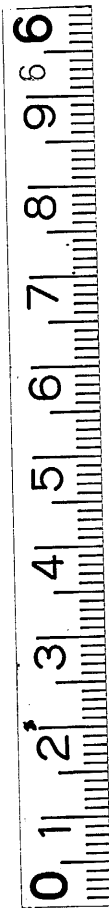


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*M*

T H E  
**L O R D S P R O T E S T,**

November 18, 1740.

To which is added,

**C O N S I D E R A T I O N S** upon the Embargo  
laid on Provision of Victual.

A L S O

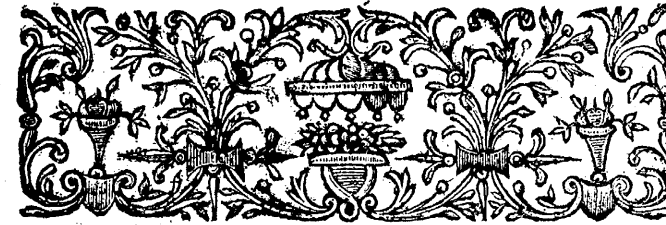
The **P R O T E S T S** of *Dec. 8. and 9.*  
*Jan. 28. Feb. 3. 13. and 26. and March 9.*

L O N D O N :

Printed for *W. Webb* near *St. Paul's*. 1741.

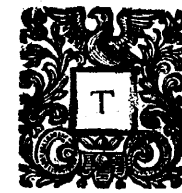
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*4*



T H E  
L O R D S P R O T E S T .

*Die Martis 18 Nov. 1740.*



H E Lord Chancellor reported his Majesty's Speech, and the same being afterwards read by the Clerk,

IT was moved to resolve, That an humble Address be presented to his Majesty, returning him the Thanks of this House for his most Gracious Speech from the Throne.

To congratulate his Majesty on his safe Return to his Regal Dominions; To assure his Majesty, that we will stand by him with our Lives and Fortunes, in the Prosecution of the just and necessary War in which he is engaged.

AND as a further Proof of our Duty and Affection to his Majesty's Sacred Person, Royal Family and Government, to assure him, that we will exert ourselves in our high Capacity of Hereditary Great Council of the Crown (to which all other Councils are subordinate and accountable) in such a manner as may best tend to the promoting the true Interest of his Majesty, and our Country, in this critical Juncture.

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THEN

( 4 )

THEN it was likewise moved to order, That an humble Address be presented to his Majesty to return him the Thanks of this House, for his most gracious Speech from the Throne.

TO acknowledge his Majesty's great Wisdom and his Adherence to the true Interest of his Kingdoms in resolving to carry on this just and necessary War in the most proper Places, and in the most vigorous and effectual manner, and in not suffering himself to be diverted or deterr'd from those Measures.

TO give his Majesty the strongest Assurances, That if any Power should attempt to prescribe or limit the Operations of War against his declared Enemies, such an extraordinary Proceeding would not fail to create a just Indignation in us, and determine us to concur in all proper Measures for vindicating and defending his Dignity and Honour against any Insults, and frustrating any Designs formed against us.

TO assure his Majesty, That this House will zealously stand by and support him in adhering to the Engagements he is under for maintaining the Balance and Liberties of Europe, on the Event of the late Emperor's Death, as well as in the Prosecution of the present War.

TO express our unshaken and unalterable Fidelity and Affection to his Majesty's Person and Government, and our ardent Wishes, that all his Enterprizes for maintaining the Honour of his Crown, and the Rights of his People, may be blessed with Success.

And a Question being stated on each Proposition,

After Debate

The previous Question was put, Whether the Question first stated shall be now put,

It was Resolv'd in the Negative.

Contents	38. }
Not Cont.	66. }

*Dissentient*

( 5 )

*Dissentient*

*Macclesfield.*

1. Because we conceive, that a Motion of this Nature ought not to have been laid aside by the previous Question; but we apprehend it would have been more consistent with the Honour and Dignity of this House to have passed it in the Affirmative, since it contained the strongest Assurances of our Duty to his Majesty, and of our Zeal to support him with our Lives and Fortunes in the Prosecution of this just and necessary War; moreover, it had been universally allowed in the Debate, that the ancient Usage of this House was to return immediately a general Address of Thanks only for the Speech from the Throne, and to appoint a future Day for taking the said Speech into Consideration: By which wise Method of proceeding, this House had an Opportunity of forming their Judgment and offering their Advice to the Crown, upon the several Matters contained in the Speech after due Enquiry and mature Deliberation.

2. Because, tho' the Speech from the Throne is in Parliament justly consider'd as the Act of his Ministers, yet a Motion preconcerted, if not drawn by themselves, echoing back the Particulars of the Speech, is, as we conceive, a modern Expedient to procure a precipitate Approbation of Measures which might not be approved upon better Consideration. It was indeed alledged in the Debate, in support of this Practice, that it was introduced during the late War, in the Administration of the late Earl of *Godolphin*; but we should also consider the Reason of it (we heartily wish we had now the same) that the Zeal of the House was then every Year animated by the glorious Successes of the Queen's Arms under the Command of the Duke of *Marlborough*, and tho' it is always admitted that these hasty Addresses do not preclude the House from future Enquiries or Censures; yet shou'd Censures, in Consequence of such Enquiries, become necessary, they would produce an Inconsistency between the first Address and the subsequent Resolutions, and argue a Levity highly unbecoming the Wisdom and Dignity of this House.

3. Because

3. Because one Part of this Motion, the Congratulation upon his Majesty's safe Return to his Regal Dominions could be liable to no Objection, but seemed at this Time peculiarly reasonable, since it was evident to the whole Kingdom, the Sailing of the Fleet, which had been delay'd so long, was the immediate Effect of his happy Return.

4. Because we conceive, that our assuring his Majesty that we would exert ourselves in our high Capacity of Hereditary Great Council of the Crown, would have given Encouragement to his Allies, Confidence to his Armies, and Satisfaction to his Subjects, especially in this critical Conjuncture, wherein the Advice of this House is more than ever necessary, since by the Inaction of this last Year in all Parts (except wherein Admiral *Vernon* commanded) notwithstanding the vast Fleets and Armies maintained at so immense a Charge, this just and necessary War seems hitherto to have been carried on by the *same Spirit* and *Advice* which so long delay'd the entering into it; and we conceive that the strictest Enquiries into such Conduct are the most probable Means of redressing our Grievances at Home, and bringing the War Abroad to a speedy and happy Conclusion.

- |                              |                          |                   |
|------------------------------|--------------------------|-------------------|
| <i>Buccleugh,</i>            | <i>Talbot,</i>           | <i>Carlisle,</i>  |
| <i>Stanhope,</i>             | <i>Willoughby de Br.</i> | <i>Denbigh,</i>   |
| <i>Halifax,</i>              | <i>Greenwich,</i>        | <i>Bathurst,</i>  |
| <i>Chesterfield,</i>         | <i>Carteret,</i>         | <i>Craven,</i>    |
| <i>Bridgewater,</i>          | <i>Shaftsbury,</i>       | <i>Thanet,</i>    |
| <i>Winchelsea &amp; Not.</i> | <i>Clifton,</i>          | <i>Gower,</i>     |
| <i>Beaufort,</i>             | <i>Haversham,</i>        | <i>Aylesford.</i> |
| <i>Litchfield,</i>           |                          |                   |

Then it was proposed to insert in the second stated Question, immediately before the last Paragraph, the Words of the first Question, except those in the Parenthesis.

Which being objected to,

The Question was put, Whether those Words shall be inserted.

it

It was resolved in the Negative.

Contents 35 }  
Not Cont. 62 }

*Dissentient*

Because when these Words made Part of the Question first moved, they were allowed by every Lord, who spoke to the Debate, to be proper and unexceptionable, and the following Parenthesis only (to which all other Councils are Subordinate and Accountable) was objected to, as liable to a Misconstruction in another House; we cannot therefore but be surprized, that when this Question, freed from that Shadow of an Objection, (as we conceive) was offered as an Amendment to the Motion for an Address, it should have been rejected; and the more so, since the Negative passed upon it may be construed to imply, What we are persuaded no Lord in this House can intend, (whatever others may wish) a Resolution not to *enquire, advise, or censure, even tho' just Suspicions, imprudent Councils, or criminal Measures* should require it.

