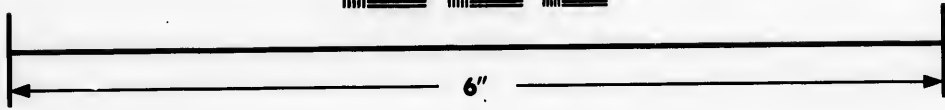
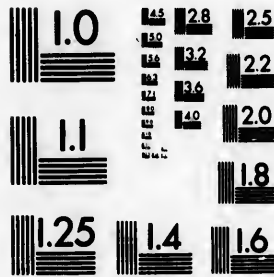


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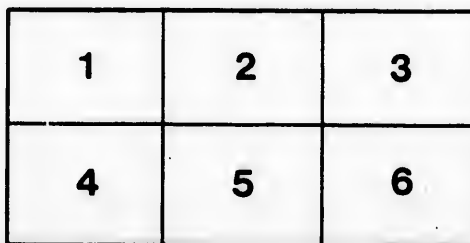
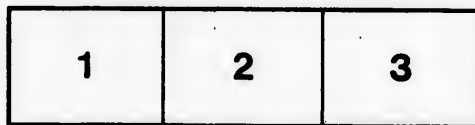
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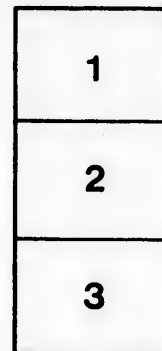
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No. 1.

THE ANSWER

TO THE

AWFUL LIBEL

OF

THE SPANISH FREEHOLDER,

AGAINST

THE CARDINAL ALBERONI.

BY DIEGO.

*Upon my right hand rise the youth; they push away my feet, and
they raise up against me the ways of their destruction.*

JOB, CHAP. XXX, 12.

1824



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SARAGOSSA, SEPTEMBER 21st, 1824:

DON ERIO,

YOUR letter addressed to the LORD CHIEF JUSTICE of His Imperial Majesty of Spain, containing the most opprobrious charges against a certain CARDINAL intimately connected with the administration of public justice, would pass unnoticed and unanswered as the bitter effusions of an angry and disappointed man, were I not apprehensive that the continued indulgence of such feelings might, in these dangerous times, bring upon yourself that very disgrace which you labour with impotent exertions to cast upon the character of this distinguished personage. As you affect to write for the "Cardinal's good," surely I may profess to write for your's; and at the same time admit the influence of another and more selfish motive—the pleasure which flows from the vindication of a generous and insulted friend.

There is, as you observe, something venerable in age: and there is, too commonly, something insolent in youth. That age, learning and experience, about which you write with such sentimental hypocrisy, neither silence you into respect, nor soften you into moderation. Every base im-

putation that has been during thirty years whispered about by the tongue of slander; every wicked and designing charge which political envy has raised against him; every idle report which sprung up in malice, and was for a season propagated by it, till each perished in its ephemeral course, are sought out by you with insect curiosity, and maliciously revived, and as maliciously recorded in a style which bespeaks well of your *head*, and therefore the worse of your *heart*.

Though generally right, it would in this case be decidedly wrong, and unworthy the venerable Judge whose indignity I feel myself, to punish the intemperate reviler with his own weapons. Instead of manufacturing charges after your own example, and artfully collecting against your private and public life every malignant insinuation which may have formed the floating scandal of days that are passed and forgotten; instead of seeking every vicious contribution from fame with her thousand tongues; instead of wandering abroad to glean from evil report every injurious forgery against your reputation; instead of contrasting what you have said against Alberoni, with what might be said and thought of you, I shall merely examine the letter with which you, in conjunction perhaps with others, have insulted the public, and outraged the freedom of the press,

and judge of the author's moral character and political opinions, from the internal indications of his own production. Let me for a moment repress my indignation, which prompts me to that retaliation which you deserve, but in which I shall not indulge. With all the coolness which, by the painful exercise of self-government, I can possibly command, let me review however briefly, the evident *extent* and manifest *inconsistency*, of your infamous crimination.

Cardinal Alberoni I have known for upwards of thirty years. I have seen his virtues and his talents rising superior to calumnies as multiplied as untrue; and, as is always the case with accused innocence, he has amidst all, gradually risen in esteem with his Royal Master, till honorably promoted to a high and most dignified office in a free and independent country—Cardinal Alberoni still keeps his exalted station: you have lost your's, and vent your spleen amidst the despair of ever attaining it again. *is this to be called a crime*

The above fact is alone a sufficient answer to those more daring and outrageous accusations which you so cruelly and so brutally alledge against that aged Minister of Justice—"A Traitor! and a Judge who has immolated human victims to the molach of his own *emolument*." These are

charges at once so awful and so false, that I wonder not at an attempt to conceal your name, as a mean and paltry, and, I do hope, unavailing refuge from the probable consequences of detection. The Press—the liberty of which I would maintain by the sacrifice of my life, and the prostitution of which, you have aided, perhaps by the sacrifice of your reputation—the Press is made the engine of your malice, which, raging to an excess unparalleled in my experience of human depravity, has not only transcended the bounds of the most vicious credulity, but even created internal evidence for the clearest refutation.

