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**THE CONSTITUTIONAL CHARTER OF 1826 AND THE DISSOLUTION OF THE  
CHAMBER OF DEPUTIES. LEGAL RULES, POLITICAL PRACTICES AND  
FUNCTIONING OF THE 19<sup>th</sup> CENTURY MONARCHICAL-LIBERAL REGIME  
(1834-1865)**

**ANTÓNIO PEDRO MANIQUE**

[apmanique@gmail.com](mailto:apmanique@gmail.com)

He holds a Bachelor Degree in History from the Faculty of Humanities of the University of Lisbon (1979) and a Master Degree in History of the 19th and 20th Centuries from FCSH of the UNL (1987). He is a Coordinating Professor of Polytechnic Higher Education, having presented the dissertation: *Legislative Process and Political Conflict in the First Phase of Regeneration (1851-1865)*, Santarém, ESES, 1992. He was president of the Scientific and Directive councils, course coordinator and coordinator of the Department of Social Sciences of the Higher College of Education of IPS. He was guest lecturer at the Faculty of Humanities of Lisbon (1988-1991) and at Universidade Autónoma de Lisboa (1991-1993 and 2019) and member of the International Commission for the History of Representative and Parliamentary Institutions and its Portuguese section. He is a member of ATEE - Association for Teacher Education in Europe. He researches topics in institutional and political history of the 19th century and has several books and articles published in specialized Portuguese and foreign journals.

**Abstract**

The right to dissolve the elected chambers of parliaments was generally enshrined in the European liberal constitutions of the 19th century as one of the prerogatives of the heads of state in exercising the executive power assigned to them. In Portugal, the Constitutional Charter of 1826 instituted a fourth power – the Moderating Power – which added to the traditional legislative, executive and judicial powers and belonged exclusively to the monarch, in addition to the executive power, of which he was the head. Under the influence of Benjamin Constant, one of the royal powers within the scope of the moderating power was the dissolution of the Chamber of Deputies, which the monarch could decree whenever “the salvation of the State” required it. It was an exceptional measure that should only be used in extreme cases of national political life. However, this royal prerogative became trivialized, becoming a political means used by governments to obtain parliamentary majorities through the use of fraudulent elections. Political practices departed significantly from the constitutional norm and dissolutions of the elective chamber would come to play an important role in the functioning of the regime.

This paper examines the constitutional norms and analyses the ten dissolutions of the Chamber of Deputies decreed between 1834 and 1865, highlighting the enormous gap that separates the *formal constitution* from the *real constitution*, resulting from the political practices of the agents of power and of the institutions themselves.

**Keywords**

Liberalism, Constitutional Charter, Parliament, Chamber of Deputies, Dissolution

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## THE CONSTITUTIONAL CHARTER OF 1826 AND THE DISSOLUTION OF THE CHAMBER OF DEPUTIES. LEGAL RULES, POLITICAL PRACTICES AND FUNCTIONING OF THE 19<sup>th</sup> CENTURY MONARCHICAL-LIBERAL REGIME (1834-1865)<sup>1</sup>

ANTÓNIO PEDRO MANIQUE

### Introduction

The history of parliaments is of the utmost importance for understanding liberal political systems. Constituting the legislative bodies par excellence, they were located at the centre of complex networks of power relations established around the production of laws. They were involved in processes of political conflict with other state bodies, especially governments, which faced, to a greater or lesser extent, the inspection of elective assemblies representing national sovereignty.

In Portugal, there are some studies on the organization of the nineteenth century parliament, but the history of political practices related to it is still poorly known, which is of crucial importance for understanding the role played by the legislative body in the set of political institutions of the liberal state. While knowledge of the constitutional norms that regulate the organization and functioning of state bodies is essential, the gap that always exists between them and the *real constitution* cannot be forgotten. The political practices that ultimately shape institutions and the regime itself do not always coincide absolutely with the norms prescribed by the *formal constitution*. It is important to understand how the architecture of the state outlined by the Constitutional Charter of 1826 was shaped by the political practices of the agents of power and the institutions themselves. It is also important to know the result of these practices in political communication and in the interaction between parliament and government and between them and the head of state. Did it give "parliamentary sovereignty" an autonomy of the legislative power vis-à-vis the government or, on the contrary, did it allow the nineteenth century parliament to legitimize governments and their policies?<sup>2</sup>

The answers to these questions involve addressing a particular aspect related to the functioning of parliament: the dissolution of the Chamber of Deputies and the way the royal prerogative of dissolution enshrined in the Constitutional Charter of 1826 was used. This paper analyses the period between 1834 and 1865, seeking to establish relationships

<sup>1</sup> Article translated by Carolina Peralta.

<sup>2</sup> For an approach to this problem in the English case, see Judge, David (1993). *The Parliamentary State*. London: Sage Publications.



between the constitutional norms and the political practices that conditioned the 10 dissolutions decreed in that period.

The dissolution of the Chamber of Deputies became a fundamental political tool for the functioning of the nineteenth-century liberal-monarchist regime<sup>3</sup>. Between the beginning of the construction of the liberal state, in 1834, and the end of the monarchy, the dissolution mechanism was used 31 times. This means that, of the 41 legislatures in the same period, only 15 were completed. The remainder being interrupted before the full time constitutionally established (four years until 1885, three years after that date; the 1838 Constitution also established three-year legislatures). The frequent resort to the dissolution of the Chamber of Deputies meant that, instead of the 21 or 22 electoral acts that, under normal conditions, should have taken place between 1834 and 1910, 42 were held. This situation was only paralleled in liberal Europe in the last decades of the 19th century in Greece and, to a lesser extent, in Spain (Almeida, 1991: 82).

Thus, it is important to analyse not only the constitutional norms, but also the practices that conditioned this important political phenomenon of Portugal's nineteenth century.

### **The Constitutional Charter of 1826 and the right to dissolve the Chamber of Deputies**

The Constitutional Charter of 1826, granted by D. Pedro IV following the death of D. João VI, had as its main sources the French Constitutional Charter of 1814, donated to France by Louis XVIII, and the Brazilian Constitution of 1824. It was also inspired by the Portuguese 1822 constitution. From a doctrinal point of view, a marked influence is evident of the ideas of Benjamin Constant, expressed in his *Esquisse de Constitution*, published in France in 1814. One of the novelties of the 1822 Constitutional Charter in relation to the Constitution and other constitutions of the time is the institution of four distinct powers: to the traditional legislative, executive and judicial powers, the moderating power was added, considered "the key to any political organization"<sup>4</sup>. The conception and theorization of this fourth power belonged to Benjamin Constant, for whom, to the three powers enunciated by Montesquieu, it was necessary to add another one - the real power - neutral, which ensured the regular and independent functioning of the first three, through a regulatory action that would maintain harmony and balance between them<sup>5</sup>. The moderating power belongs exclusively to the monarch and grants him typical attributions as head of state (the king is the Supreme Head of the Nation). It allows him to actively intervene in the legislative power, by convening, extending or postponing the *Cortes* (Parliament), by appointing the members of one of the chambers that compose it (*Câmara dos Pares-Peers*), or by dissolving the Chamber of Deputies. The king was able to sanction laws and had the right of absolute veto over them<sup>6</sup>.

