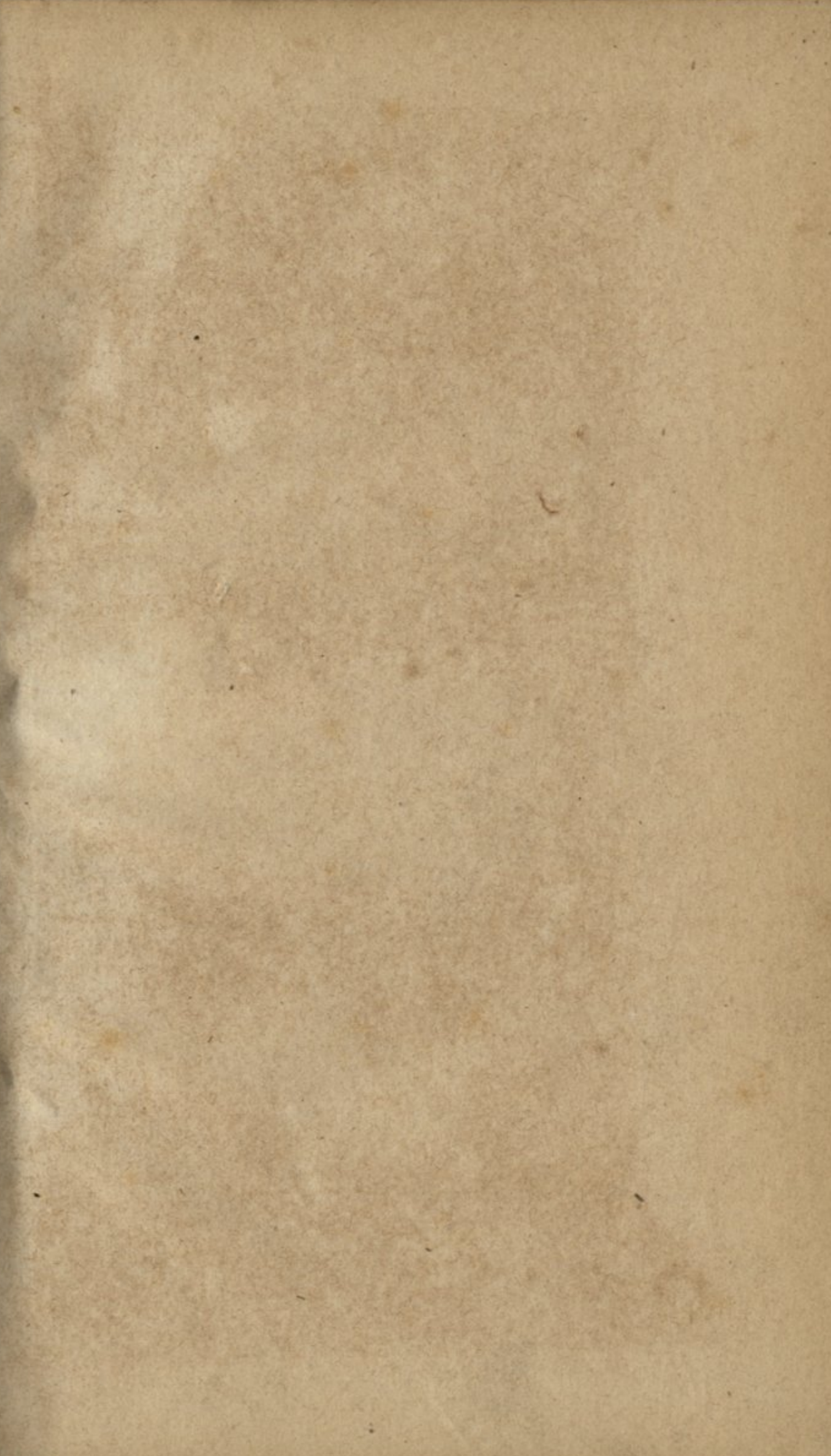
