THE

STATE

OF THE

National Debt, as it ſtood *Dec.* 31, 1742, and on *Dec.* 31, 1743.

To which is added,

The three following PROTESTS, *viz.*

I. On a MOTION to addreſs His Majeſty that He will be pleaſed to give Orders that the 16000 *Hanoverians* be no longer continued in the Service of this Nation after the 25th of this Inſtant *December*, &c.

II. On a ſecond MOTION, for diſcharging the above Troops out of our Pay, as being prejudicial to the true Intereſt of His Majeſty, uſeleſs to the Common Cauſe, and dangerous to the Welfare and Tranquility of this Nation, *&c. Jan.* 31, 1743.

III. On a MOTION for the Houſe to be put into a Committee upon the Bill, intitled, *An Act to make it High Treaſon to hold Correſpondence with the Sons of the Pretender to His Majeſty's Crown*, &c. *Ap.* 27.

LONDON:

Printed for *Dick Jones*, near *Temple Bar*, 1744.

THE

LORDS Proteſt.

Die Veneris, 9no Decembris 1743.

THE Houſe was moved, that an humble Addreſs be preſented to His Majeſty, that His Majeſty will be moſt graciouſly pleaſed to give Orders, that the Sixteen Thouſand Hanoverians, *now in the Pay of* Great Britain, *be no longer continued in the Service of this Nation after the 25th of this Inſtant* December, *thereby to put a Stop to the Jealouſies and Heartburnings among His Majeſty's faithful Subjects at Home, and his* Britiſh *Forces abroad.*

Which being objected to, and long Debate thereupon,

The Queſtion was put upon the ſaid Motion?

And it was reſolved in the Negative.

Content	36
Non-Content	71

Diſſen-

Dissentient.

1. Because we conceive, that the Reasons assigned in the Question not only justified, but called for that Question, as a proper and necessary Exercise of the inherent Rights of this House to advise the Crown; and we are convinced, that such Jealousies and Animosities have arisen, and will continue between the Troops of *Great Britain* and those of *Hanover*, that they can no longer act together without evident Danger of the most pernicious and fatal Consequences.

2. Because this our Conviction is founded upon the most publick and universal Notoriety, first transmitted from the Army abroad, then confirmed without Doors by the unanimous and concurrent Accounts of all the Officers that are returned from them, and now uncontradicted by any of those noble Lords who had the Honour of serving the last Campaign, and who were appealed to for the Truth of this Proposition while the Question was under our Consideration, a Silence which, we apprehend, amounts to a Demonstration of the Truth of the Facts alledged.

3. Because an Army divided against itself in such a Manner as ours will certainly be, if the 16,000 *Hanoverians* are still to continue a Part of it, can give no Strength to whatever Allies we have, nor Terror to our Enemies, but must greatly obstruct, and probably defeat the Success of any Operation of Service in which it can be employed.

4. Because the Incompatibility of the *British* and *Hanoverian* Troops being known to all *Europe*, nothing can be a greater Inducement to the Queen of *Hungary* and the King of *Sardinia* to quit our Alliance, and make a separate Peace for themselves, than if they should find, that, instead of a real and effectual Support, we are resolved to give the Name of Army only; which, from the above-mentioned Reasons, they must be sure cannot co-operate in any Plan for their Service, or the Benefit of the Common Cause.

5. Because we apprehend, that, were it necessary, there would be no Difficulty in replacing the *Hanover* Troops with 16,000 others, at least, as good and as cheap, and not liable to the same, or any other Objections from other States, who would be very willing to treat with us about such a Bargain. Nay, we conceive that this Number might, without any Danger, be in a great Degree supplied by our National Troops now in *Great Britain*, and still leave more for the Defence of the Kingdom at home than were kept here at any Time during the last War. And we can discover no good Reason, in our present burdened and exhausted Condition, for keeping a Number of National Troops useless at home, and paying at the same Time so considerable a Number of useless Mercenaries abroad.

