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A

SECOND LETTER,

ADDRESSED

TO THE RIGHT HONOURABLE

EARL GREY,

&c. &c. &c.

ON

PORTUGUESE AFFAIRS,

BY WILLIAM WALTON.

LONDON:

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1831.



SECOND EDITION

TO THE MOST HONOURABLE

PARLIAMENT

IN PARLIAMENT ASSEMBLED

IN EVIDENCE

1857

Printed by A. Bedford and W. Robins,
London Road, Southwark.

LETTER, &c.

MY LORD,

LITTLE did I think when I last laid down my pen, that I should so soon have occasion to address a Second Letter to Your Lordship on the same subject; but, there is something so novel and alarming—so much opposed to that considerate and dignified tone which Great Britain has been accustomed to adopt in her communications with other States, particularly those which do not rank as her equals in either wealth, or power; something so intemperate, overbearing and improvident in the Note of Mr. R. B. Hoppner, our Acting Consul General in Portugal, and presented to His Most Faithful Majesty's Minister of Foreign Affairs on the 25th of last April; as well as something so remarkable in its subsequent publication in a London Journal, that upon these points I cannot resist the temptation of submitting to Your Lordship my unbiassed sentiments.

The task of again writing on Portuguese Affairs, I acknowledge, seemed to me appalling, so strong is the infatuation prevailing in the public mind; but I was roused when I reflected that the annals of Portugal have long presented no other than a cheerless picture of anarchy and civil discord, in which the difficulties of the government and the sufferings of individuals claim our warmest sympathy. With some persons I may not receive the credit due for my motives; my zeal may be deemed suspicious, or inconsiderate; but, thank heaven! I am blessed with a spirit too independent to be modeled to any standard, except that of my own conscience, and too firm to be deterred from an honourable and patriotic purpose by the scowls of party. I do not pretend to more sagacity than others, although in interest for the honour and welfare of my country few exceed me. Such, I can safely pledge, is the only motive that induces me again to take up my pen, and I should prefer martyrdom in the cause of truth and justice to the proudest honours any earthly prince could confer, if purchased at the expence of either.

A cause, founded on justice and law, may boldly challenge investigation, and when I a second time presume to address your Lordship upon it, I feel convinced that the cloud by which it is enveloped is not impervious to the rays of truth, and would be wholly dispelled, whenever Your Lordship bestows upon it all the attention to which it is entitled. It would not long resist the efforts of that strong and comprehensive mind, with which Your Lordship is

known to approach matters of the most intricate and difficult nature, and upon this it fortunately happens that Your Lordship's opinion is not publicly implicated.

As regards Portugal, our position is peculiar. With that country we are connected by treaties, of ancient and modern date, founded on acts of reciprocal service, by means of which Portugal was led to believe that she had secured in Great Britain a just and powerful protectress, under every vicissitude, except those which arise out of misconduct; whereas, during her late and most trying difficulties, although unprovoked, she daily complains of having experienced an equivocal intercourse which, in the language of diplomacy only, could be called amity.

Portugal had fondly hoped, in the grateful remembrance of former times and the pleasing sentiment of mutual esteem, to have found some alleviation through our interference, at a moment when party feuds were spreading their influence over a more extended surface. When assailed on all sides and during a protracted contest was seen exhausting her strength and distressing her commerce, she trusted that her oldest Ally would have lent a helping hand; and at the period of an awful crisis, when her national existence was endangered by the unjust and inconsiderate acts of a giddy rival, she confidently anticipated that England would not abandon her; but rather use every friendly effort and never relax till tranquillity and concord were finally restored. Portugal reposed in confidence on an

intimacy, cemented by sacrifices and acts of signal service, for, whatever may be the present state of our relations, there would be no difficulty in proving that the Portuguese have always evinced a due regard for our protection, by an inviolable attachment to our interests; by a punctual observance of existing treaties and an unshaken reliance in our pledges.

A cordial union between Great Britain and Portugal is indicated by the unerring hand of nature and enforced by the dictates of an enlightened policy. So have our most distinguished statesmen thought. Feelings of interest, therefore, combined with habits of ancient friendship, ought to have guarded us from any act that could implicate us in the good opinion of our allies; and if, in the early stages of a contested Succession, we adopted an erroneous line of policy and hastily sided with a rival who was afterwards proved to have no legal claim to the Crown, that honourable protection, the duties of which we had performed for centuries, ought to have inspired us with sentiments of regard towards a people who lately fought with us, side by side, against the common enemy; who then profusely bled at every pore, and even now can turn to their ruined towns and hamlets and say—behold there the proofs of our fidelity! If, in the onset, we were mistaken, or misled, the course of events gave us fair opportunities of evincing something like benevolence for a nation that has always kept its political engagements; and if we were then withheld by delicacy from retracing our steps, or stood in awe of obloquy,

we ought not to have forgotten that there is no disgrace in repairing an error, and that there are situations in which the boldest policy is always the most prudent.

I have long thought that calm and temperate judgment would have dictated to us the necessity, as well as the expediency of putting an end to the perplexing question of Succession, before it assumed so angry and rancorous a character. We were the natural mediator, and yet we seemingly felt afraid of grappling with the real difficulty; or of giving offence by enforcing an act of justice. Looking at our coldness and indifference, one would have thought that we stood aloof as if seeking an opportunity to extricate ourselves from engagements, in which through some untoward event, or improvidence, we had become entangled. It was at our option to have bound Portugal to us by the powerful ties of gratitude, or terror—I regret to say, My Lord, we have made the worst choice, and by so doing brought one party to the brink of destruction and precipitated the other to his ruin.

So indifferent were we to our momentous concerns, or so much absorbed in our own local politics, that we unhappily lost the fruits of our ascendancy with both contending parties. On other occasions, we have shewn a readiness to become the champion of an injured nation, preeminently entitled to our esteem, and most assuredly, on the present one, in reality nothing else than a struggle between the Portuguese people and the Brazilian Emperor, in

his private character, it would have been a more pleasing reflection now to have had it in our power to contemplate the rising energies of an old ally, opening on a new era, effacing the ravages of the late war and acquiring strength and reputation, than to look upon Portugal as she now stands. It would have been more consoling—more consistent with our interests and our dignity to have beheld her, protected by the strong arm of Britain from the machinations of external foes, employing the interval of repose in giving stability to her national institutions; in calling forth her dormant resources, and, by uniting all classes under an efficient government, securing to herself the enjoyment of every blessing of which she is susceptible, rather than to see her, as she now is, humbled—outraged and forsaken.

What then withheld the British government from pursuing the path which both interest and honour pointed out? We were not wont to deal so with Portugal, when our efforts were strained to the utmost and the destinies of Europe in our hands. Does then, My Lord, the smaller State find no refuge but in a common cause? After all, we have been biassed by a diplomatic animosity and not a national hatred, and, My Lord, when the stake is great, can the government be considered as separated from the interests of the people? Although ruin was the evident consequence, and in that ruin our countrymen could not fail to be implicated, we seemingly shrunk from the duty of mediation, as if pride or despair, would not allow us to believe that

any new exertions could accomplish what we once attempted in vain. We saw the enemy of Portugal hurried on from error to error—from excess to excess, and obstinately persisting in an unjust pretension, until called to account by his own subjects, and yet we seemed afraid of ruffling his temper! His agents presented to us requisitions of the most preposterous character, demanding aid and succour to enforce claims which they themselves were unable to do, and yet we derived no lessons from their impropriety! These agents thought no expressions too strong and scurrilous to paint the furious passions which rankled in their own breasts, and yet we were not admonished by their intemperance! In their wild and ranting schemes, we saw them spending the monies of others, principally British subjects, and yet abstained from doubting their honour! In a word, we beheld them destroying our commerce; involving us in the odium in which they and their acts were held in Portugal; infringing the laws of our country; implicating our neutrality and abusing the asylum afforded them, and yet remained regardless of the consequences! We saw men of the most profligate morals set themselves up as our instructors, and yet never questioned the soundness of the theories which they recommended for our adoption!

This apathy—this irresolution—this inattention, if not indifference, with which we beheld our political and commercial interests sacrificed; this blindness and want of foresight can be attributed to no other cause than prejudice and the perverted

state of public opinion. I can make some allowances for the errors imbibed by our countrymen, when the question was first started and they saw the line of policy adopted by the popular minister of the day. We were then deceived by the professions of men, anxious to secure our co-operation in plans which they had neither the talent, nor the virtue to realize, for it unfortunately happened that the specious doctrines of reform by which we supposed D. Miguel's opponents to be actuated, were, even at that moment, too flattering to the restless vanity of some men to be heard with indifference.

Individuals, of the most exalted rank and with the best means of information before them, thus acquired a partiality for the interests of his adversary, without stopping to scrutinize the grounds on which their predilection rested. We were struck with the apparent moderation of men who excited our pity, and never once paused to enquire whether this external shew was not the result of artifice. The question of Succession was in this way early judged by a prejudiced tribunal; the voice of truth and justice drowned amidst the clamours of faction, and it even escaped us that Portugal had provident and express laws of her own to regulate a point on which the welfare of every kingdom depends. We seemed to have gone back to those times when, in the unsettled state of the hereditary Succession in Europe, a variety of claimants often entered the lists, to dispute a valuable prize; and, as if forgetting that we were legislating for others who would inevitably impeach our authority, we wished that

our award, even on so delicate and momentous a question, should be final and obligatory.

Party violence prevailed and the rightful heir to the Crown, still absent and detained, through the active malice of his enemies, was supplanted by those who next endeavoured to give the semblance of justice to their act. The scheme, base and unjust as it now appears, was evidently the result of much combination and executed with ability; nor is it any longer dubious that the principal agent, employed to carry it into effect, very soon after John VI.th's death was known in London, obtained a secret assurance of support, as soon as prudence would allow us to declare in favour of one, already considered the preferable candidate. Our statesmen thus proceeded to promulgate a doctrine, hitherto unknown in the settled monarchies of Europe and at all times dangerous, more particularly when the follies and crimes of pretended patriots led them to seek the opportunity of adding another thorn to the pillow of royalty.

Hence arose resentments which, overleaping the bounds of honesty and discretion, spread their baneful influence over the public mind. The apostles of anarchy soon felt the importance of the ground on which they stood, and, determined to retain the ascendancy already gained, they commenced a plan of attack, unequalled in the annals of human depravity. Appealing to the prejudices and sympathies of Englishmen, from forced interpretations of the Portuguese laws they drew erroneous conclusions in

their own favour, which they afterwards defended with enthusiastic effrontery, until at length we actually adopted their feelings and imbibed a national passion, the most wild and romantic that ever warmed the human breast, not knowing whence the flame was derived and without dreaming that we were betraying our own interests. Numerous engines were set to work to keep up the delusion and dexterously managed; expedients the most powerful were adopted; auxiliaries of all kinds enlisted, when gradually those whose immediate object was to deceive us, obtained an influence over the press and the public, as extensive as it was unaccountable.

By artifices like these the minds of Englishmen became so strangely inflamed as to admit the belief of every extravagance that ingenuity could invent, and every thing prepared, the performers in this disgraceful farce, conscious of the weakness of their cause and well convinced that the triumph of reason was incompatible with their own, at once threw off the mask and had recourse to calumnies and falsehoods, as their most efficacious weapons. Party-spirit was encouraged in its wildest excesses, and it really seemed that when the minds of men are once heated by political fervour, they bid adieu to the dictates of common sense, and, delivering themselves up to the intoxicating delirium, disregard even their most obvious interests. Whispers and delations were received with ungenerous avidity; stories, the most vague and improbable, met with implicit credence, if recorded in specious letters, apparently written on the spot; and, when printed in the

leading Journals of the day, they were received as real facts and republished by minor satellites, in order to uphold the imposture, until at length an atrocious and vindictive war was incessantly waged against the national reputation of Portugal; aspersions of the vilest kind were put forth against the Sovereign and every member of his government, and eventually we became puzzled in the solution of a plain and-simple question, during the discussion of which every malignant passion, harboured in the human breast, was emulously displayed.

And yet what the Portuguese demanded was no new application of the law of nations; they merely required to be dealt with like other sovereign and independent States. Under every sacrifice, they had for centuries courted the friendship and alliance of Great Britain, as their surest safeguard, and to her confidently appealed for interference and mediation, at a time when the agents of another sovereign stirred up unnatural hostilities against them and their country had become a prey to the intrigues and crimes of contending factions. Unconscious that the cabals of their enemies had so far prevailed, they implored our sympathy in the mingled accents of anguish and alarm, and, in return for the rare instances of fidelity to which they appealed—as an act of justice and as a merited reward for the long and distinguished services rendered to the cause of Europe, they conjured us to maintain inviolate our ancient amity; to divest ourselves of prejudice, and put an end to delusions which were only preparing scenes of future woe.

We turned a deaf ear to these solicitations; the dangers foretold appeared remote, whilst the inferior interests of the moment continued to be viewed through the magnifying medium of passion and caprice. The affairs of Portugal were thus hastily prejudged, and being once entangled, we seemed no longer able to break the spell by which we were bound; or capable of adopting decisive measures in order to terminate a contest that could not fail to embroil a party, so intimately connected with that country as we have always been.

Our late misunderstanding with the Portuguese government, My Lord, evidently arose out of these errors and angry feelings, excited in the onset and allowed to rankle ever since. I consider it as one of the consequences of that unhappy schism which has so long divided the people of Portugal and the lamentable result of measures dictated by the cry of prejudice. By many it is already thought that our national interests have been sacrificed to the personal animosities, or former politics, of one member of the Administration; but, My Lord, if our conduct on inquiry shall appear to have been hasty, or unjust, the responsibility devolves upon Your Lordship. A great change is operating in public opinion; people are tired of this unnatural war and already begin to inquire into its origin. The delusion melts away and even those who followed the opinions of the minister who first involved us in the labyrinth, now say that we cannot have discharged the duty of a true ally; nor can Portugal be safe, until the attainment of uncontested independence is

secured to her. They no longer view the contest as one of personal, or family interest, as they plainly see that Portugal cannot be at peace, unless placed in possession of all those rights and liberties which she enjoyed till that tremendous era of violence and injustice, when consideration for the rights of the weak was banished from Europe.

Was this then the moment to have punished a suffering nation, unconscious of any wrong, with every mark of ignominy which offended justice only could devise? Were our claims so pressing—our minds so much incensed, that we could not wait for the denouement, so fast preparing in Brazil? Was our hatred of the Portuguese people and their sovereign, so great and so urgent, that we could command our feelings no longer? That period of effort and glory—of sacrifices and friendship, when England alone found shelter from the violence of the storm, exhibits a melancholy contrast with the present times, and yet what has Portugal done to deserve this treatment at our hands? Such a change, on our part, would almost indicate an instability of temper which no interests can fix—no ties restrain; nay, it would almost seem that we selected for our quarrel a moment when the distracted state of that country rendered it not less difficult, than dangerous, to enter into the discussion of claims with a power, already prepared to enforce even the smallest of its demands and predetermined to appeal only to terror and constraint—a moment when concession was the only means left to appease the impending storm.

One would have thought that applications of this kind, unless in extreme cases indeed, were too repugnant to the general interests of civilized society, to be countenanced by any people whose actions are regulated by a sense of justice, and as the measure just adopted by government has spread consternation throughout Portugal, I feel myself more imperiously called upon to examine the separate grounds on which it rests.

After this frank and candid avowal of my object and motives, I shall proceed to examine Mr. Hoppner's Ultimatum, which opens with the following preamble and contains ten specific demands.

“ The undersigned, His Britannic Majesty's Acting Consul-General in Portugal, has received the instructions of his Government to state to his Excellency the Viscount de Santarem, that His Majesty's Government having taken into their serious consideration all the recent insults which the Portuguese government have offered to the British nation—the outrages which they have committed upon the persons and property of British subjects—and the violation of which they have been guilty of the treaties subsisting between the two countries—have directed the undersigned to make to the Portuguese government, through his Excellency, a peremptory demand for immediate and full redress of the same.

“ Many of the grounds of complaint advanced by His Majesty's government are of recent occurrence; whilst others, comprising the repeated, and till now neglected, demand of compensation for the injuries inflicted upon British commerce, as well by the unjust seizure of British vessels as by the non-observance, on the part of the Portuguese government, of the stipulations of the treaties existing between the two countries, have been the subject of much correspondence between his Excellency and the undersigned. Having so often remonstrated against these infractions of solemn treaties—having so repeatedly and, until recently, in vain called upon the Portuguese government for the compensation to which His Majesty's subjects are entitled, for the injuries they have received at their hands, the undersigned deems it

unnecessary at the present moment to do more than to recal his Excellency's attention to the various notes which his predecessor and himself have had the honour to address to his Excellency upon these subjects, setting forth and substantiating the various grievances they complained of, appealing to the several articles of the treaties upon which they founded their complaints, and warning his Excellency of the probable consequences of any further disregard of them.

“ By the note which the undersigned had the honour to receive from his Excellency the Viscount de Santarem, under date of the 23rd inst., a promise is held out that the compensation so long since acknowledged by the Portuguese government to be due to the owners of the British vessels, unjustly captured by their squadron off Terceira, should at length be paid, and, in addition to this tardy act of justice, that also due by the dismissal of the Captain of the *Diana* should be performed. These two points being removed, the undersigned flatters himself that the Portuguese government, seeing the justice of the other demands advanced by that of his Britannic Majesty, will not hesitate in acceding to the same.

“ He is commanded, nevertheless, explicitly to state to his Excellency the Viscount de Santarem, that they, none of them, admit of the slightest negotiation or modification, and to require a categorical affirmative, or negative to them within ten days, at the same time repeating to his Excellency that His Majesty's government cannot permit the rights and privileges of His Majesty's subjects to be violated with impunity, nor the honour of the British flag to be insulted without atonement.”

Here “ a peremptory demand of immediate and full redress is made for all the recent insults offered by the Portuguese government to the British nation—for the outrages committed upon the persons and property of British subjects, and the violations of which they have been guilty of the Treaties subsisting between the two countries.” This is a most grievous and appalling charge; but whether it can, by any ingenuity of argument, be proved that the Portuguese government, either recently, or at any former period, intentionally and by act, or deed, offered

any insult to the British nation, is a point which I must leave for future consideration and one on which the reader must satisfy his own conscience, when the whole case is fairly before him. That a Captain, or Commodore, commanding a squadron under the Portuguese flag and cruising before a blockaded island, captured and sent into port for adjudication several British vessels, and treated some of the persons on board in a most unwarrantable—in some respects, unfeeling, manner, is unquestionable; and that the government under whose flag these seizures were made and these acts committed is bound to make reparation for all injuries sustained, as soon as they are properly established, is also a necessary consequence.

The Captain of the *Diana* in all this might have been unjustifiable and deserving of the severest reprehension; but no blame can be justly imputed to the Portuguese government, unless he proceeded according to specific orders, or his acts were approved of by the constituted authorities. The captured vessels, it is said, were first taken to St. Michael's and there released by the ordinary courts. The officer's obstinacy in sending them to Lisbon, therefore, could only arise out of madness, a gross delusion, or personal pique; in which case it cannot be said—it cannot be presumed, that the King of Portugal, or his Ministers, wished to uphold him, as after a preliminary investigation and some remonstrances, he was dismissed from the command of his ship and the detained vessels eventually restored.

The question of indemnity and the further dismissal of the officer from the service therefore only remained to be settled, and our Consul himself, in the preamble above inserted, confesses that, under date of the 23rd, that is, two days before his Ultimatum was presented, "a promise had been held out (it would have been more candid and more decorous to have said *given*) that the compensation so long since acknowledged by the Portuguese government as due to the owners of the British vessels, unjustly captured by their squadron off Terceira, should at length be paid, and in addition to this tardy act of justice, that also due by the dismissal of the Captain of the *Diana* (*from the service*, in justice it ought to have been added) should be performed."

These two difficulties, by far the most formidable in the list of alleged grievances, the complainant himself thus acknowledges had been "*removed*;" and he further "flatters himself that the Portuguese government, seeing the justice of the other demands advanced by that of His Britannic Majesty, will not hesitate in acceding to the same."

So far then amicable negotiations and a sense of justice, as regarded the two most essential points, had obtained from the Portuguese authorities the reparation and satisfaction required. The process might have been *tardy*; delays might have occurred; some squeamishness, or embarrassments, of which the Portuguese government only could be a proper judge, might have added to the perplexity; but, is it just, or charitable, to attribute incidental

occurrences, which I neither seek to palliate, nor explain, to any wish on the part of the Portuguese government “*to insult the British nation—to commit outrages upon the persons and property of British subjects, or violate the treaties subsisting between us?*”

Blockades and maritime wars have always been a source of annoyance to neutrals, and, in the character of belligerents, no nation has had so expensive an experience of this fact as ourselves. At the very commencement of the great European war, even in Washington's time, bitter complaints were instituted by the United States of “their vessels being detained on groundless pretexts and experiencing many other hardships,” when an explanatory note was addressed by Lord Grenville to Mr. Jay, the American minister, dated August 1, 1794, stating “that it was His Britannic Majesty's wish that the most complete and impartial justice should be done to the sufferers;” adding, “that a naval war must unavoidably be productive of some inconvenience to the commerce of neutral nations, and that no care could prevent some irregularities; but that the fullest opportunity should be given to all to prefer their complaints and to obtain redress and compensation where due.”

Could more than this, My Lord, be exacted from the King of Portugal? The subsequent events of the war furnished cases of great disorder which kept us in endless broils with the United States. To these I need not refer; nor is it necessary to mention the tedious and expensive delays incidental to our pro-

ceedings, in cases of compensation. Under peculiar situations, belligerents are unquestionably authorized to make captures, and, according to the maritime laws of nations, there is also an established mode of determination whether such captures are lawful prizes, or not. Appeal is allowed, and yet the Portuguese government dispensed with this formality, notwithstanding the Captain's obstinacy; took the responsibility upon itself and ordered restitution; thus clearly condemning the act of the captors, although, in one instance, at least, there was some plea for detention, and it must not be forgotten that we had formally acknowledged the blockade of Terceira.

When My Lords Holland and Auckland, in December, 1806, as Plenipotentiaries for the signature of the new Treaty with the United States, gave to the Commissioners of the latter their memorable explanation of the peculiar situation in which His Britannic Majesty was placed by Buonaparte's Berlin Decree, they declared that in "these orders the French government sought to justify, or palliate, its own unjust pretensions, by imputing to Great Britain principles which she never professed and practices which never existed;" adding that "His Majesty is accused of a systematic and general disregard of the law of nations, recognized by civilized States, and more particularly of an unwarrantable extension of the right of blockade."

And, My Lord, in reference to what happened before Terceira, do we pretend to raise a charge of

this kind against Portugal? Can we accuse her of any wish to alter the practice of maritime war among civilized nations; or to subvert the rights and independence of neutral powers? Has she started any new belligerent pretensions, or has she demanded our acquiescence in any injurious encroachments on our interests?

The cases in question I think will appear to have been mere ordinary captures, and the injuries inflicted such as a court of justice can redress; as to irregularities, acknowledged to be unavoidable even in our own navy, it will not be denied that we have sometimes had to lament the misconduct of officers wearing our own uniform, and for examples it would not be necessary to travel to the East Indies.

The dreadful situation to which the Prince Regent of Portugal was reduced, in 1806, through the hostilities of the French and their wish to drive our merchants from his dominions, cannot be forgotten. A number of Portuguese vessels were then brought into our ports, notwithstanding the local authorities were exerting every means and running great risks, in order to preserve British subjects and their property from harm. Acts of wanton outrage were committed on board of several of them, particularly one, called the *Hercules*, in which a Portuguese lady and a passenger was ill-treated, under circumstances of the most revolting atrocity. An investigation was instituted and afterwards quashed; nevertheless, the Portuguese were just and liberal enough to impute the blame of these irregularities to the immediate

perpetrators and wholly exculpated the government, to whom doubtless they were a subject of the deepest regret.

By an order in Council, dated November 26, 1806, these vessels were restored; but, in some instances, besides heavy expences, restitution was not effected till three years afterwards, when several of the cargoes had been spoiled, or sacrificed at auction. I mention this case, which gave rise to several subsequent Orders in Council, one of which is dated as late as May 4th, 1808, merely to shew that irregularities and delays happen in the best regulated countries, whereby the sufferers are exposed to inevitable losses and inconvenience.

The Diana frigate reached Lisbon on the 7th of August, 1830, accompanied by five merchant vessels, four British and one American. The British were, the Amelia, captured on the 21st, and Velocity carried into St. Michael's on the 29th June; the St. Helena, taken on the 9th and the Margaret on the 10th July. They were released about the end of the same month of August and the total indemnity agreed to on the 23rd of last April. The vessels consequently were not detained two months and a half, and the indemnity stood over ten. Quicker redress could scarcely be expected in a country situated as Portugal was during the whole interval, as it cannot be denied that the government was greatly perplexed and unable to do all it could have wished.

“ First Demand.—In obedience to the instructions which he has received, the undersigned, in the name of His Britannic Majesty's Government, hereby demands of that of Portugal the immediate and public dismissal of the Captain of the Diana frigate from the Portuguese service, the same to be announced in the Lisbon Gazette, accompanied by a statement that he has been disgraced in consequence of the insult offered by him to the British nation, by his unmanly and unofficer-like conduct towards Lieutenant Warren, who commanded the St. Helena packet, illegally detained by him, and the cruelty with which he treated the invalided officers and seamen who were passengers in that vessel.”

It has already been stated that the Captain of the Diana was dismissed from his command, soon after he reached Lisbon, and this most probably he deserved; nevertheless, when punishment is inflicted, even on the meanest and most worthless, some legal forms are required. Would it not have been more decorous to have demanded a court martial, to establish the charges preferred against him? Were we alone to be satisfied? Were his shipmates—his countrymen, not entitled to some explanations of an act which could not fail to appear to them as arising out of the interference of a foreign government? Was no reason to be alleged for setting aside the regulations of their own Naval Code?

As it was, I believe he was never heard in his own defence, or in palliation of his conduct. Such a proceeding as this, My Lord, is not congenial to the feelings of an Englishman, no matter the clime in which it happens. The demand of punishment amounts to the conviction and attainder of the offence, charged in the indictment, or act of accusation; but here even a summary process is not allowed, and the culprit, arraigned at the bar of

public opinion, prevented from offering the slightest explanations. His fortune, if he possessed any, would be held liable to the damages which he had occasioned; but, My Lord, I appeal to your own feelings, under such circumstances, will his countrymen think that justice has been done him?

