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AN  
 HISTORY  
 OF THE  
 PARLIAMENT  
 OF  
*GREAT BRITAIN,*  
 FROM THE  
 Death of Queen ANNE,  
 TO THE  
 Death of King GEORGE II.



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TO  
His GRACE the  
Duke of NEWCASTLE.

MY LORD,

**T**HE great reputation which your GRACE hath ever bore in the senate, through all parties, and in all times, preserving one constant, uniform complexion of conduct; and the unshaken fidelity, loyalty, and affection, which your GRACE hath ever shewn to all the princes of the illustrious house of Brunswick; are such distinguished proofs how honourably and how justly your GRACE merits the present very high esteem and applause of all true friends

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of

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of liberty, and their country, that the writer of the following sheets could not forbear embracing this opportunity of shewing his most sincere affection and veneration for the illustrious head of the noble family of PELHAM; and expressing how much he is,

MY LORD,

Your GRACE'S

*most dutiful,*

*most humble, and*

*most obedient servant,*

The AUTHOR.

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## INTRODUCTION.

THE best Introduction to an History of this kind, that begins with the death of queen Anne, and the expulsion of her Tory ministry, to the death of George II. and the advancement of *another* Tory ministry; will be to set, in opposite columns, a small sketch of the *two* GREAT WORKS of each; *viz.* the Treaties of Utrecht and Paris in 1713 and 1762, both of which may be justly said to have *preserved* France, when the Whigs had brought her to the brink of ruin.

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Peace of Utrecht, 1713.

SO early as 1707, Mrs. Masham endeavoured to insinuate herself into queen Anne's favour. Those who made their court to her, talked, that there was not a Jacobite now in the nation; and that, without doubt, she would reign out peaceably her whole life: but she need not concern herself about a German family, &c.

Several pamphlets were occasionally published, all blaming the war, the ministers, the allies, &c. particularly, a piece called, *The conduct of the allies*; which was spread with uncommon industry, and found, afterwards, to contain *the political creed* of the Tory party, which all the

Peace of Paris, 1762.

UPON the death of king George II. (1760) lord B—— a descendant of the house of Stuart, who had been groom of the stole to the prince of Wales, it is well known, did intend and attempt to take the lead in the administration, as soon as the breath was out of the late king's body.

Several pamphlets were occasionally published, all blaming the war, Mr. Pitt, the king of Prussia, &c. particularly, *Considerations on the German war* (written by one Israel Mauduit), which was spread with uncommon industry, and found afterwards to contain *the political creed* of those

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Peace of Utrecht, 1713.  
the orthodox friends of France embraced very readily. *Sir Robert Walpole's history of the parliament.*

The French, having been defeated in every engagement, resolved to sue for peace in 1710.

A party, which the French had at all times found in England, consisting of those who were attached to slavish and prerogative principles, were artfully set to work to abuse and vilify the Whig ministry, and the duke of Marlborough.

During the negotiations at Gertrudenberg, the insincerity and duplicity of the French were discovered, by their attempt to make a *separate* (not a *general*) peace. The French themselves declared they were not anxious about the success of that negotiation, as they were sure of carrying their point in England by a change of the ministers and measures of that court. *Tindal, Burnet, Dr. Hare, &c.*

The earl of Sunderland dismissed without any reason assigned) from his post of secretary of state.

Every

Peace of Paris, 1762.

those who were endeavouring to make themselves ministers. For which seasonable service to England (not to France, we may assure ourselves), the author was, in a little time, rewarded with a good place.

The French, having been defeated in every quarter of the world, resolved to sue for peace in 1761.

Several pamphlets and letters in the publick papers published, abusing Mr. Pitt, the ministry, the king of Prussia, prince Ferdinand, &c.

Mr. Pitt rejected, with disdain, M. Bussy's attempt of a *separate* peace. While that negotiation was carrying on, France entered into a treaty with Spain, offensive (as in process of time it will be found to be) to Great Britain. This manifested the insincerity of the French, and put an end to the negotiation.

Mr. Pitt violently opposed by the influence of a *new* party, and a FAVOURITE, in his scheme for carrying on the war with greater vigour than ever (which would have commanded a *GOOD* peace), and driven from the state.

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Peace of Utrecht, 1713.

Every engine set to work to vilify the conduct of the Whig ministry, and even the duke of Marlborough's personal courage (notwithstanding all his victories) called in question.

In a few months after the dismissal of the secretary of state, the whole Whig ministry turned out; all which arose purely from the influence of the *favourite*. First the earl of Godolphin, lord treasurer; and next the duke of Devonshire, lord steward; and all the rest afterwards. Tories placed in their stead.

Rejoicings in France on the account.

Upon these changes, publick credit was lower than it had ever been known.

The new ministers being in the interest of France, were resolved to patch up a peace with her, upon any terms that she would agree to, without the allies.

“ Finding the house of lords could not be brought to favour their designs, they  
“ [the

Peace of Paris, 1762.

Ministerial and prerogative writers hired to abuse Mr. Pitt in the most infamous and unheard-of manner. The successes of the war were attributed wholly to the officers: not even in the smallest part to the foresight and spirited conduct of the minister.

In a few months after Mr. Pitt was driven from the state, the whole Whig ministry were either turned out, or affronted in such a manner as to be forced to resign. First the duke of Newcastle, first lord of the treasury; next the duke of Devonshire, lord chamberlain, who was also struck off the list of privy counsellors; and all the rest afterwards. Tories placed in their stead.

Rejoicings in France on the account.

Upon these changes, publick credit was lower than it was even in the Scottish rebellion of 1745.

The new ministers were detested by the nation, and not only unable, but unwilling, to carry on the war; therefore they resolved to patch up a peace as soon as possible, without the king of Prussia. This is putting the most *favourable* construction upon the matter.

“ What has been the conduct of the minister under similar circumstances?

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Peace of Utrecht, 1713.

" [the ministry] resolved to make an experiment, that none of our princes had ventured on in former times. A resolution was taken, very suddenly, of making TWELVE peers all at once." *Burnet.*

Peace of Paris, 1762.

" has he not advised the creation of SIXTEEN new peerages; not indeed at once, that would have been too explicit a declaration of his motives, but all in the space of two years: and not content with this, he has likewise advised the giving pensions to a great member of that house, under the denomination, indeed, of lords of the bed-chamber: but as the number of these lords has been increased, in the present reign, from twelve to twenty-two, the fact is, that, by whatever name they are called, the k— has so many more servants in his pay, in that house." *Review of lord Bute's administration.*

It is now an undisputed fact, that queen Anne's Tory ministry were friends to the pretender, and that they did all that they durst do to place him on the English throne. Their writers affirmed, that king William was an *usurper*, the revolution a rebellion, &c. The Scots went farther in their hearty zeal for the house of Stuart: they presented a medal to the dean and faculty at Edinburgh, with the pretender's head on one side, and round it these words; *Cujus est (whose image is it?)* on the other side was Great Britain and Ireland with a fleet of ships, and this inscription; *Reddite (restore them)*. It would take up more

Every one believes, or wishes to believe, that the present m—— are enemies to the PRETENDER, although in speech and writing their tools, have not hesitated to call our great deliverer, king William the Third, an *usurper*, and the revolution, to which we give the present family upon the throne, a *rebellion*. Although the glorious memory of his late majesty, who loved and embraced the true friends of his illustrious house, which will be ever dear to the Whigs, has been vilified and libelled with impunity, both within and without doors; and his beloved son, who is almost

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Peace of Utrecht, 1713.

more room than we can afford, in this place, to recapitulate all the circumstances which prove, in the most clear and convincing manner, that the queen's Tory party certainly intended to bring in the pretender: such a recapitulation would be nothing less than an history of their whole conduct, since their whole conduct was nothing more than a series of such measures as tended to accomplish this great point. The charge is admitted by all historians: even Smollett, a ministerial writer of *these days*, does not dare to deny it.

Peace of Paris, 1762.

almost adored by the English nation, and all good men, and who, by a glorious victory which he obtained over the pretender and *his faithful* Scots, firmly and immovably fixed his royal father upon the throne, and preserved the succession of the British diadem in his royal family, has been abused and traduced in the most infamous manner; has been called a *spirit that delighteth in blood*; has been compared to Richard III, and Oliver Cromwell, in papers and pamphlets, which the m——s are known to have paid for. Although the duke of Newcastle, and the duke of Devonshire, and many others who have either fought against the pretender, or have expended their fortunes, and even hazarded their heads, in support of the house of Brunswick, have been also abused and vilified with all the malignity and rancour that even the house of Stuart itself could dictate: although in the reign of a prince of the house of Brunswick, notorious Jacobites, or those who *have been* so, have been made privy counsellors: although the true and tried friends of their sovereign, and their country, are turned out of every department of government and rank: although Tories and Jacobites, and men of fla-

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Peace of Utrecht, 1713.

The Tory ministry, as soon as they were in power, shewed the greatest marks of favour to the Scots, who, a few years after, rose in rebellion, because they were not gratified to their utmost wishes.

The first object of the Tory ministry, after they had seated themselves in power, was, to obtain a peace from France, upon any terms that she would agree to, no matter whether the allies concurred in it, or not: they knew they could not stand, unless there was a peace.

Peace of Paris, 1762.

Wish and prerogative principles are placed in their stead: although a picture of the pretender, set round with diamonds, was sent over from Flanders as a present to a great man: altho' it is believed that the pretender was *incognito* at the coronation, and that, upon being questioned as to the risque he run, he answered, *he was safe*. Notwithstanding all these, and many other strange facts, yet it is thought, that the present m—— cannot be FRIENDS TO THE PRETENDER.

The Tory ministry, as soon as they were in power, shewed the most extravagant and unbounded marks of favour and affection for the Scots, some of whom were notorious enemies to the illustrious house of Hanover. Infinite numbers of Englishmen, who had proved themselves to be honest, and well-affected, were dismissed from all employments, civil and military, to make room for these slavish prerogative tyrants.

The object of the Tory ministry, after they had seated themselves in power, was, to obtain a peace from France upon any terms that she would agree to, no matter whether the allies concurred in it, or not. They knew they could not stand, unless there was a peace. The French knew this:

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So determined were the queen's Tory ministry for a peace, that, when the allies refused to agree to the infamous, insecure, and scandalous conditions which were proposed, they directly patched up a peace without them; and some of them, particularly the poor Catalans, were not only scandalously neglected, but basely betrayed, to the everlasting dishonour of the faith of the nation.

The reasons which the courtiers gave for concluding such a peace were, that we were undone by our successes, and that we had neither men, nor money, to carry on the war.

The peace condemned, by the nation, as treacherous, dishonourable, and insecure.

The allies, and particularly the Dutch (who had vigorously stood out for a good peace, but were compelled, by the queen's Tory ministry, to agree to the bad one that was made), abused and vilified, by all the ministerial

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this: for the language confidently held at Versailles, upon lord B——s being made prime minister was; "that his lordship could not preserve his power, unless he made peace." *Review of lord Bute's administration.*

So determined were the ministry for a peace, any such as they could get, that when the king of Prussia, our PROTESTANT ally, refused to agree to the terms which they proposed, and his ministers in London entered a strong protest against those terms, they resolved to patch up a peace entirely without him, which was done accordingly; and he was thereby basely neglected, if not *betrayed*, to the everlasting dishonour of the faith of the nation.

The reasons which the courtiers gave for concluding such a peace were, that we were undone by our successes, and that we had neither men, nor money, to carry on the war.

The peace condemned, by the nation, as ignominious, inadequate, and insecure.

The king of Prussia, who had refused to agree to a peace he could not but disdain, was abused and vilified, by all the ministerial writers, in a most infamous and scandalous manner; called *rebel*, *freebooter*, &c. tho' he had, from

Peace of Utrecht, 1713.

sterial writers, in the most scandalous and indecent manner.

The article of this infamous treaty, tho' approved by parliament, which gave up the FISHERY (a matter of more real importance to Great Britain than every thing else, because it was putting a sword into the hands of her inveterate enemy, which, in time, was drawn against herself), ran thus:

Article XIII. The island called Newfoundland, with the adjacent islands, shall, from this time forward, belong, of right, wholly to Britain; and, to that end, the town and fortrefs of Placentia, and whatever other places, in the said island, are in possession of the French, shall be yielded and given up, within seven months from the exchange of the ratifications of this treaty, or sooner, if possible, by the most Christian king, to those who have a commission from the queen of Great Britain for that purpose. Nor shall the most Christian king, his heirs, and successors, or any of their subjects, at any time hereafter, lay claim to any right

Peace of Paris, 1762.

from the throne, been styled a magnanimous prince, and good ally; and the minister himself said, in the presence of the nobles of the nation, when the negociation was finished, or, nearly so, that the dominions of this ally were to be scrambled for.

The following article, in the peace of Paris, confirms the article, in the peace of Utrecht, relating to the FISHERY.

Article V. The subjects of France shall have the liberty of fishing, and drying, on a part of the coasts of the island of Newfoundland, such as is specified in the 13th article of the treaty of Utrecht; which article is renewed and confirmed by the present treaty (except what relates to the island of Cape Breton, as well as to the other islands, and coasts in the mouth and in the gulph St. Lawrence); and his Britannick majesty consents to leave the subjects of the most Christian king the liberty of fishing in the gulph of St. Lawrence, on condition that the subjects of France do not exercise the said fishery, but at the distance of three leagues from

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right to the said island and islands, or to any part of it, or them. Moreover, it shall not be lawful for the subjects of France to fortify any place in the said island of Newfoundland, or to erect any buildings there, besides stages made of boards, and huts necessary and usual for drying of fish; or to resort to the said island beyond the time necessary for fishing and drying of fish. But it shall be allowed to the subjects of France to catch fish, and dry them on land, in that part only, and in no other besides that, of the said island of Newfoundland, which stretches from the place called Cape Bonavista to the northern Point of the said island; and from thence running down by the western side, reaches as far as the place called Point Reche. But the island called Cape Breton, as also all others, both in the mouth of the river St. Lawrence, and in the gulph of the same name, shall hereafter belong, of right, to the French: and the most Christian king shall have all manner of liberty to fortify any place or places there.

For this very article the earl of Oxford was IMPEACHED. See page 142, article XIII.

We will just spare room for one other fact (though a thousand more might be brought, if we could give them

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all the coasts belonging to Great Britain, as well those of the continent, as those of the islands situated in the said gulph of St. Lawrence. And as to what relates to the fishery on the coast of the island of Cape Breton out of the said gulph, the subjects of the most Christian king shall not be permitted to exercise the said fishery but at the distance of fifteen leagues from the coasts of the island of Cape Breton; and the fishery on the coasts of Nova Scotia, or Acadia, and every where else out of the said gulph shall remain on the foot of former treaties.

And by the succeeding article, in the said peace of Paris, the islands of St. Pierre and Miquelon are ceded in full right to France.

We will just spare room for one other fact (though a thousand more might be brought, if we could give them

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Peace of Utrecht, 1713. them a place), and the remarkable and spirited instructions of the city of London to their representatives, upon the restoration of an honest ministry to enquire into the villainies of the ministry that made the peace; viz. "Among those who were for the peace, were the friends of France, and the enemies to the revolution." *History of the Peace of Utrecht, p. 324.*

Peace of Paris, 1762. them a place), viz. Those who were for the peace, without doors, were the Scotch minister, his tools, and his countrymen, of whose attachment he was certain, it being natural for them to hold with one another: there were very few English, except such as were, in some way, dependent on the ministry. All these were daily exposing the naked state (as they called it) of our own country to the enemy, deceiving the revolution, and abusing our allies.

INSTRUCTIONS given by the Citizens of LONDON to their Representatives, upon the Accession of the House of Hanover.

"WE, the citizens of London, who have cheerfully elected you to represent us in parliament, and thereby committed to your trust the safety, liberty, property, and privileges, of us and our posterity, think it our duty, as it is our UNDOUBTED RIGHT, to acquaint you, what we desire and expect from you, in discharge of the great confidence we repose in you, and what we take to be your duty, as our representatives.

1. "We desire, and expect, that you will enquire by whose Counsels it was, that, after God had blessed the arms of her late majesty, and her allies, with a train of unparalleled successes, she was prevailed upon, contrary to the grand alliance, and her repeated promises from the throne to both houses, to send to, or receive managers from, France, to treat separately of a peace, without the knowledge or consent of our allies.

2. "By

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2. "By whose advice the emperor's minister, the count de Gallas, was discharged the court, for resenting and opposing those separate negotiations, contrary not only to the grand alliance, but to the queen's particular assurances to his matter.

3. "By whose advice the Whig ministry and parliament, and the duke of Marlborough, were turned off, contrary to the assurances which her majesty had given to her allies, as well as to some of the chief citizens of London, directors of the bank of England, &c. who honestly told her majesty that it would sink the publick credit, as it actually did.

4. "By whose advice his majesty's memorial, delivered by his minister the baron de Bothmer, against those clandestine and separate negotiations, was disregarded, and the said minister affronted.

5. "By whose advice and management our confederates were condemned without a hearing, and their memorials, on that account, disregarded.

6. "By whose advice and management her majesty was prevailed upon to come to a cessation of arms with our common enemy, and then so surprisingly to withdraw our troops from those of the allies, which was attended with such dismal consequences.

7. "By whose advice and management all that we had gained by a profusion of blood and treasure, in a glorious and successful war, was thrown up, just as we were seizing the prize of our conquest, and a free-born people brought within the view of slavery.

8. "By whose advice and management our constitution was struck at, by creating twelve new lords at once, to carry a vote in the upper house.

9. "By whose advice it was, that the treaty with the Dutch for settling our common barrier in the Netherlands, and making them guarantees for the Protestant succession, was enervated, and a new treaty,



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treaty, which weakened both securities, made in its place.

10. " By whose advice and management we were mocked with assurances of being free from danger of the neighbouring fortrefs of Dunkirk; and whether the late ministry, or any of them, did agree that the French king should make a new harbour at Mardyke, as part of the equivalent for demolishing the fortifications and harbour of Dunkirk.

11. " By whose advice and management the best branches of our trade were exchanged for chimeras, and the ruin of the whole endangered by a vile treaty of commerce with France.

12. " How the expedition to Canada came to miscarry; and by whose advice her majesty, contrary to her proclamations published in New England, &c. for encouraging that expedition, came to allow the French to keep their interest in Canada, to sell that in Newfoundland, and to settle on Cape Breton, to the great detriment of our fishing trade, and to the manifest danger of all our plantations in North America.

13. " By whose advice it was that the confederates were refused to be invited to be guarantees to the Protestant succession, tho' her majesty had promised it, in her answer to the address of both houses, in 1708.

14. " By whose advice it was that his now royal highness, George, prince of Wales, was denied the liberty to come and take his place in parliament, when the presence of one of the illustrious family of Hanover was so absolutely necessary to quiet the minds of the people, and to secure us from the just apprehensions we had of danger from the pretender.

15. " By whose advice it was, that his majesty's minister, baron Schutz, was discharged the court, because he demanded the writ.

16. " By

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16. " By whose advice Sir Patrick Lawless, the pretender's agent, or envoy, was entertained at court, at the same time, and honourably conveyed beyond sea, soon after it was complained of in parliament.

17. " By whose advice and management our holy church was in danger of being given up to popery, our civil rights to tyranny, and the way prepared for the pretender.

18. " By whose advice the jacobite clans in Scotland were armed, and kept in pay; and that the levies of men for the pretender in Great Britain and Ireland were so long connived at?

19. " By whose mismanagement it was, that the publick affairs of the kingdom are brought under the greatest difficulties, as well in respect to our trade, and the interruption of navigation, as of the great debts of the nation, which have been much increased since the last war, as his majesty has been graciously pleased to inform us, in his proclamation for calling a new parliament.

20. " We also desire, and expect, that you concur in demanding an account how the money, raised by parliament, has been expended since the change of the ministry, 1710.

21. " That you not only concur in such enquiries, but also, in a parliamentary way, to bring such to justice as shall be found guilty of these mismanagements; this being a duty owing to our selves, as well as our confederates, and indispensably necessary for retrieving the honour of the nation, and restoring a due confidence and harmony amongst all the allies.

22. " That you concur in making such laws as shall be thought farther necessary to secure his majesty's possession, and the succession of his royal posterity, against all pretenders, and such maxims and doctrines as have been advanced by any of our  
b clergy,

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clergy, or others, for supporting the pretended claim, or indefeasible hereditary right.

23. " That you concur in making such laws as shall be thought necessary for the further security of the churches of England and Scotland, as they are severally by law established; and for suppressing those groundlets and seditious clamours of the church of England's being in danger under his majesty's administration.

24. " That you concur in giving the king such aids as shall be thought necessary for enabling his majesty to defend the nation, to support and retrieve our trade, and to keep the balance of Europe, which is threatened with a new war, by the intrigues of the common enemy.

25. And lastly, " We desire and expect that you concur in such laws as shall be thought necessary for uniting his majesty's protestant subjects, and particularly for making the toleration allowed to protestant dissenters inviolable, and to ease them of the hardships they have been brought under by men of arbitrary principles, and restless passions; because of their firm adherence to the civil liberties of the nation, and especially to the Protestant succession, when it was most in danger."

These Instructions, for an Enquiry into the pernicious conduct of the late ministry, appeared, soon after, to be the collective sense of the whole nation, which had been abused, insulted, and betrayed, by a set of the most wicked ministers that any country had ever been afflicted with.

GEORGE I.

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## GEORGE I.

**W**ITH the death of the queen ended the <sup>1714</sup> power of an infamous ministry, which had not only sacrificed the interest of Great-Britain to France, but had prostituted the honour and dignity of the crown to serve the most vile and wicked purposes. The parliament which they had bribed to give a sanction to their measures was consequently dissolved, and the addresses which they had bought as a confirmation of that sanction likewise ceased. On the appearance of his majesty, affairs put on a new face, and liberty, by that most happy and fortunate event, was rescued from the dark and desperate designs of the tories and jacobites. The first mark of displeasure which fell on that ministry, was the removal of lord Bolingbroke from his office of secretary of state: the seals were taken from him, and the doors of his office sealed up. The other changes were, the duke of Marlborough, captain general, in the room of the duke of Ormond. Lord Cowper was lord chancellor; the earl of Wharton, keeper of the privy seal; and the earl of Sutherland, lord lieutenant of Ireland. The duke of Devonshire was appointed steward of the household, in the room of earl Paulet; Mr. James Stanhope, secretary of state, in the room of Mr. Bromley; the duke of Montrose, secretary of state for Scotland, in the room of the earl of Mar. The duke of Somerset was made master of the horse; the duke of St. Albans, captain of the band of pensioners; and the duke of Argyle, commander in chief of  
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the forces in Scotland. Mr. William Pulteney was made secretary at war; and Mr. Robert Walpole, paymaster-general. The privy-council was dissolved, and a new one declared, of which the earl of Nottingham was president. Out of the privy council, a cabinet council was formed of such as had most remarkably distinguished themselves in opposition to the late measures and the peace. The earl of Strafford was recalled from his embassy at the Hague, where he had been during the late negotiations, and by an order made in council all his papers relating to those negotiations were seized. On the 17th of March, 1715, the new parliament met at Westminster, and having made choice of Spencer Compton, esq; for their speaker, the lord chancellor pronounced the following speech to both houses.

“ This being the first opportunity that I have had of meeting my people in parliament, since it pleased almighty God, of his good providence, to call me to the throne of my ancestors, I most gladly make use of it to thank my faithful and loving subjects, for that zeal and firmness that hath been shewn in defence of the protestant succession, against all the open and secret practices that have been used to defeat it; and I shall never forget the obligations I have to those who have distinguished themselves upon this occasion. It were to be wished that the unparallel'd successes of a war, which was so wisely and cheerfully supported by this nation, in order to procure a good peace, had been attended with a suitable conclusion: but it is with concern I must tell you, that some conditions, even of this peace, essential to the security and trade of Great Britain, are not yet duly executed; and the performance of the whole may be looked upon as precarious, until we shall have formed defensive alliances to guaranty the present treaties.

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The pretender, who still resides in Lorrain, threatens to disturb us, and boasts of the Assistance which he still expects here, to repair his former disappointments. A great part of our trade is render'd impracticable; this, if not retrieved, must destroy our manufactures, and ruin our navigation. The publick debts are very great, and surprizingly increased, even since the fatal cessation of arms.”

In the address of the lords was this remarkable passage: “ We do not doubt, but that your majesty, assisted by *this* parliament, zealous for your government, and the safety and honour of their country, may be able to take such farther measures as will secure what is due to us by treaties, ease our debts, preserve the publick credit, restore our trade, extinguish the very hopes of the pretender, and RECOVER the reputation of this kingdom in foreign parts; the loss of which, we hope to convince the world by our actions, is by no means to be imputed to the nation in general.” Upon which a great debate arose. Lord Trevor, lord Bolingbroke, the earl of Strafford, the dukes of Buckingham and Shrewsbury, the earl of Anglesey, the archbishop of York, the bishops of London and Bristol, &c. said, ‘ That the same was injurious to the late queen’s memory.’ Lord Bolingbroke, in particular, made a long speech, wherein he express’d the deepest concern for the memory of the late queen, whom he said, he would ‘ do all in his power to vindicate: that he had the honour to be one of her servants, and if he had done any thing amiss, he would be contented to be punished for it; but that he thought it very hard to be censured and condemn’d without being heard.’ And then moved that the words “ recover, &c.” might be softened into those of, “ maintain the reputation of this kingdom;” and that the rest of the paragraph might be left out. The earl of Strafford

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and the duke of Shrewsbury also excepted against that clause; but were answered by the marquis of Wharton, the lord chancellor, the earl of Nottingham, and his brother the earl of Ailesford, the duke of Devonshire, and some other peers, who express'd all the respect and reverence for the late queen's memory; rightly distinguished between her, and her ministry: and supported the clause in question by arguments drawn from the mismanagements of the latter, hinted at in his majesty's speech. The lord chancellor, in particular, confuted the objections of lord Bolingbroke, and among other things said, 'They did not condemn any particular person, but only the Peace in general, because they felt the ill consequences of it; that they who advised and made such a peace, deserved, indeed, to be censured, but that the words in the address being general, no private person was affected by them: and that the alteration of the word recover into that of maintain, would signify no more towards the justification of the guilty, than the word recover towards the condemnation of the innocent.' The question was then put, whether the address should be recommitted; the negative carried it by a majority of sixty-six against thirty-three; and next day, March 23, it was presented. Great debates likewise arose in the house of commons upon reading the address. Mr. Shippen, Mr. Bromley, Sir William Wyndham, Mr. Cæsar, Mr. Ward, Sir Robert Raymond, Sir William Whitlocke, and others, raised objections against several expressions in the address, which seemed to reflect on the late mismanagements: but they were answered by Mr. Robert Walpole, general Stanhope, Sir Gilbert Heathcote, and Mr. Pulteney. General Rois, among the rest, insisted much on what he called the threadbare topic, "Of condemning the peace, and censuring the late

late ministry," which he asserted, "was a reflection on the late queen, whose act and deed the peace was." He was answered by Mr. Walpole, who said, "That nothing was farther from their intentions than to asperse the late queen; that they rather designed to vindicate her memory, by exposing and punishing those evil counsellors who deluded her into pernicious measures: whereas the opposite party endeavoured to screen and justify those counsellors, by throwing on that good, pious, and well-meaning princess, all the blame and odium of their evil counsels." As to what was alledged by the Tories, that the censuring the late ministers, without hearing them, and condemning the peace, without examining into particulars, was unjust and unprecedented, it was answered, "That they must distinguish between censuring ministers and condemning the peace in general, and condemning particular persons. That they might, in equity and justice, do the first, because the whole nation was already sensible, that their honour and true interest were given up by the late peace: that, in due time, they would call them to an account who made and advised such a peace; but God forbid, they should ever condemn any person unheard." On this occasion general Stanhope took notice of a report industriously spread abroad, "That the present ministers never designed to call the late managers to an account, but only to censure them in general terms: but he assured the house, that notwithstanding all the endeavours which had been used to prevent a discovery of the late mismanagements, by suppressing and conveying away several papers, yet the government had sufficient evidence left, to prove the late ministry the most corrupt that ever sat at the helm. That those matters would soon be laid before the house; and that, among other things, it would appear, that a certain English general

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general [meaning the duke of Ormond] had acted in concert with, if not received orders from marshal Villars." Sir William Wyndham, like a true tory, endeavoured to prove, that the peace had been very beneficial to this kingdom; and offered to produce a list of goods, by which it appeared, that the customs had increased near 100,000l. per annum. But he was immediately taken up by Sir Gilbert Heathcote, who readily owned, "Sir William might, indeed, produce a list of vast imports from France, but desired him to shew that our exports thither, particularly of our woollen manufactures, had increased since the peace. He added, That imports being only our consumption, rather prove our loss than our gain; and that the nation gets only by exports, which keep up our manufactures, employ our poor, and bring in returns in money." Upon which Sir William Wyndham was silent. After these debates, a motion was made, whether the address should be re-committed, and having passed in the negative, the address was presented as originally drawn up.

On the last day of March the commons resolved to present seven addresses to the king, for the following papers to be laid before their house, viz. first, all powers, instructions, memorials, letters, and papers relating to the late negotiations of peace and commerce, and to the cessation of arms. Secondly, the proceedings relating to the demolition of Dunkirk. Thirdly, the representations from the Russia company, and the merchants trading to the eastern country. Fourthly, the representations and memorials from the merchants trading to Spain and the West-Indies. Fifthly, an account of the proceedings at the courts of the South-Sea company relating to the Assiento and South-Sea trade. Sixthly, the several memorials of the clothiers to the commissioners of trade, and what directions the  
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said commissioners had received relating to such memorials. And seventhly, the representations and memorials of the Turkey company, and of the Italian merchants.

The calling for these papers, left no room to doubt that a strict inquiry would soon be made into the conduct of the late ministry. Mr. Prior was sent for from Paris, and examined by a committee of the privy council. It being soon after reported that Prior had promised to discover all he knew relative to the peace, lord Bolingbroke instantly fled in disguise to France.

On the first of April, the commons resolved to present addresses to his majesty for divers accounts, and estimates, to be laid before them; and in particular, several papers relating to the Assiento contract, Newfoundland, the cession of Cape-Breton; and the representations and memorials of the Swedish minister, &c. Four days after, April 5, the commons resolved also to address his majesty for all the powers, instructions, memorials, letters and papers relating to the negotiations of peace at the Hague in 1709, and the preliminaries negotiated at Gertruydenberg, together with the said preliminaries: all which papers his majesty directed to be laid before the house; which was accordingly done on the 9th, by Mr. secretary Stanhope, who delivered them in at the table in twelve volumes, bound up and numbered, and three other small books. The secretary took that occasion to tell the house, "That nothing had been omitted that might either answer the desire they had expressed, of being thoroughly informed of what had passed in those important negotiations; or satisfy the whole world, that the present ministry acted with the utmost fairness and candour, and designed to take no manner of advantage over the late managers, in the intended inquiries; that indeed,  
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the papers now laid before the house were only copies, but that the originals would be produced if occasion required: concluding, that those papers being too many, and too voluminous to be perused and examined by all the members of the house, he thought it more convenient, and therefore moved, that the said books and papers be referred to a select committee of twenty persons, who should digest the substance of them under proper heads; and report the same, with their observations thereupon to the house." Mr. Ward said, "Nothing could be fairer. That for his own part, his principle was that kings can do wrong; but that he was of opinion that their ministers are accountable for their male-administration." No body opposed Mr. secretary Stanhope's motion: Mr. Hungerford only excepted against the number of twenty, and moved that one more might be added, which being readily agreed to, it was resolved, First, that the books and papers before-mentioned be referred to a committee; secondly, that the said committee be a committee of secrecy. Thirdly, that the number of the said committee be one and twenty. Fourthly, that the said committee, be chosen by way of balloting. Fifthly, that the members of the house should on the Monday following, at twelve of the clock, prepare lists to be put into glasses of one and twenty persons names to be the said committee: and ordered, that the said books do remain with the clerk of this house sealed, as they were then, until the said committee were chosen.

On the 11th of April, the members in Westminster-hall, and court of requests, having been summoned by the serjeant at arms, to attend the service of the house, the clerk and clerk-assistant went on each side the house with glasses to receive from the members the lists of persons names to be  
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the committee of secrecy; and the same being received and brought up to the table, a committee was appointed and ordered to withdraw immediately into the speaker's chamber; and that they should report to the house, upon which one and twenty persons the majority fell. Two days after, Mr. Bladen reported from that committee, that the majority had fallen upon the one and twenty persons following, viz. Sir Richard Onslow, bart. Robert Walpole, esq; Spencer Cowper, esq; James Stanhope, esq; Hugh Boscawen, esq; William Pultney, esq; Nicholas Lechmere, esq; Daniel, lord Finch; John Aislaby, esq; Thomas Vernon, esq; of Worcestershire; Algernon, earl of Hertford; Edward Wortley Montague; Sir David Dalrymple, bart. George Bailie, esq; Sir Joseph Jekyll, knight; Thomas Erle, esq; Richard Hampden, esq; Sir Robert Masham, bart. Alexander Denton, esq; Thomas Pitt, senior, esq; Thomas, lord Coningsby. Whereupon it was resolved, "That the books and papers which were ordered to remain in the custody of the clerk, till this committee was chosen, be delivered to the said committee; and that they do examine the same, and report to the house what they find material in them; and that they, or any five of them, do meet that afternoon, and sit de die in diem. That the said committee have power to send for persons, papers, and records. Accordingly, the committee of secrecy met that evening, and chose Robert Walpole, esq; for their chairman: but that gentleman being, the next day, afflicted with the stone cholick, the committee chose Mr. secretary Stanhope, to supply his place; and, for dispatch, divided themselves into three committees, to each of which a certain number of books and papers were allotted.

The friends of the late ministry had hitherto flattered themselves with an opinion, that the  
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parliamentary inquiries with which they were threatened would come to nothing: but being now made sensible, by the appointing of the committee of secrecy, that the commons were in earnest, they resolved to use the most scandalous methods to impede proceedings. Nay, they went even so far as to raise riots and tumults, both in the city of London and several parts of England.

The house next took the civil list into consideration, and after having examined several papers relating to that revenue, and what had been granted to former sovereigns, it was resolved, that 700,000*l.* clear, should be granted for the civil list, during his majesty's life. The committee of secrecy proceeded with great eagerness and expedition in the examination of the papers committed to their inspection; but as they were very numerous it was some time before they were ready to make their report, which induced some of the Tories to hope the enquiry would never come to any thing: and on the first of June, Mr. Shippen insinuated in the house of commons, that notwithstanding the great clamour which had been raised, the secret committee would end in smoke. He was answered by Mr. Boscawen, who said, "He could not forbear taking notice of the insolence of a certain set of men, who having committed the blackett crimes, had yet the assurance to dare the justice of the nation." Mr. Walpole, also said to the same purpose, "That he wanted words to express the villainy of the last frenchified ministry;" and general Stanhope added, "He wondered, that men who were conscious of being guilty of such enormous crimes, had yet the assurance and audaciousness to appear in the publick streets." Next day Mr. Walpole moved the house to appoint a day for receiving the report of the committee of secrecy, which was then ready, upon which that day sen'night was appointed; and all

all the members strictly ordered to attend, upon pain of the highest displeasure.

On the 9th (the day appointed) Mr. Walpole, from the committee of secrecy, acquainted the house, "That he had a report to present, but that he had the commands of the committee to make a motion to the house before he read the report; that there are in the report matters of the highest importance: that altho' the committee had power to send for persons, papers, and records, they did not think fit to make use thereof, believing it to be necessary, in order to bring offenders to justice, that some persons should be secured before 'tis possible they should know what they are to be examined to, and lest they should have notice from what should be read in the report, to make their escape: he was commanded by the committee (according to former precedents) to move, that a warrant may be issued by Mr. Speaker to apprehend certain persons who shall be named to him by the chairman of the said committee; and that no members may be permitted to go out of the house." Hereupon it was ordered, first, That the lobby be cleared of all strangers, and the back doors of the speaker's chamber be locked up, and the key brought and laid upon the table; and that the serjeant do stand at the door of the house, and suffer no member to go forth. Secondly, that Mr. Speaker do issue his warrant to the serjeant at arms, attending this house, to take into his custody such persons as shall be named to Mr. Speaker by the chairman of the committee of secrecy, in order to their being examined before said committee." Hereupon Mr. Speaker issued out his warrants to the serjeant at arms, to take into his custody several persons that were named to him by Mr. Walpole, particularly Mr. Matthew Prior, and Mr. Thomas Harley, the first of whom was immediately apprehended

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hended, and the other some hours after. This being done Mr. Walpole read the report in his place, and afterwards delivered it in at the table; which report the reader will see in the note.\*

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\* As this report contains both the secret and authentic history of the infamous peace of Utrecht, and as copies of it are very scarce and valuable, it cannot be unacceptable to the reader to have it here at length.

Before we proceed, it is necessary to observe, that the several books and papers referred to the committee chiefly relating to the late negotiations of peace and commerce; 2. To the intended demolition of Dunkirk; 3. To the obtaining and disposing of the Assiento contract; 4. To some negotiations concerning the Catalans; and 5. To secret transactions relating to the pretender: The committee have in this report only gone through the books and papers that relate to the 1st, 4th, and 5th heads; and have reserved for another report, the affairs of Dunkirk and the Assiento.

The first part of this report, may be subdivided into ten points, viz. 1. The clandestine negotiations with Mr. Mesnager, which produced two sets of preliminary articles; the one private and special for Great Britain only; the other general for all the allies. 2. The extraordinary measures pursued to form the congress at Utrecht. 3. The trifling, and amusements of the French plenipotentiaries at Utrecht, by the connivance of the British ministers. 4. The negotiation about the renunciation of the Spanish monarchy. 5. The fatal suspension of arms. 6. The seizure of Ghent and Bruges, in order to distress the Allies, and favour the French. 7. The duke of Ormond's acting in concert with the French general. 8. The lord Bolingbroke's journey to France to negotiate a separate peace. 9. Mr. Prior's and the duke of Shrewsbury's negotiations in France. And 10. The precipitate conclusion of the peace at Utrecht. After this; the committee offer to the house what they have found material in the papers referred to them, concerning the Catalans, and the pretender; insert at large, a letter from the earl of Oxford to the queen, with an account of publick affairs from Aug. 8, 1710, to June 8, 1714; and take notice of several glaring inconsistencies, that are obvious to every body, by comparing the late queen's declarations with the measures her ministers presumed to take.

The REPORT. — The committee was in hopes, in so voluminous an inquiry, to have been able to trace out the whole progress of these negotiations; but to their surprize they find a want of several papers referred to in those that have been delivered to them, and frequent and long interruptions of some very material correspondences that were carried on: but, however, the committee proceeded to draw up the following report, warranted and founded upon such authorities, as the persons concerned vouchsafed not to suppress.

The first material paper is entituled, The first propositions of France, signed by monsieur de Torcy, April 22, 1711. N. S. To whom these propositions were directed, what previous steps had been made on the part of France, or what encouragement had been given

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On the 10th of June, the commons resumed the adjourn'd consideration of the report from the committee

on the part of England, does not appear; but it is evident that they are conceived in very loose and general terms; that from the beginning the design of France was to secure Spain and the West-Indies to king Philip, to create jealousies among the Allies; and that France offered to treat with England and Holland either by themselves, or jointly with the rest of the Allies, which was left to the choice of England.

On the 27th of April, 1711, O. S. Mr. secretary St. John, transmits these propositions to lord Raby, the queen's ambassador at the Hague, with orders to communicate them to the pensionary, to assure that minister the queen was resolved in making peace, as in making war, to act in perfect concert with the States, and desires the secret may be kept among as few as possible; he confesses that the terms of the several propositions are very general, that there is an air of complaisance shown to England, and the contrary to Holland, which might be of ill consequence, but can be of none, as long as the queen and states take care to understand each other, and to act with as little reserve as becomes two powers so nearly allied in interest; and desires the pensionary to be assured, that this rule shall on our part be inviolably observed.

Lord Raby, by his letters of May the 25th and 26th, 1711. N. S. to Mr. St. John, in answer to these orders and assurances, acquaints him, that the pensionary had, with those of that state who had been formerly employed in the negotiations of peace, considered monsieur de Torcy's propositions, and the obliging manner in which her majesty was pleased to communicate them; that they thanked her majesty for her confidence in them, and assure her that theirs is reciprocal; and that as her majesty had promised, she will make no step towards a peace but in concert with them, they desire she may be assured of the same on their part; and they urge the necessity of an entire confidence one with the other at this critical juncture; they declare themselves weary of the war, which they endeavour to conceal from the enemy, lest he should make his advantage by it; and that they are ready to join in any measures, which her majesty shall think proper, to obtain a good peace. But they look upon these propositions as yet, in the same manner as the secretary does, to be very dark and general, and designed to create jealousies between her majesty, that republick, and the allies; but they depend upon her majesty's justice and prudence, to prevent any such ill effect, and hope she will make the French explain, more particularly, the several points contained in them.

After these mutual assurances betwixt England and Holland, the committee is surprized to find not the least communication to the states of the negotiations that were carrying on for above five months together, betwixt England and France, till after the special preliminaries were signed, and the seven general preliminaries were concluded and sent to them.

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committee of secrecy, and the report being read, Mr. Walpole said, "He made no question, that, after

In the mean time lord Raby, not being as yet let into the secret, freely declares, he thought it adviseable and necessary, to go open with the states in this matter of the propositions; acquaints the secretary, that all the letters from France agreed, that all the hopes the French had, was to sow jealousies among the allies: and repeats his advice, that we must act cautiously with them (the states) that they may have no reason to accuse us, for taking the least measures without them.

But it was not long before Mr. secretary St. John prepared his excellency to have other sentiments of the manner of carrying on this negotiation; and in his letter of the 29th of May, acquaints him with the agreeable news, that it was her majesty's pleasure, that his excellency should make all possible haste to come over, since her service may better dispense with his absence at this point of time, than it will perhaps do at another; and since we must now expect to have very soon upon the tapis many intrigues, concerning which the queen thinks it expedient that he should confer with the ministers here; acquaints him, that her majesty designed, upon his arrival, to give him the promotion in the peerage, which he had desired. And then, that his excellency might be in to have some notions agreeable to the sense of our ministers, Mr. St. John, in answer to some very long letters of his lordship's, full of his own reasonings, and the repeated assurances of the ministers of the states to act in private concert, and with an entire confidence in her majesty, tells him in these words, That Britain had gone so much too far in weaving her interest into that of the continent, that it would prove no easy task to disentangle our affairs without tearing or rending.

But this work of tearing and rending did not at all discourage his excellency, who waiting then for several posts from England, stopped by contrary winds, and beginning to suspect that the course of the negotiation was turned into another channel, that the ministry here might be satisfied that his lordship could without much difficulty depart from his own opinion, he declares in his Letter of June the 16th, 1711, N. S. to Mr. St. John; You may be assured, I will venture any thing, and undertake any thing, to serve the queen; you may venture boldly to trust me with the real intentions, and be assured, I will not make further use of them than according to my instructions. He tells him, if the thing is actually gone no farther than it appears, and France has not yet explained, and he has a mind that he should come over for the queen's service, he is ready to come in a yacht, frigate, packet-boat, or any way; and concludes in short, dispose of me how you please, for all my desire is to serve her majesty to her satisfaction, and I shall never grudge any danger and pains? This voluntary and frank declaration his excellency desired in a particular manner, might with his humble compliments, be communicated to the duke of Shrewsbury and Mr. Harley.

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after the report had been twice read, the whole house was fully convinced, that Henry lord viscount

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The committee observe, that if the Dutch had made any attempt to wrest the negotiation out of the hands of the queen, if they had entered into any separate measures, or taken any steps that might give just occasion of offence or suspicion to England, 'tis very probable the accounts of any such proceedings would have been left by the ministry for their own justification; but the committee do not find the least intimation of this kind, and are at a loss to know upon what pretence such solemn assurances were dispensed with as soon as made, and the honour and name of the queen sacrificed to the private views of her ministers.

All transactions between England and France during this time, except two or three papers, are entirely suppressed, which in lord Strafford's instructions of October the 1st, 1711, are said to have been carried on by papers sent backward and forward, and much time spent therein; the first paper that is found is called, Private propositions sent by Mr. Prior from England, dated July 1. The next is a paper called, Mr. Prior's Authority: this is signed, Anne R. at the top, and A. R. at the bottom, not countersigned, and is without a date: and the contents are, Mr. Prior is fully instructed and authorized to communicate to France our preliminary demands, and to bring us back the answer. Which two papers must be understood to be Mr. Prior's powers and instructions: but by an entry in lord Strafford's book, subjoined to these private propositions carried over by Mr. Prior, it appears that Mr. Prior had orders to see if France had full powers from Spain.

These propositions, which were formed here, leave no room to doubt of the little concern the ministry had to make good the repeated assurances that had been given to the allies, in the queen's name, to make the French more plain and particular; since in all things that concern the allies the English proposals are as dark and general, as those that came from France: and if this still could be any question, it is sufficiently cleared up in a third paper, entitled, Draught of Answers upon the conference with monsieur Mesnager; wherein the British ministry is much surprized to find, that monsieur Mesnager had orders to insist that the queen should enter into particular engagements, upon divers articles which depend not upon her, and which regard the interest of the allies; they appeal to all the papers which had been sent backward and forward during this negotiation, and to that which was carried by Mr. Prior, that the principle upon which they had treated all along was, that France should consent to adjust the interests of Great Britain in the first place. This is a principle from which the queen can never depart, and that it was absolutely necessary to remit the discussion of the particular interest of the allies to general conferences: By which it appears, that the minister of France was instructed to treat of the interests of the allies, which the English ministry would by no means consent to.

By monsieur Torcy's proposals, France offered to treat with England and Holland, either by themselves, or jointly with the rest

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count Bolingbroke was guilty of high-treason, and other high-crimes and misdemeanours. That therefore,

of the allies, not conceiving that Holland could possibly be excluded from the negotiation; but it is determined by the English ministry to carry on a separate negotiation with France, exclusive of all the allies: and in their private propositions an express article is inserted, That the secret should be inviolably kept, till allowed to be divulged by the consent of both parties; and thereby England put the negotiation into a method more advantageous for France, than France had proposed or could hope for.

The committee insert here the first part of the eighth article of the grand alliance, wherein it is stipulated, *neutri partium fas sit, bello semel suscepto, de pace cum hoste tractare, nisi conjunctim, & communicatis consiliis cum altera parte.* What will be thought of so manifest a violation, as this whole proceeding appears to be, of the grand alliance, the committee will not take upon them to determine; but this step being once taken, and secret preliminaries signed upon this foot between England and France, before any thing had been finally treated and concluded for the security of Great Britain, what fatal consequences did happen to her majesty's kingdoms, and what advantages accrued to the common enemy, seems to deserve the most mature consideration. They likewise observe, that here, in the very infancy of the negotiation, the trade of the world, and the entire Spanish monarchy, which had cost so many millions, and the effusion of so much blood, without being once insisted upon, contrary to the repeated addresses of several parliaments, and the declared sense of the queen, are given up by the English ministry to the house of Bourbon, for verbal assurances that the crowns of France and Spain shall never be united.

There is no account given of any correspondence with Mr. Prior during this his stay in France, nor does the certain time of his continuance there appear. Upon his arrival in France, monsieur de Torcy, in his Letter of the 3d of August, 1711, N. S. tells Mr. St. John, he saw with great pleasure Mr. Prior return, after an interval of so many years; that he could have wished he had had greater liberty to employ those talents which he was persuaded he would have made a good Use of, but he hopes monsieur Mefnager will supply what he could not do. Upon his return he was attended by monsieur Mefnager, a minister of France, vested with full powers in due form, and dated August 3, 1711, to treat, negotiate, conclude, and sign with such ministers, as should be authorized in due form, not by Britain only, but any of the princes or states then in actual war with France. That monsieur Mefnager, upon his arrival here, frequently conferred with the queen's ministers, appears by many instances; but the subject matter of these conferences, the times, places, and particular persons with whom he treated, or by what authority, the committee find no account of, till the 20th of September, 1711. That by a letter of Mr. secretary St. John, then at London, of that date, to the queen at Windsor, it appears that the lord Treasurer, lord Chamberlain, lord Dartmouth, and Mr. St.

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therefore, he impeached him of those crimes: but if any member had any thing to say in his behalf, E he

St. John met monsieur Mefnager that evening at Mr. Prior's house; which meeting, as Mr. St. John says, was by order of the lords of the committee of council, but seems unknown to the queen until the secretary acquainted her with it by this letter. That at this meeting monsieur Mefnager delivered to the British ministers the answer, signed by the king of France, to the demands last sent over by England; which demands and answers were made the secret preliminary articles betwixt Great-Britain and France, and were signed as such, September 27, 1711, by monsieur Mefnager on the part of France, and the acceptance of them by lord Dartmouth and Mr. St. John, on the part of Great-Britain. That Mr. St. John, in this letter, represents it to the queen as the unanimous opinion of her servants, then present, that a warrant and full powers should be prepared that night, and transmitted to her majesty to be signed, in order to pass the great seal the next day, whereby the earl of Oxford, the duke of Buckinghamshire, the bishop of Bristol, the duke of Shrewsbury, earl Poulett, earl of Dartmouth, Henry St. John, and Matthew Prior, esqrs. were to be constituted plenipotentiaries, to meet and treat with monsieur Mefnager, which warrant, and a translation of the full powers, were sent to the queen. That this warrant under the signet appears signed by the queen, directing the lord keeper to affix the great seal to an instrument thereunto annexed, containing her commission to himself, and others, therein named, to meet and treat with the sieur Mefnager; but it does not appear, that any such instrument did pass the great seal, the warrant remains not countersigned, and endorsed Not used. That this warrant is dated the 17th of September, although 'tis manifest by Mr. St. John's letter, it was not prepared, nor thought of, till the 20th: which antedating seems designed to justify the ministers, in their meeting and conferring with the queen's enemies, previous to the warrant; which never passing into a legal authority, it appears that these secret negotiations betwixt France and the queen's ministers here, were begun and carried on from the 11th of April to the 25th of September 1711, when the warrant to lord Dartmouth and Mr. St. John was signed, without any powers or written authority from the queen; and it is very observable, that the queen was brought into these measures, by its being represented to her by the secretary of state as the unanimous opinion of all her ministers, to which alone the assent of the queen is to be ascribed. But what is more strange, is, that after Mr. St. John had represented it to the queen, as the unanimous opinion of her ministers, that full powers must immediately pass the great seal to authorize them to meet and treat with the said monsieur Mefnager, these powers should be laid aside: and the acceptance of the preliminaries signed by lord Dartmouth and Mr. St. John, by virtue of a warrant directed to them two only, signed by the queen at top and bottom, and countersigned by no body.

Where the obstruction arose to the passing these powers, does not appear to the committee; but those ministers seem conscious to themselves

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he doubted not but the house was ready to hear him." Here upon the Tories looked one another in the face;

selves of what was doing, who so readily concurred in privately meeting, conferring and treating with the ministers of France, till this separate negotiation was brought to maturity; but avoided to become parties when the treaty was to be signed and executed. That this great care and caution for their own persons, and little regard for the honour and interest of their queen and country, appears through this whole separate negotiation: It being very remarkable that there is not one paper of powers or instructions throughout the whole affair countersigned by any one minister, but the queen's name exposed to cover all; which looks as if they flatter'd themselves, that this omission of their duty would be sufficient to screen them from the justice of the nation, if these matters should ever come to be enquired into.

The committee observes, that after such a sacrifice made of the general interest of Europe, such a direct violation of the grand alliance, and such unwarrantable and illegal steps taken in transacting and concluding these special preliminaries between England and France, it had been but reasonable to expect in them some very particular advantages and concessions made to Great Britain, to atone for such unprecedented transactions; but it is astonishing to find how insignificant all the demands are, that were made on the part of Great Britain; and, inconsiderable as they were, how ineffectual they have since been rendered. That nothing possibly could be said less with regard to the succession, than what is here demanded in the first article. The queen not yet acknowledged by France, not designed to be so, 'till the conclusion of the peace, as France afterwards explained this article at the general congress; not a word of removing the Pretender, nor any engagement not to support him in any attempt he might make upon the nation. That the second article offers a treaty of commerce, in such doubtful words, as France only could make advantage of. That in the article of Dunkirk, the equivalent is expressed in so strong a manner, and the demolition so very loosely, as could not but bring certain and great prejudice to our allies, with very little prospect of advantage to our selves; and fatal experience has convinced us, what security is procured for our navigation by this third article. That the fifth and seventh articles chiefly regard the Asiento contract; what a national advantage that is like to be, is now too well understood to want much explanation: but with what views the ministers were so fond of this, as to make it their chief care and concern, will no longer be a doubt when it shall appear, that this part of the treaty was calculated only for private advantage. That what the ministry themselves thought most valuable in these articles, was that part of the seventh which grants us an advantage of 15 per cent. upon our manufactures sent to Spain: But this great advantage soon vanished into nothing; and was given up by our ministry here. The bishop of Bristol says indeed of it, in his letter of the 17th of August 1712, that it was granted by the French with a design either to enflame things between us and the Dutch, or to give the French a pretence to stipulate for themselves

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face; and there was, for some minutes, a deep silence in the house. Mr. Hungerford broke it with

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with

themselves such particular advantages in the Spanish trade as may be the ruin of ours. But what is most remarkable in the seventh article is the introduction to it, in which the ministry confess themselves to have been imposed upon by France; for they declare, "That from the first proposals of monsieur de Torcy to that time, they always understood that by the real securities promised in those proposals, were meant places; which now was absolutely refused; and they consent to take for real securities what they confess is none, but what a love of peace may induce them to accept as an equivalent." That what was really of most importance to England was the eighth article, which relates to Hudson's Bay and Newfoundland; but the ministry suffered themselves to be so grossly imposed upon in this article, that they directly give to France all they wanted, which was a liberty of taking and drying their fish; whilst France gives nothing at all to us, but refers our most valuable interests to the general conferences: which was but another manner of denying them, as the event has sufficiently shewn. That we demand in the sixth article, that we shall have all the privileges that have been or shall be granted by Spain to the subjects of France, or any other nation. Whereas the ministers ought to have insisted that France should not upon any pretence whatsoever be permitted to trade to the Spanish West-Indies, which they would not have omitted, if they had had the least regard to the trade of Great-Britain, or had not entirely forgot the eighth article of the grand alliance; wherein it is expressly stipulated, as a condition without which no peace shall be made, neque ipsis ibidem (that is the French in the Spanish West-Indies) navigatio mercaturæ exercendæ causâ sub quocunque prætextu, directè vel indirectè permittatur. One thing further is to be observed of these articles, that such of them as any way relate to Spain are expressly granted in the name and by virtue of powers given by king Philip, and yet after this, all intentions of leaving any part of the Spanish monarchy to king Philip is publickly disavowed; that this short view of these special preliminaries sufficiently demonstrates that the interest of Britain was not the inducement to our ministers to proceed in this extraordinary manner. Yet trivial as these advantages are, France is press'd that they may be first adjusted; to what use and purpose is fully explained by the draught of answers upon the conferences with monsieur Mesnager, That our ministers may be enabled to engage the queen to make the conclusion of the general peace easy to France.

It is declared, that to settle the interest of Great Britain in the first place is the principle from which the queen can never depart; which plea was made use of, to defer the interests of all the allies to be discussed at general conferences; but the turn given to it here was to amuse the people, by persuading them that the English ministry was contending for great and particular advantages and concessions to be made to Great Britain, that might make us some amends for that great and unequal burthen which we had lain under through the whole

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course

with saying, "That in his opinion, nothing was mentioned in the report in relation to lord Bolingbroke,

course of the war. But the English ministry having thought fit every where to extol and magnify the vast advantages that were granted to Great Britain, France resolved to make a proper use of it, and declared these articles were an eventual or conditional treaty only; and that the king of France would not be obliged to make them good, but in case of the signing of a general peace; in this sense monsieur mesnager signed them, and with this condition they were accepted on our part. Hard terms! that such concessions as these were not to be purchased at a less price than forcing upon our allies such conditions of peace as France should be pleased to impose upon them; and this the ministry were fully apprized of some time before they were accepted; for in pressing to settle and adjust singly and separately the interests of Great Britain, they enforce it by saying, "France can run no risk in such engagements, since the special preliminaries will have no effect till a general peace shall be signed." By these means the committee observe to how fatal a dilemma the queen was brought by her ministry; she must either now go on, through all adventures, in the measures of France, or they had it in their power, by divulging the secret and exposing such a notorious breach of national faith, to make what advantage they thought fit of it among the allies, who must from this time think themselves disengaged from the queen, if they could find their own account by looking after themselves.

And that the French were neither so ignorant, nor wanting to themselves as to miss such an opportunity, appears above three months before these articles were signed. When lord Raby, in his letter of the 20th of June, 1711, N. S. to Mr. St. John, acquaints him, That both the pensionary and monsieur Vander Dussen had seen a letter from monsieur de Torcy, giving an account that they had begun a negotiation in England. By which management the English ministry had, under colour of the queen's authority, and the pretence of treating of a peace, put it in the power of France to divert the queen of all her allies, and given them greater advantages than they could any other ways have hoped for.

On the same day that the special preliminaries betwixt Great Britain and France were signed, another set of general preliminaries on the part of France was signed by monsieur Mesnager only; which Mr. St. John, in his letter to the queen, says, were to be sent into Holland as the foundation of a general peace, in which my lord Treasurer had made some alterations to make the whole more palatable abroad; and, on the same day, a separate article was signed in favour of the duke of Savoy. From this time a perfect confidence was established between the two ministries of England and France: lord Strafford's instructions in order to his immediate return into Holland were now preparing, and dated Oct. 1. O. S. 1711. And as an early proof of the confidence which Mr. St. John reposed in the French minister, he acquaints monsieur de Torcy by his letter of October 2d. O. S. that the earl of Strafford was going for Holland; and says, "Your minister,

broke that amounted to high-treason." General Rofs said, "He wondered no body spoke in favour of

minister, (meaning monsieur Mesnager, who was then going back to France and carried this letter, is fully informed in what the earl of Strafford is to propose to the States." Such intelligence of the queen's counsels, which Mr. St. John confesses he had given to the ministers of the queen's enemies, seems very extraordinary; especially if it be considered, that lord Strafford was sent over to press the opening the general conferences, with assurances of the greatest friendship and concern for the interest of the states, on the part of the queen, and by her authority to procure from France just satisfaction for all her allies; and in his instructions is likewise directed to propose to the States a new scheme for carrying on the war. Almost every article in lord Strafford's instructions is a specimen of the sincerity with which our ministers intended to treat the allies. He is instructed that it must be the most careful endeavour and fixed principle of all the confederates to hold fast together; and this immediately after a separate treaty had been signed by us; and if the ministers of Holland should express any uneasiness at their apprehensions of any such private agreement, he is ordered by evasive answers to avoid given them satisfaction concerning it. But his chief business was to deliver to the States the propositions signed by monsieur Mesnager, as the foundation of a general peace, and as the whole of what had been transacted; and to acquaint them that France had proposed Utrecht, Nimeghen, Aix la Chapelle, or Liege, to be the place for opening the conferences; to press the States to fix upon one of these places, and immediately to grant passports to the French plenipotentiaries to come thither and open the general conferences.

These propositions, so very general and uncertain, did extremely alarm the States, as not being a sufficient foundation upon which a negotiation might be hazarded; which made them for some time decline granting the passports; and in order to prevail with the queen to have some regard to her faithful allies, and particularly in the two great articles of their barrier, and commerce, they sent over monsieur Buys to intercede with her majesty to alter her resolutions; they make the same representations to the earl of Strafford, but all to no purpose. For as Mr. St. John declared in his letter to my lord Strafford of October the 9th, "certain it is that her majesty has so far determined upon her measures, that those will deceive themselves who may imagine by delay or other artifices to break them." And again, November the 2d, to lord Strafford, "The queen will not finally concert a plan for the prosecution of the war with the States, until they join with her in agreeing to open the conferences of peace." And lord Strafford acquaints Mr. St. John, November the 15th, "that he had now told them her majesty's order to him was to declare, That she should look upon any delay as a refusal to comply with her propositions." In these circumstances the Dutch, at last, comply to grant the passports, and agree to open the general conferences at the time fixed by the queen, January the first, 1711-12.

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of lord Bolingbroke: that for his own part, he had nothing to say at present, but reserved to himself to

The resolution of the States General upon this occasion must have moved any set of men, not already determined to hear no reason but what came from France; for altho' the representations made by the States, on both sides the water, had made some impressions, as is evident by a memorial delivered by Mr. St. John to the abbot Gaultier, October the 29th, 1711, and by Mr. St. John's letter to monsieur de Torcy of the same date, that accompanied it; yet 'tis in the memorial declared, "That the queen remains firm in her first resolution of causing the conferences to be opened upon the articles signed by monsieur Mesnager. The same memorial declares, it was absolutely necessary that the most christian king should give to her majesty the queen, such explications of his intentions in respect to the particular interests of the allies, which he shall think proper to engage them to come more easily into the general negotiation." So that hitherto 'tis plain, our ministers were entirely ignorant even of the king of France's intentions with regard to the allies. And again 'tis said, "If her majesty wishes the most christian king would give an explication to the aforesaid demands, &c. his most christian majesty may assure himself, the queen will make no other use of the trust the king shall repose in her, but to advance the negotiation, in seeking the shortest means, and the most effectual, to obtain a peace so much coveted." It is therein again acknowledged, that the Dutch have nothing in view but their barrier and commerce; and provided the queen can, without fear of being disavowed, specify somewhat near the barrier that France will consent to, yield to them, and to assure them of the tariff of 1664, there's no room left to doubt that the States General would come without any further hesitation into the negotiation, in the same manner as it had been concerted. But lest all these arguments should have no effect, Mr. St. John in his letter to monsieur de Torcy, says, "These explications will dissipate all clouds, and you may believe we will make use thereof with great reserve, when I assure you, that if the king would offer a plan of specifick preliminaries, the queen will never communicate it to her allies; he concludes, If the sieur Gaultier returns with these marks of confidence, you will see our parliament as much inclineable to peace as ever it was to war."

Here the committee observe the English ministry begging of France, after they had been seven months treating with them, that they may have some intimations at least of what was designed for the allies: expressing their fear of being disavowed by France, after they had gone these lengths with them; declaring the Dutch would come into the queen's measures if they could but know any thing near the barrier that was designed them, and have security about their commerce; persisting still, without any such satisfaction in the measures prescribed by France, resolved to force the allies into general conferences, upon loose and uncertain articles, and promising if they could but have so much credit with France as to be trusted at all, they would use it with the greatest reserve, and never communicate it to any of the allies;

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to speak at a more proper time. The resolution for impeaching Henry, lord viscount Bolingbroke of high-

for whose satisfaction only it is pretended all this submission was made. The return made by France is seen in a paper called, Answer to the memorial brought by monsieur Gaultier, November the 18th, 1711. This memorial is accompanied with a letter from monsieur de Torcy to Mr. St. John, of the same date, wherein he tells him "His majesty wholly depends upon the secrecy and good use you will make of the entire confidence he testifies to the queen of Great Britain, and the king of France extols the firmness of the queen, and sees with great pleasure the new marks of resolution she shews. Hereupon the committee observe, in general, that nothing had at this time been demanded of France concerning the disposal of the Netherlands; and that the king of France, not satisfied with having secured Spain and the West-Indies to his grandson, proposes to strip the emperor of all his dominions in Italy, and to impose upon him much worse terms than he afterwards procured for himself, when left to carry on the war alone. The Dutch may have the tariff of 1664, with some exceptions, if they consent to this scheme; if not, they are to be reduced to the tariff of 1699. But, as extravagant as this scheme was, it is received by the English ministers, without any surprise or resentment; and Mr. St. John, in his letter of the 25th of November, 1711, thanks monsieur de Torcy for the communication of it; promises to make a discreet use of it, and that the utmost efforts should be used by England to fix the pretensions of the allies; he represents it as necessary, that all those who wish for peace may mutually help one another, and endeavour to finish the treaty so soon, as not to be exposed to another campaign." The committee adds, that it is no wonder, that this plan was never communicated to the allies, which must at once have broke off all the conferences; and determined them rather to run all hazards, than treat upon so ruinous a foundation; but 'tis a wonder that the English ministry were not startled when they saw such a scene opened. And this shews with what justice the ministry complained, that the allies would not enter into the queen's measures, when they never were informed what the queen's measures were.

Pursuant to the resolution of the States-General upon the pressing instances of the queen, passports for the French plenipotentiaries are sent to monsieur Buys, and delivered to Mr. St. John. Utrecht is agreed upon here to be the place for the general conferences. The bishop of Bristol, then lord privy-seal, and the earl of Strafford, are appointed her majesty's plenipotentiaries. December 23d. 1711, her majesty's instructions to her plenipotentiaries are settled and signed, upon which the committee make one observation; viz. That the plenipotentiaries are ordered to insist that the security and reasonable satisfaction which the allies expect, and which his most christian majesty has promised, cannot be obtained, if Spain and the West-Indies be allotted to any branch of the house of Bourbon; so that hitherto the queen thought fit to declare in all publick acts, that Spain and the

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high-treason and other high crimes and misdemeanours, being passed; lord Coningsby said,  
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the West-Indies ought by no means to be left in the possession of the house of Bourbon; altho' in the special preliminaries, signed by the earl of Dartmouth and Mr. St. John, on the 27th of September preceding, the king of France did expressly promise to make good the sixth article for himself, and for the king of Spain, pursuant to the powers which were then in his majesty's hands.

On the 15th of January 1711-12, the British ministers arrive at Utrecht; who by their general instructions being ordered to concert measures with the ministers of the allies, and at the beginning pursuing these directions; monsieur de Torcy, on the 31st of January, writes to Mr. St. John, and tells him, “ he perceives there was not so perfect a confidence established between the plenipotentiaries of France and Great-Britain as was to be desired: he believes therefore he will think it proper to send to the bishop of Bristol and the earl of Strafford more precise instructions, concerning the manner in which they were to concert their proceedings with the king's plenipotentiaries.” And in the answer to the memorial sent by monsieur Gaultier, March the 28th, 1711; it is declared, “ the principal order that the king had given to his plenipotentiaries, when they set out for Utrecht, was to establish a strict intimacy between them and the ministers of the queen of Great-Britain. On the 29th of January, at the first general conference, lord Strafford declared, that the queen had received the general propositions as a foundation for a negotiation of peace: but that they were binding to France only, and not to the allies; to which the French ministers readily assented. But this was meant of the propositions signed by monsieur Mesnager only, the congress not having the least notice or cognizance of what was signed, both on the part of France and England too; which had been hitherto concealed, and upon all occasions publicly disowned.

On the 11th of February 1711-12, the French delivered a specifick explanation of the general preliminaries, signed by monsieur Mesnager: upon which it is observed, that the king of France here makes, as well as in the special preliminaries, his first offers, in the name and by virtue of powers from his grandson as king of Spain: how the British plenipotentiaries could reconcile this to their instructions, and how their behaviour upon it is to be justified, is not very clear. This explication was received by all the allies with the greatest indignation and deepest concern; which had such an effect, that lord Strafford in his letter of the 16th of February, 1711-12, says, “ the French ministers are mortified at the general discontent these offers gave; and seem to wish they had put in Tournay for the Dutch, and St. Venant to be demolished, to have softened the matter at its first coming out.” Nor were the British plenipotentiaries without their uneasinesses: they had done all they could, lord Strafford says, to persuade the French to be as ample in the explication as they could, being that is what will have a great effect, and strike the minds of unthinking people, and make some work for reflection for the faction. The plenipotentiaries complain,  
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“ The worthy chairman of the committee has impeached the hand, but I do impeach the head:  
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they are under great difficulties on all hands, for both Buys and Mesnager think they come short of what had been told them in England. But Mr. St. John soon sends them words of comfort, that Mr. Harley will set out in a few days, who is fully instructed in all the queen's views and desires; “ That it were to be wished this gentleman could have been sooner sent, but the hurry which we have been for some time in is inexpressible; and he was too useful to be spared, till the house of commons was perfectly secured to the queen's interest, and to the measures of peace. I think I may say they are absolutely so now.” Hereupon the committee take notice of the reflection cast here upon that house of commons; as if they were secured to the queen's interest, and the measures of peace, by the management of a secretary to the treasury, a near relation and a trusty agent of the lord high-treasurer: They add, that 'tis plain for whole use and service Mr. Harley had been employed at home, and was sent abroad; since Mr. St. John gave monsieur de Torcy an immediate account of his successful endeavours here, and the business he was sent abroad to manage. Adding, “ the queen hoped his most christian majesty would cooperate with her. Mr. Harley's instructions do not appear, but it seems the subject of them was not proper to be committed to writing; for which reason, as in almost all matters relating to the pretender, it was referred to monsieur Gaultier to explain them; but what is meant by the necessary dispositions made among our people here at home, is explained by monsieur de Torcy, in a memorial dated the 28th of March 1712, in answer to what was brought by monsieur Gaultier, wherein he commends the prudent conduct of the court of Britain, in managing the house of commons, and in particular their wise conduct in making known to the house of commons, that the nation was abused by its allies; and says, “ The king of France assures himself, that those who now manage with so much capacity the affairs of the queen of Great-Britain, know how to curb the passion of the turbulent party in the other house.”

The allies at Utrecht met together on the 4th of March, N. S. to communicate their respective demands, and agreed that a clause should be inserted therein, for a just and reasonable satisfaction for all the rest. Count Zinzendorff further insisted, that the restitution of the whole Spanish monarchy should be expressly mentioned. The Dutch declare they were resolved to make good all their treaties, made on occasion of this war. But our plenipotentiaries were the only ministers that did not make any mention at all of Spain, and the Indies; they were sensible of the disadvantageous consequences of their silence, they were desirous to take off this odium, by seeming to say something, and in reality to say nothing; which they did by a general declaration concerning the just and reasonable satisfaction for the queen's allies, in conformity to her alliances; and humbly hoped what was said would not be found contrary to what had hitherto been declared.

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he has impeached the clerk, and I the justice ; he has impeached the scholar, and I the master : and so

On March 5, the specifick demands of the allies were delivered to the French plenipotentiaries in writing ; they promise to explain themselves further upon them at the next conference, which was to be the 9th, and then desired a further time to the 30th. On the 30th the French plenipotentiaries declare they were ready to proceed in the negotiation, by debating with the several allies ; but would give no answer in writing : which was a great surprize to all but the British ministers, whom the French had beforehand advised with. The allies still resolved to press the French to answer in writing, and sollicite the British ministers to join with them in it ; who, that no mark of disagreement might appear (as their lordships express themselves in their dispatch of April 1, 1712) did finally consent to an instance that was to be made the next day to require an answer in writing.

But lord Strafford had before given Mr. St. John an account of his opinion, in his letter of March 23, wherein he says, "He believed the French had taken the wisest party not to answer in writing, tho' most of the ministers of the allies will be surprized, expecting they should." And says further, I believe it is best they shall first begin in the open congress to reason upon some of the allies demands, which will occasion so much difficulty, that the ministers of the allies will propose debating separately ; which had better come from them than any one else." The French ministers still persist in their refusal, upon which the states came to a resolution at the Hague, not to treat unless an answer was given in writing.

However the French continue obstinate. Lord Strafford sends an account that a resolution was taken at the Hague to carry things to an extremity, upon which occasion Mr. St. John expresses himself in this manner, April 5, 1712, "That he hopes the resolution taken at the Hague, was the last convulsive pang of an expiring faction." And yet this resolution was no more than to insist on a demand, in which all the allies were unanimous, and in which the British plenipotentiaries had concurred. But this proceeding is accounted for in lord Strafford's letter of April 27, 1712, wherein he says the pensionary was extremely desirous the French would answer in writing, which (tis his lordship's opinion) they will evade till they see what success Gaultier has had at London ; and in his letter of the 30th, "The French will avoid giving their answer in writing, till they see all agreed bewixt their court and ours."

And to shew that the French were very well satisfied with the method their business was in, the plenipotentiaries in their letter of April 15, 1712, say, "They do not find the French are much convinced of the necessity of dispatch, and when any thing is let fall of breaking off the conferences, they seem to take it with a great air of indifference, well knowing their business was not to be done at Utrecht, but by a negotiation carried on directly betwixt London and Versailles."

The beginning of April Mr. Harley and monsieur Gaultier arrive at Utrecht ; and a few days after, the French plenipotentiaries communicate

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to impeached Robert, earl of Oxford and earl Mortimer of high-treason, and other high crimes  
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communicate to the British ministers a plan for a general peace ; but under the highest obligation of secrecy, to discover nothing to the rest of the allies.

Our plenipotentiaries accept this plan as a mark of the great confidence France had in them ; readily engage that the allies should not know a word of it ; and under the same caution sent it to the secretary : Tho' there is no room to doubt, but this plan that was transmitted to England as a great discovery, was concerted here, and sent by Mr. Harley to Utrecht, and by abbot Gaultier to France.

To shew how candidly we dealt with the queen's good friends and allies, as her majesty was pleased to stile them, the 15 per cent. upon all the goods and manufactures of Great Britain, which was offered at first as one of the chief bribes to England to come into this destructive peace, monsieur Meinager had now explained away, and confined to such goods as were carried not to Spain, but to the Spanish West-Indies only ; and our ministers finding that France would not make this effectual, Mr. Harley is ordered to let it drop. But see the use that is to be made of this insincerity of the French ; at the same time that Mr. St. John acquaints our plenipotentiaries with her majesty's content to give this up, he tells them, "But you will take care to do this in such a manner, as not only to get something for it another way, but also to render this concession of the queen a means of bringing the Dutch to reason, and to a compliance with her majesty's measures."

Lord privy seal April 29, 1712, acquaints Mr. Secretary, "Our negotiation is at a stand, till the French ministers are ready to return one answer or other." And May 10, 1712, the plenipotentiaries say, "The French tell us they can't think of giving in their answer to the allies, till they hear from England the success of monsieur Gaultier ; and you may believe we wait for it with no less impatience than they do." Mr. St. John, May 3, 1712, acquaints their excellences, "I hope in a few days my dispatches will become more material, and that we shall be able either to satisfy our friends at Utrecht, or not have reason to be much concerned at their uneasiness." This ends in lord Strafford's being sent for into England, and the following orders are sent to lord privy seal for his further conduct ; "You are to stop all instances for procuring the tariff of 1664 to the Dutch ; you are to decline absolutely to confer any further with them upon any matter, till you receive the queen's plan from hence ; and her majesty finds so ill a return made by the states to her condescension towards them, that she orders your lordship to take the first solemn opportunity of declaring to the Dutch minister, that all her offers for adjusting our differences were founded upon this express condition, That they came immediately into the queen's measures, and acted openly and sincerely with her ; and that she looks upon herself, from their conduct, now to be under no obligation whatsoever to them."

The summary then of this whole proceeding at Utrecht, in one short view appears to be this : a congress for general conferences was

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and misdemeanors. Hereupon Mr. Auditor Harley made a long pathetic speech; wherein he

necessary to be opened, that the allies might in appearance, agreeable to the grand alliance, have the opportunity of treating and adjusting their several pretensions. Our ministers were by their instructions to act in concert with the allies, but they really acted in concert with the French plenipotentiaries. The allies giving in their specifick demands was not to be avoided; but the French were to gain as much time as they possibly could, by unnecessary delays; and at last insisted upon such a method of answering these demands, as they knew the allies could not comply with. In the mean time the negotiations were carrying on directly between England and France, or rather all the conditions dictated and prescribed by France, whilst the allies were amused with a dispute about the method of answering, from which France would not, and they could not possibly depart; in which England agreed with the rest of the allies. All particulars that concerned even the interest of the allies, were transacted betwixt the ministers of England and France, under the highest obligations of secrecy. The Dutch are pressed to come into the queen's measures, without being acquainted what the queen's measures were: and because they would not consent to they knew not what; as soon as 'twas resolved to send orders to the duke of Ormond not to engage in either siege or battle, and the great projects were ready to be executed on the other side of the water; the queen declares she looks upon herself now from their conduct, to be under no obligation whatsoever to the States General. And thus the alliance betwixt Great Britain and her principal ally, is declared to be dissolved and cancelled, before any thing was finally agreed and concluded betwixt us and France, or we had the least security for our own trade and commerce, or any other advantages that were to accrue to Great Britain.