*Bridgewater,*      *Gower,*      *Halifax,*  
*Es.*                      *Es.*                      *Es. as before.*

B

( 8 )

*Considerations upon the Embargo on Provision of Victual.*

**I**T is to be consider'd, whether the Interest of Contractors for Provision for the Publick, was not the Motive which first started the Notion of the Embargo upon Victual, and whether the same Interest be not now a grand, though secret Motive of its Continuance\*. These Contractors being very sensible, that the Demand abroad, for *Irish* and *English* Beef, must greatly enhance the Price, and that there was no way for them to keep it down, but by endeavouring to confine these Commodities to their own Market, had Address to effect their End in part, by obtaining the Embargo in *Ireland*, which they have good Reason to labour to have continued there, and farther extended. For thus they will become absolute Masters over a great Part of the Land-holders in *England*, as they have been for some Time over above half the Land-holders of *Ireland*, who are obliged to sell at the Price they please to give. The exported Produce of that Country, in the Cattle Trade, being near 600,000*l.* per annum, exclusive of any Commodity derived from Sheep, and the whole Value of the Export of that Kingdom, not exceeding 1,050,000*l.* which are Facts extremely certain, and taken from the Books of the Customs there, upon a Parliamentary Inspection.

It

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\*The House may have a very curious and surprizing Knowledge of this Transaction, by ordering the proper Officers to lay before them the Contracts made in the Year 1739 and 1740 by the Victualling-Office, together with the Papers and Applications which relate to this Affair, as far as it concerns the *Irish* Provisions, delivered or made to the said Commissioners for Victualling, the Lords of the Admiralty, and some other Offices.

Which, if fairly obtained, will enable the House to judge, whether a Care and Tenderness to two Contractors have not painly been the sole and true Cause (whatever popular Pretences are thrown out) of all the severe Measures, with respect to Trade, already ruinously executed upon *Ireland*, and now projected for the whole Nation.

( 9 )

It is to be consider'd, whether any great Men were induced to favour this Scheme from any private Advantages which they were to receive from the Contractors, in consideration of it; and it ought to be understood, that this is the fairest Opportunity for the greatest Money Jobb, that may ever offer again to any Man in Power.

It ought to be farther consider'd, when the Bill offered to Parliament for regulating this Affair shall be examin'd, whether the Hopes of extraordinary and partial Powers to be granted to the Crown by it, might not be a principal Reason for insinuating the Necessity of this Measure, especially at this Conjunction, when a new Parliament is to be shortly called.

It should be observed, what Industry was used from Time to Time in the publick Papers, to prepare the Minds of the People in favour of an Embargo, particularly with respect to the *Irish* Beef: And whether this does not seem to have proceeded rather from the Spirit of private Interest, than a Zeal for the publick Good; especially as the latter End was ill answer'd, by alarming our Enemies with the Apprehension of an approaching Prohibition, and could tend only to hasten them in making their Provision, before they were prevented.

It is to be consider'd, what can be the Reasons or Views of a certain Gentleman, in pressing to do that by Act of Parliament, which by the known Constitution of the Kingdom may be done, and has been done by an allow'd Prerogative.

It is to be consider'd, why *Ireland* is to be mention'd by the Bill, since the Prerogative has already had in that Country a full Effect without a Bill; and whether the doing this by an *English* Law, being necessary, will not create Discontents there, which had better be avoided, especially at this Conjunction.

It is to be consider'd, why *Ireland*, which has the same *Magna Charta* and Common Law with *England*, should be subjected to an Embargo by Prerogative, if that Embargo was illegal; and if it was not illegal, why *England* was not subject to it at the same Time.

It is to be consider'd, why that Embargo upon *Ireland* was laid upon the whole Trade, to the immense Damage of that Country, notwithstanding the Relaxation

B 2

of

( 10 )

of it in some Instances: And whether the doing it in that Way, did not evidently tend to create servile Applications, great Loss of Time and Opportunities, great Dependence upon Men in Power, and possibly great Corruption. And whether it is not an Absurdity to suppose the Prerogative sufficient to exercise a general Embargo upon the whole Trade, and insufficient to do it upon a few Branches only.

It is to be consider'd, that the Embargo in *Ireland* was laid at a Conjunction above all others fatal; the Rents of that Country being chiefly made during the Slaughter Season, which is in the Months of *October*, *November*, and *December*.

It is to be consider'd, why the Embargo was laid after the *French* and *Spanish* Fleets were sail'd; and if necessary at all, why not before.

It is to be consider'd, whether it can be suppos'd that the provident Administration of *France* and *Spain* would have hazarded the Success of so great a Design, and the Loss of so great an Armament, to an Event which they knew to be so much in our Power, as the Embargo upon *Irish* Beef. Whether therefore it could be reasonably suppos'd, that this Measure, which has been talk'd up as so Important, could have taken any strong Effect.

It is to be consider'd, whether any Man can with any Appearance of Reason suggest, that this Embargo could have had any better Effect than to occasion some Distress among the *French* and *Spanish* Forces, to oblige them to be contented with a more spare and less agreeable Diet, or to be at some greater Expence to procure Provision; and whether any Man can be so sanguine to believe, that we shall render them *unfit for Action and Service* by this Means.

It is to be consider'd, whether, if they are still fit for *Action and Service*, the Degree of Distress we shall create to them will be of any Advantage to justify so extraordinary a Measure; and whether, when it is rightly understood by the Publick, they can think it sufficient to balance the extravagant Loss it will occasion to *Ireland* and to our own Colonies.

It is to be consider'd, what this Loss will be, whether it will not occasion a total Stagnation of Trade in some  
of

( 11 )

of our Colonies: Whether Provisions exported from *Ireland* are not annually worth 600,000 *l.* and whether it be possible that any Remedy can be apply'd to the Distress of that Nation, occasioned by this Embargo, when half the Beef they export is of so bad a kind, that no People can consume it but the *French*; and consequently that if *England* were ever so willing to relieve *Ireland*, she cannot buy that Product.

It is to be consider'd, how unequally this Blow must fall, and that this Loss will lie in a Manner wholly upon one fourth Part of *Ireland*, above three fourths of the exported Beef, &c. arising from the Province of *Munster* only.

It is to be consider'd, what a deplorable Ruin must attend the fourth Part of any Country, by a certain annual Loss of at least 300,000 *l.* where the Rents of that whole Country amount but to 1,700,000 *l.*

It is to be consider'd, whose Loss this in the End will be; and whether it will not be the Loss of *England*: Since it is demonstrable that *England* gets all the Balance of the Trade of *Ireland*, as appears from hence, that the current Species of *Ireland* is certainly not augmented for twenty Years past, tho' the Balance of Trade is known to be more than 400,000 *l. per Ann.* in her Favour.

It is to be consider'd, whether the Growth of Wool, and the woollen Manufactures of *Ireland*, if they are so prejudicial to the woollen Trade of *England*, as some would popularly suggest, will not be enlarged to the Prejudice of *England*, by driving the *Irish* out of a Trade, which now employs so great a Portion of their Land.

It is to be consider'd, what was the Practice of this Nation in all our former Wars, and upon what Motives it was, that in the Reign of *Charles II.* in 1667, when *England* was at War with *Holland*, *France*, and *Denmark*, at a Period when the Prejudices against *Ireland* first had Rise, and were most violent; it was resolved by the Council of *England*, that the *Irish* should export their Beef and Provisions to the Enemy, in Pursuance of which Resolution a Proclamation from the Lord Lieutenant of that Kingdom was then issued to that Purpose.

It

It is to be considered likewise, upon what Motives, in the Wars of King *William* and Queen *Anne* with *France*, the same Indulgence was shewn to *Ireland*, and their Exportation privately encouraged by the Government of *England*, notwithstanding any general Embargoes laid by Act of Parliament.

It is to be consider'd, whether the *Dutch*, the wisest Nation in the World with Respect to Commerce, ever thought it advisable to refuse to supply their Enemies with any Commodity whatsoever.

It is to be consider'd, now the Scarcity of Grass and Hay is so excessive, what can be done with our Cattle if they are not exported; and whether it be better that they should perish at home, than be sold to our Enemies.

It is to be consider'd, whether Money be not the Sinew of War; and whether to deny ourself the Profit of a very advantageous Trade, be a natural Way to prove successful against our Enemies.

