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the history of these two interesting
forms of the **W. G. M. S.** for the next
twenty years.
I am, Sir, Your obedient servant,
W. G. M. S.

THE "DINOMINATED" ACT

with the most profound respect

to your Majesty's

Most obedient and devoted servant,
Charles Kettle of the Kingdom of Scotland,
WILLIAM WALLTON

ASSISTANT TO THE

London, 18th Decr 1841

to the

of the

Translated from the

LONDON

and the

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FEW WORDS

ON THE SUBJECT OF

THE "DENOMINATED" ACT

OF THE

Three Estates of the Kingdom of Portugal,

ASSEMBLED IN CORTES,

IN LISBON,

ON THE 11TH OF JULY, 1828.

Translated from the Portuguese.

LONDON:

GYE AND BALNE, PRINTERS, 38, GRACECHURCH STREET.

1829.

P R E F A C E.



THE legitimacy of DON PEDRO, and consequently that of DONNA MARIA, as Queen of Portugal, have been doubted in England by some individuals unacquainted with the legislation and political confederacies of Portugal; while credence has been given to the assertions of interested men, that the late proceedings of DON MIGUEL were authorised by the laws and ancient customs of his ill-fated country.

This subject has been elucidated by four Portuguese writers; but the idiomatic phraseology of the national legislation of Portugal is such, that few foreigners can arrive at the precise meaning of its laws. The first publication, entitled "*The Portuguese Question; or, Who is the legitimate King of Portugal?*" was translated into the French language a short time since, and extensively circulated on the Continent. It was highly commended by the periodicals not only of France, but also of this country, and considered a pamphlet which reflected honour alike on the patriotism as on the learning of its author. The second, entitled "*Short examination of the rights of Don Pedro,*" had less circulation, but, secured to itself a fair proportion of praise. The third, named "*Unjust decision of the Three Estates of the Realm; or, Miguel's Usurpation,*" is a judiciary publication, explanatory of all the laws of Portugal respecting the Assemblage of the Three Estates. The strong legal arguments of this work, now first presented to the English reader, will speak for themselves. They satisfactorily prove that the Assembly of the Three Estates of the Realm was factious and illegal; and that the decision by it recorded was totally opposed to the pretended rights of the Usurper.

The subject is one of interest to every reflecting mind, but especially to those interested in the rise and fall, progress and prosperity, of kingdoms, as well as the balance of political power in Europe.

It is hoped that any inelegance of style which may be discovered by the critical English reader, will receive every excuse, particularly when it is stated, that both the original work and this translation are the productions of a foreigner.

A FEW WORDS,

&c. &c.

DON MIGUEL, on his return from Vienna, whither he had been sent to expiate his criminal attempt against his father; and after having sworn to espouse his niece, Donna Maria da Gloria, the future legitimate Queen of Portugal, and to govern the kingdom according to the institutions granted by his brother, Don Pedro IV. King of Portugal; assumed the government and usurped his brother's crown. He violated the oaths he had taken and the promises he had made in the face of all Europe; and, craftily to palliate the whole, he convoked an assembly of the Estates at a time when the country was in a state of confusion, when the municipal corporations were *de facto* dissolved by the absence of the component members, and when the deputies to the national assembly could not consequently have obtained legal nominations from their constituents. The Administration had even the effrontery to make one of the members of this assembly a Deputy-Representative for Gôa, time not having then elapsed for the transmission to that city of the news of Don Miguel's arrival in Portugal.

The Three Estates thus convoked, and thus constituted, assembled on the 11th of July, 1828, and determined on recording, in one solitary Act, their respective decisions of the question which was proposed to them, namely: "On the death of King John VI. on whom did the right of succession devolve?"

The decision recorded in this Act is grounded on a single principle, and this principle is merely a sophism: its fallacy is palpable, and little reflection is therefore necessary to convince an unprejudiced mind of it. In the subsequent few words we offer the public our ideas on the subject. The whole purport of the Act is comprised in the following important paragraph; the rest of the document is but an illustration and repetition of the same ideas, without any addition of new proofs or more satisfactory arguments in support of the decision it records.