During these negotiations at Utrecht, the two great points of the renunciation of the Spanish monarchy, and of the cessation of arms, had been upon the anvil. The first mention of the renunciation is in a memorial dated March 28, 1712, intitled The answer to the memorial brought by monsieur Gaultier the 23d of March 1711-12. Which is suppressed; but from the answer that was given to it, it appears, that as the general proposal that the crowns of France and Spain should never be united, arose first from England, and was made an article in the private propositions sent over by Mr. Prior; so from that time to this, the method of preventing that union does not appear to have been once mentioned. The state of France and Spain upon that important article was not known, nor so much as asked; altho' in every step France had given plain indications, that the crown of Spain was to remain to king Philip, and the committee is surprized to find the ministry had gone such lengths in promoting the measures of France, without taking the least precaution, or having any satisfaction concerning the monarchy of Spain; wherein the interest of Great-Britain was, by their own confession, more immediately concerned, than in all their other articles of the peace put together. But that it

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he endeavoured to justify his brother, "as having done nothing but by the immediate commands of the

is plain that in this memorial sent from England, the scheme for preventing this union was first proposed by England, and that the expedient was a renunciation: and as this is a matter of such importance as deserves the greatest attention, the committee observe, that monsieur de Torcy declares in the strongest terms, "That the renunciation desired would be null and invalid, by the fundamental laws of France, by which the most near prince to the crown is of necessity the heir thereto; 'tis an inheritance that he receives neither from the king his predecessor, nor from the people, but from the benefit of the law. He succeeds not as heir, but as the master of the kingdom, the feignory whereof belongs unto him, not by choice, but by right of birth only. That this law is looked upon, as the work of him who hath established all monarchies; and they are persuaded in France that God only can abolish it. No renunciation therefore can destroy it; and if the king of Spain should renounce for the sake of peace, and in obedience to the king his grandfather, they would deceive themselves that receive it as a sufficient expedient to prevent the mischief we propose to avoid." Then he gives an account of the disposition made of the succession to the crown of Spain by king Philip, and registered in the councils of Spain; which he proposes may be confirmed by the present treaty of peace, and ratified by the cortes or states of the kingdom of Spain. Mr. St. John in his answer, March 23, 1711-12, O. S. rejects this proposal, and not at all convinced by what monsieur de Torcy had so strongly urged concerning the nullity of the renunciation, insists still upon it. "We are ready (says he) to believe you are persuaded in France, that God alone can abolish that law, upon which your right of succession is founded, but you will give us leave to be persuaded in Great-Britain that a prince may depart from his right by a voluntary cession; and that he in favour of whom that renunciation is made, may be justly supported in his pretensions, by the powers that become guarantees of the treaty. In short, Sir, the queen commands me to tell you that this article is of so great consequence, as well for herself as for the rest of Europe; for this present age as for posterity; that she will never agree to continue the negotiations of peace, unless the expedient she has proposed be accepted, or some other equally solid."

Monsieur de Torcy in answer to this letter, April 8, N. S. begins to think it cannot be impossible to find an expedient to settle this great affair; and he proposes, that when the king of Spain shall become either immediate successor, or presumptive heir to the crown of France, he shall then declare the choice he intends to make; either to maintain his right to the crown of France, or keep that of Spain; that king Philip shall become party to the treaty, wherein the succession to the two crowns shall be likewise settled, and that all the powers of Europe shall enter into an engagement with France to maintain it. Mr. St. John, April 6, O. S. reasons against this last proposal, and the several projects contained in monsieur de Torcy's last letter; insists that no expedient can effectually secure Europe

from



the late queen; urging that the peace was a good one; and approved as such by two parliaments; and

from the dangers wherewith it is threatened by the union of the two monarchies, unless the prince, who is at present in possession of Spain, makes his choice at this very instant; and upon a supposition that the crown of Spain would be his choice, that this declaration should be made during the congress at Utrecht. April 26, N. S. monsieur de Torcy agrees that the catholick king must calm the uneasiness of Europe, in declaring from the present time what part he will take, if ever the succession of France is open in his favour. That the inconveniences arising from hence, must submit to the public good. That the king dispatches a courier to Spain, and writes to the king his grandson, to let him know the necessity of resolving on the choice he shall make; and to declare it, to the end it may be inserted in the treaty of the general peace, and be made a condition of it, whereof all Europe shall be guarantee. And promises to use all possible means, even force, if it were necessary, to make the king of Spain agree to it. He hopes this proposition will remove all difficulties; and as they must expect new obstructions from those who would willingly break the conferences, he believes the best way would be for the queen of Great Britain to propose immediately a suspension of arms.

April 29, O. S. Mr. St. John answers this letter, and treats this proposal as liable to all the objections of the former. "This, says he, would be to lose the fruit of all the blood which the allies had spilt in the course of this war; this would be to betray the common cause of Europe, and to expose both the present age and posterity to greater dangers than 'tis possible to imagine." In short, he insists that "they must take care that the time shall never be, when the same prince shall have the crown of Spain upon his head, and the succession to the crown of France open to him." He at last proposes, "If the king of Spain prefers the expectation of the crown of France to the present possession of Spain; in such case he shall withdraw forthwith his family out of Spain, the possession of which, and the Indies, should be given to the duke of Savoy; that king Philip should have the kingdom of Sicily, and the hereditary dominions of the duke of Savoy, together with the Montserrat and Mantua; all which dominions he should remain possessed of, tho' he became king of France; excepting Sicily, which in that case should return to the house of Austria."

May 12. N. S. Monsi. de Torcy still yielding and complying with the measures of England, shews the great hardship the king of Spain must undergo, in sacrificing his own and the interest of his family; however the king of France would send to him to know his mind upon the two alternatives; and in the mean time promises that the treaty of peace shall be made, upon the foundation of one of these two propositions; either that the king of Spain shall renounce his right to the crown of France, and keep Spain and the Indies, or if he prefers his expectation upon France, he shall quit Spain and the Indies to the duke of Savoy, in exchange for the present dominions of the duke of Savoy, &c. as proposed by Mr. St. John.

And

and concluding, that the facts mentioned in the report, and which were charged on the earl, could not

And here the committee observe, that this correspondence between the two secretaries for preventing the Union of the two kingdoms, carried on from about the middle of March to the 18th of May 1712, ended at last just as it began; and king Philip chose to make the renunciation. The French minister giving us such early notice, and telling us so very plainly, that what we asked was utterly insufficient, and would be for ever deemed by the unalterable laws of France null and void, is very remarkable. His dexterity in managing that part of the negotiation, in seeming always to comply, and desirous to come as near as possible to the proposals made from hence, and submitting at last, since we would have it so, to the renunciation so peremptorily insisted on, is no less observable. But it is unaccountable how the English ministry, when they were expressly told those would deceive themselves, who should accept of a renunciation as a sufficient expedient to prevent the re-union of the two monarchies; when they laid it down themselves as a principle never to be departed from, that the union of the two monarchies would be the greatest mischief that could possibly happen to all Europe, and to Great-Britain in particular; should still persevere in relying upon this expedient of a renunciation. And it cannot be forgot, that no care was taken to render effectual the two only expedients, that were ever proposed for adding any degree of real security to the renunciation: which were, to have it solemnly accepted by the states of France, and to have it confirmed by a general guaranty of all the powers of Europe engaged in the present war. The first was asked indeed; but upon the refusal of France was entirely given up by our ministry: the second, by our method of negotiating, and our treatment of the allies, was from that very time rendered impracticable; as the French could not but foresee.

It must be remembered, that a few days after this answer of monsieur de Torcy was received, Mr. St. John sent orders to the British plenipotentiaries to declare to the States General. The queen was now under no further obligations whatsoever to them, who with the rest of the allies were to be guarantees of this treaty.

The committee mention here a passage in a letter from the lords plenipotentiaries to Mr. St. John, February the 26th 1711-12. N. S. who acquaint him, that in some discourse with the marshal d'Uxelles, upon occasion of the death of the dauphin, they desired to know of him, what those measures are which France offered to take in order to prevent the union of the two kingdoms; and whether they were to consist in real or verbal securities; the French minister pretended to know no other but of the latter sort. And then they suggest to Mr. St. John, that an obligation upon king Philip to renounce the regency as well as the crown of France, for himself and his posterity, would amount to some degree of real security. But no endeavours were used to obtain this, nor any mention made of it, as far as appears.

Mr. St. John, as secretary of state, transacted this affair with monsieur de Torcy; but as it can't easily be supposed, that he did this without the advice and approbation of the lord treasurer, as first minister;

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not be construed to amount to high-treason, but only in strict rigour to misdemeanors." He was backed

nister; so it appears, that at the same time a correspondence was held betwixt the lord treasurer and monsieur de Torcy.

Monsieur de Torcy's letter of the 13th of May, N. S. was received by Mr. St. John the 9th of May, O. S. and the promise of the king of France, to oblige his grandson to accept the alternative of the two kingdoms had so good and sudden an effect, that the day following, without waiting the return of the courier from Madrid, to know whether king Philip did consent or not to the proposal; "Orders are sent to the duke of Ormond by Mr. St. John to avoid engaging in any siege, or hazarding a battle till further order. And he is directed to disguise the receipt of this order. Her majesty thinks he cannot want pretences for conducting himself so as to answer her ends, without owning that, which at present might have an ill effect, if it were publicly known." On the same day that these orders are sent to the queen's general with directions to disguise them, which was to conceal them from the confederates, they are communicated to the queen's enemies. "Abbot Gaultier will give you an account, says Mr. St. John to monsieur de Torcy, of the orders I have just now dispatched to the duke of Ormond." What Mr. St. John himself thought of the importance of this order is to be learned from his letter to Mr. Prior, September the 19th, 1712. "The moment I read the queen a letter from monsieur de Torcy, by which it appeared that the king of France would oblige his grandson to accept of the alternative of quitting one of the two monarchies, her orders were dispatched to the duke to engage in neither siege or battle: and she prevented the French from even making the demand. I will not say that this order saved their army from being beat, but I think, in my conscience, that it did."

On the 24th of May 1712, Mr. St. John writes again to monsieur de Torcy, altho' they had yet received no answer from Madrid concerning the renunciation, but being pressed in time, and finding it necessary for the queen to make the communication to parliament, that she had promised, of the terms on which a peace might be made; he acquaints him with the steps the queen was resolved to take; provided the most christian king would render them practicable for her. And in a memorial of the same date, specifies the conditions upon which her majesty consents to make such important steps, and decisive declarations to her parliament, as these which follow. 1. That she had settled with France the interests of Great-Britain. 2. That she looks upon the interests of the other powers engaged with her in the war, as easy to be adjusted; since the king offers to the greatest part of them, very near what they have demanded, and to all a just and reasonable satisfaction. 3. That she will set about accomodating the affairs of her allies; and that to prevent all the obstructions which the events of the campaign might occasion to the negotiation of peace, she had agreed with the king to a suspension of arms. The conditions specified in the memorial, are demands relating to North-America, to commerce and the suspension of arms.

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backed by Mr. Auditor Foley, the earl's brother-in-law, who complained of the hardship put upon that

In the article concerning commerce, it is said, "That several points relating to trade requiring a longer discussion than the present crisis would admit, and the queen being much more intent upon securing the general peace, than any particular advantages; demands only, first, That commissaries should be named on both sides to meet at London, there to examine and settle the duties and impositions to be paid respectively in each kingdom. 2dly, That no privileges or advantages relating to commerce with France, shall be yielded to any foreign nation, which shall not at the same time be granted to the subjects of her Britannick majesty; as likewise, no privilege or advantage in relation to the trade of Great-Britain shall be yielded to any foreign nation, which shall not at the same time be granted to the subjects of France. As to the suspension of arms, her majesty will content it shall be made for two months: provided first, that within the said term the king of Spain shall either make the renunciation demanded, or shall yield Spain to the duke of Savoy, upon the conditions mentioned in Mr. St. John's letter of the 29th of April, O. S. 2dly, That the French garrison shall evacuate Dunkirk, and the queen's troops be admitted, the same day that the suspension of arms shall commence. 3dly, That in case the States General shall at the same time consent to the suspension of arms, it seems reasonable they should have the liberty of putting a garrison into Cambray."

Upon these conditions the committee observe, that altho' it was daily instilled into the minds of the people, that the great advantages in trade and commerce secured to Great-Britain, were the chief inducements to the ministry to engage in these measures with France, it is here declared they were more intent upon the general peace, than any particular advantages. And whereas it was laid down as a principal from which the queen would never depart, that the interests of Great Britain should in the first place be adjusted; and the great advantages stipulated for these nations, before the conclusion of the peace, were to justify the peace, and all the steps that were taken to procure it; it is now evident that no mention was made of our trade in Spain; and for our commerce in general, the settling of that was postponed, and all points in dispute betwixt Great Britain and France, were to be referred to commissaries; which proposition was not demanded by France, but voluntarily offered by Mr. St. John.

On the 8th of June, 1712, N. S. monsieur de Torcy sends an account, "That the king of Spain, had chosen to keep Spain and the Indies, and to renounce for himself and his descendants, the right to the crown of France; which principal obstacle to the peace being removed, the king of France expects that the queen will now clear the rest of the difficulties, which may obstruct this great work; by making such declarations as had been promised upon the return of the courier from Madrid. Adding, the king thinks the first and most urgent is, to settle a suspension of arms, either general, or at least between the two armies in the Low Countries, which may continue till

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that nobleman, in charging him with high-treason, before they had examined the report : but what was

the conclusion of the peace. On the 10th of June, N. S. monsieur de Torcy acknowledges the receipt of Mr. St. John's letter of the 24th of May, O. S. together with the memorial ; and sends another memorial in answer to the last demands of the queen. He takes notice, " That the letters from the army mention the design to invest Quefnoy, in order to besiege it ; but the king cannot think that the queen approves of such an undertaking, much less that her troops shall be employed to render it successful : he concludes, that if a suspension is not immediately made, we may find ourselves indispensably drawn into some great event, which he hopes the secretary's prudence and care will prevent."

And altho' in the answer to the queen's demands, nothing material that was asked for our trade in North-America is granted, the evacuating of Dunkirk, and admitting an English garrison is not agreed to, and the receiving a Dutch garrison into Cambray is absolutely refused, which were proposed as conditions of the suspension of arms ; monsieur de Torcy hopes, " That this return to the queen's demands will occasion no new trouble, but as the beginning and whole course of the negotiation was carried on upon the bona fide, and a mutual confidence of which they had seen the good effects ; it is necessary to banish all distrust, and the queen to repose an entire confidence in his majesty, without insisting on demands which may serve only to create jealousies." On the 6th of June, O. S. Mr. St. John owns the receipt of monsieur de Torcy's two letters, and says, altho' the king of France had not answered the queen's demands according to expectation, yet she would not defer going that day to parliament, and making all the declarations that were necessary to render the nation unanimously inclined to the peace ; that she had not, indeed, mentioned to the parliament the suspension of arms, but had commanded him to acquaint monsieur de Torcy with the resolutions she had taken in relation to it, and insisting upon the renunciation as the capital point of the negotiation ; and for which, her majesty would rather depart from almost all the points that had been agreed upon, than leave that to any uncertainty : upon this foundation the queen hopes, that the most christian king will not find any thing offensive in the demands, which she found herself obliged to renew, being conditions for a suspension of arms between the two armies in the Netherlands ; which if the king consents to, says Mr. St. John to monsieur de Torcy, " You have only to sign and send to the duke of Ormond, who at the same time that he takes possession of Dunkirk, will declare to the allies, that he has orders to act no further against France. He acquaints him that the lord Strafford was going back to Utrecht, that the instructions he was to carry will, according to your desire, put the queen's plenipotentiaries in a condition to keep no longer those measures to which they have been hitherto obliged to submit, but from henceforth they may openly join with those of France, and give law to those who will not submit to just and reasonable conditions."

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yet more favourable for the earl, was spoke by Sir Joseph Jekyll, one of the committee of secrecy, who

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who

The committee insert here an extract of a notable letter from the earl of Strafford to Mr. St. John, of the 30th of April, 1712. " Thus you still see the temper here, and the time it will naturally take to get the Dutch (if they will at last settle a plan) before it can be done. You see the events we are exposed to by the operations in the field the mean time, and you have it by this time in your power to terminate all, and even to stop the operations of the army for a month, till the negotiation is ended one way or other : there is no pretence now it can be a prejudice to us, should a cessation be made ; for the former pretences are out of doors, of its being impossible for the French to make magazines for their army to take the field as soon as ours, and having burnt these magazines at first affirmed impossible to be made, for us by that means to be masters of besieging either Cambray or Arras, and our army's marching to Paris is stopt at least for this summer in all appearance. The French are now better posted than we are ; their army is much stronger. We cannot march to surprize them in other parts of their lines till we have green forage, which wo'nt be up these three weeks at soonest. They have all their troops up, and we want a great part of ours, especially the Imperialists, who, 'tis said, cannot join the army in a month yet ; so that now the advantage of a cessation of arms is on our side, if they will for the sake of a peace consent to it. If, upon these and other considerations, a cessation is thought in England necessary, the queen must not propose it, but at the same time be resolved to put it in execution on her side, if agreed to by the French ; because such a proposition will be sure to meet with opposition, unless backed with resolution, and may have the effect of making those who delight in war undertake with so much the greater precipitation some desperate attempt." Upon what grounds the earl of Strafford did here advise a suspension of arms, is submitted to the consideration of the house.

The articles for a suspension were signed by Mr. St. John, June 6. O. S. and the answer was signed by monsieur de Torcy, June 12, 1712, N. S. The next day, June 7, O. S. Mr. St. John writes a private letter to monsieur de Torcy, expressing the utmost confidence in the good faith of the most christian king ; thinks it necessary to hasten the peace ; tells him, it will frighten the Dutch to be told the queen will act no longer against France ; and that if they do not hasten to make their agreement, they will have a burthen upon their backs which they are not able to bear. On the same day Mr. St. John sends to the duke of Ormond copies of these two last letters, and of the memorial sent to the marquis de Torcy. " You will perceive by them, my lord, (says he) that the queen insists on the execution of the article relating to Spain, and on the delivery of Dunkirk, as points without which she will not declare for a cessation of arms in the Netherlands ; but if these conditions are accepted, and sent signed by the marquis de Torcy to your Grace, and Dunkirk put into your possession, you are publickly to own that you can act no longer against the French. If

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who said, " That as to the lord Bolingbroke they had more than sufficient evidence to convict him of high

they are not consented to, you are entirely free from restraint, and at liberty to take all reasonable measures that are in your power for annoying the enemy. It is probable the marshal Villars, may receive the orders which will be sent him from Versailles within a day after this letter will come to your hands. Your grace will therefore lose no time in acquainting him, that you are in expectation of hearing from his court that which must determine your proceedings; and that, according to the king's resolution, you are either to look upon yourselves on both sides as freed from any restrictive orders, and in full liberty of acting against each other, or that you are openly to declare for a cessation."

And here the committee think it necessary to go a little back, and observe what orders and instructions had been given to the duke of Ormond, and what accounts he had sent of his proceedings during the time the correspondence, relating to the renunciation, was carrying on. On the 12th of April 1712, N. S. his instructions are signed by the queen, " He is ordered to repair first to the Hague, and to see the pensionary, before he puts himself at the head of the troops; to express to him the queen's resolution of pressing the war with all possible vigour; to assure him he is prepared to live in a perfect good correspondence with all the generals, and particularly with those of the states; to inform himself what plan has been agreed for the operation of the campaign; and as soon as he arrives at the frontier, to meet with prince Eugene, and such of the generals as shall be in the secret, and with them to concert the proper measures for entering upon action." The committee conceive these instructions signed by her majesty must be the rule of his grace's actions till countermanded or revoked by equal authority, there being no general direction in them to follow such further orders as he should receive from a secretary of state. The 24th of April, N. S. the duke of Ormond gives the secretary an account, " That according to his instructions, he had given the pensionary all the assurances of carrying on the war with vigour, and acting in confidence with the allies, and more especially the Dutch; which were received with the greatest professions of duty and respect to her majesty. On the 30th his grace was in conference with the council of state, where, " there were great expressions of duty to her majesty. They told him there was no particular resolution taken as to the operation of the campaign, but left it to their generals, who with their deputies are to act in concert with the generals of the allies; and that they had given orders to their generals to live in a good correspondence with his grace. And yet on the 25th of April, O. S. which was before it was known France had agreed so much as to propose to the king of Spain the alternative of the two monarchies, which was not till the 18th of May, N. S. Mr. St. John begins to give the duke of Ormond some distant hint of the scene that was afterwards to be opened, and tells him, " The queen inclines to be of opinion, that all the troops, whether subjects or foreigners, belonging to

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high-treason, upon the statute 25 Edward the 3d. But that as to the earl of Oxford, he doubted whether

to her, should be immediately under his grace's command. There may have been formerly reasons for using a different method, but there seems at present to be some of a very strong nature for taking this, and perhaps these may every day grow still stronger. Insinuates there may be reason to be jealous of prince Eugene; and on this occasion his grace is directed to be more cautious for some time of engaging in an action, unless in the case of a very apparent and considerable advantage, upon pretence of waiting till the German Troops were all arrived, that they may have their share, if there is to be any action. On the 10th of May N. S. the duke of Ormond acknowledges the receipt of two letters from Mr. St. John of the 16th and 22d of April, neither of which appear. But his grace says, in answer to the secretary, " I am of your opinion, that a battle won or lost would at this time make very great alterations in the treaties now on foot: but you remember that, in my instructions, I am ordered to act in conjunction with the allies in prosecuting the war with vigour; so that, should there happen a fair opportunity to attack the enemy, I cannot refuse it, if proposed by the prince and states. But I hope to have the messenger before the armies are formed, which will be in three or four days." On the 12th of May N. S. the duke of Ormond expresses still the same uneasiness, wishes to hear from England that the peace is near concluded, but hopes, if it be delayed we shall have the good fortune to force the French to comply with the queen's demands. But his grace was now soon put out of his pain by the order mentioned before of May the 10th, O. S. " not to engage in any siege or hazard a battle." On the 25th of May, N. S. the duke of Ormond writes two letters to Mr. St. John, a private and a public letter. In the first, which was his private letter, and all wrote in his own hand, " his grace acknowledges the receipt of his orders, not to engage in siege or battle; to which he promises an exact obedience, and to keep secret his having received any such command, and will endeavour to hinder its being suspected. But prince Eugene and the states having proposed to attack the enemy; or, if that be found too hazardous, to besiege Quefnoy, his grace fears it will be very difficult for him to disguise the true reason of his opposing all proposals that shall be made for undertaking any thing, having no excuse for delays, all the troops they expected, and the heavy cannon, being to be here on Saturday: and he says, if he could have found forage there, he would have made some pretence to delay the march, tho' the dispositions of it were made before he received this letter." But on the same day his grace writes another public letter to Mr. St. John, after he had received the letter of the 10th, as is expressly said; wherein he takes no notice of his orders not to engage in siege or battle, but speaks of his having reviewed the English Troops, and found them in so good a condition, that must convince all the allies how groundless the complaints are that have been made of our backwardness, of which he says, I believe you will now hear no more. He goes on. " If we find an opportunity to bring

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whether they had either sufficient matter, or evidence to impeach him of treason." However

bring the enemy to a battle, we shall not decline it." On the 28th of May, the duke of Ormond, in his letter to Mr. St. John, says, "Yesterday prince Eugene, and the states deputies, desired that I would consent to send the quarter-masters to view the French camp, which I could not refuse, without giving them some suspicion of what I am ordered to disguise; but I was sure that nothing of action could happen, the enemy being behind the Schelde. The detachment that went with them were forty squadrons, and all the grenadiers of my army to support them, and make good their retreat, should the enemy have endeavoured for to have attacked them. They went as far (I mean the horse) as Catelet, where the right of the enemy's army lies, and are come back without seeing any of the French on our side the Schelde. The distance between the head of the Somme and that of the Schelde is not above a league and a half, which is a plain, and the enemy have not yet offered to throw up any retrenchment: "May be to-morrow they will begin to work, since they have seen our troops reconnoitring that way." Prince Eugene and the deputies being to dine with his grace the next day, he was under apprehensions they would press him to undertake something immediately, which it would be very hard to conceal the true reason of his refusing, having no reasonable excuse for it. In this letter his grace gives an account of a letter that he had received from mareschal Villars, and the answer that his grace wrote to the mareschal. This correspondence, which on both sides is insisted upon to be kept as the most absolute secret, is founded upon a postscript in Mr. St. John's letter of May the 10th to the duke of Ormond; wherein he tells his grace, "communication is given of this order to the court of France; so that if mareschal Villars takes any private notice of it to you, your grace will answer accordingly." May the 25th, N. S. mareschal Villars acquaints his grace, "That he had the king's orders, and the queen of England's consent, to write to him as soon as he received the courier; and whatever glory is to be acquired against a general whose valour is so well known among them, he desires him to be assured that he never received more agreeable news than that they were to be no longer enemies." The duke of Ormond in answer acquaints him, That he had received orders from the queen upon the same subject, to which he would not fail to conform himself in the most exact manner. But his grace proceeds further than the direction given him by Mr. St. John, and says, "The motion which we are going to make is principally for the subsistence of our troops, so that you need not be under any apprehension at this march; at least I can answer for the queen's army, which I have the honour to command." The committee is at a loss to account for this transaction, unless his grace had orders not only not to act against France, but to give the French general intelligence of all that was designed in the confederate army.

The report being made by the quarter-masters-general, who went with the detachment to view the French camp, and the overture between

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ever it was resolved without dividing, "That this house will impeach Robert earl of Oxford and earl Mortimer

tween the sources of the Somme and the Schelde, and they all agreeing that the ground was as advantageous as could be, to fall upon their flank and rear, it was proposed to the duke of Ormond, to march without the least delay to the enemy, and to attack them. You may easily imagine, says his grace in his letter to Mr. St. John of May 29th, "The difficulty that I was under to excuse the delaying a matter, which, according to the informations I had from the quarter-masters-general, and several other general officers that went out with the detachment, seemed to be so practicable; the best excuse I could make was lord Strafford's sudden voyage to England, which gave me reason to believe there must be something of consequence transacting, which a delay of four or six days would bring to light, and therefore I desired they would defer this undertaking, or any other, until I should receive fresh letters from England." The committee cannot better represent the favourable opportunity that was here lost to the common cause, and the advantage, or rather deliverance, that was secured to the common enemy, than in a letter from the deputies of the states to the duke of Ormond, June the 4th, N. S. which is inserted at length in the appendix; but these representations, and the pressing instances made by prince Eugene, were entertained by Mr. St. John as affected alarms and clamours raised with much industry, yet such as gave her majesty no uneasiness. But they made some impressions on the duke of Ormond: he grew sensible of the ill blood and dissatisfaction caused among the allies, who did not stick to say we were betraying them. He sends an account, that prince Eugene and the states deputies had resolved to besiege Quesnoy, which place was that day, June 8. N. S. 1712, invested; and though he had nothing to do in the operation, he could not refuse furnishing some troops in the states pay, but had avoided giving any in the queen's whole pay.

On the 7th of June, O. S. Mr. St. John sent to the duke of Ormond his letters of the 6th and 7th to monsieur de Torcy, and the last articles proposed by Great Britain for a suspension of arms; and it is observed, that hitherto it was an entire secret between the English and French courts and their two generals, that neither siege or battle was to be engaged in by the duke of Ormond, prince Eugene, and the whole confederacy were as yet amused with hopes that the duke of Ormond might be permitted in some degree to comply with his instructions, and the solemn and repeated assurances that had been given, to act in conjunction with the rest of the allies: but the time was now come, when the secretary's care and prudence was to deliver the French king from the apprehensions under which monsieur de Torcy had so often declared him to be for the events of this campaign: and altho' the suspension of arms was pressed and insisted upon by France, and was to be granted purely for the sake and preservation of the French army, which in all reason should have brought them to a compliance with the demands sent from England; yet so very tractable did our ministry prove, that France's refusing the conditions at first proposed for granting a suspension

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Mortimer of high-treason, and other high-crimes and misdemeanours; and ordered, " That it be referred

a suspension of arms, had no other effect but to make us lower the terms upon which they were to accept what could be no advantage to England, but was of the highest importance to France.

When these last conditions were sent to the duke of Ormond, with the orders that attended them, it is to be observed, that Mr. St. John declared the queen insisted on the execution of the article relating to Spain, and on the delivery of Dunkirk, as points without which she would not declare for a cessation of arms: so that if these conditions were not absolutely consented to, if the answer from France, which was to determine the duke of Ormond's measures, was not signed by monsieur de Torcy, and Dunkirk was not put into the possession of the duke of Ormond, his grace was at entire liberty to act against France; but upon these conditions the duke of Ormond was ordered immediately to declare a cessation of arms. The committee think this order in itself of a very extraordinary nature, altho' conditional; and the ministry seem in very great haste to give all up into the hands of France, when the queen's general, at the head of a confederate army in the field, at that time covering a siege, which the allies were engaged in, should be ordered to govern himself according to such significations as should come from the court of France, and those transmitted him by the general commanding the enemy's army, whose duty it was by force or stratagem to raise the siege, or gain any advantage he could over the allies. On the 22d of June, N. S. an answer to the proposals last sent over was transmitted to Mr. St. John, signed by monsieur de Torcy, with two alterations, one no less material, than whereas it was demanded that the renunciation should be ratified by the states of France, which had been mentioned before as one of the chief securities to make it effectual, it is here substituted, that it shall be registered in the several parliaments: and to the article of Dunkirk is added, That all the king's officers, both land and sea officers, shall have liberty to stay at Dunkirk, and to execute their several offices. On the same day, monsieur de Torcy writes two letters to Mr. St. John, the one a publick letter, explaining at large the alterations; the other a private letter to prevail with him to consent to these alterations. And it is observed, that there are several instances of such a private correspondence between the two secretaries. At the same time, a copy of the memorial and the answer was sent to the marshal Villars, who with his letter of the 24th of June, N. S. sends the copies to the duke of Ormond, and tells him the originals were sent to England; and doubts not but the suspension of arms would immediately take effect. But it appears by the duke of Ormond's letter to marshal Villars of the 25th of June, That these were only copies and not signed, for his grace wishes that the marquis de Torcy had signed them, as being more agreeable to his grace's instructions, but that he may not stop so good a work by difficulties and scruples, he will not insist upon formality: he promises to go immediately to prince Eugene, and the states deputies, to persuade them to abandon

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referred to the committee of secrecy to draw up articles of impeachment, and prepare evidence against

abandon the enterprize upon Quefnoy, and to declare, that in case of a refusal, he shall be obliged to withdraw the queen's army; and as soon as the troops which he should detach for that purpose had taken possession of Dunkirk, the suspension of arms shall take place. On the 27th of June, the duke acquaints Mr. St. John that he had been with prince Eugene, and the states deputies, and had acquainted them, that the French king having agreed to several articles demanded by the queen as the foundation of a cessation of arms, he could no longer cover the siege of Quefnoy; but was obliged by his instructions to march with the queen's troops, and those in her majesty's pay, and to declare a cessation of arms as soon as the town of Dunkirk was delivered up. After this conference with prince Eugene, and the states deputies, his grace, according to his promise; sends a second letter to marshal Villars of the same date, and tells him, " He apprehends that the generals of the auxiliaries paid by the queen, will not leave prince Eugene's army without particular orders from their respective masters." An account of this being sent to the court of France, monsieur de Torcy dispatches an express, June the 27th; N. S. and declares if the foreign troops in English pay did not abandon prince Eugene's army, the condition upon which Dunkirk was to be delivered being not performed, it would be unreasonable for England to insist that Dunkirk should be given into their hands; and appeals to the title of the memorial, that imported a cessation of arms between the two armies in the Netherlands: he insists, that positive orders be sent to the duke of Ormond to withdraw all the troops in English pay; and when these orders shall have been punctually complied with, the king will perform his promise of delivering Dunkirk. The duke of Ormond having already declared absolutely to the allies, that he could no longer cover the siege of Quefnoy, remains in a state of inaction, tho' 'tis plain by his orders, he was now free from all restraint, the answer not being signed by monsieur de Torcy, as was expressly required; some material alterations being made in the conditions relating to Spain, which his grace had then no notice that the queen had consented to; and marshal Villars refusing to give him the possession of Dunkirk, which were declared points without which the queen would not consent to a cessation of arms. That the duke of Ormond was himself of this opinion, is evident from his own letter to Mr. St. John, of June 29; wherein he excuses his deferring separating the troops, and marching towards Dunkirk, until he had sufficient assurance that place would be surrendered to him; and then his grace says, " The contrary appears now so evidently, that I should look upon myself immediately at liberty to act in conjunction with the allies; but I do not take upon me to make a step of such consequence without the queen's particular orders, which I shall expect with the greatest impatience."

These unexpected Resolutions of the foreigners in the queen's pay, not to abandon their allies, and leave them at the mercy of the French

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againſt Henry, viſcount Bolingbroke, and Robert earl of Oxford and earl Mortimer.”

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army, very much diſconcerted our meaſures here for a ſhort time; but on June 20, O. S. Mr. St. John writes to Monſ. de Torcy, that the accounts from the duke of Ormond were conformable to what he had ſent, which gave the queen a ſenſible diſpleaſure: “ But as her majeſty had taken a firm and unalterable reſolution not to yield to any difficulties, he doubts not to ſucceed, and believes Monſ. de Torcy will be convinced of this truth when he has read over this letter: that he had juſt then told the miniſters of thoſe Princes who have troops in the queen’s pay, that unleſs they obey the duke of Ormond’s orders, her majeſty will take it as a declaration againſt her, and from that time they ſhall not be paid: that if the French king will deliver Dunkirk, the duke of Ormond ſhall retire with the Engliſh troops, and all thoſe foreigners that will obey him, and declare the queen will act no longer againſt France, nor pay thoſe that will; and will make no difficulty to conclude a ſeparate peace with France, leaving the allies a time wherein they may have liberty to ſubmit to ſuch conditions as ſhall be agreed upon betwixt the queen and the moſt chriſtian king ſee, Sir, the peace in the king’s hands; if the duke of Ormond’s whole army conſents to the ſuſpention of arms, our firſt project proceeds; if they will not conſent, the Engliſh troops will withdraw, and leave the foreigners to ſeek for their ſubſiſtence from the ſtates, who, very far from being able to furniſh new expences, are not capable to ſupport what they have already upon their hands. In ſhort, Britain retiring from the theatre of war, and leaving it to thoſe that are in no condition to make head againſt France, the peace may be concluded between the two crowns in a few Weeks. Theſe, Sir, are the propoſitions which the queen commands me to make, and believes the king of France will find his account at leaſt as much the laſt way as the firſt. He once more deſires him to ſend an expreſs to the duke of Ormond, that he may know how to regulate his conduct; and if he ſignifies to him that the king has given orders to the governor of Dunkirk to admit the Engliſh, his grace will immediately do all that he has ſaid. He acquaints him further, that the queen was reſolved to ſend the earl of Strafford immediately to the army.” On the ſame day Mr. St. John ſends a copy of this letter to the duke of Ormond, and to ſhew his own opinion of this extraordinary piece in a poſtſcript, he ſays, “ I need not caution your grace that the incloſed for Mr. de Torcy is fit to fall under the eye of no perſon whatſoever but your grace:” As for his inſtructions at this critical conjuncture, they are ſuch as her majeſty thought deſerved ſending the earl of Strafford on purpoſe to the army: And his grace his ordered to give marſhal Villars an account of the endeavours the queen had uſed to ſubdue the obſtinacy of thoſe who reſuſed to obey, and of his expectations to hear from him on an expreſs ſent to France. And a ſecond time, according to what was ſaid to Mr. de Torcy, his grace is ordered, if he receives an account from the court of France that her Majeſty’s laſt propoſals are agreed to, and orders diſpatch’d for the ſurrender of Dunkirk,

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Next morning the earl of Oxford, who was all the while either in town or at his country ſeat, went

Dunkirk, without any more to do, to declare the ſuſpention between Great Britain and France, and to keep the whole body that ſhall obey his orders entire, and to withdraw in the beſt manner his circumſtances will allow. This offer was no ſooner received in France, but without the loſs of one moment’s time accepted and conſented to, as Monſ. de Torcy acquaints Mr. St. John, July 5. N. S. He mentions very particularly all the reaſons and engagements which had been ſo plainly and explicitly propoſed; and upon condition that the queen does immediately make a ſeparate peace, keep no meaſures with her allies, but only leave them a time to ſubmit to the conditions that ſhall be agreed upon for them between France and England; the king of France hath determined to ſend his orders to permit the Engliſh troops to enter into Dunkirk; and at the ſame time a courier was diſpatched to marſhal Villars to carry him theſe orders. And as a general ceſſation from all hoſtilities both by land and ſea, between the two nations, had been propoſed by England till their treaties could be finiſhed, the king of France with the ſame readineſs conſents to that. Hereupon freſh orders are ſent to the duke of Ormond, as ſoon as he ſhall hear that the governor had received orders to evacuate Dunkirk, and to admit the queen’s troops into the place; without loſing a moment, if he had not already done it, to declare a ſuſpention of arms, and to withdraw all the Engliſh troops, and ſuch others as would obey his orders: and left any accident might ſtill obſtruct this project, his grace by Mr. St. John is told, He muſt obſerve that the order is poſitive, and that no caſe can poſſibly happen in which her majeſty will allow that any other meaſure ſhould be taken; and Mr. St. John is much concerned that the earl of Strafford will arrive at the army later than was to be wiſhed, from whom his grace was to receive thoſe lights and informations for his guidance in this nice conjuncture, that he is amply inſtructed to give him.

July 12. N. S. lord Strafford arrives in the camp; the 14th prince Eugene ſends the duke of Ormond word by an aid de camp, that he intended to march the next morning with a deſign, as was ſuppoſed, to attack Landrecy. The duke of Ormond is much ſurprized at the meſſage; reſuſes to march with him, or give him any aſſiſtance from the queen’s troops; but lets the prince know, that when he marched, his grace ſhould be obliged to take the beſt care he could for the ſecurity of the queen’s troops, and to change his camp in order to it. The ſame day marſhal Villars giving the duke of Ormond an account, that he had ſent by colonel Lloyd orders for the delivery of Dunkirk, ſays, “ Permit me, ſir, to have the honour to tell you, tho’ it be very advantageous not to be obliged to engage the braveſt and boldeſt of our enemies, yet ’tis very important to know thoſe that remain ſo; and I take the liberty to deſire you will do me the honour to ſend me word what troops and what generals will obey your orders; becauſe the firſt attempt the enemy makes, I will not loſe one moment to meet them: the king gives me a liberty to fight, which nothing but the

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went to the house of peers, and, at first appeared pretty serene and unconcerned: but finding that most

negotiations has hitherto prevented, and which the army under my command has a great desire to make use of. I think the work is finished, if the army which is under your orders obeys them. This then, sir, is no indiscreet curiosity, that I presume to desire you to give me some lights upon the doubts which I am in. I shall be very much obliged to you, sir, if by the return of this trumpet you'll honour me with one word of answer, upon the lights which I have desired of you. You'll give me leave to join to this packet a letter for my lord Strafford." July 15, the duke of Ormond, in answer to this letter, says, "I should be glad if I were at present in a capacity to give you all the insight you desire, but it is yet impossible for me. Notwithstanding I was unwilling to delay sending back the trumpet, to let you know I am well assured I shall be capable of telling you to-morrow particularly, what troops will remain under my command. As to the suspension of arms you already know, sir, that according to my orders I cannot declare it in form, till I am assured the governor of Dunkirk shall have executed all the king's orders for the evacuation of the place." His grace adds, "In the mean time you will agree with me, sir, that the said suspension has already its effect on my side, since I have just now informed prince Eugene and the states deputies, that in case they should undertake any new operation, I could not give them any assistance with the queen's army." On the 16th the duke of Ormond writes again to marshal Villars, and says, "Your trumpet just now put into my hands the honour of your letter of the 15th, and I am now to acquit myself of the promise I made to you yesterday. Prince Eugene is marched this morning, and all the foreign troops have quitted us except one battalion and four squadrons of Holstein, and two squadrons of Wales." He adds, "Things having passed as I have the honour to tell you, I thought myself obliged to acquaint you of it as soon as possible; and as I observed to you yesterday, the suspension of arms has already its effect on my part, by the separation I have made of the queen's troops, and all her artillery, from those of prince Eugene, and by my declaring to him, I could give him no assistance, and that the payment of the foreign troops is stopped, and that by consequence there is fallen upon the emperor and Holland a burthen they will not be long able to support. I trust, sir, to your good faith, and shall to-morrow make a movement to put myself into another situation, and I hope I shall have news from Dunkirk that will authorize me to declare the suspension of arms." The same day marshal Villars acquaints the duke of Ormond, that the governor of Dunkirk was making the necessary preparations to evacuate that place: he tells his grace, "For my part, sir, as I already reckon you for our ally, I am not at all in haste to have you further off, you are at your own liberty to come near us, and encamp on the king's territories, where-ever you shall think proper." Upon this the duke of Ormond the day after ordered a cessation of arms to be proclaimed by sound of trumpet.

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most of the lords avoided sitting near him, retired he out of the house. On the 15th of June, Mr.

The committee very judiciously observe, That had the first design taken effect, which was depended upon by France, and so far presumed by England as to be undertaken for, that all the foreigners in the queen's pay, that composed the duke of Ormond's army, should separate and withdraw from the rest of the allies, it is notorious, that from that instant prince Eugene's whole army, unless they submitted to the same measures, had been left at the mercy of the French army, to be cut in pieces, or made prisoners, at the will of marshal Villars; which had left the queen's troops in no better a condition than to have the privilege of being last destroyed; yet all the allies, whose honour and conscience would not permit them to abandon their confederates, and leave them as a sacrifice to France, were punished by England with the loss of their pay and subsidies, which was all that was in the power of the ministry to do, to shew their resentment at this great disappointment to the measures of France. However, this march of prince Eugene, lord Strafford thought might be turned upon them, and he prevailed with the duke of Ormond, in a message to prince Eugene, to say, "His marching without concert with us, and all the queen's auxiliaries marching from us, exposed us so, that we have been obliged to send to the French to declare with us a cessation of arms; nothing less could put the queen's troops in safety: for tho' matters fell out so pat, without this we must have declared for the cessation, yet why should we not turn all this matter upon them? the committee had not thought it worth their while to take notice of such an idle attempt to impose upon the senses of mankind, if they had not been induced by another passage in the same letter to think it deserved some observation; where lord Strafford, giving an account of what passed upon the separation, says, "All the English seem rejoiced to march off, being weary of the situation they were in, and the reproaches they met with in the great army; there are two or three faces very sour, they sigh and wish the Hanoverians had not separated from us, but I shall tell them perhaps it may be better. He may see by this time the wrong advice he has followed, since all must lay the blame of the separation upon him." But this is not the only instance of the scorn and contempt which his lordship was ready to express upon the like occasions; for July the 16th, 1712, giving an account of a conversation with Mr. Bulow, the elector of Hanover's general, wherein his lordship declared, That the queen had neither made peace nor truce, which declaration was made near a month after the articles for a suspension of arms were signed, and his lordship representing the great dangers the queen's troops were exposed to by being left alone in their camp when prince Eugene marched, and Mr. Bulow replying, in case of any attack they had been sure of their assistance and protection, his lordship says, "My answer was in a disdainful way, it would be a very odd thing when an elector of the empire should be a sufficient protection to Great Britain;" and December the 14th, 1712, lord Strafford in his letter to Mr. St. John says, "Count Zinzendorf owned, it was impossible



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Mr. Walpole moved the house for Mr. Prior's being closely confined, which was agreed to. And on

possible to carry on the war alone, especially since the elector of Hanover, who was the greatest hero for the war, has threatened the states to recall his troops, if they did not pay him the queen's share of the subsidies:—In short, count Zinzendorf himself could not but laugh at the ridiculous way of proceeding of that court.

The armies being now separated, and the suspension of arms declared, the committee recapitulate in what manner, and by what steps, this fatal cessation was procured. They observe, in the first place, That it is evident, it was of infinite advantage and absolutely necessary to the affairs of France, and therefore insisted on by France; and that it is as certain, that the English ministry gave early into it, if they were not the first advisers of it; for which no other account need be required, but that as all their measures tended to advance the interest of the queen's enemies, they could not fail to be zealous in a point which contributed more to those views than any one occurrence during the whole negotiation; but as they all along wanted appearances, and consulted them more than any real advantages to the kingdom, they thought it necessary to annex some conditions to this important article, that might pass upon the deluded people as a justification of this unprecedented treachery. The demolition of Dunkirk was always so popular a point, that nothing could strike the imaginations of the people more, than to be told that this important place was delivered into the queen's possession: this step they thought, well improved, would recommend the peace itself, at least justify the cessation. And as the nation had nothing more at heart, than the disposition of the Spanish monarchy after the renunciation had been industriously cried up, and the queen had declared from the throne, that France and Spain were thereby more effectually divided than ever: these two articles were made the essential conditions of granting a cessation of arms. For the latter, France easily consented to it, having declared it to be null and void by the fundamental laws of France: for the first, 'tis evident how unwillingly France was brought to surrender Dunkirk; but this the ministry were resolved to purchase at any rate, as what would most easily amuse, and sensibly affect the nation; and therefore to obtain this, they engage not only to grant a cessation of arms, but to conclude a separate peace. The prospect of concluding a separate peace, and the obtaining an immediate cessation of arms, which answered all the purposes of France almost as well as a separate peace, by leaving the whole confederacy at their mercy, were so great temptations to France, that the surrender of Dunkirk is agreed to; but if we consider what England gain'd by granting this fatal cessation, we shall find the demolition of Dunkirk supplied by a new canal, more beneficial to France, and formidable to the navigation of Great Britain, than Dunkirk ever was; and for the renunciation, we were told by France, we should deceive ourselves if we accepted it as an expedient to prevent the union of the two monarchies.—The committee close their observations upon this memorable campaign of 1712, with inserting another letter that was wrote by the duke of Ormond to

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on the 21st, the house having, according to order, considered further of the report from the committee

my lord Bolingbroke. The Dutch it seems, encouraged by the success of their enterprise upon fort Knocque, had formed a design for surprizing Newport of Furnes, which is grace having intelligence of, thought proper to write the following letter October the 21st, 1712, to my lord Bolingbroke. "I take this opportunity to acquaint your lordship with an affair which has been communicated to me by a person very well inclined to her majesty's service; your lordship will best judge of the importance of it, and the use that is to be made of it, when I tell you, that the success of the enterprise upon Knocque has encouraged the forming a project for surprizing Newport or Furnes, and that the fortifying Dixmude is made use of as a pretence for drawing together a body of troops sufficient to put the design in execution. If it be thought more for her majesty's service to prevent it, I am humbly of opinion some means should be found to give advice of it to marshal Villars, who may possibly think we owe him that good office, in requital of some informations your lordship knows he has given me, with a design to serve her majesty and the nation: I am not yet at liberty to acquaint your lordship with the name of my author, who desires the whole matter may be managed with the greatest secrecy."

The cessation was no sooner declared, and Dunkirk delivered up; but Mr. de Torcy calls upon Mr. St. John to perform his promise of concluding a peace between France and Great-Britain in a few weeks, which, he thinks, can meet with no difficulties; all the conditions of peace with England being regulated, and the intentions of the king touching the general peace known to, and approved by, her Britannick majesty. Mr. de Torcy then proposes the method of regulating the suspension by sea, and insists, that during the suspension, either general or particular, the transportation of neither troops, ammunition, nor provisions, shall be allowed into Portugal, Catalonia, or any other place where the war continues. Pacquet-boats between Dover and Calais are to be immediately settled for the general ease of correspondence, and the suspension of arms to be published in Portugal and Catalonia, without waiting till it shall be settled at Utrecht. All these proposals from France are very readily assented to, and Mr. St. John thinks the queen in a condition not to lose a moment's time in concluding with the ministers of France the convention for a general suspension of arms, both by sea and land, and even the treaty of peace between Great Britain and France. Mr. St. John then opens to him the measures that had been here concerted for the duke of Savoy; "Of all the allies, says he, there is none whose interest the queen has so much at heart as the duke of Savoy's: he hopes the most christian king will act in concert with her majesty, and omit nothing that may engage his royal highness to come into all our measures, and that may protect him from the insults of the Imperialists for so doing; and among other advantages proposed for him, he lays it down as a principle, that it is neither for the interest of Great Britain nor France, that the kingdom of Sicily should be given

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mittee of secrecy, Mr. secretary Stanhope, stood up and said, "That as a member of the secret committee

to the house of Austria, and therefore demands it for the duke of Savoy, and declares the queen will not desist from this demand." This concern of the British ministers for the duke of Savoy, the committee is at a loss to account for. The French, as appears by a letter of the bishop of Bristol to Mr. St. John, of the 26th of April, 1712, had actually offered Sicily to the emperor. The duke of Savoy himself did not relish this proposition, as appears by lord Peterborow's letter to Mr. St. John of the 24th of Sept. 1712, in which his lordship represents the duke of Savoy expressing, "That he was not so vainly impatient of the title of king, as to lose or hazard any real interest for an empty name, but that he thought it much more extraordinary, that a prince, beaten ten years together by his enemies, should remain at last with the prize contended for, and which so often by parliament had been declared the just and unavoidable motive of the war." Again in lord Peterborough's letter of Nov. the 16th, 1712, to Mr. St. John, he affirmed, "That nothing can represent the uneasiness of mind of the duke of Savoy, after these offers had been made him: to calm this uneasiness, and to fix his royal highness in the measures of the ministry, it was necessary the lord Peterborough should, in a memorial given to him represent, That his royal highness in refusing these offers must fall out with the queen, and the English ministers, whom his lordship endeavours to excuse from the reproaches cast directly upon them, as if they were persons devoted to France. That for the support of what was proposed, a sufficient fleet should be furnished either by England or France, or by both powers jointly, and that his royal highness should be guaranteed and protected against any power that shall oppose this project, or should insult him for having accepted these offers." The arguments of the English ministers did at length prevail with his royal highness; and if the view of the said ministers was effectually to disable the emperor from supporting himself against France after our separation, by forcing into the interest of France an ally so considerable as the duke of Savoy, it must be confessed these measures were extremely well calculated for such an end; but it does not appear to the committee how England came to be so far concerned in this matter as to offer its guarantee for Sicily, which naturally must have engaged us in a war against the emperor. This forwardness of the ministry in offering to make England guarantee for conditions advantageous only to France, seems the more extraordinary, when they observe, that, during the whole course of this negotiation, they find no endeavours used to procure a guarantee of our confederates to secure the protestant succession, which had been addressed for by both houses of parliament; nor do they observe, that the king of Sicily, for whom so much was done, was ever requested to be guarantee for the said succession.

The dreadful consequences of the separation of the armies were now sensibly felt in the unfortunate action at Denain, where marshal Villars, on the 24th of July, N. S. attacked lord Albemarle's camp, which he forced,

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committee, and of that great assembly, which ought to do the nation justice, he thought it his duty

forced, took him prisoner, and entirely defeated all the troops under his command: Mr. de Torcy immediately sends an account to Mr. St. John of this agreeable news, and says, "The king of France is persuaded, that the advantage which his troops have obtained will give the queen so much the more pleasure, as it may be a new motive to overcome the obstinacy of the enemies to peace." The committee could not with patience read a letter from a minister of France, declaring to the secretary of State of England, That a victory obtained by the queen's enemies over her good allies, must be a pleasure or satisfaction to her majesty. But at this time the French thought themselves so sure of the British ministry, that they depended upon their assistance to push this advantage against the confederates still further; and Mr. de Torcy says, "He hopes the queen will effectually bring them to reason, in agreeing immediately with the king, the last measures that are to be taken for finishing this work. She has the means in her own hands, if she will make use of Ghent and Bruges, which her troops possess, and especially of Ghent; for it depends upon whosoever is master of that place, to make all the designs of the enemies generals miscarry, and to give law to the Dutch." Neither was Mr. de Torcy singular in his opinion about the action at Denain; marshal Villars would not lose a moment in giving the duke of Ormond an account of this news; he ascribes the victory to the separation of the brave English, and insults the allies as common enemies, that must now be sensible what wrong measures they had taken. In this manner, and to this effect, marshal Villars thinks proper to write to the duke of Ormond; and at the same time desires his grace to transmit this account to the French plenipotentiaries at Utrecht, and to make a thousand compliments from him to lord Strafford. And that there might be no part of the world where it was in the power of the English ministry to assist their new friends the French, at the expence of their old allies, monsieur de Torcy further proposes, that the queen should put a stop to count Starembergh's projects in Catalonia, by sending orders to her troops in Ferragone not to let the Germans into that place; and not content with being aided and assisted all that was possible by land, he further desires that express orders might be sent (and thro' France, as the shortest way) to the English men of war that were then cruising in the Mediterranean, to suffer the French ships that were then returning from the Levant to pass unmolested; which was no sooner asked than complied with. But the taking possession of Ghent and Bruges was not only the desire of monsieur de Torcy, but was supported by the advice of the earl of Strafford; who, in his letter to Mr. St. John of the 17th of July 1712, says, "I am for having the duke of Ormond send some party on purpose to march through some of their towns, to see whether or no they would refuse them passage; if they did, that might authorize us the more to do a thing very agreeable to the queen's troops, and what I believe you would approve of." His lordship adds, "He (meaning the duke of Ormond) is very hearty in every

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duty to impeach James duke of Ormond of high-treason, and other high crimes and misdemeanors ;

every thing, but really is under difficulties with those about him ; those that are able, are not yet entirely to be relied upon, and those that might be trusted, are not capable of giving advice." And that there might be no doubt of his lordship's meaning in what he had before advised, July the 21st, he tells Mr. St. John, " The measures I mentioned would not be disagreeable to you, was that of marching to Ghent, which we have now so well executed, that we are within two days march of it, and the English are entire masters of the citadel, as likewise of all the gates of the town, and have orders to be upon their guard ; not to let themselves be surpris'd by two battalions, one of Dutch and one of Walloons in the town, nor any troops sent from any other place. This is a coup de par i for the states, who did not expect it, else they would not have behaved themselves with the hauteur they lately did ; the thing was so well and secretly managed, that all preparations were made to march about to Warneton between Lisle and Ipres, to have lived upon the French country, and till we had marched a day's march on this side the Scarp ; the Dutch and their friends did not perceive our design, which as soon as they did, their surpris'e and uneasiness were equally great." The duke of Ormond having given an account of his marching his army towards Ghent and Bruges, lord Bolingbroke commends his conduct, and tells him " the methods he had pursued were so well adapted to the present conjuncture of affairs, that they answer in every point what they would have wished : that the news of Dunkirk could not have been followed by any more agreeable than that of his grace's having directed his march towards Ghent. Moreover, on the 22d of July, O. S. his lordship tells his grace, That taking possession of Ghent and Bruges had improved her majesty's views, which he is ordered to secure in the best manner he was able, and doubts not but it will have a good effect upon the conduct of the allies."

On the 17th of July, O. S. in a letter to monsieur de Torcy, lord Bolingbroke recapitulates what he said before concerning the duke of Savoy : and as a farther motive to induce France to comply with his demands, he represents that it will be very important to have his concurrence both in the suspension of arms, and the treaty of peace, which in all probability will be made between Britain, France and Spain, without the intervention of the other allies ; and that Savoy's declaring for us will be a decisive stroke, and the more necessary because the king of Prussia's conduct has not answered the queen's expectations. Before this letter was dispatched, the lord Bolingbroke receives monsieur de Torcy's of the 26th, N. S. In answer to which, July the 18th, O. S. he insists further in behalf of the duke of Savoy, tells him with great satisfaction, That the duke of Ormond was possessed of Ghent and Bruges ; and as the queen embraced with a great deal of satisfaction every opportunity that offered to do the king a pleasure, positive orders are sent to admiral Jennings to suffer the French ships coming from the Levant to pass freely. It is almost incredible that the English ministry

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ors ;" and was seconded by Mr. Boscawen. Hereupon Archibald Hutchinson, esq; one of the

ministry, however determined they were to give up the honour of the queen, and interest of their country, in following the dictates of France, should venture to do it in this open manner. All that had been hitherto declared, was a suspension of arms in Flanders, and that our troops were to act no longer against France : but here, by the advice of the earl of Stafford, at the desire of monsieur de Torcy, they are to keep possession of Ghent and Bruges, in order to disappoint the designs of the enemies of France, and the allies of the queen ; and altho' the suspension of arms extended as yet no further than to the two armies in Flanders, and the general suspension by sea and land was not signed till the 19th of August, N. S. the lord Bolingbroke, on the 18th of July, O. S. declares he had then sent very positive orders to the queen's admiral not to intercept the French fleet coming from the Levant.

These constant compliances in the English ministry encouraged monsieur de Torcy, to press again the concluding the separate peace between England and France, as what they both agreed in to be the most effectual way to make the rest of the allies comply. He desires that the troops in Flanders under the command of the duke of Ormond, may be left there to make a good use of the towns which he was in possession of ; but as the king of France could not consent to the duke of Savoy's having Sicily, except the elector of Bavaria has also the Netherlands besides his electorate, he thinks the queen's having a good army in Flanders, under the command of the duke of Ormond, may render this very practicable ; and as the queen has done a great deal for her own ungrateful allies, it will be for her glory now to contribute to the good of a prince of so much merit as the elector of Bavaria, whose acknowledgments will be equal to the benefits he shall receive. But this would not pass even upon the ministry of Great-Britain : the giving Flanders to the elector of Bavaria, was what would absolutely engage us in a new war, to oblige the Imperialists and Dutch to agree to it ; and they could not think it for the honour or interest of the queen to make war upon her allies, as ungrateful as they had been, in favour of the elector of Bavaria ; and especially considering, that altho' we could secure Ghent and Bruges for him, the allies had yet an army in Flanders so considerable, both for the number and goodness of their troops, that they were able to defend the conquests they had made. And to give him Sicily, which was likewise demanded, lord Bolingbroke hopes it will not be insisted on, because it might be the occasion of continual jealousies ; it might in particular be the source of disputes and quarrels betwixt England and France, whose strict union and indissoluble friendship were the points in view to which all our measures had been directed for so long a time. The queen's ministers think, when the king of France has made all reasonable efforts for his allies, he must do something for the love of peace, and that a particular interest should yield to the general. You cannot, says lord Bolingbroke, but feel the force of this argument, because you are not at all ignorant that

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the commissioners of trade, made a long speech in behalf of the duke of Ormond, wherein he set forth

that this negotiation was begun and carried on upon a supposition, that the queen most desist from many conditions, which in rigour she was obliged to procure for her allies. He very strongly urges the necessity of concluding immediately the peace between England, France, and Spain; but absolutely insists upon Sicily for the duke of Savoy. But altho' this negotiation was carried on upon a supposition, that the queen was to depart from several things, which in justice ought to have been procured for her allies, the king of France thought himself under no such obligation; his honour to an ally, whose fidelity was without reproach, was not to be dispensed with; and therefore to satisfy his engagements to so good an ally, was a point from which the king of France would never depart. But to shew the king's good dispositions to the peace, he at last consents to the duke of Savoy's having Sicily upon certain conditions; wherein very ample provision is made for satisfaction to the elector of Bavaria: and one express condition is, that a peace be concluded between England, France, Spain and Savoy. In answer to this letter, lord Bolingbroke acquaints monsieur de Torcy, that he had received the queen's orders to go immediately to France, and he hoped, under the auspices of the abbot Gaultier, in a week's time to salute him at Fontainebleau.

Whilst these great points were transacting, directly betwixt France and England, nothing material passed at Utrecht; however, some few passages, concerning such communications as were thought necessary to be made to keep up the form of a negotiation, are here taken notice of.

The advice of the duke of Ormond's orders to engage in neither siege or battle, gave great alarm; the states desire the British ministers to give them some satisfaction concerning a matter wherein they thought religion, liberty, and all that is valuable, was so nearly concerned: to which they could obtain nothing but very general answers. Upon which they expressing their discontent to be kept entirely in the dark, without the least knowledge of what was done, or intended to be done, the bishop took that opportunity to put an end to their curiosity, by executing the orders before-mentioned. That the queen thought herself now under no obligation whatsoever to the states. This declaration is grounded upon the behaviour of the states; but it must be remembered, that this order is dated very few days after the orders to the duke of Ormond, not to engage in siege or battle. And in the same letter the bishop of Bristol, giving an account of a conference between his lordship and Mr. Conbruck, the emperor's minister, the bishop says, "He was very desirous to know, and I was as unable to inform him of the particulars wherein the care of the emperor's interest did consist." The Dutch did likewise send an express to their minister at London, with a long and most moving letter to the queen, to remonstrate against this proceeding, but he could obtain no answer at all: "Mr. St. John thought the queen intending that week to lay before the parliament the plan of peace, the proceedings of the two houses on that occasion would be a more seasonable, as well as a more

decisive

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forth "his noble birth and qualifications, and the great services which both he and his illustrious ancestors

decisive answer to the states than any he could return." The queen having communicated to the parliament how far the French are already come, in their proposals for settling a general peace, the bishop of Bristol is directed to discourse with the ministers of the several allies as soon as possible, agreeable to the plan contained in her majesty's speech; but before his lordship makes this step, Mr. St. John tells him, "It will be proper that he speaks first with the French plenipotentiaries upon this subject, and enquire of them, whether they will be willing, and in what manner they will be willing to give this communication to the allies. But the bishop of Bristol gives an account on the 28th of June, N. S. That the French plenipotentiaries declared they had no such orders, and without them they could not do it: and the bishop finding it might be of some service, and that it was looked upon at the Hague as a step that might facilitate the suspension of hostilities, his lordship did again press the French ministers to know, whether they were willing to declare in a solemn conference, that the particulars declared in the queen's speech, are the king their master's offers to the allies, and that he will make them good in the negotiation. The French again refused to make any such declaration; and in this opinion they persisted, even after the Dutch ministers consented to accept the contents of her majesty's speech, *pro materia tractandi*, if the French would at the same time acknowledge them to be their master's offers, and negotiate upon them in order to make them good. But the French plenipotentiaries were so far from agreeing to this, that they demanded of our ministers to know the queen's mind upon the several parts of the last general plan brought over by Mr. Gaultier, and which are not explained in her majesty's speech; saying, Their king expected it, and they do not know how to proceed till those points be stated; and the utmost they were to be brought to, was, that it was not to be understood to exclude their master from making some demands for the elector of Bavaria, and that Lisle was to be restored over and above the two or three places excepted in the queen's speech.

At the same time that Mr. St. John communicated the queen's speech to the bishop of Bristol, he orders him to let the Dutch ministers know, that the queen thinks a suspension of arms, at least in the Netherlands, to be absolutely necessary. And here the committee observe, that these orders, to propose to the states a suspension, are dated June 11, O. S. which was the very day the articles for a suspension were signed by M. de Torcy, and had been signed by lord Bolingbroke five days before. In several letters that followed from the bishop of Bristol, "He gives an account of the general dissatisfaction of all his allies, and the inexpressible contentation they were all in; that they represented our proceedings as the unavoidable ruin of Europe; religion, liberty, the faith of treaties, are urged to shew the enormity of our usage. His lordship does not know what he may expect from the unmeasurable rage of the people, nor where it will end: that the Dutch seem to be uneasy, on no account so much, as that they cannot come to the knowledge of what is

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cestors had performed to the crown and nation; urged, that in the whole course of his late conduct

to be their lot. Their concern is chiefly, that they cannot know the particulars of what is designed for them, especially what species are to be excepted out of the Tariff of 1664, and what towns out of the Barrier. On which occasion the bishop of Bristol did, as with the greatest truth, assure them, that he knew nothing either of the one, or the other. But the reception these representations met, seems to the committee as unaccountable as any thing that happened: Mr. St. John, June 20, O. S. says, "They are not surpris'd at the clamours and rage of the Dutch, which they foresaw and were prepar'd for. It is certain we run great hazards, but it is as certain their unaccountable folly is the occasion of it. He cannot imagine the bishop should be in any danger, his character is sacred in a double manner; and besides, I have reason to think, that though they kick and flounce like wild beasts caught in a toil, yet the cords are too strong for them to break; they will soon tire with struggling, and when they are tired grow tame." This is the treatment and language which the queen's secretary thinks fit to bestow upon her allies: their desiring to have some satisfaction in what most nearly concerned them, is called unaccountable folly, that had drawn all these mischiefs upon them; and if any repentment is shewn, they are wild beasts; but the cords of the toils which England and France had caught them in, were too strong for them to break. But lord Strafford is not content with hard words only, he is glad that orders were given to stop the pay of the foreigners, of which they complain horribly, but it will make them humble and sharp; handling does better with these people, than the best words.

June 24, O. S. Mr. St. John writes a long letter to the lord privy seal, and instructs him to lay the entire blame of all that has happened upon the Dutch, and that the want of concert is only to be imputed to those who are at the head of affairs in Holland: however, that her majesty is still ready for their sakes, and for the sake of the common interest of Europe, to forget all that is past, and to join with them in the strictest terms of amity and confidence. This farce was still to be carried on in Holland, and these professions made in the name of the queen, when it is notorious that four days before, June 20, O. S. Mr. St. John had in the strongest terms, promised in the queen's name to Mr. de Torcy, to conclude a separate peace with France, on condition Dunkirk was delivered to the English; and that this offer of a separate peace made by England, arose from the French's refusing to deliver Dunkirk upon the conditions first agreed upon, altho' at the same time the queen's plenipotentiaries are directed in a most public manner to lay the blame of all our measures at the door of the States-general. But altho' in all the letters that passed between lord Bolingbroke and Mr. de Torcy, the concluding a separate peace is treated as a thing settled on both sides, the plenipotentiaries at Utrecht are ordered to proceed upon another foot; and in a letter from lord Bolingbroke of July 16, O. S. to the plenipotentiaries jointly, upon a supposition that lord Strafford was then got back again to Utrecht, they are ordered to

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lose he had but obeyed the late queen's commands; and concluded, that if all that was alledged

lose no time in settling the conventions for a suspension of arms between Great-Britain and France, both by sea and land; and when that is brought to perfection, to call upon the allies to enter again upon the negotiations on the foundation of the plan laid down in the queen's speech; and it is desired their lordships will appear solicitous in this matter, and affect to be the aggressors, and to press the allies to give in categorical answers. By this means the negotiations were seemingly set on foot again; and whether the allies did or did not comply, our ministry were ready to make their use of it either way; if they did comply, the scandal of a separate peace would be avoided; if they did not, the blame was to be imputed to their obstinacy.

The treaty being left upon this foot at Utrecht, with a possibility of being carried on or dropt, as should be found convenient, and the king of France having consented to the demands made by England on behalf of the duke of Savoy: but among others upon these two express conditions, that a suspension of arms both by sea and land be immediately granted, and that a separate peace between England, France, Spain, and Savoy, be forthwith concluded, it was thought proper and necessary, that lord Bolingbroke should go himself to France, finally to adjust and settle the great points in dispute. The substance of his instructions was, to remove all difficulties that might obstruct the general suspension of arms between England and France from taking place, or settling the treaty of peace in such a course, as may bring it to a happy and speedy conclusion. But to declare, that he does not imagine there will be any possibility to prevail with the queen to sign the peace with France and Spain, unless full satisfaction be given to the duke of Savoy. He is therefore to take particular care to settle his barrier, and to procure Sicily for him; to settle the renunciation in such a manner, that there may be as little room left as possible for dispute or delay; that the elector of Bavaria may have Sardinia, and be restored to his dominions in the empire, except the Upper Palatinate and the first electorate; and then he is to proceed to speak to such articles as relate to the interest of Great-Britain, and endeavour to have such of them, as there may appear to be any doubt concerning, explained in the most advantageous manner. And then he is to do his best to discover, upon the several parts of the general plan of peace, what the real ultimatum of France may be; and when the peace between England and France shall be signed, that it may be expedient to fix the allies a time to come in, wherein the queen will use her good offices, but will not be under any obligation to impose upon the allies the scheme offered by France, or to debar them from obtaining better terms for themselves. By these instructions it appears, that lord Bolingbroke was empowered to conclude a separate peace with England, France, Spain and Savoy; that at this time there was some doubt concerning several articles relating to the particular interests of Great-Britain, which he was to endeavour to get explained; but no instruction, if his endeavours prove ineffectual in behalf of Great-Britain, not to conclude the treaty, which in these very

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ledged against his grace in the report could be made out, it would in the rigour of the law, amount

very instructions is expressly provided for in favour of Savoy. And his lordship is ordered to do his best to discover the ultimatum of France, which hitherto, it seems, the ministry were ignorant of: but whether France condescended so far or not, as to let his lordship into this secret, our treaty was to be concluded; and the ministry seem to think, they had sufficiently discharged their duty in declining to be engaged to impose what terms France should think proper upon the allies; those allies to whom the queen was bound by the faith of treaties, and all the most solemn engagements and public declarations, to procure all just and reasonable satisfaction, according to their several alliances. But now it seems sufficient, that we did not debar them from the liberty of endeavouring to obtain still better terms for themselves. With these instructions lord Bolingbroke goes to France, and without entering into any further particulars, the convention for a general suspension of arms between Great-Britain and France, for four months, was signed at Paris by lord Bolingbroke and Mr. Torcy, August 22, N. S. 1712, as his lordship says, but dated August 19, N. S.

France was now become entire master of all future negotiations, and did not fail to make use of the power that was put into their hands; an early instance of which was seen in the affair of Tournay: but being now come back to Utrecht, the committee mention an incident that happened there; the dispute between count Rechteren and Mr. Mesnager, which was made use of by the French to keep the negotiations in suspense as long as it served their purpose, and in which England concurred.

August 30, the British plenipotentiaries acquaint lord Bolingbroke, that in some discourse with the ministers of the allies, they had carried matters so far as to tell them, "That tho' her majesty will endeavour to promote their interest in a peace, and obtain for them the best terms that shall be possible, yet if those endeavours should not procure more than the contents of her majesty's speech, or even in some degree fall short of that plan, the fault will be entirely theirs, who have rendered things difficult and uncertain, which otherwise would have been easy and practicable." And having thus far complied with their late orders to lay all the blame upon the allies, they further inform his lordship, "That they had, however, obtained the consent of the ministers of the allies, to come to a conference with those of France, in order to renew the negotiations; the time to be fixed between the British and French plenipotentiaries; who meeting to have some discourse previous to the general conferences, parted without coming to any conclusion." The occasion of their difference, that prevented renewing the conferences, arose upon proposals made by the British ministers in relation to Tournay. Their lordships in their letter of the second of September, N. S. to Lord Bolingbroke, state the case in this manner: "In her majesty's speech it is expressed, that the Dutch are to have the entire barrier as demanded in 1709, except two or three places at most. The French ministers insist, that they must have Lille as an equivalent for

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amount to no more than high misdemeanors." This speech made a great impression on the assembly;

for Dunkirk, and that the same is not to be understood as one of the three places mentioned in the speech, and consequently that they must, in all, have four of the places mentioned in the demands of 1709. This to us appears to be altogether inconsistent with what her majesty has declared, and we accordingly think it contrary to our duty to bring on a conference in which such an explication is to be made. The French ministers, on the other hand, have shewed us their orders, which positively require them to insist upon the restitution of Tournay, as well as Lille; and that they can, by no means, consent to the cession of Mauberge or Conde. The British ministers then pressed the French to speak at first in terms as general, as their proposal was conceived in; but the French thought it necessary to be particular and express in that point above all others, because they should otherwise have tied themselves up, and given the Dutch an advantage. The result of this debate was not to proceed to a conference till this point be determined; the French insisting that their orders were so plain as neither to need or admit any explication; and the British ministers thinking the matter as plain on their side. They hope their zeal for her majesty's honour will be graciously approved, and desire to be directed what further they are to do in this matter, which they apprehend to be of a decisive consequence, because they find even those among the Dutch, who appear to be most cordially disposed to such a peace as may re-establish a good harmony between her majesty and the states, as absolutely necessary for their mutual preservation, fully resolved, either to retain Tournay, and have Conde yielded to them, or to take one of these two courses, either to come into any terms that France offers, or to continue the war at all hazards." In the same letter our plenipotentiaries give an account, that the French ministers did insist, that the states-general should in a public manner disavow count Rechteren, for the affront done to Mr. Mesnager, and then remove him from the congress: and this satisfaction to precede any further negotiation.

The language which our plenipotentiaries had used to the allies, is very much approved by lord Bolingbroke, who says "they had spoke the sentiments of the queen's heart in what they declared, August 30, N. S. and that if the allies did fall short of the plan laid down in the queen's speech, the fault was entirely their own." His lordship says, "sure it is, that this plan was nothing more than the ultimatum of what France would offer, but he wished that the Imperial and Dutch policy had not rendered it the ultimatum of what France will grant. The same general reflection may be applied to the particular case mentioned in your lordship's last letter. France would have yielded Tournay, though much against the grain. If France has now any advantage, and refuses flatly to yield what she only begged to have restored, the fault is entirely theirs." But the dispatch of the plenipotentiaries of the second of September, relating to Tournay, having not yet been considered by the lords of the council, his lordship could not give any positive instructions about it till the next opportunity: but in the mean

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bly; and Mr. Hutchinson was seconded by general Lumley, who said among other things, "That the

time recommends to them two considerations; "that the keeping of the Dutch in hopes of her majesty's good offices, will prevent them from taking any desperate resolution; and the French insisting to have count Rechteren disavowed before any further treaty, will put off for some time the decision of that great point."

Lord Strafford, in the mean time, by his letters of the 13th and 16th of September, N. S. "represented the states as mightily sunk with their misfortunes, and not knowing well what measures to take, but that they insisted upon Tournay as so essential to their barrier, that they actually had none without it; and his lordship is so much of that opinion, that he wishes they might have Tournay, though they were forced to truck Ipres for it; that if he could positively assure them they should have Tournay, he believed they would submit to the plan of the queen's speech." His opinion of his lordship is not very easily to be reconciled to what he afterwards wrote to Mr. Prior upon this subject, October the 4th, 1712. "If we had a mind to have Nick Frog sign with us, we might, for he is ready to do it for Tournay; which, if we sign together, we can't well refuse him; but I expect you will cut that matter short, and I long to hear from you."

The transaction in relation to Tournay, is by the committee set forth in one short view: the dispute concerning it arose from the French ministers insisting to be very particular and express in demanding the restitution of this place; which the British plenipotentiaries conceiving to be inconsistent with what the queen had declared, refuse to open the conferences until they had further orders. When this came to be considered in England, lord Bolingbroke says, "It occasioned warmth in the cabinet council;" but his lordship, instead of taking measures for preserving the town as part of the barrier of the states-general, which, as he confesses, was so intended in the queen's speech, proposes expedients whereby the town might be restored to France, without the queen's becoming a party to a thing which was contradictory to what she had once advanced: and gives his advice to Mr. de Torcy, by what management Tournay might be secured to the king of France, contrary to the avowed sense of what the queen had declared in parliament; and altho' France had consented in a memorial delivered by abbot Gaultier, so early as the 18th of November, 1711, not to insist upon Tournay; and this he does in his private capacity, and not as a secretary of state. But that his lordship was not single in his endeavours to assist France upon this occasion, appears by the great trouble that he says this matter had given both him and my lord treasurer, in the cabinet; and if any regard is to be given to Mr. Prior's paper, my lord treasurer must certainly have written to Mr. Prior upon this subject, who could otherwise have had no ground to say, "My lord treasurer does not at all doubt but the court of France will find a remedy:" which is agreeable to what lord Bolingbroke said in other words when this advice was sent: "The solution of this difficulty must come from France." What happened afterwards in relation to Tournay; upon what

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the duke of Ormond had on all occasions given signal proofs both of his affection and love for his country,

what great concessions made to France, together with the advantageous terms procured for the elector of Bavaria, the measures and councils relating to this affair were afterwards altered, is not material enough to require a long detail; but nothing less than an absolute concurrence, without any new objection or further demands, was to satisfy for the cession of Tournay, and that it was at last obtained, is owing solely to the firmness and resolution of the states.

The dispute between count Rechteren and Mr. Mefnager, was still kept on foot, tho' it was at last left to her majesty to decide upon this difference. There being some points relating to commerce, and North-America, which are of very great consequence to the interest of the queen's subjects, and the honour of this treaty still to settle; lord Bolingbroke thinks it necessary, though the Dutch may be uneasy that that affair of the four species to be excepted out of the Tariff of 1664, should still be kept in uncertainty; and the British plenipotentiaries accordingly, to gain time till they could know her majesty's pleasure, revived the difference between count Rechteren and Mr. Mefnager; and hope 'tis for her majesty's service in this manner to stave off the conferences.

The differences that arose concerning the treaty of peace, and in particular about our commerce, being finally to be determined at Paris by the duke of Shrewsbury and Mr. Prior, the committee think it needless to enter into all the orders and instructions, objections and answers, that went and came to and from Utrecht, where there was, indeed, but little more than the form of a negotiation; and conceive that an account of what passed between London and France, will set this whole matter in a clear light. In the first place, they take notice here of a remarkable passage or two, found in lord Bolingbroke's letters to Mr. Prior. On the 19th of September, O. S. lord Bolingbroke sends Mr. Prior an account of some advices they had received of the invasion of the Leeward-Islands by the French. "This, dear Mat. says his lordship, proves a very untoward contretemps; it gives a theme to the whigs, and serves to awaken the passions that were almost lul'd asleep. We expected that Cassart's Squadron might be gone to the coast of Brasil, or to Surinam, but we never imagined our colonies would have been attacked by him, at the time when we were knitting the bands of friendship between the two nations with all possible industry. Could this ill opinion of our new friends have entered into our heads, I do assure you he should have been accompanied by a fleet of the queen's, which would have kept him in respect: compare this conduct with that of the queens, &c." And here follows the passage which has been already mentioned, wherein his lordship declared concerning the order sent to the duke of Ormond. "I will not say this order saved their army from being beat, I think in my conscience that it did." His lordship goes on. "In a word, we depended so much upon the good understanding, which we thought established, and were so earnest to prevent any thing which might break in upon it, that we not only avoided

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country, and of his personal bravery and courage :  
that in consideration both of his great services,  
and

to fortify our Squadron, as we might have done, but we also neglected to put in execution some designs, which would have annoyed both French and Spaniards, perhaps more than any that have been effected in the course of this war."

Another instance of his lordship's good disposition to the French nation, is to be found in his letter to Mr. Prior of the 29th of September, wherein he says, " I have got at last the affair of the Griffin compounded, not without very great difficulty; and tho' the sum paid to the captors was so large as 35,000*l.* the ship was plainly prize, and the pass sent over hither might have been proved to have been numerically one of those I delivered at Fontainebleau, four days after the Griffin was in Sir Thomas Hardy's power; tho' Gaultier was ready to swear that he received it some months before; which part of the abbot has, I confess to you, done him no good in my opinion. From whence it appears, tho' this pass was none of them, that passes had been granted some months before the suspension was concluded.