It is to be consider'd, whether one of the Calamities of War is not the Interruption of our Commerce.

Whether to render this greater than it must necessarily be, can deserve the Encomiums which a certain Person and his Adherents bestow upon this Measure.

Whether one of the most valuable Circumstances of Admiral *Vernon's* glorious Demolishing of *Porto-Bello* has not been thought, by all knowing Men, to be the opening of that Coast to our Merchants, and the Means thereby given to supply the *Spanish America* with Commodities of this Country.

Whether there is any Maxim so solid, and so incapable of being contraverted with Respect to Trade, as that it ought never to be restrained.

Whether the eternal Consequence of Restriction in Commerce has not been the Diversion of it into a new Channel.

Whether the Restraint upon the Exportation of Iron, laid by *Sweden* some Years ago, has been recovered by *Sweden*, and whether *Spain* was not an immense Gainer by it.

Whether the Restraint upon the *Irish* Trade in Cattle, imposed by *England*, did not throw the Beef Trade into *Ireland*, and give it to that very Country, which was imprudently designed to be excluded from it.

Whether

Whether the Prohibition of the *Irish* to carry on the woollen Manufacture, did not throw the woollen Trade as well out of their Hands as ours, and establish the same in all Parts of *Europe*.

Whether any Folly be more exploded, if fatal and general Experience can explode a Folly, than the Supposition, that any Nation can exclude the rest of the World from any Branch of Commerce.

Whether it can be supposed that Providence has been so severe upon any Country, as to put it in the Power of another to starve her Inhabitants.

It is to be considered, whether it is possible to conceive, that any Nation abounding in Wealth, can fail to be supplied with Necessaries for Money.

It is to be considered, whether *Denmark*, *Jutland*, *Holstein*, and other Places in the *Baltick*, which now export great Quantities of live Cattle, may not salt their Beef, and supply *France* and *Spain* with it; and whether they will not keep that Trade when they have once experienced the Advantage of it.

It is to be considered, whether *Hungary*, *Flanders*, and *France* itself, may not, upon Encouragement, supply a Part.

It is to be considered, whether the Forests of *France* and *Germany* may not supply great Quantities of Pork; and whether that Provision will not answer the End of Beef.

It is to be considered, whether *Holland* may not supply vast Quantities, particularly of Pork, from *Germany*, by means of the navigable Rivers which flow from thence thro' that Country.

It is to be considered what Effect the Lucre of this Branch of Trade may have upon the Councils of those Nations which may gain it from us: And whether *France* may not acquire a dangerous Influence over some of our best Allies by that Event.

It is to be considered, nay it is to be known, That there is a Method of salting and curing Cattle in the very hottest Latitudes, and under the Line itself: tho' the Secret is as yet in few Hands; and whether Necessity and Money will not open that Secret to *France* and *Spain*.

It

It is to be considered, whether in all such Cases, many Places for Supply and Means of it may not be found, which no present Foresight can suggest.

Whether a very hard Season, and a Dearth of Grain abroad, is not by all thinking Men apprehended as a fatal Incident to *England*, tho' she is not herself a present Sufferer by it, and may be an immediate Gainer by the Exportation of greater Quantities of Corn; since the Alarm it gives to foreign Nations, tends to put them upon Measures for enlarging their Tillage, and finding Means to supply themselves at Home with Grain, which *France* has lately done, by founding a Company, and giving great Advantages and Premiums, for raising Rice in that Country.

Whether therefore it may be thought adviseable to urge this Distress in any Kind; and whether it is not adding an Incentive to their Endeavours in this Way.

Whether from this just Consideration, all Embargoes, or other Difficulties upon Exportation, are not in the Nature of the Thing injurious and absurd.

Whether it is beneath a Man of Sense, upon better Consideration, to reject Opinions, however warmly he may have espoused them, before the State of the Question had been thoroughly canvassed.

Whether therefore there may not be great Hope, that the Act relating to the Embargo will never pass.

And if it should pass, 1. That it may relate to Corn only, a Restraint upon which seems to be justified for the present by no other Reason but the great Want of it at Home, which our late ill Seasons threaten.

2. That it should not extend either to *Ireland*, or the Plantations, who will be infallibly distress'd beyond Example, and almost to utter Ruin by it.

3. That if it must pass, it should be general as to every distinct Species, to avoid Partiality, and Increase of Ministerial Power.

4. That it should be in the Power of the Crown to relieve it in any one Branch of Exportation, provided the Relief or the Restraint be general as to the particular Branch; because it may be necessary to prevent the Exportation of Corn, and at the same Time fatal to hinder that of other Provisions.

5. That

5. That Care be taken to allow the Export of Corn to *Ireland*, either from the Plantations or *England*; without which *Ireland*, who does not grow Corn enough for her Home Consumption, and is now in great Distress from the Loss of Potatoes by the Frost, may greatly suffer by Famine, especially if this Winter should be attended with much severe Weather.

Upon the Whole, it is to be hoped that Men in Power, if they should be convinced by these Considerations, that they have not deserved the Applause which has been rashly given to this Measure, and that it is really destructive and dangerous, will be generous enough to resign their Pretensions to this Glory, rather than sacrifice the Trade and Interest of these Dominions, by maintaining their first Opinion.

P. S.

It is actually now known, that the *French* have contracted already for an annual Supply of 6000 Tons, or 60000 Barrels of Beef from *Jutland*, at the Rate of 200 wt. per Barrel, which is within 20000 Barrels of the greatest Quantity ever taken by them from *Ireland* in Times of Peace. So that in all Probability an irrecoverable Blow is already given to that Branch of Trade; and they have actually contracted with *Holland* for a farther Quantity.

Certain Advices are received, that the *French* Fleets are actually in *America*; which may serve sufficiently to evince, that some Persons have boasted too much of their Sagacity in imposing the Embargo: The great, and indeed only plausible Pretence for it, being to prevent their Navigation thither at this critical Conjunction, which it was confidently affirmed it would effect.

This was foretold at a Time when the Prejudices in favour of the Embargo were too strong to admit Credit to that Suggestion. It is to be wished, that the farther Prophecy contained in this Paper may not likewise be most fatally accomplished.

C





Die Luna 8<sup>o</sup> Dec. 1740.

**M**OVED to Order, That Copies of the several Instructions given to Rear Admiral *Haddock*, from the time of his Sailing from *England* in the Year 1738, to the 24<sup>th</sup> of *June* last, be laid before this House.

The same was objected to.

And a Question being stated thereupon,

After Debate, and Reading some Instances out of the Journals, of procuring Instructions and Papers to be laid before the House, as well by their Lordships Orders, as Addresses to the Crown,

The Question was put upon the said Motion,

Contents 41. } And it was Resolved in the  
Not Contents 58. } Negative.

*Dissentient*

1. Because we conceive, that there never were Instructions more necessary to be examin'd than those contain'd in this Question, in order to enable us to Discharge our Duty, both as Counsellors to His Majesty, and Guardians of the Nation.

The known and astonishing Inaction, for the Space of above two Years, of a great and powerful Fleet, fitted out and maintain'd at an immense Expence to the Nation, fixes a heavy Charge either upon the Commander of that Squadron, or upon those who gave him his Instructions. But when we compare the experienced Courage and Abilities of Rear-Admiral *Haddock*, upon all former Occasions, with the inglorious Instructions given by this Administration to the several Admirals employed

employed for these last Twenty Years, We cannot, as at present inform'd, but impute this unaccountable Inaction to the Weakness or Pusillanimity of those, whose Instructions we are perswaded he with concern obey'd. And we are confirm'd in this Opinion, by his being still continued in that Command, which a Disobedience to his Instructions would have forfeited.

2. Because We think it necessary that the House should be fully informed, by what fatal Mistake, Negligence or Design, the *Spanish* Squadron at *Cadix*, so long block'd up in that Port, while they were neither ready, nor the Season of the Year fit for 'em to go out, should have been, by the sudden withdrawing of Our Fleet into the Mediterranean, permitted to Sail without Molestation, as soon as they were fit, and the Season favourable. And we cannot, as at present inform'd, impute that unhappy Measure to any Mistake in Sir *Chaloner Ogle*, since Orders of that great Importance ought to be conceived in the clearest, plainest, and least ambiguous Terms, which had he mistaken, he would not have been, as he now is, entrusted with the Command of so great a Fleet, and with the Interpretation of Instructions of still greater Consequence. Nor can we conceive, that the Communication of Orders relating only to Sailing, and the Change of Station, can sufficiently clear up a Point of that great Importance.