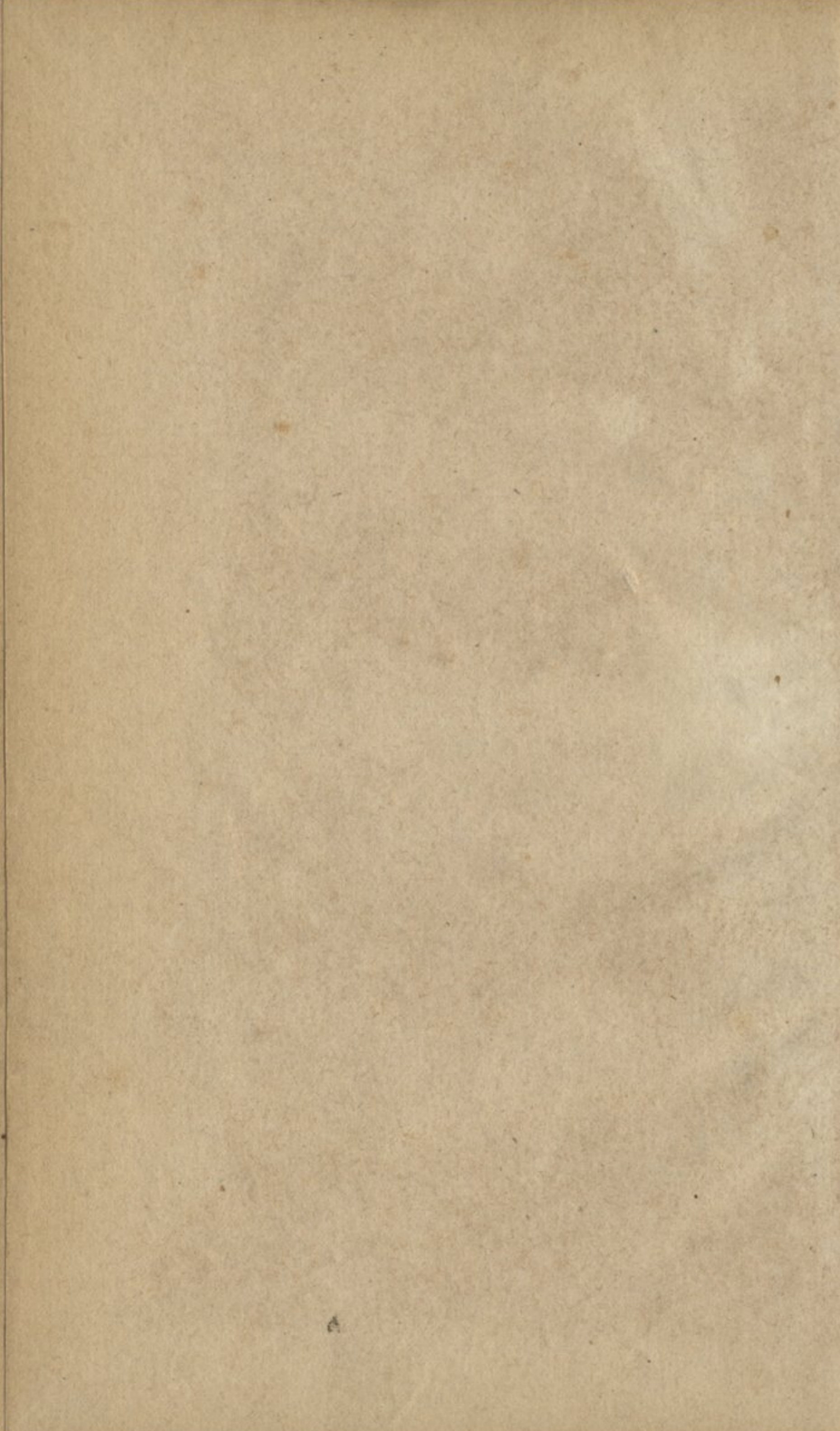