Whilst the English ministry are doing these good offices to the subjects of France, and taking all opportunities, both public and private, to espouse their interests, the committee is surpris'd at the ill treatment which England received from France at this time, and at their backwardness in making good the promises and engagements they were under in some points that most nearly concerned the interests of Great-Britain. At the latter end of October, Mr. Prior was sent into England, and by what appears left his residence in France, without the leave or any order from the queen his mistress; but was sent over by the king of France as a proper person, whom he thought fit to entrust with the great secret of prevailing with the queen by her credit, to obtain what the king demanded for the elector of Bavaria. He brings a credential letter from the king of France to the queen, which seeming something new of the kind is annexed in the appendix. About the middle of November Mr. Prior goes back into France with new instructions, wherein the proposal of a neutrality in Italy is one of the chiefest articles; and that he might have a perfect knowledge of the queen's present resolutions and councils in relation to the present treaty of peace, a copy of the last instructions to the plenipotentiaries at Utrecht is given him, that as occasion should require he might act in all things conformable to the queen's intentions therein expressed. He carries likewise a letter from the queen to the king of France, wherein, among other things, it is said, " That Mr. Prior continuing to behave himself so as that his conduct may be entirely agreeable to the king of France, he does but literally execute the orders the queen had given him, and is a proof of his duty and zeal for her service." After this it appears, that when the treaty of peace was ready to be concluded, the advantages Great-Britain was to expect and reap from the endeavours of the British ministry, to assist and support the cause of France, were in a great measure unsettled and undetermined. France began to cavil, and as lord Bolingbroke said, go back from what the king

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and his illustrious relations, if he had of late been so unfortunate as to fail in any part of his conduct,

king had promised the queen. His lordship cannot be persuaded, as he tells Mr. Prior, " That the French act either fairly or wisely, they press us to conclude, that they may have others at their mercy; and at the same time they chicaned with us concerning the most essential article of all our treaty, and endeavour to elude an agreement made, repeated, confirmed."

The two great points of moment in dispute, were concerning the fishery at Newfoundland, and in what manner the cession of Cape Breton was to be made; the other was about the treaty of commerce. As to the first, it is observed, that in the queen's instructions to the duke of Shrewsbury, he is directed to propose, as the queen's last resolution, that she will consent to give and yield up to his most christian majesty, the entire possession and propriety of the island of Cape Breton, but with this express condition, That his said majesty shall on his part, in consideration of the same, relinquish to her majesty all manner of right to fishing, and drying fish on the coast of Newfoundland, or any part reserved to his subjects, by the articles signed at London the 27th of September and 8th of October, 1711.

Several representations were sent backward and forward, shewing the fatal consequences of what was demanded by France; and altho' lord Bolingbroke, in his letter to Mr. Prior of the 19th of January, 1712-13, insisted, that the queen had never yielded what France pretended to, which then remained an unsurmountable difficulty; yet in his letter to the duke of Shrewsbury, of the same date, he tells his grace, " If the French close with the overture he then made them, with regard to the disputes concerning commerce, her majesty is willing to accept the last expedient proposed by monsieur de Torcy, for adjusting our differences about North-America, and to consent that the king, in the cession of Newfoundland, do reserve to his subjects a right of fishing and drying on the coast of Newfoundland, from Point Rich north about, to Cape Bonavista;" and here no direction is given concerning Cape Breton, of which the French got the entire possession and propriety; although, in the duke of Shrewsbury's instructions, it is declared, " That the queen looked upon Cape Breton to belong to her; and reckoned that island a part of the ancient territory of Nova-Scotia, which is by this treaty restored to her." But if his grace could not prevail upon them to agree with him in the article of commerce, he was to declare, that neither will the queen agree with them in their proposition concerning Newfoundland. Here the committee considers upon what consideration this valuable privilege of taking and drying fish upon the coast of Newfoundland was yielded up to France. In Mr. de Torcy's answer to lord Bolingbroke's memorial of May the 24th, 1712, it was agreed, " That Britain and France should grant to the subjects of each crown reciprocally, the same privileges and advantages which they shall either of them grant to the subjects of any other nation whatsoever;" upon this foundation was established the principle of treating, and being treated, as gens amicissima; and pursuant to this principle, the tariff



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duct, they ought not to proceed against him with the utmost rigour of the law; the rather because he

tariff of 1664, which was granted to Holland, excepted the four species, was likewise to be granted to us; and by the 8th and 10th articles of the project of the treaty of commerce, it was to settle. But France pretending now, that this tariff would be too beneficial to us, refused to grant it to us, until another tariff should be made in Britain, exactly conformable to that of 1664, whereby our duties should be reduced as low here, as theirs are in France by that tariff. This, lord Bolingbroke says, is "an open violation of faith; and by this they are removing a corner stone, which was laid early in the foundation of a building brought almost to perfection; the fall whereof must prove at last of as fatal consequence to them as to us." He adds, "He was strangely surpris'd when he saw the precedent of the Ryfwyck treaty quoted, to persuade us to refer our commerce, as the Dutch then did theirs, to commissioners, to be treated of after signing the peace, that the behaviour of the French upon that occasion has given us warning; and it is from thence we have learned, that whatever is referred, is given up; and they must have a mean opinion of those whom they would persuade to pursue the same method, to get the tariff of 1664, by which the Dutch then lost it." But his lordship had either not learnt this lesson, or had entirely forgot it, when on the 24th of May he himself had propos'd, "That several points relating to commerce, requiring a longer discussion than that crisis would admit, commissaries should be appointed to settle and adjust the differences." But, then it seems they were more intent upon the general peace, than any particular advantages.

After this his lordship propos'd to strike out of the project of the treaty of commerce, the 9th and 10th articles, and instead thereof, to insert one to the effect of that which he had drawn; and as the acceptance of this amendment was to put an end to all the differences, and gave such ample advantages to France, the French readily agreed to it; and inserted it verbatim as it was sent, which makes the ninth article of the treaty of commerce as it now stands, and is the same that was rejected by the last parliament; and this article, which has been since so universally and justly condemned, appears to be the work of the English ministry, and the price for which they sold to France the fishery of Newfoundland.

This treatment of France could not but give the ministry the greatest uneasiness, tho' their apprehensions, lest the circumstances they were in should be known, far exceeded their concern at the disappointment Great-Britain was like to meet with. They had signed a separate treaty with France in September 1711, upon this single principle, that the interests of Great-Britain were in the first place to be adjusted; and as long as they had this to say, they were unconcerned at all other events. They had gone on for fifteen months together, and acted in every thing as the instruments of France, and are at last in danger of being disavowed by France, in the most essential part of all their treaty. One of the chief inducements and principal conditions upon which the fatal  
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he ever meant well, and was drawn into ill measures by crafty ministers." Sir Joseph Jekyll, spoke

cessation of arms was granted, was, "That no privileges or advantages relating to commerce with France, shall be yielded to any foreign nation, which shall not at the same time be granted to the subjects of her Britannick majesty; but France had now reaped the full benefit of the suspension, and were at liberty to dispute the principle of gens amicitissima." In these circumstances were the English ministry in January 1712-13, and to extricate themselves, they give up all points in dispute in North America, and the fishery of Newfoundland; upon the single consideration of the ninth article of the treaty of commerce, which the parliament rejected with a just indignation. However, to bring France to a compliance, even upon these conditions, the duke of Shrewsbury is instructed to prevail with France to come to this resolution, without the loss of one moment's time. The parliament was suddenly to meet, and it would be necessary for the queen to communicate to both houses, the present state of the negotiation. His grace is then to represent to monsieur de Torcy, how smoothly every thing would glide along, if the queen was able to speak of her own interests as absolutely determined with France; and on the other hand, what travels we shall be expos'd to, and what confusion may arise, if our negotiation appears to be still open, and if the secret comes to be divulged, that France refuses to make good in the treaty the full effect of former promises to the queen. That as the French ministers desire that the queen would precipitate the conclusion of her peace, and leave all the confederacy at their mercy, they must be told, that when the mutual interests of France and England are settled, the plenipotentiaries of Great-Britain shall publicly declare in the congress, that they are ready to sign with those of France, and shall call upon the allies to quicken their negotiations, and conclude without loss of time. But if they seek unnecessary delays, or make unreasonable demands, her majesty, who has induced them to treat, will by the same measures engage them to conclude, or at least she will sign without them. And that the queen having once declared her interest to be settled, and her treaty ready to be signed, the general peace becomes from that moment sure, and the remainder of the negotiation easy; it is, therefore, wise for the French to comply with her majesty." The great distraction the ministry was in, appears sufficiently from this long letter of lord Bolingbroke's to the duke of Shrewsbury: but to be more fully satisfied what their own apprehensions were, and what they themselves thought would be the consequence of such proceedings; the committee takes notice of two letters, written upon this subject, by lord Bolingbroke to Mr. Prior; one of January the 19th, the other of the 22d, O. S. In the first his lordship says, "We stand indeed upon the brink of a precipice, but the French stand there too. Pray tell monsieur de Torcy from me, that he may get Robin and Harry hanged; but affairs will soon run back into so much confusion, that he will wish us alive again. To speak seriously, unless the queen can talk of her interests as determined with France; and unless your court will keep  
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spoke likewise in favour of the duke of Ormond: he said, " That if there was room for mercy he hoped

our allies in the wrong, as they are sufficiently at this time, I foresee inextricable difficulties. My scheme is this: let France satisfy the queen, and let the queen immediately declare to her parliament, and in the congress, that she is ready to sign; at the same time let the French plenipotentiaries shew a disposition to conclude with all the allies. And then his lordship enumerates the several offers which he would have France make to the several allies: which, tho' very general and insufficient, his lordship says, if such overtures as these (made to the allies) were not instantly accepted, our separate peace would, sitting the parliament, be addressed for, made, and approved; and the cause of France for once become popular in Britain. If they were accepted, let monsieur de Torcy sit down and consider what a bargain would be made for France; let him remember his journey to the Hague, and compare the plans of 1709 and 1712. Monsieur de Torcy has a confidence in you: make use of it once for all upon this occasion, and convince him thoroughly, that we must give a different turn to our parliament and our people, according to their resolution at this crisis." The next letter is of the same strain: " We are now, says his lordship, at the true crisis of our disease, we die at once, or recover at once, let France depart from that shameful expedient by which they thought to bubble us out of the advantages which they had solemnly yielded, and all is well, otherwise, by God, both they and we are undone. Pray send Barton back as fast as possible; the queen can neither delay the meeting of parliament longer than the third, nor speak to the houses till we hear from you. My compliments to monsieur de Torcy: let him know, that if they do not agree with the queen, I may perhaps be a refugee; if I am, I promise before-hand, to behave myself better in France, than the French refugees do here. Make the French ashamed of their sneaking chicane; by heaven, they treat like pedlars, or, which is worse, like attorneys."

Tho' all these publick transactions passed through the hands of lord Bolingbroke, it appears that he was not the only person in the secret; but that a greater influence chiefly directed and governed all these councils; and that the lord treasurer, as in the great affair of Tournay, was in this transaction the chief conductor, as may very reasonably be concluded by several letters that Mr. Prior wrote about this time to my lord treasurer, altho' Mr. Prior has not thought fit to produce one letter from his lordship to him. Mr. Prior's dispatch to the secretary's office, giving a full account of the present state of the treaty, with several papers concerning commerce and North-America, is dated December the 28th, 1712, N. S. The day after, December the 29th, N. S. Mr. Prior writes to my lord treasurer, and tells him, " I have wrote a book, instead of a letter, to my lord Bolingbroke, which I desire your lordship would be pleased to run over, that knowing what I have done here, you may honour me with your commands as to what I am to do. He hopes his proposal about Newfoundland, which he sends his lordship enclosed, is such as may terminate that affair to our advantage.

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hoped it would be shewn to that noble, generous, and courageous peer, who, for many years, had exerted

advantage. If your lordship is of the same opinion, I shall have entire satisfaction. January the 2th, 1712-13, N. S. Mr. Prior writes again to my lord treasurer, that he had been in conference with the French ministers to adjust the points undecided; that he had sent lord Bolingbroke the result of those conferences, and says, " I hope the whole affair of Newfoundland is adjusted to your desire; there were some points insisted upon by our plenipotentiaries, which the ministers here thought very unreasonable; and to say a truth to my lord treasurer plainly, which I a little mitigate to my lord Bolingbroke, I think not very reasonable." He then gives an account, " that monsieur de Torcy was surpris'd, that the Dutch had but in part complied with what lord Strafford declared to them to be her majesty's resolutions, to which he hopes the queen will send such an answer as may cut off all delays;" and upon this occasion Mr. Prior says to my lord treasurer; " This I only write to your lordship, it being a thing that should not be canvass'd in council; and I have promised that the king should have her majesty's answer upon it, as he desires." January the 19th, 1712-13, N. S. Mr. Prior writes again to the lord treasurer; acquaints him, " That the duke of Shrewsbury now sends to lord Bolingbroke the substance of their last conferences with monsieur de Torcy, upon the subject of Newfoundland; to which I take leave to add; That your friend Torcy is in the last concern to find the duke's instructions so strict, in a point which cannot be given up by France, at a time when we well hoped that difference was adjusted. Pray, my lord, let us have your distinct and positive orders hereupon by the first. Duke of Shrewsbury desires that we may have your orders to finish. I believe Torcy writes himself to you." January the 23d, 1712-13, N. S. Mr. Prior writes once more to the lord treasurer, and tells him, " I have already wrote so amply to your lordship, on the two great points of Newfoundland, and the tariff of 1664, and expect so daily your last orders upon those two points, that I will not trouble you at present further than to say, if these two are settled, the peace may be determined here to-morrow, and sent the next day to Utrecht to be signed." And on the 2d of February 1712-13, Mr. Prior says to the treasurer; " If I desire you to write to me, it is because I really think it for the queen's service; that in this great post where you have put me, I may say, I have the immediate commands of my lord treasurer; and in regard to that friendship, with which you have so publicly honoured me, and which, by the bye, does all the business here." And on February the 4th, " I shall direct myself as you shall be pleased to instruct me privately." If the committee had found among the papers delivered by Mr. Prior, the lord treasurer's answer to these letters, it would have appeared, how far the giving up the fishery of Newfoundland, and the accepting of the 9th article of the treaty of commerce, was owing to his lordship's immediate orders. It seems, however, to be a very extraordinary proceeding, that the queen's ministers in France, acting by authority, and under her instructions, should apply to my lord treasurer, for his distinct and

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exerted those great accomplishments for the good and honour of his country; that if of late he had the

positive orders to release them from the queen's instructions; because they are thought by the French ministers to be too strict; and if it be a doubt, by whose order or advice it was procured, so much is certain, that these applications had their desired effect; and the Newfoundland fishery was given up; and the advantages we were to receive from being treated upon the foot of gens amicissima, were all buried in that destructive article, of the 9th article of the treaty of commerce.

The dispute raised at Utrecht had been so ordered, that the ministers of the allies could not obtain any conferences with those of France, till the points in difference were adjusted between England and France; by which means it was February 1712-13 before the Dutch and French were suffered to meet: and it being now the business of France to conclude with England separately, the temper the French plenipotentiaries appeared in, made all business so impracticable, that the British plenipotentiaries were under a necessity of complaining of it to lord Bolingbroke, and to acquaint him, February the 3d, 1712-13. "The French appear so very uncomplying in every point debated, and so very forward and positive in their refusal of a great many things, which the Dutch took to be granted and settled, as well by her majesty's speech, as the declarations lately made by lord Strafford, that the disappointment they met with, put them in the greatest consternation: reason was also given us to participate in these discontents, and to regard several things which appear contrary to what her majesty has declared, as very unfair; yet all that could be said prevailed not.

The committee is not surpris'd, that the instances of their excellencies had so little effect with the French plenipotentiaries, who then expected that orders should be sent to the British plenipotentiaries immediately, to sign a separate peace, which, according to their expectations, were sent February 20, 1712-13, by Mr. St. John, brother to the lord Bolingbroke, to conclude and sign with France, as soon as the duke of Shrewsbury should send them advice that the propositions he was to make at the French court were accepted; and on the 28th, lord Bolingbroke, with the utmost joy, acquaints their excellencies, "That he had received from the duke of Shrewsbury, the expected returns: he had, therefore, dispatched a courier to them, to renew those instructions which he hoped were clearly enough signified in those papers which his brother carried. He acquaints them that the duke of Shrewsbury had declared, that their lordships had orders, in case the French complied, as they now actually have done, to sign her majesty's peace with France without further delay; and that her majesty would open the parliament, by telling them, she had made a peace with France. The latter she will herself perform on Tuesday; and the former, it is her positive command, that your lordships make good as fast as the necessary forms of preparing and executing the instruments will allow. And his lordship gives their excellencies positive orders, without any delay, to execute the treaties of peace and commerce between Great Britain and France. On the 7th, and 20th of

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the misfortune to deviate from his former conduct, the blame ought not, in justice and equity, to be laid

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March, O. S. lord Bolingbroke repeats these positive orders, and insists, that the peace should be concluded with that precipitation which her majesty would have used. And it is observable, that among all the demands that were made, upon account of any prince or potentate, none, at this time, met with the least regard; when, at the same time, the interest of the prince of Ursini was espoused in the strongest terms: and in the same letter, March 3, O. S. where his lordship, speaking of the consequence of the restoration of the elector of Bavaria to his electorate, says; "Her majesty does not much enter into the notion of the degradation of Hanover, as a matter of any importance." His lordship declares, "That the principality in some part of the Spanish Netherlands, with a revenue of 30,000 crowns, demanded for the prince of Ursini, must be made to the emperor, and all parties concerned, a condition sine qua non, of the general peace."

But the British plenipotentiaries who were to sign had some difficulties; and acquaint lord Bolingbroke; "We could say a great deal to justify our cautious proceedings with the French, and are satisfied, that your lordship would be of the same opinion, if you were to see their way of negotiating with all the allies, and how hard it is for us to obtain here what to your lordship seems impossible the French should make any difficulty to grant."

The repeated orders to the plenipotentiaries prevailed at last so far upon them, as to acquaint the allies, the queen found it necessary to conclude her own peace without delay; and that time should be allowed those that were not ready: but they still avoided the actual signing till the rest of the allies, whose treaties were in a forwardness, were ready to sign with them; and, to justify themselves, they acquaint the duke of Shrewsbury, That, besides other considerations, their chief objection was, that tho' they had orders to sign a particular peace, yet their full powers under the great seal, only authorized them to negotiate, agree, and conclude the conditions of a good and general peace, agreeable to the interests of all, and each of the allies. And what made them more averse, was the great importunity with which the French pushed them to sign separately. "We are, say they, surpris'd at the eagerness of the French ministers to have us conclude alone, when so many of the allies are, in a manner, ready to join with us; nor can we enough apprehend the consequences at home of doing it alone.

Hereupon lord Bolingbroke, who says, "He has not sagacity enough to find the objections that the plenipotentiaries had made to their full powers," for their satisfaction, sends them a new commission, and repeats to them positive orders to sign and conclude with France, for which purpose "they were to appoint a day to desire them to be ready, and at the same time to press such as could not be ready by that day, to fix some other on which they will sign. By this new commission, his lordship tells them, they have a power, as before, transandi conveniendique; the conditions of a good and general peace,

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to him, but to them principally, who abusing his affection, loyalty, and zeal for the service of his royal

which is no more than you are to do, when you are to offer, jointly with the ministers of France, a general plan to the allies. These difficulties of the plenipotentiaries made the lord treasurer, who never failed to exert himself when he found it absolutely necessary, think it high time to interpose his authority; and accordingly, March 31. N. S. he wrote to my lord Strafford in this manner: "I must felicitate your excellency upon the success of all your zeal, and the true love you have shewn to your queen, your country, and repose of all Europe. The remaining danger is, lest we should suffer shipwreck in the sight of the port. The nation here are 500 to 1 for peace. The warriors are driven from their outworks; the last retrenchment they have is delay; and I must say, this operates much here. The ferment begins to work, and it will be impossible to answer for the turn the house of commons will take, if these delays provoke them further. They all feel how many 100,000l. this needless protraction costs them. We now maintain 49000 effective men by land, and 30000, within a trile, by sea. In the mean time, the merchants lie off, and will not come into port; the amusement of stories invented by the faction, and the correspondence and encouragement that party gives to their friends to hold out, and to wait for some unhappy accident that may unravel all which is done: add to this, the ill humour which will grow in members, by being kept so long in town; and, in one word, all that has been unsettled for many days, is not worth one day's charge England is at extraordinarily by this delay. I find this seems to be the prevailing universal opinion here, and that France has acquitted herself; the only stop is now at Utrecht." But this stop did not remain long; and as his lordship never yet appeared in vain, all further obstructions at Utrecht were after this soon removed. April 1, 12, 1713, the treaties of peace and commerce between Great Britain and France were signed between two and three in the afternoon. This example was followed by several of the allies: and last of all, when it was in vain to hold out any longer, the Dutch about midnight signed their treaties of peace and commerce; and the emperor and empire alone, chose rather to bear the weight of the war, than submit to such disadvantageous and dishonourable terms as had been carved out for them by England and France.

The committee observe, that the queen's plenipotentiaries suffered a clause to be inserted at the end of the 15th article of the peace with Spain, whereby they gave a pretence to the Spaniards to claim a right to fish at Newfoundland, contrary to the 7th and 8th article of the treaty made with that crown by Sir William Godolphin, 8-18 July, 1670, whereby it is agreed, That the king of Great-Britain, his heirs and successors, shall enjoy for ever, with plenary right of sovereignty, &c. all those lands and places whatsoever, being or situated in the West-Indies, or in any part of America which the said king of Great Britain and his subjects do at present hold and possess. And that the subjects and inhabitants, merchants of the kingdoms, &c. and dominions

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royal mistress, had drawn him into pernicious counsels; that therefore, as the statute of the 25th Edward

dominions of each confederate respectively, shall forbear to sail and trade in the ports and havens which have fortifications, magazines, or ware-houses, and in all other places whatsoever, possessed by the other party in the West Indies, &c. The board of trade being consulted on the Spaniards claiming a right to fish at Newfoundland, being returned the following answer to lord Dartmouth, dated June 13, 1712 13. "We have considered the extract of a memorial from the marquis de Monteleon, relating to a claim of the inhabitants of Guipuscoa, to fish on the coast of Newfoundland; and thereupon take leave to inform your lordship that we have discoursed with such persons as are able to give us information in that matter; and we find that some Spaniards are come hither with passes from her majesty, and others may have fished there privately; but never any, that we can learn, did do it as of right belonging to them. By the act to encourage the trade to Newfoundland, passed in the 10th and 11th years of his late majesty, when we were in amity and alliance with Spain, it is declared and enacted, That no alien or stranger whatsoever, not residing within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, shall at any time hereafter take bait, or use any sort of trade, or fishing whatsoever, in Newfoundland, or in any of the islands adjacent: pursuant to which act, instructions have been given every year to the commodores of the convoys, to prevent foreigners coming thither." The committee are at a loss to account for the reasons that prevailed with the ministry to admit the insertion of this article; and upon this occasion acquaint the house, that they find very few footsteps remaining of the whole transaction, relating to commerce with Spain. That the management of it was entrusted with Mr. Gillingham, an Irish papist, who was sent thither for that purpose; for which reason lord Lexington, in his letters to lord Dartmouth, frequently excuses himself for not writing upon that subject, Mr. Gillingham giving such full accounts of the matter; notwithstanding which, no one letter from Mr. Gillingham to the secretaries office can be found; and the committee are induced to believe, that this whole transaction was carried on by another way.

From this passage it appears evident to the committee, that a correspondence was carried on between the earl of Oxford and Mr. Gillingham, in relation to our treaty of commerce with Spain. But for want of the papers which passed between them upon this subject, the committee is likewise at a loss to find what motives could induce the British ministry to admit so essential an alteration of the treaty of commerce, signed by the queen's plenipotentiaries, as is made by the Three explanatory articles, as they are called, which are added to the said treaty, and are, in an unprecedented manner, inserted in the ratification of it; notwithstanding it doth not appear, they had ever been consented to, much less signed by any of the queen's plenipotentiaries. Amongst other very material disadvantages to which these

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Edward III. on which the charge of high treason against his grace was to be grounded, had been mitigated

articles subject our merchants, the committee is informed, that, by virtue of them, Spain does actually at this time demand of our merchants fourteen per cent. on account of Cientos, Millones, and Alcabalas, over and above fifteen per cent. which they exact for other duties, which added to them, amount to twenty nine per cent. whereas, 'tis notorious, that during the reign of king Charles II. of Spain, the whole duties exacted, and paid by our merchants for all goods imported to the several ports of Spain, computed by an average, did never exceed ten per cent. but rather fell short of it. By what management these articles were ratified, and how legal and warrantable it was to affix the great seal to articles so pernicious in their contents, and so irregularly offered, the committee submit to the consideration of the house.

The committee having thus gone through the chief transactions relating to the negotiations of peace and commerce, proceed to offer to the house what they have found material in the papers referred to them concerning the Catalans. In the first place, they observe, that after several unsuccessful attempts by the way of Portugal, and the design upon Cadiz, to settle king Charles on the throne of Spain; and that the confederate fleet had appeared before Barcelona in 1704, without the desired success; her majesty, in the beginning of the year 1705, sent Mr. Crowe as her minister to Genoa, with private instructions, "to treat with the Catalans, or any other people of Spain, about their coming into the interest of Charles III. of Spain, and joining with her majesty and her allies. For that purpose he is to inform himself, what number of forces they will raise, and what they expect shall be sent to assist them: if any of the nobility insist upon a sum of money to be advanced to them, he must assure them, he does not doubt but he shall be empowered to remit to them whatsoever is necessary and reasonable for their support, as soon as they are actually in the field: that he shall give the Catalans, or other Spaniards, assurances of her majesty's utmost endeavours to procure the establishment of all such rights and immunities as they have formerly enjoyed under the house of Austria: that she has, for their further satisfaction, sent to king Charles III. for powers for confirming the same to them; and that she is willing, if they insist on it, to give her guaranty that it shall be done." Mr. Crowe had also a commission of the same date with his instructions, to treat with the Catalans upon the terms before-mentioned, upon this express condition on their side, That they should acknowledge, and receive king Charles as lawful king of Spain, and utterly renounce the house of Bourbon. He had with this, credential letters, sign'd by the queen, directed to the nobility, magistrates, and all officers civil and military, of Catalonia, desiring them to depend upon the promises he should make them in her name. The earl of Peterborough, and Sir Cloudesly Shovel, by their instructions, dated May 1, 1705, were likewise ordered to use their endeavours to induce the Catalans to join with them in their undertakings, and to animate that

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mitigated by subsequent laws, the house ought not, in his opinion, to take advantage of that act against the  
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that people to prosecute their liberty with more vigour; to assure them of the queen's support, and to promise them in her name, that she will secure them a confirmation of their rights and privileges from the king of Spain, that they may be settled on a lasting foundation to them and their posterities. But they are ordered, in case the Catalans make no suitable return to these kind offers, to annoy the towns on the coast of Spain, and to reduce them by force. Moreover, a declaration was drawn here, and delivered by Mr. secretary Harley to the earl of Peterborough, full of assurances in the queen's name, of support, and of their liberties on the one hand, and threats on the other; which declaration his lordship did accordingly publish. The success of that expedition needs not be here particularly mentioned. King Charles in his letter to the queen, of October 22, 1705, gives an account of them, and what they were owing to, viz. "The assurances of your majesty's generous protection, upon which my subjects in Catalonia expose their lives and fortunes." No want of fidelity or zeal for the common cause, during a long war, that abounded with extraordinary turns of fortune, was ever objected to these people; on the contrary they received to the last the applauses of the allies, and assurances repeated to them by every general and minister that was sent from Great Britain to that country, that they should never be abandoned. When the queen entered into separate measures of peace, lord Lexington was sent ambassador to Spain, at which time, considering the circumstances of king Philip's affairs, and the obligations he had received from the queen, the Catalan privileges, if plainly demanded and insisted upon, could not have been refused, and without it, could never be expected to be granted to a people so remarkably zealous for the common cause. But his lordship's instructions, instead of directing him to insist upon this as a condition of the queen's coming into the peace, order him only to represent to the court of Spain, "That it is no less for the king's interest, than for the queen's honour, that a general amnesty, without exception, be granted to all Spaniards who have adhered to the house of Austria, and in a particular manner to the Catalans, with regard to their persons, estates, dignities and privileges." These instructions, though very defective, were not complied with; for lord Lexington, in the 1st article of his demands, delivered to the court of Spain, upon his arrival there, expresses himself thus; That the queen prays his catholic majesty, that a general amnesty without exception be granted; but leaves out the words in his instructions, with regard to their persons, estates, dignities and privileges.

The king's answer was, "That the general amnesty relating to the general peace, was not proper for the present treaty; and therefore he left it to be then treated of; that he would make use of his great clemency, provided the queen would contribute to the safety, repose, and interests of so many faithful subjects, who had followed his righteous cause in Flanders, and Italy; and that an express article

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the duke, but only impeach him of high crimes and misdemeanors." General Rofs laid great stress

be inserted in the peace, wherein it shall be declared, That all subjects who have done their duty, by adhering to his catholick majesty, shall be established in their estates and honours of what nature soever they be, which they enjoyed when they were under his obedience." Lord Lexington transmits this answer to England, which tho' containing a direct refusal of what was desired, and only general assurances of clemency from the king, on conditions that could not possibly be expected to be complied with; yet his lordship writes to lord Dartmouth, that the article about the Catalans was agreed to; and thinks what they desire is but justice: and then goes on; "Thus, my lord, I have finished my negotiation in the best manner I could, and hope it will be to her majesty's satisfaction." No dissatisfaction was shewn by the ministry in England, either with this manner of negotiating, or the fruitfulness of it, but he is ordered to proceed in the business, both as it was an act of humanity, which every one to the utmost of their power ought to promote; and that the interest of the king of Spain was most nearly concerned by that means to get the Germans out of the country. Hereupon another memorial for an amnesty is presented, the motive used to induce the king to grant it is his own interest, and to remove the Germans, without any notice taken of the queen's honour being concerned in the affair.

The king answered, "That the Catalans had deserved little from him; that they were now reduced to a small extent of ground, by the withdrawing of the troops of Britain and Portugal; that his troops, and those of the king his grand-father, was entering into their country by three several ways; therefore more in compliance to the queen, than for the arguments that had been offered, he was willing to grant his pardon to those Catalans, who acknowledging his clemency, and repenting them of their error, should submit to his dominion and vassalage, within a time to be prefixed." Count Zinzendorf, in the project for evacuating Catalonia, insisted upon the preserving the people their privileges: but the king of Spain refused it, and would only grant them an amnesty. Lord Dartmouth, in his letter to the marquis de Monteleone, and lord Lexington, says, "He cannot express the queen's surprize, to hear, that the privileges of the Catalans were not intended to be preserved to them by the court of Spain; that those privileges were necessarily included in the meaning of a general amnesty already granted; and this was an affair wherein the queen's honour was extremely concerned, and that she was obliged by motives of conscience not to depart from it." Lord Lexington is hereupon ordered to insist again upon it, in the strongest manner, that when the king of Spain is convinced of her majesty's steadiness, and the firmness of her resolution to adhere to this demand, no doubt he will yield to what has been so solemnly promised, and is in itself so reasonable. That the marquis de Monteleone, being restrained by his instructions from treating upon this point, the negotiating of it must entirely lie upon lord Lexington. Accordingly his lordship presents another memorial for a general amnesty, with the confirmation of all their privileges. "The amnesty, he says, was granted, but the privileges entirely

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stress upon Sir Joseph Jekyll's opinion. Sir William Wyndham, Thomas Onslow, esq; Mr. Ward, Mr.

entirely refused, and in such a positive stile, as he never met with, but in demanding a tract of ground about Gibraltar." In another letter, speaking of the many denials he met with in Spain, he says, "Things are not here upon the same foot as they were before the suspension, for the king told me these words, We know that the peace is as necessary for you as for us, and that you will not break it off for a trifle."

It may seem unaccountable how the queen's endeavours could fail of success, when she declared her conscience was concerned in this matter, and that, tho' she desired a peace, she would not act inconsistently with honour and justice to obtain it. But the committee very judiciously observe, that the first fatal step to the ruin of the Catalans, was the orders sent lord Lexington, (contrary to his first instructions) upon his arrival at Madrid to acknowledge Philip as king of Spain in a private audience, before any one article of peace or commerce was settled with him, which put him in a condition of refusing this, and whatever else he should think fit. The manner how Spain gained this important point appears to be as follows: lord Dartmouth had acquainted Mr. Prior, that lord Lexington was not to acknowledge Philip as king of Spain, till he had agreed to the demands his lordship was to make in the queen's name. However, lord Dartmouth thinks it convenient the sentiments of the French court should be known upon this matter as soon as possible. This method of proceeding with Spain was very much disliked in France; and Mr. Prior writes lord Dartmouth a very elaborate letter, full of monsieur Torcy's reasons to induce our ministry to recede from that point, and concludes with this remarkable one. "That the whole treaty being eventual, this acknowledgment of Philip as king of Spain, would fall as the other points, unless the conditions were made good, and the peace agreed and ratified."

Hereupon lord Bolingbroke determines this matter in favour of Spain, by imputing the former directions to lord Dartmouth's mistaking the queen's meaning: and writes Mr. Prior word that he was equally surprized, and vexed to find by the uncouth way of explaining the queen's sense, that Mr. Prior had been led to imagine it was intended lord Lexington should make any difficulty of acknowledging the king of Spain as such. "The proceeding this way by acknowledging the king in the first place, (says his lordship) seems natural, civil, and unexceptionable, but any other Scheme is absurd and inconsistent with all the rest of our proceedings;" and then concludes, "for God's sake, dear Matt, hide the nakedness of thy country, and give the best turn thy fertile brain will furnish thee with, to the blunders of thy countrymen, who are not much better politicians than the French are poets." Lord Dartmouth acquiesced, and dispatched orders to lord Lexington, to acknowledge king Philip, notwithstanding his former instructions to the contrary.

Nor did the ministers shew that zeal for the queen's honour as might be expected, with respect to the Catalans; but plainly gave this matter

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Mr. Hungerford, and some other members of both parties, spoke also on the same side: but Mr.

up. Lord Bolingbroke in his letter to the queen's plenipotentiaries at Utrecht, tells them, "It is not for the interest of England to preserve the Catalan liberties, and observes, that the Catalan privileges are the power of the pike and sword; but that the Catalan privileges, which the king of Spain will give them (in exchange for their Catalan) are the liberty of trading to the West-Indies, and a capacity of holding those beneficial employments the king has to bestow in America, which (lays his lordship) are of infinitely greater value to those who intend to live in a due subjection to authority." Lord Lexington also, instead of supporting the Catalan privileges, treated the people as rebels, and to induce Spain to make peace with Portugal, puts monsieur Orry in mind of the necessity Spain is in of withdrawing their troops from Andalusia, in order to end the rebellion of the Catalans. When the convention was forced upon the emperor for the evacuating Catalonia, the imperial ministers at Utrecht, insisted upon the preserving by that treaty the privileges of Catalonia, Majorca, and Ivica; but France and her confederates insisting that that matter should be referred to the peace, the Imperial ministers at last acquiesced upon the queen of Great Britain's declaring again, "That she would interpose her good offices in the most effectual manner to obtain the privileges of Catalonia, Majorca, and Ivica: and the French king engaged, at the same time, to join his endeavours for that purpose. Hereupon the negotiation in Spain was kept up till our treaty of peace with that crown was ripe, by which the Catalan liberties were to be abandoned. This lord Lexington signed, contenting himself with protesting against that article at the same time he signed it; as he had writ word before he intended to do, and that therefore the queen was entirely at liberty to reject it.

Notwithstanding the king of Spain's former refusal, lord Lexington is directed to insist upon the Catalan privileges, and is again told, that the queen thought herself obliged by the strongest ties, viz. those of honour and conscience, to insist upon it, for a people whom the necessity of the war had obliged her to draw into her interest. His lordship had signed the treaty with Spain before these orders to present another memorial arrived. He thereupon acquaints the marquiss of Bedmar, that he was sorry he was obliged to do any thing which he knew was against the king's sentiments, but having received express orders, he must follow his duty, and presents a memorial, setting forth, "That the queen had nothing more at heart, than to obtain for the Catalans the same privileges they formerly enjoyed, which she thought herself obliged to do, by the two strongest motives, viz. honour and conscience, that she might not leave a nation, which the misfortune of war obliged her to draw into her interest, in a worse condition than she found them. That after all the pains she had taken for procuring a solid and lasting peace to Europe, she hoped his majesty would not leave her with the grief of having been the occasion of the loss of the privileges of that people, but rather that in regard to the

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Mr. Lyddal, Mr. Hampden, and Mr. Thomson, recorder of the city of London, strongly supported general

the strict friendship which was so near being established between both their majesties, as well as the union so necessary to the interests of both nations; he would not make any difficulty to grant this favour to her majesty, which she had so much at heart.

The marquiss de Bedmar's answer to this memorial was, "That this point about the Catalans having been debated in the treaty lately concluded, and signed in this court by his excellency and himself, the king does not see that any thing further is to be done to the matter." This treaty was sent to England, and ratified by the queen. Lord Dartmouth says, that lord Bolingbroke had the principal share in the negotiation, and that the article of the Catalans was put in as soft terms as was consistent with the queen's honour to allow. The terms of the treaty are, "That the Catalans shall have the same privileges as the king's best beloved subjects the Castilians enjoy." When the king of Spain had received this convincing proof of our ministry's attachment to his interests, and that the ties of the queen's honour and conscience were of no force with them, when opposed to his desires, he takes a further step, and directly proposes to lord Lexington, that the queen would assist him with ships to block up Barcelona.

His lordship's answer was, "That he was afraid this proposal would meet with this difficulty, That her majesty would be very unwilling to lend her ships to exterminate a people that had taken up arms, in a great measure, at the instigation of her ministers; and that she would think she had done enough to gratify the king, in not insisting upon the preserving for them their antient liberties, without helping to destroy them." But the regard the ministry had to this request of the king will afterwards appear. The French ambassador, and the prince des Ursins proposed to lord Lexington, and the night before he left Madrid, the king sent for him, and engaged him to write a letter concerted with, and approved by the king to the regency of Barcelona, advising them to submit themselves to their king. His lordship assures them of his constant endeavours to do the best he could for them; that God had not permitted him to do more than he had done: that if they would take their resolution soon, before he was out of Spain, he would write for them in the manner they should desire, and concludes his letter with new assurances of his concern for their interests. To make this appear the more friendly to them, he tells them, he had entrusted the consul at Alicant to get this letter conveyed to them, upon some pretence or other; tho' a duplicate of it was also sent to the count of Lecheraine, one of the king of Spain's generals before the town, with direction to have it sent in as by a deserter, without his knowledge. Mr. Burch, his lordship's secretary, amongst other reasons, gives this for the writing this letter; "That if the Catalans had a mind to accommodate, the queen would have the mediation; and if they had not, that then the court of Spain would see, that her majesty would be always ready to serve them." But this artifice to induce the Catalans to abandon their defence, in

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general Stanhope's motion; answered all that had been alledged in the duke's favour; and among other

hopes of his lordship's good offices, had no effect upon men determined to die for the liberty of their country. Nothing but force could extort that from them; and therefore Sir. Pat. Lawless, in September, 1713, presents a memorial, to the same effect with what was proposed the month before to lord Lexington, in Spain; setting forth "That the Catalans and Majorcans had not submitted themselves to the king's obedience, and interrupted all commerce and correspondence in the Mediterranean, and submits it to the consideration of the queen, not only as guarantee of the treaty of evacuation, but as it concerned the interests of Great Britain, and therefore his catholick majesty hopes the queen will order a squadron of her ships to reduce his subjects to their obedience, and thereby compleat the tranquility of Spain, and of the Mediterranean commerce." As soon as the season of the year would permit, a fleet is accordingly fitted out for the Mediterranean, under the command of Sir James Wishart, whose first instructions bear date Feb. 28, and the additional March 18, 1713-14; by which he is ordered to "enforce a strict observance of the treaty of evacuation in all its parts, upon any complaints of the queen's subjects, of interruptions of commerce, or depredations by the vessels of Catalonia, Majorca, Sardinia, Naples, and other places, to demand restitution; and in case of refusal, to make reprisals. To repair with the fleet before Barcelona, then besieged by the enemy, and demand immediate payment for the value of the queen's stores in the town, or a sufficient security for payment in some reasonable time. To take care to time his arrival before the town, according to the advices from lord Bingley, then designed to be sent to Spain; by the strongest representations to induce the regency of Barcelona to accept of the terms that shall be obtained for them. To take all the necessary measures pursuant to the queen's intentions, to put an end to the confusions that now reign in those parts: and all proper methods of persuasion to induce the inhabitants of Majorca to submit to the terms that shall be offered them; and in case of refusal, to employ his squadron in countenancing and assisting all attempts which may be made for reducing them to a due obedience." Here the committee take notice, 1. "That altho' the queen had engaged herself by the treaty of evacuation, to interpose her good offices in the most effectual manner to obtain the Catalans their liberties; yet instead thereof, the most effectual methods were used to the contrary; and Mr. Prior acquainted Mr. Torcy, that the queen was assured the Catalans would submit upon the terms before offered by the king of Spain, without so much as mentioning their antient privileges any more. 2. That the French king, who had put himself under the same obligation as the queen, by the said treaty, after this account from Mr. Prior, of the queen's sentiments, thought fit also not to ask for their privileges; Mr. Torcy also alledging, that the king had little interest with the court of Spain. 3. That Britain was under the same engagements by that treaty, to support the privileges of Majorca, as those of Catalonia, at the time

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things, represented, "That he ever affected popularity; that he could not be ignorant of the tumults

Sir James Wishart had direct orders to attack them. 4. That when these rigorous measures were forming against the Catalans, lord Bolingbroke writes word to Mr. Prior, That by what we observe in the Catalan agent here, of whom we have never taken the least notice as a publick man, it is pretty plain that a reasonable accommodation might be made, as he expresses it, with that turbulent people." What was called turbulency in the Catalans, may appear by their answer to the duke of Popoli; the king of Spain's general, who summoned them to surrender. They told him, they would die rather than be slaves; but if their antient liberties were confirmed to them, they would open their gates and receive him with all gladness. The house of lords expressed their concern in a publick manner for the miseries of the Catalans, and by their address to the queen, April 3, 1714. made it their most humble and earnest request to her majesty, "That she would be graciously pleased to continue her interposition in the most pressing manner, that the Catalans may have the full enjoyment of their just and antient privileges continued to them." Her majesty's answer was, "That at the time she concluded her peace with Spain, she resolved to use her interposition upon every occasion for obtaining those liberties, and to prevent, if possible, the misfortunes to which that people are exposed by the conduct of those more nearly concerned to help them." Hereupon, for form sake, and to allay the indignation conceived against the ministry by the people in general, who compassionated the calamities of those who fought for liberty; the demand of the Catalan privileges is again put down in lord Bingley's instructions, who was before ordered to go to Spain, but was never sent. So that the only favour obtained from the ministry by this earnest address of the house of lords, in behalf of the Catalans, was an intimation sent by lord Bolingbroke to the admiral, not to appear before Barcelona, nor to attack the Majorcans, till he should hear from lord Bingley, and receive directions from England. And also a letter from his lordship to Mr. Grimaldo, above two months after the address, tho' the town was invested at the time of making it, wherein he makes a kind and friendly complaint, as he terms it, that the Catalan privileges had not been yet granted them, nor any reasonable terms offered, which they must either have accepted, or forfeited the queen's compassion, and that of the whole world. The admiral had also his scruples, whether his orders would justify him in attacking Barcelona. He therefore writes to lord Bolingbroke and lord Bingley upon it, and submits it to lord Bingley's consideration, "whether the Catalans might not refuse conditions that may be most advantageous, if they find he is not to act by force; and desires that his orders to act before Barcelona, either by force or otherwise, may be very plain and clear, assuring him that he will most punctually obey those already given him, and such as he shall hereafter receive." When Sir James Wishart arrived at Cadiz, he gave the governor a list of the ships under his command for the Mediterranean service, who sent it immediately to Madrid;



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tumults and riots of which his name was the signal; and that since he did not publicly disown

Madrid; but tho' several messages came from court to the governor during the admiral's stay there, no one compliment was made him to signify his arrival was welcome, or any question asked, about what services he was to perform, which a little surprized him; that as soon as they had an account at Madrid, of his arrival at Cadiz, Mr. Orry was dispatched to Catalonia with full power to treat with the Catalans; so that, says he, it would appear, "that tho' the king of Spain has all the advantage of the queen's ships as much as if they were actually before Barcelona, by representing to those people, which they very well know, our arrival in these parts, and how far we are on our way to the Mediterranean, yet the king would not seem to owe the success of such agreement to the queen and her ships, but to France only." But this negotiation of Mr. Orry failing of success, by the Catalans refusing to submit without having their liberties granted them, obliged the court of Spain to take more notice than otherwise they were inclined to do of the admiral, who from Alicante writes to lord Bingley, then expected at Madrid, "That he had received a very civil letter from Mr. Grimaldo, who sent him the king's order for exempting the provisions for the fleet from paying any duty. He tells him, That this exception was usually granted to the admiral himself that commanded, but being a trifle, he submits it to his lordship's better judgment, whether the granting him this, might not be a means to prevent any thing that might be intended by the court at Madrid more to his advantage, and leaves it to his lordship's consideration what may be most for his interest at that place; and hopes by his friendship to find some marks of favour from thence, in regard to his expense in this expedition, so much intended for their service, and for which he has no allowance from home but his pay, which will not defray half his charges." In another letter of Sir James Wisbart to lord Bingley, he acquaints his lordship, "That tho' he had formerly desired him to move the king of Spain, that the grant of exemption of duties for provisions for the fleet might be made to himself, yet upon farther consideration of the matter, which is but of small moment, and may appear greater at the court of Spain and England than really it is, he desires his excellency, not to take any notice of it, but let it stand as it does; and desires his excellency's countenance and assistance upon any other occasion that the court of Madrid might take to express their good will to him." Nor was it long before the admiral gave the court of Spain more particular proofs that he was not unworthy of their expected favours. After Barcelona had been inveited a considerable time by the Spaniards, and reduced to great difficulties for want of provisions, the French king, tho' engaged with the queen by the treaty of evacuation, to employ his good offices in the most effectual manner, in favour of the Catalan liberties, thought fit to send his troops against them, commanded by marshal Berwick, who opened the trenches before Barcelona the first of July, O. S. 1714. And on the eighth of the same month, Sir James Wisbart, in the queen's name,

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own them, who made use of his name, his silence was a tacit approbation of their proceedings, and seemed

name, writ them a threatening letter, directed to the deputies, and others who possessed the government there, telling them, "That complaints had been made of their disturbing the commerce of the queen's subjects, and that they had insolently presumed to take, carry up, and plunder their ships, and used the men in a barbarous manner; he had therefore thought fit to send captain Gordon with two men of war, to represent to them these unwarrantable and presumptuous proceedings, and by the queen's command demands immediate satisfaction for the same, and the punishment of the officers of the ships with the utmost severity. If this be not punctually complied with, he leaves it to themselves to judge what the consequences may be.

The deputies returned answer, "That only one of those vessels mentioned in captain Gordon's memorial, was taken by them into Barcelona, being laden with salt, for which they paid the price immediately to the captain of it; that being besieged, they thought they might do so with justice, and by the law of nations; that they were far from living like pirates, as their enemies suggested in order to distress them, by preventing any ones coming with provisions for their relief; that what English vessels had entered their port with provisions, had been well treated, and had freely sold their merchandize, and at a higher price than they could have got any where else; and that they had that day published an order, forbidding, upon pain of death, any of their ships to molest any English, even tho' they were going with provision to the enemy. They hope his excellency will be satisfied with their conduct, which is conformable to the rights of people that are besieged; assuring him, that when they shall know of any of their ships, that shall have caused the least damage to any English, they will not only immediately inflict a rigorous punishment, but repair all the damage, desiring to live in the good correspondence they have had with his noble and generous nation, with utmost deference for the queen, and ready to obey his excellencies orders with all affection and respect." The government of Barcelona, in their extremity, writ another letter to the admiral, dated July 23, setting forth, "That the engagement Catalonia entered into, to receive Charles the Third for their king, was founded on the protection of the high allies, but most particularly of England; that they had for seven years endeavoured to serve the English nation in every thing it was possible for them to do, by contributing troops and considerable sums of money without interest. And tho' they had pleased themselves with the thoughts of the happiness to be always subjects of Charles III. yet by the ordinary change to which human affairs are liable, they now see the troops of the duke of Anjou, aided by the French, masters of all the principality, except Barcelona and Cardona, committing through the whole the most execrable hostilities, burnings and plunderings, without sparing the effusion of innocent blood, and without distinction of age or sex. That for a year together the enemies army had oppressed Barcelona by sea and land, making them continually suffer the calamity of so long a blockade;

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seemed to summon the people to a general insurrection. After these debates, it was resolved by a majority

blockade; during which time the enemies have thrown fourteen thousand bombs into the town, which have ruined the greatest part of the houses; that now they expect to be attacked in form. They cannot express their affliction, to see the danger of the inhabitants exposed to be the victims of that cruelty with which the enemy threatens to treat them. Having no comfort left, they fly to the queen of Great-Britain, beseeching her protection by the inclosed letter to Don Dalmasés, their envoy at London; and in the mean time, till an answer can come, they beseech his excellency from their souls to mediate with the French troops who oppress them, for a suspension of arms, since the congress at Baden, now sitting to conclude of a general peace, may still determine this affair; they doubt not that his mediation will be able to procure them this relief, since his squadron is superior to that of the enemy. They see no other remedy in nature for their misfortunes, and therefore hope his excellency will not refuse them; that if Catalonia has merited any thing by its services, and by its conjunction with the English nation, this is the time to receive the fruits of it; that it is worthy of his excellency to comfort the afflicted, and not to deny them this favour in their great necessity.

How the admiral was affected with this letter, may appear by one of his to lord Bingley, dated August 7, wherein he acquaints him, "That Mr. Grimaldo had signified to him from the king of Spain, that all the king's ships of war being employed before Barcelona, his majesty could not send any of them to meet his fleet then coming home; and therefore desired the admiral to send three of his upon that service, which was accordingly complied with. Of this he had acquainted Lord Bolingbroke, and hoped to meet with her majesty's approbation." The Catalans thus abandoned, and given up to their enemies, contrary to faith and honour, were not, however, wanting in their own defence, but appealing to heaven, and hanging up at the high altar, the queen's solemn declaration to protect them, underwent the utmost miseries of a siege; during which, what multitudes perished by famine and the sword? How many have since been executed? And how many persons of figure are still dispersed about the Spanish dominions in dungeons, is too well known. However, the calamities of the Catalans cannot be imputed to Great-Britain in general, abused by the ministry, with repeated assurances, that every thing was doing for the preservation of that unfortunate people.

The committee find frequent mention made of the abbot Gaultier, who, altho' he does not appear to have had any public character, resided in England during the greatest part of this negotiation, and upon extraordinary occasions, was very often sent backward and forward. But the share he had in the more public transactions, was not his only business. It is evident, that some negotiations, which required more than ordinary privacy, were verbally transacted, and upon all such occasions, abbot Gaultier was the person to whom the French and English ministers mutually referred each other. And as nothing could be  
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majority of 234 against 187, "that this house will impeach James duke of Ormond, of high treason, and

a greater secret than all matters relating to the Pretender, this province was particularly allotted to abbot Gaultier, that thro' his hands, and under his conveyance, by French couriers going continually betwixt France and England, such practices might be carried on with great safety, which in any other manner had been too dangerous an undertaking. The first time that any secret negotiation is expressly referred to abbot Gaultier, is found in a letter, where Mr. St. John, March 4, 1711-12, tells Mr. Torcy, "He had deferred writing to him of late, till the necessary dispositions were made among our people at home, and till the queen had taken the only resolution which could bring us in a short time to a good and solid peace. I have now the satisfaction to tell you, that this resolution is taken, and that Mr. Harley will carry with him this night, or to morrow morning, the final instructions of the queen to her plenipotentiaries. I refer myself to Mr. Gaultier, to explain to you more at large the subject of this gentleman's commission, and what the queen hopes his most christian majesty will do to co-operate with her." It is not to be expected, that those who have been so careful to suppress matters of less importance, would leave behind them any transactions that might tend directly to favour the cause of the Pretender. But as the committee has observed several passages which are a plain indication of the regard with which the cause and person of the Pretender were treated, as often as mentioned, they thought fit to bring them together, and lay them before the house in one view. There is a paper that was left in lord Bolingbroke's closet, dated at Versailles, September 24, 1711, endorsed, as other office-papers usually are. It gives an account, that the pope's nuncio had in his last audience of the king, made the following declaration: "The court of Rome being fully informed, that France was endeavouring to procure a peace upon the most advantageous terms that was possible, and being persuaded, that if the peace should be made, England would not suffer that the king of France should permit the prince of Wales to continue in his realms; the court of Rome offers to the king of France to give this prince an asylum at Rome, or in any other part of the ecclesiastic dominions." To which the king of France returned in answer, "That an asylum for the prince of Wales would be no obstacle to the peace. That if the allies did truly design to make a peace, he would accept of any reasonable propositions they should make; and in this case an article for the prince of Wales would be inserted in the treaty." June 7, 1712, the bishop of Bristol giving an account to lord Bolingbroke, of some discourse he had with some of the ministers of the allies, says, "Monsieur Conbruck, one of the emperor's plenipotentiaries, kept also within the terms of decency, save only that he took it for granted, that one great end of all this management on our part, was to bring in the Pretender; which apprehension one of the ministers of the states lately owned in private discourse, to have been the fundamental reason of all their conduct of late." It cannot be forgot what great stress and weight was laid upon the re-  
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and other high crimes and misdemeanors." After which it was ordered, " That it be referred to the committee

removal of the Pretender out of the dominions of France. This was what all the nation, with great justice, expected, and what the queen declared was taken care of, as an additional security to the Protestant succession. But his removing out of France, and being permitted to reside in Lorraine, was not only a great surprize to all the nation, but was received with such just indignation, that the parliament addressed the queen upon this occasion; that she would insist upon his removal from Lorraine, that residence being equally, or more dangerous to Great-Britain, than his abode in France." Her majesty's answer, that she would repeat her instances, occasioned in the house of lords a becoming resentment, that the duke of Lorraine should presume to receive and entertain the Pretender to her crown, in defiance to her majesty's application to the contrary. But it will now appear in what manner the removal of the Pretender out of France was settled, and that his residing at Lorraine was not only with the approbation, but even by the direction and appointment of the English ministry. Mr. St. John, in his letter to Mr. de Torcy, May 24, 1712, O. S. concludes with saying, " He hopes, that with the general repose we shall see revived in a few weeks, a good understanding between two nations, which may become to each other the most useful friends, for the same reasons they have been the most formidable enemies. The queen commands me to tell you, that she hopes, when you send an answer to this letter, we shall have an account that the chevalier had begun his journey." In answer to this, Mr. de Torcy says to my lord Bolingbroke, " You may assure the queen, that the chevalier is ready to depart at a moment's warning, if he did but know where he was to go, and in what place he might be in safety. I own to you, that I know no prince who is willing to receive him, for fear of displeasing the queen or other powers: it will be absolutely necessary that there should be some explanation upon this subject, which I desire you to make to me by the abbot Gaultier, if you do not judge it proper to do it yourself." Mr. St. John, June 6, 1712, O. S. writes a public letter in answer to the several points contained in monsieur de Torcy's last letter; but in that letter takes no notice at all of the chevalier. But the day after, June 7, 1712, he writes a private letter, as he calls it himself, to Mr. de Torcy, and concludes, " The abbot Gaultier will write to you upon the subject of the chevalier." The committee observe, there are two copies of this private letter, one delivered by my lord Bolingbroke, the other entered in lord Strafford's book: and in the copy of this letter given in by lord Bolingbroke, is this passage: " That abbot Gaultier shall write about the chevalier, is omitted by his lordship, June 22, 1712, N. S. Mr. de Torcy writes two letters to my lord Bolingbroke. In the public letter nothing is said of the Pretender: the private letter concludes with saying, " I have the honour to send you a letter under the king's hand, for her Britannic majesty, and I refer you to what the abbot Gaultier shall say to you, about the departure of the chevalier.

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committee of secrecy, to draw up articles of impeachment, and prepare evidence against James duke

August 21, 1712, lord Bolingbroke being then in France, in his dispatch to the earl of Dartmouth, says, " The chevalier has fixed his departure for the first of next month, N. S. they propose that he shall retire to Bar, and they intend to write to the duke of Lorraine, to ask of the emperor and other princes, a security for his person, during his residence in that place. But on the 28th of December, 1712, N. S. it appears, that the chevalier was still in France, upon which account Mr. Prior writes thus to my lord Bolingbroke: " Another point upon which this court is very solicitous, is, that the chevalier remaining in any town of France, obstructs the signing the peace; yet he cannot go to Lorraine till the emperor's passports will secure him there. Your lordship, by the perusal of the papers, will see the state of that case; and I have only to add upon this subject, that the court of France expresses an impossibility on their side, to do more than they have done, and hopes we should have interest enough with the emperor, to obtain such passports from him, as may secure, as well the person who is to go into Lorraine, as the duke of Lorraine who is to receive him. Mr. Prior on the 29th, writes to the same effect to my lord treasurer, and says, " The monarch is a good deal troubled upon this head, lest the young man should fall into the hands of the hussars or barbarians. And Mr. d'Aumont has, I presume, orders to speak to our ministry upon it. As to the dowry, I shall not only be dunn'd to death, but hanged; for the dowager sends messengers to me, which you in England do not think it extremely lawful to receive: but if it is to be paid, pray let it be done in a handsome manner, that may shew the charity of the queen, and the generosity of her lord treasurer." The papers referred to in Mr. Prior's letter, contain an account of what the duke of Lorraine had done at the desire of the king of France, to obtain from the allies the necessary safeguards for the chevalier. He says, " That understanding that the queen of Great-Britain had already granted her safeguard or protection to the chevalier de St. George, he believed they had no more to do, but to apply to the emperor, and to the states-general." By this account it is evident, that abbot Gaultier managed the affairs of the Pretender, with whom such practices were verbally to be transacted, as our ministry did not think proper to commit to writing. That the place to which he was to go, because no body would receive him at the hazard of the queen's displeasure, and where he might remain in safety, was to be prescribed from England. That this was not fixed and determined till lord Bolingbroke went into France. And if his lordship's instructions are considered, it will be hard to find in them any thing of that importance and secrecy, as to require his going in person to settle it. His lordship gives an account from thence, that the Pretender was to go to Bar, and this is acquiesced in here without the least objection made. The ministry are told by Mr. Prior, " That the court of France hopes by our interest, such passports would be procured as might secure his person:" And in the paper sent to France from the duke of Lorraine, it is asserted, " That the queen of

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duke of Ormond; and that the further consideration of the said report be adjourned to the next morning."

Great-Britain had already granted her protection to the Pretender." But November the 6th, 1713, lord Bolingbroke writes to Mr. Prior, " Her majesty having repeated to the duke of Lorraine, the instances which you know have been so often made to the most christian king, for removing of the Pretender to her crown out of his dominions, I am directed to acquaint you therewith, that you may speak to the minister of Lorraine, and to any other minister whom you shall think proper, and let them know it is absolutely inconsistent with the amity and good correspondence that is between the queen and their masters, to receive into their dominions, or to protect a person, who disputes her majesty's title, and endeavours to disturb the peace of her kingdoms. That you may be able to shew them that this is the collective sense of the whole nation, as well as the queen's command to you, I herewith send you the addresses of both houses of parliament." This can be understood as no more than a bare compliance with the addresses of parliament. And to shew how little resentment and indignation was conceived against the duke of Lorraine, for this indignity offered to her Majesty, the committee insert here a letter wrote by lord Bolingbroke to Mr. Prior, within four days after his last mentioned letter upon the subject of the Pretender. " This letter, says lord Bolingbroke to Mr. Prior, will be delivered to you by the baron de Forstner, who has been twice at our court with the character of envoy from the duke of Lorraine, and who is extremely well with your friends on this side of the water, that I make no doubt but that he will be a welcome acquaintance to you: I must at the same time recommend the interest of the duke of Lorraine, his master, to your care. You know, sir, how little that prince has yet felt the good effects of what was stipulated for him at Ryswick. You know, sir, how justly he pretends to an equivalent from this emperor for the Montferrat, which was given away from him to the king of Sicily. In a word, you are enough apprised of his wants, of his expectations, and of her majesty's earnest desire, if by any means she can, to contribute to the ease, and to the advantage of a prince, who deserves much better usage than he has on many occasions met with." There are several other letters that were wrote after the address of parliament, to press the removing of the Pretender from Lorraine; but 'tis needless to observe what little effect was to be expected from such representations made in the several courts of Europe, which were known to be contrary to the sense and intention of the court of Great-Britain. And if any further demonstration was wanting to shew their true spirit and inclination, it may be observed, that the addresses in parliament were made in July, 1713; and the first letter that lord Bolingbroke wrote in pursuance of those addresses, was the 6th of November, which was four months after the addresses were presented to the queen. The committee insert here an extract of a memorial touching the demolition of the sluices of Dunkirk, delivered by Mr. de Torcy to lord Bolingbroke at Paris, in August 1712. " It is not our business now to examine whether the queen of England, and the English nation, were in the

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morning." It was observed, that scarce any debate was managed in that house with more calmness

the right to demand the demolition of the fortifications, and the filling up the harbour of Dunkirk. That is a thing resolved and agreed upon. It may, perhaps, come to pass in the course of this affair, for reasons easily to be foreseen, that England shall repent having demanded the demolition of a place, and the destruction of an harbour, which might be of great use in conjunctures which, perhaps, are not very remote." The committee do not take upon them to explain what conjuncture France had in view, and which they thought not very remote, when Dunkirk might be of particular service; but think it proper to conclude this part of the report with observing, that the Pretender did immediately, upon the demise of the late queen, publish a declaration, which the duke of Lorraine has acknowledged in his letter of the 6th of December, 1714, that he received from the Pretender himself, wherein is this remarkable passage: " Yet contrary to our expectations upon the death of the prince's our sister (of whose good intentions towards us we could not for some time past well doubt; and this was the reason we then sat still, expecting the good effects thereof, which were unfortunately prevented by her deplorable death) we found that our people, instead of taking this favourable opportunity of retrieving the honour and true interest of their country, by doing us and themselves justice, had immediately proclaimed for their king a foreign prince, to our prejudice, contrary to the fundamental and incontestable laws of hereditary right, which their pretended acts of settlement can never abrogate."

After this the committee insert at large, a letter from the earl of Oxford and Mortimer, to the queen, dated June the 9th, 1714, with an account of public affairs from August the 8th, 1710, to June the 8th, 1714, all written with his own hand. The letter is as follows:

May it please your majesty,

" I Presume, in obedience to your royal commands, to lay before your majesty a state of your affairs. Tho' I have very much contracted it from the draught I made, and the vouchers from whence it is taken; yet I find it swell under my pen in transcribing, being willing to put every thing before your majesty, in the clearest light my poor understanding can attain to. It was necessary to lay it before your majesty in the series of time, from the beginning to this present time; and when that is compleatly laid before you, it remains only for me to beg God to direct your majesty.

" And as to myself, do with me what you please, place me either as a figure or a cypher, displace me, or replace me, as that best serves your majesty's occasions, you shall ever find me, with the utmost devotion, and without any reserve,

Madam, Your most dutiful,

Most faithful, most humble,

Most obedient subject,

and unworthy servant,

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ness and decency than this about the duke of Ormond; not an angry or passionate word having dropt

A brief account of public affairs since August the 8th, 1710, to this present 8th of June, 1714. To which is added, the state of affairs abroad, as they relate to this kingdom; with some humble proposals for securing the future tranquillity of her majesty's reign, and the safety of her kingdoms.

“HER majesty on the 8th of August, 1710, was pleased to alter her treasury, and two days after, in a new commission, Robert Harley, by her majesty's great favour, was made chancellor of the exchequer. The state of affairs at home and abroad are fresh in every ones memory.

“The condition of the treasury at that time was laid before her majesty in a large representation. I beg leave to touch some few heads. The army was in the field; no money in the treasury; none of the remitters would contract again; the bank had refused to lend a hundred thousand pounds to lord Godolphin on very good security; the navy, and other branches of service, eleven millions in debt, which enhanced the price of every thing proportionably; the civil list in debt about six hundred thousand pounds, and the yearly income too little for the current certain expence, by the lowest computation, one hundred twenty four thousand, four hundred ninety five pounds, two shillings and four-pence. In a few days this new commission, made provision for paying the army by the greatest remittance that had ever been known: tho' the opposition from every office, which was full of persons who were enemies to the change made by the queen, was very strong, and very troublesome and vexatious; and such was the situation of affairs, that nothing but great patience could ever have overcome these difficulties; it being impossible, as well as unavoidable, to make removes, but by degrees. As soon as it was possible (and notwithstanding the clamours then raised, it was the only proper time) a new parliament is called. Its first meeting was Nov. the 27th, 1710, Robert Harley had prepared the funds ready (before the parliament met, as he has done every session to this day) not only for the current service of the year, both by sea and land, but also for easing the nation of above nine millions of debt. This was thought so chimerical when Robert Harley did begin to open it, that it was treated with ridicule, until he shewed how practicable it was. It is true, this gave great reputation abroad, and enabled to treat advantageously of a peace: it raised sinking credit at home, but at the same time as it drew envy upon Harley from some, and the rage of others, so it gave offence to some of his fellow servants, who told him plainly that he ought to have told his secret, and if he would not get money himself, he ought to have let his friends share a hundred thousand pounds, which would not have been felt or found out in so vast a sum as nine or ten millions. To this principle was owing the setting on foot at this time, the unhappy voyage to Canada: to all which meetings Harley avoided coming, and gave lord Rochester his reasons, and after he desired his lordship to be a means to the queen to hinder that expedition; but it happened to be too late. But lady  
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dropt from any that spoke for or against his grace. It was likewise observed, that many whigs and courtiers

Masham knows how much Harley was concerned at it, though he did not know the true spring of that voyage, which will appear after in this paper. The beginning of February, 1710-11, there began to be a division amongst those called Tories in the house, and Mr. Secretary St. John thought it convenient to be lifting a separate party for himself. To prevent this, lord Rochester and Harley desired to have a meeting, and to cool such rash attempts; and it was contrived Mr. Secretary St. John should invite us to dinner (which was the last time he ever invited Robert Harley, being now above three years) where was duke of Shrewsbury, earl Poulet, lord Rochester, and others; and lord Rochester took the pains to calm the spirit of division and ambition. Harley was at this time seized by a violent fever, and on his first coming abroad, March 8, met with a misfortune which confined him many weeks. The transactions during that time are too public, as well as too black, for Harley to remember or to mention. In the end of May, 1711, the queen, out of her abounded goodness, was pleased to confer undeserved honours on Robert Harley; and on the 29th of the same month, was pleased to put the treasurer's staff into his hands: a post so much above Harley's abilities to struggle with, that he had nothing but integrity and duty to recommend him to her majesty's choice; so he must have recourse to her majesty's transcendent goodness and mercy to pardon all his faults and failings, both of omission and commission, during the whole course of his service. But to return and resume the thread of this discourse: the 4th of June, 1711, three days after the treasurer was sworn, he was surprised with a demand of twenty eight thousand thirty-six pounds and five shillings, for arms and merchandize, said to be sent to Canada. When the treasurer scrupled this, Mr. Secretary St. John, and Mr. Moor, came to him with much passion upon this affair; and about a fortnight after, the secretary of state signified the queen's positive pleasure to have that money paid; and accordingly her majesty signed a warrant, June 21, and the treasurer not being able then, with all his precaution, to discover further light, the money was paid July 4, 1711. Since the return from that expedition, the secret is discovered, and the treasurer's suspicion justified: for the public was cheated of above twenty thousand pounds. There is reason to be more particular upon this head, because it is one of the things never to be forgiven the treasurer; and lord chancellor told him more to that purpose; that they told him no government was worth serving, that would not let them make those advantages, and get such jobs.

“One thing more is craved leave to be added, that the treasurer was forced to use all his skill and credit to keep the house of commons from examining this affair last parliament. June the 12th, 1712, the first session of last parliament ended. From this time, to the beginning of the next session, the treasurer's hands were full of negotiating the peace in all courts abroad; and besides the ordinary and necessary duty of his office at home, he had frequent occasion of calming the quarrels  
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courtiers went out of the house, to avoid giving their votes; which they could not do without either

and grudges Mr. Secretary had sometimes against lord Dartmouth, sometimes against lady Masham, and sometimes against the treasurer himself. The second session of the last parliament began December the 7th, 1711. This was attended with great difficulties and dangers, as well from the practices of the discontented here, as the designs carried on by Mr. Buys, prince Eugene, and Bothmar; in which designs concurred the emperor, and other states and princes who gained by the war. This put her majesty under a sort of necessity to preserve the whole, and to take a method which had been used before to create some new peers. So may having been brought formerly out of the house of commons of those who used to manage public affairs, it was proposed to Mr. Secretary, That if he would be contented to stay in the house of commons that session, her majesty would have the goodness to create him a peer, and that he should not lose his rank. The second session ended the 21st of June, 1712; and notwithstanding Bothmar's memorial, and all other attacks both from abroad and at home, supplies were provided, and every thing relating to the public put upon a good foot, and the malecontents began to despair, as appeared by the duke of Marlborough retiring abroad, and other particulars. After the session was ended, the queen, as she had promised, ordered a warrant for Mr. Secretary St. John to be a viscount: this happened to put him in the utmost rage against the treasurer, lady Masham, and without sparing the greatest. It did avail very little to tell him, how much he had got in place; for had he been created with the other lords, it would have fallen to his share to have come next after lord Trevor; but the treasurer with great patience bore all the storm, of which lord Masham was often a witness of the outrageous speeches; and Mr. Moor very lately told the treasurer, that lord Bolingbroke said very lately to him, that he owed him a revenge upon that head. This discontent continued, until there happened an opportunity of sending him to France, of which there was not much occasion; but it was hoped, that this would have put him in good humour; which it did, until in October, 1712, there were knights of the garter made. This created a new disturbance, which is too well remembered, and breaks out now very often in outrageous expressions publicly against all then made. In November, on the death of duke Hamilton, he was much against duke Shrewsbury's going, for reasons very plain, which then were in negotiation; for before the last session of that parliament began, a new model was framed, or a scheme of ministry; which how they afterwards came to fall out, will appear in its due place. The third and last session began April the 9th, 1713; which was as soon as the peace was concluded, and could be proclaimed. It is not decent to take notice, that during this whole negotiation, the treasurer was obliged by his own hand, and his own charge, to correspond in all the courts concerned in the negotiation; and very often he had the good luck to let right several mistakes, and to obtain some things very little expected; but the only merit of this belongs to her majesty, the credit of whose

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ther wronging their consciences, or doing violence to the tenderness and affection they bore to that unfortunate nobleman.

The

favour brought it about, and gave power to the treasurer to act with success. During this session, the lords of the cabinet, and others, met every Saturday at the treasurer's, in order to carry on the queen's business, as they had done the year before on Thursdays. Many offers were made, and repeated by the treasurer, in order to attack former offenders, and quiet the minds of the gentlemen, and of the church party; and the only reason for this failing, was, because of the project laid for their new scheme, and putting themselves at the head, as they called it, of the church party. This being the last session of parliament, and some gentlemen fearing their elections, and some for other reasons, dropped the bill of commerce. The treasurer saw this opportunity, and immediately took it, and prevailed with Sir Thomas Hammer, and others, to come into the payment of the civil list debts, incurred before the change of the treasury, tho' the present treasurer was railed at, and malign'd; which he chose to bear patiently, rather than own the true reason, that there was no money to do it with, which would have ruined all at once. This step of paying the debts, put the malecontented into the utmost rage, which they did very publickly express in both houses. This last session of that parliament, and the third since the change of the ministry, ended July the 16th, 1713. The peace with France being over, and it growing necessary to put her majesty's affairs into a further and more settled regulation, and to ease the treasurer of the burthen, as well as envy, of such a bulk of business, her majesty was pleased to approve of the scheme of the duke of Ormond's staying here to attend the army affairs, which was necessary at the time of disbanding: duke Shrewsbury to go to Ireland, upon his return from France; lord Findlater to be chancellor of Scotland; lord March third secretary; lord Dartmouth privy seal; Mr. Bromley secretary of state, and Sir William Wyndham chancellor of the exchequer. I am sure the queen very well remembers the rage this caused, as perfectly defeating their scheme, and shewing that her majesty would put her affairs upon a solid footing; the lord chancellor said it was against law, and to this day will not treat lord Findlater with decency; and lord March has met with many ill treatments as well as Mr. Secretary Bromley. But that the treasurer might leave them without excuse, and make her majesty's affairs, if possible, easy with and to those in her service; as soon as he was recovered enough to write, he wrote a large letter to lord Bolingbroke, containing his scheme of the queen's affairs, and what was necessary for lord Bolingbroke to do, as belonging only to his province. This letter was dated July the 25th, 1713, and was answered July the 27th, by lord Bolingbroke; the copy was shewn to lady Masham, who came to visit the treasurer then confined to his chamber; and she then thought it was a very good one, and what was proper for the occasion. I believe the whole would be of use to give light to her majesty into the ground

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The next day, June 22, the commons resumed the consideration of the report from the committee of

and foundation of the follies and madness which have since appeared; the whole is ready for her majesty's perusal when she pleases. In this letter the treasurer gives an account to lord Bolingbroke of the occasions, or rather the pretences, for giving disturbance to the queen's servants. He proposes the remedy, and what was requisite to be done by him as secretary in his own province, and also assurance of the treasurer's assistance to the utmost, and of his desire to consult with him (lord Bolingbroke) how to unite the rest of our friends. Being then sick, the treasurer took the liberty to put lord Bolingbroke in mind of the several particulars which then required dispatch, and were solely belonging to his province, without any other interposition than that of taking your majesty's direction. Amongst others, that of a circular letter upon the addresses of both houses relating to the pretender. This was not done in three months. His lordship wrote word it was done July the 27th. In the same letter the treasurer proposed, that (according to the treaty of peace) care should be taken of the following particulars, viz. Newfoundland, Hudson's Bay, Acadia, St. Christophers, Affiento, and other things contained in the treaties of commerce. These particulars the treasurer thought to have been executed, until within a few weeks he heard the contrary by accident, and that the time in the several treaties was elapsed. Upon this the treasurer, on Wednesday June 2, told Mr. Moor of this, and that every body would be liable to blame who are in the queen's service. Thursday, June 3, 1714, lord Bolingbroke writes to the treasurer a letter, which begins thus: "Mr. Moor has been this morning with me, and has put into my hands a paper, which he calls, I think not improperly, a charge upon me. This paper contains the neglect above-mentioned in the treasurer's letter of July 25, 1713, eleven months before; and yet these faults are now charged upon the treasurer."

Hereupon the committee observe, that his lordship has here taken to himself the credit of corresponding by his own hand, and his own charge, in all the courts concerned in the present negotiations, and that very often he has had the good luck to set right several mistakes, and to obtain some things very little expected. That he boasted of his laying hold of a seasonable opportunity in parliament, upon rejecting the bill of commerce, to prevail with members of that house of commons, to come into the payment of the civil list debts; and has also charged several persons, then in high stations in her majesty's service, with corruption and embezzlement of the public money; and presumed to recommend himself to her majesty, by having used all his skill and credit to keep the house of commons from examining into the same. And the committee having received information, that large sums of money had been directed for special services relating to the war, by signs manual, and warrants upon the same, countersigned by his lordship, which sums were afterwards paid to his lordship's order; the committee thought fit to lay before the house copies of the said signs manual, and warrants, and orders thereupon.

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of secrecy, and Mr. Aislaby, treasurer of the navy, who spoke first, took notice of the general

The committee having likewise observed several transactions, orders, and directions, given by the ministers in the queen's name, in no manner agreeable to her majesty's sentiments and intentions, as expressed in her several messages to Parliament, and speeches from the throne, concerning the terms of peace which she was pleased to communicate to both houses; thought it their duty to enter into a particular examination of this matter, and to compare her majesty's declarations with the measures that her ministers presumed to take in carrying on these important negotiations. The first time the queen made mention of the peace to the parliament was Dec 11, 1711; when nothing had been concluded between England and France, but the special preliminaries signed by the earl of Dartmouth, and Mr. St. John, on the part of England, and Mr. Mesnager on the part of France, Sept 27, 1711, and the general preliminaries signed by Mr. Mesnager only, which were sent over by the earl of Strafford as the foundation of a general peace. After these preliminaries were signed, Mr. St. John pressed Mr. de Torcy that the king of France would explain himself with regard to the allies; and such explications as the king of France thought fit to make, are contained in the answer to the memorial brought by Mr. Gaultier, Nov. 18, 1711. Upon which her majesty, at the opening of that session, in laying before the parliament the state of the treaty then on foot, said, "That notwithstanding the arts of those who delight in war, both place and time are appointed for opening the treaty of a general peace. Our allies, especially the states general, whose interest I look upon as inseparable from my own, have, by their ready concurrence, expressed their confidence in me." The queen thought the states had readily concurred with her, but it must be remembered, that the states had in the strongest manner represented against the propositions signed by Mr. Mesnager, as too general and uncertain, not being a sufficient foundation upon which a negotiation might be hazarded; they dreaded the fatal consequences of opening the general conferences, before the articles offered by France were made specifick, and before they knew what they were to quit for their own barrier and their commerce. But instead of acquainting the queen with these representations, or acting according to her majesty's sentiments, Mr. St. John, October 9, declares, "Certain it is, that her majesty is so far determined in her measures, that those will deceive themselves who may imagine by delay to break them." And Oct. 29. "The queen remains firm in her first resolution, of causing the conferences to be opened upon the articles signed by Mr. Mesnager. And Nov. 2. 'The queen will not finally concert a plan for the prosecuting of the war with the states, until they join with her in agreeing to open the conferences of peace. And Nov. 15, lord Strafford says, 'He had now told them her majesty's order to him was to declare, that she should look upon any delay as a refusal to comply with her propositions.' By these threats and extraordinary measures, the states are compelled by the queen's ministers, to consent

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 ral concern, that had appeared the day before in  
 the house, for the noble person that was impeached ;  
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to open the conferences ; when at the same time her majesty was persuaded, that they readily concurred in what had been proposed to them. Her majesty declares, she looks upon the interest of the states general to be inseparable from her own. Mr. St. John declares, That Britain had gone so much too far in weaving her interest into that of the continent, that it would prove no easy task to disentangle them, without tearing and rending.

