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A LETTER

FROM

COUNSELLOR ABRANTES

TO

SIR WILLIAM A'COURT,

ON THE

REGENCY OF PORTUGAL

AND THE AUTHORITY OF

HIS MAJESTY, PETER IV.

AS KING OF PORTUGAL AND FATHER OF QUEEN MARY II.

TRANSLATED FROM THE PORTUGUESE.

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A LETTER

From COUNSELLOR ABRANTES to Sir WILLIAM A'COURT, on the Regency of Portugal and the Authority of His Majesty, Peter the IV, as King of Portugal and Father of Queen Mary II.

SIR,

FROM the moment Her Most Serene Highness, the Infanta Donna Isabel Maria, declared herself Regent of Portugal, Your Excellency began every where to spread abroad that the Regency of Her Highness could only last until His Most Serene Highness, the Infante Dom Miguel, had attained his twenty fifth-year.

Your Excellency will remember that, in your own closet, we once conversed upon this subject, when I submitted to Your Excellency the following propositions;—Either His Highness, the Infante, takes the oath to the Constitutional Charter, or he refuses to do it. If he should take the oath, as, from his fidelity and obedience to the orders of his august Brother and King, it is to be hoped he will, he cannot then be Regent of Portugal, because this is prohibited by the Charter; if

he does not take the oath, in that case, he cannot even be considered as a Portuguese, consequently, with greater reason will he then be excluded from the Regency of the Kingdom, to the fundamental laws of which he had refused to accede.

On that occasion, I endeavoured to convey to Your Excellency the real meaning of several Articles of the Constitutional Charter, with a view to demonstrate and convince Your Excellency, that as regarded them, you were in a complete error.

I, however, had not the good fortune to persuade, and less to convince, Your Excellency; for it seemed to me that Your Excellency neither understood the Constitutional Charter, because you were not sufficiently acquainted with the Portuguese language, nor possessed any elementary knowledge of public Law, or the Legislation of Portugal, in this respect.

On that occasion, I thought I perceived that Your Excellency did not approve of the unexpected resolution of Her Highness, possibly because Your Excellency was not consulted, and time has confirmed my suspicions—Would to God! I had been deceived.

On that same occasion, Your Excellency justly observed that the proclamation of Her Highness, dated August the 1st, 1826, ought to have been countersigned by the Minister and Secretary of State for the Affairs of the Kingdom, and that this was not the case: to which I answered that for

this omission of a legal formality, Her Highness was not culpable; but rather the Minister of State himself, as I will now proceed to prove to Your Excellency. Before this, however, is done, it may be expedient that Your Excellency, as well as the Portuguese public, should be made acquainted with the motives which induced Her Most Serene Highness, the Infanta Donna Isabel Maria, to declare herself Regent of the Kingdom.

Pursuant to the Decree of the 6th of May, His Majesty, King John the VI., for the dispatch of public business, appointed a government composed of four Members, over whom Her Highness, the Infanta Donna Isabel Maria, presided, each one of the Secretaries of State assisting at such resolutions as related to the affairs of their respective departments.

The nation augured ill of a government so formed, not only because collective governments generally are bad; but, also, because the members of whom it was composed, excepting His Excellency, the Duke de Cadaval, had not the public opinion in their favour, and the Secretaries of State, with the exception of Barradas, were all actually detested.

Her Most Serene Highness, the Infanta Donna Isabel Maria, by her natural affability, her attractive demeanour, as well as by her eminent qualities and virtues, had the good wishes of the capital and the nation in her favour; but acting as mere

President of the government, and besides being obliged to subject herself to what might be decided by a majority of men, on whom the nation had no reliance, she was enabled to do little good. Such was the general and public opinion—and the public are seldom deceived.

The first step the government took, and which greatly displeased the whole capital, was, the change of Her Highness, the Infanta's, residence, from Lisbon to the Ajuda, not only because she was then removed to a greater distance from those who had to transact any business with her; but principally, because the whole capital trembled for Her Highness' life. The wishes of the public, were, that Her Highness should continue in the palace of the Rocio, the centre of the capital, where Her Highness would be more comfortable than at the Ajuda, at least in the winter months, and where at a moments notice, should it be necessary, she might command the services of all the inhabitants of Lisbon, to defend her valuable life. The Count de Murça, however, through a calculation as mean as it was erroneous and impolitic, insisted on the change and Her Highness submitted; whilst the event served only to inspire the public with a greater detestation of the Count, as well as of the other members of the government.

The public were aware that Her Highness, desirous of imitating the example of her august Father, had taken the resolution to give audience

every Thursday, and that this was opposed by the government. As naturally might be expected, the public odium, on this account, increased, both against the members of the government and the Secretaries of State. Of this Her Highness was fully sensible, and for this reason, not caring for the opposition of the members of the government, she began to give audience—a measure by which Her Highness secured the affections of all the inhabitants of the capital. The greatest part of the persons who attended the first audience, merely went to compliment and thank Her Highness, for the benefit she had just conferred upon the public.

Every thing that happened in the government, was immediately known at Queluz and in public, because some one belonging to the government took care to whisper it abroad. It was, at the time understood that Her Highness was desirous of making some changes in the appointments of the Royal Household, and that having entrusted this affair to the head officers and Count de Murça, as President of the Treasury, the Count felt inclined to make such a change as would have reduced a great number of families to mendicity. Her Highness shuddered at the proposed change, and rejected it; being determined to abide by what had been done by her Father. She commanded that the places which might become vacant, should not be filled up, as the functionaries were already too numerous; that

those persons should be retained who held situations, but that these should end with the lives of the parties who were actually in possession of them. Her Highness was of opinion that these changes ought to be left to time; yet Her Highness rescinded every thing that was superfluous, and by this judicious retrenchment, in the whole of the appointments, economized more than one hundred and five *Contos de Reis*. Her Highness gave this example to the other departments of the State; but they did not follow it.

The public were not ignorant that Her Highness, being desirous that the result of the above changes should be published in the Lisbon Gazette, the government opposed it; but Her Highness, better advised, ordered the same to be published. The odium against the government increased in the same proportion as did the love, consideration and respect of the inhabitants of the capital and of the kingdom towards Her Royal Highness.

Barradas proposed to the government that all those individuals should be recalled to Lisbon, who were, more or less, implicated in the unhappy events of the 30th of April, 1824. The government at once assented to the proposal, merely because Barradas asserted *that the King had an intention of ordering them to be recalled in a short time*. This measure offended the public, in such a manner that, from that moment, Barradas

lost the favourable opinion which he had hitherto enjoyed. Barradas in a few days learnt that he had committed a great political error, and soon afterwards he saw himself compelled to arrest the High Prior of the Order of Christ, whom he himself had eulogized and ordered to return to Lisbon. From that moment, Barradas and the other members of the government were execrated.

The public were further informed that Lacerda, imitating the example of Barradas, proposed that some favours and distinctions should be bestowed, *which it was the king's intention to have granted on his birthday*. The members of the government approved of the proposal, and in this the public beheld a real attack against the Royal Authority of his Majesty, King Peter IV. and the measure consequently excited greater irritation.