6. Because the Willingness of the States General of the United Provinces, or any other Power in *Europe*, to enter into a closer Conjunction with us, at this critical Time, must chiefly depend upon the Idea they shall conceive of the State of this Nation at home, especially with regard to the greater or lesser Degree of Union and Harmony which shall appear to subsist between his Majesty and his People in these his Royal Dominions. And it is known all over *Europe* how much Discontent aud Dissatisfaction the taking these

16000

16,000 *Hanover* Troops into the Pay of *Great Britain*, together with the many unhappy and mortifying Circumstances that have attended that Measure, has universally raised in this Kindom, and how much Reason there is to apprehend an Increase of that Dissatisfaction, if it should be a determinated Measure of Government to continue so odious a Burden upon the Nation, not only without any Advantage, but with the most visible Danger to the Service abroad.

7. Because we conceive it to be the Duty, as it is the Right, of the Peers of this Realm, who are hereditary Counsellors to the King, and Mediators between the Crown and the People, to interpose their timely Advice against such Measures as calculated, in our Opinions, for the private Views of particular People only, have a manifest Tendency to alienate the Love of the Nation in general from this Royal Family, which we will always support with true *English* Hearts, and with such Counsels as we do in our Consciences think the most conducive to their Glory, and to maintain and preserve the Honour and Dignity of that *British* Crown, to which alone we owe our Allegiance.

8. Because we know there are Partialities almost inseparable from human Nature, and blameless in themselves, when acting only within proper Bounds, which yet must have a most fatal Influence, if encouraged to mix themselves with the Affairs of this Nation, either in the Council or the Camp; and we do, from our Souls, scorn and abominate that most abject and criminal Adulation, which either gives Way to, or inflames such Partialities, in prejudice to the National Honour and Interest of our Country: We thought

thought it therefore necessary to enter these our Reasons against the further Continuance of these Mercenaries, which, for one Campaign only, have already cost this Nation near 700,000 *l.* and which appears to us to have been, in many Instances, disobedient to *British* Orders, and utterly incompatible with *British* Troops; that, as our Votes have (we hope) proved us to the present Age, our Names in the Books may transmit us to Posterity ENGLISHMEN.

Marlborough,
Talbot,
Chesterfield,
Bridgewater,
Coventry,
Shaftsbury,
Abingdon,
Denbigh,
Stanhope,
Sandwich,
Bedford,
Huntingdon,
Ailsbury and *Elgin*,
Haversham,
Thanet,
Masham,
Rockingham,
Hereford,
Litchfield,
Westmorland,
Northampton,
Foley,
Gower,
Mansel,
Beaufort.

F I N I S.

Debtor.

The Exchequer is to Cash on the Sinking-Fund on the 31st Day of Dec. 1742 —		183,946 : 13 : 1
To the Produce of the Sinking-Fund, between the 31st Day of Dec. 1742, and the 31st Day of Dec. 1743, viz. —		
Surplus of the Aggregate Fund —	613,284 : 4 : 2	
Surplus of the General Fund —	418,612 : 2 : 7	
Surplus of the South Sea Company's Fund —	31,485 : 1 : 4	
		1,063,381 : 8 : 2
		1,247,328 : 1 : 4

Per Contr

By Money issued between the 31st D 1742, and the 31st Day of Dec. 1	
In further Part of 1,000,000 gran Service of the Year 1742	
In Part of 1,000,000*l.* granted Last Parliament for the Service of the	
To pay the Annuities at 3*l.* *per* 600,000*l.* granted Anno 1736, fo due at *Christmas*, 1743 —	
To pay Annuities at 3*l. per Cent.* on granted Anno 1738, for one Year *chaelmas*, 1743	
To make good the Deficiencies of granted Anno 1720 on the Plate *Day*, 1743 —	
To make good the Deficiency of Annuities Anno 1731, at *Christma*	
To the Bank of *England*, to make go mio's or Rewards for circulating Bills, charged on the Duty on Anno 1726, at *Midsummer*, 1743	
To the Bank of *England*, to make go mio's or Rewards for circulating Bills, charged on the Duty on Sw 1737, to the 24th of July, 1743	
To pay Interest on the Loans char Duties on Salt continued Anno 17 Months Interest due the 5th of M	
To pay Annuities at 3*l. per Cent.* on granted Anno 1742, and Charg nagement for 12 Months due at 1743 —	
Ballance in Cash on the 31st Day of	

EXCHEQUER,
Feb. 3, 1743.