What pleas he had to allege for his conduct I know not. I judge the case as it stands before me and according to the same principles as we observe in our own navy and army. Homewardbound vessels often make one of the Azores, to take a fresh departure, or procure provisions; but I know not the limits in which any one of those detained off Terceira were found. Some of them do not appear to have presented grounds of suspicion; but upon this point I cannot offer an opinion. "The schooner, St. Helena, Harrison," according to Lloyd's List of June 15, 1830, "sailed from St. Helena on the 31st March for Sierra Leone and England, and in Lat. 2 N. Long. 10 was boarded by a piratical Schooner, the crew of which killed the master, mate and eleven of her men, and plundered her of a large quantity of gold and silver currency of the island. They cut away the masts and otherwise disabled her; but she was carried into Sierra Leone by part of the crew who had concealed themselves." There she was repaired, fitted out and sent to Europe, and as it is presumable her papers were lost, most probably, at the time of her detention, she sailed under a sea-letter, or some other unusual proof of nationality, unintelligible to the captors. Among the Colonial coin found on board was a quantity of copper which the pirates

left, and actually in her hold when she reached Lisbon. I have it from unquestionable, nay, I will say the best English authority, that part of this copper coin, certainly unlike any thing we have in Europe, was taken ashore by some of the Portuguese officers and men who represented it as coin of the pirates. Some strange delusion must therefore have prevailed respecting this unlucky vessel, which, I regret to say, I have not the means of elucidating.

She certainly bore about her external evidence that the people on board could have no wish to break a blockade, of the very existence of which, as they came from a distant quarter of the globe, they were most probably ignorant. What altercations led to the ill-treatment complained of; what was the precise nature of "the unmanly and unofficer-like conduct," or "the cruelty used towards the invalided officers and seamen," I am not prepared to state; nor would it be of any use to inquire whether the irregularities and disorders alluded to arose out of any consciousness of power, resentment, or inhumanity, as I do not pretend to palliate the acts, or defend the perpetrator. He must evidently have been hurried on by his passions, or impelled by some powerful principle, difficult to comprehend; but the main question is, how shall the amount of atonement be measured and how shall the punishment fall only on the guilty.

Whatever may be the degree of injury sustained, resentment is excited in proportion as the act was more, or less, deliberate and intentional. If the

injury proceeds from ignorance, misconception, or even a sudden ebullition of passion, indignation is not so keenly excited, as when it springs from pre-concerted malice. However unfortunate the Captain's last cruize might have been ; notwithstanding his vigilance and his efforts in blockading Terceira were often defeated by light vessels under the British flag ; or however much he felt the indignities continually cast upon his sovereign in England, it is scarcely possible that a Portuguese officer should have wished to *insult the British nation*, in the person of Lieutenant Warren and the invalided passengers of the 'St. Helena. If such a conclusion were warranted, it would equally follow that an insult was intended against the United States !

The proper end of resentment between nations, as well as individuals, is the prevention of injuries. The dread of retaliation serves as a check to injustice, and leads men to know that it is their interest and their duty to be just ; but it is very difficult to determine what is the suitable and adequate punishment of an injury, particularly when its extent is not clearly established. Stripping a Commodore of the command of several vessels, including his own, without a trial and on the mere demand of a complainant, is in itself a punishment of no light nature. The dismissal of a commanding officer from the service, which often includes the labours of a long life, blots out the recollection of wounds, received in his country's cause, and separates him from his former associates, has usually been rated as a punishment, fully commensurate to every offence, except

murder; how then was it that two separate dismissals did not suffice? Why was it deemed necessary to have the proof of ignominy inserted in the Lisbon Gazette, a thing unusual in Portugal, until after legal conviction? If aggravation of punishment was required, why was it not rather asked that the last dismissal should be read to the Portuguese fleet, where it was intended to operate as an example? Demand No. 1 was however complied with in every tittle, and a notice inserted in the Lisbon Gazette to the following effect;

DEPARTMENT OF MARINE.

“Francisco Ignacio de Miranda Everard, Commodore in my Royal Navy, having, while he commanded the Diana frigate in the blockade of Terceira, improperly captured the St. Helena English packet, which had on board, to convey to England, invalid soldiers of the British army and the mails with despatches for the Colonial Office; having besides, acted with violence to Captain Warren and the crew of the said packet; and I desiring in consequence of these facts to give to his Britannic Majesty a proof how disagreeable they were to me, and the ample satisfaction which they require; and desiring, further, to act as was done in England towards the Captain of the English brig of war the Vigilant, who was dismissed from his post, I think fit to dismiss from my service the said Commodore.

“Signed by his Majesty.”

“Palace of Queluz, 23d of April 1831”

Why then was this not deemed sufficiently satisfactory? Why was the insertion of a second and amended notice, in these words, insisted upon?

“Translation of the Amended Article in the Lisbon Gazette of the 3d of May, dismissing Captain Everard from the Portuguese Navy.

“Office of the Minister of Marine and Colonial Affairs.

“Having been pleased to dismiss from my Royal Service Francisco

Ignacio de Miranda Everard, 'Chef de Division' of my Royal Navy, as a satisfaction to His Britannic Majesty for the conduct of that individual, in having, while commanding the frigate Diana and during the blockade of Tereceira, captured the English packet St. Helena, which was conveying to England invalided soldiers of the British army and mails with despatches for the Minister of the Colonies, and also for having acted in a violent manner towards Captain Warren and the crew of that packet, I am pleased to command that it shall be thus understood and the proper registry made of the same.

"The Council of Marine shall thus understand it, and cause it to be executed by issuing the necessary order.

"Palace of Queluz, May 3, 1831."

[Signed by His Majesty's Itubric.]

Where does the essential difference in the two notifications lie? The first states that the Captain of the Diana was dismissed, "because His Most Faithful Majesty desired to give to His Britannic Majesty a *proof how disagreeable the capture of the St. Helena packet and the violence used to Captain Warren and the crew were to him, as well as the ample satisfaction which they required.*" Could more than this be expected? Could any thing shew more clearly that the unfortunate incident had excited the greatest displeasure, both in the king and his ministers? The first notice mentions the case of the Captain of the Vigilant, why, I cannot tell; but the dismissal of that officer from his ship was a well-known fact, his misconduct on arriving in the Tagus having endangered the public peace. Prompt satisfaction was certainly given by our Admiralty, and it is presumable that, in the way of remonstrance, this case was pressed upon the attention of the Portuguese government. Why then was the mention of it deemed a fresh motive of offence, if those who worded the notice could not have meant

any? Did we ever before pretend to dictate to any independent sovereign the precise form and terms in which he was to discard one of his own officers? As a remarkable difference in the temper and feeling which prevailed on the two occasions, it ought to be observed that when the King of Portugal learnt the dismissal of the Captain of the *Vigilant*, he made a formal request to have him reinstated, merely expressing a wish that he might never again be sent to the Tagus.

“Second Demand.—The immediate issue of orders, with communication of the same to His Majesty’s Government, for compensation to the owners of the four vessels captured by the Portuguese squadron off Terceira, and restored after the arrival of His Majesty’s frigate *Galatea* at Lisbon; the instantaneous payment to the master and owner of the *Ninus*, of the sum claimed by him as compensation for the damages and injuries inflicted upon him by the same squadron, and also of the sum due for the maintenance of the British seamen arbitrarily landed from the *Diana* frigate in Lisbon, and supported at the expence of the British Consulate, as well as indemnification for the losses sustained by the warrant of the *St. Helena* packet. The claims must be definitively satisfied within one month from the date of the present note.”

The capture of these vessels having been considered unjust and the property restored, compensation to the sufferers necessarily followed, and to this it seems the Portuguese government never objected, although there might be a question as to the amount of damages, or by whom they were to be assessed. The Consul’s demand however enjoins “the *instantaneous* payment to the master and owner of the *Ninus* of the sum claimed by him as compensation,” from which it is presumable that the Portuguese Government were not allowed to object to a single item of

the account furnished. After further insisting on "the *immediate* issue of orders for compensation to the owners of the four vessels captured off Terceira," this requisition concludes thus; "the claims must be definitively satisfied *within one month* from the date of the present note!" With these contradictions, how was this demand to be understood? And, after all, the total amount claimed for damages and injuries, corresponding to five vessels, did not exceed £7000. Sterling! I could mention the case of a single vessel, brought into one of our ports for adjudication and at the end of more than two years released, the expences of which amounted to £20,000!

"Third Demand.—An apology and compensation to Mr. O'Neill, for the insult offered to him on the 10th of February last, by his forcible detention during four hours in the apartment of Messrs. da Costa Soares, and subsequent compulsory conveyance, in an ignominious manner, to the office of the Intendant of Police, with the public dismissal of the Magistrate who directed the same, and especially of the noted José Verissimo, from any authority, of whatever nature, with which he may be invested, by whose orders Mr. O'Neill was conveyed through the streets like a criminal to the office of the police, notwithstanding his remonstrances and his offer to show his Carta de Privilegios as a British subject."

Mr. O'Neill had long acted as Danish Consul, and it is a query whether, after exercising such a trust, he was entitled to British protection; but if he had really been injured, why did he not claim the interference of the government whose uniform he wore? He has besides always been considered as a Portuguese, notwithstanding his ancestors were of British origin, and he wears the distinctions of that country,

registered only where they were bestowed. I do not stop to inquire whether the Lisbon police-men are better genealogists than our own; nor do I at all think that the prevailing report of his having covered objectionable correspondence operated on this occasion to his detriment. I take the case as it stands in the demand before me and, as far as I have been able to ascertain, Mr. O'Neill went into the apartment of a foreigner, at the moment in charge of a police-officer, who told him to withdraw and hold no converse with the prisoner. It is added that Mr. O'Neill persisted and, if such is the case, I fearlessly assert that there is not a country in Europe in which, under similar circumstances, he would not have been molested. This occurrence happened on the 10th of February, that is, two days after an extensive conspiracy had been defeated and when arrests and investigations were going on. The foreigner in question is represented as an implicated party, and Mr. O'Neill could not be ignorant of his situation, or unconscious of the effervescence prevailing in the Capital. He must have known that only 48 hours before guilt had stalked boldly forth in the face of day, without even seeking for the shadow of disguise. He must have heard and seen the rockets let off, in various parts of the city on the morning of the 8th, as the signal of revolt and massacre. He could not therefore be unaware of what was passing. Whatever his own political prejudices were, he could not be unmindful of the responsibility which devolved upon the government, and that it was the duty of the sovereign to oppose the turbulence of faction and restrain his subjects within the

bounds of duty, by every means in his power. The nature and extent of the plot, from the fatal effects of which the capital had just been preserved, would not perhaps be well understood among us, unless I were to take a retrospective view of the internal state of Portugal, at the period alluded to—much too long and tedious for my present purpose; but it is very evident that if the conspirators had then succeeded; if the troops had not remained steadfast in their loyalty, Lisbon must have become an extended theatre of plunder and bloodshed; and in moments of general confusion it can scarcely be expected that British subjects would have been spared. I shudder when I reflect on the dreadful consequences which must inevitably have followed a struggle, during the fervour of which it would have been utterly impossible for the government either to check, or control the public indignation, if the sword had been once unsheathed.

Mr. O'Neill's being detained four hours and walked to a police-office in a city, unprovided with a stand of coaches, is not so great an inconvenience, or "*ignominy*," as our countrymen are often exposed to in France and other parts of the continent, by the *gendarmes*, on account of their passports, or the custom-house officers in search of smuggled goods. I believe he made no complaint at the time the occurrence happened. Our Consul however seems to think that the possession of the *Carta de Privilegios* was a sufficient protection in all cases; but when he expects that a common policeman should at once understand its contents and judge

the identity of the bearer, he certainly asks for what would puzzle many a lawyer in Portugal, as well as in England. At all events, I am very confident that, on so light a plea, no British functionary who ever resided in Lisbon, up to Consul Hoppner's time, would have ventured to introduce Mr. O'Neill's name into a series of requisitions, exclusively relating to British interests and tending to a declaration of war. To this demand is appended the following very modest addendum.

“The dismissal of these individuals must be accompanied by a statement, in the next number of the Lisbon Gazette, of the causes which have given rise to it, and an assurance that they shall not again be employed in any way, or under any pretence.”

And can British interference extend to this? It is only a very few years ago that the case of Mr. Bowring, who, it may be remembered, had been imprisoned in France and dismissed without a trial, was laid before Parliament. The pretext alleged was his having illegally conveyed letters; but it was also understood that he entertained sentiments unfriendly to the Bourbon government, and I here cannot but observe that if such a plea as this had been used in Portugal, our Consul would have had to swell his demands to an enormous size and introduce the names of several others besides Mr. O'Neill. Mr. Canning however did no more than instruct our ambassador in Paris to watch over the case and take care that Mr. Bowring was treated with the most scrupulous justice, *according to the French law*. When called to account, in his place, the minister replied “that he held it to be an undisputed princi-

ple that an individual who entered voluntarily into a foreign country, at the same time entered into a temporary and qualified allegiance to the laws of that country; that he confined himself to their observance; that he submitted to their operation, and that however unwise the system of law might be in itself—however harsh—however little congruous to his notions of civil liberty, or to his happier experience of the jurisprudence of his own country, he had still no right to complain of the operation of those laws upon himself, provided that operation was not partial, but was the same as it would be in the case of a natural-born subject of that State.” And can Mr. Consul Hoppner subvert this maxim by an exhibition of our *Carta de Privilegios*?

“Fourth Demand.—The public disavowal and dismissal of the man named Leonardo, who, on the 11th of February, forcibly entered the rope-walk of Mr. Caffary, at Pedrouços, and cruelly ill-treated the foreman of that establishment.

“A compensation to the amount of 200,000 reis, being 20,000 reis a day for the 10 days of his imprisonment; and the punishment of the soldiers who abetted Leonardo on this occasion. This case to be in a similar manner announced in the Lisbon Gazette.”

Mr. Caffary's foreman was a Portuguese, a circumstance seemingly concealed in this demand. In the grant, made by King Emanuel in 1411 to a German, and afterwards extended to British subjects, “his factors and servants” were equally privileged and the judges inhibited from interfering “with any thing belonging to, or destined for, his use.” This was interpreted as a sufficient exemption for servants, being Portuguese, and sometimes used

to protect them from the militia law and other personal service. There are instances of protection of this kind having been asked for as many as six servants, all Portuguese, because there was a precedent of a sovereign having extended the immunity to that number.

In the time of John IV., when the Charter of British privileges was made out, it was declared that "the servants and factors" of the privileged parties should not be "molested, or hurt;" barring always *criminal cases* and under the penalty of 50 cruzados. No special mention is however made of *servants* and *factors* in our last treaty, or in that of Cromwell. If the primitive grants therefore are considered as thereby confirmed, they must stand in their original terms and bear their concessionary meaning, in which case, the privilege of "hiring and riding on beasts of burden, with saddle and bridle, all over the kingdom," would form one item in our Charter, for such is part of Alonzo Vth's grant, made in 1452.

At all events, the legal exceptions affect servants, as well as masters, more especially when the former are Portuguese and owe allegiance to the reigning sovereign. The foreman in question was consequently amenable to his country's laws, nor, in case of necessity, were Mr. Caffary's premises sufficiently privileged to protect him. If altercations, or resistance ensued, the case necessarily became aggravated; but, in the age in which we live, shall the ministers of William IV. demand a sanctuary and in a foreign country for others, not being his sub-

jects, for that is the real tendency of our Consul's fourth requisition !

“ Fifth Demand.—A public apology for the insult offered to Mr. Roberts, with reparation to him for the injury sustained on the occasion of the forcible entry of his house during the night of the 21st March, with the dismissal of the magistrate who was present at, and directed the same. The statement, with the apology and dismissal of the magistrate, to be in like manner made public in the Lisbon Gazette.

This domiciliary visit took place without the usual forms and, as the corresponding notice in the Lisbon Gazette avows, “ contrary to the royal orders which direct that all privileges enjoyed by British subjects should be strictly respected ;” but of the urgent motives which led to this measure I am not a competent judge. Mr. Roberts it seems had two establishments, one in town and the other in the country, and it is a query whether he was known in both. Lisbon was still in a state of great agitation ; the police in search of conspirators, and what denunciations induced the magistrate of the Ribeira district to surmise that one was concealed in Mr. Roberts' country premises, I do not pretend to know. If however sufficient grounds existed for the search ; if the magistrate was unaware that the premises belonged to a British subject, or, even if he knew the fact, as long as his public duty required prompt interference, I do contend, notwithstanding the temporary inconvenience occasioned, that the matter was open to explanations, and did not warrant the peremptory dismissal of the officer and the insertion of an humiliating notice in the Gazette.

King Emanuel's grant, made in 1411, declares thus; "it is our will and pleasure and we command that none of our officers of justice presume to enter into their houses, except the said *Corregidor* (Mayor) or such as shall be sent by him, and no other, under the penalty of 20 cruzados forfeiture to their use, *except the officers of justice are in search of a malefactor*, detected in any flagrant crime, in which case they *may enter into their houses.*" And has this privilege been infringed?

"Sixth Demand—The issue of immediate orders to the Custom-house at Oporto to desist from the illegal demand of excessive duties, levied there upon articles of British manufacture, and the same to the Custom-house in Lisbon, especially with regard to their demand of a duty of 30 per cent. on a cargo of British coals imported in a Swedish vessel."

This is the most extraordinary demand ever penned. The IVth Art. of our Treaty of Commerce and Navigation with Portugal, concluded in 1810, and expressing to be "founded upon the basis of reciprocity and mutual convenience," recites, "that the ships and vessels of the subjects of His Britannic Majesty shall not pay any higher duties and imposts, under whatsoever name they may be designated, or implied, within the dominions of Portugal, than Portuguese do in those of Great Britain;" and Art. V. designates a standard by which British and Portuguese vessels are to be judged. Owing to the comparative lowness of freights, our merchants in Portugal are in the habit of availing themselves of Swedish vessels; but it is evident from both the spirit and tenour of our engagements, that vessels of this class are not entitled to the same privileges

as British, and it is a most remarkable circumstance that our government should now wish to extend our own commercial advantages to others, by main force, in the present suffering state of the British shipping-interest, and after the loud and reiterated complaints made of the interference of foreign flags. This matter, I believe, had undergone due consideration in Lisbon, and the case being new, although clearly provided for by treaty, in order to avoid altereations, the Portuguese government had determined that the foreign vessels already arrived, under the circumstances above mentioned, should pay according to the old rate of duties; but that all others which might hereafter proceed to entry should not be entitled to the same exemption. Instead of complaining, we ought therefore to have thanked them for so proper and provident a resolution, and I feel confident that there is not a ship-owner in England who will not concur in this sentiment.

“ Seventh Demand— A compensation to Mr. Hockley for the injury inflicted upon him by the arbitrary and unwarrantable manner in which he was, in the month of March last, conveyed across the Potuguese frontiers of Elvas, and compelled to travel to Seville, being a distance there and back of 80 leagues, in order to procure a Portuguese signature to his passport; with the instantaneous issue of positive and public orders to all magistrates and authorities throughout the country, to prevent the recurrence of any similar treatment of a British subject.”

This is a most exaggerated description of the case. The individual in question crossed the Portuguese frontier with an informal passport, in turbulent times and when the strictest regulations were in force against persons arriving from Spain, and for

this reason he was sent back. This is an every day's occurrence. His having to travel to Seville, to obtain the signature of a Portuguese functionary, if that was the place from which he issued, is consequently an incident, attributable only to his own oversight.

“ Eighth Demand—A severe and public reprimand of the officer who attempted to levy upon Mr. Judah Levy and others of His Majesty's subjects the duty termed *meneo*, notwithstanding he claimed an exemption from it by right of his *Carta de privilegios*.”

In 1717, the Junta of the Three Estates having submitted to John V. “ that the subjects of several different nations disputed the payment of the *meneo*, (a trifling tax upon stock) under pretence that they were privileged by treaties from the payment thereof,” by a royal order, dated May 8th, in the said year, the King established this rule; “ I was pleased to resolve, on the 28th of last April, that the French and the subjects of other nations ought to pay the tax on stock, which was charged to them according to their trade, and that the subjects of the Catholic King, my good brother and cousin, and those of England and Holland ought to be exempted from this tax; but, however, such as are naturalized, notwithstanding the privileges of England and Holland, ought to pay the tax on stock, in the same manner as the natives.”

So far the explanatory royal order; but what is the peculiar predicament of Mr. Judah Levy, I do not pretend to know. Unfortunately, our possession of Gibraltar has given rise to the circumstance of

many foreigners obtaining protections who could never be considered British subjects in England, of which abuse I have more than once had evidence before my own eyes, and it is not therefore to be wondered at that confusion should sometimes arise. The Portuguese officers frequently have no other criterion whereby to judge of the nationality of a man who cannot speak a word of English and is known to be domiciled elsewhere, than a paper shewn to them, of the genuineness of which an inland, or inferior, magistrate, cannot be a proper judge. For the efficient protection of real British subjects, I take upon myself to say that there is no point, connected with our Portuguese relations, which calls for a more diligent investigation than this. At all events, the case complained of is an isolated one, and in an Ultimatum of this kind, which precluded the possibility of a reply, for our national honour, it is to be hoped that it has not been introduced without due caution.

“ Ninth Demand—The immediate dismissal of M. Carneiro de Sà from the office of Judge Conservator, with the recognition in that office of Senhor João Manoel Oliveira, who has been duly chosen by the British merchants at Oporto.”

M. Carneiro de Sà had been regularly appointed Judge Conservator for Oporto and approved of by the King. Subsequently he accepted the commission of solicitor to the Tobacco monopoly, the duties of which might be considered incompatible with those of British Judge Conservator, inasmuch as the officers of the Tobacco Monopoly are authorised to search all vessels, British included, to prevent the entry of

tobacco and soap which, as monopolized articles, they have a right to seize. This might lead to disputes in which British subjects were liable to be implicated, and as there was an apprehension that strict impartiality might not be shewn them, the Oporto merchants proceeded to elect M. Oliveira, in his stead. Their choice was accordingly communicated to the Portuguese government and the King's confirmation solicited. This being an entirely new case, some demur necessarily ensued. A pledge had however, it appears, been given that the wishes of the Oporto merchants should be complied with ; but, being a matter of secondary consideration, at so critical a moment, the final arrangement stood over. Political motives—nay intrigues, might also have contributed to this delay. The Lisbon authorities might have required reports from Oporto which had not arrived—the fear of giving offence to some powerful party might have withheld them—some objection might have been started against the newly-elected officer ; but, whatever the difficulties were, it is acknowledged that a promise of confirmation had been given and never withdrawn. At all events, if the first party was so objectionable as Judge Conservator, the British Consul had only to withhold his pension, after due notice ; the litigious affairs of the Oporto merchants were not so frequent, or so pressing, as to require an immediate successor ; and if they were, the ordinary courts were open to them.

On what grounds then could the British Consul demand the *immediate dismissal* of one Judge and the peremptory *recognition* of another ? How could

a delay, whether unavoidable, or not, be converted into a plea for a declaration of war? Do we pretend to strip the King of Portugal of one of his royal prerogatives? There is not a subject on which among our countrymen, established there, so much delusion prevails as on what are called our *privileged charters*. These charters have been misinterpreted and distorted, in such manner, that they are no longer intelligible. In my first Letter to Your Lordship, I dwelt so long upon this very subject, that I could not now attempt a general review. I shall therefore confine myself to the point more immediately before me, and after briefly stating the merits of the case, leave Your Lordship to form your own opinion of our Consul General's ninth demand.

Our first Treaty with Portugal corresponds to the year 1373, when stipulations of general alliance were exchanged between Edward III. and Ferdinand I. Afterwards the following royal mark of special favour was bestowed upon British residents.

“ Don Ferdinand, King of Portugal, &c. to thee, Fernando Rodrigues, by my authority, Judge in the causes relating to my custom-house of Lisbon, or to any other, who, after thee, shall occupy thy place, health, &c.

“ Know thou that it being my pleasure to favour the English merchants, natives of the kingdom of England and the dominions of the Prince of Wales, I give thee to them for their Judge, in the law-suits they have, or may have, with any persons of my dominions, on account of merchandize bought or sold by them, to, or from, such person, or persons of my dominions.

“ I thee therefore command that thou (or whoever may be in thy place) take cognizance of the law-suits and causes that between the

parties abovesaid may happen, either by complaint of the one, or the other, upon account of merchandize, as is above already expressed. And I command that henceforward, no other shall take cognizance of the said law-suits besides thee, the said Fernando Rodrigues, or any other person that by my authority may fill thy place, as Judge of my said Custom House; and thou shalt not do any thing to the contrary, or beyond this my command. In witness whereof, I have commanded this my grant to be given in Lisbon, the 29th day of October, 1450. Written by Stephen Armes for the King, Don Ferdinand. Signed, I THE KING.

Such is the grant exhibited in our *Carta de Privilegios* as the origin of our Conservatorial privilege; but I think the date must be erroneous. Ferdinand, the only Portuguese sovereign of that name, reigned between the years 1367 and 1383, and if I mistake not this royal order was issued somewhere about 1373, when an alliance was formed with our Edward III.; but it is curious that we do not know the precise date of a privilege, the alleged non-observance of which our Consul converted into a plea for a declaration of war! According to this document, it however appears that the office of Judge Conservator was originally held by a particular officer and limited to his successors, for purposes purely commercial.

In 1647, a petition in the name of the British residents was presented to John IV. setting forth that, "being entitled to various privileges, such as bearing arms, by day and by night, and others, the village justices vexed and disturbed them," &c.; but not a single case of serious or intentional ill-treatment was adduced, notwithstanding the long lapse of time to which the petition referred and the confusion which special privileges are liable to create. Whereon a law was passed, embodying all

the privileges, liberties and exemptions, granted by former kings in favour of British subjects, and enjoining thus ; “ Let them make use of arms, as expressed in their privileges, and for this end the charters and mandates they petition for shall be granted and drawn out for them, wherein shall be included the articles which speak of arms, and that other Justices cannot enter their houses, without an order from this Conservatory, and all Bailiffs and Constables, or any other officers of justice who shall do any thing to the contrary, shall immediately be notified by the Scrivener of the said Conservatory, that without the approbation of this court, they meddle not with these privileged persons, under the penalty of being suspended from their offices and falling under our displeasure,” &c.

This was an enumeration and definition of the indulgences enjoyed by British subjects, made by the first member of the Braganza Family, accompanied by a declaration of their validity. The proclamation addressed to all tribunals and magistrates, commanding the observance thereof, ends thus : “ the which let one and all of you so comply with and nothing to the contrary do, lest the penalty of 50 cruzados should be levied upon you and ye fall under the lash of the said privileges,” &c. These privileges were confirmed in 1654 in the Treaty concluded with Cromwell, in these words ;

Art. IV. “ And as to their buying and selling by the intervention of Brokers, the said people of this Republic shall enjoy and use the same liberties, privileges and exemptions as the Portuguese themselves, nor shall they be treated with more rigour than the same inhabitants and

natives ; and that which is called the ancient Charter and all the privileges and immunities that heretofore have been granted to the English at any time, by all, or any of the Kings of Portugal shall be confirmed by edicts, to the end that the people and natives of the said Republic may enjoy them, together with all other privileges and immunities which are already granted, or shall be granted for the time to come to any nation, kingdom, or republic, in alliance with the said King of Portugal."