The public were made to believe that Her Highness, towards the end of May, at a meeting of the government, was, by the Count dos Arcos, treated with a great want of consideration and respect, and that the circumstance afflicted Her Highness so deeply, that on the spot she lost the use of her right arm and leg. The indignation of the people, their hatred, or rather rage, against the Count dos Arcos, rose to the highest pitch, and if I myself had not procured the early re-establishment of Her Highness' health, the life of the Count dos Arcos

would have been in imminent danger. This the Count himself knows to his sorrow.

The public learnt that, in consequence of a false piece of information, given by the captain of a vessel, which arrived at Lisbon from Babia, towards the end of May, purporting that his Majesty, Peter IV. had there declared that he would have nothing to do with Portugal, the Count dos Arcos proposed to the government that orders should be issued to recall to Lisbon the Marquess de Abrantes, together with all the other individuals whom the late king, peace to his soul! had ordered to quit the kingdom, in consequence of the melancholy events which occurred on the fatal 30th April, 1824. The public finally learnt that this most imprudent proposal had been approved by the other members of the government; but that Her Highness most decidedly declared that she would not accede to it, and that without a peremptory order from her august Brother and King, the individuals above alluded to should never re-enter Portugal.

Whilst Her Highness was drinking the waters at Caldas, the Count de Porto Santo, an intimate friend of Your Excellency, about the commencement of July, received a courier from our minister in Paris, communicating to him news which the French Government had just learnt by a vessel arrived on the 16th of June at Brest from Rio de Janeiro, and stating that His Majesty,

King Peter IV. had abdicated the crown of Portugal. Pedro de Mello sent this information, in the very same form as the French Government had perfidiously transmitted it to him—I say perfidiously, because the French Government being aware that His Majesty, King Peter IV. had abdicated the throne of Portugal in favour of his august daughter, as well as acquainted with the conditions on which he had so abdicated; and knowing besides that His Majesty, King Peter IV. had bestowed a Constitutional Charter on his faithful Portuguese subjects, they withheld all these weighty and important circumstances from our minister. The latter forwarded to the Count de Porto Santo, all the French Government communicated to him; but, as is well ascertained, at the same time recommending the most profound secrecy, until more circumstantial and official details were received. The Count de Porto Santo, however, far from observing the secrecy recommended, acted exactly the reverse. It was unquestionably his duty immediately to communicate this information to the government, which at that time was residing at Caldas da Rainha; but instead of this, he dispatched the news to the Intendant General of Police, who transmitted it to the Magistrates commanding the different districts of Lisbon, as well as to Count de Barbacena, the war minister, who next ordered the Count de Alhandra, commander in chief of the

garrison, to inform all the corps in the capital, that the Infante Dom Miguel was the legitimate King of Portugal! This the General did, and Lisbon, as well as the whole kingdom, was on the eve of being deluged with blood. The public odium redoubled against the Counts de Porto Santo and Barbacena, as well as the members of the government, who took no notice of the affair.

The public had the opportunity of knowing that after the criminal proceedings above mentioned were completed, it was, that Count de Porto Santo sent on the news which he had received from Paris, to Caldas da Rainha—news already known there by letters transmitted from Lisbon, which equally described the state of consternation in which the whole capital was placed, as well as the indignation of the inhabitants against Counts de Porto Santo and Barbacena.

Happily on the 8th of July, Sir Charles Stuart, bearer of the Constitutional Charter, of various decrees, and also of a letter from His Majesty, King Peter the IV. addressed to his Sister, the Infanta Donna Isabel Maria, reached Caldas; when the public soon learnt that the pleasure of Her Highness on this occasion was as great, as was the indifference, or rather regret, with which the members of the government received the news and perused the Constitutional Charter, together with the decrees forwarded by his Majesty, King Peter IV.

Her Highness forsook the valuable waters of Caldas, to which she owed her life and ought to have continued drinking at least twenty days longer, and departed for Lisbon in order to fulfil, and cause to be fulfilled, the commands of her august Brother. The whole of the capital, nevertheless, understood that the anxiety and good will of Her Highness, to see the commands of the Sovereign carried into effect, were as great as were the displeasure and ill-will of the members of the government and Secretaries of State, on this occasion. The public next beheld, with feelings of horror and indignation, the publication of an extract from the Constitutional Charter, which entirely disfigured it, intended only to deceive the people, and predispose them against the new order of things. Her Highness wished that the author and censor should be punished, in an exemplary manner; but neither the government, nor the Ministers of State, particularly Baradas, to whom this affair, in his character of Minister of State for Ecclesiastical Affairs and Justice, more particularly belonged, took the most trifling step to discover the author, censor, or editor.

The inhabitants of Lisbon and Oporto were made sensible that the members of the government and Ministers of State employed every means to delay the oath to be taken to the Constitutional Charter, which, notwithstanding all, was sworn to

on the 31st July. The inhabitants of Lisbon were informed that, day and night, plots against the Charter were carrying on, as well as against the commands of His Majesty King Peter IV., whose incontestible rights the enemies of public order, of the nation and the empire of the laws, already began to place in doubt. The public learnt that, in the mean while, the government daily received minute advices from Alentejo, informing them that endeavours were making to revolutionize the 17th regiment of infantry, the 2nd of cavalry, and also the garrison of Elvas; that the infamous Brigadier Magessi and the district commander of Alandroal, were the principal agents of this projected mutiny; that, in Tras-os-Montes, the whole of that detestable family of the Silveiras, were actively employed in stirring up rebellion in that unfortunate province, and that the 24th regiment would desert to Spain, if the government did not adopt the earliest and most energetic measures. The correspondence of the district commander of Alandroal with the leaders of the intended revolt in Lisbon, was moreover intercepted. With every thing passing was the government acquainted; yet, in vain, did the Infanta, over and over again, urge that timely and energetic measures should be adopted, in order to prevent the evils with which the country was threatened. The members of the government and Secretaries of State, particularly

Count de Barbacena and Barradas, who ought to have acted in concert and without losing a moments time, literally fell asleep. Not a single measure was adopted, or if any was, it was too late; or inadequate. Magessi and the district-commander of Alandroal consequently fled away, accompanied by the 17th regiment of infantry and 2nd of cavalry; whilst, in Tras-os-Montes, the 24th regiment of infantry, together with the Viscount de Monte Alegre, his brother, and many other Silveiras, as well as partisans devoted to them, followed the example.

The inhabitants of Lisbon were driven to the last stage of despair. They understood that the nation was betrayed, and were convinced that the members of the government and Secretaries of State had conspired against His Majesty, King Peter IV., and in order to accomplish their views, were desirous of perpetuating themselves in the Regency, created by the decree of 6th of March. Fearful of the consequences, the people formed the plan of proclaiming Her Highness, the Infanta Donna Isabel Maria, Regent of Portugal, on the 1st of August, and of defending her as such, as well as the Constitutional Charter, at the expence of their lives.

A proclamation, intended to appear posted up on the corners of the Lisbon streets, in the morning of the 1st of August, was already printed and

prepared, and many thousands of persons, military as well as civilians, were to assemble in front of the Ajuda palace, and there proclaim the Infanta, whilst the same ceremony was to be performed through the principal streets and squares of Lisbon. Subjoined is a faithful copy of that very same proclamation.