Debtor.			Per Contra Creditor.	
The Exchequer is to Cash on the Sinking-Fund on the 31st Day of Dec. 1742 —		183,946 : 13 : 1	By Money issued between the 31st Day of Dec. 1742, and the 31st Day of Dec. 1743, viz.	
To the Produce of the Sinking-Fund, between the 31st Day of Dec. 1742, and the 31st Day of Dec. 1743, viz. —			In further Part of 1,000,000 granted for the Service of the Year 1742 —	59,683 : 9
Surplus of the Aggregate Fund —	613,284 : 4 : 2		In Part of 1,000,000*l.* granted Last Sessions of Parliament for the Service of the Year 1743	942,541 : 5 : 9
Surplus of the General Fund —	418,612 : 2 : 7		To pay the Annuities at 3*l.* *per Cent*, on 600,000*l.* granted Anno 1736, for one Year due at *Christmas*, 1743 —	18,000
Surplus of the South Sea Company's Fund —	31,485 : 1 : 4		To pay Annuities at 3*l.* *per Cent.* on 300,000*l.* granted Anno 1738, for one Year due at *Michaelmas*, 1743 —	9,000
		1,063,381 : 8 : 2	To make good the Deficiencies of Annuities granted Anno 1720 on the Plate Act at *Lady Day*, 1743 —	3,959 : 1
		1,247,328 : 1 : 4	To make good the Deficiency of the Lottery Annuities Anno 1731, at *Christmas*, 1742	4,392 : 19
			To the Bank of *England*, to make good the Premio's or Rewards for circulating Exchequer Bills, charged on the Duty on Victuallers Anno 1726, at *Midsummer*, 1743 —	8,295 : 9 : 1
			To the Bank of *England*, to make good the Premio's or Rewards for circulating Exchequer Bills, charged on the Duty on Sweets, Anno 1737, to the 24th of July, 1743 —	13,870 : 7
			To pay Interest on the Loans charged on the Duties on Salt continued Anno 1741, for 12 Months Interest due the 5th of *Nov.* 1743	42,000
			To pay Annuities at 3*l.* *per Cent.* on 800,000*l.* granted Anno 1742, and Charges of Management for 12 Months due at *Christmas*, 1743 —	24,450
				1,126,192 : 3
			Ballance in Cash on the 31st Day of *Dec.* 1743	121,135 : 18 : 3
				1,247,328 : 1 : 4

EXCHEQUER,
Feb. 3, 1743.

JOHN DAWSON.

To the *Right Honourable* the LORDS Spiritual and Temporal in PARLIAMENT Assembled.

A State of the NATIONAL DEBT *Provided or Unprovided for by Parliament, as it stood on the 31st of* December, 1742, *and on the* 31*st of* December, 1743. *Together with an Account of the Produce of the* SINKING FUND *in that Year, and to the Payment of what Debts contracted before the* 25*th of* December, 1716, *the said Fund has been applied.*