<sup>3</sup> For the period between 1852 and 1865, see Manique, António Pedro (1992). O direito de dissolução em Portugal. Normas e práticas constitucionais (1852-1865). In *Constituição da Europa, Constituições da Europa. Europeísmo e Nacionalismo na História Constitucional Europeia*. Lisbon: Assembleia da República.

<sup>4</sup> *Carta Constitucional da Monarquia Portuguesa*. Lisbon: Imprensa Régia, 1826. Articles 11 and 71.

<sup>5</sup> Constant, Benjamin – *Cours de politique constitutionnelle ou collection des ouvrages publiés sur le gouvernement représentatif* (1872). Paris: Librairie de Guillaumin. 2 vols.

<sup>6</sup> For a broader view of constitutional regulations and the functioning of Parliament, see: Manique, António Pedro (2020). Parlamento, Governo e produção legislativa na primeira fase da Regeneração. Normas legais e práticas políticas (1851-1865). In *Cadernos do Arquivo Municipal*, 2nd series, no. 14. Lisbon: CML.



In his *Principes de Politique* (1815), Constant devotes a chapter to the “right to dissolve representative assemblies”<sup>7</sup>, where he considers, on the one hand, their indispensability in constitutional monarchies and, on the other, the need for control of their activity by the Head of State. “In a great country there can be no freedom without strong, numerous and independent assemblies; but these assemblies do not exist without dangers and, in the interest of their own freedom, it is necessary to prepare infallible means to prevent their deviations” (Constant, 1815: 30). Constant considered that the multiplicity of laws passed by the chambers at certain periods, under the impulses of political passion, could turn into oppression for the people, perverting the fundamental role of parliaments. While the veto could prevent such excesses, its frequent use caused political friction and did not completely disarm the assemblies, so resorting to dissolution was the only way to limit the “representative authority”.

Without limitations, the representatives of the people “would not be defenders of liberty, but candidates to tyranny”; for this reason, the right of dissolution did not constitute an insult to the rights of the people. On the contrary, it was a guarantee of the exercise of those rights because it allowed them to choose representatives to defend their interests. It was, therefore, absolutely necessary that the representative assemblies be “free and powerful”, but it was equally indispensable that “their deviations could be repressed” (Constant, 1815: 31). Considering also the hypothesis that the assemblies do not produce legislation sufficient or adequate to national problems, and in a final justification of the right of dissolution, Benjamin Constant asked: “Between an assembly that insisted on not producing any law, not providing for any need, and a government that did not have the right to dissolve it, what means of administration would there be left?” (Constant, 1872: 189-190). However, he did not fail to warn of a fundamental problem: the mechanism he defended would work well if elections were free; because if they were not, there would be, purely and simply, no representative system.

The principle of the royal prerogative of dissolution of the elective chambers was enshrined, in general, in the fundamental European laws of the 19th century. In most cases, it was the competence of the executive power, of which the monarch was the head. The French Constitutional Charters of 1814 and 1830 included it in their articles, imposing on the monarch the obligation to convene a new assembly within three months of dissolution<sup>8</sup>. In Spain, the Royal Statute of 1834 established a period of one year, after dissolution, for a new parliamentary meeting<sup>9</sup>, but the constitutions of 1837 and 1845 adopted and specified the French rule of three months as the maximum period for the convocation and meeting of the congress of the deputies, after the royal decree of its dissolution<sup>10</sup>.

The Brazilian Constitution of 1824 also stipulated the imperial prerogative of dissolving the Chamber of Deputies, imposing on the moderating power the obligation to

<sup>7</sup> *Principes de Politique*, chap. III. In *Cours de Politique...* cit.

<sup>8</sup> See Godechot, Jacques (1979). *Les Constitutions de la France depuis 1789*. Paris: Garnier-Flammarion, pp. 217 and 247.

<sup>9</sup> Esteban, Jorge (1988). *Las Constituciones de España*. Madrid: Taurus, p. 97.

<sup>10</sup> Idem, pp. 105 and 119.



“immediately summon” another one to replace it<sup>11</sup>, without indicating a deadline for the meeting of the new Chamber.

Although the Portuguese constitution of 1822 did not enshrine such a possibility, the Constitutional Charter of 1826 granted the king, in the exercise of the moderating power, the right to dissolve the Chamber of Deputies, but only “in cases where the salvation of the State requires it” (Article 74). As for the convening of a new chamber to replace the dissolved one, the vague formula modelled on the Brazilian constitution prevailed, imposing on the monarch the obligation to convene “immediately another one to replace it”, without however setting any deadline for the new meeting of the *Cortes* after the dissolution. In fact, the distinction between the act of convening the *Cortes* and their effective meeting is of utmost importance. The absence of clear regulations allowed the sovereign, when exercising the prerogative, to use the dissolution decree itself to convene the new Chamber of Deputies, thus fulfilling the constitutional precept, but setting its meeting for a date that could be several months after the dissolution. This caused disturbances to the regularity of national political life and favoured the occurrence of dictatorships. The Additional Act of 1852 did not introduce any change to the constitutional provisions relating to this matter. Only the second Additional Act of 1885 would stipulate that, in case of dissolution of the Chamber of Deputies, the new *Cortes* would be obligatorily convened within three months. Thus, the discretion relating to the time interval elapsed between two meetings of the Parliament separated by the act of dissolution was limited.

Since there was no strictness in the constitutionally established deadlines, it was the circumstantial circumstances that determined the greater or lesser urgency in the meeting of the *Cortes* after the dissolution. While in the first half of the nineteenth century the intervals separating dissolutions from new meetings of the *Cortes* were relatively long, from 1852 onwards the general trend was towards reducing these intervals to about three months. Thus, political practices brought the functioning of the regime closer to its foreign counterparts.

The general understanding of the right to dissolution and the positions taken in relation to its exercise depended, of course, on the political-ideological position of the personalities who spoke on the matter. For Consiglieri Pedroso, activist and republican theorist, the right to dissolution enshrined in the Constitution was “an attack on national representation” and the way in which the moderating power abused it, with the acquiescence of the monarchic parties, constituted “an attack on popular sovereignty” (Pedroso, 1887: 9). In his opinion, such a right was reprehensible because it allowed a power that did not legitimately represent the nation to annihilate the national will expressed through voting; and as in conflicts between the Chamber of Deputies and governments, the latter were always the winners, the dissolution right had become a “simple weapon used by the executive power to dominate the Chamber of Deputies and with it the nation” (Idem: 16-17).

The position taken by José Tavares, professor of Law in the last years of the monarchy, was different. Analysing the right of dissolution in several European countries and in Portugal, he was doctrinally close to Benjamin Constant in considering that such

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<sup>11</sup> Miranda, Jorge (1990). *Textos Históricos do Direito Constitucional*. Lisbon: INCM, pp.197-227.



prerogative was "an effective guarantee against the abuse or incompetence of the strongest of powers - the legislative power – thus being one of the indispensable sanctions to the principle of division of powers" (Tavares, 1909: 132-133). By allowing the resolution of conflicts between the legislative and executive powers, ensuring the convening of the electoral body to have a say on the most serious problems of the administration, the right of dissolution was "the most perfect consecration of the representative regime", constituting "one of the most concrete affirmations of the principle of national sovereignty" (Idem).