3. Because we think that the State Objection, that the Communication of these Instructions may discover to Our Enemies intended Designs and Attempts, can have no Weight upon that Occasion, when the Reason for calling for those Instructions, is because no one Attempt of any kind whatsoever has been made upon our Enemies in the Course of above two Years; and it is not credible, that if during that time any one Design had been intended, no one Attempt should have been made in Consequence of it. We therefore justly may, and only can conceive, these Instructions, which we were not allowed to apply for, to be of the same inactive Nature of those which we have formerly seen flowing from the same languid Source, to the equal Dishonour of His Majesty's Councils and Arms.

C 2

4. Because

4. Because we conceive, that the Denial of these necessary Lights, puts a full Stop to any farther effectual Enquiry into the Conduct of the War; an Enquiry so becoming this House; and so unanimously called for by the Voice of the whole Nation, that the outward Appearances have at once raised the Curiosity, the Astonishment, and the Concern of a Brave and a Loyal People, willing to sacrifice their Lives and Fortunes for the Honour and Advantage of His Majesty and this Kingdom, in the Prosecution of this just and necessary War: And we conceive that they ought, by the strictest Enquiry, upon the fullest Informations, to have been satisfied as to the past, and secured as to the future. And we think that all Minute Enquiries into the little Abuses of inferior Officers, over whom it is the Duty of the Administration to watch, would be only amusing and deceiving Mankind with the Name of an Enquiry, and descending from our Dignity of Counsellors of the Crown, and Checks of the Administration, to the low Rank of *Inquisitors* into the Conduct of petty and unprotected Offenders. We therefore think that we have discharged our Duty to His Majesty and the Publick, in having moved for those Papers, which we consider'd as the Foundations absolutely necessary for a proper and effectual Enquiry. We here enter Our Dissent upon the Denial of those Papers; the World must then judge of the Conduct of the War upon the Appearance of Facts and Circumstances; with this considerable additional Circumstance, That Lights were denied.

Litchfield,  
Bridgwater,  
Shaftsbury,  
Carlisle,  
Falmouth,  
Abingdon,  
Haversham,  
Talbot,  
Denbigh,

Bathurst,  
Middleton,  
Ibanet,  
Suffolk,  
Aylesford,  
Oxford,  
Hereford,  
Montjoy,  
Greenwich,

Ward,  
Northampton,  
Chesterfield,  
Berkshire,  
Gower,  
Bristol,  
Westmoreland,  
Cobham,  
R. Lincoln.

Die



Die Martis, 9<sup>o</sup> Dec. 1740.

THE Order of the Day being read, for taking the State of the Army into Consideration, It was propos'd to Resolve, That Augmenting the Army by raising Regiments, as it is the most unnecessary and most expensive Method of Augmentation, is also the most dangerous to the Liberties of *Britain*.

Which being objected to, and long Debate thereupon,

The previous Question was put ?

Whether the said Question shall be now put ?

Contents 42. } It was Resolved in the Negative.  
Not Contents 59. }

*Dissentient*

1. Because we conceive, That this Motion ought not to have been laid aside by the previous Question, the Arguments urged in the Debate against our coming to this Resolution at this time, being, in our Opinion, highly insufficient, since we cannot apprehend what further Lights could be had with Relation to the several Propositions contained in the Question, than those we receiv'd in the Debate, authorized by the Usage of almost all the Nations in *Europe*; nor were there any particular Papers pointed out, as necessary for the Information of the House; and we thought this the properest time to come to this Resolution, before any Steps were taken as to the Method of making the intended Augmentation.

2. Because it was proved in the Debate, and universally admitted, that the Augmentation of our Land Forces, by the raising of new Corps, was by near One Third, a more expensive manner of Augmenting, than by

by additional Men to Companies. A Consideration which, in Our Opinion, ought to have the greatest Weight at this Time, when the Nation is engaged in a new War, and still groaning under all the Burthen of the last, tho' after Thirty Years Peace.

3. Because considering that the Oeconomy of Augmenting the Forces by Additional Men to Companies, was admitted, and the Utility of it not disproved, we cannot help suspecting, that the Raising of new Corps at this Time, when the Election of a New Parliament draws so near, may be of a dangerous Tendency to the Constitution of this Kingdom, and relate more to Civil than Military Service, especially since there are now no Officers to be found (the Officers now remaining upon half Pay, having been already judged by the Administration unfit for Service) it is, in our Opinion, opening a Door to introduce a large Body of Commission'd Pensioners. These Suspensions are strengthen'd, by the Experience we have had, That no Rank has been either above or below Ministerial Resentment, and the Severity of Parliamentary Discipline; and we must with Concern observe, that the Honour of the Nation, and the Fate of this Important War, has been intrusted to Raw and New-levied Troops, in order, as we apprehend, to keep the others at home, only for Civil Purposes.

<i>Westmoreland,</i>	<i>Oxford,</i>	<i>Bristol,</i>
<i>Northampton,</i>	<i>Greenwich,</i>	<i>Litchfield,</i>
<i>Shaftsbury,</i>	<i>Bathurst,</i>	<i>Tbanet,</i>
<i>Suffolk,</i>	<i>Cobham,</i>	<i>Berkshire,</i>
<i>Abingdon,</i>	<i>Middleton,</i>	<i>Aylesford,</i>
<i>Chesterfield,</i>	<i>Gower,</i>	<i>Talbot,</i>
<i>Halifax,</i>	<i>Bridgwater,</i>	<i>Haverham,</i>
<i>Carlisle,</i>	<i>Hereford,</i>	



*Die Mercurij, 28. Jan. 1740.*

**M**Oved to resolve, That an humble Address be presented to his Majesty, that he will be graciously pleased to give Directions to the proper Officers, to lay before this House, such Representations as have been made by Vice-Admiral *Vernon*, in any of his Letters to his Majesty's Principal Secretaries of State; or to the Commissioners of the Admiralty, in relation to the Want of more Ships, or more Men, or any Intimations of Service he could have performed, if he had been supply'd with a few more Ships, and some Land Forces.

The same was Objected to,  
And Debate thereupon,  
The Question was put,  
Whether such an Address shall be presented to his Majesty?

It was resolved in the Negative.

Contents 44 }  
Not Cont. 71. }

*Dissentient*

Because we conceive, that the House entered into this Enquiry, with a View to form a proper Judgment on the Conduct of the War; and some Extracts of Letters, have been laid before us, but such, as we apprehend, do not even answer the Demand of the House, much less the End of the Enquiry: Yet it appears plainly, from those few Extracts, that Admiral *Vernon* has made frequent and grievous Complaints of the Insufficiency of his Stores, and has represented them as fit only for a *Spithead Expedition*: We have therefore the

D

strongest

strongest Grounds, to be perswaded, that in some of his Letters, he has made Demands of more Ships, and more Men, tho' nothing relating to those Articles has been laid before us hitherto. Had he been sent out with a greater Force at first, or had fresh Succours of Ships and Men, with proper Stores, been sent after him in due time, we are firmly of Opinion, that he would have gain'd such further Advantages, as might long before now have proved *Decisive*. By the Dilatory Proceeding of the Administration, as it appears to us, the Scene is much changed; the *Spanish* Fleet has been suffer'd to sail out of their Ports, to carry Supplies of all kinds to their Garrisons; Opportunity, has been given them to repair their Fortifications in *America*; and, which is still of more Consequence, as we fear, to procure the Assistance of another Power, who was not ready, if willing, at that time, to give us any Disturbance in those Parts.