	Amount of the National Debt on Dec. 31, 1742.	Increased between Dec. 31, 1742, and Dec. 31, 1743.	Paid off within that Time.	Amount of the National Debt, on Decem. 31, 1743.
	l. s. d	*l. s. d*	*l. s. d.*	*l. s. d.*
EXCHEQUER.				
ANNUITIES for long Terms, being the Remainder of the Original Sum contributed and unsubscribed to the South-Sea Company	1,836,275 : 17 : 10			1,836,275 : 17 : 10
Annuities for Lives with the Benefit of Survivorship, being the original Sum contributed	108,100			108,100
Annuities for Two and Three Lives, being the Sum remaining after what is fallen in by Deaths	107,447 : 8 : 2		2,300	105,147 : 8 : 2
Annuities on the Plate Act, 6. Geo. I. Regis	312,000			312,000
Annuities for Nevis and St. Christophers Debentures, at 3 *per Cent. per Annum*	37,821 : 5 : 1			37,821 : 5 : 1
Annuities at 3*l.* 10*s. per. Cent.* Anno 1731	400,000			400,000
Annuities at 3*l. per Cent.* charged on the Sinking Fund, Anno 1736	600,000			600,000
Annuities at 3 *per Cent.* Anno 1738, charged on ditto	300,000			300,000
Duties on Salt further continued, Anno 1735	228,000		188,000	40,000
Ditto further continued, Anno 1741	1,200,000			1,200,000
Exchequer Bills made out for Interest of old Bills exchanged	2,200			2,200
Exchequer Bills on the Victuallers Act, Anno 1726 — 481400 Exchequer Bills on Licences for retailing Spirituous Liquors, Anno 1743 — 518600 1000000	481,400	518,600		1,000,000
Memorandum of the Duty on Victuallers be determined at Midsummer 1743, the above Sum of 481,400*l.* was from that Time transferred to the said Duty on Licences.				
Exchequer Bills charged upon the Duties on Sweets, Anno 1737	499,600			499,600
Note, The Land Taxes and the Duties upon Malt being annual Grants, are not charged in this Account, nor the 1,000,000 charged upon the Deductions of Sixpence *per Pound* on Pensioners, *&c.*				
EAST-INDIA COMPANY.				
By Two Acts of Parliament 9 *Will.* III. *Regis.* & two Acts 6 and 9 *Annæ Reg*	3,200,000			3,200,000
BANK of ENGLAND.				
On their Original Fund at 3*l. per Cent. per Annum* from the 1*st* of *August* 1743	3,200,000			3,000,000
For cancelling Exchequer Bills 3 *Geo.* I.	500,000			500,000
Purchased of the South Sea Company	4,000,000			4,000,000
Annuities at 4*l. per Cent.* charged on the Duty on Coals, *&c.* since *Lady Day*, 1719	1,750,000			1,750,000
Annuities at 4*l. per Cent.* charged on the Surplus of the Funds for Lottery, 1714	1,250,000			1,250,000
Annuities at 3*l. per Cent.* for Lottery, Anno 1731	800,000			800,000
Annuities at 3*l. per Cent.* Anno 1742, charged on the Sinking Fund	800,000			800,000
Annuities at 3*l. per Cent.* for Lottery, Anno 1743, charged on additional Duties on Low Wines, Spirits, and Strong Waters		800,000		800,000
Annuities at 3*l. per Cent.* Anno 1743, charged on ditto		1,000,000		1,000,000
SOUTH-SEA COMPANY.				
On their Capital Stock and Annuities, 9 *Geo.* I. *Regis.*	27,302,203 : 5 : 6			27,302,203 : 5 : 6
	48,915,047 : 16 : 9	2,318,600	190,300	51,043,347 : 16 : 9

THE LORDS Proteſt

ON A

MOTION, That it is the Opinion of this Houſe, that the continuing the Sixteen Thouſand *Hanoverians* in the Pay of *Great Britain* is prejudicial to the true Intereſt of His Majeſty, uſeleſs to the Common Cauſe, and dangerous to the Welfare and Tranquility of this Nation.

Die Martis 31 *Januarij* 1743.

LONDON:

Printed in the YEAR 1744.

THE LORDS Proteſt.

Die Martis 31. *Januarij*, 1743.

THE Order of the Day being read for taking into further Conſideration the Eſtimate of the Charge of the Troops of *Hanover* in the Pay of *Great Britain*, from the 26th of *December* 1743, to the 25th of *December* 1744.

It was moved to reſolve, That it is the Opinion of this Houſe, that the continuing the Sixteen Thouſand *Hanoverians* in the Pay of *Great Britain* is prejudicial to the true Intereſt of His Majeſty, uſeleſs to the Common Cauſe, and dangerous to the Welfare and Tranquility of this Nation.