As for the political agents, naturally their decisions depended on their positions regarding the exercise of power. Nogueira Soares perspicaciously noted the variations in opinion as a result of circumstances. "When the parties are in power, the king reigns and does not govern. As head of the executive power, the king must limit himself to signing, without remarks or reflections, all the orders that ministers present to him, no matter how scandalous or more contrary to public morals (...). As a moderating power, the king must limit himself to decreeing, without examination or discussion, all dissolutions of the chamber of deputies, all preparations in the chamber of *pares*, all adjournments of the *Cortes* that the ministers deem appropriate. When they are in the opposition (...), these parties maintain that the king must refuse to sign all orders which they deem unjust or scandalous; that he must deny the ministers any dissolutions, adjournments, ministerial reshuffling; that he must oppose the veto of laws passed by both Houses of Parliament" (Soares, 1883: 152-153).

In fact, the positions adopted by the party members did not depend on the defence of doctrinal principles, only on the political pragmatism dictated by the situation. Dissolutions were justified or not according to the circumstances in which they occurred. They were always legitimate for the political forces that decreed them, just as they were invariably reprehensible for those in the opposition. However, the criticisms of the dissolution mechanism focused not so much on the prerogative itself, but mainly on the misuse that was made of it, when it was used to "create" parliamentary majorities through fraudulent elections.

Some debates held in the press clearly summarized the ideas that prevailed in the second half of the 19th century about the issue of the dissolution of the Chamber of Deputies. An article by Rodrigues Sampaio, a prominent person in journalism and politics, who frequently addressed the issue, is significant. He considered that the restrictions imposed by the Charter on the right of dissolution could not be seen from the same perspective as the legislator in 1826, since, in its original conception, such right was of little use and it should have been denied to the Crown. "The right to dissolve is not the right of the Charter as it conceived it, nor can it, consequently, be restricted to these very serious and very risky predicaments. The right to dissolve is the right to assess the country's opinion. These benchmarking operations can be carried out infrequently and can be carried out very rarely. It's not the frequency that makes them dangerous; it is the purpose, it is the situation and the way that determine its nature and influence on institutions and public tranquillity"<sup>12</sup>. Sampaio believed that it could be dissolved when legislative bodies did not keep up with changes in national opinion, when public need

<sup>12</sup> *A Revolução de Setembro*, no. 5273, 29-11-1859.



required it, when it was necessary to resolve major governance doubts that required popular consultation, when parliaments did not have authorized majorities, in short, when circumstances so advised. "Dissolution, therefore, is not in itself a principle of revolution, nor a path towards it. Dissolution is an innocent right. What makes it sometimes harmful are the rigged and violated elections"<sup>13</sup>.

In 1859, Sampaio expressed the above-mentioned doctrine, when there had been a dissolution decreed by the political forces he was part of. However, in 1858, he had written an ironic and caustic article on the same issue, in which he reviled the government of the time and concluded: "It is enough that we base ourselves on a principle on which the whole theory of the right to dissolve is based. The principle is: parliaments should never be dissolved except to save inept ministries"<sup>14</sup>. The "dissolving" government at the time led by the Marquis de Loulé, who Sampaio was fighting in the parliamentary opposition.

The dissolution of the Chamber of Deputies thus became a common political phenomenon throughout the nineteenth century. Political practices departed significantly from constitutional norms, making current and banal a measure originally conceived for exceptional use. With the aggravation of being decided by the governments and not by the monarch, due to the capture of the moderating power by the Executive since the beginning of the construction of the liberal state<sup>15</sup>, as demonstrated by the analysis of dissolutions that follows.

### **The dissolutions of the Chamber of Deputies (1834-1865)**

The Parliament was formed by two chambers (Chamber of *Pares* and Chamber of Deputies) with equal powers regarding the passing of laws. Any legislative measure required the approval of both. The former was appointed by the king, and when they did not have a majority in it, the governments resorted to *forçadas*, that is, the nomination of variable groups of new peers considered politically close to the government that proposed them to the monarch.

As for the Elected Chamber of Deputies, resorting to dissolution was the only way for governments to obtain majorities. They obtained them through manipulation and electoral fraud. Between 1834 and 1910, 31 dissolutions of the Chamber of Deputies were decreed, 10 of which during the period analysed here.

The construction of the liberal regime after the end of the civil war began with the opening of the *Cortes* on 15 August 1834. Faced with the physical weakness of D. Pedro (who would die on 24 September), the Parliament decreed the age of majority of D. Maria II, who swore the Constitutional Charter on 20 September and who, four days later, named her first government, presided over by the Duke of Palmela. Until the September Revolution, four more governments ensued, all of them coexisting with a parliament where party conflicts prevented the approval of the necessary measures to solve the

<sup>13</sup> Idem, *ibidem*.

<sup>14</sup> Idem, no. 4780, 31-03.1858.

<sup>15</sup> See Manique, *Parlamento, Governo...*, cit.



difficult financial, economic and social problems the country was struggling with after the devastating civil war.

### Quadro 1 – Dissolutions of the Chamber of Deputies (1834-1865)

Nº.	Date (a)	President of the Council of Ministers
1	4-6-1836	Duke of Terceira
2	25-2-1840	Count of Bonfim
3	10-2-1842	Duke of Terceira
4	23-5-1846	Duke of Palmela
5	25-5-1851	Duke of Saldanha
6	26-7-1852	Duke of Saldanha
7	26-3-1858	Marquis of Loulé
8	24-11-1859	Duke of Terceira
9	27-3-1861	Marquis of Loulé
10	15-5-1865	Marquis of Sá da Bandeira

Sources: AHP: *Registo das sessões reais, prorrogação das sessões e adiamento das mesmas e da dissolução da Câmara dos Deputados*, Book 788.

Santos, Manuel Pinto dos (1986). *Monarquia Constitucional. Organização e Relações do Poder Governamental com a Câmara dos Deputados (1834-1910)*. Lisbon: A. República.

- (a) The dates of reading of the dissolution decrees in the plenary of the Chamber are considered here, from which they took effect, and which do not always coincide with the dates of their signature.

In the Chamber of Deputies, the "ministeriais"/ministerial (the most conservative faction of liberals, identified with the principles of the Constitutional Charter of 1826), and the "antiministeriais" (anti-ministry), more radical, critics of the Charter and identified with the principles of *Vintism*, fought each other. They included people such as Passos Manuel and others who would become part of the *Setembrismo* movement. Neither the conservative governments, led by Palmela, Saldanha and Terceira, nor the "left" government, presided over by José Jorge Loureiro<sup>16</sup>, managed to get the legislation they wanted passed, which led to the first dissolution of the Chamber of Deputies, decreed on 4 June 1836.

Indeed, the queen denied the dissolution to José Jorge Loureiro (Bonifácio, 2002: 34), but granted it to the Duke of Terceira, president of the Council of Ministers from 18 April 1836. Terceira dissolved the Chamber of Deputies "to have his own people", according to Oliveira Martins, that is, to obtain a parliamentary majority.