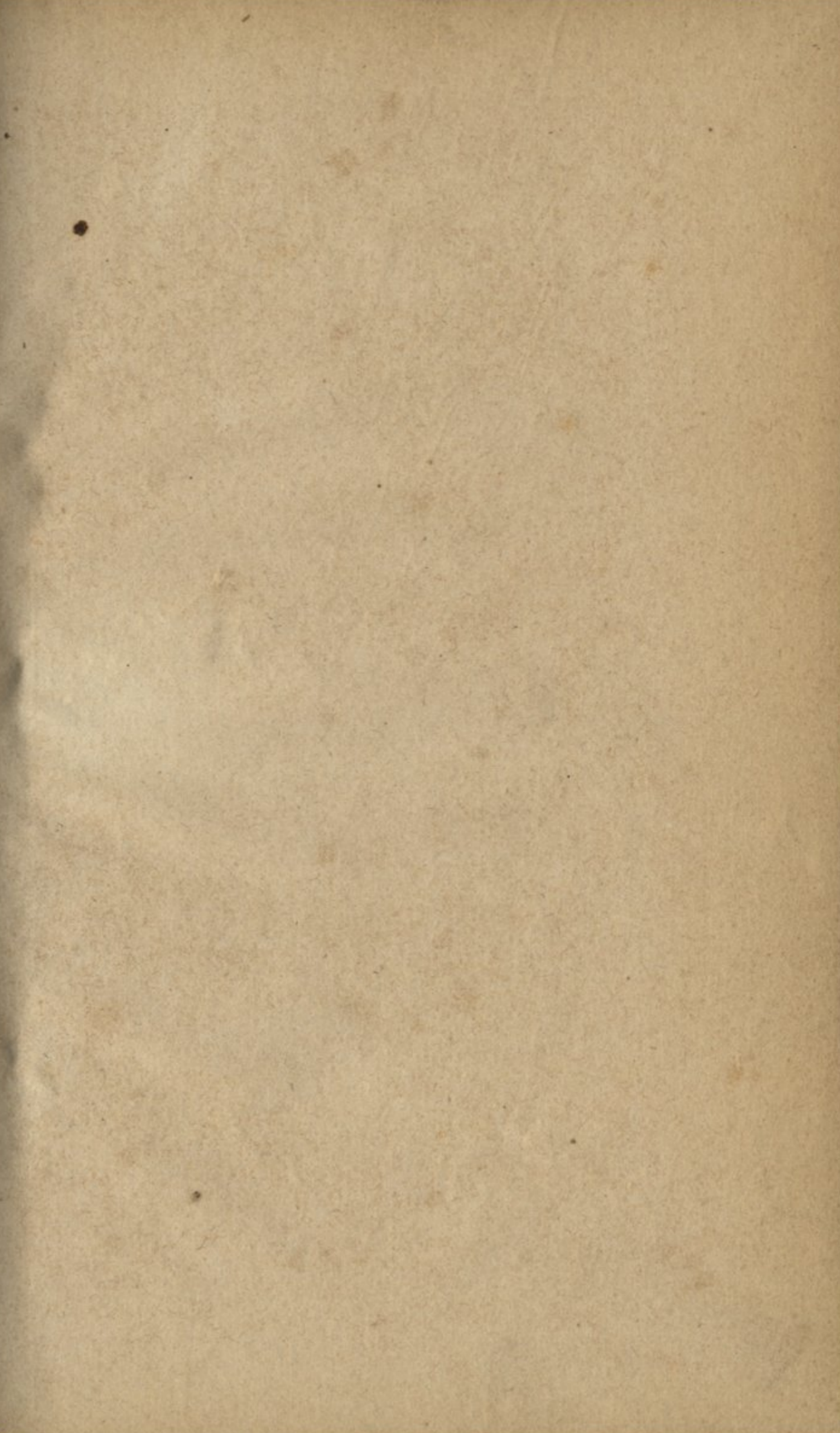