“Portuguese! His Majesty, King Peter IV., our legitimate Sovereign, by his Royal Decree of 26th of last April, confirmed the Regency, created by his august Father, only till the formation of the one which was to be decreed in the Constitutional Charter. This Regency can alone belong to the Infanta Donna Isabel Maria, and it ought to be installed on the 31st instant, because that is the day on which the Charter begins to be carried into execution.”

“But, look to it! there are men, few in number, yet great as regards means, because they hold command, who seek to usurp the rights of our Infanta, and maintain themselves in the government until, nay even longer than, the General Cortes assemble.”

“Portuguese! Peers of the Realm! Clergy! Nobles! and People! Military and Magistrates! will you consent to see such an enormous injury done to the daughter, sister and aunt of our sovereigns? You would be unworthy of the Constitutional Charter, if you have the vile weakness to allow it

to be so infamously violated on the very same day on which the oath is to be taken to it."

"Long live His Majesty, King Peter IV., and his august Daughter, Queen Mary II!

Long live our Infanta and only Regent!

Long live the Constitutional Charter!

Let the rebels and traitors tremble!"

Her Highness was by me informed of every thing that was passing, and also of what it was intended to do, in the morning of the 1st of August. I presented to Her Highness a copy of that printed proclamation, already in the hands of His Most Faithful Majesty, King Peter IV. A declared enemy to revolutions, I pointed out to Her Highness the fatal consequences which might result from the tumultuary measure proposed, principally against the Secretaries of State and members of the government, who, excepting the Duke de Cadaval, were really detested, as the authors of all the misfortunes the nation was enduring. I therefore earnestly prayed Her Highness, by every possible means, to prevent the revolution prepared, the consequences of which no one could foresee or calculate. I shewed that it was impossible for the cabinets of Europe not to disapprove highly of a revolution of such a kind, of which unquestionably they would avail themselves in order to impede the Charter from going on. I proved that, pursuant to the Charter, no one could dispute with Her Highness the Regency of the kingdom; that

she ought, therefore, at once to declare herself Regent, and immediately inform her august Brother and King, of the motives which had determined Her Highness to take such a step.

I have thought it proper to abstain from repeating here the judicious reflections urged by Her Highness, on this occasion, and shall only add to Your Excellency that Her Highness, convinced of the truth of all I had the honour to state to her, as well as of the purity and fidelity of my sentiments, commanded me to draw up a proclamation (this was on the 29th July in the afternoon) and bring it to her for her examination. Her Highness further commanded me to endeavour, through the very same channel as the one through which I had received the printed proclamation above transcribed, to prevent the tumultuary acclamation above mentioned from taking place, by conveying an assurance in Her Highness' name, that she would take the necessary measures, on the 1st August, entirely to allay the fears of the inhabitants of Lisbon.

This I did, and what I effected, as well as the anxiety I endured, from the 29th till 11 o'Clock at night of the 30th July, I myself and some of the real friends of the nations welfare, of the King, of the Charter, of Queen Mary II. and the Infanta Donna Isabel Maria, only know. Most assuredly this was not one of the smallest of the services I have rendered to my unhappy

country, which I love the more for having known how to resist so many intrigues, so many treasons, perfidies and so many bitter misfortunes it has unjustly endured, occasioned by an infamous policy, most horrid infidelity, fanaticism, hypocrisy and irreligion.

On the 30th, in the morning, I presented to Her Highness the draft of the proclamation which I had been commanded to prepare, and had the good fortune to see that it merited her approbation. On the 31st, at four o'clock in the afternoon, Her Highness sent it to the Minister and Secretary of State for the Affairs of the kingdom, commanding him to have six thousand copies immediately printed, and to forward to the Intendant General of Police such a number as he might deem expedient, ordering them to be posted up on the corners of the Lisbon Streets, in the morning of the following 1st August, and that the remainder should be left for sale in the shops belonging to the King's printing office. The Minister of State for the Affairs of the kingdom, answered Her Royal Highness in the following terms: "Madam—I had the honour to receive, and felt great pleasure to see, Your Royal Highness' handsome proclamation. It captivates as much as the oath to the Charter enchanted. I shall, in every thing, comply with the commands of Your Royal Highness, and never fail to be, as in duty bound, of Your Highness, Madam, your most humble servant,

Signed, Joze Joaquim d'Almeida Araujo Correa de Lacerda—This 31st of July, at half-past four in the afternoon.”

Your Excellency will agree with me that it was unnecessary for Her Highness to enjoin her Minister of State to countersign the proclamation in question. It was his duty to countersign it, more particularly, as it had met with his own approbation, as seen from the letter above transcribed. Yet even if the minister neither approved of the measure, nor the proclamation, clearly he ought instantly to have waited on Her Highness, and stated to her the reasons why he did not concur in either one or the other.

I shall here dwell, for a moment, to explain the motives which induced Her Highness to declare herself Regent of the Kingdom, in order to shew to Your Excellency, as well as all the diplomatists, resident in Lisbon, that it was no other than the welfare of the nation and the salvation of the State, seconded by an anxious wish to avoid a revolution, the consequences of which might have been melancholy, that compelled Her Highness to take such a step; and not that eager and restless passion, ambition, which has been so fatal to the world, and particularly to Portugal, as well as to those who allow themselves to be borne away by its allurements:

Our august Princess, who has been the victim of all the calamities which malignity, irreligion,

and a policy, the most infamous, have been able to invent, was never actuated by the ambition of reigning. If such had been the passion prevailing in Her Highness' breast, she would not have rejected, with indignation and horror, *proposals* made to her, and with which almost any other princess would have been dazzled, deceived and perhaps led away.

Let us now proceed to the question of the Regency of Portugal, and see whether it belongs to our Infanta, Donna Isabel Maria; or whether in point of right it can devolve to the Infante Dom Miguel. What I am about to say may not be pleasing to the Infante; but I state what I understand, and if His Highness does not dread hearing the truth, I, for my part, do not shrink from uttering it. I have no feelings of dislike against that youthful prince. No one ever treated His Highness with more respect and consideration than myself, as long as he was in Portugal, and His Highness cannot forget that when on board the British man of war, Windsor Castle, all the servants fled away from His Highness, yet I did not omit a single day without going to know how His Highness had passed the night, and kiss his hand.

The Infante Dom Miguel took the oath to the Constitution, consequently, he ought to abide by every thing it enacts. His Highness is bound by every thing that is law, and if he is not, he will pass for an usurper, a crime of which His High-

ness is incapable, at least, such a thing ought not to be presumed, although there are sovereigns who, forgetting themselves, and laying aside right and justice, are guided only by a policy, alike false and pernicious, and who wish that the Infante Dom Miguel, even by a recurrence to force, should become Regent of Portugal, as soon as he has completed the twenty-fifth year of his age.

The 92nd Article of the Constitutional Charter, legitimately bestowed, and to which the whole nation took the oath with the best good will, the most heartfelt pleasure and lively enthusiasm, as Your Excellency knows full well and witnessed in Lisbon, enacts, that,

“During the King’s minority, the Kingdom shall be governed by a Regency, which shall belong to the nearest relative of the King, according to the order of succession, and who shall have attained twenty-five years of age.”