Art. XIII. further provides that no officer of justice shall seize, or arrest any of the people of the said Republic, of what rank or condition soever, except in a criminal cause and being taken in the flagrant act, unless he be first empowered in writing by the Judge Conservator," &c. By our Treaty signed at Rio de Janeiro, February 19, 1810, (Art. VII.) it was agreed that, regarding "the privileges to be enjoyed by the subjects of each contracting party, the most perfect *reciprocity* should be observed on both sides ; the dwelling-houses, warehouses, &c. of the British shall be respected ; they shall not be liable to any vexatious visits and searches, &c. ; it is however to be understood that, in the cases of treason, contraband trade and other crimes, for the detection of which provision is made by the law of the land, that law shall be enforced." Art. X. further recites that "the Judge Conservator shall be chosen by the plurality of British subjects residing in, or trading at the port, or place, where the jurisdiction of the Judge Conservator is to be established, and the choice so made shall be transmitted to His Britannic Majesty's Ambassador, or Minister, resident at the Court of Portugal, to be by him laid before His Royal Highness the Prince Regent of Portugal, in order to obtain His Royal Highness'

consent and confirmation, in case of not obtaining which, the parties interested are to proceed to a new election, until the royal approbation of the Prince Regent be obtained."

From these various authorities it therefore clearly appears that there are cases in which our privileges are liable to exceptions; it would in fact be a monstrosity to suppose otherwise. King Emanuel's grant says that "the houses of the privileged persons may be entered, if the officers are in search of a malefactor; Cromwell's treaty excepts criminal cases, and our last specially excludes "those of treason, contraband and other crimes," in all which the *laws of the land are to be enforced*.

Art. IX. speaking of the mutual appointment of Consuls "solely for the purpose of facilitating and assisting in Affairs of Commerce and Navigation," further recites that "they are in all cases, whether civil or criminal, to be entirely amenable to the laws of the country in which they may reside." This necessarily must also be the case with British subjects generally.

"Tenth Demand—A strict and positive engagement, on the part of the Portuguese Government, that the rights and privileges accorded to British subjects in Portugal shall henceforth be duly observed, and that they shall not in future be subjected to any of those molestations which have called forth the displeasure of His Majesty's Government."

The terms of this demand being general, a specific answer would not apply. Its purport will therefore be hereafter noticed.

On what just and equitable plea then can the heavy and extreme penalties, denounced in the several demands of our Consul, rest? From what authorities are they derived? In ordinary cases of trespass, mulcts are awarded, and in aggravated ones, suspension from office is held out *in terrorem*; nevertheless, if any infraction happened, the accused were still to be allowed a hearing. Why then this extreme propensity for cashiering—for forfeitures—for disabilities! Look to the operation of the ten demands above penned, My Lord, and it will be seen that besides cashiering one Commodore, they strip five Judges, or magistrates, of their offices; punish a patrol of twelve men; preclude three functionaries of rank from again serving their country and besides insist on the insertion of five humiliating notices in the Government gazette!

When, My Lord, were the functions of a British Consul used for so sweeping a purpose! An old English resident, writing to me upon this very subject, asks me “whether all these dismissals in Portugal are connected with the English plan of reform!” Cromwell did not demand so much from Portugal through the State Counsellor of Parliament, in 1652, or his Admiral before the Tagus in 1650!

It is a curious fact that, in the Memorials, or Articles of grievances, presented by British residents to Portuguese sovereigns, during a series of years equal to three centuries, I find that the occasional *hindrance from bearing arms* by village magistrates and the *impositions of Scavengers* are almost exclu-

sively the topics of complaint. If cases of personal wrong, or hardship, occurred, as far at least as good tradition goes, they were deemed incidental, or attributed to the temper of the times. I never heard of an act of injustice, or oppression, from the mouth of an Englishman, of a serious nature at least, during the reign of John VI., some parts of which were boisterous and trying enough. The kindness and affability, both when Prince and King, with which he always treated British subjects was indeed proverbial, and for proof of repeated marks of confidence and regard, experienced from him, I could appeal to the ancestors and founders of commercial houses, some of whose successors signed an Address to which I shall hereafter allude.

Through the bounty of successive monarchs and by their own means, our countrymen obtained in Portugal numerous privileges and exemptions, at a time when they were scarcely deemed worthy of protection by the government at home. It would take many pages to record the whole of these acts of grace; many of them have now become ridiculous and preposterous, and, as regards others, we have outlived the ages in which they were bestowed! They nevertheless stand as lasting monuments of the grace and favour in which British subjects were held in Portugal, and the spirit in which they were bestowed cannot now be overlooked by any monarch wielding the British sceptre. Such as they are and with new ones added to them, they were nevertheless confirmed by two principal treaties, the one, as it will be remembered, exacted at the cannon's mouth,

in olden times, and the other negotiated at Rio de Janeiro, when the destinies of Portugal were yet unknown.

Some of our mercantile juriconsults tell us that these privileges and exemptions were thus converted into *rights*, firm and immutable, and our new Consul in Portugal seems to be completely of their opinion. I do not impeach this conclusion; nor would I wish an Englishman to be stripped of a single right, if worth retaining, for any consideration on earth; but I should be sorry to see him, or his government, pretend to be the sole judge of the exercise of those rights in a foreign country. There I should consider it strange to hear that our Consuls and our Commodores were the best expounders of the law of the land. Again, I should wish that the mutual obligations, imposed upon us by the confirmation of our privileges in Portugal, were not set at defiance. I should be proud to find the Portuguese experiencing as much liberality from our sovereign, as British subjects ever did from theirs. Justice and reciprocity, I shall always contend, are the only means of rendering a commercial treaty mutually satisfactory, and in forming connections of this kind with other States, we ought not to require from them more than we can give in return. Applying this principle to Portugal, the requital for what is called our *Carta de Privilegios*, will be found very small indeed, and in practice, I believe, nearly comprised in an exemption from the *scavage duty*, levied in the city of London upon all merchant strangers, except Portuguese.

On the 20th December, 1811, a Memorial was presented to the Council of Trade by a number of Portuguese residents here, reciting that, "having previously addressed the accredited minister of their own nation on the subject of the grievances, experienced by them through the want of reciprocity in the observance of the Treaty of 19th February, 1810, the said minister assured them that he had already officially laid before the British government a general and detailed Exposition of all the difficulties, communicated to him from Brazil and Portugal, as well as by the Memorialists, and arising out of the execution of the said Treaty." These Memorialists then proceed to state that "they would have confidently waited the decision of His Majesty's Government, if they were not daily exposed to the recurrence of such hardships as they had at length determined to select as topics of complaint."

The Memorialists then lament the absence of reciprocity, a prominent feature in the wording of the Treaty, but unfortunately never reduced to practice. After referring to Articles 2, 3 and 7, they allege that British subjects, in their extensive trade in Portugal, pay no other duties, or dues, than those required of natives; whereas it is the reverse with them in England. They add that, every three months, they are obliged to renew their licences at the Alien Office and obtain passports, if they travel to any distance, and afterwards enumerate a variety of dues to which foreigners are liable and equally required of them.

The Treaty of 1810, so soon as a year after its exchange, thus became the topic of remonstrances from Brazil, Portugal and the Portuguese residents in London. This could not indeed be otherwise, as long as our relations were not clearly defined and the *Carta de Privilegios* stood independent of Treaties. To favour a few particular merchants, the whole Legislation of Portugal in former times had been overturned, and in their behalf an *imperium in imperio* created, the inconveniences and abuses of which were felt, when those who claimed the extension of these privileges became numerous. Alonzo Vth's grant, dated Evora, March 28, 1452, and now comprised in our *Carta de Privilegios*, was originally in favour of Michael Arman, a German shoemaker. Emanuel's grant of February 7, 1411, and the corner stone of all our privileges, was made for Anthony de Belver and Conrade Telim, subjects of the Emperor Maximilian. An individual Englishman, named Thomas Bostock, made the application to John IV. to have the Charter of British privileges cleared up and defined, in the year 1647, confusion having most probably been introduced through the dominion of the Spanish Philips; and it is a curious circumstance that the mandate to the courts of law, then issued, after ordering the Charter of Privileges to be registered and kept, recites thus; "And in complying therewith, ye shall not hurt, molest, nor vex the said Thomas Bostock, nor his servants nor factors; nor shall ye do, or cause to be done, any act, or acts, as serving writs, warrants, &c. upon him, or his house, except by competent mandate of

the Judge Conservator, &c., under the penalty of 50 cruzados," &c.

On such confused and fragile materials as these, it is, that most of our ancient, and as some persons think, boasted privileges in Portugal rest, whilst several of our more valuable advantages repose only on usage. The facility of holding fixed property, in my opinion one of the most estimable and not extended to Portuguese in England, I strongly suspect rests upon no more substantial grounds than Alonzo Vth's grant, above mentioned, which gives the German therein named the privilege of having "houses, cellars and stables;" and not three years ago a Portuguese forfeited his leasehold premises, in the New Road, because they were in his own name! As our relations at present stand, the principle of reciprocity cannot in fact be observed, and of this Parliament seemed perfectly sensible, when in the Act of Geo. III. C. 47, 8 and 9, purposely passed to give effect to our last Treaty with Portugal, the following explanatory clause was introduced; "Provided always that nothing in this Act shall extend, or be construed to extend, to repeal, or in any wise alter the duties, &c.; or to repeal, or in any wise alter any special privilege, or exemption, to which any person, or persons, bodies politic or corporate, is, or are now entitled by law; but the same shall be continued as heretofore," &c.

The privilege of having a Judge Conservator, besides being a monstrosity, in itself, creates jealousies and continually entangles us with the constituted

authorities. It might have been necessary and deemed a great compliment in the time of the Portuguese Ferdinand, as doubtless it was in Spain, when first granted by Philip IV. conformably to two Cédulas, dated March 19 and Nov. 9, 1645. The privilege was indeed afterwards confirmed to the British merchants, residing in Andalusia, by the 9th, 21st and 28th Articles of our Spanish Treaty, made in 1667, called Lord Sandwich's Treaty, and subsequently by several acts; nevertheless, it was abandoned as totally useless, in the one negotiated in 1713. On inquiry, it turned out that, for several years, the privileged parties had not even appointed a Judge Conservator, and preferred giving an annual *douceur* to the Governor of Cadiz for his special protection. Personal experience leads me to know that an expedient, so indecorous, was not found necessary in Cadiz for an Englishman to obtain justice and protection, in Sir James Duff's time; nor was the absence of a Judge Conservator ever felt during his Consulship, or in the days of his predecessor, Wyndham Beawes. In a country that has long boasted so good a commercial code as the *Ordenanzas de Bilbao*, such a privilege would be preposterous, and will never be missed in Portugal, I venture to say, when we have clear treaties and proper persons to execute them. We have no exemption of this kind in Brazil, a late Colony of Portugal; nor do we ask so monstrous and antiquated a favour in any other country with which our commercial intercourse is properly established. Mr. Canning, himself, amidst his theoretical and confused ideas on Portuguese affairs, seems to have

been very sensible that this privilege would not long stand, when in reference to it he observed, in white and black, "that it could hardly be expected that Portugal would consent to the continuance of an establishment which her offspring had succeeded in *throwing off.*"

I will now turn to the answer given by the Board of Trade to the Memorial of the Portuguese Merchants, dated December 20, 1811, as above mentioned, and here, My Lord, I ask particular attention. The said merchants, by special appointment, attended at the Council Office on the ensuing 26th, when the Lord President informed them "that their petition could not be favourably received, as part of the Treaty was yet uncomplied with by the Prince Regent of Portugal, the monopolies of the Wine Company, tobacco and soap, &c., being still retained; further adding, that the Committee had recommended to Government the revocation of the indulgence granted on the 4th January, 1811, which allowed certain Portuguese vessels, foreign built, to be considered as of Portuguese construction, the revocation to take place on the 1st July, 1812, as it accordingly did.

And, My Lord, is this the manner in which the applications of British merchants have been usually treated by the Portuguese authorities? Practical men, I am very confident, would say no. Our diplomatic ascendancy indeed was always too strong and too well directed to be liable to failure, on such occasions. I am well aware that our Navigation Laws

rendered it difficult to admit foreign-built vessels into our ports, although nationalized and under a friendly flag; but, if the Portuguese had revived some old law and insisted on the right of doing the same with regard to us, should we have borne the retaliation, notwithstanding reciprocity is the avowed principle of our treaty?

By the French, as well as by all our other commercial rivals, the Portuguese were always reproached for the tameness and subserviency with which they submitted to the interpretations our government was desirous of putting on such doubts as arose, and I could quote several examples of this condescension, if my limits allowed me. I recollect a *Portaria*, dated October 19, 1812, issued by the Lisbon Regency on the interpretation of the 15th Article of our treaty relating to the valuation of goods, and it was in accordance with the prayer of the British petitioners. Repeated instances of this readiness to give facilities and redress wrongs, as well as of their scrupulosity in the observance of other engagements must be fresh in the memories of British residents.

From the very commencement, it however appears that the Treaty of 1810, in its operation became liable to doubts and difficulties, for the removal of which four British and Portuguese Commissioners assembled and made a report on the 18th December, 1812; but in that report I find no charge of non-compliance with the treaty alleged against the Prince Regent of Portugal. Still the accusation respecting

monopolies must have continued, as a noble Lord, whose experience at the Board of Trade has been extensive, so short a time ago as February 21, 1831, declared in his place "that the government of Portugal had *violated all its engagements with this country,*" and his Lordship did not allude to a recent date. Unless in the answer to the petition of the Portuguese merchants, I never heard of the soap and tobacco monopolies being a topic of complaint, and I am therefore warranted in presuming that the Oporto Wine Company was the one really meant. Without entering again into the discussion of this perplexed question, I must refer Your Lordship to my first Letter; but, *en passant*, I cannot refrain from observing that, if this had been a real difficulty, or violation, the time to have redressed it, was, when the Company's Charter was renewed by an *Alvarà*, dated Rio de Janeiro, February 10, 1815, in which the Prince Regent of Portugal declares "that the great benefits having been made known to him which had arisen to the agriculture and national and foreign commerce from the Company of the Vineyards of the Upper Douro, since its institution, and wishing to continue these same benefits to all the aforesaid interested parties, he had thought proper to prolong the duration of the said Company twenty years more, beginning on 1st January, 1817, and ending on the last of December, 1836," &c.

It is singular to see the great difference of opinion that has prevailed between the two governments upon this very point, for nearly a century, and yet we have not had a statesman persevering enough to

bring the matter in dispute to a close. We call the Company a monopoly and allege that it is contrary to treaty, as well as injurious to our interests. The Portuguese say quite the reverse. I have before me a return of the total exports of Port Wine for eight years, viz. from 1795 to 1802, both inclusive, and find that the Company exported only one tenth of the whole quantity, the rest being almost exclusively on British account !

If this matter passed *sub silentio* in our Treaty of 1810, certainly it ought to have been cleared up when the Company's Charter was renewed, in 1815, in terms so very remarkable, which struck at the truth of all we were in the habit of asserting respecting the institution. The Portuguese court was still at Rio de Janeiro. It is said that Mr. Canning then obtained some concession, equivalent to a pledge that, after the expiration of the above period, the Company's Charter *should not be renewed*. On this point, I confess, I am not sufficiently informed to offer an opinion ; but, if such is really the case, would it not amount to an avowal that we had conditionally agreed to the duration of the Company, at least till the end of December, 1836 ? How then for the time being can its continuance be called a *violation* of treaty ?

Bearing the declaration of the noble Lord above alluded to in mind, when I heard of our disagreement with the Portuguese government, I certainly expected to have seen all alleged infractions specifically brought forward ; and I was the more en-

couraged in my expectation when I took up Consul Hoppner's Demands, and noticed that in the preamble he also very undisguisedly accuses the Portuguese authorities "of violations of which they have been guilty of the treaties subsisting between the two countries;" but, to my utter astonishment, I saw that infractions of the *Carta de Privilegios* were the chief burden of complaint; some violations of the law of nations are mentioned, and yet not a single Article of any one of our many subsisting treaties is even alluded to!

In the Tenth Demand, he requires "a strict and positive engagement, on the part of the Portuguese Government, that the rights and privileges accorded to British subjects in Portugal shall henceforth be duly observed, and they shall not in future be subjected to any of those molestations which have called forth the displeasure of His Majesty's Government." These molestations, if our Consul wrote without reserve, amount to the detention of a British subject, (granting to Mr. O'Neill that character) for four hours; a search on the premises of another and the arrest of a Portuguese in the rope-walk of a third! These are the only cases I can find in the whole ten Demands, susceptible of being classed under the head of "*molestations.*"

And, My Lord, are occurrences, like these, with all the external evidence of not being acts of the superior authority about them, and happening, as they did, when the country was involved in plots and conspiracies; a prey to anarchy and confusion,

may, the government contending for its very existence ; a sufficient motive of displeasure to a British sovereign, to be used as a plea for forcible redress ! Or, My Lord, does our government guarantee the good conduct of all those who claim its protection abroad ?

During the Portuguese conflict, I regret to say that many of our countrymen, both in Lisbon and Oporto, have acted with extreme imprudence, not to say worse. Some publicly made themselves partisans in the pending struggle ; others covered the correspondence of absentees, transmitted for treasonable purposes ; whilst the letters of several well-known Englishmen and Irishmen, written on the spot, when printed in the London Journals with which they corresponded, excited the keenest horror, on account of their repeated falsehoods and depravity. Some young men were remarkable for their indiscretion and offensive language, in public, and yet, My Lord, not one single individual of these was *molested* by the government, or insulted by the populace, although the finger of reproach was daily pointed at them ! Some of the persons alluded to, and there is rather a long list of them handed about, to the great scandal and annoyance of discreet and respectable British residents, conducted themselves in an infinitely more irregular manner than the Captain of the Vigilant, who, as before noticed, was dismissed by our government from his command when he returned home. And, My Lord, if such was the misconduct of a British naval officer, would it be difficult to conceive that a few dozens of equally

giddy, thoughtless and deluded individuals existed among the residents in Portugal, many of whom are from the sister kingdom! Could they not have been misled by the wiles and stratagems played off in England, as well as the patronage and support given to D. Miguel's enemies?

As far as my own impression goes, and I say it after a careful attention paid to the events passing in Portugal, I am really astonished that British subjects, in the course of three years should have experienced so little inconvenience and annoyance, considering the imprudence of some and the criminality of others, and I am confident that every impartial man who inquires into the conduct of several and reflects on the circumstances of the country, will be of the same opinion.

As a remarkable feature in the unfortunate misunderstanding with the Portuguese government, I must mention the address, dated Lisbon, May 4th, signed by 65 British residents and presented to our Consul, Mr. R. B. Hoppner. It is to the following effect:

“ LISBON, MAY 4.

“ SIR—We, the undersigned British residents in this City, impressed with a deep sense of gratitude we owe to his Majesty's Government for the efficacious measures adopted to obtain redress from the Portuguese authorities for the violation of the privileges secured to us by treaties, and for the repeated outrages committed on our persons and property, request you will do us the favour to convey to the foot of the throne, the humble expression of our grateful acknowledgments for his Majesty's prompt and paternal protection.

“ Allow us, Sir, also to add the assurances of our conviction that to the strong interest you have evinced in the representations you have made of our critical situation, we are mainly indebted for the adoption of those decisive measures, the result of which we feel confident cannot but ensure to us, in future, that security we have so long felt the want of, and for which we beg to offer you the tribute of our unfeigned thanks.

“ We have the honour to be.” &c.

Among the signatures, affixed to this paper, there are most assuredly several belonging to firms of the first respectability, the founders of which have constantly received marks of distinguished consideration from the Portuguese government. What solicitations, or what inducements, led them to accuse the Portuguese authorities “ of the violation of the privileges secured to them by treaties and of repeated outrages committed on their persons and property,” I am at a loss to say; but I am well convinced that, when they reflect upon their act, they will see that they have done wrong. Of the several cases of hardship, mentioned in the Consul’s demands, that of Mr. Roberts is certainly the most serious, and yet it did not go beyond a domiciliary visit in critical times. The names of Mr. Roberts and Mr. Caffary nevertheless are not found at the foot of the preceding tribute. How those gentlemen who signed, (and I do not reprint their names) interpret the Charter of British privileges, so as to arrive at the conclusion that they have been violated, in what has happened during the long course of a civil war, I cannot imagine; but, if the “ repeated outrages on their property,” as by them alleged, refer to the Terceira captures, the only outrages of this class I find specified in the Consular demands, I should dis-

tinely answer that the owners of those vessels are not British subjects, residing in Portugal.

The remaining part of the address is intended as a personal compliment to the acting Consul General, and whether it is paid at the expence of truth, is the chief matter to be considered. If British subjects were ever placed in "a critical situation," it has been owing to the convulsed state of the country, and yet, till after the February conspiracy, not a single case of temporary molestation is recorded, notwithstanding it had been preceded by similar attempts to overthrow the established government.

On what grounds the gentlemen who were so anxious to pay court to Mr. Hoppner, rest the charge of their having "long felt the want of security;" or how they expect that the Consular demands "would insure to them, in future," the protection they required, I cannot comprehend. A British resident, of more age and experience than any one who signed the address, writing upon this very subject, says, "that the government has really done all in its power for their protection, but there have been moments in which it could not enforce its orders; and hopes and trusts that in England the address of the 4th of May will only be taken as the act of a few British, some of whom have no standing in Portugal, although there are among them signatures of the highest respectability. There is no accounting for people's political propensities," adds the grey-headed resident, "but for my part I am grateful for the bounties our countrymen have

always received from the Portuguese Crown, and if some now unhappily forget themselves, they are only 65 in number, whereas there are 800 British subjects here and 400 more in other parts of the kingdom."

The publication of this address in a paper professing to be the organ of government was at the moment deemed a matter of congratulation by some persons; but I unfeignedly think it will be a subject of the deepest regret to the real residents who signed it, as the groundless charges it contains cannot fail to implicate them deeply in the opinions of the Portuguese people. If the 65 British residents were so inconsiderate and unguarded as to sign and forward such an address, it was infinitely more so to publish it, and so I fear it will turn out. The real friend of his country would wish to see British subjects living on terms of the most perfect amity with the natives, and this cannot be the case, as long as so unjust and personally offensive a declaration is before the world, unexplained. If they had charges to prefer they ought to have specified them; but, it is fervently to be hoped that so injudicious a step will not bring a stigma on the great body of the residents, and that they will not be reproached, or upbraided, for the act of individuals. In this respect the French were more moderate and guarded. They did not even publish their Consular Demands; nor have I heard that their countrymen in Portugal were either so rash or intemperate as to sign an address in compliment to M. Cassas, and if they had, it is not very probable that the French ministers would have ordered it to figure in the columns of the *Moniteur*.

The several demands above enumerated are followed by a threat, conched in these words.

“ The undersigned has further the honour to inform his Excellency, Viscount Santarem, of the arrival off the coast of Portugal of a squadron consisting of six ships of war, which are to be immediately joined by His Majesty's ships Briton and Childers, now in the Tagus. If, during the space of three days from this date, all these several demands are not punctually and strictly complied with, he has received the orders of His Majesty's Government to give notice of this fact to the officer commanding the same, that he may carry into execution the orders with which the Lords of the Admiralty have furnished him, to make reprisals, by detaining and sending to England all vessels bearing the Portuguese flag; and he is further commanded, in the event of such non-compliance with his demands, to quit Lisbon, and embark on board His Majesty's ship Briton.

“ The undersigned avails himself, &c. &c.

(Signed)

“ R. B. HOPNER.”

To this threat, it is, that I implore your Lordship's attention. “ If, during the space of three days,” says our Consul, “ all these several demands are not punctually and strictly complied with, a British naval force is to *make reprisals, by detaining and sending to England all vessels bearing the Portuguese flag.*” This notice is more angry and equally as peremptory as the one in which we declared war against France, in 1793. And, My Lord, is Portugal to us, in 1831, what France then was?

Never did an hostile denunciation breathe more inveterate animosity, and with any other nation, equal to us in power, would it not have involved us in a war—a war that might have been fatal to the peace of Europe?

War cannot be Your Lordship's policy, or predilection, although now in office. In moving an address for the adoption of the House of Commons, on the 21st of February, 1793, Your Lordship recommended words to this effect; "That with the deepest regret we now find ourselves obliged to relinquish the hope of preserving peace, without any evidence having been produced to satisfy us that His Majesty's ministers have made such efforts, as it was their duty to make, for the preservation of peace. Various grounds of hostility," it was added, "have been stated, but none that appear to us to have constituted such an urgent and imperious case of necessity, as left no room for accommodation and made war inevitable," &c.

Your Lordship's motion was unsuccessful; but no Englishman was ever unmindful of the patriotism and prophetic spirit with which the address was proposed. And, My Lord, in the case in question, have "ministers made such efforts as it was their duty to make;" or, do the various grounds of hostility, as enumerated by our Consul, appear to Your Lordship "to constitute such an urgent and imperious case of necessity, as left no room for accommodation," except at the cannon's mouth! Were there no other means of obtaining redress from Portugal than by humbling her to the dust? I have long admired Your Lordship's principles, as I found them recorded in the public acts of a long life, and conformably to them, I should have expected to see Portugal treated with as much courtesy, justice and consideration, as either France, or the United States;

and in candour let me ask whether to either we should have addressed such an Ultimatum as that on which I am writing? Is the harshness and enmity, which it breathes, at all in accordance with the spirit of our subsisting treaties; or has not experience yet taught us how to estimate our alliance with Portugal, at its just and real value?

If it is generally allowed that inhumanity towards a prostrate foe is not less repugnant to the precepts of religion, than contrary to the dictates of honour, I am well assured that, on mature reflection, such an undue advantage, taken of the weak position of a friend and ally, will not be found consistent with our usual good faith, or conformable to the prevailing sentiments of national dignity. If any question had arisen as to the instrumental means of Great Britain to maintain her honour and assert her rights; if we had experienced any thing like evasion, or studied perfidy; if a treaty had been really violated, or frivolous excuses invented for the purpose of delaying explanations, either in the spirit of duplicity, or in approbation of misconduct, unquestionably we should have been at liberty to demand a reparation, equally as signal as the transgression, and, in that case, even submission would have afforded no exemption from chastisement; but, My Lord, in the whole, or in any one of the Consular demands, is there a single charge of a grievous nature established; is any plea made out that can warrant a denunciation of war, and yet, besides an indemnity, we compel the weaker party to undergo the most humiliating penance!

When demands are founded on reason and justice, and no redress can be had, the injured man reluctantly prepares to assert his claims by the sword; yet he pauses if he thinks those claims cannot bear scrutiny, because there is a tribunal, erected in public opinion, from which neither rank, nor power can be exempt. Again—retaliation often produces a fresh injury, greater than the one it was intended to resent, and so I apprehend it has happened in the Lisbon Affair. A man's reason is sometimes clouded, when passion, or self-love, prevent him from ascertaining whether the wrong of which he complains was deliberate and intentional. On other occasions, the weakness of his conscience, or secret enmity, do not allow him to submit to the decisions of justice. It is however deemed magnanimous to submit to the punishment of injuries, if the award is given by impartial judges; but, when inflicted by those who received the injury, it is apt to exceed due bounds; and it must not be forgotten either by nations, or individuals, that excessive retaliation is as much a legitimate object of resentment as an injury, when unprovoked.

