

saying that Señor Olózoga was a notable man, and on seeing him thus characterized the fiscal of the press sent an officer of the police to see that this expression was varied as commanded, substituting that of notable statesman. And lest the honorable minister might doubt the truth of this assertion, I have here the proof written in red ink, in commemoration doubtless of that celebrated prescription of Sila. Let us suppose that the correspondent is a writer who becomes exasperated, like myself, at unjust contradictions, and that he insists upon notable man instead of notable statesman.

New denunciation, new abandonment of their judicial limitations on the part of the honorable judges. They constitute themselves a tribunal, and I do them the favor of believing that they acquit the newspaper. Now it can be said that Señor Olózoga is a notable man. Here the result has been the following injuries: The newspaper has left off circulating; the subscribers have left off subscribing; the expenses inherent in a judicial procedure have been incurred; it is true that acquittal has come; but, acquittal or no acquittal, it will be a felicitous bankruptcy; nevertheless it will be bankruptcy, and, felicitous or unfortunate, the bankruptcy, as I have said, will it be the less inevitable?

All these things were well to laugh at were it not that in the course of time, as I believe, they will cause us many tears.

Very soon, with this law edited in this manner, there may be brought about at will the most inevitable bankruptcy of the press. This law, more than a serious law, appears to have been made to sport with the destinies of the country's liberty. This law seems like an iron cage made for the imprisonment of all the tendencies, all the aspirations, all the

grandeurs of the nineteenth century; and I say grandeurs of the nineteenth century with all intention to avail myself of the opportunity of expressing my astonishment that the honorable Marqués de Pidal, when I believed that he would reply to the representatives of certain doctrines in which this century constantly meets the most bitter diatribes—when I believed that he would have felt that the decorum of a society represented in the government was outraged—rather paid certain respect to those bitter diatribes and to the partisans of those doctrines that have gone by forever. Therefore I say the grandeurs of the nineteenth century, which will be the honor of history, which for posterity will be the pride of humankind. Of the nineteenth century, so great in morality that to-day the least of our convicts would be ashamed to have imputed to him some of the qualities of the virtuous Cato. Of the nineteenth century, so grandly illustrious that to-day the humblest of our lackeys would disdain to have his ignorance compared with the ignorance of those princes of letters who not long ago actually framed a case against somebody for flying and other excesses. Of the nineteenth century, which, should time need more immortality than the immortality of its being, might add to the immortality of time the immortality of glory!

Fourth proposition.—This law is the blockade of public opinion.—Proof. Suppose the case of the election of a president for this Congress! The election finds two contesting candidates, one very tolerant with the minority and hence more agreeable to public opinion; the other much less tolerant, and therefore more agreeable to the government of her Majesty.

The government seeks to procure the election of the less tolerant candidate, and consequently has to defeat the candi-

date of public opinion. To effect this, what does the government of her Majesty do? A very easy thing. Declare public opinion in a state of blockade. And how can public opinion be put in a state of blockade? By one of two modes at the disposition of the government. Exaggerate certain or supposed good qualities of its candidate, and impede public opinion from doing the same with its candidate! Permit to be sent to the place of residence of one candidate all the good things that may be deemed desirable; and at the same time sequester, under the authority given by article 4, all the newspapers that bear eulogies of the candidate of public opinion! But the honorable deputies will tell me: "The newspapers that publish the good qualities of the candidates of public opinion have the recourse of resort to the tribunals." Consequently they resort to the tribunals promptly and speedily: by the diligence of the judge-instructor all very promptly, with the promptness with which we must suppose a functionary would work who knows that he is going to do a thing unpleasant to the government of her Majesty.

Promptly and speedily, also, new journeys of the honorable judges who abandon their jurisdictional limits and assemble to constitute a tribunal, and I will suppose that they also promptly give their verdict for the press. Now the eulogies of the candidate of public opinion may be published. But, *O dolor!* the opportunity has passed; the election has taken place, and the government candidate has been victorious, and the candidate of public opinion has perished for want of help, not having received as much as one loaf from the munition of praise. Is it not true, gentlemen, that it may be said that this law is the perfect blockade of public opinion? Is it not true that this law is a half law, which has

inscribed upon one page the obligations, and yet to be written upon the other the guarantees?

Or, better said, is not this law like a half-minted coin bearing on the reverse the cross of duty and lacking on the obverse the face of right? Is it not true that this law proposes the solution of a problem completely insoluble; that it seeks to make possible the metaphysically impossible; that it seeks to prove that a thing may be and not be at the same time? Is it not true that this law contains the attempt to make of representative government, which is a government essentially open, which is a government essentially talkative, a species of constitutional deaf-mute?