The Infanta, when the oath was taken to the Charter, was “the nearest relative” and the only one having attained twenty-five years of age; it was, therefore, on the Infanta that the Regency necessarily devolved. But Your Excellency, as well as the other diplomatists residing in Lisbon, and who possibly without knowing it, are serving the impious cause and upholding the iniquitous views of the Apostolic Junta,* now assert that

* If the impious Apostolical, or Jesuitical, Junta accomplishes the abominable and wicked purposes it has in view,

the above clause is only to be understood as meaning until the Infante Dom Miguel shall have attained his twenty-fifth year. But who is to decide this question? No one except the Constitutional Charter, the laws, and the will and pleasure of King Peter IV. Consequently, this point cannot be settled by diplomatic intrigues.

Let your Excellency tell me in what Article of the Constitutional Charter you find that doctrine put forth, which has suddenly become so fashionable.

The 92nd Article, as above described, says no such thing, and that which the law does not distinguish, no one has a right to surmise. This is an incontestible principle of law.

The 97th Article very clearly determines that, "the Regent, as well as the Regency, shall take the oath mentioned in Article 76, in which the im-

in Europe will be renewed those unhappy times—times of barbarity and ignorance, when Popes deposed Kings, gave, or took away, crowns, and impiously absolved nations from the oath of fidelity which they had taken to their legitimate Sovereigns. England herself will be one of its victims, when she least thinks of it—There is no other object in view, in that fatal protection which the governments of the continent are giving to that impious Society. Either I am deceived, or the European powers are endeavouring, by every possible means, to exclude Great Britain from the European continent. They wish what Buonaparte wished—the difference only is in the means. I hope to God I may be deceived.

port of the clause is rendered more forcible by the stress laid on *the oath of fidelity to the King, and the obligation of delivering up to him the government, as soon as he attains the age prescribed, or the disability ceases!*

From this Article it is clearly seen that any person who has once entered into the Regency of a State, is bound therein to remain, and to no one can he deliver up the Regency of that State, unless it is to its legitimate Lord.

Such was the oath Her Highness took, and she would now commit an act of perjury were she to deliver up the government, or Regency of Portugal, to any other person than our Queen Mary II.

In no one Article of the Constitution is it written, and from no one can it be deduced, that when it happens that an Infanta has entered the Regency, by virtue of her having attained her twenty-fifth year, this Regency is to cease as soon as an Infante, or younger brother, if there should be any, shall have completed the same age.

Article 93, however, enacts, that "if the king, whilst a minor, should not have a relative, uniting in himself these qualifications" (those spoken of in Article 93) "the Kingdom shall be governed by a *permanent* Regency, named by the General Cortes, composed of three members, of whom the oldest shall be president."

In the case above provided for, the Regency, so named by the General Cortes, evidently is to be

permanent ; how then, let me ask, is the Regency of the Infanta Donna Isabel Maria, indisputably designated by the Constitutional Charter to fill so eminent a situation, to be temporary ? By what Article of the Constitution, or what principle of public law, is so strange and scandalous a difference to be made ?

Your Excellency clearly sees, if you wish to be sincere, that, according to the Constitutional Charter, the same to which the Infante himself took the oath of fidelity, without any restriction or reservation whatsoever, His Highness cannot become Regent of Portugal, even when he stood in the mere character of an Infante, and much less so when he is united by a matrimonial contract to the legitimate queen of the realm, as I shall soon demonstrate to your Excellency. Let us first see whether the Infante can become Regent of Portugal by law.

The illustrious author of the work entitled, *Science du Publiciste*, on which he employed ~~two~~ *ten* years of assiduous labour, and in the excellent recapitulation which he makes of the same work, called *Esprit du Droit*, when treating on the duration of a Regency, expressly says as follows ;

“ Lors que l'on a reconnu que l'autorité royale ne doit être ni interrompue, ni entravé, il faut ajouter que cette autorité ne doit pas être considérée comme pouvant même sommeiller un in-

stant, et qu'en ce sens encore on a raison de poser ce principe, que le Roi ne meurt pas."

"Ainsi, dans le cas d'absence du chef de la Monarchie" (and this is the case in which Portugal is at present placed, because His Majesty, Peter IV. is King of Portugal until the conditions on which he abdicated are fulfilled) "les fonctions du Regent doivent commencer, a compter du jour ou le Monarque, ayant quitté le territoire national se trouve par là dans une position telle que sa liberté, son indépendance morale, peut devenir l'objet d'une doute; et par les mêmes raisons, *elles doivent durer jusqu'a ce que toute crainte, toute incertitude à cet égard soit dissipée par son retour au sein de la Patrie.*"

" Dans le cas de demence, ou d'incapacité pour cause de maladie, ou infirmité, les fonctions de la Regence doivent commencer du jour ou cet état d'incapacité, constaté dans un conseil de famille, aura été déclaré par les deux Chambres; *et elles doivent durer jusqu' a ce que le retour à la santé a été constaté, reconnu, et déclaré avec toutes les mêmes formalités.*"

" Enfin, dans le cas de minorité, les fonctions du Regent commenceront au moment de la mort du predecesseur du Roi mineur; *et elles cesseront de plein droit le jour, ou celui-ci atteindra sa majorité.*"

" Pendant la durée de la Regence, aucune cause

etrangere a la personne du Regent ne doit interrompre ses fonctions, ou l'exclure de la Regence."

"Ainsi, par exemple, dans le cas où *par défaut d'âge*, ou autre cause d'empêchement du parent le plus proche, la Regence aura été devolue à un autre; Celui-ci, une fois entré en exercice, continuera ses fonctions aussi long-temps que devra durer la Regence; et le parent qui, par quelque cause que ce soit, se sera trouvé empêché d'exercer la Regence, ne pourra y prétendre, l'empêchement cessant.

"Si, par exemple encore, le Prince mineur décède laissant la couronne à un Prince, aussi mineur d'une autre branche; *le Regent en exercice conservera la Regence jusqu'à la majorité du nouveau Roi.*"

There is nothing more clear—nothing more positive—nothing, in short, more applicable to the case in point.

I should, therefore, advise Your Excellency to read the work above quoted, called "*Esprit du Droit et ses Applications à la Politique et à l'Organisation de la Monarchie Constitutionnelle*, par M. Albert Fritot, page 410 and 411.

It is apparent that, from what has already been said and submitted to your Excellency, any Regent whatsoever, who has once entered on the exercise of his functions, either through the absence,

insanity, disability, or minority of a sovereign and immediate successor, is bound to continue to govern until the sovereign returns to his own Kingdom ; or, in case of insanity, until he is perfectly recovered, and, in case of minority, until he the said sovereign shall have attained the age prescribed by law.

According to the doctrine of the learned and illustrious writer on public Law, above appealed to, against whose opinions, I am confident Your Excellency has nothing reasonably to alledge, it results that, during the actual period of a Regency, no cause, foreign to the Regent, can, or ought, to interrupt his, or her, functions, or exclude him, or her, from the Regency. This, clearly means, that the Regent can only be deprived of the Regency on which he had once entered, either because the person on whom the duties of that exalted station had devolved, is dead, or has voluntarily surrendered them up ; or, by some intervening cause, has become disabled from continuing to exercise the same.