"The transactions of the 25th of November, 1825, decidedly brought on the exclusion of Don Pedro from the succession, according to the laws of Portugal, when the crown immediately devolved on the Most High and Mighty King, Don Miguel I.: because, on the legal exclusion of

“ the *first-born*, the right of succession naturally belongs to
 “ the *second*. No other Prince or Princess stood in a similar
 “ situation after this exclusion; for this Prince or Princess,
 “ if either could have been thought to possess rights to the
 “ throne, must have been a descendant of Don Pedro, and
 “ then, as a consequence, the following dilemma would have
 “ arisen; that either Don Pedro must have possessed rights
 “ to the succession after his exclusion—a manifest absurdity
 “ —or, which is equally absurd and incoherent, that after
 “ this exclusion he could have transferred to his descendants
 “ those rights of which he had been deprived. Under the
 “ tuition of a father—a declared foreigner—this Prince or
 “ Princess, as a minor, must have been necessarily considered
 “ a foreigner also; but even granting the contrary, the rights
 “ of which their Ancestor had been legally deprived could
 “ never have devolved on him or her.

“ This is the great, the unshaken principle on which the
 “ Three Estates have formed their decision, and by which
 “ they have recognised, in the August Person of Don Miguel,
 “ the King of Portugal.

“ The *first-born* was legally excluded. His descendants
 “ could not therefore acquire from him (much less from any
 “ other person) rights of which he had been deprived; the laws
 “ then indisputably call the second line to the succession.”

The ideas of *first-born* and *primogeniture*, of *descendant* and
line of succession, are purposely confounded in the above
 quoted paragraph; and, in fact, the apparent force of its
 arguments is supported on this studied confusion. It were
 better to say nothing than to offer a puerile sophism in de-
 fence of an usurpation. The refutation of these futile
 arguments, and the demonstration of the truth, is conse-
 quently an easy work. An attentive perusal of what we
 here submit will convince the most incredulous of the incon-
 sistency of Don Miguel's pretended rights—rights, which
 have been established in deceit, and supported by falsehood.

Let us for a moment suppose, as the Act states, that Don
 Pedro became a foreigner in 1825; does it then ensue that
 his issue, born when he *was* a Portuguese, is to be considered
 foreign? Donna Maria da Gloria, was *born a Portuguese*.
 Because, after her birth, her father adopted another country,
 are his daughter's rights of nativity to be effected? Is
 Donna Maria the daughter of a slave, whose offspring the
 law condemns to slavery? Because my father changed his
 state in life, his country, or his religion, am I to be consi-
 dered as having suffered the same change, whether I chose
 it or not? Am I debarred from continuing to hold the
 hereditary lease he held, or from succeeding to the entailed

property he enjoyed, or from taking possession of the property left me by my uncle or grandfather, because my father so determines it? Can the law, which calls me to the succession after him, be overruled by *his* will? Is he superior to the law? Can he by an *act* of his own destroy my *rights*—rights acquired by my birth, and inherent with my existence? In this consists the absurdity of the reasoning on which the decision rests; while the sophism of confounding *first-born* with *the line of primogeniture* is evident.

The act of naturalization, in a foreign country, cannot be considered as productive of more important effects towards us, in relation to our native country, than those caused by *death*, which is, without doubt, the term of all personal rights. Now, let us suppose that Don Pedro had *died*, immediately after he constituted himself a Brazilian; to whom would the rights he possessed have descended—to his daughter or to his brother? The laws of Portugal ordain, that the succession to the throne shall be regulated in the same manner as the succession to entailed property; and the Ordinance, Book 5, Title 10, decides the question in favour of the daughter.

A family or dynasty enjoys the possession, conferred on it by legal rights, of any property or kingdom which is hereditary; and the succession to which follows in the line of primogeniture: on the death of the actual possessor the line continues, if any of his descendants exist. This can admit of no doubt.

On the *hypothetical* death of Don Pedro, his *right* to the crown devolved on his daughter, Donna Maria da Gloria. She possessed this right *in potentia*, till the death of her grandfather, Don John VI. on the 10th of March, 1826, when this right was verified *in actu*. Since that period she has been the absolute possessor of this right, conformably to our Legislation, and according to the law of the 9th of November, 1754.