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# NOTES

ON

THE PRETENDED RIGHTS

OF THE

PRINCESS OF GRAND PARA

TO THE

PORTUGUEZE THRONE.



LONDON :

PRINTED BY SHACKELL AND BAYLIS,

JOHNSON'S-COURT, FLEET-STREET.

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1830.

J. E. G. REBELLO DA FONTOURA.

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LONDON:

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## NOTES,

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THE question of the Emperor Don Pedro's pretensions to the crown of Portugal, being decided by those who at first considered it as presenting some difficulty, but who have since satisfied themselves by an investigation of the facts and the law of the case, there now remains scarcely any doubt in the public mind as to the nullity of that Prince's claims. But it has sometimes been said, defect of right on the part of Don Pedro, does not necessarily destroy the rights of his daughter,—that Princess being born in the country, which, at the period of her birth, formed part of the Portugueze Monarchy, is consequently a *Portugueze Princess*; a decla-

ration of her father as Emperor of Independent Brazil, which rendered that prince a foreigner with respect to Portugal, had not the same effect upon Donna Maria da Gloria.

On the contrary, at the moment when Don Pedro divested himself of his rights, Donna Maria acquired hers. The father is civilly, or politically dead, as to Portugal, and his daughter ought, therefore, to inherit as if he had died a natural death. Hence has been deduced the consequence that the Princess of Grand Para, became the legitimate heir to the Portugueze throne upon the signing of the Treaty of the 29th of August 1825, by which her father was recognised Emperor of Brazil.

This reasoning appears plausible ; and though it might be easily refuted, I do not consider it necessary to prove that had Donna Maria da Gloria actually acquired, by her birth, rights which were not eventual, and did not depend upon her father's loss of his rights, she might lose them for the same reasons that her father had lost his.

When Don Pedro became Emperor of

Brazil, whom did he acknowledge as heir to the Brazilian Crown? It was Donna Maria da Gloria, who was recognized heir presumptive! But, as she could not become both Empress of Brazil and Queen of Portugal, neither could she at the same time, be heiress to the Crown of Brazil and to the Crown of Portugal. She ceased therefore to be heiress of the latter, the moment she was recognised the heiress of the former.

But, it is said, the subsequent birth of an Imperial Princess, deprived Donna Maria da Gloria of her previous right to inherit after her father: she ceased to be heiress of Brazil, and might consequently become heiress of the throne of Portugal!

Herein lies the error. Let the right of succeeding to her father when politically dead to Portugal be conceded to Donna Maria; but, if that Princess on being declared, after the acquisition of such right, the heiress of a foreign monarchy, became thereby a foreigner as to Portugal, can it be pretended that she has, nevertheless, preserved her right to the crown of Portugal, and that she can again claim it

when divested of her right to the Brazilian Crown?

The case is plain. Donna Maria da Gloria was either a Portugueze Princess, or a Brazilian Princess. In this alternative she had an option between inheriting under her grandfather, Don John VI., and under her father, Don Pedro I. Had she said, or had it been said for her, that she made no claim but to the crown of Portugal, she never could have been heir to the throne of her father; and, for the same reason, after being declared heir to the latter, she can only be a Brazilian Princess, and can have no pretension to succeed to her grandfather.

But neither the laws of Portugal, nor of Brazil, authorize the revocation of such a choice once made; for both countries have adopted the principle that a foreign Prince cannot reign, and the individual who has once been recognised heir to a foreign Monarchy, undoubtedly is a foreign Prince. Should, after such a recognition, circumstances occur to annul the rights which attached to the Prince or Princess of the foreign Monarchy, the principle and its consequences do not thereby lose

any thing of their force. Whence it follows, that Donna Maria da Gloria having become a foreigner to Portugal by her recognition as the heiress of the Empire of Brazil, she has, in virtue of the fundamental laws of Portugal, lost all right to succeed to the Throne of that country.