The queen says further, " The princes and states which have been engaged with us in this war, being by treaties intitled to have their several interests secured at a peace, I will not only do my utmost to procure every one of them all reasonable satisfaction, but I shall also unite with them in the strictest engagements for continuing the alliance in order to render the general peace secure and lasting." And in her message of the 17th of January following, her majesty again expresses the care she intended to take of all her allies, and the strict union in which she proposed to join with them. By these declarations it appears, her majesty's own resolution was to unite with the allies in the strictest engagements. But her ministers had taken upon them, in the private propositions sent over by Mr. Prior, to insert an article, That the secret should be inviolably kept between England and France, till allowed to be divulged by the consent of both parties. And altho' France had offered to treat with England and Holland, either separately or jointly, with the rest of the allies, at the choice of England, the queen's ministers excluded the allies, and in the conference held with monsieur Mesnager, they are much surprized to find that he had orders to insist, that the queen should enter into particular engagements, upon divers articles, which depend not upon her, and which regard the interest of the allies : and they insisted that it was absolutely necessary to remit the discussion of the particular interests of the allies to general conferences. And when Mr. St. John was pressing Mr. de Torcy, to give them some explications of what was designed for the allies, he assures him, " If the king would offer a plan of specifick preliminaries, the queen will never communicate it to her allies." And upon another occasion, he declares, " This negotiation was begun and carried on upon a supposition, that the queen must desist from many conditions, which in rigor she was obliged to procure for her allies."

In the message of Jan. 17, the queen declares, " Her plenipotentiaries had begun, in pursuance of their instructions, to concert the most proper ways of procuring a just satisfaction to all in alliance with her, according to their treaties, and particularly with relation to Spain and the Indies." And her majesty had said before, in answer to an address from the house of lords, presented Dec. 11, 1711, " I should be sorry any one could think I would not do my utmost to recover Spain and the Indies from the house of Bourbon." The committee cannot doubt but her majesty was determined to recover Spain from the house of Bourbon : but that her ministers had no such thoughts, and did not in the least endeavour it, appears in every part of the negotiation.

In

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 because they were persuaded it was rather through  
 weakness than malice, that he had followed per-  
 nicious

In the first propositions sent over by Mr. Prior, demands are made of the king of France, to be performed by the king of Spain, which the king of France was to engage for. And as appears by an entry in lord Strafford's book, Mr. Prior had orders to see if they had full powers from Spain. In the special preliminaries, signed by the earl of Dartmouth, and Mr. St. John, it is said expressly, " The king promises in the name of the king of Spain his grandson, and according to the powers which his majesty has received from that prince, that Port Mahon and Gibraltar shall remain to the English." These steps had been taken by the queen's ministers, even before her majesty had made these declarations ; which the committee cannot therefore but conclude her majesty was not informed of. And altho' the queen's plenipotentiaries were obliged by their instructions to insist, That Spain and the West-Indies should not be allotted to any branch of the house of Bourbon, when the plenipotentiaries of France, Feb. 11, 1711-12, gave in their specifick explanation of the general preliminaries, signed by Mr. Mesnager, the king of France made his first offers in the name, and by virtue of powers from his grandson king Philip, as king of Spain. March 4, 1711-12, at a meeting of the ministers of the allies at Utrecht, count Zinzendorff insisted, That the restitution of the whole Spanish monarchy should be expressly mentioned. Upon which occasion, it appears by a letter from the English ministers, March 6, That they were the only ministers that did not make any mention at all of Spain, and that they were sensible of the disadvantageous consequences of being so. All the attempt that the queen's ministers ever made towards obtaining this great point, which her majesty declares she should be sorry any one could think she did not do her utmost to procure, was to demand assurances that the crowns of France and Spain should never be united. The method of preventing this union was never mentioned by the queen's ministers in order to be treated of, nor the sense of France and Spain ever asked upon it, till the latter end of March, 1712.

In this message her majesty further adds, " The world will now see how groundless those reports are which have been spread abroad by men of evil intentions, to serve the worst designs, as if a separate peace had been treated, for which there has not been the least colour given.

In this declaration, her majesty is advised by her ministers, in order to clear them from the just suspicions which all the world had conceived of the separate measures they were engaged in, not only to declare there had not been the least colour given for such jealousies, but to brand all that entertain those apprehensions, with the character of men of evil inclinations, that had the worst designs to serve. But that most just cause hath been given for these reports, is sufficiently evident from what was just now observed. The ministry had insisted " That the secret should be inviolably kept between England and France, exclusive of all the allies. A separate negotiation between  
 England



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 nicious counsels : but that in his opinion, few, if  
 any, would speak in favour of another lord, whom  
 he

England and France had been carried on by papers sent backward and forward, and much time spent therein, as is said in lord Strafford's instructions." Mr. Prior had been sent into France, and Mr. Messenger had been in England, and not the least communication was given for five months together to any of the allies of these transactions, which were depending from April 1711, to September following. When the general preliminaries were signed, which were sent over as a foundation to open the general conferences, a set of special preliminaries between England and France was signed on both parts, which were concealed, publicly disowned, and never appeared till this enquiry ; and all these transactions had passed, however disguised to her majesty before the time that her ministers advised the queen to impose so grossly upon the nation, as to declare in parliament there had not been the least colour given for these surreis. Her majesty is advised to declare, "That to report that a separate peace had been treated, proceeds from evil intentions, and to serve the worst designs." But the committee observe, That after this declaration of the queen, her ministers propose to France, agreed with France, and sent positive and repeated orders to the queen's plenipotentiaries, not only to treat, but to conclude a separate peace with France. June 20, 1712, Mr. St. John acquaints Mr. de Torcy, "The queen will make no difficulty to conclude immediately a separate peace with France, leaving the allies a time wherein they may have liberty to submit to such conditions as shall be agreed upon between the queen and the most christian king." In answer to this, Mr. de Torcy tells Mr. St. John, "Upon condition the queen does immediately make a separate peace, and keep no measures with her allies, the king has determined to send his orders to permit the English troops to enter into Dunkirk." July 12, 1712, Mr. St. John thinks "The queen in a condition not to lose a moment's time in concluding with the ministers of France the convention for a general suspension of arms both by sea and land, and even the treaty of peace between Britain and France." And August 4, 1712, Mr. de Torcy acquaints Mr. St. John, "That the king consented to the duke of Savoy's having Sicily upon certain conditions ; wherein one express condition is, That a peace be concluded between England and France, Spain, and Savoy. And at last, when the treaty drew near to a conclusion, and almost all the allies were ready to sign, February 20, 1712 13, positive orders are sent to the British plenipotentiaries to conclude and sign with France ; and on the 28th lord Bolingbroke repeats those orders. The committee close this head with repeating a passage from one of lord Bolingbroke's letters to Mr. Prior, wherein he says, "If such overtures as these were not instantly accepted, our separate peace would, sitting this parliament, be addressed for, made, approved, and the cause of France for once become popular in Great Britain."

On the 6th of June, 1712, the queen says, "I am now come to let you know upon what terms a general peace may be made." On the  
 same

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 he was to impeach. That the person he meant  
 was Thomas, earl of Strafford, one of the plenipo-  
 tentiaries

same day lord Bolingbroke acquaints monsieur de Torcy, "That tho' the king of France had not answered the queen's demands, according to expectation, the queen would not defer going that day to parliament, and making all the declarations that were necessary to render the nation unanimously inclined to the peace."

The queen says, "The difficulties had been increased by other obstructions, artfully contrived to hinder this great and good work : " whereas it is notorious, that the ministers had received but the day before, the account that king Philip had consented to make the renunciation, upon which account only the queen's speaking to the parliament had been deferred.

The queen says, "I have not omitted any thing which might procure to all our allies what is due to them by treaties, and what is necessary for their security." Lord Bolingbroke, on the very same day, in his letter to monsieur de Torcy says, "Lord Strafford is going back to Utrecht, and in the instructions he is to carry will put the queen's plenipotentiaries in a condition to keep no longer those measures to which they have hitherto been obliged to submit ; but from henceforth they may openly join with those of France, and give law to them who will not submit to just and reasonable conditions."

The queen says, "Nothing has moved me from steadily pursuing in the first place the true interest of my own kingdoms." Lord Bolingbroke just before, on the 24th of May, had proposed to monsieur de Torcy, "That the queen being much more intent upon the general peace, than any particular advantages, commissaries should be appointed to settle after the peace, such points relating to trade, as required a longer discussion than the present crisis would admit."

The queen says, "That to prevent the union of the two crowns, she would not be content with what was speculative, but insisted upon something solid : " altho' monsieur de Torcy had before declared to the queen's ministers, "That to accept of this expedient which they proposed would be to build upon a sandy foundation."

The queen says, "The nature of the proposal for a renunciation is such, that it executes itself ; and that France and Spain are thereby more effectually divided than ever." But monsieur de Torcy had before assured the queen's ministers, "That this renunciation would be null and void, by the fundamental laws of France ; and they would deceive themselves who accepted of it as an expedient to prevent the union of the two crowns."

The queen says, "Provision is made, that the same privileges and advantages as shall be granted to any other nation by France, shall be granted in like manner to us." But it appears, by a letter of lord Bolingbroke's in January following to the duke of Shrewsbury, That France refused to let our Trade stand upon the foot of gens amicitima ; declared the tariff of 1664, which was granted to the Dutch, except the four species, was too beneficial for us ; and refused to grant it  
 until

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 tentiaries of Great-Britain, at the congress at  
 Utrecht; whose conduct had been vastly different  
 from

until another tariff should be made in Great-Britain exactly conformable to that of 1664, whereby our duties would be reduced as theirs are in France by that tariff.

As to our commerce with France, the queen says here, June the 6th, 1712. It was in a method of being settled. And Mr. Prior says of it in May following, near a twelvemonth after, "We had like to have made an Athanasion business of it at Utrecht, by that explanation of our own way of understanding our own commerce. Their letters to you full of surmises and doubts, that all was unhinged; and their letters to us again, That explanations, however made, were only to save appearances, and signified nothing: this melange, I say, and my endeavouring to understand it, had like to make me run mad, if the duke of Shrewsbury's extreme good sense, and monsieur de Torcy's not only honest, but right understanding, had not redressed us."

The queen says, "The French consented to deliver up Newfoundland and Placentia." But it must be remembered, that in the preliminaries signed in September preceding, the French had reserved to themselves a liberty of taking and drying fish in Newfoundland.

The queen says, "An absolute cession was to be made of Nova Scotia, or Acadia." But Cape Breton, which was always understood to be, and is so declared by the queen's instructions to the duke of Shrewsbury, to be part of Nova Scotia, is expressly given up to France.

The queen says, "The trade to Spain and the West-Indies may in general be settled, as it was in the time of the late king of Spain, Charles the second." But when the project of the treaty of commerce came from Madrid, lord Bolingbroke says of it, "They had sent a blind, lame, mishapen, indigested monster, instead of that fair offspring which we had reason to expect from our candor."

The committee observe, That if all the other parts of this speech be strictly examined, it will be found that the ministry did so grossly deceive the queen, in order to impose upon the parliament by her authority, that there is scarce a paragraph that does not contain some unfair, or at least equivocal representation of the state of the negotiations. And when the queen was advised by her ministers to make this communication to parliament, as the terms upon which a general peace might be made, it is very evident, they had no assurances that France would make good what they prevailed upon the queen to declare in so solemn and publick a manner. For on June the 11th, the bishop of Bristol is directed by Mr. St. John to discourse with the ministers of the allies agreeably to the plan contained in her majesty's speech: but before his lordship makes this step, Mr. St. John tells him, "It will be proper that he speaks first with the French plenipotentiaries upon this subject; whether they will be willing, and in what manner they will be willing, to give this communication to the allies." In answer to which

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 from that of his colleague, the bishop of London. That this good and pious prelate seemed to have been put at the head of that negotiation, only to palliate the iniquity of it, under the sacredness of his character; but was little more than a cypher in the absence of the earl of Strafford. That the bishop not being in the secret, had acted with reserve and caution, and would do nothing without the queen's special commands: whereas the earl of Strafford not only was forward to venture and undertake any thing (as he expresses himself in one of his letters) to be the tool of a Frenchified ministry; but in many instances had gone beyond his instructions, and advised the most pernicious measures. That having impartially weighed the different conduct of these two ministers, he was glad that nothing could be charged upon the bishop, which gave them an opportunity to convince the world, That the church is not in danger: but moved that Thomas earl of Strafford be impeached of high crimes and misdemeanors." Mr. Aislaby afterwards enlarged upon this charge, which he reduced to three principal heads, viz. "First, the earl of Strafford's advising the fatal suspension of arms; which was soon after attended with several misfortunes that befel the allies; and at last, reduced them to the necessity of submitting to the terms of an unsafe

which, the bishop of Bristol writes word, June the 28th, That the French plenipotentiaries declared they had no such orders, and without them they could not do it, and in this refusal of owning the queen's speech, as containing the masters offers, and in absolutely denying to treat upon it, the French plenipotentiaries persevered, even after the Dutch had consented to treat upon that plan, and to accept the queen's speech pro materia tractandi.

The committee having proceeded thus far in the perusal and examination of the books and papers referred to them, thought it not proper to defer this report until they had perfected what remains, especially upon the affairs of Dunkirk and the Assiento.

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dishonourable peace. Secondly, Advising the seizing of Ghent and Bruges, in order to distress the allies, and favour the enemy. And thirdly, the insolence and contempt with which he had treated the most serene house of Hanover, and their generals and ministers." Sir William Wyndham endeavoured to justify the earl of Strafford, as to the first head, by saying, "That the peace, which was but the sequel and necessary consequence of the suspension of arms, had been approved as such by two successive parliaments, and declared advantageous, safe, and honourable." Mr. Shippen, Mr. Ward, and Mr. Snell, spoke also in favour of the earl of Strafford; as did also Mr. Hungerford, who, among other things, said, "That tho' the bishop of London had an equal share with the earl of Strafford in the negotiation of peace, he was, it seems, to have the benefit of his clergy." General neral Rofs having likewise said something to excuse the suspension of arms, general Cadogan answered him briskly, and shewed, "That considering the situation of both armies, the confederates lost the fairest opportunity they ever had in Flanders, to destroy the enemy's army, and to penetrate into the very heart of France:" but added, "That nothing less could be expected from a princefs, and a ministry, who had entirely delivered themselves into the hands of France." Hereupon the question was put, and (by a majority of 268 voices against 100) resolved, That this house will impeach Thomas, earl of Strafford, of high crimes and misdemeanors; and ordered, First, "That it be referred to the committee of secrecy, to draw up articles of impeachment, and prepare evidence against the said earl." And secondly, "That the further consideration of the said report be adjourned to that day sevensnight:" When it was further adjourned for a week longer.

When

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When lord Coningsby had impeached the earl of Oxford at the bar of the house of lords, and left with their lordships a copy of the articles of impeachment which the reader will see in the note \*, a great

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\* As the articles of impeachment are reckoned no less valuable than the report of the committee of secrecy, we shall as a proper companion to that report, insert the several articles brought against the above-mentioned impeached lords. And first of lord Oxford.

WHEREAS many solemn treaties and alliances have been formerly entered into between the crown of England, and other princes and potentates of Europe, for their mutual safety, and from the considerations of the common danger which threatened all christendom, from the immoderate growth of the power of France. And whereas the preventing the monarchy of Spain from coming into the hands of the house of Bourbon, has, for many years, been a fundamental principle and maxim of union among the allies, in order to preserve a just ballance of power in Europe: And to that end, as the designs of France on the monarchy of Spain have, from time to time, appeared, new treaties and express stipulations have been entered into amongst the allies, to strengthen themselves against that approaching danger: and on this foundation a treaty for an intended partition, whereby a small part only of the dominions of the crown of Spain was allotted to the house of Bourbon, was condemned by the wisdom of parliament, as being highly prejudicial and fatal in its consequences to England, and the peace of Europe. And whereas the duke of Anjou, grandson to the king of France, on the demise of Charles the Second, king of Spain, took possession of the entire monarchy of Spain, whereby the ballance of power, the Protestant religion, and the liberties of Europe, were threatened with immediate danger: whereupon Leopold, then emperor of Germany, his late majesty king William the Third, of ever glorious memory, and the states-general of the united provinces, finding, at that most critical juncture, that a strict conjunction and alliance between themselves was become necessary, for repelling the greatness of the common danger from so great an accession of the power to the then common enemy, did, in the year of our Lord, 1701, make, form, and conclude, a new treaty and alliance, whereby it was agreed, that there shall be and continue between the said confederates, his sacred imperial majesty, his sacred royal majesty of Great-Britain, and the lords the states-general of the united provinces, a constant, perpetual, and inviolable friendship and correspondence, and that each party shall be obliged to promote the advantages of the other, and prevent all inconveniences and dangers that might happen to them, as far as lies in their power: that the said allies desiring nothing more earnestly than the peace and general quiet of all Europe, have adjudged, that nothing can be more effectual for the establishment thereof, than the procuring an equitable and reasonable satisfaction to his imperial majesty for his pretension to the Spanish succession, and that the king of Great-Britain and the states-general may obtain a particular and sufficient security for

a great debate arose. The tory lords moved that the consideration of the articles of impeachment be

their kingdoms, provinces, and dominions, and for the navigation and commerce of their subjects: that the said confederates therefore shall, in the first place, endeavour, by amicable means, to obtain the said satisfaction; but if, contrary to their expectations and wishes, the same is not had, the same confederates do engage and promise to one another, that they will assist each other with all their forces, according to a specification to be agreed upon in a peculiar convention for that purpose: that the confederates, in order to the procuring the satisfaction and security aforesaid, shall, amongst other things, use their utmost endeavours to recover the provinces of the Spanish Low Countries, that they may be a fence and rampart, commonly called a barrier, separating and dividing France from the United Provinces, for the security of the states-general, as they have served in all times, till of late that the most christian king has seized them by his forces; as likewise the dutchy of Milan, with its dependencies, as a fief of the empire, and contributing to the security of his imperial majesty's hereditary dominions; besides the kingdoms of Naples and Sicily, and the lands and islands upon the coast of Tuscany in the Mediterranean, that belonged to the Spanish dominions, and may serve to the same purpose, and will be also of advantage to the navigation and commerce of the subjects of the king of Great-Britain, and of the United Provinces: that in case the confederates shall be forced to enter into a war, for obtaining the satisfaction aforesaid for his imperial majesty, and the security of his majesty of Great-Britain and the states-general, they shall communicate their designs to one another, as well in relation to the actions of the war, as all other things wherein the common cause is concerned: that it shall not be permitted to either party, when the war is once begun, to treat of peace with the enemy, unless jointly, and by a communication of counsels; and no peace shall be made, unless an equitable and reasonable satisfaction for his imperial majesty, and the particular security of the kingdoms, provinces, dominions, navigations, and commerce, for his majesty of Great-Britain, and the states-general, be first obtained; and unless care be taken by fitting security, that the kingdoms of France and Spain shall never come and be united under the same government, nor that one and the same person shall be king of both kingdoms; and particularly that the French shall never get into the possession of the Spanish Indies, neither shall they be permitted to sail thither on the account of traffick, directly or indirectly, on any pretence whatsoever: and lastly, unless full liberty be granted unto the subjects of the king of Great-Britain, and the states-general, to exercise and enjoy all the same privileges, rights, immunities, and franchises of commerce, by sea and land, in Spain, the Mediterranean, and all lands and places which the king of Spain, last deceased, did possess at the time of his death, as well in Europe as elsewhere, which they used and enjoyed, or which the subjects of both, or either of them by any right acquired by treaties, agreements, customs, or any other way whatsoever, might have used and enjoyed before the death of the late king of Spain: that, at the same

be adjourned, but the whigs carried it in the negative. Then the tories moved, that the judges be

same time that the said agreement or peace shall be made, the confederates shall agree among themselves, about all the things that they shall think necessary for maintaining the navigation and commerce of the subjects of Great-Britain, and the states-general, in the lands and dominions they may acquire, and that were possessed by the late deceased king of Spain, and also in what manner the states-general may be secured by the aforesaid fence or barrier. And whereas his said late majesty king William, and the states-general, seriously considering that France was then become so formidable from the accession of Spain to the duke of Anjou, that in the opinion of all the world, Europe was in danger of losing her liberty, and undergoing the heavy yoke of universal monarchy; and that the surest means of effecting that design, were to divide the king of Great-Britain from the states-general; for which purpose all imaginable efforts would be made; they, therefore, thought it necessary to unite in the strictest manner that was possible; and to that end a defensive treaty and alliance was concluded and entered into between them, in or about the month of November, 1701; wherein it was, among other things, agreed, that in case the said high allies should be jointly engaged in war, by reason of this defensive alliance before-mentioned in the fifth article, or on any other account, there shall be an offensive, and defensive, and perpetual alliance between them, against those with whom the war shall be, and all their forces shall be employed by sea and land, and they shall act in conjunction or separately, as it shall be agreed between them. But since, in the alliance with the emperor, made in September last, particular care was taken of the recovery of the Spanish Low Countries, out of the hands of the most christian king, the said confederates expressly engage to aid one another with all their forces for the recovery of the same. And in regard, the principal interest of the said confederates consists in the preservation of the liberties of Europe, the before-mentioned treaty with the emperor shall be faithfully and sincerely executed, and both sides shall guaranty the same, and use their endeavours to confirm and render it more strong from time to time: that in making peace, particular care shall be taken of the commerce and traffick of both nations, as also for their security, as well in regard to the Low-Countries, as the countries adjacent: that when the war is begun, the confederates shall act in concert, according to the seventh and eighth articles of the treaty of the 3d of March, in the year of our Lord 1677-8, between England and Holland, which is hereby renewed and confirmed; and no peace, nor truce, or suspension of arms, shall be negotiated or made, but according to the ninth and tenth articles of that treaty; by which it was agreed, that when the two allies come once to an open war, it shall be lawful for neither of them afterwards to come to any cessation of arms with him, who shall be declared and proclaimed an enemy, without it be done conjointly, and with common consent: that no negotiation of peace shall be set on foot by one of the allies, without the concurrence of the other: that each ally shall continually,

be consulted whether any of the articles amounted to high treason. Upon which the earl of Nottingham,

continually, and from time to time, impart to the other every thing that passes in the said negotiation, and shall stipulate with the common enemy for the same rights, immunities, exemptions, and prerogatives for his ally, as he does for himself, if so be the said allies do not agree to the contrary. And whereas the French king having got possession of a great part of the Spanish dominions, exercised an absolute authority over that monarchy, having seized Milan and the Spanish Low Countries by his armies, and made himself master of Cadiz, of the entrance into the Mediterranean, and of the ports of the Spanish West-Indies by his fleets, every where designing to invade the liberties of Europe, and to obstruct the freedom of navigation and commerce; and instead of giving the satisfaction that ought justly to be expected, had proceeded to further violences, and had taken on him to declare the pretended prince of Wales, king of England, Scotland, and Ireland, and had also influenced Spain to concur in the same affront: her late majesty queen Anne taking notice, that she found herself obliged, for maintaining the public faith, for vindicating the honour of the crown, and to prevent the mischiefs which all Europe was threatened with, to declare war against France and Spain: did accordingly in the month of May, 1702, in the most public and solemn manner, declare war against France and Spain; and in the said declaration, placing her entire confidence in the help of Almighty God, in so just and necessary an undertaking, declared, that she would, in conjunction with her allies, vigorously prosecute the same both by sea and land, being assured of the ready concurrence of her subjects, in a cause they had so openly and heartily espoused. And his imperial majesty and their high mightinesses, pursuant to the treaties afore-mentioned respectively, in or about the said month of May, 1702, did likewise declare war against France and Spain. And whereas the kings of Portugal and Prussia, the electors of Hanover, Saxony, Treves, Mentz, palatine of the Rhine, the duke of Savoy, the prince of Hesse, the dukes of Wolfenbuttle, Mecklenberg, and Wirtemberg, the circles of Suabia and Franconia, and of the Upper Rhine, the bishops of Munster and Constance, and other princes and powers, being invited by the said grand alliance, and relying on the faith thereof, did afterwards become parties to the said confederate war against France and Spain; and in the treaty entered into in or about the month of May, 1703, between his imperial majesty, the queen of Great-Britain, the states general, and the king of Portugal, it is amongst other things expressly stipulated, that no peace nor truce shall be made, but by the mutual consent of all the confederates; nor shall any, at any time be made, whilst the second grandson of the most christian king by the dauphin, or any other prince of the line of France continues in Spain, nor unless the crown of Portugal shall fully possess and enjoy all the lands, kingdoms, isles, castles, cities, towns, &c. with their territories and dependencies in Spain, or elsewhere, which it now possesses. And in the treaty of Norelingen, ratified by her late majesty, it is amongst other things expressly agreed, that it shall

not

ham, who was of the whig party, said, " That instead of favouring, thereby, the noble person who had

not be allowed to make particular treaties, but the peace shall be jointly treated of, and shall not be concluded without obtaining, as far as is possible, the re-union of the lands belonging to the circles, and until at least the security of the associated circles be absolutely provided for, in the best manner that is possible, and better than it has formerly been. And whereas to give the greatest strength that was possible to the union, so necessary to both nations, her late majesty and the states, by a treaty in the month of June, 1703, renewed and confirmed all treaties and alliances then subsisting between them; and therein it is, amongst other things, expressly and particularly stipulated, that as the said most serene queen, and the lords the states-general, are now in war with France and Spain, and are reciprocally bound to assist each other, and mutually to defend, maintain, and preserve their countries and subjects in their possessions, immunities, and liberties, as well of navigation and commerce, as other rights whatsoever by sea and land, against, and in opposition to all kings, princes, and states, and particularly against France and Spain, to the end a just and reasonable peace may the better be obtained, that may establish the repose and tranquillity of Europe, it is agreed between the most serene queen of Great-Britain, and the said lords the states-general, that neither of the said allies shall make a suspension of arms, or a peace with France or Spain, or any other king, prince, or state, who shall molest or attack either of the said allies, but in conjunction and by common consent. And whereas the said war was for several years carried on with vigour and unanimity by her majesty and her allies, as a vast expence both of blood and treasure; for the support of which on the part of England, many millions have been granted by parliament, who, on many occasions since, continued not only to express their sense of the justice and necessity of the war, but did frequently give their humble advice to the throne, that no peace could be safe, honourable, or lasting, so long as the kingdom of Spain and the West-Indies continued in the possession of any branch of the house of Bourbon. And whereas it pleased Almighty God to grant to the confederate arms under the command of their great and victorious general the duke of Marlborough, such unparalleled successes, as exceeded even their own hopes and fears of the enemy; and by the many signal victories of Schellenberg, Hochstedt, Audenarde, and Ramillies, as well as by the conquests of the electorates of Bavaria and Cologne, and the reduction of the Spanish Netherlands, and many other great advantages both by sea and land; and by the wisdom and unanimity of their counsels, the glory of the confederate arms, and the reputation of Great-Britain in particular, was raised to an higher pitch than in any former age. And whereas her late majesty, in conjunction with her allies, wisely foreseeing, that whenever the enemy should be brought to make overtures of peace, the surest way to put an end to the war, and prevent France from putting in practice her usual intrigues, was by previously insisting on such conditions from France, that nothing might remain to be done

in

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had the misfortune to be impeached, as undoubtedly they meant by it, they might, on the contrary,

in a general assembly, but to give them the form of a treaty; and for those reasons a preliminary treaty was concluded on, and was afterwards signed by the plenipotentiaries of his imperial majesty, of her late majesty the queen of Great-Britain, and of the lords the states-general of the united provinces, and afterwards ratified by their principals; wherein the interests of the several allies were adjusted, in order to a general treaty of peace with France: and therein, the restitution of the Spanish monarchy to the house of Austria, being one of the chief causes for carrying on the war, is laid down as an immutable foundation among the allies: And whereas in the year of our Lord, 1709, the king of France having first signified his consent to the restitution of the Spanish monarchy to the house of Austria, sent his ministers to the Hague to treat with the ministers of the principal allies on a general peace; and in the conferences held thereupon, the interests of all the allies, as adjusted in the said preliminaries, were positively and expressly agreed to by the ministers of France, and particularly that of the restitution of the entire Spanish monarchy to the house of Austria; and the said negotiation was afterwards broke, on no other dispute but on the thirty-seventh article of the preliminary treaty, concerning the time and manner of evacuating Spain. And whereas the conferences being resumed at Gertruydenbergh, in the year of our Lord, 1710, the said thirty-seventh article became the only subject of the negotiation which was there set on foot, for the finding out some equivalent by which the same security might be given to the allies, as they had by the thirty-seventh article of the said preliminaries; and tho' it was unquestionable, that before any negotiation was begun, that while the preliminaries were treating, that by those preliminaries themselves, that before the last negotiation was resumed, and all the while it lasted, the restitution of Spain and the Indies was laid down as a firm and immovable foundation of the negotiation, and no question remained concerning it with the ministers of the allies, or those of France, but touching the security for its execution: and tho' all reasonable and prudent overtures were made by the allies for settling an equivalent, yet the conferences were broke off by France without any satisfaction therein. And whereas the sincere intentions of all the allies to have settled the peace of Europe on solid and equitable foundations, were notorious and incontrollable, and the rupture of the said negotiations could only be imputed to the enemy: her sacred majesty, in conjunction with her allies, renewed their resolutions to continue and push the war with vigour, and to make all possible efforts, as the only means left to force a good and general peace. And her majesty in her speech from the throne, on the fifteenth of November, 1709, taking notice of the endeavours of the enemy during the said negotiations to amuse and create jealousies among the allies, declared her resentment thereat, and earnestly recommend the carrying on the war, and a vigorous prosecution of the advantages obtained, that she might put the last hand to that great work of reducing the exorbitant and oppressive power which had

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trary do him great prejudice; for if upon consulting the judges, they declared the charge to amount

had so long threatened the liberties of Europe: and it having pleased almighty God, after the said preliminary treaty, to bless the confederate army under the command of their consummate general, the duke of Marlborough, with new and signal conquests, the reduction of Fournay, the victory of Taffieres, the taking of Mons and Doway, Bethune, St. Tenant and Aire, and the penetrating the lines near the Sea pe. And whereas from the prosperous condition of the affairs of the allies, and the wisdom, firmness, and unanimity of their counsels, nothing remained, in all human appearance, but that they should reap the fruits of all their victories, in a speedy, just, honourable, and lasting peace; and on the other hand nothing was left to raise the hopes of the enemy, whereby to defeat that happy prospect, but the success of their secret endeavours to dis-unite the confederacy. And whereas Robert earl of Oxford and earl Mortimer, with other evil-minded persons, enemies to the true interests of their own country, as well as to the common liberties and welfare of Europe, having by many wicked arts and base insinuations obtained access to her late majesty queen Anne, and in or about the months of July or August, 1710, being admitted into her councils, and into places of the highest trust; and to make way for their wicked enterprizes, did by their evil counsel and advice, prevail on her majesty to dissolve a parliament which had given the most unquestionable proofs of their great wisdom, and of their true zeal for the common cause; for which, as well as for the many marks of duty and affection given to her, her majesty returned her hearty thanks, and expressed her great satisfaction. And whereas the said Robert earl of Oxford and earl Mortimer, and others his accomplices, had formed a treacherous correspondence with the emissaries of France, by means whereof certain propositions were transmitted from France to England, signed by monsieur de Torcy, secretary of the king of France, in the month of April, 1711, to be the basis of a treaty of a general peace; which propositions, tho' her majesty was prevailed on by the false counsels of the said Robert earl of Oxford and earl Mortimer, and others, to receive as a sufficient foundation for a treaty of a general peace, and as such to communicate them to the grand pensionary and the ministers of Holland, her majesty however was graciously pleased, at the same time, to declare to them her pleasure by her secretary of state, That being resolved in making peace as in making war, to act in perfect concert with the states, she would not lose a moment in transmitting a paper of that importance; and that tho' the propositions were general, and contained an air of complaisance to her majesty, and the contrary towards the states; yet that could have no ill consequences, as long as her majesty and the states understood one another, and acted with as little reserve as became two powers so nearly allied in interest; and that the pensionary should be assured, that that rule should be inviolably kept on our part. Which gracious declaration of her majesty, as well as the said propositions, being maturely considered by the grand pensionary and the ministers of Holland, an answer was returned from them to her majesty,

amount to treason, the said lord would stand prejudged before he was brought to trial." Nevertheless theless

majesty, full of duty and thankfulness for the obliging manner in which she was pleased to communicate the said propositions, and with the utmost assurances of mutual confidence, so necessary to prevent the designs of the enemy; but that more particularly the states desired, equally with Great Britain, to have a general, definitive, and lasting peace, and declared that they were ready to join in all the most proper measures to procure it; that the propositions were yet too general; and that the states desire, as Great Britain did, that France would explain herself more particularly upon the points therein contained, and impart a plan which she thinks the most proper to secure the interests of the allies, and settle the repose of Europe; after which a more particular negotiation might be entered into. Notwithstanding all which premises,

ARTICLE I.

HE the said Robert earl of Oxford and earl Mortimer, having no regard to the honour or safety of her late majesty, or her kingdoms, or to the many solemn engagements she was then under to the old and faithful allies of this nation, or to the common liberties of Europe; but being devoted to the interest and service of the French king, the common enemy; and being then lord high treasurer of Great-Britain, and one of her majesty's most honourable privy council, contrary to his oath, and in violation of his duty and trust, and in defiance of the several treaties aforementioned, or some of them, as well as of the frequent advices of parliament, and the many declarations of her majesty from the throne; but more particularly in defiance of the solemn and mutual assurances which had been so lately renewed between her majesty and the states, to act in perfect concert with them in making peace as in making war, did on or about the months of July and August, in the year of our lord 1711, maliciously and wickedly form a most treacherous and pernicious contrivance and confederacy with other evil-disposed persons, then also of her majesty's privy council, to set on foot a private, separate, dishonourable, and destructive negotiation of peace, between Great Britain and France, without any communication thereof to her majesty's allies, according to their several treaties; and was not only wanting in his duty and trust to her majesty, by not opposing, and as far as was in his power, by not advising her majesty against going into any private separate negotiation with France; but in execution of his purposes aforesaid, he the said Robert earl of Oxford and earl Mortimer, did advise her late majesty to send Matthew Prior, esq; directly to the court of France, to make propositions of peace, without communicating the same to her majesty's allies. And accordingly the said Matthew Prior, by the advice, and with the privity of him the said earl of Oxford and earl Mortimer, and other false and evil counsellors, in or about the months of July or August, in the year of our lord 1711, was sent in a clandestine manner from England to France, and did communicate the said propositions of peace to the ministers of France; in

theless the tories insisted upon the question; but it was carried against them. The whig lords then moved

in which the particular interests of Great Britain, as well as the common interests of Europe, were shamefully betrayed: and in manifestation of his said design to exclude her majesty's allies from their just share in the said negotiation, an express article was inserted in the said propositions, by the privity, and advice of him the said Robert earl of Oxford and earl Mortimer, that the secret should be inviolably kept, till allowed to be divulged by the mutual consent of both parties: altho' the French king had, in the propositions signed by monsieur de Torcy, and transmitted in the month of April preceding, offered to treat with the plenipotentiaries of England and Holland alone, or jointly with those of the allies, at the choice of England. By which treacherous and dangerous advice, he the said Robert earl of Oxford and earl Mortimer, did not only contrive and set on foot a negotiation of peace more advantageous to France than even France itself had asked; but thereby did put it into the power of the common enemy to create incurable jealousies and discords between her majesty and her faithful allies, and to destroy that confidence which had so long and so successfully been cultivated between them, and which was so necessary for their common safety.

ARTICLE II.

That the French king laying hold of the said treacherous overture, set on foot in manner aforesaid, did in or about the months of August or September, in the year of our lord 1711, send over monsieur Mesnager into England to carry on a clandestine and separate negotiation of peace; which being made known to him the said Robert earl of Oxford and earl Mortimer, he did afterwards, in the said month of September, 1711, secretly and unlawfully, without any colour of authority, meet, confer, and treat with the said sieur Mesnager, on the negotiations of a peace between Great Britain and France; and therein he did advise and promote the making a private and separate treaty or agreement between the said crowns: which said treaty or agreement was afterwards, with the privity, content, and advice of him the said Robert earl of Oxford and earl Mortimer, agreed, concluded, and signed by the said sieur Mesnager, on the part of France, and by the earl of Dartmouth, and Henry St. John, esq; two of her majesty's principal secretaries of state, in behalf of her late majesty, by virtue only of her majesty's sign manual under the signet, and without the least knowledge or participation of the allies, in which treaty the immediate interests even of Great-Britain are given up to France, and the duke of Anjou is admitted to be king of Spain; an express stipulation being therein made with the sieur Mesnager, in the name, and (as is therein alledg'd) pursuant to powers from king Philip, asking of Spain. Whereby he the said Robert earl of Oxford and earl Mortimer, did not only assume to himself regal power, in taking upon him to meet and treat with the enemy without any authority or power from her majesty, but did what in him lay to subvert the

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 moved that the earl of Oxford be committed to safe custody; upon which another great debate arose,

the ancient and established constitution of the government of these kingdoms, by introducing illegal and dangerous methods of transacting the most important affairs of the state; and by which private and separate treaty, he the said Robert earl of Oxford and earl Mortimer, did what in him lay to dissolve and cancel the many solemn treaties her majesty then stood engaged in to her good and ancient allies, and whereby her majesty, even before any thing was finally settled for the safety and advantage of her kingdoms, was brought to this fatal dilemma; either to submit to the dictates of France in the progress of the said negotiation; or, so notorious a breach of national faith being divulged by the enemy, from thence to lose all future confidence of her good allies.

#### A R T I C L E III.

That the said Robert earl of Oxford and earl Mortimer, the better to disguise and carry on the aforesaid private, separate, and dangerous negotiation, did, together with other evil-disposed persons, then in high trust under her majesty, contrive and advise the preparing and forming a set of general preliminaries, intitled, Preliminary articles on the part of France, to come to a general peace; and that the same should be signed by the sieur Mesnager only. And the same being so prepared and signed by the said sieur Mesnager, he the said Robert earl of Oxford and earl Mortimer did, contrary to his duty and trust, impiously advise her sacred majesty, that the same should be, and accordingly they were received by her majesty, and communicated to the ministers of the allies then residing in England, as the ground of a general negotiation of peace, and as if the same were the only transactions that had been on this subject between Great-Britain and France. And to this end, the private treaty, signed as aforesaid, by the earl of Dartmouth and Mr. St. John, on the part of England, and by the said sieur Mesnager on the part of France, was by the evil advice and contrivance of him the said Robert earl of Oxford and earl Mortimer, and others, wilfully and industriously concealed not from all the allies, but even from her majesty's council and her parliament. And he did further advise her majesty, not only to accept the said general preliminaries, but in her name and by her authority to communicate the same to the states general, as a sufficient foundation whereon to open the conferences of peace with France. And the more effectually to cover from the states general the pernicious steps which his evil influence had engaged her majesty in with the common enemy, certain instructions were prepared, and by his counsel and advice were signed by her majesty, and delivered to the earl of Strafford, her ambassador to the states general; wherein the said earl of Strafford is directed to represent to the pensionary of Holland, and to such others as shall be appointed to confer with him, That when her majesty had received in May last, by his excellency's dispatches, an account of the sense which those among them, who were at that time in the secret, had of

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 arose, in which the earl himself spoke as follows:  
 " It is a very great misfortune for any man to fall

of the overtures made by France for setting a general negotiation of peace again on foot, and of the answer which it was desired might be returned to the propositions signed by Mr. de Torcy: her majesty did immediately acquaint the enemy, that their offers were thought by her, and by the states general, neither particular nor full enough: and therefore that her majesty did insist, that they should form a distinct project of such a peace as they were willing to conclude. Whereas no such instances had been made to the enemy on her majesty's behalf; but on the contrary, notwithstanding her majesty had declared that the propositions of monsieur de Torcy were thought by her and the states-general neither particular nor full enough, yet without any further explication from the enemy, her majesty was prevailed on, in manner aforesaid, to send over propositions to France as general and insinuating, and in all respects as destructive to the interests of Great-Britain and her allies, as the propositions of monsieur de Torcy. And the said general preliminaries, communicated to the states in manner aforesaid, were calculated only to amuse and deceive them into a general negotiation with France. And in the particulars aforesaid, as well as in the several others, the said instructions contained matters either false or grossly prevaricating and evasive. By which most wicked counsels of him the said Robert earl of Oxford and earl Mortimer, that unquestionable truth and sacredness which by the laws of nations ought to accompany and constitute the instructions of publick ambassadors to princes in friendship and confederacy against the common enemy, was most vilely prostituted to the most dangerous purposes, to deceive and mislead her majesty's good allies in matters of the greatest importance to their own interests, and the interests of these kingdoms; the honour of her majesty's sacred person, and of the imperial crown of this realms, which had been raised to the highest pitch of glory abroad, and had been justly held in veneration with her good allies, was scandalously debased and betrayed; and the royal hand, by the wicked arts of him the said Robert earl of Oxford and earl Mortimer, was made the instrument to advance the interest of the common enemy.

#### A R T I C L E IV.

That whereas the earl of Strafford, pursuant to his said instructions, had communicated the preliminaries signed by monsieur Mesnager only to the states general, who being justly alarmed at the pressing instances made on the part of her majesty, that conferences should be opened on propositions as general and uncertain as those so lately offered by France, and signed by monsieur de Torcy; and their high mightinesses having been unsuccessful in their remonstrances to the earl of Strafford, and opening the conferences upon the said propositions, did send over monsieur Buys their ambassador, to represent to her majesty, as well the hazard of meeting the ministers of France before the essential articles were first settled by special preliminaries, or at least explained by France, and made specifick; as likewise the advantages



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 fall under the displeasure of so great and so powerful  
 a body as the commons of Great Britain: and this

to the enemy, who being but one body, were influenced by one council, and directed by one power, whereas the confederates consisted of several powers, whose interests are not only distinct, but in many cases contrary to each other, whereby the French would have a fair opportunity to divide the allies, when it would be impossible for them to break in upon France; and further to represent, that the propositions themselves were in some instances very prejudicial, particularly in the articles of commerce, Dunkirk, and the union of the crowns of France and Spain. All which representations of the said monsieur Buys, by the evil influence of him the said Robert earl of Oxford and earl Mortimer, and others, were rendered ineffectual; but in order to prevail upon the states-general to open the conferences upon the said general preliminaries, by the management and contrivance of him the said Robert earl of Oxford and earl Mortimer, and others, an occasion was taken to declare to monsieur Buys, at a committee of council in her majesty's name, her constant affection and good disposition to their state, and to the promoting their interest, and to treat with their high mightinesses with a perfect confidence and harmony: and at the same time he the said Robert earl of Oxford and earl Mortimer, did then falsely and maliciously declare, or was privy to advising and consenting, that it should be, and so it was declared, in her majesty's name, that she had made no separate treaty with France, nor ever would make any before she had fully complied with all engagements to her allies, and that each of them should have opportunity to make good their pretensions.

By which false, scandalous, and dishonourable assurances, he the said Robert earl of Oxford and earl Mortimer did not only highly dishonour her majesty, by whose privacy the said separate treaty with France had been before that time concluded and signed; but their high mightinesses, the good friends and ancient allies of her majesty, were grossly abused and thereby induced to enter into a negotiation with France, so dangerous in itself, and so fatal in its consequences.

#### ARTICLE V.

That her sacred majesty queen Anne having in due form of law, and under her great seal, constituted the right reverend John lord bishop of Bristol, and the earl of Strafford, her plenipotentiaries, with full powers to meet, treat, and conclude with the plenipotentiaries of the confederates, and those whom the French king shall on his part depute for that purpose, the conditions of a good and general peace, that shall be safe, honourable, and, as far as is possible, agreeable to the reasonable demands of all parties; he the said Robert earl of Oxford and earl Mortimer, not contenting himself to abuse the royal authority, to the delusion of the states general, the nearest allies of the queen, but intending the universal prejudice of his imperial majesty, and all the allies of these kingdoms, and thereby the more successfully to carry on the measures of France, wherein he was then engaged,

contrived

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 this misfortune is the heavier upon me, because I  
 had the honour to be placed at the head of the late  
 ministry,

contrived and prepared instructions, or was privy to consenting and advising the same, for her majesty's said plenipotentiaries, which she was prevailed upon by the said Robert earl of Oxford and earl Mortimer's evil counsel to sign, and the same were delivered to the said plenipotentiaries; wherein among other things they are instructed to the effect following, viz. If it shall be thought proper to begin by the disposition of the Spanish monarchy, you are to insist that the security and reasonable satisfaction which the allies expect, and which his most Christian majesty has promised, cannot be obtained, if Spain and the West-Indies be allotted to any branch of the house of Bourbon: whereas the said Robert earl of Oxford and earl Mortimer had at that time privately and treacherously negotiated and agreed with the ministers of France, That Spain and the West Indies should remain in a branch of the house of Bourbon, and had prevailed on her sacred majesty to be party to the said private treaty, wherein the same is necessarily implied. And the said plenipotentiaries are further instructed, in case the enemy should object, as the imperial ministers had done, that the duke of Anjou shall continue on the throne of Spain; you are to insist, that those articles, as far as they extend, are indeed binding to France, but that they lay neither us nor our allies under any positive obligation: whereby the said Robert earl of Oxford and earl Mortimer basely entered into a confederacy and collusion even with the ministers of the enemy, and prevailed on her majesty to give her royal consent thereto, the more effectually to impose on his imperial majesty and all the allies, and to conceal the said secret negotiations, and the separate treaty that had been agreed on between Great Britain and France. And the said Robert earl of Oxford and earl Mortimer, not only in the particulars before mentioned, but in many others contained in the said instructions, has brought a lasting reproach on the crown of these realms, and grossly violated the many treaties wherein her sacred majesty was then engaged to her allies, to act in perfect concert with them throughout the negotiations of peace.

#### ARTICLE VI.

That the conferences of peace being opened between the plenipotentiaries of the allies, and those of the enemy, for the negotiating a general peace upon the mutual and most solemn engagements amongst the allies not only to act in perfect confidence with each other, but to promote their common interest, and to obtain from the enemy all just and reasonable satisfaction; and a specifick explanation of the general preliminaries having been given in by the enemy at Utrecht, whereon the allies delivered their respective demands; by the artifices of France, and the secret encouragement and concurrence of the ministers of Great Britain, the progress of the said publick negotiation was delayed and kept in suspense, under pretence of the enemy's refusing to give their answer in writing: during which time, he the said Robert

earl

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ministry, and must now, it seems, be made accountable for all the measures that were then pursued.  
But

earl of Oxford and earl Mortimer, again assuming to himself regal power, in derogation of the royal authority, to treat of peace with France, which was then delegated under the great seal of Great Britain to her majesty's plenipotentiaries at Utrecht, and for the promoting the design of the enemy, to the apparent destruction of the common cause of her majesty and her allies, contrary to the known laws and constitution of this kingdom, in direct violation of the several alliances her majesty then stood engaged in, and in opposition to the many assurances given by her majesty to act in concert with her allies, and in defiance of the express instructions given to her said plenipotentiaries; was not only wanting in his duty to her majesty, as far as in him lay to have put an end to, and prevented any further private and unlawful negotiations with France, but did, with others his accomplices, advise, concur, continue, and promote a private, separate, and unjustifiable negotiation with France, directly from England to France, without any communication thereof to the allies; and in such private negotiations did concert with the ministers of the enemy, terms of peace highly prejudicial to the interest of her majesty and her kingdoms, and of all her allies, and whereby the good effects of the said general negotiations were entirely defeated.

ARTICLE VII.

That her sacred majesty queen Anne having been prevailed on by the false counsels of him the said Robert earl of Oxford and earl Mortimer to accept of a treaty with France, on the supposition that the Spanish monarchy should continue in the possession of a branch of the house of Bourbon; and it being acknowledged even by the French king in the general preliminaries signed by monsieur Mesnager, that the excess of power from the re-union of the crowns of France and Spain would be contrary to the good and general repose of Europe: he the said Robert earl of Oxford and earl Mortimer having nothing so much in view, as the aggrandizing the common enemy, yet always intending to cover the iniquity of his heart under specious pretences and false appearances, did wickedly and treacherously advise, and carry on a private and separate negotiation with France, on the subject of a renunciation of his right to the kingdom of France by the duke of Anjou, and that such renunciation should be the security against the re-union of the two kingdoms. And by the influence of his evil counsels her majesty was prevailed on to accept, and finally to conclude, and ratify a treaty of peace with France, wherein the said renunciation is taken as a sufficient expedient to prevent the mischiefs that threatened all Europe, in case the crowns of France and Spain should be united upon the head of one and the same person; altho' he the said Robert earl of Oxford and earl Mortimer well knew, that a memorial had been, during the said separate negotiation, transmitted by Mr. de Torcy, secretary of state, and minister to the French king, to one of her majesty's principal secretaries of state, whereby it was declared that

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But, on the other hand, 'tis a very great comfort to me under this misfortune, that I have the honour

that the said renunciation would be null and invalid by the fundamental laws of France; which laws were looked upon as the work of him who had established all monarchies, and which he only could abolish; and that no renunciation therefore could destroy it: and if the king of Spain should renounce, they would deceive themselves that should receive it as a sufficient expedient to prevent the mischiefs proposed to be avoided. By which false and treacherous counsels, he the said Robert earl of Oxford and earl Mortimer did not only betray the interests of the common cause into the hands of the most formidable enemy, but wilfully and maliciously abused the power and influence which he had obtained with her majesty, so far as to engage her sacred majesty, and the honour of the imperial crown of these kingdoms, to become party with France in so fatal a deceit.

ARTICLE VIII.

That her late majesty queen Anne, having on the seventh day of December, in the year of our lord 1711, earnestly recommended from the throne, that provision might be made for an early campaign, in order to carry on the war with vigor, and as the best way to render the treaty of peace effectual; in order to which, vast supplies were granted, and magazines provided at a great expence for an early campaign; and in pursuance thereof, her majesty having sent her generals, Lumley and Cadogan, to give early assurances to her allies of her sincere intentions, and likewise expressly instructed her general, the duke of Ormond, not only to anew the same assurances, and declare her resolutions of pushing on the war with the utmost vigor, but to concert with the generals of the allies the proper measures for entering on action; and the confederate army, which at that time was the finest and strongest that had been in the service during the whole course of the war, and provided with all necessaries to act with vigor, having marched, according to the resolution taken in concert with her majesty's general, almost up to the enemy, with a great superiority both as to the number and goodness of troops, and animated with a noble courage and zeal to acquit themselves bravely; so that in all human appearance, and with the divine assistance, which had appeared so visibly for them on many other occasions, they would have been able, either by battle or siege, to have gained great advantages over the enemy, to have bettered the affairs of the allies, and to have facilitated the negotiations of peace: and the ministers of France having frequently and earnestly represented to the said Robert earl of Oxford and earl Mortimer, and other his accomplices, during their secret negotiations, their just apprehensions from the bravery and good disposition of the confederate army; he the said Robert earl of Oxford and earl Mortimer being truly informed of the sure prospect, which, by the blessing of God, the army of the confederates then had, of gaining new conquests over the army of France, and whereby they would have been enabled to have forced terms of peace, safe, honourable, and lasting; in order to dis-

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honour to be a member of this august assembly:  
an assembly which always squares their proceed-  
ings

appoint those comfortable expectations of the allies, and to give success to his secret negotiations with the ministers of France, was privy to, consenting and advising, together with other false and evil counsellors, and together with them did advise and consent, that an order should be sent, in her majesty's name, to the duke of Ormond, in Flanders, to avoid engaging in any siege, or hazarding a battle, till further orders; altho' nothing had then been settled in the said private negotiations for the interest and security of Great Britain; and altho' Philip king of Spain at that time had not consented to the renunciation of his right to the crown of France. And not contenting himself with having obtained that fatal step, so highly advantageous to the cause of France, but being wickedly determined to do all that in him lay to dissolve the whole confederacy, he the said Robert earl of Oxford and earl Mortimer, with others, was privy to, and did consent and advise, that orders should be sent to the bishop of Bristol, one of her majesty's plenipotentiaries then at Utrecht, to take the first solemn opportunity to declare to the Dutch minister, that her majesty looked on herself from their conduct to be then under no obligation whatsoever to them: which two declarations giving just alarm to all the allies, they represented to the bishop of Bristol their general dissatisfaction, and the unexpressible consternation they were all in; that these proceedings were the unavoidable ruin of Europe: they urged religion, liberty, and the faith of treaties, to shew the enormity of this usage; and the states expressed their uneasiness on no account so much, as that they could not come to the knowledge of their own lot. Which representation the bishop of Bristol did, at the instance of the allies, signify to one of her majesty's principal secretaries of state; but their high mightinesses finding that all applications to the ministers of Great Britain, and in particular to the said Robert earl of Oxford and earl Mortimer, were of no avail against France, and for the interest of the common cause, thought it necessary, in a manner the most moving and respectful, to address directly to her majesty by a letter of the fifth of June, 1712; therein expressing their great surprize and affliction at the two declarations afore-mentioned; and finding it difficult to conceive how such declarations, so prejudicial to the common cause, given so suddenly without their knowledge, and undoubtedly too without the knowledge of the other allies, could agree and consist with the nature of an alliance, and with those assurances and engagements her majesty had always honoured them with, and not being able to conceive how such a sudden change could happen with respect to them, having carefully examined their own conduct, and finding nothing therein that could have given ground to her majesty's dissatisfaction: and having represented the visible and immediate fatal consequences of the said two orders, not only to the common interest of her majesty and the states, but to the whole confederacy, and to the Protestant religion; they beseeched her majesty, with all the respect, and all the earnestness they were capable of, that she would not persist in the declarations  
made

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ings and judgments by the rules of honour, justice,  
and equity; and is not to be biased by a spirit of  
party.

made by the bishop of Bristol, and would be pleased to revoke the orders given to the duke of Ormond, and would authorize him to act according to occurrences, and as the exigency of the war, and the advancement of the common cause should require. Notwithstanding which, he the said Robert earl of Oxford and earl Mortimer, being acquainted with the said representations of the states, was not only wanting in his duty to her majesty, and to his oath, and the great trust reposed in him, in not advising, as he ought to have done, her sacred majesty to have hearkened to the said several instances made to her; but persisting in his desperate and destructive measures, for the advancement of the interest of the common enemy, did afterwards advise her majesty to disregard and reject the same, and did countenance, encourage, advise, and promote the said private, separate, and wicked negotiations with France, without any participation of the allies, contrary to all her majesty's engagements, and to the apparant ruin of the common cause. By which several wicked and perfidious counsels, the progress of the victorious arms of the confederates was stopped, and an opportunity lost for conquering the enemy, the most favourable, in the opinion of all the general officers and the quarter masters of the allies, who were sent out to view the French camp; and whereby all hopes of confidence between her majesty and her allies was entirely destroyed, and the French king made absolute master of the negotiations of peace; and the affairs of Europe given into his hands.

## ARTICLE IX.

That to impose upon the allies the fatal necessity of submitting to the terms of France, and, in order thereto, to leave the whole confederate army at the mercy of the common enemy, he the said Robert earl of Oxford and earl Mortimer, was privy and consenting to a secret and separate concert with the ministers of France, without the knowledge of the allies, for the separating the troops in her majesty's pay from the rest of the confederate army: for the effecting whereof, instead of preventing as far as in him lay so fatal a step, he was not only wanting to advise against so unwarrantable a proceeding, but did consent to and advise her majesty, that the duke of Ormond, and all the troops then in her majesty's pay, or such of them as would obey his orders, should separate themselves from the army of the confederates: and having notice that the generals of the auxiliaries, paid by her majesty, whose honour and consciences would not permit them to abandon the confederates, and leave them as a sacrifice to France; but for the sake of the common interest of Europe, and according to the true end and design of their conventions, did refuse to withdraw with the duke of Ormond, without particular orders from their respective masters; he the said Robert earl of Oxford and earl Mortimer, being then lord high treasurer of Great Britain, and one of her majesty's most honourable privy council, in violation of his oath, and the duty and  
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party. I could say a great deal to clear myself of  
the charge which is brought against me : but as  
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trust reposed in him, did take upon himself an arbitrary and illegal power, to refuse and put a stop to the pay and subsidies due on account of the said foreign troops, altho' they were intitled thereto by the conventions entered into with her sacred majesty, and by express provision made by act of parliament for the payment of the same. By which fatal separation, which, pursuant to his evil counsels, was afterwards made, great numbers of the confederate troops, who had before, on many occasions, signalized themselves in the defence of the cause of Europe, soon afterwards, at the unfortunate action of Denain, fell as sacrifices to the fury and revenge of France; the siege of Landrecy was raised; the important towns and fortresses of Quesnoy, Bouchain, and Douay, were retaken by the French army; and not only the fortune of the war, but the fate of Europe, decided in favour of France.

ARTICLE X.

That in further execution of his pernicious designs, to compleat the destruction of the common cause of Europe, and to render it impracticable for her majesty to resume the war against France, in conjunction with her allies, or to recover the union with her majesty's old and faithful allies, so necessary to the preservation of these kingdoms; he the said Robert earl of Oxford and earl Mortimer, then lord high treasurer of Great Britain, did carry on and concert with the ministers of France, a private and separate negotiation for a general suspension by sea and land, between Great Britain and France; and to that end, among others, did advise her majesty to send over Henry viscount Bolingbroke, one of her principal secretaries of state, to the court of France, with powers to settle the said suspension. In pursuance of which, a destructive treaty of suspension was made in France on the nineteenth of August N. S. 1712, by the said Henry viscount Bolingbroke, on the part of her said majesty, for four months, without the knowledge or any participation of the allies, and before any terms of peace were settled with the enemy, either for Great Britain or the allies. By which evil counsels, the express terms of several of the aforementioned treaties were expressly contravened and broken, the good friends and ancient allies of her majesty and these kingdoms were totally deprived of the just assistance to which they were thereby intitled, and were left exposed to the insults of the common enemy; and the sacred ties of union and friendship between her majesty and her allies being cut asunder, her majesty's person and government, the safety of her kingdoms, and the protestant succession to the crown of these realms, were left exposed to the enterprizes of her most formidable enemy.

ARTICLE XI.

That whereas the states-general of the United Provinces were, in or about the month of September or October, in the year of our Lord 1712,

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I now labour under an indisposition of body, besides the fatigue of this long sitting, I shall contract

1712, in possession of the strong and important town and fortress of Tournay: and whereas the French king had, during the course of the said private, separate, and traitorous negotiation, between him the said Robert earl of Oxford and earl Mortimer, and others, and the ministers of France, signified his consent to the ministers of Great Britain, that the said town and fortress of Tournay should remain to the states-general as part of their barrier: and whereas her majesty, in her instructions of December the twenty third, 1711, to her plenipotentiaries at Utrecht, had expressly directed them to insist with the plenipotentiaries of France, in the general congress, that towards forming a sufficient barrier for the states-general, Tournay should remain to their high mightinesses; and did afterwards declare herself conformably thereunto, in her speech to both houses of parliament, on the sixth of June 1712, in which she communicated to them the terms whereon a peace might be made. And whereas for several years before, and till the said month of September and October, in the year of our Lord 1711, there was open war between her late majesty and the French king, and the said war continuing for all the said time, and afterwards the said French king and his subjects were enemies to her majesty: he the said Robert earl of Oxford and earl Mortimer, then lord high treasurer of Great Britain, and a subject of her majesty's, not considering the duty of his allegiance, but having altogether withdrawn the cordial love, and true and due obedience, which every true and faithful subject owed to her said majesty, and designing to give aid and succour, and to adhere to the said French king, did, in or about the months of September or October, 1712, during the said war, falsely, maliciously, wickedly, and traitorously aid, help, and assist, and adhere to the French king, then an enemy to her late majesty: and in execution and performance of his said aiding, assisting, and adhering, maliciously, falsely, and traitorously, did counsel and advise the said enemy, in what manner, and by what methods, the said important town and fortress of Tournay, then in possession of the states-general, might be gained from them to the French king, contrary to the duty of his allegiance, and the laws and statutes of this realm.

ARTICLE XII.

That whereas her late majesty queen Anne, not only in pursuance of the treaties she stood engaged in to her good allies, and in particular to his imperial majesty, for the recovery of the monarchy of Spain to the house of Austria, thereby to preserve a due ballance of power in Europe, but also from her just resentment against the duke of Anjou, who then stiled himself king of Spain, and who, in defiance of her majesty's title to the crown, had acknowledged the Pretender as king of Great-Britain: and on these just foundations her majesty had, in vindication of the honour of the crown, and in justice to her people, at a vast expence of blood and treasure, and on the earnest and repeated advices of her parliament, prosecuted a vigorous war against the said duke of

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tract what I have to say within a very narrow com-  
pass. This whole accusation may, it seems, be  
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of Anjou. And whereas, in the years of our Lord 1710, 1711, 1712, the said open, bloody, and expensive war, was carried on between her said late majesty queen Anne, and the said duke of Anjou, and during all the time aforesaid the said war did continue, and for all that time the said duke of Anjou, and the subjects of Spain adhering to him, were enemies of her late majesty: he the said Robert earl of Oxford and earl Mortimer, then lord high treasurer of Great-Britain, and one of her majesty's privy council, and a subject of her said majesty, not considering the duty of his allegiance, but having withdrawn his true obedience from her said late majesty, did at several times, in the said years of our Lord 1710, 1711, and 1712, falsely, maliciously, wickedly, and traitorously, aid, help, assist, and adhere to the said duke of Anjou, then an enemy to her said late majesty; and in the execution and performance of his said aiding, helping, assisting and adhering, and in confederacy and combination with the then enemies of her late majesty, and with divers other wicked and evil disposed persons, did at several times, in the years aforesaid, advise and counsel the enemies of her late majesty; and in such counselling and advising, did concert with them, and did promote the yielding and giving up Spain and the West-Indies, or some part thereof, to the said duke of Anjou, then in enmity with her majesty, against the duty of his allegiance, and the laws and statutes of this realm.

#### ARTICLE XIII.

That whereas the riches, power, and strength of these kingdoms, depend entirely on the flourishing condition of trade and navigation, and her late majesty queen Anne having due regard thereto, as well as to the just expectations of her people, after the vast expences they had so chearfully undergone in support of the war, did, on the first opening the conferences for a general peace, declare from the throne to both houses of parliament, on the seventh of December, 1711, that she would endeavour that after a war, which had cost so much blood and treasure, the nation might find their interest in trade and commerce improved and enlarged by a peace: and on the sixth of June, 1712, when she was pleased to communicate the terms on which a general peace might be made, did declare, that nothing had moved her majesty from steadily pursuing the true interest of her own kingdoms, and that the terms of peace obtained for her own subjects were such, as she had reason to expect would make her people some amends for the great and unequal burden which they had lain under thro' the whole course of the war, and hoped that none of the confederates would envy her share in the glory and advantage; and afterwards declared to both houses of parliament, her satisfaction in the near view she had of peace, since it would in some measure recompense her subjects for their vast expence: and after the conclusion of the treaty of peace and commerce with France, did declare from the throne on the ninth of April, 1713, that the many advantages she had obtained for her subjects, had occa-  
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reduced to the negotiation and conclusion of the  
peace: that the nation wanted a peace, no body  
will

sioned much opposition and long delays to the peace; but it afforded her great satisfaction, that her people will have it in their power, by degrees, to repair what they had suffered during so long and burdensome a war. Whereon both houses of parliament did from time to time express their grateful acknowledgments to her majesty, for her great care and concern for the welfare of her people. And whereas at the setting on foot, and in the progress of the said private, separate, and pernicious negotiations between the ministers of Great-Britain and France, it was laid down as a principle, on the part of Great-Britain, never to be departed from, that France should consent to adjust the interests of Great-Britain in the first place, that the ministers of Great-Britain might thereby be enabled to engage the queen to make the conclusion of the general peace easy to France; and on this plausible pretence it was insisted on by the ministers of Great-Britain, to remit the discussion of the particular interests of the allies to general conferences; and throughout the whole course of the said separate negotiation, all imaginable concessions were not only made by the ministers of Great-Britain for the real advantage of the interests of France against the allies, but all measures were entered into and concerted between them, that even the ministers of France could dictate, in order to strengthen their hands, and to enable them to impose the terms of a general peace: he the said Robert earl of Oxford and earl Mortimer, having nothing in view, thro' the whole course of the said negotiation, wherein he was wickedly and principally engaged in concert with France, but the final destruction of his country, and to that end the sacrificing the commerce of Great-Britain to the aggrandisement of France, was not only wanting in his duty to her majesty, in not insisting on in all events, and not procuring, in the first place, the most certain and strict securities imaginable, for the safety and advantage of the commerce of these kingdoms; but did advise her late majesty, that in the propositions sent by his privy and advice, by Mr. Prior, to France, and also in the said private and separate treaty, signed on the said seven and twentieth of September, 1711, wherein the preliminary demands for Great-Britain more particularly were intended to be adjusted with France, the demands for Great-Britain, in point of commerce, should not only be made in loose, general, and insufficient terms, but that the liberty of fishing, and drying of fish on Newfoundland, should be expressly given up to France, tho' the restitution of that small part of the island, which France had taken during the war, was therein referred to be discussed to general conferences. And having by his wicked artifices engaged her majesty in the said private treaty with France, without any security for the commerce of Great-Britain, he did artfully and cunningly contrive with the ministers of France, to keep in suspense all matters that concerned the commerce of Great-Britain, until by means of his wicked and pernicious counsels aforesaid, France was become master of the negotiations, and the chief advantages for the commerce of Great-Britain by that means re-  
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will deny; and, I hope, it will be as easily made out, that the conditions of this peace are as good as

maining unsettled: and the ministers of France afterwards disputing the most essential articles which had been in agitation, and in particular that fundamental principle of treating and being treated as gens amicissima, and endeavouring to elude what had been agreed on in the said private and separate negotiation, for the supposed advantage of Great-Britain; he the said Robert earl of Oxford and earl Mortimer, under pretence of removing a difficulty then depending, by an expedient advantageous to Great-Britain, did treacherously advise the ninth article of the treaty of commerce with France, a bill for the rendering whereof effectual, was afterwards rejected by the house of commons, as highly prejudicial and destructive to the commerce of these kingdoms: but yet for the sake of gaining that destructive article for Great-Britain, as if the same had been advantageous, he the said Robert earl of Oxford and earl Mortimer, in defiance of the express provision of an act of parliament, as well as in contempt of the frequent and earnest representations of the merchants of Great-Britain, and of the commissioners for trade and plantations, did advise her majesty finally to agree with France, that the subjects of France should have liberty of fishing and drying fish on Newfoundland; and did also advise her majesty to make a cession to France of the isle of Cape Breton, with liberty to fortify the same, altho' the isle of Cape Breton was part of the ancient territories of the crown of Great-Britain; and her majesty had declared from the throne, that France had consented to make an absolute cession of Nova Scotia or Acadia, whereof Cape Breton is part, to her majesty. And the said Robert earl of Oxford and earl Mortimer, intending, in all events, to secure to France the advantages relating to the fishery of Newfoundland, and to Cape Breton, did, in conjunction with the ministers of France, advise her majesty to consent, that the same should be made an article in the treaty of peace between Great-Britain and France: whereas the only advantages in trade, pretended to be stipulated for Great-Britain, being inserted in the treaty of commerce, were to depend on certain conditions, to be made good by act of parliament; and pursuant to, and by the influence of the said evil counsel of him the said Robert earl of Oxford and earl Mortimer, her sacred majesty was advised to ratify the said article in the said treaty of peace, and the said treaty of commerce. By means of which pernicious counsels, the good intentions of her sacred majesty, to have obtained for her people advantageous terms of commerce, were entirely frustrated, the trade and manufactures of Great-Britain, as far as in him lay, rendered precarious, and at the mercy of the enemy, and that beneficial branch of trade, always esteemed the great support of the naval power, and the chief nursery of the seamen of Great-Britain, yielded up to the subjects of France: and the only pretence for the avowed and notorious violation of treaties, and the carrying on the measures of France, viz. The adjusting first the interests of Great-Britain, thro' the whole course of the said private and separate negotiations, terminated at last in the sacrifice of the commerce of Great-Britain

as could be expected, considering the circumstances wherein it was made, and the backwardness and

Britain to France, without the least shadow of advantage in trade procured for these kingdoms.

ARTICLE XIV.

That he the said Robert earl of Oxford and earl Mortimer did, in concert with other evil and false counsellors, even without any application from his royal highness the duke of Savoy, and after the French king had in the course of the said private and separate negotiations, consented that the kingdom of Sicily should remain to the house of Austria, from a project and design to dispose of the kingdom of Sicily to the duke of Savoy, from the house of Austria: and to effect that his unjust, dishonourable, and pernicious project, he did advise her majesty to give instructions, among other things, to Henry Viscount Bolingbroke, then appointed her ambassador to France, to demand in her majesty's name, of the French king, the kingdom of Sicily for his said royal highness. And a treaty of peace being afterwards made between the French king, his royal highness, and the duke of Anjou, wherein a cession is made to his royal highness of the kingdom of Sicily, without any concurrence or participation of his imperial majesty; he the said Robert earl of Oxford and earl Mortimer did basely and scandalously advise her sacred majesty to consent to the same, by an article inserted in the treaty of peace between her majesty and the French king. And afterwards, by his privity and advice, her majesty was prevailed on to assist his royal highness against the emperor, then in alliance with her majesty, with a part of her royal fleet at her own expence, in order to put him in possession of the said kingdom of Sicily. Whereby the greatest injustice was done to his imperial majesty, in direct violation of the grand alliance, and contrary to her majesty's frequent declarations from the throne, and her plain and full instructions to her plenipotentiaries at Utrecht, for obtaining his just and reasonable satisfaction: and whereby national faith, and the honour of the crown, was vilely betrayed, and the naval power of these kingdoms, and the supplies granted by parliament for reducing the common enemy, were perfidiously employed against the great and faithful ally of this kingdom.

ARTICLE XV.

That whereas the dignity and support of the imperial crown of these realms has in all ages greatly depended on the wisdom and truth of the communications made from the throne, especially in parliament, as the sure and only means whereby the kings and queens of this realm can receive the sincere and faithful advice of their people in matters of the highest importance, and which by the fundamental laws and constitution of this government ought to be inviolably observed as the sacred band of the duty and affection of subjects to their sovereign. And whereas by the most ancient known laws of this kingdom, it is indispensably incumbent on the great officers of state that surround the throne, to maintain as far as in them lies, the sacredness of the royal word

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 and reluctancy which some of the allies shewed to  
 come into the queen's measures. This is certain,  
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word on all occasions; it being most apparent, that the greatest dishonour to the throne, and the greatest danger to these kingdoms, must inevitably ensue, whenever that fountain of truth by wicked counsels shall be in any degree corrupted, and thereby lose its just influence and necessary authority. And whereas the power of making peace and war, one of the antient, undoubted, and most important prerogatives of the crown, has been always exercised by the sovereigns of these realms, with the strictest regard to the honour of the crown, and the welfare of the people; and for that end they have in great wisdom in all ages, taken the advice of parliament on such weighty occasions. And whereas her late majesty queen Anne declared from the throne, her gracious intentions to communicate the terms of peace to her parliament for their deliberate and serious advice therein, wisely foreseeing that the safety of her person and government, of the Protestant succession to the crown, which she had nearest her heart, and of the Protestant religion, and of the liberties of Europe, did inevitably depend on the happy conclusion of the said negotiations: he the said Robert earl of Oxford and earl Mortimer, then lord high treasurer of Great-Britain, having taken on himself throughout the said negotiations, a most arbitrary and unwarrantable authority, and the chief direction and influence in her majesty's councils; and most wickedly designing to prostitute the honour of the crown, and the dignity of parliaments, and not only totally to deprive her majesty of the wholesome and necessary advice of her parliament in so great a conjuncture, but by misrepresenting the most essential parts of the negotiations of peace, to obtain the sanction of parliament to his traitorous proceedings, and thereby fatally to deceive her majesty, her allies, her parliament, and her people; he the said Robert earl of Oxford and earl Mortimer was not only wanting in the discharge of that duty to his sovereign, which became his high station, by not advising against, and as far as in him lay in all events, by not preventing even any intimation from the throne to the parliament, which was not conformable to the exactest truth and impartiality; but taking advantage of his ready access to her majesty, and his exorbitant influence in her councils, did prepare, form, and concert, together with other false and evil counsellors, several speeches and declarations to be made by her majesty from the throne to her parliament, on the subject of the said negotiations of peace; and did advise her majesty to make the same to her parliament. And particularly, by means of his false and evil counsels, her majesty did, amongst other things, on the seventh of December, 1711, declare from the throne in these words, or to the effect following: "That notwithstanding the arts of those who delight in war, both place and time are appointed for opening the treaty of a general peace. Our allies, especially the states-general, whose interest I look upon as inseparable from my own, have by their ready concurrence expressed their confidence in me." Whereas it was then notorious to all Europe, and the said Robert earl of Oxford and earl Mortimer, and others

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 that this peace, as bad as it is now represented,  
 was approved of by two successive parliaments. It  
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his accomplices, well knew that the principal allies of her majesty, and particularly the states-general, then had in the strongest and most pressing manner represented, not only to her majesty's ministers in Holland, but afterwards by a minister of their own, directly to her majesty, the insecurity and danger to the common cause, by entering into general negotiations with France, on the propositions signed by monsieur Mesnager, and also their firm opinion of the fatal consequences that might ensue thereon: and altho' they had still great apprehensions concerning the method of opening the conferences, and the consequences that might happen thereupon; yet being wrought on by the menaces and other extraordinary methods used with them by her majesty's ministers, and relying on the solemn assurances and declarations of her majesty to support the interest and concern of their state, and to act in perfect confidence and harmony with them; they did at last, with the greatest reluctance, consent to enter upon a general negotiation of peace with France. And in the same speech her majesty was prevailed upon by the evil counsels of him the said Robert earl of Oxford and earl Mortimer, and others, to declare in the words, or to the effect following: "That the princes and states which have been engaged with us in this war, being by treaties entitled to have their several interests secured at a peace; I will not only do my utmost to procure every one of them all reasonable satisfaction, but I shall also unite with them in the strictest engagements for continuing the alliance, in order to render the general peace secure and lasting." And in her message of the seventeenth of January following, her majesty again expresses the care she intended to take of all her allies, and the strict union in which she proposed to join with them. Whereas by the evil influence of him the said Robert earl of Oxford and earl Mortimer, her majesty was not only induced to enter into a private negotiation with France, exclusive of her allies; but the same was in like manner carried on by him the said Robert earl of Oxford and earl Mortimer, and others. And the several interests which the allies were entitled to by their treaties, were not only not secured to them by the peace, nor any reasonable satisfaction given to them; but the main interests of her principal allies, especially of his imperial majesty, were, by the wicked practices of him the said Robert earl of Oxford and earl Mortimer, and others, given up to France; and no engagements were obtained for continuing the alliance, in order to render the general peace secure and lasting. And her majesty having on many former occasions expressed her resolutions never to make peace with France and Spain, so long as Spain and the West-Indies remained in the house of Bourbon: she was prevailed upon by the advice of him the said Robert earl of Oxford and earl Mortimer, and others, to declare herself, in answer to an address of the house of peers, the eleventh of December, 1711, to the effect following, viz. "I should be sorry any one could think I would not do my utmost to recover Spain and the Indies from the house of Bourbon." Whereas it is most manifest, that the leaving the kingdom of Spain,

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 is, indeed, suggested against this peace, that it  
 was a separate one: but I hope, my lord, it will  
 be

and the Indies, in the house of Bourbon, was the foundation of the private and separate treaty between Great-Britain and France, which had been before that time signed even with her majesty's consent; and the same fundamental resolution was immutably observed between them, to the conclusion of the peace. And her majesty having frequently declared from the throne, that her resolutions in entering into the said negotiations, were to obtain a general, good, and lasting peace; and the plenipotentiaries at Utrecht being instructed to treat with France conformably to that end, he the said Robert earl of Oxford and earl Mortimer, in order to remove the just suspicions which had been conceived of his private and separate negotiations with France, did advise her majesty to make this further declaration in her said message, the seventeenth of January, "That the world will now see how groundless those reports are, which have been spread abroad by men of evil intentions, to serve the worst designs; as if a separate peace had been treated, for which there has not been the least colour given." Whereas a private and separate negotiation had been carried on for five months together between Great-Britain and France; and during that time, private propositions had been sent from England, and a private treaty with a minister of France signed, even by her majesty's privity, exclusive of all the allies, before the said declaration made by her majesty. And private and separate measures were thenceforth carried on by the said Robert earl of Oxford and earl Mortimer, and his accomplices, on behalf of her majesty, with the ministers of France, even to the conclusion of the peace with France. Her majesty was further prevailed on by the wicked advice of him the said Robert earl of Oxford and earl Mortimer, in her speech of June 6, 1712, to declare, "That to prevent the union of the two crowns, she would not be content with what was speculative, but insisted upon something solid;" and in the same speech to the effect following, viz. "The nature of the proposal for a renunciation is such, that it executes itself, and France and Spain are thereby more effectually divided than ever." Whereas the ministers of France had before that time assured the ministers of her majesty, that to accept of the expedient proposed on her majesty's behalf, would be to build on a sandy foundation; and that the renunciation would be null and void by the fundamental laws of France; and that they would deceive themselves, who accepted it as an expedient to prevent the union of the two crowns. And not only in the particulars before-mentioned, but in many others contained in the said several speeches and messages made and sent to her parliament, even while the said negotiations of peace with France were depending, the most essential points relating to peace and commerce, and which concerned the interest, as well as of the allies, as of Great-Britain, were grossly misrepresented. By all which wicked, treacherous, and unexampled evil counsels, he the said Robert earl of Oxford and earl Mortimer did most basely, ungratefully, and scandalously, abuse the favour of his royal mistresses, and by means of her authority did mislead her parliament

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 be made appear, that it was general; and that  
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ment into groundless and fatal resolutions; and thereby not only prevented the just advice of the parliament to her majesty in that critical juncture, but obtained the approbation of parliament to his mysterious and dangerous practices; and did not only deprive her majesty of the confidence and affection of her allies, but exposed her majesty and her people to the contempt of the common enemy.