The government "held the elections, which were like all others; and as always, it won" (O. Martins, 1977, II: 53-54). These elections, held in July, resulted in a majority of "ministerial" deputies, a circumstance that did not serve the government, given that the Chamber did not meet, due to the September Revolution, which determined the downfall of the Executive.

The royal prerogative of dissolution of the Chamber of Deputies materialized through a "proposal of the Ministers", approved unanimously by the Council of State<sup>17</sup>. In other words, the initiative belongs to the government in office and the intention is to "put

<sup>16</sup> President of the Council of Ministers between 11/25/1835 and 04/19/1836.

<sup>17</sup> ANTT, Actas do Conselho de Estado, Casa Forte, Livro 77A, session of 4/6/1836.



together” a parliamentary majority to sustain it, which is achieved by resorting to various mechanisms that distort the principle of electoral representation.

The second dissolution was decreed on 25 February 1840, under the 1838 Constitution, which enshrined the royal prerogative within the executive power, of which the monarch was the head. The Chamber of Deputies elected in August 1838 supported the government of Sá da Bandeira, who organized the elections following the approval of the new Constitution<sup>18</sup>, but got along poorly with the ministry of the Count of Bonfim, appointed in November 1839, with the *Cortes* closed, and which already had Costa Cabral in the Justice department. This government, which represented the demise of the September Movement (Bonifácio, 1999: 168) and the rise of the "party of order", was faced with a strong opposition led by representatives of the September current. Accordingly, it requested its dissolution, claiming that the Chamber of Deputies no longer represented national opinion and was unable to pass the legislative measures the country needed. Interestingly, the *Diário da Câmara* reports that, after reading the dissolution decree, "there was applause in the room and galleries from the deputies and people of all opinions; and there was not an expression of even less respect for the royal prerogative exercised at that time"<sup>19</sup>.

It is clear that the government in office regained a parliamentary majority and the new Chamber survived until the restoration of the Constitutional Charter, in February 1842, following the movement carried out by Costa Cabral.

The dissolution of 10 February 1842 was a natural consequence of the restoration of the Charter and the appointment, on 9 February, of the government presided over by the Duke of Terceira, but truly led by Costa Cabral, who held the ministry of the Kingdom. The Chamber of Deputies elected in June of that year would become the support of "Cabralism" and functioned until 1845, becoming the first complete legislature since the beginning of the reign of D. Maria II.

The August 1845 elections, organized and "manipulated" by the Minister of the Kingdom, Costa Cabral, again produced a Chamber of Deputies that was mostly government supporters and would come to be dubbed "factious and prostitute" by political forces against Cabralism (Bonifácio, 2002: 45), and it did not survive. In fact, the Maria da Fonte revolt, in April 1846, precipitated the fall of the Ministry and the exile in Spain of Costa Cabral and his brother. In its replacement, on 20 May, a new government was appointed, headed by the Duke of Palmela, who dissolved the Chamber of Deputies three days later. The dissolution of 23 May 1846 was, therefore, the result of political conflicts and military movements caused by the government of Costa Cabral and culminated in the Patuleia civil war.

The Parliament did not function throughout 1847 and it was only in November that elections were held, called by the government of Saldanha, which replaced the previous one. The new Chamber of Deputies met on 2 January 1848, under constitutional terms,

<sup>18</sup> The elections of 12 August 1838 were direct, under the terms of the Constitution of 4 April of the same year. Simultaneously with the deputies, the senators who would compose the respective Chamber were also elected, under the terms of the new Constitution.

<sup>19</sup> *Diário da Câmara dos Deputados* (1840). Lisbon: I. N., 2nd vol., p. 321. The Chamber of Deputies' Diary was the main source for the study of all the dissolutions analysed here, so its constant reference is dispensed with.



and coexisted with all succeeding governments<sup>20</sup> until the military coup of the Regeneration, with four legislative sessions. On 9 April 1851, the parliamentary activity was postponed until 2 June, but the *Cortes* did not meet again, since the government of the Duke of Saldanha, resulting from the Regeneration movement and sworn in on 22 May, dissolved the Chamber of Deputies three days later.

The Decree of 25 May 1851 not only dissolved the Chamber of Deputies, but also called for elections that would give deputies extraordinary powers to revise the Constitutional Charter, promised since 1842. Elections were demanded by the more progressive political sectors that supported the regeneration movement. Thus, D. Maria II, considering herself invested with extraordinary powers, went beyond articles 140 to 143 of the Constitutional Charter, which regulate the revision, opening the door to changes that would make the Fundamental Law acceptable to all.

While the dissolutions decreed between 1836 and 1851 were conditioned, to a greater or lesser extent, by the political and military instability<sup>21</sup> that characterized the first half of the nineteenth century, the same did not happen with those that occurred from 1852 onwards. This was because the alterations to the Constitutional Charter enshrined in the first Additional Act accentuated the parliamentary aspect of the regime and established new forms of relationship between the legislative and executive powers.

Indeed, the Additional Act of 5 July 1852 introduced regulations that strengthened the powers of the Parliament, namely: measures relating to Finance matters (annual parliamentary voting on taxes, mandatory use of budget funds in previously determined expenses, strict deadlines for the presentation of the state budget by the government); mandatory parliamentary ratification of treaties signed with foreign powers; and the power of the legislative chambers, through inquiry commissions, to examine the acts of governance. This reinforcement of the Parliament's supervisory function forced the Executive to submit to a tighter parliamentary control than initially foreseen in the Basic Law. On the other hand, the end of military coups that, in the previous period, opposed the various factions of Liberalism, transferred the political struggle to parliament, which became the privileged stage for the confrontation of ideas and government strategies.

The institutionalization of the office of President of the Council of Ministers (1855)<sup>22</sup> and the character of "Cabinet" which, legally, was assumed by the Ministry, brought the regime closer to a dualist or Orléanist parliamentarism (Duverger, 1985: 139-140). This is because the government was doubly responsible: before the king, who appointed and dismissed it; and before Parliament, which, although constitutionally could not overthrow it, exercised a supervisory and critical action that strongly conditioned the existence of ministerial cabinets. An example of this was the motions of censure that, at certain times, led to the resignation of serving governments.

In addition to the new legal precepts, the practices of political agents and their understanding of the functioning of institutions also conditioned the attitude of the regime

<sup>20</sup> Governments headed by Saldanha, Costa Cabral, Duke of Terceira and again Saldanha.

<sup>21</sup> On military movements in this period, see: Marques, Fernando Pereira (1999). *Exército, mudança e modernização na primeira metade do século XIX*. Lisbon: Cosmos/IDN

<sup>22</sup> Although D. Maria II appointed a president of the council of ministers in her first government, the position was only regulated in 1855 (Law of 23 June). There was, therefore, a legal vacuum for more than twenty years, which is a good example of the gap between constitutional norms and political practices.



in the second half of the 19th century. The rise of the “historical” to governance was accompanied by a clear defence of parliamentary principles, contrasting with the attitude of the regenerators, generally more limited to counting the majorities or minorities in the legislative chambers.