According to these principles let us try our dispute with Portugal.

It is presumable that all we had to allege against her is comprised in the Ultimatum, which, as I before noticed, might have been reduced to a much smaller compass, as the Terceira captures confessedly had been adjusted, except the mere payment of £7000! And is there a civilian, or statesman, in

this, or any other country, who can conscientiously find in its contents grounds for such a species of retaliation as that we proposed to inflict? Look at the ominous warning, My Lord, calmly and dispassionately, and judge for yourself. Rely on no explanatory reports by which it was either accompanied, or preceded. Our Consul, in the very onset, declares that not one of its items “*admitted of the slightest negotiation, or modification;*” consequently, it was to be understood that non-compliance with any one of them would be taken as a motive for reprisals.

Wrongs of the most inveterate and insulting kind—wrongs, clearly and fully established, could only be redressed in this manner; and yet, in the long catalogue of grievances, can a single one of this description be selected? Were privileges ever before distorted to such an extravagant purpose? Delays had occurred, I am ready to admit; ill-will was engendered; there was a visible coldness—a distrust—a sullenness, on the part of the Portuguese government; but, My Lord, are these just grounds for either war, or humiliation? For this state of feeling in Lisbon there might have been some just cause—for my own part, I think there was; nevertheless, I am very sure that not a single point of difference remained pending between us that was not susceptible of easy adjustment, when properly represented, if it had been possible for any thing like cordiality to exist in the anomalous state of our relations.

It is evident that the Portuguese were piqued at former affronts, and it often happens that offences of this kind are felt more keenly than injuries, of which also our allies thought they had ample reason to complain. Whether our Consul's conduct was conciliating, frank and impartial, even at the period of his landing, is a point which for the honour of our country ought to be cleared up; but, at all events, the haughty supremacy, breathed in every line of his Demands, as if indicating that he regarded passive obedience as the invariable duty of those to whom they were addressed, could not fail to excite the pride of any nation, not entirely lost to a sense of honour. The extreme intemperance of some of his conditions; the pertness—petulance—personality and vindictive spirit of others; the obvious manner in which royal bounties, bestowed upon our favoured ancestors, were ungenerously wielded to serve the ends of pique and malevolence, and a fleet in view ready to confirm the bold defiance, necessarily spread indignation and dismay throughout the capital, and thus compelled the government to accede to terms against which it was doubtless its first duty to protest; the awful predicament in which it was placed having besides been greatly aggravated by the serious aspect which the dispute with France had already assumed. Explanations were no longer possible—the Portuguese felt that their country was the destined object of revenge, and very properly deprecated the horrors of the naval retribution which awaited them.

And, My Lord, was concession like this such a

triumph as a William IV. will rejoice in; or would he have thought the laurels of our navy increased by the adoption of the other alternative? As regards myself, and I think and feel in common with my countrymen, I must acknowledge that, when I see Great Britain forget those obligations which prudence and humanity impose upon the powerful, my cheek reddens with shame.

Under the plausible pretext of satisfaction and indemnities, did we not rather seek to drive the Portuguese into a state of despair, by presenting such demands as must have been pronounced inadmissible, even before they were sealed up? Did not the party to whom they were submitted, think that by their rejection a welcome triumph would be afforded to their enemies—those who would gladly see Portugal in flames, as long as it served their own ends; nay, more, is there a man of unbiassed judgment and sound understanding, with all the facts and their antecedents before him, who will not say that we courted and provoked a rupture? Did we in this affair, let me ask, observe those principles of moderation which have usually regulated the deliberations of the British Cabinet; was there no personal enmity mixed up in the determination which led to our Consular Demands? Under all circumstances, was this the way to obtain redress, or to procure permanent protection for British subjects; in a word, did our offended honour require the display of a naval force in the waters of the Tagus? Would Mr. Hoppner, or any fleet have been sent thither, if a change of administration had not preceded?

I fear, My Lord, we must seek a more natural solution to this untoward affair in less pure and creditable motives, in which I am at the same time very confident that only few members of His Majesty's Council participated. If the reports which led to the determination of resorting to coercion are in the least analogous to the sentiments breathed in the Ultimatum; if they contained the same ignorance and the same misrepresentations, and their validity was not properly ascertained, the result perhaps could not have been otherwise; but, My Lord, this can never prove that the Portuguese were predetermined not to listen to reasonable propositions; nor does it shew that any injuries alleged by us would have remained unredressed, if they had been founded on justice and urged in a temperate and manly tone.

Burke once observed, "that every idea for the settlement of claims, presupposed some confidence in the good faith of the party against whom the suit is instituted—some belief in their professions, whatever their inward sentiments might be." I will not ask whether the negotiator, chosen for the occasion, was likely to imbibe sentiments of this kind in the Foreign Office, before his departure; but I will ask whether the smallest infusion of Burke's essential ingredient is to be found in the Ultimatum of the 25th of April? I will further ask whether the Portuguese were not disposed to make concessions, as ample as the most imperious temper could demand, as long as it could be done without humbling their sovereign and affecting the national honour?

On this point, no doubt whatever can be entertained. Every motive of sound policy—every principle of self-preservation, urged the Portuguese to be well with us; but there was no existing bond that enjoined them to submit to obloquy, or disgrace. They had no wish to disturb that harmony which had so long prevailed, to the mutual benefit of both countries—those engagements, which they had never sought to violate by any misconduct of their own; yet there is a stage of endurance beyond which no nation can go. A coincidence of views and interests first gave rise to the connection and, when harrassed by the most alarming provocations—reposing on the faith of treaties, they turned their eyes towards England, as the only country from whose friendship they could hope for support. And did we answer that call? Did we not rather act as if all the old ties had been abrogated by a solemn and mutual agreement; or, as if we had cancelled the bond, judging its value to be depreciated!

It is not for me to inquire whether it would not have better accorded with the character of a high-minded people, to succour their friends in moments of distress, than persevere in a tame and suspicious neutrality towards them; but I do say that if a barren tear was all the useless compassion it was in our power to bestow, at least we ought to have abstained from insult and aggression, for in that light I consider our Consul's Ultimatum, and, ere this, the same opinion has been passed upon it throughout Portugal.

It was ever my opinion that in order to secure the advantages, gained during the Peninsular war, nothing ought to have been omitted that could strengthen our ancient amity, and the result would have been mutually beneficial. By abandoning our allies, we however forfeited every claim to their confidence; but it would seem that there was still another sacrifice, more injurious to our reputation, which we did not hesitate to make. Pursuing a line of policy, detrimental to our political strength and injurious to our commerce, the reception given to the ministers sent over to us by Portugal was cold and discouraging; to all appearances, we sided with her enemies, and, at the expiration of nearly three years, embraced a mysterious system of vengeance and injustice, for I can call what has happened in Lisbon by no other name.

It would in fact be difficult for the imagination to conceive a more pernicious doctrine, than for one nation to be allowed to demand from another the peremptory dismissal of public functionaries, without even the common formality of a hearing. Thus to interfere with the internal administration of an independent sovereign, is not only a violation of every principle of equity; but, particularly at the present moment, must expose us to the censure of others. Such a system of intervention is unheard-of. It overturns every distinction between right and wrong, and at once arms the powerful against the weak. It is a proceeding that cannot fail to excite the indignation of the wise and virtuous in every civilized State, and till now unknown in our annals, justice

and magnanimity being the attributes by which we have heretofore excited veneration, confirmed confidence and engaged esteem.

As long as those revolting mementos of studied insult remain unexplained and unatoned, on the face of the Lisbon Gazette, I clearly foresee that no kind of cordiality can subsist between us. The Portuguese consider them as levelled directly at the sovereign on the throne, and their pride is consequently wounded in the tenderest point. Although for the present silently endured by a people, feelingly alive to the smallest injury, such a grievous offence, coupled with the other humiliating concessions to which they have been forced to submit, will continue to fester in their bosoms; and, were the sword of civil discord to be sheathed to-morrow, it cannot be expected that the agitated waves would instantly subside. The seeds of animosity lay too deep to be suddenly extirpated by the hand of negotiation, and of that animosity a proportionate share, I fear, will fall on some of our countrymen.

Let the Demands be properly examined, My Lord, and I am very confident that they will be found not only in most respects unjust; but also grossly incompatible with the dignity of any independent nation, besides being ruinous to our hopes of ever regaining an ascendancy—nay, I have no hesitation in saying that this unfriendly demonstration has broken a charm which in the Peninsula once influenced the destinies of England, and, by alienating the minds of the Portuguese, aggravated that ill-will

which a spirit of sincerity would rather have endeavoured to remove. In their eyes, I apprehend that so many repeated acts of hostility will tend to tarnish laurels, so abundantly reaped on their unhappy soil; and, as regards ourselves, I really consider this improvident step as a blind sacrifice of future interests to temporary resentment—as a stain upon our name; well convinced that there was a time when such an act would have stung the pride and wounded the national reputation of a country, whose inhabitants believe no loss to be irreparable, except that of honour, and that no injuries are sufficiently great to justify humiliation, by ignoble means.

I cannot even bring myself to think that a refusal was not anticipated—by some parties not wished—and I judge from what is before me. Although schooled in adversity, the Portuguese might with ample reason have thought that there are concessions, too unreasonable, even to secure the protection of a powerful ally like Great Britain. Driven to so cruel an extremity, the leading men might unanimously have rejected the proposal of saving their mercantile navy at the enormous sacrifice required! They might have derided the storm and pride revolted at the ignominious alternative offered! The haughty Lusitanian might have disdained to submit till our claims were investigated, and the King himself, alive to the glory and interests of his country, might have refused to purchase a respite at so high a price! The public might have cried out, as they felt, that it was a thousand times better to fall, the victims of persecution, than stain their memory

by infamy and guilt; they might have said—let our ports be shut until the propitious moment arrives, when the oppressed can assert their rights with a fairer prospect of success!

In that case, My Lord, what must have been the consequence? Our vessels of war, under Mr. Hoppner's direction, would have commenced reprisals, and seizures and embargoes followed on shore. This would have been a sufficient signal for the revolutionary and disaffected in other parts; through the external agency of the refugees a civil war would have been lighted up in Portugal, during which the lives of some British subjects must unavoidably have been lost and the property of others destroyed—for I fearlessly assert that no treaties ever formed; no privileges ever granted; no precautions which the most consummate prudence could employ, would have proved a sufficient protection against the unavoidable consequences of a war between two infuriated parties. Spain could not remain an idle spectator, if her existence was endangered; the next link of the chain was France, and most probably the whole Peninsula would soon have been wrapped in one general blaze, the ravages of which might have baffled all our subsequent efforts!

And, My Lord, would the Prime Minister of these Realms have then gone down to the House of Lords, with Mr. Hoppner's Ultimatum in his hand, and said that such a state of things was occasioned by the Portuguese government having refused to comply with all and every one of its conditions?

Great God! what a system of friendship and alliance is that which reduces a weak and exhausted nation to the cheerless state of terror and dismay; which authorizes the strong and powerful to trample on its honour, insult its sovereign and expose its people to irretrievable ruin!

It has ever been an invariable principle of British policy to prefer the honour and interests of an ally to every other consideration; with us it was ever a pleasing duty to discharge faithfully the sacred obligations of a promise, and yet it is thus that our Representative treats a people, to whom the navy and power of Great Britain have always served as a bulwark against the common foe! We have always considered it both prudent and provident to conciliate those States which derive importance from their situation, and of this fact Portugal and Holland stand as proud examples; nevertheless, of both do we seemingly now disregard the goodwill and alliance!

An hereditary friendship, if possible, is more sincere and permanent than any which interest can inspire, and for proof of this, appeal can be had to our connection with the Portuguese. In Buonaparte's time, they rejected the bait of Imperial favour, as they had previously done that of Republican seduction. During our war with the Colonies, they did all we required; during the long and awful period of that momentous struggle which marked the commencement of the present century, they were firm and steadfast in their co-operation, and even now their

country is studded with ruins! If, then, on any minor occasion, they may have appeared to us wanting in what can only be considered the nicer discriminations of justice, we ought not to have forgotten that in gratitude and integrity they have yielded to no one.

If I mistake not, our late naval victory before the Tagus is an occurrence that will be heard with displeasure among the most distant nations of the earth; nay, I very much fear that the wound inflicted is too deep to justify the hope of an early oblivion. It shews at once the extent of our power; but, exercised as it was, does it not also exhibit the manner in which that power can be abused? Resentment is usually gratified by the assurance that the injury sustained has been retaliated, and is this the feeling by which His Majesty's ministers will be now actuated? Whilst the constitution of human nature remains the same, the infant cannot resent the injuries received from the full-grown; nor the weak man those inflicted by the strong; but, My Lord, is not the dreaded indignation of the community sufficient to guard both from harm? Is it not this that deters the ruler of an empire from injuring the meanest of his subjects, and ought not the same shield to have warded off the blow, just aimed at Portugal?

As I have previously remarked, our Consul alleges the violation of treaties, and yet abstains from mentioning even a solitary clause! Which then is the treaty that was violated? Is it that of Cromwell? The history of that treaty and the manner in which

its concessionary advantages were obtained, even if such had actually been the case in some slight degree, ought, one would have imagined, to have guarded a British functionary from demanding redress by means of another fleet in front of the Tagus, even although commanded by an Admiral Blake. On all its stipulations our national Representative is, however, silent, as if he thought the *Carta de Privilegios* more emphatic and best suited to the state of a country, at the moment scourged with all the horrors of a civil war !

Even to our last Treaty he does not once refer ; yet, if he had, might not the Portuguese have safely answered that we were the first to withhold our compliance with it, and that if we fail to perform our part of its engagements, they have a right to consider themselves released from the obligation of theirs ? Without pleading such an excuse, might they not have fairly argued that their country was in danger—martial law in force, and that neither strangers, nor allies, in such perplexing moments, could expect all those considerations which they have been accustomed to experience, in peaceable times ? Might they not have further said that the Treaty of 1810 was made with Portugal, as she then stood ; but one half of the monarchy having since separated, with which we had contracted engagements of a totally different nature, it was a query whether the primitive compact was binding on the other. Mr. Canning, at the time the independence of Brazil was acknowledged, very distinctly contended that “ it was to Portugal herself that the British govern-

ment would thenceforth have to look for whatever compensation it might think just to claim, in return for the perpetual protectorship of the political interests of that kingdom, as well as for the preference so long given to the staple produce of Portugal—her wine.”

Mr. Canning’s opinion on the strength and validity of the Treaty of 1810, from the period of the separation of Brazil, was not therefore very great, since it must be implied from this confession that he felt the necessity of regulating our connection with Portugal, according to some new plan, into which another principle of reciprocity was to be introduced. The interpretation, however, now put upon “the perpetual protectorship of the political interests of Portugal,” even by those who seem disposed to fight for the retention of the old federal character, may be very well deduced from the indifference with which the French captures are viewed; and as to the value set upon “the wine preference,” some estimate may be formed of it from Lord Althorp’s last scheme to equalize the duties. Should, however, the smallest deviation from either treaties, or privileges be noticed, or imagined, on the part of the Portuguese, an Ultimatum is to be sent in; and, convinced from our knowledge of their national character that no threats, or promises, can prevail, unless seconded by measures of a coercive nature, compliance is to be demanded at the cannon’s mouth!

What can all this mean, My Lord? At the opening of last Parliament, that is, on the 1st November,

1830, our gracious Sovereign from his throne was pleased to declare thus: "I have not yet accredited my Ambassador to the Court of Lisbon; but the Portuguese Government having determined to perform a great act of justice and humanity, by the grant of a general amnesty, I think that the time may shortly arrive when the interests of my subjects will demand a renewal of those relations which had so long existed between the two countries;" and it is well known that, in the course of a very few weeks, a British minister was to proceed to Portugal.

To the public, this declaration conveyed the idea that we had then no complaints of moment to allege, and that at length we saw the justice and expediency of recognizing the sovereign whom the laws and the public voice had called to the throne.

At the opening of the new Parliament, viz. June 21, 1831, the same sovereign on the subject of Portugal, expressed himself in these terms: "A series of injuries and insults, for which, notwithstanding repeated remonstrances, all reparation was withheld, compelled me at last to order a squadron of my fleet to appear before Lisbon, with a peremptory demand of satisfaction. A prompt compliance with that demand prevented the necessity of further measures; but I have to regret that I have not yet been enabled to re-establish my diplomatic relations with the Portuguese Government."

And, My Lord, can so great and important a change in a question of foreign policy have taken

place, in so short a period? Has any new discovery of bad faith, or hostility, on the part of the Portuguese, been made? If not, how is it that the Sovereign of these realms is exposed to so manifest a contradiction in his professions towards an old Ally?

Most of the articles of grievances, if such they can be called, and since converted into heavy charges, existed in the time of Your Lordship's predecessor. The Terceira captures were surrendered in August, 1830, and the Captain of the Diana previously dismissed from his command. On this account, consequently, an indemnity of £7000. alone remained to be paid!

The three *molestations*, complained of, certainly occurred in the current year, and what they amounted to may be readily collected from the manner in which I have discussed the merits of each case; but as to several of the other items, I think it would have been much to the credit of our Consul and to the honour of his country, if they had never been inserted. The "series of injuries and insults" of which mention is now made and for which it is said "reparation had been withheld," I am therefore led to believe must allude to the *molestations* which followed the conspiracy of the 8th of February, and yet I am at a loss to imagine how a British Sovereign, and late an Admiral, could "send a squadron of his fleet" to demand satisfaction for the four hours detention of a British subject; a domiciliary search on the premises of another, and the arrest of a Por-

tuguese on those of a third; neither can I think that he would order out so large an armament to enforce the *instantaneous* payment of £7000.; the dismissal of a naval captain and five law functionaries from their country's service, and the insertion of five humiliating notices in the Lisbon Gazette! It would really appear, My Lord, that the difference of language now used upon this subject arose rather from a change of situation, than circumstances, and I very much apprehend that such will be the impression excited in Portugal.

It has often been said that pleas are not wanting when it is the interest of Princes to be unjust; but, it is fervently to be hoped that such a charge as this will never be laid at the door of the Sovereign who now wields the British sceptre. We have many combined motives to continue on the best terms with Portugal, and some of those motives acquire additional weight from the troubled aspect of Europe. On this account, as well as his abhorrence of injustice, I am very confident that there is scarcely an occurrence, in the vicissitudes of human affairs, more calculated to excite serious reflections in the breast of a patriotic Englishman, than the one now under consideration.

Whether contemplated in a moral, or political point of view, its consequences are equally lamentable. In all our wars and negotiations—our quarrels and intrigues, a parallel cannot be found by the British annalist; and I unfeignedly think that the most strenuous admirers of those who dictated the

measure, will at least be forced to acknowledge that it was conspicuous for neither prudence, nor manliness. The feelings of an Englishman justly revolt at the idea of humbling a rival—nay, an enemy, at the expence of national honour, and I much fear that the indignant pen of history will record this event in its true colours. Rather than the act of a friendly and allied power, the British Ultimatum must have appeared to the Portuguese, situated as they were among themselves and with the hostile denunciations of the French before them, like a magical illusion, of the direst omen, in which spectres of the most appalling form pass in quick succession before the eyes, leaving no impressions on the troubled mind but those of amazement, horror and despair.

That we should have chosen for such a quarrel a moment when Portugal was plunged into every species of calamity; that we should have thus pressed our demands at an awful crisis when destruction hung over that devoted country, is really unaccountable. That we should have thought this a seasonable time to institute charges and accusations, for the frivolity of most of which no palliative can be found—accusations and charges, wearing the aspect of angry menaces, and to which, under other circumstances, honour forbade submission, would almost indicate a hatred of Portugal, scarcely less implacable than that of Hannibal towards Rome.

The French Demands were presented on the 28th of March, that is, about a month before ours, and

upon them only one opinion can be entertained. They are extravagant and unfounded in the extreme, and at variance with the acknowledged law of nations. They seek to strip a kingdom of those attributes which constitute its sovereignty and independence, and, coming from such a quarter, seem intended to deprive a still suffering people of the remaining honour and resources which an invader before had been unable to destroy.

This strange piece of arrogance I must briefly notice. The French Consul demands the liberation of two delinquents, tried and convicted according to the legal forms; the reversion of their sentences; the destitution of the Judges who passed them; indemnities for alleged hardships; personal satisfaction to an unaccredited agent; an injunction to the clergy not to preach any thing against the French; a censorship to prevent strictures from being printed against them, together with indemnities to four other persons, such as it pleased the French Consul to dictate, and lastly the right of having a Judge-Conservator.

An attempt to enforce compliance with such conditions as these, is not only repugnant to every principle of equity; but also savours strongly of whatever is to be found base and insidious in the conduct of a government; and there were times when we should have warded off such a blow, even although we had been obliged to resort to the pretence that the glory and independence of an allied kingdom would be sacrificed to the follies of a weak

government, unless we interposed to snatch it from impending danger.

The cases of Bonhomme and Souvinet appear to have rankled in the breasts of the French, who evidently determined to expiate what they considered an outrage, by a memorable act of revenge. The former had been tried and convicted of a sacrilege, of the very worst kind, and the matter was decided according to the established forms of law. The Judges on the bench were unanimous in their opinion of his guilt, which was aggravated by the circumstance of his offence having been committed in a consecrated place, and the elevation of the host chosen as a signal for the premeditated profanation. In vain did the Portuguese plead the impartial administration of the law; insults and threats were the only answers given—the French having resolved to bear away their comrade in impious triumph. If it is avowedly the duty of the magistrate to enforce the execution of the laws, or die with courage in the attempt, it certainly must be equally incumbent on those who are invested with the sacred character of superior authority to uphold him, in so just a purpose. To act otherwise, would be to hold out incentives to disobedience and crime; it would be an open defiance of those restraints imposed on the community for the general good.

Souvinet was implicated in the conspiracy of the 8th February; his trial conducted in the ordinary way, and it remains for the impartial to judge whether these two cases were such as could, with

any just degree of propriety, excite the anger of an equitable government, or authorize its agents to recur to either insults, or invectives. At the moment the French had no treaties with Portugal, consequently, whatever claims they had to institute, could only be judged according to the general law and practice of nations; and as to the privilege of having a Judge Conservator, it had been refused to them at the general peace, until acquired by a special negotiation.

On the two occasions, both Consuls seem to have been impelled by some secret motives of personal enmity, or prejudice; for if such a latitude as that which they have taken in their several demands was really given to them by the governments in whose names they acted, one would be greatly inclined to conclude that, in the character of principals, those governments had been alike remiss in observing the conditions which served as a basis for that peace, to the maintenance of which their faith had been repeatedly and solemnly pledged.

In Portugal, I do not hesitate to say, that this was considered a combined movement, and I regret that attempts were made in England purposely to give it that interpretation. Unfortunately Mr. Hoppner's demands, like those of M. Cassas, were ten in number, and although this may be the effect of accident, the coincidence of several other circumstances is too remarkable not to excite a strong suspicion of design, in the two applications, which suspicion is again increased by the coldness and indifference with which

the French seizures of Portuguese vessels are treated. There is certainly no parity in the two cases, and although England has placed herself in the predicament of never again assuming the title of "perpetual protectress of Portugal," I still think that our government would have been very sorry to see that country throw herself unconditionally at the feet of France. At all events, I am confident that ours was a severer blow to the hopes of the Portuguese people than all the reproaches which their enemies could utter—severer than all the satire that flowed from the indignant pens of their bitterest opponents, notwithstanding they are well aware that there is not an act, whether in compliance of ancient usage, or performed in gratification to public feeling, that has not been ridiculed or distorted among us, by those who had an interest in calumniating them.

The demands of both parties were unhappily made in language so arrogant and terms so peremptory, as to leave no choice between war and humiliation. Under such mortifying circumstances, necessity alone could counsel submission; but, My Lord, as regards ourselves, is this an arrangement that can be deemed either safe, or satisfactory, in a country where there are 1200 British residents, carrying on a large and lucrative trade? Will the inhabitants of that country be so soon reconciled to us, after trampling upon their rights and offending their sovereign's honour? Will they not rather look upon us as men whom no sense of justice, or ties of gratitude, can restrain? Will they not reproach us for acting

in disregard of every moral duty, and consider the conduct of our Consul as the consequence of a pernicious system which destroys the principle of universal society? In doing this and then plainly uttering their sentiments, they would only repeat language which the French themselves have often put into their mouths, for it has ever been their aim to supplant us in the affections of a country from which, during more than three centuries, our mariners have been in the habit of bringing over to us whatever could contribute to our prosperity. With secret satisfaction have the French contemplated the impolicy of their rival, and notwithstanding their present feelings, some day or other, they will endeavour to turn it to their own advantage.

How we can ever reconcile our late conduct towards Portugal with our public professions; or how we can find an excuse for a measure so repugnant to every principle of good faith and rational policy, I am totally at a loss to tell. Our Consul's success in Lisbon has been represented as little short of a public triumph; but, do My Lord, institute an inquiry into the manner in which that triumph was achieved and the real nature of the laurels which we have thereby won. The honour of our sovereign; the sufferings of our country and Your Lordship's unblemished name require this at your hands, for, after our late misunderstanding, what cordial friendship can we ever again expect to experience in Portugal; or what can the most splendid trophies avail, when erected on the ruins of national honour? I would say more, My Lord—I would fainly add—look

to the Affairs of Portugal; trace the thread to the point at which it became entangled, and then sift the matter to the very bottom. Not an instant is to be lost—events of the most awful moment succeed each other with a rapidity and effect which almost baffle human efforts.

In the inquiry recommended it is that the real causes of our misunderstanding, as well as of D. Pedro's fall, will be discovered. To our coldness and injustice; to our not having availed ourselves of a reasonable and beneficent influence to allay civil discord; to our delays, at a moment when the pressure of the emergency required promptitude of action; to our apathy and neglect in not interposing our friendly exertions for the restoration of permanent concord; and finally to our lending support to a cause, which every principle of honour and interest should have prompted us to oppose, it will be found that our late misfortune is mainly to be attributed, and having said thus much, I feel called upon to explain the grounds of my opinion, in as few words as I possibly can.

From the onset, we declared against the present occupant of the throne, even before his rights were scrutinized, and with a species of blind precipitation, rushed into an error which it was afterwards found difficult to repair. Thus, through the want of early precautions; through a complication of interests which ought to have been avoided, and through the power of delusions to which we shall at a future period look back with astonishment and disgust, all

the parties interested were eventually overwhelmed by the pressure of events, against which they had neither the courage nor foresight to guard in due time.