To affirm that because Don Pedro was excluded from the succession, the *line of primogeniture* was also excluded, is an evident sophism. If Don Pedro, at the time of his exclusion as a foreigner, had had no issue, then the line would have been *completely extinct*, and the children born *afterwards* could not assert claims to rights *non-existent* at the time of their birth.

But Donna Maria da Gloria *did exist* when this *pretended* exclusion took place. Don Pedro could not disinherit *her*. The interruption in the line, caused by Don Pedro's exclusion, was personal; but the line itself did not become *extinct*. We may then indisputably conclude, that Don Pedro's naturalization in a foreign country, or even his death, could not in the least affect his daughter's rights.

To affirm that Don Pedro could not, on the 10th of March, transfer to his daughter rights which he did not possess, is absurdly to involve the disputed point in the hypothesis of the Act. By this hypothesis Don Pedro's rights ceased on the 25th of November, 1825. It was in this very Act that they passed to his daughter. Their action *was suspended* till the 10th of March. On that day they were not transferred, but *verified*; the *jus ad rem* became *jus in re*. He did not then transfer to his daughter rights which he did not possess on the 10th of March, nor did she on the 10th of March acquire any rights; they had been already acquired on the 25th of November preceding. Let us now suppose, that instead of being *excluded*, (the hypothesis of the Act) Don Pedro had *died*: the sophism is still more evident. If, therefore, Don Pedro had died on the 25th of November, on that day his rights would have descended to his daughter.

The rights, whose action had been suspended during the life of her grandfather, were again called into *action*, and *verified*, on the 10th of March, when he died. This is as obvious as the principle on which the Act is framed is absurd.

Donna Maria da Gloria was born a Portuguese, and is still a Portuguese. Because of this quality she cannot be deprived but by a *personal* act. Now, Donna Maria has not yet committed *this* act, nor any other which can be considered valid, she being a minor, of ten years of age. If then she be a Portuguese, the question of Foreigner cannot in the least affect her.

I may *alienate and lose*, by a *personal* act, that which is mine; but *my* acts cannot alienate and cause to be lost that which is *not mine*. As *major natu* I may alienate and lose the right by this quality conferred on me; but I cannot thereby affect the rights of a *third person*, or annul *acquired rights*. When, therefore, the above-named Act sets down and establishes, that the rights of primogeniture can, like any other rights, be *alienated and lost*, and by this means an *absolute* alienation and loss follow, it evidently establishes an absurdity, for in our case the *loss* is but *personal*, and affects the *major natu*, and not his descendants.

The reigning House of Bragança is invested with the possession of the regal power in Portugal by law and by right. Don John VI. held this two-fold investiture. The succession calls in the legitimate line of primogeniture. The *major natu* has issue, which has as much right to the succession, on the legal exclusion of the father, as he had. As much right to the administration of the regal power has the one as the other; and as Heads of the State they are bound by the same ties.

The kingly power is reciprocally inherent to both.—The successor in this specific case does not *acquire* rights from his predecessor; he only *enters into* the fruition of the *same* rights by the law's vocation. It is the law which calls him; it is the law which designates him; and by the law, if he be possessed of the qualifications as by law required, does he administer the kingly power. He is not *absolute lord* of the kingly power; he only administers it. If then he is not an absolute possessor, how can his *actions* affect his successor, and injure his successor's rights, when these are not derived from the *antecessor*, but are conferred by the *law*? How can the fact of the actual possessor being a foreigner (in the hypothesis of the disqualification of foreigners) exclude the natural successor? Can even the death of the *antecessor* deprive his successor of rights which do not involve any hereditary quality? Who cannot distinguish the difference, between legitimate succession to the administration and hereditary succession to entailed property?—between the vocation of the law and the vocation of the man?—and finally, between administration and possession?

To be unable to comprehend the march of our reasoning, and the absurdity of the principles of the Act of the Estates, argues an ignorance of the most elementary notions of Jurisprudence. That the members of the Estates should have been ignorant of these notions, is but a shame to them; that they should purposely set them aside, and determine in evident contradiction to them, is a revolting crime.