#### ARTICLE XVI.

That whereas the said Robert earl of Oxford and earl Mortimer, having on all occasions used his utmost endeavours to subvert the ancient established constitution of parliaments, the great and only security of the prerogative of the crown, and of the rights, liberties, and properties of the people, and being most wickedly determined at one fatal blow, as far as in him lay, to destroy the freedom and independency of the house of lords, the great ornament and nearest support of the imperial crown of these realms, and falsely intending to disguise his mischievous purposes, under a pretended zeal for the prerogative of the crown: he the said Robert earl of Oxford and earl Mortimer, on or about the months of December or January, 1711, whilst the house of lords were under an adjournment, and had reason to expect that on their next meeting, matters of the highest importance would be communicated to them from the throne, they having some few days before given their humble opinion and advice to her majesty, that no peace could be safe or honourable to Great-Britain or Europe, if Spain and the West-Indies were to be allotted to any branch of the house of Bourbon; being then lord high treasurer of Great-Britain, and one of her majesty's privy council, and assuming to himself an arbitrary direction and controul in her majesty's councils, contrary to his duty and his oath, and in violation of the great trust reposed in him, and with an immediate purpose to render ineffectual the many earnest representations of her majesty's allies against the said negotiations of peace, as well as to prevent the good effects of the said advice of the house of lords; and in order to obtain such further resolutions of that house of parliament, on the important subject of the negotiations of peace, as might shelter and promote his secret and unwarrantable proceedings, together with other false and evil counsellors, did advise her majesty to make and create twelve peers of this realm, and lords of parliament; and pursuant to his destructive counsels, letters patent did forthwith pass, and writs issued, whereby twelve peers were made and created: and did likewise advise her majesty immediately to call and summon them to parliament; which being done accordingly, they took their seats in the house of lords, on or about the second of January, 1711, to which day the house then stood adjourned. Whereby the said Robert earl of Oxford and earl Mortimer did most highly abuse the influence he then had with her majesty, and prevailed on her to exercise, in the most unprecedented and dangerous manner, that valuable and undoubted prerogative, which the wisdom of the laws and constitution



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the first steps towards a negotiation. And, my lord, I will be bold to say, that during my whole administration,

of this kingdom hath entrusted with the crown for the rewarding signal virtue and distinguished merit. By which desperate advise he did not only, as far as in him lay, deprive her majesty of the countenance of those reasonable and wholesome counsels in that critical juncture, but wickedly perverted the true and only end of that great and useful prerogative, to the dishonour of the crown, and the irreparable mischief to the constitution of parliaments. All which crimes and misdemeanors, committed and done by him the said earl against our late sovereign lady the queen, her crown and dignity, the peace and interest of this kingdom, and in breach of the several trusts reposed in him the said earl; and he the said earl of Oxford and earl Mortimer was lord high treasurer of Great Britain, and one of her majesty's privy council during the time that all and every the crimes before set forth were done and committed. For which matters and things, the knights, citizens, and burgeses of the house of commons in parliament assembled, do, in the name of themselves, and of all the commons of Great Britain, impeach the said Robert earl of Oxford and earl Mortimer of high treason, and other high crimes and misdemeanors in the said articles contained. And the said commons by protestation saving to themselves the liberty of exhibiting, at the time hereafter, any other accusations or impeachments against the said earl; and also of replying to the answers which the said Robert earl of Oxford and earl Mortimer shall make to the premises, or any of them, or to any impeachment or accusation that shall be by them exhibited, according to the course and proceedings of parliament, do pray that the said Robert earl of Oxford and earl Mortimer be put to answer all and every the premises; and that such proceedings, examinations, trials and judgments may be upon them, and every of them had and used, as shall be agreeable to law and justice. And they do further pray and demand, that the said Robert earl of Oxford and earl Mortimer may be sequestred from parliament, and forthwith committed to safe custody.

On the 2d of August the following further articles of impeachment, against the earl of Oxford, were read at the bar of the house of lords.

ARTICLE XVII.

That whereas in or about the month of January, in the year 1710-11, a dangerous and destructive expedition had been projected and set on foot, under pretence of making a conquest on the possessions of the French king in North America, but with a real design to promote his interests, by weakening the confederate army in Flanders, and dissipating the naval force of this kingdom, as well as for the sake of the private interests and corrupt gain of the promoters of the said expedition; he the said Robert earl of Oxford and earl Mortimer, being then one of her late majesty's privy council, and one of the commissioners of her majesty's treasury, was not only wanting in his duty

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administration, the sovereign upon the throne was loved at home and feared abroad. As to the business

duty to her late majesty, by wilfully and industriously absenting the meetings of other persons, then in high trust under her majesty, wherein the said expedition was concerted, and by not advising her majesty against, and doing what in him lay, to have prevented the putting the same in execution, but did, contrary to his oath, and the high trust then reposed in him, advise her majesty to consent to the making an expedition for the conquering of Canada, and the city of Quebeck, on the river of St. Lawrence, in North America; and in execution of his said evil counsels, he did further advise her majesty to give orders for detaching several battalions of the forces then in the service of her majesty, in conjunction with her allies in Flanders, and to send the same, with a large squadron of men of war, on the said enterprize; altho' the said Robert earl of Oxford and earl Mortimer well knew, that the said project or expedition having been frequently deliberated on and maturely considered, a short time before, in a committee of council, was then laid aside as dangerous and impracticable. And a demand being made at the treasury, on or about the months of May or June, 1711, for the sum of 28000l. or thereabouts, on pretence of arms and merchandise said to be sent in the said expedition to Canada, he the said Robert earl of Oxford and earl Mortimer, being then lord high treasurer of Great Britain, and one of her majesty's privy council, tho' he well knew, or had reason to suspect, that the same was an unjust and exorbitant demand, and a great abuse on her majesty and the publick, and such as ought not to have been complied with, was not only wanting in his duty to her majesty, in not giving his humble advice against the said demand, or at least in not representing to her majesty the grounds of such his suspicion, but did, contrary to his oath and his duty, advise her majesty that the said sums should be issued and paid, and did accordingly counterfeign a warrant to the paymaster of her majesty's forces, for the payment of the same, pursuant to which the same was afterwards issued and received. And in further violation of his oath, his duty and trust, and with the most corrupt design to prevent the justice due to her majesty, and the nation, he the said Robert earl of Oxford and earl Mortimer, being then lord high treasurer of Great Britain, and exercising a most unexampled arbitrary power, not only in her majesty's private councils, but extending his evil influences to the great council of the nation: after the said expedition had proved unsuccessful, and it had been discovered to him the said Robert earl of Oxford and earl Mortimer, that the nation had been cheated of above twenty thousand pounds on that account, did most ungratefully and corruptly employ his wicked arts, and the credit which he had gained by his false and crafty insinuations and practices, to keep the house of commons from examining that affair. And in or about the month of August, 1714, in a letter or memorial, under his own hand, to her late majesty, he did presume, not only to insinuate the ill opinion he therein pretended always to have had of the said expedition, but did declare the suspicions he had of the great injury and

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ness of Tournay, which is made a capital charge,  
I can safely aver, that I had no manner of share  
in

and abuse done to her majesty and the publick, in the demand of the said 28,000l. even at that time, when the same was made, and that the publick had been cheated of above 20,000 l. on that account; and in the said memorial did presume further to declare to her majesty, "That he was forced to use all his skill and credit to keep the house of commons from examining that affair the last parliament:" thereby vainly, but most wickedly, recommending himself to the continuance of her majesty's favour, by the success of his most profligate measures. By all which unparalleled corruptions, and most dangerous counsels and practices of him the said Robert earl of Oxford and earl Mortimer, the good and faithful allies of her majesty were deprived of the aid of her majesty's troops, to which they were intitled by their conventions, and the confederate army in Flanders was greatly diminished, to the apparent advantage of the common enemy. The publick money, granted by parliament for reducing the power of France, and which was expressly appropriated for other special services, was arbitrarily and illegally misapplied and embezzelled, and an heavy debt incurred on the nation, not only sitting the parliament, but even in contempt and defiance of a representation made by the house of commons to the throne, even whilst the said expedition was concerting, and whereby the highest injustice was done, in suppressing an enquiry, so just to her majesty and her people, and a lasting reproach and scandal brought on that house of commons of which he boasted, as having been wrought on by his corrupt influence, not to examine into so high and so scandalous an abuse.

## ARTICLE XVIII.

That the said Robert earl of Oxford and earl Mortimer, not contented with the high employments and places of honour and profit bestowed on him by her late majesty, nor with the large and excessive gains by him made by the incomes and profits of the said employments, on or about the month of October, 1711, whilst the nation was engaged in a most expensive war against France and Spain, for preserving the ballance and liberties of Europe, and greatly exhausted with the supplies and taxes for carrying on the same, and was under such heavy debts as were impossible to be satisfied, without the utmost frugality or laying grievous taxes upon the commons of Great Britain: contrary to his oath and his high trust, and making a most dishonourable and ungrateful use of the ready access he had to her late majesty, did prevail on and advise her majesty to sign a warrant to himself, being then lord high treasurer of Great-Britain, for the issuing and payment of the sum of thirteen thousand pounds to John Drummond, esq; or his assigns, for such special services relating to the war as her majesty had directed; and the said Robert earl of Oxford and earl Mortimer, on or about the 24th of November following, in pursuance of the said warrant under her majesty's sign manual, did sign a warrant for the payment of the said thirteen thousand pounds for such special services of the

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in it; and that the same was wholly transacted by  
that unfortunate nobleman who thought fit to step  
aside:

the war, as her majesty had directed, altho' no special services had been, or where at any time afterwards directed by her majesty, to which the said monies were to be applied. And the said Robert earl of Oxford and earl Mortimer, having privately desired leave of the said Drummond to strike some tin tallies in his the said Drummond's name, he did pursuant thereto, direct that orders amounting to the sum of thirteen thousand pounds should be charged in the register of the exchequer on the monies arising by the sale of tin in the name of the said John Drummond: and tho' the same were accordingly struck in the name of the said Drummond, in or about the month of November, 1711, they were not delivered out to the said Drummond, but were kept in the treasury-chamber, or elsewhere, in the power or custody of the said earl, till the end of January following; when the said Drummond having occasion, as the said Robert earl of Oxford and earl Mortimer well knew, to go into Holland, at the desire and request of the said earl, he indorsed his name on the said orders, and by the direction of the said earl the same were left in the hands of Mr. John Taylor, a clerk of the treasury; and the said Robert earl of Oxford and earl Mortimer, did in or about the month of June, 1712, send an order in writing to the said Mr. Taylor to deliver the said Tallies, (he having before that time got possession of the orders) to a servant of the said earl, which was done accordingly, the said indorsements not being at that time filled up: and the said Robert earl of Oxford and earl Mortimer, having by these corrupt and scandalous methods got the said tallies and orders into his own hands, did afterwards fill up the order of twelve thousand pounds, part of the said thirteen thousand pounds to himself, and the remaining part to such other persons as he thought fit: and did afterwards, on or about the months of August, October, and November, 1713, at several times dispose of the said orders and tallies to his own private use and advantage. And to cover the said scandalous embezzlements, he the said Robert earl of Oxford and earl Mortimer, did afterwards, as he pretends, advise and prevail on her majesty, on or about the 14th of December, 1713, being near two years after the indorsement by the said Drummond, and some time after the earl had disposed of the said orders and tallies to his own use, to sign a warrant prepared by himself, wherein after the recital of "His own good and faithful services, which had tended to the quiet, safety and prosperity of her majesty and her realms, tho' accompanied with great hazard to himself, and his family; and that her majesty was resolved to bestow upon him a sum of ready money: but the said earl representing to her majesty, that the arrears then due to her servants and tradesmen were very great and pressing, her majesty did therefore agree and determine that he should have to his own use the said several sums amounting to thirteen thousand pounds, comprised in the orders aforesaid, which were then not due in course of payment." It was directed that the said Drummond should assign the said orders, and the whole right and benefit thereof, to the said earl and his assigns: altho'

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afide: but I dare say in his behalf, that if this charge could be proved, it would not amount to treason,

he said earl had privately and clandestinely procured from the said Drummond an assignment of the said warrant and orders near two years before, and fraudulently and corruptly disposed and converted them to his own use without her majesty's privity or consent, some time before her majesty was prevailed on to sign the said warrant. And tho' the last mentioned warrant, if any such there be, was not communicated to the said Drummond by the said earl during her majesty's life, nor was the same countersigned nor entered in the treasury, yet he the said Robert earl of Oxford and earl Mortimer, even after the said corruption had been discovered in parliament, did presume, even without the knowledge of the said Drummond, to send the said warrant to the commissioners of his majesty's treasury, desiring that the same might then have been entered in the treasury; but the same was with great honour and justice refused to be so entered. By which most vile and scandalous corruption, he the said Robert earl of Oxford and earl Mortimer was guilty of the most notorious breach of his oath and trust as lord high treasurer of Great-Britain, of the highest abuse of her majesties goodness, and embezzlement of her treasure, and of the greatest injustice and oppression of other her majesty's subjects.

## ARTICLE XIX.

That whereas by the established and known laws of this kingdom, the allowances or appointments for the maintenance and support of embassadors, envoys, plenipotentiaries, and other publick ministers of the crown in foreign courts, ought to be ascertained in due form of law, as well in honour as in justice to the imperial crown of these realms; and whereas the said Robert earl of Oxford and earl Mortimer, in or about the month of July or August, 1712, sent Matthew Prior, esq; an instrument and creature of his own, into France, for the carrying on his separate and dangerous negotiations; and did afterwards, in the month of November, 1712, by his evil counsels, prevail on her late majesty, without the privity of, or any communication with her allies, to send the said Matthew Prior as her majesty's plenipotentiary to the French king, with instructions to treat and conclude matters of the highest importance, relating to the general negotiations of peace; but the same was a treacherous and wicked contrivance of him the said Robert earl of Oxford and earl Mortimer, for the more effectual carrying on and promoting his private, separate, and dangerous practices, with the ministers of France, and the enemies of her majesty and her kingdoms; he the said Robert earl of Oxford and earl Mortimer, not regarding his oath, or his high trust, or the laws of the kingdom, did most corruptly and scandalously combine with the said Matthew Prior for the defrauding her majesty of very great sums, under the colour of his said employments in France; and to that end, the said earl did contrive that the said Prior should be sent into France, with the character aforesaid, but without any settled appointments and allowances; but in the stead and lieu thereof, he the said Robert

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treason. For my own part, as I always acted by the immediate directions and commands of the late

Robert earl of Oxford and earl Mortimer, did give the said Matthew Prior an unlimited credit, and did promise to answer and pay such bills as the said Prior should draw on him during his residence in France; pursuant to which contrivance and corrupt agreement, he the said Matthew Prior did, between the 27th of August, in the year 1712, N. S. or thereabouts, and the 10th of July, 1714, at several times draw bills of exchange, to the amount of twelve thousand three hundred and sixty pounds, or thereabouts, on him the said Robert earl of Oxford and earl Mortimer, which he, being then lord high treasurer of Great Britain, did advise and prevail on her majesty to sign warrants for the payment of, and did countersign the same, altho' the said Prior was no way intitled to any such allowances by reason of his said employment, and the same greatly exceeded the allowance even of an ambassador of the crown of Great-Britain. And the said Robert earl of Oxford and Mortimer did, in the years 1712, 1713, and 1714, without any colour of authority, but for the further promoting his corrupt and wicked purposes, prevail on and advise her majesty to sign warrants, which were countersigned by himself, for the payment of the sum of five thousand five hundred and sixty pounds, or thereabouts, to the use of Thomas Harley, esq; a near relation and emissary of him the said Robert earl of Oxford and earl Mortimer, out of the monies appropriated to the use of her majesty's civil list; and did, in like manner, at several times in the years aforesaid, most illegally, fraudulently and corruptly issue or direct, or advise the direction and payment of several other large sums of money, to other persons, out of her majesty's treasury: by which most illegal and scandalous management the said Robert earl of Oxford and earl Mortimer has introduced a practice highly prejudicial to, and utterly inconsistent with the constitution of this kingdom, and of the most pernicious consequence, by opening a way for the most dangerous corruptions; and was not only guilty of a notorious breach of his oath, but entered into the most base and scandalous combination with the persons above mentioned, and others, under pretence and colour of promoting her majesty's service, to defraud her majesty of the publick money, which he was intrusted with the management of, for the support of the honour and dignity of the crown.

## ARTICLE XX.

That whereas the revenues arising to the crown from the hereditary excise and post-office, or some parts thereof, were by virtue of letters patents of the late king James II. charged with and made liable to certain annuities or yearly sums, in trust for, or to the use of, Mary the consort of the said king James II. But the said revenues were afterwards by several acts of parliament granted and settled for the support of the royal household, and of the honour and dignity of the crown, or for other publick uses, without any saving or exception of the said letters patents. And whereas by an act made in the twelfth

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queen, and never offended against any known law,  
I am justified in my own conscience, and uncon-  
cerned

year of her late majesty's reign, the sum of five hundred thousand pounds was granted to her late majesty for the discharge of divers arrears of salaries, diet, monies, and other allowances, and sundry debts for pre-emptions, provisions, and other causes, which had then incurred and grown due to her late majesty's servants, tradesmen, and others, and were occasioned by several extraordinary expences since the act for the better support of her majesty's household, and of the honour and dignity of the crown: and the said sum of five hundred thousand pounds was expressly appropriated to the uses aforementioned, in aid of the said revenues, or branches which were appointed for the support of her majesty's household, and of the honour and dignity of the crown: and whereas by an act made in the thirteenth and fourteenth years of his late majesty king William III. it was enacted, for preventing traitorous correspondence between his majesty's subjects and the pretended prince of Wales or his adherents, "That if any of the subjects of the crown of England, from and after the first day of March 1701, should within this realm or without, hold, entertain, or keep any intelligence or correspondence in person, or by letters, messages, or otherwise, with the said pretended prince of Wales, or with any person or persons employed by him, knowing such person to be so employed, or should by bill of exchange or otherwise, remit or pay any sum or sums of money for the use or service of the said pretended prince of Wales, knowing such money to be for such use or service, such person so offending being lawfully convicted, should be taken, deemed and adjudged to be guilty of high treason, and shall suffer and forfeit as in cases of high treason." He the said Robert earl of Oxford and earl Mortimer, having, by the means of the said Matthew Prior, held a private and unlawful correspondence with the said consort of the late king James II. then residing in France, and being determined secretly to promote as far as in him lay the interest of the pretender, but yet contriving to avoid the said penalty of high treason; and the said consort of his late majesty king James II. having empowered abbot Gaultier (a popish priest, and busy emissary between Great Britain and France, during the said private and separate negotiations of peace, and who was particularly entrusted as the common agent between the ministers of Great Britain and France, in transacting the most secret affairs relating to the pretender) to concert with the said Robert earl of Oxford and earl Mortimer the settling the payment and remittance of a very great yearly sum out of her majesty's treasure into France, under colour and pretence of the said letters patents: and the said Robert earl of Oxford and earl Mortimer, having held frequent clandestine conferences with the said abbot Gaultier on the subject aforesaid, and having by his evil counsels sacrificed to France the common interests of Europe; and being resolved that the first fruits of the peace with France should be an offering made, by his immediate procurement, to the nearest and most avowed adherent of the pretender, tho' at the great expence of the honour and safety of her majesty and her people,

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cerned for the life of an insignificant old man.  
But I cannot, without the highest ingratitude, be  
unconcerned'

people, did soon after the conclusion of the peace with France, agree and undertake to procure the payment of the yearly sum of forty seven thousand pounds and upwards to or for the use of the said consort during her life. And in execution of his said purpose, did afterwards, on or about the 23d of December, 1713, being then lord high treasurer of Great Britain, and of her majesty's privy council, advise her late majesty to sign a warrant to himself in the words, or to the effect following, viz. "Ann R. Whereas our late royal father king James the second, by letters patents, under his great seal, bearing date on or about the 28th day of August, 1685, did grant unto Laurence earl of Rochester, Henry earl of Peterborough, Sidney lord Godolphin, Robert Worden, esq; and Sir Edward Herbert, knight, (who are all since deceased) divers annuities, or yearly sums amounting to thirty seven thousand three hundred and twenty eight pounds thirteen shillings and seven pence, to hold to them and their heirs during the life of his then royal consort, Mary now queen dowager, in trust for her; and by other letters patents, bearing date on or about the 3d day of December, 1686, did also grant unto the said queen, a farther pension, or yearly sum of ten thousand pounds, to hold during her natural life; all which were made payable in such manner, as in the said several letters patents is more fully expressed. Our will and pleasure now is, and we do hereby direct, authorize and command, that you cause payment to be made to the heirs of such of the said trustees as was the longest liver of them, of so much as since the 25th day of March last, 1713, is incurred or grown due on the said annuity or yearly sums, amounting to thirty seven thousand three hundred twenty eight pounds thirteen shillings and seven pence; and to the said queen dowager, or her assigns, of so much as since the said 25th of March last, 1713, is incurred or grown due on the said annuity, of ten thousand pounds, according to the purport of the several grants, or letters patents above recited; as also of what shall hereafter become due and payable upon the said several annuities quarterly, during the life of the said queen dowager; and for so doing, this shall be your warrant: given at our court at Windsor Castle, the 23d day of December, 1713, in the 12th year of our reign." And he did, afterwards, on or about the 24th of December following, sign a warrant to the auditor of the receipt of her said majesty's exchequer, requiring him to make and pass debentures for paying to "such person or persons, as is, are, or shall be authorized to receive the sum of nine thousand three hundred thirty-two pounds three shillings and four pence three farthings for one quarter, incurred upon the said several yearly sums therein mentioned from lady day to Midsummer following, and appointed the same to be satisfied out of the sum of five hundred thousand pounds appropriated by an act passed the last session of parliament, for or towards payment of such debts and arrears as were therein mentioned. And another warrant to the said auditor to make and pass debentures for paying to said queen, or to her treasurer, or receiver, the sum of two thousand five

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 unconcerned for the best of queens : a queen who  
 heaped upon me honours and preferments, tho'  
 I never

five hundred pounds, for one quarter, incurred on the said pension of ten thousand pounds, from Lady-day 1713, to Midsummer then last past, and appointed the same to be satisfied out of the sum of five hundred thousand pounds appropriated by an act passed the then last session of parliament, for or towards payment of such debts and arrears as were therein mentioned; whereby the said Robert earl of Oxford and earl Mortimer, did most wickedly betray the honour of her late majesty and the imperial crown of these realms, in advising her majesty, under colour of the said letters patents, and without the advice of her council or her parliament, to direct the issuing of the revenue provided by parliament, for the support of the honour and dignity of her crown, to the use and benefit of the open and avowed adherents of the pretender. And did most arbitrarily, illegally, and corruptly advise the imbezzlement and misapplication of so much of the said sum of five hundred thousand pounds, in contempt and defiance of the express approbation of an act of parliament.

#### ARTICLE XXI.

That whereas by the antient and undoubted laws of this kingdom no person being a natural born subject of this realm, or within any of the dominions thereunto belonging, and having committed and being under the guilt of high treason, ought to be received within this kingdom, as a publick minister, or with any character from any foreign prince, state, or potentate; and whereas sometime in the year 1713, one Patrick Lilech, styling himself, and commonly called, Sir Patrick Lawless, an Irish papist, (who had served with the late king James the second in the war in Ireland, against his late majesty king William the third of ever glorious memory; had followed the said king James into France, and continued in the most open and avowed manner, in his interests and service, and in rebellion against his said majesty king William, had bore high commissions, and been in open arms against her late majesty queen Anne in the late war in Spain,) did come into this kingdom, and pretended to have and did take on himself the character of a minister sent from Philip king of Spain to her late majesty, to treat of matters of the greatest importance to the honour and safety of her majesty and her kingdoms; and having given notice of the same to Robert earl of Oxford and earl Mortimer, then lord high treasurer of Great Britain, and of her majesty's privy counsel, and who then assumed to himself the supreme direction in her majesty's counsels, he the said Robert earl of Oxford and earl Mortimer was not only wanting in his duty to her majesty, in not advising her majesty against receiving and admitting the said Lilech, alias Lawless, in the quality aforesaid, but, did, together with other false and evil counsellors, advise her majesty to receive and admit him as a minister from his said catholick majesty. And the said earl did presume frequently to meet, confer and negotiate the most important affairs of this nation with the said Lilech, alias Lawless,  
 in

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 I never asked for them; and therefore I think  
 myself under an obligation to vindicate her me-  
 mory,

in the quality aforesaid. And the better to conceal his said illegal and dangerous measures from her said majesty, he the said Robert earl of Oxford and earl Mortimer was privy, consenting and advising that the said Lilech, alias Lawless, should be introduced to her said majesty, and should be received and treated with, by her ministers, under the false and disguised name of Don Carlo Moro. And the house of lords, sometime in the month of April, 1714, having taken notice of the said dangerous attempt of the said Lilech, alias Lawless, on or about the ninth of the said month, made an humble address to her majesty, "That she would be graciously pleased to issue her royal proclamation, commanding all proper officers and magistrates to make diligent search for, and to apprehend all popish priests, and to put the laws in execution against them, and likewise to enquire after, and apprehend all such persons as had served in arms against her majesty, or their late majesties king William and queen Mary, and who were then within this kingdom, contrary to law, to the end they might be brought to justice." To which her majesty was graciously pleased to return an answer to the effect following, viz. That she would give orders pursuant thereunto, and a proclamation did accordingly issue. And on the said ninth day of April, the house of lords having under their consideration what further security could be provided for strengthening the protestant succession in the house of Hanover, came to the following resolution, viz. "That no person, being a natural born subject of Great-Britain, or within any of the dominions thereunto belonging, and who having traiterously served against her majesty, ought to be received as a publick minister, or with any character within this kingdom:" notwithstanding which, he the said Robert earl of Oxford and earl Mortimer, having no regard to the safety of her majesty's person, or to the security of the protestant succession, and setting himself in utter defiance, not only of the advice and resolution of the house of lords, but of her majesty's assurances to that house of parliament, and of her royal authority and command by her proclamation under the great seal; instead of doing what in him lay to have apprehended and brought or caused the said Lilech, alias Lawless, to be brought to justice, did afterwards, on or about the 15th of March, 1714, most wickedly and treacherously advise her majesty to sign a warrant, directing the payment of one thousand pounds sterling to Daniel Arthur, esq; for special services; which being accordingly issued and received by the said Arthur, he the said earl did privately and corruptly direct the said Arthur to pay the same, and accordingly the said thousand pounds was paid to the use of the said Lawless: and the said Robert earl of Oxford and earl Mortimer did at other times, in a fictitious and scandalous manner, direct the payment of other considerable sums of money out of her majesty's treasure, to the said Lilech, alias Lawless, which were accordingly paid to him; altho' it was notorious, that the said Lilech, alias Lawless, had not only traiterously served in arms against her majesty, but had been the minister and agent of the pretender, at the court of Madrid, and  
 was

mory, and the measures she pursued to my dying breath. " If ministers of state, acting by the immediate

was under strong suspicions of being sent into England, under the pretences aforesaid, secretly to promote the interest of the pretender in these kingdoms. By all which corrupt and evil councils, he the said Robert earl of Oxford and earl Mortimer did most basely and ungratefully expose the person of her sacred majesty, did what in him lay to enervate and render ineffectual the advice of parliament, and her majesty's most solemn declarations, in a matter of the nearest concern to her majesty and her kingdoms; and by countenancing, in the most corrupt and scandalous manner, the secret emissaries of the pretender, did, by that means, greatly encourage his open adherents, to the apparent danger of the protestant succession to the imperial crown of these realms.

ARTICLE XXII.

That whereas her late majesty queen Anne, after several unsuccessful attempts, in conjunction with her allies, to establish his present imperial majesty on the throne of Spain, being informed, that the people of Catalonia were inclined to cast off the yoke imposed upon them by the French, and to return to the obedience of the house of Austria; and her majesty being desirous to maintain and improve that good disposition in them, and to induce them to put the same speedily in execution, did send Milsford Crow, Esq; to them, with necessary powers and instructions to carry on so great a work, for the advantage of her service, and the good of the common cause; and to that end, to treat with the Catalans, or any other people of Spain, about their coming into the interest of king Charles the Third, his present imperial majesty, and joining with her majesty and her allies against the common enemy; and her majesty, after her gracious assurances to assist them with men and money, was pleased to authorize her said minister to give them her utmost assurances to procure the establishment of all such rights and immunities, as they had formerly enjoyed under the house of Austria: that for their further satisfaction, she had sent for powers from king Charles the Third, for confirming the same, and was willing to become guarantee, that it should be done; nevertheless, on this express condition, that they should receive the said king Charles as lawful king of Spain, and utterly renounce the house of Bourbon. And together with the said instructions, her majesty was pleased to sign and cause to be delivered to her said minister, credential letters to the nobility, magistrates, and all other officers civil and military of Catalonia, desiring them to depend on the promises he should make them in her name. And in her majesty's instructions to the earl of Peterborough, and to Sir Cloudsley Shovel, in or about the month of May, 1705, they are ordered to use their utmost endeavours to induce the Catalans to join with them in their undertaking, and to assure them of her majesty's support, and to promise them, in the queen's name, that she would secure them a confirmation of their rights and privileges, from the king of Spain, that they might be settled on a lasting foundation,

mediate commands of their sovereign, are afterwards to be made accountable for their proceedings,

dation, to them and their posterities. And in case persuasions should not prevail, and the Catalans should not make a suitable return to those kind offers, they were ordered to annoy their towns on the coasts of Spain, and to reduce them by force. And in conformity to these instructions, a manifesto or declaration was prepared, by the privity and advice of Robert earl of Oxford and earl Mortimer, then one of her majesty's principal secretaries of state, and delivered to the said earl of Peterborough, full, on the one hand, of the assurances aforesaid, and on the other hand, of menaces to them, in case they declined her majesty's overtures, which manifesto was afterwards published by him the said earl of Peterborough in Catalonia: and whereas the nobility, clergy, and the whole principality of Catalonia, and the inhabitants of the isle of Majorca, relying on the faith of those royal assurances, did utterly abandon the house of Bourbon, and acknowledged king Charles the Third, his present imperial majesty, for their lawful sovereign, and did join their arms with those of her majesty and her allies against the duke of Anjou: and it having pleased Almighty God, so far to bless her majesty's pious and generous undertaking, as by most signal successes, in a short time, to deliver the principality of Catalonia from the heavy yoke of French bondage; and great supplies having been granted by parliament, for the reducing the whole kingdom of Spain to the obedience of the house of Austria, the arms of her majesty and her allies were attended with vast successes, having twice entered the capital city of that kingdom, and obtained many other signal conquests, to the great advantage of the common cause. And thro' the whole progress thereof, the bravery and firmness of the Catalans being always remarkable thereby, as well as from the repeated assurances given to them, from time to time, in her majesty's name, by every general and minister sent from Great-Britain to Spain, the hearts of that brave people were united by the strongest ties of affection and gratitude to her majesty, and were justly held in the strictest dependance on the continuance of her royal protection: he the said Robert earl of Oxford and earl Mortimer, being an enemy to the common liberty of Europe, and having traiterously entered into conspiracies with the ministers of France, for subjecting the whole Spanish monarchy to the house of Bourbon, and designing, most maliciously, the utter ruin and destruction of the antient rights, liberties, and privileges of the Catalans, who had made so glorious a stand for the preservation of them, did, together with other false and evil counsellors, form a most dishonourable, wicked, and cruel contrivance, not only for abandoning the Catalans to the fury and revenge of the duke of Anjou and his adherents, but for the final extirpation of all their rights, liberties, and privileges: and in execution of that his intention, during the private, separate, and pernicious negotiation of peace, which was carried on between him and the ministers of France, and before any negotiation of peace was set on foot, in due form of law, between the crowns of Great Britain and Spain, did advise her majesty

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ings, it may, one day or other, be the case of all the members of this august assembly: I don't doubt,

to give directions to the lord Lexington, her ambassador to the court of Spain, to acknowledge the duke of Anjou king of Spain, but was greatly wanting in his duty to her majesty, in not advising her to give instructions to her said minister, at the same time, peremptorily and absolutely to insist on the securing the Catalan liberties at the conclusion of the peace. And altho' the private, separate, and treacherous practices of him the said Robert earl of Oxford and earl Mortimer, and others, in combination with the ministers of France, did afterwards, on or about the 18th of March, 1712, necessitate his present imperial majesty to conclude a treaty for the evacuating Catalonia (whereof her majesty was guarantee) without any express and positive stipulation for the Catalan liberties (his imperial majesty relying, in that respect, on her majesty's declaration, to interpose for them in the most effectual manner, and on the promises of the French king to join his endeavours for the same purpose.) And altho' her sacred majesty did, both before and after, frequently declare to her ministers in Spain, that she thought herself under the strongest ties of honour and conscience, not to abandon a people, whom the necessity of the war had obliged her to draw into her interest. And tho' the French king did not join his endeavours for the purposes aforesaid, he the said Robert earl of Oxford and earl Mortimer, together with other false and wicked counsellors, having from time to time amused and deceived the distressed Catalans, with groundless hopes of her majesty's effectual interpositions in their favour, and thereby engaging them in a more obstinate defence of their territories against the duke of Anjou, was not only highly wanting in his duty to her majesty, by not doing what in him lay, as a faithful minister, to have prevented the conclusion of the treaty of peace with Spain, till just and honourable conditions were secured for the Catalans, but did falsely, maliciously, and treacherously, advise her majesty to conclude a peace with the king of Spain, without any security for the antient and just rights, liberties, and privileges, of that brave, but unhappy nation: and did further advise her majesty to send Sir James Wishart, her admiral, with a large squadron of men of war, at a great expence, to favour the king of Spain in the siege of Barcelona, the capital city of Catalonia, and with express instructions, that in case the inhabitants of Majorca should refuse the terms that should be offered them by the duke of Anjou, to employ his squadron in countenancing and assisting all attempts that should be made for reducing them to a due obedience. By which most vile and detestable counsels, her sacred majesty, contrary to her pious intentions, the faith of nations, and the duties of religion and humanity itself, and contrary to her most solemn assurances, was prevailed on to abandon a distressed people, drawn in, and engaged by her own invitation, into an open war with the duke of Anjou, for the preservation of the liberties of Europe, and the commerce of Great-Britain; and the persons, estates, dignities, right, liberties, and privileges of the Catalans, were given up as a sacrifice to the implacable resentment of their enraged and powerful

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doubt, therefore, that out of regard to yourselves, your lordships will give me an equitable hearing; and

esful enemy; and the honour of the British nation, always renowned for the love of liberty, and for giving protection to the distressed sufferers of it, was most basely prostituted, and a free and generous people, the faithful and useful allies of this kingdom were betrayed, in the most unparalleled manner, into irrecoverable slavery: and in consequence of which most dishonourable and perfidious counsels, the most execrable hostilities, burnings, and plunderings, were committed upon them, throughout the whole province, without sparing the effusion of innocent blood, and without the distinction of age or sex; and that unfortunate people were afterwards forced to undergo the utmost miseries of a siege, in their capital city of Barcelona, during which great multitudes of them perished by famine and the sword, many of them have since been executed, and great numbers of the nobility of Catalonia, who for their constancy and bravery, in defence of their liberties, and for their services in conjunction with her majesty and her allies, had in all honour, justice and conscience, the highest claim to her majesty's protection, are now dispersed in dungeons, throughout the Spanish dominions; and not only the Catalan liberties extirpated, but by those wicked counsels of him the said Robert earl of Oxford and earl Mortimer, Catalonia itself is almost become desolate.

All which crimes and misdemeanors were committed, and done by him the said earl, against our sovereign lady the queen, her crown and dignity, the peace and interest of this kingdom, and in breach of the general trusts reposed in him the said earl.

And he the said earl of Oxford and earl Mortimer was one of the commissioners of the treasury, or lord high treasurer of Great-Britain, and one of her majesty's privy council, during the time that all and every the crimes before set forth were done and committed.

For which matters and things, the knights, citizens, and burgeses of the house of commons, in parliament assembled, do, in the name of themselves, and of all the commons of Great-Britain, impeach the said Robert earl of Oxford and earl Mortimer of high treason, and other high crimes and misdemeanors in the said articles contained. And the said commons by protestation saving to themselves the liberty of exhibiting at any time hereafter, any other accusations or impeachments against the said earl, and also of replying to the answers which the said Robert earl of Oxford and earl Mortimer shall make to the premises, or any of them, or to any impeachment or accusation, that shall be by them exhibited, according to the course and proceedings of parliament, do pray, that the said Robert earl of Oxford and earl Mortimer be put to answer all and every the premises; and that such proceedings, examinations, trials and judgments, may be upon them, and every of them had and used, as shall be agreeable to law and justice. And they do further pray and demand, that the said Robert earl of Oxford and earl Mortimer may be sequestered from parliament, and forthwith committed to safe custody.

U 2

Article

and I hope that, in the prosecution of this inquiry, it will appear, that I have merited not only the

Articles of impeachment of high treason, and other high crimes and misdemeanors, against Henry viscount Bolingbroke, read at the bar of the house of lords on the 4th of August.

WHEREAS a treaty of alliance was made and concluded on or about the 7th day of September, 1701, between Leopold, then emperor of Germany, his late majesty king William the Third, of ever glorious memory, and their high mightinesses the states-general of the United Provinces, for repelling the greatness of the common danger which threatened all Europe, from the duke of Anjou's having taken possession of the monarchy of Spain; wherein it was, among other things, agreed, "That in case the said confederates shall be forced to enter into a war, they shall communicate their designs to one another, as well in relation to the actions of the war, as all other things wherein the common cause is concerned; and that it shall not be permitted to either party, when the war is once begun, to treat of peace with the enemy, unless jointly, and by a communication of councils: and in, and by a defensive treaty and alliance, made and concluded in or about the month of November, 1701, between his said late majesty king William the Third and the states-general, it was, among other things, expressly agreed, "That when the war is begun, the said confederates shall act in concert, according to the 7th and 8th articles of the treaty of the 3d of March, 1677 8, between England and Holland, and that no peace nor truce, or suspension of arms, shall be negotiated or made, but according to the 9th and 10th articles of that treaty, by which it was agreed, that when the allies came once to open war, it shall be lawful for neither of them afterwards to come to any cessation of arms with him who shall be declared and proclaimed an enemy, without it be done conjointly and with common consent, and that no negotiation of peace shall be set on foot by one of the allies, without the concurrence of the other, and that each ally shall continually and from time to time impart to the other every thing that passes in the said negotiation." And in and by a treaty entered into and concluded, on or about the month of June, 1703, between her late majesty queen Anne of ever blessed memory, and the states-general, it was, among other things, agreed, "That all treaties and alliances then subsisting between them should be returned and confirmed." And whereas a long, bloody, and expensive war, had been carried on by her late majesty, in conjunction with her said allies, and other confederate princes, against France and Spain, as well in resentment of the indignity offered to these kingdoms, by their having acknowledged the Pretender king of these realms, as for obtaining a just satisfaction to his imperial majesty, and for the preservation of the Protestant religion, and the balance and liberties of Europe; and from the great successes with which it had pleased Almighty God to bless the confederate arms, they had just reason to hope for an honourable, safe, and lasting peace; and altho' the French king was encouraged, in or about the month of April, 1711, to make propositions of peace to her late majesty, signed by

the indulgence, but likewise the favour of the government. I am now to take my leave of your lordship,

by monsieur de Torcy, his secretary of state, which her said majesty having pleased to communicate to the ministers of the states-general, she did, however, graciously declare, by Henry viscount Bolingbroke, then Henry St. John, esq; and one of her principal secretaries of state, her sentiments to them, "That the said propositions were too general;" and, at the same time, the said viscount did, in her majesty's name, and by her special command, give them her utmost and most solemn assurances, "That in making peace, as in making war, she would act in perfect concert with them." In which sentiments the states concurring with her majesty, reciprocal assurances of mutual confidence, so necessary to prevent the designs of the enemy, were returned by them to her majesty: notwithstanding which,

ARTICLE I.

He the said Henry viscount Bolingbroke, then being one of her majesty's principal secretaries of state, and of her most honourable privy council, but having entered into a most treacherous confederacy with the ministers and emissaries of France, to frustrate the just hopes and expectations of her majesty and her people, by dissuading the confederacy, at the most critical juncture, when they were ready to reap the fruits of so many triumphs over the common enemy, and most wickedly intending, as far as in him lay, to enable the French king, so exhausted and vanquished as he had been, on all occasions, to carry his designs by a peace glorious to him, and to the ruin of the victorious allies, and the destruction of the liberties of all Europe; and having no regard to the solemn treaties her majesty then stood engaged in, nor to the honour or safety of these kingdoms, did, in or about the months of July or August, in the year of our Lord, 1711, maliciously and wickedly form a most treacherous and pernicious contrivance and confederacy with other evil disposed persons, then also of her majesty's privy council, to set on foot a private, separate, dishonourable, and destructive negotiation of peace, between Great-Britain and France, without any communication thereof to her majesty's allies, according to their said several treaties; and was not only wanting in his duty and trust to her majesty, by not opposing, and as far as was in his power, by not advising her majesty against going into any private, separate negotiation with France, but in execution of his purposes aforesaid, he the said Henry viscount Bolingbroke, did advise her late majesty to send Matthew Prior, esq; directly to the court of France, to make propositions of peace, without communicating the same to her majesty's allies; and accordingly the said Matthew Prior, by the advice, and with the privacy of him the said Henry viscount Bolingbroke, and other false and evil counsellors, in or about the months of July or August, in the year of our Lord, 1711, was sent in a clandestine manner from England to France, and did communicate the said propositions of peace to the ministers of France, in which the particular interests of Great Britain, as well as the common interest of Europe, were shamefully betrayed; and a manifestation of his said design to exclude her majesty's allies from their



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lordship, and of this honourable house, perhaps  
for ever! I shall lay down my life with pleasure,  
in

their just share in the said negotiation, an express article was inserted in the said propositions, by the privity and advice of him the said Henry viscount Bolingbroke, " That the secret should be inviolably kept till allowed to be divulged by the mutual consent of both parties: altho' the French king had, in the propositions signed by monsieur de Torcy, and transmitted in the month of April preceding, offered to treat with the plenipotentiaries of England and Holland alone, or jointly with those of the allies at the choice of England: by which treacherous and dangerous advice, he the said Henry viscount Bolingbroke did not only contrive and set on foot a negotiation of peace more advantageous to France than even France itself had asked, but thereby did put it into the power of the common enemy to create incurable jealousies and discords between her majesty and her faithful allies, and to destroy that confidence which had so long and so successfully been cultivated between them, and which was so necessary for their common safety.

ARTICLE II.

That the French king having in or about the months of August or September, 1711, with the privity, and by the contrivance of the said viscount Bolingbroke, and others, sent over monsieur Mesnager into England, to carry on a separate and clandestine negotiation of peace, he the said Henry viscount Bolingbroke did afterwards, in the said month of September, 1711, or thereabouts, secretly and unlawfully, and without any colour of authority, meet, confer, and treat with the said sieur Mesnager, on the negotiations of peace between Great-Britain and France, and therein did advise and promote the making a private and separate treaty, or convention, on the said subject of peace between the said crowns, without any communication thereof to her majesty's allies; and the said Henry viscount Bolingbroke did afterwards, in violation of his oath and high trust, falsely and treacherously advise her late majesty to sign powers to several persons, for concluding, on her behalf, a pernicious and destructive treaty, or convention, on the said subject of peace with France; and on or about the said 27th of September, 1711, a dishonourable, destructive and fatal treaty, or convention, was concluded and signed by the said sieur Mesnager, on the part of France, and by the earl of Dartmouth and the said viscount, being then two of her majesty's principal secretaries of state, and of her privy council, on the part of her majesty, by virtue only of a warrant, under her majesties sign manual, under the signet, directed to themselves, but not countersigned, and without the least knowledge or participation of the allies; in which treaty the immediate interests of Great-Britain are given up to France, and the duke of Anjou being therein admitted to remain king of Spain, the ballance of power, and the liberties of Europe, were thrown into the hands of the house of Bourbon.

A. R.

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in a cause favoured by my late dear royal mistress  
And when I consider that I am to be judged by  
the

ARTICLE III.

That whereas her late majesty queen Anne did, on or about the first of October, 1711, O. S. give instructions to Thomas earl of Strafford, her ambassador to the states-general of the United Provinces, to communicate to them certain propositions of peace which had been contrived and concerted between the said sieur Mesnager, and the said viscount, and others, intitled preliminary articles on the part of France to come to a general peace, together with her majesties sentiments and resolutions concerning the prosecution, and carrying on the war against France and Spain, in case the states were desirous to carry on the said war: and whereas for several years before, and till the said month of October, 1711, there was open war between her late majesty and the French king; and the said war continuing for all the same time, and afterwards the French king and his subjects were enemies to her late majesty, he the said Henry viscount Bolingbroke, being then one of her majesty's principal secretaries of state, and one of her majesty's privy council, and a subject of her said majesty, not considering the duty of his allegiance, but having altogether withdrawn the cordial love, and true and due obedience which every true and faithful subject owed to her said majesty, and designing to give aid and succour, and to adhere to the said French king, against her said majesty, did, on or about the 2d of October, 1711, during the said war, falsely, wickedly, maliciously, and traitorously, aid, help, assist, and adhere to the said French king, and his subjects, enemies to her said late majesty, against her said late majesty, and in execution and performance of his said aiding, assisting, and adhering, he did, on or about the 2d of October, 1711, falsely, maliciously, and traitorously, disclose and communicate her majesty's said instructions to her said ambassador, or was privy to, and did advise, consent, or approve, that the same should be, and accordingly the same were communicated, and disclosed to the said sieur Mesnager, a subject of the said French king, and an enemy to her late majesty; and in further execution and performance of his said aiding, assisting, and adhering, he the said Henry viscount Bolingbroke did, in and by a letter or writing, by him wrote to monsieur de Torcy, on or about the 2d of October, 1711, disclose, communicate, and notify, or did intend to notify, to monsieur de Torcy, a subject, minister, and secretary to the French king, and an enemy to her late majesty, that the said sieur Mesnager was fully informed of her majesty's said instructions to the earl of Strafford, thereby falsely, maliciously, and traitorously informing and advising the said monsieur de Torcy, from what person, and by what means he might come to the knowledge of her majesty's said instructions, contrary to the duty of his allegiance, and the laws and statutes of this realm.

ARTICLE IV.

That whereas her late majesty queen Anne did, in or about the month of December, 1711, in due form of law, under the great seal, constitute

the justice, honour, and virtue of my peers, I shall acquiesce, and retire with great content: and, my lords, God's will be done."

constitute the right rev. John lord bishop of Bristol, and Thomas earl of Strafford, her plenipotentiaries, with full powers and instructions to meet, treat, and conclude with the plenipotentiaries of her allies, and those whom the French king should, on his part, depute for that purpose, the conditions of a good and general peace: and whereas his imperial majesty, their high mightinesses the states-general of the United Provinces, and other her majesty's allies, and the French king, having duly constituted and appointed their several and respective plenipotentiaries for the purposes aforesaid, the negotiations and conferences for a general peace were opened before them at Utrecht, about the months of January or February, 1711, and the same continued till the 4th of March, 1711, and afterwards: and whereas on the said 4th of March, 1711, there was open war between her late majesty and the French king, and the same having continued for several years before, and at the same time, and afterwards, the said French king and his subjects were, during all the said time, enemies to her said majesty and her subjects, he the said Henry viscount Bolingbroke, then being one of her majesty's principal secretaries of state, and of her privy council, and a subject of her said majesty, not considering the duty of his allegiance, but having withdrawn his duty and obedience from her said majesty, and conspiring and confederating with the enemies of her said majesty, and the subjects of the said French king, to give him aid and succour against her said majesty, did, on or about the said 4th day of March, 1711, falsely, wickedly, and traitorously aid, comfort, assist, and adhere to the said French king, against her said majesty; and in execution and performance of his said aiding, assisting, and adhering, he the said viscount did, on or about the said 4th of March, 1711, falsely, maliciously, and traitorously, communicate and disclose her said majesty's final instructions to her said plenipotentiaries, relating to the said negotiations of peace, or was privy to, and did advise and consent, and approve that the same should be, and accordingly the same were communicated and disclosed to abbot Gaultier, an agent and emissary of the said French king, and an enemy of her said majesty; and in further execution and performance of his said aiding, assisting, and adhering, he the said Henry viscount Bolingbroke, did by a letter or writing wrote by himself, on or about the said 4th of March, falsely, maliciously, and traitorously disclose, communicate, and notify, or did intend thereby to communicate and notify, to monsieur de Torcy, a minister, secretary of state, and subject of the said French king, and an enemy of her said majesty, that the said Gaultier was informed of her majesty's said instructions to her said plenipotentiaries, thereby falsely and traitorously informing and advising the said monsieur de Torcy, by what means, and from what persons, he might have the knowledge of her majesty's said instructions, contrary to the duty of his allegiance, and the laws and statutes of this realm.

A R.

The duke of Shrewsbury then acquainted the house, that as the earl of Oxford was dangerously afflicted

ARTICLE V.

That whereas the states-general of the United Provinces were, in or about the months of September or October, in the year of our Lord 1712, in possession of the strong and important town and fortrefs of Tournay; and whereas the French king had, during the course of the said private, separate, and traitorous negotiation, between him the said Henry viscount Bolingbroke, and others, and the ministers of France, signified his consent to the ministers of Great-Britain, that the said town and fortrefs of Tournay should remain to the said states-general, as part of their barrier; and whereas her majesty, in her instructions of December the 23d, 1711, to her plenipotentiaries at Utrecht, had expressly directed them to insist with the plenipotentiaries of France, in the general congress, that towards forming a sufficient barrier to the states-general, Tournay should remain to their high mightinesses, and did afterwards declare herself conformably thereunto, in her speech to both houses of parliament, on the 6th of June, 1712, in which she communicated to them the terms whereon a peace might be made: and whereas for several years before, and till the said months of September and October, in the year of our Lord, 1712, there was open war between her late majesty and the French king; and the said war continuing for all the said time, and afterwards the said French king and his subjects were enemies to her majesty, he the said Henry viscount Bolingbroke, then being one of her majesty's principal secretaries of state, and of her privy council, and a subject of her said majesty, not considering the duty of his allegiance, but having altogether withdrawn the cordial love, and true and due obedience, which every true and faithful subject owed to her said majesty, and designing to give aid and succour, and to adhere to the said French king against her said majesty, did, in or about the months of September or October, 1712, during the said war, falsely, maliciously, wickedly and traitorously, aid, help and assist, and adhere to the French king, then an enemy to her late majesty, against her said majesty, and in execution and performance of the said aiding, assisting and adhering, maliciously, falsely and traitorously, did counsel and advise the said enemy, in what manner, and by what methods, the said important town and fortrefs of Tournay, then in possession of the states-general, might be gained from them to the French king, contrary to the duty of his allegiance, and the laws and Statutes of this realm.

ARTICLE VI.

That whereas her late majesty queen Anne, not only in pursuance of the treaties she stood engaged in to her good allies, and in particular to his imperial majesty, for the recovery of the monarchy of Spain to the house of Austria, thereby to preserve a due ballance of power in Europe, but also from her just resentment against the duke of Anjou, who then stiled himself king of Spain, and who, in defiance of her majesty's title to the crown, had acknowledged the Pretender as king of Great-Britain;

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afflicted with the gravel, he hoped his lordship would not be immediately sent to the tower, but confined

Britain ; and on these just foundations her majesty had, in vindication of the honour of the crown, and in justice to her people, at a vast expence of blood and treasure, and on the earnest and repeated advices of her parliament, prosecuted a vigorous war against the said duke of Anjou : and whereas in the years of our Lord, 1710, 1711, and 1712, the said open, bloody, and expensive waer was carried on between her said late majesty queen Anne, and the said duke of Anjou, and during all the time aforesaid, the said war did continue, and for all that time the said duke of Anjou, and the subjects of Spain adhering to him, were enemies of her late majesty, he the said Henry viscount Bolingbroke, then being one of her majesty's principal secretaries of state, and of her privy council, and a subject of her said majesty, not considering the duty of his allegiance, but having withdrawn his due obedience from her said late majesty, did at several times, in the said years of our Lord, 1710, 1711, and 1712, falsely, maliciously, wickedly, and traiterously, aid, help, assist, and adhere to the said duke of Anjou, then an enemy to her said late majesty, and against her said majesty, and in execution and performance of his said aiding, helping, and assisting, and adhering, and in confederacy and combination with the then enemies of her late majesty, and with divers other wicked and evil disposed persons, did at several times in the years aforesaid, advise and counsel the enemies of her late majesty, against her said majesty, and in such counselling and advising, did concert with them, and did promote the yielding and giving up Spain and the West Indies, or some part thereof, to the said duke of Anjou, then in enmity with her majesty, against the duty of his allegiance, and the laws and statutes of this realm.

All which crimes and misdemeanors, were committed and done by him the said Henry viscount Bolingbroke, against our late sovereign lady the queen, her crown and dignity, the peace and interest of this kingdom, and in breach of the several trusts reposed in him the said viscount, and he the said Henry viscount Bolingbroke ; was one of her majesty's principal secretaries of state, and one of her privy council, during the time that all and every the crimes before set forth were done and committed.

For which matters and things, the knights, citizens, and burgessees of the house of commons, in parliament assembled, do in the name of themselves, and of all the commons of Great-Britain, impeach the said Henry viscount Bolingbroke of high treason, and other high crimes and misdemeanors in the said articles contained ; and the said commons, by protestation saving to themselves the liberty of exhibiting at any time hereafter, any other accusations or impeachments against the said Henry viscount Bolingbroke, and also of replying to the answers, which the said Henry viscount Bolingbroke shall make to the premises, or any of them, or to any impeachment or accusation, that shall be by them exhibited, according to the course and proceedings of parliament, do pray that the said Henry viscount Bolingbroke be put to answer all  
and

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confined in his own house for a few days, under the care of the blackrod, which was agreed to ; and

and every the premises ; and that such proceedings, examinations, trials, and judgments may be upon them, and every of them, had and used, as shall be agreeable to law and justice : and they do further pray and demand, that the said Henry viscount Bolingbroke, may be sequestred from parliament, and forthwith committed to safe custody.  
But long before these articles of impeachment were prepared, lord Bolingbroke and the duke of Ormond had consulted their safety by flying to France ; therefore they were attainted of high treason.

Articles of impeachment of high treason, and other high crimes and misdemeanors, against James duke of Ormond.

ARTICLE I.

THAT whereas James duke of Ormond, in or about the month of April 1712, being appointed general of the forces in the Netherlands of her late majesty queen Anne, with orders to prosecute the war against France with all possible vigor, in conjunction with her said majesty's allies ; and having, by her said majesty's directions, and in her name, given her said allies the most solemn assurances to that purpose, was thereupon admitted into the counsels, and made privy to the most secret designs of the generals of the confederate army against the common enemy, and of the measures they thought most proper to carry on the war with success ; and whereas, in the said year 1712, the said war was carried on between her said late majesty, and the said French king, and during all the said year the war did continue, and for all that time the said French king and his subjects were enemies of her late majesty, he the said James duke of Ormond, then general of her majesty's army, and a subject of her majesty, not considering the duty of his allegiance, but having withdrawn his true and due obedience from her said late majesty, and affections from his country, did, during the said war, falsely, maliciously, wickedly, and traiterously aid, help, assist, and adhere to the said French king, against her said late majesty ; and in execution of his said aiding, helping, and adhering, maliciously, falsly, and traiterously, contrary to the duty of his allegiance, and the laws and statutes of this realm, did, on or about the 26th of May 1712, send private intelligence and information to mareschal Villars, then an enemy to her said late majesty, and general of the French king's army, against her majesty and her allies, of a march the army of her said late majesty and her allies was then going to make, and of the designs of the said army in making the march.

ARTICLE II.

That whereas in or about the month of May 1712, a traiterous design was carried on between Henry St. John, esq; one of her said late majesty's principal secretaries of state, and other evil-disposed persons, and the ministers of France, to defeat the just expectations of the great advantages over the common enemy, her majesty and the nation had the  
reason

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and the black rod was sent to the said earl. This was on the 9th of July. On the 12th the earl of

reason to hope for, from the great superiority of the confederate forces in the Netherlands, to obtain which very large sums of money had been cheerfully given by the parliament; and to that end, the said Henry St. John had given secret assurances to the French ministers, that her majesty's general in the Netherlands (tho' under the most solemn engagements to act vigorously in concert with the allies) should not act against France; and had also engaged the said James duke of Ormond to concur in the said wicked purpose, which evil practices of the said Henry St. John and others, when they were first suspected, giving the greatest alarm to the minds of the allies, to the parliament, and to the whole kingdom, and being thereupon openly disavowed by all the conspirators in the most publick manner; he the said James duke of Ormond, in order to disguise, and conceal from her said late majesty, and the whole kingdom, the said traitorous designs they carried on by the said Henry St. John, and other false traitors to her majesty and their country, in aid and comfort of the French king, then in open war with, and an enemy of her said late majesty, did, by his letter of the 25th of May 1712, to the said Henry St. John, then her majesty's principal secretary of state, call his publick letter, because prepared and intended to be read before her said majesty and her council, wickedly, falsely, and treacherously abuse and impose upon her said majesty and her council, by affirming and declaring therein, that if he found an opportunity to bring the enemy to a battle, he should not decline it, altho' by a private letter writ by the said James duke of Ormond, of the same date, and to the said Henry St. John, designed to be read to the said Henry St. John and the conspirators only, he the said James, duke of Ormond did, on the contrary, wickedly promise and engage, that he would not attack or molest the French Army, or engage in any siege against France.

#### A R T I C L E III.

That he the said James duke of Ormond, in or about the month of June 1712, being at that time general of her majesty's forces against France, and a subject of her majesty, not considering the duty of his allegiance, but having altogether withdrawn the cordial love and due obedience which every faithful subject owed to her said majesty, and devoting himself to the service of France, and designing to give aid and comfort to the French king and his subjects, then in open war with, and enemies to her said late majesty, in violation of the many treaties of alliance between Great Britain and several other princes and states, for carrying on the war against France, and of the said instructions to him on or about the 7th of April, 1712, under the sign manual, in pursuance thereof, and of the solemn declaration he had but lately before, by her said majesty's command, and in her name, made to the pensionary of Holland, and the generals of the confederate army, to push on the war with all possible vigor: and also in open and manifest violation of the last order, sent him by a letter from the said Henry St. John,

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of Oxford was brought to the bar of the house of lords, in order to his being committed to the tower.

John, on or about the 7th of June, 1712; whereby the said James duke of Ormond was directed to make no cessation of arms with the French, unless the articles demanded by her majesty, and expressly mentioned and set down in the said letter for the said cessation, should be complied with by France; and whereby he the said James duke of Ormond was likewise further expressly directed and told, that in case the conditions therein mentioned were not complied with by France, that then he was entirely free from restraint, and at liberty to take all reasonable measures in his power, for annoying the enemy, and at full liberty on acting against France, did, on or about the 25th of June aforesaid, falsely, maliciously, wickedly, and traitorously aid, help, assist, and adhere to, the French king, against her said late majesty, and then in open war with her majesty: and in execution of the said aiding and assisting, helping and adhering to, and in pursuance of a wicked promise he had secretly made the same day to marshal Villars, general of the French army, to that purpose, maliciously, falsely, and traitorously, contrary to the duty of his allegiance, and the laws and statutes of this realm, did advise and endeavour to persuade the generals of the confederate army against France, and the deputies of the states-general, to raise the siege of Quefnoy, a French town then besieged by them; and did then further traitorously and wickedly refuse to act any longer against France; and then also traitorously and wickedly told the said generals of the said confederate army, and the said states deputies, that he could no longer cover the siege of Quefnoy, but was obliged by his instructions to march off with the queen's troops, and those in her majesty's pay: whereas in truth, and the commons expressly charge, that he the said James duke of Ormond did traitorously and wickedly make the said declaration, and refused to act against France, in manifest contradiction, not only to his original orders, but also of the said letter to him of the 7th of June, from the said Henry St. John, since none of the articles demanded by her majesty for a cessation of arms, and expressed in the said letter to be the condition without which no cessation of arms was to be made, had been complied with by the French. And in further execution of his said traitorous designs, he the said James duke of Ormond, by a letter to the said marshal Villars, on the 24th of June aforesaid, did traitorously and wickedly send intelligence to the said marshal Villars of the before-mentioned passages, between the said James duke of Ormond, and the generals of the confederate army, and the states deputies, and how his propositions were received by them; and also of the disposition he observed in the foreign troops to adhere to the said confederates in case of a separation by the troops of Great Britain.

#### A R T I C L E IV.

That he the said James duke of Ormond did not only wickedly, and falsely affirm to the generals of the confederate army, and the

states

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tower. His lordship requested, on account of his  
indisposition, that he might continue a few days  
longer

states deputies, that his refusal to act any longer against France, and to cover the siege of Quefnoy, was in pursuance of the instructions he had received for that purpose; but also to induce the said generals of the confederate army, and the states deputies to comply with his proposal to them to abandon the said siege; he the said James duke of Ormond, did wickedly represent their compliance therein as the most effectual way to induce her said majesty to take care of the said confederates interests at the peace, whereby he the said James duke of Ormond did in effect threaten her said majesty's good friends and allies, that unless they would dishonourably abandon an enterprize undertaken by common consent, and thereby save a strong fortress and numerous garrison of the enemy, they were not to expect that her majesty would take care of their interests at the general peace.

#### A R T I C L E V.

That he the said James duke of Ormond, having received a letter dated on or about the 14th of July, 1712, from the said marshal Villars, the French general, desiring to be informed what troops remained with the confederate army, or what troops and generals marched off from him, the said duke, and declaring at the same time, that the reason of the enquiry was in order to fall upon, and attack the said confederate army: he the said James duke of Ormond, on or about the 16th of July 1712, did traiterously and wickedly, contrary to the duty of a good and faithful subject, and contrary to his allegiance, and the laws and statutes of this realm, aid, help, assist, and adhere to the said French king and his subjects, against her said late majesty, and then in open war with, and enemies to her said late majesty: and in execution of his said aiding, helping, assisting, and adhering, he the said James duke of Ormond, on or about the said 16th day of July, 1712, did traiterously send secret intelligence to the said marshal Villars the general of the French army, of the number of the troops that had left the said confederate army, and also of the march the said confederate army had that morning made.

#### A R T I C L E VI.

And whereas he the said James duke of Ormond had received advice that the states general, on or about the month of October, 1712, had formed a design to surprize and take the towns of Newport and Furnes, or one of them, then in possession of the French king: that he the said James duke of Ormond, intending to strengthen the hands of the common enemy, by declaring the said enterprize, did on or about the 21st day of October, 1712, in a letter to the said Henry St. John, then viscount Bolingbroke, wickedly and basely suggest to advise her late majesty to send secret intelligence of it, to betray the said counsels and designs of her good and faithful allies the states general, to the French general, then in war with, and an enemy to her majesty; and did further wickedly and basely suggest the means of putting the said  
treachery

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longer in the custody of the black rod, at his own  
house. Upon which Dr. Mead, one of his lord-  
ship's

treachery in execution, by giving private intelligence of the design to the said marshal Villars.

All which crimes and misdemeanors were committed, and done by him, the said James duke of Ormond, against our late sovereign Lady the queen, her crown and dignity, the peace and interest of this kingdom, and in breach of the several trusts reposed in him, the said duke.

And he the said James duke of Ormond was general of her majesty's forces in the Netherlands, and one of her privy council, during the time that all and every the crimes before set forth were done and committed.

For which matters and things, the knights, citizens, and burgeses of the house of commons in parliament assembled, do, in the name of themselves, and of all the commons of Great Britain, impeach the said James duke of Ormond of high treason, and other high crimes and misdemeanors in the said articles contained. And the commons by protestation saving to themselves the liberty to exhibit at any time hereafter, any other accusations or impeachments against the said James duke of Ormond, and also of replying to the answers which the said duke shall make to the premises, or any of them, or to any impeachment or accusation that shall be by them exhibited, according to the course and proceedings of parliament, do pray, that the said James duke of Ormond be put to answer all and every of the premises; and that such proceedings, examinations, trials and judgments may be upon them, and every of them had and used, as shall be agreeable to law and justice. And they do further pray and demand, That the said James duke of Ormond may be sequestred from parliament, and forthwith committed to safe custody.

Articles of impeachment of high crimes and misdemeanors, against  
Thomas earl of Strafford.

WHEREAS his late majesty king William the Third, of ever glorious memory, out of his great wisdom and tender regard for his own kingdoms, and the Protestant succession, and to vindicate the honour of the crown and nation, then affronted by France, in proclaiming the Pretender king of Great-Britain, after the French king had but lately before acknowledged his majesty's title to the same, as well as a just concern for the preservation of the liberties of Europe, against the growing power of France, which was then become more formidable from the duke of Anjou's having taken possession of the entire Spanish monarchy, did, upon the advice and request of both houses of parliament, in or about the month of September, 1701, enter into, make, and conclude a treaty with Leopold emperor of Germany, and the states general of the United Provinces, wherein a strict conjunction and alliance amongst themselves being thought necessary for repelling the greatness of the common danger, it was among other things agreed, that there should be, and continue between the said confederates, a constant, perpetual, and inviolable friendship and correspondence, and that each party should

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ship's physicians, was consulted. The doctor swore,  
" that if the earl was sent to the tower, his life  
would

be obliged to promote the advantages of the other, and prevent all inconveniences and dangers that might happen to them, as far as lay in their power.

That the said allies desiring nothing more earnestly than the peace and general quiet of all Europe, had adjudged that nothing could be more effectual for the establishment thereof, than the procuring an equitable and reasonable satisfaction to his imperial majesty, for his pretensions to the Spanish succession; and that the king of Great-Britain and the states-general might obtain a particular and sufficient security for their kingdoms, provinces, and dominions, and for the navigation and commerce of their subjects, that it should not be permitted to either party, when the war is once begun, to treat of peace with the enemy, unless jointly, and by a communication of councils, and no peace should be made, unless an equitable and reasonable satisfaction for his imperial majesty, and a particular security for the kingdoms, provinces, dominions, navigation, and commerce of his majesty of Great-Britain, and the states-general, be first obtained, and unless care be taken, by fitting security, that the kingdoms of France and Spain shall never come and be united under the same government, nor that one and the same person shall be king of both kingdoms.

And whereas his said late majesty king William, and the states-general, seriously considering that France was then become so formidable, from the accession of Spain to the duke of Anjou, that in the opinion of all the world, Europe was in danger of losing her liberty, and undergoing the heavy yoke of universal monarchy; and that the surest means of effecting that design, were to divide the king of Great-Britain from the states-general, for which purpose all imaginable efforts would be made; they therefore thought it necessary to unite, in the strictest manner that was possible, and to that end a defensive treaty and alliance was concluded and entered into between them, in or about November, 1701, wherein, amongst other things, it was further agreed, that by the alliance with the emperor, made in September then last, particular care had been taken for the recovery of the Spanish Low Countries, out of the hands of the most christian king, the said confederates expressly engaged to aid one another with all their forces, for the recovery of the same; and in regard the principal interest of the said confederates consisted in the preservation of the liberties of Europe, that the before-mentioned treaty with the emperor shall be faithfully and sincerely executed, and both sides shall guarantee the same, and use their endeavours to confirm and render it more strong from time to time.

That in making peace, particular care should be taken of the commerce and traffick of both nations, and also, for their security, as well in regard to the Low Countries as the countries adjacent, " That when the war is begun, the confederates shall act in concert, according to the 7th and 8th articles of the treaty of the 3d of March, 1667-8, between England and Holland, which was thereby renewed and confirmed; and no peace nor truce, or suspension of arms, shall be negotiated

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" would be in danger." The Tories moved that  
his lordship might continue a week longer at home,  
but

gotiated or made, but according to the 9th and 10th articles of that treaty, by which it was agreed, That when the two allies came once to an open war, it shall be lawful for neither of them afterwards to come to any cessation of arms with him who shall be declared and proclaimed an enemy, without it be done conjointly and with common consent, that no negotiation of peace shall be set on foot by one of the allies, without the concurrence of the other; and that each ally shall continually, and from time to time impart to the other every thing that shall pass in the said negotiation, and shall stipulate with the common enemy for the same rights, immunities, exemptions, and prerogatives, for his ally, as he should do for himself, if so be the said allies do not agree to the contrary."

And whereas the French king, having got possession of a great part of the Spanish dominions, exercised an absolute authority over that monarchy, having seized Milan and the Spanish Low Countries by his armies, and made himself master of Cadiz, and of the entrance into the Mediterranean, and of the Spanish West Indies by his fleets, every where designing to invade the liberties of Europe, and to obstruct the freedom of navigation and commerce; and instead of giving the satisfaction that was justly expected, had proceeded to further violences and indignities; and having influenced Spain to acknowledge the pretender, and thereby to concur with him in the said affront; her late sacred majesty queen Anne, taking notice that she found herself obliged for maintaining the publick faith, for vindicating the honour of the crown, and to prevent the mischiefs which all Europe were threatened with, to declare a war against France and Spain, did accordingly, in the month of May, 1702, in the most publick and solemn manner, proclaim the same, as his imperial majesty and the states general did likewise do, in or about the said month of May, in pursuance of the beforementioned treaties.

And whereas many kings, princes, and states of Europe being invited by the said grand alliance, and relying on the faith thereof, did afterwards become parties to the said confederate war against France and Spain, and in the treaty entered into, in or about the month of May 1703, between his imperial majesty, the queen of Great Britain, the states-general, and the king of Portugal, it was, among other things, expressly stipulated, That no peace nor truce shall be made, but by the mutual consent of all the confederates, nor shall at any time be made, whilst the second grandson of the most christian king, by the dauphin, or any other prince of the line of France, continued in Spain.

And whereas, to give the greatest strength that was possible to the union so necessary to both nations, her late majesty and the states, by a treaty, in the month of June, 1703, renewed and confirmed all treaties and alliances then subsisting between them; and to the end a just and reasonable peace might the better be obtained, that might establish the repose and tranquility of Europe, it was agreed, That neither of the

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but it was carried against them, and the Earl of Oxford was ordered to be committed to the Tower on

said allies should make a suspension of arms, or a peace with France or Spain, but in conjunction and by common consent.

And whereas the said war was, for several years, carried on with vigor and unanimity, at a vast expence of blood and treasure, for the support of which, on the part of Great-Britain, many millions were granted by parliaments who on many occasions expressed their sense of the justice of it, and frequently gave their humble advice to the throne, That no peace could be safe, honourable, or lasting, so long as Spain and the West Indies continued in any branch of the house of Bourbon.

And whereas the just cause of her majesty and her allies, in defence of the common liberty, and in vindication of the honour of the crown of Great Britain, was favoured by the divine providence with unparalleled successes and signal victories, whereby, as well as by the wisdom and unanimity of their councils, the reputation of the confederate arms was highly advanced, and Great Britain was esteemed the guardian of the liberties of Europe.

And whereas, from the prosperous condition of the affairs of the allies, nothing remained, in all humane appearance, but that they should reap the fruits of all their victories in a speedy, just, honourable, and lasting peace; and on the other hand, nothing was left to raise the hopes of the enemy, whereby to defeat that happy prospect, but his secret endeavours to disunite the confederacy.

And whereas divers evil-minded persons, enemies to the true Interest of their own country, as well as to the common liberties and welfare of Europe, having, by many wicked arts and base insinuations, obtained access to her late majesty queen Anne, and being admitted into her council, and into places of the highest trust, and having formed a wicked and treacherous correspondence with the emissaries of France, and set on foot a private and destructive negotiation of peace, thereby intending to weaken and dissolve the confederacy, which had so long and happily subsisted between her majesty and her good and faithful allies, to the honour and safety of the nation, had prevailed upon her said late majesty, for that purpose, to declare her resolution of entering into a treaty of peace with the common enemy, against the consent and opinion of all her majesty's allies, and also to appoint John, then lord bishop of Bristol, and Thomas earl of Strafford, her plenipotentiaries, to transact the same at Utrecht.

And whereas her sacred majesty, in pursuance of the treaties she stood engaged in, and of her declaration in the month of April, 1711, to the grand pensionary and the other ministers of Holland, being still determined, in making peace as in making war, to act in perfect concert with her allies, and, in conjunction with them, to demand and procure from France a just satisfaction for all their pretensions, according to and in performance of the many solemn treaties and alliances then subsisting between her majesty and them, did in pursuance thereof, by her instructions under the sign manual, dated the 21st of October,

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on the 16th. The Earl of Anglesea boldly said  
“ it was to be feared, these *violent* measures would make

1711, to him the said Thomas earl of Strafford, her ambassador extraordinary and plenipotentiary to the states general, direct him, that during the course of the then intended negotiation of peace, it must be the most careful endeavour, and the fixed principle of all the confederates, to hold fast together, in order to obtain from the enemy the utmost which could be hoped for in the present circumstances of affairs; and that he might assure the confederates, that her majesty, on her part, would firmly adhere to that rule; and that she was so far from making peace without the concurrence of the states general, that she had declared her firm resolution not to make it without their satisfaction.

And also by her instructions, under the sign manual, to the then bishop of Bristol, and him the said Thomas earl of Strafford, her plenipotentiaries, to treat of a good and general peace, her said majesty, amongst other things, did direct them, upon their arrival at Utrecht, to concert with the ministers of the allies, in what manner it might be most proper to open the conferences, and what method to observe in the progress of the treaties; upon that and all other occasions earnestly to represent to those ministers the great importance of appearing united, and for that reason to recommend to them, that if any difference or dispute should arise, the same should be accommodated amongst themselves, that France might have no hold to break in upon them; but, on the contrary, whenever they meet the enemy's ministers in the congress, every opinion that is delivered, and every instance that is made, may be backed by the concurrent force of the whole confederacy.

That if it were thought proper to begin by the disposition of the Spanish monarchy, they were to insist, that the security and reasonable satisfaction, which the allies expected, and which his most christian majesty had promised could not be obtained, if Spain and the West-Indies be allotted to any branch of the house of Bourbon. Notwithstanding all which premises.

## ARTICLE I.

He the said Thomas earl of Strafford, being of her majesty's privy council, and her ambassador extraordinary to the states general, and appointed one of her plenipotentiaries to treat with the ministers of France of a good and general peace, in concert with the ministers of her majesty's allies, who for that purpose were assembled at Utrecht with those of France, with full powers to transact the same, having no regard to the true ends of his said commissions and powers, to the honour or safety of her majesty, or her kingdoms, to the many solemn engagements she was under, to the old and faithful allies of this nation, or to the common liberties of Europe, but being devoted to the interest and service of the French king, the then common enemy, in defiance of the tenor of the several treaties before mentioned, or some of them, as well as of the frequent advices of parliament, and the many de-

Y 2

clarations

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make the Sceptre shake in the King's hands." Upon which some of the warm Whig lords cried out

clarations of her majesty from the throne, but more particular in defiance of the solemn and mutual assurances, which had been so lately renewed between her majesty and the states general, to act in perfect concert with each other, in making peace, as in making war; and of the several instructions from her majesty, under the sign manual, to him the said earl, in pursuance thereof, was not only wanting in his duty and trust to her majesty, by not advising against, and as far as was in his power, by not opposing the going into any private separate negotiation with France; but on the contrary, when a separate, dishonourable, and destructive negotiation of peace, was entered into between the ministers of Great Britain and France, without any communication thereof to her majesty's allies, according to their several treaties, he the said earl, did not only take upon himself, and presume from time to time, to advise and exhort, that the same should be continued and carried on, but did likewise frequently concert private and separate measures, with the ministers of France, in order to impose upon, and deceive her majesty's good subjects and her allies, and was instrumental in promoting the said separate negotiation, exclusive of all the allies, and to their manifest prejudice and detriment.

And further, he the said earl, when the ministers of France, at Utrecht, refused to answer in writing, and on many other occasions proceeded in a falacious and unjustifiable manner, in transacting the negotiations of peace, was not only wanting in his duty, in not representing to her majesty and ministers against the same, and in not supporting, in the manner he ought to have done, her majesty's good allies in their reasonable demands from France; but on the contrary, commended the French prudence in taking such measures, and even suggested himself the methods from France to make use of to create dissensions amongst the allies, and separate negotiations between each of the allies and France, thereby to dissolve the whole confederacy.