It is necessary in the first place to ascertain a moral test, and then apply it to you.

Malice ever directs its acrimony against some particular object; fair and candid criticism spreads its remarks over the whole field of inquiry. Sinful resentment propels with indiscriminating fury against whatever accidentally provokes it; bold and patriotic views regard the whole system with its general aberrations. Spitefulness selects its victim; honorable indignation animates to just and general scrutiny. Wrath is infuriated with prejudice; truth is displayed in the impartiality of research. The one riots in excess, and is therefore ever inconsistent; the latter is an inmate

of a wise and virtuous heart, and therefore blends capacity for general inquiry with fairness of induction. *These reasons go for nothing if the facts are proved true*

Having ascertained the moral test, let us next attend to the application of it.

Now the *extent* of your criminal allegations, is truly serious and alarming; yet the whole bitterness of your invective is directed *only* against the Cardinal Alberoni. We know from the very constitution of our Spanish Courts, that the venerable Cardinal did not preside as an arbitrary Judge. Putting out of our consideration the implied conclusion of the Grand Inquest, it is to be observed that a Petty Jury selected under the right of challenge, and solemnly impannelled in the face of God and man, interposed between the Prisoners and the Judge. The sentence pronounced by him, was the inevitable result of their verdict; and therefore what he did in pursuance of it, cannot possibly raise against him a heavier charge, than may upon the same principle and with as much reason be alleged against the executioner. The Judgment was grounded on the verdict; and the verdict was rendered by an *undissenting Jury*: yet not one syllable do you address to them, who might with greater probability listen to your animadversion and profit by your advice, were they

*Does not the
in London
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not stamp with infamy of intention. Furnished with your fertility of diabolical conjecture, I might be enabled to fabricate some moloch to which the Jury paid their devotion. But if you acquit them, let the public say, upon what principle you can condemn the Judge, without incurring the charge of that inconsistency which betrays the viciousness of your design.

Assuming the truth of your charge, what epithet shall I find sufficiently detestable for the government! Soon shall we see through the iniquity of your motive, which was something more than the "Cardinal's good." The most horrid and blood-chilling charges against the judge who took the bribe; and an unaccountable silence about those by whom you suppose the bribe was given. You revile the one for seeking promotion by such services; and you dare not, (even for the decency of being consistent) affect to disapprove the conduct of the King, who paid, as you indirectly assume, *the price of human blood!* And if from trembling, you cowardly fellow, before executive displeasure, you protest, as I know you would upon your knees, the innocence of him who gave the bribe, let the public decide how you can consistently condemn him who took it. "Confusion cometh upon the wicked."

All the Traitors whose fate is the regretful theme of your pathetic lucubrations, were not tried by the Cardinal Alberoni. Two other Cardinals shared with him alternately the arduous duty. One still lives: and not even the Freeholder with his unbridled tongue says aught against him.—The other now “sleeps with his Fathers”—But your evil genius pauses not to haunt the shades which hallow the memory of departed worth. He of whom we may speak, because he is beyond the reach of censure or of praise; he from whose heart ever flowed the milk of human kindness, and who was never more distressed himself than when duty made him the instrument for the punishment of others; he whose humanity even you would share, could your barbarous insinuations disturb his abode of peace; he against whom the blood of no man ever raised an accusation to the God of Heaven, and who from mercy to mankind sought not the liberation of Traitors against Spain; he, Sir, was associated with the Cardinal Alberoni in the discharge of the very duty, which forms the subject of your bloody malediction.

The late Chief Justice at the close of the State trials, claimed it as his province to pronounce sentence of death upon all the prisoners, but each Judge regarded it as his duty to condemn those he had tried.

*Many judges
associated with
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all the eyes*

There are others obviously liable to the charge of being accessaries; & yet not one syllable is address- ed to them. Two very distinguished counsel lent the aid of their learning to the judge, and direct- ed the force of their eloquence to the jury. And the exertions of all these were crowned with the indespen- sible contributions of many witnesses— witnesses not strangers to the court, or to the atten- tive spectators of the awful scene; witnesses not borrowed from a remoter land, but taken from the bosom of your Country; witnesses not loose- ly relating an idle tale, but solemnly pledging their eternal salvation for the truths which they told.