- |                    |                      |                    |
|--------------------|----------------------|--------------------|
| <i>Greenwich,</i>  | <i>Carlisle,</i>     | <i>Aylesford,</i>  |
| <i>Berkshire,</i>  | <i>Middleton,</i>    | <i>Buckleugh,</i>  |
| <i>Exeter,</i>     | <i>Montjoy,</i>      | <i>Cobham,</i>     |
| <i>Bathurst,</i>   | <i>Bruce,</i>        | <i>Beaufort,</i>   |
| <i>Shaftsbury,</i> | <i>Suffolk,</i>      | <i>Hereford,</i>   |
| <i>Mansell,</i>    | <i>Westmoreland,</i> | <i>Denbigh,</i>    |
| <i>Bridgwater,</i> | <i>Gower,</i>        | <i>Abingdon,</i>   |
| <i>Foley,</i>      | <i>Haverstham,</i>   | <i>Litchfield.</i> |

Then it was propos'd to order, that a Secret Committee be appointed to enquire into the Conduct of the War, consisting of all the Lords of this House, who are of his Majesty's most Honourable Privy-Council. Which being Objected to,

After further Debate,

The Question was put upon the second Proposition,

And it was resolv'd in the Negative.

Contents 43. }  
Not Cont. 68. }

*Dissentient*

*Dissentient*

1. Because the Necessity of Secrecy, and the Danger of communicating Matters of Importance, to so numerous an Assembly of this House, having been constantly urged as the only Arguments, for refusing the Lights absolutely necessary for carrying on, with any Hopes of Success, an Enquiry into the *Unaccountable Conduct* of the War, we thought the proposing of this Committee would fully have obviated those Objections, by confining the Knowledge of those Secrets, (if any such there be amongst those who by the Constitution are supported and appointed to be informed of them) and the Negative put upon this Motion, gives us but too just Reason to suspect, that the most material Transactions, with relation to this War, have been concealed from those who, by their Situations, ought, in the very first Instance, to have been consulted.

2. Because the so often urged Argument of Secrecy proves too much; and may as often without, as with Reason, be used in Bar of all Enquiries, that any Administration, conscious either of their *Guilt*, or their *Ignorance*, may desire to defeat. It may not only prove the *Security*, but the *Cause* of a *Sole Minister*, Secrecy being undoubtedly best observed by *One*; and such a *Sole Minister* may, by the same Reasoning, as well refuse the Communication of Measures to the rest of his Majesty's Council, and thereby engross a Power inconsistent with, and fatal to this Constitution; and we cannot help observing, that such a timorous and a scrupulous Secrecy, is much oftener the *Refuge of Guilt*, than the *Resort of Innocence*.

*Signed by the same Lords as before.*

*Die Martis, 3<sup>o</sup> Feb. 1740.*

THE Order of the Day being read, for taking into Consideration the several Estimates of the Charge of the Guards, Garrisons, and other Land Forces, the Charge of His Majesty's Forces in the Plantations, *Minorca*, and *Gibraltar*, and the Charge of Seven Regiments

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ments of Foot, and Four Regiments of Marines, to be raised for the Year 1741, laid before this House, the 19th of *January* last.

It was moved to resolve, that an humble Address be presented to his Majesty, humbly representing to him, that this House cannot conceive the intended Augmentation of Land Forces, to be necessary either from the present Situation of Affairs in *Europe*, or from any Lights they have received; such as have always been thought necessary by our Ancestors, to justify the laying any extraordinary Burthens on the Subjects: And most humbly to beseech his Majesty, that if he should however think so great an Augmentation absolutely necessary, he will, at least, be graciously pleased, as well for the present, as for the future Ease of his Subjects, to order it to be made in the most frugal Manner, by such an Addition of private Men to the present Regiments, as His Majesty, from His own Wisdom and Knowledge in the Practice of most other Countries, may judge to be most proper for Military Service, and least dangerous to this Constitution.

Which being objected to, after a long Debate thereon,

The Question was put,

Whether such an Address shall be presented to his Majesty,

It was resolved in the Negative.

Contents 49.  
Not Cont. 67.

*Dissentient*

1. Because we conceive, that nothing less than an absolute and evident Necessity shou'd prevail with us, to consent to any Augmentation of our Land Forces, which in our Opinions are, at present, fully sufficient for any good Purposes, either abroad, or at home; being very near equal to the highest Establishment, during the whole Course of the last General War; the National

( 25 )

nal Troops now subsisting (exclusive of those in *Ireland*) amount to 51515 Effective Men: Whereas our greatest Number of National Troops, in the last War, was but 67000 Men, including the Non-Effectives; which, reduced to the Foot of our present Establishment, makes but 67000 Effective Men; and the present intended Augmentation of 10325 Men, is such an *exceeding Thing*, as can only be authoriz'd by the like publick Dangers; which Dangers not appearing to us, either from the Debate, or from any Information we have obtained, we are unwilling to trust more Force in the Hand of an Administration, which (as far as we are able to recollect) have not hitherto employ'd any they have been intrusted with, to the Honour and Advantage of the Nation. Extraordinary Trust and Confidence ought, as we apprehend, to be only placed in such, who, by the Experience of their past Conduct, have justly established their Credit, and entitled themselves to be so trusted. But when we look back upon the several Augmentations within these last Twenty Years, demanded and granted upon Causes more strongly asserted, than clearly proved, but visibly without any good End ever attained; and particularly when we reflect, that by a most unaccountable Fluctuation and Contrariety of Measures, a very great Augmentation was made in the Year 1727, to act in Conjunction with *France*, against the House of *Austria*, for whose Defence the present Augmentation is said to be principally intended: We thought it our Duty to endeavour to prevent any unnecessary Increase of our Land Forces, not being influenced either by the pretended Apprehensions, or real Fears of an Administration, the *Boldest in Domestick*, but, as we apprehend, the *Most Pusillanimous in Foreign Transactions*.

2. Because we conceive, that Dangers alledged from Disaffection at Home, are, in a great Measure, groundless; no Symptoms of such Disaffection having appear'd for many Years, and the Principles upon which it was formerly grounded, being almost universally worn out and exploded. And we think it highly necessary to distinguish between Disaffection arising only from the Conduct of the Administration and Disaffection to his Majesty and his Royal Family, tho' some may desire to blend them.

them. For had the present General Dissatisfaction at the *inglorious*, tho' *burthensome Measures*, of the Administration, been, in Truth, Disaffection to his Majesty, as hath been often falsely suggested by those who desire to confound his Cause with their own, twice the Number of Troops now propos'd would not be sufficient to secure the Peace of the Kingdom; but, on the contrary, we are perswaded, that the Duty and Loyalty of the Nation to his Majesty and His Royal Family, and their Hopes from his Virtues, have check'd and kept the Dissatisfaction against the Administration within the due Bounds of Concern and Lamentation.

3. Because, considering the Advantage of our Situation, as an Island, and our Superiority at Sea, it is impossible for us to think ourselves in any Danger of an Invasion from *Spain*, even if those Fleets were now in their Ports, which we suffer'd them to send to *America*: Nor can we conceive, that about 28,000 effective Men, now actually in this Kingdom, with all the Advantages of Horse and Artillery, is not sufficient to secure us from any Body of Foot, that any other Power could possibly Land on our Coasts by Surprize. And, as for any great Embarkation, it can neither be made on a sudden, nor in Secret; we must have timely Notice to provide Superior Fleets, (which, in such a Case, we presume, would be *allow'd* to act) to strengthen our own Corps, and render such an Attempt wholly impracticable: In which Opinion we are more confirmed, because, that in the most Glorious Year of the last War, when the Duke of *Marlborough* and his Army were in the Middle of *Germany*, out of the Reach of giving us any Assistance at Home, it was not thought necessary by the wise Administration of that Time, to keep above 9000 Men in this Island, for our Defence against *France*, then irritated by our Successes; and surely, three times that Number must be now abundantly sufficient, unless more are wanted for Purposes not thought of by former Administrations, nor yet openly avow'd by this.

4. Because, whatever Demands may be made upon us by our Allies on the Continent, we conceive may be answered by the Foreign Troops now in our Pay; and should any further Assistance to them be necessary,

it

it will not only be cheaper and safer to us, but more advantageous and agreeable to those Powers themselves, that we should furnish our Quota's in Money, with which they may raise a greater Number of Men than we are oblig'd to supply.