This, however, is not all. In the hypothesis that Donna Maria da Gloria might, according to the Brazilian laws, be Empress of Brazil, although she had a younger brother; that is to say, in case the Brazilian Constitution recognized the right of primogeniture in females, as preferable to the rights of younger Princes, would not she become Empress of Brazil, notwithstanding the birth of her younger brother, the Prince Don Pedro? Doubtless. But at present what prevents this, and yet is supposed to permit her to become Queen of Portugal, is the Constitution of Brazil, which prefers a Prince to an elder born Princess, though that Princess may have been recognised heiress of the Empire. The question of the Portuguese succession would then be determined by the fundamental law of Brazil, since, if

that law did not oppose it, this Princess would still be the heiress of the Crown of Brazil, and consequently could not pretend to that of Portugal; but while the Brazilian law makes the Prince, though the younger, the heir, the elder Princess and heiress may become Queen of Portugal if she please. A fine consequence truly! To say nothing of the absurdity of this reasoning, we may at least be allowed to pity the condition of Portugal, thus obliged to depend on the fundamental laws of her old colony, and to wait until those laws decide which of the Princes or Princesses of Brazil shall reign in the mother country—that country which conquered and brought under her dominion the savages of Asia and America.

Let us for a moment suppose that the Princess of Grand Para had remained for some years longer the only child of Don Pedro, and consequently the presumptive heiress of the Brazilian Crown; that during that period Don John VI. had died, and the throne of Portugal had thus become vacant;—who was entitled to ascend that throne? Was it Don Pedro? Certainly



not, he being a foreign Sovereign. Was it Donna Maria Da Gloria? No, because she was the heiress of a foreign Monarchy. Was it the Infante Don Miguel, the younger son of the deceased King? No, for Don Pedro might have a son, who, by becoming heir to the Brazilian Empire, would leave Donna Maria at liberty to ascend the throne of Portugal. It would then be necessary that that throne should remain vacant until the death of Don Pedro, or until it should be declared that he would have no more children; but had Don Miguel occupied the throne, while Donna Maria was still heiress of Brazil, he would have been obliged to descend from it upon the birth of a brother to that Princess, which event, by depriving her of the right to succeed to the throne of Brazil, would enable her to become Queen of Portugal.

Would it not have been ridiculous, had Donna Maria, in the first of those cases, required that the throne of Portugal should remain vacant, until it was decided whether Don Pedro would have any more children, or had she, in the latter case, insisted that Don Miguel should leave the throne to

make room for her? But if the very supposition of such pretensions be absurd, not less so is the principle which would have sanctioned them; namely, that Donna Maria da Gloria could for a moment be heiress of Brazil, and, notwithstanding, still retain her rights to the crown of Portugal, to be claimed in the event of her having a brother—a principle of which the absurd pretensions just stated are the necessary consequences.

But it is asserted that the Princess of Grand Para never was declared heiress to the Brazilian throne, and that, consequently, she still is a Portuguese Princess. On this point we may ask,—In what Monarchy, the succession of which is regulated by law, has it ever been supposed that the Prince or Princess, the only son or only daughter of the reigning Sovereign, required, in order to be considered the heir to the throne, a solemn declaration from such Sovereign, or from any other authority? Does not the fundamental law of a Monarchy contain that declaration? Does not the consent of a whole nation, in accordance with that law, speak in such cases

with a decision sufficiently strong to render it unnecessary to proclaim what no one doubts? And what could have been more unquestionable than the right of Donna Maria da Gloria to succeed to the throne of Brazil, before the birth of her brother? But if, in spite of all this, public acts are required, here they are:—What is the endowment, voted to the Princess by the Chambers, to be called? What, the title of the Princess of Grand Para, decreed to her by the same Brazilian Chambers? What are these proceedings, if they be not public acts by which the Brazilians recognized Donna Maria da Gloria as a Brazilian Princess? This is, besides, very natural; for who was entitled to the character of Princess of Brazil, if the daughter, and then the only daughter, of the Emperor of Brazil, was not? The acceptance of the votes of the National Representation of Brazil is, then, on the part of the Princess, or of others for her, a voluntary confirmation of her choice to be a Brazilian Princess, and, consequently, not to be a Portuguese Princess.