While Saldanha would have exclaimed to D. Pedro V, when asking him to refuse a *forçada* of peers, that “without chambers, Your Majesty and I would make Portugal happy” (Cruz, 1970: 29), *Jornal do Comércio*, an paper close to the historical, wrote in 1858: “The persons in charge of each of the departments necessarily need to give public accounts before the national representation, of the special affairs under their responsibility. (...) Just as there cannot be governments without majorities, so majorities in the absence of governments become impossible”<sup>23</sup>. In turn, *A Opinião*, a newspaper openly defending the historic ministries, considered, in 1859: “We are in full parliamentary government (...). Among us, political situations that do not originate and do not live from parliamentary conditions are impossible”. Welcoming a meeting that took place between the majority of deputies and the government, the newspaper exulted with “the beneficial effects of institutions” and with “the interpretation given to them in recent years of government”<sup>24</sup>, that is, with development from the parliamentary side, encouraged since 1856 by the government of the Marquis of Loulé. The harmony between the fundamental principles of the Constitutional Charter and the “government norm” had led to an “eminently parliamentary regime”<sup>25</sup>, which had to be preserved and defended.

The attitude of governments towards the dissolved chambers also differed between regenerators and historical, at least in the first phase of the regeneration, as we shall demonstrate below. The dissolutions of 1852 and 1859 (governments of the Dukes of Saldanha and Terceira, respectively) were abruptly decreed, while the others, under the responsibility of ministries presided over by the historical (Marquis of Loulé and Marquis of Sá da Bandeira) resulted from complex conflicting processes, in which the extreme solution appears as the only one capable of putting an end to the political situations. Although used by both dominant political forces in governance, resorting to the prerogative of dissolution seems to have aroused greater scruples on the part of the historical, which indicates a different way of looking at the relations established between the executive power and national representation.

The dissolution of the Chamber of Deputies decreed on 26 July 1852 was the result of the first great conflict between the government and the national representation after the regeneration movement that took the Duke of Saldanha to the presidency of the Council of Ministers. Although the immediate pretext was the parliament’s refusal of a financial measure decreed dictatorially by the government, its occurrence is part of a broader conflictual framework that it is important to characterize. Understanding it requires examining the governing structure and the political-ideological reality of the chamber elected in November 1851.

The Ministry headed by the Duke of Saldanha (sworn in on 22 May 1851) reflected a commitment between various political sectors opposed to *Cabralism* who supported the regeneration military movement, since Saldanha had attracted the former *Setembristas*

<sup>23</sup> *Jornal do Comércio*, no. 1350, 21-3-1858.

<sup>24</sup> *A Opinião*, no. 632, 6-2-1859.

<sup>25</sup> *Idem*, no. 635, 10-2-1859; no. 640, 16-2-1859.



and moderate Chartists to his cause, unhappy with the political situation and with the set of scandals that characterized the last period of Costa Cabral's government.

The ministerial list had a heterogeneity that sought to reconcile diverse political trends and bring them together around national objectives which the regeneration represented, seeing itself as "a coalition of different parties"<sup>26</sup> that underwent successive remodelling to move away the most radical elements and consolidate the power of Saldanha's most faithful followers. The Marquis of Loulé was removed from the Navy Ministry as early as July 1851, as well as Joaquim Filipe de Soure from Justice, while Almeida Garrett and António Luís de Seabra, from the September movement, did not resist for more than five months (March to August 1852) in the Ministries of Foreign Affairs and Justice, respectively. The Ministry of Finance had two representatives (Marino Franzini and Silva Ferrão) before the "providential" Fontes Pereira de Melo was called in; and the important Ministry of the Kingdom, first given to José Ferreira Pestana, was then conceded to the future second strongman of the new situation, Rodrigo da Fonseca Magalhães. It was not, therefore, a consolidated and stable government structure that faced the Chamber of Deputies, but a group of individuals with different ideas, where political contradictions found fertile ground for their development.

The Parliament, opened on 15 December 1851, had a Chamber of Deputies (elected in November) that did not fail to reflect government movements. The old Progressive Party dominated the overwhelming majority of the chamber, but this party structure, far from being homogeneous, had several factions, which were quickly mismatched in terms of the support to be given to the Saldanha government. The political arrangements and alignments within the chamber were complex and slow and the government itself had difficulty in counting its supporters, whose number did not settle down, varying according to the matters under discussion. The Progressive Party, in its majority, ended up supporting the government, although this support was not unconditional, with the chamber revealing a reasonable autonomy in relation to the ministerial intentions.

The relationship between the Chamber of Deputies and the government was initially guided by demanding and political conviction positions. Its "ministerialism" did not result from any blind loyalty to the government, but "from the conviction that the Ministry must be supported; this ministerialism presupposes merit in those who receive it and independence in those who give it"<sup>27</sup>, wrote Rodrigues Sampaio, summarizing the sentiments of the group of deputies who provided the government with "illustrated and conscientious support, and not unlimited and unconditional support"<sup>28</sup>.

The conflict between the government and the Chamber of Deputies, which culminated in dissolution, went through three fundamental stages: the question of the presidency, right at the beginning of the parliamentary work; the discussion of the Additional Act and the amendments introduced by the deputies to it; and, finally, the refusal to ratify the dictatorial decree of 3 December 1851. The political conflict between the two levels of power increased progressively until it reached a rupture, in July 1852, regarding the parliamentary ratification of the dictatorial measures decreed by the Executive between

<sup>26</sup> *A Revolução de Setembro*, no. 3099, 30-07-1852.

<sup>27</sup> *A Revolução de Setembro*, no. 3002, 02-04-1852.

<sup>28</sup> *Idem*, no. 3095, 27-07-1852. For the Government/Chamber of Deputies relationship in the first phase of Regeneration, see *Diário da Câmara dos Deputados*, Lisbon, I.N., 1851-1865.



May and December 1851, in the absence of work by the *Cortes*, which ended when the regeneration military movement took place<sup>29</sup>.

It was the Decree of 3 December 1851 that was directly at the origin of the conflict between the government and the deputies. Considered one of the most important measures enacted by the Executive, the decree capitalized the interest of the public debt and constituted one of the fundamental pillars of the financial policy of the Regeneration. In view of the budgetary implications of the decree, the parliamentary Finance Committee intended to suspend its enforcement until the approval of the state general budget, opposing the capitalization defended by the government with the principle of amortization of the public debt, which was promptly rejected by the Executive. The plenary, in turn, wanted a specific analysis of the decree, separating it from the set of 100 legislative measures that the government presented for ratification.

The confrontation was based on the irreducible positions of the two parties involved. The government did not admit any alteration to the Decree of 3 December 1851, requiring the ratification of the entire legislative “package”; and the Chamber of Deputies did not abdicate its rights to legislate, rejecting, simultaneously, the capitalization and amortization of the debt, hoping to create conditions for an understanding with the Executive on the financial issue, considered by all of utmost importance and urgency.