The strange and wholly unlooked for perplexity into which both Portugal and Brazil were thrown by the death of John VI., evidently called for the most consummate prudence and dexterity on the part of the British government. Never did fortune favour the destinies of England with so fair an opportunity of rendering the most essential services to both—services which would have placed the two divisions of an old and allied monarchy out of the reach of danger, and in return from the people of each secured to us an eternal gratitude.

We lost the golden opportunity and the consequences were, ruin to the one; calamities to the other, and, as regards ourselves, the total loss of the confidence and esteem of both. Pride and prejudice, on the one hand, and resentment, the natural effect of wounded feelings, on the other, in the Affairs of Portugal, led to a collision of interests and opinions which, once neglected, we were eventually induced to cooperate in the destruction of a power that might have been rendered the most friendly, as if its existence was incompatible with our own safety; or, as if it was the only means left to extricate ourselves out of the dilemma.

Thus unhappily did we lay the foundation of that mutual enmity and ill-will which marked the late

Lisbon transactions and made them terminate so much to our disadvantage. This is the real origin of our dispute, and whatever external appearances may now be, I very much apprehend, My Lord, that the mode of settlement has only tended to widen the breach. By prompt submission the Portuguese did indeed deprecate our wrath; but, is this the way to gain an ascendancy in their councils, or secure the political and commercial advantages their country has hitherto afforded to us?

Whilst the giddy and unthinking who, in the most polished countries, constitute the majority, exult at what has happened, the enlightened few will lament a misfortune, the more mischievous in its consequences, because the more difficult of reparation. Our late proceeding is attributed to a wish to humble the reigning sovereign in the eyes of his subjects, and this is an offence that cannot easily be forgotten.

We have therefore to look back and see whether in Portugal we have not deprived ourselves of the influence of public opinion, which operates so powerfully upon the human breast—such as till lately we enjoyed it. We have to inquire whether the spell is not broken and all its power irrevocably gone; for, My Lord, much should I always distrust the efficacy of that friendship and alliance, which requires the occasional appearance of a “squadron of our fleet” to obtain *prompt and paternal protection*; or to remind one party of the nature of his bond.

Wounded in the most sensible point, and urged to resentment by every motive, calculated to stimulate the pride and jealousy of the human heart, the Portuguese cannot consider this last demonstration on our part, in any other light than as an aggravation to all their past calamities. Sensible of the real spirit in which it was penned, a native is not to be found upon whose cheek the perusal of our Consul's Ultimatum will not spread the indignant glow of resentment. And is the enmity of a whole nation to us a matter of indifference? If the circulation of that Ultimatum were at this moment general, I do not hesitate to say that a British subject would not dare to shew his face in those parts of the country where the arm of power is weak, and where the government has long been accused of too great a bias and partiality towards us. The consequences of its being known to the lower orders, in the present state of excitement, would, I am very confident, be infinitely more serious than those of Pamplona's noted Manifesto, which only a few years ago, nearly roused a whole province against the British residents. Let us look calmly and dispassionately at this affair; let us bear antecedents in mind and then place ourselves in the situation of the Portuguese. Judge, My Lord, what would be the public feeling in this country, if such a paper were presented to our government by an agent of either France, or the United States, and a fleet in view, prepared to enforce its contents!

The youthful sovereign of Portugal has been unfairly—unjustly, dealt with, and, My Lord, it must

not be disguised, we stand charged with a participation in the injuries and persecutions which he has had to endure. One hasty and improvident declaration embroiled us, and having once committed the fatal error, we had not the courage to retrace our steps, or overcome the prejudices incautiously imbibed.

The first step into public life of the young Prince, now seated upon the throne of Portugal, procured for him the benedictions of a grateful people and the thanks of the European sovereigns; his next led to his arrest on board of a British man of war and forcible conveyance to Brest, escorted by a frigate, also bearing our flag. To this period, it is, that Your Lordship's attention must be carried back—then commenced the first series of Portuguese calamities.

In 1823, we saw the people of Portugal, after a three years' trial, prefer a practical system of government, sanctioned by experience and the prosperity of ages, to the ill-digested chimeras of visionary theorists, who had nevertheless obtained a complete ascendancy over the King and wielded the whole power and resources of the State. The immediate instrument of their downfall was Prince Miguel, against whom, the Constitutional party then swore an eternal enmity, and, with a view to promote their own ends, an oath was administered in their secret haunts, with every solemnity tending to inspire awe, and to this bond time and interest have added strength.

After the restoration, infinitely more quick, peaceable and welcome than ours, in 1660, Portugal continued to experience the misfortunes of misrule; indeed, that country must ever present a frightful picture of the inefficacy of government, where a spirit of degraded favouritism prevails in the palace, and the machinations of faction are rendered superior to the authority of the laws. A new administration had been formed out of the most heterogeneous elements; but the people soon saw that little confidence could be reposed in the professions of ministers, who infringed the most sacred obligations and sacrificed every virtuous principle at the shrine of ambition.

The king became more than ever the victim of habitual timidity; indeed, indecision and the jealousy of age marked every act of his public life from the period of his return to Portugal. The Royal Family was a prey to dissensions, purposely embittered by the men in power in order to serve their own ends, whilst the court was made a theatre for intrigues, which only tended to increase the public distress and heighten the general indignation.

Through a strange combination of circumstances, two men, of opposite character and principles, held the reins of government; oppressed the sovereign, and with refractory perseverance continued to brave public opinion. How the deluded monarch could have expected any thing like harmony to subsist between minds, so differently attuned, it would be difficult to tell; but of each he alternately became

the victim, and the names of these two ministers will ever be associated with calamities which befel their country, at two distinct periods.

These men the Prince wished to take from the King's councils; this second effort the country loudly demanded at his hands—his first had been successful and unanimously approved of. Filial regard—the indignities practised towards his mother, might have influenced his actions; the means adopted to effect his purposes might have been injudicious—nay, even illegal; he might have gone so far as to endeavour to impose restraint on his sovereign's will. Granting all this—the *tout ensemble* of the occurrence which happened on the 30th of April, 1824, does not however prove that he was impelled by any base, or parricidal views. There are cases in which extreme remedies alone will suffice, and no man can even now fairly judge this bold, although many may think imprudent, act, unless he is perfectly aware of the peculiar situation in which Portugal was at that moment placed, and knows well the character of the parties mixed up in the affair.

The Prince's aim, it is now fully and indisputably established, was solely against a faction, denounced by the public voice, and headed by two men towards whom he entertained no other enmity than that which his country's love, or a mother's wrongs, inspired; and had he then prevailed, I at this moment assert, fearless of contradiction, that Portugal would have been saved from most of the calamities which followed the King's death. Much as it may clash

with the opinions of many—much as I know the power of prejudice and the force of first impressions, I will, after a long and very patient investigation of the whole affair, even add that, if the design formed *to force the king to change his ministers* (and this was confessedly the extent of the plan) had then been triumphant, a ruinous war of Succession would not have happened; D. Pedro would have been quietly seated on his Imperial throne, and our own most gracious sovereign would not have had to send a “squadron of his fleet” to the mouth of the Tagus, in April, 1831!

More than this can hardly be required by the most sceptical, either in defence, or palliation of the *Abrilada*; and as regards the late King of Portugal, notwithstanding the powerful influence of the Prince’s enemies, who sought to accuse him of an offence, too heinous for the breast of man to conceive, by a public declaration, he acquitted D. Miguel of all criminal intention towards himself, and retained the conviction of his innocence to the latest hour of his life.

This affair has been much disfigured; the facts grossly misrepresented and the most erroneous conclusions drawn from them, merely to please a party, and by no one more so than Mr. Canning’s last biographer, who devotes several pages to the discussion of the *Abrilada*, and, after all, gives us no more than a recapitulation of the rumours current at the moment, without bearing in mind that they were exclusively derived from the absent Prince’s

immediate enemies, and, of course, highly tinged with a spirit of malevolence. He seems totally unmindful that a Court of Inquiry was instituted for this very matter; that numerous witnesses were examined and every possible effort made to implicate the principals. The author of Mr. Canning's "Political Life" ought to have known that the result of those proceedings was afterwards printed, and writing in 1831, it was further incumbent upon him to have known that, in the interval of seven years, nothing whatever has been discovered that at all affects the honour, or filial duty, of the Prince, notwithstanding the temporary triumph afforded to his adversaries.

In his description of the *Abrilada*, Mr. Stapleton has given a most unfavourable idea of his patron's discernment, as he merely reproduces opinions entertained at a period when, in the eye of prejudice, nothing was too absurd, or too revolting, to obtain belief; but, as it usually happens, when enmity and revenge are the springs of action, the charges at that time raised were so various and inconsistent, that in the end they served only to destroy each other.

In Portuguese affairs, Mr. Canning seems to have pinned his entire faith on M. de Palmella's reports and advice, and on several occasions his co-operation was used to carry into effect plans in Portugal which the British government then had at heart. The Prince's effort on the 30th of April was avowedly to strip M. de Palmella and his colleague of their power, as well

as to prevent a certain party from ever again raising its head in Portugal, and any descriptions of the occurrence coming from them ought, therefore, to have been received with the utmost caution. Part of this very scheme Mr. Canning himself afterwards followed, for it was he who withdrew M. Pamplona from King John VIth's councils, although he had not sufficient courage and foresight to go a little further. If he had, I repeat, D. Pedro would not have been at this moment an inmate of the Clarendon Hotel, Bond Street, or M. de Palmella the Regent of an imaginary Kingdom in the Island of Terceira !

The interests of the two Portuguese ministers who gained the victory on the 30th of April, 1824, from that period, became more strongly identified, and swearing an implacable hatred to one who with the very best and most patriotic views sought to drive them from their posts, they consecrated to revenge every faculty of their aspiring souls. In order to gain their ends, they formed a league with the fallen Constitutionalists, who still nourished the chimerical hope of regaining their lost posts and offices.

The new bond of union being exchanged, Portugal then beheld men who had formed an administration on principles, totally opposed to those of their newly-acquired auxiliaries, uniting through the dread of one common danger, and jointly and severally resolving to rid themselves of the presence of the only man who could thwart their views, they anxiously awaited the earliest opportunity which the exigency of

the moment, or their own ascendancy over the mind of the weak monarch, could supply.

To this league the recent calamities of Portugal may be traced. King John was still a prey to imaginary terrors, notwithstanding the capital was tranquil and his reconciliation with the Prince complete. Beset by intrigues, in which the French minister took a leading part, the bewildered and stricken monarch went on board of the Windsor Castle (the French man of war sent for not having arrived) on the 9th of May, that is, ten days after the affair in question had happened. Having summoned the Prince to attend him, the fearless youth instantly obeyed, notwithstanding the solemn warning of his danger, given to him by the assembled multitude who, with tears in their eyes, told him that he was about to become the victim of his enemies. Conscious of no crime, he courageously entered the barge that was to convey him from the shore; but, if he ever entertained the criminal design, attributed to him, he had then the full means of realizing it. The whole army was for him; the people ready to cooperate, and by taking up his residence on board of a foreign ship, the King had besides rendered himself liable to the charge of having abdicated the Crown.

Much mystery has been thrown around these transactions, purposely to conceal the truth and disguise the atrocity of the act that was to follow. It unfortunately happens that no part of that mystery is removed by Mr. Canning's official biographer;

but, suffice it to say, that the Prince was instantly arrested and sent on board of a Portuguese frigate, in charge of a ruffian, appointed by his enemies and instructed to do every thing in his power to injure his private character. Landed at Brest, he was conveyed as a state-prisoner to Vienna and there detained. He was not, I am ready to confess, like our romantic Richard I., confined so closely as to require a minstrel's stratagems to release him; or so harshly treated as the Infante D. Duarte, brother to John IV.; but, it is no longer denied that his deportation was an act of revenge, and his subsequent detention, contrary to the King's wishes, was evidently in accordance with a premeditated scheme to deprive him of the Succession, the principal point I here seek to establish.

For some time previous to the demise of John VI; the state of Portugal was wretched, in the extreme. The Crown had almost become a burden to the wearer, owing to his declining health; his apathy, and the intrigues by which he was surrounded. We had just overcome the efforts of the French to gain an ascendancy and procured Pamplona's dismissal. M. de Palmella stood without a rival near the king; he professed to be devoted to our interests; but as time has distinctly shewn, instead of fixed principles, his policy was rather regulated by the smiles of fortune. The other distinguished offices of confidence and authority were in the hands of men, fully sensible of the awful predicament in which their country was placed, and who felt the imperious necessity of extricating it from impending dangers.

Those who had something at stake, deplored the depressed state of agriculture and commerce, and many belonging to the upper orders felt that it was their interest not to attach themselves with too obstinate a reverence to established systems, not resting on the fundamental laws, but rather to adapt their conduct to the fluctuations of human affairs. The question of Brazil pressed urgently on public attention, and the really patriotic saw that their government was at length compelled to select from existing evils the one attended with the least disastrous consequences ; whilst the King himself, weak and dejected, was nevertheless anxious to leave his successor in possession of a tranquil throne.

In this state of things, it was, that the negotiations for the acknowledgment of Brazilian independence by Portugal commenced, under the auspices of Mr. Canning, and at that momentous period for both countries the sacred character of a mutual ally would have given weight to our salutary admonitions, had we not unfortunately adopted a wrong course and mixed ourselves up in an intrigue, of the very existence of which we seemed unconscious.

One striking feature distinguished the Emancipation of Brazil from all other revolutionary changes, recorded in the annals of mankind, and more particularly those witnessed within our own days on the same continent, and that is, under all circumstances, the prudence and moderation with which the triumphant party acted. In the first fervour of success, no symptoms of that sanguinary and vin-

dictive spirit were evinced which has so often tarnished similar causes, and perpetuated animosities between the emancipated offspring and the parent stock.

The independence of Brazil appears to have been effected by an association of natives and Portuguese residents, impelled, by the necessity of the moment, to combine for their mutual defence against a desperate faction which at home had usurped the supreme power of the State, and was endeavouring to train and oppress the most distant parts of the monarchy, merely to add to its own triumph and consolidation. That memorable event was not therefore the result of either foresight, or combinations. It was not the effect of bad institutions—it indicated no fretfulness of restraint—no intemperate eagerness for a change. It was rather a dread of being entangled in hazardous theories and the disgust, occasioned by the Lisbon Cortes, which induced the Brazilian people to consolidate their individual force in one general mass, for the public benefit; it was a clear discrimination of their real and permanent interests, such as they were indicated by situation and the law of nature; and the same national feeling, beating as it then did responsively from one extreme of the country to the other, simultaneously called forth an opinion and fortified a resolve, the disregard of which afterwards led to misfortunes, of which even now it would be difficult to foresee the termination. The Brazilians resisted an authority which they were well convinced would bring them to ruin and disgrace, and contended for the ad-

ministration of their own affairs with all the obstinacy of prejudice, stimulated to action by the corroborating voice of interest and locality.

Carried onwards by the current of events, I would gladly enter into a detail of the circumstances under which Brazilian independence was achieved—willingly would I sketch the prominent features by which it was distinguished; but I could not perform the task without incurring the charge of repetition and swelling my Letter to a size, infinitely beyond what I originally contemplated. I shall therefore proceed at once to the period when the negotiations for the acknowledgment of that independence commenced, in London, under the mediation of the British government, and the inquiry will be much facilitated by the outline of the various expedients and occurrences, published in Mr. Canning's "Political Life," the materials of which being derived from "the freest access to the minister's papers," carry with them an authority equivalent to official. In the proposed research that work shall therefore serve as my principal landmark.

It is very evident that the Brazilians, from the moment they were made sensible of the real nature of their position, determined on absolute independence and separation, acting entirely from an American feeling. When the old order of things was restored, Portugal hoped to reconnect the two countries by means of the Prince Royal, and with this view sent over her own proposals which were disdainfully rejected and the bearers ill-treated. Mr.

Canning afterwards, in the character of a mediator, entered on the negotiations, in concert with M. de Palmella, and throughout seemingly reposed too implicit a reliance on his professions and information.

The British minister was early convinced "that neither the subjugation, nor voluntary submission of Brazil could be expected;" but he seems to have adopted the idea "of reuniting the two crowns upon the head of the King of Portugal," the expedient suggested by M. de Palmella, although he must have been aware of the totally opposite sentiments which accompanied the declaration of Brazilian independence. A wish to reconcile these discordant views gave rise to a difficulty which in the end proved fatal.

The Portuguese government naturally had many prejudices to overcome before they could treat with the Brazilians, as an independent people, at the same time that the latter refused to accept any thing short of absolute compliance. The extreme pretensions of the former certainly added greatly to the embarrassments of any arrangement; but the plan originally proposed and, with some modifications afterwards adopted, being founded rather on a family interest than any wish to consult either the inclinations, or the peculiar situation of the two countries for whose benefit the negotiations were ostensibly undertaken, it was necessarily rendered defective in its most material parts.

A period of more than twelve months elapsed

before the conferences on the subject of recognition commenced, in London, and in that time, one would have thought, much valuable information as to the state of public feeling in Brazil, as well as on Portuguese legislation, might have been obtained. The discussions opened in July, 1824, when the Brazilians declared that they treated only on the basis of "*Independence*;" whereas the Portuguese Commissioners claimed "*Sovereignty*." It not being possible for any terms of accommodation to arise out of pretensions, so perfectly opposite, Mr. Canning "prepared a project of a Treaty of Reconciliation which might, at any rate, furnish the basis of a somewhat more progressive discussion."

Of this project the leading features were, 1st, "that the two parts, American and European, of the Dominions of the House of Braganza should be distinct and separate—Brazil governed by its own institutions; 2nd, that arrangements should be made for settling the Succession to the Crowns of Portugal and Brazil, in the manner most conformable to the principles of the Monarchy; for which end the King of Portugal was voluntarily to make over to his Son all his rights in Brazil, and D. Pedro to declare his willingness to renounce his personal right of Succession to the throne of Portugal; and upon the acceptance of this renunciation of D. Pedro to the throne of Portugal, the Portuguese Cortes were to fix upon one of the children of the Emperor, who should be called to the Succession of that Crown at the demise of His Most Faithful Majesty; it being understood that the Cortes might call to that Suc-

cession the eldest son of the Emperor of Brazil, or the eldest daughter, in failure of male issue."

It is presumable that this project was presented some time in August, and afterwards transmitted to M. de Palmella, the minister in Portugal, with this additional recommendation; viz. "that the project would never have been submitted through British intervention, to the consideration of the Portuguese Government, were it not sincerely believed that the interests and honour of His Most Faithful Majesty were consulted in the manner most conformable to circumstances which it was then impossible to control." To this it was further added that, "by this project His Most Faithful Majesty was placed in a position to grant, as of his own grace and free will, that which in effect he had no power of withholding; his Son was ready to renounce, or retain, his claim of Succession to the Crown of Portugal, as his Royal Father and the Cortes of the Kingdom should decide; it was in truth referred to the King of Portugal to determine whether he would lay the foundation of two co-ordinate dynasties in the Family of Braganza, or of a reunion by which, after a temporary and (in the age of a nation) short separation, the two branches should again merge into one, and the Crown of Brazil again be settled on the same head."

Such was Mr. Canning's project for the settlement of Portuguese and Brazilian differences in August, 1824, in which Austria, as an interested party by a

family connection with D. Pedro, had been induced to acquiesce.

At the time this project was broached, Mr. Canning's position was peculiarly commanding, and so general the popularity which he enjoyed, that nothing was thought too great for his comprehensive genius, or too trifling not to attract his notice. So unbounded indeed was public confidence, that the most perfect reliance was placed on his solid sense and prudence; in this most important matter, every one concluded that he was proceeding on the sure grounds of calculation and experience.

The proposed arrangement was distinguished by three remarkable features, viz., a wish to set at defiance all that had been lately done in Brazil; a plan to decide the question of Portuguese Succession in London, and a perfect misconception of the powers and ends of the Cortes of Portugal.

I will first revert to the position of affairs in Brazil. The spirit in which Brazilian independence was achieved has been already noticed. From the very commencement of the differences between the two divisions of the Portuguese monarchy, no matter now the causes in which they originated, it is clear that D. Pedro identified himself with the views and interests of the Brazilians, and, as they did, adopted a local, or, as I should rather say, an anti-European feeling.

The grand work of total independence and sepa-

ration went on apace, and on the 1st of August, 1822, "His Royal Highness, the Constitutional Prince Regent and Perpetual Defender of the Kingdom of Brazil," published his memorable Manifesto, in which he tells the Brazilians "that the time of deceiving men is gone by, and that the governments which still seek to found their power on the supposed ignorance of the people, or on ancient errors and abuses, will behold the Colossus of their greatness fall from the fragile basis on which it had till now been erected."

After a long review of the errors of the Lisbon Cortes, in reference to Brazil; after applauding the spirit in which the Brazilians had determined to resist their oppression, and declaring that he remained among them as a bond of union and a guarantee to their future prosperity, he proclaims that he "had convened the Assembly of Brazil, in order to cement the political independence of that Kingdom. Remember, therefore," continues he, "Generous Inhabitants of these extended and powerful regions, that the great step is taken for your felicity and independence, so long ago foretold by the great politicians of Europe. You are now a sovereign people; you have already entered into the great society of independent nations, to which you were in every respect entitled—your Representatives will give to you a Code of Laws, suited to the nature of your local circumstances, your population, interests, relations, &c.—Let therefore no other cry be heard among you than Union—from the Amazons to the La Plata, let no other echo resound than that of In-

dependence. Brazilians, Friends, unite, I am your Countryman—your Defender, and let the honour and prosperity of Brazil be the only recompence of our labours. Steadily pursuing this path, you will always find me at your head and in the place of greatest danger. My felicity, be assured, will always be yours; the glory of ruling a gallant and free people is mine; do you then set me the example of virtue and union, and you will find me worthy of you," &c.

On the same day, war was declared against Portugal, and on the 6th an explanatory Manifesto addressed to the governments of the allied and friendly nations, informing them of the establishment of the political independence of Brazil, and expressing a wish that all former relations might continue. On the 12th of October, in the same year 1822, D. Pedro was by general acclamation declared Constitutional Emperor and Perpetual Defender of Brazil," and by this means the country rendered as free and independent as the American Colonies when they separated from Great Britain. D. Pedro accepted an American throne on condition of relinquishing all his claims to an European birthright, and on the avowed principle that any future union with Portugal was incompatible with the interests and determination of the Brazilian people.

On the 11th of December, 1823, a Constitution, regularly enacted and accepted, was promulgated, in which it was solemnly declared that Brazil would never again allow "of any bond, union, or federa-

tion ; that the Succession to the empire should, by the unanimous acclamation of the people, belong to D. Pedro I. ; that his legitimate issue should succeed to the throne, according to the order of primogeniture ; that foreigners are excluded from the Succession, and that if the Emperor should absent himself from the country without the consent of the Legislature, that this absence would be considered equivalent to an act of abdication," &c. To the observance of this Constitution D. Pedro bound himself and his issue.

The whole of this system, openly established by the efforts and agreed to by the unanimous consent of an entire nation ; a system, dictated by nature, sanctioned by reason and afterwards sealed by a national compact, to which the new sovereign was a material and immediate party, Mr. Canning's London project was calculated at once to overturn, and such inevitably would have been the case, if the Brazilians had not a second time resolved to take their affairs into their own hands.

The counter-position in which Portugal was placed by the independence and separation of Brazil, followed by the heir-apparent accepting another throne, is not less remarkable.

From the earliest dawn of their monarchy, the Portuguese had established that uniformity of opinion respecting the sovereign's right to the throne, so essential to the stability and welfare of every well-constituted State. In the Cortes of La-

meço, it was enacted that the Crown should be hereditary and descend, in a direct line, with this peremptory limitation, nevertheless, that it should *never revert to a foreigner*. This rule was strictly observed till 1385, when on the demise of Ferdinand I., without issue, the Cortes bestowed the Crown on John I., natural son of Peter I., and it was moreover formally declared "that, as the throne was vacant, the people were at liberty to elect a new sovereign," &c.

The Succession continued undisturbed till the days of young Sebastian, at whose death several competitors stepped forward, and after the short reign of Cardinal Henry, Philip II. of Spain took possession of the country. The revolution of 1640 produced a new era and the Braganza Family was called to the throne. To render the Law of Succession more clear and peremptory, the Resolutions of the Cortes of Lamego on this subject were then purposely renewed and confirmed by those of Lisbon, and it was expressly ordained "that the Kingdom should never again be inherited by a foreign king, or prince, whatsoever, (alluding to the late possession of the Spanish Philips) and that the Sovereign who is to be such over this Kingdom of Portugal shall be a natural and legitimate Portuguese, born in the Kingdom and held bound to dwell and abide therein." It was also enacted that "the Succession of the Kingdom should at no 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 be always 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 sovereign and successor thereto; and in case he has only one son, who is thus compelled to succeed to both kingdoms, that the same shall be hereafter separated and allotted to his children, in the manner above set forth, &c.—And that when the kings, princes and infantas of this realm marry in foreign kingdoms, special clauses shall be inserted in their marriage contracts, stipulating that their issue shall not herein succeed,” &c.—Finally, “that all future sovereigns shall take the oath before they are proclaimed and acknowledged,” &c.

This law was doubtless intended to prevent the throne from ever again falling into the hands of a Spanish monarch; but it is yet in force and the spirit in which it was enacted revived from the moment the occurrences which happened in Brazil were fully comprehended in Portugal. From these authorities, corroborated by many memorable examples to be found in Portuguese story, it is also evident that, on all great emergencies, and more particularly when doubts occur regarding the Succession, the decision of the Cortes alone can be legal and binding; a material point which Mr. Canning entirely overlooked; indeed upon it he must have had the most vague and imperfect ideas when, speaking of the convocation of that Assembly, he

remarked that "it had been so long disused, that its very composition and modes of proceeding might be liable to doubt."*

Mr. Canning's project was rejected by Portugal, when after a considerable loss of time and an attempt to introduce a counter-project, coupled with some few experiments, it was determined to transfer the seat of the negotiation from London to Brazil, and "by choosing a British Diplomatist of high rank, who was first to go to Lisbon to concert a middle course and thence proceed to Rio de Janeiro, it was hoped that he might there be enabled to advise and enforce the acceptance of the Treaty with the mild authority of persuasion."

The various projects and expedients, respectively suggested for the settlement of this delicate affair, had at length been reduced to few points which were to be left for agreement, and even of these some were matters of mere form. It could not in the least affect the future destinies of the two countries, whether the Father confirmed the title bestowed upon his Son by the Brazilian people, after they had declared their independence of Portugal, or the Son nominally transferred to the Father the administration of Brazilian Affairs. Such propositions were founded on palpable delusions which, after a lapse of even so very few years, excite a smile rather than an angry feeling; but there was a point, of all others by far the most essential, which ought then

* Letter to Sir Charles Stuart, July 12, 1826.

to have been settled, otherwise, it would have been better never to have attempted the negotiation of a Treaty through the intervention of a third party.