Your Excellency must be sensible that the Infante Dom Miguel, owing to his not having attained a competent age, at the time the Constitutional Charter was accepted and put in force, could not then become Regent. The Infanta Donna Isabel Maria, consequently, entered on the duties of the Regency, because she stood in the same de-

gree of relationship to the rightful Successor, as the Infante Dom Miguel, and besides had attained the due age prescribed by law. Having once assumed and exercised the duties of Regent, no one can now rightfully dispossess her of them, according to the avowed maxim, above quoted. “*Ainsi, par exemple, dans le cas ou, par défaut d'âge, ou autre cause d'empêchement du parent le plus proche, la Regence aura été dévolue à n autre; celui-ci, une fois entré en exercice, continuera les fonctions aussi long temps que devra durer la Regence; et le parent qui, par quelque cause que ce soit, se sera trouvé empêché, d'exercer la Regence, ne pourra y prétendre, l'empêchement cessant.*”

What, let me ask, can be more clear, positive, or even more applicable to the case in point? If Regencies were not permanent, how unhappy would be the fate of nations! What an extensive field would the opposite principle open for intrigues, cabals and parties, of which nations have so often been the victims!

To seek, therefore, to exclude from the Regency of Portugal the Infanta Donna Isabel Maria, in order to make way for the Infante Dom Miguel, would be to commit a most horrid act of injustice—it would be an unheard of and execrable violence. It would be the most impolitic, scandalous and degrading precedent the cabinets of Europe ever

witnessed. It would be to trample under foot all the principles of public law, religion, morality, justice and sound policy. It would be to increase the bitter evils of a nation that has offended no one; a nation, in short, that only wishes what its own legitimate monarch has bestowed upon it, and beyond this nothing.

To what has been said it may be necessary to add, that the Infante Dom Miguel, on account of his being bound by a matrimonial contract to our queen Mary II., is in a very different situation to what he would be in, if he were a mere prince of the blood.

By Article 90 of the Constitutional Charter, the Infante Dom Miguel can have no part in the government of the kingdom, and cannot even hold the title of King, until by the Queen he has had a son or daughter. If till then, therefore, the Infante has no right to take any share in the government, even when the Queen is of age, how is it possible that he is to hold the reins during her minority? It would be a complete absurdity, the more so, when it is remembered that this minority has still to last for nearly ten years.

So far I have endeavoured to shew Your Excellency, in a clear and distinct manner, that according to the Constitutional Charter and the avowed principles of public law, the Regency of the Kingdom incontestably belongs to Her Highness, the Infanta Donna Isabel Maria, and in no

wise to the Infante Dom Miguel, and that nothing short of the abominable and criminal law of force—nothing short of treachery and violence can deprive the Infanta of the post she now fills, as Regent of the Kingdom.

It is incontrovertibly established that a Regency takes place, either because the king is absent, is insane, or because he is disabled from governing, on account of some uncontrollable impediment, or because he is a minor. Now in which of these cases is Portugal, at the present moment placed? Evidently in the first.

His Majesty, Peter IV. was acknowledged as the legitimate King of Portugal by all the governments of Europe, subsequently to the circular note of Prince Metternich, addressed to the ambassadors and ministers of His Imperial and Royal Majesty, dated Vienna, March 27, 1826. It has only been a few rebels, influenced by the gold, and seduced by the intrigues of the Madrid cabinet and the Apostolical Junta, who have attempted an opposition, and, deluded by a traitorous and self-interested leader, have been withdrawn from their allegiance and dragged on from crime to crime, till at length they met with a merited defeat.

His Majesty, Peter IV. as the legitimate King of Portugal, was authorized and at liberty to give to his faithful subjects a Constitutional Charter, in strict accord with the boasted doc-

trines of the Holy Alliance itself. His Most Faithful Majesty, by bestowing that same Charter, does not do more than restore to the Portuguese nation those very institutions, coeval with the foundation of the monarchy, under the enjoyment of which, although so few in numbers, by their glorious deeds, they astonished Europe and the whole world. His Majesty did no more than restore to us that which despotism and the most mistaken policy had taken from us, since the year 1698 up to the present time—a privation which the impious Apostolical Junta and the despotism of some of the European cabinets, supported by irreligion, fanaticism and hypocrisy, now seek to perpetuate.

His Majesty, Peter IV. as the legitimate sovereign of Portugal and Algarves, abdicated the crown of those realms in favour of his august daughter, our Queen Mary II.; but he abdicated on the following conditions: 1st. That the Oath to the Constitutional Charter should be taken; 2nd. that the espousals should be celebrated and *the marriage concluded.* The Sovereign, on that solemn occasion further added—“*and this my abdication and transfer shall not be carried into effect, if any one of these two conditions should be wanting.*”

The oath was taken to the Constitutional Charter, the espousals were celebrated; but, *is the marriage concluded?* No, and so far

is this from being the case, that His Highness, the Infante Dom Miguel, if he should so wish, may still espouse any other princess, and our Queen Mary II. also may accept the hand of any other prince her august Father may choose for her. This conclusion may not possibly be diplomatical, but it is logical and necessary. Your Excellency knows that words ought to be understood in their natural and obvious sense, and generally according to the meaning of him who speaks or writes. Should there, however, in the present case be any doubt, and certainly there can be none for any one acquainted with our language, respecting the manner of interpreting the conditions on which His Majesty, Peter IV. abdicated, I ask, to whom does it belong to give to those conditions a true interpretation? Does it perchance belong to Prince Metternich, or does it belong to Your Excellency, who often, according to an infinite number of Lisbon letters, has said that Peter IV. does not govern in Portugal and is not king of those realms, from the time he bestowed the Charter? Does it belong to your diplomatic colleagues, resident in Lisbon, who have evinced so much anxiety to see our Constitutional Charter put down? Most assuredly no. The true interpretation belongs exclusively to the author of the act of abdication, who, happily for Portugal and Brazil, is still alive.

If the conditions of the abdication are unfulfilled,

as unquestionably is the case, it evidently and incontestably follows that His Majesty, Peter IV., is still King of Portugal and Algarves, and as such, necessarily ought to be considered, until the moment when the marriage is *concluded*. It further follows, that no minority exists, because the Sovereign is actually alive, and also that His Majesty, Peter IV., who is the natural guardian of his august daughter and protector of her interests, is the person who can, and ought, to name a substitute to perform his duties, that is, one who is to be his representative and the bearer of his powers in Portugal. This choice incontestably belongs to His Majesty, Peter IV., and to him alone. If, therefore, any cabinet should seek to interfere and meddle in this affair, or should pretend to deny this prerogative to His Most Faithful Majesty—a prerogative inherent in him, both as Sovereign and Father, that cabinet so acting would certainly perpetrate a most execrable and scandalous crime, and hold forth a terrible example, which some day or other might be fatal to it.