How, then, can these facts be denied?

How can it be pretended that Donna Maria da Gloria is to be regarded as a Portuguese Princess?

But it may, perhaps, be asked—What should have been done to prove that Donna Maria da Gloria wished, or ought, to preserve her rights as a Portuguese Princess? The answer is ready. It was necessary to declare such intention, and to accept nothing for her from the Brazilian nation; or, at least, it was fitting that in accepting gifts from that nation, the conditions under which they were accepted should have been declared. The Emperor should have said to the Chambers: “Gentlemen, I thank you for the votes you have passed in favour of my daughter. She accepts them; but do not, on that account, consider her a Brazilian, or expect that she can ever reign over you. She is the heiress of the crown of Portugal, since I am no longer Prince Royal, and on the decease of my father, King Don John VI., she will immediately become Queen of Portugal.” It would have been, afterwards, necessary to make a stipulation to this effect in the treaty of the 29th of August. It ought also to have been

notified to all the Courts of Europe ; but, above all, it required to be ratified by the assent of the three estates of the kingdom of Portugal ; and to obtain that assent, it was necessary to send the Princess to Portugal. Then all nations would not have regarded Donna Maria as a Brazilian Princess, as they have with good reason done. The pretensions of that Princess to the crown of Portugal, would not then have excited such astonishment as they now do, after she has for some time been the presumptive heiress of Brazil, and pensioned and titled by the Brazilian nation. But at present what can be said on considering her pretensions ? That she regards, or others regard for her, the throne of Portugal as a make-shift, with which it is well to put up, when to be Empress of Brazil is no longer probable.

However, it must be confessed, that this reproach is not altogether just ; for the Emperor of Brazil, the defender of his daughter's rights, if she have any, gives himself no trouble in defending them. Hitherto, he has claimed only his own rights, which he pretends to cede to that Princess.

The Emperor has not said, "Here is my daughter, who ought to be Queen of Portugal, because she is a Portugueze Princess, and heiress of the Monarchy, since I have ceased to be the heir, on account of my accession to a foreign throne." The Emperor, on the contrary, says, "I am King of Portugal. In that character I give to my kingdom a Queen, a Charter, a Regent, Peers, every thing, according to my fancy; and, in giving a Queen, a Charter, &c. I still remain King of Portugal, until the Regent whom I have appointed shall espouse the Queen whom I have also appointed; until the Charter which I give shall be established on the ruins of that which I condemn; and until the Peers, whom I have created, occupy the places of the ancient Representatives of the Portugueze people, whom I dismiss. If the Regent do not marry the Queen, if my Charter be not established, instead of the ancient fundamental laws of the kingdom, then nothing is done; there is no abdication, no Queen, and I continue King."

Now, the marriage not having taken place, and the Portugueze people having

rejected Don Pedro's Charter, the ease in which Don Pedro declared his abdication null, has occurred, consequently that Prince still considers himself King of Portugal, and Donna Maria can no longer pretend to the possession of the rights which she may believe she had acquired by her father's abdication. As to the value of that abdication, I shall say nothing: it rests solely on Don Pedro's pretended right to the throne of Portugal; and that pretension which presents a *mare magnum* of errors, of sophisms, and false assertions, has been sufficiently combated.

But as to what concerns Dona Maria da Gloria, Princess of Grand Para, I cannot comprehend how her most obstinate partizans still venture to give her the title of Queen of Portugal, without fearing to commit the crime of *læsæ majestatis* against Don Pedro. For that Prince having conveyed his title to the Princess, under conditions which are not complied with, it indisputably follows that *Don Pedro still is King of Portugal*. Much good may it do him; and long live Don Miguel I.!