Without witnesses, without evidence, there can be no verdict, no conviction, no punishment. Testi- mony under oath is the basis upon which the whole stands—and without the concurrent testi- mony of two witnesses, treason can be established against no man. Alarmed at the magnitude of your accusation, and the extent to which it goes, and not a little apprehensive of a punishment, to which your conjecture is no doubt already alive, you will (as your silence sufficiently implies) freely acquit the learned counsel and the ingenuous witnesses;—and then I again leave the public to conceive with what truth you can declare Cardi- nal Alberoni so exclusively in the wrong.

In order to give to an unsuspecting and credit-

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ous reader the semblance of truth, you insinuate that "the jury were disposed to mercy." If really ignorant, you ought to receive a punishment commensurate with your temerity; and if, indeed, you know better, the more unspeakable is your malevolence. Whatever may be your sentiments, so long disguised and so unwittingly betrayed, it is, and ever may it be, the glory of Spaniards that mercy is reposed in the *Royal Breast*. I will not here transcribe those judicial oaths which are familiar to every Spanish Freeman. By oath the witness dare not from mistaken feelings of compassion suppress a material fact: from yielding to the untimely impulse of the same tenderness, the jury must not, forgetful of *their* obligation, render a verdict repugnant to the evidence. And whoever heard, except from the mouth of a licentious democrat who is nearly allied to the unprincipled renegado, that a judge could suspend the obligations of his own oath, or either countenance the jurors in assuming the *Royal Prerogative*, or venture to exercise it himself.

If mercy became the jury or the judge, it equally became the King. The obvious inference follows, that where *justice* loudly called for the interposition of *mercy*, the *Throne* denied it. Let me adopt your own words, and reflect them up-

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on their malevolent author. Let me "hold the "glass of truth before you that you may contemplate your-
 "self"—that you may blush over your Rebel doc-
 trines, if not void of shame, and reform your mor-
 ral and political creed, if not too hacknied in the
 ways of sin. Are not you the more guilty because
 fresh in the exercise of *your* mental faculties?"—
 Are not you "strong and eager to pervert justice
 and infringe upon our Constitution?" Are not you
 "bold and unblushing" not "to oppress the *inno-*
cent" but to acquit the Guilty? Have not "the
 "scenes in Revolutionary France," glowing to your
 relish on the bloody page of history, fired *your*
 breast with the mania of exterpating," or, at least,
 abridging the "Kingly authority?" Have they
 not "fallen upon *your* spirit," amidst some
 long-smothered and renegade opinions, "like the
 ignited spark upon the nitrous composition, which
 produced that curious" Rebel "paper" called the
 Spanish Freeholder?

The jury were constrained to find the prisoners
 guilty; and the King, as wise as he is just, con-
 sidered that the extension of His Royal clemency
 would be as dangerous for the times, as it was un-
 merited by the traitors. But you, forsooth, would
 have again let these miscreants loose upon society.
 You,—from motives best known to yourself,—you
 would have dismissed a Rebel-banditti, which had

lent a willing aid to desolate our afflicted frontier, and subjugate our struggling country. You would have commissioned them infuriated with treason to wreak their vengeance on the judges, whose fate such a writer would not avert, and could not commiserate—upon the witnesses who deposed against them—upon the jury who convicted, and, what must be equally within the range of your contemplation, and within the scope of their rebellious principles—upon the very King who spared them!!

Can I be right in my conjecture of the writer "Tu quoque Brute!" Would you again licence against society men who brood an eternal enmity against all that endears a Spaniard to his country? Significant lamentation of the Spanish Freeholder over the awarded fate of convicted traitors!—men who would subvert every venerable institution, and dissipate those civil and religious rights which our posterity will claim from us, and which our ancestors achieved amidst an incredible expenditure of treasure and of blood. It is awful to contemplate the real sentiments so clearly implied, and so unguardedly divulged. Alberoni is a Traitorous and unjust Judge! and why? because he did not under the *mask of mercy*, induce the jury to swerve from their imperious duty equally prescribed by the law and required by their oath—

because he did not soften down to your merciful design of enabling treason to triumph over loyalty, and renew its darkest machinations—because he did not prostitute his high and sacred functions to steer your rebel friends through the awful tempest of a wounded and accusing nation!—because he would not, as it were, sow the already germinating seeds of your favourite sedition, and hazard the moistening of Spanish territory, with the precious blood of her brave and intrepid citizens. Alberoni! Alberoni! you rise pure and untainted from his foul aspersions; be of good cheer, you are honored by your friends, and revered by the nation.