5. Because it has been undeniably proved, that this Method of Augmentation by new Corps is, by One Third more expensive than that of adding private Men to Companies; the Expence of raising those 5705 Men amounting to 116322*l.* 14*s.* 2*d.* whereas 5780 raised by additional Men to Companies, with a Second Lieutenant to each Company, would have amounted to but 86992*l.* 15*s.* which would be not only a present Saving of 29329*l.* but a future Saving of 10134*l.* *per Annum* upon the Half Pay of the Officers of those Seven Regiments, the few Officers taken out of the Half Pay only excepted. And we think, that, at a Time when the Publick Expence is so very considerable, the strictest OEconomy is requisite, the better to enable a *burthen'd* and *indebted* Nation to continue those Expences that may be more necessary to be borne, than easy to be supply'd. And, as to the Advantage of the Service, the Facts plainly proved in the Debate, together with the Practice of most other Nations in *Europe*, and, in particular, of his Majesty's Electoral Dominions, convince us, that if this Augmentation was made by additional Men to Companies, with a proper Increase of Serjeants and Corporals, the Military Service, at least, for which alone it ought to be intended, would be better carried on than by the Methods now pursu'd.

6. Because Arguments drawn from the Usage of *France*, we conceive, do not hold with relation to us, it being well known, that the Expence of 150000 *French* Troops do not amount to more than 50000 *English*; that their Government, tho' once Limited, is now Absolute and Military. That the Poverty of their numerous Nobility forces most of them into the Army, where the Court is glad to engage and keep them in Dependence; and that no Danger can arise to that Constitution from the Civil Influence, which may attend such an Establishment, their Parliament being only nominated by the Crown, and long since reduc'd by *Ministerial Arts*,

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*Arts*, from their Original Power and Dignity, to be no more than Courts of Justice and Revenue.

7. Because we apprehend, that this Method of Augmentation by new Corps may be attended with Consequences fatal, in Time, to our Constitution, by increasing the Number of Commissions, which may be disposed of with regard to *Parliamentary Influence only*; and when we look back upon the Conduct of the Administration, in relation to Military Affairs, we have but too much Reason to suspect, that *Parliamentary Considerations* have, of late, been the principal Causes of *Favour and Disgrace*. We have lately too seen new-rai'd, raw, and undisciplin'd Regiments sent abroad upon the most important Services, and others, seemingly much fitter for those Services, *peaceably* encamp'd at Home, for no other Reason, as is generally suppos'd, than the different Situations of the respective Officers of the several Corps. But this, at least, is certain, that, in all the new-rai'd Regiments sent to *America*, there is but *One Single Member of Parliament*, which could hardly have been the Case of any equal Number of Regiments in the whole Service. And what further induces us to entertain these Suspicions is, that this Method of Augmentation, by One Third the most expensive, and by no means proved to be the most conducive to the Service, should be preferred at this Time, when an OEconomy, proportion'd to the Greatness of our Expences, seems particularly requisite, since the War, by our Inaction hitherto, and the Advantages thereby given to the Enemy, may now probably be of long Duration, if not of doubtful Success. Our Distrust of the Motives of this Augmentation, which creates at once 370 Officers, which, by the Removals in the Army, may occasion three times that Number of new Commissions, ought to be the greater, and our Care to prevent the ill Effects of it the more vigilant, so near the Election of a new Parliament; a *Crisis!* when any Increase of *Influence* gain'd to a Minister, may give a decisive and incurable Wound to this Constitution; and we cannot forget, that an Augmentation of 8040 Men was likewise made the very Year of the Election of the present Parliament, by bringing over Eight Regiments from *Ireland*, and by additional

( 29 )

ditional Men to Corps in *Britain*, which Time has since shewn were never intended for Foreign Service, tho' they were said to be designed for the Preservation of the Dominions of the House of *Austria*, which we then lay under the same Engagements, both of Interest and Treaties, to defend. The Number of Officers in Parliament has gradually increased, and is now more considerable than ever; and tho' we think the Gentlemen of the Army as little liable to *undue Influence*, as any other Body of Men, yet we think it would be very imprudent to trust the very Fundamentals of our Constitution, the Independence of Parliaments, to the *uncertain Effects* of *Ministerial Favour* or *Resentment*. As it is well known, that the *Four Eldest Officers* of the Army (the *only Officers* who have served in any high Rank Abroad) are now displac'd, without any Crime having ever been alledged against them; we have great Cause to dread, that an Army thus *circumstanced*, and thus *influenced*, would, in each Capacity, be fatal to our Liberties, since *Ministerial Art*, in Parliaments, can alone destroy the *Essence* of our Constitution, and *open Violence* alone, the *Forms* of it.

Ward,  
Buccleugh,  
Greenwich,  
Shaftsbury,  
Foley,  
Falmouth,  
Bedford,  
Hereford,  
Aylesford,  
Chesterfield,

Denbigh,  
Westmoreland,  
Carlisle,  
Cobham,  
Batburst,  
Bruce,  
Gower,  
Macclesfield,  
Montjoy,  
Manjel,

Exeter,  
Bridgewater,  
Bristol,  
Berksbire,  
Thanet,  
Masbam,  
Haversham,  
Halifax,  
Abingdon,  
Kerr.



Die Veneris 13<sup>o</sup> Feb. 1740.

**T**HE House being Moved, That an Humble Address be presented to his Majesty, Most humbly to advise and beseech his Majesty, That he will be most Graciously pleas'd to remove the Rt. Honourable Sir Robert Walpole, Knight of the Most Noble Order of the Garter, First Commissioner of his Majesty's Treasury, and Chancellor of the Exchequer, and one of his Majesty's most Honourable Privy-Council, from his Majesty's Presence and Council for ever.

After long Debate in relation thereunto,  
The Question was put upon the said Motion,  
And it was resolved in the Negative.

Content 47  
Proxies 12 59

Not Content 89  
Proxies 10 108

*Dissentient*

1. Because we are persuaded, a *Sole*, or even a *First Minister*, is an Officer unknown to the Laws of *Britain*, inconsistent with the Constitution of this Country, and destructive of Liberty in any Government whatsoever; and it plainly appearing to us, that Sir Robert Walpole has, for many Years acted as such, by taking upon himself the *Chief*, if not the *Sole* Direction of Affairs, in the different Branches of the Administration, we could not but esteem it to be our indispensable Duty, to offer our most humble Advice to his Majesty, for the Removal of a Minister so dangerous to the King and the Kingdoms.

2. Because we think it appear'd in the Debate, that, in many Instances, of infinite Consequence to the Interest of the Publick, he has grossly abus'd the *Exorbitant Power* which he *Illegally* possess'd himself of, particularly in the Management of the Publick Treasure. And this, we conceive, must plainly appear to every impartial Person who recollects, that, for these 20 Years past, this Kingdom has paid the largest Taxes that ever were impos'd upon it in Time of Peace; and yet that the Publick Debts remain much as they stood at the Time when this Gentleman first enter'd upon the Manage-

E ment



ment of the Treasury; and that the Civil List, also the largest that was ever granted to the Crown, is, as we have the strongest Reasons to believe, considerably in Debt at this time.

3. Because we conceive it was plainly proved in former Debates, that the Army, so greatly expensive to the Kingdom, and which also was granted by Parliament for the Defence of it, had been manag'd, both as to Rewards and Punishments, in such manner as to make it of no Military Use, but, on the contrary, to render it subservient, as we apprehend, to the very worst of Purposes, the Influencing Elections Without Doors, and Votes Within.

4. Because we are persuaded, that the vast Sums of Money, granted on different Heads for Sea-Service, cannot possibly have been faithfully applied; there having been as much Money granted by Parliament in the last Six or Seven Years, upon the several Heads applicable to the repairing and rebuilding our Ships, as would have been sufficient to rebuild the whole Fleet of Britain from the Keels of the Ships, and have put them thoroughly equipp'd to Sea: And yet it is most notoriously true, that, since this War begun, a very great Number of Ships have appear'd to be in the worst Condition for Sea-Service that ever were known in the Memory of Man, and many of them scarcely fit for Spithead Expeditions; Ships having sailed out of the River, destin'd, as was pretended, for Foreign Service, that have with Difficulty been able to swim into the Docks of Portsmouth or Plymouth for further Repairs.

5. Because we apprehend that, by the Conduct of Sir Robert Walpole, in relation to Foreign Affairs, during the Course of his Administration, the Balance of Power in Europe has been destroy'd, the House of Bourbon has been aggrandiz'd in many Instances, particularly by the Addition of Lorrain. The House of Austria has been depress'd by the Loss of part of the Duchy of Milan, and the whole Kingdom of Naples and Sicily: And if such a Change in the System of Europe, occasion'd by the Misconduct of any Minister whatsoever, would be Criminal, we cannot think it the less so in One who join'd in the Prosecution of the Authors of the Peace of Utrecht, upon the particular Charge of having reduced the House of Austria too low, and left the House of Bourbon too powerful.

