that fate already.

cruel, arbitrary and illegal, such indeed as might naturally be expected from men who could undertake a task of this nature, they could not, if ever so well disposed, attempt to pass sentence on the deputies so soon after the hall of Alcaldes had recommended their liberation. While, therefore, Sendoquis, the fiscal appointed to assist in carrying on the prosecution, was, together with a number of inferior agents, occupied in amplifying the charges and devising the best means of putting off the trials to an indefinite period, the attention of the judges was directed to victims of a less exalted rank; these were principally selected from the mercantile, legal, and military professions, and though the punishment awarded, did not extend beyond the galleys, fine, exile and imprisonment, the system pursued towards the sufferers, proved, that the commission would have consigned them to a scaffold with as little ceremony as they were sent to the noisome prisons of Africa, or stript of their property. Incredible as the fact may appear, many of the individuals thus condemned, were not told what crime they had committed, nor was it even expressed in their sentences! Some had to pay heavy costs of suit, and were admonished to amend their future conduct, taking care not to excite the suspicions which led to their being prosecuted, others were condemned, merely because they happened to be on the list of accused, while a third class of delinquents, after several months of close confinement, and being put to a

great expense, were warned, not to give any cause of doubting their love for the sovereign, and attachment to the ancient institutions of the monarchy. Ineffectual as any efforts, however eloquent, to defend those who were subjected to such a tribunal must have been, it was with extreme difficulty that a counsel for the patriots could obtain a hearing: to complete this scene, one lawyer was severely reprimanded, and another fined to a considerable amount, for endeavouring, with too much zeal, to prove the innocence of their clients!

Having, at length, found a set of men who were prepared to realize the most sanguine hopes of the servile faction, there was no longer any obstacle opposed to the persecution, which now became an integral part of the system of government; a week seldom elapsed without new condemnations, and fresh arrests: no sooner had one party been sent off to distant prisons, or plundered of their property, than their places in the dungeons of the capital were supplied by others, destined in their turn to share a similar fate. The commission was insatiable, and like the idol of Jaggernaut, every additional victim only seemed to create a thirst for more;

As if increase of appetite had grown
On what it fed!——

Somewhat timid in its first assaults on the lives, liberty, and substance of the people, the