We have hitherto discussed the case of Don Pedro being a foreigner since 1825; but this, on our part, was as a gratuitous concession only to point out with stronger evidence the absurdity of the decision recorded in the Act, even under what might have appeared to be the most unfavourable circumstances. We now recall the concession, and declare, that we entertain and follow a diametrically opposite opinion. No Portuguese law designates him a foreigner, much less deprives him of the right of succession.

A *part* of Portugal is constituted a separate and independent monarchy: the sovereign of this new kingdom is the heir apparent to the Portuguese Crown; does his newly acquired sovereignty disable him, on the demise of his father, from ascending the throne of the Mother-Country? Certainly not: especially when the latter declared—purposely to prevent disputes about the succession, and to avoid contests from which the people never derive any benefit, but, on the contrary, suffer every loss—that when the separation of the Colonies took place, it was done by *his consent*; that Don Pedro IV. was the legal *heir to the Portuguese crown, and, his*

successor; and finally, to preclude all doubts and to concentrate, as it were, the succession to both monarchies in one and the same person, he himself assumed the title of Emperor of the Brazils. The nomination of Sir Charles Stewart as Plenipotentiary for Portugal, the treaty between King John VI. and Don Pedro, and the laws issued on the 15th of November, 1825, are documents which all Europe has seen, and of which ignorance cannot be pleaded in excuse.

As to the precedent of Donna Beatriz's case, which the *fraction* of the Three Estates alleges in favour of its decisions, the application is null. It treats of the succession of a female, and Don Pedro belongs to the male line: it relates to the marriage of a princess, and not to the rights of a prince. All that it proves is, that if a foreigner marry a Portuguese Princess, he never can be King of Portugal. The members of the Estates were obliged to recur to a fantastic supposition, and even then they were forced to confess that its application was ideal; for, said they, *the public documents of the times do not point out the genuine reason—the quality of a foreigner*. How unrecorded reasons are conjectured and alleged, and written reasons are contemned, the *science of criticism*, with which the framers of the record are endowed, can best explain.

With respect to another alleged precedent, that of the Count of Bologne, we have but to observe, that a new proposition has been established by the Deputies of the Estates to which we have no objection to accede, namely, that the rights of nativity are lost by a non-residence in the country, and again acquired by a return to it—“*by immediately returning to Portugal he was re-naturalized.*” So that if Don Pedro were to return to Portugal, he would recover those rights which they suppose him to have lost. Now, birth-rights and privileges, which can be recovered by a mere personal *translation*, can never be said to be *lost*. When was such a proposition, as the above quoted, first advanced? *Never, till now*, by these eminent Jurisconsults.—*Proh pudor!*

These then are the reasons laid out in the Act for conferring the sovereignty on Don Miguel, as the legitimate successor. *Primò*—Because Don Pedro, by assuming the sovereignty of an independent state, lost the privileges of a Portuguese, and became a foreigner. *Secundò*—because, as a foreigner, he cannot ascend the Portuguese Throne. *Tertiò*—because, on his exclusion, the succession devolved on his brother, and not on his daughter. The laws and usages of the kingdom are produced in favour of the recorded decision: but let us examine them, and then decide.

No fact in the history of Portugal can, with greater pro-

priety, be alleged as a precedent, than that which occurred with Don Affonso V.

This Monarch, having had a son by his first nuptials, was, on the death of his former Queen, married to Donna Joanna, of Castile. Their espousals were celebrated at Placencia, where they were crowned Sovereigns of Castile, of Leon, and of Portugal. [Goes, chap. 51, of the Chronicle of Prince Don John.—Rui de Pina, chap. 178, of the Chron. of Don Affonso V.—Nunes de Leon, chap. 51, of the Chron. of Don Affonso V.]

Thus we see, that the acquisition of foreign states did not, in the least, prejudice this Monarch's rights, for he still continued to be styled King of Portugal, and to exercise the regal authority over the kingdom. He published an Alvará on the 8th of April, 1475, to clear up the doubts which might be excited on the subject of the government of Portugal by his son Don John. On the 25th of April he transferred the government to this Prince. By the law of the 12th of May he established, that the descendants of Prince John should succeed to the crown of Portugal, from which his own presumptive issue, by Donna Joanna of Castile, was to be excluded. Now, let the Jurisconsults of the Estates affirm, if they can, that this too is a *strained interpretation*, an *equivocation*, a *careless narrative*, or, a *heedless repetition*. Let them bestow on the above cited laws all the epithets which their united ignorance, duplicity, and effrontery dared heap on the law of the 15th of November, 1825.