Fifth proposition.—This law is the perfect state of siege of human intelligence.—Example. Let us suppose there is a newspaper written with such skill and justice that the government has no means of getting it out of the way; and since justice and skill are not always agreeable to the government it is necessary for the newspaper to disappear, and the newspaper will disappear. But how will it disappear?—the honorable deputies will ask me. Very easily; putting the newspaper in a state of siege. And how can a newspaper be put in a state of siege? With this law, by the following mode:

Every newspaper, however skilful and just it may be, has to have a responsible editor who some time will have to be ill, for health does not depend upon justice and upon skill. It may also happen that in consequence of this illness the editor cannot sign the newspaper, and hence the governor has nothing more to do than to institute a reconnaissance of the editorship by the police, and if the editor is found to be ill and has not been able to sign the newspaper with hand and letter, he can impose a fine of 1,000 reales upon the printer

of the newspaper, and following that familiar tale of one of the candle, of the candle two, the editor, for the same offence, is mulcted to the extent of 4,000 reales.

But let us suppose that this newspaper is published in Madrid. The mail closes at eight o'clock in the evening, and if the newspaper is to be well edited it cannot be printed until five or six and consequently must certainly be issued before the two hours are over within which a copy has to be taken to the governor of the province.

Consequence of this infraction: The governor imposes, by virtue of article 21, a fine of 4,000 reales, and since the offence is for every day we shall have a fine of 4,000 reales daily, which amounts to 120,000 reales a month, which is the same as 1,440,000 reales annually. All this without counting upon the power remaining with the governor of the province to impose a fine of 1,000 reales daily for the following:

First. When it appears to him there is a lack of decency.

Second. When according to his judgment, which may very well be lack of judgment, there is committed any offence against good customs without his being obliged to cite an example.

Third. Whenever he sees mischievous allusions, however veiled they may be,—and he will not fail to see them whenever he finds it convenient.

Fourth. Whenever the publication of a fact gives offence to families, such as the publication of a death, etc.

And now let the honorable deputies inform me if a newspaper, however just and skilful it may be, can afford to incur daily a fine of at least 1,000 reales.

It is true that against all these injustices of the governor of the province, nominated by the government, the press has

the right to appeal to the government that nominated the governor. Is it not true, gentlemen, that this law is the state of siege of human intelligence? Is it not true that this law is a two-edged sword, and that if to-day we may wound our enemies at free will without motive and without necessity, to-morrow our enemies, without necessity and without motive, will be able to assassinate us at free will?

Is it not true that all this integument of prescriptions in opposition to all political equity, that all this accumulation of arbitrary principles, are no more than bread of government for to-day and hunger of justice for to-morrow? Does it appear prudent to the honorable admirers of this blazing law; does it appear just; does it appear foresighted,—that to sustain our miserable governmental existence one day we leave this terrible weapon in the hands of future governments that may be our most implacable enemies; that we leave them this atrocious weapon which makes legitimate the arbitrary, which makes virtue impossible, which ruins the press, which blockades opinion, and which is the state of siege for human intelligence? Is it possible that the Moderate party—that party which by antonomasia is called the party of supreme intelligence—cannot be aware of the full terror, the full atrocity of that weapon until it may be seen in the hands of its implacable enemies? If this is the case, gentlemen, then the Moderate party may well be addressed by that well-known apostrophe:

“What fatal misfortune is that  
Of soliciting thine own harm?  
I lament, when thou wak'st in alarm  
It will cost thee thy life!”

I, the first of the Ministerialists; I, who am one of the most important members of the Moderate party, in which I was born politically, in which politically I shall die, who do not

belong to that caste of politicians of whom Clement XIV said "That they pass their lives in sinning and repenting;" I have some explanations to make, I have to give my reasons for washing my hands of this act that sacrifices the first of public liberties. I say sincerely that my face flushes and I feel myself involuntarily seized with a fever every time I hear our common enemies launch against us the accusation that the Liberal party is a party of a temperament so cowardly, of a rectitude so equivocal, and of an intelligence so exiguous, that it can only rule by means of a freedom of the press so restricted, intimidated, and well-nigh muzzled.

As I have had the honor to say on another occasion, I should like to issue a scientific challenge and a moral provocation against all the exaggerated schools to prove to them that the freedom of the press, in place of being their patrimony has always been the triumphant crown of conservative ideas. I should like to prove to our enemies that the Moderate party is a party with temperament so lofty, of rectitude so insuperable, and of intelligence so vast, that it has always been able, is able, and always will be able, to govern with a press, a liberty of the press, open, rationalistic, and even well-nigh unlimited.