The president of the Council of Ministers, Saldanha, even declared in the Chamber of Deputies that the Executive would resign if it was defeated in the confrontation with the parliamentarians. Still, it did the opposite, dissolving the national representation as a result of its refusal of government requirements. In fact, the government's claim on 23 July having been rejected, the royal decree of dissolution of the Chamber of Deputies was signed on the 24th, although it only produced effects on the 26th<sup>30</sup>. The initiative for dissolution came from the government and reveals its inability to control a chamber it had elected, but which revealed enormous autonomy vis-à-vis the Executive, supporting it in the measures it considered correct, but without abdicating the exercise of the legislative function that constitutionally belonged to it<sup>31</sup>. In the subsequent elections, the government obtained a parliamentary majority, which would later ratify, without conflict, the dictatorial measures rejected by its predecessor's chamber. The iron fist between the government and the deputies, which conditioned this dissolution, led to a deep dissidence in the progressive political group, which would give rise to the future structuring of the Regenerator and Historical parties (Sardica, 2001: 149 and following).

The dissolution of the Chamber of Deputies on 26 March 1858 is part of a political situation of broad parliamentary contestation of the government led by the Marquis of Loulé. Elected in November 1856, a few months after the Historical Party's rise to power, the Chamber always maintained an uneasy relationship with the Executive. Its criticism of government policy was often aligned with those produced in the Chamber of *Pares*,

<sup>29</sup> For a more in-depth analysis of dictatorships and their respective parliamentary ratifications, see our work “Parlamento, Governo e produção legislativa na primeira fase da Regeneração. Normas legais e práticas políticas (1851-1865)”. *Cadernos do Arquivo Municipal*, 2nd Series, no. 14, Lisboa, CML, 2020, pp. 41-63.

<sup>30</sup> The dissolution of the Chamber of Deputies was consummated with the reading of the royal decree in the plenary, when the president closed the session, and not on the date it was signed. Hence, there may not be a coincidence of the two dates, as happened in this case.

<sup>31</sup> The debate on this issue can be followed in *Diário da Câmara dos Deputados*, 1852, sessions of 2-23 July.



where the opposition had a large group of members who did not spare the government in their assessment of the progress of public affairs.

The 1856 elections were marked by the competition of four political parties (Regenerator, Historical, Chartist and Legitimist)<sup>32</sup>, with the government presenting its own lists, but establishing electoral agreements with the first three parties. This resulted in a heterogeneous chamber "composed of several factions belonging to the old parties; with a great opposition strong in numbers and in parliamentary resources; with the majority floating, uncertain, discouraged by the present and by the future"<sup>33</sup>.

The first conflict between the chamber and the Ministry took place in mid-January 1858 and resulted in a motion of censure which, although defeated by a slim majority of six votes, resulted in the government's resignation. This request was later rejected by D. Pedro V, as he was unable to form another Executive in the terms he wanted, with the Marquis de Loulé remaining in the presidency of the Council of Ministers. The political phenomenon that opposed the Parliament against the government was the question of the functioning of the Council of State, raised in the Chamber of *Pares* in mid-February 1858 and which, for more than a month, stirred the spirits of parliamentarians and government officials. Indeed, the Upper Chamber, in an attitude of direct opposition to the Executive, questioned the functioning of the Council of State which, according to the Law of 3 May 1845, which had reorganized it, was divided into a Political Council of State and an Administrative Council of State. The former was responsible for advising the monarch and the latter acted as the supreme court which, ultimately, judged the appeals filed against administrative decisions in contentious matters that opposed administrative and judicial authorities. Most of the State Councillors were members of parliament, since the Charter exceptionally allowed accumulating both functions. However, the Chamber of *Pares* decided, in 1858, to make a restrictive interpretation of a constitutional rule that made the exercise of other public functions by parliamentarians, conditional on the authorization of the legislative chambers, which could only be granted upon government request.

By approving a resolution that prevented peer State Councillors from participating in the work of the administrative section of the Council, the hereditary chamber paralyzed that body, since the government refused to request the intended authorization, considering that the chamber's deliberation contradicted a practice of many years and had no legal basis. The government and the Chamber of *Pares* clashed violently, the Executive understanding that it could not count on any political support from that Parliament.

Intending to legally solve the problem of the Council of State, the Executive transferred it to the Chamber of Deputies by presenting, in the session of 16 March, a bill that contradicted the decision of the Upper Chamber. But the opposition of the chamber, in line with what had happened with that of *pares*, harshly criticized the government, making it feel that it was impossible to obtain approval for its proposal. Faced with the hostility of the two chambers, the Executive had two alternatives: to resign, or to dissolve

<sup>32</sup> For party evolution in this period, see Sardica, José Miguel (2001). *A Regeneração sob o signo do Consenso: a política e os partidos entre 1851 e 1861*, Lisbon, ICS.

<sup>33</sup> *Jornal do Comércio*, no. 1361, 07-04-1858.



the national representation and seek, through elections, to reach a new parliamentary majority that would support it in the policy it intended to pursue.

The path chosen was the second, with the dissolution, requested by the Government, decreed on 26 March, against the will of the majority of the Council of State (whose opinion was mandatory), which spoke out against it<sup>34</sup>. The 1858 dissolution thus had a punitive, albeit indirect, character, affecting more the Chamber of *Pares* than to the Chamber of Deputies, since the latter had not formally expressed any protest vote against the Executive. Once again, in a situation of institutional conflict, the Government used a political weapon at its disposal to defeat national representation, showing that the royal dissolution prerogative was not used autonomously by the monarch as an arbiter of political conflicts, but by the Executive, when it wanted to get rid of cumbersome chambers that were unwilling to peacefully accept ministerial policy.

The Chamber of Deputies elected in May 1858, following the aforementioned dissolution, was dissolved in November 1859, in a political context quite different from the one that presided over its election. Of all the least justified, as it did not result from any declared conflict, the dissolution of 1859 must be understood in the light of the power games in the political system, which determined the use of a measure already used in a banal way by the rulers of all parties.

The first phase of the political preponderance of the Historical Party, which began in 1856 and translated into the governing leadership of the Marquis de Loulé, ended in March 1859, with the resignation of the Cabinet several times reshuffled and its replacement by another, of a regenerating-chartist nature, headed by the Duke of Terceira. It was the Terceira government that, not fully trusting a chamber of deputies elected under the influence of political forces of the opposite side, dissolved it on 24 November 1859, justifying it with the need to put into practice the recently approved electoral law<sup>35</sup>. This law replaced multi-member circles with the principle of single-member circles. The tie in the vote of the Council of State did not prevent D. Pedro V from decreeing the dissolution, thus sympathizing with his ministers, as had happened in previous times. This dissolution fully illustrates the established practice of first appointing governments and then holding elections that give them (almost) always parliamentary majorities. This practice results from the constitutional rule that attributes to the moderating power the ability to "freely appoint and dismiss Ministers of State"<sup>36</sup>. This completely distorts the principle of national representation, given the manipulation and fraud present in electoral acts throughout the nineteenth century, in which the local chief played a prominent role<sup>37</sup>.

The return of the Historical Party to Power, in 1860, rekindled old political problems and conditioned a tense relationship between the Cabinet and the Parliament, giving rise, in 1861, to a conflict of a level equivalent to that of 1858 and which, similarly to what happened then, culminated in the dissolution of the Chamber of Deputies.