The laws enacted by Don Affonso V. were considered valid, and, as such, were observed; and shall not those, published under similar circumstances by Don John VI. meet equal consideration and observance.

The laws above-mentioned were established by Don Affonso whilst yet in Portugal. From Toro, in Spain, by another law, dated January 5th, 1476, he declared, that Prince Don John should succeed to the sovereignty of Portugal; and that, on this Prince's demise, the Infante Don Affonso, his son, should ascend the throne. From the same city, on the 16th of February, 1476, he issued another law, in which he nominated his grandson, Don Affonso, to the succession of the Portuguese throne; and finally, when he had resolved on proceeding to France, he surrendered all his authority to Prince Don John, by the law of the 27th of August, in the same year.—The documents we have referred to are preserved in the Archives of Torre do Tombo, in Lisbon. Drawer 13, packet 15.

Don Emmanuel became possessed of the crowns of Castile, Leon, and Arragon, in consequence of his marriage

with Queen Izabel; and they were both proclaimed hereditary successors to the above-named kingdom.—Their son, Don Miguel da Paz, was born at Saragossa, on the 24th of August, 1498; he was immediately proclaimed heir to the kingdoms of Arragon, Castile, and Leon; and on the 7th of March, 1499, in the Church of St. Domingos, in Lisbon, he was solemnly pronounced heir to the kingdoms of Portugal and the Algarves.

By the law of the 27th of the same month, Don Emmanuel explained how the Prince was to wield the sceptre of government when he became King of these dominions: but Don Miguel died at Saragossa, in the year 1500.

The above circumstances, under which Don Emmanuel legislated, are of a much more complicated nature than those under which Don John issued his laws relative to the separation of the Brazils, and the future succession to the crown of Portugal. Why then should the laws enacted by Don John VI. be rejected, when Don Emmanuel's were considered valid? Castile, Arragon, and Leon conjointly formed a separate and independent kingdom, and had always been so in relation to Portugal; the Brazils had but a short time before been separated, and constituted a distinct monarchy. Don Emmanuel succeeded by his Queen's right. Don John the VI. had possession by his own right. The waste of more words on this subject is unnecessary.

Leaving these before-quoted ancient and well-attested documents, and the publicly acknowledged and indisputable facts which they promulgate, to the consideration of every intelligent and unprejudiced mind, we cheerfully resume our task, commencing, by way of question and answer, with the following *argumentum ad judicium*.

Where was Don Pedro born? In Portugal.—From whom did he proceed? From a Portuguese Father.—Whom does he represent? A Portuguese Sovereign.—Over what dominions does he govern? Over Portuguese dominions.—His native country, his father, his sovereignty, and his dominions are all Portuguese: how then can it be alleged that he is a *foreigner*, or governs *foreign* states? Can the words *foreign* and *foreigner* be found used in this acceptation in the Collections of the Laws of Portugal? We defy any one to point us out a single passage in which the words *foreign* and *foreigner*, taken as they have been used in our ancient laws, can be applied to the Brazils or to Don Pedro.—Noticing this simple and untenable condition—*it is necessary he should have resided in Portugal*—we ask: Who has resided longer in Portugal, Don Pedro or Don Miguel? The answer of every one must be our own: Don Pedro most certainly.

In Portuguese jurisprudence, as well as in the laws and historical records of Portugal, the word *foreign*, as applied in point of succession, *to a kingdom*, is only used when this kingdom is considered an independent state previous to the birth of a successor in question. The word *foreigner* is always taken in a definite acceptation. A prince is styled a *foreigner*, when the kingdom, in which he was born, is *foreign* with relation to Portugal; according to the signification of the word *foreign* as above given. In no other acceptation are these words used in our ancient laws and records. Now, the circumstances attending the separation of the Brazils from Portugal, and the elevation of the former to the rank of an independent monarchy, do not authorize the acceptation of the terms *foreign* and *foreigner*, in the above sense, to the Brazilian empire, and to its sovereign, Don Pedro.