And

And the ſame being objected to,

After a long Debate thereupon,

The Queſtion was put upon the ſaid Motion?

And it was reſolved in the Negative.

Contents 41
Non-Content 86

Diſſentient.'

1. Becauſe we conceive, that the Demand made in the Eſtimates for the Continuance of the 16000 *Hanoverians* in the Pay of *Great Britain* for the enſuing Year, rendered the Interpoſition of this Houſe againſt ſo fatal a Meaſure the more neceſſary inaſmuch as it ſeemed now to be the only Means left to prevent it.

2. Becauſe we apprehend, that every national Purpoſe, pretended to be anſwered by theſe *Hanoverians*, may be more effectually ſerved by an equal Number of Troops, ſuppoſing ſuch a Number to be neceſſary, free from the ſame Objections, either of other foreign Mercenaries, who will thereby be prevented from engaging with our Enemies (of

(of which the *Hanoverians*, when unpaid by us, cannot, we aſſure ourſelves, be ſuſpected) or, at leaſt (which is evidently practicable, even at this Time) partly of Mercenaries, and partly out of the great and extraordinary Eſtabliſhment of national Troops now in this Kingdom.

3. Becauſe it appears to us, that theſe *Hanoverians*, tho' in the Pay, can hardly be ſaid to have been in the Service of this Nation; ſome refuſed to form in the firſt Line at the Battle of *Dettingen*, and retired to the ſecond; others refuſed to obey the Orders of the *Britiſh* General, and march in Purſuit of the Enemy after the Battle; and the greateſt Number of 'em, who, together with ſome of the *Britiſh* Guards, compoſed what was called the Rear Guard, under the Command of a *Hanoverian* Lieutenant General, took a different Rout in the March from the reſt of the Army from *Aſchaffenbourg*, and ſuch a one as not only rendered them wholly uſeleſs to the Army, when the *French* attackt us in Front, but would have rendered them equally uſeleſs, if the *French* from *Aſchaffenbourg* (where we left the Paſſage open to them) had attackt us in the Rear, in which it was pretended that theſe Troops were left as in the Poſt of Honour: Nay, not contented to avoid being

being of any Uſe, either in the Front or in the Rear, but determined to be of Uſe no where, they halted as ſoon as they came within Sight and Reach of the Battle, tho' preſſed by the *Britiſh* Officer, and invited by the Ardour of the *Britiſh* Soldiers to ſhare the Glory, and complete, as they might have done, the Victory of the Day. Theſe Facts (together with many others which we omit) aſſerted in the Debate in Preſence of many Lords of this Houſe who ſerved the laſt Campaign, denied by none of them, and confirmed in general by a noble Duke of the higheſt Rank and Character, prove (as we conceive) theſe Troops to be uſeleſs, at leaſt if Action be intended; and we will not repreſent, even to ourſelves what Reaſons there can be for demanding them if Action be not intended.

4. Becauſe, if as it was inſinuated in the Debate other Mercenaries could not be relied on, as belonging to Princes of the Empire, inclined to, or engaged with our Enemies, theſe *Hanoverians* would, as we conceive in Conſequence, be uſeleſs to the Common Cauſe, ſince it would be in the Power of theſe very Princes, by only marching their Troops into proper Places, to recal theſe Mercenaries from us, and confine them to the Defence

Defence of their own Electorate, or diſarm them at leaſt by a ſecond Neutrality.

5. Becauſe it has not been pretended, that the Adminiſtration has ſo much as endeavoured to obtain any other foreign Troops whatſoever, notwithſtanding the long Notriety of the univerſal and deeply rooted Diſſatisfaction of the Nation at the preſent Meaſure. A Neglect ſo unaccountable and ſurprizing to us, that we fear the Nation will rather ſuſpect that we are to have no other Troops, than believe that no others are to be had.