By which wicked and treacherous practices, he the said earl, prostituted the honour of her majesty and the imperial crown of these realms, and grossly violated his powers and instructions, the many treaties, which her majesty then stood engaged in to her allies, and the repeated assurances which the said earl had by her majesty's order, and in her name, given to the said allies, to act in perfect concert with them throughout the whole negotiation of peace, thereby rendering the design of the confederacy, and the mutual support expected from the same, altogether useless, and giving up the affairs of Europe into the hands of France.

#### ARTICLE II.

Whereas the maintaining a perfect union and good correspondence between her late majesty, and the illustrious house of Hanover, was of the utmost importance for preserving to these kingdoms the invaluable blessings of their religion and civil liberties, by securing the succession to the crown to a race of protestant princes, ever renewed for their great justice

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out "the Tower!" others moved that he might explain himself. He at length said he was sorry for

justice and clemency, and thereby defeating the traitorous designs of the pretender; and for that purpose, the great wisdom of divers parliaments, which had fixed and confirmed the said succession, had also laid the obligation of an oath upon the subjects of these realms, to support and maintain the same to the utmost of their power.

He the said Thomas earl of Strafford, not regarding the many ill consequences to her majesty and these kingdoms, which would naturally ensue from a disunion, or coolness of affection, between princes so nearly allied in blood and interest, instead of doing what in him lay to prevent the same, did, on the contrary, in his letters from Holland, to her majesty's ministers of state in Great-Britain, by divers false representations, and scurrilous reflections, upon his present most gracious majesty, then elector of Hanover, endeavour to alienate her majesty's affections from his said electoral highness, and to create, or widen fatal differences or misunderstandings between them. And when by the wicked and pernicious advice of him, the said Thomas earl of Strafford, and divers other evil counsellors, her late majesty was at last prevailed upon to make a fatal cessation of arms with the then common enemy, without any concert with his said electoral highness, and against the consent, and contrary to the most earnest representations of all her allies, for the execution of which, he the said earl was sent over to the army in the Netherlands, where the generals of the auxiliaries paid by her majesty, whose honour and consciences would not permit them to abandon the confederates, and leave them as a sacrifice to France, refused to withdraw with the duke of Ormond, without particular orders from their respective masters; which proceedings of the confederate generals being wickedly represented by the said evil counsellors, in conjunction with the ministers and emissaries of France, as an indignity offered to her sacred majesty.

He the said Thomas earl of Strafford, to create uneasiness and dissension between her late majesty, and his then electoral highness, did by his letter, on or about the 17th of July, 1712, to her majesty's then secretary of state, maliciously and wickedly suggest, and affirm, that the said separation of the confederate generals from the duke of Ormond, ought to be imputed to his said electoral highness.

And further, he the said earl, by frequently affirming, and sometimes in the most solemn manner, to the ministers of his said electoral highness, as well as others, the most notorious and manifest untruths, contrary to the intentions and interests of her majesty, and vainly intending thereby to deceive and impose upon his said electoral highness and the rest of her majesty's good and faithful allies, in matters of the highest importance, and particularly, by solemnly affirming, on or about the 16th of July, 1712, to monsieur Buleau, general of the Hanover forces, and the rest of the confederate generals, that her majesty had made no truce with France; whereas he the said earl, then well knew the same was made and concluded several weeks before, did thereby, as well as by the beforementioned proceedings, not only prostitute



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for what he had said, and the *exact words* not being taken down, the affair passed off. On the 16th

tute and dishonour the high characters he was then invested with, but as far as in him lay, did dissolve the mutual confidence and good understanding, so necessary to be maintained between her said late majesty and the illustrious house of Hanover, for the safety and prosperity of Great Britain, and the common liberty of Europe.

ARTICLE III.

Whereas in the pernicious negotiations of peace carried on by him the said earl, and other evil counsellors, with the ministers of France, the French king had proposed to acknowledge her majesty's title to the crown of these realms, and the protestant succession in the illustrious house of Hanover, when the peace should be signed between Great Britain and France, and not before: whereupon the house of lords, by an humble address to her majesty, on the 15th of February, 1711, begged leave to represent their just indignation at that dishonourable treatment of her majesty, as also their utmost resentment at the terms of peace offered to her majesty and her allies by the plenipotentiaries of France; for which addresses, her majesty was pleased to return them her hearty thanks, for the zeal they had therein expressed for her honour.

He the said earl, was not only wanting in his duty to her majesty and zeal for the protestant succession, in not advising her majesty against treating with France upon such dishonourable terms, but did himself, with other evil counsellors, privately, wickedly, and treacherously, concert and agree with the ministers of France, that the said proposals, so derogatory to the dignity of her majesty, and dangerous to these kingdoms, should be the conditions upon which France would agree to treat of a peace with Great Britain.

And further, he the said earl, in contempt and defiance of the judgment of the house of peers, which had received her majesty's gracious approbation, and acting the part of an emissary of France, instead of a plenipotentiary of Great Britain, being thereunto encouraged, and founding his presumption on a letter to the then said bishop of Bristol, and him the said earl, from Henry St. John, esq; then principal secretary of state, on the 16th of February, 1711, the next day after the said address of the house of peers was made, and informing them of the indignation expressed in Great Britain at the offers of France; but that by the management of Mr. Thomas Harley (then secretary of the treasury) the house of commons was perfectly and absolutely secured to the measures of peace; did wickedly, deceitfully, and perfidiously concert and agree with the ministers of France at Utrecht, that the said French ministers should write a collusive letter to him the said earl, and the then said bishop of Bristol, wherein her majesty should be styled Queen of Great Britain; which letter was not to be made any use of at Utrecht, or taken as an acknowledgment by France of her majesty's title to the crown, but was agreed to be transmitted to Great Britain,

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16th, the earl of Oxford according to order was carried to the Tower.

When

Britain, thereby to deceive and impose upon her majesty and the parliament, as if France had then actually acknowledged the same; which said letter was accordingly written by the ministers of France, and transmitted to Great Britain by him the said earl.

Whereby her majesty, the parliament, and the whole nation, were most grossly and scandalously abused and drawn into the said destructive measures of peace, to the great dishonour of her majesty and these kingdoms, and to the apparent danger of protestant succession.

ARTICLE IV.

That he the said Thomas earl of Strafford, in defiance of the many treaties between her majesty and her allies, for the recovery of the monarchy of Spain to the house of Austria, thereby to preserve a due ballance of power in Europe; and in contempt of the advice and opinion of parliament, that no peace could be safe, honourable, or lasting, so long as Spain and the West Indies continued in any branch of the house of Bourbon; and also in direct violation of her majesty's instructions of the 23d of December 1711, in pursuance thereof; whereby he the said earl was expressly commanded to insist, in the conferences of peace with the ministers of France, that the security and reasonable satisfaction which the allies expected, and which his most christian majesty had promised to grant, could not be obtained if Spain and the West Indies be allotted to any branch of that house, did not only presume to treat about the peace with the ministers of France, without insisting, as he ought to have done, that Spain and the West Indies should not be allotted to the said house of Bourbon; but also, when the ministers of his imperial majesty, and of the king of Portugal, in conformity to the mutual obligations and treaties between her majesty and them, and with each other demanded of France that Spain and the West Indies should be restored to the house of Austria, and requested him the said earl to join with them to strengthen that demand, did decline and refuse to do the same.

By which perfidious and unwarrantable practices of him the said Thomas earl of Strafford, incurable jealousies and discords were created between her majesty and her allies; that mutual confidence, which had so long and so successfully been cultivated between them, and which was so necessary for their common safety, was absolutely dissolved; the just ballance of power in Europe was wickedly betrayed; and apparent advantages were given to the common enemy, to impose what terms of peace he should think fit, upon her majesty and the whole confederacy.

ARTICLE V.

Whereas her late majesty, on the 7th of December, 1711, having earnestly recommended from the throne, that provision might be made for an early campaign, in order to carry on the war with vigor, and as the best way to render the treaty of peace effectual; and, accordingly

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 When the Articles of Impeachment were read  
 against the earl of Strafford, he himself was in the  
 house

supplies were granted and magazines provided at a great expence; and in pursuance thereof, her majesty having given early assurances to her allies of her sincere intentions, and likewise expressly instructed her general the duke of Ormond, not only to renew the same assurances, and declare her resolution of pushing on the war with the utmost vigor, but to concert with the generals of the allies the proper measures for entering upon action; which assurance were accordingly given by the said duke, and the confederate army was thereupon ordered to be assembled; which at that time was the strongest that had been in the service during the whole course of the war, and greatly superior to that of the enemy.

Notwithstanding which premises he the said Thomas earl of Strafford, then of her majesty's privy council, being informed of the reasonable prospect which, by the blessing of God, the army of the confederates then had of gaining new conquests over the army of France, in order to disappoint the expectations of the allies, and to give success to the secret and wicked negotiations then carrying on by himself and other evil counsellors with the ministers of France, on divers very false and groundless suggestions and allegations, and in violation of many treaties then subsisting between her majesty and the states general, as well as several other princes at several times; and particularly by his letter of the 30th of April, 1712, to Henry viscount Bolingbroke, then Henry St. John, esq; one of her majesty's principal secretaries of state, did wickedly and treacherously suggest and advise, that a cessation of arms should be made with France by her majesty, without, and even against the consent of her good allies and confederates.

In pursuance of which wicked counsels and advices, directions were afterwards privately sent, in her majesty's name, to the duke of Ormond, in Flanders, to avoid engaging in any siege, or hazarding a battle, till further orders, although nothing had been then settled in the said private negotiation for the interest and security of Great-Britain.

And further, he the said Thomas earl of Strafford, at that time also of her majesty's privy council, did advise her late majesty that he himself should be sent; and accordingly he was afterwards sent from England to the army under the duke of Ormond, in Flanders, with directions, in her majesty's name, to cause a cessation of arms to be made and proclaimed between her majesty's and the French army, and separation to be made by the troops of Great-Britain, from the confederate army; which were accordingly performed and executed by the advice and direction of him the said earl, without the consent, and contrary to the earnest representations of her majesty's confederates, and in open violation and defiance of the many treaties then subsisting between her majesty and her good and faithful allies.

By which wicked and perfidious counsels and practices of him, the said Thomas earl of Strafford, the progress of the victorious arms of the confederates was stopped, and a most favourable opportunity lost for conquering the enemy, all hopes of confidence between her  
 majesty

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 house of Peers and made a long Speech, wherein  
 he complain'd of the hardship that had been put  
 upon

majesty, and her allies were entirely destroyed, and the French king made absolute master of the negotiations of peace.

#### ARTICLE VI.

That he the said Thomas earl of Strafford, having in concert with other false and evil counsellors, wickedly advised and procured the said fatal cessation of arms, and likewise obtained for France, the separation of the troops of Great Britain, from the confederate army, in further execution of his treacherous purposes, to advance and promote the interests of France; and being determined, as far as in him lay, not only to render all future correspondence and good harmony between her majesty and the states general utterly impracticable, but designing by all possible means to weaken and distress the said states, in order to bring them under an absolute necessity of complying and submitting to the measures of France, and well knowing, that taking possession of Ghent and Bruges, was the readiest means of effecting the same; did wickedly and treacherously advise, that a party of the queen's troops, should be sent to march through some of the towns belonging to the states general, in hopes that the commanders of the said towns, incens'd by such unjust and unnecessary provocations, and through the apprehensions of the ill consequences that such attempts and proceedings might subject them to, would be induced to refuse them admittance, and thereby give a pretence for putting in execution the perfidious designs and resolutions which had been concerted by him the said earl, and other evil counsellors, with the ministers of France; in pursuance of which wicked advice, a party of her majesty's troops was accordingly sent with orders to march through some of the fortified towns belonging to the states-general, and on pretence of their being denied passage through the same, the said treacherous and destructive design was immediately put in execution, and Ghent and Bruges were seized upon by the troops of Great Britain, whereby all means of communication between Holland and the confederate army being entirely cut off, or put into the hands of those who had so lately and shamefully betrayed the common cause; apparent advantages and encouragement were given to the French army, and her majesty's good and faithful allies were deterred from forming, or prosecuting any designs against the common enemy, since the same could not be put in execution without their knowledge and consent, who on many occasions, had given the most evident proofs of their disaffection to the confederates, and of their firm adherence to the interests of France.

All which crimes and misdemeanors were committed, and done by him the said earl, against our late sovereign lady the queen, her crown and dignity, the peace and interest of this kingdom, and in breach of the several trust reposed in him the said earl.

And he the said earl of Strafford was of her late majesty's privy council, her ambassador extraordinary to the states general, and one of her plenipotentiaries to treat of a good and general peace with France,  
 during

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 upon him, by seizing his papers, in an unprecedented manner; and concluded with a request that duplicates of all the papers which were laid before the committee of secrecy might be given him in order for his justification. To which lord viscount Townshend replied, that his complaint about the taking his papers, was altogether unjust; that no state could be safe without it; and in short, that extraordinary cases justify extraordinary methods. As to the earl of Strafford's demand, to have duplicates of all the papers that had been laid before the Commons, he (lord Townshend) thought it unreasonable, and made with no other design than to gain time; and make the Commons lose the opportunity of bringing him to his trial. That those papers were so voluminous (consisting of 13 or 14 volumes in folio) that could not be copied out in many weeks; and as the earl might have had access to them, ever since they were laid before the Parliament, so he was still at liberty to peruse them, and extract out of them what he thought proper for his own defence. Upon which the earl of Ila said, that in all civilized Nations, all courts of judicature, except the Inquisition, allow'd the persons arraigned all that was necessary for their justification; and that the house of Peers

during the time that all and every the crimes before set forth were done and committed.

And the said knights, citizens, and burgeses by protestation saving to themselves the liberty to exhibit at any time hereafter, any other accusations or impeachments against the said Thomas earl of Strafford; and also of replying to the answers that the said Thomas earl of Strafford shall make unto the said articles, or any of them, or of offering proof of the premises, or any other impeachments or accusations that shall be exhibited by them as the case shall (according to the course of parliament) require: do pray, that the said Thomas earl of Strafford be put to answer the said crimes and misdemeanors, and receive such condign punishment as the same shall deserve. And that such proceedings, examinations, trials, and judgments, may be upon every of them had and used, as are agreeable to law and justice.

of

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 of Great Britain ought not, in this case, to do any thing contrary to that honour and equity, for which they are so justly renowned throughout all Europe. Hereupon it was resolved, that the earl of Strafford should have copies of all such papers which he should think proper for his defence.\* On the 3d, of September 1715, an answer from the earl of Oxford to the articles of Impeachment exhibited against him, was read in the house of Commons. The design of it was to shew, that his lordship had *no share* in the advising and managing the matters charged upon them; but that the late Queen *did every thing*. On this answer Sir Robert Walpole remarked " that the earl of Oxford, as prime minister, was the chief adviser, promoter and manager of the matters, charged upon him in the " articles; therefore he hoped the earl's *endeavour-* " *ring to screen himself behind the Queen's name,* " would avail him nothing. That it is a funda- " mental maxim of our constitution, *that Kings* " *can do no wrong*; but at the same time it is no " less certain, *that ministers of state are accountable* " *for their actions*; otherwise the Parliament would " be but an empty name, and the government " would be absolute and arbitrary." Upon which a committee of the Commons drew up the following replication to the earl's answer.

" The Commons have considered the answer of Robert earl of Oxford and earl Mortimer, to the articles of Impeachment exhibited against him, by the Knights, Citizens and Burgeses, in Parliament assembled; and do with astonishment observe, that the said earl, instead of giving a reasonable and

\* The duke of Ormond and lord Bolingbroke having fled, were both attainted of high treason, and their names ordered to be razed out of the peerage.

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 pertinent answer, to the just and heavy charge brought against him, by the commons of Great Britain, has presum'd not only to deny his advising and being concern'd in any matters of State, in the articles charged against him tho' confessed to be under an administration, wherein he was notoriously the first minister and chief director: But has also joined therewith a false and malicious libel, laying upon his royal mistress the blame of every thing, which, by imposing upon her, he had affected against her honour, and the good of his country; thereby attempting to reflect upon the honour and justice of the house of commons, and to cast an odium upon their proceeding against him, as tending to asperse the memory of the late queen.

But the commons are of opinion, that if it were possible to add to the heavy load of guilt, in which the treasons, and other most flagitious crimes, committed by the said earl, have already involved him this base and ungrateful attempt to impute them to his royal mistress, must bring such a new weight of infamy upon him, and so justly provoke the indignation of the commons, that they might think themselves obliged to demand your lordships immediate justice, for this unwarranted attempt upon the honour of the late queen, and the proceedings of parliament.

But the commons being sensible, that the treasons and other crimes whereof the said earl stands impeached, and the necessity of bringing him to speedy and exemplary justice, require that all occasions of delay should be avoided; they do aver their charge against the said earl of Oxford and earl Mortimer, for high treason, and other high crimes and misdemeanors, to be true; and that the said earl is guilty of all and singular the articles and charges therein respectively contained, in such manner

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 manner as he stands impeached. " This replication was sent up to the house of lords, to whom the earl of Oxford had delivered his answer.\*

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\* It will here be proper to explain the TRUE cause of the Scottish rebellion, which broke out this year, and shew the deceit and duplicity of these people. In 1712, in queen Anne's reign, each of the heads of the highland clans received 360*l.* sterling, as a compleat year's payment of the bounty money her majesty was pleas'd to bestow on them: these were the words of the receipt. Soon after they signed an address to the queen, in which were these remarkable words, " Happy! if after your majesty's late demise, to put a period to our intestine divisions, the hereditary right, and parliamentary sanction, could possibly meet in the person of a lineal successor." At the accession of the house of Hanover, the same highland chiefs wrote a letter to the earl of Mar, who was then secretary of state for Scotland, but soon after dismissed, *intreating him* to assure the government in their names, and in that of the rest of the clans, of their loyalty to his sacred majesty king George; and as they were always ready to follow his [the earl of Mar] directions in serving queen Anne, so they would now be equally forward to concur with his lordship in faithfully serving king George. The earl of Mar took the oaths of allegiance and abjuration, and also wrote the following letter to the king.

S I R,

" Having the happiness to be your majesty's subject, and also the honour of being one of your servants, as one of your secretaries of state, I beg leave to kiss your majesty's hand, and congratulate your happy accession to the throne; which I would have done myself the honour of doing sooner, had I not hoped to have had the honour of doing it personally ere now.

I am afraid I may have had the misfortune of being misrepresented to your majesty, and my reason for thinking so, is, because I was, I believe, the only one of the late queen's servants, who your ministers here did not visit, which I mentioned to Mr. Harley, and the earl of Clarendon, when they went from hence to wait on your majesty, and your ministers carrying so to me was the occasion of my receiving such orders as depriv'd me of the honour and satisfaction of waiting on them, and being known to them.

I suppose I had been misrepresented to them by some here upon account of party, or to ingratiate themselves by aspersing others, as our parties here too often occasion; but I hope your majesty will be so just as not to give credit to such misrepresentations.

The part I acted in the bringing about and making of the union, when the succession to the crown was settled for Scotland on your majesty's family, where I had the honour to serve as secretary of state for that kingdom, doth, I hope, put my sincerity and faithfulness to your majesty out of dispute.

My

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The next remarkable thing during this session of parliament, was the much admired speech of the

My family hath had the honour for a great tract of years to be faithful servants to the crown, and have had the care of the kings children (when kings of Scotland) intrusted to them. A predecessor of mine was honoured with the care of your majesty's grandmother when young; and she was pleased afterwards to express some concern for our family in letters which I still have under her own hand.

I have had the honour to serve her late majesty in one capacity or other ever since her accession to the crown; I was happy in a good mistress, and she was pleased to have some confidence in me, and regard for my services: and since your majesty's happy accession to the crown, I hope you will find that I have not been wanting in my duty in being instrumental in keeping things quiet and peaceable in the country to which I belong, and have some interest in.

Your majesty shall ever find me as faithful and dutiful a subject and servant as ever any of my family have been to the crown; or as I have been to my late mistress the queen. And I beg your majesty may be so good not to believe any misrepresentations of me, which nothing but party hatred and my zeal for the interest of the crown doth occasion; and I hope I may presume to lay claim to your royal favour and protection.

As your accession to the crown hath been quiet and peaceable, may your majesty's reign be long and prosperous, and that your people may soon have the happiness and satisfaction of your presence among them, is the earnest and fervent wishes of him, who is with the humblest duty and respect, Sir,

Your majesty's most faithful, most dutiful,  
And most obedient subject and servant,

Whitehall, Aug. 30.

O. S. 1714.

MAR."

Yet in a few months, even before there could be the pretence of a single grievance, all these infamous wretches went into open rebellion. Had the 360l. a year bounty money been continued to them, and the earl of Mar remained secretary of state for Scotland, they would not have taken up arms against the present royal family. Their hereditary principles, and natural affection for the house of Stuart, will better appear by the earl of Mar's declaration and manifesto. The reader has observed the Scottish earl's protestations of loyalty to king George; we will now see what is his language for the pretender.

#### The Earl of MAR's Declaration.

"Our rightful and natural king James the eighth, by the grace of God, who is now coming to relieve us from our oppressions, having been pleased to intrust us with the direction of his affairs, and the command of his forces in this his antient kingdom of Scotland: and some of his faithful subjects and servants met at Aboyne, viz. The lord Huntley, the lord Fullibardine, the earl Marischal, the earl of Southesk, Glingary

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speaker of the house of commons to his majesty, upon presenting him with the money bills to receive the royal assent.

"Most gracious Sovereign,

Your majesty's most dutiful and loyal subjects, the knights, citizens, and burgeses in parliament assembled, have now finished the supplies granted to your majesty for the service of this present year.

Your

Glingary from the clans, Glenderule from the earl of Broadalbine, and gentlemen of Angleshire, Mr. Patrick Lyon of Auchterhouse, the laird of Auldbair, lieutenant general George Hamilton, major general Gordon, and myself, having taken into consideration his majesty's last and late orders to us, find, that as this is now the time that he ordered us to appear openly in arms for him, so it seems to us absolutely necessary for his majesty's service, and the relieving of our native country from all its hardships, that all his faithful and loving subjects, and lovers of their country, should with all possible speed put themselves into arms.

"These are therefore, in his majesty's name and authority, and by virtue of the power aforesaid, and by the king's special order to me thereunto, to require and empower you forthwith to raise your fencible men, with their best arms, and you are immediately to march them to join me and some other of the king's forces, at the Invor of Brae-mar, on Monday next, in order to proceed in our march to attend the king's standard, with his other forces.

"The king intending that his forces shall be paid from the time of their setting out, he expects, as he positively orders, that they behave themselves civilly, and commit no plundering nor other disorders, upon the highest penalties and his displeasure, which is expected you'll see observed.

"Now is the time for all good men to shew their zeal for his majesty's service, whose cause is so deeply concerned, and the relief of our native country from oppression and a foreign yoke, too heavy for us and our posterity to bear, and to endeavour the restoring not only of our rightful and native king, but also our country to its ancient, free, and independeal constitution, under him whose ancestors have reigned over us for so many generations.

"In so honourable, good, and just a cause, we cannot doubt of the assistance, direction, and blessing of Almighty God, who has so often rescued the royal family of Stuart, and our country from sinking under oppression.

"Your punctual observance of these orders is expected, for the doing of all which, this shall be to you, and all that you employ in the execution of them, a sufficient warrant.

To the baillie and the rest  
of the gentlemen of the  
lordship of Kildummy.

Given at Brae-mar, the 9th  
of Sept. 1715.

MAR."

MANIFESTO

Your commons had much sooner offered these supplies to your majesty, had not their zeal for your majesty's

MANIFESTO by the noblemen, gentlemen, and others, who dutifully appear at this time in asserting the undoubted right of their lawful sovereign, James the eighth, by the grace of God, king of Scotland, England, France, and Ireland, defender of the faith, &c. and for relieving this his antient kingdom, from the oppressions and grievances it lies under.

" His majesty's right of blood to the crowns of these realms is undoubted, and has never been disputed or arraign'd by the least circumstance or lawful authority.

" By the laws of God, by the antient constitutions, and by the positive unrepeal'd laws of the land, we are bound to pay his majesty the duty of loyal subjects: nothing can absolve us from this our duty of subjection and obedience. The laws of God require our allegiance to our rightful king.

" Our fundamental constitution has been entirely alter'd, and sunk, amidst the various shocks of unstable faction, while, in the searching out new expedients, pretended for our security, it has produc'd nothing but daily disappointments, and has brought us and our posterity under a precarious dependance upon foreign councils and interests.

" The late unhappy union, which was brought about by the mistaken notions of some, and the ruinous and selfish designs of others, has proved so far from lessening and healing the differences betwixt his majesty's subjects of Scotland and England, that it has widened and increased them; and it appears by experience, to inconsistent with the rights, privileges, and interests of us, and our good neighbours and fellow-subjects of England, that the continuance of it must inevitably ruin us, and hurt them, nor can any way be found out to relieve us, and restore our antient and independent constitution, but by the restoring our rightful and natural king, who has the only undoubted right to reign over us; neither can we hope that the party, who chiefly contribute to bring us into bondage, will at any time endeavour to work our relief; since it's known how strenuously they opposed, in two late instances, the efforts that were made by all Scotfmen, by themselves, towards so desirable an end.

" Our substance has been waisted in the late ruinous wars, and we see an unavoidable prospect of having wars continued on us, and our posterity, so long as the possession of the crown is not in the right line.

" The hereditary rights of the subjects, tho' confirmed by conventions and parliaments, are now treated as of no value or force; and past services to the crown and royal family, are now looked upon as grounds of suspicion.

" A packed-up assembly, who call themselves a *British parliament*, have, so far as in them lies, inhumanely murdered their own, and our sovereign, by promising a great sum of money as the reward of so execrable a crime.

" They

majesty's service, and the duty they owe to their country, led them into enquiries which have drawn this session to an unusual length.

But

" They have proscribed, by unaccountable and groundless impeachments and attainders, the worthy patriots of England, for their honourable and successful endeavours to restore trade, plenty, and peace, to these nations.

" They have broken in upon the sacred laws of both countries, by which the liberty of our persons was secured; they have impowered a foreign prince (who, notwithstanding of his expectations of the crown for 15 years, is still unacquainted with our manners, customs, and language) to make an absolute conquest (if not timely prevented) of the three kingdoms, by investing himself with an unlimited power, not only of raising unnecessary forces at home, but also of calling in foreign troops, ready to promote his uncontrollable designs: nor can we be ever hopeful of its being otherwise, in the way it is in at present, for some generations to come. And the sad consequences of these unexampled proceedings have really been so fatal to great numbers of our kinsmen, friends, and fellow-subjects of both kingdoms, that they have been constrained to abandon their country, houses, wives, and children, or give themselves up prisoners, and perhaps victims, to be sacrificed at the pleasure of foreigners, and a few hot headed men, of a restless faction, whom they employ.

" The consideration of these unhappy circumstances, with the due regard we have to common justice, the peace and quiet of us, and our posterity, and our duty to his majesty and his commands, are the powerful motives which have engaged us in our present undertaking, which we are firmly and heartily resolved to push to the utmost, and stand by one another to the last extremity, as the only solid and effectual means of putting an end to so dreadful a prospect; as by our present situation we have before our eyes: and with faithful hearts true to our only rightful king, our country, and our neighbours, we earnestly beseech and expect (as his majesty commands) the assistance of all our true fellow subjects to second this our first attempt, declaring hereby our sincere intentions that we will promote, and concur in all lawful means, for settling a lasting peace to these lands, under the auspicious government of our rightful sovereign, the direction of our own domestick councils, and the protection of our forces and troops.

" That we will, in the same manner concur and endeavour to have our laws, liberties, and properties secured by the parliaments of both kingdoms; that by the wisdom of such parliaments, we will endeavour to have such laws enacted as shall give absolute security to us, and future ages, for the protestant religion, against all efforts of arbitrary power, popery, and all its other enemies. Nor have we any reason to be distrustful of the goodness of God, the truth and purity of our holy religion, or the known excellency of his majesty's judgment, as not to hope, that in due time good example, and conversation with our learned divines, will remove these prejudices, which we know his education in a popish country, has not rivetted in his royal mind;

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“ But your commons could not see, without the utmost indignation, the glories of her late majesty's

mind ; and we are sure, as justice is a virtue in all religions and professions, so the doing of it to him, will not lessen his good opinion of ours.

That as the king is willing to give his royal indemnity for all that is past, so he will cheerfully concur in passing general acts of oblivion, that our fellow subjects, who have been misled, may have a fair opportunity of living with us, in the same friendly manner, we design to live in with them.

And we hereby further promise and engage, that every officer, who joins with us, in our king and country's cause, shall not only enjoy the same post he now does, but shall be advanced and preferred according to his rank and station ; and the number of men he brings off with him to us, and each foot soldier so joining us, shall have 20s. sterling, and each trooper or dragoon, who brings horse and accoutrements along with him, 12l. sterling gratuity besides their pay.

And in general, we shall concur with all our fellow subjects, in such measures, as shall make us flourish at home, and be formidable abroad, under our rightful sovereign, and the peaceable harmony of our ancient fundamental constitution, undisturbed by a pretender's interests and councils from abroad, or a restless faction at home.

In so honourable, so good, and just a cause, we do not doubt of the assistance, direction, and blessing of Almighty God, who has so often succoured the royal family of Stuarts, and our country, from sinking under oppression.

About the same time a dangerous conspiracy was discovered in England. Lieutenant-colonel Paul, of the foot-guards, was committed to the Gate-house, for enlisting men in the pretender's service. The titular duke of Powis, a Roman catholic, was committed to the tower for high treason ; and the lords Landdown and Duplin were also taken into custody. Mr. secretary Stanhope acquainted the house of commons, that the king desired the consent of that house to seize Sir William Wyndham, Sir John Packington, Mr. Edward Harvey, senr. Mr. Thomas Forster, jun. Mr. John Anstis, and Mr. Corbet Kynaston, members of that house, as there was reason to suspect they were engaged in a design to support an intended invasion : to which the house agreed, and likewise presented an address of thanks to his majesty for his tender regard of the privileges of that house. Harvey and Anstis happening to be in town were immediately secured. A few days after, Harvey stabbed himself in several places with a knife, but the wounds did not prove mortal. Forster stood out in defiance of justice, and with two Roman catholic peers raised a rebellion in Northumberland. Sir John Packington was examined before the council, but nothing appearing against him he was discharged. Mr. Kynaston made his escape. Sir William Wyndham (father of the late earl of Egremont, made secretary of state in the reign of George III.) was apprehended at his house in Somersetshire, by colonel Huske, and a messenger, who, pretending to come express, with a packet of letters of the utmost consequence, gained admittance to Sir William at five o'clock in the morning. Sir William desired that no noise might be made for fear of frightening his

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jefty's reign tarnished by a treacherous cessation of Arms ; the faith of treaties violated ; that ancient probity, for which the English Nation had been justly renowned throughout all ages, exposed to scorn and contempt ; and the trade of the Kingdom given up by insidious and precarious treaties of

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his lady, who was with child. They entered a chamber, where the colonel seeing Sir William's coat and waistcoat lie, told him, he had orders to seize all his papers, and that he must take leave to search his pockets, wherein he found a bundle of papers. Sir William would have diverted him from searching his pockets, by frankly offering him his keys to examine his escrator : but the colonel happened to secure the most important papers, as he had reason to guess by the confusion and disorder in Sir William's looks, when he took the bundle out of his waistcoat pockets. Sir William desired the colonel to stay till seven o'clock, and he would order his own coach and six horses to be ready, which would carry them all ; telling him, at the same time, he would only go in to put on his cloaths and take leave of his lady, and then would wait upon him. Out of deference to his lady's noble relations, the colonel had particular orders to treat him with the utmost civility and decorum ; therefore he readily complied with Sir William's request, looking on it as his parole to return : but he soon found himself mistaken. Sir William escaped through a private door of his bed-chamber. When the colonel found this, he directly returned to London to acquaint the ministry, and ordered the messenger to remain at the house till further orders : upon which a proclamation was issued, offering a reward of 1000l. for apprehending Sir William Wyndham. One of the papers found in Sir William's pocket, was a list of the principal persons who had joined in an association to favour an invasion, and set the pretender on the throne. Sir William being pursued by the proclamation and the messengers, disguised himself in a clergyman's habit ; and ordered one of his servants to write a letter to a gentleman in Surry, desiring him to give his master refuge in his house ; or, if he would not venture so far, to get him a lodging in the minister's house, where he would come in a habit that would bespeak him respect from a clergyman. This letter being brought to the gentleman's house while he was abroad, his lady opened it, and being frightened with the danger which her husband might incur by harbouring a person charged with treason, she sent it to the earl of Aylesford, who communicated it to the ministry. Sir William judging by the miscarriage of his letter that he could hardly escape, thought it prudent to surrender himself. He therefore went to the duke of Somerset, his father-in-law, at Sion-house, and from thence to London, where he put himself into the hands of the earl of Hertford, his brother-in-law, who having given notice of it to Mr. secretary Stanhope, a messenger was sent to take him into custody. He was afterwards examined at the council board, where he denied knowing any thing of a plot. However he was committed to the tower. The duke of Somerset offered to bail him, which being refused, his grace resigned his post of master of the horse.

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Commerce; whilst the people, amused with new worlds explored, were contented to see the most advantageous branches of their commerce in Europe lost or betrayed.

“ Such was the condition of this kingdom, when it pleased the divine providence to call your majesty to the throne of your ancestors, under whose auspicious reign your commons with pleasure behold the glories of the Plantagenets (your majesty’s royal ancestors) revive; and have an unbounded prospect of the continuance of this happiness, even to the latest posterity, in a race of princes lineally descended from your majesty.

“ And that nothing might be wanting on the part of your commons, to establish your majesty’s throne on solid and lasting foundations, they have applied themselves, with an unwearied diligence, to vindicate the honour of the British nation, and to restore a mutual confidence between this kingdom and its ancient and faithful allies, by detecting the authors of these pernicious counsels, and the actors in these treacherous designs, in order to bring them to justice, by the judgment of their Peers, according to the law of the land, and the usage of parliament.

“ It was not to be expected, but that the enemies to the nation’s peace would use their utmost endeavours to obstruct your commons in these enquiries: but despairing of any success in the representative body of the kingdom, they fomented tumults among the dregs of the people at home, and spirited up the pretender to an invasion from abroad. This gave your faithful commons fresh opportunities of shewing their affection to your majesty’s person and their fidelity to your government, by their unanimous concurrence in granting such supplies, as were sufficient to disappoint the one, and by their passing such laws as were necessary to suppress the other; and, in every respect

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spect to express their abhorrence of a popish pretender, concerning whom nothing remains unsuspected but his bigotry to superstition, and his hatred to our holy religion; for the advancement of which your majesty has expressed your pious care by recommending to your commons the providing a maintenance for the ministers who are to officiate in the new churches. This your commons readily complied with, trusting that the prayers, there offered to the Almighty, will bring down a blessing on all your majesty’s undertakings; and not doubting but that the doctrines there taught will be a means to secure the quiet of your kingdoms, and the obedience of your people.

“ The revenues set apart for the uses of the civil government, your commons found so much intangled with mortgages and anticipations, that what remained was far from being sufficient to support the honour and dignity of the crown: This your commons took into serious consideration, and being truly sensible, that on your majesty’s greatness the happiness of your subjects entirely depends, they have put the civil revenues into the same state, in which they were granted to your majesty’s glorious predecessor, king William, of immortal memory; and thereby enabled your majesty to make an ample provision for the prince of Wales, whose heroic virtues are the best security of your majesty’s throne, as his other personal endowments are the joy of all your faithful subjects.”

After which his majesty made a speech to both houses, and prorogued the parliament.

On the 9th of January 1716, the parliament met again; but nothing of consequence happened, (except the impeachment of the Scottish rebel lords who had been in arms, in order to place their old friend the pretender, on the English throne) till the 9th of April, when the famous bill was brought in for making parliaments *septennial*. The reasons  
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for bringing in this bill were given by the duke of Devonshire, who opened it in the house of lords. His Grace said, "that though the rebellion was happily suppressed, yet the spirit of it remained unconquered, and seemed only to wait for an opportunity to shew itself with more violence. The election of a new parliament (which by the triennial act was next year) being the most favourable juncture which the disaffected could expect, he thought it absolutely necessary to deprive them of it. For which purpose, he had a bill to offer to the house for enlarging the continuance of parliaments, and moved that the same might be read." Which after some debate was agreed to, and the second reading put off till the 14th of April. Against which time the leaders of the Tory party prepared themselves with the utmost diligence to vigorously oppose it. When the day came and the bill was read, earl Powlet spoke against it, and among other things said, "that this bill shewed a distrust of the affection of the people, without which, no king could be either safe or easy." The earl of Dorset spoke for it, and observed, "that they who now spoke against the bill, would be for it if it served their turn: that the triennial act sowed the seeds of corruption, it being notorious that great numbers of persons had no other livelihood than by being employed in bribing corporations: that we had lately a sad experience of it; since by those methods a parliament was procured by the last ministry which gave sanction to most of their ill measures, and went near to give up the trade and liberties of the nation." The lord Trevor answered, "that if this bill passed, how could any member of the other house expect to preserve his interest with those who chose him, when this bill would certainly be interpreted both a violation of their right and a breach of the trust reposed in him? That if this house of commons continued themselves

selves beyond the time for which they were chosen, they were no more the representatives of the people, but a house of their own making." Lord Carteret spoke for the bill, and said, "that they ought maturely to weigh and consider what was inserted in the preamble of the bill, that there is a restless popish faction designing and endeavouring to renew the rebellion. That of all rebellions this last was the most monstrous and unnatural; for all other rebellions were carried on under pretences of liberty, whereas this last was a rebellion for slavery: And that this bill would fix the king and the present happy settlement on a lasting foundation." The duke of Newcastle said, "that no cause ever miscarried in so many instances as that of the rebels. But notwithstanding their defeat at Preston and Dumblain, their being driven out of Scotland with their king at their head, their disappointments in other parts, and the execution of some of their leaders, the Jacobites were as insolent as ever. That this was the reason why in a late debate he was against lenity (being shewn to all the rebel lords;) and the rather, because no prince was ever more naturally inclined to mercy than his present majesty; for no prince had ever so many rebels in his power, and never were so few punished. My lords, you must now strengthen yourselves and disarm your enemies. It is not to be doubted but the late unnatural and monstrous rebellion was raised and fomented by large contributions of a restless popish faction. The same means, my lords, will be used to renew the rebellion as soon as a proper opportunity offers. Their emissaries are busy every where to keep up the spirit of the people for a year longer, and then they hope to retrieve all by a new election." After a debate of five hours (the principal and material arguments of which we have given) the question was put, *That the bill be committed*, which was carried  
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in the affirmative by 96 against 61; but 30 lords entered into a protest. As the protest contains the arguments those lords chiefly make use of, we have given it the readers in the note.\* Two days

\* D I S S E N T I E N T .

I. Because we conceive that frequent and new parliaments are required by the fundamental constitution of the kingdom, and the practice thereof for many ages (which manifestly appears by our records) is a sufficient evidence and proof of this constitution.

II. Because it is agreed that the house of commons must be chosen by the people; and when so chosen, they are truly the representatives of the people, which they can't be so properly said to be, when continued for a longer time than that for which they were chosen; for after that time, they are chosen by the parliament, and not the people, who are thereby deprived of the only remedy which they have against those who either do not understand, or through corruption do wilfully betray the trust reposed in them; which remedy is to chuse better men in their places.

III. Because the reasons given for this bill, we conceive were not sufficient to induce us to pass it in subversion of so essential a part of our constitution.

1. For as to the argument that this will encourage the princes and states of Europe to enter into alliances with us, we have not heard any one minister assert, that any one prince or state has asked, or so much as insinuated, that they wished such an alteration.

Nor is it reasonable to imagine it; for it cannot be expected that any prince or state can rely upon a people to defend their liberties and interests who shall be thought to have given up so great a part of their own; nor can it be prudent for them to wish such an experiment, after the experience that Europe has had of the great things this nation has done for them under the constitution, which is to be altered by this bill.

But on the other hand they may be deterred from entering into measures with us, when they shall be informed by the preamble of this bill, that the popish faction is so dangerous, as that it may be destructive to the peace and security of the government; and may apprehend from this bill, that the government is so weak, as to want so extraordinary a provision for its safety, which seems to imply that the gentlemen of Britain are not to be trusted or relied upon, and that the good affections of the people are restrained to so small a number as that of which the present house of commons consists.

2. We conceive this bill is so far from preventing expences and corruptions, that it will rather encrease them, for the longer a parliament is to last, the more valuable to be purchased is a station in it, and the greater also is the danger of corrupting the members of it: for if there should be a ministry who shall want a parliament to screen them from the just resentment of the people, or from a discovery of their ill practices to the king, who can't otherwise, or so truly be informed of them, as by a free parliament; it is so much the interest of such ministry, the influence

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days after the bill was read a third time, and after a debate of two hours, during which, nothing further was urged worthy particular mention, it was ordered to be engrossed and sent down to the commons. Lord Guernsey, in the commons, moved for rejecting it before it was read, but this was declared to be unprecedented; therefore it was read, and, upon the question being put for the second reading, there arose a debate in which the principal objection that was made, was "That it was an imposition of the lords to take upon them to direct the commons, in a matter that solely concerns them as guardians of the rights and liberties of the people." It was answered "That the objection was altogether groundless, for when the triennial bill was made, it was begun in the house of lords, who, as part of the legislature, are no less guardians of the liberty of the subject than the commons." At length a second reading was carried by 276 against 156. On the 24th of April, which was the time appointed for the second read-

influence the elections (which by their authority and the disposal of the publick money, they of all others have the best means of doing) that 'tis to be feared they will be tempted, and not fail to make use of them. And even when the members are chosen, they have a greater opportunity of inducing very many to comply with them, than they could have, if not only the sessions of parliament, but the parliament itself were reduced to the ancient and primitive constitution and practice of frequent and new parliaments; for as a good ministry will neither practise nor need corruption, so it cannot be any lord's intent to provide for the security of a bad one.

3. We conceive that whatever reasons may induce the lords to pass this bill, to continue this parliament for seven years, will be at least as strong, and may, by the conduct of the ministry, be made much stronger before the end of seven years, for continuing it still longer, and even to perpetuate it, which would be an express and absolute subversion of the third estate of the realm.

Somerset, Shrewsbury, Anglesey, Osborne, Compton, Bristol, Tadcaster, Nottingham, Abingdon, Gilford, Alesford, Foley, Ashburnham, Mansel, Gower, Bathurst, Weston, Bruce, Willeughby de Brook, Powlet, Dartmouth, Bingley, Strafford, Trevor, Montjoy, Northampton, Salisbury, Fr. Roßen, P. Hereford, Fr. Cestrieni.

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ing, petitions against the bill were presented from Marlborough, Midhurst, Hastings, Cambridge, Abingdon and Newcastle under line. When the bill was read, a debate arose which lasted nine hours. Mr. Lyddal spoke first, for the bill, and said, "If this opportunity be lost, you may possibly never have another, or at least so good a one, not only to conquer, but even to eradicate that spirit of Jacobitism which has dwelt long among us, and has more than once brought this nation to the very brink of ruin and destruction. Since, therefore with much danger and difficulty we have at last secured our religion, laws and liberties, when all was at stake, from the treachery of the late ministry and the unaccountable proceedings of the last triennial parliament, why should you run the risk of having a new one so soon, first chosen by French money, and then voting by French directions, since the king and his parliament exert their united power for the good of the public and to retrieve the honour of the nation? why should they not continue longer together, that they may finish what they have so unanimously and happily begun? upon the whole, the electors and people of all the boroughs in England having for several years past, been bribed and preached into the pretender's interest, and a dislike of the protestant succession, it becomes rather necessity than choice to apply an extraordinary remedy to an extraordinary disease." Mr. Haddon, a Scotch member, having spoken for the bill, Mr. Snell, member for Gloucester, said "It was no wonder that they, who had betrayed the liberties of their own country, should be so ready to give up ours." Which was animadverted upon as an injurious reflection, and Mr. Snell being ordered to explain himself, he said "That he meant no personal reflection on Mr. Haddon, for he spoke of the Scottish

Scottish nation in general." \* Which provoking Sir David Dalrymple, another Scot, he replied "That this explanation instead of extenuating, did but aggravate the offence," for which he demanded satisfaction. But the speaker interposed, and put an end to the dispute which was growing very warm on both sides. The only remarkable speech on this occasion, was that made by Mr. Hampden, who, among other things, took notice of the principal argument that had been used by the Tories for continuing the *Triennial* act, which was 'that it is agreeable to the ancient laws of this nation, that there should be frequent parliaments;' and remarked upon it, that he found it no where laid down as a fundamental position of the nature of this constitution, that there should be frequent elections. He then recited the manner in which parliaments had been held from the reign of Edward III. to the revolution, and concluded with a reply to the several objections which the Tory speakers had made to the present bill. "It is pretended, said he, that by triennial elections, the people have an opportunity of laying aside those persons with whose behaviour in parliament they are dissatisfied, or such whom they apprehend to be under court influences. I desire it may be considered how very few examples there are of persons who having accepted places, have not been re-elected. The reason is very obvious; because the people who love expences, judge, that a man who has a place of profit is much more capable of making an expence, than he that has none. But

\* As the Scots, who at this time are constantly abusing and insulting the English in THEIR two vehicles of slander and falsity, viz. the London Chronicle, and Critical Review, both of which are written, managed, and printed by Scotfmen, deny every fact advanced to prove their deceitful and tyrannic principles, especially in parliament, they are desired to give the lie to this, and to every other mentioned in this work, which, to the people of England, will be the strongest assurance that they can give of the certainty of the fact.

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supposing any gentleman so wickedly disposed, as to sacrifice his opinion to the lucre of a place, does not such a person, who has spent 5 or 600l. at his election, and his circumstances not very able to bear it, come more prepared for a court temptation, than if he had enjoyed his seat in parliament, and been free from the trouble and expence of frequent elections? I appeal to gentlemen, if expences are not increased? and, if any circumstance can be produced, where they are abated, many more may be, where they are increased; so that the end of the bill in this respect is no way answered.—It is said, that expences being voluntary, it is the fault only of those who make them; but when we observe the contagion of expences to be universally spread in the kingdom at the time of elections, and a dissolution of manners occasioned by such expences, it is time for the legislature to interpose, and to prevent the dangerous consequences of such an evil. Do gentlemen consider the destructions occasioned by elections, and the impossibility, considering the small interval of elections, to heal up those wounds which the animosities have occasioned; so that it is little better than living in a continual state of warfare.—It is said the king was received here with the universal joy of his people: why did that satisfaction cease so soon? has the king done any thing to loose the affection of so many of his people? or have his ministers? if his ministers, why has the spirit of patriotism been so much wanting in gentlemen, as not to represent to the king, or in this house, the crimes of those he employs in his service? but if no real handle for these discontents has been given by king or ministers, then those who pretend such a zeal for the king and his service at his arrival here, acted an hypocritical part, and meant nothing less than what they make professions of. The reasons why I am for the bill now before us, are to prevent the people

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people for a time distracting one another by elections. To prevent such, who have the will, from the power of giving any new disturbance to the government. To prevent another rebellion; there being just as much reason to expect one this year, as there was last. To check that civil spirit in those who have sworn to the king, and rose in arms against him, or abetted such who have. To discountenance that spirit which lately did so far prevail in this nation, as to approve of a most ignominious conclusion of a successful war, by a ruinous peace; and to render fruitless, any concerted project of France or any other foreign state: to distress this nation, at a time when elections, or the approach of them, have raised a ferment in the minds of the people." After a debate of two hours, the bill passed by a majority of 264 against 121. Nothing else except the ordinary business of parliament happened during this session, which ended on the 26th of June.

On the 20th of February, 1717, the parliament met. The first business that came on, was the reading a number of letters, which passed between Count Gyllenburg, the Swedish resident at London, and Baron Gortz, the king of Sweden's minister and *favourite*, and which had been seized at the resident's house, relative to a design of raising another rebellion among the Scots, those faithful friends to the pretender; to be supported by an invasion from Sweden, in order to dethrone king George.† The reading of these papers raised such

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† By these letters it appeared, "That a design was formed to dethrone king George, and conducted in such a manner as almost to warrant success. Artful papers were published to foment and increase discontent and division; the apparent tranquility, enjoyed in Great-Britain, was to be an occasion of requiring and obtaining the reduction of the national forces; ships, bought at different places were to assemble at Gottenburgh by the end of March, when the east winds usually

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an indignation in both houses, that addresses were presented, filled with the strongest expressions of loyalty and affection to his majesty, and at the same time abhorring and detesting all the infamous proceedings of the late treacherous Tory ministry and the wretched dregs of it; particularly relative to the late peace, which they called "treacherous and dishonourable."—An honest Englishman, who has a real affection for the illustrious house of

usually blow, on board of which, eight thousand foot, and four thousand horse, were to embark with artillery, ammunition, and arms for fifteen thousand men. The great number of the disaffected had been so far relied on, that the secret negotiation had been trusted in England to very few persons; nothing was transacted in writing; no treaty was made; the mutual concern for the success of the undertaking was, as it were the warrant for the promises that were given. This method of treating prolonged the negotiation, but without was a security against the ill consequences of a discovery. Both sides were equally desirous of being concealed. The king of Sweden absolutely refused to appear in the affair, till the time of execution; and the pretender's friends, with whom count Gyllenburg treated at London, would not engage for any thing till they had his master's word. They did not care to labour in vain; but as soon as they should have the assurance of his assistance, money should not be wanting, nor means to support the affair. Upon this baron Gortz spoke out more plainly. He sent word that he had done nothing but upon the knowledge of his master's intentions, and had lately been impowered in form to prosecute the enterprize. He sent a copy of his full powers, which were unlimited, and it was visible they were so extensive, only because there might be no occasion to mention the affair, which was to be concealed from the ministers at Stockholm. This assurance removed all uneasiness and irresolution; money was given; views were explained; means of subsisting the foreign troops were particularized; a person was procured who was perfectly acquainted with the coasts of Scotland, where it was resolved they should land, because the people of that country are always ripe for rebellion; ships of war were provided, from sixty to seventy guns; merchantmen that were to carry corn to Gottenburg, were to serve for transports. The scheme was well laid, and the execution seemed infallible; especially if the army had been reduced. Twelve thousand chosen Swedes, in a condition to receive those that were ready to join them, would have quickly formed a powerful army. The Highlanders would have all been in arms: The torrent would have increased without ceasing, and a battle would have decided the affair. Thus much is certain, the project was infinitely better concerted than the last year's: the continual motion of the Swedish forces would have served to cover the true design, till it would have been too late to oppose it, a few days sufficed to convey them to their friends in Scotland. But a timely discovery confounded all these measures and established King George on the throne."

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Hanover, cannot read the transactions of these times, without burning with resentment against the Tory ministers, who, in order to secure their power, and place an arbitrary Stuart on the throne, sold the great and valuable advantages, to which the kingdom was entitled, by a most glorious and successful war, for an infamous peace, that was intended to put the common enemy of this country into a condition to conquer and enslave it. No sooner was his majesty seated upon the throne, than the deceitful Scots, notwithstanding they had taken the oaths of allegiance, rose up in arms against him, before they had the least reason to complain of one single grievance. Scarce was that rebellion suppressed, when by the assistance of the Scots, another deep laid scheme was formed for dethroning his majesty; and if other particulars were enquired into, we should find an infinite number of steps taken by those people in order to place their favourite Stuart on the English throne. On the discovery of this plot, addresses of congratulation were sent up from different parts of England. But Oxford, the constant assemblage of Tories and Jacobites, when importuned, declined presenting any address on this occasion; because being an enemy to liberty and the house of Hanover, she doubtless was secretly mortified by the miscarriage of the scheme. And what is almost incredible, such strong Jacobites were her sons, that they would not address even upon the suppression of the Scottish rebellion.\* But Cambridge did not follow her example. She presented a loyal address, in which she owned King George

\* It is just worthy of remark, that during the three first years of the reign of George III. the OXONIANS, together with several other old and avowed friends of the House of Stuart, headed by a Scottish minister, most unaccountably became *loyalists*, without changing their principles.

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to be her RIGHTFUL and LAWFUL sovereign. Notwithstanding this conspiracy had been happily discovered, and there was no known absolute certainty of the same, or any other plot being, or intended to be put again into agitation; yet such was the assurance of the tory faction in parliament, that they contended for reducing the forces of the kingdom. Their arguments were considered as a proof of their principles; therefore the true friends of his majesty, and the liberties of their country, voted the same number as last year, lest there should be occasion for them. The tories finding themselves baffled in this, endeavoured to throw a slur upon the army, by moving, that before the bill passed granting the supply for the troops, an enquiry should be made into the disorders they committed at Oxford during the riots at that place, on the prince of Wales's birth-day; but this, so far from serving their cause, proved the reverse, as it served to more strongly expose the Jacobitism of the university. The enquiry came on. The archbishop of York, and the bishops of Rochester and Chester, attempted to vindicate the university from the charge of disloyalty, in not making any rejoicings on the prince's birth-day, by asserting, "That Oxford had not paid any regard to any prince of Wales's birth-day for forty years past, or even to that of the king; and that as for the mayor and magistrates, they were ignorant it was the prince's birth-day." Both these assertions were absolute falsties. They then charged the soldiers quartered at Oxford with being the occasion, by their insolence, of the riots which happened there. Lord Coningsby (who had been created a peer) replied, "That the usage of the university had been otherwise from what had been represented, and gave an account of their passive obedient, slavish, and sycophant behaviour, in the weak and wicked reigns of those despotic princes Charles II. and James

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James II\*; that in those reigns they had expressed their loyalty in a most extraordinary manner, and had made such great advances to countenance an unlimited power in the prince, that, if providence had not miraculously interposed, they had, as far as in them lay, destroyed the liberties of their country." The lord Townshend said, "That the disrespect to the prince, charged upon the university and city, was manifest, because the major of the regiment did, about ten in the morning, go to the mayor, and complained that he shewed no regard to the prince's birth-day by ringing of bells: to which the mayor returned a shuffling answer, pretending that he did not know it to be the prince's birth-day. Upon this the major told him he would draw out the regiment to celebrate the

\* In the year 1683, this university entered in their register a decree, condemning every fundamental principle of the constitution, and containing maxims, which not only overthrow the very first principles of all free governments, but of all civil liberty. They decreed, *That there is a mutual contract tacit or express between a prince and his subjects: that the sovereignty of England is in the three estates, viz. king, lords, and commons: that self-preservation is the fundamental law of nature: that there lies no obligation upon christians to passive obedience, when a prince commands any thing against the laws of our country;* together with three and twenty other propositions, to be FALSE, SEDITIOUS, and IMPIOUS. And, at the conclusion of their decree, commanded that all the readers, tutors, &c. to whom the education of youth is committed, to instruct them in that most necessary doctrine of submitting to EVERY ordinance of man; whether it be to the king as supreme; or unto governors, as unto them that are sent by him: teaching, that this submission and obedience is to be clear, *absolute*, and without any exception (if any state or order of men. This decree they presented to Charles II. who being a prince that aimed at absolute power, received it very graciously; and they ordered, that in PERPETUAL MEMORY, it be entered into the registry of this convocation. A spirited English gentlemen remarked on this decree thus, 'I appeal to the common sense of mankind, whether the English government is not entirely overturned by these maxims, which only the professed slaves of a Turkish emperor could surely without blushing offer the Grand Seigneur.' Even that noted tory, L. Bolingbroke, says of them, 'that they are as absurd in their natures as terrible in their consequences; and would thock the common sense of a Samojede or an Hottentot.' In 1710, the house of lords ordered this infamous decree to be burned by the hands of the common hangman; but at Oxford it stands unrepealed to this day.

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day with proper rejoicings, which he did accordingly; but the mayor, instead of joining in the rejoicings, with a vast mob after him filled up the public streets, and some of his attendants insulted the soldiers on their march, and threw dirt and stones at them, and even attempted to disarm some of them. The town mob broke the windows of the house in which the officers of the regiment were met to celebrate the day. Upon which the soldiers revenged the affront, by breaking the windows of one of the most notorious of the Jacobites, and fired upon different parties of the mob, but, agreeable to their orders, with powder only." During the debate, the earl of Abington offered a petition from the vice chancellor, mayor, and magistrates of Oxford, but the house being in a grand committee it could not be received: however, the lords, who are the politest court of judicature in the kingdom, only passed a slight censure on the university, and justified the conduct of the major\*.

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\* It will here not be improper to give an account of the long expected trial of the earl of Oxford, the chief of the late infamous ministry, which came on the 24th of June, 1717. On the 22d of May, he presented a petition to the house of lords, praying that his imprisonment might not be indefinite, which produced a debate. Those who spoke in his behalf argued, that the impeachment was superseded by the prorogation of parliament, but it was at length resolved in the negative. Another debate then ensued, concerning fixing the day of trial, which was ordered to be the 13th of June, and a message sent to the commons, to desire them to prepare for the same. Hereupon the commons chose a new committee of enquiry, as several members of the former committee had been called up to the house of lords. When this was done they sent a message to the lords, demanding longer time for their preparations, as the prosecution of the impeachment had been interrupted so long, it was necessary to appoint a new committee to examine all the papers over again. Upon which the lords fixed the 24th of June for the day of trial. On that day the earl of Oxford was brought from the tower to Westminster-hall, where the king, the royal family, and both houses of parliament were seated ready for the trial. When the articles of impeachment were read, Sir Joseph Jekyll stood up, in order to make good the first article; but lord Harcourt signified to the lords that he had a motion to make; upon which the lords adjourned

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On the 21st of November, 1717, the parliament met; when the first thing that came on, was the consideration of the army. His majesty had told them in his speech, that since the preceding session of parliament, he had lessened the army to very near one half. Upon which Mr. Robert Walpole (who was not now in the ministry) remarked, that they were given to understand that the army was reduced to about 16,000 men, yet it actually consisted of 18,000 men, which was one third part more than the number of land forces in Great-Britain amounted to formerly in time of peace. Notwithstanding Mr. Robert Walpole was allowed to give this flat and open contradiction to his majesty's speech, yet Mr. Shippen, who had for several years opposed the court measures, was not allowed to take any thing like that liberty. In the course of this debate, which was a very warm one, he only said, "that the second paragraph in the king's speech seemed rather to be calculated for the meridian of Germany than Great-Britain," and "that it was a great misfortune his majesty was a

journed to their own house, and the commons to theirs. Lord Harcourt said, that if the commons could make good the two articles for high treason, the earl of Oxford would forfeit both life and estate, and there would be an end of the matter; but their present manner of proceeding, of going through all the articles, would draw the trial into a prodigious length, and it would be a hardship on the earl to appear every day at their bar as a traitor, and be at last only found guilty of high crimes and misdemeanours. Then he moved that the commons might not be admitted to proceed till judgment was given upon the articles for high treason. Lord Parker answered, that in all courts of judicature it is the constant method to go through all the evidence before judgment be given upon any part of the accusation. However it was carried in favour of lord Harcourt's motion. This being made known to the commons, they took umbrage; for they conceived it to be their undoubted right to proceed in their own manner, and refused to proceed in any other. Here this great matter, in fact, ended, and the earl was discharged. But the commons, to shew their resentment, addressed his majesty to omit the earl of Oxford in the act of Grace, which was accordingly done. The true reason of the earl's trial being brought to this shameful issue, was a change in the ministry, whereby some of his worst enemies became his friends for the sake of opposing their successors.

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stranger to our language and constitution;" for which he was voted to the tower. Mr. Walpole was for allowing him the liberty of explaining himself; but Mr. Shippen refused to explain, excuse, or retract any he had said. It must indeed be observed, that as the Jacobite party ran high, there was a *necessity* for doing many things which were not altogether right. The next business was, a motion made by Mr. Aislable to lower the value of guineas, in order to put a stop to the exportation of silver; for the scarcity of that commodity was owing to the great quantities exported of it, and to the importation of gold. Mr. Caswell seconded Mr. Aislable, and laid open a clandestine trade, which had been lately carried on by the Dutch and Hamburgers, in conjunction with the Jews in England, for exporting silver coin, and importing gold, which being coined at the mint, yielded a profit of fifteen pence upon every guinea. A proclamation was hereupon issued, forbidding all persons to receive guineas at a higher rate than 21s. However this did not promote the circulation of silver, which was the advantage aimed at; for the people hoarded it up, in hopes that the price of it would be raised, or else that the value of gold would be lowered still farther. Hereupon both houses resolved, that the standard of the gold and silver coins of this kingdom should not be altered in fineness, weight, or denomination: and the lords ordered a bill to be brought in to prevent the melting down of silver. In the month of February, 1718, a bill was brought into the house of commons for regulating the land forces, and punishing mutiny and desertion, which occasioned a very warm debate. The tories, who opposed the bill, moved that the offences committed by the soldiers be cognizable and punished by the civil

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civil magistrate, for court martials were never known in England in time of peace. To this last assertion it was answered, (by Mr. Lechmore) that the court of admiralty, which was allowed in time of peace, had an equal power with regard to seamen that a court martial had with soldiers. But the true reason of the whigs bringing in this bill, although they did not avow it themselves, nor did their adversaries chuse to mention it, was to keep the army in proper awe and subjection, and to prevent the soldiers being drawn from their duty and allegiance by the arts of the Jacobites; for the family on the throne were not entirely safe, unless there was an army ready to support them against the schemes of the disaffected, and the attempts of the pretender. Therefore the bill passed by a great majority. No other material business happened this session, which his majesty put an end to on the 21st of March, 1718.

On the 11th of November, the parliament met. During the recess a misunderstanding happened with Spain, and admiral Byng gained a compleat victory over the Spanish fleet in the Mediterranean. The first debate was, whether the conduct of the ministry in this step should be approved by parliament, which after a close examination of the several particulars, was at length carried in the affirmative by a great majority. A bill was brought into the lords by the ministry, for repealing the schism and occasional bills, and after a warm debate passed that house. It was then sent to the commons, which it likewise past, after a sharp dispute. Another bill was brought into the lords for limiting the number of peers to six beyond their present number. After much debate it passed. But some of the friends of the commons, conceiving that it would hinder those gentlemen from the rewards due to their services, in doing the dirty work of ministers, thought proper to advise it to be dropped.

And



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And four days after (April 18) his majesty prorogued the parliament.

On the 23d of November, 1719, the parliament met; when the first business was the resuming the peerage bill. His majesty seemed to have it much at heart to restrain his own power in creating peers, because the wicked ministers of queen Anne had advised her majesty to make so bad an use of that power. Therefore, after much altercation it passed the lords: but the commons again threw it out. The next business was the affair of the famous South-Sea company, which was as follows: this company, and the Bank of England, formed several plans for reducing all the public funds into one, in order to discharge the national debt, which they laid before the house of commons, who at length accepted of the plans offered by the South-Sea, and its proposals received the royal assent. Upon which South-Sea stock rose astonishingly, and the whole kingdom turned stock-jobbers. The enthusiasm was carried to so great an height, that South-Sea stock, after rising gradually from 100 to 800, got up in a month to 1000. About the end of August South-Sea stock began to fall, and by Michaelmas sunk to 150.

In the mean time the parliament was prorogued; but as soon as they met, a motion was made that the directors should lay an account of their proceedings before the house. And a committee was appointed to examine into all affairs relative to that company. The committee repaired to the South-Sea house, and took possession of it, together with the books. The committee found, that before any subscription could be made, a fictitious stock of 574,000l. had been disposed of by the directors, to facilitate the passing the bill. Great part of this was distributed among the earl of Sunderland, Mr. Craggs, sen. the dutchess of Kendal, the countess of Platen, and her two nieces, Mr. secretary

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tary. Craggs, and Mr Aislaby, chancellor of the exchequer. In consequence of the committee's report the house came to several severe though just resolutions, against the directors and officers of the South Sea company; and a bill was prepared for the relief of the unhappy sufferers. Mr. Stanhope, one of the secretaries of the treasury, charged in the report with having large quantities of stock and subscriptions, desired that he might have an opportunity to clear himself. His request was granted; and the affair being discussed, he was cleared by a majority of three voices. Fifty thousand pounds in stock had been taken by Knight for the use of the earl of Sunderland. Great part of the house entered eagerly into this inquiry; and a violent dispute ensued. The whole strength of the ministry was mustered in his defence. The majority declared him innocent, the nation in general was of another opinion. He resigned his place of first commissioner in the treasury, which was bestowed upon Mr. Robert Walpole; but he still retained the confidence of his master. With respect to Mr. Aislaby, the evidence appeared so strong against him that the commons resolved he had promoted the destructive execution of the South Sea scheme with a view to his own exorbitant profit, and combined with the directors in their pernicious practices, to the ruin of the publick credit. He was expelled the house, and committed to the Tower. Mr. Craggs, senior, died of the lethargy before he underwent the censure of the house. Nevertheless they resolved, that he was a notorious accomplice with Robert Knight, and some of the directors, in carrying on their scandalous practices; and therefore that all the estate of which he was possessed from the first day of December, in the preceding year, should be applied towards the relief of the unhappy sufferers in the South Sea company. The directors, in obedience

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dience to the order of the house, delivered inventories of their estates, which were confiscated by act of parliament towards making good the damages sustained by the company, after a certain allowance was deducted from each according to his conduct and circumstances. The session was far advanced before this business was entirely finished, that it was till the 10th of August, 1721, that the parliament broke up; at which time it was dissolved.

On the 9th of October, 1722, the new parliament met, when his majesty acquainted them of a new scheme having been formed against his person and government in favour of the pretender. Upon which the habeas corpus act was suspended: and the earl of Orrery, Dr. Atterbury bishop of Rochester, lord North, and the Duke of Norfolk were committed to the tower for high treason. The bishop of Rochester was adjudged guilty of being concerned in a plot to bring over a foreign force to invade these kingdoms, and therefore a bill was brought in to punish him for that offence, and he was banished. On the 27th of May, 1723, the parliament was prorogued.

On the 9th of January, 1724, the parliament met, the business of which session being nothing besides the usual work of granting supplies, deserves no mention. On the 24th of April both houses were prorogued.

On the 12th of November the parliament met, when the first business was the impeachment and trial of the earl of Macclesfield, lord high chancellor. The commons impeach'd him for receiving exorbitant sums from persons admitted masters in chancery, many of whom had been vastly negligent in securing the effects of various suitors in the said court, to their very great loss. He was tried at the bar of the house of lords, and being found guilty, was sentenced to pay a fine of 30,000l.

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and be imprisoned in the Tower until that sum was paid. A bill was brought in, and after several warm debates passed, for enabling lord Bolingbroke, who had been attainted of high treason, to return to England, and enjoy his estates. Another bill was brought in and passed for regulating elections in the city of London. And on the 31st of May, 1725, both houses were prorogued.

On the 20th of January, 1726, the parliament met, when the most material business was, a motion made by Mr. William Pulteney for appointing the committee to state the national debt; which being a popular subject, a very warm debate ensued. The chancellor of the exchequer answered, that such an enquiry at this juncture was quite unseasonable; and that it became them rather to enable the king to fulfil his late engagements (meaning a defensive alliance just entered into with the kings of France and Prussia) for the welfare of Great Britain, and effectually to disconcert the designs of his enemies. After this the motion was rejected by a great majority. Then the treaty which his majesty had lately concluded being laid before the parliament for their approbation, occasioned warm debates. Mr. Horace Walpole opened the affair in a long speech, wherein he recapitulated the great pains his majesty had taken ever since his accession to the throne to promote the felicity of his kingdoms. The tories in general insisted that the treaty would involve Great Britain in a war merely to support his majesty's German dominions, contrary to the act of settlement. To which the whigs replied, that the true meaning of that act was not totally to deprive Hanover of all assistance from the British nation, but only to restrain the sovereign from engaging in a war to support his foreign dominions without the consent of his parliament, whose business it was to decide whether such war was necessary or otherwise. After this, a motion

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was made to thank the king for communicating the treaty to his parliament, and to assure him that they would effectually support his majesty in case any of his dominions, not belonging to the British crown, should be attacked. This was carried in the affirmative by 285 against 107, which shews the real strength of parties at that time. On the 15th of May 1727, the parliament was prorogued, and on the 11th of June following the king died.

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## G E O R G E II.

THE late violent debates shewed an opposition to be formed against all measures proposed by the ministers implicitly, which the death of the king did not, in the least, alter. George II. had seen so much of the iniquitous and faithless conduct of the tories, that he justly dreaded to entrust them with any share of power; for power was what they were now struggling for. At the head of this faction, composed of jacobites, tories, and renegado whigs, stood Mr. William Pulteney; at the head of the whigs, who firmly adhered to the crown, and the support of the house of Hanover on the Throne, was Sir Robert Walpole, placed by the new king in the high offices of first lord of the treasury, and chancellor of the exchequer. Mr. Pulteney's great aim was, to render this man odious and ridiculous, forgetting, at the same time, that he himself was one of his coadjutors in opposing the queen's tory ministry. But affairs were now changed, and he had the happiness of being supported, on almost every occasion, by that great tory, Sir William Wyndham. Immediately, upon the accession of his majesty, the parliament met, to present addresses of condolence and congratulation, and were, soon after, dissolved. A new parliament was then called, which met on the 23d of January 1728. The commons unanimously chose Arthur Onslow, Esq; for their speaker, in which eminent station he continued with great honour, to himself, until the end of the reign. The debates, this session, were principally upon the army, and granting sums for its maintenance; the true meaning of which was, only to try the strength of each party, in order that they might conduct their other proceedings accordingly.

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On the 21st of January, 1729, the parliament met, when the estimates being laid before the commons, a motion was made, by the courtiers, for continuing the army of 23,000 men, granted the preceding year. This was warmly opposed by Mr. Pulteney: he harangued on the danger to which the constitution was exposed by a standing army, and how often it had threatened the destruction of the liberties of the people; but the question being put, it was carried for the motion by 256 against 91. An account of the civil list revenues was next laid before the house, when it appeared that they fell short of the sum of 800,000*l.* granted to the king; upon which, a motion was made, to grant an additional sum of 115,000*l.* to discharge the deficiencies of the civil list. Mr. Pulteney opposed this also, but was as unsuccessful as before. An excellent bill was brought in, and passed into a law, for the better regulation of juries. Before this time, it was a reproach to the English law, that no provision was made to oblige men of substance serving as jurymen; for which reason, it was common for men of property to shift that office off from themselves upon indigent people; which opened an easy way for corruption in the most capital cases. By this act, all such inconveniencies are remedied. Pity it is, that, at the same time, it was not enacted, That no *tyrant, time-serving* judge, should bully and over-awe a jury: but perhaps this species of villainy was not foreseen at that time. On the 15th of May the session ended.

On the 13th of January, 1730, the parliament met, when his majesty congratulated them on having concluded an *absolute* peace with Spain, which, consequently, prevented the calamities of war; and said, that it was agreeable to the purport and intentions of former treaties. Sir Robert Walpole then laid the treaty (of Seville) before the house. Sir John Hind Cotton instantly remarked, that the ministry

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ministry had imposed upon his majesty in calling the peace an *absolute* one, for it was *not* so; since the most material interests of Great Britain were left to a future discussion. This flat contradiction of his majesty's speech was not taken notice of by a ministry which did not desire to invade the freedom of speech; they issued no *nameless* warrants to take up the person, plunder his house, and smuggle him from the courts of justice, by sequestering him in a military jail: they did not call in the herd of court lawyers, nor any other time-serving tools of power, not even an *insolent, bullying, foul-mouthed attorney-general*, to bellow against it as an insult offered to majesty; altho' uttered by a notorious enemy of government. They did not, like Tories and dissembling Jacobites, attempt to screen themselves behind the throne, but took the thing as it was to be *constitutionally* understood; not as an affront to the king, but a slur upon the ministry. The majority resolved that the peace was a good one; but the emperor of Germany took umbrage at it, and began to prepare for war: but being in want of money, he set on foot a negotiation for a loan in England of 400,000*l.* which justly alarmed the ministry; who immediately brought a bill into parliament to prevent the subjects of England from lending any money to foreign powers, without the king's licence for that purpose. The opposers of the ministry sharply contended this; but the necessity of it being so evident, it passed, by a great majority. A bill was brought into the house of commons, and passed that house, for disabling persons from sitting in parliament who enjoyed any place under, or received any pension from, his majesty; but the lords threw it out. On the 18th of July the parliament was prorogued.

On the 21st of January, 1731, the parliament met, when the pension bill was revived, and passed the house of commons, but was again thrown out by the lords. A great number of fruitless and unnecessary

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necessary speeches were made, by both parties, merely for the sake of exposing and harassing each other, which are not worthy of being mentioned. The law proceedings were this session altered from Latin into English. On the 7th of May the house was prorogued.

On the 13th of January, 1732, the parliament met, when the most material business was, an enquiry into the state of the charitable corporation. The intention of this company, which had been instituted in the year 1707, was to lend money, at legal interest, on goods. Their capital was, at first, limited to 30,000*l.* but, by several licences, it was extended to 600,000*l.* Great embezzlements, it appeared, had been made by the cashier George Robinson, Esq; member for Marlow, and the warehousekeeper John Thompson. The whole was one of the most black and iniquitous scenes that ever was discovered. Sir George Robinson, Sir Robert Sutton, and Sir Archibald Grant, were expelled the house for being concerned in these fraudulent practices: another infamous scene of fraud was detected by lord Gage in the sale of the forfeited estate belonging to the late earl of Derwentwater, for which Dennis Bond, Esq; and serjeant Birch, commissioners of the sale, were expelled the house. On the 1st of June the session ended.