A part of the Portuguese territory was separated from the rest, and constituted an independent state; over this state a *Portuguese-born Prince* was nominated sovereign; this *Prince* was declared the heir and successor to the Portuguese Dominions; and the *Sovereign*, to solve all doubts and remove every semblance of difficulty, as *primeval King* of ALL the Portuguese Dominions he also assumed the title of *Monarch* of *that* portion, to the lawful succession of the Crown of which this *Prince* had been called, and, over which, he was to exercise the regal power.

The above elucidation has been considered necessary in order to enable us to discuss, with just criticism, the petition of the Cortes of Don John IV.—although we are far from admitting that there is the least analogy between the subject then decided and that now under our actual consideration.

The object in view being one of the greatest importance, we have thought proper, lest we should be accused of treating it too lightly, to subjoin the *integer* of the Article of the Cortes on the subject of the succession.

Article 2nd of the Estate of the PEOPLE.—“ We petition, “ that, for the public welfare of the Realm, Articles, renew- “ ing and ratifying the Articles of the Cortes of Lamego, con- “ voked by Don Affonso Henrique, the founder of the Mo- “ narchy, be enacted for regulating the succession to the “ Crown, that it be so ordained, that a foreign King or “ Prince may never inherit the sovereignty; that the King “ of these realms be a *native of Portugal, and a legitimate born “ Portuguese*; and that he be bounden to reside personally in “ the kingdom. For the more efficacious attainment of the

“ above object, we petition, that three of the most noble
 “ families in the kingdom and the nearest allied to the blood
 “ royal, be named and chosen, so that if ever the direct line
 “ of succession fail, (which God forbid!) the sovereignty
 “ devolve on one of the above-named families—due legal
 “ regard being always paid to the order of succession, to sex,
 “ and to age; and we request that the above determinations
 “ be expressed in the clearest language and manner possible,
 “ so that doubts and difficulties on the subject of the succes-
 “ sion may cease for once and for ever, and the rights of our
 “ native princes, and of foreign princes who aspire to the
 “ succession, may be distinctly defined.”

Article 3rd.—“ That it be also ordained, that when Kings
 “ Princes, or Princesses of this kingdom marry in foreign
 “ kingdoms, it be declared in their Marriage Contracts, that
 “ neither they, nor their children, nor their descendants, are
 “ to succeed to the Portuguese throne: they will thus be
 “ hindered from asserting claims to the throne, and disputes
 “ and discord will be avoided.”

The King answered:—“ I will order the establishment of
 “ the law, which you point out to me in the 2nd and 3rd
 “ Articles.” To the Estate of the Nobility he answered:—
 “ This law shall be established in conformity to the deter-
 “ mination of Don John III. with the conditions and modifi-
 “ cations which the preservation and welfare of the Kingdom
 “ may require.”

The petitions of the Estates of the Nobility and Clergy
 were of like purport to that of the Estate of the People,
 and received the like answers. They replied: and the fol-
 lowing was the King's final determination:—“ As to the
 “ 1st Article, relative to the succession to the Crown, I have
 “ deemed it good that a law be enacted, declaring that the
 “ throne of this Kingdom can never be occupied by a foreign
 “ Prince, nor by his descendants, though they be the nearest
 “ relations of the last King; on the contrary, the sovereign of
 “ these dominions shall always be a native Prince. And for
 “ the due enactment of this law I have nominated the Doctor
 “ at Law, Thomé Pinheiro da Veiga, Luis Pereira de Castros
 “ Jorge de Araujo Estação, and Antonia Paes Viegas.”

Primò:—The above law was never enacted, since it is not
 to be found in any Archives, neither is it referred to, in
 historical or legal documents.

Secundò:—Even in the supposition that it *did* exist, it
 cannot prejudice Don Pedro's rights, for he is a native of
 Portugal and a legitimate born Portuguese; his daughter
 stands in the same relative situation; for even supposing

that the separation of the Brazils *could* destroy the *rights of nativity, legitimacy, and birth*, she was born before the event took place, and therefore it cannot affect her.