6. Becauſe we conceive, that the future Cooperation of our national Troops with theſe Mercenaries has been rendered impracticable, and even their Meeting dangerous; we think it, therefore, indiſpenſably incumbent upon us to remove the Object that occaſioned the many Inſtances of Partiality, by which the *Hanoverians* were unhappily diſtinguiſhed, and our brave Fellow-Subjects, the *Britiſh* Forces, undeſervedly diſcouraged. The conſtant Preference in Quarters, Forage, *&c.* we wiſh no Occaſion had been given to remember; but we cannot here paſs over in Silence the *Hanoverian* Guards having for ſome Days done Duty upon his Majeſty at *Aſcaffenbourg*, which we look upon as the higheſt Diſhonour to

to his Majesty and this Nation, and are therefore astonished to observe an unusual, and, to every other Purpose, useless Proportion of *Hanover* Guards continued upon the Estimate.

7. Because we apprehend, that the Argument urged in Opposition to this Question, namely, that the withdrawing these 16000 obnoxious Mercenaries would be weakening our Army in the next Campaign, alarm our Allies, and encourage our Enemies, is fully obviated by the Methods we have mentioned above of replacing them, some, if not all of which (notwithstanding the, to us, unaccountable Negligence of the Administration) are still undeniably practicable: Nor can we conceive, in any Case, that the removing the Causes of Discord and Division tends to the weakening of that Body from whence they are removed; and we are of Opinion, that our Allies would not (whatever our Enemies might) regret the Loss of these Troops the next Year, which, by Experience, they found so useless the last.

8. Because we apprehend, that the most fatal Consequences must ensue, should this Nation be once possessed with an Opinion, that the Discouragements and Mortifications which our fellow Subjects of the Army have received

received Abroad, were derived from any Distrust or Dislike of the *British* Nation; we are far from entertaining any such Opinion, tho' some Degree of foreign Partiality may have given indeed Occasion to these Discouragements and Mortifications; and tho' we cannot help ascribing 'em likewise to some abject flattery and criminal Misrepresentation, which this Partiality, blameless in itself, has unhappily given occasion to, and by which, in its turn, it has been fomented. But how groundless soever such an Opinion may be, it may still prevail, and the Appearances we lament, may produce the Effects we dread. The Motives to that Concern, that has been expressed in this House, and to the loud Dissatisfaction that has been expressed every where else, are in themselves of great Importance, and such as would deserve, even if they stood alone, the serious Consideration and seasonable Interposition of this House. But we confess, that they appear to us still more important, when we consider 'em relatively to Things of the same Nature, less apparent, indeed, but equally real and more detrimental, perhaps, if not more dishonourable to this Nation. For more dishonourable they may be thought, if a continued Principle of Conduct, whereby the Interests of one Country are carried on in Subordination

tion to thoſe of another, conſtitutes the true and a mortifying Definition of a Province. We will not here call to Memory any former Meaſures of this Kind, nor recapitulate all the Inſtances that might be given, wherein the Blood and Treaſure of this Nation have been laviſhly imployed, when no one *Britiſh* Intereſt, and (as we conceive) ſome foreign Intereſt alone was concerned. Some of theſe Inſtances were touched in the Debate, moſt of 'em are well known, and all of 'em are at this Time by the Courſe of Events manifeſted to publick View. The former were long hid and diſguiſed under political Veils, the preſent could not by their Nature be ſo; they are ſuch as ſtrike every one equally, from the higheſt Officer to the common Soldier, and carry along with 'em not only their own Weight, but the Weight of all thoſe that preceded 'em: They are ſuch therefore, in our Opinions, as muſt affect, in the moſt fatal Manner, both the Peace and Security of His Majeſty and his Royal Family, and the Common Cauſe in which we are now, and may hereafter be engaged. The preſent Royal Family was juſtly called to the Throne of *Great Britain* in order to ſecure to us our Civil and Religious Rights, and to remove every falſe and foreign Bias from our Adminiſtration, the Happineſs and Security