On the 16th of January, 1733, the parliament met. The nation, at this time, was in a great ferment, in expectation of the memorable excise bill, which Sir Robert Walpole had publicly declared he would bring into the house this session. Many circumstances concurred to aggravate the public discontents. The Spaniards were daily committing depredations, notwithstanding the late treaty. The pension bill had been rejected again and again in the house of lords; the opposition were indefatigable in blackening the ministry; and when a bill for securing the freedom of parliaments, by limiting the number of officers in the house of commons, was moved

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moved to be read a second time, it was rejected, by a majority of 230, against 191. It was also moved, that leave be given to bring in a bill to repeal an act, made in the first year of his late majesty king George I. intitled, "An act for enlarging the time of continuance of parliaments appointed by an act made in the sixth year of the reign of king William and queen Mary, intitled, "An act for the more frequent meeting and calling of parliaments:" but this motion was rejected, by a majority of 247 against 184. The truth is, the opposition themselves never meant, nor did they ever desire, that these popular motions should take place; for they were only made with a view of casting an odium on the minister; in which indeed they were successful. At first, they confidently gave out, that the scheme was for a general excise; but the minister declared, that such a thought had never entered into his head, and that all he intended was, to prevent the frauds committed in collecting the duties upon wine and tobacco. Notwithstanding this, he was every day bated with his scheme; and great preparations were made for having a full house, when it should be brought in. Several motions, for a call of the house, were made, and passed; and at last it was resolved, that the speaker should write to all the sheriffs in Great Britain, and to the lord warden of the Cinque Ports, desiring them to require the attendance of the members on the 13th March following; by which time Sir Robert Walpole said he hoped he would be in condition to lay the scheme before the house, or a committee thereof. It was, however, put off till the 14th of that month. The long-expected day, March 14, being come, the serjeant at arms went with his mace to the court of requests, and the places adjacent, and having summoned the members to attend the service of parliament, the house resolved itself into a committee to consider of the most proper methods for the better securing and improvement of the duties and

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revenues already charged upon, and payable from, tobacco and wines. A great number of papers and accounts, relating to the question in hand, no fewer than 69, were then referred to the committee; and then Sir Robert Walpole opened the scheme. He began with a candid profession of his own intention, and assured the house, that, according to the best of his knowledge, the scheme he had to propose would be an improvement to the revenue of 20 or 30,000 *l.* a year, or more. He then proceeded to lay before them the mystery of the tobacco trade; and he said, that whoever received his scheme in its proper light, must see the planters, the fair traders, and the public, ranged on one side in favour of it; and none but the unfair traders, and the tobacco factors, on the other. He next mentioned some very extraordinary instances of frauds committed in the tobacco trade, and then went on as follows: "The several subsidies and imposts now payable upon tobacco, by several acts of parliament for that purpose made, stand thus (here he went through, and gave an account of, several acts of parliament for laying duties on tobacco; then he went on) by all which it appears, that the duties, now payable upon tobacco on importation, amount to 6*d.* and one-third part of a penny, per pound weight: all which must be paid down, in ready money, upon importation, with the allowance of 10 *per cent.* upon prompt payment; or otherwise there must be bonds given, with sufficient sureties for the payment thereof; which is often a great loss to the public, and is also a great inconvenience to the merchant importer: whereas, by what I am to propose, the whole duties for the future will amount to no more than 4*d.* three-farthings *per* pound weight; and this duty not to be paid till the tobacco comes to be sold for home consumption. So that if the merchant exports his tobacco, he will be quite free from all payment of duty, or giving bond thereof, or finding out pro-

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per sureties for joining in such bond: he will have nothing to do but unload his tobacco on board a ship for exportation, without being at the trouble to attend to have his bonds cancelled, or for taking out debentures for the draw-backs; all which, I conceive, must be a great ease to the fair trader; and to every such trader the preventing of frauds must be a very great advantage; because it will put all the tobacco traders in Britain upon the same footing, which is but just and equal, and what ought certainly to be accomplished, if it be possible. Now, in order to make this case effectual to the fair trader, and to contribute to his advantage, by preventing, as much as possible, any frauds, in time to come; I propose, as I have said, to join the laws of excise to those of the customs, and to leave the one penny, or rather three farthings, *per* pound, called the further subsidy, to be still charged at the customhouse, upon the importation of any tobacco; which three farthings should be payable to his majesty's civil list, as heretofore. And I propose, that all tobacco, for the future, after being weighed at the customhouse, and charged with the said three farthings *per* pound, shall be lodged in a warehouse, or warehouses, to be appointed by the commissioners of the excise for that purpose; of which warehouse the merchant-importer shall have one lock and key, and the warehousekeeper, to be appointed by the said commissioners, shall have another, in order that the tobacco may lie safe in that warehouse till the merchant finds a market for it, either for exportation, or home consumption. And if his market be for exportation, he may apply to his warehousekeeper, and take out as much for that purpose as he has occasion for; which, when weighed at the customhouse, shall be discharged of the three farthings *per* pound which it was charged upon importation; so that the merchant may then export it without any farther trouble: but if his

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market be for home consumption, that then he shall pay the three farthings charged upon it at the customhouse upon importation; and that then, upon calling his warehousekeeper, he may deliver it to the buyer, on paying an inland duty of 4 *d.* *per* pound-weight to the proper officer appointed to receive the same: And whereas all the penalties and forfeitures to become due by the laws now in being for regulating the collecting of the duties on tobacco, or at least all that part of them which is not given to the informers, now belong to the crown; I now propose, that all such penalties and forfeitures, in so far as they formerly belonged to the crown, shall, for the future, belong to the public, and be applicable to the same uses to which the said duties shall be made applicable by parliament; and for that I have his majesty's commands to acquaint this house, That he, out of his great regard for the public, with pleasure consents that they shall be so applied; which is a condescension in his majesty that I hope every gentleman in this house is fully sensible of, and will freely acknowledge. I know there has been an objection made, I expect to hear it again made in this house, against what I now propose. The objection is this; that a great many of his majesty's subjects will be subjected to be tried, in a multitude of cases, by the commons of excise, from whom there is no appeal, but from commons of appeal, or to justices of peace in the country, all named by the king, and removeable at pleasure, from whom the appellants cannot expect to meet with justice, or redress. I am far from thinking there is any ground for this complaint; I am far from thinking that any man ever had a just reason to say that he was wronged, or unjustly dealt with, either by the commissioners of appeal, or by justices of the peace at the quarter session: but, in order to obviate any objection of this nature, as well as in all other cases relating to the excise, shall, for

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for the future, be heard and determined by two or three of the judges, to be named by his majesty out of the twelve judges belonging to Westminster-hall; and that, in the county, all appeals from the first sentence of his majesty's justices of the peace shall be to the judge of assize upon the next circuit which shall come into that county, who shall, in all cases, proceed to hear and determine such appeals in the most summary way, without the formality of proceeding in courts of law or equity from such judges: and from such a manner of proceeding every man must expect to meet with the utmost dispatch, and with the most impartial justice. And therefore I must think, that what I now propose can be no inconvenience to those who may thereby be subjected to the laws of excise: but if there was formerly any ground of complaint, it may be a great relief to those who are subjected to such laws."—He concluded his speech with a motion, that it is the opinion of this committee, that the subsidy, and additional duty upon tobacco of the British plantations, granted by an act of the 12th of king Charles II. and the imposts thereon, granted by an act of king James II. and also the one-third subsidy granted thereon by an act of the 2d of queen Anne (amounting, in the whole, to five pence and one-third of a penny *per* pound) for several terms of years, in the several acts mentioned, and which have since been continued, and made perpetual, subject to redemption by parliament.—After this motion, Mr. alderman Perry, one of the members of the city of London, made a speech. "It has been pretended, said he, that the public has sustained, and are still in danger of sustaining, great losses by the method of granting bonds for the duties payable upon tobacco: this I had before heard hinted at by the honourable gentleman, and therefore I have lately had a meeting with several merchants in London, trading in tobacco. We have

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examined that affair; and I can now tell that gentleman, that I have it, in commission from them, to propose, that if the government will give us a discount of but 20000*l.* we will give undeniable security for the payment of all the bonds they are now possessed of, which are not now become desperate by the bondsmen being already gone off, or become bankrupts. As to the said fraud called focking, it has already been discovered, and is, I hope, prevented; but it is well known, that it was the merchants that discovered it: the merchants went and complained of it to the commissioners of the customs, and the merchants joined and assisted the officers of the customs in putting an effectual stop thereto: this I must know, because I had the honour to go, at the head of several merchants trading in tobacco, to the commissioners of the customs, to request them that we might be allowed to give a gratuity to one of their officers, who had been most instrumental in the detecting and preventing of that fraud; and, accordingly, I myself paid that officer a very handsome sum of money, which we all thought his diligence and integrity very well deserved.—As to the frauds committed at the weighing of the tobacco, either on importation, or exportation, I am afraid they are too frequent; but as the tobacco is always weighed upon the public customhouse keys, where customhouse officers swarm like bees before a hive; and as there must be two or three officers attending and overlooking the weighing of every cask of tobacco; we cannot suppose that these frauds were ever so enormous as they are represented to be: whatever frauds are committed in that way, must be either by neglect, or collusion of the officers. And I cannot see how the scheme, now proposed to us, will make the officers, either of the customs, or the excise, more diligent in their duty, or more faithful in their trust, than they were heretofore. As to  
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the relanding of tobacco after it has been entered for exportation, it was never pretended that that was practised at the port of London, nor can it be pretended that any great quantities of such tobacco were ever consumed in London; this is a practice that may have been frequent in the northward part of the island, and in some distant creeks and corners of the coast; and while there is such a vast disproportion between the prime cost and the duties on tobacco, I may prophesy, that, in such remote places, this will always be a practice. It could not be prevented by ten times the number of officers we have, even though we had a much more numerous army to support them than we have at present. And as for the stripping, cutting, and pressing the stalks, and the engine that has been invented for that purpose; if the honourable gentleman mentioned it as a fraud, or as a late discovery, he mistakes it very much: on the contrary, it is no fraud, nor is it a late discovery; it is a business that has been openly, honestly, and publickly carried on for many years, that has improved our tobacco trade, and is as common, and as well known, as the business of a woollen or linen draper.—Permit me now to take some notice of the tobacco planters, and of the hardships they are laid under by their tobacco factors, who are, it seems, now become their lords and masters: I am sure none of them ever thought of complaining till they were put upon it by letters and applications from hence. There are hardships in all trades which men must necessarily submit to, or give up their business; but every man that understands the tobacco trade must see, that the hardships the factors labour under are, by much, the most numerous, and most grievous; and, if this scheme should take effect, they will become so grievous, that no man would be able to continue in the trade; by which means the planter would be utterly undone, and the trade quite  
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lost to this nation; for it will be impossible for them to manage their plantations, or to send their produce to Britain, without having some considerable merchants settled here, to send ships to receive the same in America, to receive and dispose of it after it is landed here, and to supply them with ready money till their tobacco can be brought to a proper market. As to the remonstrance mentioned by the honourable gentleman to have been lately sent over by the tobacco planters, I know it was obtained by a letter sent from hence; and I believe many of those who joined it now heartily repent of what they have done. It was drawn up in form of a petition to this house, and was designed to have been presented; but, it seems, the promoter of it thought better of the matter: however, it was obtained in the unfair manner I have represented: I am now ready to prove it, to the conviction of the whole world.—This, then, being the case, the scheme now proposed to us cannot be supposed to be of any great benefit to the publick revenue, as it will be so far from being an advantage to the fair trader, or to the honest planter, that it may, probably, ruin both, and entirely destroy our tobacco trade. And tho' I, and all honest men, (and I defy that honourable gentleman, I defy the whole world, to reproach me with one unfair practice in the course of my whole life) I say, tho' I, and all honest men, wish, from our hearts, that frauds may be prevented in this, as well as in all other branch of the public revenue; yet I cannot give my consent to a proposition which I look upon to be inconsistent with our constitution: I am convinced it would prove a most fatal stroke to the liberties of my country; which will, I doubt not, be made plainly appear by other gentlemen of much greater abilities than mine; and to every other man who has a regard for his country, or for the people he represents, this last must be a sufficient reason to be against it,  
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even tho' it were, otherwise, the most beneficial scheme that had ever been proposed.—But since I look upon my being a member of this house as the greatest glory of my life; since I look upon that day on which I was chosen one of the representatives of the city of London as the most auspicious day of my whole life; I cannot tamely sit still, and hear the whole body of the merchants of that great city represented, by that honourable gentleman, as a pack of rogues, smugglers, and unfair traders. It is a treatment they no way deserve: it is a very odd, a very unkind sort of treatment; such as, I am sure, they will never forget, and, I believe, never will forgive."

The next who spoke was Sir Paul Methuen. In his speech he said nothing personal against the minister, but that he thought that the establishment of an excise upon tobacco (for that part of the scheme was only before the committee) was a wide stride towards a general excise, which, he said, would be dangerous to the liberties of England. He maintained, that the power of the crown had been greatly increased since the revolution, and he thought that the liberties of most nations in Europe had been lost through the establishment of such schemes as were then before the committee. He then talked with great moderation, exhorting the minister to delay pushing the scheme for some months, till it could be known how the nation would relish it; and concluded with the warmest protestations of his personal love and loyalty for his majesty, who, he was afraid, would be hurt, in the affections of his subjects, should the power of his minister thrust the scheme down the throats of the people.

Sir Philip Yorke, the attorney general, spoke next, in favour of the scheme. He thought that gentleman had misapprehended the question, which was no other than when the frauds that had been complained of, and indeed had been admitted, should

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should or should not be prevented. He said, that there could be no manner of connection between any danger to the constitution and the scheme in question; nor was it possible to find out any liberty that could be struck at by it but the liberty of smuggling. "For, continued he, as to national liberty, as to that liberty which has always been, and always will be, the glory of the people of these kingdoms; it is certain, that our public revenues are its greatest security: how, then, can that scheme be said to tend towards the destroying of liberty, which so evidently tends towards the improvement upon which our liberty manifestly depends." He then proceeded to shew, that the scheme was intended for the relief of the landed interest; and that, so far from hurting his majesty in the affections of his subjects, it would establish him, were it fully known, and fully understood: because that it was so calculated, that no honest man in England, and no fair trader would be obliged to pay one shilling more to the government than what the law directed. He shewed, that there was no more danger in the law of excise, than in those of the customs; and ridiculed, very justly, the fears which gentlemen suggested: as if the addition of 126 little excise officers (for no more were proposed to be added) would ever endanger the liberties of England. He next proceeded to answer the objections brought from the hardships of trying the subjects by the laws of excise. He thought that this objection was in a great measure removed, by the method proposed of all trials being held in Westminster-hall, and not before the commissioners of excise; and that the *magna charta* does not prescribe trials by juries: yet that the wisdom of the legislature has thought fit, in many instances, to deviate from that rule: witness the proceedings in chancery, and in the high court of admiralty. "Now, continued he, if ever there was a reason, in any case, for altering the  
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antient method of trial by juries, I am sure there is a very strong reason for altering it with regard to trials concerning the revenue every gentleman, who has been the least conversant in the courts of Westminster-hall, well knows the partialities of juries in favour of those who are sued by the crown for any frauds in the public revenue." He then gave an instance of a smuggler who was tried at Westminster-hall by a jury, upon as full evidence as was possible in any case, and yet was acquitted. "So that, really, said he, the crown can never pretend to prevent smuggling, or unfair trading, as long as trials are to be, for the most part, determined by juries; and where it becomes necessary to alter that method of trial, the altering it, in that new case, can no more be said to be an innovation or incroachment on our constitution, than the altering of it formerly, in another case, was.

Sir John Bernard made a great figure in this debate. He undertook to prove, that if the laws, then in being, were duly executed, they would answer all the purposes proposed by excising tobacco. For this purpose, he called for the commissioners of the customs, who attended at the doors; and being brought into the house, they were asked, by Sir John, what they thought the value of the frauds, committed in the tobacco trade, might amount to, one year with another. Their answer, in effect, was, that they had never made any computation; but one of them said, that, by a computation he had made, only to satisfy his own private curiosity, he believed the frauds come to their knowledge, might amount to 30 or 40,000 *l. per annum*, one year with another. Then Sir John put the following question to them; Whether, or not, it was their opinion, that, if the officers of the customs performed their duty diligently and faithfully, it would not effectually prevent all, or most of the frauds that could be committed in the tobacco trade? To which they an-

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swered, That it was their opinion it would. Then he asked them, Whether, or no, it was their opinion, that, if the commissioners of the customs had the same power over their officers, that the commissioners of the excise have over theirs, it would contribute a great deal towards making them more exact, and more faithful, in the discharge of their duty, than they now are? And their answer was, that they believed it would.—Sir Joseph Jekyll, master of the rolls, spoke next. As he was a man very unlikely to favour either the minister, or any unconstitutional proposal; his opinion, which was in favour of the scheme, had more weight: for he thought that the appeal made to the judges in Westminster-hall sufficiently blunted the severity of the excise laws: and that the single consideration before the committee was, how to prevent the enormous frauds practised in collecting the revenue.—Mr. Pulteney entered into the debate with great vigour and spirit, and pushed, to the utmost, the advantages which the popular notions gave him, as if the scheme before the committee had been inconsistent with the liberties of the people, and were designed to subvert the constitution of the nation. “I wish, said he, the gentlemen who appear so zealous for this scheme would have some little regard to their constituents. It is well known, that it was the custom amongst our ancestors, when any new device was proposed, to desire time to have conferences with their counties. I am but very little conversant in books of law; however, I sometimes look into them: and I must beg leave to read a passage or two on this subject from my lord Coke, that great lawyer. In the fourth part of his Institutes, p. 14. he says, “It is also the law and custom of the parliament, that, when any new device is moved on the king’s behalf in parliament, for his aid, or the like, the commons may answer, that they tendered the king’s

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king’s estate, and are ready to aid the same, only in this new device they dare not agree without conference with their counties.” Whereby it appeareth, that such conference is warrantable by the law and custom of parliament. And again, p. 34. he tells us, “at the parliament holden in the 9th of Edward III. when a motion was made for a subsidy of a new kind, the commons answered, that they would have conference with those of their several counties and places who had put them in trust before they treated of any such matter. If such a conference was ever necessary, upon any occasion, it is surely necessary before we agree to the device now offered to us.”—Sir William Wyndham’s speech upon this head was very personal, against the minister. He began, as all the opposers of the scheme had done, with a general declamation against the law of excise. He thought that the pretence of easing the landed interest was a mere trap thrown out by the minister, and that the extension of the excise laws, and the increase of officers, that must attend it, were much more dangerous to the nation than the frauds, that had been alledged, were prejudicial to the revenue. He then went back to the reign of queen Elizabeth, whom he represented as taking care to avoid every thing that appeared to be disagreeable to her people. “The ministry asked, said he, Why do you complain of this scheme? Here is no new tax to be imposed; there is nothing proposed but only a new method of raising those taxes which are already due by law: but I would have gentlemen remember, that this nation has once already been more grievously oppressed by a new method of raising and collecting that money that was before due by law, than they ever were by any new tax that was ever laid on them. I have already mentioned the reign of queen Elizabeth; let us but look a little farther back, and we shall find, that

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the people were most terribly harrassed, and the nation almost destroyed, by a grievous method of collecting and raising that which was due by the laws then in being. Empson and Dudley, those two noted ways and means men, those two wicked ministers, knowing the avarice of their master, and the insatiable desire he had for money, concluded, that no scheme would be more agreeable to him than those which would fill his coffers by draining the purses of his subjects; and this they did without imposing any new taxes. They laid no new or illegal burdens on the people; they did it by a severe and rigorous execution of the laws that they had before enacted: but what was their fate? they had the misfortune to outlive their master; and his son, as soon as he came to the throne, took off both their heads. In this he did justly, though he did it against law. They had done nothing contrary to the law; they had only put the laws severely in execution; and what they did was in obedience to the king his father; yet that could be no excuse for them: their manner of executing those laws were so grievous, and oppressive upon the subjects, that nothing less than their lives could be admitted of as a sufficient atonement to the people. And certainly, that oppression which is committed under the sanction of the laws, or of the royal authority, must always be deemed the most heinously criminal, and ought to be most severely punished."—

This speech was replied to by Sir Robert Walpole, who made a very clear and just distinction, founded upon the truth of history, between his own case and that of Empson and Dudley, who had, by virtue of an obsolete law, most unjustly extorted great sums of money. Some people, as was pretended, had become liable to great pains and penalties, by having been guilty of breaches of those obsolete laws which for many years before had gone intirely into disuse. "I hope, said he, that most of those

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those that hear me, think that it is very unjust and unfair to draw any parallel between the characters of those two ministers and mine, which was, I suppose, what the honourable gentleman meant to do when he brought that piece of history into debate. If I ever endeavour to raise money from the people, or from any man, by oppressive or illegal means; if my character shall ever come, in any respect, like theirs; I shall deserve their fate: but while I know myself to be innocent, I shall depend upon the protection of the laws of my country; as long as they can protect me, I am safe: and if that protection should fail, I am prepared to submit to the worst that can happen. I know that my political and ministerial life has been, by some gentlemen, long wished at an end; but they may ask their own disappointed hearts how vain their wishes have been; and as for my natural life, I have lived long enough to learn to be as easy about parting with it, as any man can well be." He then declared, that he did not look upon the clamour raised without doors, against the scheme, to be the sense of the people. "Circular letters, said he, were wrote, and sent by the beadles, in the most public and unprecedented manner, round almost every ward in the city, summoning them, upon their peril, to come down, this day, to the house of commons. This I am certain of; because I have now one of these letters in my pocket, signed by a deputy of one of the greatest wards in the city of London, and sent by the beadle to one of the inhabitants of that ward: and I know that such letters were sent, in the same manner, to almost every liveryman and tradesman in the ward. By the same sort of unwarrantable methods have the clamours been raised in almost every part of the nation." He then concluded with the following remarkable, but uncautious expressions. "Gentlemen may say what they please of the multitudes now at our door,

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and in all the avenues leading to this house; they may call them a modest multitude, if they will: but whatever temper they were in when they came hither, it may be very much altered now, after having waited so long at our door: it may be a very easy matter for some designing person to raise a tumult and disorder among them; and when tumults are once begun, no man knows where they may end. He is a greater man than any I know in the nation, that could, with the same ease, appease them: for this reason, I must think, that it was neither prudent, nor regular, to use any methods for bringing such multitudes to this place, under any pretence whatever. Gentlemen may give them what name they think fit; it may be said, they came hither as humble suppliants; but I know who the law calls sturdy beggars; and those who brought them hither could not be certain but that they might have behaved in the same manner." These expressions put the house into a great ferment: it was with some difficulty that the house was brought into temper enough to resume the debate. The minister's friends thought themselves insulted, and his enemies could not bear the opprobrious expressions he had made use of.—At last, Sir John Bernard said, "I know of no irregular or unfair methods that were used to call people from the city to your door: it is certain, that any set of gentlemen may lawfully desire their friends, they may even write letters, and they may send those letters, by whom they please, to desire the merchants, of figure and character, to come down to the court of requests, and to our lobby, in order to solicit their friends and acquaintance against any scheme, or project, which they think may be prejudicial to them. This is the undoubted right of the subject, and what has been always practised, upon all occasions. The honourable gentleman talks of sturdy beggars: I do not know

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know what sort of people may be now at our doors, because I have not lately been out of the house; but I believe that there are some sort of people there now that were there when I came last into the house; and I can assure ye, that I then saw none but such as deserve the name of sturdy beggars as little as the honourable gentleman himself, or any gentleman whatever. It is well known, that the city of London was apprized of what we were this day to be about: where they got their information, I do not know; but I am very certain they had a right notion of the scheme which has been now opened to us; and they were so generally and zealously bent against it, that whatever methods may have been used to call them hither, I am sure it would have been impossible to have found any legal methods to have prevented their coming hither." Here the debate ended; and the division being called for, it appeared, that there were 266 for the scheme, and 205 against it: but, upon the different readings of the bill, the majority for it gradually diminished to 36; upon which, Sir Robert made a motion to put off the third reading to the 12th of June, and on the 11th the session was closed.

On the 17th of January, 1734, the parliament met; but the debates in this session were of very little importance. An inconsiderable attempt was made to repeal the septennial act, but it miscarried. A bill passed both houses for preventing the infamous practices of stockjobbing for three years; and on the 22d of April the parliament was dissolved.

On the 14th of January, 1735, the new parliament met. The most extraordinary transaction in this session was, the election of the sixteen Scotch peers. On the 13th of February a petition was delivered into the house of lords by the duke of Bedford, and signed by the dukes of Hamilton, Queensbury,

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Queensbury, and Montrose; and the earls of Dundonald, Marchmont, and Stair; setting forth, "That at the late election of sixteen peers to serve in this present parliament for that part of Great Britain called Scotland, a majority of votes was obtained for the duke of Buccleugh, the duke of Athol, the marquis of Lothian, the earl of Crawford, the earl of Sutherland, the earl of Morton, the earl of Loudon, the earl of Finlatox, the earl of Selkirk, the earl of Belcarras, the earl of Dunmore, the earl of Orkney, the earl of Portmore, the earl of Hoptoun, the earl of Ilay, the lord Cathcart: and they were accordingly returned. Your petitioners, however, conceive it their duty to represent to your lordships, that several undue methods, and illegal practices, were used towards carrying on this election, and towards engaging peers to vote for a list of peers to represent the peerage of Scotland, such as are inconsistent with parliament, dishonourable to the peerage, contrary to the design and intention of those laws that direct the election of the sixteen peers for that part of Great Britain called Scotland, and such as may prove subversive of our happy constitution; instances and proofs whereof, we are ready to lay before your lordships in such manner as your lordships shall direct. Wherefore your petitioners humbly pray, that your lordships will be pleased to take this important affair into your most serious consideration to allow these instances and proofs to be laid down, and to do therein as in your great wisdom shall seem most proper to maintain the dignity of the peerage, the freedom of the elections of peers for that part of Great Britain called Scotland, and to preserve the constitution and independancy of parliaments." The petition was followed by a motion made by the duke of Bedford, and seconded by the duke of Marlborough; That it should be taken into consideration by the house

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on that day month. It must be acknowledged, this petition was of a very extraordinary nature; for it had a tendency to vacate the seats of all the sixteen peers of Scotland: therefore, as the duke of Newcastle said, it was extremely doubtful, whether the house had even a power of receiving such petition; nothing in the articles of the union gave a British house of lords a right to interfere in the election of the Scotch peers, nor indeed had they any such right, unless some particular charge was stated, and offered to be proved, the allegations of the petition were general, no person being named; and it was very doubtful, if the prayer of the petition was granted, where it might end, or whether the peers had a right to controul the crown in the exercise of its favour to any of its brother peers, which was all that possibly could be proved, had the prayer of the petition been granted. On the other hand, the facts contained in the allegations were of a very bad complexion; and no lord pretended to say that they ought not to be punished, if they were proved. The duke of Newcastle thought that a short day should be appointed for taking it into consideration, and mentioned that day sevensnight, which was fixed accordingly; February 20. the house proceeded to take it into consideration. Those who were against the petition urged, that the house, proceeding in their judicial capacity, should comply with the ordinary rules of evidence, which were to give the accused, as well as the accusers, a fair hearing, and to particularize the facts and crimes upon which they were impeached; indulging them, at the same time, with an opportunity of bringing exculpatory proofs for clearing themselves. It was therefore insisted upon, that if the house resolved to proceed upon the petition, the petitioners shall be obliged to specify facts and persons. The friends of the petition, on the other hand, said, the petition was general,

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 and ought to be so; that its allegations contained matters of the highest importance to the honour and dignity of that house to come at the bottom of; that when the facts came out, their lordships would be judges of the manner in which the delinquents ought to be proceeded against: and that the house was not to be tied down to the forms of inferior courts of justice; that the matter of the petition was not a trial, but only an enquiry into certain alledged facts; and that the house was at liberty to proceed in what manner it should find most effectual for finding out the truth. But this reasoning, though supported by all the eloquence of the lords in the opposition, was found materially unjust, though no particular person was charged by the petition, yet it was no secret that it pointed at the earl of Ilay and his friends in the administration; and it was against all rules of equity to bring against a man a charge that might affect his interest, or reputation, without obliging the complainants to specify that charge: whereas, in the present case, the complainants were at liberty to heap up all kind of calumny against the persons complained of, without the latter having it in their power to obtain any legal remedy, or, indeed, any remedy from that house, because the petitioners can plead that they had brought no charge against any individual. Upon the whole, therefore, it being uncertain whether the petition was designed to affect the election of all the sixteen peers for Scotland, or the election of any one or more of them; a motion was made, by the duke of Argyle, that the consideration of the petition should be adjourned to a short day, and that the petitioners should be ordered to declare against that day, whether they intended to controvert the last election of all the sixteen peers to represent the peerage of Scotland in that house, or the election of any, and which of them. While this motion was de-

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 debating, the duke of Bedford had an interview with the petitioners, who empowered him to make the declaration proposed, which, he said, he had taken down in writing, and was then ready to lay before the house, to prevent the loss of a minute's time. This declaration not being regularly signed by the petitioning lords, was not then received; and the consideration of the petition in the turns of the motion that had been made, was adjourned till next day, the house having recommended it to the lord chancellor to acquaint the petitioning lords severally with its resolution, and to desire them to give in their declaration, signed by themselves. Accordingly, next day the lord chancellor produced to the house the following declaration, signed by the petitioning lords, and left with him.

“ In consequence of your lordships order yesterday, signified to us by the right honourable the lord high chancellor, we, your lordships petitioners, do declare, That, by our petition, we did not, nor do intend to controvert the election or return of the sixteen peers for Scotland mentioned in our said petition, or any of them; but we intended, as we thought it our duty to lay before your lordships the evidence of such facts, and undue methods, mentioned in general in our said petition, as appeared to us to be dangerous to the constitution, and may, in future elections, equally affect the right of the present sixteen peers as that of the other peers of Scotland, if a proper remedy be not found out, as we had before empowered his grace the duke of Bedford to inform your lordships.

Hamilton and Brandon, Dundonald,  
 Queensbury and Dover, Marchmont,  
 Montrose, Stair.”

This declaration was subject to the same objection as the petition, because it had recourse to the same subterfuge of safety which the house thought to be unjust by the petitioning lords not

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 listing themselves as accusers of any one person. It was farther observed, on this occasion, that if any thing was meant by the petition, it was an accusation which must lie heavy upon the person and character of the accused, even though they should be acquitted. It was possible, that, while the accusation was defending, the accused party might die; and, though ever so innocent, his memory must thereby suffer irreparably. Some of his witnesses, necessary for clearing him, might die likewise, some of them may leave the kingdom, some of them may not be able to attend; and, in all such cases, the accused party may be ruined, in fortune and reputation. It was asked, what was the house to do to examine evidence upon a notorious charge of corruption? But evidence against whom? perhaps against some of the first men of the kingdom, who must be unprovided in all the means of defence that are indulged, to the lowest criminal. Upon the whole, therefore, it was thought inconsistent with the justice and dignity of that house to admit an accuser without knowing who is to be the defendant. It was observed, that mention was made, in the petition, of instances and proofs of corruption, which plainly pointed out that the petitioners meant to accuse some one or other; and that to proceed without giving that one an opportunity of vindicating himself, would be erecting that house into some worse than a court of inquisition. These observations, many of which fell from the duke of Argyle, were attempted to be answered by still insisting upon it that the lords petitioners did not appear as accusers, but as informers of facts of the highest consequence, to be examined into by that house, to know by whom they were committed. "Supposing, my lord, says a noble earl, we should get information that several barrels of gunpowder had been placed under this house, in order to blow us up; would it not be

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 be very odd in us to put off going to search for or remove the gunpowder, till we should be informed by what means, at what time, and by whom, the powder was placed there. The case before us is the very same: there is a sort of metaphorical gunpowder placed under this house, which will, in time, blow us up, if it be not removed; in such case as we, to trifle away our time in enquiries after the names of the persons who placed it there, and the methods by which it was conveyed." But this was thought far from being a similar case with the allegations of the petitioning lords; because the gunpowder was a case of immediate danger, and the necessity of removing it superseded all other enquiries. Upon the whole, therefore, their lordships, not thinking the declaration of the petitioning lords to be satisfactory, another motion was made to adjourn the further consideration of the petition till that day sevensnight; and that the petitioners might be ordered to lay before the house against that day, in writing, instances of those undue methods, and illegal practices, upon which they intended to proceed, and the names of the persons they suspected to be guilty of such undue methods, and illegal practices. This motion bear a great debate; and the lords in the opposition endeavoured very artfully to give a new turn to the whole affair: for they considered the enquiry proposed to be examined into only as preparatory to an impeachment, by one or other of the houses of parliament, of the party who should be found guilty of the facts charged in the petition. Mention was likewise made of general presentments made by grand juries, who leave others to prosecute; but it was observed, that an impeached party must be named before he is impeached, and has it in his power to produce evidence why such an impeachment should not be brought in the same manner as at the courts of Westminster-hall upon an information



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 formation given of the party informed against, and a rule for shewing cause why the information should not go against him. As to the cases of presentments by grand juries, they held no similitude with the case in question, because no presentments could be made by them but upon oath; and they must either themselves see the nuisance, or have such evidence as satisfies their consciences in making the presentment: besides, it was urged, that a grand jury always specifies the nuisance they present; and if they can come at them, the name of the parties, if they did not go to court, would pay regard to the presentment. The lords in the opposition, perceiving the debate was against them, endeavoured to separate the two parts of the motion, as they contained very distinct matters; but the house not inclining to this expedient, lord Bathurst moved, that these words, "and the names of the persons they suspect to have been guilty of such undue methods, and illegal practices," might be left out. In consequence of this amendment, his lordship insisted, that, according to the practice of the house, the question should be put upon it before it was put upon the original motion. This was complied with, and the amendment was rejected, by a majority of 90 to 48; upon which, the question was put upon the first motion, and carried, without a division. The last order of the house of peers being communicated to them, the petitioning lords drew from them the following remonstrance from the house of lords: "My lords, Your lordships order of February 21st instant, hath been signified to us by the right honourable the lord high chancellor, with respect to which we do humbly submit to your lordships that we have not, by our petition, stated ourselves accusers of any person whatever, nor did we intend to do so; but thought it our duty to lay before your lordships, by way of petition, that such methods

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 thods and practices were used towards carrying on the last election of sixteen peers for Scotland, as appears to us dangerous to the constitution and independency of parliaments; the preservation of our happy constitution is what we have in view, without regard to any particular persons: and we humbly conceived, that any matter which so nearly concerns this constitution, or might appear to be an encroachment upon it, was a proper subject for your lordships consideration and enquiry, as a high court of parliament; that without stating ourselves as accusers, which is far from our intention, we conceive we cannot take upon us to name particular persons who have been concerned in these illegal practices: but who these were, will, undoubtedly, appear to your lordships, upon taking the proper examinations; and the facts are what we humbly pray may be enquired into, whoever may happen to be affected by them. Nor can we, without acting as evidences, comply with these words of your lordships order to give the names of the persons by whom such undue methods, and illegal practices, were used: but would we act both as accusers and witnesses, it is impossible for us to inform your lordships who were the persons in the course of this examination, and from the testimony of future evidences, may appear to have been concerned in the abovementioned practices. We also humbly submit to your lordships, that we may have certain and true information of undue methods, and illegal practices, that have been used towards engaging peers to vote for a list; and yet, that our informers may not have thought proper to name the persons by whom such undue methods, and illegal practices, were used, or may be unwilling to do so until they are brought upon their examination. And with respect to the laying before your lordships the particular instances of the undue methods, and illegal practices,

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practices, mentioned in our petition; we humbly submit to your lordships, if an examination of this kind ought to be confined to particular instances; since, from the nature of the thing, it appears evident, that many instances may come out, in the course of such examination, the particular circumstances of which cannot be known to your petitioners, and yet must appear, upon enquiry, that the opening the particulars of the facts to be proved may necessarily produce such a discovery of evidence, before examination, as is usually thought dangerous, even in a course of ordinary trials, and may be much more so in the case of a parliamentary enquiry. Yet nevertheless, in consequence of your lordships order, as far as we are able, from the nature of the thing, we do humbly acquaint your lordships, that we laid the petition before you upon information that the list of sixteen peers for Scotland had been formed by persons in high trust under the crown, previous to the election itself; and that this list was shewn to peers as a list approved of by the crown, and was called the king's list, of which there was to be no variation, unless to make way for one or two particular peers, on condition they should go along with the measures." The peers were solicited to vote for this list, or the crown list, without the liberty of making any alteration; that endeavours were used to engage peers to vote for this list by promise of pensions and offices civil and military to themselves and near relations, and by actual promise and offers of sums of money. That sums of money were actually given to or for the use of some peers, to engage them to concur in voting for this list: that annual pensions were promised to be paid, if they concurred in the voting for this list, some of them to be on a regular establishment, and others to be paid without any establishment at all: that about the time of this election,

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numbers of pension officers (of which several were nominal) and releases of debts owing to the crown were granted to peers who concurred in voting for this list, and to their near relations: that on the day of election a battalion of his majesty's forces were drawn up in the abbey court of Edinburgh; and three companies of it were marched from Leith a place at one mile's distance) to join the rest of the battalion, and kept under arms from nine in the morning till nine at night, when the election was ended, contrary to customs at elections, and without any cause or occasion, that your petitioners could foresee, other than the over-awing the election. These instances of undue practices we now humbly mention, which we hope will satisfy your lordships that we have just reason to pray your lordships to take this matter into your most serious consideration, and to provide such remedy as may be effectual for the preserving the right and freedom of elections, such right of electing being the only right that now remains with the peers of Scotland in lieu of a constant and hereditary seat in parliament.

Feb. 27, Hamilton and Brandon, Dondonald,  
1735. Queensbury and Dover, Marchmont,  
Montrosse, Stair."

The remonstrance, as it was called, was as unsatisfactory to the house as the former declaration of the petitioning lords had been; and the earl of Cholmondeley moved, that the petitioners had not complied with the order of the house of the 21st instant: this motion brought a new debate, where all the arguments (the substance of which the reader may learn from the remonstrance) were repeated and reinforced: but it seemed very doubtful to the house, whether several of the allegations brought by the petitioners, even supposing them to be fully proved, could fall under the censure of a house of parliament, without encroaching upon the

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exercise of the prerogative, whose undoubted right was to grant places, pensions, reversions, remissions, and the like acts of favour, to the subjects: and it was highly absurd to suppose a peer to be disqualified from partaking in the royal favour merely because he had voted, or intended to vote, for what was called the royal list. One particular fact was indeed charged in the remonstrance, the holding the battalion of soldiers under arms during the time of the election. The court lords did not deny this fact, but they insisted upon it that all that had been done, in that respect, was legal and prudent: that the soldiers were drawn out by the authority of the civil power, who had issued proper warrants to the commanding officer, because there were strong grounds to apprehend riots and insurrections among the populace, who had been heated by the arts of the friends of the petitioning lords, and the warrant was there ready to be produced. At last, the question upon the motion being put, it was carried in the affirmative, by a majority of 90 lords against 47; and on the 15th of May the session ended.

On the 15th of January, 1736, the parliament met. A bill passed this session to prevent smuggling, after a violent contest. Another bill was brought in praying that the Quakers might be relieved from paying tythes; which passed the commons, but afterwards thrown out by the lords. But the most remarkable business which happened this session was, an attempt to repeal the test-act in favour of the Dissenters. On the 12th of March, a motion was made in the house of commons, by Walter Plumber, Esq; that an act made in the 25th year of king Charles II. intituled, an act which preventing dangers, which may happen from popish recusants, might be read, and the same being read accordingly, a motion was made by the same gentleman, that leave might be given to  
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bring in a bill to repeal so much of an act, passed in the 25th year of the reign of king Charles the II. intituled, an act for preventing dangers which may happen from popish recusants, as obligeth all persons, who are admitted into any office, civil or military, to receive the sacrament of the Lord's Supper, within a time limited by the said act; and for explaining and amending so much of the said act, as relates to the declaration against transubstantiation.—In both these motions he was seconded by Sir Wilfred Lawson, baronet, but the last motion being opposed, a long debate ensued, in which the arguments for the motion were in substance as follows; viz.—Sir, I believe all the gentlemen that hear me, may easily judge with what view I have desired this act to be read to you. It is, Sir, with a design to have some part of it repealed, and another part so amended and explained, as to make it consistent with that charity and good nature, which every member of the christian religion ought to shew to another: but before I make a motion for that purpose, I must beg leave to give you some of those reasons which have induced me to be for what I am now going to propose.—The motion I now make Sir, proceeds chiefly from these three considerations, that I am, and I hope I shall always be, an utter enemy to all manner of persecution; that I have a great regard and reverence for that solemn and religious institution, called the sacrament of the Lord's Supper; and that I shall always be for every thing which I think may tend towards the establishing and preserving the unity, peace, and trade of my country. These are the considerations which I am persuaded are of as great weight with every gentleman in this house, as they are with me; and, therefore, if I can shew that there is any thing in this act that looks like persecution; if there is any thing in it that brings a contempt upon that

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holy institution of our religion, the sacrament of the Lord's Supper; and if there is any thing in it consistent with the unity and peace of our people, or with the trade of our country, I make no doubt of having the unanimous assent of this house, to the repeal and amendment I am to propose. And in my opinion, it would contribute greatly to the glory of this generation, as well as to the honour of this house of commons, to have it agreed to *nemine contradicente*.—I hope, Sir, it will be granted me, that the subjecting a man to a great penalty, if he refused to subscribe to any opinion, which he thought inconsistent with the christian religion, or to join in any ceremonies of public worship, which he thought sinful, or perhaps, idolatrous, would be a very heavy persecution; and I hope that it will likewise be granted, that to render a man upon any such account incapable of holding a land estate, or of succeeding to any estate as next heir, or next of kin, would also mount to a high degree of persecution. Now, in this statute, which has been read to you, there is one clause which enacts, that all persons that shall bear office, civil or military, or receive any salary or wages, by any grant from the king, or shall have a command or place of trust from, or under him, or shall be in his navy or household in England, Wales, Berwick, Jersey, or Guernsey, shall not only take the oaths of supremacy and allegiance in the next term, or at the quarter sessions, within three months next after their admittance, but shall receive the sacrament of the Lord's Supper, according to the usage of the church of England, of which there are to be delivered a certificate, and make proof at the time of their taking the said oaths, in failure of which, they are, *ipso facto*, disabled to enjoy the said offices or employment, or any profit thereby: And by another clause, persons beyond seas, or under any of the other impediments therein mentioned, are to receive the sacrament,

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sacrament, and take the said oaths within four months after such impediment removed. By this regulation, it is evident, that no man can hold or enjoy any office or employment, civil or military, without declaring himself a member of the church of England, as by law established; and as there are great numbers of faithful subjects, who have the misfortune of believing that some of the opinions established by our church, are not entirely consistent with Christianity, and that some of our religious ceremonies tend towards idolatry, such men cannot religiously and sincerely communicate with the established church, upon which account, and upon that only, they may therefore be subjected to penalties, or deprived of a yearly revenue, according to the nature of the office they may be named, or intitled to; for if the post or office be such a one as is attended with trouble only, there is generally a penalty upon a man's refusing to serve it, which penalty every man must pay, who is not a member of the church of England; because, by this cause, he is declared from serving the office, whereas, if it were not for his incapacity he is laid under, he might probably chuse to serve the office, rather than pay the penalty: And I would be glad to know the difference between subjecting a man directly to a penalty, for refusing to join in any religious opinion, or ceremony; and this indirect manner of subjecting him to it, by taking to an office in itself merely temporal, a most solemn approbation of all the religious doctrines and ceremonies of the establish'd church.—Again, Sir, if the post, or office, to which a man is named, or intitled, be one of those to which a salary, or revenue, is annexed, from the day of his nomination, he has as good a right to receive the profits of that office as any man has, or can have, to his ancestor's estate, they being both found chiefly upon the law of the land: Nay, it often happens that the person named to any post, or office

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office, has, by long and faithful services, fully deserved that nomination; and this I take to be a more favourable and meritorious title, than the title any man can have to the estate of his ancestor, or next relation. Suppose we should have a new foreign War of ten years duration, as we had in the late queen's reign; suppose a gentleman of the dissenting persuasion should, in the beginning of that war, go abroad a cadet, in one of our marching regiments; and in consideration of much blood lost, and many brave services performed in the cause of his country, should be advanced, and made at last colonel of the regiment; would not such a man be fully intitled to the profits of his commission, during the time his majesty should think fit to continue him in command? Would it not be down right persecution to turn him out of his commission, and reduce him to a starving condition, merely for the sake of a scruple of conscience? Yet the case would be so, if this law should be then in force. Upon the first return of the regiment to England, he would be obliged within four months to give up his regiment, or receive the sacrament of the Lord's Supper, according to the usage of our establish'd church, which his conscience would not permit him to do. If he should happen to be a rigid and sincere dissenter, this, Sir, I look on as a higher degree of persecution than it would be to turn a man out of an estate which he had really purchased with his money; because I shall always look upon merit or faithful services to be a more valuable consideration than a full price paid in ready money: and therefore I must look upon it as a higher degree of persecution than it would be to render a man, on account of any religious opinion, incapable of holding a land estate, or of succeeding to any estate as next heir, or next of kin. From what I have said I hope it will appear, that a very high degree of persecution lurks under the incapacitating clauses I have

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have mentioned: and therefore, in my notion, for the repeal of them, I hope I shall have the concurrence of all those who are real enemies to that antichristian practice: but when I consider the regard and the reverence that is due to the sacrament of the Lord's Supper; when I consider it as a holy institution established by Christ himself in remembrance of his death and passion, an institution that has been ever since celebrated by Christians with the utmost devotion, a sacred mystery which none ought to approach without having first diligently tried and examined themselves, and a mystery to which all are to be invited, but none to be compelled. I am surpris'd that it should ever have been turned to such a profane use as that of qualifying a man for being an adjutant of a regiment, or the bailiff of a little borough. This, Sir, is perverting it to an use for which, I am sure, it was never intended; and this perversion has already produced, and will always produce, many and great abominations. It is well known how many have become unworthy partakers of the holy communion for the sake only of intitling themselves to some lucrative post, or employment: it is well known what terrible misbehaviour and indecencies some have been guilty of upon such occasions, and what a scandal has often been thereby given to all those who are truly devout, or religious. This is so generally known, that it is now the common practice, in all the churches of England, for the priest or curate to desire the legal communicants, if any there be, I mean those who come there, in obedience to that statute, to separate and divide themselves from those who come there purely for the sake of devotion. And, indeed, it were to be wished, that none of the former should ever be allowed to communicate in the presence of, much less at the same table with, any of the latter; for the former are often so well and generally known to their being unworthy partakers, that their being admitted,

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upon any pretence whatsoever, gives great offence to the truly religious, and tends to subvert the morals of the vulgar, by lessening that esteem and reverence which they ought to have for the established religion of their country, and which wise lawgivers and magistrates will always cultivate with all possible care. To preserve the morals of the vulgar, and, for that end, to preserve them in a true sense of religion, and a due regard to that which is the established religion of their country, will, I say, Sir, be always the chief aim of wise lawgivers, and diligent magistrates: but by a long and general experience we know, that this is not to be done by penal laws, or the most cruel persecutions: on the contrary, such guarantees for the established religion of any country have always produced pride, ignorance, luxury, and oppression, among those of the established church, and invincible, nay often victorious enthusiasm, among those of the contrary religion, even in this kingdom. We know that penal laws and persecution raised so high the torrent of enthusiasm among us, that our established church was, at last, quite overwhelmed by the dissenting interest; and happy was it for our church, that those enthusiasts destroyed our constitution, as well as our established religion: for if they had preserved the former, I am afraid the latter had never been restored. Yea, farther we know, that since the repeal of most of our persecuting laws, the dissenting interest has daily decreased; and I am convinced that those remains of it, that are now to be seen among us, are chiefly owing to what I may now call the remains of those persecuting laws which are the act now under our consideration, and one other act, of much the same nature: therefore, as a friend to our established church, I am for getting rid of those remains of persecution, as well as those other persecuting laws, which, luckily for the church, as well as for the nation in general, we got rid of by the toleration act

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passed in the reign of the late glorious king William. With regard to the peace and unity of our people, I must say, it is a matter of great surprize to me, how the legislature of any country could be prevailed on to order temporal rewards or punishments to speculative opinions in religion: I can easily conceive how doctors might, in speculative points of divinity, as well as in speculative points of law, physic, or philosophy. And I know with what vehemence a learned doctor, in any of those sciences, maintains his own opinion, and with what envy, malice, and rage, he pursues his adversaries; but I cannot easily conceive what reason the lawgivers of any country could have to adopt and establish speculative opinions of any particular doctor of divinity, while, at the same time, they shewed a very great indifference with regard to the speculative opinions of the doctors in all other branches of literature; the cause of this different behaviour in our ancient lawgivers, I say, I cannot well comprehend; but whatever may have been the cause, if they thereby intend to establish an uniformity of opinion with respect to religious matters, experience has shewn, that they have been most egregiously mistaken; for the annexing of temporal rewards and punishments to speculative opinions, has been so far from reconciling mens minds, and making them agree in any one opinion; that it has rendered those of different opinions in religion not only implacable, but most cruel and barbarous enemies to one another; an effect which has never been produced by difference of opinion in any other science. In law, in physic, in philosophy, there are, and always have been, doctors of different opinions; and among them, too, there have always been, I believe, some who would have gladly confuted their adversaries by fire and faggot, especially when they found themselves overcome by fair reasoning: but as the law of no country has,

as yet, thought fit to interpose in those disputes, we find, the followers of these doctors have generally argued the matter very coolly, and, when the dispute was over, parted as good friends as they met. This has hitherto been the case in all sciences, except divinity; but if we should make a law for punishing those who did not agree with the Newtonian system of philosophy, or for rendering all such incapable to hold any post or office in our government; I am persuaded we should have, in a few years, a great number of our people who would be ready to sacrifice life and fortune in defence of the Aristotelian or the Cartesian system of philosophy: nay, if any such law was made against those who did not believe that the three angles of every triangle are equal to two right angles; I make no doubt but that this plain demonstration would be most violently opposed by great numbers of men in the kingdom: for when the passions of men are stirred up by temporal rewards and punishments, the most reasonable opinions are rejected with indignation, the most ridiculous are embraced with a frantic sort of zeal, and enthusiastical sort of adoration. Therefore, Sir, if we have a mind to establish peace and concord among our people; if we have a mind that the soft voice of reason and true religion should be generally heard; we must allow men to judge freely in matters of religion, and to embrace that opinion they think right, without any hopes of temporal rewards, and without any fear of temporal punishments. As to our trade, the advantages we have reaped, in that respect, by the toleration act, are so apparent, that I shall not take up your time with enlarging upon that subject; but, in order to retain those advantages, and to improve them as much as possible; I shall beg leave to move, that leave be given to bring in a bill to repeal, &c. (as above).” The answer was to this effect: “ Sir,

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as I have, in all my conduct, hitherto appeared to be an utter enemy to all manner of persecution, I hope my disagreeing with this motion will not be looked on as any design of my having changed my opinion, or of my having any intention to alter my conduct for the future: so far otherwise, Sir, I have still, and I hope shall always have, as tender a regard for the dissenters, of all sects and denominations, as any man can have who is a true member of the church established by law. As a sincere and unfeigned member of the church of England, I must and do wish, that all the dissenters in the kingdom could be gained over, that all his majesty's subjects could be prevailed on to become members of that church of which his majesty is, upon this earth, the supreme and only head: but though I wish for this happy event with as much ardor as I can wish for any thing; yet I shall never be for attempting the accomplishment of that wish by any means or methods that have the least tendency towards persecution, or towards doing real injury to any man whose tender conscience will not allow him to embrace that which is the established religion of his country; for all such I shall continue to have compassion, and a real concern, because I think it is a great misfortune for a man to be of any opinion which is singular, or which is different from that of the generality of his countrymen. And since I look upon this difference of opinion as a man's misfortune, and not his crime; I shall never be for subjecting him, upon that account, to any punishment, or persecution. But, Sir, the words punishment and persecution have, in my opinion, been very much mistaken by the honourable gentleman who made you this motion, and by all those who have spoke upon the same side of the question: for, according to the meaning they have put upon these words, there could be no such thing as an established church, or established

religion, in the world, but what must be deemed guilty of persecuting and punishing all those who differ from it: and yet those gentlemen, I believe, will grant, that, in every society, there ought to be an established religion, or a certain form of church government and public worship established by the laws of that society; therefore we must find out a meaning for those words different from that which they have put upon them. And the true meaning may, I think, be easily found out, from the practice of this and some of our neighbouring nations. As there is, in every society, a certain constitution or form of government established, I hope it will be granted, that it is the duty of every man of the society to support and preserve that constitution or form of government as long as he thinks it is the best that can be established; and, on the other hand, if there be any man, or any set of men who are convinced that a different form of government would render the society much more happy and powerful, I believe it will likewise be granted, that it is the duty of all such men to endeavour, in a peaceable way at least, to bring about an alteration. These two duties, therefore, being altogether inconsistent, nay, even destructive of one another, it is absolutely impossible for the one set of men to do their duty without laying the other set under some hardships: when those hardships are no greater than what is absolutely necessary for the end intended, they are just and reasonable, and such as those who are subjected to them ought not to complain of; but when they are greater than what are necessary, they then begin to take and deserve the name of oppression; and, according to the degrees of this excess, the degrees of oppression are always to be computed. In this kingdom, we know, there are a set of men who think it their duty to endeavour to bring about an alteration of our present happy establishment, I mean our non-jurors,

jurors, who, for that very reason, are excluded from all posts and places in our government, which is certainly a hardship upon them, but I am sure it cannot be called an oppression; nor can this exclusion, with respect to them, be called a punishment. Now, Sir, with respect to the established religion of any society, it is the very same; for as there must be, in every society, an established religion, it is the duty of every man of the society to support and preserve the established religion as long as he thinks it the best that can be established; and if there be in the society any man, or any number of men who think that the established religion is idolatrous, or inconsistent with Christianity, it is certainly their duty to endeavour, in a peaceable way at least, to bring about an amendment or alteration, so that if the former set of men do their duty, they must take care to prevent its being in the power of the latter to do theirs; the necessary consequence of which is, that the latter must be laid under some few hardships: when those hardships are no greater than what are absolutely necessary for preventing its being in their power to bring about, the alteration they are in duty bound to attempt the hardships, whatever they may be, are just and reasonable; but when they exceed what are absolutely necessary, they then begin to be called persecution; and, till then, they ought not to be called so. Having thus, Sir, established what I take to be the proper and the only meaning of the word persecution, I shall take notice, that if there be a set of men in this kingdom who think the doctrines of the established church inconsistent with Christianity, or the ceremonies of our public worship idolatrous; it is their duty, as Christians, to attempt to bring about an alteration in our established religion; and they certainly will attempt it as soon as it is in their power, nay, with all the difference to the honourable gentlemen who have spoke upon the other side of the



the question, for all of whom I have the greatest esteem, I must look upon this very motion as a step to, or rather a beginning of that attempt: but as I am a member of the church of England, and think it the best religion that can be established, I think it my duty to prevent its being ever in the power of such men to succeed in any such attempt, and, for this purpose, I think it absolutely necessary to exclude them from any share in the executive part of our government, at least; because if the executive part should once come to be generally in their hands, they would, very probably, get the legislative part likewise; from which time it would be in vain to think of preventing, in a peaceable manner, their doing whatever they had a mind; and it must be presumed they would have a mind to do what they thought themselves in duty bound to do. To exclude a man from a profitable post or employment, I shall admit to be a hardship upon the man so excluded; but as it is absolutely necessary, for the preservation of our established church, to exclude those who think it their duty to destroy it from any share in the executive part of our government: therefore this exclusion can no more be called persecution, than it can be called oppression to exclude nonjurors from any share of our government, executive or legislative; nor can such exclusion be deemed a punishment in the one case, any more than in the other. In the supposed case of a brave dissenter's being advanced to the command of a regiment, I shall grant that it will be a great hardship upon him to be turned out of his command, and to be exposed to a starving condition upon his return to his native country: but the same case may be supposed with respect to a Roman catholic gentleman; yet there would be no persecution in either case, because the excluding of all such men from any command in our army, especially here at home, is, I think, absolutely necessary

cessary for the preservation of our constitution in the happy state it is in at present. Nor could such an exclusion be called a punishment upon a man of five foot and a half to be excluded from being a soldier in the guards; for neither of these exclusions proceeds from any crime or fault in the man, it being as impossible for a man to alter his opinion when he has a mind, as to add two or three inches to his stature when he has occasion for it: but as the latter becomes necessary, for the sake of preserving the beauty and symmetry of a regiment; so the former becomes necessary, for preserving the beauty and symmetry of a society. The argument raised from the supposed abuse of the blessed sacrament of the Lord's Supper, is founded upon a fact which I cannot admit: for as there is nothing in the law that can compel the admission of an unworthy person, as the ministers of our church may refuse to admit any person to the sacrament who does not devoutly and humbly desire it, or for any other lawful cause; † I must presume, no unworthy persons are admitted, or, at least, if there be, it does not proceed from any fault in this or any other of our statutes, but from the criminal and irreligious neglect of the minister who admits them. As to the unity and peace of our people, I am persuaded, Sir, the repeal of this law, and another which I likewise believe intended, would raise most terrible disturbances and confusions: for, with respect to all posts and employments that go by election, we should have all the dissenters combining closely together to bring in their friends, which would, of course, breed many riots and tumults; and as to our trade, it depends so much upon the peace and tranquillity of the nation, that if we have a mind to preserve it, we ought not to make any new alteration, or repeal any old, if, by so doing,

† See the statute 1 Ed. VI. chap. 1.

we run the risque of raising heart-burnings and jealousies among our people."—To this it was replied, in substance, as follows: "Sir, I shall take up very little of your time in replying to what has been said; for, in my opinion, the arguments for the motion have not only been confirmed, but enforced by what has been said in answer to them. If the hardships imposed upon the dissenters by the law under our consideration are greater than what are absolutely necessary for preventing its being in their power to destroy the established church, from what has been said of the other side of the question it must be granted, that this law is a persecuting law. Now, Sir, to determine this question in the affirmative, we need have recourse to the practice of no other nation but Scotland: with regard to that nation we know, that the Presbyterian religion, which is here one of our dissenting religions, is there the established church; and what is here our established church, is there a dissenting religion: yet the established church in Scotland has never thought it necessary, nor does it appear to be necessary, for their preservation, to exclude their dissenters from all posts and employments in the executive part of their government; nor have they any law for such purpose, but, on the contrary, some of their judges and magistrates, and many of those in posts and employments in that kingdom, go openly, and in the most solemn manner, to the episcopal or church of England meeting-houses; and tho' this practice, or indulgence, has been continued for many years, and continues to this day, yet the established church in that country is so far from being in any danger of being over-turned by what is there the dissenting interest, that the former is daily gaining ground upon the latter; which evidently shews the great weight and effect of a legal establishment with respect to religion, when the minds of men are not irritated by any unne-

unnecessary hardships put upon them. I could likewise instance Holland, and several other Protestant countries, to shew, that rendering dissenters incapable of serving the crown, in any post of honour, trust, or profit, is a hardship put upon them; which is so far from being absolutely necessary, that it is not at all necessary for preserving the established religion of any country; and therefore this hardship must, in the strictest sense, be called persecution, even according to the meaning put upon it by the honourable gentlemen who have spoke upon the other side of the question. With respect to Nonjurors and Roman Catholicks, the hardships put upon them are not for the sake of a scruple of conscience in any matter of religious concern, but because they are enemies to the state, and to the present happy establishment: but I am surpris'd to hear it said, that the rendering of them, or the dissenters, incapable of holding any post of honour, trust, or profit, under the crown, is no punishment. When I consider that that very punishment has often been inflicted by parliament as one of the greatest punishments they could inflict upon crimes of a very high nature, surely this illegal incapacity must be looked on as a punishment upon both, with this difference, that upon those that declare themselves Nonjurors, or Roman Catholicks, it is with great justice inflicted, but upon dissenters it is inflicted without any cause or occasion, no party among them having ever yet been, nor I believe ever will be, suspected of being enemies to our present establishment, unless the rejecting of this motion should make them so. I am sure every gentleman that hears me must grant that there is some difference between the capacity of being a soldier in the guards, and the capacity of holding any post or preferment under the crown. The guards are the king's own servants, and every man may choose what sort of servant he has a mind; therefore

therefore no man has a title to any capacity of being a soldier in the guards, but every subject has a title to a capacity, at least, of sharing in the honours and preferments of his country; and that capacity ought not to be taken from him, but by way of punishment for some very high crime, or misdemeanor: for it is a punishment so dishonourable and severe, that we never find it inflicted by our laws upon crimes of an ordinary nature. I shall grant, Sir, that a minister of the established church is not by any express words in this act ordered or compelled to administer the sacrament to an unworthy person who desires it only for the sake of enabling himself to hold a beneficial employment; but if a minister of the church of England should refuse to administer the sacrament to any person upon such occasion, and that person should, by means of such refusal, lose his post, or only a year's salary, he might bring his action at common law, upon the statute of Edward I. against such minister, and would recover great damages if the court of common law should not approve of the minister's reasons for refusing to administer the sacrament to the plaintiff: whereas, before the receiving the sacrament was made a qualification for a civil employment, no such plaintiffs could have recovered any considerable damages; nay, I doubt if he could have recovered any damages at all; for he could not, probably, have proved any temporal damage by his not receiving the sacrament when he desired it; and I do not see how the jury could pretend to put a value upon the spiritual damage he might pretend to have received. Those laws, therefore, which have made the receiving the sacrament a qualification for a civil employment, have subjected all the clergymen of the church of England to a very great difficulty; because they are by those laws, and by those only, subjected to the danger of having such damages given against them

them as may ruin them and their families for ever, in case they refuse to administer the sacrament to a person whom they know to be a most profligate and impenitent sinner; for this a minister of our church may be fully convinced of, and yet it may be impossible for him to make the same appear to a jury. To pretend, Sir, that if those incapacitating laws were repealed, the dissenters would combine closely together in all elections; and that these combinations would occasion terrible disturbances, is contradicted by experience, in England as well as Scotland: for tho' many of the dissenters in England do communicate sometimes with the established church, and, in consequence thereof, become candidates, from time to time, for almost every elective civil post in the kingdom; and tho' the dissenters do generally join pretty unanimously, upon such occasions, I believe more unanimously than they would do if these laws were repealed; yet, we find, it never produces any disturbances in Scotland, where the dissenters from their established church are under no incapacitating laws: we find, that the disputes about elections never produce any disturbances between the two religious parties in that kingdom. Altho' it must be granted, that the people of that country are as violent in all their desires, as bold and enterprizing in their designs; and as turbulent, under disappointments, as the people in any country, I believe, upon the face of the earth. We must, therefore, from experience, conclude, that the repeal of those persecuting laws, which, to our misfortune, are still in force, in this kingdom, would confirm, rather than disturb, our present tranquillity; and it would increase our trade: because it is not to be questioned but that a great many more rich foreign merchants would come over, and settle among us, if they found they could enjoy all the privileges of Englishmen, without changing their religion: whereas, whilst these

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laws remain unrepealed, a few foreign tradesmen and mechanicks, who aspire to no honours or preferments, may, perhaps, come over; but rich and opulent merchants will neither come to settle their families in this kingdom, when they consider that neither they, nor their posterity, can aspire to any honour, or preferment, unless they make a sacrifice of the religion of their ancestors." At last, the question was put, which, upon a division, was carried in the negative by 251 to 123. On the 20th of May the session was closed.

In 1737, his majesty being indisposed, the parliament was opened by commission; when the principal subject of debate in the House of Commons was, a motion, made by Mr. Pulteney, to present an address to the king, requesting, that the sum of 100,000 *l.* might be settled on the prince of Wales. The ministry strongly opposed this motion, because the prince had joined the opposition, and was doing all in his power to embarrass them. After a warm debate, the motion was rejected. In the House of Lords the same motion was made by lord Carteret, and, for the same reason, rejected. During this session, a remarkable bill passed for restraining the number of playhouses, and subjecting all dramatical pieces to the inspection of a licenser: the reason of which was, the minister had been ridiculed and satirized, beyond measure, by several exhibitions on the stage; and a needy writer, who had composed a sort of comedy which insulted him still more, found means to convey it into his hands, in hopes of getting a gratuity for suppressing it. But he was deceived; for the minister made use of it as an addition to his argument on the necessity of regulating the stage. The bill was warmly opposed by his enemies, who represented it as an indirect violation of the liberty of the press; and the earl of Chesterfield opposed it, as such, in the following fine and elegant speech.—“ My lords,”  
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said he, “ the bill, now before you, I apprehend to be of a very extraordinary, a very dangerous nature: it seems designed not only as a restraint on the licentiousness of the stage, but it will prove a most arbitrary restraint on the liberty of the stage. And I fear it looks yet farther; I fear it tends towards a restraint on the liberty of the press, which will be a long stride towards the destruction of liberty itself. It is not only a bill, my lords, of a very extraordinary nature, but it has been brought in at a very extraordinary season, and pushed with most extraordinary dispatch. When I considered how near it was to the end of the session, and how long this session had been protracted beyond the usual time of the year; when I considered that this bill passed through the other house with so much precipitancy as even to get the start of a bill which deserved all the respect, and all the dispatch, the forms of either house of parliament could admit of; it set me upon enquiring what could be the reason for introducing this bill at so unseasonable a time, and pressing it forward in a manner so very singular, and uncommon: I have made all possible enquiry, and, as yet, I must confess I am at a loss to find out the great occasion. I have, it's true, learned from report out of doors, that a most seditious, a most heinous farce, had been offered to one of the theatres; a farce, for which the authors ought to be punished in the most exemplary manner. But what was the consequence! the master of that theatre behaved as he was in duty bound, and as common prudence directed. He not only refused to bring it upon the stage, but carried it to a certain honourable gentleman in the administration, as the surest method of having it absolutely suppressed. Could this be the occasion of producing such an extraordinary bill at such an extraordinary season, and pushing it in so extraordinary a manner? Surely, no! The dutiful behaviour of  
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the players, the prudent caution they shewed upon that occasion, can never be a reason for subjecting them to such an arbitrary restraint. It is an argument in their favour, and a material one, in my opinion, against the bill. Nay, farther, if we consider all circumstances, it is, to me, a full proof that the laws, now in being, are sufficient for punishing those players who shall venture to bring any seditious libel upon the stage; and, consequently, sufficient for deterring all players from acting any thing that may have the least tendency towards giving a reasonable offence. I do not, my lords, pretend to be a lawyer; I do not pretend to know perfectly the power and extent of our laws; but I have conversed with those that do, and by them I have been told, that our laws are sufficient for punishing any person that shall dare to represent, upon the stage, what may appear, either by the words, or the representation, to be blasphemous, seditious, or immoral. I must own, indeed, I have observed, of late, a remarkable licentiousness in the stage. There have, but very lately, been two plays acted which, one would have thought, should have given the greatest offence; and yet both were suffered to be often represented without disturbance, without censure. In one, the author thought fit to represent the three great professions, religion, physick, and the law, as inconsistent with common sense; in the other a most tragical story was brought upon the stage, a catastrophe too recent, too melancholy, and of too solemn a nature, to be heard of any-where but from the pulpit. How these pieces came to pass unpunished, I do not know: if I am rightly informed, it was not for want of law, but for want of prosecution, without which no law can be made effectual; but if there was any neglect in this case, I am convinced it was not with a design to prepare the minds of the people, and to make them think a new law necessary.

sary. Our stage ought certainly, my lords, to be kept within due bounds; but for this our laws, as they stand at present, are sufficient: if our stage-players, at any time, exceed those bounds, they ought to be punished. We have precedents, we have examples, of persons having been punished for things less criminal than either of the two pieces I have mentioned: a new law, therefore, must be unnecessary; and, in the present case, it cannot be unnecessary without its being dangerous. Every unnecessary restraint on licentiousness is a fetter upon the legs, is a shackle upon the hands, of liberty: one of the greatest blessings we enjoy, one of the greatest blessings a people can enjoy, is liberty; but every good of this life has its alloy of evil. Licentiousness is the alloy of liberty; it is an ebullition, an excrescence: it is a speck upon the eye of the political body, which I can never touch but with a gentle, with a trembling hand, lest I destroy the body, lest I injure the eye upon which it is to appear. If the stage becomes, at any time, licentious; if a play appears to be a libel upon the government, or of any particular man, the king's courts are open, the law is sufficient for punishing the offender; and, in this case, the person injured has a singular advantage: he can be under no difficulty to prove who is the publisher; the players themselves are the publishers; and there can be no want of evidence to convict them. But, my lords, suppose it is true that the laws, now in being, are not sufficient to put a check to, or prevent the licentiousness of the stage; suppose it absolutely necessary that some new law should be made for that purpose; yet it must be granted, that such a law ought to be maturely considered, and every clause, every sentence, nay, every word of it, well weighed, and examined; lest, under some of those methods presumed or pretended to be necessary for restraining licentiousness, a power should

should be concealed which might be afterwards made use of for giving a dangerous wound to liberty; such a law ought not to be introduced at the close of a session, nor ought we, in the passing of such law, to depart from any of the forms prescribed by our ancestors for preventing deceit and surprize. There is such a connection between licentiousness and liberty, that it is not easy to correct the one without dangerously wounding the other. It is extremely hard to distinguish the true limit between them: like a changeable silk, we can easily see there are two different colours, but we cannot easily discover where the one ends, or where the other begins. There can be no great and immediate danger from the licentiousness of the stage: I hope it will not be pretended that our government may, before next winter, be overturned by such licentiousness, even though our stage were, at present, under no sort of legal controul. Why, then, may we not delay, till next session, passing any law against the licentiousness of the stage? Neither our government can be altered, nor our constitution overturned, by such a delay; but by passing a law rashly, and unadvisedly, our constitution may at once be destroyed, and our government rendered arbitrary. Can we, then, put a small, a short-lived inconvenience, in the balance with perpetual slavery? Can it be supposed that a parliament of Great Britain will so much as risque the latter for the sake of avoiding the former? Surely, my lords, this is not to be expected, were the licentiousness of the stage much greater than it is, were the insufficiency of our laws more obvious than can be pretended: but when we complain of the licentiousness of the stage, and of the insufficiency of our laws, I fear we have more reason to complain of bad measures in our polity, and a general decay of virtue and morality among the people, in publick as well as private life: the only way

way to prevent being ridiculed or censured is, to avoid all ridiculous or wicked measures, and to pursue such as are only virtuous and worthy. The people never endeavour to ridicule those whom they love and esteem; nor will they suffer them to be ridiculed: if any one attempts it, the ridicule returns upon the author; he makes himself only the object of publick hatred and contempt. The actions or behaviour of a private man may pass unobserved, and, consequently, unapplauded, uncensured; but the actions of those in high stations can neither pass without notice, nor without censure or applause: and therefore an administration without esteem, without authority among the people, let their power be never so great, let their power be never so arbitrary, they will be ridiculed. The severest edicts, the most terrible punishments, cannot entirely prevent it. If any man thinks, therefore, he has been censured; if any man thinks he has been ridiculed upon any of our publick theatres; let him examine his actions, he will find the cause; let him alter his conduct, he will find a remedy. As no man is perfect, as no man is infallible, the greatest may err, the most circumspect may be guilty of some piece of ridiculous behaviour. It is not licentiousness, it is an useful liberty, always indulged the stage, in a free country, that some great men there may meet with a just reproof, which none of their friends will be free enough, or rather faithful enough, to give them. Of this we have a famous instance in the Roman History. The great Pompey, after the many victories he had obtained, and the great conquests he had made, had, certainly, a good title to the esteem of the people of Rome; yet that great man, by some error in his conduct, became an object of general dislike: and therefore, in the representation of an old play where Dephilus the actor came to repeat these words, *Nostrea misere tu es magnus*, the audience

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audience immediately applied them to Pompey, who, at that time, was as well known by the name of Magnus, as by the name Pompey; and were so highly pleased with the satire, that, as Cicero says, they made the actor repeat the words a hundred times over. An account of this was immediately sent to Pompey, who, instead of resenting it as an injury, was so wise as to take it for a just reproof. He examined his conduct, he altered his measures, he regained, by degrees, the esteem of the people; and then he neither feared the wit nor the satire of the stage. This is an example which ought to be followed by great men in all countries: such accidents will often happen in every free country, and many such would probably have afterwards happened at Rome, if they had continued to enjoy their liberty. But this sort of liberty in the stage came, soon after, to be called licentiousness; for we are told, that Augustus, after having established his empire, restored order in Rome by restraining licentiousness. God forbid we should, in this country, have order restored, or licentiousness restrained, at so dear a rate as the people of Rome paid for it to Augustus! In this case I have mentioned, my lords, it was not the poet that wrote, for it was an old play; nor the players that acted, for they only repeated the words of the play; it was the people who pointed the satire: and the case will always be the same. When a man has the misfortune to incur the hatred or contempt of the people, when publick measures are despised, the audience will apply what never was, what could not be, designed as a satire on the present times. They, even tho' the people should not apply, those who are conscious of guilt, those who are conscious of the wickedness or weakness of their own conduct, will take to themselves what the author never designed. A publick thief is as apt to take the satire, as he is apt to take the money, which was never designed for him. We have

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have an instance of this in the case of a famous comedian of the last age, a comedian who was not only a good poet, but an honest man, and a quiet and good subject. The famous Moliere, when he wrote his Tartuffe, which is, certainly, an excellent and good moral comedy, did not design to satirize any great man of that age; yet a great man in France, at that time, took it to himself, and fancied the author had taken him as a model for one of the principal and one of the worst characters in that comedy. By good luck, he was not the licenser; otherwise the kingdom of France had never had the pleasure, the happiness, I may say, of seeing that play acted; but when the players first proposed to act it at Paris, he had interest enough to get it forbid. Moliere, who knew himself innocent of what was laid to his charge, complained to his patron, the prince of Conti, that as his play was designed only to expose hypocrisy, and a false pretence to religion, it was very hard it should be forbid being acted, when, at the same time, they were suffered to expose religion itself every night publicly upon the Italian stage. To which the prince wittily answered, " 'Tis true, Moliere, harlequin ridicules heaven, and exposes religion; but you have done much worse; you have ridiculed the first minister of religion." I am as much for restraining the licentiousness of the stage, and every sort of licentiousness, as any of your lordships can be; but, my lords, I am, I always shall be, extremely cautious and fearful of making the least incroachment upon liberty: and therefore, when a new law is proposed against licentiousness, I shall always be for considering of it deliberately and maturely, before I venture to give my consent to its being passed. This is a sufficient reason for my being against this bill, at so unseasonable a time, and in so extraordinary a manner: but I have many reasons against passing the bill itself, some of which

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I shall beg leave to explain to your lordships. The bill, my lords, may, at first view, seem to be designed only against the stage; but, to me, it plainly appears to point somewhere else: it is an arrow that does but glance upon the stage; the mortal wound seems designed against the liberty of the press. By this bill you prevent a play's being acted, but you do not prevent its being printed: therefore if a licence should be refused for its being acted, we may depend on it, the play will be printed. It will be printed, and published, my lords, with the refusal, in capital letters, on the title-page. People are always fond of what is forbidden: *libri prohibiti* are, in all countries, diligently and generally sought after. It will be much easier to procure a refusal, than it even was to procure a good house, or a good sale; therefore we may expect that plays will be wrote, on purpose to have a refusal: this will certainly procure a good sale. Thus will satires be spread and dispersed through the whole nation, and thus every man in the kingdom may, and probably will, read, for sixpence, what a few, only, could have seen acted, and that not under the expence of half a crown. We shall then be told, What! will you allow an infamous libel to be printed, and dispersed, which you would not allow to be acted? You have agreed to a law for preventing its being acted; can you refuse your assent to a law for preventing its being printed, and being published? I should really, my lords, be glad to hear what excuse, what reason, one could give for being against the latter, after having agreed to the former; for I protest I cannot form to myself the least shadow of an excuse. If we agree to the bill now before us, we, perhaps, next session, may agree to a bill for preventing any plays being printed without a licence. Then satires will be wrote by way of novels, secret histories, dialogues, or under some such title; and, thereupon, we shall be told

What!

What! will you allow an infamous libel to be printed and dispersed, only because it does not bear the title of a play? Thus, my lords, from the precedent now before us, we shall be induced, nay, we can find no reason for refusing, to lay the press under a general licence; and then we may bid adieu to the liberties of Great Britain. But suppose, my lords, it were necessary to make a new law for restraining the licentiousness of the stage, which I am far from granting; yet I shall never be for establishing such a power as is proposed by this bill. If poets and players are to be restrained, let them be restrained as other subjects are, by the known laws of their country. If they offend, let them be tried, as every Englishman ought to be, by God and their country: do not let us subject them to the arbitrary will and pleasure of any one man. A power lodged in the hands of one single man to judge and determine without any limitation, without any controul, or appeal, is a sort of power unknown to our laws, inconsistent with our constitution; it is highly a more absolute power than we trust even to the king himself: and therefore I must think we ought not to vest any such power in his majesty's lord chamberlain. When I say this, I do not mean to give the least, the most distant offence to the most noble duke who now fills the post of lord chamberlain: his natural candour, and love of justice, would not, I know, permit him to exercise any power but with the strictest regard to the rules of justice and humanity. Were we sure his successors, in that high office, would always be persons of such distinguished merit, even the power, to be established by this bill, would give no further alarm than it should be made a precedent for introducing other new powers of the same nature. This, indeed, is an alarm which cannot be avoided, which cannot be prevented, by any hope, by any consideration: it is an alarm, which, I think, every man must take who has a due regard



to the constitution and liberties of his country. I shall admit, my lords, that the stage ought not, upon any occasion, to meddle with politicks; and, for this very reason, I am, amongst the rest, against the bill now before us. This bill will be so far from preventing the stage's meddling with politicks, that, I am afraid, it will be the occasion of its meddling with nothing else; and then it will be a political stage *ex parte*. It will be made subservient to the politicks and the schemes of the court, only; the licentiousness of the stage will be encouraged, instead of being restrained; but, like court Juvenalists, it will be licensed only against the patrons of liberty, and the protectors of the people: whatever man, whatever party, opposes the court, in any of their destructive schemes, will, upon the stage, be represented in the most ridiculous light the hirelings of a court can contrive; true patriotism, and love of publick good, be represented as madness, or as a cloak for envy, disappointment, and malice; whilst the most flagitious crimes, the most extravagant vices and follies, if they are fashionable at court, will be disguised and dressed up in the habits of the most amiable virtues. This has formerly been the case. In king Charles II's days the playhouse was under a licence: what was the consequence? The playhouse retained nothing but the politicks, the vices, and the follies, of the court; not to expose them, but to recommend them: tho', it must be granted, their politicks were often as bad as their vices, and much more pernicious than their other follies. 'Tis true that the court had, at that time, a great deal of wit: it was then, indeed, full of men of true wit, and great humour; but it was the more dangerous: for the courtiers did then as thorough-paced courtiers always will do; they sacrificed their honour by making their wit and their humour subservient to the court only; and, what made it still more dangerous, no man could appear upon

upon the stage against them. We know that Dryden, the poet laureat of that reign, always represents the cavaliers as honest, brave, merry fellows, and fine gentlemen. Indeed his fine gentleman, as he generally draws him, is an atheistical, lewd, abandoned fellow; which was, at that time, it seems, the fashionable character at court: on the other hand, he always represents the dissenters as hypocritical dissembling rogues, or stupid senseless boobies. When the court had a mind to fall out with the Dutch, he wrote his *Amboyna*, in which he represents the Dutch as a pack of avaricious, cruel, ungrateful rascals: and when the exclusion bill was moved in parliament, he wrote his *Duke of Guise*, in which those who were for preserving and securing the religion of their country were exposed under the character of the duke of Guise and his who leagued together for excluding Henry IV. of France from the throne, on account of his religion. The city of London was made to feel the partial and mercenary licentiousness of the stage at that time: for the citizens having at that time, as well as now, a great deal of property, they had a mind to preserve that property, and therefore opposed some of the arbitrary proceedings which were then begun, but pursued more openly, in the following reign; for which reason, they were then always represented upon the stage as a parcel of designing knaves, dissembling hypocrites, griping usurers, and cuckolds into the bargain. My lords, the proper business of the stage, and that for which it is only useful, is, to expose those vices and follies which the law cannot lay hold of, and to recommend those beauties and virtues which ministers and courtiers seldom either imitate, or reward, but by laying it under a licence, and under an arbitrary court licence too: you will, in my opinion, entirely pervert its use. For tho' I have the greatest esteem for that noble duke in whose hands this power is, at present, designed to fall;

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fall; tho' I have an entire confidence in his judgment and impartiality; yet I may suppose, that a leaning towards the fashions of a court is sometimes hard to be avoided. It may be difficult to make one who is every day at court believe that to be a vice, or folly, which he sees daily practised by those he loves and esteems. By custom, even deformity itself becomes familiar, and, at last, agreeable. To such a person, let his natural impartiality be ever so great, that may appear to be a libel against the court, which is only a most just, and a most necessary satire upon the fashionable vices and follies of the court. Courtiers, my lords, are too polite to reprove one another: the only place where they can meet with any just reproof is, a free, tho' not a licentious stage: and as every sort of vice and folly generally, in all countries, begins at court, and from thence spreads thro' the country; by laying the stage under an arbitrary court licence, instead of leaving it what it is, and always ought to be, a gentle scourge for the vices of great men, and courtiers, you will make it a canal for propagating and conveying their vices and follies thro' the whole kingdom. From hence, my lords, I think it must appear that the bill, now before us, cannot so properly be called a bill for restraining licentiousness, as it may be called a bill for restraining the liberty of the stage, and for restraining it too in that branch which in all countries has been the most useful: and therefore I must look upon the bill as a dangerous incroachment upon liberty in general. Nay, farther, my lords, it is not only an incroachment upon liberty, but also an incroachment upon property. Wit, my lords, is a sort of property; it is the property of those who have it; and, too often, the only property they have to depend on; it is, indeed, but a precarious dependance: thank God, we, my lords, have a dependance of another kind; we have a much less precarious one, and therefore cannot

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cannot feel the inconveniencies of the bill now before us; but it is our duty to encourage and protect wit, whosoever's property it may be. Those gentlemen who have any such property, are all, I hope, our friends; do not let us subject them to any unnecessary or arbitrary restraint. I must own, I cannot easily agree to the laying of any tax upon wit; but by this bill it is to be heavily taxed; it is to be excised: for if this bill passes, it cannot be retained in a proper way without a permit, and the lord chamberlain is to have the honour of being chief gauger, supervisor, commissioner, judge, and jury. But, what is still more hard, tho' the poor author the proprietor, I say, cannot, perhaps, dine till he has found out and agreed with a purchaser; yet, before he can propose to seek for a purchaser, he must patiently submit to have his goods rummaged at this new excise office, where they may be detained for fourteen days, and, even then, may be returned as prohibited goods; by which means his chief and best market will be for ever shut against him, and that without any cause, without the least shadow of reason, either from the laws of his country, or the laws of the stage. These hardships, this hazard, which every one will be exposed to who writes any thing for the stage, must certainly prevent every man, of a generous and free spirit, from attempting any thing in that way. And as the stage has always been the proper channel for wit and humour; therefore, my lords, when I speak against this bill, I must think I plead the cause of wit, I plead the cause of humour, I plead the cause of the British stage, and of every gentleman of taste in the kingdom. But it is not, my lords, for the sake of wit only, even for the sake of his majesty's lord chamberlain, I must be against this bill. The noble duke, who has now the honour to execute that office, has, I am sure, as little an inclination to disoblige as any man; but if this bill

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passes, he must disoblige; he may disoblige some of his most intimate friends. It is impossible to write a play, but some of the characters, or some of the satire, may be interpreted so as to point at some person or another, perhaps at some person in an eminent station. When it comes to be acted, the people will make the application, and the person against whom the application is made will think himself injured, and will, at least privately, resent it. At present, this resentment can only be against the author; but when an author's play appears with my lord chamberlain's passport, every such resentment will be turned from the author, and pointed directly against the lord chamberlain, who, by the stamp, made this piece current. What an unthankful office are we, by this bill, to put upon his majesty's lord chamberlain! an office which can no way contribute to his honour, or profit; and yet such a one as must necessarily gain him a great deal of ill will, and create him a number of enemies. The last reason which I shall trouble your lordships with, for my being against the bill, is, that, in my opinion, it will no way answer the end proposed, I mean the end openly proposed, and I am sure the only end which your lordships propose to prevent the acting of a play which has any tendency to blasphemy, immorality, sedition, or private scandal, can signify nothing, unless you can likewise prevent its being printed, and published: on the contrary, if you prevent its being acted, and admit of its being printed, and published, you will propagate the mischief; your prohibition will prove a bellows, which will blow up the fire you intend to extinguish. This bill can therefore be of no use, for preventing either the publick or private injury intended by such a play; and, consequently, can be of no manner of use, unless it be designed as a precedent, as a leading step towards another for subjecting the press, likewise, to a licenser: for such a wicked

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wicked purpose it may, indeed, be of great use; and, in that light, it may most properly be called a step towards arbitrary power. Let us consider, my lords, that arbitrary power has seldom or never been introduced in any country at once; it must be introduced by slow degrees, and, as it were, step by step, lest the people should perceive its approach. The barriers and fences of the people's liberty must be plucked up one by one, and some plausible pretences must be found for removing or hoodwinking, one after another, those centinels who are posted, by the constitution of every free country, for warning the people of their danger. When these preparatory steps are once made, the people may then, indeed, with regret, see slavery and arbitrary power making long strides over their land: but it will then be too late to think of preventing or avoiding the impending ruin. The stage, my lords, and the press, are two of our out-centinels: if we remove them, if we hoodwink them, we throw them in fetters: the enemy may surprize us. Therefore I must look upon the bill, now before us, as a step, and a most necessary step too, for introducing arbitrary power into this kingdom. It is a step so necessary, that, if any future ambitious king, or guilty minister, should form to himself so wicked a design, he will have reason to thank us for having done so much of the work to his hand; but such thanks, or thanks from such a man, I am convinced, every one of your lordships would blush to receive, and scorn to deserve." On the 21st of June the parliament was prorogued.