6. Because it is a Fact not to be contradicted, that the Spaniards were permitted quietly to possess themselves of the Land belonging to our Important Fortrels of Gibraltar, which this Kingdom was in Possession of, by Virtue of the Treaty

Treaty

Treaty of Utrecht, till the last Siege of that Place, by which Permission Fortifications were erected, and Batteries rais'd upon the same Ground by the Spaniards, whereby the Use of the advantageous Bay of Gibraltar is lost to England, and our Ships ever since forced to Anchor both inconveniently and dangerously under the Walls of the Town; and what naturally raises the strongest Suspicions in us, of those unwarrantable Proceedings, is, that a British Admiral, soon after was at Cadix with a powerful Squadron of Ships of the Line, at the time the Spaniards thus unjustly broke their Treaty, and that Admiral quietly and undisturbedly left them in Possession of that Ground, and convoyed their Troops to take Possession of the Dominions of Tuscany.

7. Because the Papers upon our Table, deliver'd by the Commissioners of the Customs, do plainly prove, that Sir Robert Walpole, publickly conniving for many Years at the Trade carried on with this Nation from the Port of Dunkirk; has given up the 9th Article of the Treaty of Utrecht, which we cannot but look upon as the highest Misdemeanour, and the greatest Crime in him; That no Man whatsoever declared himself with more passionate Zeal, than he did, against the Authors of the Treaty of Utrecht, for having favour'd France in most of the Articles of that Treaty; in Consequence of which Behaviour, it became peculiarly his Duty to preserve inviolably those Articles in it which were incontestably Stipulated for the Interest of this Crown and Nation.

Bridgewater,	Mansel,	Carlisle,
Westmoreland,	Cobham,	Bathurst,
Macclesfield,	Clinton,	Exeter,
Litchfield,	Denbigh,	Haverham,
Halifax,	Falmouth,	Abingdon,
R. Litch. and Coven.	R. Lincoln,	St. John de Bletsee,
Talbot,	Berkshire,	Ward,
Buceleugh,	Aylesford,	Greenwich.
Brice,	Beaufort,	

Then it was moved to resolve, That an Attempt to inflict any kind of Punishment on any Person, without allowing him an Opportunity to make his Defence, or without Proof of any Crime or Misdemeanour committed by him; is contrary to natural Justice, the Fundamental Laws of this Realm, and the ancient establish'd Usage of Parliament, and is a high Infringement of the Liberties of the Subject.

And a Question being stated thereupon, after Debate,  
The previous Question was put,  
Whether that Question shall be now put?

[ 34 ]

It was resolved in the Affirmative.

Content	81
Not Content	54

*Dissentient*

Because we think this Question ought not to have been put at this time, tho' the Proposition contain'd in it is undoubtedly true in itself; yet we apprehend it to be no ways applicable to the Point which had been so long Debated the same Day. For we conceive, the publick Utility may render it necessary, that a Person should be removed from an Office, and yet that Removal cannot be deem'd as a Punishment; for Instance, in the Case of Incapacity. Surely then, *wilful Neglects, Breach of Duty, and evident Malversation* in an Office, may justly require this great Council of State to present an humble Address to his Majesty, for the Removal of any Person guilty of such Crimes, in order to prevent publick Detriment. And we cannot apprehend, that the Motion which occasion'd the former Debate was by any means void of Proof, since the Treaties and Papers refer'd to, were as Records in the Possession of the House, and the Notoriety of the many Facts alledg'd, were, in our Opinion, equal to a Cloud of Witnesses. For these Reasons, altho' we agree to the Matter contain'd in the Question, and, acting in our Judicial Capacity, wou'd never err from the Rules laid down in it, yet we cannot but wish the Question had been laid aside, lest a *Wicked Minister* hereafter should think himself secure in his Office, if he cannot be brought personally to answer at the Bar of this House, and Witnesses *Viva Voce* cannot be produc'd.

Sign'd by the Lords as before.

These have sign'd since.

Sandwich, Bedford, Chesterfield, Gower, Hereford, Bristol;

Die Jovis 26<sup>o</sup> Feb. 1740.

**T**HE Order of the Day being read for the Second Reading of the Bill entituled "An Act for the better securing the Freedom of Parliaments by limiting the Number of Officers in the House of Commons."

The said Bill was read a Second Time,  
And it being moved to commit the Bill,  
The same was objected to.

After

[ 35 ]

After Debate,  
The Question was put,  
Whether the said Bill shall be Committed?  
It was resolved in the Negative.

Content	44
Not Content	63

*Dissentient*

1. Because we conceive, that our Constitution itself points out this Bill, as one of its principal Securities, a due Poize and Independency of the three several Constituent Parts of the Supreme Legislative Power, being required by the Spirit of our Constitution, and absolutely necessary to its Existence. If any one of these becomes dependent on the other, the Constitution is dangerously altered; but if any two become dependent on the third, it is totally subverted, and the wisest Establishment that ever was formed of a Free Government, shrinks and degenerates into a *Monarchical and Aristocratical, or Democratical* Faction. We therefore think we cannot be too careful in providing against whatever may, at any time, affect this just Poize, and necessary Independency of the three Estates. And this Caution seems the more requisite, now, when, from the inevitable Variation of Things, Employments are become exceedingly numerous, and are yet further artfully split, divided, subdivided and increased in Value, in order to add both *Extent and Weight* to their Influence. Two Hundred Employments are distributed in the present House of Commons; a dangerous Circumstance! And which, if it could have been foretold to our Ancestors, even in the latter End of the last Century, the Prediction would have been rejected by them as *Chimerical*, or, if believed, lamented as *Fatal*; and should the Number of Employments continue to increase in the same Proportion, even *We* may live to see, for want of this Bill, a *Constant Majority* of *Placemen* meeting under the Name of a Parliament, to establish Grievances instead of redressing them; to approve implicitly the Measures of a Court without Information; to support and *screen* the Ministers they ought to controul or punish, and to grant Money *without Account*, or it may be, *without Bounds*. In which Case, the remaining Forms of our Constitution would, by creating a fatal Delusion, become our greatest Grievance.

2. Tho' we don't absolutely assert, That Employments necessarily *must*, yet we cannot suppose, that they never *will*, influence the Votes and Conduct of the Gentlemen of the House

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House of Commons; for such a Supposition would be equally conclusive against all the Acts of Parliament now in Force, limiting the Number of Officers of any kind in that House; and, in a Case of such Importance, we think it would be the highest Imprudence, to trust the very Being of our Constitution to *bare Possibilities*; especially if an Experience (which we rather chuse to hint at, than enlarge upon) should give us just Reason to suspect, that former Parliaments have felt the Effect of this *baneful Influence*, almost all the Persons in Employments having Voted *invariably* on the same Side of the Question, often against the *known and signified Sense* of their Constituents, and sometimes perhaps even contrary to their own *private Declarations*; and no sooner did they presume to deviate from the *Ministerial Track*, than they were divested of those Employments that fail'd of their *intended Influence*. But, admitting that the present House of Commons has kept it self *Most Untaintedly Pure* from such *Pollution*; yet we think it necessary, not to expose future Parliaments to such a Trial, nor the Constitution to the Uncertainty of the Decision.