Security therefore both of King and People, conſiſts in the inſeparable Union of all theſe Intereſts, with the Intereſt of the Crown, in a juſt Confidence, that theſe National Views were thoſe of the preſent Royal Family: This Nation has done every Thing that could engage 'em to adhere to 'em, and has given to his Late and Preſent Majeſty, far greater Sums than were ever given in ſimilar Circumſtances, to any of their Royal Predeceſſors. Whoever goes about to ſever the Intereſts of the Crown, from any National Intereſts, is an Enemy to both, and every Meaſure that does ſo, tends to deſtroy both. It is to guard againſt ſuch Attempts that our Zeal for our King and Country exerts itſelf on this great Occaſion, as our moſt earneſt Deſire is, That His Majeſty's Throne ſhould be eſtabliſhed in the Hearts of his People; and as we are ſtruck with Horror at every Object that can alienate his Affections from them, or theirs from him. How much theſe unfortunate Circumſtances have already weakened the natural Influence of *Great Britain* in the Common Cauſe of *Europe*, is but too apparent in Fact, and could not be otherwiſe in the Nature of Things. *Great Britain* is a powerful Kingdom, and whenever ſhe has acted in her true Character, and aimed at that great and noble View alone of maintaining

taining a Ballance between the Powers of *Europe*, for the Common Interſt of all, the Effects have been anſwerable to the Cauſe, and her Influence in *Germany* ſaved by her Arms, and ſupported by the Treaſures in the laſt Wars, was, as it ought to be, and as it has been every where elſe ſuperior; but ſhould it ever appear, that an inferior *German* Principality is really, and *Great Britain* only nominally, the Director and Actor, ſuch a Change in the Cauſe, muſt neceſſarily produce a deplorable Difference in the Effect; and *Hanover*, that can give neither Strength nor Conſideration to *Great Britain*, may thus diminiſh the one, and take the other wholly away.

Weſt-

Weſtmorland.

Sandwich.

Montjoy.

Dunk *Halifax.*

Gower.

Boyle.

Oxford & *Mortimer.*

Foley.

Huntingdon.

Ancaſter, G. C.

Talbot.

Thanet.

Bridgewater.

Cheſterfield.

Litchfield.

Litchfield.

Hervey.

Strafford.

Stamford.

Shaftsbury.

Coventry.

Denbigh.

Ailesbury.

Bedford.

Abingdon.

Beaufort.

F I N I S.

THE

LORDS Proteſt

ON A

MOTION

FOR

The HOUSE to be put into a Committee upon the Bill, intitled, *An Act to make it High Treaſon to hold Correſpondence with the Sons of the Pretender to His Majeſty's Crown.*

Die Veneris 27mo *Aprilis*, 1744.

LONDON:
Printed in the YEAR 1744.

THE

LORDS Proteſt.

Die Veneris 27mo *Aprilis*, 1744.

THE Order being read for the Houſe to be put into a Committee upon the Bill, intitled, *An Act to make it High Treaſon to hold Correſpondence with the Sons of the Pretender to His Majeſty's Crown.*

Order'd, That it be an Inſtruction to the ſaid Committee, that they do receive a Clauſe for attainting any of the Pretender's Sons of High Treaſon, in caſe they ſhall land, or attempt to land in *Great Britain*, or any of the Dominions belonging to the Crown of *Great Britain*, or to be found on board any Ship or Veſſel with Intent to land there.

Then the Houſe was mov'd, That the 10th Section of an Act, made in the 7th Year of the Reign of Her late Majeſty Queen *Ann*, intitled, *An Act for improving the Union of the two Kingdoms*, relating *to Forfeitures for High Treaſon*, might be read.

The ſame was read accordingly.

And

And it being alſo mov'd, That it be an Inſtruction to the ſaid Committe, that they do receive a Clauſe or Clauſes to ſuſpend and poſtpone the Operation and Effect of the ſaid 10th Section of the ſaid Act till after the Death of the Sons of the Pretender.

The ſame was objected to, and a long Debate thereupon.

The Queſtion was put, whether ſuch an Inſtruction ſhall be given to the Committee?

It was reſolved in the affirmative.

Diſſentient.