Tertiò:—The law of the Cortes of Lamego, alluded to in the 1st Article of the Estate of the Nobility of the Cortes, held in 1641, says:—“It is ordained that the Kingdom shall never be governed by a foreign King, and that if the reigning sovereign have no male issue, but a daughter, this daughter shall be obliged to marry in the Kingdom.”

Don Pedro was a Portuguese Prince, and the heir and successor to the crown of Portugal *before* he became Emperor of the Brazils. The former qualities were anterior to the acquisition of his latter title. Don Pedro is not a *foreigner*, even admitting this word in the acceptation given it by the Cortes, but a *native of Portugal, and a legitimate born Portuguese*. But we ask, was the above-mentioned law of the Cortes of Lamego constantly observed? *The Cortes of 1641 answer—Estate of the Nobility*:—“And whereas this law was only observed up to the time of King Fernando, the ninth Monarch of Portugal,” &c. Of what importance therefore is a law which has so long fallen into disuse?

Quartò and Postremò:—Portugal, in consequence of its recent union with Spain, from which it had greatly suffered, was anxious for the establishment of a similar law. But, as in the reign of Don John IV. which followed, the independence of Portugal was firmly established, former fears gradually vanished, and the law was not enacted; while all things remained in *statu quo*. Is it now feared that Portugal will be annexed to the Brazils? Are apprehensions entertained of the desication of the Atlantic, and the junction of Portugal with some part of the continent of America?

The affairs of Portugal, respecting the succession, having remained in the same state as the Cortes of 1641 found them, it will not be amiss to notice, how Don Emmanuel provided for the succession of his son Don Miguel. The law above referred to, and which bears the date of the 27th of March, 1499, is preserved in the Archives of Torre do Tombo. Drawers 13, Packet 2, No. 4, and is quoted, with some alterations, in a work, entitled “Proofs of the Genealogical History of the House of Bragança.”—Vol. II. p. 398. The following is the body of the law:—

“Don Emmanuel, by the grace of God, King of Portugal, and of the Algarves on this side of the seas, and beyond them in Africa, Lord of Guinea, &c. Be it known to all those to whom this our law is made patent, that whereas, we have considered how it has pleased God that Don Miguel, our dearly beloved and much esteemed son, should be

“ heir to the Kingdom of Castile, of Leon, of Arragon, of
 “ Granada, and of many other dominions. And as he now is
 “ the heir to these Kingdoms, and also to those of Portugal
 “ and the Algarves, so, when it shall please God that he
 “ shall inherit them all, HE SHALL BE KING OF THEM
 “ ALL.”

Such is the construction of the law of the Cortes of Lamego, and such the power given by it. The force then of the argument brought forth by the deputies to the Estates of 1828, in quoting a law which they either did not, or would not understand, is reduced to a mere nullity.

The reflecting man, who attentively examines the Act of the Cortes, which has been the subject of our analogies, must feel his bosom swell with indignation, at the puerile and pitiful sophistry resorted to by these deputies, whose shameful document not only sets at defiance law, reason, justice, and truth; but every other subordinate virtue which excites the emulation and dignifies the character of the man of *integrity* and *honor*. It was by such a lamentable sacrifice that a handful of men—unmindful of the sanctity of their oaths, and careless of the evils brought upon the nation by the dispersion of its noblest citizens, by the diversion of its riches, by the stagnation of its former paralyzed commerce; by prostituting justice, rewarding malefactors, terrifying the innocent, and punishing the blameless;—have supported, and even sanctified an usurpation, which for deceit and enormity is perhaps unparalleled in the annals of Europe.

In conclusion—Will not the evils which they have caused revert upon their own heads? Divine Justice allows not long the guilty to pass unpunished. The state of misery to which unhappy Portugal has been reduced, by proceedings which at once attack the sanctity of oaths, the rights of legitimacy, and the general law established for the regulation of succession among the royal families of Europe, is a subject which cannot be looked upon with indifference by the Governments composing the great European family; much less so by those whose social, civil, or political connections and alliances, ought to render their own honor and interests concerned in Don Miguel's insulting, disgraceful, and perfidious usurpation.

FINIS.