3. Because, tho' it should be granted, that this Bill would have restrained in some Degree the Liberty of the Electors, that Objection has no Weight upon this Occasion, every Law being, in some Degree, a Restraint upon the Natural Liberty of Man, but yet justly enacted, wherever the Good of the Whole (which should be the Object of every Law) is promoted thereby; and we apprehend, that this Restraint is of such a Nature, that those *only* will be uneasy under it, who intended to abuse the Liberty. The Votes of the Electors of *Great Britain*, if unbiaffed, would rarely concur in the Choice of Persons *avowed Creatures* of a *Minister*, *known Dependents* on a Court, and *utterly unknown* to those who Elect them. But if, in an Age, when *Luxury* invites *Corruption*, and *Corruption* feeds *Luxury*, there is too much Reason to fear, that the People may be prevailed upon, in many Places, by a *Pecuniary Influence*, to give their Votes to those whom their uninfluenced Sentiments would reject with Indignation and Contempt, we think it necessary to lay this just and constitutional Restraint upon the Liberties of *Some*, as the only Means to preserve the Liberties of *All*. By former Acts of Parliament, the Electors are already debarred from electing Persons in certain considerable Employments; and in the *Act for preserving our Constitution*, by selling the Crown upon the present Royal Family, it was enacted, That no Person whatsoever in Employment should be capable of being chosen a Member

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ber of the House of Commons. Such was then the Spirit of Liberty, that even this Total Exclusion could not be refused, nor could the Repeal of it afterwards be obtained, without enacting a Limitation of the Number of *Placemen* allow'd to sit in the House of Commons, and a New Election of every Person who, whilst he was a Member of that House, should accept of any Emploment under the Crown; as likewise, a Total (we wish we could say an Effectual) Exclusion of all Persons holding Employments erected since the Passing of that Act; and there is no Reason to doubt, but that the same Spirit of Precaution would, upon the same Constitutional Principles, have been carried much farther at that Time, could it then have been foreseen or imagined, that the Exclusion of some *Civil Officers* would have been rendered useless, by the Introduction of so many *Military* ones; and so many Persons in Employments, infinitely inferior, both in Rank and Profit, to those excluded by these several Acts, could ever have been, by any Means, elected into Parliament: And indeed it seems to us highly incongruous, that *Inferior Clerks*, and *Attendants* of Offices, who have *not Seats* in the Presence of their *Masters*, should be admitted to *have Seats* in the *Legislature*, and there become the *Chick* and *Controul* of their Masters themselves.

4. Because we do not apprehend, that the Freedom of Parliament is now in the least secured by the Obligation laid upon all Members of the House of Commons, who accept any Employment under the Crown of being re-elected, Experience having shewn us, that this seeming Security is for the most Part become ineffectual, there being very few Instances of Persons failing in such Re-elections, tho' utter Strangers to their Electors; and it is natural to suppose, that when the Means of Corrupting are *greater*, the Success of a Candidate recommending himself, by Corruption only, will not be *less*.

5. Because we observe with Concern, that a Bill of this Nature has been already thrice rejected by this very House of Commons, and not been allowed to be Committed, so as to have it known how far it was propos'd to extend, which in our Opinions implied a firm Resolution not to admit of any further Exclusion of Employments whatsoever: Whereas, in this last Session of this Parliament, this Bill was sent up to us, after having passed through all the Forms of the other House without the least Opposition. This we conceive can only proceed either from their Conviction at last of the Necessity of such a Bill, of which they are surely the properest

Judges,

Judges, or in Compliance with the almost universal Instructions of their Constituents, whose Voice we think ought to have some Weight even here; or lastly, to delude their Constituents themselves, by tacitly consenting to what they were either told, or hoped this House would refuse. And in this Case we apprehend, That a Confidence so Injurious and Dishonourable, ought to have been disappointed from a just Sense of the Contempt thereby shewn of the Credit, Weight, and Dignity of this House.

6. Because we think it particularly seasonable, so near the End of this Parliament, to provide for the Freedom and Independency of the next; and as we consider this Opportunity as the only one we are likely to have, of some Years at least, to do it, it is with the greater Concern that we see this Bill thus laid aside, rather by a *Division* than a *Debate*, and by *Numbers* rather than *Arguments*. But however unsuccessful our Endeavours have been for the future Security of this Constitution; however unavailing our Desire of enquiring into past and present Transactions; however fruitless our Attempts to prevent future Mismanagements, by a Censure of the past, and the Removal of the *Author* of them: We have at least this Comfort of transmitting our Names to Posterity, as dissenting from those Measures of which the present Age sufficiently testifies its Dislike, and of which the next may too probably feel the fatal Consequences.

<i>Abingdon,</i>	<i>Warrington,</i>	<i>Mansell,</i>
<i>Bridgwater,</i>	<i>Bruce,</i>	<i>Cobham,</i>
<i>Haversham,</i>	<i>Richd. Lich. and Cov.</i>	<i>Chesterfield,</i>
<i>Macclesfield,</i>	<i>Carlisle,</i>	<i>Masbam,</i>
<i>Greenwich,</i>	<i>Talbot,</i>	<i>Halifax,</i>
<i>Hereford,</i>	<i>Gower,</i>	<i>Denbigh.</i>
<i>Aylesford,</i>		

For all the above Reasons except the last. *Foley.*

*Die Lunæ 9<sup>o</sup> Martij 1740.*

ON the third time of reading the Mutiny Bill,  
The Question was put for passing the same,  
It was resolv'd in the Affirmative.

*Dissentient*

Because it does not appear to us, That the Forces which are now kept up within this Realm are to be employ'd to annoy our Enemies Abroad; and we are satisfied, the Affections of the People to his Majesty and the Protestant Succession are such, that there can be no Occasion for them to keep this Nation in Awe.

*Abingdon, Warrington, Carlisle, Litchfield, Aylesford.*

*Lords who Voted for and against the Address to Remove Sir Robert Walpole.*

<i>Neuter.</i>	Kingston	Harcourt
Pr. of Wales	Newcastle	Harrington
Ld. Coventry	Portland	Abergavenny
Graham	Manchester	Delawar
Clifton	Chandos	Dudley
Brook	Marqu. Lothian	Willoughby Par.
Foley		Pawlet
Ld. Wilmington	<i>E A R L S.</i>	Cornwallis
<i>Against the Address.</i>	Pembroke	Coventry
	Suffolk	Hay
<i>B I S H O P S.</i>	Warwick	Onflow
<i>Arbb. Canterbury</i>	Peterborough	Cadogan
Durham	Effex	Ducie
Winchester	Radnor	Walpole
Rocheſter	Berkeley	King
Hereford	Holderness	Hobbart.
Sarum	Rochford	<i>L O R D S.</i>
St. David's	Albemarle	Monſon
Glouceſter	Jerſey	Lovell
Oxford	Grantham	Raymond
St. Aſaph	Godolphin	
Norwich	Cholmondley	<i>For the Address.</i>
Bangor	Sutherland	
Bristol	Norton	<i>D U K E S.</i>
Chicheſter	Loudon	Beaufort
Landaff	Finlater	Bedford
Ld. Chancellor	Dunmore	Greenwich
Ld. Privy-Seal	Hyndford	Buccleugh
Ld. Steward	Portmore	Bridgwater
Ld. Chamberlain	Hay	<i>E A R L S.</i>
	Orford	Exeter
<i>D U K E S.</i>	Dartmouth	Northampton
Richmond	Tankerville	Denbigh
St. Alban's	Cowper	Westmoreland
Bolton	Harborough	Berkshire
Leeds	Waldgrave	Stamford
Devon	Fitzwalter	Winchelsea
Marlborough,	Effingham	Thanet
Rutland,	Malton	Sandwich
Mountague	Fauconberg	Chesterfield
Athol	Weymouth	Carlisle
Aneaſter Mag. Cam.	Lymington	

Shaftsbury	V. Cobham	Carteret
Litchfield		Haversham
Abingdon	L O R D S.	Gower
Rockingham	Clinton	Montjoy
Aylesford	North & Guilford	Mansell
Bristol	Lord St. John of	Mafham
Halifax	Bletfo	R. Lincoln.
Stanhope	Bruce	Bathurst
Macclesfield	Leigh	Romney
Ker	Ward	Talbot.
V. Hereford	Craven	

*Speakers for and against the Question in the House of Commons.*

<i>Speakers for the Question.</i>	Mr. Fazakerly	Sir Wm. Corbett
	Sir John Barnard	Col. Bladen
	Sir Jn. H. Cotton	Mr. Erskine
Mr. Sandy's moved	Mr. Waller	Col. Pelham
Ld. Limerick	Ord	Mr. Leathes
Mr. Doddington	Harley	Ld. Euston
Wortley	Hume Cam-	Mr. Stephen Fox
Gybbon	bell	Att. General
Boone	Pulteney	Winnington
Bootle		Sec. at War
Ld. Gage	<i>Speakers against the Question.</i>	Clarke
Mr. Littleton		Hay
Al. Heathcote	Mr. Henry Pelham	Ld. Cornbury
Pitt	How	Mr. Bowes
Lee	Soll. General	Southwell
Granville	Bromley	Sir R. Walpole.

Ay's 106  
No's 290

**F I N I S.**