The great political problem that, at the beginning of 1861, opposed the Government to the Parliament, was that of the Sisters of Charity, French nuns who came to Portugal in

<sup>34</sup> Cf. Actas do Conselho de Estado, ANTT, Casa Forte, Book 77B, pages 213v-219 (session of 26-03-1858).

<sup>35</sup> Idem, pages 280v-283 (session of 23-11-1859).

<sup>36</sup> *Carta Constitucional de 1826*, art. 74, p. 5.

<sup>37</sup> For an understanding of the electoral phenomena, see Almeida, Pedro Tavares de (1991). *Eleições e Caciquismo no Portugal Oitocentista (1868-1890)*. Lisbon: Difel.



1857. Their presence in the country was strongly contested by the anticlerical political forces, who saw in the work of the nuns a form of reaction that had to be fought. The question of the Sisters of Charity took on worrying political characteristics at the beginning of 1861, triggering popular protest demonstrations in Lisbon that, in the understanding of the Government and Parliament, called into question the constitutional legality in force and threatened the security of the state and the freedom of citizens. The nuns were eventually expelled from the country by the government of Loulé, which was heavily criticized in both legislative chambers (especially in the Chamber of *Pares*), for the measures it took regarding that issue.

However, the government/chamber of deputies confrontation had deeper reasons. The chamber was elected in 1860, under the influence of the Duke of Terceira's government and had successively supported three governments: the one that elected it, that of Joaquim António de Aguiar, who succeeded him, and that of the Marquis de Loulé, who politically opposed the previous ones. The government wanted, therefore, to test the confidence of the chamber, asking deputies, namely those of the regenerating opposition, for parliamentary support for legislative measures that it intended to see approved<sup>38</sup>. Faced with the opposition's refusal, the Executive decided to dissolve the Chamber of Deputies, choosing as a pretext the presentation, at the 18 March session, of a proposed budget law that the Chamber would reject by a majority. Having lost parliamentary confidence and, once again, faced with the alternatives of resignation or dissolution of the elective chamber, the Executive decided on the latter, again winning a conflict that opposed it to national representation and managing, in the subsequent elections, to obtain a majority of deputies. This allowed it to pass the legislative measures it considered necessary for the pursuit of its policy, remaining in power until 1865.

As for the strong and persistent opposition of the Upper Chamber, the Marquis of Loulé tried to overcome it with two *forçadas* of new peers, in 1861 (15 appointments) and 1862 (25 appointments), which facilitated his governance until 1865.

The dissolution of the Chamber of Deputies decreed in 1865 was part of a context of deep crisis of the political forces that have governed the country since 1851. It only acquires meaning in light of the internal dissensions that tore the Historical Party, the main responsible for governance during most of the first phase of the Regeneration. The chamber elected in 1861, following the previous dissolution, fulfilled, for the second time since the regeneration movement, the entire legislature. It was replaced in the elections held in September 1864, when the acting government (Duke of Loulé) obtained a comfortable majority of about two-thirds of the deputies.

However, the electoral results achieved by the government did not prevent the manifestation of a wide range of difficulties that it would face. They were the result of both the political wear and tear caused by nearly five years of exercising power and by the relentless combat that was waged against it by the regeneration opposition. The difficulties of the Historical Party were articulated with its internal division into two factions - the "white nail" and the "black nail". The former was the majority and was headed by Loulé. The latter grouped around Joaquim Tomás Lobo of Avila. It was the party conflicts that led to the resignation of the Loulé Cabinet, replaced in 1865 by

<sup>38</sup> *A Opinião*, no. 260, 16-03-1861.



another headed by the Marquis of Sá da Bandeira. The complex political situation translated, in the Chamber of Deputies, into a strong opposition to the Executive on the part of the regenerators who, however, did not have sufficient strength to form a government.

This circumstance brought together regenerators and historical deputies ones (in its majority faction), who established a commitment to the formation of a “fusion” coalition of the two parties, as a way of solving the political problems in the country. Although initially it did not please most of both party forces, the idea of “fusion” gained significant support, especially among deputies, who progressively distanced themselves from government policy. Under the influence of the main party leaders (Loulé, on behalf of by the historical party and Fontes Pereira de Melo for the regenerators) they even made efforts to overthrow the government of Sá da Bandeira, the main opponent of the fusion intentions.

Realizing that he could not govern with the existing chamber of deputies, Sá da Bandeira tested the confidence of parliamentarians through the presentation, at the 8 May session, of a proposal for a budget law, which motivated a motion of censure of the Executive, approved by the overwhelming majority of the chamber. Faced with parliamentary lack of confidence, and when the Cabinet was expected to resign, it decided to dissolve the Chamber of Deputies, which had been previously announced to him. It was an unprecedented attitude in Portugal and deserved parliamentary praise of the head of government, even from the opposition, for the sincerity and transparency he introduced into political life.

The dissolution of the Chamber of Deputies decreed on 15 May was an attempt by Sá da Bandeira to obtain a parliamentary majority that would avoid the fusion of the two parties. However, the government lost the elections (a rare fact in the history of Portuguese Liberalism), and resigned at the end of August, to make way for a “fusion” government between regenerators and historical members chaired by Joaquim António de Aguiar, who ruled the country until January 1868. Thus, an old, albeit mitigated, aspiration for unity of two party forces that had common roots and whose political discourses and practices were not substantially different was materialized.

When announcing, in the Chamber of Deputies, that the government had resigned (which D. Luís accepted), Sá da Bandeira declared: “This step taken by the ministers is intended to facilitate the practice of governing in the parliament (...). There needs to be a government that is supported by a sufficient majority. On my part and, certainly, on the part of my colleagues, there will not be opposition to the formation of a Ministry that can rule according to the interests of the Nation”<sup>39</sup>. In other words, respect for national representation showed that the parliamentary aspect of the regime had been consolidated and that, at least for some political agents, the contempt for parliament shown in the first half of the 19th century was no longer acceptable.

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<sup>39</sup> Session of the Chamber of Deputies of 31-8-1865. *Diário de Lisboa*, no. 197, 2-9-1865.



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## Conclusion

Contrary to the constitutional norms that provided for the dissolution of the Chamber of Deputies only in extreme cases for "salvation of the State", resorting to the dissolution of the elected chamber has been used since the beginning of the construction of the liberal state and has become commonplace in the second half of the 19th century. The royal prerogative was never decided autonomously by the monarch, as the arbiter of political conflicts (although he was always responsible for signing decrees, in the exercise of the moderating power), but by governments. It was a way of imposing themselves on national representation, when they did not dominate it, and to have elections that allowed them, through fraudulent mechanisms, to elect deputies to Parliament who were willing to peacefully approve the legislative measures proposed by the ministers.

The analysis of this political tool, in the period under consideration, shows that resorting to dissolution was a way of resolving, in favour of the government, political conflict that opposed it to parliament. It reversed the basic principle of representative regimes which consists in appointing governments according to parliamentary majorities obtained in free elections. The Constitutional Charter, by allowing the head of state to freely appoint and dismiss agents of the executive power, sanctioned a political practice that became trivial and played an important role in the functioning of the nineteenth-century liberal-monarchist regime. Instead, the frequent dissolutions of the chamber demonstrate that national representations were not always entirely submissive to governments, hence governments dissolved them when they became difficult.