Her Highness, the Infanta, as already stated, in order to avoid a revolution, alike imminent and prepared, the consequences of which might have been fatal, and supported also by the Constitutional Charter, to which a few hours previous the oath of allegiance and fidelity had been taken, declared herself Regent of the Kingdom, and Your Excellency was an ocular witness of the public

joy with which the capital received this auspicious news. Your Excellency knows the satisfaction and applause with which this resolution was viewed by the municipalities and corporate bodies of the Kingdom. The addresses and felicitations which they then presented to Her Highness, are in print, and Your Excellency knows that Her Highness never distributed money, nor ordered any to be distributed, for the purpose of obtaining popularity or applause. I myself am most certain that no one of Your Excellency's spies, notwithstanding the innate wickedness of this class of people, ever carried to Your Excellency any information of a contrary effect. Your Excellency knows that Her Highness, notwithstanding the most criminal intrigues, and in spite of the blackest and most shameful calumnies, which it was possible for the enemies of the King and of the Charter to invent, and of which Her Highness partly became the victim, still enjoys the affection and esteem of all good Portuguese.

As soon as Her Highness declared herself Regent, she gave due information of every thing to her august Brother and King, who was pleased to approve of all she had done. From that moment, His Majesty, Peter IV, considered his august Sister, the Infanta Donna Isabel Maria, as his own delegate and representative in Portugal, and not as the representative and substitute of his own august Daughter, during her minority; because

no such minority can exist, as long as the legitimate Sovereign, His Majesty, Peter IV, is alive, being virtually such, at least, until the conditions on which His Most Faithful Majesty abdicated the throne, shall be accomplished and carried into full effect.

I have already manifested to Your Excellency the motives which induced Her Highness to declare herself Regent of the Kingdom, on the 1st of August, and if Your Excellency and your colleagues would only listen and attend to the voice of reason, justice and sound policy, you and they would confess that Her Highness had done what she ought; that she rendered an important service to humanity and the public cause, as well as to that of Legitimacy, by preventing anarchy, by asserting sacred and lawful rights, and also by obviating those many evils which could not fail to attend an inevitable revolution, already prepared and ready to burst forth. But, whether Your Excellency and colleagues acknowledge the important service so rendered by Her Highness, or not, it suffices that His Majesty, Peter IV, has already highly approved of the resolution of Her Highness, on the occasion alluded to, and that he has eulogized the proclamation then issued by her, as well as her loyal, frank, and highly politic conduct at that trying moment.

It being, therefore, incontestable that His Majesty, Peter IV, is the legitimate Sovereign of

Portugal, and as such necessarily ought to be considered, at least until the conditions on which he abdicated have been completed and carried into entire effect, it is evident that the Infanta, Donna Isabel Maria, governs Portugal as his delegate and representative; and to His Majesty, Peter IV, as King and parent, does it belong to authorize and appoint the person who, in the interval, is to represent him and hold his powers in Portugal.

As the rightful sovereign of Portugal, he may nevertheless, confer on his substitute and representative, full, or limited, powers. I challenge Your Excellency to produce a single Portuguese writer on public law, a single jurisconsult, at least deserving of that name, who teaches or maintains an opposite opinion. Nevertheless, Your Excellency, in spite of that eagerness which it appears, you have evinced to see the Constitutional Charter dashed to the ground in Portugal, must be aware that the point at issue, in case any doubts should be entertained respecting it, can only be determined by Portuguese jurisconsults and authorities, and not by Your Excellency or your colleagues, who either have not the necessary knowledge, or if they have, (and I am compelled so to conclude, certainly in a manner it is difficult for me to reconcile to my own feelings,) they are acting, as many of my own countrymen are prepared to say, with bad faith and contrary to the impres-

sions on their own minds. Let them choose of these two positions that which suits them best.

If His Majesty, Peter IV. had granted to his delegate and representative full power, most assuredly he would not have taken upon himself to bestow the few distinctions which he has done, since he acknowledged his august Sister as his delegate in Portugal. How then does it happen that the Secretaries of State, whilst upheld by Your Excellency, a fact public and notorious in Lisbon, have had the criminal temerity to oppose, and even to countermand, those same few favours and distinctions which the sovereign bestowed, because he had the power so to bestow them, and still has, until the very moment when the conditions on which he yielded up the crown, have been accomplished and duly fulfilled? Does not such conduct as this tend to encourage crime and rebellion?

Your Excellency knows full well that the Bishop of Vizeu, the Baron de Sobral, and Your Excellency's favourite friend, Dom Francisco d'Almeida, thus committed a crime, and nevertheless Your Excellency subsequently sustained them in their places, notwithstanding the public outcry, from February until the 9th of June, when at length they were dismissed, as they richly merited.

I know, from Lisbon letters, deserving of confidence, that Your Excellency has said and spread abroad that His Majesty, Peter IV. does not

govern in Portugal, since he bestowed the Charter, because this would be opposed to the separation of Brazil, which England has consolidated and is determined to maintain. But what has the separation of Brazil to do with the decrees which His Majesty, Peter IV. was pleased to send, or hereafter may send, over to Portugal? In this how does His Majesty attack or oppose the separation of Brazil from Portugal? I await an answer.

I am also aware that Your Excellency says and spreads abroad, and certainly without any grounds, that if His Majesty continues issuing decrees for Portugal, this country will become a Colony of Brazil. Great God! is this Your Excellency's logic? Does not Your Excellency startle at the repetition of such a sentiment? The Portuguese will never consent to see Portugal become a Colony of Brazil, in like manner that the Brazilians and their Emperor will never agree that Brazil should again become a Colony of Portugal. The separation of the two countries is now decreed and established, *usque in eternum*. And does not Your Excellency moreover see that our coin is distinct; that we have a diplomacy of our own, and that our army, navy, treasury and public functionaries—nay every thing, in a word, is separate and independent? Does not Your Excellency see that Portuguese citizens alone can be employed in offices of trust and confidence

among us? What further proofs does Your Excellency require to learn that Portugal is not a Colony of Brazil? It must be confessed that Your Excellency's logic is of an extraordinary kind. The hero also of St. Helena, who perhaps once held, and again lost, the opportunity of rendering half the world happy, had his own particular policy—*J'ai ma politique a moi.*

Let Your Excellency tell me whether any one, endowed with common sense, because His Majesty Peter IV. is Emperor of Brazil and King of Portugal, can from that circumstance conclude that Portugal is a Colony of Brazil? Cannot a sovereign, at one and the same time, have two States, independent of each other, and without one being a Colony of the other? Is not the King of England equally King of Hanover? And on this account, perchance, is England a Colony of Hanover, or Hanover a Colony of England?

But it is better not to quote examples from other countries, when we have plenty at home. Does Your Excellency not remember that King Alphonsus III., whilst a Sovereign Count over the States of Bouloigne, in France, in consequence of his having espoused the Princess Matilda, Sovereign Countess of those same States, was, owing to the tyrannical deposition of King Sancho II., proclaimed sovereign of Portugal, and at the same time continued to be the ruler of the States of

Boulogna, without the latter becoming a Colony of Portugal, or Portugal a Colony of Boulogna?

Has it escaped Your Excellency's memory that King Alphonsus V. by virtue of his marriage with Queen Joan, was proclaimed King of Castile and Leon, and that notwithstanding he went away to rule those Kingdoms, he did not, on this account, forego the exercise of his royal authority in Portugal, or weaken his kingly rights which he continued to retain? And was Portugal, in those times, a Colony of the Kingdoms of Castile and Leon, or were the latter Colonies of Portugal?