“ With regard to the question of Succession to the Crowns of Portugal and Brazil” (and it seems all along to have been determined to act upon the absorbent principle) according to Mr. Canning’s project, as interpreted by himself, “ D. Pedro’s right of inheritance was to be left in his Father’s hands ;” whereas, according to that of M. de Palmella, “ the integrity of his right of inheritance was to remain untouched.”

These seem to have been the leading principles, established and agreed to on this side of the water, long before Sir Charles Stuart commenced his voyage across the Atlantic; indeed so strong was the delusion that prevailed in Mr. Canning’s mind upon the subject, that he considered no stipulation on this head necessary, “ since the course of nature and the fundamental principles of Portuguese law prescribed the Succession of D. Pedro, on his father’s death, to the crown of Portugal.”

Where Mr. Canning obtained his interpretations of “ Portuguese law” it is not for me to inquire; but, it is very evident that in his mind the great question to be solved was “ not whether Brazil should, or should not, return to its former subordination to Portugal; but how the Monarchy should be saved in America, and how the best chance might be preserved of a reunion of the two Crowns of Por-

tugal and Brazil on the head of the Braganza dynasty," and to the promotion of this "chance" he seems to have devoted all his talents and efforts.

The manner in which the negotiations were to be introduced at Rio de Janeiro having been determined upon, in order to facilitate despatch, "Sir Charles Stuart was directed to induce His Most Faithful Majesty, in the undiminished plenitude of his rights, to sign a *Carta Regia*, granting to Brazil all that remained to be granted, in order to establish an entire legislative independence;" by which must be meant all that the Brazilians more than two years before had obtained and secured through their own means, and consequently could no longer accept from another quarter.

In justice to the Brazilian negotiators, it ought to be added that they did not concur in the proposed plan; nor indeed was it possible they should, unless they felt prepared to betray their trust and at once set at naught the Constitution of their country, after sacrificing the principles on which its independence had been achieved.

On the arrival of the joint British and Portuguese Plenipotentiary at Rio de Janeiro, the *Carta Regia* was delivered in to the Brazilian Ministers and rejected, as being totally inadmissible. The negotiations nevertheless continued, and eventually a Treaty was concluded on the 29th of August, 1825, in which His Most Faithful Majesty "acknowledged Brazil in the rank of an independent empire, separated

from the Kingdoms of Portugal and Algarves, and his Son, D. Pedro, Emperor thereof; reserving nevertheless to himself the same title." After some objections, this Treaty was ratified at Lisbon, on the 5th of November, in the same year.

The mediator thus omitted the most material point, being of opinion "that a single word implying his (D. Pedro) resolution only to reign in Brazil, would have thrown the question of Succession into difficulties, infinitely greater than any to which it could be exposed by the silence of the Treaty regarding it." To make up the deficiency, an expedient was to be resorted to, by means of which King John VI. was to transfer the Succession to the Crown of Portugal, by some solemn and secret act of his own; but the party in the Portuguese cabinet who were anxious to defeat Prince Miguel's right, (as before noticed, legally acquired) and with this view kept him aloof from the theatre of the negotiations, would have preferred to see the matter at once settled in D. Pedro's favour by a special clause in the Treaty. It was however anticipated that this would create too great an outcry in Brazil, before things were properly prepared; indeed, if the Succession had been mentioned in the Treaty, D. Pedro would clearly have been compelled to renounce his rights to the throne of Portugal, conformably to the Brazilian principles on which he was then acting, of all things that which M. de Palmella sought to avoid, it having been his object all along to impress upon the minds of the British negotiators the idea "that D. Pedro, according to the fundamental laws of the

Kingdom, remained undoubted heir to the Crown of Portugal," whereas in reality the fact was quite the reverse.

Never was so gross a delusion—so complete a juggle practised. It was in fact intended to make King John VI. a party to a positive fraud—he was to have affixed his seal to an unnatural and palpable act of injustice. Endowed however with strong good sense; revolting at an act which his conscience could not sanction, and being at length convinced of the disgraceful manner in which Prince Miguel had been sacrificed by a party from whose hands he was no longer able to extricate himself, he refused to proceed any further in the affair. He repeatedly gave orders that the Prince should be recalled from Vienna, and as often were his wishes defeated through the intrigues of those who surrounded him. A deep despondency at length began to prey upon his mind, and it is now well ascertained that this affair hastened his death, which happened on the 10th of March, 1826. A paper then made its appearance, purporting to be signed by him, and appointing a Council of Regency to govern the Kingdom, "until the legitimate Heir and Successor to the Crown should have adopted his own measures in this respect;" but even in this paper no name is mentioned and its authenticity has since been questioned.

Hume informs us "that Cromwell supposed that God, in his Providence, had thrown the whole right, as well as power of government into his hands, and

without any more ceremony he sent summons to 128 persons to meet and form a Legislative Power." D. Pedro did precisely the same. Relying on the arrangements made for him in England; well aware of the strength and efficiency of his party in Europe and fully apprized of the extent of the precautions taken to prevent opposition, he considered himself the Sovereign of Portugal, and when the official news of King John VIth's demise reached Rio de Janeiro, on the ensuing 25th of April, without any form, or ceremony, he placed the crown of that distant realm upon his own head; confirmed the Regency, as he pretended, appointed by his late Father; named a House of Peers; made regulations for the Cortes of Portugal to assemble according to a new plan; issued an amnesty-decree; proclaimed a Constitutional Charter and abdicated in favour of his daughter—all the work of a single week, aided only by a private secretary!

Among the Brazilians, this ridiculous act of interference excited surprise and disgust. Contrary to the institutions of Portugal, as well as in opposition to the interests, wishes and honour of the people, D. Pedro's new system was nevertheless introduced under British auspices, and continued in force until the Portuguese themselves obtained redress.

Thus did D. Pedro, unmindful of his solemn promises to the Brazilians and disregarding the laws of his native country; guided by romantic ideas of glory, as if that which was rash and adventurous alone attracted his notice; dazzled by the splendour

of the gigantic enterprise ; or deceived with regard to the strength and popularity of the party urging him on, totally overlook the sacrifices—the dangers to which he exposed himself, and from these gaudy dreams he was afterwards destined to awake to shame and disappointment.

The Brazilians learned with indignation the nature and extent of a transaction which, besides being unjust, was destructive of their own future prospects. They revolted at the idea of the Portuguese, being, thus contrary to their own will, transferred to a new master ; and not knowing when their own turn might come to be treated in a similar manner, they felt themselves compelled to act on maxims which they had established as the rule of their own political conduct. From the very commencement of the struggle, they beheld, with feelings of gratification, a people connected with them by blood and historical recollections, a people whose objects and principles were similar to theirs, refusing to acknowledge a Sovereign whose authority was unsanctioned by their own consent, and they exulted when they heard that they were arming in defence of their dearest rights.

So glaring an act of injustice as that which originated in the Rio de Janeiro palace, was evidently calculated to efface every vestige of respect and veneration which the Brazilians had till then entertained for their Sovereign, and to obliterate from their memory all his services in the establishment of independence. They indeed viewed his competition

for the Portuguese throne as a family feud—not as a national contest, and hence their feelings were for some time restrained; but having wisely determined that the bond between the two countries, once broken, should be severed for ever, they considered any attempt to reconnect them as a manifest infraction of mutual engagements.

Endowed with a genius, aspiring and energetic; combining in himself some of the best qualities suited to adorn a throne, or shine in private life, D. Pedro was ruined by bad advice and became the victim of an error which he would have avoided, if it had been properly pointed out to him in time. Not satisfied with the extensive empire, spread around him; coveting territorial aggrandizement at a moment when the sphere of his power comprehended an extent, hitherto unmeasured, his haughty soul aspired to the dominion of a distant realm which neither its laws, nor popular favour could bestow upon him; and, fortunately for his scheme, as doubtless he then thought, a powerful faction offered itself to support the hazardous enterprise, little dreaming that he was barbing an arrow which his subjects would hereafter use for his own destruction.

Foreseeing the fatal consequences which could not fail to ensue from so disgraceful a rupture, he ought to have been the first to use his influence to appease the rising storm. He ought, in the spirit of sincerity, to have listened to the admonitions of his own subjects, and if for a single moment he had been thrown off his guard, he should, on reconsider-

ing the matter, have remembered his own oaths and pledges—the tenure of his own diadem ; but, instead of this he dissembled, rushed into coalitions, at variance with the laws and contrary to the interests of his adopted country, and thus openly violated the duties which he had solemnly undertaken to perform.

Had he, in grateful acknowledgment for so valuable a benefit as the recognition of Brazilian independence—in obedience to the national will, on learning the death of King John VI., published a declaration, renouncing all rights which any party, or faction, sought to assert in his favour, acknowledging that the Portuguese were entitled to be the umpires of their own destiny and that the laws were to take their course, instead of making himself the laughing-stock of the whole world, he might at a future period have derived important assistance from such an act of gratitude and justice ; but to league with the very men whom he had so often and so recently accused of being the authors of great calamities to both countries, not only lowered him in the estimation of the one, but also excited the strongest suspicions in the other. He might have been deluded by the brilliancy of the offer ; he might have imbibed the most exaggerated ideas of his own strength, and thought no enterprise too chimerical for perseverance to accomplish ; but, had he been just, or true to his previous engagements, he would have declined the perilous appointment, made on conditions which it was no longer in his power to fulfil.

Princes are often the last persons made acquainted with the consequences of their own misconduct; but the voice of truth will ultimately penetrate into the recesses of a palace. An empty treasury—broken credit—angry murmurs and public reproaches, uttered in the Legislature, are symptoms which cannot be long disregarded. With feelings of the keenest displeasure the Brazilians had previously beheld a large foreign force collected among them, and trembled at the enormous expences incurred by the government, as well as for the safety of their own institutions. They saw the public funds squandered away and their national distinctions bestowed on unworthy objects, as the fruits of servility, or the recompence of apostacy. The court became a scene of profligacy; a woman of the most abandoned character was raised above the oldest families, and the Brazilians had soon to deplore the premature loss of a venerated empress, the mother of a Brazilian offspring, on whose preservation their future destinies in a great measure depended.

In periods of revolution, the splendour of a family depends more on the character of its chief than ancestral renown, and nothing is so common as to see names, before unheard of, bursting from their native obscurity to occupy a conspicuous place on the great theatre of human enterprise. So did it happen in Brazil. Several men of distinguished talents; patriotic in their views—inexperienced, it must be allowed, yet docile and devoted, were by passing events brought from the most distant provinces to the capital. They were anxious to see

the national institutions consolidated ; the country relied upon their exertions ; but, as soon as their influence was felt, they were either driven as exiles into a foreign land, or left neglected, and the places which they ought to have filled given to men taken from the very dregs of society.

As before noticed, a secret instinct, more rapid than reflection, had whispered to the beating heart of the giddy monarch that he was designed by Heaven to wear the two Crowns ; and from that unguarded moment nothing found encouragement near him that did not tend to feed the aspiring flame. That frankness—that intrepidity of character which, in the onset of his career, had cast an imposing lustre over his actions and induced those who approached his person to admire his conduct, appeared totally lost, and he acted as though he regarded the honour and fortunes of his new subjects as the mere implements of his ambition. Although in minor respects penetrating, he was not sagacious in discerning his real interests ; and, as if hurried on by a resistless impulse, the deluded Pretender became the principal in a conspiracy, the leaders of which were glad to decorate their rebellion with the specious name of *Legitimacy*.

Once engaged in the pursuit, he seemed determined that nothing should arrest his course, and actually forsaking a people who had confided to his charge all they held dear on earth, he violated his plighted faith, and ceased to know that power is sure and permanent only when it springs from the affec-

tions of the heart. His palace was crowded by Portuguese refugees and to the furtherance of their schemes his time and attention devoted. By thus neglecting the concerns of the empire and asserting claims, to which he had not the smallest shadow of a title; by listening to the revolting absurdities, transmitted from Europe in the reports of designing and infuriated demagogues, who revealed the weakness of their cause by their clumsy and malignant efforts to defend it, D. Pedro not only filled the proud abode of his illustrious ancestors with ruin and confusion; but eventually paved the way to his own downfall.

If, however, his councils had been guided by a spirit of moderation; if he had made it the constant study of his life to promote the glory and prosperity of his adopted country, his offspring in that case would have been secured upon a firm and enviable throne, and he would have laid the foundation of Brazilian greatness upon so solid a basis that thenceforth it might have defied the storms of fortune. If he had acted according to his early pledges and consecrated his efforts to the welfare and consolidation of the Brazilians; had he governed their country according to its laws and interests, their eternal gratitude would have been his reward; if even, in a situation so peculiar, he had only dared to persevere with integrity, he would now have been shielded from disgrace, and the malevolence of his enemies would not have pursued him, with such unrelenting rigour, as that which marks every demonstration of public feeling wafted over to us from Brazil.

It is almost impossible to repress the ideas naturally excited by the contemplation of a period, the most eventful of any that has hitherto influenced the actions and opinions of the Brazilians; but I should have wished to have afforded them this opportunity of speaking for themselves, were I not afraid of being tedious. I shall however copy a short passage from the Proclamation addressed by the Brazilian Delegates, headed by the Bishop of Rio de Janeiro, to the Nation, on the 8th of April, as testimonies of this kind afford a clearer insight into the prevailing spirit than volumes of elaborate disquisition.

“ Brazilians! A Prince, badly advised and brought to the brink of a precipice by violent passions and anti-national views, yielded to the force of public opinion, so gallantly declared, and acknowledged that he could no longer be Emperor of the Brazilians. The audacity of a party, entirely resting on his name; the outrages which we endured from a faction, always inimical to Brazil; the treachery with which unpopular men, held hostile to freedom, were suddenly raised to the ministry, put arms into our hands. *** Brazilians! Let us no longer be ashamed of that name; the independence of our country and its laws will henceforward be a reality. The greatest obstacle hitherto opposed to this is withdrawn from among us—he will quit a country, leaving behind him the scourge of civil war, in exchange for that throne which we bestowed upon him.” &c.

That one fatal error, for which I am at the same time well convinced that his associates and advisers were more to blame than himself, should have brought that man in the character of an exile among us, who, on ascending the Imperial throne of Brazil, gave to the world a flattering presage of future glory to himself and happiness to his people, is a lesson too awful to be easily forgotten. To one

single error may be traced a series of actions, rashly undertaken and injudiciously pursued ; for, after all, the attempts made against the liberties of Portugal were planned with so little judgment, and entrusted to men, so totally destitute of talents, union and disinterestedness, that it was impossible they could succeed. The idea of recovering a kingdom, even were it his own, by empty appeals to the credulity of others, not interested in the enterprise ; by sending forth an heterogenous band, with only few exceptions, composed of the dregs of the nation, and by assembling and supporting them in a foreign and distant country without allies, or the co-operation of an internal faction at home, was in fact the height of folly !

Happily for mankind, ambition usually accelerates its own downfall, by the very means employed for its security. Temperate warnings had been of no avail ; the public danger every day became more imminent, and at length a general indignation was excited which could not fail to overwhelm the author of so many calamities in its consequences. D. Pedro soon found that no other alternative was left than to save himself by flight, and he was made sensible of the impending storm, at a moment when he was neither prepared to resist its fury ; nor had even fixed upon a place for shelter.

And, My Lord, is not this Brazilian event calculated to awaken in the breast of a British Statesman reflections of the most serious nature ? It happened at Rio de Janeiro, almost at the moment when our

Consul in Lisbon was preparing his Ultimatum, and both unfortunate circumstances evidently originated in the same fatal error ; for I do and ever will contend that a capital defect in the Treaty of Separation and the triumph of the Palmella party first deranged the affairs of Portugal and led to all the subsequent calamities.

The responsibility resting upon us, My Lord, is most awful. As regards Brazil, with the exhilarating sentiment of independence arose the spirit requisite to defend it, and yet a British minister became a party to a plan, intended to strip that country of its sovereign and gradually reconnect it with the mother-country, by means of a tie, which, he ought to have known, had been broken for ever. That responsibility is even much increased, when it is recollected that the Brazilians and their Sovereign were at the time well aware of the peculiar predicament in which they stood, and desired to have matters so arranged as to prevent all misunderstandings hereafter. Unhappily they were overruled ; yet we are officially told “ that praise was due to the negotiator of the Treaty for having *diverted the Emperor from his desire to renounce the Portuguese Succession altogether!*”^{*} So much misled, or infatuated, was the minister of the day, in a question of such vital importance to three different Kingdoms !

In reference to Portugal, My Lord, we have other

^{*} Canning's Political Life, Vol. ii. p. 367.

errors to repair—other injuries to atone for, and not a moment to lose. The crisis is arrived when we are compelled to decide between two contending interests. We have to choose between the friendship—the regard of the Portuguese nation and the interested solicitations of a few disappointed intriguers, who, if we blight their hopes, if we do not go the lengths they wish, if we do not actually perform for them that which it is out of their own power to effect, will hereafter load us with curses and opprobrium, as they now do the Brazilians, because they refused to place revenues at their disposal and to furnish a fleet for their Terceira adventures.

It would be an error, of which I cannot think any European cabinet capable; it would be an act of self-deception, too gross and palpable, to suppose that the opposition, hitherto experienced from the Portuguese refugees, arose out of any preconcerted scheme of improvement, or was the work of real patriots, examining the disorders of their country with a view to correct them by the introduction of salutary institutions. Their cant upon this subject lost long ago its whole effect. For some time it deluded us in England; we saw men of rank and influence misled by it (and example is never without effect); but those days are gone by and cannot be recalled. We have experience of the men and their measures to appeal to, and that is the best and most unerring guide.

The plans, complaints and invectives of the refugees were re-echoed through every quarter of the

civilized globe ; they were believed and pitied, until the magical veil which surrounded their mysteries, was by the voice of truth eventually rent asunder. For some time, artifice succeeded in giving currency to the imposture in which they were engaged ; but, at length, it became apparent that their views were analogous to those of the projectors of 1820, the most distinguished of whom soon became convinced of the impracticability of radical reforms, and are now to be found among the most strenuous supporters of the new dynasty. The remainder clung together and formed a faction whose leaders, hurried away by the blind impulse of revenge, entered into a league for the avowed purpose of disturbing the legal course of the Succession, and thus laid the foundation of a schism, hitherto unhealed.

This is the *faction* of which the Brazilians now speak, as being ever “inimical to them ;” this is the *audacious party* who brought a “badly-advised Prince to the brink of a precipice,” and filled the Old, as well as the New World, with their disorders ; these, in short, are the men, first denounced by D. Pedro himself, and yet now converted into his advisers and supporters !

One would almost feel inclined to overlook inconsistencies in a rash, aspiring and inexperienced youth, if the consequences were not so awfully serious ; but for Mr. Canning to have again brought forward and fortified that party—that faction, in its diminished form, after what he had said and knew of it, is really astonishing. Speaking of their downfall and re-

peating his patron's sentiments, Mr. Stapleton tells us that there "was little reason to lament the event, for the Constitutional government neither gave satisfaction at home, nor inspired confidence abroad. It violated," adds he, "without scruple its engagements with Great Britain, by imposing upon British Woollens double the stipulated amount of duty and absolutely prohibiting British corn; moreover such signal instances of bad faith occurred in its diplomacy, that Mr. Canning, who certainly entertained any thing but an antipathy to Constitutional governments, could not regret the revolution which transferred the power of the State into the hands of the King, since the change afforded a better chance that British counsels, tendered with a sincere desire to promote the welfare of Portugal, might again be listened to by her Statesmen."*

The grounds of this opinion are not as disinterested as one might have expected; nevertheless, the sentiments conveyed very distinctly shew Mr. Canning's early experience of Portuguese Constitutionalists, and lead us to think that at the moment he was fully sensible of the importance of a restoration, effected through the efforts of a Prince whom he afterwards injured in the most delicate points. That he was fully sensible of the nature of the government, established in Portugal, from 1820 to 1823, and for whose restoration, unknowingly perhaps, he afterwards laboured more than any other man in Europe, may be clearly collected from many

* Political Life of Mr. Canning, Vol. ii. p. 200.

of his own explanatory remarks on its conduct to Brazil, and more particularly the following ; “but, when the King’s authority in Portugal was overborne by a faction—when orders were sent out by that faction to Rio de Janeiro in the King’s name, which, if carried into effect, would have led to a revolution in Brazil, D. Pedro had the courage and address to save the Monarchy in Brazil ; an object which he effected without drawing the sword, at a moment when the Monarchy in Portugal was reduced to nothing but a name.”*

And yet to the interests—to the eventual restoration of this very *faction*, as events have distinctly proved—as his official biographer himself clearly makes out, Mr. Canning devoted his assiduous efforts, by introducing an anomaly, inconsistent with all the best maxims of government and opposed to the ordinary rules of political wisdom.

For this inconsistency—this misconception of the real and permanent interests of both our allies, it is not for me to account. I touch the subject with a tremulous hand ; I enter upon this review with the utmost caution ; nor should I have gone so far if the materials had not been temptingly spread before me, for I venerate departed worth as much as any man, and light lie the ashes upon it ; but truth cannot be concealed, and we are at length reluctantly roused to the conviction that the fairest opportunity was lost of rendering the acknowledgment of Brazilian

* Ibid, p. 324.

Independence a seal of eternal concord between the two countries.

The reflecting man is too well acquainted with the bias of the human heart to trust to the validity of political transactions, in which interest has no share. As before noticed, the stake for which the Brazilians contended was of infinite value, as comprehending all their dearest interests, and these certainly the Treaty of the 29th of August was not calculated to promote; nor could it prove acceptable to the Portuguese, as it tended hereafter to restore men who had been driven from their country with every mark of indignity. The powers which, by virtue of that arrangement, D. Pedro was to assume, in Portugal, at his Father's death, were besides such as could not fail to awaken the strongest jealousies among a people who would have considered no form of government so degradingly oppressive, as that which was to be seated in a newly emancipated colony.

An expedient was indeed resorted to, in order to obviate this oversight; but, to suppose that the Brazilians ever gave their Emperor credit for his act of abdication, or imagined that he could transmit rights which he did not possess, would be the greatest piece of self-deception ever heard of. His eldest daughter they considered pledged to themselves; she was identified with the proud period of their own independence, and any attempt to destroy the future prospects of a minor they considered both unjust and unconstitutional.

How therefore this difficulty of governing the two countries did not strike the negotiators, is really astonishing, as they had such recent experience before them; but, if every thing had gone on, as anticipated, judging from the weck's specimen already before us, the Portuguese would soon have seen their own Ordinances replaced by Imperial Rescripts which, without any other forms, would have acquired the consistency of law. Such an insidious reconnection by means of Protocols was therefore utterly impossible, and, no sooner was the fabric laid open to public view than it fell to the ground; as ought indeed to be the fate of all structures, raised on the basis of fraud, injustice and collusion.

It is lamentable to reflect on the many complications in the affairs of Portugal arising out of one error, in which the British minister unfortunately persisted to the very last, thus entailing on his successors difficulties and dilemmas of the most serious nature. D. Miguel was eventually released from confinement on conditions which it was out of his power to perform, because they were subversive of the fundamental principles of the Portuguese Monarchy and stripped a whole nation of its rights. He was blamed and upbraided for having forfeited his word, when he reached Lisbon; but, to have adopted any other course, he must have ceased to be a Portuguese. The country had declared against D. Pedro's acts; armies were formed to support the national rights; the public voice rejected the imposition of a distant yoke; spurned at a settlement of the Crown, made by foreigners, and

loudly demanded that the laws should take their course. D. Miguel could not be deaf to such an appeal, yet he did no more than declare his resolution to support the people in the exercise of their Constitutional rights, and, under similar circumstances, an Alfred—a George, or a William IV. would have done as he did. As the organ of the public will, he convened the National Council, when, the matter in dispute being referred to their decision, that Crown was legally placed upon his head which till then he had refused to accept.

It would be foreign to my purpose to describe the ferocious war instantly declared against the new sovereign by his enemies, of which this country has long been the theatre. The expedients resorted to make one shudder; but, it is evident that his power, like the fabled strength of Antæus, has risen more formidable from every attack, and this circumstance alone is sufficient to inspire a favourable opinion of his talents, as well as of the union and energy of his ministers, since it will be readily allowed that it required no common share of courage and prudence to resist so powerful a combination—to conciliate and fix the affections of a people, incessantly instigated to revolt.

Yes, My Lord, time has shewn that insults and ill-treatment have only served to unite the sovereign's friends by closer ties, and his preservation is now identified with the welfare of every order in the State. As was the case, according to Hume, with our Charles II. "tenderness was excited by the memory

of his recent adversities ;" nay, so strong was the sense of the injuries inflicted upon D. Miguel ; so unbounded the confidence which he inspired, from the very moment of his return that, under any other circumstances, he would have become the object of the people's choice. Persons may be influenced by friendship ; misled by prejudice, or biassed by party feelings ; but, My Lord, when an opinion is sanctioned by general suffrage, it is usually founded on reason, or supported by a predominant interest, and in the case in question both these powerful motives will be found combined.

From the 11th of July, 1828, we have beheld the Portuguese monarch wielding an authority confirmed by every form that can give stability to power, and from that period he has omitted nothing that could either promote the happiness of his subjects, or increase the security of the State. The government organized is a national one ; it is universally and cheerfully obeyed, and its functionaries readily dispose of the resources of the State. Deficiencies in the revenue are supplied by the donations of a people, in whom the love of their country is paramount to every other consideration, a people resolved to keep the solemn pledge by which they are bound to sacrifice their lives and fortunes in its defence. Round him the influential classes rally in the capital, at the same time that the provincial nobles have established a volunteer system of the most perfect kind. But the other day, a British officer of rank and distinction, assured me that he lately saw a corps of 800 as fine men as any sent

into the field, during the Peninsular war, raised and supported by one family. The same spirit avowedly pervades the whole country, and, according to the very latest accounts, has been much increased by the French aggressions.

I therefore do not hesitate to assert that the Portuguese people are devoted to their sovereign by the united influence of confidence and esteem. In their eyes, his past precautions and the successful manner in which he has resisted the machinations of envy and treason, have cast around his person a shield which the shafts of faction cannot pierce. By this means, he has acquired a popularity that amply compensates for his past misfortunes, and thus is it that he has established his power on a foundation, too solid to be shaken by the efforts of his enemies.

Let us, My Lord, divest ourselves of prejudices and look at the affairs of Portugal, as they really are. Let us be just and liberal—let us take the test of three years, and, in spite of falsehoods and misrepresentations, we shall find that, raised by legal suffrage to the throne, D. Miguel's power is built on its only true basis—the affections of his people; and, how much soever we may have been deceived, persons on the spot—distinguished countrymen of our own now among us, will confirm what I here venture to assert, and frankly declare that, by his firmness and moderation, he has reduced the factious spirit, excited by external agency, and restored confidence, union, and tranquillity to his dominions; and this, I

think Your Lordship will acknowledge, is the best test of political attachment.