The dubious character of the Constitutional Charter of 1826, which allowed the practice of both simply representative monarchy, in which the monarch assumed an important role in the conduct of public affairs, and a parliamentary monarchy, in which government/parliament relations were predominant in the political system, was clarified by the Additional Act of 1852. It strongly emphasized the parliamentary component of the regime. In this context, the importance of these two state bodies made them protagonists of political conflict processes. Their resolution, generally favourable to the government, was achieved through a mechanism that highlights the existence of a significant distance between constitutional norms and political practices. This distance, if considered more broadly, can explain, at least in part, the long duration of the Constitutional Charter of 1826, one of the most enduring constitutions of nineteenth-century liberal Europe.

## References and bibliography

### Handwritten sources

Arquivo Histórico Parlamentar (Parliament)

*Actas das Sessões da Câmara dos Deputados*, Sections I/II, boxes 197-205

*Actas das Sessões da Câmara dos Pares*, Section VI, boxes 85-93

*Cadernos para se lançarem os pedidos de documentos e esclarecimentos feitos ao Governo pelos membros das comissões*, Books 2739-2774



---

*Registo das sessões reais, prorrogação das sessões e adiamento das mesmas e da dissolução da Câmara dos Deputados*, Book 788

**Arquivo Nacional da Torre do Tombo**

*Actas do Conselho de Estado*, Casa Forte, Books 77, 77A, 77B, 77C; Ministério do Interior, Books 3, 5

*Actas do Conselho de Ministros*, Ministério do Interior, Books 4, 6

### **Printed Sources**

*Carta Constitucional da Monarquia Portuguesa* (1826). Lisbon: Imprensa Régia

*Carta Constitucional da Monarquia Portuguesa e Acto Adicional* (1855). Lisbon: Imprensa Nacional

*Colecção Oficial de Legislação Portuguesa* (vários anos). Lisbon: Imprensa Nacional

*Diário da Câmara dos Pares do Reino de Portugal* (1842-1843). Lisbon: Imprensa Nacional

*Diário da Câmara dos Deputados* (1842-1865). Lisbon: Imprensa Nacional

*Diário do Governo* (vários anos). Lisbon: Imprensa Nacional

*Regimento Interno da Câmara dos Dignos Pares do Reino* (1826). Lisbon: Imprensa Régia

*Regimento Interno da Câmara dos Senhores Deputados de 23 de Janeiro de 1827, acompanhado das deliberações que o modificam ou ampliam* (1867). Lisbon: Imprensa Nacional

### **Periodic Publications**

*Jornal do Comércio* (1853-1865). Lisbon

*A Opinião* (1856-1863). Lisbon

*O Parlamento* (1858-1861). Lisbon

*O Portuguez* (1853-1866). Lisbon

*Rei e Ordem* (1857-1860). Lisbon

*A Revolução de Setembro* (1851-1865). Lisbon

### **Bibliography**

Almeida, Pedro Tavares de (1991). *Eleições e Caciquismo no Portugal Oitocentista (1868-1890)*. Lisbon: Difel

Bonifácio, Maria Fátima (1999). *Apologia da História Política*. Lisbon: Quetzal

Bonifácio, Maria Fátima (2002). *O Século XIX Português*. Lisbon: ICS

Constant, Benjamin – *Cours de politique constitutionnelle ou collection des ouvrages publiés sur le gouvernement représentatif* (1872). Paris: Librairie de Guillaumin

Cruz, António (1970). *Introdução ao Estudo da Regeneração*. Porto: Centro de Estudos Humanísticos/FLUP



- Duverger, Maurice (1985). *Os Grandes Sistemas Políticos*. Coimbra: Almedina
- Esteban, Jorge (1988). *Las Constituciones de España*. Madrid: Taurus
- Godechot, Jacques (org,) (1979). *Les Constitutions de la France depuis 1789*. Paris: Garnier-Flammarion
- Guimarães, Ricardo A. Pereira (1863). *Narrativas e Episódios da Vida Política e Parlamentar (1862-1863)*. Lisbon: Typographia Universal
- Hespanha, António Manuel (2004). *Guiando a Mão Invisível. Direitos, Estado e Lei no Liberalismo Monárquico Português*. Coimbra: Almedina
- Judge, David (1993). *The Parliamentary State*. Londres: Sage Publications
- Laranjo, José Frederico (1888). *Direito Público. As Relações Recíprocas dos Poderes Públicos e a do Rei e dos Ministros no Regimen Constitucional*. In *O Instituto* (6). Coimbra: Imprensa da Universidade
- Manique, António Pedro (1992). *O direito de dissolução em Portugal. Normas e práticas constitucionais (1852-1865)*. In *Constituição da Europa, Constituições da Europa. Europeísmo e Nacionalismo na História Constitucional Europeia*. Lisbon: Assembleia da República, pp. 161-167
- Manique, António Pedro (2020). *Parlamento, Governo e produção legislativa na primeira fase da Regeneração. Normas legais e práticas políticas (1851-1865)*. In *Cadernos do Arquivo Municipal*, 2nd series, no. 14. Lisbon: CML, pp. 41-63
- Manique, António Pedro (1992). *Processo legislativo e conflitualidade política na primeira fase da Regeneração (1851-1865)*. Santarém: ESES (photocopied)
- Marques, Fernando Pereira (1999). *Exército, mudança e modernização na primeira metade do século XIX*. Lisbon: Cosmos/IDN
- Miranda, Jorge (1990). *Textos Históricos do Direito Constitucional*. Lisbon: INCM
- Miranda, Jorge (1981). *As Constituições Portuguesas*. Lisbon: Livraria Petrony
- Martins, J. P. Oliveira (1976-1977). *Portugal Contemporâneo*. Lisbon: Guimarães & C. 2 vols
- Pedroso, Z. Consiglieri (1887). *O Direito de Dissolução*. In *Propaganda Democrática*. Lisbon: Typographia Nacional
- Praça, José J. Lopes (1878-1879). *Estudos sobre a Carta Constitucional de 1826 e Acto Adicional de 1852*. Coimbra: Livraria Portuguesa e Estrangeira
- Sardica, José Miguel (2001). *A Regeneração sob o signo do Consenso: a política e os partidos entre 1851 e 1861*. Lisbon: ICS
- Santos, Manuel Pinto dos (1986). *Monarquia Constitucional. Organização e Relações do Poder Governamental com a Câmara dos Deputados (1834-1910)*. Lisbon: Assembleia da República



---

Soares, Duarte G. Nogueira (1883). *Considerações sobre o Presente e o Futuro Político de Portugal*. Lisbon: Typographia Universal

Sousa, J. F. Marnoco e (1910). *Direito Político. Poderes do Estado – Sua Organização Segundo a Ciência Política e o Direito Constitucional Português*. Coimbra: França Amado Editor

Tavares, José (1909). *O Poder Governamental no Direito Constitucional Português*. Coimbra: Imprensa Académica

Vilhena, Júlio de (1921-1922). *D. Pedro V e o seu Reinado*. Coimbra: Imprensa da Universidade