Has Your Excellency forgotten that King Emanuel, on espousing the Princess Isabel, heiress to the Kingdoms of Castile, Leon and Aragon, proceeded there to govern these three States, without, on that account, losing his regal rights in Portugal? And, by such an arrangement, did Portugal become a Colony of the three Kingdoms above mentioned, or were the latter converted into Colonies of Portugal?

Your Excellency certainly must be aware that two separate and independent Countries, governed by the same Sovereign, do not, for that reason, constitute one and the same nation.

The abdication no doubt exists—it is on record; but its being made binding, depends on the conditions established by the sovereign who so generously abdicated. It is only when these conditions have been completely realized, that the King will cease

ruling in Portugal. No Portuguese writer on public law; no jurisconsult of talent and probity, will fail to agree with me in a truth so palpable and manifest. And it is, I repeat, Portuguese jurisconsults and authorities alone who are to decide the point, and not diplomatic intrigues, or the plots and cabals of the Apostolical and Jesuitical Junta. Nothing, in short, but malignity and a spirit of usurpation could ever have raised a doubt on the subject, or attempted to render a matter, in itself so clear, for a moment, problematical.

When, however, His Majesty, Peter IV., after the conditions prescribed and on which he abdicated, have been carried into full effect, shall have ceased to be King of Portugal, because such was his royal will and pleasure; even then, let me ask, will he cease to be a father? And is not the parent the natural guardian and protector of his children? Who then shall venture to dispute with His Majesty, Peter IV. the power of appointing the person in Portugal who is there to administer the property and patrimony of his august daughter, since unquestionably he is the legitimate guardian of the persons, as well as the administrator of the property, of his own children, during their minority? It follows, therefore, that whether His Majesty, Peter IV., be considered as the King of Portugal, which indubitably he is; until the conditions and stipulations under which he abdicated are accomplished; or whether he is viewed simply in the cha-

racter of Father of our Queen Mary II., and, consequently, as her legal guardian and administrator, on him; and him alone, does the choice of that person devolve who is to govern the kingdom; during the minority of the Queen. This appointment certainly does not belong to Your Excellency, nor to any of the diplomatists resident in Lisbon. It does not even belong to any cabinet, or cabinets, in Europe. To attempt the contrary, by either, would be a glaring act of usurpation, in the style of Napoleon, of which, in my opinion, no sovereign in Europe would be capable.

It is, however, high time to close this letter, which, although I have not said half of what I had to say, has already extended to a greater length than I anticipated. I shall, therefore, put an end to the subject, by confidently assuring Your Excellency, that, if in the question at issue, candour and sincerity are used: if the necessary knowledge of the public law of Europe, and particularly of Portugal, is only consulted, and our Constitutional Charter properly understood, I am sure that no person, endowed with sound sense and favourable to good order and the cause of legitimacy, would fail to conclude;

First, that the minority, spoken of in Article 92 of the Constitutional Charter, supposes the death of the preceding Sovereign. Fortunately, however, the legitimate King of Portugal is alive. On him alone, therefore, does the appointment devolve of

that person, who is to govern Portugal, as long as his august daughter is a minor.

Secondly, that Regencies are permanent; that in them there is no succession, and that no cause, foreign to the person of the Regent, ought to interrupt his, or her, functions, or exclude him, or her, from the Regency; consequently, that Her Highness, the Infanta Isabel Maria, having once entered the Regency of Portugal, to no one can she deliver up the government of that kingdom, unless, it is to her legitimate sovereign, Queen Mary II.; more especially as her august Brother and King, as well as the natural guardian and administrator of his august daughter, has formally and fully approved of all her Highness has done, and from that time considers her as his substitute and representative in Portugal. It therefore follows that her Highness, the Infanta Isabel Maria, cannot be deprived of the Regency, without a flagrant act of violence, injustice and of scandalous usurpation, being committed.

“ Pendant la durée de la Regence, (says the writer on public law previously quoted), *aucune cause, étrangere à la Personne du Regent, ne doit interrompre ses fonctions, ou l'exclure de la Regence.* (He then adds as follows)

Ainsi, par exemple, dans le cas où, *par défaut d'age*, (as it happened with the Infante Dom Miguel) ou autre cause d'empêchement du parent le plus proche, la Regence aura été devolue a un autre, *celui-ci, une fois entré en exercice, conti-*

nuera ses fonctions aussi long temps, que devra durer la Regence : et le Parent qui, par quelque cause que ce soit, se sera trouvé empêché d'exercer la Regence, ne pourra y pretendre, l'empêchement cessant. Nothing can be more clear and distinct than this.

Thirdly, that the Infante Dom Miguel, from all that has been above stated, has no right whatever to take upon himself the Regency of Portugal.

If the respect, fidelity and obedience which the Infante Dom Miguel, as a subject highest in rank, owes to his august Brother and King, are of no avail; if the public law of Europe and of Portugal is to be disregarded; if the Constitutional Charter, legally bestowed and joyfully accepted, is an empty name, and if, for right, reason, justice and legitimacy, force, cabals and intrigues are to be substituted, then, and then only, is the question at an end.

What I have just written to Your Excellency, I would, with equal frankness, repeat to His Highness, the Infante Dom Miguel, and I am confident that His Highness, far from being offended, would thank me for my candour, as he would then know that I am more proud of his good name and glory than those who flatter him; those who have always given him wrong advice, by wishing to precipitate events; those counsellors, in short, who never had the real glory of His Highness at heart, but rather their own private ends and designs.

My anxious wish is, that His Highness, the Infante Dom Miguel, may be the first to set the example of respect, fidelity and obedience to the commands of his august Brother and King; as by such an honourable and prudent line of conduct, His Highness will dissipate all the apprehensions—all the distrust of the nation, and the Portuguese, of all classes, will then have an opportunity of learning, that the Infante Dom Miguel is worthy of one day governing, at the side of his august queen and spouse, a high-minded, faithful and valorous people.