1. Becauſe this Addition to the Bill enacts the Continuation of a Puniſhment, which tho' it may have prevailed at Times, in this and other Countries, we conceive it to be directly contrary to the firſt Principles of natural Juſtice, it being an unconteſted Maxim, that the Innocent ought not to ſuffer for the ſake of the Guilty, whereby the Nature of the Thing it is poſſible to prevent it.

2. Becauſe involving the Innocent in the Puniſhment of the Guilty, is wholly inconſiſtent with that Spirit of Juſtice and Lenity that diſtinguiſhes our Law, and which ſays it is better, *That ten guilty Perſons ſhould eſcape, than that one innocent one ſhould ſuffer.*

3. Becauſe we conceive, That the poſtponing the Operation of that Clauſe, in Act 7. of Queen *Ann*,

Ann, till the Deaths of the Pretender's two Sons, is contrary to the plain Intention of that very Act, which appears throughout to have been an Act of Lenity and Mitigation, and to have confined to the Life of the Pretender himſelf, or three Years after the Succeſſion of the preſent Royal Family ſhould take Place: The Duration of thoſe cruel Penalties, of Forfeiture of the Eſtates, and Corruption of the Blood of innocent Perſons, as the utmoſt Term it was proper or juſt to allow them; and we apprehend, that the Pretender's marrying and having Children, was at that Time too probable and obvious an Event, not to have ſuggeſted this Proviſion had it been thought either juſt or neceſſary.

4. Becauſe we are far from being convinced, that the Terror of theſe Penalties will ſo often prevent Guilt, as the Execution of them will oppreſs Innocence; and we do not conceive, that thoſe whom neither the innate Principle of Self-preſervation, nor the Horror inſeparable from Guilt can reſtrain, will be check'd by the tender Sentiments of parental Affection.

5. Becauſe we conceive, That no preſent Danger whatever can be urg'd as an Argument for this Clauſe, whoſe Operation does not commence till after the Death of the Pretender, who is now but fifty-ſix Years old; and we can ſee no good Reaſon for anticipating a future and remote Danger (ſuppoſing that ſuch a Danger could ever exiſt) in order to enact at preſent the longer Continuation of ſo dreadful a Penal Law.

6. Becauſe we conceive, That this Continuation is, in effect, perpetuating this ſevere Law, ſince whatever Reaſons can be urg'd for it during the Lives of the Pretender's two Sons will hold equally ſtrong for continuing it as long as he or they ſhall have any Poſterity ſubſiſting.

7. Becauſe we conceive, That as this Clauſe can have no immediate Operation, the enacting it at preſent may ſeem rather to be an Inſinuation of preſent Diſaffection, than any Security againſt it; which Inſinuation we apprehend would be highly unjuſt and unbecoming, after the unanimous Zeal and Loyalty which the whole Nation has ſo lately given Proofs of for His Majeſty's Perſon and Government, and with which His Majeſty has ſo lately from the Throne declared himſelf ſatisfied, theſe Reaſons have induced us to tranſmit to Poſterity our Diſſent to a Clauſe by which they may be ſo ſeverely affected: We reflect with Concern upon the heavy Burthen of Debts and Taxes with which we fear we ſhall leave them loaded; and we deſire that they may know, that we endeavour'd at leaſt to ſecure their Innocence from the Rigour of thoſe Laws to which it may hereafter be expoſed and ſacrificed.

The Clauſe refer'd to.

Proviſo. That after the Deceaſe of the Pretender, and at the End of three Years after the Succeſſion of the Crown by the Demiſe of the Queen ſhall take Effect, no Attainder for Treaſon ſhall diſinherit any Heir, nor prejudice the Right of any Perſon other than the Right of the Offender during his natural Life. *Abridg. of the Statutes.*

Denbigh,
Oxford and *Mortimer*,
Rockingham,
Macclesfield,
Foley,
Weſtmoreland,
Beaufort,
Ward,
Harvey,
Litchfield,
Warrington,
Cheſterfield,
Bridgewater,
Ailesbury,
Talbot,
Coventry,
Bedford, } for all the Reaſons but the 4th.
Thanet, }