Frequent attempts, even in the British Senate, were, as Your Lordship must well remember, made to excite unfavourable impressions against the young Prince; and, seemingly convinced that in enterprises like these, the principal battery must be directed against the mind, his enemies, retaliating by every means which vindictive fury could inspire, invented a thousand absurdities, in order to render the mania of proselytism more contagious. Their success was most unaccountable, and we soon saw their efforts seconded by distinguished individuals among us, who never once reflected on their injustice, or the injuries they were inflicting on their own country.

Accustomed to regard the refugee tenets as orthodox, those who felt disposed to adopt them never stopped to examine the principles on which they rested. Thus was public opinion gradually perverted, and enmities excited against the heir apparent to an allied throne, even before an opportunity was afforded of judging his conduct or his policy; nay, as long as the flame was constantly fed by fresh fuel, it seemed impossible that the fervour should abate.

The causes of a catastrophe which nearly annihilated the independence of Portugal and made that ancient Kingdom a principality of Brazil, are even at this moment—after three years experience and admonitions capable of rousing the most apathized,

too much obscured by the interest and inveteracy of a contending faction, to be discussed with moderation by any one of its adherents. Their feelings are too much interested—their hopes and fears too much excited to allow of the dispassionate exercise of reason; and hence it is that we see among us men, who from their talents and situation, one would think, ought to be more liberal and better informed, when called upon to speak of the Portuguese government, conduct themselves with all the violence which personal animosity, party prejudice, or interested pride could inspire.

In the hue and cry raised on the floor of Parliament; a portion of the daily press exultingly joined, and, to the astonishment of every reflecting mind, implicit confidence was placed in the coarse inventions of persons who visited Portugal for the express purpose of manufacturing libels, or betook themselves to it, as a profitable occupation, on their return home. Details of occurrences were weekly disfigured by every monstrous passion that can deform and vilify the human heart; for no sooner did the refugees discover that the young Prince was of a spirit too elevated to devote himself to their service—too patriotic to barter away his nation's honour, than they endeavoured not only to raise up enemies against him; but also to ruin his private character, by resorting to calumnies and misrepresentations, and by displaying his actions in the most unfavourable light.

Such was the restless spirit of the leagued adven-

turers who found an asylum on our shores, that no lessons, however severe, could curb their licentious pens. Well aware that under the old denomination of Constitutionals they could never again succeed, they raised up a question of Legitimacy, and conducted their plan with such consummate address as to deceive some of our most eminent lawyers and statesmen, and from that moment looked forward with assurance to the completion of their hopes.

Man is the slave of impressions and the fiction, gross as it was, succeeded for a while; nay, its authors and abettors really thought that they would soon be able to compel the Portuguese Sovereign and people to subscribe to whatever conditions they might be pleased to dictate. They redoubled their efforts; and as they were amply supplied with funds out of the purloined Portuguese dividends, expeditions were set on foot; itinerant preachers were sent to Portugal to sow dissensions and enhance the value of their favourite doctrines; magazines of incendiary papers were left at the disposal of stirring agents; whilst, at the same time, sectarians of all kinds invented the grossest falsehoods and plied the ready organs of their opinions with constant missiles.

Trading politicians became the avowed patrons of men who brandished the pen of controversy, by circulating vulgar personalities and loathsome invectives. Glorifying in the turpitude of their calling, native Portuguese, of the most immoral character, set themselves up as our instructors, and papers, written in a loose, arrogant and contradictory

style, were first distributed in influential circles with unlimited profusion, and if they had not by their absurdities defeated their own ends, it is probable that they would still have continued to insult the understandings of Britons.

Hence the greatest part of the polemic writings printed here in Portuguese, either for circulation in Portugal, or the instruction of those who understand the language, are pre-eminently distinguished by falsehoods and scurrility. When their charges had been rebutted—every distorted appeal to laws and precedents repelled, their authors had recourse to weapons of another description; these doughty champions of rights which they did not comprehend—these fiery gladiators in the cause of imposture and revenge, were seen dragging forth the private reputation of individuals opposed to them in political opinions, or personally offensive to them.

I should not have descended to remarks like these; I should not have offended Your Lordship's ears with a reference to base expedients which make the most callous heart shudder and fill the minds of reflecting men with honest indignation, if I had not perceived the lamentable consequences of these depraved acts; but, I hold them up to the contempt and abhorrence of my countrymen, because they are the handiwork of men who, in each line they pen, evince a professed dereliction of every social duty, and, by abusing that hospitality which they have found among us, deeply implicate us in the good opinion of a suffering and outraged nation whom it is their

wish to insult, now they find that their revolutionary schemes are ineffectual.

There are papers which issue from our presses, chiefly for circulation in Portugal and Brazil, the exclusive object of which is to heap calumnies and scurrility on the Portuguese Sovereign. Charges, the most foul and libellous, often of the most improbable character, are incessantly renewed. In the minds of discriminating persons, truth has always held before him a shield, against which the pigny artillery of these besotted and slanderous railers played without effect; but, My Lord, impunity emboldens them, and, with unyielding obduracy, they continue to send forth their insidious firebrands. As they bear the London imprint, persons, ignorant of our institutions, are led to believe that such revolting publications could never issue from our presses, if the government had an interest in preventing it, and hence the bitterest resentments are engendered.

This disgraceful warfare often extends to English Journals, and yet all the while the illustrious individual, against whom it is waged, is, owing to his not being acknowledged, kept in such a situation as not to have it in his power to defend himself against the incessant attacks to which he and his government are exposed.

In a most memorable case, relating to a foreign potentate, which some years ago occurred in one of our courts, the presiding judge laid it down as law,

“ that any publication which tends to degrade, revile and defame persons in considerable situations of power and dignity in foreign countries, may be taken to be and treated as a libel, particularly where it had a tendency to interrupt the amity and peace between the two countries. If any publication contains a plain and manifest incitement and persuasion addressed to others to assassinate and destroy the persons of such magistrates, as the tendency of such a publication is to interrupt the harmony subsisting between two countries, the libel assumes a still more criminal complexion.”

And yet what can be conceived so strange and anomalous as that, through any possible circumstances, the Sovereign of Portugal should be placed in such a situation as not to be able to avail himself of the just administration of our laws, as a Napoleon Buonaparte once did. That D. Miguel is the *de facto* Sovereign of Portugal, is acknowledged by even his bitterest enemies; as well as that, notwithstanding the confused state of our diplomatic relations, peace and friendship subsist between Great Britain and that country. The publications alluded to openly and directly refer to him even by name. No gloss, or colour, is resorted to, and they consequently tend, in a manner the most obvious, to degrade and vilify one vested with kingly power and endeared to his own subjects. They are expressly written and printed to render his person odious and contemptible, and furthermore to compass his assassination.

The case brought forward in the Court of King's Bench, in February, 1823, is not half so aggravated as hundreds referring to him which might be instituted; the terms therein used are infinitely less personal and hostile, and yet the learned Judge, charging the Jury, told them "to consider how dangerous projects of this sort may be, if not discountenanced and discouraged in this country;" adding "that they may be retaliated on the heads of those most dear to us." His Lordship further said to the Jury; "Gentlemen, I trust your verdict will strengthen the relations by which the interests of this country are connected with those of France, and that it will illustrate and justify in every quarter of the world the conviction, that has been long and universally entertained, of the unsullied purity of British judicature, and of the impartiality by which their decisions are uniformly governed."

And, My Lord, is this system of defamation, carried on by certain Portuguese refugees and having revolt and murder for its object, to be tolerated? Is this a matter which government, consistently with its avowed principles of justice and the safety of British subjects in Portugal, can any longer overlook? Suppose, My Lord, for a single moment, that the peace and security of Portugal were disturbed, in the manner wished by the authors of these publications; suppose such a state of things was introduced there as that which we unhappily witness in Ireland, and the arm of power weakened; with such provocations before them, what would be the conse-

quences, if the irritated populace were to take the law into their own hands?

Would it not, My Lord, be proper to have an inquiry instituted into the matter of these libels by His Majesty's Attorney General? If it should, I will undertake to lay the necessary materials before him; he knows me sufficiently well to be assured that I shall not shrink from a duty which I voluntarily undertake from a regard to our national honour. The learned counsel for the Defendant, on the occasion above alluded to, and now one of the firmest supporters of Your Lordship's administration, expressed himself to the following effect: "I do not make these observations with any purpose of questioning the general principles which have been laid down by my learned friend. I must admit his right to bring before you those who libel any government recognised by His Majesty, and at peace with the British Empire. I admit that, whether such a government be of yesterday, or a thousand years old, whether it be a crude and bloody usurpation, or the most ancient, just and paternal authority upon earth, we are *here* equally bound by His Majesty's recognition to protect it against libellous attacks. I admit that if, during our usurpation, Lord Clarendon had published his History at Paris, or the Marquis of Montrose his verses on the murder of his Sovereign, or Mr. Cowley his Discourse on Cromwell's government, and if the English ambassador had complained, the *Président de Molé*, or any other of the great magistrates who then adorned the Parliament of Paris,

however reluctantly, painfully and indignantly, might have been compelled to have condemned these illustrious men to the punishment of libellers."

And, My Lord, under so heavy a responsibility; in an affair so urgent, do we wait for this recognition until the murmurs of discontent are wholly stifled? The men who make these attacks, have no fixed and regular principles. They proceed onwards, only as vanity, or interest, impels them, and from past experience, as we have had ample reasons to know, if they could succeed to-morrow, they would be our most inveterate enemies. And, My Lord, is it at the feet of such men as these, that we wish to lay a Portuguese monarch prostrate, in the garb of a penitent supplicant, to expiate the crime of having dared to assert his hereditary rights, with the courage of a man and the dignity of a Prince? Is he to truckle—is he to submit to the insults of turbulent and lawless agitators, the greater part of whom he could justly stigmatize with the appellation of insurgents and assassins of his own reputation? Is this spirit of interested opposition which has prompted his enemies to make our country the theatre of their presumptuous boldness and extravagance, to prevail? Forbid it heaven! The honour of our Sovereign—the cause of royalty—our commercial interests—the lives of our countrymen residing in Portugal, demand that so atrocious an act of injustice should not be committed.

"Libels of the present day," said Mr. Burke, in his retort upon the Duke of Bedford, "are just of

the same stuff as the libels of the past; but they derive an importance from the rank of the persons from whom they come and the gravity of the place where they are uttered." So do the Portuguese think and reason in reference to what has been said of them in our Parliament. No one can call to mind, with any thing like feelings of composure, the speech on our Relations with Portugal, delivered by a noble colleague of Your Lordship, now placed at the head of Foreign Affairs, on the 30th of March, 1830, of which an *improved* edition was immediately prepared for circulation in Portugal, and a copy of it is now before me. If this had been the exclusive object of the speaker, he could not have been more successful, and hence his name has been recorded in golden letters in most of the Portuguese publications of that class to which I have before alluded.

I at the time answered this speech, as soon as I found it in an acknowledged form, and I now confidently appeal to the breast of the Honourable M. P. himself to say which of the two was most correct in his observations. I do not now wish to revert to mere matters of opinion, of which that speech was chiefly composed; I do not seek to repel personal charges, or arraign any one's sentiments on the merits of D. Pedro's Charter, the folly and ingratitude of those who rejected it, or even on the Vienna Protocols. I should not wish to disturb the noble Lord's maxims of Portuguese Legislation, or meddle with "the tutelary task of arranging the affairs of Portugal which he told us England and Austria took upon themselves;" but there is one single point to

which I cannot but call Your Lordship's attention, as it shews the very great difference of opinion expressed nearly at the same time by two individuals on the same topic.

VISCOUNT PALMERSTON, March 10, 1830.

"Events which have happened in the Brazils; determinations which the Emperor is understood to have taken, and circumstances which we hear are about to happen in Terceira, must necessarily induce our Government to pause and wait the course of events, before they take a step which might prove so embarrassing to them; and indeed if the reports which we hear are founded in truth, the Government is more likely to be under the necessity of recognizing a Regency at Terceira, in the name of Donna Maria, whose rights, as Queen of Portugal, they have openly acknowledged."

REPLY, May 1, 1830.

"Now, My Lord, what are 'the events which have happened in Brazil; or the determinations taken by the Emperor,' which can give any strength to the party at Terceira? Brazil has not declared war against Portugal and never thought of doing so. For months we have indeed been told that a Brazilian fleet and troops were coming over; but, My Lord, these were merely schemes and inventions, purposely got up, and laughed at by those who knew any thing of what was going on at Rio de Janeiro. These reports, like so many others, were circulated in order to delude the public and serve the ends of a few loan-jobbers. What, then, is there determined upon, or coming from Brazil, that is to make our Government pause in the recognition of D. Miguel?"

"I blush, My Lord, that delusions of this kind should acquire strength by being uttered in the House of Commons; I feel ashamed in having spent so much time in repelling charges, rendered formidable only by the circumstance of their emanating from persons deserving of credence among their countrymen; but I have undertaken the task and will go through with it, notwithstanding I have already out-stepped the bounds which I prescribed to myself in the onset.

"When you threaten Portugal with the power and determination of

the Brazilian Emperor, you must, My Lord, be unmindful of the situation in which he stands among his own subjects. Brazil is governed by a Constitution, and its enactments prevent the *Poder Moderador*, lodged in his hands, from disposing of either fleet, army, or treasury, at his own will. His authority is restricted, and if he goes beyond it, it is at his own peril. Are you aware, My Lord, that he has never yet mentioned the subject of Portugal, more than twice, to the Brazilian Chambers; the first time when he told them that he had bestowed a Charter on the Portuguese and abdicated in favour of his daughter, on which occasion, he received no answer; and the second, when he informed them that some of the Portuguese emigrants were coming over in search of an asylum; a communication that was heard with marked disapprobation? Have you not been informed, My Lord, that there is not a single act of interference in the Affairs of Portugal which either he, or his ministers, have yet dared to avow in the hearing of the Brazilians? I have myself already informed you that the Captain of the frigate Isabel and M. Itabayana were dismissed for what they did in Europe. Did you never hear, My Lord, that D. Pedro's conduct, or rather that of his ministers, who alone are responsible, has repeatedly been condemned, in reference to Portugal, in the Chamber of Deputies?"

This shews that D. Pedro's downfall, which happened about a year afterwards, could excite no astonishment in my mind, however little it was anticipated by others who professed to be well versed in Portuguese and Brazilian Affairs. I will waive the triumph of quoting my remarks on His Lordship's prognostics respecting Terceira; but if such was the information—such the feelings of the noble Viscount, before he entered into office, is it to be wondered at that the affairs of Portugal are still in so perplexed a state!

A great change in public opinion on Portuguese affairs has however taken place, and numbers of persons begin to question the justice and efficacy of a cause which has exposed its followers to such heavy

penalties. During the whole of the past crisis—even amidst the violence of civil commotions, the conduct of the Portuguese government, did equal honour to its courage and its prudence. When assailed by plots and conspiracies from all quarters; when exposed to indignities of the most revolting character, not even the slightest retaliation was attempted against Brazil, on any one of the many vulnerable points that country presents. No single advantage was taken of D. Pedro's position, notwithstanding his agents were constantly engaged in seconding the efforts of the Portuguese refugees. The most scrupulous forbearance was observed, as though the constituted authorities in Portugal were convinced that, if the violence of the current could only be stemmed for awhile, the danger would subside and the fictitious power of the enemy perish from its own unwieldiness, or the enormity of the expedients resorted to in order to support it. Firmly persuaded of the excellence of their cause, they wished it to rest on its own intrinsic merits, little doubting that time and inquiry would eventually undeceive their enemies.

The triumph in Brazil has consequently been most complete. In the language of D. Pedro's agents, the Portuguese, true to their honour and faithful to their laws, were regarded as rebels, waging war against their lawful sovereign, and we were deceived into a belief of their assertions; but his own subjects, in accents not to be misunderstood, at length admonished him that he was the real rebel; that it was he who was untrue to his oaths and pledges,

and, considering him totally unworthy of further confidence, they testified their indignation at his conduct by the most unequivocal marks of displeasure.

And is not this demonstration of the Brazilians a sufficient approbation of all the Portuguese have done in their own defence? Is it not an irrefragable proof that it is the interest and the wish of these two nations to live in peace and amity with each other? Does it not clearly indicate that these kindred, but independent, people reject every arrangement that can tend to reconnect them? Does it not shew that they are determined to oppose every coalition; every bond of union, or federation, calculated in the least to affect their independence? Do we then wait for a more explicit condemnation of all that has been done for the settlement of the Portuguese Crown, whether in Vienna, London, or Rio de Janeiro? In what has happened in Brazil, is there not a most awful admonition distinctly addressed to us, and are we not thereby placed in a situation of the most alarming responsibility as regards both countries? In a word, are we not imperiously called upon to close the affairs of Portugal, and by every means in our power prevent the dissolution of Brazil?

On the latter subject, scarcely do I again dare to trust my pen. I tremble at the recollection of the prophetic spirit with which I have so long and so often denounced the inevitable consequences of D. Pedro's rash interference in the affairs of Portugal, and yet

mine was no extraordinary effort of sagacity. I judged only from the most evident signs. I consulted the state of the law and public feeling in Brazil; I explored the best sources of information, and merely take pride to myself for having had courage frankly to express what I felt and thought, at a moment when truth was considered tantamount to treason.

And, My Lord, do we wait for some dreadful catastrophe to rouse us to a sense of our duty towards Portugal? In the present advanced stage of this question, can we any longer forget that the Portuguese have repeatedly solicited our interference, in language highly descriptive of their distress? Can we be unmindful that, when threatened with the loss of their rights and liberties; when about to be stripped of every thing that a nation holds dear, they appealed to the justice and compassion of a people to whom experience had taught the value of freedom, trusting that we should sympathize with their sufferings and rejoice in the opportunity of contributing to the happiness and security of our oldest Ally? They invoked the faith of treaties; called to mind the principle which first led to a mutual connection between us, and enumerated professions over and over again exchanged during a period of four centuries. And, My Lord, have we not hitherto treated all these solicitations—all these appeals, with contempt?

Preservation is the usual origin of alliances between nations, and their object would certainly be

unnecessary, if all governments were alike actuated by the principles of universal justice. The early sovereigns of Portugal felt that their existence depended on the protection of a maritime power, and hence a connection was formed with our ancestors, which for reciprocal acts of service stands unparalleled in the annals of nations. The history of that intimacy, which redounds to our honour, is long and impressive; but we now, for the first time, behold the relations which grew out of it extended to a dissentient fraction of the allied nation; to a handful of renegades, liable to the denomination of rebels, and who are besides assembled in a foreign land outcasts from that country the banners of which they seek to usurp.

And is it for this dissentient party that the whole Portuguese nation is to be sacrificed? This party is besides inconsiderable. I speak after most careful inquiries, and fearlessly assert that the whole number of those who may be denominated D. Miguel's enemies does not exceed 10,000 persons, and of these one half would become his supporters, from the moment he could employ them and restore the rank which they have been accustomed to hold.

Complaints have been uttered against the Portuguese sovereign for severity, and yet if this matter be properly inquired into, it will be found that during his reign not a single punishment has been inflicted without the previous award of a competent tribunal. Since his accession, no more than 25 executions have taken place, some of which were

for murder, and all under such circumstances that to have shewn lenity to the sufferers would, far from indicating a forgiving temper, rather have been an act of folly and injustice. The king, however, had nothing to do with either their trial, or their condemnation; the laws took their ordinary course, and he pardoned such cases as, in the opinion of his legal advisers, seemed entitled to mercy; notwithstanding, in several instances, the conduct of some of the reprieved offenders rendered them liable to the severest punishments which the offended laws award, or an exasperated monarch could inflict.

It was impossible to spare all the principals in the successive conspiracies which have occurred, and those who had the best opportunity of judging their frequency, foulness, and extent, very distinctly declare that, in comparison with the civil wars in other countries, little blood has been spilled upon the scaffold in Portugal, during the present contest. No one felt more keenly for the few who thus expiated their crimes than the king; but these salutary acts of severity, legally inflicted, did not suffice to extinguish the rebellious spirit with which he had to contend. However much he might regret the hard alternative which he was forced to adopt, he was nevertheless justified by every principle of self-preservation, and the events which have since happened fully exculpate him from the calumnies of his enemies.

Gladly would the authors of the first dissensions have been welcomed back into the bosom of their suffering country, if they had shewn the least dis-

position to lay aside their restless habits. Readily would they have received permission to return and end their turbulent lives amidst the peaceful occupations of domestic retirement, had they sued for pardon, or offered the smallest atonement; but many of them, actuated by an implacable hatred, or judging that, having once thrown down the gage of battle they could not consistently take it up again, obstinately persisted in their malignant purpose, and thus became the eager plotters of the various conspiracies which for the last three years have not ceased to aggravate the calamities of their unhappy country.

The recollection of former services might have pleaded in favour of some, and the very general delusion which at first prevailed on the subject of the Succession, would have served as an excuse for others, had they not endeavoured to prolong the work of disorganization. Had the inward conviction of their own inability to continue the struggle only served to inspire sentiments of moderation; had they, with honest tears, lamented their early errors; had they not imbibed inveterate animosities against all those whose political persuasion differed from theirs by the slightest shade; had they not been impelled by the turbulent spirit of innovation and instigated by a wild enthusiasm to attempt the introduction of theories, at variance with the fundamental laws of the land; had they not indulged in gross and acrimonious invectives; had not the same hostile spirit, which pervaded their writings, also embittered all their calumnies; in a word, had they

not been borne away by infatuation and fury; had their resentments not been implacable and their plans of vengeance atrocious, all might yet have been well with them, and some general measure would have enabled them to return home and blend with the population; but, as matters now stand, it is impossible for the affairs of Portugal to be settled without some victims. So great, however, is the change that has of late taken place in the opinions of the refugees themselves; so numerous have been the secessions from their party, and so small is the number of the tools still enlisted under the banners of designing leaders, that not more than 200 persons of rank and condition would be sacrificed by any final settlement of Portuguese Affairs, and even to them, with only a few exceptions, the door of reconciliation would be left open.

What is there then to deter us from looking steadfastly at this question? It has been attempted to excite prejudices against the reigning sovereign on the score of his moral conduct, and some of our distinguished individuals have even arrogated to themselves the right of exercising a jurisdiction over the concerns of his private life. And is this either fair, or equitable? What! are the actions of a Prince, seated on a throne, awarded by the laws and secured to him by the sanction of common consent, to be controlled by the caprices of a licentious mob; or was he to submit to all that the violence of rebellion might think proper to exact from him? Was a Prince, in whom is vested every claim to the sceptre which the laws and lineal descent could

confer, to disarm the rancour of his enemies by supplicating for mercy at their hands ?

From a patriot king nothing can be required beyond the sacrifice of his private feelings to the welfare of his people, and for this the present occupant of the Portuguese throne has full credit with his subjects. Let us approach nearer to him, and we shall find that he is not destitute of those qualities which give credit and stability to a throne ; or of those talents which will transmit his name to posterity with respect. Falsehoods and calumnies, with all their odious auxiliaries, have been unceasingly resorted to in order to injure him, and such of his actions as were liable to an unfavourable interpretation, represented in the most odious colours. When attempts are made to expose the crimes of a sovereign to the indignation of mankind, recourse should not be had to fiction.

During the whole of the unnatural struggle in which he has been engaged, D. Miguel was left with no other support than that which he derived from the unshaken fidelity of his subjects, and before a correct opinion can be formed of him, it is requisite to compare his difficulties with his resources. Any other man would have been roused to resentment by slighter provocations than those which he has experienced. It is acknowledged that, even when wounded in the tenderest point—within the bosom of his own family, he evinced the most laudable forbearance and never once attempted to avenge his own private wrongs.

Whatever public calamities, or private sufferings have taken place in Portugal, are therefore to be attributed more to the nature of the warfare waged against those in power, than to any undue severity on their part. By his courtesy, the king has conciliated friends, and, by his courage, overcome enemies; but, with the lawless and revolutionary, it was scarcely to be expected that the voice of persuasion would produce what the tone of authority had ineffectually attempted. The want of resolution would have exposed him to the worst calamities that can befall a sovereign. Situated as he was, he had no other alternative than rigour, and this he softened by suitable acts of mercy. A system of coercion ought most assuredly never to be pursued, except in cases of necessity, and then it must be duly enforced. The government which relaxes before the danger has ceased, must inevitably fall. Such was the predicament of the Portuguese sovereign.

By their courage and perseverance, the Portuguese have at length regained their independence, and the national feeling thence derived is imprinted on their hearts in characters too strong to be effaced by any threats, or invitations of their deadly enemies. They have resisted the united power of influence and persuasion; braved all the dangers and calumnies by which they were assailed, trusting solely to their own efforts for protection. Every additional triumph gave fresh energy to their cause and taught them to look forward with increasing confidence to the completion of their hopes. All they wished for has now been attained so far as it lay in their power to

ensure success, and it is useless for a handful of agitators, domiciled among us, to question the legality of a government, established in the usual way, and under which their countrymen at home enjoy the advantages of reciprocal allegiance and protection.

No valid reason can therefore exist for excluding the Portuguese from the European league to which they were parties; no plea can be any longer adduced, that can warrant us to pursue measures which militate against the established principles of justice, wisdom and interest. Our situation, in reference to Portugal, as I have before observed, is most peculiar, and it has long since been evident that it is only under the preponderating influence of Great Britain that the remaining obstacles to the peace and security of that country can be completely surmounted. Our alliance with Portugal is purely defensive; consequently, of the most innocent character, as it merely rests on the conservation of the contracting parties; but, if the obligations contracted by the weaker party, as an equivalent for the protection of the stronger, have been scrupulously complied with, it follows that the return covenanted by the latter cannot be neglected, or abandoned, without a very painful sacrifice of national honour.

We are thus brought to look at the situation of Portugal as it is, at this moment, with a sovereign legally seated on the throne for the last three years and yet unacknowledged by us; a British squadron just returned to our ports; after, as it was publicly

avowed, enforcing the observance of subsisting treaties; our commercial relations in a deranged and confused state, and, lastly a French squadron committing the most wanton depredations on the commerce of a country which, by treaty, we are bound to protect, as much *as if it were England herself*.

After the hostile demonstrations against Portugal, lately evinced at the mouth of the Tagus, coupled with various instances of personal enmity on the part of some members of Your Lordship's administration, it would almost be a folly to expect towards a suffering people, never till now excluded from our sympathies, any of those sweet effusions of benevolence which give value to the most trifling present; but, My Lord, is not the season arrived for us to consider whether our national honour and good faith—our political and commercial interests are not wholly sacrificed by the suspicious and menacing attitude which the British government has assumed in this affair? Even were we no longer to consider gratitude as the strongest of all moral ties, does it not behove us seriously to reflect on the very awful predicament in which we leave a people, united to us by the strictest bonds of amity and reciprocal obligations? Is it not time to open our eyes to the fallacy of the system which we are pursuing in reference to Portugal? Are we not yet sufficiently admonished?