It is strange that you who can so readily supply the deficiencies of evil report from the abominable resource of your own corrupt suspicions, could only detect and expose *two* instances of judicial malfeasance, to wit, when he tried the TRAITORS, and when he tried YOURSELF. Now the presumption in my mind, as an utter stranger to the predicament which brought you into Court, is that both were equally guilty, and perhaps equally deserving of decapitation. Your accusation (and you evidently had effrontery enough to prefer a greater) extends only to those two occasions; and therefore in the absence of any further allegation, I am at liberty to consider that my friend the

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Cardinal is free from any additional imputation. This supposition is strengthened by the conviction of my own experience, by the patronage of the King, and by the voice of the people.

During thirty years practice at the Spanish Bar, I have seen the Cardinal every year judicially engaged in the trial of causes both civil and criminal. Amidst the wrangling about the rights of property (rights contemptible often in amount, and important only in principle,) I have witnessed habitual and constitutional patience occasionally overcome by the jarring of Attornies and the irregularities of an inexperienced Bar. In the midst of his accumulated vexations, how often have I seen a Prisoner arraigned before the Court, and the whole aspect of the man has in an instant changed. A transient awe visible in a countenance venerable with age, soon ripens into an unvarying solemnity; and a judicial gravity immediately characterises his demeanor, deepens every tone and modifies every action. The estrays of Counsel are then noticed in a voice and with a manner which bespeak him tender of restraint. And to see him address his charge to the jury upon whose *one word* impends the Prisoner's fate, is to contemplate the human heart hushed from every tumult, soothed in every passion, and reign-

ing in that tranquil dignity imposed by a most awful trust.

The inference is painful to me, and not very honorable to you. A man who has for thirty years in all other respects thus faithfully, actively and conscientiously discharged his judicial functions, has a right to claim, or his friend for him, an overwhelming presumption in favour of his innocence. Human nature, *as you very well know*, which has long paid its devotions at the shrine of licentiousness, cannot, without a power, to which I fear, you are as yet a stranger, drink in the truth, renovate his principles and reform his actions. Now it is very necessary, on the other hand, to acquaint you with a fact, quite out of the latitude of your experience and the moral limits of your perception. He who has for thirty years been under the salutary influence of upright and honorable principles, and thereby acquired a character, the worth of which you cannot appreciate, is morally incapable of suddenly diverting his conduct from that rectitude which has become habitual, to that depravity to which he is a stranger. And in my mind the latter aberration, as a postulate against the Cardinal, involves an improbability ten thousand times greater than the high apparent probability of your moral turpitude in the very transaction which, it seems,

has brought you under some heinous charge (the nature and magnitude of which I cannot satisfactorily collect from your letter) both before ALBERONI and before the world. Indeed the question propounded to the public by your own statement may be narrowed to this:—which is most entitled to credit, the presumed opinion of such a judge corroborated by a verdict, that the person tried is guilty, or the suspicious vociferations of the same person convicted by a Spanish jury, that he is GUILTY? . My reluctant pen shall not drop the answer, which, it is to be feared, conscience thunders to yourself.

Viewing your letter in the most favorable light, it is a vindication. Your character either has, or you apprehend that it will suffer, from some trial unknown to me, in which you were a defendant, and at which trial the Cardinal presided. On this momentous occasion, being a favorite of the King, you were entrenched behind the ablest counsel the Empire could afford; and yet upon inspecting the documents in the Grand judicial conservatory at Madrid, I find recorded against you the verdict GUILTY. The defence which you now offer to the public (because I suppose you deemed a defence necessary) is the alleged unworthiness of the judge who tried you. Upon your own grounds, therefore, your only chance (and a sorry chance it is) of

retrieving what you seem indirectly to acknowledge you have lost, varies inversely with the character of the judge. It is strange, by the bye, you did not borrow from your counsel what he could spare out of his superabundance, instead of taking from another who, according to your statement, has none to spare. To asperse, however, the judge's reputation, is the means by which you would repair your own. But should it already appear from what has, and more certainly from what shall be deduced from your own letter, (being the only calumny in the world against him) that the Good Name of Alberoni is wholly impregnable to your attack,—away then goes, and justly too, the sinking character of a worthless man who would have rescued himself from moral and political annihilation, by the wreck of another.