THE END.

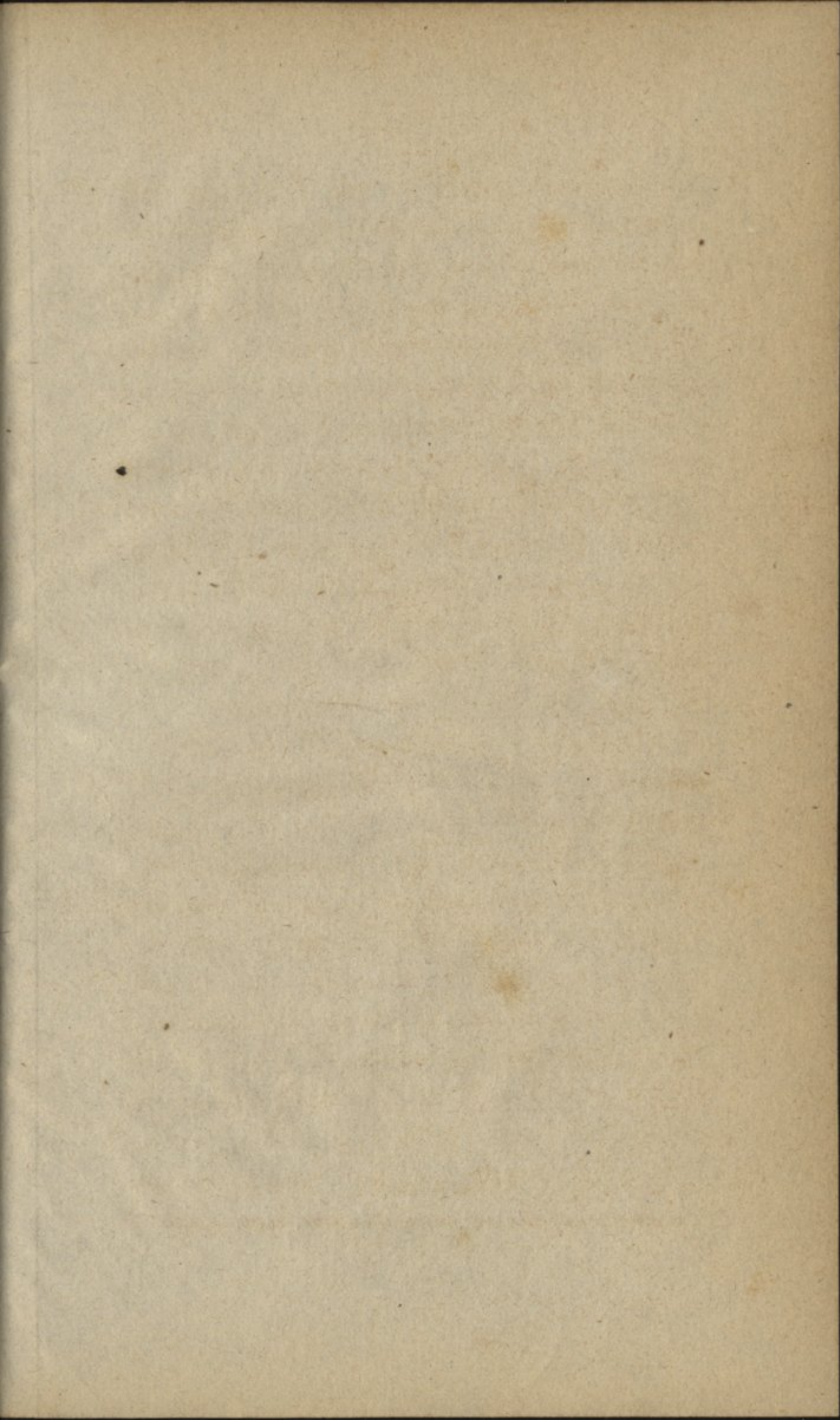


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