The leading features of Portuguese History have long been familiar to the British reader, and any further elucidations respecting either the origin, or

the intimacy of our connection, enumbered as they must be by the awkwardness of episode, or the proximity of useless details, would be irrelevant to the present purpose. The several preambles to our many treaties bespeak an identity of interests. The one, negotiated in 1810, expressly declares that the High Contracting Parties are animated "with the desire, not only of consolidating and strengthening the ancient friendship and good understanding which so happily subsist, and have during so many ages subsisted between the two Crowns; but also of improving and extending the beneficial effects thereof to the mutual advantage of their respective subjects," &c.

Shall professions like these, associated as they are with recollections refering to some of the proudest periods of our own history, during Your Lordship's administration, be set at nought? If, since our recent intimacy with France, some persons feel inclined to think that the political importance of Portugal is diminished, does that detract from the solemnity of our treaties, or are our commercial relations with our oldest ally thereby so much lowered in value as not to be worth preserving? For my own part, I cannot bring myself to consider our new acquaintance in any other light than as the brilliant meteor of a day, for the temporary gleam of which we ought not to forego a single solid advantage, already in our possession. France is our rival, and this has been apparent in regard to no country so much as Portugal. Her attempts to supplant us there have been unceasing, and this is not the first

time in our history that she has had a strong party at court, anxious to introduce her wines, to the detriment of our old established connections. Fortunately her endeavours have never yet prevailed.

In the First Letter which I addressed to Your Lordship on Portuguese Affairs, I entered into so very elaborate an inquiry respecting the origin and extent of our Commerce with Portugal, that any fresh attempt to revert to the subject might almost be deemed superfluous, if the very singular discussions which took place in the House of Commons, on the 12th instant, respecting the equalization on the duties of wines, had not intervened. Some of the remarks then made and some of the positions then established are, however, of so novel and extraordinary a character, that I cannot close the present effort, without alluding to the most material points submitted, on that evening, to the consideration of the House.

Mr. Poulett Thomson, in the opening of his speech, observed "that our trade with Portugal was not reciprocally advantageous; that Portugal had endeavoured, from the Methuen Treaty downwards, to deprive us of those benefits which we had a right to expect in return; that the stipulations of that treaty were detrimental instead of beneficial to us, and that it had been condemned by Adam Smith," &c. After which he adduced several arguments and illustrations in support of his premises.

From the year 1703, when the Methuen Treaty

was concluded, our commerce with Portugal acquired an entirely new character, and it is on record that the immediate operation of the simple arrangement then entered into, raised our yearly exports to that country from £300,000 to £1,300,000! It must, moreover, be borne in mind that the negotiation of this treaty was not solicited by Portugal, as, at the very period alluded to, her own woollen manufactures supplied her demands, domestic and colonial; whereas the woollen manufacturers of England suffered materially through the badness of the times and frequently implored the assistance of the Legislature "to support their tottering and declining trade." In 1699, the total value of our woollens exported did not exceed £2,932,292!

Under these circumstances, it was, that Queen Anne's minister at the court of Lisbon solicited the readmission of British woollens, which was agreed to on the special condition that England should admit the Wines of Portugal, at a rate of duty one third less than was required on those of France.

The Continental wars in which we were engaged, a few years after the formation of the Methuen Treaty, gave rise to a great stagnation in trade and a scarcity of money, when various complaints were again submitted to the House of Commons. Among others was a petition from the Merchants trading to Portugal, presented and read the 6th of February, 1705, setting forth that "being informed that a clause was added by the Lords to the Bill empowering Mathew Cary, merchant, and others to import

French Wines from Copenhagen, and also giving liberty to import wines, the growth of France, from Holland and Ireland, they were sensible that the same would be highly prejudicial to the trade in general," &c.

On the 11th February, 1706, the merchants trading to Portugal petitioned the House and observed that "the trade thither was of the utmost advantage to England, by the great exportation of corn and Woollen manufactures, and praying that consideration should be had how the Petitioners might for the future obtain redress in respect of convoys, and how so important a trade to this nation might be secured and encouraged," &c.

The Clothiers in the county of Gloucester and others also presented similar Petitions, and, on the 11th December, 1707, the Commons took into consideration the Report of the Committee to whom the same had been referred, agreeing to the Resolution thereof, viz.—"That the Nation would be very great sufferers, unless some very speedy remedy be found to take off the stop which has been put to the great number of Cloths, ready to be shipped off and exported, and thereon appointed a Committee to bring in a Bill, pursuant to that Resolution."

On Saturday, the 13th of December, 1707, the House of Commons proceeded to take into consideration the Report from the Committee to whom the Petitions of several Merchants trading to Portugal, Italy and Spain, were referred; and the Report,

together with the Resolutions of the Committee being read, they were agreed to by the House, viz.

1st. "That the Merchants have fully made out the several allegations of their Petitions ;

2ndly. "That the preserving the Portugal Trade is of the utmost concern to this Nation, being at present the greatest mart for the vent of our Wool-len Manufactures, Corn, Fish and other British commodities ;

3rdly. "That there was a considerable collusive trade in French Prize Wines carried on before, and that the same has increased since the falling of the fifteen pounds per tun ;

4thly. "That, except effectual provision be made to prevent the like practiees with relation to the collusive trade of bringing in French Wines as if they were Prize Wines, it will not only be a great discouragement to the Portugal Trade and Traders, but also endanger the entire loss thereof : And there-on ordered a Bill to be brought in."

The Portugal Trade then received from the Legislature every consideration and the public continued to feel a strong interest in its preservation. On the 24th of February, 1708, a Petition from Merchants and others trading to Portugal, Spain and Italy, was presented and read, setting forth "that there being a Bill pending in the House to encourage the exportation of Tobacco and other

commodities, the growth and product of Great Britain and the Dominions thereunto belonging, the Petitioners craved leave to represent that, since the war, great quantities of Wines had been imported into this Kingdom from Portugal, Spain and Italy, which stimulated those Nations to take off a much greater quantity of our Woollen Manufactures and also Fish from Newfoundland, as well as other products of this Kingdom, than formerly, whereby much more shipping was employed, and the Portuguese who had set up the Manufacture of Cloth and well nigh brought it to perfection and thereon prohibited our Woollen Cloths, had for a few years past taken off the said prohibition, in order to encourage our continuing the consumption of their Wines, which prohibition they would in all likelihood renew, if a free importation of French Wines into Great Britain be given, because such importations would lessen the consumption of their Wines here, and consequently the exportation of the products of Great Britain (the returns thereof) and tend to the ruin of many Merchants trading to the said countries, not only by losses on the goods which they have already sent thither and are now sending, as well as on the Wines already bought there and freighted home in English shipping, but also by a future diminution of the trade to those parts," &c.

On the 4th May, 1713, and consequently after the conclusion of the Treaties of Utrecht, a motion was made in the Commons by the Court Party, at the time extremely obsequious to the French, to suspend, for two months, the duty of as much as £25.

per tun on French Wines; or, in other words, to equalize them with those of Portugal. This proposal, which evidently aimed at the destruction of the Methuen Treaty, and, if realized, would consequently have occasioned the overthrow of that valuable exchange of the two important commodities specially resting upon it, spread general alarm throughout the Woollen districts, and thereon numerous Petitions were forwarded to Parliament.

On the following 6th of May, a Petition from the London Merchants and others trading to Spain and Portugal was presented to the House of Commons, setting forth, "that the Trade to those countries had always been beneficial to the Kingdom, by taking off large quantities of Fish, Corn, Leather and all sorts of Woollen Manufactures; that the French Trade had been uniformly prejudicial to this Kingdom; that if the duty on French Wines was no more than on those of Spain and Portugal, it would amount to a prohibition of the latter; that if Spanish and Portugal Wines are not imported, the ships that carry Fish to those places will be obliged to come home dead-freighted, which would discourage the Fish Trade and prejudice Navigation, and the King of Portugal would in all probability lay a prohibition against our Cloths; and further praying that if any alteration be made in the duty of French Wines, those of Spain and Portugal may not exceed two-thirds of any such duty," &c.

On the ensuing 26th of May, the Clothiers in the county of Gloucester, by petition, submitted to the

House “that, if any alteration in the laws should take place, detrimental to the exportation of our Woollen Manufactures to foreign countries, a great part of the nation’s riches would be lost; the poor would besides daily increase and become chargeable to their parishes,” &c.

June 4th, a Petition from the Clothiers of Troubridge, Froome, Bradford and the villages thereunto adjacent, was presented, setting forth that, by a Commerce between England and Portugal, the duties in England are to be one-third higher upon the Wines of France than those of Portugal, similarly reciprocal duties only being paid on the Woollen Manufactures of Great Britain in that country; that great quantities of goods are yearly exported and sold there, much more than the value of the Wines, Oils, &c., imported therefrom, by which means many thousands of families are maintained and a great balance continually owing to this kingdom; and that a law to reduce the duties on French Wines as low as those of Portugal, might induce the latter to lay a high duty on the Woollen Manufactures of Great Britain, to the utter ruin of that Trade; that, by not passing such a law, as aforesaid, the treaty with Portugal may still subsist; whereas the passing it may endanger the Petitioners’ trade, by the consequent loss of the exports of Woollen Manufactures there, without gaining any equivalent, and at last be the ruin of the Petitioners, as well as of many thousands of families, maintained by the same and the exports to Portugal,” &c.

Similar petitions were successively presented from Worcester, Bristol and Colchester; from the Clothiers and Bay-makers of Bocking, Baintree and Dnn-mow, in the County of Essex; from the Clothiers and Woollen Manufacturers in the County of Gloucester; from the Say-makers and Clothiers of South Halstead and Castle Headingham, in the County of Essex; from the Woollen Manufacturers of the Towns of Leeds and Huddersfield; from Ludbury, in the County of Suffolk; from Witney and other parishes of Oxford; from Westbury, Heytesbury, Warminster, Wilton, Norwich, Taunton, Tiverton, Nottingham, &c. Petitions on behalf of the shipping interest, especially from London, Whitehaven and Plymouth, were also presented.

A variety of documents and returns were called for by the House, in order to shew the nature and extent of our Trade with Portugal; several experienced merchants were examined at the bar, when, after a deliberate inquiry and the most strenuous exertions on both sides, the Bill to equalize the duties was thrown out, notwithstanding the weight and influence of the Court Party and Ministers.

The preceding transactions stand recorded on the Journals of the House of Commons, and clearly prove the opinions entertained of the importance of our trade with Portugal, in former times. It may in fact be said that, from the period of the Methuen Treaty, our united exports from England, Ireland and Colonies, were not annually less than a million and

half sterling, and on an average continued at that rate for nearly a century, thus affording employment to our shipping and profits to our merchants, besides the regular introduction of large quantities of bullion. Considering the amount of our Commerce in those days, the trade carried on with Portugal was indeed of great magnitude, and fully justified the estimation in which it was held by those who were practical judges of its value and extent.

From returns which I have already laid before the public,* it appears that, on an average of 28 years, viz. from 1800 to 1829, 371 British and 119 Foreign vessels annually cleared outwards for Portugal and her Insular dominions, independent of about 50 more from Ireland and 150 from Newfoundland.

The following statement also shews the value of the exports from Great Britain to the Portuguese dominions, of late years, independent of about £150,000 more from Ireland and £200,000 from Newfoundland.

	IMPORTS.		EXPORTS.
	Official value.		Official value.
1810	—	—	2,228,833
11	—	—	6,164,858
17	— 632,482	—	1,757,984
18	— 776,180	—	1,370,655
19	— 509,572	—	1,623,907
20	— 465,273	—	1,908,879
21	— 480,609	—	2,795,385

* First Letter to Earl Grey, page 82.

	IMPORTS.		EXPORTS.	
	Official value.		Official value.	
22	—	546,173	—	2,774,851
23	—	566,353	—	2,146,473
24	—	450,730	—	2,670,191
28	—	587,355	—	2,581,757
29	—	584,818	—	1,764,032

And, My Lord, is not such a commerce as this sufficient to fix the attention of a British Statesman? In disparagement of it, when speaking of our woollens, the President of the Board of Trade remarked that our exports of that article to Portugal in 1828, amounted only to £164,000, and in the last year to £214,000.* In this I cannot help thinking that there is some mistake; but, at all events, it is unfair to take an isolated year as a criterion of the value of our exports to any country. From the memorable "Report on the State of the British Wool Trade, ordered to be printed by the House of Commons, July 8, 1828," our exports of Woollens to Portugal, compared with those to Brazil, Germany and the East Indies, for thirteen years, stand thus, the year ending the 5th January.

	Portugal.		Brazil.		Germany.		East Indies.
	£	—	£	—	£	—	£
1816	727,805	—	352,183	—	460,425	—	1,060,765
17	568,453	—	343,135	—	423,671	—	1,027,251
18	572,662	—	369,817	—	544,681	—	827,726
19	381,613	—	564,392	—	678,665	—	943,184
20	412,415	—	406,417	—	500,829	—	938,217
21	426,851	—	342,044	—	588,223	—	1,348,463

* Times Report.

	Portugal.		Brazil.		Germany.		East Indies.
1822	386,948	—	322,560	—	566,119	—	1,421,555
23	342,814	—	205,560	—	581,901	—	1,080,479
24	285,625	—	293,149	—	576,588	—	1,044,806
25	475,685	—	303,431	—	568,988	—	979,315
26	360,468	—	357,709	—	582,620	—	898,883
27	349,936	—	202,844	—	571,988	—	1,193,799
28	263,659	—	340,740	—	665,253	—	804,935

From these returns it follows that our exports of Woollens to Portugal are much greater than those to Brazil; indeed on examination it will be found that the trade carried on by us with the former has materially increased since the latter became independent, a fact which is not very generally understood. Germany, the East Indies and the United States are the only countries which take from us more Woollens than Portugal, and, as seen from the preceding returns, the latter ran the race with Germany for several years, and if our exports of this article to Lisbon and Oporto have of late declined, it is entirely owing to the convulsed state of the country and the consequent stagnation of trade.

Is this then, My Lord, a commercial connection that ought to be disturbed for the eventual prospect of adding to the revenue £180,000, for that seems the only object proposed by the equalization of the duties on Wines? The result of the measure is by no means certain, as it is a query whether the use of French wines can be increased; but, at all events, retaliation by Portugal is inevitable, whatever may be the opinion of the President of the Board of

Trade upon this part of the subject. Our merchants would then have to pay 30 per cent. duties instead of 15, and this alone would throw the market open to the French, as it was from 1804 to 1808.

The Honourable Gentleman spoke very lightly of the duties on cured codfish being raised, on the exportation of which he had been told that the very existence of Newfoundland depended, and, in order to allay all apprehensions upon this head, he asserted that "a similar attempt was made by the Cortes; but such a clamour raised against it that it was given up; and it should be remarked, "added he," that one great cause of the popularity of the late Queen of Portugal on her entry into Lisbon was the proposed reduction on fish."

This information is totally incorrect. In 1821, that is, in the time of the Cortes, a Report was made by the Committee of Commerce respecting the interpretation to be given to the 26th Article of the Treaty of 1810, setting forth "that the stipulations contained in former Treaties concerning the admission of the wines of Portugal, on the one hand, and the woollen cloths of Great Britain, on the other, shall at present remain unaltered." From this clause the Cortes argued, notwithstanding Art. XV. declares that "all goods, merchandize and articles whatsoever of the produce, manufacture, industry, or invention of the dominions and subjects of His Britannic Majesty, should be admitted on paying generally and solely duties to the amount of 15 per cent.," that woollens were excepted by the subse-

quent article aforesaid, and consequently liable to the old rate of duty, viz. 23. An additional argument was also raised from the high duties required by us on the wines and other produce of Portugal; but the proposed measure had no reference whatever to codfish; nor was it counteracted by any popular clamour.

The mistake, as regards the late Queen of Portugal, is still more remarkable, Maria I. ascended the throne at the commencement of 1777, and on the 18th June, 1787, she issued a royal order,* expressly to encourage the fisheries of the Kingdom and adjacent islands, at the same time taking off various duties on fresh and cured fish, caught upon the coast, which rendered an essential service to the poor people. The spirit in which this measure was adopted was therefore totally the reverse of that which the President of our Board of Trade supposes, and it is a well-known fact that nothing would render a Portuguese monarch more popular than the encouragement of the fine fisheries on the coast of Algarves, which would soon render the country independent of external supplies. As a further elucidation of this spirit it ought again to be remarked that, only a few years ago, the Portuguese obtained a dispensation from the Pope not to eat fish in Lent, which alone would have diminished one half of the supplies of the cured codfish required. It is curious that the publication of this grant was prevented by

* *Collecção da Legislação Portugueza, desde a Ultima Compilação das Ordenações, &c. from 1775 to 1790.*

British agency, entirely in compliment to that same Newfoundland trade which it is now affected to despise.

Adam Smith's authority has been quoted to shew the inexpediency of the Methuen Treaty; but this Treaty is no longer the standard of our commercial relations with Portugal. By that of 1810, the duties of 23 per cent, formerly payable on our woollens, were reduced to 15, whereas other nations pay 30. By this means, we actually stand in the position which Adam Smith himself describes in these words; "When a nation binds itself by treaty either to permit the entry of certain goods from one foreign country which it prohibits from all others, or to exempt the goods of one country from duties to which it subjects those of all others, the country, or at least the merchants and manufacturers of the country whose commerce is to be favoured, must necessarily derive great advantages from the treaty. Those merchants and manufacturers enjoy a sort of monopoly in the country which is so indulgent to them. That country becomes a market more extensive and more advantageous for their goods; more extensive, because the goods of other nations being either excluded, or subjected to heavier duties, it takes off a greater quantity of theirs; more advantageous, because the merchants of the favoured country, enjoying a sort of monopoly there, will often sell their goods for a better price than if exposed to the free competition of all other nations."*

* Wealth of Nations, Book iv. Chap. 6. of Treaties of Commerce.

The real nature of our actual commercial relations with Portugal could not be more accurately described. Speaking of the Methuen Treaty, as an isolated model of commercial treaties, Adam Smith does indeed afterwards say that it is advantageous to Portugal and disadvantageous to Great Britain;” and so at first sight it would appear; because, as that author very judiciously observed, “by this treaty the Crown of Portugal becomes bound to admit the English Woollens upon the same footing as before the prohibition; that is, not to raise the duties which had been paid before that time; but it does not become bound to admit them upon any better terms than those of any other nation, of France, or Holland, for example. The Crown of Great Britain, on the contrary, became bound to admit the Wines of Portugal upon paying only two-thirds of the duty which is paid for those of France, the wines most likely to come into competition with them.”*

The remark, at the time it was made and with the simple Treaty before him, was both obvious and just; but, I ask the Honourable President of the Board of Trade whether Adam Smith would have drawn the same conclusions, if such a Treaty as that of 1810 had existed in his days, in virtue of which, as I before observed, we pay 15 per cent. duties, at the same time that others pay 30. Would he have considered the Methuen Treaty exclusively advantageous to Portugal, if he had known that its opera-

* Ibid—ibid.

tion destroyed her woollen manufactures and tended to raise our own? Would he have made such an assertion, if he had taken into consideration that whilst a British capital, equal to Two Millions and a half, is annually employed in the commerce of Portugal, the Portuguese do not furnish more than about £250,000, which I consider the full value of their wines, as taken from the hands of the grower? Would he have spoken so lightly of that very same Treaty, as some gentlemen are now in the habit of doing, if he had been aware that its negotiation was solicited expressly as a relief "to the tottering and declining trade" of our own woollen districts? Whilst on the topic of commercial treaties, would he not have pursued his inquiries a little further, if he had been aware that the very document in question eventually made the Portuguese dependent upon us for supplies of both flour and cured codfish?

As far as my own impressions go; or rather, as far as I understand the remarks before me, Adam Smith paid the greatest compliment possible to our commerce with Portugal, and were he writing at the present day, he would be the first to acknowledge its importance. He does indeed inveigh bitterly and at great length on the impolicy of prohibiting the exportation of the precious metals, which, he argues, is highly detrimental to Portugal, and yet he seems to have been very well aware that by some means, or other, we annually brought away from the Tagus more than a Million Sterling, as part of our returns, on which the Portuguese were the only losers, by

refusing to impose a duty on a merchantable commodity, regularly smuggled off almost at noon day.

We cannot, I repeat, judge of our commercial relations with Portugal by the Methuen Treaty. We must take them as they are in practice—as they stand under the operation of all our treaties. According to this test, let us see on which side the advantage lies.

At present, we favour Portugal, compared with France, by a reduction of 2s. 5d. on each gallon of her wines, which preference on 25,000 pipes, or 2,875,000 gallons, amounts to £347,395. 16s. Taking the year 1828 as a standard, we export to Portugal from Great Britain £2,581,757, on the entry of which we pay 15 per cent, whereas other nations are charged 30. On this amount alone we therefore enjoy a preference equal to £381,263. The Portuguese next admit £150,000 from Ireland and £200,000 from Newfoundland at low duties, by which we further save £105,000. The outward and homeward profits chiefly accrue to us, the double shipments being principally on British account, the Portuguese not shipping more than one tenth of their own wines, for example, as I have before noticed. Practical men, even in these hard times, do not estimate our aggregate profits derived from the Portugal trade at less than half a million sterling, and we besides give annual employment to 700 vessels, navigated by 100,000 seamen, the collective freights of which are not less than £250,000.

No abstract theories can take from the importance of a trade, the benefits of which our merchants have enjoyed and acknowledged for nearly a century and a half. This is an experienced good to which speculative ideas must give way, and yet the above is not the whole of the commerce that country is susceptible of carrying on with us. The prospects of Portugal have been obscured by a transient cloud; but, independent of the advantages of situation, she possesses great resources within herself, and the annalist of Portuguese affairs will have to record better times. If we divest ourselves of prejudices, we shall moreover find that improvement in Portugal would not be deemed dangerous, or rejected as unwholesome, if presented under a proper form, and that improvement, I distinctly declare, we ought to be the first to encourage.

Among ourselves, more perhaps than any other nation on earth, commercial enterprise has proved the most prolific parent of individual wealth and the truest source of national prosperity. "Next to peace," did one of Your Lordship's own firm supporters eloquently observe, "our commercial greatness depends chiefly on the affluence and prosperity of our neighbours. A commercial nation has indeed the same interest in the wealth of her neighbours, that a tradesman has in the wealth of his customers. The prosperity of England has been chiefly owing to the general progress of civilized nations in the arts and improvements of social life. Not an acre of land has been brought into cultivation in the wilds of Siberia, or on the shores of the Mississippi, which

has not widened the market for English industry. It is nourished by the progressive prosperity of the world and it amply repays all that it has received."

Why then do we not apply these maxims to Portugal, since I am very confident they are such as constitute the political creed of all Your Lordship's colleagues. There these beneficent ends can never be attained, as long as the ravages of civil war continue. An evil, of another nature, far more destructive than even the scourge of intestine dissensions, has long threatened that country. A spirit of innovation has spread with desolating rapidity and if not checked in time, would have been attended with the most direful consequences. Why then do those who plot the calamities of Portugal, continue to receive encouragement among us? Why do we repine at such regulations as our Allies have thought proper to establish for the extension of their agriculture and the protection of the fruits of their industry? Why do we not act up to the spirit of our treaties; why do we persist in so gross a misconception of our real interests, and why do we not restore Portugal to her accustomed rank among the States of Europe?

From the details into which I have entered, it therefore becomes our duty to pause, before we shut out our merchants and manufacturers from their best hopes of tried and successful enterprise. I rather contend that the moment is arrived for the renewal of our ancient alliance with Portugal, on terms of mutual utility, and such a measure, I am confident, would be the offspring of the soundest

policy. Considerations of a political tendency besides concur to sanction so salutary a determination. Portugal is not now alone concerned in the settlement of this affair. Brazil has her eyes upon us. She wishes to live in peace and amity with Portugal, and this can never be, if the present order of things is overturned. She knows better than we do the real views and wishes of that band of aspiring adventurers whom she has driven from her insulted land, and never can forget the insidious purpose for which Portugal was designed, in case their plans had succeeded.* Again do I remind Your Lordship that the eyes of Brazil are upon us, and that she is feelingly alive to every event that can happen in Portugal. According to our present Treaty with Brazil, which shortly expires, we stand precisely on the same footing as other nations and pay 15 per cent. duties; but, according to the general feeling prevailing there, we cannot expect to renew our commercial relations on the same terms. The Brazilians already very distinctly assert that they will not hereafter admit the merchandize of any nation, at low duties, which does not consume their produce, and I have every reason to expect that it is upon this principle that they intend to act. They consider themselves included in the conspiracy formed against

* "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, (meaning Buenos Ayres) of obtaining military succour from Portugal, with a view to diminish the burden which is already severely felt in this country."—Letter of Sir Charles Stuart to Mr. Secretary Canning, dated Rio de Janeiro, April 30, 1826.

the liberties of Portugal, which constitutes so prominent a feature in the negotiation of the Treaty, ostensibly intended for the acknowledgment of their independence ; but which brought the two countries into the most serious misfortunes from which they have however luckily extricated themselves, and certainly, My Lord, it cannot be our interest to incur the odium of the Brazilians.

Motives of both interest and policy thus loudly call upon us to settle our affairs with Portugal, at present in the most complete state of confusion. Endless invectives, whether respecting the Oporto Wine Company, or the infractions of privileges, can produce nothing but altercations and enmities, so long as the interpretations put upon our mutual obligations vary so widely. Let our political and commercial relations be properly defined, so as to admit of neither doubts nor abuses. If we are to continue to be the champion of Portugal, let her know the stipulated price of our protection ; but, if we decline the charge, let it be done in a decorous manner. We have wrung from that country every thing that it was possible to grant, and if the British government at the end of a century and a half shall have discovered that her commerce is not worth our keeping, in the name of God, let it be given up without reviling and, above all, let us not inflict injuries which, some day or other, must necessarily recoil upon ourselves. We have much to answer for in what has happened in both Portugal and Brazil ; but, as regards the former, we have still specific duties imposed upon us by Treaties, of which we

cannot evade the performance without a breach of national honour, and it never can be forgotten that it is as much from a punctilious adherence to our engagements, as from the greatness of our power and the splendour of our wealth, that our great and merited renown has been derived.

I now lay down my pen with sincere and ardent wishes for the triumph of the laws and the restoration of harmony and good order in Portugal. Early remedies only can atone for the errors and repair the injuries inflicted on that unhappy country, and of their application I would gladly see Your Lordship have the exclusive merit. Much should I rejoice to see our good name restored among a people whose friendship was indispensable to us, only a few years ago, at a time when our existence as a nation was at stake, and with whom we have been so long connected by a coincidence of views and reciprocal esteem. Be not appalled by the magnitude of the task, My Lord, the difficulties will disappear as they are approached, and the grateful acknowledgments of our countrymen crown the beneficent enterprise. Have therefore, My Lord, I conjure you, the courage and the glory of terminating the affairs of Portugal and shielding Brazil from further harm. This is an undertaking worthy of a British Statesman, and that it may so appear to Your Lordship, is the sincere wish and earnest prayer of

Your Lordship's obedient servant,

WILLIAM WALTON.

London, July 20, 1831.

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By the same Author.

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