I am,

With the most perfect consideration,

Your Excellency's,

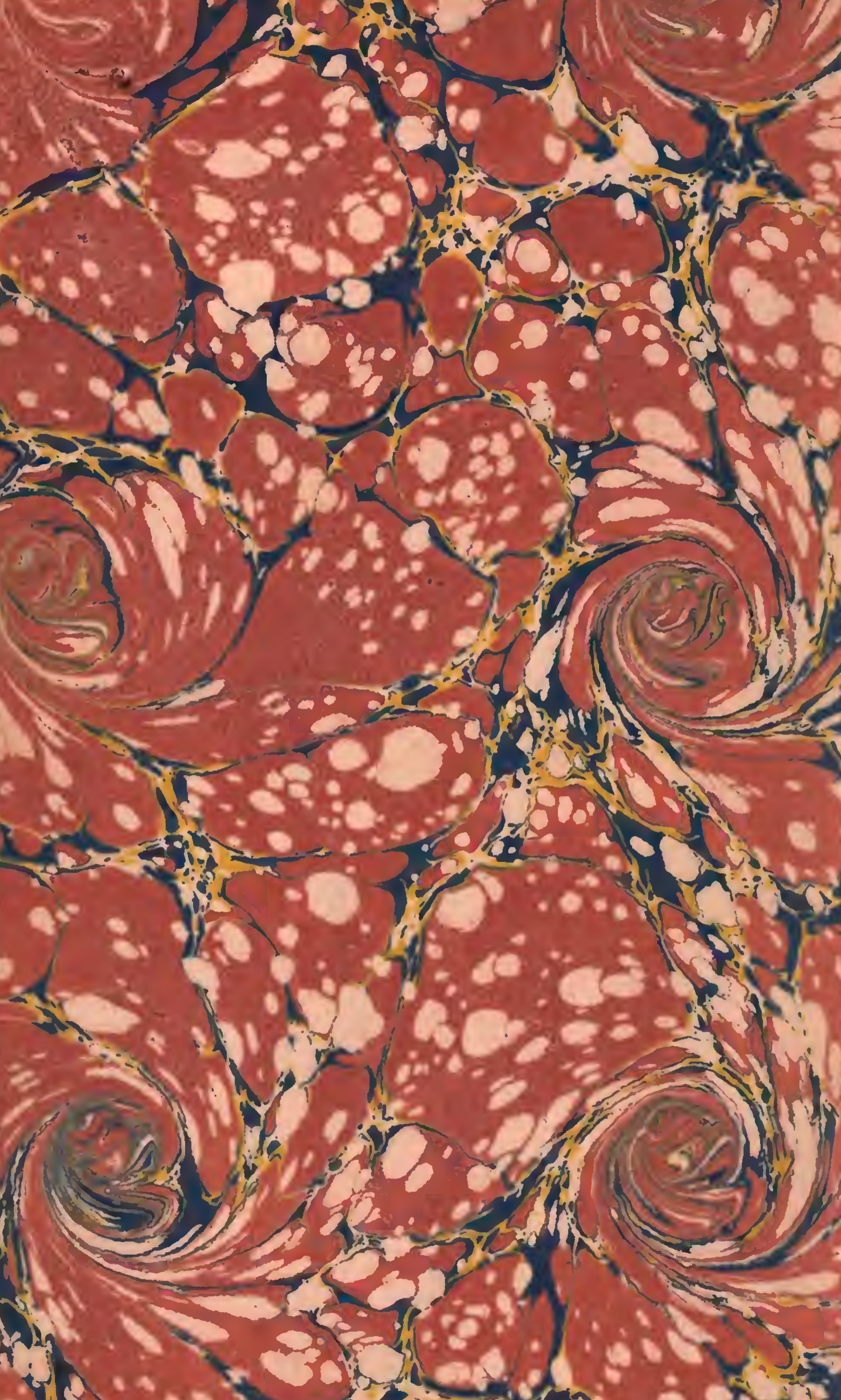
Most Obedient Servant,

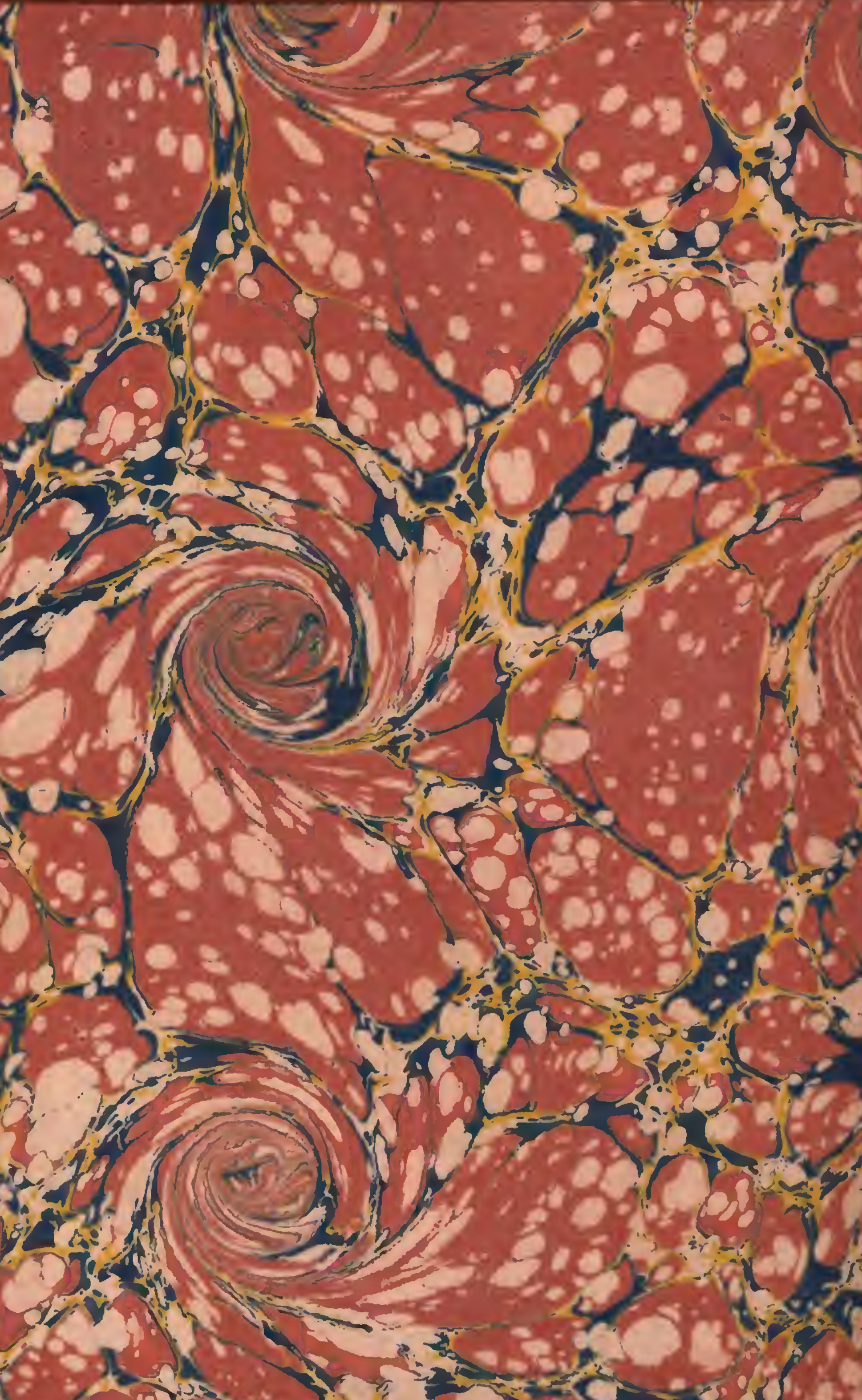
Counsellor Bernardo Joze d'Abrantes e Castro.

London, July 5, 1827.

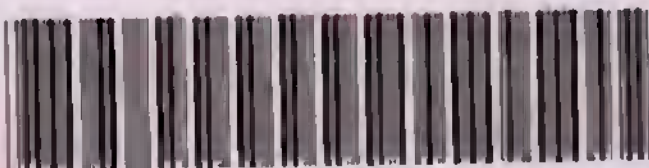
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