Let me sum up the matter for you, lest you should feel too much bewildered to do it for yourself. The King gave no bribe, and therefore Alberoni could not receive it; the witnesses related the truth, and the jury gave their verdict on it.—Upon this verdict the judge pronounced the sentence and directed the execution of it. And yet for this faithful discharge of a duty indisputably required from him by law, you charge him with the crime of "immolating Human victims!!" Now what opinion can such a writer entertain of treason

against Spain? Perhaps the concession I have occasionally in this letter made for you, you will be constrained ere long to avow for yourself with untimely penitence, when shivering before the King in Council under your favourite 44th of the late King.

Let me next expose your *inconsistency*.

You abuse my friend the Cardinal for the part he acted in his judicial character at the State trials mentioned in your letter; and turning from it with insufferable disgust, I imagined that you had passed over in silence all others who took a part in that memorable transaction. Not so however; for a more glaring inconsistency was never witnessed than is conspicuous in your disgraceful production.

The present King's counsel for conducting criminal prosecutions was then in office, and according to public report, discharged his duty with great ability and transcendant eloquence. He necessarily preferred the charge, framed the indictment, marshalled the witnesses, elicited the testimony, expounded his views of the law, and presented to the jury the cogency of the proof, and the enormity of the crime. He, then, who (again to assume it for argument's sake) conspired with the Cardinal to condemn and immolate human vic-

tims against the imprecations of mercy, must be involved in every incapacity presumed against his coadjutor.

Mark your inconsistency. This very gentleman you designate in your libel *an honorable man*. He was selected by you and others as an ambassador upon the very mission, for which the Judge was unworthy. To superintend in an all important embassy the national interests of Spain, an acknowledged *accessary* to the immolation of human victims, was by your exertions substituted for his *principal*. Now I leave to your choice the only alternative, either to admit that your charges are equally true against both, or that they are the offspring of the foulest, and most diabolical malevolence.

You not only contributed to appoint the *base Cardinal's honorable* accessary to a certain embassy; but you have, as appears from the journal of the Cortes, been a prominent supporter of that leading Statesman.

The duties of men vary with the stations they are appointed to fill. Elected a member of the Cortes by noble and generous Spaniards, as one of many to watch over the popular interests and the national welfare, I shall feel it my duty to impeach every minister who is a traitor, and e-

very judge who is unjust. The very same responsibility was attached to you, while, as you state, Alberoni patronized treason and exemplified judicial corruption. Have you with the opportunities afforded by twelve years' active interference in public life, brought the supposed traitor to trial, or the unjust Judge to the test of inquiry? No! you are equally a contributor to the letter I answer, and hitherto, a voter of a salary to the very nobleman you accuse. Disregarding the rights of the people, the safety of their property, and, what you equally allege, the safety of their lives, you have allowed him (according to your own statement) to pursue a course of administering injustice, and immolating human victims; and yet in your recorded, and they say, *expost facto* speeches, there is nothing but the excellency of our laws, the merits of the administration, the purity of the judicary, and the imperative duty of voting ample ways and means to maintain what you now dare to pronounce treason and corruption.

I will put you to the test. Come during the approaching session to the *Bar* of the Cortes, and discharge a duty *there*, which you corruptedly neglected when a member of it. Disclose only a shadow of well grounded charge, and the assembly will promote the very inquiry, which, confessing

your political sins, you so long and so corruptly suppressed.

Upon further inspecting the journal of the Cortes I was by no means surprised to find that you voted to the Cardinal the very sum, the misapplication of which is now the subject of your complaint; a sum which was granted for many years' unrewarded services of an importance to the public weal exceeding the belief of any person unacquainted with the nature and extent of them; services therefore rewarded by a vote of the Cortes nemine contradicente.

The "King's Peculium" is also the child of your own politics. Circumstances, however, have changed; and stript of one character, you assume another, held as odious and detestable by all men, *an informer*. Supposing you to have been a confidant of the various administrations, they must have been characterised by unusual purity; for you seem to disgorge from the fancied plenitude of your information, every political peccadillo which you can remember, even though you yourself are directly or indirectly a party to it; just as felons often turn *King's evidence*.

What is uppermost in the mind, an artful man discloses last, that the motive which really agitates

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his reviling temper may seem by chance to flow undesignedly from the purity of his indignation. Therefore at the close of your abusive letter I look for the cause which has so cruelly envenomed your pen; and there I see you smart, according to your own report, under the inflexible integrity of a Spanish Judge. Indeed! Did Alberoni resist, perhaps *spurn* your importunities to intrench about with power a certain Spanish magistrate, charged with misdemeanor in his public office? Elevated on the Bench and the "mouth piece of Justice," did he for a moment lend an ear to the *Spanish Peasant* against the weightier pretensions of the *Spanish Freeholder*? Did he then and there forget the efficient part you had acted in creating the "King's Peculium" out of which judicial integrity was rewarded with a few envied pounds a year? Not strange to tell, but strange no doubt to you, that in the sanctuary of justice all presumptions of rank and all distinctions of station should be utterly renounced, and the magnanimous Judge appear to the jaundiced eye of a defendant, (over anxious, one would hope, without a cause,) to befriend the humbler citizen complaining against the alledged severities of the Spanish magistrate.