On the 24th of January, 1738, the parliament met, when the state of affairs between Great Britain and Spain was now taken into consideration; when a petition from the West India merchants, &c. complaining, among other things, of the Spaniards searching English vessels on the American seas, was presented to the house: other petitions

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were presented; all which were referred to a committee of the whole house. A motion being made to address his majesty for copies of the several petitions, representations, &c. (with the answers to them) relating to the Spanish depredations: this brought on a debate. Sir Robert Walpole was not for going to war, and was against producing the last answer sent from the court of Spain; and therefore was for amending the question. Papers were presented, complaining of the cruel treatment which the English met with from the Spaniards, when taken prisoners by them. Mr. Pulteney moved for a bill for the more effectually securing and encouraging the trade of his majesty's subjects in America; but Sir Robert Walpole opposed the second reading of it with all his might. Sir Charles Wager, then first lord of the admiralty, declaring, that the navy of England was not in a condition to enter into a war with Spain, the bill was dropped. The affair of captain Jenkins, who had his ear cut off by the crew of a Spanish guard-a-costa, and who appeared at the bar of the house, very naturally made a prodigious noise, both in parliament, and without doors. Mr. Pulteney, who had well studied this matter, brought a set of resolutions into the house of commons, all levelled against the Spaniards. In these resolutions it was affirmed (among other particulars), that the British ships were unlawfully seized on the open seas; were plundered and confiscated, the sailors robbed, imprisoned, and enslaved, to the very great loss of the merchants, to the obstruction of trade, and to the dishonour of the nation. Sir Robert Walpole proposing some amendments to these resolutions, they were agreed to; and an address, to be presented to the whole house, was voted. The same day this affair was debated in the house of lords. Lord Cartaret, who had studied the affairs to the bottom, made a speech; in which he shewed that no ship ought to be searchable or seizable by the

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the Spaniards, except such ship were actually in the ports and harbours of Spain. An address was afterwards presented to his majesty, praying him to do justice to the injured nation; to which he returned a gracious answer. At this time there were great disputes; and in his speech on the 20th of May, when the session ended, he promised, in his speech, to employ his endeavours at the court of Spain, in order to procure satisfaction to his injured subjects.

On the 1st of February, 1739. the parliament met. A convention, which had been signed at Madrid, came first under consideration. Sir Robert Walpole, who had concluded it with a view, if possible, of preserving peace between the two crowns, defended it with all the powers of rhetorick and argument. Several petitions, however, were presented against it from the principal trading towns in the kingdom. At this time Frederic, prince of Wales, put himself openly at the head of the opposition; and, on the day that the merits of the convention were to be debated in parliament, he went to the house of commons to hear the debates. The conclusion of Mr. Pitt's speech, on this occasion, was the most remarkable in the house this day. It was in these words: "This convention, I think, from my soul, is nothing but a stipulation for national ignominy; an illusory expedient to baffle the resentment of the nation; a truce without a suspension of hostilities on the part of Spain; a surrender of the rights and trade of England to the mercy of plenipotentiaries, and in this infinitely highest and sacred point, future security, not only inadequate, but directly repugnant to the resolutions of parliament. The complaints of your despairing merchants, the voice of England has condemned it: be the guilt of it upon the head of the adviser. God forbid that this committee should share the guilt, by approving of it." After a violent

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lent debate, the majority resolved to present an address of approbation to the king. This was the only material business in this session, which ended on the 14th of June. That Sir Robert Walpole's conduct was justly blameable, is beyond all doubt; and that, in several points, he sacrificed both the honour and interest of the nation to his fears of war, which were wholly occasioned by a perplexed system of affairs on the continent, in which the British monarch chose to take a great share: yet it must be confessed, that the conduct of his adversaries was much more blameable. Their strenuous opposition to every measure of government implicitly shewed all their efforts were directed against the man, in order to get into power; not solely in behalf of their country: for, surely, the rankest Tories will not deny that he did right sometimes, and that he was, at least, as capable a minister as almost any of his predecessors. And the truth is, what did the Tories themselves do, when they got into power? Did they carry any of those popular motions they occasionally made to distress the minister? Why did they not exclude (as so often they had pretended to attempt) placemen and pensioners from holding seats in parliament? Why did they not restore triennial parliaments? And if the nation really had been injured, as, undoubtedly, it was, in some particulars; why did they not bring the man whom they had been the object of publick resentment, to publick justice? This would have been acting like patriots, and would have shewn, that it was their country's good they really had at heart. But they only assumed the name of patriots to support the people, in order to commit more villainies than those against whom they railed. Never was the confidence of a people so abused, and betrayed. In order to inflame the people, Sir William Wyndham, after sounding the trumpet of rebellion in the house of commons, resolved to recede from his  
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duty in parliament, finding the convention approved of. His example was followed by a number of others of the same stamp. The nation, however, did not thank them for this scandalous desertion of their country, at a time which they had represented as the most critical. During the summer, war was declared against Spain, and admiral Vernon was sent to attack Porto Bello. Both steps ought to have been taken long before, and the national insults revenged in a manner becoming an injured nation. Of this declaration, however, those who had seceded from parliament made a handle, and said, "That as the difficulties which had hindered their attendance in parliament were now removed, by that declaration, they were resolved to resume their attendance the approaching session, which began on the 15th of November 1739. The only material debate this session was on a bill brought into the house of commons by Sir Charles Wager for registering seamen. It was, in fact, little better than a transcript of a French ordinance for the same purpose, and directly tending to enslave the most useful body of men in the kingdom. The intention of it was to man the fleet, at any time, with ease and expedition; but being a French measure, it was looked upon with horror and indignation. And a clause for limiting sailors wages, in the merchants service, to 35s. per month, moved also by Sir Charles Wager, in the following words, was warmly disputed. "Sir, the necessity of this clause must be so apparent to every gentleman acquainted with naval and commercial affairs, that, as no opposition can be apprehended, very few arguments will be requisite to introduce it how much the publick calamities of war are improved by the sailors to their own private advantage, how generally they shun the publick service, in hopes of receiving exorbitant wages from the merchants, and how much they extort from the  
merchants

merchants by threatening to leave their service for that of the crown, is universally known to every officer of the navy, and every commander of a trading vessel. A law, therefore, Sir, to restrain them, in time of war, from such exorbitant demands, to deprive them of those prospects which often have no other effects than to lull them in idleness, while they sculk about in expectation of higher wages, and to hinder them from deceiving themselves, embarrassing the merchants, and neglecting the general interest of their country, is, undoubtedly, just; it is just, Sir, because, in regard to the publick, it is necessary to prevent the greatest calamity that can fall upon a people, to preserve us from receiving laws from the most implacable of our enemies. And it is just with respect to particular men: it has no tendency but to suppress idleness, fraud, and extortion." Henry Fox, Esq; then said, "Sir, I have no objection to any part of this clause, except the day proposed for the commencement to make a law against any pernicious practice to which there are strong temptations, and to give those whose interest may incite them to it, time to effect their schemes before the law shall begin to operate; seems not very consistent with wisdom, or vigilance. It is not denied, Sir, that the merchants are betrayed by that regard to private interest which prevails too frequently over nobler views, to bribe away from the service of the crown, by large rewards, those sailors whose assistance is now so necessary to the publick: and therefore it is not to be imagined that they will not employ their utmost diligence to improve the interval which the bill allows in making contracts for the ensuing year. And that the sailors will not easily engage themselves before this law shall preclude their prospects of advantage, as therefore to make no law; and to make a law that will not be observed, is, in consequence, the same: and the time

allowed by the clause, as it now stands, may make the whole provision ineffectual. It is my opinion, that either it ought to begin to operate to-morrow, or that we ought to leave the whole affair in its present state."—To which Sir Robert Walpole replied, "Sir, nothing has a greater appearance of injustice, than to punish men by virtue of laws which they were not acquainted: the law, therefore, is always supposed to be known by those who have offended; because it is the duty of every man to know it; and, certainly, it ought to be the care of the legislature, that those, whom a law will affect, may have a possibility of knowing it; and that those may not be punished for failing in their duty, whom nothing but inevitable ignorance has betrayed into offence. But if the operation of this law should commence to-morrow, what numbers may break it, and suffer, by the breach of it, involuntarily, and without design. And how shall we vindicate ourselves from having been accessory to the crime which we censure, and punish."—Lord Baltimore then spoke: "Sir, it appears to me of no great importance how soon the operation of the law commences, or how long it is delayed; because I see no reason for imagining that it will at any time produce the effects proposed by it. It has been the amusement, Sir, of great part of my life, to converse with men whose inclinations or employments have made them well acquainted with maritime affairs, and among innumerable other schemes for the promotion of trade, have heard some for the regulation of wages in trading ships, schemes, at the first appearance, plausible, and likely to succeed; but, upon a nearer enquiry, evidently entangled with insuperable difficulties, and never to be executed without danger of injuring the commerce of the nation. The clause, Sir, now before us, contains, in my opinion, one of those visionary provisions, which, however in-

fallible they may appear, will be easily defeated, and have no other effect than to promote cunning and fraud, and to teach men those acts of collusion with which they would otherwise never have been acquainted."—Sir John Barnard then rose up, and said, " Sir, notwithstanding the impatience and resentment with which some men see their mistakes and ignorance detected, notwithstanding the reverence which negligence and haste are said to be intitled to from this assembly; I shall declare, once more, without the apprehension of being confuted, that this bill was drawn up without consideration, and is defended without being understood; that, after all the amendments which have been admitted, and all the additions proposed, it will be oppressive, and ineffectual; a chaos of absurdities, and a monument of ignorance."—To which Sir Robert Walpole replied, " Sir, the present business of this assembly is, to examine the clause before us: but to deviate, from so necessary an enquiry, into loud exclamations against the whole bill, is to obstruct the course of the debate, to perplex our attention, and interrupt the house in its deliberation upon questions in the determination of which the security of the publick is nearly concerned. The war, Sir, in which we are now engaged, and, I may add, engaged, by the general request of the whole nation, can be prosecuted only by the assistance of the seamen, from whom it is not to be expected they will sacrifice their immediate advantage to the security of their country. Publick spirit, where it is to be found, is the result of reflection refined by study, and exalted by education, and is not to be hoped for among those whom low fortune has condemned to perpetual drudgery. It must be therefore necessary to supply the defects of education, and to produce, by salutary coercions, those effects which it is vain to expect from other causes: that the service of the sailors will be set up

up to sale by auction. And that the merchants will beg against the government, is incontestable; nor is there any doubt that they will be able to offer the highest price, because they will take care to repay themselves, by raising the value of their goods. Thus, without some restraint upon the merchants, our enemies, who are not debarred, by their form of government, from any method which any policy can invent, or absolute power put in execution, will preclude all our designs, and set at defiance a nation superior to themselves."—Sir John Barnard then said, " Sir, I think myself obliged, by my duty to my country, and by my gratitude to those by whose industry we are enriched, and by whose courage we are defended, to make, once more, a declaration, not against particular clauses, nor singular circumstances, but against the whole bill; a bill unjust and oppressed, absurd and ridiculous; a bill to harass the industrious, and distress the honest; to puzzle the wise, and add power to the cruel; a bill which cannot be read without astonishment, nor passed without the violation of our constitution, and an equal disregard of policy and humanity. All these assertions will tend to be proved only by a bare perusal of this hateful bill, by which the meanest, the most worthless reptile, exalted to a petty office by serving a wretch only superior to him in fortune, is enabled to flush his authority by tyrannizing over those who every hour deserve the publick acknowledgments of the community, to intrude upon the retreats of brave men fatigued and exhausted by honest industry, to drag them out, with all the wantonness of groveling authority, and chain them to the oar, without a moment's respite, or, perhaps, oblige them to purchase, with the gains of a dangerous voyage, or the plunder of an enemy lately conquered, a short interval to settle their affairs, or bid their children farewell. Let any gentleman in this

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this house, let those, Sir, who now sit at ease, projecting laws of oppression, and conferring upon their own slaves such licentious authority, pause, a few moments, and imagine themselves exposed to the same hardships, by a power superior to their own; let them conceive themselves torn from the tenderness and caresses of their families by midnight eruptions, dragged in triumph through the streets by a despicable officer, and placed under the command of those by whom they have, perhaps, been already oppressed, and insulted? Why should we imagine that the race of men, for whom these cruelties are preparing, have less sensibility than ourselves? Why should we believe that they will suffer without complaint, and be injured without resentment? Why should we conceive that they will not at once deliver themselves, and punish their oppressors, by deserting that country where they are considered as felons, and laying hold on those rewards and privileges which no other government will deny them? This, indeed, is the only tendency: whatever may have been the intention of the bill now before us, for I know not whether the most refined sagacity can discover any other method of discouraging navigation than those which are drawn together in the bill now before us. We first give our constables an authority to hunt the sailors like thieves, and drive them, by incessant pursuit, out of the nation; but, lest any man should, by friendship, good fortune, or the power of money, find means of staying behind; we have, with equal wisdom, condemned him to poverty and misery. And, lest the natural courage of his profession should incite him to assist his country in the war, have contrived a method of precluding him from any advantage that he might have the weakness to hope for from his fortitude and diligence. What more can be done, unless we prohibit to seamen the use of the common elements,  
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or doom them to a general proscription?" After some other speeches to the same effect, William Pitt, Esq; spoke as follows: "Nothing, Sir, is more evident, than that some degree of reputation is absolutely necessary to men who have any concern in the administration of a government like ours: they must either secure the fidelity of their adherents by the assistance of wisdom, or virtue; their enemies must either be awed by their honesty, or terrified by their cunning. Mere artless bribery will never gain a sufficient majority to set them entirely free from apprehensions of censure. To different tempers different motives must be applied: some who place their felicity in being accounted wise, are in very little care to preserve the character of honesty; others may be persuaded to join in measures which they easily discover to be weak and ill-concerted, because they are convinced that the authors of them are not corrupt, but are mistaken, and unwilling that any man should be punished for natural defects, or casual ignorance. I cannot say, Sir, which of these motives influence the advocates of the bill before us; a bill in which such cruelties are proposed as are yet unknown among the most savage nations, such as slavery has not yet borne, or tyranny invented; such as cannot be heard, Sir, without resentment, nor thought of without horror. It is, Sir, perhaps not unfortunate that one more expedient has been added, rather ridiculous than shocking, and that these tyrants of the administration, who amuse themselves with oppressing their fellow subjects, who add, without reluctance, one hardship to another, invade the liberty of those whom they have already overborne with taxes; first plunder, and then imprison; who take all opportunities of heightening the publick distresses, and make the miseries of war the instruments of new oppressions. The other clauses of this bill, complicated at once with cruelty and folly, have been  
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treated with becoming indignation; but this may be considered with less ardour of resentment, and fewer emotions of zéal; because though perhaps equally iniquitous, it will do no harm: for a law that can never be executed, can never be felt. That it will consume the manufacture of paper, and swell the books of statutes, is all the good or hurt that can be hoped or feared from a law like this. A law which fixes what is in its own nature mutable, which prescribes rules to the seasons, and limits to the wind. I am too well acquainted, Sir, with the disposition of its two chief supporters, to mention the contempt with which this law will be treated by posterity; for they have already shewn, abundantly, their disregard of succeeding generations: but I will remind them, that they are now venturing their whole interest at once, and hope they will recollect, before it is too late, that those who believe them to intend the happiness of their country, will never be confirmed in their opinion by open cruelty, and notorious oppression; and that those who have only their own interest in view, will be afraid of adhering to those leaders, however old and practised in expedients, however strengthened by corruption, or elated with power, who have no reason to hope for success from either their virtue, or abilities"—

This spirited speech so exasperated the friends of the minister, that Mr. Horatio Walpole, who had several times attempted to speak, could now no longer contain himself. He therefore answered Mr. Pitt in the following words: " Sir, I was unwilling to interrupt the course of this debate while it was carried on with calmness and decency, by men who do not suffer the ardour of opposition to cloud their reason, or transport them to such expressions as the dignity of this assembly does not admit. I have hitherto deferred to answer the gentleman who declaimed against the bill with such fluency of rhetorick, and such vehemence of gesture;

gesture; who charged the advocates, for the expedients now proposed, with having no regard to any interest but their own, and with making laws only to consume paper, and threatened them with the defection of their adherents, and the loss of their influence upon this new discovery of their folly and their ignorance. Nor, Sir, do I now answer him for any other purpose than to remind him how little the clamours of rage, and petulancy of invectives, contribute to the purposes for which this assembly is called together; how little the discovery of truth is promoted, and the security of the nation established, by pompous diction and theatrical emotions, formidable sounds and furious declamations, confident assertions and lofty periods, may affect the young and unexperienced; and perhaps the gentleman may have contracted his habits of oratory by conversing more with those of his own age, than with such as have had more opportunities of acquiring knowledge, and more successful methods of communicating their sentiments. If the heat of his temper would suffer him to attend to those whose age, and long acquaintance with business, gave them an indisputable right to difference and superiority; he would learn, in time, to reason, rather than declaim; and to prefer justness of argument, and an accurate knowledge of facts, to founding epithets, and splendid superlatives, which may disturb the imagination for a moment, but leave no lasting impression upon the mind. He will learn, Sir, that to accuse, and prove, are very different; and that reproaches, unsupported by evidence, affect only the character of him that utters them. Excursions of fancy, and flights of oratory, are indeed pardonable in young men, but in no other; and it would surely contribute more even to the purpose for which some gentlemen appear to speak, that of depreciating the conduct of the administration, to prove the inconvenience and

injustice of this bill, than barely to assert them, with whatever magnificence of language, or appearance of zeal, honesty, or compassion."—To which William Pitt, Esq; replied, "Sir, the atrocious crime of being a young man, which the honourable gentleman has, with such spirit and decency, charged upon me, I shall never attempt to palliate, nor deny, but content myself with wishing that I may be one of those whose follies may cease with their youth, and not of that number who are ignorant, in spite of experience. Whether youth can be imputed to any man as a reproach, I will not, Sir, assume the province of determining; but, surely, age may become justly contemptible, if the opportunities which it brings have passed away without improvement, and vice appears to prevail, when the passions have subsided. The wretch that, after having seen the consequences of a thousand errors, continues still to blunder, and whose age has only added obstinacy to stupidity, is, surely, the object of either abhorrence, or contempt, and deserves not that his grey beard should secure him from insults: much more, Sir, is he to be abhorred, who, as he has advanced in age, has receded from virtue, and becomes more wicked with less temptation; who prostitutes himself for money which he cannot enjoy, and spends the remains of his life in the ruin of his country. But youth, Sir, is not only my crime; I have been accused of acting a theatrical part: a theatrical part may either imply some peculiarities of gesture, or dissimulation of my real sentiments, and the adoption and opinions of another man. In the first sense, the charge is too trifling to be confuted, and deserves only to be mentioned, that it may be despised. I am at liberty, like every other man, to use my own language; and tho' I may, perhaps, have some ambition to please this gentleman, I shall not lay myself under any restraint, nor very solicitously copy his diction, or his

his mien, however matured by age, or modelled by experience. If any man shall, by charging me with theatrical behaviour, imply, that I utter any sentiments but my own, I shall treat him as a calumniator, and a villian; nor shall any protection shelter him from the treatment which he deserves: I shall, on such an occasion, without scruple, trample upon all those forms with which wealth and dignity intrench themselves; nor shall any thing, but age, restrain my resentment; age, which always brings one privilege, that of being insolent, and supercilious, without punishment. But with regard, Sir, to those whom I have offended, I am of opinion, that if I had acted a borrowed part, I should have avoided their censure: the heat that offended them is the ardour of conviction, and that zeal and service for my country, which neither hope, nor fear, shall influence me to suppress. I will not sit, unconcerned, while my liberty is invaded; nor look, in silence, on publick robbery: I will exert my endeavours, at whatever hazard, to repel the aggressor, and drag the thief to justice, whoever may protect them in their villainy, and whoever may partake of their plunder."\* The

\* In another part of this debate Mr. Pitt made the following remarkable speech.

"Sir, the advocates of this bill have been pleased to shew, that our seamen are half-slaves already, and now they modestly desire you should make them wholly so. Will this increase your number of seamen? or will it make those you have more willing to serve you? Can you expect that any man will make himself a slave, if he can avoid it? Can you expect that any man will breed his child up to be a slave? Can you expect that seamen will venture their lives, or their limbs, for a country that has made them slaves? Or can you expect that any seamen will stay in the country, if he can, by any means, make his escape. Sir, if you pass this law, you must, in my opinion, do with your seamen as they do with their galley slaves in France; you must chain them to their ship, or chain them in couples, when they are ashore. But suppose this should both increase the number of your seamen, and render them more willing to serve you, it will render them incapable. It is a common observation, that when a man becomes a slave, he loses half his virtue. What will it signify to have your ships all manned to their full complement? Your men will neither have courage, nor a temptation to fight; they will strike to the first enemy that attacks them, because

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The opposition having thus by far the advantage in the debate, the minister determined to drop the bill; which was accordingly done, and the parliament was prorogued on the 29th of April, 1740.

On the 18th of November the parliament met. This was the last session of this parliament, and the opposition resolved to exert all their strength in wounding the credit of Sir Robert Walpole: they determined upon making a motion, in both houses, to remove him from his majesty's presence and councils for ever. This they thought would establish the publick detestation of him, and give them a great advantage at the ensuing general election. Accordingly, on the 13th of February, Mr. Sandys made a motion, in the house of commons, that an humble address be presented to his majesty, that he will be graciously pleased to move the right honourable Sir Robert Walpole, knight of the most noble order of the garter, first commissioner for executing the office of treasurer of the exchequer, and one of his majesty's most honourable privy council, from his majesty's presence, and councils, for ever. The minister did not chuse to crush this motion, which he might have done, because it was unprecedented. The charge in both houses (for at the same time it was moved in the lords by lord Carteret), began as far back as the year 1720, from whence the minister was supposed to date his power; and it was attempted to be proved, that he had deviated from that plan of policy which he himself, in his impeachment of the earl of Oxford, had la-

because their condition cannot be made worse by a surrender. Our seamen have always been famous for a matchless alacrity and intrepidity, in time of danger: this has saved many a British ship, when other seamen would have run below deck, and left the ship to the mercy of the waves, or perhaps a more cruel enemy, a pyrate. For God's sake, Sir, let us not, by our new projects, put our seamen into such a condition as must soon make them worse than the cowardly slaves of France or Spain.

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boured to establish: and it was asserted, that this appeared by his first treaty of Hanover, which was made the ground-work of the whole, and affirmed to be calculated to aggrandize the power of the house of Bourbon, and to depress that of Austria. The motion-makers then attempted to shew, that all the great expences the nation had run into, by augmenting the army, and paying subsidies to foreigners, were owing to that treaty. Mr. Pelham, who bore a great share in this day's debate, answered, that the peace of Utrecht was very imperfect; that the quadruple alliance was therefore formed in order to supply the deficiencies of the peace of Utrecht by strengthening the emperor in Italy, and by transferring to him the kingdom of Sicily from the duke of Savoy, and at the same time giving an irretrievable blow to the marine of Spain, by Sir George Byng destroying it in the year 1718. The king of Spain was by Britain forced to accede to the quadruple alliance, which brought on the congress of Cambray, during the dependancy of which the emperor and the crown of Spain made the treaty of Vienna, which was extremely prejudicial to the interest of Great Britain, and to which the treaty of Hanover was no more than a counter alliance. Mr. Pelham then proved, that the emperor had been the first to deviate from the plan upon which the balance of Europe was fixed, so much in his favour. Lord viscount Tyrconnel, Mr. Bromley, colonel Bladen, Mr. Stephen Fox, Mr. Howe, and many others, spoke on the same side. The motion was seconded and supported by lord viscount Cornbury, Sir John Hind Cotton, Mr. Pulteney, &c. after a long debate, Mr. Walpole himself rose, and was the last who spoke; and, indeed, his speech did him great honour. He repeated the charge against him, and proved it to be without foundation: at the same time he declared, that, in case any one step, taken by the government,

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vernment, could be proved to be either disgraceful or disadvantageous to the nation, he looked upon himself as accountable for it: he said, in the most emphatical manner, *that he did not desire to screen himself behind the throne, by saying that any step or word WAS THE KING'S.* And towards the conclusion of his speech he uttered these remarkable words: "Gentlemen have talked a great deal of patriotism! a venerable word, Sir, when duly practised: but I am sorry, Sir, to say, that, of late, it hath been so much hackneyed about, that it is in danger of falling into disgrace: the very idea of true patriotism is lost, and the term has been prostituted to the very worst of purposes. A patriot, Sir! Why patriots spring up like mushrooms: I could raise fifty of them within four and twenty hours; I have raised many of them, Sir, within one night: it is but refusing to gratify an unreasonable or an insolent demand, and up starts a patriot. I have never been afraid of making patriots, Sir; but I disdain and despise all they can do. No man, I believe, who ever had the honour of serving the crown, ever had such an attack made upon him as the present motion, a motion that gentlemen had been so long meditating, so long a threatening, and which they had so much desire to support: but, Sir, has it been supported, has it been attempted to be supported, with even the shadow of evidence? Yet, Sir, I have long heard of this motion; and let gentlemen contradict me, if they can, when I say I could have prevented it, by what means, I leave the house to judge; but I chose, Sir, they should shew their interest: and I rejoice in this debate, let the issue of it be what it will, more than ever I did in any one thing that has happened to me in the course of my life." This animated speech had a very great effect, because it came after a great deal of the most gross kind of personal abuse that had been thrown out against the author of it, during the debate, and  
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took from it all airs of insolence. In one part of it he paid a very delicate compliment to the tories, who had expressed their disapprobation of the motion which he all along represented to be the effect of personal malice, and disappointed ambition. At last, the question being called for, the motion was rejected, by a majority of 190 against 106. So great, and, at that time, so unusual a majority, was far from being any service to the party, however it had favoured the person of the minister. The wiser part of the tories were glad of that opportunity to shew their allies, who had begun of late to affect a superiority, how insignificant they were when left to themselves, even tho' joined, as they were, by many of the tories, who, in their conduct, had only consulted their aversion to the minister. He, upon his success, was certainly thrown too much off his guard, with regard to his management at the ensuing general election: he imagined, as appeared by the event, that the tories and whigs, in the opposition, were really divided more than they really were. The motion in the house of peers was supported by the dukes of Bedford and Argyle; the earls of Westmorland, Berkshire, Carlisle, Abingdon, and Halifax; and the lords Haversham, and Bathurst: the opposers of the motion were, the lord chancellor, the dukes of Newcastle and Devonshire, the bishop of Salisbury, the earl of Ilay, lord Hervey, and the earl of Oxford. This last nobleman, tho' he was one of the heads of the tory interest who had always distinguished himself in the opposition to Sir Robert Walpole, yet, upon this occasion, warmly opposed the motion; not, as he declared, from any conviction he had within himself, of the minister's innocence, but because he thought there was no legal, or indeed other evidence, brought to support it; therefore he said it was cruel, unjust, and unconstitutional; and he was old enough to re-  
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member the hard measure which a minister of his own family suffered, chiefly by the influence of the minister against whom that motion was made from unsupported charges. This generous declaration made a strong impression upon all who heard it. The prince of Wales was present at the debates in the house of peers, and great notice was taken that the earls of Coventry, Graham, Wilmington, and Darnley, with the lords Brook and Foley, did not divide with either party. At last, the question being called for, the motion was rejected, by a majority of 108 (19 of whom were proxies) against 39, 12 of whom were proxies. Immediately after the motion thus passed in the negative, the duke of Marlborough rose up, and moved to resolve, that any 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 misdemeanor committed by him, is contrary to natural justice, the fundamental laws of this realm, and the antient established usage of parliament, and is a high infringement on the liberty of the subject. The truth of the proposition contained in this motion was admitted by the warmest friends of the last motion, but they insisted upon the treaties being full evidences against the minister, without offering any one circumstance as a proof that those treaties had been solely conducted by him, or that they were detrimental, in themselves, to the honour and interest of the nation.

On the 21st of April, 1741, the parliament was dissolved.

On the 4th of December the new parliament met, when the address of the commons occasioned a warm debate, whether they should promise to defend the king's electoral dominions, and return thanks for the prosecution of war. In this debate Mr. Pulteney inveighed vehemently against the minister: he went so far as to affirm, that the people were

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were apprehensive of being sacrificed to the security of foreign dominions. However, the address was carried in favour, by a small majority. This convinced Sir Robert he had lost ground considerably, and elated his enemies to a degree of enthusiasm. He placed his hope in the disputed elections, but these being carried against him by a majority of *one*, he determined to resign; but first he took such precautions as should prevent an impeachment, which his adversaries vowed they would exhibit. For this purpose, he found means to *DIVIDE* them; this being effected, he next took care of all his friends, and then resigned, and his majesty created him earl of Orford. Mr. Sandys, who had made the motion for his removal, was made chancellor of the exchequer; lord Wilmington, first lord of the treasury, and lord Carteret, secretary of state. As to the *mock-patriot*, he had been, for some time, secretly gained over to the minister, and accepted of an e——m, which sunk him, at once, into that contempt and abhorrence which his scandalous conduct so justly deserved. He who had made the people believe their ruin was at hand, who for a series of years had written and published more libels upon government than any traitor before or since; who had enjoyed the confidence, the esteem, and almost the adoration, of the people; now shewed himself to be an apostate and hypocrite, for an empty title. After persuading them into every notion of fear and danger; after making use of their weight and influence to thwart every measure of government implicitly, which reduced corruption to a system, in order to execute the national business, in opposition to his ambitious views, he basely deserted them for a c-r-n-t. Where was his patriotism, in that needful hour when he had pulled down the minister, and the nation roared out for justice? These truths will ever remain, and will stand upon

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upon record to latest ages; by his duplicity and deceit he has injured the people of this nation beyond any possibility to conceive. They were so deceived by him, that, ever since, they scarcely know how to place their confidence in any. He has brought opposition more into contempt than any man, or body of men, in the kingdom; and altho' oppositions to wicked ministers are highly necessary, and have preserved this constitution from age to age, yet did he so prostitute the word, and the thing, that they have lost no small part of their real use, weight, and character. As soon as the new courtiers had received their rewards, a committee was appointed to examine into the conduct of Sir Robert Walpole, during the last ten years. It appeared, to this committee, that 1,453,400*l.* had been expended in *secret service*; in which was included an account of money paid by Mr. Lowther, of the Treasury, to several persons, for printing, publishing, and writing, of news-papers, &c. by them delivered, at the General Post-Office in London, between the 10th of February 1731, and the 10th of February 1741; amounting, in the whole, to 50,077*l.* 18*s.*

The committee were proceeding in their enquiry, when the season being so far advanced as July, his majesty put an end to the session on the 15th of that month, 1743.

On the 16th of November the parliament met; when the spirit of party seemed to rage with greater violence than ever. The people were exasperated, beyond measure, to find themselves betrayed by those in whom they had been artfully persuaded to place their confidence. An unserviceable and ruinous system of continental affairs, against which they had been taught to entertain the most inveterate hatred, was now entered into by the new ministers, and the nation suddenly involved, as it were,

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were, over head and ears in a labyrinth of German politicks. The very steps which they had most violently opposed in Sir Robert Walpole, they not only took themselves, but pursued to far greater lengths than he; and in a manner the most ridiculous, absurd, and unserviceable: this naturally gave ample room for many farcical observations in parliament; and the very language which Sir Robert had used, in vindication of himself, they now adopted. Some of the tory party, who were unplaced and unpensioned (for there was not provision for them all), and a few whigs, who disapproved of the late ministry, but wholly abhorred the present, now formed the opposition. Lord Carteret was universally considered as minister, and became as odious as Sir Robert Walpole. When a motion was made for continuing the Hanoverian forces in pay, it was attacked with great vigour in both houses, but, at length, carried by the majority. Nothing new was said. The debate was chiefly declamation, but this declamation made a great impression on the people, who, being worked upon in the most artful manner, at length utterly despised the Hanoverians. On the 21st of April the session ended, and on the 27th his majesty, with the duke of Cumberland, and lord Carteret, set out for Germany, in order to take the field against the French.

On the first of December the parliament met. In a few days after, a motion was made, in both houses, to discontinue the pay of the 16,000 Hanoverians then in British pay. It was affirmed, that better troops might be hired at less expence; and they were, in general, charged with insolence, disobedience of orders, and cowardice, particularly in the battle of Dettingen. Lord Carteret undertook to refute these charges, and spoke greatly in their praise. At length, the motion was rejected in both houses; but the Hanoverians became, if possible, still

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more univerfally odious. This oppofition (the tendency of which was to remove lord Carteret, becaufe they faid he had too much power in the cabinet) exasperated the people to fuch a pitch of enthufiafm againft the government, and all foreign meafures, that the French determined to take the advantage of thefe heats and animofities by making a fhame attempt to place the pretender on the throne, in order to diftract them ftill more. The Scots, believing the intentions of the French to be fincere, eagerly took up arms for the tyrannick houfe of *Stuart*. A war breaking out with France, and a rebellion in Scotland, put a ftop to all debates in parliament. Every body was intent upon the defence of the kingdom againft two fuch common and deceitful enemies. On the 12th of May, 1744. the feflion ended.

On the 27th of November the parliament began. Lord Carteret having found he fhould not be able to conduct the bufinefs of the kingdom, at fo critical a time, prudently refolved to refign; upon which, a coalition of parties infantly took place under the management of Mr. Pelham, who, in 1743, had been made firft lord of the treafury, and every thing was now conducted with the greateft harmony and unanimity. On the fecond of May, 1745. the feflion ended.

On the 16th of October the parliament met. The miniftry ftood in want of money to carry on the war againft the French and Scots, which was the reafon of the parliament meeting fo foon. Accordingly, money was granted. A plan came over from Holland for carrying on the war againft France, but England could not, at that time, join Holland, agreeable to the terms mentioned in the plan, becaufe the Scottifh rebellion had hurt her finances. Lord Harrington informed the Dutch of this; but ftill endeavours were made, in the cabinet, to make England bear the greateft fhare of the

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the expence of the land war againft France; which were oppofed by moft of the adminiftration; and who, thereupon, refigned. Lord Carteret (now earl Granville), who had chiefly promoted thofe endeavours, was again made fecretary of ftate, which put an entire ftop to all publick bufinefs. His lordfhip infantly found he could not raife one farthing of the fupplies; therefore, in four days after his appointment, he again prudently refigned; and the adminiftration was fixed, to the fatisfaction of all. Publick bufinefs, of every kind, went on with the greateft loyalty and unanimity; there was not even a debate.

On the 18th of November, 1746. both houfes met, when every thing continued unanimous. A bill was brought in, and paffed into a law, vefting the heritable jurifdiction which had defcended for many ages from father to fon in the crown, which freed the people of Scotland from the arbitrary commands of their *lairds*. The Dutch, by this time, fhewing an inclination of heartily concurring in the war, if they could be affured that the fame unanimity, and fteady perfeverance, would ftill prevail in the Englifh councils, as lately; which, however, they were greatly afraid would not, unlefs a new parliament was called, for the prefent, altho' lately very unanimous in the fupport of government, were not fo formerly, and, poffibly, they might not be fo, long. Thus we fee how our unanimity affects and influences foreign ftates, and how our weight and dignity are funk when we are diftracted by divifions. Accordingly, his majefty was advifed to difolve the parliament, which he did on the 17th of June 1747 (tho' the term of feven years, fince its firft meeting, was not expired), and leave the people to their choice of new representatives. The elections, in general, were conducted with good order, and without much op-

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pofition;

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position; and most of the same members were returned.

The parliament met in November, but nothing material happened. Affairs with Holland were settled. A bill was brought in, which passed into a law, prohibiting insurance on French ships, and trading to any part of the French dominions. In May 1748 the session ended.

On the 29th of November the parliament met, when the harmony which had been so manifest, for several years past, seemed to be beginning to break. The peace of Aix la Chapelle was, by this time, pretty far advanced; but the conditions of that peace were not the real cause of discontent, altho' they served for a handle: the true cause was, the servants of the prince of Wales wanted to make him, as it were, lord paramount of Cornwall. A misunderstanding broke out between his majesty's court and that of the prince, whose servants did not think themselves sufficiently considered. Some obsolete claims in the county of Cornwall, which his royal highness was said to be entitled to, had been lately revived, and a stannery had been held there, and mention made of certain powers which the prince ought to enjoy, that would, in fact, make the elections of the Cornish boroughs entirely dependant on him. Lord Bolingbroke, who had been suspected of a design to enslave his country by introducing the pretender upon the death of queen Anne, was, from his close connection with the prince, supposed to be at the bottom of this disturbance. A sort of opposition was formed in parliament, but scarce worth speaking of, headed by lord Egmont, Dr. Lee, Sir Francis Dashwood, and Mr. Nugent: upon the first debate, which was the address, they found themselves so weak, they durst not divide. Mr. Pelham, the minister, was supported by men of vastly superior abilities, particularly Mr. Pitt, Mr. Littleton, &c. A new mutiny bill was brought in

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in, which the opposition determined to combat with all their force. The last clause of the bill, which extended the martial law to all half-pay officers, was what they chiefly contested, and which they represented, in a most dreadful light, as highly dangerous to the constitution; but all their declamation was silenced by the following speech of Mr. Pitt. "What danger, said he, can happen by obliging an half-pay officer to continue upon the military establishment? It is admitted, on all hands, that, while he is in full pay, he must employ his time, his study, and even his sword, as his superiors shall direct. There may, possibly, be danger in this; but it never can happen till the direction becomes wicked; nor prevented, but by virtue of the army. It is to that virtue, we, even at this time, trust, small as our army is; it is to that virtue we must have trusted, had this bill been modelled as its warmest opposers could have wished; and without this virtue should the lords, the commons, and the people of England, intrench themselves behind parchment, up to the teeth, the sword will find a passage to the vitals of the constitution". Several other bills passed, after a weak and slovenly opposition. On the 13th of June the parliament was prorogued. The great object which Mr. Pelham had in view against next session was, the reduction of the interest upon the publick funds.

On the 16th of November the parliament met, when his majesty, after commending the peace in his speech, said, "The good effects resulting from hence [the peace] do already appear, in the flourishing condition of our commerce, and the rise of the publick credit." In the house of commons L——— made some severe remarks on these words, which, he said, were conceived in FALLACIOUS TERMS, and might prevent œconomy in



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in his majesty, as believing the nation to be in a flourishing condition; whereas it was otherwise: for trade was declining, and the publick credit sinking. Altho' this was a flat contradiction to the king's speech, yet a whig ministry, who were *real* friends to his majesty, and willing to preserve to him the affections of his people, did not chuse to call this an insult offered to him, nor, upon the opinion of any time-serving tool, take up the person who pronounced it. The interest on the national debt was reduced in the following manner: the creditors to receive 4 *per cent.* for one year;  $3\frac{1}{2}$  *per cent.* for seven years; and 3 *per cent.* ever after. It was amazing to all Europe, that the reduction of the interest of the publick funds should be executed without any national disturbance, or disquiet: it was a great and unanswerable proof of the wisdom of the administration, that, at the close of a long and expensive war, they could find money to pay off such publick creditors as did not chuse to submit to a reduction of their interests. And it will be remembered, to the everlasting dishonour of that *tory opposition* (which in these *pious days* is *placed* and *pensioned*), that they did all in their power to prevent this great and salutary measure. The election of members for Westminster occasioned much disturbance. The candidates were, lord Trentham, and Sir George Vandeput; the former in the interest of the court, and the latter supported by the prince of Wales. Lord Trentham was returned; upon which, Sir George petitioned the house upon an undue election. The returning officer was examined at the bar, where he complained of Mr. Alexander Murray, and other persons, obstructing him in the course of his duty. Mr. Murray was taken into custody, and ordered to ask pardon on his knees, which he refusing to do, was committed, by the house, close prisoner to Newgate. Soon after, he published his case, which  
being

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being voted, by the house, to be a false, scandalous, and seditious libel, the publisher was prosecuted for the same, in the court of king's bench; but a jury of free-born Englishmen could not, in their conscience, and consistent with the oath they had taken, by which they were judges of law, as well as fact, concur in such a vote: therefore they *acquitted* the publisher, even contrary to the efforts of the judge, who, in his charge, delivered it as his opinion, that they *ought* to find the publisher *guilty*, because the *fact* of publishing was proved. On the 12th of April the session ended.

On the 17th of January, 1751. the parliament met. In the commons L—— E—— violently opposed the motion for an address: his harangue was a full reply to the speech, as if the speech had contained nothing but a series of *falsities*. Mr. W. Pitt answered him. He said, "The address was no more than an usual compliment to the throne." However, he supported the several facts in the speech in such a manner, as put an end to the altercation upon it. In March the prince of Wales died, which event introduced a different kind of business into parliament. The heir apparent (now his present majesty) being then a minor, the king, with the advice of his council, sent a message to both houses, purporting, that nothing could conduce so much to the preservation of the protestant succession, in the present royal family, as proper provision for the regular administration of government, in case the successor should be of tender years: he therefore recommended this weighty affair to the deliberation of parliament. Both houses presented affectionate addresses; and a few days after, the duke of Newcastle brought in a bill, importing, that when the crown should descend to any of the late prince of Wales's sons, being under the age of eighteen, the princess dowager, his mother, should be guardian of his person, and regent  
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of the kingdom, till he should be of the age of eighteen, with a council of regency, consisting of the duke of Cumberland, the archbishop of Canterbury, the lord Chancellor, the first lords of the treasury and admiralty, the president of the council, the lord privy seal, the two secretaries of state, and the chief justice of the king's bench; all for the time being. The bill quietly passed the lords, but in the commons it met with some opposition. There were a few who were highly offended at the duke of Cumberland's being one of the council of regency. They plundered the history of England for instances of royal uncles having injured their sovereigns: they dwelt, in particular, on Richard, duke of Gloucester; and the names of John Lackland, John of Ghent, &c. were introduced, in the most invidious manner. But time has fully shewn, to the conviction of every honest man, that these base insinuations had no kind of foundation; and the authors of them may be justly reproached with attempting to spread jealousies of the most dangerous and infamous kind, to disturb the peace and repose of the kingdom; and all this because (for no other reason can be given) his royal highness had entirely suppressed the Scottish rebellion but a few years before, by which he entirely disconcerted the views of those faithless people who aimed to place an arbitrary popish pretender on the throne. Therefore all *true* friends to the house of Hanover, and all *honest* Englishmen, were, in gratitude, bound to his royal highness for the preservation of so inestimable a blessing as the *present* royal family: and the truth of their sentiments has been fully verified, which strongly refutes the malicious insinuations that were so falsely and wickedly thrown out. A printed paper, containing the pretended *fears* and *alarms* of these tory opposers, in the manner of *queries*, was, for some time, secretly dispersed about, in order, if possible, to prejudice the people against the,

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VERER OF HIS COUNTRY; until, at length, it fell into the hands of the duke of Marlborough, who directly moved the house against the authors, printers, and publishers of it, as a seditious libel, with an intent to instil groundless suspicions and jealousies into the minds of the people, and to alienate their affections from his majesty, and his royal family. Both houses concurred in its being so, and ordered it to be burned by the hands of the common hangman. No other material business was done, except altering the stile, according to the Gregorian computation, which was chiefly the work of the late earl of Macclesfield. On the 25th of June the session ended.

On the 14th of November the parliament met, when no other business was done besides regulating the supplies, except one motion more, on the 28th of January, 1752, by the duke of B——, who, at this time, had no place, for an address to the king, to desire his majesty not to enter into any subsidiary treaties with foreign princes. It seemed to be treated as it deserved, a negative being put upon it, without honouring it with a division. In the house of commons it met with exactly the same fate, where it was moved by lord Harley. On the 26th of March, 1752, the session ended.

On the 11th of January, 1753, the parliament met; when, among the commons, the earl of B—— declaimed violently against complimenting his majesty (in their address) on his wisdom and goodness, &c. but the address was carried, without a division, notwithstanding. However, the most material business of this session was two bills, one for naturalizing Jews, and the other for preventing clandestine marriages. The first was an act which passed in the house of peers, and was sent down to the commons, intituled, An act to permit persons professing the Jewish religion to be naturalized by parliament, and for other purposes therein men-

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 tioned. Two or three capital petitions were presented on this occasion; one on the 21st of May, from several merchants and traders of the city of London, alledging, that the petitioners were of opinion, that the passing of this bill into a law might encourage persons of wealth and substance to remove with their effects from foreign parts into this kingdom, and increase the credit and commerce of this nation; and therefore praying the bill might pass into a law. The same day was presented, by the sheriffs of London, against the bill, a petition of the lord mayor, aldermen, &c. expressing their apprehensions "that, should the bill pass into a law, the same would tend greatly to the dishonour of religion, endanger our excellent constitution, and be highly prejudicial to the interest and trade of the kingdom in general, and the said city in particular; and therefore praying that it might not be passed into a law." Next day a petition was presented to the house, and read, "of the subscribing merchants and traders of the city of London, in behalf of themselves and all other merchants and traders of Great Britain, alledging their being apprehensive, that the bill, if passed into a law, would, in its consequences, greatly affect our trade and commerce with foreign nations, and particularly with Spain and Portugal, and would also be attended with many other very bad effects to the kingdom; and therefore praying that they might have leave, by themselves or council, to offer their reasons against passing the same into a law." A counter petition to this, was presented by some woollen manufacturers and others concerned in shipping, in favour of the bill; alledging, "that if it should pass into a law, it might encourage many persons of wealth and substance to remove with their effects from foreign parts into this kingdom, the greatest part of which, agreeable to the experience of former times, would be employed

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 ployed by them in foreign trade and commerce, and in increasing the shipping, and encouraging the exportation of the woollen and other manufactures of this kingdom, of which the persons who profess the Jewish religion had, for many years last past, exported great quantities." The court party, who were, in general, for the bill, denied that it was a bill for naturalizing the Jewish nation: but it was answered, that a permission for them to be naturalized by parliament, amounted, in fact, to the same thing: because, if any thing was meant by the bill, it was, that Jews might be permitted to be naturalized, upon such and such conditions as the parliament should think proper; and that it could not be supposed but that many of them would be naturalized, which might, in time, be destructive of religion, and extremely detrimental both to the clergy and the common people. It was said, that the Jews, by their being naturalized, would acquire a right to purchase land estates, and thereby of having advowsons and presentations to livings in their possessions, which might be attended with the worst of consequences to the established church. That their manner of living was destructive to all hospitality and good neighbourhood amongst Christians; that their hatred to our religion might induce them to make combinations amongst themselves, which would, in the end, prove destructive of it; and, with regard to manufactures, that none of the Jews were manufacturers, but subsisted entirely upon their brokerage for the labour of others. Some provision was made in the bill against Jews getting possession of advowsons and presentations to livings; but the other principles against the bill were strongly defended by the favourers of it. The great utility of having a set of monied men residing in the kingdom, and exerting their influence over almost all parts of the world, in favour of English manufactures, was

strongly insisted upon; and the great expediency, founded on experience of naturalization bills of all kinds, were thought to be such arguments, as recommended this bill to the publick. \* The bill, therefore, passed, by a great majority, and received the royal assent.

The other bill which passed this session, was, for the better preventing clandestine marriages. The fatal consequences of clandestine marriages had been long complained of; every day produced hearings of the most shocking kind in the court of chancery, and appeals in the house of peers, concerning the validity of such marriages; and some-

\* In this question, the parliament had great consideration to the sentiments of the people. An appeal was made without-doors in print, to the principles of the constitution, and particularly to the famous act which had been made against the Jews, before and after their expulsion in the reign of Edward I. Many antient authorities, some of them produced from original records, were advanced, on both sides; but both of them mistook the main point. For tho' it was plainly proved, that the Jews, at that time, lay under many, and those infamous, disabilities by acts of parliament, which were pretended to be still subsisting; yet, had the authors on both sides, who handled this question, dipped, a little deeper than they did, into antient records, they would have found, that the disabilities and the censures they lay under, was not imposed upon them on account of their religion, as being Jews, but on account of their usury and exactions; and that if a Christian had been guilty of the same crimes, he must have been subjected to the same penalties. The question was debated, perhaps, with more heat without-doors, than it was within: but a vast majority of the publick was against the bill, which ought to have been a sufficient inducement for its being dropped, entirely upon the prudential consideration. A great query, upon this occasion, arose, Whether a Jew, born in the British dominions (supposing the act to be out of the question), was a person capable, by law, to purchase and hold lands to him and his heirs for ever. Sir Robert Raymond, attorney-general in 1718, was clearly of opinion in the affirmative; and so was Sir Thomas Bettle, in the year 1723. Mr. Pigot, who seems to have been the only lawyer that understood the question, expressed himself thus: "I am of opinion, that a Jew that is his majesty's subject, born in England, or who has obtained letters patents of denization, may purchase lands. The statute *De Judaismo*, and the other old statutes, relate to usury; and there is not in them any thing that disables them to purchase. In antient times, people excommunicated lepers, Jews, and many others were disabled to purchase, as appears by Bracton and our old authors; but I am of opinion, a Jew may purchase, because I know no law that disables him or deprives him of that right of purchasing he acquired by his being an English subject."

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times the innocent offspring was cut off from succession, tho' their parents had been married, *bona fide*, because of the irregularity of such marriage. On the other hand, both women and men, of the most infamous characters, had opportunities of ruining the sons and daughters of the greatest families in England, by conveniencies of marrying in the Fleet, and other unlicensed places; and marrying was now become as much a trade, as any mechanical profession. Some recent instances of these evils coming before the house of peers, it was recommended to the judges, by some of the greatest and most serious men in the nation, to prepare and bring in the bill, which they accordingly did; and having received great alterations in that house, it was sent down to the commons, where it met with a most vigorous opposition. Mr. Pelham was sincerely for the bill, upon principles of private conviction; others, perhaps upon the same principles, as warmly opposed it, as being calculated for engrossing all the property in the kingdom amongst great and rich families. The attorney and solicitor general had been at great pains to study the matter, and were zealous advocates for the bill, as was lord Barrington, with several other members, of great weight and consideration. Mr. Fox, who was then secretary at war, was as strenuous an enemy to the bill: Mr. Nugent spoke with great warmth, and, indeed, with great abilities, against it; as did Mr. Townshend (now lord Townshend), and many other gentlemen of the ministerial, as well as the anti-ministerial party. In short, the opposition to it was such, that, during its course through the house of commons, few clauses in it remained unamended and unaltered, even by the friends of the bill: and Mr. Fox holding it up in the house, as Anthony exposed the murdered body of Cæsar, made a kind of a parody of the speech in Shakespeare upon that occasion. Notwithstanding this, the

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the friends of the bill contended, that the principles of it were still the same; and Mr. Pelham, besides the private reasons he had for being for the bill, began to think it now high time to support it upon a political account, because he thought that the opposition made, was not so much to the bill as to himself; and he was heard to talk to that purpose with more warmth, and less caution, than he used to do on other occasions. Therefore it passed, by a majority of 125 against 56; and, being sent to the house of lords, the amendments, after some debates, were agreed to, and it received the royal assent. On the 7th of June the session ended. It is impossible to conceive the horror and detestation which the people, throughout the kingdom, expressed against the act for naturalizing Jews. This Mr. Pelham perceiving, he declared he would, when the house met, be one of the first to move for a repeal of that bill.

On the 15th of November the parliament met. Accordingly, the act was immediately repealed. Some of the minister's friends endeavoured to persuade him to despise popular *clamour* (as they termed it); for that, if he indulged it, by repealing this act, no publick measure, if disagreeable to the *mob*, could be carried into execution: but he could not be brought to think it prudent, or consistent with the happiness and interest of his master, to urge any thing so apparently opposite to the inclinations of the people\*. Nothing else particular happened, every thing being conducted with great unanimity. On the 7th of April, 1754. the parliament was

\* Dr. *Smellitt*, a great stickler for the ministry, chosen by his countryman, the earl of Bute, says, on this occasion, in a work to which he has prostituted the name of *History*; "No ministry ought to risque an experiment, how plausible soever it may be, if they find it, as this was, an object of the people's unconquerable aversion." The excise on cyder is *an object of the people's unconquerable aversion*: let this *Scottish* *teal*, therefore, ask Mr. GEORGE GRENVILLE if he has either the prudence, or wisdom, of Mr. Pelham;

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dissolved, a few weeks previous to which Mr. Pelham died.

On the 14th of November the parliament met; when there appeared the greatest unanimity seen there for some time: even the speech was not cavilled at, which had been usual of late. The truth is, the tory opposers found that they had only made themselves ridiculous by their opposition; therefore they came over to the ministry, in order to *get something*, as they termed it; and some of them were gratified. By this means the ministry became such a jumble, that it laid the foundation of the most grievous disturbances. On the 25th of April, 1755. the session ended; when the nation seemed to be on the eve of a war.

On the 13th of November the parliament met; when Mr. Fox became minister: this gave universal disgust. A most extravagant, ridiculous, and extensive continental system, was formed (in order to defend Hanover), that ever could enter the human brain. A subsidiary treaty was made with Russia, the contents of which were both absurd, and impracticable. Mr. Pitt and Mr. Legge (both of whom held great employments) were dismissed, for opposing it. Before the session ended, war was declared against France. This was an event which obscured all parliamentary proceedings, except the business of granting supplies, and giving votes of approbation on the conduct of ministers with regard to such measures as they had entered into for prosecuting the war. The parliament was prorogued on the 27th of May, 1756.

A series of miscarriages and misfortunes having happened, the people were soured with the bad management of the ministers. There wanted men of ability: those who had arrogantly taken upon themselves the direction of affairs, seemed to have nothing in view but the means of enriching themselves;

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elves; the people were so thoroughly aggravated with the wicked proceedings of the ministry, that it is sufficient to observe here, a short time before the parliament met again the ministry was changed.

On the 2d of December, 1756. the parliament met; when Mr. Pitt, Mr. Legge, and the other patriots of sound sense, and unfulfilled honour, refused to concur in a continental system, which, at first sight, appeared weak, and ridiculous. This caused great embarrassment: they were therefore again dismissed, and Mr. Fox (who had resigned a little before the house met), again taken in: but the affairs of the kingdom becoming more and more critical every day, and the voice of the people louder and louder, in behalf of the dismissed patriots, a healing measure was hit upon, by some true friend to his majesty; and his country. The good old king was much afflicted at seeing these unhappy distractions, and was ready to take any steps that would quiet the great, and restore peace to his subjects in general: accordingly, Mr. Pitt (to his immortal honour) made it his business to extinguish ALL PARTIES. A ministry was therefore formed by a happy coalition of all the leaders; and this was what could alone save England, at that time, from becoming a prey to France, and what must, in some future time (and that, perhaps, not far distant), preserve us from the dangerous views of that hereditary enemy: for who will say (the Scots, some creatures, and tools, excepted) that the men, now possessed of power, have any thing in view but their own *emolument*? When the ministry was entirely settled, and tranquillity restored, his majesty put an end to the session, which was on the 4th of July, 1757.

An honest and capable minister having now the direction of affairs, they went on successfully, in all parts, and a more happy and cordial unanimity was

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was experienced at home since monarchy was established in England.

On the first of December the parliament met; when the business being conducted with the greatest unanimity, and being only what related to the estimates, supplies, &c. is not deserving of any particular mention. A treaty was made with Prussia; the contents of which the publick are already in full possession. It was approved of in parliament, not by a majority bought or packed, but by men of all denominations, uninfluenced, unplaced, and unpensioned. It was renewed annually, while Mr. Pitt, and the other tried and known friends of their country, were permitted to serve it. On the 20th of June, 1758. the session closed.

On the 23d of November, 1758. the parliament met; when the same unparalleled unanimity appearing as before, there was no room for altercation: even the supplies, which exceeded any thing before in that house, were granted with the greatest cheerfulness and harmony; because already they had seen such a change in the face of affairs since Mr. Pitt was allowed the direction, and such amazing successes in every part, as not to afford the least ground for murmur and discontent. One occurrence in this session deserves particular notice, and that is, the thanks of the commons to the admirals Boscawen and Osborn. To the former Mr. Speaker addressed himself in the following admirable speech.

“ Admiral Boscawen!

“ The house have unanimously resolved, that their thanks should be given to you for the services you have done to your king and country in North America; and it is my duty to convey their thanks to you. I wish I could do it in a manner suitable to the occasion, and as they ought to be given to you, now standing in your place, as a member of this house. But were I able to enu-

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merate and set forth, in the best manner, the great and extensive advantages accruing to this nation from the conquest of Louisbourg, with the islands of Cape Breton and St. John; I could only exhibit a repetition of what has already been, and is, the genuine and uniform sense and language of every part of the kingdom. Their joy too has been equal to their sentiments upon this interesting event; and in their sentiments and joy they have carried their gratitude also to you, Sir, as a principal instrument in these most important acquisitions. You are now therefore receiving the acknowledgments of the people, only in a more solemn way—by the voice, the general voice, of their representatives in parliament—The most honourable fame that any man can arrive at, in this, or any other country. It is, on these occasions, a national honour, from a free people; ever cautiously to be conferred, in order to be the more esteemed—to be the greater reward; and which ought to be reserved for the most signal services to the state, and the most approved merit in them; such as this house has usually, and very lately, made their objects of publick thanks. The use, I am persuaded, you will make of this just testimony, and high reward of your services and merit, will be the preserving in your own mind a lasting impression of what the commons of Great Britain are now tendering to you, and in a constant continuance of the zeal and ardour for the glory of your king and country, which have made you to deserve it. In obedience to the commands of the house I do, with great pleasure to myself, give you the thanks of the house, for the services you have done to your king and country in North America.”

To which admiral Boscawen answered.

“ Mr. Speaker,

“ I am happy in having been able to do my duty: but have not words to express my sense of the

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the distinguishing reward that has been conferred upon me by this house; nor can I enough thank you, Sir, for the polite and elegant manner in which you have been pleased to convey to me the resolution of the house.”

Then the speaker acquainted the house, that, in obedience to their commands, he had signified to admiral Osborn their thanks, and had received the following answer.

“ Sir, I want words to express my sense of the honour the house of commons has been pleased to confer upon me; and only hope that you, Sir, will be as gracious to me in representing my gratitude to that august assembly, as you have been in acquainting me with their favourable acceptance of my services. I have done no more than my duty. I have only been the humble, tho' happy, instrument of executing the wise measures directed by his majesty. I have no title, Sir, to any glory, but what is common to me as a seaman, and as an Englishman zealous for the service of my country, which is pleased to reward me with this instance of their approbation. From the situation of my health, Sir, I can flatter myself with having but few opportunities of employing the remainder of my life in a grateful exertion of my abilities for the honour and interest of my country: but as the house of commons is so gloriously watchful to encourage the greatest merit, by rewarding the least, England can never want good officers; and however I am honoured by this distinction, may my services be the most inconsiderable, that shall be thus acknowledged. I am, with the greatest respect,

S I R,

Your most obedient, and

Most humble servant,

HENRY OSBORN.”

Dec. 8.

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No other material business happened during the session, which was closed on the 2d of June, 1759. — These were times of glory, and a true spirit of patriotism; such as no Englishman can reflect upon without glowing with emulation; such as Britain never before beheld, and perhaps will never again see.

On the 13th of November, 1759, the parliament met; when every thing continuing to wear the face of unanimity, nothing occurred, worthy of public attention, except the truly excellent and justly admired speeches of the speaker, in conveying the thanks of the house to the gallant officers who so bravely fought for their country. On the 21st of November the commons unanimously resolved to present an address to his majesty, that he would be pleased to give directions that a monument be erected, in Westminster abbey, to the memory of the ever-lamented late commander in chief of his majesty's land forces on an expedition against Quebec, major general James Wolfe; who surmounting, by ability and valour, all obstacles, of art and nature, was slain, in the moment of victory, at the head of his conquering troops, in the arduous and decisive battle against the French army near Quebec, fighting for their capital of Canada, in the year 1759; and to assure his majesty, that the house will make good the expence of erecting the said monument\*. At the same time the house resolved to give their thanks to the admirals and generals employed in that glorious and successful

† An Englishman that feels for his country, and wishes to see the most heroic actions rewarded by some distinguished marks of honour, and acknowledgment, cannot but glow with indignation, at seeing the unexampled courage, ardor, and death, of the brave general Wolfe, pass as things unnoticed, or unworthy the least attention; to the additional disgrace (if possible) of an administration that has no one virtue to boast of, not even *capacity*; it is as *notorious*, as it is *ungrateful*, that the monument is not erected. And if any reason there be for this scandalous neglect, it seems to be this, because he was loved and honoured by Mr. Pitt; and every thing that Mr. Pitt loved, they hate.

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expedition. And they, being members of the house, came thither on the 23d of January, 1760. (which was soon after they arrived in England). Mr. Speaker gave them the thanks of the house, in the following nervous and manly speech.

“ Vice admiral Saunders! rear admiral Holmes! brigadier general Townshend!

“ The house has unanimously resolved, that their thanks be given to the admirals and generals employed in the glorious and successful expedition against Quebec, with a direction to me to communicate those thanks accordingly; and I am to do it, to you, Sirs, in this place, as you are members of this house, and now present; but with a reference, also, to those other great officers who are likewise included within this resolution: in the doing of which service, I never had more pleasure, as it regards the subject of it; or more difficulty, as it respects my performance of this command.

The able and valiant leader, whom the house has so justly celebrated by an act of publick piety, is, unfortunately for his country, beyond the reach of all our praise: he is gone from us, but you providentially remain; and the publick praise so much your due also, you Sirs, happily for us all, receive in person. Our joy in you is unmixed with any impressions of sorrow, except for him your companion, and those other brave men who fell with him, but fell with him in battle, and in victory.—Glorious deaths! altho' bemoaned: he and they died for their country; you hazarded your lives, also, for it, but survived for our security: continue, then, Sirs, the honour you have already acquired.—Pursue your own spirit and ardour, whenever the publick danger shall call you forth. The reduction of Quebec, so important to the British empire, and interests in that part of the world, and where the cause of the war began, and which is our primary and ultimate consideration of it, must ever  
be



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be remembered to your fame.—Your grateful countrymen here, and of America, will, thro' all times, recount the names, the bold and perilous adventures, and the amazing successes, of those who conducted this hardy enterprize.—Emulation must follow it.

These are merits worthy the high acknowledgments of them I am to deliver to you, which are the unanimous thanks of the commons of Great Britain; and I do give you their thanks for the part you had in the glorious and successful expedition against Québec."

At the same time it was resolved, *nemine contradicente*, that the thanks of the house be given to Sir Edward Hawke, for the signal victory obtained by him over the French fleet on the 20th of November last, and on the 28th of this month (January). He being come to the house, Mr. Speaker gave him their thanks as follows.

" Sir Edward Hawke!

" The house has unanimously resolved, that their thanks be given to you for the signal victory obtained by you over the French fleet.

You are now, Sir, happily returned to your country, after a long, but most important service; and are returned victorious and triumphant, and full of honour. You meet the applause of your countrymen, in their minds and hearts, and which they had manifested before, in all outward demonstrations of joy and congratulation.

Your expedition was for the nearest and most affecting concern to us—The immediate defence of his majesty's kingdoms against a disappointed and enraged enemy, meditating, in their revenge, our destruction at once. Your trust, therefore, Sir, was of the highest nature; but to which your characters of courage, fidelity, vigilance, and abilities, were known to be equal. You soon freed us from fears; and have answered all our hopes  
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that bravery and conduct could give, or turbulent seas and seasons would admit of—even the last did not disturb or diminish your spirit and vigour. You had over-awed the enemy in their ports, in their chief naval force, till shame, perhaps, or desperation, brought them forth at last. You fought them, subdued them, and, in their confusion and dismay, made those, who could escape, to seek their security in flight, and disgrace.

Thus their long-preparing invasion was, then, broken, and dispelled; and which cannot but bring to our remembrance the design and defeat of another Armado (in a former age of glory); whose defeat was, at that time, the safety of England, and the lasting renown of the English navy.

These, Sir, are your late eminent services to your king and country, and have been, now, enumerated, not from any imagination that they are unknown any-where, or can ever be forgotten, but that your presence with us makes them to rise, with their first strength, in our thoughts, as the recounting of them must give us a fresh spirit of joy, in our acknowledgments of them. Our acknowledgments, then, Sir, you have, for your past services. Permit us to add our expectations, too, of what may be your future merits, in defence of the rights and honour of your country, where-ever you shall again command.

It is a very pleasing office to me, to convey these thanks of the house to you; and I do give you, in the name of the commons of Great Britain, their thanks, for the late signal victory, obtained by you, over the French fleet."

Upon which, Sir Edward Hawke said,

" Mr. Speaker!

" I own myself greatly at a loss, as to the proper manner of acknowledging the great honour conferred on me, by this august house, in their distinguished approbation of my conduct on the 20th  
of

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of November last. In doing my utmost, I only did the duty I owed to my king and country, which ever has been, and shall be, my greatest ambition to perform faithfully and honestly, to the best of my ability.—I can only assure this honourable house, that I receive this mark of honour with the greatest respect; and shall ever retain the most grateful sense of it.

Before I sit down, permit me, Sir, in particular, to return you my most respectful thanks for the obliging manner in which you have communicated to me the great honour done me by this house, which I shall always esteem as the highest obligation."

On the 22d of May the session ended; and on the 24th of October following, to the inexpressible grief of all true Englishmen, and sincere lovers of their country, his majesty George II. of glorious and immortal memory, departed this life.

One observation it is necessary to make. because justice ought always to be done to great and good characters. Mr. Pitt did not, like *others* in the lead of the administration, ever attempt to bribe, or even bias or influence, by any means, the members of either house of parliament: he left them entirely to the dictates of their own consciences, with regard to whatever measures were offered to their approbation, or whatever steps came under their cognizance. His bitterest enemies, and many he has (who are equally so both to their country, and its liberties), cannot, dare not, charge him with one instance of this sort of corruption (nor, indeed, any other sort): if they could, the publick would, long ago, have been in possession of the fact. To the everlasting reproach of themselves, and the just resentment of all good men lying heavy upon them, as much cannot be said on their behalf: nor in *these times*, pious as they are, is it safe to speak the *truth*; but a time will come, it *must* come,

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come, when TRUTH shall be released from the fetters with which she is now bound; and they who endeavour, with all their might, to stop her cries (that they may plunder and enslave their country with impunity), shall feel the force of her just vengeance; and the characters of the *base*, the *deceitful*, the *avaricious*, and the *profligate*, be made as glaring as the sun at noon day.

As the supplies have not been mentioned in the course of this work, being only the usual and ordinary business of parliament; it will here be proper to lay before the reader, at one view, the total of every sum granted each session.

A LIST of the Supplies, Ways and Means, from the year 1714, to the year 1759, both inclusive.

|                      | Summary of the total yearly Supplies. |    |                    | Summary of the total yearly Ways and Means. |    |                  |
|----------------------|---------------------------------------|----|--------------------|---|----|------------------|
|                      | £                                     | s. | d.                 | £   | s. | d.               |
| George I.            |                                       |    |                    |   |    |                  |
| 1 <sup>st</sup> 1714 | 3,282,223                             | 16 | 6 $\frac{1}{2}$    | 7,317,751                                   | 15 | 6 $\frac{1}{2}$  |
| 2                    | 3,053,353                             | 5  | 11 $\frac{1}{2}$   | 3,211,313                                   | 1  | —                |
| 3                    | 3,697,767                             | 13 | 6 $\frac{1}{2}$    | 2,229,514                                   | 3  | 3 $\frac{1}{2}$  |
| 4                    | 2,644,437                             | 4  | 8 $\frac{1}{2}$    | 2,735,509                                   | 3  | 2 $\frac{1}{2}$  |
| 5                    | 2,989,109                             | 11 | 10 $\frac{10}{20}$ | 2,742,000                                   | 17 | 10 $\frac{3}{4}$ |
| 6                    | 2,023,537                             | 14 | 9 $\frac{7}{10}$   | 2,920,264                                   | 13 | 8                |
| 7                    | 2,738,156                             | 3  | 2 $\frac{7}{10}$   | 2,719,412                                   | 10 | 9                |
| 8                    | 2,923,108                             | 18 | — $\frac{1}{10}$   | 1,837,799                                   | 8  | 2 $\frac{1}{2}$  |
| 9                    | 1,935,054                             | 16 | 6 $\frac{1}{10}$   | 1,730,744                                   | 19 | 5 $\frac{3}{4}$  |
| 10                   | 1,863,883                             | 6  | 8 $\frac{1}{2}$    | 1,782,212                                   | —  | 1 $\frac{3}{4}$  |
| 11                   | 1,823,229                             | 4  | 11 $\frac{1}{2}$   | 3,282,328                                   | 6  | 7 $\frac{3}{4}$  |
| 12                   | 2,978,954                             | 1  | 3 $\frac{1}{2}$    | 3,173,287                                   | 12 | — $\frac{1}{4}$  |
| 13                   | 2,895,305                             | —  | 7                  |   |    |                  |
| George II.           |                                       |    |                    |   |    |                  |
| 1 <sup>st</sup> 1727 | 3,392,966                             | 2  | — $\frac{3}{4}$    | 5,544,594                                   | 2  | 2 $\frac{1}{4}$  |
| 2                    | 3,224,697                             | 14 | 8 $\frac{1}{4}$    | 3,540,478                                   | 10 | 4 $\frac{3}{4}$  |
| 3                    | 3,345,190                             | 17 | 5 $\frac{3}{4}$    | 3,530,766                                   | 12 | 11               |
| 4                    | 2,752,833                             | 5  | 4                  | 3,826,825                                   | 7  | — $\frac{1}{4}$  |
| 5                    | 2,784,705                             | 3  | — $\frac{1}{4}$    | 2,883,180                                   | 2  | 5 $\frac{1}{2}$  |
| 6                    | 3,004,926                             | 13 | 11                 | 2,887,943                                   | 6  | 1 $\frac{1}{2}$  |
| 7                    | 3,870,230                             | 17 | 4 $\frac{3}{4}$    | 3,989,689                                   | 11 | 10 $\frac{1}{2}$ |
| 8                    | 3,150,452                             | 4  | 7 $\frac{1}{2}$    | 3,269,000                                   | —  | —                |
| 9                    | 3,225,903                             | 15 | 9 $\frac{1}{4}$    | 3,380,563                                   | 6  | 10               |
| 10                   | 3,025,172                             | 9  | 6 $\frac{3}{4}$    | 3,269,000                                   | —  | —                |
|                      |                                       |    | 8 s                |   |    | George II.       |

L I S T continued.

| George II. |      | Summary of the total yearly Supplies. |            |    | Summary of the total yearly Ways and Means. |    |            |    |     |
|------------|------|---------------------------------------|------------|----|---|----|------------|----|-----|
|            |      | £                                     | s.         | d. | £   | s. | d.         |    |     |
| 11         | 1737 | —                                     | 3,444,246  | —  | 6   | —  | 3,769,000  | —  | —   |
| 12         | 38   | —                                     | 2,633,328  | 9  | 8½  | —  | 2,908,506  | 9  | 9   |
| 13         | 39   | —                                     | 3,874,076  | 3  | 7¼  | —  | 4,097,831  | 11 | 10¾ |
| 14         | 1740 | —                                     | 5,017,651  | —  | 5   | —  | 5,030,102  | 18 | 3¾  |
| 15         | 41   | —                                     | 5,723,537  | 12 | 1¼  | —  | 6,188,065  | 11 | 5   |
| 16         | 42   | —                                     | 5,912,483  | 12 | 3   | —  | 6,119,157  | 13 | 10¾ |
| 17         | 43   | —                                     | 6,283,537  | 14 | —   | ¼  | 6,624,065  | 11 | 5   |
| 18         | 44   | —                                     | 6,462,902  | 3  | 9¾  | —  | 6,609,310  | 5  | 1¾  |
| 19         | 45   | —                                     | 7,088,353  | 10 | 10  | —  | 7,303,065  | 11 | 5   |
| 20         | 46   | —                                     | 9,402,978  | 9  | 5   | —  | 9,400,574  | 10 | 7   |
| 21         | 47   | —                                     | 10,059,104 | 8  | 4¾  | —  | 10,088,065 | 11 | 5   |
| 22         | 48   | —                                     | 8,082,409  | 1  | 7½  | —  | 8,018,007  | 4  | 4   |
| 23         | 49   | —                                     | 4,014,136  | 19 | 7½  | —  | 4,313,730  | —  | 5½  |
| 24         | 1750 | —                                     | 4,969,635  | 10 | 11¾   | —  | 5,175,023  | 11 | 7   |
| 25         | 51   | —                                     | 3,907,435  | 7  | 7   | —  | 4,178,459  | 18 | 1   |
| 26         | 52   | —                                     | 2,132,707  | 17 | 2½  | —  | 2,422,911  | 8  | 4¾  |
| 27         | 53   | —                                     | 2,797,916  | 10 | 2   | —  | 3,077,897  | 15 | 8   |
| 28         | 54   | —                                     | 4,073,779  | 11 | 6½  | —  | 4,256,909  | 5  | —   |
| 29         | 55   | —                                     | 7,229,117  | 4  | 6¾  | —  | 7,427,261  | 5  | 7   |
| 30         | 56   | —                                     | 8,350,325  | 1  | 3   | —  | 8,689,051  | 19 | 7   |
| 31         | 57   | —                                     | 10,486,447 | —  | 1   | —  | 11,079,722 | 6  | 10  |
| 32         | 58   | —                                     | 12,749,860 | 19 | 4½  | —  | 12,991,240 | —  | 10  |
| 33         | 59   | —                                     | 15,503,564 | 15 | 9½  | —  | 16,130,561 | 9  | 8   |

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