Of all the militant political parties there is not one that has less to fear from the liberty of the press than the Moderate party. Depositary of almost the entire social force, of almost the entire public fortune, possessing the intellectual majority, the Moderate party cannot refuse discussion, cannot reject light. On the contrary the Moderate party superabounds in grand qualities of virtue, wisdom, intelligence, reason, justice, and right with which to battle with its enemies. Not in a closed passage and in darkness; no, it

can seek them out in an open thoroughfare, it can fight them hand to hand in the light of day, in the light of the sun, and if it were possible, in the light of all the stars of the firmament.

There appears to be a fatal law for all human institutions that they should love that which would slay them and fly from that which should give them life. The Moderate party clings to mutism, which means its death; and loves not the liberty of the press, which is that which would give it horizon, which is that which would lend it atmosphere, which is that which would inform it with vitality.

I have always believed, I do believe, and I shall continue to believe that for the Moderate party the liberty of the press will be what it has been until now, the true battle-steed with which we are to conquer all our enemies; those who attack us on the right flank as well as those who attack us on the left flank. I have always believed, do believe, and will continue to believe, that for the Moderate party the liberty of the press as until now it has always been the ship that has saved us from all despotic wreck, will in the future be for us the sacred ark that will rescue us from every communistic deluge. I have always believed, do believe, and shall continue to believe, that for the Moderate party the liberty of the press will be hereafter as it has been until now the true firm-standing wall against which in a way most fatal, in a way inevitable, there will vainly dash on the one hand all the surges of democracy, on the other hand all the avalanches of reaction.

Gentlemen, I am going to relate the coming history of this fatal law which is to have the sad privilege of slaying its own mother before its birth. When this law is published the safety-valve of representative government will be shut down:

all the lawful passions, all the legal tendencies, all the just aspirations will not be able to satisfy their legitimate desires for growth; these repressed lawful passions will be converted into concentrated hatreds; these concentrated hatreds are going to charge the political atmosphere with electricity; this electricity is going to accumulate in the atmosphere and is going to form a sullen tempest whose mutterings will arouse the rancor of our enemies; and for our friends it will make them pass a life filled with fear and tribulation, and then by the most unforeseen of happenings this invisible tempest, on a day least looked for, will fall upon our heads in the shape of a bloody revolution.

Whatever the consideration in which you hold the prophet, forget not the prophecy!

[Specially translated by Sylvester Baxter.]

## GEORGE S. BOUTWELL



GEORGE SEWALL BOUTWELL, American Senator and ex-Secretary of the Treasury, was born at Brookline, Mass., Jan. 28, 1818. His education was obtained at private schools and by prolonged private study. Entering law at Groton, in his native State, he was in 1836 admitted to the Bar, but did not begin practice till some years later. In 1840, he entered politics as a supporter of Van Buren, and served seven terms as a Democratic member of the State legislature of Massachusetts between the years 1842 and 1851. He was repeatedly defeated as a Congressional candidate, but in 1851 was elected Governor of Massachusetts by a coalition of the Democrats and Free-Soilers, after several previous defeats. On the repeal of the Missouri Compromise, in 1854, he took part in organizing the Republican party, and in 1860 was a member of the national convention that nominated Lincoln for the Presidency. By the latter he was appointed first commissioner, in 1862, of the department of internal revenue which he organized. From 1863 to 1869 he was a member from his State in Congress, and Secretary of the Treasury during President Grant's first administration, 1869-73, resigning in March of the latter year to fill the seat in the Senate vacated by Senator Henry Wilson, who had become Vice-president. After leaving the Senate, in 1877, he was appointed to codify and edit the Statutes at Large, and he subsequently practiced law in Washington for some years. His interest in politics has continued unabated since his retirement. He has published "Thoughts on Educational Topics" (1860); "A Manual of the Direct and Excise System of the United States" (1863); "The Taxpayer's Manual" (1865); "Speeches and Papers Relating to the Rebellion" (1876); "Why I am a Republican: a History of the Republican Party" (1884); "The Lawyer, the Statesman, the Soldier" (1887); "The Constitution of the United States at the End of the First Century" (1895). For many years he was a member, and at one time secretary, of the Massachusetts Board of Education.

### ON THE PROGRESS OF AMERICAN INDEPENDENCE

ADDRESS BEFORE N. Y. HISTORICAL SOCIETY, APRIL 2, 1889

AT the close of the French war England entered systematically upon a policy whose object was the establishment of the supremacy of Parliament over the colonies of North America. For one hundred and thirty years this supremacy had been denied whenever the claim was presented. In that time manufactures and commerce,