Let me examine your letter, and show, whether

I infer too much, or judge too harshly.

In the first place you complain of what is infamously false, that the Cardinal manifested feelings inimical to your interests. Being your own admission, we may assume it. I will also assume the character of the writer as delineated from the least suspicious source—the effusions of his own mind. And I am also at liberty, in the absence of other evidence, to assume the high character of the Cardinal as unimpeachable, otherwise than can be fairly credited from a jargon of charges preferred by such a libeller. Making myself a stranger to the cause, I suspect the expressive anxiety of a man for himself, who is equally solicitous for the escape of traitors. I suspect the majesterial temperance and judicial correctness of one, who can be the author of such a letter as the one before me; and I regard the alleged displeasure of such a man as Alberoni as affording violent presumption of that guilt, which is ever outrageous at detection.

I may be wrong; but you yourself shall lead me astray. It is stated for Alberoni by you, that the “case had given rise to a good deal of talk.” What! The misdoings of a magistrate against a humble and obscure individual, have attracted public attention and kindled public indignation. I

protest it is suspicious—The people and the Cardinal equally deceived! Be assured, Alberoni was correct: “*vox populi, vox Dei.*”

Again—“The Cardinal was glad it had come before the country,” and why was the magistrate *sorry* if he was not *ashamed* of it? How singularly the truth sometimes obtrudes itself! Throughout the whole of this suspicious paragraph, there is a general and rather obscure complaint that the facts (disagreeable ones I suppose) were submitted to the jury (who therefore ought not to have heard them) subject, it appears, to the opinion of the court above, as to the propriety of the form of action. Your accusing inquiry is, why did not the Judge, under pretence of a legal objection, at once nonsuit the *Peasant*, just as he had been nonsuited by the Squire and fleeced by the Constable? Because the investigation was not in the Spanish magistrate’s star-chamber; because it was in open day, before the assembled country, and under the management of a most learned counsel who would not by a technical objection, be arrested in the developement of, no doubt, a very *interesting* case. The censure is that Alberoni would not a little stretch his power to nonsuit an obscure plaintiff, daring to prosecute the very Spanish magistrate who had for years (as the people’s friend) smothered inquiry, and never before disclosed that the

illustrious Cardinal was a disloyal subject and an unjust Judge. This seems the burden of the song, "never did I expose Alberoni, until Alberoni exposed me."

Every intelligent man very well knows that when a record is placed before the Judge, he is *obliged* to try the cause; and if counsel insist upon it, he is equally obliged to submit it to the jury. It is strange that a Spaniard at heart, should disapprove the law, or that a magistrate conscious of innocence, should shrink from the application of it.

From your letter I derive satisfactory evidence that the writer was present at the trial and a party to it. There is not a paragraph which does not by some unguarded phrase indicate what you have endeavoured with unavailing artifice to conceal under the garb of antiquity—Acquainted as you must be with all the facts, I naturally inquire into the possible cause of your silence respecting every thing which could present the case in it's genuine aspect. I am simply informed that you were tried for *something* done in the discharge of your majesterial duty." This *something* is not unlike the $x = y$ in algebraical science involving values which are possible or impossible, positive or negative, *good or bad*. It may be all your enemies have

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wished; it may be all your friends have feared. This *something* may be any thing. Conjecture is put upon the wing; and between respect for the Cardinal and charity for you, I am bewildered amidst the intermediate possibilities between *something* very right and *something* very wrong.

With your reputation at stake, it was imprudent to depend upon any thing, or rather *something* so problematical. A simple narrative of the "majesterial duty" so faithfully discharged and of the chain of incidents calling for the exercise of it, would have satisfied every restless doubt, removed every painful suspicion and displayed the purity of your conduct (whatever it was) in a candid disclosure of the whole transaction. But the subject is enveloped in darkness by one who, if he pleases, can elucidate it. The various points which might impart a new complexion to the case, are suppressed by him who is in the full possession of them. The *something* brought before you as a magistrate, and the *something* done by you in pursuance of it, are blended together and wrapt up in the mysterious word *something*.

Guessing may be very suitable to your principles; but it is very repugnant to mine. I do, and I have good reason to complain of your making a

secret of every thing upon which your friends could realize a belief instead of roving in conjecture; every thing which could enable them to know the truth of the stigma and who deserves it.

Nothing distresses me so insupportably as to be told that a friend is accused of *something*. What is it? Tell me! I do insist upon it! is the importunity of growing suspicion. The mind is not at rest till this *something* is analysed. Moral chemistry might detect some strange ingredients; and the very circumstance of not knowing what it is, heightens the curiosity to decompose and ascertain. There are for example three essential ingredients, viz, what relates to Alberoni, what relates to you, and what relates to the unhappy victim of your majesterial functions. Now moral cases, like natural substances, vary not only with their component parts, but also with the relative qualities and proportions of them; and it is impossible for your friends to be satisfied without an intimate acquaintance with every circumstance composing this compound *something*.

It is quite unsatisfactory to be told by you about the "leaning" of the judge; because an insulated fact may make a very different impression when combined with others. You have excited investigation, and you must facilitate it. You have pro-

voked inquiry and you must satisfy it. You have imposed upon yourself the task of developing the truth, the whole truth and nothing but the truth. Such an exposition is the obvious plan to justify yourself, if all be right, and bring the conduct of the judge to something more conclusive than the disputable test of your censorious dictum.— It becomes you to relate the particulars which evinced this judicial corruption; not to promulgate a charge in a form scarcely tangible; not to envelope it in the mist of conjecture; not to shroud it with “darkness visible”; not to leave me to ruminate in doubt, or call upon you in our public tribunals to supply those deficiencies which indicate a want of candour, or a motive of prudence.

It is very strange; for, assuming all to be right, ambiguity could by possibility be prejudicial only to yourself. It opens against you that unsparing faculty of the busy mind, in the restless exercise of which, every doubt creates its own suspicion, and forges it's own solution: whereas the chaste and simple truth would have exhibited your majestic innocence in an unquestionable point of view. To lawyers you might then have left the discussion of the question, ought the Cardinal to have rejected the record or, receiving it, to have manifested his displeasure? You allege, indeed,

that you seemed "obnoxious" (I suppose you mean disagreeable) "to the judge"; and you require me to believe that it was unmerited by you, and that this unknown fruitful "something" could disclose against the Cardinal as much as Pandora's box or the "Green bag" of the popular Cortes. Nevertheless I invite you to open it; and you who know the contents need not, I hope, shrink from compliance. But no selection; no partial disclosures.

The question recurs to the mind with troublesome impatience; what was the "something" for which the peasant was arraigned before your majesterial self? Treason! No. You would in that case "be disposed to mercy." And what was the "something" you did to him for doing this unknown "something" to somebody? The torture! Forbid it! Spain, my native land, ever tender of human life and human happiness, though numbers are inevitably sacrificed at the altar of public good; Spain, the centre of moral feeling, the focus of christian excellence, the "land of Bibles", and the friend of man; Spain, grand in the dispensation of her justice, and the theme of universal praise to the wondering world; Spain has taught me to be tender of human liberty even when abridging it, and, amidst a superabundance of manly feeling, not to tame my free-

born countrymen in the sickening cells of the humbling gaol.

"Something" fills me with suspicion; and the more so, because the very man who draws so largely upon my credulity, is the prominent character in the subject of inquiry. The judge was corrupt because seemingly doubtful of your integrity; and the verdict is "preposterous" for the same reason. "Preposterous" is another of those mysterious compound expressions, which are ever the objects of my critical research. Ask the question why? and neither the word nor the letter affords an answer. A verdict is compounded of facts, and often of a prodigious number of very disagreeable ones. What are they in your case? Is a question which it becomes me to ask, and which you, if an honest man, will not decline to answer. It is more than impertinence to send me a communication containing an odious and incredible charge without a solitary fact to satisfy me; to write about *something preposterous* which you will not explain, and this merely to insult me with a libel against the Cardinal Alberoni.

It would be easy to multiply observations of the same tendency; but I shall confine myself to the brief statement of two very important facts corroborating my suspicions. It is matter of pub-

lic record that this unfortunate peasant was committed to the cells of a certain gaol for six months till he paid £25 fine and as much more for cost and further imprisonment till both were paid. And yet before the lapse of perhaps as many days, the King, in the exercise of his royal pleasure, without the concurrence or knowledge of those who accused, condemned and punished him, directed his release without the payment of either.

It is a matter of equal truth and equal notoriety, that notwithstanding the most eloquent and ingenious appeal to the Jury by *His Majesty's Counsel*, they continued under all the privations imposed upon them by law, laboring to acquit the magistrate from four o'clock of one day, till ten o'clock the following morning. Let it be some apology for the Cardinal Alberoni that he held a doubtful opinion upon the merits of a question which required from an enlightened and impartial jury that continued and patient investigation, which terminated, according to the record, in the conviction of the very man, who, in the seeming bitterness of detected cruelty, would unblushingly impeach his judge of crimes nearly allied to those so far established against himself. Recrimination, at all events, implies mutual guilt: and as you offer your letter as evidence against the Car-

dinal, surely I may adduce the verdict as prima facie evidence of magisterial obliquities.

Obliquities! and shall I from that delicacy which might become me upon any other occasion, affect to credit, or forbear to doubt that you as an inferior minister of Justice who can conspire to throw abroad the most frightful and execrable charges against its chief distributor, are *pure* and *upright*? It can ill become me to assume what your own production palpably denies; for he whose head can conceive, whose judgment can approve, whose heart can sanction, or whose principles can adopt, a tissue of malicious falsehoods as impure as the sources from which they were derived, is as unworthy of being himself a judge, as he is destitute of all pretensions to be himself esteemed an honest one.

I am indignant, and I will again express it. Cardinal Alberoni did sit in judgment over *you* and over certain *Traitors*, whose crimes, I would humbly hope, were expiated at their death. Can you, into whose mind I would eagerly infuse the intensest patriotism (for God knows I do adore my country this side idolatry) can you hold treason a doubtful crime, in pronouncing against which the awful sentence of the law, the unhappy judge can possibly deserve your *strange* and *suspicious*

curse! Traitors, too, who conspired against Spain when she struggled with unexampled courage and unprecedented glory against a power, before which all other nations yielded to the yoke; traitors who forsook their country, when her dangers nerved every arm, fired every Spaniard's heart, and kindled even apathy into zeal. Pity, Sir, to such men from one who by his production, has forfeited every claim to correct feeling and genuine sensibility, can flow from no *noble* source; and when that sentiment unaccountably maddens into the most singular revilings against the judge, and no doubt increased antipathy against the executioner, I begin again to feel what I am willing to leave to the silent province of conjecture.

Peace to their ashes! Your unrighteousness has provoked a discussion unwelcome to the feelings, but in no degree disreputable to the character of their surviving friends. Upon you, and perhaps upon yours may be visited with usurious accumulation, every unhappy emotion awakened by your wanton cruelty, and which *your* humanity would not allay. It is all in unison; to injure one enemy, you would sacrifice many friends.

And the name of what Prince, I ask, would you dare to stain with the crime of *paying the price of human blood*? It was a monarch of glorious mem-

ory, who entwined about his throne every grace that could make a King illustrious and his people happy; a monarch pious as a christian, wise as a statesman, brave as a soldier, and ever moved by those humane and princely sentiments, which are transmitted as a blessing for posterity, to Him who now sways the sceptre over a peaceful land; a patriot King, the leader of our armies and the intrepid hero of the victories of Spain; a **BLISSFUL SOLDIER**,* forgetful of his wounds, still triumphant through the carnage of the field, with a spartan spirit and with a spartan band repelling the invading thousands from our desolated shores. Illustrious Sire! Those liberties for which you fought and bled and cheerfully would have died, survive the era of your glorious reign to yield a refuge to this daring libeller of Spain.

Upon reviewing your letter, how little it appears that the Cardinal Alberoni deserves all you have basely written of him. It is indeed a vain attempt, and were you invested with the fiend-like power to over-shadow the veteran judge with a cloud of maledictions; yet time would soon dispel the melancholy delusion, and transmit to a purer posterity, a character that will brighten

* Sir G. Drummond.

upon the page of the impartial historian, and reflect a lustre from the very tomb which shall cover you with the merited execrations of your country and the impenetrable shadows of a political death. But may you live to learn from me the intrinsic nature of the impulses that have hurried you in to a deepening charge, which Spanish justice and the Spanish people shall not hear with indifference or allow to stain the annals of their nation without the amplest expiation.

In my future letters I shall unfold to your view one of the most frightful and awful spectacles in the world, the anatomy and physiology of a politician's heart; and as a salutary admonition to you and others, I shall, in reviewing your other accusations of little less atrocity, assume you and your politics as my theme, and give the history of the rise and progress of politics in the mind.

Various considerations have induced me in the present communication to pass over many striking and serious features in this unprecedented attack upon the purity of justice, the honor of the government and the feelings of the nation. There would, indeed, be no risk in leaving the further slanders you have ventured to fabricate and send abroad, to the scanty measure of evanescent credit to which the writer of the Spanish freeholder is evidently entitled. A bankrupt in politics; a bankrupt in truth; the reviler of Judges; the libeller of Kings; and the friend to Traitors!

DIEGO.

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